Notice is hereby given that the thirty fourth meeting of the Barossa Assessment Panel will be held at the Council Offices, 43-51 Tanunda Road, Nuriootpa on Tuesday, 6 April 2021, commencing at 5:00 pm

Gary Mavrinac  
Assessment Manager

AGENDA

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

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

2. ATTENDANCE

2.1 Present

2.2 Apologies

2.3 Absent

3. CONFIRMATION OF MINUTES

Recommendation

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 2 March 2021 be received and confirmed. Refer Attachment 1.
BAROSSA ASSESSMENT PANEL

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

Tuesday, 2 March commencing at 5:00pm

in the Council Chambers, 43-51 Tanunda Road, Nuriootpa
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13. Closure of Meeting
1. WELCOME

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

2. ATTENDANCE

2.1 Present

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

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

2.2 Apologies

Rob Veitch.

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 2 February 2021 be received and confirmed.

CARRIED
4. **BUSINESS ARISING**

Nil.

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

The following disclosures have been made in relation to:

<table>
<thead>
<tr>
<th>Item</th>
<th>Panel Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.5</td>
<td>R Miller</td>
</tr>
<tr>
<td>960/700/2020 Allotment 2 Rocky Valley Road Angaston</td>
<td>R Miller has a professional association with the Applicants (PD and AP Grillett).</td>
</tr>
<tr>
<td>6.6</td>
<td>R Miller</td>
</tr>
<tr>
<td>960/514/2019/A Allotment 26 Moorpark Street Nuriootpa</td>
<td>R Miller has a professional relationship with the Applicants (Pyper Leaker surveying and ID Mader).</td>
</tr>
</tbody>
</table>

6. **REPORTS - APPLICATIONS FOR DECISION**

6.1 **960/459/2020 (Allotment 57 William Hawke Road Concordia)**

Representors
Leigh Smith provided a submission but did not attend to address the Panel.

**Recommendation**

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

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

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

   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 (i.e. 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 (i.e. the carriageway, verge or footpath area) requires an independent approval from Council pursuant to the *Local Government Act 1999*. Further enquires 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.

**Panel Decision**

Moved: G Hewitt  
Seconded: R Miller

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

(a) 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

  除非更改以下条件。

   原因：确保根据规划当局批准的计划进行建造。

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.

   原因：确保按照批准的用途使用、运行和维护。

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

   注释：在污水管系工作开始前，申请方应提交并获得批准，根据南澳大利亚公共健康法案2011和南澳大利亚公共健康（污水）条例2013提交安装污水系统申请。

   原因：确保按照有关当局批准的用途使用、运行和维护。

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.

   原因：确保所需的特色保持在该地点。

5. 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.

(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 of the Ministers Code 2009 “Undertaking Development in Bushfire Protection Areas”.
(f) have a gradient of not more than 16 degrees (i.e. 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 contactors 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.

CARRIED

6.2 960/675/2020 (78 Langmeil Road Tanunda)

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 (CT 6234/122) 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.

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

   **Reason:** To ensure that stormwater is 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:
clearance, removal, or trimming of native vegetation should be
directed to the South Australian Native Vegetation Council.
Panel Decision

Moved: R Miller  
Seconded: J Evans

That the recommendation be adopted.

CARRIED

6.3 960/828/2020 (30 Tanunda Road Nuriootpa)

Mr Ben Scott (on behalf of Applicant) answered questions from the Panel.

Recommendation

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

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

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

(c) To 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.


Panel Decision

Moved: R Miller  
Seconded: J Evans

That the recommendation be adopted.

CARRIED
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.
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.

Panel Decision

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

CARRIED

6.5 960/700/2020 (Allotment 2 Rocky Valley Road Angaston)

R Miller left the meeting at 5:18pm due to an earlier stated conflict of interest.

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 J BG Architects, Drw No A000, Issue C and dated 27 Oct 2020
- Block Plan prepared by J BG Architects, Drw No A001, Issue C and dated 27 Oct 2020
- Site Plan prepared by J BG Architects, Drw No A002, Issue C and dated 27 Oct 2020
- Floor Plan prepared by J BG Architects, Drw No A101, Issue C and dated 27 Oct 2020
- Elevations 1 & 2 prepared by J BG Architects, Drw No A201, Issue C and dated 27 Oct 2020
- Elevations 3 & 4 prepared by J BG Architects, Drw No A202, Issue C and dated 27 Oct 2020
- Septic Plan - Ground prepared by J BG Architects, Drw No A501, Issue C and dated 27 Oct 2020
- Perspective 2 - prepared by J BG 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.

**Panel Decision**

Moved: G Hewitt                                       Seconded: J Evans

That the recommendation be adopted.

CARRIED

R Miller returned to the meeting at 5:20pm.

**6.6 960/514/2019A (Allotment 26 Moorpark Street Nuriootpa)**

R Miller left the meeting at 5:21pm due to an earlier stated conflict of interest.
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 – Rewording 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
   - Concept Stormwater Outfall Plan – Drawn by Herriot consulting, Sheet P40 - Rev A, dated November 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 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 34 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.

Panel Decision

Moved: G Hewitt  Seconded: J Evans
That the recommendation be adopted.

CARRIED

R Miller returned to the meeting at 5:24pm.

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

CARRIED

9.2 Environment Resources and Development Court Appeal Updates

Recommendation

That the report be received.

Panel Decision

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

CARRIED
10. REPORTS - OTHER BUSINESS

10.1 Planning Reform Updates

G Mavrinac advised the Panel that Council is well prepared for the ‘go live’ date of 19 March 2021.

Updated Building Fire Safety Terms of Reference and Inspection Policy will be presented to Council for endorsement on 16 March 2021.

11. REPORTS – CONFIDENTIAL

Nil.

12. NEXT MEETING

Tuesday 6 April 2021 commencing at 5.00pm.

13. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 5:34pm.

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

6.1 960/230/2020 – 3000 Barossa Valley Way Tanunda

**Applicant:** Trevor White of Planning Solutions SA Pty Ltd on behalf of AFT Lister Consulting Trust  
**Representors:** Sophia Kapsiotis

**APPLICATION DETAILS**

<table>
<thead>
<tr>
<th>PROPOSAL</th>
<th>Demolition of Existing Dwelling and Construction of Cellar Door Sales and Change of Use of Shedding to Winery (Wine Maturation) - Cellar Door - Non-Complying</th>
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</thead>
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<tr>
<td>APPLICANT</td>
<td>AFT Lister Consulting Trust</td>
</tr>
<tr>
<td>OWNER</td>
<td>DGP Lister</td>
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<tr>
<td>APPLICATION NO</td>
<td>960/230/2020</td>
</tr>
<tr>
<td>CERTIFICATE(S) OF TITLE</td>
<td>CT 6130/480</td>
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<tr>
<td>AREA</td>
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<td>CURRENT USE</td>
<td>Light Industry</td>
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<tr>
<td>DEVELOPMENT PLAN VERSION</td>
<td>Consolidated 5 September 2019</td>
</tr>
<tr>
<td>ZONE</td>
<td>Primary Production (Barossa Valley Region)</td>
</tr>
<tr>
<td>POLICY/PRECINCT AREA</td>
<td>Nil</td>
</tr>
</tbody>
</table>
| OVERLAYS | Character Preservation District  
Secondary Arterial Road (Barossa Valley Way)                                                                        |
| APPLICATION TYPE | Non-Complying                                                                                                     |
| CATEGORY OF DEVELOPMENT | Category 3                                                                                                         |
| REFERRALS | Department of Transport                                                                                            |
| PREVIOUS APPLICATIONS | Nil                                                                                                             |
| ASSESSING OFFICER | Jake Boswell                                                                                                       |
| RECOMMENDATION | That Development Plan Consent be GRANTED                                                                           |

**BACKGROUND**

This application seeks to introduce a cellar door and winery to the subject site. The winery seeks only maturation and storage of goods, with no crushing or bottling, and would be entirely contained within existing shedding on the site. The cellar door proposes the construction of a new building toward the front of the site.

The application is a non-complying type of development pursuant to the procedural section of the Primary Production (Barossa Valley Region) Zone due to this proposed development not providing four hectares of vineyard on site.

Council administration resolved to proceed with a full assessment of the application under delegation.

The application is a Category 3 type of development and has undergone the requirements of the public notification process.
One representation was received which sought to be heard by the Panel.

The application has also undertaken a mandatory referral to the Department of Transport.

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

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

(1) With respect to a non-complying application:
   - to seek concurrence from the State Planning Commission to grant consent other than which in the opinion of the sub-delegate is of a minor nature.
   - to grant consent other than which in the opinion of the sub-delegate is of a minor nature.

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

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: One representation was received.

Location of the representations within 60km radius are shown in Figure 1.

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

Applicant/s Trevor White of Planning Solutions SA Pty Ltd on behalf of AFT Lister Consulting Trust (the Applicant) wishes to appear to respond to representations.

Summary of Representations: The representors raised concerns regarding the following matters:
   • Noise impacts
   • Potential trespassing
   • Wastewater
   • Odours
   • Ongoing maintenance
   • Construction times
   • Impacts to established neighbouring sites

Applicant Response: The applicant’s response to the representation is summarised below:
   • Hours of operation will be amended from 8.00am to 9.00am start
   • Proposed boundary fencing to alleviate trespass
   • Odour is likely to be minimal due to processing and quantity
- The site and landscaping will be maintained throughout the life of the development
- Will undertake construction between 9.00am and 7.00pm
- Will provide upper-level opaque screening to southern and eastern aspects to minimise incidental overlooking

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

![Figure 1: Aerial of Representations Properties](image)

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

**SITE AND LOCALITY**

The subject site is 3000 Barossa Valley Way, Tanunda. The site contains a frontage to this secondary arterial road of around 42 metres and contains a maximum depth of around 130 metres, giving a total area of approximately 8250 sqm.

The site currently contains numerous sheds that have been utilised for conditional light industrial purposes, most recently being for masonry and headstone construction. At the front of the site is an existing building, previously utilised as a dwelling. The site contains an internal loop road with single crossover to Barossa Valley Way.

The rear of the site contains a substantial stand of native vegetation.

The adjacent site to the south currently operates as a bed and breakfast, also fronting to Barossa Valley Way. This site also shares a boundary with an established vineyard.
Directly opposite the subject land is an established dwelling and surrounding vineyards on separate, larger allotments. Directly to the north and east is the established Dorrien Estate Winery, a large scale winery with associated vineyard, tank farm and wastewater lagoons.

The locality more broadly encompasses a mix of uses, but predominately horticulture (viticulture) and associated industries, such as wineries and cellar doors. Sporadic residential development on smaller allotments have also been developed historically.

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

The site is located within the Character Preservation District 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 17.
Figure 2: Zone Map – Primary Production (Barossa Valley Region) Zone
Figure 3: Overlay – Character Preservation District

Subject Site
Figure 4: Aerial – Locality
Figure 5: Aerial – Site
Figure 6: Site Photo

Figure 7: Site Photo
Figure 10: Site Photo

Figure 11: Site Photo
Figure 16: Site Photo

Figure 17: Site Photo
REFERRALS

Internal
The application was referred to:

Health Services
A wastewater application will be required to be lodged and approved for this project, recommended prior to the granting of Development Approval.

External
Pursuant to section 37 of the Development Act 1993, the application was referred to:

Department of Transport
The agency review the access conditions to Barossa Valley Way. It was determined that subject to conditions, access to the site, and manoeuvring on the site, could be adequately achieved and undertaken.

A full copy of the relevant reports are attached, refer Attachment 3.

Note: A referral to the Environment Protection Authority was not required due to a total processing capacity less than 50 tonne per annum.

NON-COMPLYING
The application is a non-complying form of development, due to establishing a winery on a site with less than four hectares of vineyard, and a cellar door on land with less than 0.5 hectares of vineyard.

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) Site has a history of light industrial development and land uses.
(2) Wineries and activities associated with viticulture are not uncommon in the locality.
(3) The development achieves all listed non-complying criteria, other than providing the prescribed minimum amount of vineyards.

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

ASSESSMENT

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

**Character Preservation District**

The subject site is located within the Barossa Valley character preservation district. The site is not located in a visually prominently location in the locality, in terms of impacting ridgelines or vistas, but is located with direct frontage to Barossa Valley Way.

This roadway has a high traffic volume, and as such the development will be relatively exposed visually, despite some front landscaping.

The cellar door building is of a single storey design and will incorporate relatively subdued colours unlikely to result in an unreasonable impact to adjacent land users and traffic.

The proposed land uses are common types of development within the district.

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

**Bushfire Protection Area**

The site is located within a medium bushfire risk area. There are no associated requirements with this type of development.

General Section

**Design and Appearance**

**Building Setbacks from Road Boundaries**

Objective 1

PDCs 1, 2, 3, 4, 5, 7, 10, 11, 12, 14, 15 and 17

The new cellar door proposes a generally modern external appearance, being a single storey structure with rooftop viewing platform, comprising an eclectic mix of muted colours and tones – comprising Paperbark, Olive Green and hardwood.

The structure contains a flat roof design with an exposed staircase, not providing a gabled roof form more common within the locality. A rooftop viewing platform will also contribute to a more modern external appearance.

The scale of the building is relatively sympathetic to the locality, and will be lower in scale than the adjacent nearest building to the south which shares part of the streetscape for this development and site.

Some existing landscaping at the front of the site will further soften its appearance. That landscaping generally extends adjacent the northern boundary, but won’t entirely screen the structure from that orientation. This will result in the
building being visible from Barossa Valley Way, a secondary arterial road, to vehicles travelling south. The structure will be largely screened to northbound traffic via the position of the existing ‘Barossa House’ tourist accommodation on the southern adjacent site.

The winery component will be entirely located within existing shedding which exists on the site. That shedding is relatively tall and is visible from public spaces, however isn’t unreasonable given its existing and no changes are proposed.

All other Objectives and PDCs are deemed to comply.

**Industrial Development**
Small-scale agricultural industries, home-based industries, mineral water extraction and processing plants, and wineries in rural areas

Objectives 1, 2, 4 and 5
PDCs 1, 5, 7, 8, 10 and 11

This site has a historic use for light industrial development, with conditional approvals in place.

The winery component is an industrial type of development, although will only incorporate low intensity activities being maturation and storage.

Continual vehicle and forklift movements associated with the winery will be minimal as a result.

The winery will be entirely contained within existing buildings on site.

Adjacent the site to the north-east is Dorrien Estate Wines, a large scale established winery.

All other Objectives and PDCs are deemed to comply.

**Interface between Land Uses**

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

The developer has sought to address potential impacts that could arise to adjacent sites and land users. In particular, there is an adjacent tourist accommodation business on the directly adjacent southern allotment with the potential to be most impacted.

The applicant has sought to address a range of potential external impacts.

**Noise**

The winery and cellar door are proposed to operate within the following times:

- Monday – Saturday: 9.00am – 5.00pm
- Sunday and Public Holidays: 9.00am – 4.00pm
These hours are not considered to be unreasonable and will ensure noise impacts from ongoing activities will not occur outside of normal trading hours. Notwithstanding any special licensed events (events are not proposed generally as part of this application).

This winery operates only as a maturation and storage building. As such, there is unlikely to be any ongoing noise impacts beyond standard truck and forklift movements during times of loading and unloading. No bottling nor crushing is proposed to occur on site. It is recommended that if this application is to be supported, it be conditional that all truck and forklift movements be undertaken within authorised hours of operation.

**Odour**

All winery activities, outside of loading/unloading and related activities once per month, will be undertaken within the existing shedding on the site. All wash-down water shall be disposed off-site, such that there is no on-site tradewaste irrigation areas.

Without the inclusion of crushing or onsite irrigation, it is unlikely that the winery will result in an unreasonable odour impact.

**Traffic**

The cellar door has potential to result in a high volume of traffic. Onsite car parking is provided adjacent the northern allotment boundary, as well as behind the cellar door. The northern boundary is not adjacent to sensitive users, and the internal spaces are separated from the adjacent tourist accommodation by existing shedding.

Traffic movements into the site are also likely to increase. The application has been referred to the Department of Transport due to Barossa Valley Way being a secondary arterial road, in which their conditional support was provided to the development.

All other Objectives and PDCs are deemed to comply.

**Tourism Development**

Objectives 1, 3 and 5

PDCs 1, 2, 3, 9, 10, 11, 12, 14 and 17

The proposed development will attract tourists to the site, and by extension of the locality. The site is located with frontage to Barossa Valley Way which is a frequently traversed road and hosts numerous tourists and local traffic. The adjacent site also contains active tourist accommodation. Tourism is relatively well established in this locality.
Tourist development should be ancillary active primary producing on the same site. The development itself isn't related to active primary production activity on the land, although the winery will service the cellar door.

All other Objectives and PDCs are deemed to comply.

**Transportation and Access**

*Land Use*

*Movement Systems*

*Access for People with Disabilities*

*Vehicle Parking*

**Objective 2**

**PDCs 1, 2, 10, 12, 13, 22, 23, 25, 29, 30, 31, 32 and 33**

This development will utilise an existing access point from Barossa Valley Way, a secondary arterial road under the care and control of the State and a main thoroughfare within the region.

Transport SA has given their consideration to the application by virtue of a mandatory referral. Access to this roadway is suitable by this authority for the development, subject to conditions.

Ample space is provided on site for vehicle manoeuvring to ensure forward access and egress from the land.

For the cellar door, 13 car parking spaces are required and have been provided on site.

For the winery component approximately six spaces will be required. Although given that there is no active day-to-day work occurring at the site, the main activity will be periodic monitoring on a weekly basis. It is unlikely this many spaces would actually be used and in any case, such spaces would be unlikely to be occupied for long periods of time. There is ample space on site to allow for informal parking associated with the winery.

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**

**Waste Treatment Systems**

**Objective 2**

**PDCs 1, 2, 10, 11 and 17**

The applicant will need to seek separate approval for an on-site wastewater system, given the cellar door will incorporate new wet areas.

Trade waste is proposed to be managed by holding any trade wastewater on-site, before disposing off-site. Given
that no crushing, fermentation or substantial wash-down is proposed to occur on site, resulting trade-waste is unlikely to be unreasonable.

The winery is also proposed to be bunded at 180% of the total capacity, above recommended Environment Protection Authority requirements.

All other Objectives and PDCs are deemed to comply.

Zone Section

Primary Production (Barossa Valley Region) Zone

Objectives 1, 5 and 6

The proposed development will introduce a new primary produce related industry/tourist development. These are an envisaged type of development in the zone provided they don’t create an impediment to the function of existing and future viticultural activities. Any industry/tourist development should be ancillary viticultural activities on the same site.

This development is not ancillary to any viticulture on the same land. The size of the land is not of a size where this would be feasible. In saying this, the development is not likely to impinge upon the continuation of viticultural activities on adjacent sites.

The development is not considered to be at variance with the desired character for the zone.

All other Objectives are deemed to comply.

Desired Character

The most intensive and historic viticulture land use in the region occurs in this zone, developed as a result of soil type, agricultural productivity, 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.
Forms of large scale winery and industrial development are more appropriate within regional industrial areas established specifically for such purposes.

Pockets of native vegetation exist throughout the zone, however are isolated as a result of past clearing practices. Development will result in the conservation of existing stands of native vegetation and increase the planting of native vegetation in important locations, such as along watercourses. It is expected that broadacre farming and horticultural land use will not take place on land containing mature native vegetation in the Altona to North Para River area.

**Desired Character**

Development of wineries and cellar doors should generally only be undertaken where not at the expense of existing or potential viticultural lands. The subject site is of a size where long-term viticulture is not in itself economically viable, and the site has historically not been used for this purpose. The land in recent times has been occupied for light industry purposes.

As such, the proposed winery (maturation and storage only) is not likely to introduce an additional unreasonable impact to adjacent sites.

**Land Use**

PDCs 1, 2, 3, 4 and 7

The proposed development is a non-complying type of development due to not being capable of providing four hectares of vineyard on the site. The site is less than one hectare in size and thus cannot achieve this provision.

A cellar door likewise should be established on land without a winery and 5000 sqm of accompanying vineyard. It is not proposed to establish this amount of vineyard on site.

Non-complying development should generally not be supported.

This site is relatively unique, given that it is of a size that reasonably cannot sustain viable viticultural activities. Likewise this site has historically been used for light industrial activities, most recently being for masonry work.

Under the relevant provisions applicable at the time of lodgement of this application, that form of development would similarly be a non-complying type of land use. Thus, this site has historically been operated at variance to the nature of the locality and zone, but sympathetically to adjacent land users.

Although this doesn’t add merit to the particulars of this application, it suggests the site is capable of hosting a land use which isn’t entirely consistent with the desired character for the zone. This proposed development generally minimises the risks and amenity impacts to adjacent sites, and as such is unlikely to be incompatible with adjacent land users.
The land use in question of cellar door and winery is a value adding type of development, which is generally associated with primary producing, an established part of the character within this locality.

All other Objectives and PDCs are deemed to comply.

**Form and Character**

PDCs 8, 10, 11, 12, 13, 15, 16, 17, 18 and 24

The proposed development is generally not inconsistent with the desired character for the zone, and ensures that all activities associated with the winery (other than loading/unloaded etc.) will be undertaken within the building.

Sufficient space currently exists on site to accommodate appropriate vehicle movements for expected vehicles required to visit the site.

The design of the cellar door building is of a relatively modern design, not entirely sympathetic with the character of the locality, however does incorporate muted colours and tones that are unlikely to create an unreasonable visual impact. The building is of an appropriate scale, unlikely to be overbearing to adjacent sites nor traffic on the adjacent Barossa Valley Way.

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.
To GRANT Development Plan Consent for Application No. 960/230/2020 by AFT Lister Consulting Trust to undertake Demolition of Existing Dwelling and Construction of Cellar Door Sales and Change of Use of Shedding to Winery (Wine Maturation) - Cellar Door at 3000 Barossa Valley Way, Tanunda (CT 6130/480) 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. 960/230/2020 as listed below:

- Statement of Support (partially superseded), prepared by Planning Solutions SA, dated 18 May 2020
- Statement of Effect, prepared by Planning Solutions SA, dated December 2020
- Demolition Plan, prepared by Amanda Schmidt Design and Drafting, dated on 3/11/2020, received 4 November 2020
- Elevation Plan, prepared by Amanda Schmidt Design and Drafting, dated on 3/11/2020, received 4 November 2020
- Proposed Lower Floor Plan, prepared by Amanda Schmidt Design and Drafting, dated on 3/11/2020, received 4 November 2020
- Proposed Upper Floor Plan, prepared by Amanda Schmidt Design and Drafting, dated on 3/11/2020, received 4 November 2020
- Site Plan, prepared by Amanda Schmidt Design and Drafting, dated on 3/11/2020, received 4 November 2020
- Streetscape Elevation Plan, prepared by Amanda Schmidt Design and Drafting, dated on 3/11/2020, received 4 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) Prior to the issue of Development Approval the applicant shall lodge and have approved by the relevant authority 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 the building authorised herein is serviced with an adequate wastewater system.

(3) The hours of operation of the premises shall not exceed the times:

- Monday – Saturday: 9:00 am to 5:00 pm
- Sunday and Public Holidays: 9.00am to 5.00pm

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

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

Reason: To ensure stormwater is adequately managed on the site.

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

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

Reason: To ensure the amenity of the locality is not detrimentally affected.

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

Reason: To ensure no events occur outside of the authorised parameters.

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

Reason: To ensure impacts to noise amenity are minimal.

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

Reason: To ensure any light spill doesn’t create an unreasonable impact to amenity.

(9) Unless with the prior written consent of Council, the capacity of the cellar door authorised herein shall not exceed 75 patrons at any time.

Reason: To ensure the capacity of the cellar door doesn’t exceed the authorised amount.
(10) All car parking, driveways and vehicle manoeuvring areas shall be constructed and finished in bitumen, brick paving or concrete (or similar authorised alternative) in accordance with approved engineering procedures prior to the occupation or use of the development.

Reason: To ensure any impacts by vehicle traffic and dust nuisance are minimised.

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

Reason: To ensure visual amenity is not unreasonably impacted.

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

Reason: To ensure wastes are appropriately managed on site.

(13) Unless with the prior written consent of Council, the removal of all solid and liquid waste from the site shall be undertaken within standard operational hours, to the reasonable satisfaction of Council.

Reason: To ensure wastes are appropriately managed on site.

(14) Unless with the prior written consent of Council, all deliveries to the site shall be undertaken within standard operational hours, to the reasonable satisfaction of Council.

Reason: To ensure all deliveries to the site occur within authorised operative hours.

(15) Construction shall not take place on any Sunday or Public Holiday or after 7.00 pm or before 9.00 am on any other day, and all practicable steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.

Reason: To ensure construction hours are limited to minimise amenity impacts to adjacent allotments.

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

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

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

(c) Appropriate erosion control measures shall be employed to prevent soil removal from the site by stormwater runoff, and to prevent siltation of watercourses, to the reasonable satisfaction of Council.
(d) Any dirt or debris from the site deposited onto existing roadways by the applicant’s contractors or sub-contractors shall be cleared immediately.

Reason: To ensure amenity impacts are managed throughout construction of the development.

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

Reason: To ensure any spills can be handled appropriately.

(18) All ongoing activities and storage of items associated with the winery shall be undertaken within the building authorised herein (with the exception of any loading/unloading/washing activities).

Reason: To ensure all activities and storage of items are undertaken within enclosed buildings.

(19) All winery processing shall be undertaken on an impervious area to ensure that any spillages from such areas are directed to an appropriate on-site wastewater/tradewaste treatment system.

Reason: To ensure all activities occur on impervious areas to minimise environmental risks from spillages.

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

Reason: To ensure only maturation and storage occur on site.

(21) No crushing or fermenting of grape product, nor any bottling, shall occur on site at any time.

Reason: To ensure no crushing, fermenting or bottling occur on site.

(22) Truck movements shall be limited to (on average) one truck movement through the site once per fortnight, to the reasonable satisfaction of council.

Reason: To ensure truck movements are limited in accordance with the proposal.

(23) Obscuring screening (or an otherwise authorised appropriate alternative) shall be erected up to a height of 1.7 metres above the upper floor level associated with the upper viewing deck, on the eastern and southern aspects of that space, and such that potential incidental overlooking to the adjacent southern allotment is not of an unreasonable nature, to the reasonable satisfaction of council.

Reason: To ensure screening is provided to the upper viewing platform to restrict passive overlooking to adjacent land.
All winery and wastewater tanks must be bunded to ensure a net capacity of at least 120% of the volume of the largest tank within each bunded area.

Reason: To ensure bunding is provided to minimise environmental risks.

Wastewater/trade-waste must not enter any area required for the adequate management of stormwater on the site.

Reason: To ensure wastewater and trade waste are not mixed with stormwater management systems on site.

Department of Transport Conditions

All access to the development shall be gained via the existing access point on Barossa Valley Way in accordance with the site plan produced by Amanda Schmidt Design and Drafting, Sheet 2 of 6, dated 3 November 2020.

The access point shall be a minimum of seven metres wide and be sealed from the property boundary to the edge of the road seal, in order to maximise traction for vehicles exiting the site and minimise debris being dragged onto the carriageway.

All vehicles shall enter and exit the site in a forward direction.

The redundant crossover on Barossa Valley Way shall be closed and reinstated to Council’s standard at the applicant’s expense.

Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of Barossa Valley Way. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant’s expense.

No more than 50 tonnes per annum of grape product shall be processed on site, without the prior written consent of the relevant authority.

Advisory Notes

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.

Any portion of Council’s infrastructure damaged as a result of work undertaken within the development site or associated with the development shall be repaired/reinstated to Council’s satisfaction at the developer’s expense.
(c) The applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm. Practices to minimise noise impact on sensitive receivers include (but are not limited to):

- shutting equipment down whenever not in use
- application of broadband beepers on forklifts, and
- ensuring equipment are operated in a way that reduces noise impact

(d) The applicant is reminded that odour at the treatment and storage tanks should be regularly monitored. Odour reduction canisters on tank vents may assist with odour prevention, although the wastewater treatment system should be checked in the first instance to ensure aerobic conditions in the wastewater.

(e) The applicant is reminded that noise from construction, demolition and site preparation activities is required to meet the mandatory provisions of Part 6 Division 1 of the Environment Protection (Noise) Policy 2007.

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

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

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

(i) 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.

(j) Prior to the commencement of the use authorised herein, notification is required to be given to Council’s Health Services. Contact can be made by phone (08) 8563 8444, or by email to barossa@barossa.sa.gov.au
(k) Events are not approved generally as part of this application and are subject to specific information being provided to council when individual event details are known. The nature and extent of any events would be subject to council assessment and if liquor is to be served at such events an appropriate licence is to be sought which is also subject to Council assessment.
6.1 Attachment 1
**DEVELOPMENT APPLICATION FORM**

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

<table>
<thead>
<tr>
<th>COUNCIL:</th>
<th>The Barossa Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPLICANT:</td>
<td>AFT LISTER CONSULTING TRUST</td>
</tr>
<tr>
<td>Postal Address:</td>
<td>PO Box 188 ANGASTON SA 5353</td>
</tr>
<tr>
<td>OWNER:</td>
<td>AFT LISTER CONSULTING TRUST</td>
</tr>
<tr>
<td>Postal Address:</td>
<td>PO Box 188 ANGASTON SA 5353</td>
</tr>
<tr>
<td>Builder:</td>
<td>TBA</td>
</tr>
</tbody>
</table>

**FOR OFFICE USE**

| Development No: | |
| Previous Development No: | |
| Assessment No: | |
| Application forwarded by DA Commission/Council on: | / / |
| Decision: | |
| Type: | |
| Date: | / / |

| Planning: | |
| Building: | |
| Land Division: | |
| Additional: | |
| Development Approval: | |

<table>
<thead>
<tr>
<th>Decision required</th>
<th>Fees</th>
<th>Receipt No</th>
<th>Date</th>
</tr>
</thead>
</table>

**CONTACT PERSON FOR FURTHER INFORMATION**

| Name: | Trevor V White Planning Solutions (SA) |
| Telephone: | 0420501680 (work) 0420501911 (Ah) |
| Fax: | 0420501680 (work) 0420501911 (Ah) |

**EXISTING USE:**

Commercial Use

**DESCRIPTION OF PROPOSED DEVELOPMENT:**

Demolition of existing dwelling and construction of a new Cellar Door Sales Outlet and change in use if existing shedding to a winery (wine maturation)

**LOCATION OF PROPOSED DEVELOPMENT:**

<table>
<thead>
<tr>
<th>House No: 3000</th>
<th>Lot No: 303</th>
<th>Street: Barossa Valley Way</th>
<th>Town/Suburb: TANUNDA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section No (full/part): DP79703</td>
<td>Hundred: Mooroora</td>
<td>Volume: 8130</td>
<td>Folio: 480</td>
</tr>
</tbody>
</table>

**LAND DIVISION:**

<table>
<thead>
<tr>
<th>Site Area (m²)</th>
<th>Reserve Area (m²)</th>
<th>No of existing allotments:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of additional allotments (excluding road and reserve):</td>
<td>Lease: YES ☐ NO ☐</td>
<td></td>
</tr>
</tbody>
</table>

**BUILDING RULES CLASSIFICATION SOUGHT:**

6 and 7b

| Present classification: | Male: | Female: |

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

If Class 9B 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 CONSTRUCTIONS INDUSTRY TRAINING FUND ACT 1993 LEVY BEEN PAID?**

YES ☑ NO ☐

**DEVELOPMENT COST** (do not include any fit-out costs): $250,000 (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:** 30/04/2020
DEVELOPMENT REGULATIONS 2008
Declaration of Applicant
(Pursuant to Clause 2A(1) of Schedule 5)

From:  Name: AFT Lister Consulting Trust
Address:  P.O. Box 188, Angaston, S.A. 5353
Telephone No. Mobile No.

Date of Application: 

Location of Development:
House No.: 3200 Lot No.: 203 Street: Barossa Valley Way
Town: Tanunda
Section No.: 5919703 Hundred of: Moonta
Nature of Proposed Development: New cellar, door sales outlet & winery

I, Damien Lister, being the owner/applicant for the development described above, declare that the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purpose of Section 86 of the Electricity Act 1996. I make this declaration under Clause 2A(1) of Schedule 5 of the Development Regulations 2008.

Date: 15.08.2020
Signed:

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

a) an internal alteration of a building; or
b) an alteration to the walls of a building but not as to alter the shape of the building

Note 2:
The requirements of Section 86 of the Electricity Act 1996 do not apply in relation to:

a) a fence that is less than 2.0 metres in height; or
b) a service line that is installed specifically to supply electricity to the building or structure by the operator of the transmission or distribution network from which the electricity is being supplied.

Note 3:
Section 86 of the Electricity Act 1996 refers to the erection of buildings in proximity to powerlines. The regulations under this Act prescribe minimum safe clearance distances that must be complied with.

Note 4:
The majority of the applications will not have any powerline issues, as normal residential setbacks often cause the building to comply with the prescribed powerline clearance distances. Buildings/renovations located far away from powerlines, for example towards the back of properties, will usually comply. Particular care needs to be taken where high voltage powerlines exist, where the development:

a) is on a major road;
b) commercial/industrial in nature; or
c) built to the property boundary
Note 5:
Information brochures 'Powerline Clearance Declaration Guide' and 'Building Safety Near Powerlines' have been prepared by the Technical Regulator to assist applicants and other interested persons. Copies of these brochures are available from council and the Office of the Technical Regulator. The brochures and other relevant information can also be found at www.technicalregulator.sa.gov.au

Note 6:
In cases where applicants have obtained a written approval from the Technical Regulator to build the development specified above in its current form within the prescribed clearance distances, the applicant is able to sign the form.
Certificate of Title - Volume 6130 Folio 480

Parent Title(s)  CT 6052/493
Creating Dealing(s)  DDA 12075290
Title Issued  10/02/2014  Edition 1  Edition Issued  10/02/2014

Estate Type
FEE SIMPLE

Registered Proprietor
BRIAN DAVID HELBIG
OF PO BOX 373 NURIOOTPA SA 5355

Description of Land
ALLOTMENT 303 DEPOSITED PLAN 79703
IN THE AREA NAMED TANUNDA
HUNDRED OF MOOROOROO

Easements
NIL

Schedule of Dealings
Dealing Number  Description
4539539  MORTGAGE TO NATIONAL AUSTRALIA BANK LTD.

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

Demolition of an existing dwelling and change in use of existing shedding to a winery and construction of a new cellar door sales outlet (non-complying) located on Allotment 303 (DP79703), 3000 Barossa Valley Way at TANUNDA SA

Prepared for

AFT Lister Consulting Trust
(Mr Damien Lister)

April 2020
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## APPENDIX

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</tbody>
</table>
1.0 - LEGISLATIVE REQUIREMENTS:

Planning Solutions (SA) Pty Ltd, Rural and Urban Planners have been engaged to act for the Applicants (AFT Lister Consulting Trust – Mr Damien Lister) the current owners of the 'subject land' contained in the Certificate of Title Volume 6130 Folio 480, being identified as Allotment 303 in Deposited Plan 79703, Hundred of Moorooroo, in an area known as Tanunda.

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 demolition of the existing dwelling, construction of a new cellar door sales outlet and the change in use of existing shedding to a winery located on Allotment 303 at 3000 Barossa Valley Way at Tanunda is a 'non-complying' form of development but is worthy of further assessment.

The 'subject land' on which this application applies, consists of a single allotment, identified as Allotment 303 having a total area of 8246m² and a consolidated frontage to Barossa Valley Road of 42.15 metres. Access to the proposed Winery and Cellar Door Sales outlet will be off Barossa Valley Way, via the existing access point, hence eliminating the need for the construction of any additional access points. The 'subject land' is entirely contained within the Primary Production (Barossa Valley Region) Zone as defined on Map Baro/1 of the Barossa Council Development Plan (5 September 2019 – consolidation).

The 'subject land' at the time of writing this Statement of Support contained a single storey detached dwelling constructed in the 1970's along with existing shedding that has been added to over a period of time as the previous use of these structure demanded. Also located on the southern portion of the allotment and along the eastern boundary are several mature eucalypt trees. The existing dwelling will be demolished, and a new cellar door sales outlet will be constructed in the same location of the existing dwelling. The existing shedding will be used for the maturation of wine that will be stored in a combination of vertical stainless steel maturation tanks, whilst other wine will be stored in oak wine barrels during the maturation process (refer to attached plans for the location of the winery and the proposed new cellar door sales outlet).

Reference has been made to the Procedural Matters of the Primary Production (Barossa Valley Region) Zone which states the following in reference to a winery and cellar door sales outlet within the zone. All development within the Primary Production (Barossa Valley Region) Zone is a non-complying form of development, except where the proposal satisfies any exceptions outlined on the Table on page 4 of this report.
<table>
<thead>
<tr>
<th>Form of Development</th>
<th>Exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cellar door sales outlet</td>
<td>Cellar door sales outlet where:</td>
</tr>
<tr>
<td></td>
<td>(a) the tasting of wine and retail sale of wine are the predominant activities</td>
</tr>
<tr>
<td></td>
<td>(b) it is established on the same allotment as a winery and vineyard, where the vineyard is at least 5000 square metres in area</td>
</tr>
<tr>
<td></td>
<td>(c) it does not result in a gross leasable area of greater than 250 square metres for wine tasting and retail sales on the allotment (and this includes any retail sale of non-beverage or non-food items)</td>
</tr>
<tr>
<td></td>
<td>(d) the method of waste water disposal does not involve the storage of wastewater in holding tanks</td>
</tr>
<tr>
<td></td>
<td>(e) the development is setback at least 25 metres from a bore, well or watercourse identified as a blue line on a current series 1:50 000 Government standard topographic map or where there is observed a clearly defined bed and banks in which water may flow at any time</td>
</tr>
<tr>
<td></td>
<td>(f) no part of the development is undertaken in areas subject to inundation by 1-in-100-year average return interval flood or sited on landfill that would interfere with the flow of such flood waters.</td>
</tr>
<tr>
<td>Winery</td>
<td>Winery on an allotment with at least 4 hectares of vineyard or where located in Nuriootpa Sturt Highway Policy Area 13, where:</td>
</tr>
<tr>
<td></td>
<td>(a) it includes at least one of the following activities associated with the making of wine:</td>
</tr>
<tr>
<td></td>
<td>(i) grape crushing</td>
</tr>
<tr>
<td></td>
<td>(ii) fermentation of grape product</td>
</tr>
<tr>
<td></td>
<td>(iii) wine maturation</td>
</tr>
<tr>
<td></td>
<td>(b) if the processing of grapes or grape products exceeds the equivalent of a 500-tonne crush per annum, the method of waste water disposal does not involve the storage of waste water in holding tanks</td>
</tr>
<tr>
<td></td>
<td>(c) the development is setback at least 50 metres from a bore, well or watercourse</td>
</tr>
<tr>
<td></td>
<td>(d) no part of the development is undertaken in areas subject to inundation by 1-in-100-year average return interval flood or sited on landfill which would interfere with the flow of such flood waters</td>
</tr>
<tr>
<td></td>
<td>(e) all structures involving winemaking, wine storage, packaging and bottling are housed within enclosed buildings.</td>
</tr>
</tbody>
</table>

The allotment is located and entirely contained within the Primary Production (Barossa Valley Region) Zone which states the following in relation to the demolition of the existing dwelling and the construction of a new cellar door sales outlet and the change in use of the shedding to a winery. 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 that apply in relation to the Character Preservation District shown on this Overlay are in conflict with the relevant General Section Objectives and/or Principles of Development Control in the Development Plan, the Overlay will prevail.
Whilst the existing shedding on the allotment will be used for the maturation of wine in both oak barrels and stainless steel vertical storage there is no vineyards on the allotment and as such the change in use of the existing shedding (previously used as a commercial use) will be assessed as a non-complying form of development.

The existing dwelling on the 'subject land' will be demolished and a new cellar door sales outlet will be constructed in approximately the same location as the existing dwelling. The proposed new cellar door sales outlet will be two storey and also contain wet areas, food preparation area, kids playroom, bar areas and office facility for the administration of the proposed new facility and land uses. The tasting and retail of wine will be the predominant activity of the site as the maturation process once established can last between 12 and 18 months before the wine is bottled.

The cellar door sales outlet will be located on the same allotment as the winery. The area dedicated for the cellar door sales outlet is approximately 272.26m² which is slightly greater than the suggested maximum of 250m². The wastewater generated from washing the stainless-steel vertical storage will be collected at the time of washing by a waste collection contractor and disposed off in an approved manner, there will be no wastewater stored on the site in holding tanks.

I can also confirm there is no bore, well or watercourse located on the allotment as defined on 1:50,000 topographic map. However, as there is no vineyard contained on the 'subject land' the application for the winery and the cellar door sales outlets will be assessed as a non-complying form of development.

Reference has been made to the Public Notification section of the Primary Production (Barossa Valley Region) Zone to determine the category of development for the purposes of public notification. Councils Development Plan is silent in this area and hence reference has been made to Schedule 9 of the Development Regulations 2008, which states the following in relation to the demolition of the existing dwelling and the construction of a new cellar door sales outlet and winery located on allotment 303, 3000 The Barossa Valley Way at Tanunda.

Schedule 9 — Public notice categories

Pursuant to section 38 of the Act, the assignment by these regulations of a form of development to Category 1 or Category 2 is subject to any assignment provided by the relevant development plan.

The assignment of various forms of development to Category 1 does not extend to developments that involve, or are for the purposes of, any activity specified in Schedule 22 (see regulation 32).

Part 1—Category 1 development

3 Any development classified as non-complying under the relevant Development Plan which comprises—

(a) the alteration of, or addition to, a building which, in the opinion of the relevant authority, is of a minor nature only; or

(b) the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used, and which constitutes, in the opinion of the relevant authority, development of a minor nature only; or

(c) the division of land where the number of allotments resulting from the division is equal to or less than the number of existing allotments

The proposed development fails to satisfy any of the above exceptions for a non-complying form of development and therefore cannot be treated as a Category 1 kind of development for the purposes of public notification and will therefore be treated as Category 3.

In summary, the proposal for the demolition of the existing dwelling and the construction of a new cellar door sales outlet and the establishment of a winery in the existing shedding for the
maturation of wine allotment 303 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 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 predominant land use in the immediate locality is horticultural, winery, bottling facility or bed and breakfast accommodation.
- I have considered the benefits to the applicants of being able to extend their existing sales and consumption through being able to taste and sell wine from the proposed new cellar door sales outlet rather than just via internet sales.
- I have considered the proposal against the relevant General Module and Zone provisions, contained in Council's current Development Plan (5 September 2019 - consolidation).

2.0 - Subject Land:

The 'subject land' is located on the northern periphery of the township of Tanunda, between the townships of Tanunda and Nuriootpa and is identified as allotments 303 in Deposited Plan 79703, Hundred of Moorooroo in the area known as Tanunda and is contained within Certificate of Title Volume 6130 Folio 480 (a copy of the Certificate of Title is attached in Appendix ‘A’).

Allotment 303 is best described as being ‘hammerhead’ in shape with a consolidated frontage to Barossa Valley Way of 42.15 metres and a total area of 8246m² and a average depth of approximately 129.94 metres.

Access to the proposed new cellar door sales outlet and winery will be gained off Barossa Valley Way, via the existing access point to the allotment. The development proposal will not require any modifications to the existing access point nor the construction of any additional access points to service the new land uses.

The ‘subject land’ at the time of writing this Statement of Support contained a single storey detached dwelling (which is currently leased on a short term basis), multiple shed that have been added to over time and are of various heights and an area allotment near the southern and eastern boundaries that have native vegetation that will not be affected by the change in use application. The existing dwelling will be demolished, and a new cellar door sales outlet will be constructed in approximately the same location as the existing dwelling. The new cellar door sales outlets will also be used for the storage of wine and administration of the proposed new land uses. The existing shedding will be used for the maturation of wine that will be stored in a combination of vertical stainless steel maturation tanks, whilst other wine will be stored in oak wine barrels during the maturation process (refer to attached plans for the location of the proposed winery and cellar door sales outlet).

The existing allotment is fenced partly on the northern boundary, near the rear of the allotment with 1800mm high security fencing. The same style fencing is on the eastern boundary and portion of the southern boundary. The front portion of the southern boundary has traditional hedging, whilst the western or front boundary is unfenced. This application requires no changes to the existing fencing and is consistent with many of the properties in the immediate locality of the 'subject land'.

AFT Lister Consulting Trust
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Statement of Support
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3.0 - Locality:

The 'subject land' is located on the northern periphery of the township of Tanunda in the area known as Tanunda and is contained within the existing Primary Production (BVR) Zone of Council's current Development Plan with the 'subject land' having frontage to the Barossa Valley Way, which is the primary arterial road between Tanunda and Nuriootpa.

The 'subject land' that is the subject of this development application for the demolition of an existing dwelling, construction of a new cellar door sales outlet in the approximately the same location as the existing dwelling and the change in use of existing shedding to a winery is bounded by Murray Street, Diagonal Road and Siegersdorf Road area which contains the well-known Barossa House, Dorien Estate Winery, Caltex Nuriootpa 24 hour fuel, Barossa Trading and Bottling Company and until recently Vater Machinery outlet. All the other parcels of land within the triangle are planted with vines.

Beyond the immediate locality land is divided into varying parcels that are primarily used for the growing of vines with some parcels also including built form associated with either wine production or the sale of wine through outlets such as cellar door sales facilities. Located to the south of the site is the northern periphery of the Tanunda township. The 'subject land' is located within the Character Preservation District which has been established to prevent the continual encroachment of residential and commercial development into the land used for wine production.

The policy provisions attached to the Character Preservation District are significant and defined and when the Objectives and or Principles of Development Control that apply in relation to the Character Preservation District shown on the Overlay are in conflict with the relevant General Section Objectives and/or Principles of Development Control in the Development Plan, the Overlay will prevail.

The objectives of the Character Preservation District are quite focused on limiting development to defined areas, limiting the expansion of rural living areas, preserving rural and scenic landscapes, ensuring the long term use of land for primary production and associated value adding activities and ensuring residential development is contained within the existing township and settlement boundaries.

In summary, the current land use (commercial) on the ‘subject land’ involved the manufacture of headstones, along with headstone inscriptions which were undertaken outside what was deemed to be normal business hours, which had significant impact on Barossa House which is located directly south of the site. The proposed demolition of the existing dwelling and the construction of a new cellar door sales outlet and winery (wine maturation) will have less impact than the current land use. The maturation of wine takes between 12 to 18 months duration and hence once the wine is bought to the site, there is minimal vehicle and other activities until the process is completed.

The proposed cellar door sales outlet, whilst proposed to operate 7 days a week will operate between what is deemed to be normal business hours and therefore will have little impact on patrons using the overnight accommodation offered at Barossa House.

4.0 - Proposal:

The applicant seeks Development Plan Consent for the demolition of the existing dwelling and the construction of a new cellar door sales outlet that will be constructed in approximately the same location as the existing dwelling where the new cellar door sales outlet will also be used for the storage of wine and administration of the proposed new land uses.

The existing shedding will be used for the maturation of wine that will be stored in a combination of vertical stainless steel maturation tanks, whilst other wine will be stored in oak wine barrels.
during the maturation process (refer to attached plans for the location of the winery and cellar door sales outlet). The proposed new land uses will be located on Allotment 303 in Deposited Plan 79703, Hundred of Moorooroo in an area known as Tanunda.

The 'subject land' is contained entirely within the Primary Production (Barossa Valley Region) Zone as defined on Zone Map Baro/1 of the Barossa Council Development Plan (5 September 2019 – consolidation). The demolition of the existing dwelling and the construction of a new cellar door sales outlet in approximately the same location as the dwelling and the change in use of the existing shedding to a winery has been deemed to be a non-complying form of development within the zone as there is no vineyard located on the allotment.

Proposed Cellar Door Layout:
The proposed new cellar door sales outlet will have two levels (lower floor and upper floor). The facilities on each of the levels is listed below: For the layout of both the Lower and Upper Floor areas refer to the attached plans in Appendix ‘X’.

Lower Level:
- Decking on the western and southern aspects of the proposed new building;
- Undercover and open area seating;
- Entry and staircase leading from the ground to the First Floor area;
- Unisex disabled toilet, plus a single male and female WC;
- Bar Area, including storage and refrigeration.
- Food preparation area/storage area;
- Kids Play Area

Upper Level:
- Undercover and open area seating;
- Staircase leading from the lower to the Upper Floor area;
- A single male and female WC;
- Bar Area, including storage and refrigeration.
- Food preparation area/storage area;
- Office for new land use administration; and
- Balcony/Terrace Area

Proposed Winery:
The existing shedding located at the rear of the proposed new cellar door sales outlet will be converted to a winery where the applicant will provide vertical storage and wooden oak kegs for the maturation of wine. There is no vineyard associated with the proposed winery, however the grapes will be grown and crushed within the Barossa Valley. At the end of the maturation process which can take up to 12 to 18 months complete, the finished product will be also bottled in the Barossa Valley where the bottled wine will be bought back to the cellar door sales outlet for sales to clients and patrons.

Depending on the success of the new land uses the applicant plans to construct a new maturation and wine storage shed located near the eastern boundary of the allotment. The proposed new shed will measure approximately 10m wide x 40m long x 6m wall height. However, the future shedding will be the subject of a separate development application.
**Site Access:**

There are 2 existing access points off the Barossa Valley Way. One of the access points is associated with the existing dwelling and provided access to the existing garage located under the main roof of the dwelling. However, in recent time the existing garage has been used for an enclosed entertaining area. With the development of the proposed new cellar door sales outlet, this access point will not be required.

The second access point provides access to the existing shedding (proposed winery) and to the rear of the proposed new cellar door sales outlet and Stage 2 of the overall development (construction of additional shedding) for wine maturation. The second access point will also provide access to the proposed on-site client and staff carparking area that will be located at the rear of the proposed new facility (refer to plans attached in Appendix ‘X’ for the location of the proposed on-site carparking spaces).

The proposed new development will remove one of the existing access points to the ‘subject land’ and not require the construction of any additional access point, which provides a safer and more efficient movement of vehicles to and from the site.

Reference has been made to Table Baro/1 – Off Street Vehicle Parking Requirements however, there is no specific requirements for a cellar door sales outlet. Considering the size of the proposed cellar door sales outlet (approximately 270m²) the applicant proposes to provide 13 dedicated carparking spaces, however, should those spaces be occupied during special events or promotions there is adequate area left on the site for random parking.

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 onto the adjoining public road.

**Stormwater Management:**

Rainwater run-off from the existing built form (dwelling and shedding) is harvested and stored in existing aboveground rainwater storage tanks located behind the existing dwelling and shedding. The change in use of the existing shedding to winery (wine maturation) will have no impact on the existing stormwater management system.

The rainwater run-off from the proposed new cellar door sales outlet will be harvested with a new 5000 litre above ground rainwater storage tank with the overflow from the proposed new storage tank being piped to the existing drainage system located along Barossa Valley Way.

The colour of the proposed new rainwater storage tank will be the same colour as the external cladding of the proposed new cellar door sales outlet (woodland grey).

**Operating Hours:**

With the demolition of the existing dwelling and the construction of a new cellar door sales outlet in approximately the same location as the existing dwelling, including the proposed winery will operate within the following hours:

- Monday to Friday - 8.00am to 5.00pm
- Saturday – 8.00am to 5.00pm
- Sunday and Public Holidays – 9.00am to 4.00pm

The proposed operating hours are deemed to be within normal business hours.

**Employment Opportunities:**

The proposed new cellar door sales outlet and winery will provide an opportunity to employ 2 permanent staff on a roster system in addition to the 2 permanent staff (applicant and 1 family member).
In addition, the proposed winery (wine maturation) will employ 1 permanent and 2 casual staff members who will be responsible for the maturation process and the bottling of the wine at the appropriate time making 5 additional staff overall.

**Vehicle Movements:**

The development of the new cellar door sales outlet will allow wine produced by the applicants to be sold to the public through the cellar doors sales outlet as well as the continuance of their current internet sales process in selling wine to other outlets and individuals.

Considering the fact the proposal is new the volume of traffic to and from the site is estimated as being low key and when spread out over the proposed opening hours will see the number of traffic movements to and from the site being less than 10 vehicles per hour.

Located on the northern aspect of the allotment and behind the proposed new cellar door sales outlet there is 13 dedicated on-site carparking spaces for both staff and customer parking. However, should there be period of peak demand for special events or promotions, there is ample area on the site in the vicinity of the proposed new facility to cater for the random parking of any additional parking requirements.

There is adequate room at the rear of the proposed new cellar door sales outlet for the parking for disabled persons, without providing a dedicated carparking space.

The surface of the existing access road, carparking areas and manoeuvring areas are constructed of compacted quartzite crushed rock which provides and all-weather surface.

The traffic movements for the proposed winery (wine maturation) is significantly less as once the wine is bought to the existing shedding for maturation the wine will remain for a period of between 12 and 18 months before the wine is taken from the site for bottling which will occur within the Barossa Valley. The applicant has estimated that to bring the grape juice to the ‘subject land’ for maturation, there will be one tanker per week for a period of 3-4 weeks. Once the wine maturation process is in place 1 staff member will visit the site once a week to check on the maturation process. Once the maturation process is completed and the finished product is ready for bottling there will be approximately 4 tankers to remove the wine over a 3-4 week period for bottling.

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.

**External Colour Scheme:**

The external colour scheme to the proposed new cellar door facility will be predominantly colorbond ‘woodland grey’ with the encased staircase being in colorbond ‘surfmist’. The darker grey colour scheme has been selected as it tends to minimise visual impacts of built form. The lighter the colour scheme the more prominent the built form will appear when viewed from adjoining public roads and properties.

**Bushfire Protection Area:**

The ‘subject land’ (Allotment 303) is located within the Medium Bushfire Protection Area as defined on BPA Map Baro/1 in Councils Development Plan (5 September 2019 – consolidation). As such there is no mandatory requirements for the development proposal to be referred to the CFS under Schedule 8 of the Development Regulations 2008.
5.0 - Development Assessment:

The 'subject land' is contained entirely within the Primary Production (Barossa Valley Region) Zone as defined on Zone Map Baro/1 of the Barossa Council Development Plan (5 September 2019 – consolidation), that is characterised by open undulating terrain combined with isolated stands of natural vegetation and scattered dwellings and farm buildings. The zone is the most intensive and historic viticulture land use in the region which was 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 ‘subject land’ contains a single storey detached dwelling (with is currently leased on a short term basis), multiple shedding that have been added to over time and are of various heights and an area allotment near the southern and eastern boundaries that have native vegetation that will not be affected by the development proposal.

Allotment 303 which has a total area of 8246m² has never been used for primary production or viticultural activities, but rather has been used for residential and commercial activities in the past. The allotment also has no existing vineyard; hence this proposal will not remove any land that has been used for primary production or viticultural activities.

Reference has been made to Table Baro/1 – Off Street Vehicle Parking Requirements however, there is no specific requirements for a cellar door sales outlet or winery. Considering the traffic movements for the proposed winery are minimal there is no dedicated parking area for a wine tanker due to the short time the vehicle will be onsite. Considering the lack of direction in Table Baro/1 for carparking requirements for the proposed cellar door sales outlet, we have adopted the rate of 4 spaces per 100m². Considering the total floor area of the proposed cellar door sales outlet is approximately 272m², then the number of onsite carparking spaces required is $2.72 \times 4 = 11$ spaces. In addition, there is adequate room at the rear of the proposed new cellar door sales outlet for the parking of vehicles for disabled persons. The applicant has indicated on the attached plans in Appendix ‘D’, 13 onsite carparking spaces which is more than required.

Hence allotment 303 is of adequate size to cater for the proposed land uses and the parking of visitor and staff vehicles on the site, all of which will gain access off Barossa Valley Way, via the existing northern access to the site that will provide access to the proposed winery and new cellar door sales outlet.

Council’s Development Plan does not stipulate setback requirements for built form from the primary road boundary, however

- The proposed cellar door sales outlet will be constructed in approximately the same location as the existing dwelling and no closer to the Barossa Valley Way road boundary.

The proposal allows the following:

- The continuance of the lawful winery activities on adjoining land to the north and a reduction in impact on the continuance of Barossa House to the south.
- Allows the applicants to make use of the existing shedding on the site for wine maturation which is a low impact activity.
- Whilst the proposed land uses are deemed to be a non-complying form of development within the current policy provisions for the existing zoned land, the proposed activities will have minimal impact on adjoining landowners and is more in keeping with land uses in the immediate locality of the subject land than the existing commercial activity.
• Allows the applicants to produce more wine under their own label and sell that product to the public via internet sales or attendance at the proposed new cellar door sales outlet.

• The proposed new cellar door sales outlet will have an external colour scheme that is commensurate and blends with the environment in the immediate locality.

• The development proposal will have no impact on existing Council infrastructure or public utilities to the extent that they need to be upgraded at the expense of the local community.

• The proposed cellar door sales outlet allows for the applicant to expand their wine marketing ability but being able to sell wine through the proposed new cellar door sales outlet, rather than just being limited to internet sales.

The existing dwelling will be demolished and a new cellar door sales outlet with be constructed in approximately the same location as the existing dwelling. The new cellar door sales outlet will also be used for the storage of wine and administration of the proposed new land uses. The existing shedding will be used for the maturation of wine that will be stored in a combination of vertical stainless steel maturation tanks, whilst other wine will be stored in oak wine barrels during the maturation process (refer to attached plans for the location of the proposed winery and cellar door sales outlet).

Primary Production (Barossa Valley Region) Zone:

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

Objective 5 Winery and small-scale tourist facilities only where the character and function of viticulture activities are not adversely affected.

The 'subject land', which is 8246m² in total area and contains a reasonable area of existing vegetation has never been used for either primary production or horticultural activities. There is also not enough land area to meet the 4 hectares of vineyards to remove the application from being assessed as a non-complying form of development. However, the proposed development is in keeping with the other land use activities in the immediate locality, such as the Dorien Estate Winery directly north of the subject land and just south of the site is the Barossa Trading and Bottling Company. Hence the proposed winery (wine maturation) and cellar door sales outlet is in keeping with the objective for winery and small scale tourist facilities envisaged for the zone.

PDC 4 A winery should be established on an allotment with at least 4 hectares of vineyard and involve at least one of the following activities:

(a) grape crushing
(b) fermenting of grape product
(c) wine maturation,

and may include any of the following as accessory and subordinate activities:

(i) administration
(ii) bottling
(iii) packaging
(iv) warehousing for the store of wine
(v) waste treatment, storage, reuse and disposal.

The development proposal does not have a 4 hectare vineyard, however the existing shedding will undergo a change in use and be used for wine maturation in a combination of wooden barrels and vertical stainless steel storage. The proposed new cellar door sales outlet will have an office for the administration of the proposed new land uses. As the proposed development
does not have the required vineyard the application is being assessed as a non-complying form of development.

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

(a) primarily sell and offer the tasting of wine that is produced located within the Barossa Valley Region

(b) not result in a gross leasable area greater than 25 square metres for the display and sale of any non-beverage or non-food items on the allotment

(c) not result in a gross leasable area greater than 250 square metres for wine tasting and retail sales (and this includes any retail sale of non-beverage or non-food items)

(d) not exceed a seating capacity for 75 persons.

The proposed cellar door sales outlet consists of a lower and upper level and will be used for the tasting and sale of wine that is produced in the Barossa Valley. The applicants propose to serve tasting platters for those customs who wish to sample produce grown in the Barossa Valley whilst tasting the wines available at the new facility. The facility provides for a food preparation room for the preparation of the tasting platters, however there will be no food cooked on the premises, just cheese platters. The area for food preparation is less than the suggested 25m².

The total area of the cellar door (lower and upper floor) is approximately 272m², which is slightly more than the suggested 250m², however trying to reduce the total area would impact on the design of the actual building and result in deleting some of the ancillary spaces such as the kids play room and the office component.

The proposed size of the new cellar door sales outlet is of adequate size to accommodate up to 75 persons and the applicant does not wish to entertain any more than the recommended number of persons at any one time, hence the proposal complies with PDC 7(d).

**PDC 10** Winery development should provide that all structures involving winemaking, wine storage, packaging and bottling are housed within enclosed buildings.

The proposed winery development is for wine maturation only as there will be no fruit crushed on the site, nor will the end product be bottled on the site as those activities will be done in other locations within the Barossa Valley, hence there will be no waste generated from the site. The wine maturation process will be undertaken in existing shedding located on the allotment.

The existing shedding located at the rear of the dwelling varies in wall height which is ideal for wine maturation to occur in both oak barrels and vertical stainless steel containers. However, I can confirm that all wine maturation will be undertaken within the existing shedding which is fully enclosed.

**PDC 13** Restaurants and cellar door sales outlets should:

(a) not be sited:

(i) within areas subject to inundation by a 1-in-100-year average return interval flood event or sited on land fill which would interfere with the flow of such flood waters

(ii) on land with a slope more than 20 per cent (1-in-5)

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

(i) dams or reservoirs that collect water flowing in a watercourse

(ii) lakes through which water flows

(iii) channels into which water has been diverted

(iv) any known underground seepage condition
(c) be setback a minimum of 50 metres from a road other than where occupying a local or state heritage listed building
(d) not result in ribbon development along roads
(e) maintain a clear delineation between urban and rural development.

The ‘subject land’ is not located within the North Para floodplain and the allotment is almost flat in topography and therefore the gradient of the land is much flatter than 1:5 slope. I can confirm there is no bores, wells, dams or watercourse on the allotment.

The existing dwelling that will be demolished to make way for the construction of the proposed new cellar door sales outlet is not listed as a local or state heritage building and therefore the setback for the proposed new facility will be in the approximate location as the existing dwelling and no closer to the Barossa Valley Way road boundary. The development site whilst abutting the Barossa Valley Way, the development north and south of the allotment are commercial in nature and in the majority associated with the wine industry or value adding activities, hence this development is a change in use from commercial activities to wine industry related activities and will not creating ribbon development as the existing commercial land use already exists.

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

There are two existing access points to the ‘subject land’, both off the Barossa Valley Way, one being to the existing dwelling which will be demolished as part of this application and a new cellar door sales outlet constructed in approximately the same location as the existing dwelling and the other providing access to the existing shedding (proposed winery) located at the rear of the allotment. As indicated previously the existing shedding will be used for the maturation of wine from grapes grown, crushed and bottled in the Barossa Valley. There is adequate manoeuvring area on the allotment in the vicinity of the existing shedding to allow all vehicles leaving the site to do so in a forward direction, thus provide the safe and efficient movement of traffic to and from the site.

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

The northern access to the site which will provide vehicle access to both the proposed winery and on-site carparking for staff and patrons to the cellar door sales outlet is 3.0m wide that will provide safe access for emergency service vehicles, if required. The existing southern access point which is associated with the existing dwelling will be deleted as it will no longer be required, thus reducing the number of access points from the subject land to the Barossa Valley Way.
6.0 - Conclusion:

As outlined in this document, notwithstanding the non-complying assignment of this application it is considered that the proposed development can operate with minimal impact on adjoining landowners in the immediate locality as the proposed land uses will be undertaken within the some of the existing built form and new cellar door sales outlet on the ‘subject land’.

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

- Access to the proposed winery and new cellar door sales outlet will be via the existing northern access to the property of Barossa Valley Highway. The southern access can be deleted which decreases the number of access points onto the Barossa Valley Way.

- The development site which is 8246m² in total area, has never been used for primary production or horticultural activities and therefore the proposed development does not remove any land from those activities.

- The change in use of the existing shedding to a winery does not require any increase in the footprint of the existing buildings, nor any changes to the external appearance of the same. The wine maturation will be undertaken within the existing buildings.

- The proposed development site is adequately serviced by public infrastructure to allow for the efficient operations of the proposed cellar door sales outlet and winery without requiring any upgrade to those services at the expense of the local community.

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

- The proposed cellar door sales outlet allows for the applicant to sell wine produced in the Barossa Valley to be sold to the public and other outlets as well as continuing to sell the wine via internet sales.

- The proposal will not inhibit the continuance of the existing lawful horticultural activities on the adjoining property to the north (Dorien Estate Winery) and the bed and breakfast facility directly south of the development site (Barossa House).

- Whilst the zone policy provisions suggest the establishment of a cellar door sales outlet or restaurants should be established on the same allotment and be ancillary use to a winery, this proposal complies with the envisage provisions.

The establishment of a new cellar door sales outlet on the ‘subject land’ is unlikely to detract from the areas visual amenity or surrounding primary production and horticultural activities. It will however provide employment opportunities and provides and opportunity for the applicants to sell wine produced under their own label to be sold to the public and wide community.

Taking into consideration the abovementioned merits of the proposal, the applicant seeks Council’s support for the proposal as outlined in this document and associated information and request the submission of a Statement of Effect for further assessment.

Trevor V White
Managing Director
MURP MPIA Grad Cert Bldg & Planning, Dip Bus
Mr Jake Boswell  
Development Officer - Planning  
Barossa Council  
PO Box 867  
NURIOOTPA SA 5355  

Dear Jake,

RE: DA 960/230/2020 REQUEST FOR ADDITIONAL INFORMATION DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A CELLAR DOOR SALES OUTLET AND CHANGE IN USE OF SHEDDING TO WINERY LOCATED AT 3000 BAROSSA VALLEY WAY AT TANUNDA (NON-COMPLYING).

Planning Solutions (SA) Pty Ltd has been engaged to act for AFT Lister Consulting Trust (Mr Damien Lister) to prepare a response and additional information requested in Council letter dated 1 June 2020.

The following documentation enclosed for further assessment and consideration:

**Issue 1:**
1. Full coloured elevation plans of the proposed cellar door.

**Response 1:**
Please find attached full coloured elevations of the proposed cellar door sales outlet where the following external finishes have been indicated:

- The external cladding of the majority of the proposed building will have an external finish in non-reflective colorbond ‘woodland grey’ with the proposed enclosed staircase in pillar box red (refer to attached Elevations Plan)

The applicants have also moved to the proposed cellar door sales outlet an additional 5 metres from the southern boundary of the subject land which now provides a setback of 10 metres from the southern boundary (refer to attached amended Site Plan).

**Issue 2:**
Detailed streetscape elevation plan of the proposed development

**Response 2:**
Please find attached a detailed streetscape elevation plan which provides the following detail:

- **Streetscape 1:** Provides a pictorial view of the proposed development (cellar door sales outlet) and the adjoining B & B Facility (Barossa House) located at 2972 Barossa Valley Way at Tanunda. Streetscape 1 shows what the development will look like with the existing mature trees in the front of the subject land being retained and forming part of the new land use.

- **Streetscape 2:** Provides the same pictorial view of the proposed development (cellar door sales outlet) and the adjoining B & B Facility (Barossa House) located at 2972 Barossa Valley Way at Tanunda. With the existing mature trees on both properties ghosted in the background to illustrate the height of both the buildings. It is noted that the building heights are the same.
and that the B & B facility located at 2972 Barossa Valley Way is actually a 2 storey building where the second floor is hidden by the steep pitch of the roof on the B & B facility. Refer photograph below that has been taken from the rear of the subject land showing the second storey on the adjoining property.

PHOTOGRAPH No 1

Photograph taken from the rear of the subject land showing the second storey accommodation within the roof space of the existing ‘Barossa House’ B & B facility. The height of both buildings as shown in the Streetscapes are the same height and the proposed cellar door sales outlet has been moved an additional 5 metres from the southern boundary of the allotment.

Photograph provided by Planning Solutions (SA) Pty Ltd 7 July 2020

**Issue 3:**

*Confirmation of the amount of wine to be stored on site*

(Note that minimum bunding requirements will be applicable and should be considered)

**Response 3:**

After consultation with the applicants it has been determined that the maximum volume of wine that would be stored in the existing shedding in vertical stainless steel storage vessels would be 50,000 litres of wine.

The proposed storage area within the existing shedding that will be used for wine maturation is approximately 250m² and the applicant proposes to construct a 250mm high concrete upstand to contain the wine should all of the wine stored drain from the vessels.

The EPA requirement indicated that 120% of the storage volume needs to be catered for in the bunded area. Therefore, if we take the following:

\[
250m^2 \times 0.25m \text{ (upstand)} = 62.50m^3.
\]
There are 1000 litres of wine per cubic metre. Hence $62.50 \times 1000 = 62,500$ litres.

Maximum storage capacity 50,000 litres and the bunded area has the capacity of 62,500 litres and therefore the bunded area has 125% of the proposed maximum storage capacity, which has a greater capacity than the EPA requirements.

**Issue 4:**

*Please provide details on the noted scope of ‘events’ that may occur at this site, and whether this development application includes frequent events and/or functions within its scope.***

**Response 4:**

I have discussed the scope of the ‘events’ that may occur on site with the applicant who has confirmed there will be no other events outside the normal wine tasting.

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

[Signature]

**Trevor V White**

Managing Director

MURP MPIA Grad Cert Bldg & Planning, Dip Bus

att: Documentation listed above

cc: Mr Damien Lister, PO Box 188, ANGASTON SA 5353.
STATEMENT of EFFECT

Demolition of an existing dwelling and change in use of existing shedding to a winery and construction of a new cellar door sales outlet (non-complying) located on Allotment 303 (DP79703), 3000 Barossa Valley Way at TANUNDA SA

Prepared for

AFT Lister Consulting Trust
(Mr Damien Lister)

December 2020
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1.0 - LEGISLATIVE REQUIREMENTS:

Planning Solutions (SA) Pty Ltd, Rural and Urban Planners have been engaged to act for the Applicants (AFT Lister Consulting Trust – Mr Damien Lister) the current owners of the 'subject land' contained in the Certificate of Title Volume 6130 Folio 480, being identified as Allotment 303 in Deposited Plan 79703, Hundred of Moorooroo, in an area known as Tanunda.

The applicants seek Development Plan Consent for the demolition of an existing dwelling and change in use of existing shedding to a winery and construction of a new cellar door sales outlet (non-complying) 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 and letter dated 02 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 impact that the proposal may have on the adjoining landowners by considering the location, building type and colour scheme of the proposed new cellar door sales facility, considering the existing use is for the manufacturing of cemetery headstones which has a significant noise component attached to the use.
- I have considered the benefits to the applicants of being able to undertake the maturation of wine on the site, have the wine bottled in the Barossa Valley after maturation and then sampled and sold through the proposed new cellar door sales outlet on the same site.
- I have considered the proposal against the relevant General Module and Zone provisions, contained in Council's current Development Plan (5 September 2019 - consolidation).
2.0 - SUBJECT LAND:

The 'subject land' is located on the northern periphery of the township of Tanunda, between the townships of Tanunda and Nurioo and is identified as allotments 303 in Deposited Plan 79703, Hundred of Moorooroo in the area known as Tanunda and is contained within Certificate of Title Volume 6130 Folio 480 (a copy of the Certificate of Title is attached in Appendix 'B').

Allotment 303 is best described as being ‘hammerhead’ in shape with a consolidated frontage to Barossa Valley Way of 42.15 metres and a total area of 8246m² and an average depth of approximately 129.94 metres.

Access to the proposed new cellar door sales outlet and winery will be gained off Barossa Valley Way, via the existing access point located near the northern boundary to the allotment. There is however a second access that provides vehicle access to the existing single storey detached dwelling, which will be closed, thus reducing the number of access points from the subject land to the Barossa Valley Way.

The ‘subject land’ at the time of writing this Statement of Effect contained a single storey detached dwelling (which is currently leased on a short term basis), multiple shedding that have been added to over time and are of various heights and an area allotment near the southern and eastern boundaries that have native vegetation that will not be affected by the change in use application or the construction of the proposed new cellar door sales outlet. The existing dwelling will be demolished, and a new cellar door sales outlet will be constructed in approximately the same location as the existing dwelling. The new cellar door sales outlet will also be used for the storage of wine, sampling and sales to the general public and administration of the proposed new land uses (refer to concept plans attached in Appendix ‘E’).

The existing shedding will be used for the maturation of wine that will be stored in a combination of vertical stainless steel maturation tanks, whilst other wine will be stored in oak wine barrels during the maturation process (refer to attached concept plans for the location of the proposed winery and cellar door sales outlet).

The existing allotment is fenced partly on the northern boundary, near the rear of the allotment with 1800mm high security fencing. The same style fencing is on the eastern boundary and portion of the southern boundary. The front portion of the southern boundary has traditional hedging, whilst the western or front boundary is unfenced. This application requires no changes to the existing fencing and is consistent with many of the properties in the immediate locality of the ‘subject land’.

3.0 - LOCALITY:

The 'subject land' is contained entirely within the Primary Production (Barossa Valley Region) Zone as defined on Zone Map Baro/1 of the Barossa Council Development Plan (5 September 2019 – consolidation), that is characterised by open undulating terrain combined with isolated stands of natural vegetation and scattered dwellings and farm buildings. The zone is the most intensive and historic viticulture land use in the region which was 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 site that is the subject of this development application for the demolition of an existing dwelling, construction of a new cellar door sales outlet in the approximately the same location as the existing dwelling and the change in use of existing shedding to a winery is bounded by Murray Street, Diagonal Road and Siegersdorf Road area which contains the well-known Barossa House, Dorien Estate Winery, Caltex Nurioo and 24 hour fuel, Barossa Trading and Bottling Company and until recently Vater Machinery outlet. All the other parcels of land within the triangle are planted with vines.
Beyond the immediate locality land is divided into varying parcels that are primarily used for the growing of vines with some parcels also including built form associated with either wine production or the sale of wine through outlets such as cellar door sales facilities. Located to the south of the site is the northern periphery of the Tanunda township. The 'subject land' is located within the Character Preservation District which has been established to prevent the continual encroachment of residential and commercial development into the land used for wine production.

The policy provisions attached to the Character Preservation District are significant and defined and when the Objectives and or Principles of Development Control that apply in relation to the Character Preservation District shown on the Overlay are in conflict with the relevant General Section Objectives and/or Principles of Development Control in the Development Plan, the Overlay will prevail.

The objectives of the Character Preservation District are quite focused on limiting development to defined areas, limiting the expansion of rural living areas, preserving rural and scenic landscapes, ensuring the long term use of land for primary production and associated value adding activities and ensuring residential development is contained within the existing township and settlement boundaries.

**In summary**, the current land use (commercial) on the ‘subject land’ involved the manufacture of cemetery headstones, along with headstone inscriptions which were undertaken outside what was deemed to be normal business hours, which had significant impact on existing b & b facility (Barossa House) which is located directly south of the subject land. The proposed demolition of the existing dwelling and the construction of a new cellar door sales outlet and winery (wine maturation) will have less impact than the current land use. The maturation of wine takes between 12 to 18 months duration and hence once the wine is bought to the site, there is minimal vehicle and other activities until the process is completed, except for regular inspections by the winemaking staff to ensure the process is operating as required.

The proposed cellar door sales outlet, whilst proposed to operate 7 days a week will operate between what is deemed to be normal business hours and therefore will have little impact on patrons using the overnight accommodation offered at Barossa House.

**4.0 - PROPOSAL:**

The applicant seeks **Development Plan Consent** for the demolition of the existing dwelling and the construction of a new cellar door sales outlet that will be constructed in approximately the same location as the existing dwelling where the new cellar door sales outlet will also be used for the storage of wine and administration of the proposed new land uses.

In addition, the existing shedding will undergo a change in land use from commercial/industrial to a winery for the maturation of wine that will be stored in a combination of vertical stainless steel maturation tanks, whilst other wine will be stored in oak wine barrels during the maturation process (refer to **attached** concept plans for the location of the winery and cellar door sales outlet). The proposed new land uses will be located on Allotment 303 in Deposited Plan 79703, Hundred of Moorooroo in an area known as Tanunda.

The 'subject land' is contained entirely within the Primary Production (Barossa Valley Region) Zone as defined on Zone Map Baro/1 of the Barossa Council Development Plan (5 September 2019 – consolidation). The demolition of the existing dwelling and the construction of a new cellar door sales outlet in approximately the same location as the dwelling and the change in use of the existing shedding to a winery has been deemed to be a non-complying form of development within the zone as there is not the required minimum of 4 hectares of vineyards located on the allotment.
Proposed Cellar Door Layout:
The proposed new cellar door sales outlet is a single storey building (similar to the existing dwelling, with a small viewing area on a portion of the proposed roof so that patrons are able to enjoy a glass of wine whilst watching the sunset over the surrounding vineyards.

For the layout for the proposed cellar door sales outlet, refer to the attached concept plans in Appendix ‘E’.

Lower Level:
- Decking on the western, southern and portion of the northern aspect of the proposed new building;
- Undercover and open area seating (outdoor seating when weather conditions allow);
- Entry and staircase leading from the ground to the small viewing area at roof level;
- Unisex disabled toilet, plus a single male and female WC;
- Bar Area, including storage and refrigeration.
- Food preparation area/storage area;
- Kids Play Area; and
- Office for new land use administration.

Upper Level (Roof Level):
- Small viewing area at roof level to allow patrons to enjoy a glass of wine whilst watching the sunset over the surrounding vineyards (weather permitting)

Proposed Winery:
The existing shedding located at the rear of the proposed new cellar door sales outlet will be converted to a winery where the applicant will provide vertical storage and wooden oak kegs for the maturation of wine. There is no vineyard associated with the proposed winery, however the grapes are grown and crushed within other facilities within the Barossa Valley. At the end of the maturation process which can take up to 12 to 18 months complete, the finished product will be also bottled in the Barossa Valley where the bottled wine will be bought back to the cellar door sales outlet for sale to clients and patrons.

Depending on the success of the new land uses the applicant plans to construct a new maturation and wine storage shed located near the eastern boundary of the allotment. The proposed new shed will measure approximately 10m wide x 40m long x 6m wall height. However, the future shedding will be the subject of a separate development application and the success of the proposed new land uses.

Site Access:
There are 2 existing access points off the Barossa Valley Way. One of the access points is associated with the existing dwelling and provided access to the existing garage located under the main roof of the dwelling. However, in recent time the existing garage has been used for an enclosed entertaining area. With the development of the proposed new cellar door sales outlet, this access point will not be required.

The second access point which is located closer to the northern boundary of the allotment provides access to the existing shedding (proposed winery) and to the rear of the proposed new cellar door sales outlet and Stage 2 of the overall development (construction of additional shedding) for wine maturation. The northern access point will also provide access to the proposed on-site client and staff carparking area that will be located at the rear of the proposed new facility (refer to plans attached in Appendix ‘E’ for the location of the proposed on-site carparking spaces).
The proposed new development will remove the existing access point to the existing dwelling thus reducing the number of access points from the development site to the Barossa Valley Way. Limiting the number of access points provides for safer and more efficient movement of vehicles to and from the site.

Reference has been made to Table Baro/1 – Off Street Vehicle Parking Requirements however, there is no specific requirements for a cellar door sales outlet. Considering the size of the proposed cellar door sales outlet indoor floor area (approximately 188.52m²) the applicant proposes to provide 13 dedicated carparking spaces. For the calculation of the proposed carparking spaces the area of decking has not been considered as this area is really only usable during fine weather conditions. However, should the success of the proposed new cellar door sales outlet require additional carparking spaces, then the allotment od of adequate size and configuration to allow random on-site parking.

The allotment is also 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 from the site onto the adjoining public road (Barossa Valley Way).

**Stormwater Management:**

The built form on the site is connected to an existing stormwater drainage system, where the overflow from the existing system discharges to the existing unlined drainage swale located on the eastern side of the Barossa Valley Way.

As the change in use of the existing shedding to winery (wine maturation) requires no changes to the existing building footprint then the change in use will have no impact of the existing stormwater management system associated with the existing shedding. Considering the proposed new cellar door sales outlet has approximately the same roof area as the existing dwelling to be demolished, then the new facility will also be connected to the existing stormwater management system associated with the existing dwelling.

In the event that the existing drainage system is unable to cope with the new land uses, for whatever reason, the pressure will be taken off the existing system by the installation of a new 5000 litre aboveground rainwater storage tank that will store harvested rainwater from the proposed new cellar door sales outlet with the overflow from the proposed storage tank being piped to the existing drainage system located on the eastern side of the Barossa Valley Way.

Should the new tank be required then the colour of the proposed new rainwater storage tank will be the same colour as the external cladding of the proposed new cellar door sales outlet (colorbond ‘paperbark’).

**Operating Hours:**

With the demolition of the existing dwelling and the construction of a new cellar door sales outlet in approximately the same location as the existing dwelling, including the proposed winery will operate within the following hours:

- Monday to Friday - 8.00am to 5.00pm
- Saturday – 8.00am to 5.00pm
- Sunday and Public Holidays – 9.00am to 4.00pm

The proposed operating hours are deemed to be within normal business hours.

**Employment Opportunities:**

The proposed new cellar door sales outlet and winery will provide an opportunity to employ 2 permanent staff on a roster system in addition to the 2 permanent staff (applicant and 1 family member).
In addition, the proposed winery (wine maturation) will employ 1 permanent and 2 casual staff members who will be responsible for the maturation process and the bottling of the wine at the appropriate time making 5 additional staff overall.

Vehicle Movements:
The development of the new cellar door sales outlet will allow wine produced by the applicants to be sold to the public through the cellar door sales outlet as well as the continuance of their current internet sales process in selling wine to other outlets and individuals.

The applicant has also provided the following traffic movement figures associated with the proposed new land uses:

The Winery (wine maturation):
- The largest vehicle that will be used to bring wine to the site for maturation will be a semi-trailer with 1 vehicle movement per month.
- Inspection of maturation process – will be undertaken by the winemaker using a normal 4WD, which will be undertaken on a weekly basis.

Cellar Door Sales Outlet
- Cartons of wine being delivered the cellar door sales outlet would be on an as needs basis, however this process would be undertaken by a local courier van.
- Located on the northern aspect of the allotment and behind the proposed new cellar door sales outlet there is 13 dedicated on-site carparking spaces for both staff and customer parking. However, should there be period of peak demand for special events or promotions, there is ample area on the site in the vicinity of the proposed new facility to cater for the random parking of any additional parking requirements.

There is adequate room at the rear of the proposed new cellar door sales outlet for the parking for disabled persons, without providing a dedicated carparking space.

The surface of the existing access road, carparking areas and manoeuvring areas are constructed of compacted quartzite crushed rock which provides and all-weather surface and will be refurbished to eliminate low spots prior to the operation of the new land uses.

Once the maturation process is completed and the finished product is ready for bottling there will be approximately 4 tankers to remove the wine over a 3-4 week period for bottling.

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.

External Colour Scheme:
The external colour scheme to the proposed new cellar door facility will be predominantly colorbond ‘paperbark’ with the encased staircase being in colorbond ‘olive green’. The lighter colour scheme has been selected as it will blend more sympathetically with the existing surrounds. The existing external colour scheme as been discussed and agreed with Council’s Planning staff.

Bushfire Protection Area:
The ‘subject land’ (Allotment 303) is located within the Medium Bushfire Protection Area as defined on BPA Map Baro/L in Councils Development Plan (5 September 2019 – consolidation). As such there is no mandatory requirements for the development proposal to be referred to the CFS under Schedule 8 of the Development Regulations 2008.
Trade Waste:
The applicant processes to store up to 50,000 litres of wine for maturation in the following containers:
25,000 litres in 300 oak barrels with each barrel containing 83 litres;
27,500 litres in vertical stainless steel tank in the following volumes:
- 1 – 2,500 litre tank
- 1 – 5,000 litre tank; and
- 2 – 10,000 litre tanks

The footprint of the proposed vertical vessels is listed below:

<table>
<thead>
<tr>
<th>Size (litres)</th>
<th>øEF</th>
<th>hp</th>
<th>hv</th>
<th>H</th>
<th>H TOT</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,500</td>
<td>1.190m</td>
<td>0.500m</td>
<td>2.000m</td>
<td>2.500m</td>
<td>2.795m</td>
<td>1.20m²</td>
</tr>
<tr>
<td>5,000</td>
<td>1.430m</td>
<td>0.500m</td>
<td>3.000m</td>
<td>3.500m</td>
<td>3.865m</td>
<td>1.43m²</td>
</tr>
<tr>
<td>10,000</td>
<td>2.100m</td>
<td>0.625m</td>
<td>3.000m</td>
<td>3.625m</td>
<td>4.155m</td>
<td>2.10m²</td>
</tr>
</tbody>
</table>

Using the tank storage listed above then the total area occupied by the vertical tank storage within the existing shedding is 6.83m², compared to the total floor area of the existing shedding is approximately 450m², then the tank storage will occupy a small area of the existing building.

If all of the stored wine were to leak from the vertical vessels and oak kegs onto the existing concrete floor (450m²) at the same time, then the applicant proposes to construct a 200mm high concrete bund around the internal perimeter of the floor area, thus providing a storage volume of 90m³ (cubic metres). Based on 1000 litres per cubic metre, then the bunded capacity could cater for 90,000 litres, which is almost twice the stored volume (180%), which is also greater than the 120% required by the EPA.

Rinse water used for the cleaning of the vertical wine storage vessels used for the maturation of the wine. This rinse water will be removed from the site by a tanker and disposed in accordance with current environmental regulations, however, this waste water will not be disposed of on-site.
5.0 – NATURE & CLASSIFICATION OF DEVELOPMENT:

The nature & classification for the demolition of an existing dwelling and change in use of existing shedding to a winery and construction of a new cellar door sales outlet (non-complying) is based on the following:

The 'subject land' is contained entirely within the Primary Production (Barossa Valley Region) Zone as defined on Zone Map Baro/1 of the Barossa Council Development Plan (5 September 2019 – consolidation), that promotes intensive and historic viticulture land use in the region occurs 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.

Reference has been made to the Procedural Matters of the Primary Production (Barossa Valley Region) Zone which states the following in reference to a winery and cellar door sales outlet within the zone. All development within the Primary Production (Barossa Valley Region) Zone which states the following:

<table>
<thead>
<tr>
<th>Form of Development</th>
<th>Exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cellar door sales outlet</td>
<td>Cellar door sales outlet where:</td>
</tr>
<tr>
<td></td>
<td>(a) the tasting of wine and retail sale of wine are the predominant activities</td>
</tr>
<tr>
<td></td>
<td>(b) it is established on the same allotment as a winery and vineyard, where the vineyard is at least 5000 square metres in area</td>
</tr>
<tr>
<td></td>
<td>(c) it does not result in a gross leasable area of greater than 250 square metres for wine tasting and retail sales on the allotment (and this includes any retail sale of non-beverage or non-food items)</td>
</tr>
<tr>
<td></td>
<td>(d) the method of waste water disposal does not involve the storage of wastewater in holding tanks</td>
</tr>
<tr>
<td></td>
<td>(e) the development is setback at least 25 metres from a bore, well or watercourse identified as a blue line on a current series 1:50 000 Government standard topographic map or where there is observed a clearly defined bed and banks in which water may flow at any time</td>
</tr>
<tr>
<td></td>
<td>(f) no part of the development is undertaken in areas subject to inundation by 1-in-100-year average return interval flood or sited on land fill that would interfere with the flow of such flood waters.</td>
</tr>
</tbody>
</table>

Winery on an allotment with at least 4 hectares of vineyard or where located in Nuriootpa Sturt Highway Policy Area 13, where:

(a) it includes at least one of the following activities associated with the making of wine:
(i) grape crushing
(ii) fermentation of grape product
(iii) wine maturation

(b) if the processing of grapes or grape products exceeds the equivalent of a 500-tonne crush per annum, the method of waste water disposal does not involve the storage of waste water in holding tanks
The allotment is located and entirely contained within the Primary Production (Barossa Valley Region) Zone which states the following in relation to the demolition of the existing dwelling and the construction of a new cellar door sales outlet and the change in use of the shedding to a winery. 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 that apply in relation to the Character Preservation District shown on this Overlay are in conflict with the relevant General Section Objectives and/or Principles of Development Control in the Development Plan, the Overlay will prevail.

Whilst the existing shedding on the allotment will be used for the maturation of wine in both oak barrels and stainless steel vertical storage there is no vineyards on the allotment and as such the change in use of the existing shedding (previously used as a commercial use) will be assessed as a non-complying form of development.

The existing dwelling on the ‘subject land’ will be demolished and a new cellar door sales outlet will be constructed in approximately the same location as the existing dwelling. The proposed new cellar door sales outlet will be two storey and also contain wet areas, food preparation area, kids playroom, bar areas and office facility for the administration of the proposed new facility and land uses. The tasting and retail of wine will be the predominant activity of the site as the maturation process once established can last between 12 and 18 months before the wine is bottled.

The cellar door sales outlet will be located on the same allotment as the winery. The area dedicated for the cellar door sales outlet is approximately 188.52m² which is less than the suggested maximum of 250m². The wastewater generated from washing the stainless-steel vertical storage will be collected at the time of washing by a waste collection contractor and disposed of in an approved manner, there will be no wastewater stored on the site in holding tanks.

I can also confirm there is no bore, well or watercourse located on the allotment as defined on 1:50,000 topographic map. However, as there is no vineyard contained on the ‘subject land’ the application for the winery and the cellar door sales outlets will be assessed as a non-complying form of development.

Reference has been made to the Public Notification section of the Primary Production (Barossa Valley Region) Zone to determine the category of development for the purposes of public notification. Councils Development Plan is silent in this area and hence reference has been made to Schedule 9 of the Development Regulations 2008, which states the following in relation to the demolition of the existing dwelling and the construction of a new cellar door sales outlet and winery located on allotment 303, 3000 The Barossa Valley Way at Tanunda.

**Schedule 9 — Public notice categories**

Pursuant to section 38 of the Act, the assignment by these regulations of a form of development to Category 1 or Category 2 is subject to any assignment provided by the relevant development plan.
The assignment of various forms of development to Category 1 does not extend to developments that involve, or are for the purposes of, any activity specified in Schedule 22 (see regulation 32).

**Part 1—Category 1 development**

3 Any development classified as non-complying under the relevant Development Plan which comprises—

(a) the alteration of, or addition to, a building which, in the opinion of the relevant authority, is of a minor nature only; or

(b) the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used, and which constitutes, in the opinion of the relevant authority, development of a minor nature only; or

(c) the division of land where the number of allotments resulting from the division is equal to or less than the number of existing allotments

The proposed development fails to satisfy any of the above exceptions for a non-complying form of development and therefore cannot be treated as a Category 1 kind of development for the purposes of public notification and will therefore be treated as Category 3.

**In summary,** the proposal for the demolition of the existing dwelling and the construction of a new cellar door sales outlet and the establishment of a winery in the existing shedding for the maturation of wine allotment 303 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 entirely contained within the Primary Production (Barossa Valley Region) Zone as defined on Map Baro/1 of the Barossa Council Development Plan (5 September 2019 – consolidation).

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.

Primary Production (Barossa Valley Region) Zone:
- Objectives: 4 and 5
- Principles of Development Control: 4, 7, 10, 13, 16 and 17

General Modules:
- Design and Appearance:
  - Objectives: 1
  - Principles of Development Control: 1, 3, 5, 7, 9, 14, 15 and 17
- Energy Efficiency:
  - Objectives: 1
  - 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: 2, 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 (Barossa Valley Region) Zone:**

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

*Objective 5* Winery and small-scale tourist facilities only where the character and function of viticulture activities are not adversely affected.

The ‘subject land’, which is 8246m² in total area and contains a reasonable area of existing vegetation has never been used for either primary production or horticultural activities. There is also not enough land area to meet the 4 hectares of vineyards to remove the application from being assessed as a non-complying form of development. However, the proposed development is in keeping with the other land use activities in the immediate locality, such as the Dorien Estate Winery directly north of the subject land and just south of the site is the Barossa Trading and Bottling Company. Hence the proposed winery (wine maturation) and cellar door sales outlet is in keeping with the objective for winery and small scale tourist facilities envisaged for the zone.

**PDC 4** A winery should be established on an allotment with at least 4 hectares of vineyard and involve at least one of the following activities:

(a) grape crushing  
(b) fermenting of grape product  
(c) wine maturation,

and may include any of the following as accessory and subordinate activities:

(i) administration  
(ii) bottling  
(iii) packaging  
(iv) warehousing for the store of wine  
(v) waste treatment, storage, reuse and disposal.

The development proposal does not have a 4 hectare vineyard; however, the existing shedding will undergo a change in use and be used for wine maturation in a combination of wooden oak barrels and vertical stainless steel storage. The proposed new cellar door sales outlet will have an office for the administration of the proposed new land uses. As the proposed development does not have the required vineyard the application is being assessed as a non-complying form of development.

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

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

The proposed cellar door sales outlet is a single storey building with an enclosed staircase that allows patron access to a small viewing area at roof level where they are able to enjoy the views to the west whilst watching the sunset.
The applicants propose to serve tasting platters for those customs who wish to sample produce grown in the Barossa Valley whilst tasting the wines available at the new facility. The facility provides for a food preparation room for the preparation of the tasting platters, however there will be no food cooked on the premises, just cheese platters. The area for food preparation is less than the suggested 25m².

The total area of the cellar door (lower and upper floor) is approximately 188.52m², which is less than the suggested 250m², however the proposed decking which is almost at ground level has not been included in the total floor area as this area is only usable during periods of fine weather.

The proposed size of the new cellar door sales outlet is of adequate size to accommodate up to 75 persons and the applicant does not wish to entertain any more than the recommended number of persons at any one time, hence the proposal complies with PDC 7(d).

**PDC 10** Winery development should provide that all structures involving winemaking, wine storage, packaging and bottling are housed within enclosed buildings.

The proposed winery development is for wine maturation only as there will be no fruit crushed on the site, nor will the end product be bottled on the site as those activities will be done in other locations within the Barossa Valley.

The only wastewater that will be generated from the site is listed below:

- Rinse water from the washing of glasses and plates used for cheese platters;
- Wastewater from the proposed female, male and unisex Disabled toilet facilities; and
- Rinse water used for the cleaning of the vertical wine storage vessels used for the maturation of the grape juice. This rinse water will be removed from the site by a tanker and disposed in accordance with current environmental regulations.

It should also be noted that there will be no waste generated from the crushing, fermenting or the bottling of wine as all of those activities will be undertaken off site. Hence, there is no waste generated on the 'subject land' through the processing of grapes associated with the winemaking process.

The existing shedding located at the rear of the dwelling varies in wall height which is ideal for wine maturation to occur in both oak barrels and vertical stainless steel containers. However, I can confirm that all wine maturation will be undertaken within the existing shedding which is fully enclosed.

**PDC 13** Restaurants and cellar door sales outlets should:

(a) not be sited:

(i) within areas subject to inundation by a 1-in-100-year average return interval flood event or sited on land fill which would interfere with the flow of such flood waters

(ii) on land with a slope more than 20 per cent (1-in-5)

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

(i) dams or reservoirs that collect water flowing in a watercourse

(ii) lakes through which water flows

(iii) channels into which water has been diverted

(iv) any known underground seepage condition

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

(d) not result in ribbon development along roads

(e) maintain a clear delineation between urban and rural development.
The ‘subject land’ is not located within the North Para floodplain and the allotment is almost flat in topography and therefore the gradient of the land is much flatter than 1:5 slope. I can confirm there is no bores, wells, dams or watercourse on the allotment.

The existing dwelling that will be demolished to make way for the construction of the proposed new cellar door sales outlet is not listed as a local or state heritage building and therefore the setback for the proposed new facility will be in the approximate location as the existing dwelling and no closer to the Barossa Valley Way road boundary. The development site whilst abutting the Barossa Valley Way, the development north and south of the allotment are commercial in nature and in the majority associated with the wine industry or value adding activities, hence this development is a change in use from commercial activities to wine industry related activities and will not creating ribbon development as the existing commercial land use already exists.

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

There are two existing access points to the ‘subject land’, both off the Barossa Valley Way, one being to the existing dwelling which will be demolished as part of this application and a new cellar door sales outlet constructed in approximately the same location as the existing dwelling and the other providing access to the existing shedding (proposed winery) located at the rear of the allotment. The southern access point that services the existing dwelling will be removed, thus decreasing the number of access points onto the Barossa Valley Way.

As indicated previously the existing shedding will be used for the maturation of wine from grapes grown, crushed and bottled in the Barossa Valley. There is adequate manoeuvring area on the allotment in the vicinity of the existing shedding to allow all vehicles leaving the site to do so in a forward direction, thus provide the safe and efficient movement of traffic to and from the site.

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

The northern access to the site which will provide vehicle access to both the proposed winery and on-site carparking for staff and patrons to the cellar door sales outlet is 3.0m wide that will provide safe access for emergency service vehicles, if required. The existing southern access point which is associated with the existing dwelling will be deleted as it will no longer be required, thus reducing the number of access points from the subject land to the Barossa Valley Way.

General Modules:

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.

PDC 1 The design of a building may be of a contemporary nature and exhibit an innovative style provided the overall form is sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials and colour.

PDC 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 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.

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

PDC 14 Development should be designed and sited so that outdoor storage, loading and service areas are screened from public view by an appropriate combination of built form, solid fencing and/or landscaping.

PDC 15 Outdoor lighting should not result in light spillage on adjacent land.

PDC 17 The setback of buildings from public roads should:
(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
(b) contribute positively to the streetscape character of the locality
(c) not result in or contribute to a detrimental impact upon the function, appearance or character of the locality.

This proposal will see the demolition of an existing single storey detached dwelling and replaced with a single storey cellar door sales facility which has been professional designed by Amanda Schmidt Design and Drafting Services of Angle Vale and consists of the following areas:

- A lower level floor area (building area) of approximately 188.52m²;
- Timber decking located on the northern, western and southern aspects of the proposed new building of approximately 147.64m²; and
- An upper floor level Viewing Terrace of approximately 44.08m².

Refer to Concept Plans attached in Appendix ‘E’ of this document.

Other aspects of the proposed cellar door sales facility are listed below and have been negotiated with Council:

- The design of the proposed new building has been revised from 2 storey to a single storey building in a ‘L’ shaped configuration;
- Located in the north-eastern corner of the building are all of the wet areas, including male, female and a unisex disabled WC;
- The main access to the proposed new cellar door sales facility is located on the northern aspect of the building through 2/820mm wide doors that also provides adequate access for disabled persons.
- Located on the western aspect of the proposed new building is a bank of 3 sets of bifold doors (each containing 4 doors) that during period of fine weather can be opened to allow easy access to the proposed timber decking on the northern, western and southern aspects of the building.
- The orientation of the proposed building is predominantly facing west and therefore the applicant also proposes to install a pergola over portion of the decking on the western aspect so that patrons will be able to sit and capture the view of the existing vineyards whilst watching the sun set in the west. Over the proposed pergola the applicant proposes to grow fruitless grape vines to provide some shed for the patrons.
- The unique feature of the proposed new cellar door sales facility is that there is a dedicated ‘kids play area’ that allows parents to enjoy a glass of wine whilst the children can play and entertain themselves in this dedicated area – thus making the facility family friendly.
Another unique feature of the building design is the enclosed staircase that leads to a small viewing terrace on the upper level, which again is an area where patrons can enjoy a glass of wines whilst absorbing the views over the vineyards and surrounds.

The overall height of the proposed new building to the top of the handrails on the upper level viewing terrace is 4.350 metres in height, which is less than the 6.000 metres suggested in the policy for the zone;

The external finish of the proposed new cellar door sales facility will have a combination of steel wall cladding in colorbond ‘paperbark’ and hardwood timber cladding laid horizontally, timber decking and portions of the building such as the enclosed stair case being finished in colorbond ‘olive green’.

The external finish to the building is in a non-reflective finish.

The size of the proposed new building is commensurate with the size of the ‘subject land’ and has incorporated variations in fascade with the use of a rustic timber pergola which provides the applicant with the opportunity to grow grape vines or other plants that can be interlaced and entwined with the rustic timber elements.

The existing colour scheme (colorbond ‘paperbark’ and ‘olive green’) has been agreed with Council Planning Staff and also provides a soft appearance to the building and when combined with the rustic timber pergola blends with the natural environment in the immediate locality. The proposed colour scheme and the rustic timber appearance significantly reduces the visual impact that the proposed new building will have on adjoining landowners and when viewed from the Barossa Valley Road.

Whilst the proposed new cellar door sales outlet has been designed as an ‘L’ shaped building there is the ability for the applicant to install photovoltaic cells on portion of the proposed roof thus increasing the opportunity for the use of more renewable energy sources during construction of in the near future.

The proposed cellar door sales outlet will not compromise the intent of the Primary Production (BVR) Zone in so far that it will:

The proposal allows the following:

- The continuance of the lawful winery activities on adjoining land to the north and a reduction in impact on the continuance of Barossa House to the south.

- Allows the applicants to make use of the existing shedding on the site for wine maturation which is a low impact activity.

- Whilst the proposed land uses are deemed to be a non-complying form of development within the current policy provisions for the existing zoned land, the proposed activities will have minimal impact on adjoining landowners and is more in keeping with land uses in the immediate locality of the subject land than the existing commercial activity.

- Allows the applicants to produce more wine under their own label and sell that product to the public via internet sales or attendance at the proposed new cellar door sales outlet.

- The proposed new cellar door sales outlet will have an external colour scheme that is commensurate and blends with the environment in the immediate locality.

- The development proposal will have no impact on existing Council infrastructure or public utilities to the extent that they need to be upgraded at the expense of the local community.

- The proposed cellar door sales outlet allows for the applicant to expand their wine marketing ability but being able to sell wine through the proposed new cellar door sales outlet, rather than just being limited to internet sales.
The existing dwelling will be demolished and a new cellar door sales outlet with be constructed in approximately the same location as the existing dwelling. The new cellar door sales outlet will also be used for the storage of wine and administration of the proposed new land uses. The existing shedding will be used for the maturation of wine that will be stored in a combination of vertical stainless steel maturation tanks, whilst other wine will be stored in oak wine barrels during the maturation process (refer to attached plans for the location of the proposed winery and cellar door sales outlet).

Beyond the immediate locality land is divided into varying parcels that are primarily used for the growing of vines with some parcels also including built form associated with either wine production or the sale of wine through outlets such as cellar door sales facilities. Located to the south of the site is the northern periphery of the Tanunda township. The ‘subject land’ is located within the Character Preservation District which has been established to prevent the continual encroachment of residential and commercial development into the land used for wine production.

The current land use (commercial) on the ‘subject land’ involved the manufacture of cemetery headstones, along with headstone inscriptions which were undertaken outside what was deemed to be normal business hours, which had significant impact on Barossa House which is located directly south of the site. The proposed demolition of the existing dwelling and the construction of a new cellar door sales outlet and winery (wine maturation) will have less impact than the current land use. The maturation of wine takes between 12 to 18 months duration and hence once the wine is bought to the site, there is minimal vehicle and other activities until the process is completed.

The proposed cellar door sales outlet, whilst proposed to operate 7 days a week will operate between what is deemed to be normal business hours and therefore will have little impact on patrons using the overnight accommodation offered at Barossa House.

The existing shedding that will be used for the wine maturation is lad in corrugated galvanised iron sheeting and as the maturation process will be undertaken within the existing shedding there will be no changes to the external appearance of the existing shedding.

**Energy Efficiency:**

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

**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 existing building that will be used for wine maturation has an east-west orientation which provides an ideal opportunity for the applicant to install photovoltaic cells on both the north and south facing aspects of the existing gable roofing. The installation of the photovoltaic cells will allow the applicants to supplement energy usage with renewable energy, thus limiting to reliance on fossil fueled energy.
Whilst the proposed new cellar door sales outlet has been designed as an ‘L’ shaped building there is the ability for the applicant to install photovoltaic cells on portion of the proposed roof thus increasing the opportunity for the use of more renewable energy sources during construction of in the near future.

**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.

**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.

**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 ‘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 not mandatory referral required to the CFS under Schedule 8 of the Development Regulations 2008. The existing northern access off Barossa Valley Road will provide access to both the on-site carparking spaces and the vehicles manoeuvring area for the wine maturation is more than 3.000 metres wide which will allow for the efficient and effective movement of emergency services vehicles, should the need arise (refer to attached photographs in Appendix ‘A’).

As the development site has been used in the past for a commercial activity the access and the vehicle manoeuvring area has been constructed with compacted crushed rock material and therefore the existing natural and uniform topography of the allotment in the vicinity of the existing shedding, access track and carparking area there was minimal cut and fill operations required for the construction of the proposed new cellar door sales facility, associated access and carparking areas.
The only wastewater generated from the proposed cellar door sales outlet will be through the washing of glasses, washing of plates used for cheese platters and the female, male and unisex toilets. As mentioned above the existing wastewater management system may need to be upgraded to cater for the proposed new land use activity. Once Development Plan Consent is granted for the proposed new building a waste water application will be lodged by a registered plumber to determine if the existing system needs to be upgraded.

Rinse water used for the cleaning of the vertical wine storage vessels used for the maturation of the wine. This rinse water will be removed from the site by a tanker and disposed in accordance with current environmental regulations, however, this waste water will not be disposed of on-site.

The built form on the site is connected to an existing stormwater drainage system, where the overflow from the existing system discharges to the existing unlined drainage swale located on the eastern side of the Barossa Valley Way.

As the change in use of the existing shedding to winery (wine maturation) requires no changes to the existing building footprint then the change in use will have no impact of the existing stormwater management system associated with the existing shedding. Considering the proposed new cellar door sales outlet has approximately the same roof area as the existing dwelling to be demolished, then the new facility will also be connected to the existing stormwater management system associate with the existing dwelling.

In the event that the existing drainage system is unable to cope with the new land uses, for whatever reason, the pressure will be taken off the existing system by the installation of a new 5000 litre aboveground rainwater storage tank that will store harvested rainwater from the proposed new cellar door sales outlet with the overflow from the proposed storage tank being piped to the existing drainage system located on the eastern side of the Barossa Valley Way.

Should the new tank be required then the colour of the proposed new rainwater storage tank will be the same colour as the external cladding of the proposed new cellar door sales outlet (colorbond ‘paperbark’).

**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.
All the public utilities required for the proposed new land use activities, are already connected to the ‘subject land’. The change in use application of the existing shedding to a winery (wine maturation) does not require the already connected utilities to be upgraded, which complies with PDC 1 listed above.

The proposed new cellar door sales outlet is remarkably similar in size to the existing dwelling located on the allotment. The existing dwelling is connected to public utilities such as electricity, telecommunication, stormwater drainage, and wastewater management system. All of those services will be connected to the proposed new cellar door sales outlet; however, the existing wastewater management system may need to be upgraded to cater for the proposed new land use activity. Once Development Plan Consent is granted for the proposed new building a wastewater application will be lodged by a registered plumber to determine if the existing system needs to be upgraded.

The design of the proposed cellar door sales outlet is ‘L’ shaped in design with a northern and western aspect which provides the applicants with a real opportunity to install photovoltaic cells on both the northern and western aspect of the building, thus reducing energy costs and more importantly reducing the reliability on fossil fueled energy.

Access to the proposed cellar door sales outlet and winery will be gained off Barossa Valley Way, via an existing access point located near the northern boundary of the allotment. The change in use application and the construction of the proposed new cellar door sales outlet will not require any modifications to the existing access point but will see the removal of the southern access point which currently services the existing dwelling, thus reducing the number of access points from the site to the Barossa Valley Way.

There are no building works associated with the winery operations (wine maturation) and hence there is no changes required to the existing stormwater drainage system associated with the new land use. Rainwater run-off from the proposed new cellar door sales outlet will be harvested and stored in a 5000 litres aboveground rainwater storage tank with the overflow from the tank being piped to discharge into the open unlined drainage swale that runs on the eastern side of the Barossa Valley Way. The proposed rainwater storage tank will be located near the southern boundary of the allotment with the overflow from rainwater storage tank being piped underground to discharge into the existing drainage swale on the eastern side of the Barossa Valley Way.

The harvested water is used for human consumption and can also be connected to the proposed female, male and unisex toilets that are located in the north-eastern corner of the proposed new building (refer to concept plans attached in Appendix ‘X’).

The only wastewater generated from the existing and proposed cellar door sales outlet will be through the washing of glasses, washing of plates used for cheese platters and the female, male and unisex toilets. As mentioned above the existing wastewater management system may need to be upgraded to cater for the proposed new land use activity. Once Development Plan Consent is granted for the proposed new building a wastewater application will be lodged by a registered plumber to determine if the existing system needs to be upgraded.

Electricity is already connected to the site and is connected to the existing dwelling and shedding that will be used for the maturation of wine. There are no changes required to the supply to the existing shedding and the size of the proposed cellar door sales facility is similar to the existing dwelling and therefore the existing supply is deemed adequate for the proposed new land use and not require upgrading.
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.

**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.

**PDC 5** The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.
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.

The existing built form on the subject land comprises of existing shedding that has a current approval for the manufacture of cemetery headstones along with the existing dwelling that was either occupied by the commercial manufacturer or rented to other persons. The existing shedding will be used for the wine maturation with no changes to the existing footprint or external appearance of these buildings. The proposed new cellar door sales facility will be located in the approximately the same location as the existing dwelling and will be of a single storey construction.

The proposed new land uses will generate substantially less noise impacts on the adjoining landowners, which is not the case with the existing land use (manufacture of cemetery headstones and inscriptions) and hence is a more appropriate land use for the immediate and wider locality, hence the proposed development is deemed to be an orderly and sustainable form of development. The only noise generated within the existing shedding will be a forklift for the stacking of oak wooden barrels, however, once the barrels are placed there will be little forklift use until the wine in the barrels as sent for bottling.

The existing colour scheme (colorbond ‘paperbark’ and ‘olive green’) has been agreed with Council Planning Staff and also provides a soft appearance to the building and when combined with the rustic timber pergola blends with the natural environment in the immediate locality. The proposed colour scheme and the rustic timber appearance significantly reduces the visual impact that the proposed new building will have on adjoining landowners and when viewed from the Barossa Valley Way. The selected external finishes on the existing building are non-reflective and will pose an impact on the users of the adjoining public road.

As all of the public utilities required for the operation of the proposed new future cellar door sales outlet are already connected to the development site, including the services required for the wine maturation within the existing shedding there will no need to significantly upgrade the existing public infrastructure beyond what would normally be required through normal maintenance or future growth.

The size of the proposed new building is commensurate with the size of the ‘subject land’ and has incorporated variations in facade with the use of a rustic timber pergola which provides the applicant with the opportunity to grow grape vines or other plants that can be interplanted and entwined with the rustic timber elements.

The existing access point and the area used for vehicle manoeuvring associated with the existing shedding has been treated with crushed rock material in the past and it is the intention of the applicant to resurface this area with additional crushed rock material to remove existing low spots and depressions. The existing crushed rock areas are a combination of quartzite or dolomite crushed rock and therefore the areas of resurfacing will be blended with the existing.

Due to the existing topography of the allotment the resurfacing of the carparking area and vehicle manoeuvring area will require minimal cut and fill operations. The location of the existing access track and carparking area was carefully selected by the applicants to ensure there was no need for the removal of any of those mature tree.
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.

**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) ..........................................................

The ‘subject land’ abuts Barossa Valley Way, which is a bitumen sealed public road and the major thoroughfare between Tanunda and Nuriootpa and is defined as a Secondary Arterial Road on Overlay Map Baro/6 – Transport. The access to the proposed new cellar door sales outlet and winery (wine maturation) will be via an existing access point located near the northern boundary of the allotment. The construction of the proposed cellar door sales outlet and the wine maturation does not require any changes to the existing northern access point, however, will see the elimination of the southern access point that currently services the existing dwelling, thus reducing the number of access points from the site onto the Barossa Valley Way.

The existing access point and the area used for vehicle manoeuvring associated with the existing shedding has been treated with crushed rock material in the past and it is the intention of the applicant to resurface this area with additional crushed rock material to remove existing low spots and depressions. The existing crushed rock area are a combination of quartzite or dolomite crushed rock and therefore the areas of resurfacing will be blended with the existing.

Reference has been made to Table Baro/1 – Off Street Vehicle Parking Requirements however, there is no specific requirements for a cellar door sales outlet or winery. Considering the traffic movements for the proposed winery are minimal there is no dedicated parking area for a wine tanker due to the short time the vehicle will be onsite. Considering the lack of direction in Table Baro/1 for carparking requirements for the proposed cellar door sales outlet, we have adopted the rate of 4 spaces per 100m². Considering the total floor area of the proposed cellar door sales outlet is approximately 188.52m², then the number of onsite carparking spaces required is 1.89 x 4 = 7.50 spaces, however the applicant has provided 12 on-site carparking spaces and 1 disabled parking space. The proposed disabled parking space will be located near the main entrance to the proposed cellar door sales outlet (refer to Concept Plans attached in Appendix ‘E’).

Should the proposed onsite carparking spaces be full at any time, there is considerable random parking area located at the rear of the proposed new building that could also be used, if the need ever arises. This random parking will have no impact on the operations of the winery as once the wine is placed in the vertical storage vessels there will be minimal traffic movements until the wine is transported for bottling which will be some 18 months after the commencement of the maturation process.

The existing access point, carparking area and vehicle manoeuvring area at the rear of the proposed new cellar door facility will be constructed of compacted crushed rock material which will provides an all-weather surface. The existing onsite carparking areas have been selected to ensure that none of the existing mature trees along the northern boundary of the allotment need to be removed. Due to the existing topography of the allotment the resurfacing (refurbishment of low spots) in the carparking area and vehicle manoeuvring area will require minimal cut and fill operations.
Waste:

**PDC 2** The storage, treatment and disposal of waste materials from any development should be achieved without risk to health or impairment of the environment.

**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.

As indicated previously the only wastewater that will be generated from the site is listed below:

- Rinse water from the washing of glasses and plates used for cheese platters;
- Wastewater from the proposed female, male and unisex disabled toilet facilities; and
- Rinse water used for the cleaning of the vertical wine storage vessels used for the maturation of the grape juice. This rinse water will be removed from the site by a tanker and disposed in accordance with current environmental regulations.

As mentioned above the existing wastewater management system may need to be upgraded to cater for the proposed new land use activity. Once Development Plan Consent is granted and prior to the issuing of Development Approval for the proposed new cellar door sales facility a waste water application will be lodged by a registered plumber to determine if the existing system is able to cater for the proposed new land use or needs to be upgraded.

It should also be noted that there will be no waste generated from the crushing, fermenting or the bottling of wine as all of those activities will be undertaken off site. Hence, there is no waste generated on the 'subject land' through the crushing of grapes, fermentation and bottling of the finished product as these activities are undertaken in other locations within the Barossa Valley.
# 7.0 SOCIAL, ECONOMIC & ENVIRONMENTAL IMPACTS

## 7.1 Social Impact:

The proposed development will not have any negative social impacts on the Barossa Valley rural community.

## 7.2 Economic Impact:

With the construction of the proposed new cellar door sales facility will provide economic benefit to local builders through the construction and fit out of the proposed new facility.

The proposed new cellar door sales outlet and winery will provide an opportunity to employ 2 permanent staff on a roster system in addition to the 2 permanent staff (applicant and 1 family member). In addition, the proposed winery (wine maturation) will employ 1 permanent and 2 casual staff members who will be responsible for the maturation process and the bottling of the wine at the appropriate time making 5 additional staff overall.

## 7.3 Environmental Impact:

The demolition of the existing single storey detached dwelling, wine maturation and construction of a new cellar door sales outlet will have no negative environmental impact on the environment due to the following aspects:

- The existing access, whilst not being constructed of the crushed rock material which provides an all-weather surface which follows the existing natural profile of the allotment, hence there was limited cut and fill operations required for the construction of the proposed on-site carparking spaces and the refurbishment of the existing access and vehicle manoeuvring area located at the rear of the proposed new cellar door sales outlet.

- The built form on the site is connected to an existing stormwater drainage system, where the overflow from the existing system discharges to the existing unlined drainage swale located on the eastern side of the Barossa Valley Way.

- As the change in use of the existing shedding to winery (wine maturation) requires no changes to the existing building footprint then the change in use will have no impact of the existing stormwater management system associated with the existing shedding. Considering the proposed new cellar door sales outlet has approximately the same roof area as the existing dwelling to be demolished, then the new facility will also be connected to the existing stormwater management system associate with the existing dwelling.

In the event that the existing drainage system is unable to cope with the new land uses, for whatever reason, the pressure will be taken off the existing system by the installation of a new 5000 litre aboveground rainwater storage tank that will store harvested rainwater from the proposed new cellar door sales outlet with the overflow from the proposed storage tank being piped to the existing drainage system located on the eastern side of the Barossa Valley Way.

Should the new tank be required then the colour of the proposed new rainwater storage tank will be the same colour as the external cladding of the proposed new cellar door sales outlet (colorbond ‘paperbark’).

- The external finish of the proposed new cellar door sales facility will have a combination of steel wall cladding in colorbond ‘paperbark’ and hardwood timber cladding laid horizontally, timber decking and portions of the building such as the enclosed stair case being finished in colorbond ‘olive green’.
• The only wastewater generated from the proposed new cellar door sales outlet will be through the washing of glasses and plates use for cheese platters, including male, female and unisex disabled toilets.

• Wastewater generated from the washing of the maturation vessels will be collected and transported from the site in a tanker and disposed of in an environmentally sustainable manner. In addition, the applicant proposes to construct a 200mm high concrete plinth on the inside of the existing shedding that will provide 180% storage capacity, should all of the wine drainage from the 57,500 litres of stainless steel vertical and oak wooden barrel storage vessels.

• 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

• No impact on Council's existing infrastructure or public utilities to the extent that they need to be upgraded at the expense of the local community as all services required for the new land uses are already connected to the development site.

Diagram above is the type of stainless steel vertical maturation tanks that will be placed inside the existing shedding (winery) for some of the maturation process and then removed off site after a period of 12-18 months for bottling. Other wines will be placed in oak wooden barrels for maturation.
8.0 - CONCLUSION:

As outlined in this document, notwithstanding the non-complying assignment of this application it is considered that the proposed development can operate with minimal impact on adjoining landowners in the immediate locality as the proposed land uses will be undertaken within the some of the existing built form and new cellar door sales outlet on the ‘subject land’.

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

- Access to the proposed winery and new cellar door sales outlet will be via the existing northern access to the property of Barossa Valley Highway. The southern access can be deleted which decreases the number of access points onto the Barossa Valley Way.

- The development site which is 8246m² in total area, has never been used for primary production or horticultural activities and therefore the proposed development does not remove any land from those activities.

- The change in use of the existing shedding to a winery does not require any increase in the footprint of the existing buildings, nor any changes to the external appearance of the same. The wine maturation will be undertaken within the existing buildings.

- The proposed development site is adequately serviced by public infrastructure to allow for the efficient operations of the proposed cellar door sales outlet and winery without requiring any upgrade to those services at the expense of the local community.

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

- The proposed cellar door sales outlet allows for the applicant to sell wine produced in the Barossa Valley to be sold to the general public and other outlets as well as continuing to sell the wine via internet sales.

- The proposal will not inhibit the continuance of the existing lawful horticultural activities on the adjoining property to the north (Dorien Estate Winery) and the bed and breakfast facility directly south of the development site (Barossa House).

- Whilst the zone policy provisions suggest the establishment of a cellar door sales outlet or restaurants should be established on the same allotment and be ancillary use to a winery, this proposal complies with the envisage provisions.

The establishment of a new cellar door sales outlet on the ‘subject land’ is unlikely to detract from the areas visual amenity or surrounding primary production and horticultural activities. It will however provide employment opportunities and provides an opportunity for the applicants to sell wine produced under their own label to be sold to the public and wide community.

Taking into consideration the abovementioned merits of the proposal, the applicant seeks Council’s support for the proposal as outlined in this document which demonstrates the proposed development has sufficient merit to warrant the granting of 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 looking in an easterly direction from the Barossa Valley Way showing the existing single storey detached dwelling that will be demolished, with a new cellar door sales facility constructed in approximately the same location as the existing dwelling.

Photograph provided by Planning Solutions (SA) Pty Ltd – 3 August 2020

PHOTOGRAPH No.2
Photograph taken looking in an easterly direction from the Barossa Valley Way showing the northern and southern Access points to the existing allotment. The second access point, which currently provides access to the dwelling will Be removed, thus eliminating the number of access points onto the Barossa Valley Way.

Photograph provided by Planning Solutions (SA) Pty Ltd – 3 August 2020
PHOTOGRAPH No.3
Photograph taken looking in an easterly direction from the Barossa Valley Way showing the existing northern access point that will provide access to both the onsite carparking associated with the new cellar door sales outlet and also for the delivery of the wine for maturation within the existing shedding where the wine will stay for a period of up to 18 months before being transported for bottling within the Barossa Valley.

Photograph provided by Planning Solutions (SA) Pty Ltd – 3 August 2020

PHOTOGRAPH No.4
Photograph taken looking in an easterly direction from the Barossa Valley Way showing the existing bed & breakfast facility, known as ‘Barossa House,’ which is located directly south of the subject land. The proposed development for the site will have less impact on the B & B facility as the existing use is for the manufacture of grave headstones which creates significant noise impacts on the B & B facility.

Photograph provided by Planning Solutions (SA) Pty Ltd – 3 August 2020
PHOTOGRAPH No.5
Photograph taken looking in a southerly direction showing the existing shedding on the site that will be changed to a winery for the maturation of the wine owned by the applicant and crushed in other facilities within the Barossa Valley. In addition, there will be no bottling, fermentation or crushing undertaken on this site.

Photograph provided by Planning Solutions (SA) Pty Ltd – 11 January 2021

PHOTOGRAPH No.6
Photograph taken looking in a southerly direction showing the existing shedding on the site that will be changed to a winery for the maturation of grape juice owned by the applicant and crushed in other facilities within the Barossa Valley. The maturation of the wine will be undertaken in both wooden kegs and vertical stainless steel vats, hence this activity will be undertaken in the area of the existing shedding with the tallest wall height.

Photograph provided by Planning Solutions (SA) Pty Ltd – 11 January 2021
PHOTOGRAPH No.7
Photograph taken looking in a north-easterly direction from in front of the existing shedding showing some of the extensive shedding and operations associated with the existing Dorrien Winery. Whilst this operation is on a much smaller scale it is however, commensurate with existing land uses in the immediate location.

Photograph provided by Planning Solutions (SA) Pty Ltd – 11 January 2021

PHOTOGRAPH No.8
Photograph taken looking in a northerly direction from in front of the existing shedding that will be changed to a winery for the maturation of wine owned by the applicant. The manoeuvring area in front of the existing shedding is constructed of compacted crushed rock material, however, some additional crushed rock material will be added in low lying locations within this area.

Photograph provided by Planning Solutions (SA) Pty Ltd – 11 January 2021
PHOTOGRAPH No.9
Photograph taken looking in a north-westerly direction from the Barossa Valley Way showing some of the existing built form within the existing estates and vineyards. This again is just a snapshot of how enjoyable it will be for patrons to the proposed new cellar door sales outlet to view whilst having a glass of wine and looking from the small viewing area.

Photograph provided by Planning Solutions (SA) Pty Ltd – 11 January 2021

PHOTOGRAPH No.10
Photograph taken looking in a westerly direction from the Barossa Valley Way that provides a snapshot of the views of the existing vineyards that will be experienced by patrons enjoying a glass of wine whilst watching the sunset in the evenings.

Photograph provided by Planning Solutions (SA) Pty Ltd – 11 January 2021
APPENDIX B
(Certificate of Title)
Certificate of Title - Volume 6130 Folio 480

Parent Title(s)        CT 6052/493
Creating Dealing(s)   DDA 12075290
Title Issued           10/02/2014  Edition 1  Edition Issued 10/02/2014

Estate Type
FEE SIMPLE

Registered Proprietor
BRIAN DAVID HELBIG
OF PO BOX 373 NURIOOTPA SA 5355

Description of Land
ALLOTMENT 303 DEPOSITED PLAN 79703
IN THE AREA NAMED TANUNDA
HUNDRED OF MOOROOROO

Easements
NIL

Schedule of Dealings
Dealing Number  Description
4539539          MORTGAGE TO NATIONAL AUSTRALIA BANK LTD.

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/1)
The 'subject land' identified as Allotment 303, in DP79703 and on which the proposed new cellar door sales outlet and winery will be developed is entirely contained within the Primary Production (Barossa Valley Region) Zone of the Barossa Council Development Plan (5 September 2019 - consolidation).
APPENDIX D

(Bushfire Map – BPA Map Baro/1)
The 'subject land' identified as Allotment 303, in DP79703 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.

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

See enlargement map for accurate representation.
APPENDIX E

(Concept Plans – Site, Floor Plan & Elevations)
DEMOLITION PLAN

Scale 1:500

Boundary 129.94
Boundary 61.36
Boundary 42.15
Boundary 60.35
Boundary 40.36

Existing Site Access

Existing House to be Demolished

LOT 303/
No.3000

PROPOSED:
DAMIEN LISTER
LOT 303/No.3000 BAROSSA VALLEY WAY
TANUNDA SA

DRAWN BY:
AMANDA SCHMIDT
20 Angle Vale Road
Angle Vale SA 5117
taschmidtcarpentry@gmail.com
0438 873 165

SCALE: AS SHOWN
SHEET: 1 OF 6

DESIGN DRAWINGS- FOR PLANNING APPROVAL ONLY

AMENDED
PROPOSED LOWER FLOOR PLAN

Scale 1:100

PROPOSED:
DAMIEN LISTER
LOT 303/No.3000 BAROSSA VALLEY WAY
TANUNDA SA

DRAWN BY: AS
DRAWN ON: 03/11/2020
SCALE: AS SHOWN
SHEET: 3 OF 6

RECEIVED
4 Nov 2021
The Barossa Council

Design Drawings - For Planning Approval Only

Interconnected hard-wired smoke alarms with battery complying with AS3786 & NCC- P2.3.2/ Part 3.7.5

AMENDED

24.36-4 bifold

24.36-4 bifold

24.30-4 bifold

18.24

06.15

06.24

09.06

09.06

obsc

obsc

obsc

24.18

12.18

1200w opening

Exit (going 250, rise 189)
AREA ANALYSIS: EXISTING

- Lower Level: 188.52 SQM
- Deck (Lower): 147.64 SQM
- Viewing Terrace (Upper): 44.08 SQM

TOTAL: 380.24 SQM

PROPOSED UPPER FLOOR PLAN
Scale 1:100

PROPOSED:
DAMIEN LISTER
LOT 303/No.3000 BAROSSA VALLEY WAY
TANUNDA SA

DRAWN BY: AS
DRAWN ON: 03/11/2020
SCALE: AS SHOWN
SHEET: 4 OF 6
NOTE: The proposed onsite carparking spaces will be 2.50m wide x 5.50m long to comply with AS 2890.1 2004 - Parking facilities Part 1 Off street carparking.

The Existing Shedding will be used for Wine Maturation.

SITE PLAN
Scale 1:500
NOTE: Streetscape 1 is the pictorial view showing how the proposed development and the adjoining B&B facility appears from Barossa Valley Way looking in an Easterly direction and removing none of the existing mature trees from the subject land.

Existing trees to remain

The proposed cellar door sales outlet has been moved so the distance between the building and the boundary is now 8 metres instead of 5 metres.

The proposed cellar door sales outlet building height is single storey and lower than the building next door, which is two storey with the roof of the second storey just above the original roof line.

NOTE: Streetscape 2 is the pictorial view observed from Barossa Valley Way looking in an Easterly direction, showing the heights of the respective buildings with the existing vegetation ghosted in the background.

Existing trees to remain

The proposed cellar door sales outlet building height is single storey and lower than the building next door, which is two storey with the roof of the second storey just above the original roof line.

NOTE: Streetscape 2 is the pictorial view observed from Barossa Valley Way looking in an Easterly direction, showing the heights of the respective buildings with the existing vegetation ghosted in the background.

Existing trees to remain

The proposed cellar door sales outlet building height is single storey and lower than the building next door, which is two storey with the roof of the second storey just above the original roof line.

NOTE: Streetscape 2 is the pictorial view observed from Barossa Valley Way looking in an Easterly direction, showing the heights of the respective buildings with the existing vegetation ghosted in the background.

Existing trees to remain

The proposed cellar door sales outlet building height is single storey and lower than the building next door, which is two storey with the roof of the second storey just above the original roof line.
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

<table>
<thead>
<tr>
<th>DEVELOPMENT No.</th>
<th>960/230/2020</th>
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<tbody>
<tr>
<td>A F T Lister Consulting Trust</td>
<td></td>
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<table>
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<tr>
<th>Name of Person(s) making Representation</th>
<th>SOPHIA KAPSIOTIS</th>
</tr>
</thead>
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<table>
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<tr>
<th>Address</th>
<th>POSTAL: PO BOX 789 TANUNDA</th>
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<tr>
<td>RESIDENTIAL: 2992 BAROSSA VALLEY WAY TANUNDA</td>
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<tr>
<th>Email Address</th>
<th><a href="mailto:s.l.pasalidis@gmail.com">s.l.pasalidis@gmail.com</a></th>
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<th>Phone Number</th>
<th>0490 025 670</th>
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<tr>
<th>Nature of Interest Affected by Development (eg adjoining resident, landowner nearby, on behalf of organization or company)</th>
<th>ADJOINING PROPERTY &amp; BUSINESS OPERATOR</th>
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<table>
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<tr>
<th>Reasons for Representation</th>
<th>PLEASE SEE ATTACHMENT</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>My Representation would be Overcome by (state action sought)</th>
<th>PLEASE SEE ATTACHMENT</th>
</tr>
</thead>
</table>

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 OR LAWYER. 

SIGNED ____________________________
DATED 9/2/2021

---

The Barossa Council
To Chief Executive Officer
The Barossa Council
PO Box 867
NURIOOTPA SA 5355
Email development@barossa.sa.gov.au

9th February 2021

RE: Development 960/230/2020 - AFT Lister Consulting Trust
Statement of Representation attachment

I agree to their developmental proposal of the site, but the concerns I raise are of GREAT IMPORTANT that they are addressed and solved.

Reasons of Representation
- Noise concerns which impacts my accommodation business - Barossa House accommodation.
- Trespassing of their clients to both the front, as well area of my property which is totally private to all, as this is our residence and we are currently extending.
- Septic and sewage concerns of odors drift
- Maintenance of the grass area.
- Building Construction working Times
- Upstairs Viewing deck.

Overcome
- NO noise work before 9am of any machinery etc, Trading hours-
  NO earlier than 9am and no Later than 7pm
- Builders - NO commencement of any work prior to 9am as paying
guests rooms are on the northern side as are our bedrooms. My
husband has extreme health issues and is in and out of hospital and
is a very light sleeper.
- High Fencing at the rear of our property for PRIVACY and
prevention of trespassing. Extension of the front Fence to the
boundary on Barossa Valley Way.
- We have been maintaining the grass, but this needs to be done by
owners as we now pay others to cut. It has been neglected for some
time and we do not want a snake problem.
- I have no suggestions on the wastes and bi product disposal of
washing down barrels, vats etc.
- Upstairs Viewing deck to only be western facing and maybe with
southern and eastern side screen, to prevent people viewing into
guest bedrooms.

Many thanks
Sophia Kapsiotis
18 February 2021

Mr Jake Boswell
Development Officer - Planning
Barossa Council
PO Box 867
NURIOOTPA SA 5355

Dear Jake,

RE: DA 960/230/2020 – RESPONSE TO WRITTEN REPRESENTATION RECEIVED REGARDING THE DEVELOPMENT OF A WINERY AND CELLAR DOOR SALES FACILITY LOCATED ON ALLOTMENT 303, 3000 BAROSSA VALLEY WAY AT TANUNDA

In response to the Category 3 written representation received by the Barossa Council in relation to DA 960/230/2020 and forwarded to the applicant via email on 12 February 2021, 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.

This response addresses the planning issues raised in the written representation and has been prepared in consultation with the Applicant (AFT Lister Consulting Trust) 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 960/230/2020. There was one (1) written representation received in support of the proposal in general, if the issues raised by the representor can be satisfactorily resolved. In addition, Schedule 8 referral from DIT in support of the proposed development with attached conditions.

This response addresses the issues raised in the written representation and has been prepared in consultation with the Applicant (AFT Lister Consulting Trust) 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. Noise concerns which impact my accommodation business – Barossa House Accommodation.
2. Trespassing of their clients to both the front, as well as the rear of my property which is totally private to all, as this is our residence and we are currently extending.
3. Septic and sewage concerns of odour drift.
4. Maintenance of the grass area.
5. Building construction working times.
7. Advice from DIT in support of the proposed development, with attached conditions.
**Issue 1:**

Noise concerns which impact my accommodation business – Barossa House Accommodation

**Response 1:**

During the development of both the Statement of Support and the Statement of Effect the applicant indicated that he would like to operate the proposed winery and also the cellar door sales outlet between the following trading hours:

- Monday to Friday - 8.00am to 5.00pm
- Saturday – 8.00am to 5.00pm
- Sunday and Public Holidays – 9.00am to 4.00pm

However, to ensure both land uses are able to co-exist and operate in harmony with each other the applicant has agreed that the starting time for both the winery and also the cellar door sales facility will be 9.00am/

Should there be a need for the cellar door sales facility to be open after 7.00pm for a special occasion, the applicant understands that would need to be done under a Special Licence issued by Council and also acknowledges that there would need to be communication between himself and the owners of Barossa House prior to any Special Licence application being lodged with Council.

**Issue 2:**

Trespassing of their clients to both the front, as well as the rear of my property which is totally private to all, as this is our residence and we are currently extending- suggested that a high fence at the rear of the adjoining property and an extension of the front fence to the boundary on the Barossa Valley Way.

**Response 2:**

The representors suggested that clients to the proposed cellar door sales facility may trespass to the adjoining property of Barossa House and of course the same concern could be raised by the applicant in not having guests from Barossa House trespassing on the property of the cellar door outside trading hours.

To alleviate this issue the applicant agrees the fence at the front of the proposed cellar doors sales facility should be extended to the Barossa Valley boundary line and a higher fence constructed at the rear of the adjoining property. As the proposed new fencing would be constructed on the boundary the applicant would seek 50% contribution from the adjoining landowner.

**Issue 3:**

Septic and sewage concerns of odour drift.

**Response 3:**

The proposed wine maturation will be undertaken within the existing shedding on the site and also within the following vessels:

22,500 litres in 300 litres oak barrels, making the total number of barrels 75

27,500 litres in vertical stainless steel tank in the following volumes:

- 1 – 2,500 litre tank
- 1 – 5,000 litre tank; and
- 2 – 10,000 litre tanks

During the filling process of the vessels listed above there will be no losses, any losses would remain in the truck or inbound vessel.
During the maturation process which ranges between 12 and 18 months there is no movement and hence there are no losses.

During the emptying of the tanks a very minimal amount of product is lost as the transfer is from tank to tank. After the emptying process is completed the transfer lines and the bottoms of the tanks are washed, however the by-product is basically water with heavily diluted wine residue. The applicant has provided some conservative estimates for the losses:

- 100 litres for a 2,500 litre tank
- 200 litres for a 5000 litre tank
- 300 litres for a 10,000 litre tank’ and
- 10 litres for each 300 litre Oak Barrel.

Hence, if all of the product were transferred from the vessels at the same time, which is highly unlikely there would be a total of 1650 litres of water used which is less than you would use to wash a passenger vehicle.

In addition, odour outside the shed will be none. Again in a highly unlikely event where all of the product was moved in a single event the water/by-product would be safe to put on a garden or lawn without any impact.

Located adjacent to the eastern boundary of the proposed development site is a Treatment Dam associated with the Dorrien Winery Operations located directly north of allotment 303 which generates a significantly higher level of odour than would ever be generated from this proposed facility.

**Issue 4:**

*Maintenance of the grass area – The representor has been maintaining the grass, but this needs to be done by the owners as we now pay others to cut. It has been neglected for some time and we do not want a snake problem.*

**Response 4:**

The applicant has indicated that he will ensure that the grassed verge in front of the development site (3000 Barossa Valley Way) will be maintained in the future. The applicant has indicated that maintaining the verge when the construction works is completed will enhance the streetscape to both properties.

**Issue 5:**

*Building construction working times -*

**Response 5:**

This issue has been discussed with the Applicant who acknowledges the tourist accommodation facility directly south of the proposed development site and is more than agreeable to work in conjunction with the owners of Barossa House and agrees that the timeframe for the construction of the proposed new cellar door sales outlet will be between 9.00am to 7.00pm as suggested by the written representor.

**Issue 6:**

*Upstairs Viewing Deck – Suggested screening be provided to the southern and eastern aspects of the viewing deck*

**Response 6:**

The proposed new cellar door sales outlet is a single storey building (similar to the existing
dwelling, with a small viewing area on a portion of the proposed roof so that patrons are able to enjoy a glass of wine whilst watching the sunset over the surrounding vineyards. Of course, the viewing area will predominantly be used during periods of fine weather.

The applicant acknowledges the fact that some of the guest bedrooms are located on the northern aspect of ‘Barossa House’ and therefore to eliminate any potential for overlooking into the adjoining guest bedrooms the applicant is willing to provide screening to the eastern and southern aspects of the proposed viewing area by using an opaque material that would prevent viewing into the guest bedrooms.

**Issue 7:**

*Schedule 8 Referral to DIT in support of the proposed development with the following conditions attached to any approval issued by the planning authority:*

1. All access to the development shall be gained via the existing access point on Barossa Valley Way in accordance with the site plan produced by Amanda Schmidt Design and Drafting, Sheet 2 of 6, dated 3 November 2020.
2. The access point shall be a minimum of 7m wide and be sealed from the property boundary to the edge of the road seal, in order to maximise traction for vehicles exiting the site and minimise debris being dragged onto the carriageway.
3. All vehicles shall enter and exit the site in a forward direction.
4. The redundant crossover on Barossa Valley Way shall be closed and reinstated to Council’s standard at the applicant’s expense.
5. Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of Barossa Valley Way. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant’s expense.

**Response 7:**

The applicant has reviewed the conditions 1 to 5 listed above that have been proposed by DIT and there are no onerous conditions as Conditions 1, 3, 4 and 5 were outlined in the documentation submitted in support of the proposal and the sealing of the of the access point is accepted by the applicant as part of the overall development of the project.

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 MPA Grad Cert Bdg & Planning, Dip Bus

att: NIL
cc: Mr Damien Lister, PO Box 188, ANGASTON SA 5353
6.1 Attachment 3
12 February 2021

Jake Boswell
Barossa Council
PO Box 867
NURIOOTPA SA 5355

Dear Mr Boswell

SCHEDULE 8 - REFERRAL RESPONSE

<table>
<thead>
<tr>
<th>Development No.</th>
<th>960/230/20</th>
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<tr>
<td>Applicant</td>
<td>AFT Lister Consulting Trust</td>
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<tr>
<td>Location</td>
<td>3000 Barossa Valley Way, Tanunda</td>
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<tr>
<td>Proposal</td>
<td>Construction of Cellar Door Sales and Change of Use of Shedding to Winery (Wine Maturation)</td>
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I refer to the above development application forwarded to the Commissioner of Highways (CoH) in accordance with Section 37 of the Development Act 1993. The proposed development involves development adjacent a main road as described above.

The following response is provided in accordance with Section 37(4)(b) of the Development Act 1993 and Schedule 8 of the Development Regulations 2008.

CONSIDERATION

The subject site abuts Barossa Valley Way, an arterial road under the care, control and management of the CoH. The adjacent section of Barossa Valley Way carries approximately 7,400 vehicles per day (8% heavy vehicles) and has a posted speed limit of 80km/h.

Access to the site is presently gained via an existing crossover adjacent to the northern property boundary which is proposed to be retained as part of this development. An additional access on Barossa Valley Way which is associated with the existing dwelling on-site (to be demolished) will be removed.

The access to Barossa Valley Way should be a minimum of 7.0 metres in width to accommodate the largest vehicle expected to use the site and to provide for simultaneous two-way movements. It appears that the existing access is of sufficient width to achieve this which is supported. It is recommended that the access be appropriately sealed from the property boundary to the road to maximise traction for vehicles exiting the site and minimise debris being dragged onto the carriageway.

The Department supports the proposed car park being located at the rear of the site and it appears that sufficient on-site manoeuvring area has been provided to ensure all vehicles can enter and exit the site in a forward direction. The Department considers that the increase in vehicles movements resulting from this development would be easily accommodated within the adjacent road network.
Council should ensure that all on-site vehicle manoeuvring areas remain clear of any impediments and that the proposed development provides sufficient off-street car parking, designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.

It is recommended that any proposed signage is consistent with DIT’s publication ‘Advertising Signs: Assessment Guidelines for Road Safety’.

**ADVICE**

The Department supports the proposed development and advises the planning authority to attach the following conditions to any approval:

1. All access to the development shall be gained via the existing access point on Barossa Valley Way in accordance with the site plan produced by Amanda Schmidt Design and Drafting, Sheet 2 of 6, dated 3 November 2020.

2. The access point shall be a minimum of 7m wide and be sealed from the property boundary to the edge of the road seal, in order to maximise traction for vehicles exiting the site and minimise debris being dragged onto the carriageway.

3. All vehicles shall enter and exit the site in a forward direction.

4. The redundant crossover on Barossa Valley Way shall be closed and reinstated to Council’s standard at the applicant’s expense.

5. Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of Barossa Valley Way. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Yours sincerely

[Signature]

A/MANAGER, TRANSPORT ASSESSMENT
for COMMISSIONER OF HIGHWAYS

A copy of the decision notification form should be forwarded to dit.developmentapplications@sa.gov.au
### APPLICATION DETAILS

| **PROPOSAL** | Internal alterations to an existing two-storey dwelling; Construction of an additional single-storey dwelling (for purpose of dependant accommodation) attached to the existing dwelling including single garage and rear verandah under main roof (Non-Complying) |
| **APPLICANT** | APM Porter and A Porter |
| **OWNER** | APM Porter and A Porter |
| **APPLICATION NO** | 960/573/2020 |
| **CERTIFICATE(S) OF TITLE** | CT 5392/403 |
| **AREA** | 1.57 ha |
| **CURRENT USE** | Single-storey detached dwelling with Rural Living |
| **DEVELOPMENT PLAN VERSION** | Consolidated 5 September 2019 |
| **ZONE** | Rural Living Zone |
| **PRECINCT AREA** | 21-Cockatoo Valley |
| **OVERLAYS** | Character Preservation Area – Rural Living Bushfire Protection Area – Medium |
| **APPLICATION TYPE** | Non-Complying |
| **CATEGORY OF DEVELOPMENT** | Category 3 |
| **REFERRALS** | Nil |
| **PREVIOUS APPLICATIONS** | See Report |
| **ASSESSING OFFICER** | Janine Lennon |
| **RECOMMENDATION** | That Development Plan Consent be GRANTED |

### BACKGROUND

The history of this site includes:

- 960/554/2000 – Dwelling – Approved and Constructed
- 960/51/2002 – Domestic Outbuilding – Shed and Verandah – Approved and Constructed
- 960/95/2007 – Swimming Pool – Approved and Constructed
- 960/593/2012 – Domestic Outbuilding – Shed – Approved and Constructed
- 960/51/2020 - Domestic Outbuilding – Shed – Approved and Constructed

The owners first contacted Council in September 2019 seeking to undertake a dwelling addition to enable family members to live with them in a semi-independent manner.

In September 2020 the subject development application was lodged with Council and deemed to be non-complying in nature. A statement of support was subsequently submitted and on 4 November 2020, Council staff (under delegation) determined to proceed to assess the proposal.

**Attachment 1** provides a copy of the application and associated documentation.
This application has been referred to the Barossa Assessment Panel for a decision for the following reasons:

(2) 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.

(10) Where in the opinion of the sub-delegate, it is appropriate to refer the application to the Barossa Assessment Panel.

PUBLIC NOTIFICATION

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

Representations: No representations were received.

SITE AND LOCALITY

The site has a total area of 1.57 ha with a small road frontage to the The Barracks to the north-west. Williamstown Road bounds the north-eastern boundary (with no vehicle access). Pedestrian tracks bound the northern and western boundaries. The site contains a two-storey detached dwelling, a swimming pool, assorted outbuildings and scattered native vegetation.

The site is situated within the locality of Cockatoo Valley. The locality is a rural living locality featuring large allotments with detached dwellings and associated outbuildings. The Cockatoo Valley General Store is located directly across Williamstown Road.

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

The site is located within Precinct 21-Cockatoo Valley as shown in Figure 2.

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

The site is located within the Medium Bushfire Protection Area as shown in Figure 4.

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

Site photos are provided in Figure 7 to Figure 8.
Figure 1: Zone Map
Figure 3: Character Preservation Area Overlay
Figure 4: Bushfire Protection Area Overlay
Figure 6: Aerial – Site

Figure 7: Site Photo - View of front of dwelling from The Barracks
Figure 8: Site Photo - View of side of dwelling (where addition proposed) from Williamstown Road

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

NON-COMPLYING
The application is a non-complying form of development, due to the Zone Procedural Matters that state that a second dwelling should be no greater than 60 square metres in area.

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:

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<th>DEVELOPMENT PLAN PROVISIONS</th>
<th>STANDARD</th>
<th>ASSESSMENT</th>
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<tr>
<td>FLOOR AREA</td>
<td>50 sqm maximum</td>
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<tr>
<td>General Section</td>
<td></td>
<td></td>
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<tr>
<td>Residential Development</td>
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<td>Complies with standard:</td>
</tr>
<tr>
<td>PDC 41</td>
<td></td>
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<td></td>
<td>☒ No</td>
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<tr>
<td></td>
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<td>☐ Partial</td>
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</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 District**
Pursuant to Section 6(2) of the Character Preservation (Barossa Valley) Act 2012, the assessing officer has had regard to the objects of the Act and, in determining this application, whether it seeks to further the objects of the Act.

**Bushfire Protection Area**
The site is within the Medium Bushfire Protection Area, the standard conditions for a dwelling within this area have been recommended.

**General Section**

**Crime Prevention**
Objectives 1
PDCs 1, 2 and 8
All relevant Objectives and PDCs are deemed to comply.

**Design and Appearance**
Objectives 1
PDCs 1, 2, 3, 5, 7, 9, 12 and 17
All relevant Objectives and PDCs are deemed to comply.

**Energy Efficiency**
Objectives 1, 2
PDCs 1, 2 and 3
All relevant Objectives and PDCs are deemed to comply.

**Hazards**
Objectives 1, 5
PDCs 1, 3, 7, 8, 9, 10, 11 and 12
As previously detailed, the site is within the Medium Bushfire Protection Area, the standard conditions for a dwelling within this area have been recommended.
All relevant Objectives and PDCs are deemed to comply.

**Landscaping, Fences and Walls**
Objectives 1
PDCs 1, 2, 3 and 4
All relevant Objectives and PDCs are deemed to comply.

**Orderly and Sustainable Development**
Objectives 1, 3, 4
PDCs 1, 6 and 9
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
Visual Privacy
Car Parking and Access
Dependent Accommodation

Objectives 1, 2 and 5
PDCs 5, 6, 7, 10, 11, 12, 13, 15, 16, 17, 19, 20, 21, 22, 23, 24, 34, 36, 37, 38 and 41

Whilst the proposed dwelling has been nominated as a granny flat and therefore “dependant accommodation” it does not meet all of the six design criteria listed in the General Section – Residential Development Module.

Meets:
(a) the site is of adequate size and configuration.
(c) adequate outdoor space is provided for the use of all occupants.
(d) adequate on-site car parking is provided.
(e) the building is designed to, and comprises colours and materials that will, complement the original dwelling.
(f) the building is attached to the associated main dwelling.

Does not meet:
(b) the accommodation has a small floor area relative to the associated main dwelling with a floor area not exceeding 50 square metres (floor area is 162 sqm including garage and verandah).

The proposed dependant accommodation is approximately 110m larger than the principles, but still meets all other requirements for dependent accommodation. The Primary dwelling has a floor area of approximately 320 sqm therefore the dependent accommodation addition will remain subordinate to the main/significantly larger dwelling.

All other relevant Objectives and PDCs are deemed to comply.

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

All relevant Objectives and PDCs are deemed to comply.

Sloping Land
Objectives 1
PDCs 1, 2 and 7

The development will step up following the existing ground level, there will be some cut to a maximum of approximately 1.03 metres, no fill has been proposed.

All relevant Objectives and PDCs are deemed to comply.
Transportation and Access
Access Objectives
2
PDCs 22, 23 and 29

Waste
Wastewater
Waste Treatment Systems
Objectives
1 and 2
PDCs 1, 2, 3, 4, 5, 7, 1011, 12, 13 and 14

Zone Section

Rural Living Zone
Objectives
1 and 2

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.

Buildings will be obscured from view either by the natural form of the land, or otherwise screened with landscaping that provides a continuous belt of locally indigenous trees and shrubs to screen any exposed views of development. Development on barren sites will be screened by appropriate perimeter landscape plantings in addition to the screening of buildings.

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

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 proposed development will be located approximately 50 metres from Williamstown Road and 80 metres from The Barracks. There are existing mature tree plantings between the proposed development and all property boundaries. The development will be undertaken as an addition to the existing dwelling and therefore will not create any additional buildings on the site. The development is being designed to blend with the existing dwelling as a single coordinated building.

**Land Use**

PDCs 1, 2 and 3

Effectively while described as dependent accommodation the proposed development is of such a size that it is effectively a second dwelling. Whilst the land use Principles of the Zone specifically discourage the construction of a second dwelling it is being designed so that it must be used in association with the existing dwelling by the way of shared driveway, services, open space and laundry. The shared services and joining of the two buildings make it most likely that the additional dwelling will be used by an immediate family member as intended.

All other relevant PDCs are deemed to comply.

**Form and Character**

PDCs 6 and 8

All relevant PDCs are deemed to comply.

**Precinct 21 Cockatoo Valley**

PDCs - None Relevant to this Proposal

**Table Section**

**Off Street Vehicle Parking Requirements**

Two spaces (at least one covered) for a dwelling comprising up to two bedrooms, or rooms able to be used as a bedroom.

Proposed is one undercover car parking space, plus space for a second or visitor park to be located adjacent the undercover car parking space.

**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. 960/573/2020 by APM and A Porter to undertake Internal alterations to an existing two-storey dwelling; Construction of an additional single-storey dwelling (for purpose of dependant accommodation) attached to the existing dwelling including single garage and rear verandah under main roof (Non-Complying) at 161 The Barracks, COCKATOO VALLEY (CT 5392/403) 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. 960/573/2020 except where varied by any condition(s) listed below.

- Site Plan - prepared by Do Home Design, dated 13 August 2020
- Plan Detail - prepared by Do Home Design, dated 6 August 2020
- Elevations - prepared by Do Home Design, dated 6 August 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:

- 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
- 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.

(8) The second dwelling/dependant accommodation as approved shall only be occupied by immediate family members of the primary dwelling.

Reason: To ensure that the proposal is used, run and maintained as approved by the Relevant Authority.
6.2 Attachment 1
Agenda - Barossa Assessment Panel - 6 April 2021

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: ANDREW PORTER & ANN-MARIE PORTER
Postal Address: PO Box 56, LINDSCHEN Post Code: 5351
Phone: 0421 519 971 Mobile: Fax:
Email: app.997 @ pg.com.au

OWNER:
Postal Address: As Above Post Code:
Phone: Mobile: Fax:
Email:

ARE YOU GOING TO BE AN OWNER BUILDER? YES NO

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

BUILDER:
Postal Address: Mobile: Fax:

CONTACT PERSON FOR FURTHER INFORMATION: Name: ANDREW PORTER
Phone: 0421 519 971 Mobile: Fax:
Email: app.997 @ pg.com.au

DESCRIPTION OF PROPOSED DEVELOPMENT:
Internal works to existing dwelling

EXISTING LAND USE:
Rural Residential

AREA (m²) OF PROPOSED DEVELOPMENT: 217.9 m²

LOCATION OF PROPOSED DEVELOPMENT:
House No: 161 Street: THE BARRACKS Town: COCKATOO VALLEY
Lot No: 22 Section: DP 18889 Sec 40 Hundred: Barossa

Certificate of Title(s): Volume: Lot: 403

BUILDING RULES CLASSIFICATION SOUGHT: 1 Present Classification: 1

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

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

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

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

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

DEVELOPMENT COST (do not include any fit out costs): $700,000

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

SIGNED: ___________________________ Dated: 29/10/20
Certificate of Title - Volume 5392 Folio 403

Parent Title(s)  CT 4287/814
Creating Dealing(s)  CONVERTED TITLE

Estate Type
FEE SIMPLE

Registered Proprietor
ANDREW PATRICK MARTIN PORTER
ANN-MARIE PORTER
OF LOT 22 THE BARRACKS COCKATOO VALLEY SA 5351
AS JOINT TENANTS

Description of Land
ALLOTMENT 22 DEPOSITED PLAN 18889
IN THE AREA NAMED COCKATOO VALLEY
HUNDRED OF BAROSSA

Easements
NIL

Schedule of Dealings
Dealing Number  Description
8597397  MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.

Notations
Dealings Affecting Title  NIL
Priority Notices  NIL
Notations on Plan  NIL
Registrar-General's Notes
AMENDMENT TO DIAGRAM VIDE 4/2000
Administrative Interests  NIL
STATEMENT of EFFECT

Construction of a second dwelling which is attached to the existing dwelling, including verandah, pergola and common laundry located on Allotment 22 (DP45537), The Barracks

COCKATOO VALLEY SA

Prepared for

Mr A & Mrs A Porter
(The Applicants)

December 2020
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  - 22-27

### APPENDIX B
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### APPENDIX C
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  - BPA Map Baro/1
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### APPENDIX F
- Concept Plans, including Site, Floor Plan and Elevations
  - 38-42
1.0 - LEGISLATIVE REQUIREMENTS:

Planning Solutions (SA) Pty Ltd have been engaged to act for Mr A & Mrs A Porter the owners of the subject land contained in the Certificate of Title Volume 5392 Folio 403, being identified as Allotment 22, in Deposited Plan 18889, Hundred of Barossa, in an area known as Cockatoo Valley (a copy of the Certificate of Title is attached in Appendix ‘B’).

The applicants seek Development Plan Consent for the Construction of a second dwelling which is attached to the existing dwelling, including verandah, pergola and common laundry located on Allotment 22 (DP45537), The Barracks in Cockatoo Valley 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 the applicants that outlined the nature of the proposed development. Accordingly, the applicant was advised by email from Council indicating that they 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 the proposal in being able to have the applicants parents live on the property which in turn allows for dependent accommodation where the parents can be better looked after than continuing to live by themselves.
- 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 south of the rural township of Sandy Creek and to the south of the existing Sandy Creek Golf Course. The site also abuts the Sandy Creek to Williamstown Road which is a Secondary Arterial Road as defined on Overlay Map Baro/22 - Transport. Access to the site can only be obtained off The Barracks. The ‘subject land’ is identified as Allotment 22 in Deposited Plan 18889, Hundred of Barossa in the area known as Cockatoo Valley and contained within Certificate of Title Volume 5392 Folio 403 (a copy of the Certificate of Title is attached in Appendix ‘B’).

Allotment 22 is best described as a ‘rhomboidal shaped allotment’ with a total area of 1.557ha in area with a consolidated frontage of 21.87 metres to The Barracks.

The ‘subject land’ has matured eucalypts planted along the northern, western and eastern boundaries, with random tree plantings near the existing dwelling and domestic outbuilding, however the construction of the proposed self-contained extension will have no impact on the existing native vegetation that exists on the site as none of the existing eucalypts need to be removed to allow the construction of the proposed built form.

Again, the location of the proposed new extension (second dwelling) has been professionally designed by DO Home Design who are professional building designers who have cleverly used the existing topography of the land in the vicinity of the proposed new built form in order to minimise the extent of cut and fill operations (refer to photographs attached in Appendix ‘A’).

The perimeter boundaries of the ‘subject land’ area fenced using a traditional rural stock fence which is less intrusive than a solid sheet metal clad fence and fits with the natural environment. The proposal will not require any changes to the existing fencing on the site.

3.0 - LOCALITY:

The character of the immediate locality comprises a typical rural setting exhibiting low density residential development in combination with small scale, part time farming and horticultural activities. The residential component within the rural living zone comprises of single storey detached dwelling and associated outbuildings that support both the part time farming and horticultural activities. The zone also envisages a range of allotment sizes based on characteristics of the land, landscape appearance, sitting and vegetation along with home based industry or other businesses will be limited to where such industry is complementary to the semi-rural use of land.

The dedicated and defined rural living land use is bisected by the Williamstown Road. On the western side of the Williamstown Road the defined area has an irregular allotment pattern that suits the landscape with the focus on the retention of existing native vegetation. The majority of the allotments in this area have been strategically development with single storey detached dwelling and associated outbuilding with minimal removal of the existing vegetation. Abutting the rural living area are larger allotments that are used for stock grazing and cereal cropping.

On the eastern side of the Williamstown Road the development pattern is even more diverse than the western side of the road with allotments varying in shape and size from small regular shaped allotments to long slender allotments and combination in between. Located on the periphery of this area are a combination of sporting and commercial activities. North of the subject land is the Sandy Creek Golf Course and to the east is Solar Eggs Cockatoo Valley Native Nursery. Further to the east are larger allotments that are used for stock grazing.

Surrounding the defined rural living area is land zoned for primary production activities, comprising of allotments in various shapes and sizes, but all used for cereal cropping and the grazing of stock.
4.0 - PROPOSAL:

The applicants seek Development Plan Consent for the Construction of a second dwelling which is attached to the existing dwelling, including verandah, pergola and common laundry located on Allotment 22 (DP45537), The Barracks in Cockatoo Valley. The proposal is deemed to be a ‘non-complying’ form of development as the proposed floor area exceeds 60m², is attached to and subordinate to the main dwelling and will be occupied by persons who are members of the resident family.

The 'subject land' is contained entirely within the Rural Living Zone and Precinct 21 Cockatoo Valley 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 extension (second dwelling) will be attached to the eastern aspect of the existing dwelling through a common laundry and has been professionally designed by Do Home Designs who are prominent and well respected home designers in Gawler (a copy of the proposed Concept plans is attached in Appendix ‘F’).

Proposed Second Dwelling:

The proposed second dwelling, which is attached to the eastern aspect of the existing dwelling via a common laundry and associated earthworks, consists of the following components.

- Bedrooms 5 and 6
- Ensuite attached to Bedroom 5, including shower, bath, vanity and WC
- Hallway providing access from the Garage to the second dwelling;
- Entry to the second dwelling located on the northern aspect of the proposal;
- Separate Games Room;
- Separate verandah on the southern aspect (UMR);
- Combined Wine Bar and second Family area;
- Pergola running full length of the northern aspect of the second dwelling; and
- Garage (UMR) for the storage of one vehicle.

For the layout of the proposed second dwelling that is attached to the existing dwelling via a common laundry (refer to the concept plans attached in Appendix ‘F’).

Site Access:

Access to the subject land is gained off The Barracks which is a local sealed road under the care and control of Council. All existing access roads within the site are constructed from compacted quartzite crushed rock leading to the existing domestic outbuilding and also the parking areas in the close proximity to the existing dwelling. The internal roadworks will be extended in the same manner to provide access to the undercover garage in the second dwelling and to also provide a suitable manoeuvring area near the proposed garage. The existing and proposed new 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, thus ensuring the safe and efficient movement of vehicles on the adjoining public road (The Barracks).

Stormwater Management:

The design and orientation of this proposal has considered and utilised a number of environmentally sustainable design techniques. There is mains water connected to the site and
therefore the applicants will harvest rainwater run-off from a portion of the roof area of the second dwelling and pipe the run-off to a proposed 2000 litre rainwater storage tank which will be plumber to the second dwelling. The overflow from the proposed storage tank will either be connected to the existing management system or piped away from the buildings to irrigate existing and proposed landscaping.

**Bushfire Provisions:**
The ‘subject land’ is located within the medium bushfire risk area as defined on *Bushfire Protection Area BPA Map Baro/10* 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’). In addition, the applicants also have an existing swimming pool located behind the existing dwelling which could also be used as a water source by the emergency services, should a bushfire occur.

**External Colour Scheme:**
The proposed external colour scheme for the proposed built form is listed below:

**Proposed Dwelling**
- Roofing to match the existing dwelling, including colour and roof tile profile;
- Selected primeline weatherboard cladding to verges and dormas to match the existing dwelling;
- Walls of the proposed second dwelling to be red face bricks to match the existing dwelling;
- Pergola located at the rear of the second dwelling to be painted white to match the existing dwelling;
- Windows and doors to match the existing dwelling with the window frames being white and the front door to be black;

The external colour scheme for the second dwelling is to replica the colour, material finishes and styles of the existing dwelling. The existing colour scheme was assessed as being appropriate when the original dwelling was approved and therefore it is not unreasonable to state that the extension of the colour scheme for the second dwelling is appropriate and in keeping with the immediate locality. In addition, the existing finishes and material finishes are non-reflective in nature and as such reduce any glare impact from the proposed new extension on adjoining landowners or users of the adjoining public roads.

**Wastewater Management:**
The applicant has engaged the services of Harnett Engineering to prepare a wastewater management report and associated drawing. The applicants propose to lodge an application of an alteration to an existing wastewater system. However, the report indicates that a second septic tank needs to be installed to cater for the second dwelling where the overflow from the second tank will also be connected to the existing soakage trenches that are associated with the existing dwelling.

A copy of the plan prepared by Harnett Engineering will be submitted under separate cover to show the location of the proposed second septic tank.
5.0 – NATURE & CLASSIFICATION OF DEVELOPMENT:

The nature & classification for the Construction of a second dwelling which is attached to the existing dwelling, including verandah, pergola and common laundry located on Allotment 22 (DP45537), The Barracks in Cockatoo Valley and associated earthworks located on Allotment 22, The Barracks at Cockatoo Valley is based on the following:

The 'subject land' is contained entirely within the Rural Living Zone and Precinct 21 Cockatoo Valley of the Barossa Council Development Plan (5 September 2019 - consolidation) which envisages development in the zone to accommodate rural living activities on a range of allotment sizes, based on characteristics on the land, landscape appearance, siting and vegetation.

The allotment at the time of writing this report, the ‘subject land’ contained an existing dwelling, swimming pool and domestic outbuildings with mature eucalypts located on there sides of the allotment. The current developed site is a typical of what is envisages within the Rural Living Zone.

The allotment is entirely contained within both the Rural Living Zone and Precinct 21 Cockatoo Valley, which states the following in relation to the construction of a second dwelling.

<table>
<thead>
<tr>
<th>Form of Development</th>
<th>Exceptions</th>
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<tbody>
<tr>
<td>Dwelling</td>
<td>Except either of the following:</td>
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<tr>
<td></td>
<td>(a) a detached dwelling</td>
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<td>(b) a second dwelling that:</td>
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<td></td>
<td>(i) is structurally attached to and subordinate from the main dwelling</td>
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<td></td>
<td>(ii) is no greater than 60 square metres in area</td>
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<td>(iii) relies on the main dwelling for its power, water supply and effluent disposal system</td>
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<tr>
<td></td>
<td>(iv) contains no more than two bedrooms</td>
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<td>(v) is designed to appear as part of the main dwelling</td>
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<td></td>
<td>(vi) is occupied by persons who are an immediate member of the resident family.</td>
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</table>

Located on the ‘subject land’ is an existing dwelling and considering the proposed extension (second dwelling) is attached to the original building via a common laundry, is greater than 60m² in total area (133.86m² living area) deems the proposal to be a non-complying form of development.

The exemptions that this proposal complies with are having no more than 2 bedrooms, it has been carefully designed to ensure the extension appears part of the main building and will be occupied by persons who are an immediate member of the resident family (one of the applicants parents). In addition, the proposed second dwelling will have its own effluent disposal system (aerobic system).

As a consequence, the development for the construction of a second dwelling which is attached to the existing dwelling, including verandah, pergola and common laundry will be assessed as a no-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:**

(a) Any development classified as non-complying under the relevant Development Plan which comprises—
(b) the alteration of, or addition to, a building which, in the opinion of the relevant authority, is of a minor nature only; or (b) the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used, and which constitutes, in the opinion of the relevant authority, development of a minor nature only; or

(c) the division of land where the number of allotments resulting from the division is equal to or less than the number of existing allotments

The proposal for the construction of a second dwelling which is attached to the existing dwelling, including verandah, pergola and common laundry is a ‘non-complying’ form of development however, discussions with Council’s Planning staff have indicated that they are unable to support the proposal being minor in nature and that the proposal would be advertised as a Category 3 form of development for the purposes of public notification.

In summary, the proposal for the construction of a second dwelling which is attached to the existing dwelling, including verandah, pergola and common laundry 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 Living Zone and Precinct 21 Cockatoo Valley 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.

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

**Precinct 21 Cockatoo Valley:**
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.

Rural Living Zone:

Desired Character Statement:

*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.*

*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.*

At the time of writing this report there was an existing dwelling, domestic outbuildings and a swimming pool located on the site. The second dwelling will be attached to the existing building via a common laundry and has been carefully designed to cater for the existing topography in the immediate vicinity of the proposed building works by stepping a portion of the proposed new building works to suit the natural landform, hence minimising the extent of cut and fill operations. In addition, the design of the second dwelling and the common link between the two dwellings has focused on the fact the applicants wanted the finished works to look like one building, rather than an obvious tack on. This has also been achieved the external colour scheme and material finishes as well as making sure window and door sizes, styles and finishes were the same as the existing dwelling.

The second dwelling is a single storey building that has roof pitches that are consistent with the original dwelling, non-reflective colours and material and when constructed will be more than 25 metres from either the Williamstown Road or The Barracks.

Additional internal roadworks will be constructed to the garage of the second dwelling; however, the additional roadworks will be constructed of the same compacted crushed rock material as the existing internal roadworks and parking areas. The proposed new roadworks will again be following the natural topography of the land to minimise any cut and fill operations.

**Objective 1**  A zone consisting of large allotments, detached dwellings and rural activities that do not adversely impact the amenity of the locality.

**PDC 3**  There should be no more than one dwelling per allotment.

Whilst this application is for a second dwelling, purely based on the fact that the proposed extension is greater than 60m², however, the building has been carefully designed so that the finished built form appears as though it is a single dwelling. The existing and proposed built form are setback greater than the suggested 25 metres, is grouped with the existing domestic outbuildings on the allotment and when combined with the small allotment frontage to The Barracks, the fact the allotment is located on a bend on The Barracks and the topography of the allotment then the existing and extension (second dwelling) will not be highly visible from the Barracks or Williamstown Road. Also, the are mature eucalypts along the Williamstown Road, which also minimise any visual impact from Williamstown Road.

The area of the allotment is 1.557 hectares which is adequate in area and configuration to accommodate the proposal and still have adequate room for the applicants to further develop the site with passive rural activities such as fruit orchards, vegetable gardens etc that will have no adverse impacts on the adjoining landowners and/or occupiers.
**PDC 8** Development on allotments abutting Williamstown Road, Yettie Road, Whispering Wall Road, Balmoral Road and Goldfields Road should not be undertaken unless it is screened by existing landscaping, obscured from view by the natural form of land, or undertaken in association with screen planting that provides a continuous belt of trees and shrubs of no less than 10 metres in width.

The subject land identified as allotment 22 abuts Williamstown Road, however, the access to the allotment is off The Barracks and not Williamstown Road and as indicated earlier in this report there are mature eucalypts located on the northern, eastern and western boundaries of the site. The mature eucalypts along the Williamstown Road are the eastern boundary of the allotment. There are also random mature eucalypts in the vicinity of the existing dwelling and I can confirm that the construction of the second dwelling does not require the removal of any of the random eucalypt trees.

**Precinct 21 Cockatoo Valley:**

**PDC 18** Development within that part of the precinct shown on Concept Plan Map Baro/8 - Rural Living (Cockatoo Valley) should ensure that:

(a) existing trees are preserved
(b) areas formerly used for sand extraction have been rehabilitated and stabilised suitable for structures
(c) structures are set back at least 50 metres from the existing creeks as defined by a blue line on a current 1:50 000 SA Government topographical map
(d) roads wherever possible are located at least 100 metres from the existing creeks as defined by a blue line on a current 1:50 000 SA Government topographical map.

Reference has been made to Concept Plan Map Baro/8 - Rural Living (Cockatoo Valley) and I can confirm that the subject land will not be affected by Stage 2 of the Rural Living development nor be impacted by the mining operations within the Primary Production Zone and hence PDC 18 does not apply to this proposal.

**PDC 19** Development of 'Stage 2' as shown on Concept Plan Map Baro/8 - Rural Living (Cockatoo Valley), should only occur after the Private Mine (131) on the adjoining land to the east has been relinquished.

As stated above the subject land identified as allotment 22 is not impacted by Private Mine 131 and will not be affected by Stage 2 of the Rural Living development. Hence PDC 19 has no impact on this development proposal.

**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 extension (second dwelling) will be attached to the eastern aspect of the existing dwelling through a common laundry and has been professionally designed by Do Home Designs who are prominent and well respected home designers in Gawler (a copy of the proposed Concept plans is attached in Appendix 'F'). The existing colour scheme and material finishes were assessed when the original dwelling was approved by Council, the second dwelling which is attached to the original dwelling will continue the existing colour scheme, roof profiles and material finishes as the primary focus of the applicants is to make sure when the second dwelling is constructed the building appears as a single building and not something that has been tacked onto the existing (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 completed built form on the allotment has been minimised through stepping the building to minimise changes in the existing landform, provide variations in facades and other design elements such as a full length pergola on the northern aspect to minimise direct sunlight on the windows of the second dwelling, thus keeping the inside of the building cooler during period of extreme summer heat.

The location of the proposed second dwelling, will be located 28 metres approximately from the northern boundary and 44 meters from the eastern boundary and when combined with the existing mature eucalypts along the western, eastern and northern boundary of the allotment then 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 sufficiently 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 extension (second dwelling) will be attached to the eastern aspect of the existing dwelling through a common laundry and has been professionally designed by Do Home Designs who are prominent and well respected home designers in Gawler (a copy of the proposed Concept plans is attached in Appendix ‘F’). The proposed design and external colour scheme are an extension of the existing dwelling and is commensurate with the existing locality and zoning (a copy of the proposed Concept plans is attached in Appendix ‘F’).

The external colour scheme for the second dwelling is to replica of the colour scheme, material finishes and styles of the existing dwelling. The existing colour scheme was assessed as being appropriate when the original dwelling was approved and therefore it is not unreasonable to state that the extension of the colour scheme for the second dwelling is appropriate and in keeping with the immediate locality. In addition, the existing finishes and material finishes are non-reflective in nature and as such reduce any impact from glare from the proposed new extension 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 second dwelling will allow the applicants parents to live on the property in their own accommodation (intergenerational living) and be close enough so the applicant is able to care for his parents and take them to the required medial appointments so that activity does not have to be done by his parents. The building 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 existing and proposed second dwelling has an east-west orientation; however, the proposed domestic outbuildings located in the close vicinity of the existing dwelling would provide an ideal opportunity for the applicants to install photovoltaic cells to assist in increasing the use of renewable energy and less reliance on fossil fuels. The applicants have opted for an alternative options where they have installed a number of photovoltaic cells on a frame near the existing dwelling to assist with reducing fossil fuel consumption.

With the construction of the second dwelling attached to the existing dwelling via a common laundry the applicants have a real opportunity to provide a renewable energy source to the second dwelling by either providing a second array of panels as has been installed to the original dwelling or simply increase the existing array. There is also an opportunity for battery storage where the renewable energy can be generated during daylight hours, stored and used during periods when there is a greater demand for fossil fuel generated energy.

Due to the siting of the original dwelling and the proposed second dwelling, the built form was setback adequately from the allotment boundaries to have no overshadowing or preventing sunlight 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 design of the proposed second dwelling has taken advantage of the existing topography of the site by minimising the extent of cut and fill operations with the existing profile falling towards the Sandy Creek to Williamstown Road and as such to the proposed built form 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.

As mains water is located in The Barracks and connected to the allotment, there is a fire plug located in the street in front of the access point to the site which can be used for firefighting purposes should the need arise.

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 second dwelling which will be attached to the eastern aspect of the existing dwelling via a common laundry has been designed to take advantage of the exiting topography in the vicinity of the proposed new built form to minimise the extent of cut and fill operations. The location of the proposed new built form is not susceptible to landslip as the footings for the proposed new built form is founded in natural material and not on compacted fill. Any batters surrounding the new built form will be landscaped to minimise the extent of erosion due to stormwater run-off.

Whilst the existing allotment is well maintained by the applicant to minimise any bushfire potential the existing and proposed additional internal roadworks are and will be constructed of compacted crushed rock material and 3.000 metres minimum in width to cater for emergency services vehicles, should the need arise. In addition, the applicants also have an existing swimming pool located at the rear of the existing dwelling which can be used as a water source in the case of a bushfire.

There is mains water connected to the site and therefore the applicants will harvest rainwater run-off from a portion of the roof area of the second dwelling and pipe the run-off to a proposed 2000 litre rainwater storage tank which will be plumber to the second dwelling. The overflow from the proposed storage tank will either be connected to the existing management system or piped away from the buildings to irrigate existing and proposed landscaping.

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.

All of the required public utilities required for the occupation of the proposed extension (second dwelling) are already connected to the site and are of sufficient capacity within the existing dwelling to cater for the second dwelling. Whilst the existing domestic outbuildings located in the close vicinity of the existing dwelling provides an ideal opportunity for the applicants to install photovoltaic cells to assist in increasing the use of renewable energy and less reliance on fossil fuels. The applicants have opted for an alternative options where they have installed a number of photovoltaic cells on a frame near the existing dwelling to assist with reducing fossil fuel consumption. Hence, the applicants can expand to existing renewable energy system to cater for the second dwelling again reducing the reliance of fossil fueled energy (refer to the existing Site Plan attached in Appendix ‘F’).

The wastewater generated from the proposed second dwelling (for applicants parents) will require the installation of a second septic tank where the overflow from the second tank will be connected to the soakage trenches of the original dwelling. The location of the proposed second septic tank is shown in the plan prepared by Harnett Engineering which will be enclosed as part of the information supporting the development proposal.

The design and orientation of this proposal has considered and utilised a number of environmentally sustainable design techniques. There is mains water connected to the site and therefore the applicants will harvest rainwater run-off from a portion of the roof area of the second dwelling and pipe the run-off to a proposed 2000 litre rainwater storage tank which will be plumber to the second dwelling. The overflow from the proposed storage tank will either be connected to the existing management system or piped away from the buildings to irrigate existing and proposed landscaping.

Access to the subject land is gained off The Barracks which is a local sealed road under the care and control of Council. All existing access roads within the site are constructed from compacted quartzite crushed rock leading to the existing domestic outbuilding and also the parking areas in the close proximity to the existing dwelling. 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 from the site onto the adjoining public road.

Hence all of the utilities required to be provided for the occupation of the proposed second dwelling are already connected to the site or can be provided from existing dwelling or through the installation of renewable forms of energy generation and harvesting of rainwater run-off from the proposed new 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.

The dedicated and defined rural living land use is bisected by the Williamstown Road. On the western side of the Williamstown Road the defined area has an irregular allotment pattern that suits the landscape with the focus on the retention of existing native vegetation which this proposal achieves.

The character of the immediate locality comprises a typical rural setting exhibiting low density residential development in combination with small scale, part time farming and horticultural activities. The residential component within the rural living zone comprises of single storey detached dwelling and associated outbuildings that support both the part time farming and horticultural activities. The ‘subject land’ is of sufficient area that the proposed development 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 second dwelling are already connected to the site or can be provided from the existing dwelling or through the installation of renewable forms of energy generation and harvesting of rainwater run-off from the proposed new built form or through the installation of renewable forms of energy generation and harvesting some of rainwater run-off from the proposed new built form.

Considering the majority of the existing allotments within the immediate locality contain and existing dwelling and associate domestic outbuildings then is not unreasonable to state that the construction of the second dwelling, which is attached to the eastern aspect of the existing
dwelling via common laundry 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.

The design of the proposed second dwelling has taken advantage of the existing topography and when combined with the extension of the existing colour scheme and material finishes on the existing dwelling then the finished built form will appear as one continuous building rather than a dwelling addition. With the introduction of new landscaping around the second dwelling will assist in the reduction of any visual impact from the neighbouring properties or adjoining public roads.

Whilst the rear of the existing allotment abuts the Sandy Creek to Williamstown Road there are substantial matured eucalypts along the eastern boundary and whilst the Sandy Creek to Williamstown Road abuts a tourist route or scenic road the second dwelling will be setback approximately 44 metres from the road boundary the existing mature eucalypt provide substantial screening to the existing and proposed built form on the allotment.

The mass or bulky appearance of the proposed second dwelling has been achieved by articulation of the building lines, continuation window and door styles, use of verandahs and pergolas in the appropriate location as well as the clever use of the existing topography in the vicinity of the proposed second dwelling.

**PDC 5** The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.
The external colour scheme for the second dwelling is to replica the colour, material finishes and styles of the existing dwelling. The existing colour scheme was assessed as being appropriate when the original dwelling was approved and therefore it is not unreasonable to state that the extension of the colour scheme for the second dwelling is appropriate and in keeping with the immediate locality. In addition, the existing finishes and material finishes are non-reflective in nature and as such reduce any impact from glare from the proposed new extension 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 The Barracks which is a local sealed road under the care and control of Council. All existing access roads within the site are constructed from compacted quartzite crushed rock leading to the existing domestic outbuilding and also the parking areas in the close proximity to the existing dwelling. The internal roadworks will be extended in the same manner to provide access to the undercover garage in the second dwelling and to also provide a suitable manoeuvring area near the proposed garage. The existing and proposed new 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, thus ensuring the safe and efficient movement of vehicles on the adjoining public road (The Barracks).

Surrounding the proposed second dwelling the applicant’s propose to plant landscaping especially on any batters created in establishing the building platform for the proposed new built form. The landscaping will not only assist in bushfire risk protection but also assist to screen the proposed development from the adjoining properties and adjoining public roads.

**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.

The Barracks is a bitumen sealed public road under the control of Council. Access to the existing dwelling and associated outbuildings located on the subject land is via an existing access point off The Barracks. The subject land also abuts the Sandy Creek to Williamstown Road, which is secondary arterial road, however access from the site to this road would not be supported by DIT and therefore access to the proposed dwelling extension (second dwelling) will be via the existing access point. This proposal requires not changes to the existing access (refer to photographs attached in Appendix ‘A’).

The existing internal roadworks within the allotment are constructed of compacted quartzite crushed rock material which provides and all-weather surface and prevents mud from the site.
being dragged from the site onto the adjoining public road. Hence the proposal has direct access to a all weather 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) ............................................................

Additional internal roadworks will also provide an all weather road to the proposed garage (UMR). The proposed new roadworks will follow 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 allotment is devoid of native vegetation in the vicinity of the proposed building works; hence the proposal does not require the removal of any native vegetation. The proposal complies with PDC 29 listed above. To provide consistent and uniform internal roadworks the additional roadworks will also be constructed of compacted quartzite crushed rock material. The existing and proposed additional roadworks is 3.00m wide which allows for emergency service vehicles, should the need arise. 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.

Connected to the existing dwelling is an approved wastewater management system that comprises of a traditional septic tank and associated soakage trenches (refer to existing site plan attached in Appendix ‘F’).

The applicant has engaged the services of Harnett Engineering to prepare a wastewater management report and associated drawing. The applicants propose to lodge an application of an alteration to an existing wastewater system. However, the report indicates that a second septic tank needs to be installed to cater for the second dwelling where the overflow from the second tank will also be connected to the existing soakage trenches that are associated with the existing dwelling.

A copy of the plan prepared by Harnett Engineering will be submitted under separate cover to show the location of the proposed second septic tank.

**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 Cockatoo Valley rural living community.

8.2 Economic Impact:
The construction of the proposed second dwelling will provide economic benefit to the local business community with the opportunity for the applicant to use local builders.
The construction of the proposed second dwelling will allow the applicant to provide accommodation and better care for his parents as well as stimulate the economy through supporting local business outlets within the local community.

8.3 Environmental Impact:
The proposed construction of the second dwelling and associated infrastructure will have no negative environmental impact on the environment due to the following aspects:

- Access to the subject land is gained off The Barracks which is a local sealed road under the care and control of Council. All existing access roads within the site are constructed from compacted quartzite crushed rock leading to the existing domestic outbuilding and also the parking areas in the close proximity to the existing dwelling. The internal roadworks will be extended in the same manner to provide access to the undercover garage in the second dwelling and to also provide a suitable manoeuvring area near the proposed garage.

- There is mains water connected to the site and therefore the applicants will harvest rainwater run-off from a portion of the roof area of the second dwelling and pipe the run-off to a proposed 2000 litre rainwater storage tank which will be plumbed to the second dwelling. The overflow from the proposed storage tank will either be connected to the existing management system or piped away from the buildings to irrigate existing and proposed landscaping.

- The external colour scheme for the second dwelling is to replica of the colour scheme, material finishes and styles of the existing dwelling. The existing colour scheme was assessed as being appropriate when the original dwelling was approved and therefore it is not unreasonable to state that the extension of the colour scheme for the second dwelling is appropriate and in keeping with the immediate locality. In addition, the existing finishes and material finishes are non-reflective in nature and as such reduce any impact from glare from the proposed new extension on adjoining landowners or users of the adjoining public roads.

- The wastewater generated from the proposed second dwelling (for applicants parents) will require the installation of a second septic tank which will also be connected to the existing soakage trenches. The waste will be adequately treated and does not pose a risk to public health and the applicant will lodge an application to amend an existing wastewater management system.

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

- All of the required public utilities required for the occupation of the proposed extension (second dwelling) are already connected to the site and are of sufficient capacity within the existing dwelling to cater for the second dwelling.
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 Living Zone and Precinct 21 Cockatoo Valley which requires buildings 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, which this proposal achieves.

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

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

- The orderly nature of the development in its location;

- The proposed extension (second dwelling) will create an intergenerational home for the applicants parents, which is in keeping with the proposed State Planning amendments.

- 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 The Barracks or other public roads in the immediate locality.

The construction of the second dwelling and associated pergola and verandah, associated earthworks, continuation of the existing colour scheme and material finishes is unlikely to detract from the area’s visual amenity or surrounding rural living 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 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 looking from within the allotment towards the existing access point to the allotment off The Barracks. The existing access is constructed of compacted quartzite crushed rock material which provides an all-weather surface. With the construction of the extension (second dwelling) will be additional internal roadworks from the existing access to the proposed garage (UMR) and will be constructed of the same compacted crushed rock material.

Photograph provided by Planning Solutions (SA) Pty Ltd – 23 November 2020

PHOTOGRAPH No.2
Photograph taken looking in a westerly direction from the existing access point to the allotment showing there is adequate site distance along The Barracks for vehicles exiting the site, thus providing the safe and efficient movement of vehicles to and from the site. The allotment is of adequate size and configuration to allow all vehicle to enter and exit the site in a forward direction.

Photograph provided by Planning Solutions (SA) Pty Ltd – 23 November 2020
PHOTOGRAPH No.3
Photograph taken looking in a northerly direction from the existing access point to the allotment, showing there is adequate site distance along The Barracks for vehicles exiting the site, thus providing the safe and efficient movement of vehicles to and from the site. The allotment is of adequate size and configuration to allow all vehicle to enter and exit the site in a forward direction.

Photograph provided by Planning Solutions (SA) Pty Ltd – 23 November 2020

PHOTOGRAPH No.4
Photograph taken from near the existing access to the allotment showing the existing internal road which is constructed of compacted crushed rock. This internal road provides an all-weather access to the existing domestic outbuilding and the dedicated parking areas associated with the existing dwelling. Additional roadworks will be undertaken and constructed of the same material to provide an all-weather access to the proposed garage (UMR) of the second dwelling.

Photograph provided by Planning Solutions (SA) Pty Ltd – 23 November 2020
PHOTOGRAPH No.5
Photograph taken from looking in a southerly direction at the eastern aspect of the existing dwelling to which the common laundry will be attached. The proposed second dwelling will also be attached to the common laundry. The photograph also shows the topography in the vicinity of the proposed second dwelling, thus reducing the extent of cut and fill operations.

Photograph provided by Planning Solutions (SA) Pty Ltd – 23 November 2020

PHOTOGRAPH No.6
Photograph taken looking in a easterly direction from near the existing access to the site showing the existing mature eucalypts along the eastern boundary of the site that abuts the Sandy Creek to Williamstown Road. The existing eucalypts provide substantial screening the existing and proposed new built form. The photograph also shows the topography of the allotment where the additional roadworks for the second dwelling will be constructed which will require minimal change to the existing landscape.

Photograph provided by Planning Solutions (SA) Pty Ltd – 23 November 2020
PHOTOGRAPH No.7
Photograph taken from looking in a westerly direction at the eastern aspect of the existing dwelling to which the common laundry will be attached. The proposed second dwelling will also be attached to the common laundry. The photograph also shows the topography in the vicinity of the proposed second dwelling.

Photograph provided by Planning Solutions (SA) Pty Ltd – 23 November 2020

PHOTOGRAPH No.8
Photograph taken showing the existing photovoltaic cells located near the western aspect of the existing dwelling. The applicant has the opportunity to expand this existing system or provide a separate system to cater for the proposed second dwelling. The use of renewable energy assists in reducing the reliance of energy generated by fossil-fueled sources.

Photograph provided by Planning Solutions (SA) Pty Ltd – 23 November 2020
PHOTOGRAPH No.9
Photograph taken looking at the front of the existing dwelling located on the allotment. The proposed second dwelling will have Red face brickwork and a colour scheme and material finishes that are commensurate with the existing dwelling. The proposed Second dwelling will not have any rendering on the proposed extension.

Photograph provided by Planning Solutions (SA) Pty Ltd – 23 November 2020

PHOTOGRAPH No.10
Photograph taken from near the existing access to the allotment showing the existing internal road which is constructed of compacted crushed rock. This internal road provides an all-weather access to the existing domestic outbuilding and the dedicated parking areas associated with the existing dwelling. The proposed second dwelling does not require the removal of any existing trees that are randomly located on the existing allotment.

Photograph provided by Planning Solutions (SA) Pty Ltd – 23 November 2020
APPENDIX B
(Certificate of Title)
Certificate of Title - Volume 5392 Folio 403

Parent Title(s)  CT 4287/814
Creating Dealing(s)  CONVERTED TITLE

Estate Type
FEE SIMPLE

Registered Proprietor
ANDREW PATRICK MARTIN PORTER
ANN-MARIE PORTER
OF LOT 22 THE BARRACKS COCKATOOL VALLEY SA 5351
AS JOINT TENANTS

Description of Land
ALLOTMENT 22 DEPOSITED PLAN 18889
IN THE AREA NAMED COCKATOOL VALLEY
HUNDRED OF BAROSSA

Easements
NIL

Schedule of Dealings
Dealing Number  Description
8597397  MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.

Notations
Dealings Affecting Title  NIL
Priority Notices  NIL
Notations on Plan  NIL
Registrar-General's Notes
AMENDMENT TO DIAGRAM VIDE 4/2000
Administrative Interests  NIL
APPENDIX C
(Zone and Precinct Map – Baro/22)
The 'subject land' identified as Allotment 22, in DP18889 and on which the proposed new dwelling will be constructed is entirely contained within the Rural Living Zone of the Barossa Council Development Plan (5 September 2019 - consolidation)
The "subject land" identified as Allotment 22, in DP18889 and on which the proposed new dwelling will be constructed is entirely contained within the Precinct 21 Cockatoo Valley of the Barossa Council Development Plan (5 September 2019 - consolidation)
APPENDIX D
(Heritage Character Preservation District – Overlay Map Baro/22)
Heritage points are indicative only.
For further information on State and Local Heritage Places and Contributory Items please refer to the relevant tables within this document.

Overlay Map Baro/22
HERITAGE AND CHARACTER PRESERVATION DISTRICT

BAROSSA COUNCIL
Consolidated - 6 September 2019

The 'subject land' identified as Allotment 22, in DP18889 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 22, in Dp18889 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 F
(Concept Plans – including Site Plan, Elevations and Floor Layout)
Mr A & Mrs A Porter

LOT 22
The Barracks COCKATOO VALLEY SA 5351

SCALE: 1:800

SHEET NAME: NEW SITE PLAN

DRAWN BY: DMOH

DATE: 13/07/2020

UPDATE:

CLIENT: Mr Andrew & Mrs Ann-Marie PORTER

LOT 22, The Barracks COCKATOO VALLEY SA 5351

ENERGY EFFICIENCY ZONE 5
W2 NRSPEED EXTENSION TO ORIGINAL CAPE COD HOME
MECHM BUSHFIRE ZONE

N E W LA U N C H RE Z O N E HAS A DOUBLE BRICK WALL ADJOINING NEW EXTENSION

R IN WIER TANK - MIN 2000 L TO COLLECT MIN 50 m3 ROOF

A R E A TO BE P L A N M E D TO MIN 1.2 m PVC OR LAUN DRYER

WATER LOOP & POWER POINT BY BUILDERS MARKED ON PLAN

H AND WIRED SMOKE ALARMS WITH 12 V BATTERY BACKUP

PHOTO: ELECTRIC

A G - 3799 2014 - SMOKE ALARMS

D I - DOWNSRIP LOCATION 75 MM - NOTE BY ENGINEERS

STORMWATER MANAGEMENT - STORMWATER TO WATER TABLE FROM DRY BY MEANS OF 100 MM PVC UNDERGROUND PIPES CONNECT TO ORIGI NAL HOME STORMWATER PVC ROUND AND REQUIRED TO DETENTION TANK

STORMWATER AND LEVELS TO ENGINEERS SPECIFICATIONS

S A I N

S U B T R A N S I T I O N & HIGH VOLTAGE UNDERGROUND CABLE ON THE BARRACKS ROAD

A & A PORTER

LOT 22
161 THE BARRACKS COCKATOO VALLEY SA 5351

SITE PLAN

TERMITI TREATMENT:
TERMITI TREATMENT TO COMPLY WITH PART 3.1.2 BURRI

PLANT THE CONCRETE SLAB AT THE END AS PART OF THE HOUSE BASKET SYSTEM, THE SLAB MUST BE DESIGNED AND CONSTRUCTED TO COMPLY WITH AS 1586.3

SLAB MUST HAVE PERFORATIONS, CONTROL JOLTS AND LOCATION PROTECTED. THE SLAB IS DEPENDENT ON A PERMANENT PROTECTION MEASURE SUCH AS THE STONE LETTER (TILING) IS IMPERMEABLE.

NOTE: IN THE EVENT THAT THE STONE LETTER IS IMPERMEABLE, THE BOUNDARY WALLS SHOULD BE BOUNDARY WALLS SHOULD BE CONSTRUCTED TO BE IMPERMEABLE.

EXISTING SMOKE ALARMS AS 2018 - 2019 ASSET

NO SMOKE ALARMS TO BE SUPPLIED AND INSTALLED

IT IS THE RESPONSIBILITY OF THE HOUSEHOLD TO SUPPLY AND INSTALL SMOKE ALARMS AS PER THE REQUIREMENTS OF THE BUILDING REGULATIONS.

PLUGS TO BE IN A插座 WITH A CAPACITY TO WITHSTAND THE PERIODIC CART OFFICE REQUIREMENTS.

ENERGY RATING NOTED:
ENRAGT TO THE HOUSEHOLDER TO CALCULATE THE ENERGY EFFICIENCY RATING OF THE HOUSE.
NOTES
- THE EXISTING SOAKAGE TRENCHES ARE FOUNDATION BELOW THE SURFACE IN SILTY SAND.
- PROVIDE A LEVEL BASE TO ENSURE EVEN DISTRIBUTION OF THE EFFLUENT FLOW. CHECK WITH A LASER OR DAMP LEVEL.
- GRASS SHOULD BE ESTABLISHED OVER THE TRENCH AFTER COMPLETION.
- MOUND TRENCH WHEN BACKFILLING TO ALLOW FOR SETTLEMENT.
- PLEASE REFER TO WASTEWATER MANAGEMENT REPORT SECTION 6.0 FOR RELEVANT SET BACK DISTANCES.
- FLEXIBLE CONNECTIONS ARE NOT REQUIRED.
- PLUMBING SHOWN IS INDICATIVE ONLY. THIS IS NOT A PLUMBING PLAN.

EXISTING 3000L SEPTIC TANK
EXISTING RESIDENCE
EXISTING 3000L SEPTIC TANK
EXISTING TWO SOAKAGE TRENCHES: 40m x 1.2m

PROPOSED 3,000L RI INDUSTRIES SEPTIC TANK
PROPOSED RESIDENCE

EXISTING TWO SOAKAGE TRENCHES: 40m x 1.2m

THE BARRACKS
EXISTING SWIMMING POOL
EXISTING RESIDENCE
EXISTING 3000L SEPTIC TANK
EXISTING TWO SOAKAGE TRENCHES: 40m x 1.2m

INLET PIPE
FILTER CLOTH
PLASTIC TUNNEL ALONG LEVEL BED TO BE SPIKED TO PREVENT THE SIDES MOVING INWARDS.
BACKFILL WITH SANDY SOIL

THE BARRACKS
EXISTING RESIDENCE
EXISTING 3000L SEPTIC TANK
EXISTING TWO SOAKAGE TRENCHES: 40m x 1.2m

INLET PIPE
FILTER CLOTH
PLASTIC TUNNEL ALONG LEVEL BED TO BE SPIKED TO PREVENT THE SIDES MOVING INWARDS.
BACKFILL WITH SANDY SOIL

THE BARRACKS
EXISTING RESIDENCE
EXISTING 3000L SEPTIC TANK
EXISTING TWO SOAKAGE TRENCHES: 40m x 1.2m

INLET PIPE
FILTER CLOTH
PLASTIC TUNNEL ALONG LEVEL BED TO BE SPIKED TO PREVENT THE SIDES MOVING INWARDS.
BACKFILL WITH SANDY SOIL
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>Application withdrawn. New application lodged with the State Planning Commission</td>
</tr>
<tr>
<td>960/35/2019</td>
<td>Andrew Davidson Pty Ltd &amp; CN Scalzi Investments Pty 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>J D Lewis</td>
<td>19D Goldfields Road Cockatoo Valley</td>
<td>Torrens Title Land Division – Create one additional allotment</td>
<td>Concurrence Not Granted by State Planning Commission. (6/10/2020 panel meeting)</td>
</tr>
<tr>
<td>960/224/2020</td>
<td>Rhys Hewitt Graphic-Alliance Pty Ltd</td>
<td>1312 Barossa Valley Way Lyndoch</td>
<td>Installation of a free standing pylon sign; advertising cellar door</td>
<td>Awaiting Concurrence (2/3/2021 panel meeting)</td>
</tr>
</tbody>
</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. Still under compromise with the ERD Court.</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>Still under compromise with the ERD Court.</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 4 May 2021 commencing at 5.00 pm.

13. **CLOSURE OF MEETING**