Notice is hereby given that the thirty fifth meeting of the Barossa Assessment Panel will be held at the Council Offices, 43-51 Tanunda Road, Nuriootpa on Tuesday, 4 May 2021, commencing at 5:00 pm

Gary Mavrinac
Assessment Manager

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

NOTE: Plans contained in this agenda are subject to Copyright Laws.
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       Representors: Clare Smallridge and Andrew Beswick

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1. **WELCOME**

2. **ATTENDANCE**

2.1 **Present**

2.2 **Apologies**

R Miller

2.3 **Absent**

3. **CONFIRMATION OF MINUTES**

**Recommendation**

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 6 April 2021 be received and confirmed. Refer *Attachment 1*. 
BAROSSA ASSESSMENT PANEL

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

Tuesday, 6 April 2021 commencing at 5:00pm

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

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

2. ATTENDANCE

2.1 Present

Panel Members
- Bruce Ballantyne: Presiding Member
- Rob Veitch: Member
- Grant Hewitt: Member
- Richard Miller: Member
- Jake McVicar: Deputy Member (via Teams)
- Gary Mavrinac: Assessment Manager

Council Staff
- Janine Lennon: Acting Manager, development Services
- Jake Boswell: Assessment Officer, Planning
- Anthony Zollo: Assessment Officer, Planning
- Calvin Bacher: Assessment Officer, Planning
- Chris Kruger: Minute Secretary

2.2 Apologies

Nil.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: G Hewitt                   Seconded: R Miller
That the minutes of the Barossa Assessment Panel meeting held on 2 March 2021 be received and confirmed.

CARRIED
4. BUSINESS ARISING

Nil.

5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

Nil.

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/230/2020 (3000 Barossa Valley Way Tanunda)

Representors
Sophia Kapsiotis addressed the Panel at 5:07pm, and answered questions from the Panel.

Applicant
Trevor White (Planning Solutions SA Pty Ltd on behalf of AFT Lister Consulting Trust) addressed the Panel at 5:14pm, and answered questions from the Panel.

Recommendation

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

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

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

(c) To GRANT Development Plan Consent for Application No. 960/230/2020 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 contactors 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 occurs 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.

(24) 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.
(25) 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**

(26) 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.

(27) 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.

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

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

(30) 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.

(31) 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**

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

(b) Any portion of Council’s infrastructure damaged as a result of work undertaken within the development site or associated with the development shall be
repaired/reinstated to Council’s satisfaction at the developer’s expense.

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

Panel Decision

Moved: R Veitch Seconded: G Hewitt

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

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

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

(c) 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:
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(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
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- 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 4.00pm
(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.
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.

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.

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.

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.

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.

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 occurs 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.

(24) 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.

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

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.

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
(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](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](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.

CARRIED

6.2 960/573/2020 (161 The Barracks Cockatoo Valley)

Recommendation

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

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

(b) That the 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.
Panel Decision

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

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

Nil.

8. REPORTS – DEFERRED APPLICATIONS FOR DECISION

8.1 Updates on Deferred Applications for Decision

Recommendation

That the report be received.

Panel Decision

Moved: R Miller  
Seconded: J McVicar  
That the recommendation be adopted.  
CARRIED

9. REPORTS - PANEL UPDATES

9.1 State Planning Commission Concurrence Applications

Recommendation

That the report be received.

Panel Decision

Moved: G Hewitt  
Seconded: R Veitch  
That the recommendation be adopted.  
CARRIED
9.2 Environment Resources and Development Court Appeal Updates

Recommendation

That the report be received.

Panel Decision

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

CARRIED

10. REPORTS - OTHER BUSINESS

10.1 Planning Reform Updates

G Mavrinac advised that the transition to the Portal from 19 March 2021 has been going reasonably well, with no major issues reported.

Unfortunately Jane Evans was unable to gain Accreditation as an Independent Member of the Barossa Assessment Panel under the Planning, Development and Infrastructure Act 2016, so has had to relinquish her position on the Barossa Assessment Panel. A report will be submitted to Council seeking to fill the position vacated by Jane.

10.2 Member Apology

R Miller advised that he will be tendering an apology for the 4 May 2021 Panel Meeting.

11. REPORTS – CONFIDENTIAL

Nil.

12. NEXT MEETING

Tuesday 4 May 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

6.1 960/562/2019 – 354 McCallum Road Rosedale

**Applicant:** Elinor Walker of ESD Planning & Design on behalf of Barossa Glen Pty Ltd

**Representors:** Clare Smallridge and Andrew Beswick

APPLICATION DETAILS

<table>
<thead>
<tr>
<th>PROPOSAL</th>
<th>Change of Use to function centre (maximum of 200 attendees) and small scale tourist accommodation (up to 5 guests)</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPLICANT</td>
<td>Barossa Glen Pty Ltd</td>
</tr>
<tr>
<td>OWNER</td>
<td>Susan Vigor Nominees Pty Ltd</td>
</tr>
<tr>
<td>APPLICATION NO</td>
<td>960/562/2019</td>
</tr>
<tr>
<td>CERTIFICATE(S) OF TITLE</td>
<td>CT 5942/430</td>
</tr>
<tr>
<td>AREA</td>
<td>13.5 ha</td>
</tr>
<tr>
<td>CURRENT USE</td>
<td>Dwelling and Primary Production (agriculture)</td>
</tr>
<tr>
<td>DEVELOPMENT PLAN VERSION</td>
<td>Consolidated 5 September 2019</td>
</tr>
<tr>
<td>ZONE</td>
<td>Primary Production</td>
</tr>
<tr>
<td>PRECINCT AREA</td>
<td>Precinct 5 - Concordia</td>
</tr>
<tr>
<td>OVERLAYS</td>
<td>Character Preservation Area - District Bushfire Protection Area - Medium</td>
</tr>
<tr>
<td>APPLICATION TYPE</td>
<td>Merit</td>
</tr>
<tr>
<td>CATEGORY OF DEVELOPMENT</td>
<td>Category 3</td>
</tr>
<tr>
<td>REFERRALS</td>
<td>Nil</td>
</tr>
<tr>
<td>PREVIOUS APPLICATIONS</td>
<td>Nil</td>
</tr>
<tr>
<td>ASSESSING OFFICER</td>
<td>Janine Lennon</td>
</tr>
</tbody>
</table>

**RECOMMENDATION**

That Development Plan Consent be GRANTED

**BACKGROUND**

On 9 September 2019 the applicant lodged a development application for a change of land use to short term accommodation and functions accompanied by only a floor plan that showed five bedrooms and a conference room.

Upon receipt of a request for additional information the applicant requested that the proposal be placed on hold.

On 20 April 2020 Council received additional plans, a planning consultant report, a traffic engineer’s report and an environmental noise assessment. The proposal was then placed upon public notification as a change of use to function centre (maximum of 200 attendees) and small scale tourist accommodation (up to 5 guests).

A copy of the public notification representations were emailed to the applicant on 21 May 2020 and the response to representations was received on 17 March 2021.
The response to representations was forwarded to the representor, who expressed a wish to speak, on 25 March 2021 asking that they respond by 9 April 2021 in they wished to provide further comment, no response was received.

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

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

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

**PUBLIC NOTIFICATION**

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

**Representations:** Nine representations were received.

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

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

- Clare Smallridge and Andrew Beswick

**Applicant/s**

ESD Planning & Design on behalf of Barossa Glen Pty Ltd (the Applicant) wishes to appear to respond to representations.

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

- Extra traffic on an unsurfaced road with a one lane width bridge
- Proposed hours of business 2.00 am is too late
- Noise and disturbance will negatively impact upon racehorses performance

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

- Reference to MFY traffic report and addendum from Melissa Mellen
- Reference to Environmental Noise Assessment
- Offer to reduce function centre operating hours to 10.00 am to 12.30 am Wednesday to Saturday, but include Sundays and Public Holidays 10:30 am – 12.30 am.
- Offer to install a 600mm high planter box with suitable screening plants on the northern side of the of the car park

An aerial view showing the representations properties is shown in *Figure 1*. 
SITE AND LOCALITY
The subject site is approximately 13.45 hectares and is located approximately 2.1 km north-east of the township of Sandy Creek and approximately 2.6 km south-west of the township of Rosedale. The subject site is bounded by McCallum Road to the north and horticulture to the south, east and west.

The site currently has existing use rights for a dwelling and agriculture.

The subject land is surrounded by assorted sized allotments with varying configurations. Dwellings are a common feature within the locality with the majority of sites having some form of residential use associated with existing primary production (crop and grazing land) or horticultural (vineyards) uses.

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

The site is located within the Concordia - 5 Precinct as shown in Figure 3.

The site is located within the Character Preservation District Overlay as shown in Figure 4.

The site is located within the Bushfire Protection Area Overlay as shown in Figure 5.

An aerial view of the locality and site are shown in Figure 6 and Figure 7.
Site photos are provided in Figure 8 to Figure 10.

Figure 2: Zone Map
Figure 3: Precinct Map
Figure 4: Character Preservation District Overlay Map
Figure 5: Bushfire Protection Area Overlay Map
REFERRALS
No referrals are required under Schedule 8 of the Development Regulations 2008.

Internal
The application was referred to:

Health Services  A wastewater application and food handling notification will be required.

Works & Engineering  Some concerns regarding the potential impacts upon McCallum Road, addressed by applicant’s Traffic Engineer.

ASSESSMENT

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

<table>
<thead>
<tr>
<th>DEVELOPMENT PLAN PROVISIONS</th>
<th>STANDARD</th>
<th>ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>CARPARKING SPACES</td>
<td>One per three seats provided or able to be provided</td>
<td>67 provided</td>
</tr>
<tr>
<td>Function Centre (restaurant)</td>
<td></td>
<td>Complies with standard: ☑ Yes ☐ No ☐ Partial</td>
</tr>
<tr>
<td>General Section PDC 31</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Qualitative Criteria

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

Overlay Section

Character Preservation 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 tourist accommodation within this area have been recommended.

General Section

Hazards

Bushfire

Objectives 1, 2 and 5

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

As previously detailed, the site is within the Medium Bushfire Protection Area. The standard conditions for tourist accommodation within this area have been recommended.

All relevant Objectives and PDCs are deemed to comply.

Interface between Land Uses

Noise

Objectives 1 and 2

PDCs 1, 2, 6 and 7

NOISE

A significant concern for the proposed development is the potential for interface issues between the site and the adjoining land uses, in particular the dwelling and stables across the road at 345 McCallum Road. The dwelling is approximately 160m and slightly uphill from the proposed function centre and it is reasonable to expect that noise from the function centre would reach the dwelling. In response to concerns raised by representors and the Assessing Officer the applicant has provided an Environmental Noise Assessment in conjunction with a “Business Management Plan”.

The Environmental Noise Assessment details that the predicted noise levels from patrons and vehicles will achieve the relevant requirements of the Environment Protection (Noise) Policy 2007, provided the number of patrons within the designated outdoor area is limited to no more than 200. Also that the predicted noise from the development will
achieve the adopted music noise criteria, subject to the specific acoustic treatment measures detailed in this report comprising:

- Limiting the internal music levels
- Ensuring doors are normally closed while music is played
- Specific construction for the ceiling and any new doors or windows; and
- Restricting the type and location of outdoor acoustic performances.

It should be noted that there is no proposal to alter the ceiling, doors or windows. Therefore only three out of the four treatment measures are expected to be undertaken.

It is noted that with regard to dot point three the Environmental Noise Assessment refers to the future construction of any new windows and glazed doors, without suggesting that they should be replaced prior to the use of the site as a function centre, so this perceived shortfall should be weighted accordingly.

Due to ongoing concerns that despite the Environmental Noise Assessment the development will potentially have an unreasonable impact and conflict between land uses. The applicant has offered to reduce the operating hours from 2.00 am to 12.30 am but have also requested that in return they include Sundays and Public Holidays in the days that they are permitted to trade.

Whilst it is expected that the function centre will impact upon the amenity of the locality, it is considered that the measures proposed to be put in place should avoid causing an unreasonable impact upon the amenity of the locality.

All other Objectives and PDCs are deemed to comply.

**Orderly and Sustainable Development**

Objectives 1, 3 and 7  
PDCs 2, 3 and 10

All relevant Objectives and PDCs are deemed to comply.

**Tourism Development**

Objectives 1, 2, 3, 4, 5, 7 and 8  
PDCs 1, 3, 4, 10, 11, 14 and 17

PDC 11 states that tourism developments in rural areas should primarily be developed in association with one or more of the following:

- (a) agricultural, horticultural, viticultural or winery development
- (b) heritage places and areas
- (c) public open space and reserves
- (d) walking and cycling trails
- (e) interpretive infrastructure and signs.
None of the five sub points apply to this proposal, but it will involve the reuse of an existing building and will not result in additional building work on the site. It is also located within a few minutes’ drive of a number of wineries and cellar doors.

All other relevant Objectives and PDCs are deemed to comply.

Transportation and Access

| Land Use | Objectives 2 |
| Access | PDCs 1, 22, 23, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 and 39 |
| Access for People with Disabilities | A traffic report and car parking plan has been provided by an appropriately qualified traffic engineer. |
| Vehicle Parking | Minimum car parking requirements are proposed to be met. |

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.

Waste

| Wastewater | Objectives 1 and 2 |
| Waste Treatment Systems | PDCs 1, 2, 3, 4, 5, 7, 10, 11, 12, 13 and 14 |
| All relevant Objectives and PDCs are deemed to comply. |

Zone Section

Primary Production Zone

| Objectives 1, 3 and 5 |
| All relevant Objectives are deemed to comply. |

Desired Character

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

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

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

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

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

.....

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

Desired Character

The proposal is generally consistent with the desired character

Land Use

PDCs 1

Tourist accommodation is an envisaged use in the Zone. The Zone is silent on use as a function centre.

All other relevant PDCs are deemed to comply.

Form and Character

PDCs 19

All relevant PDCs are deemed to comply.

Table Section

Table Baro/1 – Off Street Vehicle Parking Requirements

Number of required car parking spaces are proposed to be provided
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. 960/562/2019 by Barossa Glen Pty Ltd to undertake Change of Use to function centre (maximum of 200 attendees) and small scale tourist accommodation (up to 5 guests) at 354 McCallum Road, ROSEDALE (CT 5942/430) 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. 960/562/2019 except where varied by any condition(s) listed below.

- Business Management Plan – McCallum Road, Rosedale – 960/562/2019 – Change of Use to function centre and tourist accommodation - undated.
- Site Plan - prepared by ESD Planning & Design - undated
- Site Plan - prepared by Bleeze Neale & Associates Pty Ltd – undated – Sheet 1 and 2
- Floor Plan - prepared by ESD Planning & Design, Dnw No SK001, undated
- Environmental Noise Assessment - prepared by Sonus, dated February 2020
- Traffic and Parking Assessment - prepared by MFY, dated 9 April 2020
- Car Park Layout - prepared by MFY, Project No 20-0022, Rev E, dated 26 March 2020
- Road impact email - prepared by Melissa Mellen – MFY, dated 19 June 2020
- Change Proposed Operating Hours email - prepared by Zoe Delmenico – ESD Planning & Design, dated 21 April 2021

Reason: To ensure that the proposal is constructed in accordance with the plans stamped as approved by the Planning Authority.
The Function Centre shall operate in accordance with the following noise amelioration requirements:

- The following music levels are not exceeded when measured within the northern Function Space room:

<table>
<thead>
<tr>
<th>Noise Level</th>
<th>63Hz</th>
<th>125Hz</th>
<th>250Hz</th>
<th>500Hz</th>
<th>1kHz</th>
<th>2kHz</th>
<th>4kHz</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum allowable indoor music noise level</td>
<td>50</td>
<td>57</td>
<td>69</td>
<td>81</td>
<td>84</td>
<td>87</td>
<td>83</td>
</tr>
</tbody>
</table>

- When music is played within the northern Function Space room, all external doors shall be closed and access shall only occur through the adjacent lounge area in an airlock style arrangement.

- Outdoor entertainment shall be restricted to acoustic performances by a single unamplified performer at the location shown in red in the Sonus Report included in the Planning Consent Stamped Plans.

- All gaps in the existing ceiling shall be filled in and sealed airtight.

- Should any new glazing be proposed or existing replaced in doors or windows, it shall be replaced with a minimum of 10.38mm thick laminated glass (or acoustic equivalent) installed in a system with acoustic seals which achieve an airtight seal when closed.

Reason: To ensure that the amenity requirements for the locality are maintained.

The Function Centre shall operate within the following hours:

- Wednesday – Saturday 10.00 am until 12.30 am the following morning
- Sunday and Public Holidays 10.30 am until 12.30 am the following morning

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

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.

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.

Prior to the issue of Development Approval the applicant shall submit a car parking plan detailing all civil works (cut, fill, surfacing, drainage etc), planter box and landscaping plan associated with the proposed car park, driveway and vehicle manoeuvrability areas.
Reason: To ensure that the proposal is used, run and maintained as approved by the Relevant Authority.

(7) The subject land is located within a Medium Bushfire Risk area. A dedicated and independent water supply shall be available at all times for the short term tourist accommodation building 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 fire fighting purposes shall comply with the Ministers Specification SA 78 ‘Bushfire fighting equipment and water supply requirements in designated bushfire prone areas’.

Reason: To ensure that 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 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.

(9) The short term tourist accommodation rooms shall only be occupied as short term tourist accommodation and at a maximum of five guests total at any one time.

Reason: To ensure that the proposal is used, run and maintained as approved by the Relevant Authority.
6.1 Attachment 1
**DEVELOPMENT APPLICATION FORM**

**CONSENT TYPE APPLYING FOR** (Please tick appropriate box)
- Development Plan Consent (Planning Only)
- Building Rules Consent (Building Only)
- Full Development Approval (Both Planning and Building Consent)

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

**APPLICANT:** Barossa Glen Pty Ltd  
Postal Address: PO Box 347, Sandy Creek SA  
Phone: 0400 244 187  
Email: admin@barossaglen.com.au  
Post Code: 5350

**OWNER:** Susan Vigor Nominees Pty Ltd  
Postal Address: PO Box 151, Walkerville SA  
Phone: 0404 780 828  
Email: vigorsj@gmail.com  
Post Code: 5081

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

**BUILDER:**  
Postal Address:  
Phone:  
Email:  
Mobile:  
Fax:  
Post Code:  
Builders Licence No:

**CONTACT PERSON FOR FURTHER INFORMATION:** Name: Henri Vigor  
Phone: 0400 244 187  
Email:  
Fax:  
Mobile: 

**DESCRIPTION OF PROPOSED DEVELOPMENT:** Change of land use for short term accommodation and functions

**EXISTING LAND USE:** Rural

**AREA (m²) OF PROPOSED DEVELOPMENT:** 600 sq metres

**LOCATION OF PROPOSED DEVELOPMENT:**  
House No: 354  
Street: McCallum Rd  
Lot No: 102  
Section: DP 67208  
Town: Rosedale  
Hundred: Barossa

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

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

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

**DEVELOPMENT COST** (do not include any fit out costs): $NIL

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

**SIGNED:**  
**Dated:** 9/9/2019
Business Management Plan

McCallum Road, ROSEDALE
960/562/2019

Change of Use to function centre and Tourist Accommodation
4) Business management plan which includes (but is not limited to) the following detail:

a. How the proposed development will function with regard to the rest of the site
   i) The functioning site will include a car park for 50 vehicles located above the main building and storage shed 1. Car parking will be located between Storage Shed 1 and Main House driveway (Driveway - In and Out) with an overflow carpark located in raceway behind Storage Shed 1.
   ii) Both parking in behind Storage Shed 1, with drop off zone in front of the Main House.
   iii) All with signage to direct patrons to the front terrace and functions area.
   iv) With over 160m construction (2.4 x 1.8 m) temporary fence
   v) We have 60 metres of event temporary (3.0 x 1.25 m) white picket fence to facilitate crowd control and venue borders.
   vi) We will be using a strict glass free policy to reduce breakage hazard.
   vii) Barn based DJ Speakers with 500mm stone walls providing good noise proofing/buffering.
   viii) All liquor licenced areas will be contained within perimeter fencing
   ix) Licenced bar will be kept locked outside of general function centre hours and is under 24 hours recorded CC TV surveillance. The onsite licenced bar area(s) will be kept off limits to general public. With events for over 120 people a second secure outdoor bar area provision will be provided within our liquor licenced area.
   x) Additional toilets will be provided by the venue or client for events held with above 120 patrons at one time.

b. Number of existing tourist accommodation beds on site, number of new tourist accommodation beds proposed
   i) Seven (7) Bedrooms will be available on site – five (5) located in Main House and two (2) available in the coach house apartment complex
   ii) These rooms will be available to the named clients / designated wedding party to prepare for / stay overnight during their event.
   iii) These rooms will also be available for Bed & Breakfast stays during the wedding off peak season.
   iv) There is not current tourist accommodation operating on the subject land.

c. Number of staff to be employed at site and times of employment
   i) Weekly On-going
      (1) One (1) Grounds Keeper/Maintenance Employee – 3 days per week
      (2) Two (2) Cleaners – 1 day per week
      (3) One (1) Bar Staff – Per Event day for up to 8 hours
      (4) Two (2) Runners/waiting staff – Per event day for up to 8 hours
      (5) One (1) Security Personnel - Per event day for up to 6 hours
      (6) One (1) Venue Manager – Per event day

d. Proposed business hours for function centre
   i) Proposed business hours for the Barossa Glen function centre will be (upon booked event days) from 10am to 2am (Licenced until 12am/midnight or earlier (Unless special provisions are otherwise applied for and approved via council/Consumer Business Services).
e. Proposed maximum number of patrons for function centre

i) Maximum number of customers/guests for the Barossa Glen function Centre will 200 patrons.

ii) We will be applying for 200 patrons, although we estimate with our market research that the majority of weddings will have numbers ranging between 50 to 125 patrons.

f. Types of functions to be catered for

i) Weddings

ii) Small corporate functions

iii) Wedding expos to promote the venues and vendors.

iv) Art exhibitions

v) Special occasion parties, birthday, anniversary, work functions, special events (book launches, small acoustic entertainment located towards the front veranda (e.g. like veranda sessions)

g. Methods of advertising development (i.e. any signage proposed?)

No signage is proposed as part of this application.
CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1856

VOLUME 5942 FOLIO 430
Edition 3
Date Of Issue 14/06/2005
Authority RTC 10180686

South Australia

I certify that the registered proprietor is the proprietor of an estate in fee simple (or such other estate or interest as is set forth) in the land within described subject to such encumbrances, liens or other interests set forth in the schedule of endorsements.

[Signature]
REGISTRAR-GENERAL

REGISTERED PROPRIETOR IN FEE SIMPLE

SUSAN JANE FREEBAIRN OF 3/1 MILTON AVENUE FULLARTON SA 5063

DESCRIPTION OF LAND

ALLOTMENT 102 DEPOSITED PLAN 67206
IN THE AREA NAMED ROSEDALE
HUNDRED OF BAROSSA

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS

NIL
2) Site Plan to scale showing the entire site:
PLANNING REPORT

CHANGE OF USE TO FUNCTION CENTRE AND TOURIST ACCOMMODATION (5 GUEST MAXIMUM)

354 McCallum Road, Rosedale

DA NO. 960/562/2019
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SUMMARY

ESD Planning & Design has been engaged by Susan Vigor Nominees, the owner of the subject land, to prepare a Development Plan Consent application for the Change of Use to a Function Centre and Tourist Accommodation (maximum of 5 guests) on a single allotment at 354 McCallum Road, Rosedale.

The subject site formed part of the original farming settlement of Sandy Creek. The property which was named ‘The Glen’ was established by John McCallum in 1851, with the existing homestead being constructed around 1855. The rural allotment contains an existing dwelling and various farm buildings within a confined building envelope.

There are no external buildings and works proposed on the site and the proposal of for a change in use to allow for:

- parts of the garden to be used as a function space
- the dwelling to be partially used for tourist accommodation (maximum 5 people)
- a portion of the dwelling to be used for function space

The report is to be read in conjunction with the reports prepared by Sonus dated February 2020 and MFY dated 9 April 2020 which have been submitted with the application.

In preparing this report we have undertaken a review of the following:

- Certificate of titles (Appendix A).
- Subject land and locality
- Site Plans prepared by Blease Neal & Associates (Appendix B)
- Business Management Plan prepared by Henri Vigor (Appendix B)
SUBJECT SITE AND LOCALITY

The subject site contains a single allotment which is identified as CT Volume 5942 Folio 430.

The total site area is 13.4 hectares with a street frontage of 513.7 metres and a maximum depth of 283.9 metres. The Sandy Creek traverses the length of the eastern boundary.

The site slopes from west to east with an approximate fall of 35 metres across the length of the allotment.

The adjacent lot which abuts the western, southern and eastern boundaries is 80 acres which predominately contains vineyards. There is no existing dwelling or farm buildings on the land.

The adjacent allotments to the north both contain dwellings. 345 McCallum road (CT5953/86) is used for rural residential purposes with the dwelling being located approximately 152 metres from the proposed function space. 361 McCallum Road is in the same ownership as the subject site and the existing dwelling is used solely as tourist accommodation (less than 3 people at any one time).

The Rosedale area contains predominantly primary production land uses.

The township of Sandy Creek is 3.2km south and the township of Gawler is 11.7km south west of the subject site.

The subject site has access to mains water and is located within the Barossa Character Preservation District.

The site is also in close proximity to the Barossa Trail (shared path network), the Sandy Creek Golf Club, numerous cellar doors and the township of Lyndoch.
PROPOSAL

The proposal is for a Change of Use to a Function Centre and associated Tourist Accommodation.

The primary intent of the function use is to host weddings on the property in which guests of the function will be able to stay in the existing Victorian stone homestead.

The dwelling contains three bathrooms, five bedrooms, dining area, kitchen, bar, laundry, office and a study. The old barn has also been incorporated into the main dwelling and it is intended to fit out this space as a dining room for functions.

Functions are proposed to be held in the existing manicured garden as shown on the attached site plan. This area is contained and well landscaped, with the backdrop of the space being picturesque vineyards.

Whilst the main type of function proposed are weddings, it also expected that the following types of functions will also occur:

i) Small corporate functions
ii) Wedding expos to promote the venues and vendors.
iii) Art exhibitions
iv) Special occasion parties, birthday, anniversary, work functions, special events (book launches, small acoustic entertainment located towards the front verandah (e.g. verandah sessions)

Typical annual event breakdown (but not limited to):
- Weddings (x 25 Weekend events)
- Corporate Functions (x 5 events - evenings and daytime)
- Wedding Expos (x 3 daytime events)
- Art Exhibitions- SALA Festival (x 2 daytime events)
- Special Events (x 10 evenings and daytime)

The proposed hours of operation for the function centre are:
**Wednesday to Saturday**: 10am to 2:00am (closed public holidays and Sunday).
The maximum number of patrons expected will vary between events, however the maximum proposed amount of persons on site at any one time will not exceed 200. This is for large events only and which would not exceed more than four functions annually. The typical attendance levels at weddings can range between 50 to 150 people on average.

Numbers of staff will also depend on the size of the event, however the maximum staff on site at any one time shall be no more than 8 persons as follows:

- One (1) Grounds Keeper/Maintenance Employee – 3 days per week
- Two (2) Cleaners – 1 day per week
- One (1) Bar Staff – Per Event day for up to 8 hours
- Two (2) Runners/waiting staff – Per event day for up to 8 hours
- One (1) Security Personnel - Per event day for up to 6 hours
- One (1) Venue Manager – Per event day

The tourist accommodation will be operated out of the dwelling only and the existing coach house will continue to be used as part of the existing residence.

The accommodation will be available 7 days per week and will not accommodate more than 5 persons at any one time.

There are 5 bedrooms in total. 4 of which will be available for guests (two singles and two doubles). The bedrooms to guests will be allocated depending on their requirements and the cleaning and rotation schedule. This will allow flexibility to accommodate guest requirements (eg 5 singles or two doubles, one single etc.)

67 car parks have been allocated on site in accordance with advice from an experienced traffic engineering company, MFY. The car parking area includes overflow area if necessary and is within convenient distance of the proposed entrance. This includes bus parking location and associated swept paths.

There existing dwelling contains a ramp into the barn entrance and the existing amenities facilities are proposed to be fitted out to comply with the Disability Discrimination Act 1992 and Australian Standards suite AS1428 in accordance with the National Construction Code. These works will be designed and undertaken as part of any Building Rules Consent in the event of the grant of planning consent.

There are no proposed external buildings and works associated with this application and no tree removal.
PROCEDURAL MATTERS

Characterisation

Both Function Centre and Tourist Accommodation uses are considered to be a merit form of development as neither uses are listed within the non-complying table within the primary production zone.

‘Tourist Accommodation’ is recognised within the zone as a stand alone use in both PDC 1 and in the Public Notification Table.

As such we are of the view that the application is not non-complying. Further, whilst what is being proposed does not fall into the definition of a ‘motel’, this application is to be amended to accommodate a maximum of 5 people so as to avoid any confusion between the definition of tourist accommodation and motel.

Public Notification

Whilst tourist development is defined within the zone as ‘Category 2’ for public notification purposes, function centre is not a listed use and is not assigned a category within the Development Regulations 2008 and therefore the application must be a publicly notified in accordance with ‘Category 3’ requirements.
PLANNING ASSESSMENT

The subject site is zoned Primary Production and within Precinct 5 - Concordia. The subject site is also within the Character Preservation District.

There are no legal agreements, encumbrances or easements that are listed on the Certificate of Title.

Zoning

The proposal for a Function Centre and Tourist Accommodation on the subject land is not considered to be at odds with the primary production zone.

The objectives of the zone seek to facilitate development that is complementary to primary production and must be consistent with the desired character of the zone and policy area.

The desired character within the Primary Production Zone specifically identifies that development that expands the economic base of the Mount Lofty Ranges and Barossa Valley is encouraged and that development can involve ‘agricultural and home based industries [that] will complement the character of the zone and enhance tourist or heritage activities and be compatible with local areas’.

The use of a small portion of the subject land within the existing residential building footprint will not prevent the balance of the land from continuing to being used for primary production.

The subject site is 13.4 hectares and the dwelling is positioned at the entrance into the site.

The scenic qualities of the site will not be adversely impacted in anyway as there are no buildings or structures proposed.

Tourist Accommodation is envisaged as a form of development within the Primary Production Zone as stipulated in PDC1.

The proposed development of the Function Centre and Tourist Accommodation is able to achieve the objectives of the zone and the policy area on the following basis:

• The desired character seeks to sustain the rural character whilst encouraging expanding the economic base. This proposal does alter the visual amenity of the site and utilises the existing building in a sensitive manner as the existing fabric is not being altered.
• The proposed uses are not within 300 metres of a winery or any industrial form of development.

• There is no impact on native vegetation no structures are proposed and the existing vegetation within the lawn area are exotic species.

• The internal function space is to be held in a converted farm building which is attached to the main building.

• There is no intensive animal keeping within the vicinity of the proposed uses.

**KEY ISSUES**

**Tourism Development**

The objective of the Tourism Development Policy is to encourage appropriate forms of tourism development that contribute to the vitality of the local community, are innovative, and that do not adversely affect the agricultural use of the land.

This proposal complies with many of the Objectives and Principles of Development Control (PDC) within this Policy on the following basis:

• The proposal is essential a tourism development as a whole and the intent is to be able to hold functions in the picturesque setting of the Barossa Valley.

• The use allows public appreciation of the natural and cultural features of the site. The original dwelling is not listed as a heritage place however it was one of the original homesteads in Sandy Creek/Rosedale area, having been constructed around 1855. It is in excellent condition and it’s adaption makes great use of the asset.

• The stone farm buildings across the site also make a significant contribution to the character of the site and which will form part of the features of the tourism development, allowing public appreciation of the character buildings.

• The development enhances the appeal of the area by creating a tourist point of destination within Rosedale.

• The proposed levels of visitation are considered appropriate as they will be staggered and moderated. It is highly unlikely that the venue will attract 200 persons on a regular basis and it is expected that any event running at capacity will be infrequent. There are minimal sensitive land uses in the locality due to the size of surrounding rural allotments.

• As stated previously the use will not adversely affect the value or effectiveness of the agricultural land due to the separation distance between activities.

• Having a centralised function centre and associated accommodation on the one site will add vitality to Rosedale as there is no such facility within the locality. The
use will create increased opportunities for visitors to stay overnight.

- The site is located within a medium bushfire risk area only and there are no access constraints back to the sealed Rosedale Road.

The proposal is also considered to comply with all the relevant PDC’s contained within the tourism development policy as outlined below:

- The site is situated within close proximity of the township and has a direct route from Barossa Valley Hwy between Gawler and Lyndoch. Sandy Creek Golf Course, Pindarie Wines and Chateau Yaldara are all within convenient distance of the site. As such there is a locational and functional link with key tourism venues within the immediate locality.

- The development will not damage or degrade any significant cultural features within the township as it will not be visible from any key vistas and the existing built form is to be utilised.

- Both the function centre and the accommodate will add to the range of services and accommodation types in the area, as there are no functions centres of this type within Rosedale and limited accommodation for single person travelers.

- No infrastructure upgrades are required and the scale of the development is not considered to give rise to additional infrastructure demands in the locality. As detailed in the attached Traffic Assessment, the roads are of a sufficient standard to cater for the expected traffic volumes and as there are no buildings proposed there is no impact on stormwater infrastructure.

- The car parking area will be screened sufficiently from the road and will be constructed of compacted crushed rock to maintain the rural amenity of the locality.

- No signage is proposed at this stage.
Interface between Land Uses

The proposed development is considered to comply with the intent of this policy as the layout of the site, which includes the position of the outdoor function space and the use of the old barn, is designed to prevent any conflict with the adjacent dwelling at 354 McCallum Road.

The internal function space is contained within a stone building with sealed entrances/exits. The stone building has high acoustic properties which is detailed in the attached Environmental Noise Assessment.

As the dwelling is within approximately 145 metres of function space, the noise measurements were taken between the two spaces and within the subject site. The measurements have occurred between 30 Jan and 5 Feb 2020.

The predicated noise levels are based on the following sources (but not limited to);

- patrons in outdoor areas
- car park activity such as people talking as they vacate or approach their vehicles, the opening and closing of vehicle doors, vehicles starting, vehicles idling, and vehicles moving into and accelerating away from their park position;
- general vehicle movements on site; and
- bus movements and associated drop off activity.
- music levels, internally and externally

A 3-dimensional noise model of the site was also developed to predict the music level at the nearby residence which accounts for the effects of distance, weather, terrain and shielding provided by nearby structures such as buildings and barriers (pg 11 Sonus Environmental Noise Assessment).

Based on the thorough assessment of likely noise sources it is considered that the proposed development is able to achieve the Environmental Protection (Noise) Policy 2007, however this is on the basis that the following measures are adopted:

- When music is played within the northern Function Space room, ensure all external doors are closed and access only occurs through the adjacent lounge area in an airlock style arrangement.
• Construct any new windows and glazed doors which replace the existing windows or doors from a minimum of 10.38mm thick laminated glass (or acoustic equivalent) installed in a system with acoustic seals which achieve an airtight seal when closed;

• Ensure all gaps in the existing ceiling are filled in and sealed airtight; and

• All outdoor events are located within the area defined on Page 12 of the environmental noise assessment report.

Traffic & Access

A traffic and parking assessment by an experienced traffic engineering team has been undertaken in order to assist with the assessment of the application, a copy of which is included in Appendix B.

The analysis includes the suitability of the access/egress, the expected volumes of traffic and the suitability of the surrounding road network based on the details of the proposal.

Additionally, MFY have been engaged to design the car parking layout in order to comply with AS 2890.1.

The proposal is considered to comply with the objectives of the Transportation and Access policy contained within the Barossa Development Plan (Consolidated 5 September 2019) on the following grounds:

• The proposed accessway to the function centre is 5.5 metres wide and is sufficient for simultaneous traffic movements for motorised vehicles in accordance with Objective 2.

• There is adequate provision for access emergency services and commercial vehicles

• 67 off street car parks have been provided including two spaces signed for use by people with disabilities. The proposed spaces will be 2.4 m wide with an adjacent 2.4 m wide shared space. The number of car parks provided is based on the one space per three patrons which is an industry accepted calculation for function centres.

• As the demand for the tourist accommodation is likely to be ancillary to the use of the function space for large functions (such as weddings) it is not considered necessary to provide additional car parks for the tourist accommodation.

• The dimensions of the parking bays and aisles comply with Australian/New Zealand Standard, Parking Facilities Part 1: Off-street car parking (AS/NZS 2890.1:2004).
• A separate bus parking bay has been provided. Figure 1 within the MFY report illustrates that swept path movements for a 12.5 metre commercial vehicle is able to comply with the relevant Australian Standards and maneuver conveniently within the site.

• McCallum road is a 4B classified road in accordance *Road Classification Guidelines in South Australia* and is of a suitable standard to cater for the expected traffic volumes of the proposed function centre. This is on the basis that of the existing condition of the all weather road, the daily traffic volumes and the nature of traffic demand for function centres.

• The aggregated traffic volumes would be in the order of 20 additional vehicles per day and therefore the impacts are considered to be negligible in the context of the condition of the existing road network.

**Waste**

• The existing dwelling is connected to on on-site waste disposal system which has been upgraded in the last 5 years. It is likely that the capacity of the system will need to be reviewed by Council as part of any internal referral to Environmental Health Staff.
The proposed development is considered to be appropriate in terms of the location within an internationally recognised tourism region and is consistent with the desired character of the zone and the objectives of Tourism Development policy contained within the Barossa Development Plan.

The function centre will be an important contributor to the local economy as there are no similar uses within Rosedale of this caliber.

The site itself is ideally located on a large picturesque rural allotment conveniently positioned between Gawler and Lyndoch.

The re-purposing of the existing homestead ensures that the character and amenity of the site is preserved and utilised as a tourist destination.

Additionally, the proposed use is reasonable in terms of scale, will not prevent the continuation of primary production uses on the site, there are no land capability concerns in terms of on-site effluent disposal and the site will be well managed by staff who will continue to reside on the property.

It is considered that the proposal for a Change of Use to Function Centre and Tourist Accommodation on the subject site is consistent with the objectives of the Barossa Development Plan (Consolidated 5 September 2019) and therefore warrants the grant of consent.

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

Elinor Walker  
(BA Urb.Reg.Planning)  
MPIA

Enc. Site Plan  
Environmental Noise Assessment  
Traffic and Parking Assessment  
Floor Plan
APPENDIX A
SITE PLAN

354 McCallum Road, ROSEDALE

Agenda - Barossa Assessment Panel - 4 May 2021

FUNCTION CENTRE
TOURIST ACCOM
APPENDIX B
Barossa Glen Function Centre

Environmental Noise Assessment

February 2020

S6361C2
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1 INTRODUCTION

An environmental noise assessment has been made of the proposed function centre at 361 McCallum Road, Rosedale.

The development comprises the change of use of existing buildings into tourist accommodation and functions spaces (both indoors and outdoors) which will incorporate music. Associated car parking will be located adjacent to McCallum Road.

The closest existing noise sensitive location is the residences located to the west on the opposite side of McCallum Road, as shown in Appendix A. There is also a residence located to the east however this dwelling is associated with the development.

The assessment considers noise levels at all nearby residences from activity at the proposed development, including noise from:

- patrons within the outdoor function areas;
- vehicle movements and car parking activity; and
- music within the outdoor areas and the northern Function Space room.

The assessment has been based on:

- Barossa Glen “Business Management Plan” for DA “960/562/2019” issued via email on 28 January 2020; and
- Site inspection and noise measurements taken at the site from 30 January to 5 February 2019.
2 CRITERIA

2.1 Development Plan

The proposed development and nearby residences are located within the Concordia Policy Area 5 within the Primary Production Zone in The Barossa Council Development Plan\(^1\) (the Development Plan). The Development Plan has been reviewed and the following provisions considered relevant to the noise assessment:

**General Section – Interface between Land Uses**

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

**Objective 2** Protect community health and amenity and support the operation of all desired land uses.

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

(b) noise

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

**Noise**

**PDC 6** Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.

**PDC 8** Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises.

---

\(^1\) Consolidated 6 February 2018.
2.2 Patrons and Vehicle Movements

Interface between Land Uses PDC 6 from the Development Plan references the Environment Protection (Noise) Policy 2007 (the Policy), which provides goal noise levels to be achieved at residences from patrons and vehicle movements at a site.

The Policy is based on the World Health Organisation Guidelines to prevent annoyance, sleep disturbance and unreasonable interference on the amenity of an area. Therefore, compliance with the Policy is considered to be sufficient to satisfy all provisions of the Development Plan relating to general function centre activity.

The Policy provides goal noise levels based on the principally promoted land use of the Development Plan locality in which the noise source (the development) and the noise receivers (the residences) are located. The goal noise levels are further restricted in the circumstance of a “Greenfields” development, being a new activity where that activity did not exist previously. Based on the above, the following goal noise levels are provided by the Policy:

- An average ($L_{eq}$) noise level of 52 dB(A) during the day (between 7:00am and 10:00pm); and
- An average ($L_{eq}$) noise level of 45 dB(A) during the night (before 7:00am or after 10:00pm).

When measuring or predicting noise levels for comparison with the Policy, adjustments may be made to the average goal noise levels for each “annoying” characteristic of tone, impulse, low frequency, and modulation of the noise source. The characteristic must be dominant in the existing acoustic environment and therefore the application of a penalty varies depending on the assessment location, time of day, the noise source being assessed, and the predicted noise level. The application of penalties is discussed further in the Assessment section of this report.
2.3 Music

Interface between Land Uses PDC 6 excludes music from assessment under the Policy. Therefore, reference has been made to the *Environment Protection Authority Guidelines Music noise from indoor venues and the South Australian Planning System* (EPA Guidelines) which is typically adopted in other Council areas for the assessment of music noise.

The EPA Guidelines state the following objective criteria:

*The music noise ($L_{10,15}$) from an entertainment venue when assessed externally at the nearest existing noise sensitive location should be less than 8 dB above the level of background noise ($L_{90,15}$) in any octave band of the sound spectrum.*

The Guidelines provide noise criteria to be met at noise sensitive locations based on the existing acoustic environment, and are designed for indoor music venues, where music may be played daily until late at night.

To objectively assess music against the Development Plan and the EPA Guidelines, the existing background noise environment was measured in the vicinity of the development. Continuous unattended noise measurements were conducted between 30 January and 5 February 2019. The monitoring location, shown in Appendix A, was selected to represent the background noise level at the nearest noise sensitive residence.

Table 1 provides the lowest measured background noise levels ($L_{90,15\text{min}}$) measured during the times that music is proposed to be played. The background noise levels in the area are below the threshold of human perception at the lower frequencies and, in such a circumstance, because the criteria are based on an audible outcome, have been adjusted to the threshold of perception using the *International Standard ISO226:2003*\(^2\). Table 1 also provides the resultant allowable music levels ($L_{10,15\text{min}}$) at the closest dwelling which would result from the application of these criteria.

---

\(^2\) The adjustment also requires a conversion from one third octave bands (as specified in ISO226:2003) to octave bands to enable comparison with the Development Plan and EPA Guidelines.
**Table 1:** Background noise levels and allowable music noise levels at residences [dB(A)].

<table>
<thead>
<tr>
<th>Noise Level in Octave Band Centre Frequencies</th>
<th>63Hz</th>
<th>125Hz</th>
<th>250Hz</th>
<th>500Hz</th>
<th>1kHz</th>
<th>2kHz</th>
<th>4kHz</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lowest measured background noise levels (L_{90,15min})</td>
<td>4</td>
<td>10</td>
<td>11</td>
<td>15</td>
<td>15</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td>Adjusted background noise levels (L_{90,15min})</td>
<td>11</td>
<td>10</td>
<td>11</td>
<td>15</td>
<td>15</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td>Highest allowable music noise levels at residences (L_{10,15min})</td>
<td>19</td>
<td>18</td>
<td>19</td>
<td>23</td>
<td>23</td>
<td>22</td>
<td>22</td>
</tr>
</tbody>
</table>
3 PATRON AND VEHICLE MOVEMENT NOISE ASSESSMENT

3.1 Noise Sources

The noise levels at nearby residences from the general function centre activity have been predicted based on a range of previous noise measurements and observations at similar facilities. These include:

- patrons in outdoor areas;
- car park activity such as people talking as they vacate or approach their vehicles, the opening and closing of vehicle doors, vehicles starting, vehicles idling, and vehicles moving into and accelerating away from their park position;
- general vehicle movements on site; and
- bus movements and associated drop off activity.

Sound power levels for the above activities are provided in Appendix C.

3.2 Operational Assumptions

The predictions of noise from use of the facility have also been based on the following operational assumptions for the level of activity in any 15-minute\(^3\) period:

- 1 bus movement into the site and idling briefly while dropping off patrons.
- 50 vehicle movements into or out of the carparks, and associated general car parking activity; and
- 200 patrons within the outdoor function area.

3.3 Recommendations

Vehicle Movements and Car Parking

The proposed car parking and bus drop off areas benefit from significant shielding provided by the existing storage shed, and are located at a substantial setback distance from the road and nearby residence. Therefore, no specific acoustic treatment measures are required to achieve the goal noise levels of the Policy from onsite vehicle activity.

\(^3\) Default assessment period of the Policy.
Patrons

In order to achieve the goal noise levels of the Policy, restrict the maximum number of patrons within the proposed outdoor area to no more than 200 at any time (as proposed).

3.4 Predicted Noise Levels

With the inclusion of the acoustic treatments described above and the assumed level of activity at the site, the predicted average ($L_{eq}$) noise levels from the site are no more than 40 dB(A) at the nearby residence.

The noise levels from sources such as patrons and vehicle movements may contain a significant component of modulating noise which could be considered dominant at the nearby residences. In this circumstance, a 5 dB(A) penalty may be applied to the predicted noise level above. Where a penalty is applied, the resulting noise level will be no more than 45 dB(A); therefore achieving the goal average noise levels of the Policy at any time.
4 MUSIC NOISE ASSESSMENT

4.1 Noise Model

The noise at the closest residences from music being played within the northern Function Space room has been predicted based on measurements of the noise transfer across the existing building facade, the building construction, and an internal music noise level within the function area.

The assessment has also considered the music noise from an unamplified performer (solo acoustic guitarist or similar) within the outdoor function area.

A 3-dimensional noise model of the site has been developed to predict the music level at the nearby residence which accounts for the effects of distance, weather, terrain and shielding provided by nearby structures such as buildings and barriers.

4.2 Recommendations

Based on the above, the following measures are recommended to achieve the EPA Music Guidelines criteria:

- Ensure the following music levels are not exceeded when measured within the northern Function Space room:

<table>
<thead>
<tr>
<th>Total</th>
<th>Noise Level in Octave Band Centre Frequencies</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>63Hz</td>
</tr>
<tr>
<td>Maximum allowable indoor music noise level</td>
<td>90</td>
</tr>
</tbody>
</table>

  The above level is consistent with the typical expected music noise level at the proposed facility and other similar function venues.

- When music is played within the northern Function Space room, ensure all external doors are closed and access only occurs through the adjacent lounge area in an airlock style arrangement.
- Construct any new windows and glazed doors which replace the existing windows or doors from a minimum of 10.38mm thick laminated glass (or acoustic equivalent) installed in a system with acoustic seals which achieve an airtight seal when closed;
- Ensure all gaps in the existing ceiling are filled in and sealed airtight; and
- Restrict acoustic performances within the outdoor area to a single unamplified performer at the location shown in red in the following figure:
4.3 Predicted Noise Levels

The highest predicted noise level at any non-associated noise sensitive residence with the music noise levels and treatments detailed above are shown in the following Table:

Table 2: Predicted noise level at nearest residence $[L_{eq,15min} \text{ dB(A)}]$.  

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th>63Hz</th>
<th>125Hz</th>
<th>250Hz</th>
<th>500Hz</th>
<th>1kHz</th>
<th>2kHz</th>
<th>4kHz</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highest predicted music noise levels at residences $(L_{10,15min})$</td>
<td>28</td>
<td>18</td>
<td>18</td>
<td>19</td>
<td>23</td>
<td>23</td>
<td>18</td>
<td>6</td>
</tr>
<tr>
<td>Highest allowable music noise levels at residences $(L_{10,15min})$</td>
<td>N/A</td>
<td>19</td>
<td>18</td>
<td>19</td>
<td>23</td>
<td>23</td>
<td>22</td>
<td>22</td>
</tr>
</tbody>
</table>
5 CONCLUSION

An environmental noise assessment has been made of the proposed function centre at 361 McCallum Road, Rosedale.

The assessment considers noise levels at all nearby residences from patrons within the outdoor function areas, vehicle movements and car parking activity, and music within the outdoor areas and the main Function Space room.

The predicted noise levels from patrons and vehicles will achieve the relevant requirements of the Environment Protection (Noise) Policy 2007 provided the number of patrons within the designated outdoor area is limited to no more than 200.

The predicted noise from the development will achieve the adopted music noise criteria, subject to the specific acoustic treatment measures detailed in this report comprising:

- Limiting the internal music levels.
- Ensuring doors are normally closed while music is played;
- Specific construction for the ceiling and any new doors or windows; and
- Restricting the type and location of outdoor acoustic performances.

Therefore, it is considered that the facility has been designed to prevent adverse impacts, avoid unreasonable interference on amenity, and will not detrimentally affect the locality by way of noise, thereby achieving the relevant provisions of the Development Plan related to environmental noise.
APPENDIX A

Figure 3: Development site locality and nearby residences.
APPENDIX B

Figure 4: Existing noise levels 30 January to 6 February 2019.
### APPENDIX C

**Table 5: Noise Data**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Noise Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car Parking</td>
<td></td>
</tr>
<tr>
<td>General activity</td>
<td>83 dB(A) SWL</td>
</tr>
<tr>
<td>Car movement</td>
<td>82 dB(A) SWL</td>
</tr>
<tr>
<td>Bus idling</td>
<td>102 dB(A) SWL</td>
</tr>
<tr>
<td>Bus movement</td>
<td>98 dB(A) SWL</td>
</tr>
<tr>
<td>Patrons</td>
<td></td>
</tr>
<tr>
<td>Within outdoor areas</td>
<td>75 dB(A) SWL</td>
</tr>
<tr>
<td>Music</td>
<td></td>
</tr>
<tr>
<td>Unamplified performer</td>
<td>88 dB(A) SWL</td>
</tr>
</tbody>
</table>
JML/20-0022

9 April 2020

Mr Henri Vigor
Barossa Glen
354 McCallum Road
ROSEDALE SA 5350

Dear Henri,

TRAFFIC AND PARKING ASSESSMENT
BAROSSA GLEN, 354 MCCALLUM ROAD, ROSEDALE

We refer to the development application to provide a function centre and tourist accommodation at 354 McCallum Road, Rosedale and Council’s request for further information with respect to parking and traffic management in order to assess the proposal.

1 THE PROPOSAL

The proposal is to provide a function centre with a capacity of up to 200 people and four rooms to be made available for tourist accommodation.

2 PARKING PROVISION

The Barossa Council’s Development Plan does not specify a parking rate for function centres. A rate of one space per three patrons is typically adopted for such uses (which is the equivalent of the Development Plan rate for restaurant use). On this basis, the proposed function centre would generate a parking demand for patrons and employees for 67 spaces.

Function centres operate a range of function sizes, up to the maximum occupancy and the 85th percentile demand for the use of the function space would be less than 200 patrons. Only a small number of functions per year would generate the forecast peak parking demand on the site.

For the tourist accommodation component, the Development Plan nominates a rate of one space per guest room plus one space per employee. The demand for the tourist accommodation is likely to be ancillary to the use of the function space for large functions (such as weddings). In these circumstances, it would not be necessary to provide additional parking for the tourist accommodation as this demand would already be incorporated into the forecast demand for the function centre. At other times, the use of the parking area can be shared between the two uses.
On this basis, it is considered that a parking provision of 67 spaces would be appropriate for the proposed use.

3 CAR PARKING DESIGN

A layout for the proposed car park is attached (MFY_200022_01_SH01 Rev E dated 26 Mar 20) with a provision for 67 spaces as identified above. The car park will be accessed via the existing driveway from McCallum Road. This driveway is approximately 5.5 m wide, which is sufficient for simultaneous two-way domestic vehicle access.

The proposed car park will be constructed with a compacted gravel surface appropriate to provide for all-weather access, and maintained accordingly. Appropriate physical delineation to suit the car park surface (e.g. wheel stops in spaces which are not along pedestrian desire paths when vacant, parking dots, fencing etc) will be provided to ensure that the area is used efficiently and safe pedestrian travel paths between the parking area and the function centre are provided.

The car park has been documented to exceed the dimensional requirements of Australian/New Zealand Standard, Parking Facilities Part 1: Off-street car parking (AS/NZS 2890.1:2004). This will allow for some tolerance with vehicle positioning in the unsealed car park. The

- spaces have been shown 2.6 m wide (the Standard requires 2.5 m wide);
- spaces will be 5.4 m long;
- the parking aisles have been shown at least 6.3 m wide (the Standard requires 5.8 m wide);
- there will be an extension of 1.0 m to blind aisles; and
- the spaces will have a 300 mm clearance to any raised obstructions.

The grades within the car park will be no greater than 1:20 from the front to the back of the parking spaces and no greater than 1:16 in all other directions.

There will be two spaces signed for use by people with disabilities. The proposed spaces will be 2.4 m wide with an adjacent 2.4 m wide shared space, in accordance with the requirements of the Australian/New Zealand Standard, Parking facilities Part 6: Off-street parking for people with disabilities (AS/NZS 2890.6:2009). These spaces and areas will be graded at no greater than 1:40.

4 COMMERCIAL VEHICLE PARKING

The proposal will also include a separate bus parking area. Figure 1 identifies the turning movement of a 12.5 m bus to access the nominated bus parking area.
Figure 1: Turning movement for a 12.5 m bus

It may be necessary to slightly modify the existing stone wall adjacent to the driveway to accommodate this swept path, which will be assessed in more detail during the detailed design of the site.

It is noted that in the event that buses are used to transport patrons to the site, the overall car parking demand will be reduced.

Loading and refuse collection for the function centre, which will occur at off-peak times, will also be able to turn in the bus parking area. The service vehicles for the site will be no larger than a bus (and typically smaller) and, therefore, would be accommodated in the bus parking area.

5 TRAFFIC MANAGEMENT

The layout of the car park and loading areas will not require other specific management, as with appropriate directional signage the site will provide a legible area for drivers to park and manoeuvre their vehicles. Notwithstanding that the nominated parking area can readily accommodate the forecast parking demand, the site can also provide for additional overflow parking to the west of the outbuildings should that be needed.
6 TRAFFIC IMPACT

McCallum Road is a formed and gravelled road and would be classified as a Rural Local Road Class 4 in accordance with the Local Government Association’s *Road Classification Guidelines in South Australia*. Such roads typically operate with less than 300 vehicles per day. The Australian Road Research Board’s (AARB) Unsealed Roads Best Practice Guide 2 provides a further breakdown of rural road classification. Under these definitions, McCallum Road would be considered Road Class 4B Minor Road. Such roads operate with:

- 50-150 Average Daily Traffic (ADT);
- all weather two lane road (formed and gravelled); and
- minimum carriageway width 5.5 m.

McCallum Road provides access to approximately ten rural properties and as such it is anticipated that the current volumes on the road would be in the order of 80 vehicles per day. Its construction meets the standard for a 4B road identified above.

The proposal will generate infrequent traffic demand on the adjacent road network. The timing and volume of traffic will be related to the size and frequency of functions held at the site, and the seasonal use of the tourist accommodation.

Traffic demand for function centres is tidal in nature, with drivers arriving at the site prior to the function and leaving at the end of a function. A function with the maximum number of attendees (200 people with 67 cars parked in the car park) would therefore generate in the order of 140 trips (i.e. 70 to the site and 70 from the site). This would represent the peak traffic flow, as typically functions will more frequently be smaller than this as discussed above. Such a traffic volume is low and will have a negligible impact on the capacity of the adjacent road network.

When considering the impact of the proposal on the road pavement, an assessment of the additional ADT associated with the proposed operation of the function centre is appropriate. Assuming on average that the site will host one function per week throughout the year, the aggregated traffic volumes would be in the order of 20 additional vehicles per day (including less than one commercial vehicle which would typically be small to medium rigid trucks).

Such a volume increase would not alter the nature or function of McCallum Road and would not necessitate road upgrades as a result of the proposed development.

7 SUMMARY

In summary, the proposed development of a function centre and tourist accommodation at the subject site will provide a sufficiently large area to accommodate the forecast parking demand for the proposal. A separate bus parking area, which can also be used for commercial vehicle access to the site, will reduce potential conflicts with other users.
The forecast traffic volumes associated with the proposal will be low and will not alter the nature or function of the adjacent road network. All drivers will be able to turn on site, and therefore enter and exit the site in a forward direction.

Please contact me should you require clarification or further information.

Yours sincerely,

MFY PTY LTD

JAYNE LOVELL
Senior Associate

Encl: MFY drawing MFY_200022_01_SH01 Rev E
From: Melissa Mellen <mellissa@mfy.com.au>
Sent: Friday, 19 June 2020 11:09 AM
To: Elinor Walker <mail@esdplanning.com>
Subject: RE: 960/562/2019 - 354 McCallum Road, ROSEDALE SA 5350 - Barossa Glen Pty Ltd - Development Assessment Concerns

Hi Elin,

As requested, I have reviewed the correspondence provided by the Barossa Council and provide the following additional detail in respect to the road pavement as it relates to traffic volumes associated with the development.

I am not an expert in respect to the design of road pavements but am often called to provide estimated volumes as this is necessary to determine the ESA (equivalent standard axle) load for the pavement design. The type and number of commercial vehicles are needed to determine the ESAs and therefore the pavement design.

Following is an extract of Austroads Guide to Pavement Technology Part 6: Unsealed Pavements.

2.2 Selection of Pavement Type

With the exception of mine and forestry haul roads and some access tracks, in most cases the construction of new unsealed roads is unlikely as the network is essentially established. Therefore the selection of a particular type of unsealed road pavement will generally be associated with
upgrading an existing road surface to meet the intended use. The main issues to consider in the selection of an unsealed road pavement are:

- the volume and type of traffic (e.g. road trains) as this will govern the pavement thickness and quality of wearing course required
- desired speed of traffic in relation to safety and dust emissions
- the importance of the pavement in terms of all-weather access which may have social or economic impacts on communities and industries
- the availability of local materials for the wearing course because the provision of inadequate materials can result in high maintenance costs.

As identified in our previous report, McCallum Road is currently a Rural Local Road Class 4 (as defined in the Local Government Road Classification Guidelines and Class 4B in the ARRB Unsealed Roads Best Practice Guide 2). It currently services rural farm land on which has grape vines and other crops which are reaped annually. The road has a low volume but is required to accommodate rural farm machinery.

The proposal will not result in the change in nature or function of the road (it will still be a Rural Local Road Class 4) and will generate primarily domestic vehicles, with the exception of some delivery vehicles. In regard to forecasting volumes for the purpose of determining ESAs, the type of vehicle will be smaller than the existing farm machinery/trucks that service the adjacent farm land.

Given that the proposal will not change the nature or function of the road (that is the anticipated design volume for the type of road would be the same irrespective of the development) and will not generate a larger type of vehicle, there will not need to be a change in pavement type on the road as a result of the proposal.

Regards,

Melissa Mellen | Director | MFY Pty Ltd

Unit 6/224 Glen Osmond Road, Fullarton SA 5063
t: 08 8338 8888 | m: 0413 800 135 | e: melissa@mfy.com.au | w: mfy.com.au

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Hi Janine,

Thanks for your email advising of the upcoming CAP meeting & Council's concerns with the scale of the proposal & for the chat yesterday afternoon too.

Henri has agreed to lessen the scale of the use by reducing the operating hours to 12.30am at all times in lieu of 2.00am.

Can I please also confirm whether the proposed inclusion of Sundays & public holidays outlined in the response to representations was considered acceptable to Council?

Can you please confirm the amended operating hours and application is supported by Council Officers and will proceed to CAP on this basis?

Many thanks

Zoe Delmenico
Availability: Monday & Tuesday
ESD Planning & Design
Principal Planner
Accredited Professional MPIA
A: Suite 2, 2 East Terrace Adelaide

www.esdplanning.com
6.1 Attachment 2
# STATEMENT OF REPRESENTATION

Pursuant to Section 38 of the Development Act 1993

TO
Chief Executive Officer
The Barossa Council
PO Box 867
NURIOOTPA SA 5355

EMAIL
development@barossa.sa.gov.au

<table>
<thead>
<tr>
<th>DEVELOPMENT No.</th>
<th>960/562/2019</th>
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<tr>
<td>Barossa Glen Pty Ltd</td>
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<table>
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<tr>
<th>Name of Person(s) making Representation</th>
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<tr>
<td>Claire Smallridge + Andrew Beswick</td>
</tr>
</tbody>
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<tr>
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<tr>
<td>RESIDENTIAL: 345 McCallum Rd, Rosedale</td>
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<table>
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</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:smallridgeclare@gmail.com">smallridgeclare@gmail.com</a></td>
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<tr>
<td>0427 185 106 0407 828 886</td>
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<tr>
<th>Nature of Interest Affected by Development</th>
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<tbody>
<tr>
<td>Adjacent Resident</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Nature of Representation</th>
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<tbody>
<tr>
<td>1 - Extra traffic on our dirt road causing excessive dust when dry + increasing slipperiness when wet. Narrow Bridge - land only</td>
</tr>
<tr>
<td>2 - Proposed hours of business, 2am is too late for us to tire</td>
</tr>
<tr>
<td>3 - Noise + disturbance to our Racing Thoroughbreds + livestock + guard dogs. Racing stock first, don't eat when upset, negatively affecting their racing performance</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>My Representation would be Overcome by (state action sought)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - Seal the road from bridge to post our property</td>
</tr>
<tr>
<td>2 - Shorten operating hours - close 12-30am</td>
</tr>
<tr>
<td>3 - An easier closing time - eg 12,30pm - will lessen the disturbance to our horses + give them time to relax + eat before their early morning start. We will get longer undisturbed sleep before early start</td>
</tr>
</tbody>
</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 [ ]

I WILL BE REPRESENTED BY (if applicable): [SELF]

Signed

DATED 18/5/20
STATEMENT OF REPRESENTATION
Pursuant to Section 38 of the Development Act 1993

TO
Chief Executive Officer
The Barossa Council
PO Box 867
NURIOOTPA SA 5355

EMAIL development@barossa.sa.gov.au

The Barossa Council

DEVELOPMENT No.
960/562/2019
Barossa Glen Pty Ltd

Name of Person(s) making Representation
Susan Jane Freebairn

Address
POSTAL: PO Box 151
Walkerville SA 5081
RESIDENTIAL: 354 McCallum Rd
Rosedale SA 5350

Email Address
vigorsj@gmail.com

Phone Number
0404 780 828

Nature of Interest Affected by Development
Director of Susan Vigor Nominees Pty Ltd, Owner of 354 McCallum Rd, Rosedale and Landlord of Barossa Glen Pty Ltd

Reasons for Representation
354 McCallum Rd. Rosedale is currently classed as a rural property, but the 10 hectares of agricultural land is too small for farming. It is currently lent with the hay shed to the next door neighbour for hay growing in return for his keeping weeds under control. The land now brings in no income, and it is proposed that the Barossa Glen development will pay a lease sufficient to pay rates and taxes and to maintain the property in good order for posterity. Henri Vigor has worked diligently for 10 years to develop the house & barn complex as a rural events facility close to the Barossa and Adelaide just off the Barossa Valley Highway in the Rosedale Valley.

My Representation would be Overcome by
Permission granted for use of the property as sought in the development application.

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

I WISH TO BE HEARD IN RESPECT TO THIS REPRESENTATION

I WILL BE REPRESENTED BY

SIGNED _______________________________ DATED __________
4th May 2020

Susan Jane Freebairn
PO Box 151
Walkerville SA 5081
354 McCallum Rd
Rosedale SA 5350
vigorsj@gmail.com
0404 780 828
Director of Susan Vigor Nominees Pty Ltd, Owner of 354 McCallum Rd, Rosedale and Landlord of Barossa Glen Pty Ltd

Permission granted for use of the property as sought in the development application.

Agenda - Barossa Assessment Panel - 4 May 2021

106
# 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>
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<tr>
<th>DEVELOPMENT No.</th>
<th>«Application_Number» 960156212019</th>
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<tbody>
<tr>
<td>Name of Person(s) making Representation</td>
<td>Teagan Carpenter</td>
</tr>
<tr>
<td>Address</td>
<td>POSTAL: PO Box 857 Williamstown SA 5351</td>
</tr>
<tr>
<td></td>
<td>RESIDENTIAL: 4 John Murray Drive Williamstown SA 5351</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:caleving@vintagechefro.com.au">caleving@vintagechefro.com.au</a></td>
</tr>
<tr>
<td>Phone Number</td>
<td>0401 806 545</td>
</tr>
<tr>
<td>Nature of Interest Affected by Development</td>
<td>hospitality business owner</td>
</tr>
<tr>
<td>(eg adjoining resident, landowner nearby, on behalf of organization or company)</td>
<td></td>
</tr>
<tr>
<td>Reasons for Representation</td>
<td>in support of the proposed application to boost tourism and events in the local area and to hopefully benefit from a caleving aspect</td>
</tr>
<tr>
<td>My Representation would be Overcome by</td>
<td>otherwise interested parties seeking financial gain</td>
</tr>
<tr>
<td>(state action sought)</td>
<td></td>
</tr>
</tbody>
</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 |
- NO |

I WILL BE REPRESENTED BY | (if applicable):

**SIGNED**

**DATED** 18/5/2020
| **STATEMENT OF REPRESENTATION**  
| **Pursuant to Section 38 of the Development Act 1993** |

| **TO** | Chief Executive Officer  
The Barossa Council  
PO Box 867  
 Nuriootpa SA 5355 |
| **EMAIL** | development@barossa.sa.gov.au |
| **Development No.** | 960/562/2019  
Barossa Glen Pty Ltd |
| **Name of Person(s) making Representation** | Mr Simon Collis |
| **Address** | POSTAL: 455 Rosedale Rd Rosedale  
RESIDENTIAL: AS Above. |
| **Email Address** | Scollis@live.com.au |
| **Phone Number** | 0407 55 1023 |
| **Nature of Interest Affected by Development** | Nearby resident |
| **(eg adjoining resident, landowner nearby, on behalf of organization or company)** | Rosedale has been missing something like this ever since we been here (1984) and myself & my family including my 3 young children would love to see this happen. It would provide a local venue for the area for all types of events and help to put Rosedale on the map. Regards Simon |
| **Reasons for Representation** | |
| **My Representation would be Overcome by** (state action sought) | |

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

I Wish To Be Heard In Respect To This Representation | NO

I Will Be Represented By (if applicable): |

Signed: [Signature]

Dated: 10.5.2020
### STATEMENT OF REPRESENTATION
Pursuant to Section 38 of the Development Act 1993

**TO**
Chief Executive Officer
The Barossa Council
PO Box 867
NURIOOTPA SA 5355

**EMAIL**
development@barossa.sa.gov.au

---

<table>
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<tr>
<th>DEVELOPMENT No.</th>
<th>960/562/2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Person(s) making Representation</td>
<td>Tourism Barossa - Cathy Wills</td>
</tr>
<tr>
<td>Address</td>
<td>POSTAL: 117A Murray Street, Tanunda</td>
</tr>
<tr>
<td></td>
<td>RESIDENTIAL: as above</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:cathy@tourismbarossa.com.au">cathy@tourismbarossa.com.au</a></td>
</tr>
<tr>
<td>Phone Number</td>
<td>0412 214 844</td>
</tr>
</tbody>
</table>

**Nature of Interest Affected by Development**
(eg adjoining resident, landowner nearby, on behalf of organization or company)

Tourism industry within Barossa

**Reasons for Representation**

Please refer to attached letter of support.

My Representation would be Overcome by (state action sought)

Please refer to attached letter of support.

---

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  n/a

I WILL BE REPRESENTED BY (if applicable):

n/a

---

**SIGNED**

[Signature]

**DATED**
12 May 2020

---

Agenda - Barossa Assessment Panel - 4 May 2021
Attention:
Chief Executive Officer
The Barossa Council
PO Box 867 Nuriootpa SA 5355

Re: 960 / 560 / 2019 Barossa Glen Pty Ltd

I write in support of the application by Barossa Glen to further develop their existing tourism business, to include a wedding and events venue. The scope of the project offers additional infrastructure to support these two important growth segments of the Barossa’s visitor economy.

Tourism is a key economic driver for the Barossa and elevating the visitor experience is essential in order to maintain competitive advantage and increase our market share. The Barossa is perfectly positioned to leverage the wedding sector, with our gorgeous vistas, historic church buildings. Additional infrastructure to support this sector is welcome and provides another catalyst to drive visitation to the Barossa region.

Tourism Barossa acknowledges the longterm investment already made by the team at Barossa Glen, into the local economy, and we look forward to seeing this expansion of the business, and the increased direct benefit back to local businesses.

Warm regards,

Cathy

Cathy Wills – Regional Tourism Manager
Tourism Barossa, 66 – 68 Murray Street, Tanunda, South Australia, 5352,
+61 0 412 214 844 | barossa.com
# STATEMENT OF REPRESENTATION

**Pursuant to Section 38 of the Development Act 1993**

TO  
Chief Executive Officer  
The Barossa Council  
PO Box 867  
NURIOOTPA SA 5355

EMAIL  
development@barossa.sa.gov.au

---

<table>
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<tr>
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<th>960/562/2019</th>
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<tbody>
<tr>
<td>Name of Person(s) making Representation</td>
<td>Vicki Lonergan</td>
</tr>
</tbody>
</table>
| Address | POSTAL: PO Box 84  
Tanunda SA 5352  
RESIDENTIAL: 1152 Light Pass Rd  
Vine Vale SA 5352 |
| Email Address | lonerg3@iinet.net.au |
| Phone Number | 0419944845 |

### Nature of Interest Affected by Development
(eg adjoining resident, landowner nearby, on behalf of organization or company)

Local small Business owner who will have business ties with this venture. A business like this is beneficial to the Barossa Valley

### Reasons for Representation

This venture will further enhance tourism in the Barossa Valley by providing a unique, historic and beautiful venue for events as well as providing a much needed accommodation venue in the Rossdale area.

---

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

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

I WISH TO BE HEARD IN RESPECT TO THIS REPRESENTATION

I WILL BE REPRESENTED BY (if applicable):

---

SIGNED  
Vicki Lonergan  
DATED 8th May 2020

---

*Agenda - Barossa Assessment Panel - 4 May 2021*
| DEVELOPMENT No. | 960/562/2019  
<table>
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<tbody>
<tr>
<td>Name of Person(s) making Representation</td>
<td>PAUL MENZIE</td>
</tr>
</tbody>
</table>
| Address | POSTAL: 381 PIMPALA RD  
| | COCKATOO VALLEY 5351  
| | RESIDENTIAL: AS ABOVE |
| Email Address | mrwood@hotmail.com.au |
| Phone Number | 0420941975 |
| Nature of Interest Affected by Development | MRWOOD PROPERTY MAINTENANCE  
| (eg adjoining resident, landowner nearby, on behalf of organization or company) | As COVID-19 continues to cause significant disruption to our way of life and is a situation that is constantly evolving as we start to get back to normal in the workforce. I first meet Henri in march 2019 when I carried out work around the property at Barossa Glen. It's rare for someone like Henri to come along with inspiring ideas that can only add to the Barossa's atmosphere which is set in amongst the vineyards over looking the rolling hills. Barossa Glen is in a great location and can only be an asset to the government creating jobs for the future, which can only be a win win for barossa region having Weddings and Events for the public. Kind Regards Paul Menzie. |
| Reasons for Representation | My Representation would be Overcome by (state action sought) |

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

I WISH TO BE HEARD IN RESPECT TO THIS REPRESENTATION |
I WILL BE REPRESENTED BY (if applicable): |

SIGNED:  
DATED: 7.5.2020
**STATEMENT OF REPRESENTATION**

Pursuant to Section 38 of the Development Act 1993

| TO | Chief Executive Officer  
The Barossa Council  
PO Box 867  
NURIOOTPA SA 5355  
EMAIL | development@barossa.sa.gov.au |
|---|---|
| DEVELOPMENT No. | 960/562/2019  
Barossa Glen Pty Ltd |
| Name of Person(s) making Representation | Kenneth & Elfleda Malcolm |
| Address | POSTAL: 4 Chatham Ave, Mount Helen  
Vic 3350  
RESIDENTIAL:  
As above |
| Email Address | emalcolm@pg.com.au |
| Phone Number | 0409 670 633 |
| Nature of Interest Affected by Development (eg adjoining resident, landowner nearby, on behalf of organization or company) | Member of Public |
| Reasons for Representation | Absolutely support this application. We will be utilizing the venue if approved for the weddings & special occasions for our family. A wonderful and special piece of the world. |
| My Representation would be Overcome by (state action sought) | Approval of the application for development |

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

I WISH TO BE HEARD IN RESPECT TO THIS REPRESENTATION | No |

I WILL BE REPRESENTED BY (if applicable):

Signed: Elfleda Malcolm  
Dated: 19/5/2020
# STATEMENT OF REPRESENTATION
Pursuant to Section 38 of the Development Act 1993

| TO | Chief Executive Officer  
The Barossa Council  
PO Box 867  
NURIOOTPA SA 5355 |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>EMAIL</td>
<td><a href="mailto:development@barossa.sa.gov.au">development@barossa.sa.gov.au</a></td>
</tr>
</tbody>
</table>

| DEVELOPMENT No. | 960/562/2019  
Barossa Glen Pty Ltd |
|---|---|

<table>
<thead>
<tr>
<th>Name of Person(s) making Representation</th>
<th>Maggie Beer AM</th>
</tr>
</thead>
</table>

| Address | POSTAL:  
PO Box 940, Nuriootpa SA 5355  
RESIDENTIAL:  
50 Pheasant Farm Road, Nuriootpa SA 5355 |
|---|---|

<table>
<thead>
<tr>
<th>Email Address</th>
<th><a href="mailto:maggie2@maggiebeer.com.au">maggie2@maggiebeer.com.au</a></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Phone Number</th>
<th>0417 862 798</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Nature of Interest Affected by Development (eg adjoining resident, landowner nearby, on behalf of organization or company)</th>
<th>Proud Barossa Resident, Supports Local Businesses and Employment, this would be Beneficial for the Barossa Region.</th>
</tr>
</thead>
</table>

| Reasons for Representation | Strong Interest in Business for Barossa Region.  
Great Belief in Vigor Family over 40 Years.  
Supporting a local emerging Business and Public Facility for Tourism and Local Benefits.  
Raising the Profile of the Barossa and Rosedale Area.  
Economic Stimulus within the Community.  
Increasing Visitation to the Barossa Region.  
Providing a Venue for Local and State Events.  
Contributing to the Culture of the Local Area. |
|---|---|

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

<table>
<thead>
<tr>
<th>I WISH TO BE HEARD IN RESPECT TO THIS REPRESENTATION</th>
<th>No</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>I WILL BE REPRESENTED BY (if applicable):</th>
<th></th>
</tr>
</thead>
</table>

SIGNED: [Signature]  
DATED: 15th May 2020
Dear Janine,

Thank you for forwarding copies of representations received in response to Category 3 public notification of Development Application 960/562/2019 which seeks planning consent for a change of use to a Function Centre & Tourist Accommodation (5 Guest Maximum) at 354 McCallum Road, Rosedale.

I confirm I continue to act for the owner, Henri Vigor and provide a response to the representations and to your letter of the 10 June 2020 below.

REPRESENTATIONS

The representations received include one (1) objection and eight (8) letters of support for the proposed function centre and tourist accommodation.

Representations of Support

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>K Malcolm &amp; E Malcolm</td>
<td>4 Chatham Ave, MT HELEN</td>
</tr>
<tr>
<td>S Freebairn</td>
<td>354 McCallum Road, ROSEDALE</td>
</tr>
<tr>
<td>T Carpenter</td>
<td>4 John Murray Drive, WILLIAMSTOWN</td>
</tr>
<tr>
<td>S Collis</td>
<td>455 Rosedale Road, ROSEDALE</td>
</tr>
<tr>
<td>Tourism Barossa</td>
<td>117A Murray Street, TANUNDA</td>
</tr>
<tr>
<td>Vicki Lonergan</td>
<td>1152 Light Pass Road, VINE VALE</td>
</tr>
<tr>
<td>Paul Menzie</td>
<td>381 Pimpala Road, COCKATOO VALLEY</td>
</tr>
<tr>
<td>Maggie Beer</td>
<td>50 Pheasant Farm Road, NURIOOTPA</td>
</tr>
</tbody>
</table>

The eight (8) letters of support indicate support for the proposal primarily based on the ability of the proposal to enhance and support tourism as a key economic driver for the Barossa region.

This is reinforced in the Barossa Development Plan through the Tourism Development Policy. The objective of the Tourism Development Policy is to encourage appropriate forms of tourism development that contribute to the vitality of the local community, are innovative, and that do not adversely affect the agricultural use of the land.

The proposal complies with many of the Objectives and Principles of Development Control (PDC) within this Policy as follows:

- The proposal is essentially a tourism development as a whole and the intent is to be able to hold functions in the picturesque setting of the Barossa Valley.
• The use allows public appreciation of the natural and cultural features of the site. The original dwelling is not listed as a heritage place however it was one of the original homesteads in Sandy Creek/Rosedale area, having been constructed around 1855. It is in excellent condition and its adaption makes great use of the asset.

• The stone farm buildings across the site also make a significant contribution to the character of the site and which will form part of the features of the tourism development, allowing public appreciation of the character buildings.

• The development enhances the appeal of the area by creating a tourist point of destination within Rosedale.

• The proposed levels of visitation are considered appropriate as they will be staggered and moderated. It is highly unlikely that the venue will attract 200 persons on a regular basis and it is expected that any event running at capacity will be infrequent. There are minimal sensitive land uses in the locality due to the size of surrounding rural allotments.

• The use will not adversely affect the value or effectiveness of the agricultural land due to the separation distance between activities. The proposed use is wholly contained within the immediate areas surrounding the homestead and does not impact upon any existing portion of the site which can be reasonably used for agriculture.

• Having a centralised function centre and associated accommodation on the one site will add vitality to Rosedale as there is no such facility within the locality. The use will create increased opportunities for visitors to stay overnight.

• The site is located within a medium bushfire risk area only and there are no access constraints back to the sealed Rosedale Road.

• The site is situated within close proximity of the township and has a direct route from Barossa Valley Hwy between Gawler and Lyndoch. Sandy Creek Golf Course, Pindarie Wines and Chateau Yaldara are all within convenient distance of the site. As such there is a locational and functional link with key tourism venues within the immediate locality.

• The development will not damage or degrade any significant cultural features within the township as it will not be visible from any key vistas and the existing built form is to be utilised.

• Both the function centre and the accommodate will add to the range of services and accommodation types in the area, as there are no functions centres of this type within Rosedale and limited accommodation for single person travellers.

• No infrastructure upgrades are required and the scale of the development is not considered to give rise to additional infrastructure demands in the locality. As detailed in the Traffic Assessment, the roads are of a sufficient standard to cater for the expected traffic volumes and as there are no buildings proposed there is no impact on stormwater infrastructure.

• The car parking area will be screened sufficiently from the road and will be constructed of compacted crushed rock to maintain the rural amenity of the locality.
1. Additional Traffic Impacts on McCallum Road

Ms Smallridge and Mr Beswick are concerned additional traffic on McCallum Road as a result of the proposed function centre and tourist accommodation will result in excessive dust and the road becoming slippery. They are also concerned about the safety aspects of the single lane bridge.

Ms Smallridge and Mr Beswick have suggested their representation would be overcome by McCallum Road being sealed from the bridge to the east of their property to just beyond their property.

In Council’s letter of the 10 June 2020, Council’s Planning Officer has advised ‘The existing pavement of McCallum Road in the vicinity of the proposed development is considered inadequate to safely accommodate the anticipated increased traffic volumes reasonably expected to result from the proposed development.’

Response: A traffic assessment of the proposal and existing road network within the locality has been undertaken by a suitably qualified traffic engineer from MFY Traffic Consultants.

The Traffic Report concluded the traffic volume increase associated with the function centre and tourist accommodation would not alter the nature or function of McCallum Road and would not necessitate road upgrades as a result of the proposed development. This is because the resulting aggregated traffic volumes of the proposed use would be in the order of 20 additional vehicles per day (including less than one commercial vehicle which would typically be a small to medium rigid truck). The report also stated that McCallum Road provides access to approximately ten rural properties and as such it is anticipated that the current volumes on the road would be in the order of 80 vehicles per day and that Class 4B unsealed roads such as McCallum Road operate with 50-150 average daily traffic movements per day.

Given concerns raised by Council’s Planning Officer, further advice has recently been sought from Melissa Mellen, a highly regarded and experienced traffic engineer, also from MFY Traffic Consultants who has also confirmed there will not need to be a change in pavement type on the road as a result of the proposal. Ms Mellen advised as follows:

‘As identified in our previous report, McCallum Road is currently a Rural Local Road Class 4 (as defined in the Local Government Road Classification Guidelines and Class 4B in the ARRB Unsealed Roads Best Practice Guide 2. It currently services rural farmland on which has grape vines and other crops which are reaped annually. The road has a low volume but is required to accommodate rural farm machinery.'
The proposal will not result in the change in nature or function of the road (it will still be a Rural Local Road Class 4) and will generate primarily domestic vehicles, with the exception of some delivery vehicles. In regard to forecasting volumes for the purpose of determining ESAs, the type of vehicle will be smaller than the existing farm machinery/trucks that service the adjacent farmland.

Given that the proposal will not change the nature or function of the road (that is the anticipated design volume for the type of road would be the same irrespective of the development) and will not generate a larger type of vehicle, there will not need to be a change in pavement type on the road as a result of the proposal.

Additionally, Council Officers have recently undertaken an inspection of the current condition of McCallum Road and agree that based on the current condition of the road and likely infrequent, limited traffic generated by the proposed function centre and tourist accommodation that McCallum Road is not required to be sealed.

If Council considers it appropriate, Mr Vigor has advised he would be happy to plant screening plants and install irrigation along Ms Smallridge and Mr Beswick’s roadside boundary in order to reduce any potential dust and assist with elimination of noise carry.

2. & 3. Disturbance (noise, lights, racing thoroughbreds, livestock and guard dogs)

Ms Smallridge and Mr Beswick are concerned they (and their racing thoroughbreds, livestock and guard dogs) will be disturbed by noise associated with the function centre and by headlights and noise from vehicles exiting the function centre until 2.30am.

Ms Smallridge and Mr Beswick have suggested their representation would be overcome by the hours of operation of the function centre being reduced to 12.30am on the proposed days of operation.

Response: An Environmental Noise Assessment, based on the proposed likely sources of noise generated by the proposed function centre, has been undertaken by a suitably qualified acoustic engineer from Sonus Acoustic Consultants. The assessment concluded that the function centre has been designed to prevent adverse impacts, avoid unreasonable interference on amenity, and will not detrimentally affect the locality by way of noise, thereby achieving the relevant provisions of the Development Plan related to environmental noise.

The assessment considered noise levels at all nearby residences (including Ms Smallridge and Mr Beswick’s dwelling) from patrons within the outdoor function areas, vehicle movements and car parking activity, and music within the outdoor areas and the main function space room. The report concluded that the predicted noise levels from patrons and vehicles will achieve the relevant requirements of the Environment Protection (Noise) Policy 2007 provided the number of patrons within the designated outdoor area is limited to no more than 200.
The noise assessment also concluded predicted noise from the development will achieve the adopted music noise criteria, subject to the specific acoustic treatment measures detailed in the report including:

- Limiting the internal music levels;
- Ensuring doors are normally closed while music is played;
- Specific construction for the ceiling and any new doors or windows; and
- Restricting the type and location of outdoor acoustic performances.

I understand Mr Vigor has been in discussions with Ms Smallridge and Mr Beswick and both parties have agreed that Mr Vigor will undertake the following actions should Council consider them appropriate:

- Install a right turn only exit sign within the property boundary to reduce the traffic past Ms Smallridge and Mr Beswick’s property.
- Install appropriate signs within the car parking area and at the exit stating to ‘Be considerate of neighbours and leave the property quietly and respectfully’.
- Appropriate screen planting to be planted and maintained adjacent to the front property boundary to further assist with reduction of potential noise and light spill. It is noted Ms Smallridge and Mr Beswick’s property is uphill and more than 100m away from the subject site.

Notwithstanding the findings of the Environmental Noise Assessment, Mr Vigor is willing to accept a condition to amend the hours of operation to 10am to 12:30am, in lieu of 2.30am as originally proposed to alleviate Ms Smallridge and Mr Beswick’s concerns as per their request. However, given the market for functions associated with Sundays and public holidays he would also like the option to be open from 10.30am to 12.30am on Sundays and public holidays and to continue to operate until 2am for up to 4 events per year. An example of this may be New Years Eve and will be for wedding functions only.

Mr Vigor has also indicated he is willing to install a 600mm high planter box provided with suitable screening plants on the northern side of the car park to further assist with light and noise reduction.

**ADDITIONAL MATTERS RAISED IN COUNCIL’S LETTER OF THE 10 JUNE 2020**

1. ‘Function Centre is not an envisaged use for the Zone. A restaurant is envisaged (in association with a winery on the same allotment) with a maximum seating capacity of 75 persons, suggesting that the function centre is of a scale that exceeds the “small scale, low impact agricultural and home based industries” sought by the Desired Character statement.’

Response: Although a Function Centre is not specifically listed as an envisaged use in the Primary Production Zone, it is not listed as a non-complying form of development and therefore must be considered on its merits.
A restaurant is not included in the list of envisaged land uses in the Primary Production Zone either, however PDC 4 states that;

‘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.

In the Primary Production Zone, the scale of a winery development including its ancillary uses of a restaurant (75 seated persons) in addition to a cellar door for wine tasting and retail sales of up to 250m² could result in a larger scale development than that of the proposed function centre, as the number of persons accommodated on the site would be much greater than just the seated patrons of the restaurant.

Additionally, it is submitted the scale of a use is not only defined by the number of persons on a site, it is also dependent on characteristics of the proposed use such as frequency and times of operation, the proportion of the area of the site taken up by the use and the floor area and height of any buildings.

A restaurant and cellar doors sales could operate on a more frequent basis and at a wider range of times that that of the proposed function centre which will only accommodate the maximum of up to 200 persons on an infrequent basis when large events occur. This would not exceed more than four functions annually. The typical attendance levels at weddings can range between 50 to 150 people on average.

As referred to in the Planning Report submitted as part of the development application, a typical annual event breakdown confirms events will not be on a daily basis as follows:
• Weddings (x 25 Weekend events)
• Corporate Functions (x 5 events - evenings and daytime)
• Wedding Expos (x 3 daytime events)
• Art Exhibitions- SALA Festival (x 2 daytime events)
• Special Events (x 10 evenings and daytime)

Therefore, there is no reason to conclude that the proposed use as a function centre would be of any greater scale than a winery and its ancillary cellar door sales outlets and restaurants or that the proposed function centre is of a scale that exceeds the “small scale, low impact agricultural and home based industries” sought by the Desired Character statement.
This being said we would support a condition of consent that limits ‘large events of up to 200 patrons’ to only 5 times per year.

2. ‘The Planning report states that the wastewater system was upgraded within the last 5 years), however there is no record of this on Council’s records, suggesting that it was upgraded without Council approval.’

Response: The owner is not aware that any upgrades occurring without approval and is more than happy to rectify and lodge a new waste water application for Council’s consideration if necessary. The owner further advises that although the waste water system was not upgraded, it was replaced approximately 10 years ago as it was irreparably blocked, not in a functioning state and needed emergency replacement.

I confirm both the owner, Henri Vigor and I would welcome the opportunity to address the panel members at a Council Assessment Panel meeting should one be scheduled in the future.

Further to the above, I note the hours of operation and maximum number of patrons and guests continue to be included in the description of the nature of the development. It is respectively requested that these matters be removed from the nature of development and included as conditions should development plan consent be granted.

Please contact myself or Zoe Delmenico at zoe@esdplanning.com or 0417 129 906 if you have any queries.

Yours sincerely,

Elinor Walker

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

| PROPOSAL | Construction of a single-storey dwelling with attached verandahs, double garage and alfresco; conversion of existing dwelling to small scale, short term tourist accommodation |
| APPLICANT | Inception Design |
| OWNER | RL Coffey and A Galloway |
| APPLICATION NO | 960/542/2020 |
| CERTIFICATE(S) OF TITLE | CT 5565/851 |
| AREA | 2.4 ha |
| CURRENT USE | Rural Living |
| DEVELOPMENT PLAN VERSION | Consolidated 5 September 2019 |
| ZONE | Primary Production (Barossa Valley Region) Zone |
| POLICY/PRECINCT AREA | Nil |
| OVERLAYS | Character Preservation Area – District Bushfire Protection Area – Medium |
| APPLICATION TYPE | Non-Complying |
| CATEGORY OF DEVELOPMENT | Category 3 |
| REFERRALS | Nil |
| PREVIOUS APPLICATIONS | 960/189/2020 – indoor horse arena - REFUSED |
| ASSESSING OFFICER | Janine Lennon |
| RECOMMENDATION | That Development Plan Consent be GRANTED |

BACKGROUND
The current owners of the site purchased the property in late 2019. The current application was lodged on 17 September 2020 and was originally for:

Construction of a single-storey dwelling with attached verandahs, double garage and alfresco; conversion of existing dwelling to dependent accommodation (Non-Complying)

On 29 September 2020 the Assessing Officer advised the applicant that the Development Plan has six criteria for dependent accommodation and the proposal failed to meet many of those criteria. The applicant subsequently amended their proposal on 3 November 2011 to:

Construction of a single-storey dwelling with attached verandahs, double garage and alfresco; conversion of existing dwelling to small scale, short term tourist accommodation (Non-Complying)

On 15 December 2020 the Assessing Officer, under delegation and with the concurrence of the Assessment Manager, determined to proceed to assess the proposal.

Upon receipt of the Statement of Effect and associated fees the proposal was placed on public notification on 19 February 2021, no representations were received. The proposal is now presented to the Panel for a decision.
Attachment 1 provides a copy of the application and associated documentation.

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

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

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

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

Representations: No representations were received.

SITE AND LOCALITY
The site has a total area of 2.4 ha and currently contains:

- A single-storey detached dwelling setback approximately 110 metres from Menge Road
- A number of outbuildings
- A paddock that appears to have been used for hay cutting
- Scattered mature native and exotic trees

Menge Road provides a physical boundary between the township of Tanunda and that primary production area adjoining Tanunda. The site is on the eastern (primary production) side of Menge Road. The locality characteristics are:

- Tanunda Primary School
- Barossa Bowl Land
- Rural living type allotments (most with vines)

The site is located within the Primary Production (Barossa Valley Region) Zone, as shown in Figure 1.

The site is located within the Character Preservation District Overlay as shown in Figure 2.

The site is located within the Medium Bushfire Protection Area Overlay as shown in Figure 3.

An aerial view of the locality and site are shown in Figure 4 to Figure 6.

Site photos are provided in Figure 7 to Figure 11.
Figure 1: Primary Production (Barossa Valley Region) Zone Map
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/17
HERITAGE AND CHARACTER PRESERVATION DISTRICT
TANUNDA
BAROSSA COUNCIL
Consolidated - 9 September 2019

Figure 2: Character Preservation District Overlay
Figure 3: Medium Bushfire Protection Area Overlay
Figure 4: Aerial – Locality

Figure 5: Aerial – Site (entire)
Figure 6: Aerial – Site (development area)

Figure 7: Site Photo - Existing dwelling to be converted to short term tourist accommodation
Figure 8: Site Photo - Existing dwelling to be converted to short term tourist accommodation

Figure 9: Site Photo - Existing service yard, will be separation space between existing dwelling and proposed dwelling
REFERRALS

Internal
The application was referred to:

Health Services
A wastewater system approval will be required.

External
Pursuant to section 38 of the Development Act 1993, no referrals were required.

NON-COMPLYING
The application is a non-complying form of development, in accordance with the Procedural Matters for the Primary Production (BVR) Zone:
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 refuse the application, no appeal rights are afforded to the applicant.

**ASSESSMENT**

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

<table>
<thead>
<tr>
<th>DEVELOPMENT PLAN PROVISIONS</th>
<th>STANDARD</th>
<th>ASSESSMENT</th>
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<tbody>
<tr>
<td>PRIVATE OPEN SPACE</td>
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<td>&gt;50%</td>
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<tr>
<td>General Section PDC 23</td>
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Complies with standard:
☑ Yes
☐ No
☐ Partial

<table>
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<tr>
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<td></td>
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<table>
<thead>
<tr>
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<tr>
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<tr>
<td></td>
<td></td>
<td>☐ No</td>
</tr>
<tr>
<td></td>
<td></td>
<td>☐ Partial</td>
</tr>
</tbody>
</table>

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

**Overlay Section**

**Character Preservation 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 and 2  
PDCs 1, 2 and 3

All relevant Objectives and PDCs are deemed to comply.

**Hazards**

Objectives 1 and 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 and 4  
PDCs 1, 6 and 9

All relevant Objectives and PDCs are deemed to comply.

**Residential Development**

Objectives 1 and 2  
PDCs 5, 7, 9, 11, 16, 17, 19, 20, 21, 22, 23, 24, 34, 36, 37 and 38

All 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.

Tourism Development

Tourism Development in Association with Dwelling(s)

Objectives 1, 2, 3, 4, 5, 6, 7 and 8
PDCs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17

PDC 11 states that tourism developments in rural areas should primarily be developed in association with one or more of the following:

(a) agricultural, horticultural, viticultural or winery development
(b) heritage places and areas
(c) public open space and reserves
(d) walking and cycling trails
(e) interpretive infrastructure and signs

None of the five sub points apply to this proposal, but the site literally adjoins the Residential Zone of the Tanunda township, therefore it is expected that the township will be the focus of the tourist accommodation customers rather than rural pursuits.

All other relevant Objectives and PDCs are deemed to comply.

Transportation and Access

Access
Vehicle Parking

Objectives 2
PDCs 22, 23 and 29

All relevant Objectives and PDCs are deemed to comply.

Waste

Wastewater
Waste Treatment Systems

Objectives 1 and 2
PDCs 1, 2, 3, 4, 5, 7, 1011, 12, 13 and 14

All relevant Objectives and PDCs are deemed to comply.

Zone Section

Primary Production (Barossa Valley Region) Zone

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

Zone Objective 3 seeks the preservation of rural land and landscape character by limiting additional dwellings and non-agricultural development. Whilst the proposed development will effectively appear as an additional dwelling, its function will be as a small-scale tourist accommodation. Objective 5 specifies that small-scale tourist facilities are acceptable only where the character and function of viticulture activities are not adversely affected. Given that the tourist accommodation will be within an existing building and no viticulture activities are expected to be impacted it is considered that the intent of the Objectives has been met.
Desired Character

The most intensive and historic viticulture land use in the region occurs in this zone, developed as a result of soil type, agricultural productivity, groundwater availability and settlement patterns. The zone also has a unique and attractive landscape character that forms the actual and perceived viticulture and tourist focus of the region. It is envisaged that development will enhance the function of this zone as the focus of the traditional Barossa Valley Region.

The zone is characterised by open undulating terrain combined with isolated stands of natural vegetation and scattered dwellings and farm buildings. The open nature of the land results in a landscape highly sensitive to development for non broad-acre farming or viticulture purposes. For this reason, it is expected that development will be carefully designed and located to blend located within the landscape and be inconspicuous in appearance from key tourist and scenic routes throughout the Barossa Valley Region.

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

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

Desired Character

Development will be carefully designed and located to blend located within the landscape and be inconspicuous in appearance from key tourist and scenic routes throughout the Barossa Valley Region in accordance with the Desired Character.

Land Use

PDCs 1, 2 and 6

Small scale tourist accommodation within an existing building is an envisaged land use.

A new dwelling should only be developed if:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>It is ancillary to primary production land uses</td>
<td>Not met</td>
</tr>
<tr>
<td>The location of the dwelling will not inhibit the continuation of primary production or other development that is in keeping with the provisions of the zone</td>
<td>Met</td>
</tr>
<tr>
<td>It is located more than 500 metres from an existing intensive animal keeping operation;</td>
<td>Met</td>
</tr>
</tbody>
</table>
unless it is used in association with that intensive animal keeping activity

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>It is located more than 300 metres from winery wastewater treatment equipment, effluent dams, buildings containing wine-making activities or buildings containing bottling activities; unless it is sited on the same allotment as and used in association with a winery</td>
<td>Met</td>
</tr>
<tr>
<td>It does not result in more than one dwelling on an allotment</td>
<td>Met</td>
</tr>
<tr>
<td>The minimum allotment area and other criteria applicable to dwellings specified in the respective policy area can be met</td>
<td>Not met</td>
</tr>
<tr>
<td>It is designed and constructed utilising environmentally sustainable design principles</td>
<td>Met</td>
</tr>
</tbody>
</table>

The new dwelling is not associated with a primary production land use, noting that the area of the site available for primary production (approximately 1.85 ha) is not large enough to undertake financially sustainable agriculture. Should the applicant seek to undertake horticulture on the site in the future the available area reduced by approximately 500 sqm leaving 1.35 ha available for horticulture.

The minimum allotment area desired for a detached dwelling is either a replacement dwelling or on an allotment greater than 25 hectares in area and where a habitable dwelling does not already exist.

In this instance the existing dwelling is not being demolished to make way for a new dwelling, rather the existing dwelling is proposed to be converted to small scale short term tourist accommodation housing up to six guests at a time. Small scale tourist accommodation within an existing building is an envisaged land use.

All other relevant PDCs are deemed to comply.

Form & Character

PDCs 8 and 19

All relevant PDCs are deemed to comply.

CONCLUSION

The proposal is generally in accordance with the general Objectives and Principles of the Development Plan with the exception of the Land Use Principles of Development Control within the Primary Production (Barossa Valley Region) Zone. The balance of the Zone Land Use Principles in addition to the favourable assessment against general Objectives and Principles of the Development Plan suggests that the proposal may be supported.

Not seriously at variance

The proposed development is not seriously at variance with the Development Plan.
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. 960/542/2020 by Inception Design to undertake Construction of a single-storey dwelling with attached verandahs, double garage and alfresco; conversion of existing dwelling to small scale, short term tourist accommodation (Non-Complying) at 71 Menge Road, TANUNDA (CT 5565/851) 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. 960/542/2020 except where varied by any condition(s) listed below.

- Statement of Effect - prepared by Inception Design and received by Council 17 February 2021
- Overall Site Plan - prepared by Inception Design, Job No ID2819, Rev B, dated 9 February 2021
- Site Plan - prepared by Inception Design, Job No ID2819, Rev B, dated 9 February 2021
- Proposed Layout - prepared by Inception Design, Job No ID2819, Rev B, dated 9 February 2021
- Elevations-1 - prepared by Inception Design, Job No ID2819, Rev B, dated 9 February 2021
- Elevations-2 - prepared by Inception Design, Job No ID2819, Rev B, dated 9 February 2021
- Sewer Layout - prepared by Inception Design, Job No ID2819, Rev B, dated 9 February 2021
- Existing Dwelling - prepared by Inception Design, Job No ID2819, Rev B, dated 9 February 2021

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 not detailed in the approved colours and materials schedule. Where metal cladding is used, it shall have a pre-colour treated finish.
Reason: To ensure that the desired character for the site is maintained.

(3) The finished floor level of the proposed dwelling shall not exceed 300mm above the existing ground level.

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

(4) 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.

(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) Stormwater 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.

(7) The subject land is located within a Medium Bushfire Risk area. A dedicated and independent water supply shall be available at all times for both the dwelling and the short term tourist accommodation building 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 fire fighting purposes shall comply with the Ministers Specification SA 78 ‘Bushfire fighting equipment and water supply requirements in designated bushfire prone areas’.

Reason: To ensure that 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 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.

(9) The short term tourist accommodation building shall only be occupied as short term tourist accommodation and by a maximum of six guests at one time.

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

(10) At no time shall both buildings be concurrently used for long term residential accommodation.

Reason: To ensure that the proposal is used, run and maintained as approved by the Relevant Authority.
6.2 Attachment 1
**DEVELOPMENT APPLICATION FORM**

CONSENT TYPE APPLYING FOR (Please tick appropriate box)
- Development Plan Consent (Planning Only)
- Building Rules Consent (Building Only)  Privately Certified Yes No
- Full Development Approval (Both Planning and Building Consent)

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

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

**APPLICANT:** INCEPTION DESIGN
Postal Address: 30 BAIN ROAD, ANGLE.VALE  Post Code: 5117
Phone: 0448 689 135  Mobile:  Fax: 
Email: carly@scheepens.com.au

**OWNER:**
Postal Address:  
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:** TO BE ADVISED
Postal Address:  
Phone:  Mobile:  Fax: 
Email:  Builders Licence No:  

**CONTACT PERSON FOR FURTHER INFORMATION:** Name: CARLY SCHEEPENS
Phone: AS PER APPLICANT  Mobile:  Fax: 
Email: 

**DESCRIPTION OF PROPOSED DEVELOPMENT:** PROPOSED RESIDENCE

**EXISTING LAND USE:** RESIDENTIAL

**AREA (m²) OF PROPOSED DEVELOPMENT:** 611 m²

**LOCATION OF PROPOSED DEVELOPMENT:**
House No: 71  Street: MENGE ROAD  Town: TANNUDA
Lot No: 62  Section:  Hundred: MOO RODROO
Certificate of Title(s): Volume: 5565  Folio: 851

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

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

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

**DEVELOPMENT COST (do not include any fit out costs):** $400,000

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 agendas, minutes and accompanying report are made available on Council's website.

**SIGNED:**  **DATED:** 01/07/2020

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*Agenda - Barossa Assessment Panel - 4 May 2021*
Certificate of Title - Volume 5565 Folio 851

Parent Title(s)  CT 3350/66
Creating Dealing(s)  RTC 8476636
Diagram Reference  D49633 01

Estate Type
FEE SIMPLE

Registered Proprietor
RAYMOND LEITH COFFEY
ADRIENNE GALLOWAY
OF 3140 EDEN VALLEY ROAD MOUNT PLEASANT SA 5235
AS JOINT TENANTS

Description of Land
ALLOTMENT 62 DEPOSITED PLAN 49633
IN THE AREA NAMED TANUNDA
HUNDRED OF MOOROOROO

Easements
NIL

Schedule of Dealings
NIL

Notations
Dealings Affecting Title  NIL
Priority Notices  NIL
Notations on Plan  NIL
Registrar-General's Notes  NIL
Administrative Interests  NIL
ENTIRE SITE
Scale: 1:2000

SITE PLAN
Located on broad acres.
Discharge stormwater into new rainwater tanks through 90mm diameter stormwater class upvc pipes.
Discharge overflow away from building plateau.

AMENDMENTS
A. Existing dwelling details, statement of support submitted - 03/11/2020
B. Amendments made in response to council request - 09/02/2021

PROPOSED RESIDENCE
R. COFFEY & A. GALLOWAY
71 MENGE ROAD, TANUNDA SA

OVERALL SITE PLAN
Existing dwelling to become dependant dwelling for family member. Existing laundry facilities to be made redundant.
Existing septic tank & soakage trenches to be made redundant.

Refer to site plan, sheet 02 of 07 for further details.

CT 5565/851
Lot 62 Deposited Plan 49633
In the Area Named TANUNDA
Hundred of MOOROOROO
SITE PLAN

Discharge stormwater into new rainwater tanks through 90mm diameter stormwater class upvc pipes. Discharge overflow away from building plateau.

General notes:
All set out dimensions are to be checked on site before commencing any part of the works.

The whole of the works shall conform to all local and SAA regulations, including SA power networks, SA water, health commission & the National Construction Code.

All proprietary brand products to be installed in accordance with manufacturer's recommendations.

All workmanship and materials used is to be carried out in accordance with the relevant standards, and the National Construction Code.

These drawings are to be read in conjunction with specification, schedule and the engineer's details.

Wind classification: N3

Windows:
Comply with AS1288 - 2006 - Glass in buildings

Roof tiling & Surfacing:
Comply with AS 2070 - 2002 - Installation of roof tiles

Roof & wall sheeting
Comply with AS 1562.1 - Design and installation of sheet roof and wall cladding - Metal

Wet area construction
Comply with AS 3740 - 2010 - Waterproofing of domestic wet areas

Timber framework and connections.
Comply with AS1684 - 2010 part 2.

Termite protection.
Comply with AS 3660 - 2014 Termitie management Set.

denotes interconnected ceiling mounted smoke alarm, connected to mains power with additional 9 volt battery back up.

Existing septic tank & soakage trenches to be made redundant.

New indigenous landscaping in consultation with Barossa Bush Gardens, to screen proposed dwelling & help to blend it with existing development on the site & neighbouring properties.

Discharge overflow away from building plateau.
��denotes interconnected ceiling mounted smoke alarm, connected to mains power with additional 9 volt battery back up.

Hebel parapet to tack/guest wing. Rendered finished.

Hatch denotes extent of floor tiles & is indicative.

Removable door on loose pin hinges to wc

125mm wide colorbond gutter on timber fascia, as selected.

VERANDAH

Fibreglass insulation to walls, as specified in energy assessment.

Screening to alfresco southern wall, to create privacy from dwelling frontage.

Bulkhead between piers to alfresco & porch

90mm timber mds at 600mm centres maximum. Reduce to 450mm centres to wet areas.

10mm thick plasterboard wall lining generally. Use villaboard or water resistant plasterboard to wet areas.

230 series brickwork on 0.5mm thick superviscourse to lower section of wall.

230 series brickwork on 0.5mm thick superviscourse to lower section of wall.

DINING

Auto colorbond panel lift door as selected with 2 off remotes.

Fireplace as selected.

Matrix wall cladding to garage. Painted finish.

200mm wide verge.

300mm wide verge.

Hebel external wall cladding fixed to top hat battens, rendered finish above brickwork, as shown.

Bulkhead between piers to alfresco & porch

10mm thick plasterboard wall lining generally. Use villaboard or water resistant plasterboard to wet areas.

90mm timber mds at 600mm centres maximum. Reduce to 450mm centres to wet areas.

10mm thick plasterboard wall lining generally. Use villaboard or water resistant plasterboard to wet areas.

Weathergroove 75mm natural vertical cladding to alfresco & porch higher level wall.

Aluminium framed windows & doors as selected. Refer to window schedule. Fibreglass insulation to walls, as specified in energy assessment.

Screening to alfresco southern wall, to create privacy from dwelling frontage.

Bulkhead between piers to alfresco & porch

90mm timber mds at 600mm centres maximum. Reduce to 450mm centres to wet areas.

10mm thick plasterboard wall lining generally. Use villaboard or water resistant plasterboard to wet areas.
Materials & Colour Schedule

<table>
<thead>
<tr>
<th>Item</th>
<th>Material</th>
<th>Colour/Finish</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roof</td>
<td>Colorbond custom orb</td>
<td>Colorbond Woodland Grey</td>
</tr>
<tr>
<td>Gutters/Fascia</td>
<td>Colorbond</td>
<td>Colorbond Woodland Grey</td>
</tr>
<tr>
<td>Columns</td>
<td>Timber framed, texture rendered</td>
<td>Woodland Grey</td>
</tr>
<tr>
<td>Walls</td>
<td>Hebel, texture Render</td>
<td>Classic cream (half strength)</td>
</tr>
<tr>
<td></td>
<td>Weathertex, weathergroove 75mm Natural</td>
<td>Natural</td>
</tr>
<tr>
<td></td>
<td>Scyon matrix Wall cladding</td>
<td>Woodland Grey</td>
</tr>
<tr>
<td>Windows</td>
<td>Aluminium Framed</td>
<td>Anodised</td>
</tr>
</tbody>
</table>

**NOTE:**

These colours are indicative of the final colour palette. Colours will be confirmed during construction and will be supplied to council in the event that they are substantially different to the colours supplied.

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NORTH EAST ELEVATION

- Colorbond custom orb roof sheeting, on battens.
- Hebel external wall cladding fixed to top hat battens, rendered finish above brickwork, as shown.
- 250 series brickwork on 0.5mm thick superviscourse to lower section of wall.
- Aluminium framed windows & doors as selected. Refer to window schedule.

NORTH WEST ELEVATION

- Hebel external wall cladding fixed to top hat battens, rendered finish above brickwork, as shown.
- 250 series brickwork on 0.5mm thick superviscourse to lower section of wall.
- Aluminium framed windows & doors as selected. Refer to window schedule.
- 300mm square piers to alfresco, verandah & porch.
125mm wide colorbond gutter on timber fascia, as selected.

300mm wide verge.

Hebel parapet to tack/guest wing
Rendered finished.

Weathergroove 75mm natural vertical cladding to alfresco & porch higher level wall.

250 series brickwork on 0.5mm thick superviscourse to lower section of wall.

Auto colorbond panel lift door as selected with 2 off remotes.

Matrix wall cladding to garage.
Painted finish.

Screening to alfresco southern wall to create privacy from dwelling frontage.

2700mm square piers to alfresco, verandah & porch.

350mm square piers to alfresco, verandah & porch.

Colorbond custom orb roof sheeting, on battens.

300mm wide verge.

Hebel external wall cladding fixed to top hat battens, rendered finish above brickwork, as shown.

Weathergroove 75mm natural vertical cladding above ceiling line.

300mm wide verge.

230 series brickwork on 0.5mm thick superviscourse to lower section of wall.

Hebel external wall cladding fixed to top hat battens, rendered finish above brickwork, as shown.

Aluminium framed windows & doors as selected.
Refer to window schedule.

300mm wide verge.

300mm wide verge.

SOUTH WEST ELEVATION

SOUTH EAST ELEVATION
Sewer Legend

1. dn 80 x 50 tapered grate and dn 50 untrapped waste.
2. dn 65 floor waste gully with dn 80 riser.
3. dn 40 trapped waste.
4. dn 50 double bowl connector and trap
5. DN 65 denotes 65mm diameter u.p.c. sewer class pipe
6. DN 100 denotes 100mm diameter u.p.c. sewer class pipe
R denotes dn 100 inspection riser
R denotes 65mm diameter riser (Vent)
VR denotes 100mm vertical riser (2 storey construction)
ORG denotes overflow relief gully with tap over

Provide provisions to laundry trough & kitchen sink wastes for connections of washing machine & dishwasher wastes.

Note: Plumber to submit drainage layout with falls and levels as required, for council approval. This layout is for quoting purposes only. Layout shown is indicative only to show pipe and fitting sizes. Layout may need altering to suit site conditions.
Bed & Breakfast
- 3 x car parks provided (1 in carport, 2 not covered, adjacent carport.
- Maximum occupants = 6
Statement of Support

Development No: 960/542/2020
Nature of development: Construction of a single storey dwelling with attached verandahs, double garage & alfresco; conversion of existing dwelling to bed & breakfast – Non-complying
Subject Land: 71 Menge Road, Tanunda

Nature of development & locality

The proposal is to retain the existing dwelling and convert to bed and breakfast accommodation and in addition, construct a single storey residence with garage, alfresco & verandahs on the property at 71 Menge Road, Tanunda.

Image: Site & adjacent properties

The position of the proposed dwelling is approximately 160m from Menge road and approximately 40m from the existing dwelling. The total floor area of the dwellings covers just over three percent of the site and is positioned mostly within the front third and second sixth of the property. This supports the theory of blending with the current development of the site and adjacent properties.

Site Area 24010.00m² Site coverage = 3.195%

Dwellings
Existing 153.26
Proposed 611.91
Total 765.17

Looking at the scale for the development, the property is located in the vicinity of the Barossa Bowland, Barossa Aquatic & Fitness Centre and Tanunda Primary School. Across Menge Road, the Tanunda township residential development begins. The zoning of the property under consideration is Primary Production and is different to the adjacent zones (Community Facilities & residential). The proposed dwelling is a larger scale residence of 611m², which includes the garage, alfresco & verandahs and is larger than those within the residential zone. However, its positioning next to the community facilities does not make this development seem inconsistent with the scale of the immediate area. The position of the new dwelling close to the existing dwelling, helps to blend the development in with adjacent development.
Provisions of the development plan relevant to the assessment of the proposal

The site in question is located within the Primary Production (Barossa Valley Region) zone; within the zone, a new dwelling is generally considered as non-complying.

The desired character of the zone requires the development to be designed to blend in and be inconspicuous in appearance from key tourist and scenic routes. It is noted that Menge road is not considered as a key tourist route in accordance with the development plan. However, in keeping with the desired character, the proposed dwelling has been positioned as close as practical to the existing dwelling, to blend in with the current development on the property, adjacent properties, and residential zone, directly across Menge road. Furthermore, new landscaping is proposed between the road frontage and the existing dwelling, around the new dwelling as well as screening between the two dwellings. This will not only screen the two dwellings from each other, it will also help to screen the proposed dwelling from the road; Therefore, appearing inconspicuous from the road. The proposed indigenous vegetation, in consultation with Barossa Bush Gardens shows compliance with increasing native vegetation in the area. Another point to note is the property boundary cuts around the neighbouring property and house. This also helps to blend the proposed dwelling into the existing built-up area. Having the new dwelling in this location, along with the proposed plantings maintains the open nature for the remainder of the property, which is another requirement of the desired character.

The desired character and principles of development control talk about several points on development and what activities are acceptable within the zone. The following are key points taken from the desired character description.

- The land use that occurs in this zone is intensive viticulture, which is sensitive to non-broad-acre farming and viticulture,
- Large scale winery & industrial development are more appropriate,
- There are limited opportunities for non-agriculture development and dwellings will be limited in location & design to preserve the rural appearance of the zone.

The property is quite small in comparison to most properties within this zone. The above key points describe activities on large scale, not suitable for the size of this property. Therefore, there is an argument that the property cannot be used for the purposes it is zoned for. Which makes the property somewhat useless? However, within these key points it states that there are limited opportunities for non-agricultural development and dwellings, depending on the location and design. The dwelling is proposed in the most appropriate position on this site and maintaining the desired character.

The owners are wanting to reside at the property; however, the existing dwelling is not suitable for them. Under the principles of development, it is desired that small scale tourist accommodation is incorporated by the utilization of existing buildings. Therefore, it is proposed that the existing dwelling be developed into tourist accommodation. This also complies with the exceptions under non-complying development:

‘Bed and breakfast accommodation that achieves at least one of the following criteria:
(a) Within or as an addition to a building existing as at 18th September 1990’

In terms of tourism development, the conversion of the existing dwelling to a bed and breakfast will not adversely affect the use of agricultural land, as it utilises an existing dwelling, away from any agriculture, primary production and processing activities. The conversion to bed and breakfast will provide an increased opportunity for overnight stays within the area and will meet carparking and bushfire conditions as required.
**Expected social, economic & environmental effects of the proposal.**

Some research has been undertaken in relation to tourist accommodation in the area. There are many options for accommodation in the area but during peak times sometimes finding accommodation can be difficult. It was decided that converting the existing dwelling to bed and breakfast accommodation will be beneficial and provide another option to the local tourism industry and contribute towards the local economy. Currently the dwelling is not occupied by the owners; they have undertaken some minor maintenance on the dwelling, have furnished it and accommodated seasonal workers, working in the area. Because of this, it has already proved beneficial towards the local economy.

Retaining the existing dwelling rather than demolishing it is considered to be a more positive option for the reasons previously mentioned above and for the environmental impacts. In retaining the existing dwelling, it reduces the waste that would go into landfill. Not only this, but other impacts of machines, carbon omissions, etc. it would take in the demolition of the dwelling.

The proposed dwelling is designed using environmentally sustainable design principles. The dwelling is orientated towards the north, while taking in the views towards the ranges. All living areas and bedrooms have a northern aspect with the utilities facing south. The skillion style roof slopes towards the south, enabling the northern elevation to be exposed to solar access in the winter; A large overhang on the northern elevation screens the summer sun to the high-level windows. In addition, the verandah protects the large windows to the living areas and bedrooms. Double glazing will also be used to reduce the need for heating and cooling. It is proposed that a solar system will be installed, with the vision to be as self-sufficient as possible.
APPLICATION DETAILS

<table>
<thead>
<tr>
<th>PROPOSAL</th>
<th>Construction of a wine store/warehouse - shed (measuring 24m x 15.3m x 5m wall height)</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPLICANT</td>
<td>Ahrens Group</td>
</tr>
<tr>
<td>OWNER</td>
<td>Omdurman Pty Ltd</td>
</tr>
<tr>
<td>APPLICATION NO</td>
<td>960/733/2020</td>
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<tr>
<td>CERTIFICATE(S) OF TITLE</td>
<td>CT 6151/258</td>
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<tr>
<td>AREA</td>
<td>1.6 hectares</td>
</tr>
<tr>
<td>CURRENT USE</td>
<td>Cellar Door and Winery, with existing dwelling</td>
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<tr>
<td>DEVELOPMENT PLAN VERSION</td>
<td>Consolidated 5 September 2019</td>
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<tr>
<td>ZONE</td>
<td>Primary Production (Barossa Valley Region)</td>
</tr>
<tr>
<td>POLICY/PRECINCT AREA</td>
<td>Nil</td>
</tr>
<tr>
<td>OVERLAYS</td>
<td>Character Preservation District Medium Bushfire Risk Area</td>
</tr>
<tr>
<td>APPLICATION TYPE</td>
<td>On-Merit</td>
</tr>
<tr>
<td>CATEGORY OF DEVELOPMENT</td>
<td>Category 3</td>
</tr>
<tr>
<td>REFERRALS</td>
<td>Nil</td>
</tr>
<tr>
<td>PREVIOUS APPLICATIONS</td>
<td>960/623/2017 – Winery (49 tonne crush), Cellar Door, Restaurant and Advertising Signage</td>
</tr>
<tr>
<td></td>
<td>960/749/2018 – Torrens Title Land Division (Boundary Realignment)</td>
</tr>
<tr>
<td></td>
<td>960/623/2017/A – Variation to reflect revised property boundaries</td>
</tr>
<tr>
<td></td>
<td>960/457/2019 – Construction of horticultural building and two 75,000L water tanks</td>
</tr>
<tr>
<td>ASSESSING OFFICER</td>
<td>Jake Boswell</td>
</tr>
<tr>
<td>RECOMMENDATION</td>
<td>That Development Plan Consent be GRANTED</td>
</tr>
</tbody>
</table>

BACKGROUND
This application seeks the construction of a multi-use building, predominately to be used for finished wine goods storage, associated dry goods, and farming equipment/implements to assist with ongoing commercial viticulture on an adjacent allotment.

No crushing, fermentation or bottling is proposed to occur.

The building is proposed to be clad entirely in heritage galvanised iron, and is a relatively large scale building (24m x 15.3m x 5m wall height). Subject to authorisation, upon erection this building has potential to create an unreasonable amount of visual impact to the amenity of the locality, particularly in the form of glare, at least until the building has had time to appropriately weather and dull. With sufficient weathering over time, impacts are likely to be greatly reduced.
During the assessment process, concerns were raised with the applicant regarding the extent of galvanised iron proposed and the potential visual/glaring impacts.

The subject site has had a range of development authorisations in recent years including several value adding activities, predominately a cellar door (with restaurant) and winery. A boundary realignment of this land has also occurred creating the current allotment layout. This proposed development will operate in a related but independent manner to those existing/authorised buildings and uses on the land, and the vineyard on the adjacent site.

The application is considered to be a Merit type of development and has undergone Category 3 public notification. No representations were received.

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

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

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

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

Representations: Nil representations were received.

SITE AND LOCALITY
The subject site is 16-26 Vine Vale Road, Tanunda. This is an approximately 1.6 hectare allotment with a frontage and depth of around 130 metres.

This current layout of the land was authorised by virtue of a 2018 boundary realignment. The site contains two dwellings, a horticultural building, with a cellar door (and restaurant) and winery currently under construction.

The site is relatively flat and contains minimal native vegetation with a small portion of vineyard at the rear of the land. Site access is gained from Vine Vale Road.

There is a mix of land sizes and uses on adjacent sites. To the south and west is one larger allotment used for viticulture, with similar sizes and uses to the north-east. Directly north and east are smaller allotments primarily used for rural living purposes. More broadly to the west and south is Barossa Valley Way, a high-traffic thoroughfare, and the township of Tanunda. The east and north is more dominated by viticultural development.

The site is located within the Primary Production (Barossa Valley Region) Zone, as shown in Figure 1.

The site is located within the Character Preservation District as shown in Figure 2.

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

Site photos are provided in Figure 5 to Figure 9.
Figure 1: Zone Map
Figure 2: Character Preservation District
Figure 3: Aerial – Locality
Figure 4: Aerial – Site
Figure 5: Site Photo – From Vine Vale Road, viewing south

Figure 6: Site Photo – From Vine Vale Road, viewing south
Figure 7: Site Photo – From Vine Vale Road, viewing south to existing galvanised structures

Figure 8: Site Photo – From Menge Road, viewing north-east
REFERRALS
No referrals are required under Schedule 8 of the Development Regulations 2008.

Internal
The application was referred to:

Engineering Services
The application is unlikely to affect traffic movements and access to an unreasonable degree, and does not contain a connection to the CWMS network. A Stormwater Management Report has been provided and is considered acceptable.

ASSESSMENT

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

Overlay Section

Character Preservation District
The proposed development is located within the rural area of the Character Preservation District applicable to this region. This development will be partially screened by existing buildings and sporadic landscaping, but will remain visible
from outside the land, and is in proximity to Barossa Valley Way, a high-traffic secondary arterial road.

Galvanised structures are not uncommon in this locality, but traditionally have had time to weather and fade, such that they don’t produce an unreasonable visual impact or amount of glare. It is noted though that several galvanised clad structures have been authorised at this site in the previous few years.

This structure is of a substantial bulk and while the use of galvanised iron will potentially result in an initial period of substantial glare, the long term impact after the building has had time to weather and dull, is unlikely to unreasonably detract from the character of the locality.

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 proposed development is located within a medium bushfire risk area. There are no stipulations applicable to this type of development.

**General Section**

**Design and Appearance**

Objective 1

PDCs 1, 2, 3, 4 and 7

The proposed building is of a substantial size. It will be the largest building in the locality. It’s relatively well setback from the primary frontage of Vine Vale Road, and is also well setback from the main thoroughfare through the region, Barossa Valley Way. It will also be erected behind existing, albeit smaller, buildings on the site.

It is also to be clustered with existing buildings that have been approved/under construction.

The building is proposed to be positioned on a side allotment boundary, although not southern boundary. There is sufficient space on the adjacent site such that there is unlikely to be an unreasonable overshadowing or visual impact, however the bulk will still be substantial.

The primary concern with the appearance of this building is the proposed use of heritage galvanised iron cladding. This is a particularly reflective material that has the potential to create an unreasonable amount of glare to nearby land users/occupiers and road users.

There is a smaller horticulture building and two water tanks that have been erected on this site and the adjacent site
recently, entirely clad in galvanised iron. These structures have been observed to produce some glare from certain orientations and times of day, however no formal concerns have been raised to council.

While there is some precedence to the use of galvanised iron in the locality, this building is of a substantially greater size and volume, such that the potential impacts are greater.

In general, reflective materials should not be supported.

This development has potential to create an unreasonable impact of glare during the early years of its lifespan.

In saying this, it is noted that galvanised iron does weather over time, producing a fading/dulling effect that takes the shine off the cladding. In the medium-long term (expected two to three plus years), the appearance of the building is likely to be less obtrusive and more unlikely to produce glare. Weathered galvanised iron is not uncommon in the locality, although there aren’t many examples of this cladding on similarly sized buildings in the region.

All other Objectives and PDCs are deemed to comply.

**Interface between Land Uses**

- **Objectives 1 and 2**
- **PDCs 1, 2, 5, 6, 7, 10 and 11**

The proposed development will be used predominately for storage purposes, and as such won’t have an intensive ongoing component. Primary operations will include sporadic deliveries and pick-ups. It hasn’t been proposed for these to occur outside of standard business hours.

Noise impacts from traffic movements are likely to be minimal, with trucks proposed to access the building on average twice a month. The main noise source will likely be forklift movements. These will need to be undertaken within the scope of the Environment Protection (Noise) Policy 2007.

Given there is no production of trade waste or wastewater, and all wine storage is finished product, there are unlikely to be any odour issues.

All other Objectives and PDCs are deemed to comply.

**Siting and Visibility**

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

This building is located within the valley floor region, on a relatively flat piece of land. The structure won’t be positioned on any high points in the locality, nor proposes an unreasonable amount of fill. Likewise it won’t impinge upon any skylines or established vistas.
The development is clustered with existing/approved buildings on the site. Its position, although containing a side wall on boundary at a relatively tall wall height, is considered acceptable.

Given the size of the building it will be relatively visible from outside the subject site. The proposed use of galvanised iron will also ensure an increased visual impact and potential glaring upon construction. Although as previously discussed, this will weather and dull over time.

The long term outcomes from a siting and visibility perspective of this structure are likely to be acceptable.

All other Objectives and PDCs are deemed to comply.

Transportation and Access

Objectives 2 and 5
PDCs 1, 2, 12, 13, 22, 23, 29, 30, 31, 32, 33 and 37

As the use of this building is generally for storage of goods, traffic movements are expected to be relatively limited. Vine Vale Road is of a suitable standard for expected vehicle movements.

Upon completion of the authorised cellar door and winery at this site (as part of a separate application) traffic volumes will increase substantially. This development won’t create an unreasonable increase in traffic movements, with an expected average of around 2 larger vehicle movements per month.

This development will result in the removal of ancillary parking spaces that were designated as part of the separate cellar door and winery authorisation. Sufficient spaces will remain as part of that development.

For this proposed development, approximately five new spaces are required to be provided on site. There is ample space on site adjacent the proposed building to adequately provide these spaces. Car parking and internal traffic routes are also to be at minimum with a suitable all-weather crushed aggregate finish.

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
Objectives 1 and 2
PDCs 1, 2 and 10
There are no wet works proposed to occur in this building and no resulting trade waste.
All other Objectives and PDCs are deemed to comply.

Zone Section

Primary Production (Barossa Valley Region) Zone
Objectives 1, 3, 4, 5 and 6
The proposed development will introduce a low-intensity light industrial activity, predominately acting as a winery (storage) building. This site has recently been authorised for a new cellar door (with restaurant) and winery. This development will be essentially ancillary to that development, but operating independently.

This use is sympathetic to the viticulture and primary production in the locality and broader region, despite this site in particular not containing an operating vineyard. The subject land and adjacent commercial vineyard is currently under the same ownership, and this building is proposed to support the operation of that vineyard. However there is no certainty this would remain the case in the future.

The development is sympathetic to the use of land in the locality.
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 located within the landscape and be inconspicuous in appearance from key tourist and scenic routes throughout the Barossa Valley Region.

Opportunities for non-agricultural development will be limited to preserve the natural appearance and scenic qualities of rural areas, as well as retain land for maximum horticultural and viticultural productivity. Similarly, large scale wineries and industrial development and dwellings will be limited in location and design to maximise productive land and prevent the incremental erosion of the existing landscape.
(character.

Forms of large scale winery and industrial development are more appropriate within regional industrial areas established specifically for such purposes.

**Desired Character**

The proposed development comprises a type of development that is sympathetic to the viticultural function of the zone. It will support the continued operation of a commercial vineyard on an adjacent site as well as providing storage space for finished wine goods on the site.

The concern is that the site does not contain four hectares of vineyard and is a relatively small site in the context of the locality.

Being entirely cladded in galvanised iron is also not ideal. It will result in a building that doesn’t blend with the natural features of the environment and may produce some level of glare at the time of construction and for the first several years of its lifespan. The long term impacts will be much less after the building has had a chance to weather and dull over time.

**Land Use**

PDCs 1, 3, 4 and 5

The proposed development will predominately act as a winery building, although only finished storage goods. It will also provide service for a commercial vineyard on an adjacent site. However given its not located on the same site there is some risk this may not continue in the long term. While the building will service a large vineyard, ultimately this building isn’t sited on a site with four hectares in vineyard.

Given the use, the industrial-type activity and potential impacts are likely to be minimal.

All other Objectives and PDCs are deemed to comply.

**Form and Character**

PDCs 8, 9, 10, 11, 14, 18 and 24

The scale of the development is relatively significant. It will be the tallest building in the locality and on the site.

The use of galvanised cladding isn’t uncommon at this site, with the authorised cellar door and winery building utilising this material in part. There is also a separately authorised horticultural building and two 75,000L water tanks on this and the adjacent site that are entirely galvanised. These are smaller buildings though. There are no formal complaints received by council regarding these buildings, although glare has been observed to occur from various parts of the locality.

This new building will be generally clustered with those buildings already on the site, authorised to be constructed.
This will also assist with providing a screen from certain orientations, particularly the west, from Barossa Valley Way.

The long term effect is likely to be minimised due to weathering and fading of the galvanised material, such that glare would be much less prevalent.

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.

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. 960/733/2020 by Ahrens Group to undertake Construction of a wine store/warehouse - shed (measuring 24m x 15.3m x 5m wall height) at 16-26 Vine Vale Road, Tanunda (CT 6151/258) 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. 960/733/2020, including:

- Site Plan – Implement Shed, prepared by JBG Architects, dwg. A004 revision dated 23 December 2020
- Floor Plan – Implement Shed, prepared by JBG Architects, dwg. A114, revision dated 23 December 2020
- Elevation Plan, prepared by Ahrens Group, Job Ref: 107016, revision dated 30 March 2020
- Civil and Stormwater Management Plan – Sheet 1, prepared by Triaxial Consulting, dwg. No. TX12997.00, C3.0, Issue J, dated Jan 2021
- Civil and Stormwater Management Plan – Sheet 2, prepared by Triaxial Consulting, dwg. No. TX12997.00, C3.1, Issue J, dated Jan 2021
- Civil and Stormwater Management Plan – Sheet 3, prepared by Triaxial Consulting, dwg. No. TX12997.00, C3.2, Issue J, dated Jan 2021
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 managed within the curtilage of the allotment to the satisfaction of Council.

(3) Unless with the prior written consent of Council, all deliveries to the site and pickup from the site (as well as any waste collections) shall be undertaken between 7.00 am – 7.00 pm Monday – Saturday, and between 9.00 am – 7.00 pm on any Sunday or Public Holiday, to the reasonable satisfaction of Council.

Reason: To ensure movements through the site are predominately within standard operating hours.

(4) 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.

(5) 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.

(6) 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.
(7) 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 contactors or sub-contractors shall be cleared immediately.

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

(8) 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.

(9) 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.

(10) All wine related activities associated with the development herein shall be limited to the storage of finished product only.

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

(11) 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.

(12) Truck movements (above 8.8 metre long service vehicles) servicing the development herein shall be limited to (on average) two 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.

(13) The loading and unloading of goods from vehicles shall be carried out only in a manner that does not disrupt the circulation and parking of vehicles on the land, to the satisfaction of Council.
Reason: To ensure that the safe and convenient movement of all vehicles within the subject site.

(14) Prior to the commencement of use, five on-site staff parking spaces shall be provided on site to service the development herein, additional to those car parking spaces and manoeuvring areas required by previous development authorisation ref: 960/623/2017 and associated variations.

Reason: To ensure appropriate number of car parking spaces remain on site.

Advisory Notes

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

(b) Any portion of Council’s infrastructure damaged as a result of work undertaken within the development site or associated with the development shall be repaired/reinstated to Council’s satisfaction at the developer’s expense.

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

(e) 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

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

(h) 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.

(i) 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
6.3 Attachment 1
DEVELOPMENT APPLICATION FORM

CONSENT TYPE APPLYING FOR (Please tick appropriate box)
☒ Development Plan Consent (Planning Only)
☐ Building Rules Consent (Building Only) Privately Certified ☑ Yes ☐ No
☐ Full Development Approval (Both Planning and Building Consent)

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

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

APPLICANT: Ahrens Group ..........................................................................................................................................................  
Postal Address: ..PO Box 2 Sheaak Log............................................................................................................................ Post Code: ...5371.....................  
Phone: ........8521 0000........................................... Mobile: ..0427 426 483.......................................... Fax: ........................................  
Email: ...cfullgrabe#ahrens.com.au...............................................................................................................................  

OWNER: ....Omdurman Pty Ltd...............................................................................................................................................  
Postal Address: ...PO Box 792 .............................................................................................................................................. Post Code: ...5352....  
Phone: ........8653 3935........................................... Mobile: ...0437 425 794........................................... Fax: ........................................  
Email: ...howard#artisansofbarossa.com........................................................................................................................  

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

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

BUILDER: ..Ahrens Group.....................................................................................................................................................  
Postal Address: ..PO Box 2 Sheaak Log............................................................................................................................ Post Code: ...5371.............  
Phone: ........8521 0000........................................... Mobile: ..0427 426 483........................................... Fax: ........................................  
Email: ...cfullgrabe#ahrens.com.au...............................................................................................................................  

CONTACT PERSON FOR FURTHER INFORMATION: Name: ..Cameron Fullgrabe.................................................................  
Phone: ................................................................................................................................. Mobile: ..0427 426 483........................................... Fax: ........................................  
Email: ...cfullgrabe#ahrens.com.au...............................................................................................................................  

DESCRIPTION OF PROPOSED DEVELOPMENT:  

Existing land use: ......................................................... Farm land - vacant .................................................................  
Area (m²) of proposed development: ....370m² shed + .760m² Gravel Driveway ..............................................................  

LOCATION OF PROPOSED DEVELOPMENT:  

House No: ................ Street: : ..Vine Vale Road, ........................................ Town: ....TANUNDA...............................  
Lot No: ................................................................................................................................. Section: .................................................................. Hundred: ........................................  
Certificate of Title(s): Volume: …CT-6151/258 .................................................................................................................... Foli: ........................................  

BUILDING RULES CLASSIFICATION SOUGHT: ................................................................. Present Classification ..7b.................................  
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): $ 220,000.00exc GST

OFFICE USE ONLY
DEVELOPMENT NO.: 960/_________________  
PROPERTY NO.: ______________________  
VG NO.: ______________________  

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

SIGNED:  
Dated: 24.11.20. ........................................
DEVELOPMENT REGULATIONS 2008

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

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

DATE OF APPLICATION: 24/11/2020

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

Signed: 24.11.2020

NATURE OF PROPOSED DEVELOPMENT: …Farm Implement Shed + Access Gravel Road………………

LOCATION OF PROPOSED DEVELOPMENT:
House No: ………………… Street: …..26 Vine Vale Road……… Town: …..Tanunda, SA………………
Lot No: ………………… Section: ………………… Hundred: ……………………………………………………………
Certificate of Title(s): Volume: ..CT-6151/258…………………… Folio: ……………………………………………

OFFICE USE ONLY
DEVELOPMENT NO.: 960/_________ /
PROPERTY NO.: ______________________

APPLICANT: …Ahrens Group………………………………………………………………………………………………
Postal Address: …PO BOX 2 Sheoak Log, SA, 5731…………………….. Post Code: ………………………
Phone: …………8521 0000………………… Mobile: …..0427 426 483………………… Fax: ………………………
Email: …..cfullgrabe@ahrens.com.au………………………………………………………………………………

DATE OF APPLICATION: 24/11/2020

LOCATION OF PROPOSED DEVELOPMENT:
House No: ………………… Street: …..26 Vine Vale Road……… Town: …..Tanunda, SA………………
Lot No: ………………… Section: ………………… Hundred: ……………………………………………………………
Certificate of Title(s): Volume: ..CT-6151/258…………………… Folio: ……………………………………………

NATURE OF PROPOSED DEVELOPMENT: …Farm Implement Shed + Access Gravel Road………………

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

Signed: 24.11.2020

Date of Declaration:
CONFIRMATION OF REGISTRATION

Certificate of Title - Volume 6236 Folio 302

Estate Type
FEE SIMPLE

Registered Proprietor(s)
OMDURMAN PTY. LTD. (ACN: 628 450 902)
OF 13 GREENHILL ROAD WAYVILLE SA 5034

Description of Land
ALLOTMENT 20 DEPOSITED PLAN 121204
IN THE AREA NAMED TANUNDA
HUNDRED OF MOOROOROO

Easements
SUBJECT TO PARTY WALL RIGHT(S) OVER THE LAND MARKED C ON D121204 (RTC 13272716)
TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED A ON D121204
(RTC 13272716)
TOGETHER WITH PARTY WALL RIGHT(S) OVER THE LAND MARKED B ON D121204 (RTC 13272716)

Schedule of Dealings
NIL

Registrar-General
Lands Titles Office
CONFIRMATION OF REGISTRATION

Certificate of Title - Volume 6236 Folio 303

Estate Type
FEE SIMPLE

Registered Proprietor(s)
T.L. HOWER NOMINEES PTY. LTD. (ACN: 163 458 419)
OF 13 GREENHILL ROAD WAYVILLE SA 5034

Description of Land
ALLOTMENT 21 DEPOSITED PLAN 121204
IN THE AREA NAMED TANUNDA
HUNDRED OF MOOROOROO

Easements
SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED A ON D121204 (RTC 13272716)
SUBJECT TO PARTY WALL RIGHT(S) OVER THE LAND MARKED B ON D121204 (RTC 13272716)
TOGETHER WITH PARTY WALL RIGHT(S) OVER THE LAND MARKED C ON D121204 (RTC 13272716)

Schedule of Dealings
Dealing Number Description
13021528 MORTGAGE TO WESTPAC BANKING CORPORATION (ACN: 007 457 141)

Registrar-General
Lands Titles Office
Roof & Wall Cladding to be Galvanised 0.42 BTM

Roof & Wall Cladding to be Galvanised 0.42 BTM
GENERAL NOTES

C1.1 THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL AND OTHER CONSULTANTS' DRAWINGS.$
C1.2 THE EXISTING UNDERGROUND SERVICES INDICATED ON THESE DRAWINGS HAVE BEEN COMPARED AGAINST SURVEY AND SERVICE INFORMATION. AS EXISTING SERVICES MAY NOT BE ACCURATE, THEY SHOULD BE CONFIRMED BY THE CONTRACTOR PRIOR TO COMMENCEMENT OF WORK.

C2.1 THE FOLLOWING ENGINEERING SURVEY SHALL NOT BE TAKEN.

C3.1 DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL DIMENSIONS SHOWN ON THE DRAWINGS."$.
C3.1.1 THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL DIMENSIONS SHOWN ON THE DRAWINGS."$.
C3.1.2 ALL WORKS SHALL BE UNDERTAKEN IN ACCORDANCE WITH THIS DRAWING. THE CONTRACTOR SHALL ACCEPT ALL ACCEPTABLE SAFETY STANDARDS & APPROPRIATE SAFETY STANDARDS AUSTRALIA CODES AND WITH THE BY-LAWS AND ORDINANCES OF THE RELEVANT BUILDING AUTHORITIES. THE SERVICES INFORMATION SHOWN ARE THOSE OF KNOWN SERVICES ONLY. THE CONTRACTOR SHALL ACCEPT ALL RESULTS OF SERVICES SEARCHES WHICH MAY NOT BE 'AS CONSTRUCTED' OR ACCURATE. THE CONTRACTOR SHALL NOT BE RESPONSIBLE OR LIABLE FOR THE EXISTING SITE CONDITIONS SHOWN ON THE DRAWINGS EXCEPT WHERE VARIED BY THE PROJECT SPECIFICATION.

C4.1 THE FOLLOWING ENGINEERING SURVEY SHALL NOT BE TAKEN.

C5.1 THE CONTRACTOR SHALL UNDERTAKE A THOROUGH SERVICES SEARCH PRIOR TO THE COMMENCEMENT OF ANY EXCAVATION ORIGINALLY PIONEERED SURFACE DATA AND ACTUAL FIELD DATA THE CONTRACTOR SHALL NOTIFY TRIAXIAL CONSULTING PRIOR TO COMMENCEMENT OF THE WORKS. THE CONTRACTOR SHALL ACCEPT ALL THE FOLLOWING ENGINEERING SURVEY SHALL NOT BE TAKEN.

C6.1 THE EXISTING UNDERGROUND SERVICES INDICATED ON THESE DRAWINGS HAVE BEEN COMPARED AGAINST SURVEY AND SERVICE INFORMATION. AS EXISTING SERVICES MAY NOT BE ACCURATE, THEY SHOULD BE CONFIRMED BY THE CONTRACTOR PRIOR TO COMMENCEMENT OF WORK.

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C8.1 THE EXISTING UNDERGROUND SERVICES INDICATED ON THESE DRAWINGS HAVE BEEN COMPARED AGAINST SURVEY AND SERVICE INFORMATION. AS EXISTING SERVICES MAY NOT BE ACCURATE, THEY SHOULD BE CONFIRMED BY THE CONTRACTOR PRIOR TO COMMENCEMENT OF WORK.

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NOTE:
1. THIS IS AN ENGINEERING SURVEY PLAN AND SHALL NOT BE TAKEN AS A
   CADASTRAL OR IDENTIFICATION SURVEY. BOUNDARY DATA IF SHOWN,
   SHOULD BE TAKEN AS A GUIDE ONLY.
2. REFER TO THE CERTIFICATE OF TITLE FOR EASEMENT DETAILS (IF ANY).
3. NO UNDERGROUND SERVICES HAVE BEEN LOCATED.
4. CONTOUR INTERVAL 0.1m

TRIAXIAL CONSULTING
LEVEL 2, 1 KING WILLIAM ROAD, UNLEY, SA  5061
PO BOX 474, TANUNDA, SA  5352

ARCHITECT
JBG ARCHITECTS
38 MURRAY STREET
TANUNDA   5352

CLIENT
ALTERATIONS AND ADDITIONS
CORNER VINE VALE + MENGE ROADS
TANUNDA   SA   5352

DRAWING No ISSUE AMENDMENTS
DRAWING TITLE DATE ISSUE
DRAWN DESIGNED DATE SIZE CAD REF
PROJECT BY

J SC04.06.18
REVISED FOR DEVELOPMENT APPLICATION
J SD15.03.19
ISSUED FOR APPROVAL
M.DK E20.01.21
ISSUED FOR REVIEW
M.DKF 04.02.21
ISSUED FOR REVIEW
M.DKG 05.02.21
ISSUED FOR APPROVAL
M.DKH 16.02.21
ISSUED FOR APPROVAL
BEWARE OF UNDERGROUND SERVICES. THE LOCATION OF SERVICES IS RESPONSIBLE FOR LOCATING ALL EXISTING SERVICES WITHIN THE WORKS AFFECTED AREAS PRIOR TO ANY ON-SITE EXCAVATION.

SERVICES NOTE:
1. EXISTING SERVICES SHOWN ARE BASED ON SURVEY
2. ALL EXISTING SERVICES ARE SHOWN DIAGRAMMATIC

EXISTING SWALE AT IL. 9.250. PROVIDE RIP RAP DISCHARGE STORMWATER INTO COUNCIL'S TO CONSTRUCTION.

TO CONFIRM INVERT OF EXISTING SWALE PRIOR TO MINIMISE EROSION. CONTRACTOR/ BUILDER SCOUR PROTECTION AT BASE OF HEADWALL PRIOR TO CONSTRUCTION.

DATA RECEIVED BY THIS OFFICE. ONLY. ALL SERVICES ARE TO BE CONFIRMED ON SITE MANUFACTURER'S SPECIFICATIONS. ADEQUATE SUPPORT AS PER...
7. REPORTS – APPLICATIONS TO PROCEED/NOT TO PROCEED TO ASSESSMENT

Nil.
8. REPORTS – DEFERRED APPLICATIONS FOR DECISION

8.1 UPDATES ON DEFERRED APPLICATIONS FOR DECISION

The following applications have been deferred by the panel as follows:

<table>
<thead>
<tr>
<th>DA NUMBER</th>
<th>APPLICANT</th>
<th>ADDRESS</th>
<th>NATURE OF DEVELOPMENT</th>
<th>POSITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>960/784/2016</td>
<td>Outhred English &amp; Associates Pty Ltd</td>
<td>252 Murray Street</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></td>
<td></td>
<td>Tanunda</td>
<td></td>
<td></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>960/224/2020</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>Concurrence granted 9/4/2021 (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 DEVELOPMENT AND INFRASTRUCTURE ACT 2016 DELEGATIONS BY THE BAROSSA ASSESSMENT PANEL – UPDATE TO INSTRUMENT C

The Planning, Development and Infrastructure Act 2016 (“PDI Act”) confers powers directly on:

- Council as a Council, Designated Authority and Designated Entity (contained in Instrument A)
- Council as a Relevant Authority (contained in Instrument B)
- the Barossa Assessment Panel as a Relevant Authority (contained in Instrument C); and
- the Assessment Manager as a Relevant Authority (contained in Instrument D)

The above powers were separated into four Instruments of Delegation, Instruments A – D as marked in the list above.

Relevant Authorities, including the Barossa Assessment Panel, may delegate their powers and functions pursuant to Section 100 of the Planning, Development and Infrastructure Act 2016. Used well, delegations improve effectiveness and efficiency by allowing the day-to-day operations and administration to be carried out by staff, who have the relevant expertise and experience to deal with such matters.

Council’s Delegation Register and instruments are based on the Local Government Association templates. The LGA has recently issued an update to its template delegation instruments under the Planning, Development and Infrastructure Act 2016, amending Instrument B, C and D. The LGA has recommended that Council’s Instruments of Delegation (including those issued by the Panel) be updated as soon as possible. An explanatory guide issued by the LGA is presented for the Panel’s information at Attachment 4.

The proposed extract of the instrument of delegation specifying the updated powers for the Barossa Assessment Panel is attached to this report at Attachment 2. At its meeting held on 2 February 2021, the Barossa Assessment Panel delegated its powers and functions to the Assessment Manager pursuant to section 100 of the Planning, Development and Infrastructure Act 2016, and, unless otherwise indicated in the Instrument, resolved that the Assessment Manager could then further sub-delegate these powers under Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016, to relevant officers.

Extracts of the Instruments B and D, specifying the updated powers for the Council and the Assessment Managers as Relevant Authorities are attached to this report at Attachments 1 and 3, for the Panel’s information. The instruments contain both the proposed delegations as well as proposed sub-delegations, once delegated. At the time of writing, the updates to Instrument B, subject to Council’s delegation was presented in the agenda for the Council meeting held on 20 April 2021 with a recommendation for Council to delegate the updated powers to the CEO as indicated in the Instrument. A further update on the Council resolution with respect to the delegations will be provided at the Barossa Assessment Panel meeting.

When making these delegations, it is important for Panel members to be aware that it is imperative that delegations are validly made as consequences of ineffective or invalid delegations include:
• the exercise of power may fail – ie the decision made may be liable to being overturned by a court
• the cost of a successful challenge to a decision made without lawful delegation will likely be borne by the Head Delegate
• where the unlawful exercise of the power has caused loss or damage, the Head Delegate may be liable for such loss or damage.

RECOMMENDATION
That the Barossa Assessment Panel:

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

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

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

• Instrument B – Instrument of Delegation under the PDI Act – power of Council as a Relevant Authority

• Instrument D – Instrument of Delegation under the PDI Act – power of the Assessment Manager as a Relevant Authority
10.1 Attachment 1
# Provision | Item Delegated by Council to the Chief Executive Officer | Proposed Sub-Delegate* | Conditions & Limitations
--- | --- | --- | ---
484496 | s119(6)(b) | 5. Application and Provision of Information
5.3 The power pursuant to Section 119(6)(b) of the PDI Act if a request is made under Section 119(3) of the PDI Act and the request is not complied with within the time specified by the Regulations, subject to Section 119(6)(b)(ii), to refuse the application. | DDES, MDS, SAO-P, SAO-B, AO-P, AO-B | 
484497 | r38(2) | 21. Withdrawing/Lapsing Applications
21.2 The power pursuant to Regulation 38(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least one year has passed since the date on which the application was lodged with the relevant authority. | DDES, MDS, SAO-P, SAO-B, AO-P, AO-B | 
484498 | r99(4) | 30. Construction Industry Training Fund
30.1 The power pursuant to Regulation 99(4) of the General Regulations, if after assessing a proposed development against the building rules the delegate is yet to be satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or is not payable, to notify the applicant that the delegate cannot issue a building consent until the delegate is satisfied that the levy has been paid or is not payable. | DDES, MDS, AO-B, SAO-B | 
484499 | r99(5) | 30. Construction Industry Training Fund
30.2 The power pursuant to Regulation 99(5) of the General Regulations, if a notification has been given under Regulation 99(4) of the General Regulations and if satisfactory evidence is not provided to the delegate within 20 business days after the date of the notification to, if the delegate thinks fit, determine that the application has lapsed. | DDES, MDS, AO-B, SAO-B |
### AMENDED Provisions

<table>
<thead>
<tr>
<th>#</th>
<th>Delegation Source</th>
<th>Provision</th>
<th>Item Delegated by Council to the Chief Executive Officer</th>
<th>Proposed Sub-Delegate*</th>
<th>Conditions &amp; Limitations</th>
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</table>
| 326298| Planning, Development and Infrastructure (General) Regulations 2017 | r65(1)(a)       | 29. Variation of Authorisation (Section 128)  
29.1 The power pursuant to Regulation 65(1)[a] of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation. | AO-B, AO-P, BS, DDES, MDS, SAO-B, SAO-P |                                                                 |

*subject to sub-delegation by the Chief Executive Officer, upon delegations being adopted by the Council.
10.1 Attachment 2
## NEW Provisions

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<tr>
<th>#</th>
<th>Provision</th>
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</table>
| 484660 | s135(2)(d) | 19. Urgent Building Work  
19.1 The power pursuant to Section 135(2)(d) of the PDI Act to issue any direction. | AO-B, BS, DDES, MDS, SAO-B | |
| 486438 | S119(9) | 8.5 The power pursuant to Section 119(9) of the PDI Act to:  
8.5.4 if there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed. | AO-B, AO-P, SAO-P, SAO-B, MDS, DDES | |
| 484661 | r38(2) | 29. Withdrawing/Lapsing Applications  
29.2 The power pursuant to Regulation 38(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least one year has passed since the date on which the application was lodged with the relevant authority. | DDES, MDS, SAO-P, SAO-B, AO-P, AO-B | |
| 484662 | r99(4) | 45. Construction Industry Training Fund  
45.1 The power pursuant to Regulation 99(4) of the General Regulations, if after assessing a proposed development against the building rules the delegate is yet to be satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or is not payable, to notify the applicant that the delegate cannot issue a building consent until the delegate is satisfied that the levy has been paid or is not payable. | DDES, MDS, AO-B, SAO-B | |
| 484663 | r99(5) | 45. Construction Industry Training Fund  
45.2 The power pursuant to Regulation 99(5) of the General Regulations, if a notification is given under Regulation 99(4) of the General Regulations, if satisfactory evidence is not provided to the delegate within 20 business days after the date of the notification, to, if the delegate thinks fit, determine that the application has lapsed. | DDES, MDS, AO-B, SAO-B | |
## CHANGED Provisions

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| 326495 | Planning, Development and Infrastructure (General) Regulations 2017 | r65(1)(a) | 4. Variation of Authorisation (Section 128)  
4.1 The power pursuant to Regulation 65(1)(a) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation. | AO-B, AO-P, BS, DDES, MDS, SAO-B, SAO-P |                                                                       |

*Subject to sub-delegation by the Assessment Manager, upon the Barossa Assessment Panel delegating the head delegations.*
10.1 Attachment 3
<table>
<thead>
<tr>
<th>#</th>
<th>Provision</th>
<th>Item Proposed to be Delegated by the Assessment Manager directly to officers*</th>
<th>Delegate</th>
<th>Conditions &amp; Limitations</th>
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| 484828 | s135(2)  | 17. Urgent Building Work  
17.1 The power pursuant to Section 135(2) of the PDI Act to issue any direction. | AO-B, BS, DDES, MDS, SAO-B |  |
| 484829 | r38(2)   | 27. Withdrawing/Lapsing Applications  
27.2 The power pursuant to Regulation 38(2) of the General Regulations to lapse an application for a development authorisation under Part 7 of the PDI Act if at least one year has passed since the date on which the application was lodged with the relevant authority. | DDES, MDS, SAO-P, SAO-B, AO-P, AO-B |  |
| 484830 | r99(4)   | 40. Construction Industry Training Fund  
40.1 The power pursuant to Regulation 99(4) of the General Regulations, if after assessing a proposed development against the building rules the delegate is yet to be satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or is not payable, to notify the applicant that the delegate cannot issue a building consent until the delegate is satisfied that the levy has been paid or is not payable. | DDES, MDS, AO-B, SAO-B |  |
| 484831 | r99(4)   | 40. Construction Industry Training Fund  
40.2 The power pursuant to Regulation 99(4) of the General Regulations, if after assessing a proposed development against the building rules the delegate is yet to be satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or is not payable, to notify the applicant that the delegate cannot issue a building consent until the delegate is satisfied that the levy has been paid or is not payable. | DDES, MDS, AO-B, SAO-B |  |
### CHANGED Provisions

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<th>Delegate</th>
<th>Conditions &amp; Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>326384</td>
<td>Planning, Development and Infrastructure (General) Regulations 2017</td>
<td>r65(1)(a) 353637, 353637.1</td>
<td>The power pursuant to Regulation 65(1)(a) of the General Regulations to, for the purposes of Section 128(2)(b) of the PDI Act, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion and be satisfied that the variation is minor in nature, and approve the variation.</td>
<td>AO-B, AO-P, BS, DDES, MDS, SAO-B, SAO-P</td>
<td></td>
</tr>
</tbody>
</table>

*subject to delegation by the Assessment Manager
10.1 Attachment 4
INFORMATION SHEET - EXPLANATORY NOTE TO ACCOMPANY UPDATED INSTRUMENTS – February 2021

Instrument A
Unchanged

Instrument B
A new delegation has been added in relation to Section 119(6)(b) of the PDI Act (see paragraph 5.3).
A new delegation has been added in relation to Regulation 38(2) of the General Regulations (see paragraph 21.2).
A minor amendment has been made to the delegation in relation to Regulation 65(1)(a) of the General Regulations (see paragraph 29.1).
A new delegation has been added in relation to Regulation 99 of the Planning, Development and Infrastructure (General) Regulations 2017 (the General Regulations) (see paragraphs 30.1 and 30.2).

Instrument C
1. A new delegation has been added in relation to Section 135(2)(d) of the PDI Act (see paragraph 19.1).
2. A new delegation has been added in relation to Regulation 38(2) of the General Regulations (see paragraph 29.2).
3. A minor amendment has been made to the delegation in relation to Regulation 65(1)(a) of the General Regulations (see paragraph 42.1).
4. A new delegation has been added in relation to Regulation 99 of the General Regulations, (see paragraphs 45.1 and 45.2).
5. The delegation in relation to Regulation 32 of Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 (the Fees Regulations) has been removed.

Instrument D
1. A new delegation has been added in relation to Section 135(2)(d) of the PDI Act (see paragraph 17).
2. A new delegation has been added in relation to Regulation 38(2) of the General Regulations (see paragraph 27.2).
3. A minor amendment has been made to the delegation in relation to Regulation 65(1)(a) of the General Regulations (see paragraph 37.1).
4. A new delegation has been added in relation to Regulation 99 of the General Regulations (see paragraphs 40.1 and 40.2).
It is recommended that councils adopt the updated instruments. It is not essential that the amendments are adopted immediately however it is recommended that they be adopted as soon as possible. The amendments relate to technical matters and have been made out of an abundance of caution and/or for clarification purposes.

*The material contained in this publication was provided by Norman Waterhouse Lawyers to the Local Government Association of South Australia and is of general nature only. This advice is based on the law and guidelines as of the date of publication. It is not, nor is it intended to be, legal advice. If you wish to take any action based on the content of this publication, we recommend that you seek professional advice.*

**Further Information**
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11. REPORTS – CONFIDENTIAL

Nil.

12. NEXT MEETING

Tuesday 1 June 2021 commencing at 5.00 pm.

13. CLOSURE OF MEETING