

BAROSSA ASSESSMENT PANEL

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

Tuesday, 4 July 2023, commencing at 5.00 pm

Aaron Curtis
Assessment Manager



AGENDA

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

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

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1. WELCOME**2. ATTENDANCE****2.1 Present****2.2 Apologies**

Susan Giles

2.3 Absent**3. CONFIRMATION OF MINUTES****RECOMMENDATION**

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 6 June 2023 be received and confirmed.

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 – APPLICATION FOR DECISION (PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016)

6.1 22034751 - 261 Rifle Range Road Bethany

Applicant: Nicholas Timotheau of Urban Living Consultants on behalf of the applicant Xun Li

Representors: Danette Mifflin PO Box 26, Krondorf, SA 5352

APPLICATION DETAILS

PROPOSAL	The construction of eight buildings for the purposes of short-term tourist accommodation and associated car parking
APPLICANT	Xun Li
OWNER	Xun Li
APPLICATION NO	22034751
CERTIFICATE(S) OF TITLE	CT 6117/263
AREA	6.8 hectares
CURRENT USE	Tourist Accommodation, Primary Production (Viticulture)
PLANNING AND DEVELOPMENT CODE VERSION	Version 2023.1 – 19 January 2023
PLANNING AND DESIGN CODE EXTRACT LINK	Relevant Code Extract
ZONE	Rural
OVERLAYS	Character Preservation District Hazards (Bushfire - High Risk) Hazards (Flooding - Evidence Required) Limited Land Division Native Vegetation Prescribed Water Resources Area Significant Landscape Protection Water Protection Area Water Resources
APPLICATION TYPE	Code Assessed – Performance Assessed
PUBLIC NOTIFICATION	Notified – No sign on land required
REFERRALS	External – Country Fire Services Internal – Works and Engineering and Health Services
PREVIOUS APPLICATIONS	960/80/93 – Extend Existing Bed and Breakfast Accommodation Units 960/207/2010 – Freestanding Shelter
ASSESSING OFFICER	Paul Vivian (Consultant Planner)
RECOMMENDATION	That Planning Consent be GRANTED subject to Reserved Matters and Conditions

INTRODUCTION

The landowner seeks Development Approval for the "*Construction of eight buildings for the purposes of short-term tourist accommodation and associated car parking*" at 261 Rifle Range Road, Bethany.

The site is located within the Rural Zone. The proposed development was subject to Performance Assessment and public notification. The application was notified in accordance with Section 107 of the *Planning, Development and Infrastructure Act 2016* and was subject to receipt of two representations, of which one representor has requested to be heard.

This application is subject to a decision of the Barossa Assessment Panel for the following reason:

- (1) Representations have been received as a result of public notification and a representor has indicated a desire to be heard in support of their representation.

The proposal is for additional tourist accommodation on a site which has existing viticultural use and approved tourist accommodation buildings comprising seven suites. The proposal employs a unique barrel shaped design theme, the units are relatively small in scale, clad in timber and clustered together on a generally cleared part of the site, below any ridgeline or high point but clustered within native vegetation. The site is located within the Significant Landscape Protection Overlay, however, is at the lower reaches of the foothills and the buildings are unlikely to dominate within any longer or panoramic views of ranges from tourist routes or public realm, having regard to their siting, clustering near to existing buildings and setting amongst vegetation.

Tourist accommodation is an envisaged land use under the relevant Performance Outcome and associated DPF for the Rural Zone. On balance, considering all relevant provisions of the Planning and Design Code, the proposal with regards to the locality, siting, bulk and scale, car parking, vehicular access, native vegetation removal, bushfire and wastewater management, reasonably achieves the Desired Outcomes of the Planning and Design Code and as such Planning Consent is considered to be warranted, subject to Reserved Matters and Conditions.

SITE AND LOCALITY

The site comprises a single L shaped allotment located at 261 Rifle Range Road, Bethany. It is positioned on the northern side of the road within an established rural area characterised by viticulture, broadacre farming and grazing. The site sits in the lower reaches of the Barossa Ranges foothills and the visual locality is defined by a low intensity of built form development punctuated by stands of vegetation with longer views available across fields and vineyards. The closest township is Tanunda which is located 3.1 kilometres north-west of the subject land.

The site has an area of approximately 6.8 hectares. The site contains a single storey former dwelling (now used for offices and associated tourist accommodation purposes) located at the stem of the 'L' axis of the property. In addition, there are two single storey buildings located close to Rifle Range Road that are approved for use as tourist accommodation. The smaller building contains three suites with the larger building having four suites, the site is known as the Blickinstal Barossa Valley Retreat (meaning German 'view into the Valley'). Closer to the main building there is

a painted, metal clad outbuilding used for vehicle and other storage purposes, plus two smaller storage buildings.

Stands of planted mature vegetation are clustered within the site and concentrated mostly in the centre (around the dwelling) and the front (southern) boundary. The balance of the large site contains a series of dry grown vineyards (around 4 ha) and a small, cleared area (front south-eastern corner) that has been previously used for grazing.

The primary vehicle access is via a single driveway from Rifle Range Road which is sealed up to the entry to the site. Rifle Range Road has a five-metre-wide verge that contains mature vegetation particularly within the western half of the road frontage. An internal series of driveways comprise compacted rubble driveways that access existing car parking areas for the tourist accommodation suites, the dwelling and vineyards. The car parks are generally informal with cleared, level areas providing space for vehicle manoeuvring. The existing driveway passes the area proposed for car parking associated with the new tourist accommodation.

The locality comprises rural uses including that of general stock farming and viticulture generally on large rural sized parcels. Allotments east of the site are located on the escarpment and Barossa ranges and are generally larger, in order of 50ha or more, with the allotments lower on the plains to the west, being smaller and varying from 5 to 30ha. The land on the escarpment and ranges is generally used for rangeland grazing, with land on the lower plains used for viticulture. The nearest dwellings are located south of the subject land at 80 Lily Farm Road, Krondorf (around 300 metres) and north at 93 Nicolai Road, Bethany (around 450 metres).

The topography of the land is undulating. Some views down to the Barossa Valley floor are evident from the site in directions from the west to the north.

Figure 1 below contains a Zone map and details of the location of the site.

An aerial view of the site is contained in **Figure 2**.

Site photos are provided in **Figure 3** to **Figure 6**.

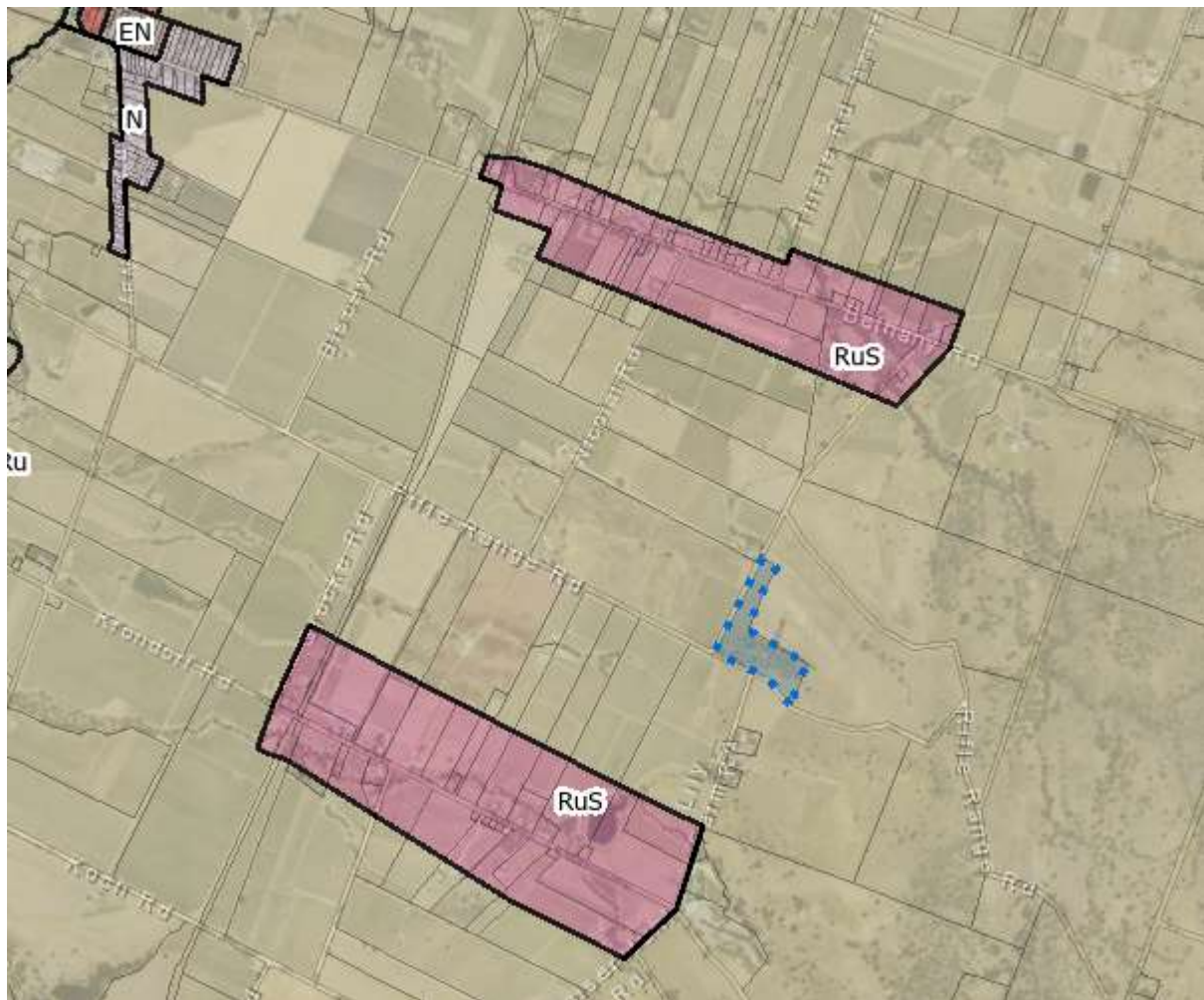


Figure 1: Zone Map and Locality



Figure 2 Aerial view of site



Figure 3: Site Photo – standing at intersection of Lily Farm Road and Rifle Range Road, looking north-west at subject site



Figure 4: Site Photo – standing opposite site driveway on Rifle Range Road, looking north-north-east at subject site



Figure 5: Site Photo – standing on driveway inside of site, looking south at the proposed accommodation locations



Figure 6: Site Photo – standing on driveway inside of site, looking north-west at the expected view from the accommodation

PROPOSAL

The proposal involves construction of eight new buildings to be used for tourist accommodation, each designed in the shape of a wine barrel and containing a single suite with an open style bedroom, kitchenette and bathroom.

The units are grouped in pairs separated by a firewall/planter box and constructed on a communal stepped deck that cascades down the site, other than units 7 and 8 that are positioned approximately ten metres from the other six units. The buildings are orientated towards the north-west to capture views across vineyards and the Barossa Valley floor, which is the predominant viewshed from the site.

The decks encircle each set of buildings and provide for pedestrian movement between each unit and connect (via a gravel walkway) to the proposed on-site car parking for a total of eight (8) car parks, accessed perpendicular to the internal driveway. The proposed car park is accessed via an existing internal driveway and is intended to be 'informal' as per existing tourist accommodation parking on the site with a gravel base. This is intended to provide an all-weather access but with limited changes to stormwater flows.

A 60 KI water tank located in close proximity to the new buildings provides water for bushfire fighting purposes. Potable water is provided by existing rainwater tanks on the site and there is access to mains water. A new wastewater system is proposed to service wastewater from the accommodation units. The location of waste storage is unchanged and current waste management operation will cater for increased output from the new units. The Applicant also advises that Council's waste refuse collection services will be sufficient for the removal of waste from the site.

The buildings are setback approximately 12 to 19 metres from the Rifle Range Road boundary.

The circular buildings are slightly recessed into each deck and have a maximum height of 3.51 metres above the deck line. They have a width of 4.81 metres and a maximum depth of 6.55 metres. The decks are generally elevated above natural ground level and will be enclosed underneath each structure along with earth mounding (and large rocks) around the base, noting that enclosure is a requirement of the agency referral, Country Fire Service. Based on ongoing negotiations with Council staff, the applicant has changed the location of the proposed units, and subsequent to public notification, the design reduced the finished floor level of units 1 and 2 which have been lowered to reduce the overall height above ground level.

The new tourist accommodation will have access to an existing communal BBQ area and ability to roam the subject land subject to land owner direction.

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

APPLICATION TYPE

The site is located within the Rural Zone under the Planning and Design Code. The proposed development is neither assigned as a form of 'Deemed to Satisfy' development under Table 2 of the Zone, or as a 'Restricted' form of development under Table 4. Therefore, the application is subject to 'Performance Assessed' assessment pathway.

PUBLIC NOTIFICATION

The application was subject to public notification in accordance with Table 5 – Procedural Matters – Notification of the Rural Zone. As the proposal did not achieve the relevant exemption within the Rural Zone DPF 6.3(b).

<i>Class of Development (Column A)</i>	<i>Exceptions (Column B)</i>
<i>Tourist Accommodation</i>	Except tourist accommodation that does not satisfy any of the following: 1. Rural Zone DTS/DPF 6.3(b) 2. Rural Zone DTS/DPF 6.4(a)

<i>Performance Outcome</i>	<i>DTS/DPF</i>
PO 6.3 Tourist accommodation is associated with the primary use of the land for primary production or primary production related value adding industry to enhance and provide authentic visitor experiences.	DTS/DPF 6.3 Tourist accommodation: (a) is ancillary to and located on the same allotment or an adjoining allotment used for primary production or primary production related value adding industry. (b) in relation to the area used for accommodation: (i) where in a new building, does not exceed a total floor area of 100 sqm. (ii) where in an existing building, does not exceed a total floor area of 150 sqm. (c) does not result in more than one facility being located on the same allotment.
PO 6.4 Tourist accommodation proposed in a new building or buildings is sited, designed and of a scale that maintains a pleasant rural character and amenity.	DTS/DPF 6.4 Tourist accommodation in new buildings: (a) is set back from all allotment boundaries by at least 40 metres. (b) has a building height that does not exceed 7 metres above natural ground level.

The table below provides details of the public notification process:

Representations	Two representations were received during the public notification period: • Rodney Hueppauff • Danette Mifflin
Person wishing to be heard:	Of the two representations received, one representor has requested to be heard as follows: • Danette Mifflin
Applicant	Nicholas Timotheau of Urban Living Consultants will appear on behalf of the applicant, Xun Li
Time period for Public Consultation	10 February 2023 to 2 March 2023

The table below summarises the contents of the representations and the applicant's response:

Summary of Representations

Representor/s

- Concerned that insufficient bushfire reduction measures are proposed and current bushfire regulations and maintenance are not upheld.
- There is an existing easement for access to adjoining land. We anticipate no access constraints during or after construction? Also concerned about safe movement of vehicles into/out of property and increased traffic flow/safety on Rifle Range Road and within the locality.
- Do not believe that proposed units blend with area and existing character.
- Existing units unoccupied for long periods (and/or used by locals for extended periods of time) and fear empty barrel shaped units will adversely impact local character and also question long term viability.
- Concerns regarding location of proposed car parks and impacts on existing traffic movement.

Applicant's Response

- The applicant has engaged the services of an independent consultant to review bushfire risk. The consultant has made recommendations in order to address the bushfire safety and preparedness. The CFS have provided a referral response and have not objections to the proposal.
- The proposal does not seek to alter existing arrangements and access will remain available. The proposal does not require on street parking and internal access is designed to provide safe and convenient access to the units. There are no alterations proposed for site access and no significant impacts on traffic flow and existing nature of movements into and out of the site.
- The development introduces a modern building to the area, while achieving an architectural design which strikes visual interest. In order to soften the appearance the applicant has introduced additional elements to avoid the presence of any upright and bland outcomes of decking/elevated platforms. This outcome is complementary to the natural setting of the land and reinforces the overall theme and goals of the development.

- Not considered relevant to assessment of the application and are not accurate assumptions regarding operation of the facility.
- Not directly responded to by applicant.

- We believe there is a moratorium on new buildings in the foothills that must be upheld.
- Concerned that waste water management system will not adequately serve new development and potential for impact on existing water supplies (plus need for adequate potable water supply).
- Potential for interface impacts with existing primary production activities on adjoining land – noise, dust, access and pollution.
- Application drawings updated to show location of waste storage area. Current waste management operations remain in place and are sufficient to cater for demand.
- The subject land is presently used for both viticulture and tourist accommodation and the relatively small increase/expansion of this use is not considered to result in adverse interface concerns.
- The applicant has been in discussion with the representors to work through their comments on the application.

A copy of the representations are contained in **Attachment 2** and the applicant's response is contained in **Attachment 3**.

Figure 7 below indicates representors' locations in relation to the subject site.



Figure 7: Representors' properties indicated with blue stars

REFERRALS

External

Pursuant to Schedule 9 of the *Planning, Development and Infrastructure (General) Regulations 2017* and Part 9 of the Planning and Design Code, the application was referred to:

Country Fire Service

The South Australian Country Fire Service has no objection to utilising the existing and proposed access driveway to service the development.

SA CFS has no objection to the proposed location for the dedicated water supply and has no objection to the location and extent of the asset protection zones.

Overall, no objection to the proposed development subject to inclusion of recommended conditions of consent and advisory notes.

A copy of the relevant report is contained in **Attachment 4**.

Internal

The following internal advice has been received from staff:

Works and Engineering

Engineering services do not have any concerns with the proposed development. Engineering Services recommend seven (7) conditions and three notes be included in any consent, if granted.

Health Services

A wastewater application will be required to be submitted for assessment and should be included as a Reserved Matter, if consent is granted.

ASSESSMENT

Please refer to the following link, the Planning and Design Code extract for this proposal, Version 2023.1 19 January 2023

Planning and Design Code Extract Link	Relevant Code <u>Extract</u>
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Seriously at Variance

Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, it is recommended that the Panel determine that the proposed development is not seriously at variance with the relevant provisions of the Planning and Design Code.

Desired Outcome 2 of the Rural Zone supports the diversification of existing businesses in the Rural Zone including the development of value adding activities such as tourist development. DPF 1.1 reinforces that Tourist Accommodation is an anticipated form of development within the Rural Zone.

The proposal adopts a novel vernacular of design incorporating the theme of traditional wine barrel design as the model for the tourist accommodation units. Their design solution has endeavoured to address setback, visual dominance, accessibility,

vegetation retention and bushfire risk management. Representors have commented on the proposed design, however, given their materiality, small footprint and minimal height, they are not considered to be in conflict with the relevant design guidelines in the Planning and Design Code (the Code).

Having regard to the nature of existing uses in this locality which include a mix of primary production, dwellings and farm buildings, and that tourist accommodation is already approved at this site, and the relatively small scale of the tourist accommodation and vegetation retention, the proposal in principle is considered to be appropriate, subject to further consideration of impact and compatibility of use with the locality in which it is sited. In summary, the proposal is not considered to be seriously at variance with the provisions of the Planning and Design Code.

Character Preservation (Barossa Valley) Act 2012

Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, having regard to the objects of the Act, it is recommended that the Panel determine that the proposed development does not adversely impact the character values of the district as listed below:

- (a) the rural and natural landscape and visual amenity of the district
- (b) the heritage attributes of the district
- (c) the built form of the townships as they relate to the district
- (d) the viticultural, agricultural and associated industries of the district
- (e) the scenic and tourism attributes of the district.

The proposal introduces a 'wine' themed design as tourist accommodation units. It is considered that the proposal will not adversely affect the special character of the district, noting that the development will not be highly visible from the wider locality and will be locally screened from both the east and south by existing vegetation, topography and built form. From the north and west, the development will be visible, however, the development will be somewhat silhouetted against the eastern rising land, existing vegetation and existing built form. The proposal does take advantage of high-quality views out to the north and north-west, which will attract visitors to enjoy this premium location. The proposal is of single storey, clustered building design, that uses a low profile and is of high-quality architectural form, meaning the proposal will not have an adverse impact on the landscape values of the district. For these reasons, it is considered that the proposal will maintain the special character values of the Character Preservation District.

Further discussion is contained under the Assessment section below in relation to the Character Preservation District Overlay.

Assessment

Detailed assessment of the proposal has taken place against the relevant provisions of the Planning and Design Code as quoted above. Commentary is provided below under headings:

Land Use

Rural Zone	
Desired Outcomes	
DO1	A zone supporting the economic prosperity of South Australia primarily through the production, processing, storage and distribution of primary produce, forestry and the generation of energy from renewable sources.
DO2	A zone supporting diversification of existing businesses that promote value-adding such as industry, storage and warehousing activities, the sale and consumption of primary produce, tourist development and accommodation.
Relevant Performance Outcomes/Designated Performance Features	
Land use and Intensity	
PO 1.1 The productive value of rural land for a range of primary production activities and associated value adding, processing, warehousing and distribution is supported, protected and maintained.	DTS/DPF 1.1 Development comprises one or more of the following: (a) Advertisement (b) Agricultural building (c) Brewery (d) Carport (e) Cidery (f) Dairy (g) Dam (h) Distillery (i) Dwelling (j) Dwelling addition (k) Farming (l) Horse keeping (m) Horticulture (n) Industry (o) Intensive animal husbandry (p) Low intensity animal husbandry (q) Outbuilding (r) Renewable energy facility (s) Shop (t) Small-scale ground mounted solar power facility (u) Stock slaughter works (v) Tourist accommodation (w) Transport distribution (x) Verandah (y) Warehouse (z) Winery (aa) Workers' accommodation

The proposed development comprises the expansion of tourism accommodation on the subject site in the form of eight small buildings. In accordance with Desired Outcome 2 of the Rural Zone, the Zone seeks value adding and diversification of rural activity with an overarching intent to grow the South Australian rural economy (as further inscribed in Character Preservation District policies).

Tourism Accommodation is listed as an envisaged land use under DPF 1.1 (v) associated with Performance Outcome 1. Accordingly, tourist accommodation represents one way of satisfying Performance Outcome 1.1 which states:

'The productive value of rural land for a range of primary production activities and associated value adding, processing, warehousing and distribution is supported, protected and maintained.'

The proposed site is currently approved for use as tourist accommodation (in addition to remnant primary production) and the expansion of this land use in the form of the additional buildings will further value add to the rural economy as sought by Performance Outcome 1.1.

The site is located within the Significant Landscape Protection Overlay. Overlay policies seek conservation of the natural and rural character, however, they do not articulate any restrictions on land use within the defined area, subject to visual impact assessment upon the natural and rural character.

The site is near Tanunda and is accessible via sealed road directly connected to the Barossa Valley (a tourism route) meaning development will support the tourist offer and economic prosperity within the region. The expansion will double the offer of suites on the land from eight to sixteen, thereby complementing the intent of the Zone.

In summary, the proposed expansion of the existing land use is considered appropriate and consistent with Performance Outcome 1.1.

Scale and Form of Development

<i>Shops, Tourism and Function Centres</i>	
<i>PO 6.3</i> <i>Tourist accommodation is associated with the primary use of the land for primary production or primary production related value adding industry to enhance and provide authentic visitor experiences.</i>	<i>DTS/DPF 6.3</i> <i>Tourist accommodation:</i> <i>(a) is ancillary to and located on the same allotment or an adjoining allotment used for primary production or primary production related value adding industry.</i> <i>(b) in relation to the area used for accommodation:</i> <i>(i) where in a new building, does not exceed a total floor area of 100 sqm</i> <i>(ii) where in an existing building, does not exceed a total floor area of 150 sqm.</i> <i>(c) does not result in more than one facility being located on the same allotment.</i>
<i>PO 6.4</i> <i>Tourist accommodation proposed in a new building or buildings is sited, designed and of a scale that maintains a pleasant rural character and amenity.</i>	<i>DTS/DPF 6.4</i> <i>Tourist accommodation in new buildings:</i> <i>(a) is set back from all allotment boundaries by at least 40 metres</i>

	(b) <i>has a building height that does not exceed 7 metres above natural ground level.</i>
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The subject land contains a series of dry grown vineyards that measure approximately 4 hectares or 60% of the site. The applicant states that the grapes grown on the subject land are harvested and processed off site. It is understood that the vineyard forms part of the economic output of the site along with existing tourist accommodation.

In addition, there is a vineyard on adjacent land to the west, across Rifle Range Road and grazing and other farming activities to the north and south.

Based on the above, it is considered that the proposed development will remain ancillary to primary production that occurs on the subject and/or adjoining land, thereby satisfying Performance Outcome 6.3 (a).

The proposed tourist accommodation comprises eight new buildings totalling 226.4 square metres which exceeds the 100 square metres prescribed in DPF 6.3 (b). Given the bespoke 'tiny' nature of each building (plus decking) the totality of floorspace is tempered by the more modest visual impact of each structure compared to a singular larger building. Further, each suite has a simple floorplan that limits potential visitor capacity to the maximum of 16 persons. This is not considered excessive, and the user experience is intended to benefit from the visual and aesthetic relationship with the existing vines and vegetation (that are not proposed to be removed). The proposed departure from DPF 6.3 taken in context to the proposed built form and related visibility from the public realm and size compared to the subject land (less than 1% site coverage), arguably achieves the relevant Performance Outcome 6.3 in that it is a value adding industry to the region, is unique and based on a design theme.

The single storey, low profile and modestly sized buildings are not considered to result in an excessively large 'building' that adversely impacts on the open rural character and conflict with DPF 6.4.

DPF 6.3 (c) does seek to avoid more than one facility on the same allotment. Taking this into account it is noted that:

- The proposed buildings are clustered with the existing tourist accommodation and other buildings on the site within a well landscaped area and sharing site access and other communal facilities (e.g. barbeque and open dining area).
- The proposed tourist accommodation will be under the same ownership and will operate as a single entity with management undertaken by the landowner or representative and we understand the new units will be marketed under the same name "Blickinstal".

In a visual sense, the existing and proposed facilities do not adopt the same architectural theme and comprise individual buildings. This is not an uncommon outcome in the Barossa Region where a single business may comprise separate units across a site for privacy and other reasons. It is noted that no definition of a 'second facility' is provided in the Planning and Design Code. Notwithstanding, based on the above points it is considered that the site will operate as a single facility in accordance with DPF 6.3(c), such that this Performance Outcome is satisfied.

The proposal is located in a portion of the site containing existing buildings and screening vegetation. Further, the proposed buildings are positioned to not conflict with existing operations of the on-site vineyards and sited away from allotment boundaries (that abut ongoing primary production activities) by more than 40 metres, other than the boundary to Rifle Range Road, where the setback varies from 12 metres to 19 metres. This lesser setback aligns with some of the existing buildings on the site and is visually offset by the modest profile (each less than seven metres above natural ground level), the minimal bulk and scale of the buildings and the retention of screening landscaping (subject to Reserved Matter addressing final landscaping, design and planting schedule). In this context the proposal is considered to satisfy the relevant Performance Outcome 6.4 which seeks to “*maintain a pleasant rural character and amenity*”.

In summary, the proposed new buildings are designed to satisfy the relevant Performance Outcomes with respect to scale and form of development.

Siting, Design and Appearance

Built Form and Character	
PO 10.1 Large buildings are designed and sited to reduce impacts on scenic and rural vistas by: (a) having substantial setbacks from boundaries and adjacent public roads. (b) using low-reflective materials and finishes that blend with the surrounding landscape. (c) being located below ridgelines.	DTS/DPF 10.1 None are applicable.

It is considered that individually the proposed accommodation units are not ‘large’ buildings, however when viewed as a collective it is considered that an assessment against this Performance Outcome is warranted.

There is established native vegetation in the roadway verge and a raised embankment adjacent to the road boundary. There are mature stands of vegetation within the site when viewed from either direction along Rifle Range Road. Taken together with existing buildings on the site and site topography there is a likely limit in the off-site context where the development will be fully visible in an unfiltered view. The buildings are screened from the north by additional on-site vegetation and the former dwelling. It is noted that bushfire requirements may result in thinning of part of the site, however, a Reserved Matter is recommended to request a landscaping plan that will request additional screen vegetation outside of the Asset Protection Zone. This will further screen the proposed development from public view.

The buildings step down the site and will not project above the ridgeline when viewed from the west along Rifle Range Road. They are low profile structures and due to rising site topography are constructed below the finished floor levels of the existing on-site buildings further upslope. It is noted that the Zone anticipates buildings not higher than seven metres, whereas the proposed units will have a maximum height of 3.51 metres above the deck line or about 4.5 metres max above the existing natural ground.

The undulating landform, existing built form and retained landscaping will also help screen the development from private land to the south, north and east.

The proposal adopts an 'earthy' palette with the predominant material selection being timber with some glazing and metal used as accents for the barrel shaped design. This material will blend into the surroundings and while the design is atypical, the visual impact is mitigated by appropriate material selection. The use of timber as the primary construction material is also considered to be representative of the rustic landscape of the Barossa.

The buildings are unique, based on a strong Barossa design theme and utilise high architectural design standard, incorporating a positive mix of solid and void elements and utilising low-reflective materials that are durable and earthy and compatible with the rural landscape. The combination of screens, decks, planter boxes and the form of the buildings themselves provide visual interest and articulate the southern/western views which is the most prominent elevation in this landscape.

In summary, the proposal is considered to comply with Performance Outcome 10.1.

General Development Policies	
Tourism Development	
Desired Outcomes	
DO 1	<i>Tourism development is built in locations that cater to the needs of visitors and positively contributes to South Australia's visitor economy.</i>
Relevant Performance Outcomes/Designated Performance Features	
General	
PO 1.2 <i>Tourism development comprising multiple accommodation units (including any facilities and activities for use by guests and visitors) is clustered to minimise environmental and contextual impact.</i>	DTS/DPF 1.2 <i>None are applicable.</i>

The proposal seeks to cluster the buildings together in a way that minimises the environmental and visual impact (noting that units 7 and 8 are separated from the balance of the group to ensure retention of an existing tree). The proposed development is also sited close to the existing tourist accommodation buildings on the site and utilises the same internal driveway to reduce environmental impact and visual impact upon the Significant Landscape Protection Overlay. The buildings are sited on a lower portion of the site to mitigate visual impact on the wider locality and will be sited amongst the vegetation and partly cut into the landform to reduce overall height. Arguably, the deployment of barrel shaped accommodation thematically ties into the Barossa region context.

The design is consistent with Performance Outcome 1.2 which specifically applies to "Tourism Development comprising multiple accommodation units".

Design	
Relevant Performance Outcomes/Designated Performance Features	
All development	
External Appearance	
PO 1.4 <i>Plant, exhaust and intake vents and other technical equipment is integrated into the</i>	DTS/DPF 1.4 <i>Development does not incorporate any structures that protrude beyond the</i>

<i>building design to minimise visibility from the public realm and negative impacts on residential amenity by:</i> (a) <i>positioning plant and equipment in unobtrusive locations viewed from public roads and spaces.</i> (b) <i>screening rooftop plant and equipment from view.</i> (c) <i>when located on the roof of non-residential development, locating the plant and equipment as far as practicable from adjacent sensitive land uses.</i>	<i>roofline.</i>
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The proposal does not require extensive plant and equipment and is otherwise able to be incorporated into the design of the building in a manner that does not impact upon the architectural design of the buildings, nor creates an unreasonable visual impact to the rural landscape. The rooflines are clean with no protruding elements as sought by DPF 1.4.

Cut and Fill

<i>Siting and Design</i>	
<i>PO 2.2</i> <i>Buildings are generally located on flat land to minimise cut and fill and the associated visual impacts.</i>	<i>DTS/DPF 2.2</i> <i>Buildings:</i> (a) <i>are located on sites with a slope not greater than 10% (1-in-10).</i> (b) <i>do not result in excavation and/or filling of land greater than 1.5 metres from natural ground level.</i>

The subject land has a topography that is undulating with a continuous rise up to the east. The proposed siting for the buildings is on a lower part of the site with a gentler slope of not more than 10% as sought by DPF 2.2(a).

The elevated buildings are designed to work with the slope, such that cut and fill is relatively limited. In addition, the design of the buildings which is mostly length ways east-west, aligns with the contour, meaning the extent of cut or fill does not exceed approximately 50 mm. The alteration to landform is minor in context of the development.

In this regard, Performance Outcome 2.2 will be achieved. That said, Council staff have negotiated with the applicant to reduce the final height of the decks above natural ground level. The applicant has consequently reduced the height of the deck (and unit) above adjacent natural ground level (which matches the finished floor level of the unit). The amended deck requires a small amount of cut (under unit 2) and the elevation height of the deck (under unit 1) at an absolute maximum in the southwest corner of less than 1.5 metres. This reinforces the 'stepped' nature of the built form and assists in minimising the associated visual impact.

<i>Earthworks and sloping land</i>	
PO 8.1 Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.	DTS/DPF 8.1 Development does not involve any of the following: (a) excavation exceeding a vertical height of one metre. (b) filling exceeding a vertical height of one metre. (c) a total combined excavation and filling vertical height of two metres or more.

The subject land has been developed over an extended period and a series of internal accessways already exist. The proposal does not involve any notable alteration to the driveways and the new car park area requires minimal earthworks to be formed. No change to natural topography is envisaged and any excavation will not exceed the criterion in DPF 6.1. The proposal therefore satisfies Performance Outcome 6.1.

Character Preservation Overlay

Character Preservation District Overlay (Not in township)	
Desired Outcomes	
DO 1	Recognise, protect and enhance the special character of Character Preservation Districts.
DO 2	The long-term use of land outside of townships for primary production and associated value adding enterprises is assured and promoted.
Relevant Performance Outcomes/Designated Performance Features	
Built Form and Character in the Rural Area	
PO 3.1 Preservation of existing natural features including topography, watercourses and mature trees.	DTS/DPF 3.1 None are applicable.
PO 3.2 Buildings and structures do not interrupt views of the skyline through measures including being sited below ridge lines.	DTS/DPF 3.2 None are applicable.
PO 3.3 Buildings and structures harmonise with the natural features of the landscape and reinforce the rural character through the use of muted, neutral, non-reflective landscape colours on external surfaces.	DTS/DPF 3.3 None are applicable.
PO 3.4 Large buildings and structures are sited and oriented to minimise their visual bulk, particularly if close to roads or in open settings where there are no other buildings or mature trees in close proximity.	DTS/DPF 3.4 None are applicable.
PO 3.5 Buildings and structures are grouped to create compact clusters well set back from public roads.	DTS/DPF 3.5 None are applicable.
PO 3.6 Development mitigates the need for long,	DTS/DPF 3.6 None are applicable.

<i>steep access roads that require excessive grading or removal of vegetation.</i>	
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The subject site is located within a rural area (ie outside of township) in reference to the Character Preservation (Barossa Valley) District.

The proposal has been placed on previously cleared land, however, will still require the removal of some planted native and exotic vegetation to accommodate the units within an Asset Protection Zone. This has been assessed by an independent consultant who advises that no referral to the Native Vegetation Council is required and legislative requirements are met subject to payment into the Native Vegetation Council Fund.

The single storey and clustered nature of the development is considered relatively sympathetic to the character of the locality and broader district. New buildings will be visible from different angles along Rifle Range Road, however, the impact is tempered by the low profile and the retention of space between each unit. The units are setback in line with other buildings on the site and will not dominate in any view given their silhouette against existing vegetation and a rising land form. Rifle Range Road is not a designated tourist route and the development will not be visible from primary tourist routes such as the Barossa Valley Way.

As stated, the units are located in close proximity (comparative to the 6.8 hectare site) to existing buildings and set amongst existing vegetation to reduce their visual bulk and scale. The applicant also proposes to establish mounding around the enclosed deck of each set of units to further integrate their form into the landscape.

The proposed buildings are sited below the highest point on the subject land and generally below ridgeline perpendicular to Rifle Range Road.

There are existing accessways and car parking areas on the subject land. The proposed development adopts the existing movement paths for use by the tourist accommodation units. No excessive removal of vegetation or grading of land is required to facilitate use of the existing accessways.

The buildings are timber clad with matching deck finish (Spotted Gum colour). This is an appropriate external material selection in this rural context.

The proposal is considered to be broadly consistent with the Desired Outcome and above Performance Outcomes of the Character Preservation Overlay.

Significant Landscape Protection Overlay

Significant Landscape Protection Overlay	
Desired Outcomes	
DO 1	Conservation of the natural and rural character and scenic and cultural qualities of significant landscapes.
Relevant Performance Outcomes/Designated Performance Features	
Water Catchment	
PO 1.1 Land use intensity is restrained to conserve and enhance natural and rural character.	DTS/DPF 1.1 None are applicable.
PO 1.2 Development inconsistent with conserving	DTS/DPF 1.2 Development does not include any of the

significant natural and rural landscapes is not undertaken.	following (or any combination of any of the following): a) renewable energy facility (other than roof mounted solar photovoltaic panels) b) large-scale industry, storage, distribution, warehousing c) intensive animal husbandry.
Built Form and Character	
PO 2.1 Development is carefully sited and designed to: a) complement rural or natural character b) minimise disruption to natural landform c) integrate existing natural environmental features, including native vegetation d) minimise impacts on wildlife habitat e) be low-scale f) be visually unobtrusive and blend in with the surrounding area g) be located below ridge lines	DTS/DPF 2.1 None are applicable.
PO 2.2 Buildings and structures are limited to those that: a) are ancillary, adjacent to, and of the same or lesser scale as existing buildings b) support desired outcomes of the relevant zone or subzone c) are used for the ancillary sale of produce associated with a pastoral or rural activity d) are in the form of high-quality, nature-based tourist accommodation e) are for rainwater storage f) are for research or education purposes g) support conservation or the interpretation of the environment or cultural features.	DTS/DPF 2.1 None are applicable.
PO 3.1 Landscaping comprises locally indigenous species to enhance landscape quality and habitat restoration.	DTS/DPF 3.1 Landscaping plantings exclusively constitute locally indigenous plant species
Excavation and filling of land is limited to that associated with: 1. minimising the visual impact of buildings. 2. construction of water storage facilities.	DTS/DPF 4.1 Excavation and/or filling meets the following: 1. it is in connection with a building or water storage facility. 2. does not involve excavation exceeding a vertical height of 0.75 metres. 3. does not involve filling exceeding a vertical height of 0.75 metres. 4. does not involve a total combined excavation and filling vertical height of 1.5 metres. 5. any screen slope is covered in topsoil and landscaped with locally indigenous plant species.

The subject land is located in the lower reaches of the Barossa Ranges escarpment. A reference to the Overlay map identifies that the subject land is located at the lower western boundary of the Overlay that rises eastwards up and over the ridgeline (refer **Figure 8** of map extract).



Figure 8: Green shadowing demonstrates the Significant Landscape Protection Overlay with reference to the subject site.

The primary intent of the Overlay is to conserve and preserve the existing character of this higher part of the Barossa region. Most policies reinforce the siting, design, land use, cut and fill and landscaping policies in other parts of the Code.

Assessment against the Overlay policies shows that:

- Expanded tourist accommodation is consistent with envisaged uses in the zone. The eight small units (generally two persons per unit) increase the amount of activity on the land. However, given the moderate floor level increase and intimate nature of the built form this is not considered excessive or to unduly change amenity and other impacts on the local area. This complies with Performance Outcomes 1.1 and 1.2.
- Development has taken into account site topography, existing landscaping, current site improvements and loss of any habitat/native vegetation. The units and deck are low profile, located below any ridgelines and clad in timber to blend with surroundings. This complies with Performance Outcomes 2.1.
- The built form is for tourist accommodation intended to complement and benefit from its natural, rural surroundings in accordance with Performance Outcomes 2.2.
- Earthworks (noting that development is slightly elevated on a series of decks) are minimised with no excessive cut or fill required.
- A landscaping plan will be required by Reserved Matter and request additional planting to complement existing vegetation to be retained.

- The applicant is seeking to retain native grasses as far as practicable.

It is considered that the proposed development satisfies the relevant provisions of the Significant Landscape Protection Overlay.

Wastewater Disposal

On-site Waste Treatment Systems	
PO 6.1 <i>Dedicated on-site effluent disposal areas do not include any areas to be used for, or could be reasonably foreseen to be used for, private open space, driveways or car parking.</i>	DTS/DPF 6.1 <i>Effluent disposal drainage areas do not:</i> <i>encroach within an area used as private open space or result in less private open space than that specified in Design Table 1 - Private Open Space.</i> <i>use an area also used as a driveway.</i> <i>encroach within an area used for on-site car parking or result in less on-site car parking than that specified in Transport, Access and Parking Table 1 - General Off- Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.</i>

The site has no access to mains sewer and the development is therefore subject to connection to an on-site wastewater disposal system. All buildings must be connected to an approved on-site wastewater system, pursuant to the *SA Public Health Act 2011*.

An on-site wastewater report has been prepared by Intrax Housing, providing a review of existing soil conditions, size of irrigation area and capacity requirements. The proposal drawings identify that all units will be connected to a new wastewater system that can accommodate appropriate setbacks from built form.

This report has demonstrated in preliminary design that wastewater from the new building will be integrated into the existing systems on site and can be designed in accordance with the *SA Public Health Act 2011*.

A wastewater application to Council's Health Services team has not been submitted to Council at this time. The applicant advises that an application will be lodged if the application is granted a Planning Consent. It is recommended that a Reserved Matter be imposed should the Panel be of a mind to grant Planning Consent.

On this basis, subject to the Reserved Matter, Performance Outcome 6.1 is satisfied.

Native Vegetation

Native Vegetation Overlay	
Desired Outcomes	
DO 1	<i>Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.</i>

Relevant Performance Outcomes/Designated Performance Features	
Environmental Protection	
PO 1.1 Development avoids, or where it cannot be practically avoided, minimises the clearance of native vegetation taking into account the siting of buildings, access points, bushfire protection measures and building maintenance.	DTS/DPF 1.1 An application is accompanied by: (a) a declaration stating that the proposal will not, or would not, involve clearance of native vegetation under the Native Vegetation Act 1991, including any clearance that may occur: (i) in connection with a relevant access point and/or driveway. (ii) within 10 metres of a building (other than a residential building or tourist accommodation). (iii) within 20 metres of a dwelling or addition to an existing dwelling for fire prevention and control. (iv) within 50 metres of residential or tourist accommodation in connection with a requirement under a relevant overlay to establish an asset protection zone in a bushfire prone area. Or (c) a report prepared in accordance with Regulation 18(2) of the Native Vegetation Regulations 2017 that establishes that the clearance is categorised as 'Level 1 clearance'.

The applicant has engaged an Environmental Consultant to prepare a Native Vegetation Clearance report in accordance with the Native Vegetation Regulations.

The report indicates as follows:

"Trees present at the site and across the property are considered to have been planted, as the site was cleared sometime prior to the date of the aerial photography taken in 1949. The native tree species present are therefore not afforded protection under the Native Vegetation Act 1991. The tree species present include a number of Declared Plants under the LSA Act, native species that are not endemic to South Australia and a number of local species including Eucalyptus camaldulensis (Red Gum). Trees were situated along the southern side of the driveway and scattered across the site has provided a declaration to the effect that the proposal will not affect or involve native vegetation clearance."

Minimal vegetation in vicinity of the development site is protected under the Native Vegetation Act 1991, plus exotic and pest species will be removed from within the development site. An assessment against the Principles of Clearance (Schedule 1, Native Vegetation Act 1991) shows that:

- Habitat - no threatened species were recorded within the site and no threatened species are considered likely to use the vegetation under application
- Plants of a rare, vulnerable or endangered species – nil found
- EPBC Act or threatened ecosystems – nil found
- No native trees to be removed
- An overall Level 2 risk assessment outcome
- A Significant Environmental Benefit (SEB) payment of \$2,403 into the Native Vegetation Fund.

The consultant has noted the presence of native grasslands within the subject land and also close to the proposed units. The grassland is in poor condition, however, there is potential to rehabilitate the native grasslands with better care and weed management. The applicant therefore seeks to retain these grasses outside of the sites for the units. Overall, around 0.36 ha of Rough Spear Grass (*Austrostipa scabra*), Corkscrew Spear Grass (*Austrostipa setacea*) and Common Wallaby Grass (*Rytidosperma caespitosum*) will be removed with the remainder intended to be better managed as part of future site operations.

A balanced Asset Protection Zone has been achieved around the perimeter of the building to provide some separation between the built form and the surrounding vegetation.

There is a balance in having regard to appropriate siting to avoid visual impacts and achieved screening offered by vegetation against the risks associated with bushfire hazard in respect to proximity to the bushlands. The applicant has demonstrated that a reasonable sized asset protection area is available while the design has incorporated appropriate bushfire mitigation measures. As such, with other design elements taken into consideration, Performance Outcome 1.1 is considered to be achieved in most part as the bushfire risk has been mitigated to not pose an unacceptable risk while also preserving existing vegetation that is an asset to the site and provides amenity, some habitat value and screening.

Given the above detail, the proposal has on reasonable grounds achieved the Performance Outcomes of the relevant Native Vegetation Overlay.

Interface between Land Uses

Interface between Land Uses	
Desired Outcomes	
DO 1	<i>Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.</i>
Relevant Performance Outcomes/Designated Performance Features	
Interface with Rural Activities	
PO 9.5 <i>Sensitive receivers are located and designed to mitigate the potential impacts from lawfully existing facilities used for the handling, transportation and storage of bulk commodities (recognising the potential for extended hours of operation) and do not prejudice the continued operation of these activities.</i>	DTS/DPF 9.5 <i>Sensitive receivers are located away from the boundary of a site used for the handling, transportation and/or storage of bulk commodities in other ownership in accordance with the following:</i> (a) <i>300 metres or more, where it involves the handling of agricultural crop products, rock, ores, minerals, petroleum products or chemicals to or</i>

	from any commercial storage facility. (b) 300 metres or more, where it involves the handling of agricultural crop products, rock, ores, minerals, petroleum products or chemicals at a wharf or wharf side facility (including sea-port grain terminals) where the handling of these materials into or from vessels does not exceed 100 tonnes per day. (c) 500 metres or more, where it involves the storage of bulk petroleum in individual containers with a capacity up to 200 litres and a total on-site storage capacity not exceeding 1000 cubic metres. (d) 500 metres or more, where it involves the handling of coal with a capacity up to one tonne per day or a storage capacity up to 50 tonnes. (e) 1000 metres or more, where it involves the handling of coal with a capacity exceeding 1 tonne per day but not exceeding 100 tonnes per day or a storage capacity exceeding 50 tonnes but not exceeding 5000 tonnes.
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The subject site is located within a rural landscape with a number of primary production land uses taking place within the locality. Representors raised concerns that the addition of more tourist accommodation units and the potential constraints will impact upon their business operations such as from noise conflict and spraying.

The applicant's planning consultant responded to concerns raised by representors and stated:

- The development is not considered to impact the on-going and long-term use of primary production uses on adjoining land.
- The subject land is presently used for both viticulture and tourist accommodation and the relatively small increase/expansion of this use is not considered to result in adverse interface concerns.

The subject land contains approximately 4 hectares of dry grown vineyards and there are viticultural and farming activities on adjoining land. Other than the western neighbour, adjoining land is primarily used for grazing and broadacre farming.

The proposed development is located in excess of 40 metres from any side or rear boundary and sited within the well vegetated cluster of existing buildings. The vineyards are an ongoing operation on the subject land and as outlined by the planning consultant there is an established tourist accommodation use on the site.

Having regard to the approved activities on the site, rear and side setbacks achieved and the nature of land uses in the locality, Performance Outcome 9.5 is considered to be satisfied, as the proposed expansion of the tourist accommodation is not

anticipated to prejudice other lawful land uses within the locality or give rise to land use conflict.

Bushfire Hazard

Hazards (Bushfire - High Risk) Overlay	
Desired Outcomes	
DO 1	Development, including land division is sited and designed to minimise the threat and impact of bushfires on life and property with regard to the following risks: 1. potential for uncontrolled bushfire events taking into account the increased frequency and intensity of bushfires as a result of climate change 2. high levels and exposure to ember attack 3. impact from burning debris 4. radiant heat 5. likelihood and direct exposure to flames from a fire front.
DO 2	Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from areas of unacceptable bushfire risk.
DO 3	Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from areas of unacceptable bushfire risk.
Relevant Performance Outcomes/Designated Performance Features	
Land Use	
PO 1.1 Development that significantly increases the potential for fire outbreak as a result of the spontaneous combustion of materials, spark generation or through the magnification and reflection of light is not located in areas of unacceptable bushfire risk.	DTS/DPF 1.1 None are applicable.
Siting	
PO 2.1 Buildings and structures are located away from areas that pose an unacceptable bushfire risk as a result of vegetation cover and type, and terrain.	DTS/DPF 1.1 None are applicable.

The proposed development comprises tourist accommodation which is an envisaged use in the Rural Zone. The applicant engaged an independent consultant to provide recommendations on the suitability of the development from a bushfire hazards risk in connection with a mandatory referral to the South Australian Country Fire Service (CFS). The consultant did not identify any significant increased potential for firebreak from the proposed development. The highest risk was noted emanates from the vineyards and adjoining fields if grasses were not maintained at an appropriate level.

The consultant notes that the siting of the proposed development is as follows:

- Is located on the same rising ground as existing tourist accommodation.
- This area has a gentle slope of 6-10 degrees and the accommodation is not proposed on steep land.
- The development is located at least 100 metres from grassed paddock areas.
- The development is co-located with existing development and existing garden areas that form a buffer to the grassed paddock areas.
- Rifle Range Road provides an additional buffer from grasslands to the south.

Overall, the proposed expansion of an existing land use and their siting on the subject land meet Performance Outcomes 1.1 and 2.1. The Country Fire Services have also concluded that the siting of the development is acceptable.

<i>Built Form</i>	
<i>PO 3.1</i> Buildings and structures are designed and configured to reduce the impact of bushfire through using designs that reduce the potential for trapping burning debris against or underneath the building or structure, or between the ground and building floor level in the case of transportable buildings and buildings on stilts.	<i>DTS/DPF 3.1</i> None are applicable.

All proposed accommodation units constructed within the site are required to conform to Section 3 General Construction Requirements and Section 5 Construction Requirements for BAL- 12.5 of AS3959:2018.

The applicant's consultant has reviewed the proposed drawings and recommended that a firewall be constructed between each unit (otherwise they should be separated by at least 6 metres) and that the areas underneath the deck be enclosed with a fireproof material and mesh be placed between each stair or other larger gaps. The applicant agrees to comply with these recommendations.

The proposed barrel shaped buildings have no eaves or other elements that can trap debris in the curtilage. The proposed development therefore satisfies Performance Outcome 3.1.

<i>Habitable Buildings</i>	
<i>PO4.1</i> To minimise the threat, impact and potential exposure to bushfires on life and property, residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and) is sited on the flatter portion of allotments away from steep slope	<i>DTS/DPF 4.1</i> None are applicable.
<i>PO 4.2</i> Residential, tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) is sited away from vegetated areas that pose an unacceptable bushfire risk.	<i>DTS/DPF 4.2</i> Residential, tourist accommodation and habitable buildings for vulnerable communities are provided with asset protection zone(s) in accordance with (a) and (b): (a) the asset protection zone has a minimum width of atleast: (i) 50 metres to unmanaged grasslands. (ii) 100 metres to hazardous bushland vegetation.

	(b) <i>the asset protection zone is contained wholly within the allotment of the development.</i>
<i>PO 4.3</i> <i>Residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and) has a dedicated area available that:</i> <i>1. is capable of accommodating a bushfire protection system comprising firefighting equipment and water supply in accordance with Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements</i> <i>2. includes the provision of an all-weather hardstand area in a location that:</i> <i>1. allows fire-fighting vehicles to safely access the dedicated water supply and exit the site in a forward direction</i> <i>2. is no further than 6 metres from the dedicated water supply outlet(s) where required.</i>	<i>DTS/DPF 4.3</i> <i>None are applicable</i>

The subject land has been assessed by the applicant's consultant and the CFS. Typically fire management can comprise the following five zones:

1. Asset Protection Zone (APZ or A-Zone)
2. Bushfire Buffer Zone (BBZ or B-zone)
3. Strategic Fuel Management Zone (S-zone)
4. Conservation Zone (C-zone)
5. Exclusion Zone (X-zone)

For this application, an Asset Protection Zone has been recommended. This Zone extends from the existing main building to the Rifle Range Road boundary (and a portion of the verge) incorporating the units, existing BBQ area and the new car park.

The Zone is designed to provide a defensible space around habitable buildings and for the subject land, it is recommended to, amongst others:

- Manage vegetation so that the leaf area of the vegetation is not vertically or horizontally continuous.
- Vegetation coverage (shrubs and trees) should be a maximum of 30% within the Zone.
- No heath or shrub understorey species are to be within 2 metres of the proposed units.
- Dead trees and shrubs should be removed (in front of existing accommodation).
- Paths should be constructed of a non-flammable material such as concrete, gravel, compacted mineral dust.
- A weed management plan be developed and implemented.

There is a need to cross reference these recommendations with the *Native Vegetation Act 1991* requirements as mentioned earlier. The applicant has updated the Native Vegetation Assessment report and concluded that the Zone can meet these recommendations and still satisfy requirements under the *Native Vegetation Act 1991*. It is recommended that a final Landscaping Plan be placed as a Reserved Matter subject to Planning Consent being granted. This Plan can address:

- Landscaping within the Zone to ensure compliance with bushfire management recommendations (this includes the earth mounding proposed against each underdeck enclosures).
- Species selection.
- Future management and maintenance within the Zone including recommendations for summer watering.
- Planting of supplementary lower level screen landscaping (albeit managed to allow for views from each unit) primarily in the southwest corner of the subject land to further mitigate views of the development driving upslope along Rifle Range Road.

Vehicle Access - Roads, Driveways and Fire Tracks	
<i>PO 6.1</i> Roads are designed and constructed to facilitate the safe and effective: (a) access, operation and evacuation of fire-fighting vehicles and emergency personnel. (b) evacuation of residents, occupants and visitors.	<i>DTS/DPF 6.1</i> Roads: (a) are constructed with a formed, all-weather surface. (b) have a gradient of not more than 16 degrees (1-in-3.5) at any point along the road. (c) have a cross fall of not more than six degrees (1-in-9.5) at any point along the road. (d) have a minimum formed road width of six metres. (e) provide overhead clearance of not less than four metres between the road surface and overhanging branches or other obstructions including buildings and/or structures (Figure 1). (f) allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around road curves by constructing the curves with a minimum external radius of 12.5 metres (Figure 2). (g) incorporating cul-de-sac endings or dead end roads do not exceed 200 metres in length and the end of the road has either: (i) a turning area with a minimum formed surface radius of 12.5 metres (Figure 3) (ii) or (iii) a 'T' or 'Y' shaped turning area with a minimum formed surface length of 11 metres and minimum internal radii of 9.5 metres (Figure 4)

	(h) incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.
PO 6.2 Access to habitable buildings is designed and constructed to facilitate the safe and effective: (a) access, operation and evacuation of fire-fighting vehicles and emergency personnel. (b) evacuation of residents, occupants and visitors.	DTS/DPF 6.2 Access is in accordance with (a) or (b): (a) a clear and unobstructed vehicle or pedestrian pathway of not greater than 60 metres in length is available between the most distant part of the habitable building and the nearest part of a formed public access road (b) driveways: (i) do not exceed 600 metres in length. (ii) are constructed with a formed, all-weather surface. (iii) are connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than seven degrees (1-in-8). (iv) have a gradient of not more than 16 degrees (1-in-3.5) at any point along the driveway. (v) have a crossfall of not more than six degrees (1-in-9.5) at any point along the driveway. (vi) have a minimum formed width of three metres (four metres where the gradient of the driveway is steeper than 12 degrees (1-in-4.5)) plus 0.5 metres clearance either side of the driveway from overhanging branches or other obstructions, including buildings and/or structures (Figure 1). (vii) incorporate passing bays with a minimum width of six metres and length of 17 metres every 200 metres (Figure 5). (viii) provide overhead clearance of not less than four metres between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures (Figure 1). (ix) allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around driveway curves by constructing the curves with a minimum external radius of 12.5

	metres (Figure 2). (x) allow fire-fighting vehicles to safely enter and exit an allotment in a forward direction by using a 'U' shaped drive through design or by incorporating at the end of the driveway either: A. a loop road around the building or B. a turning area with a minimum radius of 12.5 metres (Figure 3) (ii) or C. a 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres (Figure 4). (xi) incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.
PO 6.3 Development does not rely on fire tracks as means of evacuation or access for fire-fighting purposes unless there are no safe alternatives available.	DTS/DPF 6.3 None are applicable.

The proposal is served by an internal roadway and car park area that supports both visitor access and egress as well as CFS truck requirements, with the car park and internal driveways being designed to support turn-around area by a CFS firefighting appliance.

The applicant has liaised with the CFS to identify their requirements and apply them to the proposed development. This includes:

- The driveway does not exceed more than 600 metres in length – incorporates two turning loops to facilitate passing and continuous forward travel.
- Constructed driveway with a formed all-weather surface and connected to a formed, all weather public road (Rifle Range Road).
- A minimum formed width of 3 metres that is maintained past the car parking areas.
- Overhead clearance of 4 metres minimum and lateral clearance of 0.5 metres from the side of the driveway free of obstructions.
- Driveway curves have a minimum external radius of 12 metres.
- Safe access and egress of emergency vehicles due to the presence of loop roads.
- A T-shaped turning area is present between the residence and garage.

The existing driveway will comply with the requirements in DPF 6.2.

The CFS has stated that it has no objection to utilising the existing and proposed access driveway subject to compliance with their recommended condition (that primarily reinforce the requirements set out in DPF 6.2). The applicant has already shown on the drawings that compliance can be achieved as outlined above.

The proposal incorporates a 60kl rainwater tank for firefighting purposes to serve the tourist accommodation suites and it is noted that the water tank is located in close proximity of the car park area, such that CFS access to the tanks can be achieved in a safe and convenient manner.

In summary, the proposed development satisfies relevant Performance Outcomes in regards to access design, water storage access and turn-around for CFS access.

Flood Hazard

Hazards (Flooding – Evidence Required) Overlay	
Desired Outcomes	
DO 1	<i>Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.</i>
Relevant Performance Outcomes/Designated Performance Features	
Flood Resilience	
PO 1.1 <i>Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.</i>	DTS/DPF 1.1 <i>Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished floor level at least 300 mm above:</i> (a) <i>the highest point of top of kerb of the primary street</i> (kk) <i>or</i> (b) <i>the highest point of natural ground level at the primary street boundary where there is no kerb.</i>

The proposed development does not require significant earthworks or modification of the existing topography. Access, manoeuvring and parking is either undertaken on existing infrastructure or on compacted gravel surfaces. The applicant's project engineer contends that no increased stormwater will be generated from this element of the application.

The applicant's project engineer also states that the curved buildings do not capture and redirect stormwater and the open decking does not capture stormwater. The applicant's planning consultant further states that:

"Given the above, the project engineers are satisfied the development appropriately manages entirely on-site. A significant portion of the land will remain pervious to assist with stormwater runoff and we do not consider there to be any planning consequences as a result of the development from a stormwater management perspective".

Council's engineer has not disagreed with these statements.

The relevant Performance Outcome 1.1 has been achieved.

Water Resources Overlay

Water Resources Overlay	
Desired Outcomes	
DO 1	Protection of the quality of surface waters considering adverse water quality impacts associated with projected reductions in rainfall and warmer air temperatures as a result of climate change.
DO 2	Maintain the conveyance function and natural flow paths of watercourses to assist in the management of flood waters and stormwater runoff.
Relevant Performance Outcomes/Designated Performance Features	
Water Catchment	
PO 1.1 Watercourses and their beds, banks, wetlands and floodplains (1% AEP flood extent) are not damaged or modified and are retained in their natural state, except where modification is required for essential access or maintenance purposes.	DTS/DPF 1.1 None are applicable.

No known water courses pass through the land. Overland water flows are not altered by the proposed development, thereby resulting in no significant changes to existing stormwater flows (generally downslope to the west).

The proposed on-site wastewater disposal area will be sited much more than 50 metres from any nearby water course or body. Native grasses are to be retained.

Given the above, Performance Outcome 1.1 is satisfied.

Transport, Car Parking and Access

Rural Zone	
Siting and Design	
PO 2.1 Development is provided with suitable vehicle access.	DTS/DPF 2.1 Development is serviced by an all-weather trafficable public road.

The site has frontage to Rifle Range Road, an all-weather two-way bitumen road under the care and control of The Barossa Council that has direct connection to the Barossa Valley Way.

Rifle Range Road changes to an unsealed road east of the subject land, however, the existing crossover connects to the bituminised section of the road. Council's engineer has not raised any concern with the level of service of the vehicle access to the site (that already contains tourist accommodation uses).

The site is accessed from the all-weather road of a condition that is clearly suitable to support vehicle access to the site, pursuant to Performance Outcome 2.1.

Transport, Access and Parking	
Desired Outcomes	
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Relevant Performance Outcomes/Designated Performance Features	
Movement Systems	
PO 1.4 Development is sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths.	DPF 1.4 All vehicle manoeuvring occurs on site.
Vehicle Access	
PO 3.1 Safe and convenient access minimises impact or interruption on the operation of public roads.	DPF 3.1 The access is: (a) provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land; or, (b) not located within six metres of an intersection of two or more roads or a pedestrian activated crossing.
Access for People with Disabilities	
PO 4.1 Development is sited and designed to provide safe, dignified and convenient access for people with a disability.	DTS/DPF 4.1 None are applicable.
Vehicle Parking Rates	
PO 5.1 Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as: (a) availability of on-street car parking. (b) shared use of other parking areas. (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared. (d) the adaptive reuse of a State or Local Heritage Place.	DPF 5.1 Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant: (a) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements. (b) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas. (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.
Table 1 - General Off-Street Car Parking Requirements	One car parking space per accommodation unit// guest room

The site is accessed from the all-weather sealed Rifle Range Road. The road is of a condition that is suitable to support vehicle access to the site, pursuant to Performance Outcome 2.1.

The proposal maintains vehicle access via the existing crossover that directly connects to Rifle Range Road. This crossover allows for two-way egress and exit, and can

accommodate larger vehicles (eg firefighting vehicles) as necessary. The existing crossover achieves adequate sightlines to facilitate access to the site, noting that no change is proposed as this is an existing access. Council's engineer has no objection to the use of the existing crossover, albeit has recommended a condition of consent ensuring that the crossover continues to comply with the requirements of AS2890.1 Parking Facilities – Part 1: Off-street car parking. This aspect of the proposal complies with Performance Outcome 3.1 subject to condition of consent.

No disabled access parking is denoted on the application drawings. It is recommended that a condition of consent requires provision of at least one accessible parking space that conforms to Australian Standard.

The subject land currently contains rubble based internal access routes that will be utilised by visitors and other users associated with the new development. These allow sufficient space for on-site loading, manoeuvring and other movements to occur within the confines of the land and avoids any impact on the public road as sought Performance Outcome 1.4.

The number of accommodation suites is proposed to increase from 7 to 15. At present, the applicant advises there are 16 allocated parking spaces across the site for existing uses. This comprises car parking spaces adjacent to the existing tourist accommodation units, within the garage and next to the main building.

The proposal includes the allocation of eight new spaces within a dedicated car park area positioned just north of the units. The car park is accessed via the existing internal driveway and pedestrian walkways are provided.

Table 2 – Off Street Vehicle Parking Requirements prescribes a rate of car park provision for "Tourist Accommodation" in the order of "1 car parking space per accommodation unit / guest room". As the proposal provides for eight new car parks to service the eight suites, the proposal satisfies DPF 5.1 (a).

In the event that parking demand exceeds supply, it is considered there is adequate space at the edges of the gravel car park or elsewhere in the site in which to accommodate vehicles, such that overspill of vehicle parking onto the road verge is unlikely.

The proposal therefore satisfies the relevant Performance Outcomes in respect to access and car parking.

Site Contamination

General Development Policies	
Site Contamination	
Desired Outcomes	
DO1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.
Relevant Performance Outcomes/Designated Performance Features	
PO 1.1 Ensure land is suitable for use when land use changes to a more sensitive use.	DPF 1.1 Development satisfies (a), (b), (c) or (d): (a) does not involve a change in the use of land.

	(b) involves a change in the use of land that does not constitute a change to a more sensitive use. (c) involves a change in the use of land to a more sensitive use on land at which site contamination is unlikely to exist (as demonstrated in a site contamination declaration form). (d) involves a change in the use of land to a more sensitive use on land at which site contamination exists, or may exist (as demonstrated in a site contamination declaration form), and satisfies both of the following: (ii) a site contamination audit report has been prepared under Part 10A of the Environment Protection Act 1993 in relation to the land within the previous five years which states that– A. site contamination does not exist (or no longer exists) at the land; or, B. the land is suitable for the proposed use or range of uses (without the need for any further remediation); or, C. where remediation is, or remains, necessary for the proposed use (or range of uses), remediation work has been carried out or will be carried out (and the applicant has provided a written undertaking that the remediation works will be implemented in association with the development) and, (ii) no other class one activity or class two activity has taken place at the land since the preparation of the site contamination audit report (as demonstrated in a site contamination declaration form).
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Practice Direction 14 – Site Contamination Assessment 2021 has been considered in context of this proposal. There is no known history of site contamination at this site. The land is approved for tourist accommodation use (and previously residential activity) and the expansion of this extant use does not introduce a more sensitive land use under the Table 1: Land Use Sensitivity Hierarchy.

The application satisfies Performance Outcome 1 through achievement of DPF1.1(a).

Clearance from Overhead Powerlines

General Development Policies	
Clearance from Overhead Powerlines	
Desired Outcomes	
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
Relevant Performance Outcomes/Designated Performance Features	
PO 1.1 Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.	DTS/DPF 1.1 One of the following is satisfied: (a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. (b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.

There are no visible power lines along Rifle Range Road.

The applicant has provided a declaration stating the proposal will not be contrary to the regulations prescribed for the purposes of Section 86 of the *Electricity Act 1996*, as per DPF 1.1, given that the proposal achieves the minimum clearance required from the powerlines.

Therefore, the proposal satisfies Desired Outcome 1 and Performance Outcome 1.

Tourism Development

General Development Policies	
Tourism Development	
Desired Outcomes	
DO 1	Tourism development is built in locations that cater to the needs of visitors and positively contributes to South Australia's visitor economy.
Relevant Performance Outcomes/Designated Performance Features	
General	
PO 1.1 Tourism development complements and contributes to local, natural, cultural or historical context where: (a) it supports immersive natural experiences. (b) it showcases South Australia's landscapes and produce. (c) its events and functions are connected to local food, wine and nature.	DTS/DPF 1.1 None are applicable.

The proposed tourism accommodation satisfies Performance Outcome 1.1 in that the proposal will:

- Complement and augment the existing tourist accommodation on the subject land sited to benefit from the high-quality existing landscape and expansive view.
- Arguably, its rural location supports an immersive experience and showcases the Barossa region landscape within a unique stay experience.

This achieves the Performance Outcome 1.1 (a) and (b). Criterion (c) is not considered relevant as the application does not seek approval for any event or function space.

Performance outcomes 1.1 and 1.2 have been satisfied.

Other Overlays

The following Overlays have been considered in the assessment of the proposed development but are not applicable given that:

Limited Land Division

The proposed development does not incorporate any form of land division.

Prescribed Water Resources Area

The proposed Development does not seek to alter the flow of water on the site.

Water Protection Area

The proposed Development is not considered to impact the quality of water discharged from the site.

CONCLUSION

The proposal involves the expansion of an existing tourist accommodation facility on the subject land at 261 Rifle Range Road. The proposal involves the construction of eight small, barrel shaped buildings clustered together (on elevated decks) in the front, lower portion of the site, as an extension of the existing facility.

The application was subject to 'Performance Assessment' and public notification. The application was notified in accordance with Section 107 of the *Planning, Development and Infrastructure Act 2016* and was subject to receipt of two representations of which one has requested to be heard.

This report has provided a detailed assessment of the proposal against the relevant provisions of the Planning and Design Code.

The assessment found that the proposal is reasonably consistent with the Desired Outcome and Performance Outcome of the Rural Zone and has demonstrated compliance in most areas with respect to the relevant provisions of the Planning and Design Code.

The land use, design and siting, interface matters, native vegetation impact, bushfire management, stormwater management, access and car parking provision are considered to be broadly consistent with the provisions of the Planning and Design Code.

The proposed development does not result in the loss of existing vineyards (4 hectares) on the subject land and other than a lesser front setback (that is consistent with

existing built form) to the road, the general building setbacks are more than 40 metres from site boundaries.

The site is within the Significant Landscape Overlay, albeit at the Overlay boundary at the lower reaches of the escarpment. Given the clustering with existing built form, low profile, screening capacity of future and retained trees, modest building form and position (towards the lower level of the site) it is considered that the proposal complies with the relevant Overlay policies.

The CFS does not object to the proposal and internal referrals have not raised any planning issues that affect the assessment. Interface with the existing primary producers will be managed appropriately as per current site operations.

Given all of the above, Planning Consent is considered to be warranted, subject to recommended Reserved Matters and Conditions.

RECOMMENDATION 1

Not Seriously at Variance

The Barossa Assessment Panel, having considered the application, resolves that the development proposal has sufficient merit, and is not Seriously at Variance with the Planning and Design Code.

RECOMMENDATION 2

Character Preservation

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, has resolved that there are no significant impacts on the character values of the district.

RECOMMENDATION 3

Granting of Planning Consent

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Planning, Development and Infrastructure Act 2016* resolves to GRANT Planning Consent for Application No. 22034751 by Urban Living Consultants on behalf of Xun Li to undertake the construction of eight buildings for the purposes of short-term tourist accommodation at 261 Rifle Range Road (CT 6117/263) subject to the following reserved matters, conditions and advisory notes:

Reserved Matters

Pursuant to Section 102(3) of the *Planning, Development and Infrastructure Act 2016*, the following matters shall be reserved for further assessment, to the satisfaction of the relevant authority, prior to the granting of Development Approval (or nominated stage of Development Approval):

- (1) 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*.

- (2) The applicant shall submit a final working Landscape Plan for approval, that includes all of the following:
- Final location for all proposed landscaping comprising trees, shrubs and groundcovers, with a preference for indigenous local species, to provide additional screening of the buildings; and
 - Retention of existing vegetation in proximity to the buildings, subject to any thinning needed to minimise bushfire risk;
 - Pot sizes, noting where any advanced growth trees shall be used; and
 - Irrigation and maintenance methods;
 - Retention and restorage of native grasslands;
 - Pest and weed management arrangements.

Council Conditions

- (1) The development shall be undertaken in accordance with the attached endorsed plans and documentation accompanying the application as amended and including:
- Cover Letter, prepared by Urban Living Consultants, dated 11 October 2022
 - Letter, prepared by Urban Living Consultants, dated 17 January 2023
 - Response to Representations, prepared by Urban Living Consultants, dated 23 March 2023
 - Letter, prepared by Urban Living Consultants, dated 20 May 2023
 - Cover Sheet, prepared by Yogo Design & Consulting Pty Ltd, Drawing No A000, Rev G, dated 20 June 2023
 - Location Plan, prepared by Yogo Design & Consulting Pty Ltd, Drawing No A001, Rev G, dated 20 June 2023
 - Site Plan, prepared by Yogo Design & Consulting Pty Ltd, Drawing No A002, Rev G, dated 20 June 2023
 - Floor Plan & Sections, prepared by Yogo Design & Consulting Pty Ltd, Drawing No A003, Rev G, dated 20 June 2023
 - Sections, prepared by Yogo Design & Consulting Pty Ltd, Drawing No A004, Rev G, dated 20 June 2023
 - Elevations, prepared by Yogo Design & Consulting Pty Ltd, Drawing No A005, Rev G, dated 20 June 2023
 - Design Precedents, prepared by Yogo Design & Consulting Pty Ltd, Drawing No A006, Rev F, dated 18 May 2023
 - On-Site Wastewater Report, prepared by Intrax Housing, Project No 194587, Rev A, dated 13 January 2023
 - Site & Drainage Plan, prepared by Intrax Housing, Project No 194587, Sheet No C01, Rev P1, dated 13 January 2023
 - Underfloor Plumbing Plan, prepared by Intrax Housing, Project No 194587, Sheet No C02, Rev P1, dated 13 January 2023
 - Bushfire Development Assessment Report, prepared by Grant Fleming Environmental, Doc No ULC BDA R 001 Final, dated 11 May 2023
 - Native Vegetation Clearance Data Report, prepared by Grant Fleming Environmental, dated 1 May 2023

unless varied by the following conditions.

- (2) Prior to occupation, the buildings authorised herein shall be connected and remain connected to an approved wastewater system to the reasonable satisfaction of council.
- (3) All external building materials shall:
 - a. Be muted and non-reflective in nature; and
 - b. Where metal cladding is used, it shall have a pre-colour treated finish; and
 - c. Be in accordance with the approved plans; and
 - d. Be new materials and maintained in good condition at all times.
- (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 does not affect neighbouring properties, to the satisfaction of the relevant authority.

- (5) Disturbed surfaces including any exposed batters as a result of excavation on the land shall be revegetated and stabilised within three months of the completion of the development, to the satisfaction of Council.
- (6) All external lighting must be in accordance with AS4282:2019 'Outdoor Lighting Obtrusive Effects' so as to prevent any adverse effect on adjoining sensitive receivers.
- (7) Prior to commencement of use, the landscaping works shown on the Approved Landscaping Plan (pursuant to the Reserved Matter), shall be carried out, completed and maintained to the satisfaction of the Relevant Authority. Any dead or diseased plantings shall be replaced within the next planting season.
- (8) Before the use commences and/or occupation of proposed building/s (as hereby approved), the area(s) set aside for the parking of vehicles as shown on the endorsed plans must be constructed and shall be:
 - (a) All driveway access, internal roadways, car parking and vehicle manoeuvring areas shall be constructed and finished in a low dust generating material in accordance with approved engineering procedures and comply with the requirements of AS2890.1 Parking facilities – Part 1: Off-street car parking; and
 - (b) An accessible carpark space including shared area and pedestrian path to the approved business location shall be constructed and finished in bitumen, brick paving or concrete in accordance with AS2890.6 Parking facilities – Part 6: Off-street parking for people with disabilities.

- (9) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the Environment Protection (Noise) Policy 2007 (or as amended from time to time), such that any resulting noise is not considered a nuisance, to the satisfaction of the Relevant Authority.

Country Fire Services Conditions

(10) ACCESS TO HABITABLE BUILDINGS

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 6.2) details the mandatory requirements for 'Private' roads and driveways to facilitate safe and effective use, operation and evacuation for firefighting and emergency personnel and evacuation of residents, occupants and visitors where required. These requirements apply when the furthest point of the building is more than 60m from the nearest public road.

SA CFS has no objection to utilising the existing and proposed access driveway as detailed on drawing named Guest Houses Area Site Plan, dated at last revision 18/05/2023 and upgraded, where necessary, to comply with the following conditions:

- Access to the building sites shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles, to within 60m of the furthest point of the building.
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either:
 - A loop road around the building, OR
 - A turning area with a minimum radius of 12.5 metres, OR
 - A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres (for each 'leg') and minimum internal radii of 9.5 metres OR
 - A 'U' shaped 'drive-through' option.
- Private access shall have minimum internal radii of 9.5 metres on all bends
- Private access shall provide overhead clearances of not less than 4.0m horizontally and vertically between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures.

(11) WATER SUPPLY & ACCESS (to dedicated water supply)

Ministerial Building Standard MBS008 "Designated bushfire prone areas - additional requirements" 2020, as published under the Planning, Development and Infrastructure Act 2016, provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with MBS008.

Please note that where the water supply is an above-ground water tank, the tank (including any support structure) should be constructed of non-combustible material, such as concrete or metal.

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 4.3) details the mandatory requirements for the site to provide a dedicated hardstand area in a location that allows fire fighting vehicles to safely access the dedicated water supply.

SA CFS has no objection to the proposed location for the dedicated water supply as detailed on drawing named Guest Houses Area Site Plan, dated at last revision 18/05/2023, providing the outlet is positioned to comply with the following conditions:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way and is no greater than 60m path of travel to the furthestmost point of the building, to enable fire services to reach all parts of the building with no more than two lengths of hose from the hardstand area.
- The dedicated water supply and its location should be identified with suitable signage (i.e. blue sign with white lettering "FIRE WATER").
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent the water supply for a nominally level hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- SA CFS appliance's inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.
- gravity fed water supply outlet may be remotely located from the above ground tank to provide adequate access.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.

(12) MAINTAIN AN ASSET PROTECTION ZONE (APZ) – VEGETATION MANAGEMENT

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 4.2) details the mandatory requirements to establish and maintain an asset protection zone. As such, landscaping shall include bushfire protection features that will prevent or inhibit the spread of bushfires and minimise the risk to life and/or damage to buildings and property and maintain a fuel reduced zone for safe movement of occupants and fire fighters.

SA CFS has no objection to the location and extent of the asset protection zones as detailed on drawing named Guest Houses Area Site Plan, dated at last revision 18/05/2023, providing it complies with the following conditions:

- Vegetation management shall be established and maintained within 20 metres of the habitable building (or to the property boundaries – whichever comes first) as follows:

- (1) The number of trees and understorey plants existing and to be established within the APZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained,

and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%.

- (2) Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
- (3) Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
- (4) trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
- (5) Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height from the trees' lowest branches.
- (6) Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Seasons.
- (7) No understorey vegetation shall be established within 2 metres of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).
- (8) Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves.
- (9) The APZ shall be maintained to be free of accumulated dead vegetation.

Advisory Notes Planning Consent

- (1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- (2) This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
- (3) Where an approved development has been substantially commenced within 2 years from the operative date of approval. the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years. in which case the approval will not lapse).
- (4) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- (5) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by the relevant 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.

- (6) 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.
- (7) You are advised that construction or alteration of any footpath, kerb, gutter or crossover on Council land will require a permit, under the *Local Government Act 1999* from Council's Works and Engineering Services. It is illegal to undertake work on Council land without permission.

If the existing entranceway (driveway cross-over) is to be removed it must be re-instated with kerb and gutter, including appropriate restoration of the footpath and verge, to Council's standard specification. Please contact Council's Works and Engineering Services to confirm the required standards.

Driveway cross-overs which affect a pedestrian footpath should maintain the level of the footpath or be consistent with the proposed footpath levels in instances where the footpath has not been constructed. When final Development Approval is applied for this should be shown on the plans. Please note that construction is to be in accordance with the Disability Discrimination Act and relevant Australian Standards.

- (8) 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.
- (9) Construction shall not take place on any Sunday or Public Holiday or after 7.00 pm or before 7.00 am on any other day, and all practicable steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.
- (10) The applicant is advised that this consent does not permit anyone to clear, remove limbs or trim native vegetation. Any proposal to clear, remove limbs, or trim native vegetation will require approval or confirmation of exemption from the Native Vegetation Council. An interactive guide is available to help owners and others determine the requirements that apply under the Native Vegetation Act 1991, <https://www.environment.sa.gov.au/topics/native-vegetation/interactive-guide> . Any specific queries regarding the clearance, removal, or trimming of native vegetation should be directed to the South Australian Native Vegetation Council.

The applicant is advised that any proposal to clear, remove limbs or trim native vegetation should be undertaken after first notifying the Native Vegetation Council of intended works.

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

Country Fire Service Advisory Notes

(1) BUILDING CONSIDERATIONS

Ministerial Building Standard MBS008 "Designated bushfire prone areas - additional requirements" 2020, as published under the Planning, Development and Infrastructure Act 2016 applies to this site.

Please refer to the National Construction Code (NCC), relevant standards and state provisions for construction requirements and performance provisions.

A site Bushfire Attack Level (BAL) assessment was conducted in accordance with the NCC and Australian Standard™3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas".

Category of Bushfire Attack Level:

Unit 1:	BAL 12.5
Unit 2:	BAL 12.5
Unit 3:	BAL 12.5
Unit 4:	BAL 12.5
Unit 5:	BAL 12.5
Unit 6:	BAL 12.5
Unit 7:	BAL 12.5
Unit 8:	BAL 12.5

These BAL ratings are conditional upon the establishment and maintenance of 20 metre Asset Protection Zones, in accordance with the Asset Protection Zone – Vegetation Management condition of consent placed on the planning consent with the same application reference.

This result is considered relevant at the date of assessment with respect to the elevations detailed on proposed Guest Houses Area Site Plan, dated at last revision 18/05/2023 and shall not be considered as SA CFS endorsement of any subsequent development.

(2) TOURIST ACCOMMODATION – BUSHFIRE SURVIVAL PLAN

CFS Further Recommends:

The applicants to prepare and display a BUSHFIRE SURVIVAL PLAN (BSP) designed specifically for the purpose of any guests that may be in residence during a bushfire event, especially during the Fire Danger Season. The BSP:

- (1) should provide clear directions to persons that may be unfamiliar with the area/locality and unfamiliar with what protective actions they may need to take to protect their lives during a bushfire event, including when to take such protective actions; and
- (2) should address the possibility that the owners may not be present at the time of the bushfire event; and
- (3) should not expect guests to be involved in fire-fighting operations.

The SA CFS 'Bushfire Safety Guide for Business' document (refer to CFS website) should be utilised as a basis for information and the drafting of the (GUEST) BSP.

The applicant should consider reducing operating hours and restrictions on days of heightened bushfire danger and/or bushfire events and consider including any alterations to bookings and services offered due to actual or predicted conditions during the Fire Danger Season in any booking/refund policy.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Application and Associated Documents [↓](#) 
- Attachment 2 Representations Received [↓](#) 
- Attachment 3 Applicants Response to Representations [↓](#) 
- Attachment 4 Country Fire Service Referral Report [↓](#) 

Development Locations

Location 1

Location reference

261 RIFLE RANGE RD BETHANY SA 5352

Title Ref

CT 6117/263

Plan Parcel

D57830 AL1

Additional Location Information**Council**

THE BAROSSA COUNCIL

Zone Overlays

Zones

- Rural

Sub-zones

(None)

Overlays

- Character Preservation District
- Hazards (Bushfire - High Risk)
- Hazards (Flooding - Evidence Required)
- Limited Land Division
- Native Vegetation
- Prescribed Water Resources Area
- Significant Landscape Protection
- Water Protection Area
- Water Resources

Variations

- Minimum Dwelling Allotment Size (Minimum dwelling allotment size is 100 ha)

Application Contacts

Applicant(s)

Stakeholder info

Xun Li
234-236 GROTE STREET
ADELAIDE
SA
5000

Contact

Stakeholder info

Mr Nicholas Timotheou

Invoice Contact

Stakeholder info

Xun Li
234-236 GROTE STREET
ADELAIDE
SA
5000

Invoice sector type

Land owners

Stakeholder info

Xun Li
234-236 GROTE STREET
ADELAIDE
SA
5000

Submitted For

epn.timotheo@sa.gov.au submitted this application for Nicholas Timotheou (nic@urbanlc.com.au)

Nature Of Development

Nature of development

The construction of eight buildings for the purposes of short-term tourist accommodation

Development Details

Current Use

Tourist accommodation

Proposed Use

The construction of eight buildings for the purposes of short-term tourist accommodation

Development Cost

\$175,000.00

Proposed Development Details

The construction of eight buildings for the purposes of short-term tourist accommodation

Element Details

You have selected the following elements

Tourist accommodation - \$0.00

Septic/Sewer information submitted by applicant

Does this development require a septic system, i.e. septic tank and/or waste water disposal area?

Yes

Certificate of Title information submitted by applicant

Does the Certificate of Title (CT) have one or more constraints registered over the property?

No

Consent Details

Consent list:

- Planning Consent
- Building Consent

Have any of the required consents for this development already been granted using a different system?

No

Planning Consent

Apply Now?

Yes

Who should assess your planning consent?

Assessment panel/Assessment manager at The Barossa Council

If public notification is required for your planning consent, who would you like to erect the public notification sign on the land?

Relevant Authority

Building Consent

Do you wish to have your building consent assessed in multiple stages?

No

Apply Now?

No

Consent Order

Recommended order of consent assessments

1. Planning Consent

Do you have a pre-lodgement agreement?

No

Declarations

Electricity Declaration

In accordance with the requirements under Clause 6(1) of Schedule 8 of the Planning, Development and Infrastructure (General) Regulations 2017, 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.

Native Vegetation Declaration

The proposed development will not or would not, involve the clearance of Native Vegetation under the Native Vegetation Act 1991, including any clearance that may occur in connection with a relevant access point and/or driveway, and/or within 10m of a building (other than a residential building or tourist accommodation), and/or within 20m of a dwelling or addition to an existing dwelling for fire prevention and control, and/or within 50m of residential or tourist accommodation in connection with a requirement under a relevant overlay to establish an asset protection zone in a bushfire prone area.

Submission Declaration

All documents attached to this application have been uploaded with the permission of the relevant rights holders. It has been acknowledged that copies of this application and supporting documentation may be provided to interested persons in accordance with the Act and Regulations.

Documents

Document	Document Type	Date Created
261 Rifle Range Road - Planning Report.pdf	Planning Report	11 Oct 2022 7:38 PM
261 RIFLE RANGE ROAD, BETHANY 20221006.pdf	Site Plans	11 Oct 2022 7:38 PM

Application Created User and Date/Time

Created User

e pn.timotheo@sa.gov.au

Created Date/Time

11 Oct 2022 7:38 PM

11/10/2022



Nicholas Timotheou

Accredited Professional – Level 3
Registration number – APP20200012

M 0401 342 923

E nic@urbanlc.com.au

Manager Development Services
Barossa Council

Dear

Re: Location of proposed Development: 261 Rifle Range Road, Bethany
 Proposed development The construction of eight buildings for the purposes
 of short-term tourist accommodation

Urban Living Consultants has been engaged to prepare a planning report for the construction of eight buildings for the purposes of tourist accommodation at 261 Rifle Range Road, Bethany. This report has been prepared following an inspection of the land and analysis of the planning documentation and Planning and Design Code.

Subject Land and Locality

The subject land is 261 Rifle Range Road, Bethany which is located in a Rural Zone ('the Zone'). The site is 6.8ha in size contains a wide frontage to Rifle Range Road. The land holds existing use rights for the purposes of tourist accommodation and is commonly known as the Blickinstal Barossa Valley Retreat.

The site is positioned at the foothills of the Barossa Range and is low-scale at a low density. The land is characterised by a cluster of buildings in a generally open and rural environment. The land contains a number of Regulated and Significant Trees (refer site plan for locations).

The land accommodates four main buildings which are referenced below:

- 1) 1 x single storey building
- 2) single storey building (accommodates 4 suites)
- 3) single storey building (accommodates 2 suites)
- 4) garage accommodating 4 parking spaces plus storage



Figure 1: Building reference map



Building 1



Building 2



Building 3



Building 4

Two smaller buildings are located north of the main dwelling which are presently used as storage buildings. A common bbq area is also located to the west of the 4-suite building.

The land is interspersed with native vegetation together with vines which are dry-grown (non irrigated). The vines are harvested 2-3 times per year and are processed off-site. An unoccupied grazing area is also located in the south-eastern portion of the land.

Access to the land is presently available via a single width driveway which circulates to each building. The driveway is unsealed and made up of compacted rubble. A total of 16 parking spaces are spread throughout the site. These spaces are located adjacent Building 2 and Building 3 (10) with an additional 4 spaces available in the garage. Outside of the garage provides a flexible area which is commonly used to informally park 2 vehicles, but could accommodate more. Rifle Range Road is sealed up to the frontage of the site, with the road being of all-weather unsealed surface east of the site.



Figure 2: Aerial image of subject land

The locality is entirely located in a Rural Zone and is typically defined by low-density and low scale rural type activities. Land uses involve general farming, viticulture and grazing.

Detached dwellings are noted in the locality as low-rise, low density standalone buildings. Dwellings are single storey in nature and often take advantage of their wide frontage widths.

Housing style vary; however, common themes involve hipped and gable end roof form, exposed brick and rendered facades and protruding verandahs. Setbacks from boundaries are generous, while wide and long driveways are generally utilised for access. Dwellings commonly include large sized outbuildings in corrugated iron materials.

The topography of the land is undulating and generally falls in a north-westerly direction. As a result of the sloping terrain, some earthworks and retaining walls are generally provided to provide flat or tiered platform for the associated building, while minimising impacts upon the natural topography of the land.

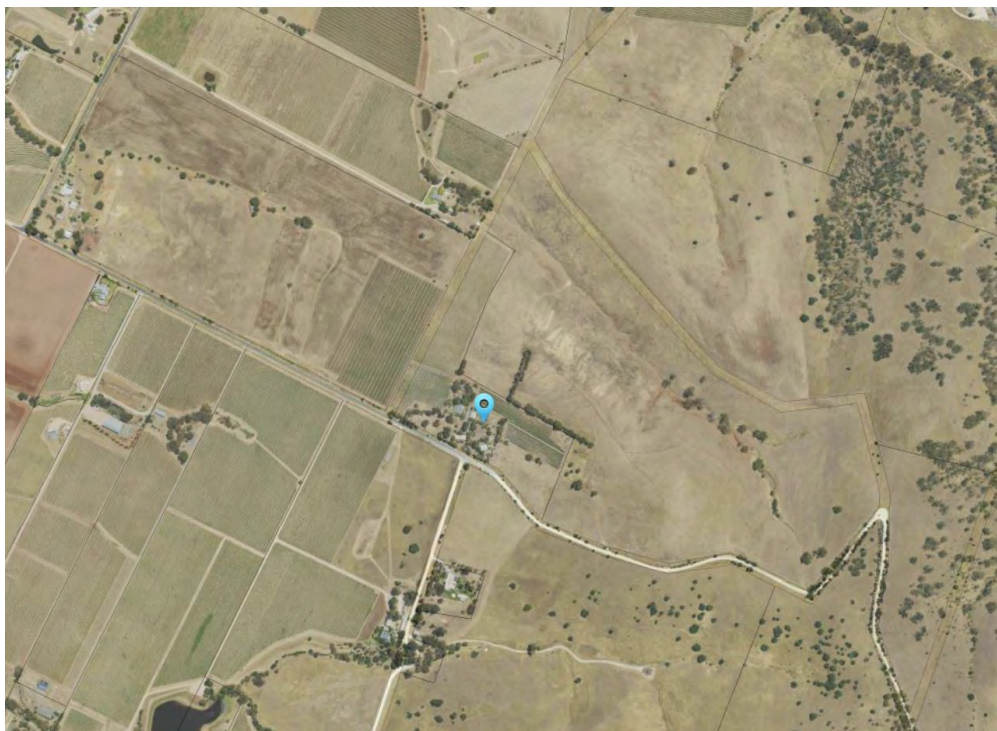


Figure 2: Aerial image of locality

Proposed Development

The application seeks planning consent for the construction of eight buildings for the purposes of short-term tourist accommodation.

The eight buildings are sited amongst the existing native vegetation and close to Rifle Range Road. Setbacks from Rifle Range Road are generally consistent and vary between 12 and 19 metres.

The buildings have been designed in the form of a wine barrel, which are made up of timber cladding. Each suite includes an open style single bedroom with kitchenette and bathroom. The suites are positioned to maximise views in a north-westerly direction, over existing vines on the land as well as the Barossa Plains beyond.

A total of 16 car parking spaces are provided throughout the land. All parking spaces exist and shall utilise the existing access/egress point and driveway on the land.

Procedural Matters

The Subject Land, under the current version of the Planning and Design Code, is located within a Rural Zone. The proposal does not have an Accepted or Deemed to Satisfy assessment pathway and is therefore Performance Assessed.

According to Table 5 - Procedural Matters - Notification of the Zone, "tourist accommodation" is exempt from requiring public notification, except where it does not satisfy any of the following:

1. Rural Zone DTS/DPF 6.3(b)

PO 6.3 <i>Tourist accommodation is associated with the primary use of the land for primary production or primary production related value adding industry to enhance and provide authentic visitor experiences.</i>	DTS/DPF 6.3 <i>Tourist accommodation:</i> (a) <i>is ancillary to and located on the same allotment or an adjoining allotment used for primary production or primary production related value adding industry</i> (b) <i>in relation to the area used for accommodation:</i> (i) <i>where in a new building, does not exceed a total floor area of 100m²</i> (ii) <i>where in an existing building, does not exceed a total floor area of 150m²</i> (c) <i>does not result in more than one facility being located on the same allotment.</i>
--	---

2. Rural Zone DTS/DPF 6.4

PO 6.4 <i>Tourist accommodation proposed in a new building or buildings is sited, designed and of a scale that maintains a pleasant rural character and amenity.</i>	DTS/DPF 6.4 <i>Tourist accommodation in new buildings:</i> (a) <i>is set back from all allotment boundaries by at least 40m</i> (b) <i>has a building height that does not exceed 7m above natural ground level.</i>
---	--

Given the above, we note the proposal would require public notification to properties within a 60m radius of the allotment boundaries. We reserve our right to respond to any representations if received during the notification period.

Referrals

Outside of the above, we note the development is of a class to which Schedule 9 clause 3 item 2 of the Planning, Development and Infrastructure (General) Regulations 2017 applies. Pursuant to Procedural Matters, Referrals of the Hazards (Bushfire - High Risk) Overlay, we note the development is subject to a referral to the South Australian Country Fire Service.

Zone Assessment

The Desired Outcomes of the Rural Zone call for (my emphasis):

Desired Outcome 1

A zone supporting the economic prosperity of South Australia primarily through the production, processing, storage and distribution of primary produce, forestry and the generation of energy from renewable sources.

Desired Outcome 2

A zone supporting diversification of existing businesses that promote value-adding such as industry, storage and warehousing activities, the sale and consumption of primary produce, tourist development and accommodation.

We also defer to Performance Outcome 1.1, 6.3, 6.4 and 10.1 which, broadly speaking, aim to accommodate value adding land uses which enhance visitor experiences, while maintaining a pleasant rural environment without impacting on the amenity of the locality.

Having reviewed the land and locality, the overall merits of this proposal are somewhat straightforward from a land use perspective. The Rural Zone contemplates a range of activities to occur on land which support the economic prosperity of South Australia, inclusive of production, processing and tourism development and accommodation. The development contributes to goals of the Zone, representing a reasonable expansion of an existing lawful land use. The proposal introduces additional tourist accommodation to the land while the production and processing of vines are unimpacted.

Despite the total floor area exceeding 100sqm as desired by DTS/DPF 6.3 (some 642sqm), we make submission the development satisfies the respective Performance Outcome which seeks:

Tourist accommodation is associated with the primary use of the land for primary production or primary production related value adding industry to enhance and provide authentic visitor experiences.

In this regard, we note the development is associated with and complementary to grape harvesting which comprises the vast majority of the land. The development includes 8 new buildings each equal to 28.3sqm which are quite modest. When considered in context with the overall size of the land (6.8ha), the total floor area represents less than 1% site coverage, demonstrating the development shall maintain a rural setting and low-density environment. Buildings are clustered while a consistent setback has been applied from Rifle Range Road. The management and operation of the facility shall continue as one and the development does not introduce a separate facility to the land.

The development finds support with the Rural Zone for the following reasons:

- The Zone anticipates a range of non-residential land uses including tourist accommodation
- The continued use of the land for tourist accommodation is compatible with its surrounding locality
- The development continues to complement other nearby land uses
- The development provides additional opportunities for tourist accommodation within the locality and introduces a modern and unique design
- The development is not considered to impact upon the ability of other nearby land uses from operating

Given the above, we consider the land use one which is highly anticipated by the Zone.

Design and Appearance & Character Preservation

The development introduces a unique and modern design in the form of wine barrels. While it is acknowledged the built form outcome is foreign to the locality, we make submission that the development responds to the wine theme of the Barossa. The development shall also complement the existing vines on the land and represents a welcomed addition to the locality. The unique design of the tourist accommodation is considered a drawcard to the Barossa region and shall attract a variety of visitors to the area.

The design of the development complements the layer of the land through a staggered approach. Each building is generally concealed when viewed from the street as a result of the main balance of the allotment being located beneath Rifle Range Road. The following images represent the contours of the land and anticipated views from the street.



View of the land from Rifle Range Road (approximately central to the allotment)



View of the land from Rifle Range Road (western edge)

The design of the development takes advantage of the allotments unique shape and location. The visual mass of the building is appropriately minimised as a result of its low-lying location together with the use of attractive colours and materials. The buildings utilise a neutral timber tone which complements the natural character and environment of the locality. These colours and materials will blend with the natural landscape and avoids any glare when viewed from afar.

The subject land is located beyond any ridgeline, such that the presentation of the buildings are not considered to be located in a highly prominent area of the Zone. The low density of the locality is retained and the scale of the buildings maintain the rural character and amenity.

The development is not considered to dominate, encroach on or unduly impact on the setting of the special character of the district. The development maintains generous separation from the road while the vast majority of the development will be screened from the road. The visual intrusion of the development is limited by virtue of its single storey design and location amongst a variety of mature trees. The development is located in a generally unobtrusive location, which aims to minimise

earthworks while straddling the existing topography of the land. The buildings are clustered amongst existing development on the land and amongst mature native vegetation to retain a rural setting.

When viewed from the immediate and wider locality, we make submission that limited impacts upon the natural form of the land shall occur. The earthworks contribute to the developments ability to reduce the visual impact of each building, which are nonetheless nestled into the established layer of the land. The buildings and earthworks are located in unobtrusive locations and are not visible against the skyline when viewed from roads within the zone. Rooflines are generally below the lowest point of the road, while mature vegetation assists in screening buildings.

To this end, the design and appearance of the dwellings reinforces the desired outcomes of the Rural Zone and responds well to the applicable Performance Outcomes.

Amenity Implications and Interface between land uses

The site has limited interface with sensitive receivers and therefore, it is my opinion the proposal will unlikely result in amenity impacts upon the locality. The proposal is considered to appropriately satisfy the applicable Performance Outcomes of the Planning and Design Code and is discussed below.

Given the continued use of the land for tourist accommodation the proposal is not considered to result in significant adverse impacts on adjoining uses due to fumes, odours, smoke, dust or other airborne pollutants, chemical overspray, glare, ash or electronic interference.

Despite the land achieving some interface with other production and processing land uses, we are aware the development achieves generous separation from these areas. It is therefore expected that the development would not compromise the ability of those longstanding land uses to continue their operation with respect to noise, chemical spray and any mechanical machinery in use.

The development maintains consistent separation from the road to match existing guest suites on the land. As identified earlier, the development is nestled into the undulating contours of the land and we do not contemplate any adverse amenity or interface impacts.

Traffic and Vehicle Parking

The proposed traffic impacts of the development are appropriately managed through the provision of sufficient on-site car parking and the use of existing access/egress arrangements from the site. The existing internal accessway comprises a crushed rubble material which is not proposed to change and shall complement the rural setting of the locality.

The Planning and Design Code provides a parking rate of 1 space per accommodation unit or guest room. The land presently accommodates 7 accommodation options for visitors while the development introduces an additional 8 suites.

Based on this, the development generates a parking demand of 15 spaces. The proposed development will provide a total of 16 spaces. This exceeds that desired by the Planning and Design Code and is reasonable and expected for a development of this nature.

Anecdotal information has identified it is uncommon for the entire facility to be occupied at full capacity. It is also common for families to travel in shared vehicles and on occasion, more than one couple utilising separate suites while traveling in a single vehicle. While we do not expect the 16 parking spaces to result in any traffic concerns, this information is noted when considering the overall merits of the development.

Whilst additional traffic will be generated by the proposed development and create additional traffic movements on the adjacent road network, the increase is not anticipated to compromise the safety or function of the surrounding road network. The layout of the development internalises vehicle movements and limits the number of vehicle access/egress points to the land.

Pedestrian access between car parking spaces and each room is available via the existing internal accessway. Despite the development being located further from car parking spaces (albeit a short distance), we note the nature and infrequent number of vehicle movements over the land results in an appropriate outcome for pedestrian safety and sightlines.

To this end, I am reasonably satisfied the availability of on-site parking is appropriate to meet the likely demand generated from the facility and shall not result in unsafe traffic movements or compromise the flow of traffic upon the adjacent road network.

Native Vegetation and Regulated and Significant Trees

It is understood the land contains high quality native vegetation, some of which are classified as Regulated or Significant Trees. This vegetation has been considered during the design and placement process of the development to ensure minimal impacts.

The buildings are clustered amongst existing native vegetation, while Performance Outcome 1.1 of the Native Vegetation Overlay states:

Development avoids, or where it cannot be practically avoided, minimises the clearance of native vegetation taking into account the siting of buildings, access points, bushfire protection measures and building maintenance

The Performance Outcome includes a Deemed Performance Feature (DPF 1.1(a)(iv)) which is relevant to tourist accommodation. The DPF seeks an asset protection zone in a bushfire prone area. This generally involves buildings being a minimum 50 metres from unmanaged grasslands and 100 metres from bushland vegetation.

Having visited the land, we are satisfied the development satisfies DPF 1.1 (a)(iv) in that each new tourist accommodation building is set within an area which is regularly mowed by the facilities gardener/groundskeeper. Buildings are generally separated from the canopy spread of any Regulated and Significant Trees and therefore, we do not contemplate any tree damaging activity as a result of the proposed development.

For the reasons identified above, we are satisfied the development and any associated building work will not affect native vegetation. Rather the development seeks to place the buildings amongst the high-quality vegetation which complements the overall theme of the facility and maintains a rural and green environment.

Hazards (Bushfire - High Risk) Overlay

The subject land is located within a Hazards (Bushfire - High Risk) Overlay. This notwithstanding, as identified in the Native Vegetation section of this report, the overall design and placement of the development is one which is separated from any bushfire risks or prone areas, while the facility is regularly maintained and cared for.

Access to the areas surrounding the development is sound and provide opportunities for a manicured environment. It is also acknowledged that garden maintenance is important to the success and marketing of the facility and would therefore remain a priority for management. We are satisfied the development does not represent an unacceptable risk and shall remain in accordance with the Desired Outcomes and Performance Outcomes of the Hazards (Bushfire - High Risk) Overlay.

Conclusion

The preceding assessment has demonstrated the proposed development generally satisfies the desired outcomes of the Rural Zone and of the Planning and Design Code.

With regard to the locality's prevailing character, I resolve the proposed development to be a reasonable and supportable form of development that satisfies the majority of the Assessment Provisions of the Planning and Design Code. The proposal represents a development anticipated within the Zone and one that is consistent with the character of the locality.

Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having assessed the application against the Planning and Design Code, the application is NOT seriously at variance with the Planning and Design Code provisions and the development warrants the grant of Planning Consent.

Yours sincerely,



Nicholas Timotheou
Director & Principal Planning Consultant

URBAN
LIVING CONSULTANTS

17/01/2023

Received
17 January 2023

**Nicholas Timotheou**

M 0401 342 923

E nic@urbanlc.com.au

Manager Development Services
Barossa Council

Dear

Re: Application ID: 22034751
 Proposed Development: construction of eight buildings for the purposes of short-
 term tourist accommodation
 Location: 261 RIFLE RANGE RD BETHANY SA 5352

By way of summary, we attach a copy of the following documents as requested to assist in the assessment of the proposal:

- (a) A site plan containing the relevant details requested from Council.
- (b) Regarding Council's request for a civil and stormwater management plan, the project engineer has advised the following:
 - Car parking and manoeuvring areas exist and therefore, additional runoff is not caused as a result of the proposal
 - The design of the buildings are curved and therefore, do not to capture and re-direct any stormwater
 - We request that detailed design of any remaining items be reserved once Council has had the opportunity to carry out a full assessment and in the interest of the application being lodged
- (c) In preliminary conversation with the CFS, the Site plan has been updated to depict:
 - i. the location of a proposed asset protection zone; and
 - ii. bushfire fighting water storage tank/s
 - iii. the gradient of the transition area between the public road and any existing or proposed driveway

We propose vegetation management shall be established and maintained within 20 metres of the habitable building (or to the property boundaries – whichever comes first) as follows:

1. The number of trees and understorey plants existing within the APZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous.
2. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
3. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.

4. Shrubs (if planted) must not be planted under trees and must be separated by at least 1.5 times their mature height from the trees' lowest branches.
5. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
6. No understorey vegetation shall be established within 2 metres of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).
7. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves
8. The APZ shall be maintained to be free of accumulated dead vegetation.

(d) The provision of a Vegetation Data Report. Note – as the level of clearance is classified as Level 2 only, we understand referral is not necessary to the Native Vegetation Council.

We trust the revised set of information and plans is appropriate for Council to proceed to the next stages of the assessment.

Yours sincerely,



Nicholas Timotheou

URBAN
LIVING CONSULTANTS



Registration number – APP20200012

M 0401 342 923

E nic@urbanlc.com.au

Ms Janine Lennon
Senior Development Officer – Planning
The Barossa Council

Dear Janine,

Re: Application ID: 22034751
Location of proposed Development: 261 RIFLE RANGE RD BETHANY SA 5352
Proposed development The construction of eight buildings for the purposes of short-term tourist accommodation

Urban Living Consultants has been providing ongoing assistance and advice to the applicant in this matter. We have reviewed Council's correspondence dated 14/02/2023 together with the RFI issued by the South Australian Country Fire Service dated 2/03/2023 and provide additional information/clarification to the proposal.

1. Regarding Council's request for a detailed stormwater drainage design, the project engineer remains of the view that:
 - a. Hardstand areas, car parking, driveways and manoeuvring areas exist or comprise compacted gravel and therefore, additional runoff is not caused as a result of the proposal
 - b. The design of the buildings are curved and therefore, do not to capture and re-direct any stormwater
 - c. Decking is of an open nature and therefore, does not capture stormwater.

Given the above, the project engineers are satisfied the development appropriately manages entirely on-site. A significant portion of the land will remain pervious to assist with stormwater runoff and we do not consider there to be any planning consequences as a result of the development from a stormwater management perspective.

2. The application plans have been updated to reflect the location of the existing wastewater systems, which we note to remain clear of the development.
3. We attach a copy of a Bushfire Assessment report prepared by Grant Fleming Environmental. The report responds to the points identified in both Council's and the South Australian Country Fire Service's RFI, while the plans have been appropriately updated to reflect the recommendations and findings of the report.

4. In order to alleviate Council's concerns of the elevated nature of the proposed decking and associated earthworks, the design of the development has responded to this point by virtue of the decked area being bordered by ramped up soil together with strategically placed boulders to enhance the overall character of the land and locality.

The design strikes a balance in maintaining the desired outcomes sought by Council, together with the requirements of the Hazards (Bushfire - High Risk) Overlay. The amended design has been designed in connection with the Bushfire Assessment report prepared by Grant Fleming Environmental and we consider the proposed development to achieve the outcomes sought by the Planning and Design Code.

5. We also take the opportunity to provide an updated Native Vegetation Assessment report to remain in-line with the updated plans and bushfire assessment report. It is noted the updated report has merely increased the native vegetation assessment area and found the proposal to remain appropriate in this regard.

It is trusted the provided information is appropriate for Council to continue with the next stages of the assessment. Should you have any queries relating to this development, please do not hesitate to contact me.

Yours sincerely,



Nicholas Timotheou
Director

URBAN
LIVING CONSULTANTS

PROPOSAL FOR 261 RIFLE RANGE RD, BETHANY



VIEW FROM EXISTING ENTRY ROAD



VIEW FROM EXISTING ENTRY ROAD



VIEW FROM RIFLE RANGE ROAD



TYPICAL BARREL CABIN - EXTERIOR RENDER



TYPICAL BARREL CABIN - INTERIOR RENDER

Sheet Number	Sheet Name	Current Revision	Revision Date
000	COVER SHEET	G	20/06/2023
001	LOCATION PLAN	G	20/06/2023
002	SITE PLAN	G	20/06/2023
003	FLOOR PLANS & SECTIONS	G	20/06/2023
004	SECTIONS	G	20/06/2023
005	ELEVATIONS	G	20/06/2023

* IMAGES FOR ILLUSTRATIVE PURPOSES ONLY

PLANNING DRAWINGS

building designer:

builder & contractor note:

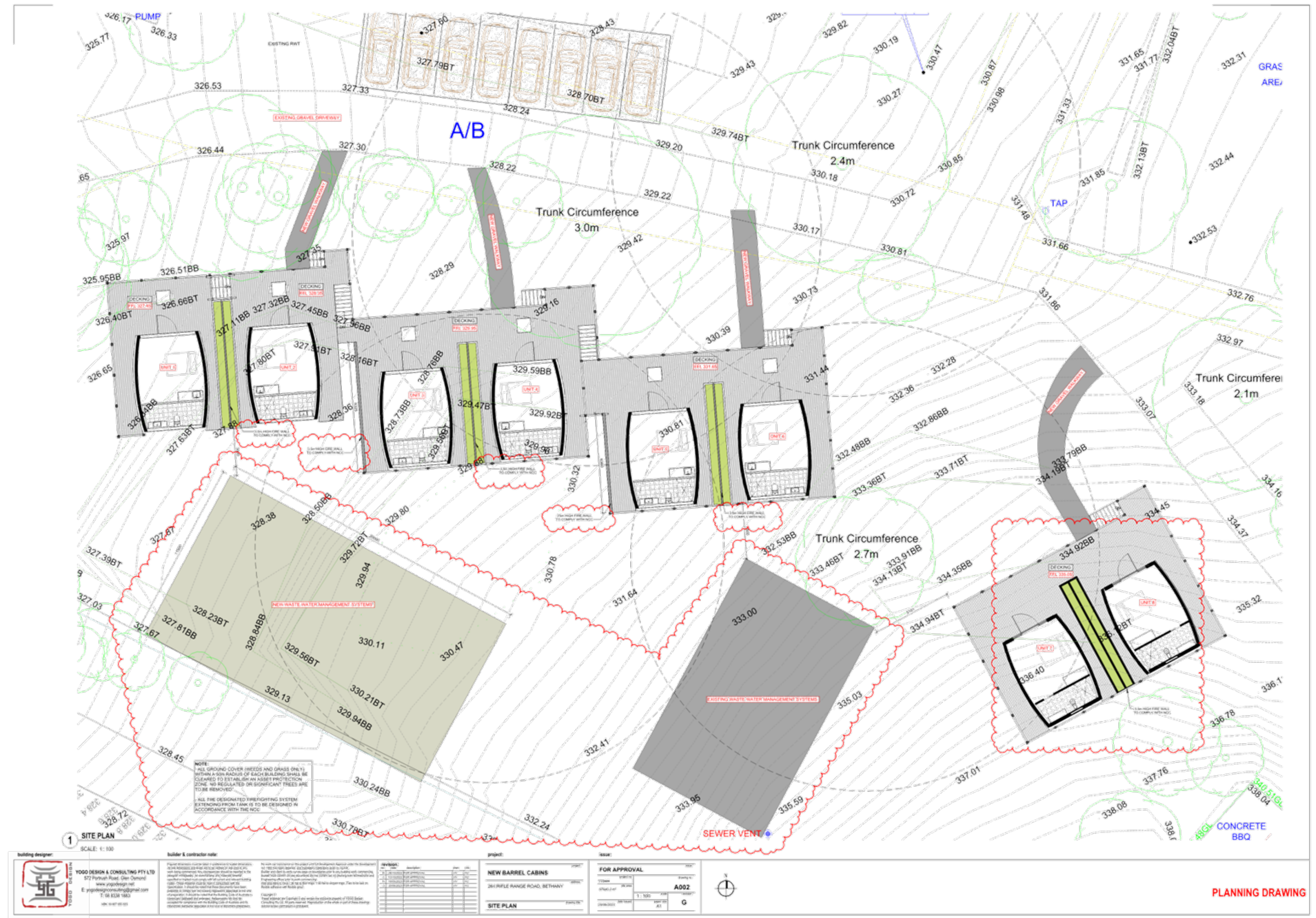
revision:

project:

issue:

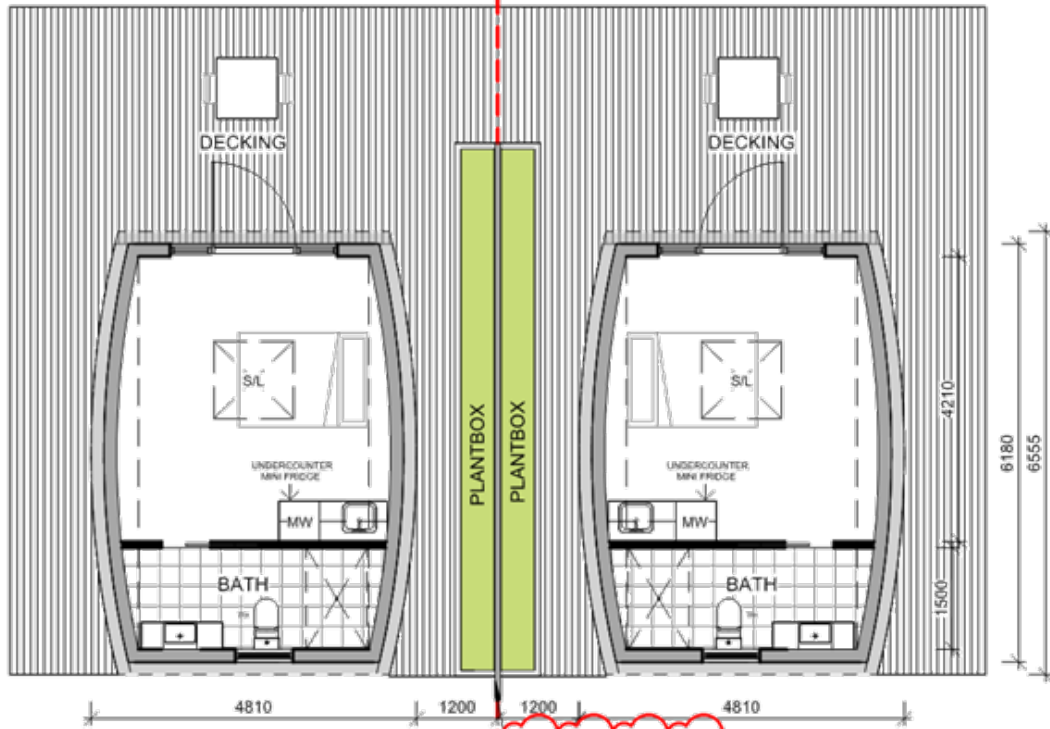
YOGO DESIGN & CONSULTING PTY LTD		NEW BARREL CABINS		FOR APPROVAL	
572 Portrush Road, Glen Osmond www.yogodesign.net E: yogodesignconsulting@gmail.com T: 08 8338 1883 ABN: 93 607 055 925		261 RIFLE RANGE ROAD, BETHANY		Y18###	
Figured dimensions must be taken in preference to scaled dimensions. All site dimensions and levels are to be verified on site prior to any work being commenced. Any discrepancies should be reported to the designer immediately. All workmanship and materials whether specified or implied must comply with all current and relevant building codes. These drawings must be read in conjunction with the Specification. It should be noted that these documents have been prepared to comply with the building regulations applicable at the time of preparation. It should be noted that the Building Code of Australia is continually upgraded and amended. Responsibility will only be accepted for compliance with the Building Code of Australia and its referenced standards applicable at the time of document preparation.		No work can commence on this project until full Development Approval under the Development Act 1993 has been obtained, and mandatory notification given to council. Builder and client to verify survey pegs on boundaries prior to any building work commencing. Builder must confirm on-site documents are the current set, by phoning both Architectural and Engineering offices prior to work commencing. Wet area tiling to have 1.80 fall to floor traps, 1.50 fall to shower traps. Tiles to be laid on flexible adhesive with flexible grout.		drawing no: A000	
Copyright © These drawings are Copyright © and remain the exclusive property of YOGO Design Consulting Pty Ltd. All parts reserved. Reproduction of the whole or part of these drawings without written permission is prohibited.		drawing title: COVER SHEET		scale: A3 revision: G	





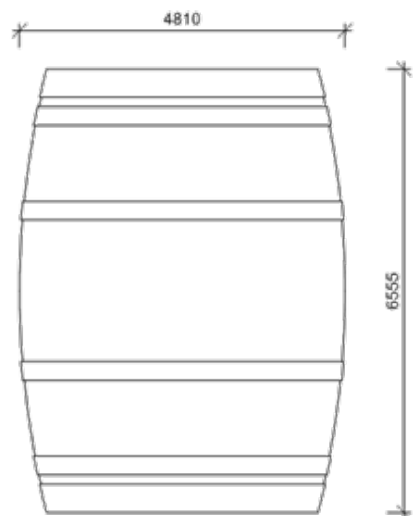


SCALE 1:100 @ A3



1 TYPICAL FLOOR PLAN

SCALE: 1:100



BARREL TOP VIEW

building designer:

YOGO DESIGN & CONSULTING PTY LTD

572 Portrush Road, Glen Osmond

www.yogodesign.net

E: yogodesignconsulting@gmail.com

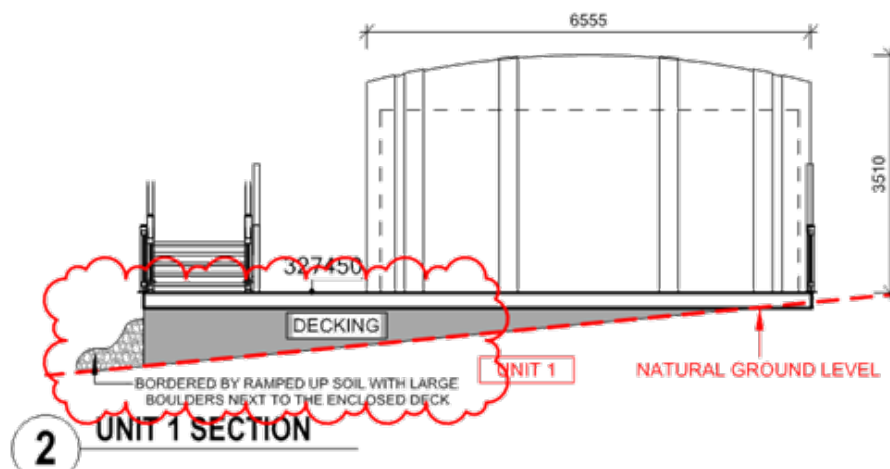
T: 08 8338 1883

ABN: 93 607 055 925

builder & contractor note:

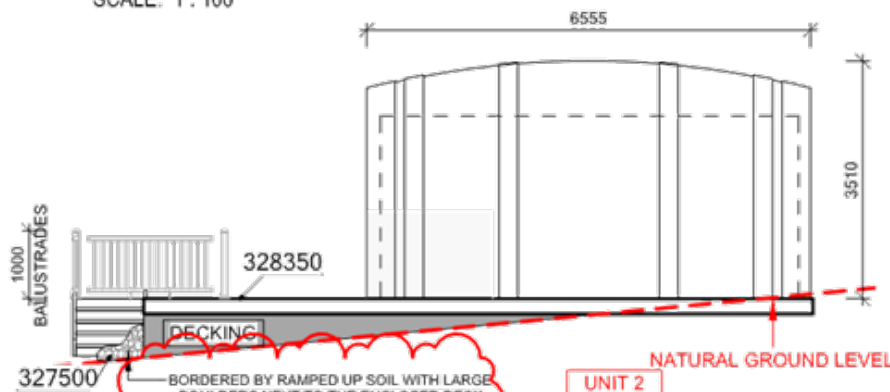
Figured dimensions must be taken in preference to scaled dimensions. All site dimensions and levels are to be verified on site prior to any work being commenced. Any discrepancies should be reported to the designer immediately. All workmanship and materials whether specified or implied must comply with all current and relevant building codes. These drawings must be read in conjunction with the Specification. It should be noted that these documents have been prepared to comply with the building regulations applicable at the time of preparation. It should be noted that the Building Code of Australia is continually upgraded and amended. Responsibility will only be accepted for compliance with the Building Code of Australia and its referenced standards applicable at the time of document preparation.

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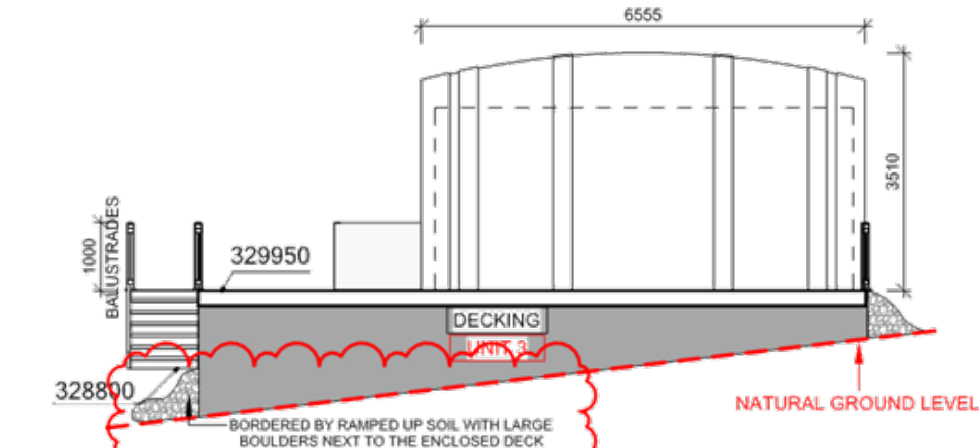
2 UNIT 1 SECTION

SCALE: 1:100



3 UNIT 2 SECTION

SCALE: 1:100



4 UNIT 3 SECTION

SCALE: 1:100

PLANNING DRAWINGS

building designer:

YOGO DESIGN & CONSULTING PTY LTD

572 Portrush Road, Glen Osmond

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E: yogodesignconsulting@gmail.com

T: 08 8338 1883

ABN: 93 607 055 925

builder & contractor note:

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revision:

rev.	date	description	drawn	chk.
A	03/06/2022	FOR REVIEW	YY	YG
B	06/10/2022	FOR APPROVAL	YY	YG
C	13/10/2022	FOR APPROVAL	YY	YG
F	18/05/2023	FOR APPROVAL	YY	YG
G	20/06/2023	FOR APPROVAL	YY	YG

project:

NEW BARREL CABINS

261 RIFLE RANGE ROAD, BETHANY

drawing title: FLOOR PLANS & SECTIONS

issue:

FOR APPROVAL

project no:	Y18###	drawing no:	A003
site area:	67640.2 m²	scale:	1:100 @ A3
date issued:	20/06/2023	revision:	G
paper size:	A3		

building designer:



YOGO DESIGN

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builder & contractor note:
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revision:				
rev:	date:	description:	drawn:	chk:
A	03/08/2022	FOR REVIEW	YY	YG
B	06/10/2022	FOR APPROVAL	YY	YG
C	13/10/2022	FOR APPROVAL	YY	YG
F	18/05/2023	FOR APPROVAL	YY	YG
G	20/06/2023	FOR APPROVAL	YY	YG

project:

NEW BARREL CABINS

261 RIFLE RANGE ROAD, BETHANY

SECTIONS

issue:

FOR APPROVAL

project no:

Y18###

site area:

67840.2 m²

date issued:

20/06/2023

drawing no:

A004

scale:

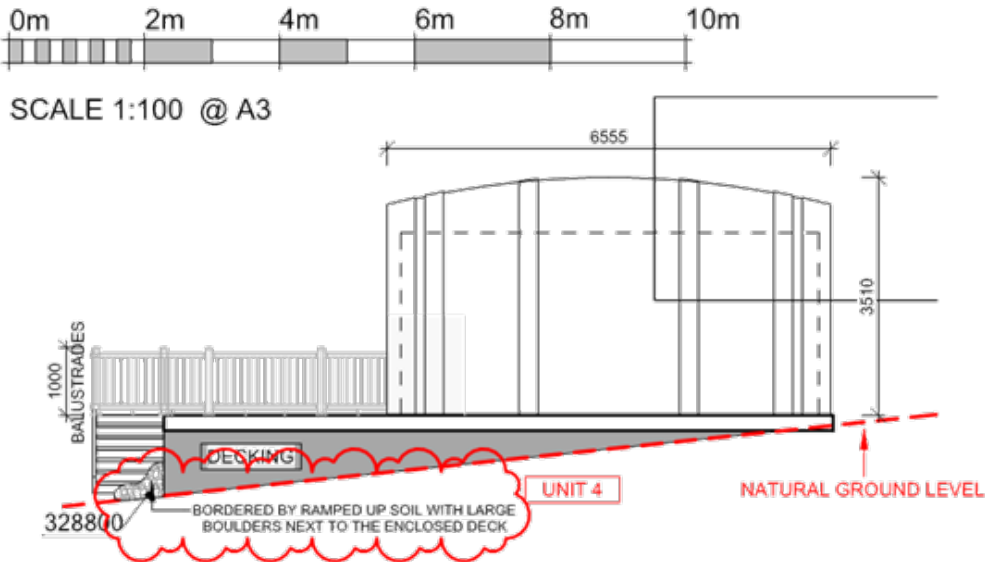
1 : 100 @ A3

paper size:

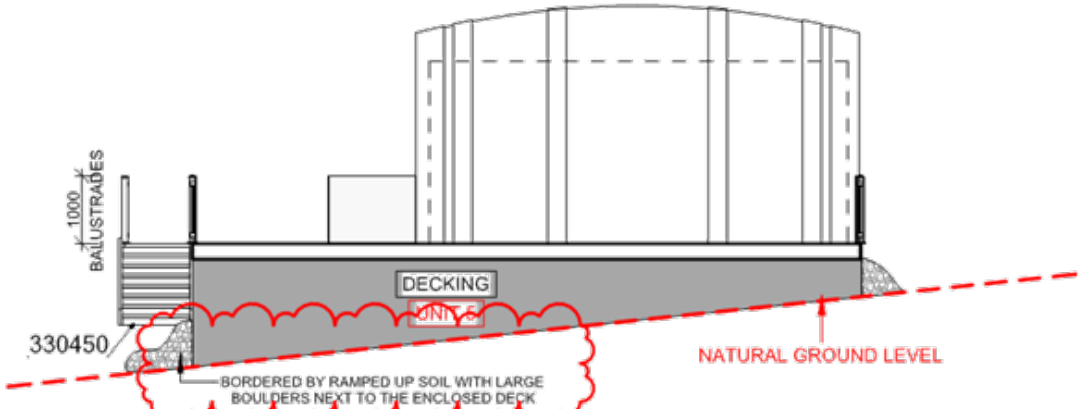
A3

revision:

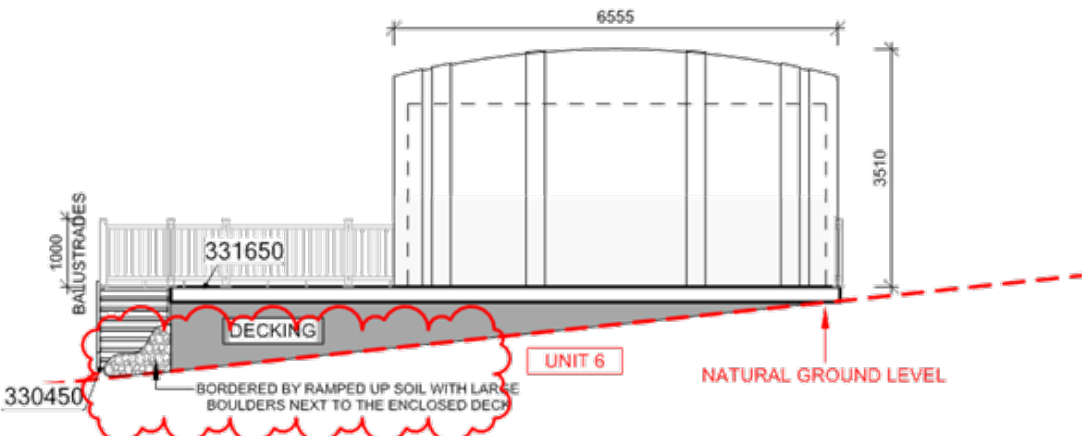
G



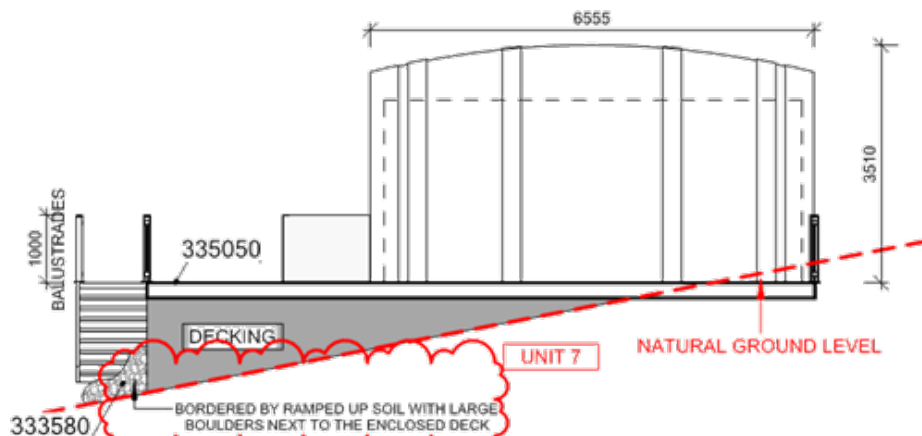
1 UNIT 4 SECTION
SCALE: 1 : 100



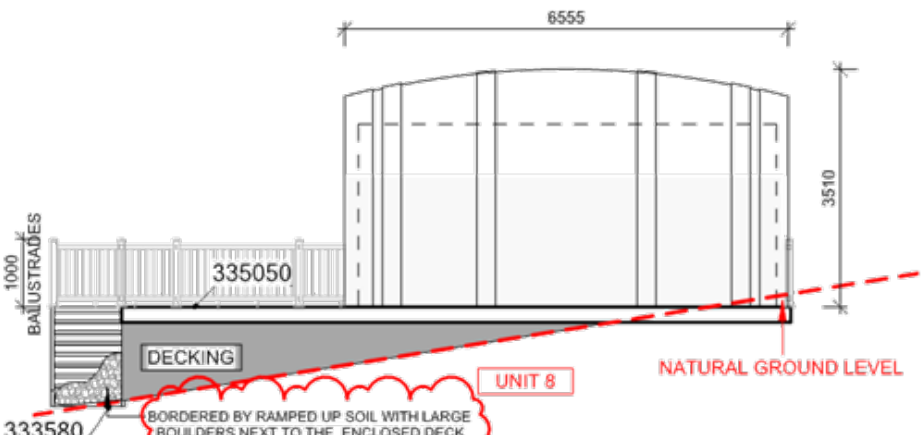
2 UNIT 5 SECTION
SCALE: 1 : 100



3 UNIT 6 SECTION
SCALE: 1 : 100



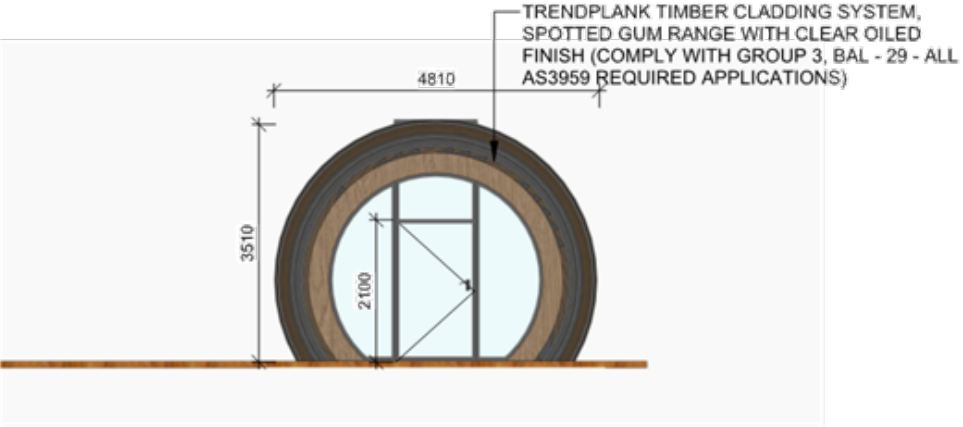
4 UNIT 7 SECTION
SCALE: 1 : 100



5 UNIT 8 SECTION
SCALE: 1 : 100

PLANNING DRAWINGS

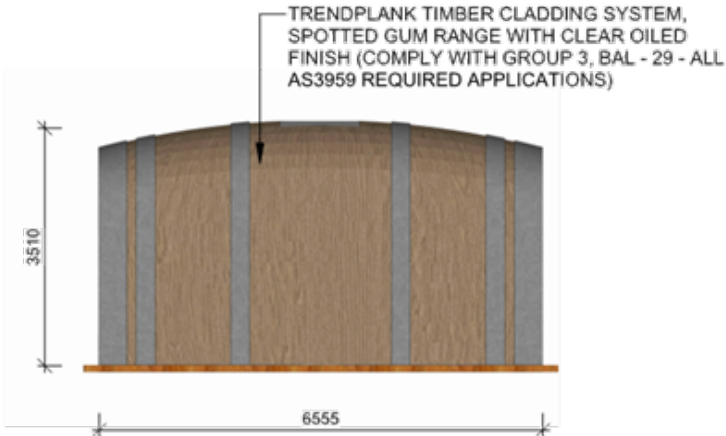
NOTE:
CONSTRUCTION TO COMPLY WITH BUSHFIRE
CONSTRUCTION REQUIREMENTS FOR BUSHFIRE ATTACK
LEVEL BAL - 29, REFER TO "SPECIFICATIONS FOR
BUSHFIRE CONSTRUCTION REQUIREMENTS FOR
BUSHFIRE ATTACK LEVEL BAL - 29 (HIGH BUSHFIRE RISK
ON DEVELOPMENT PLAN)"



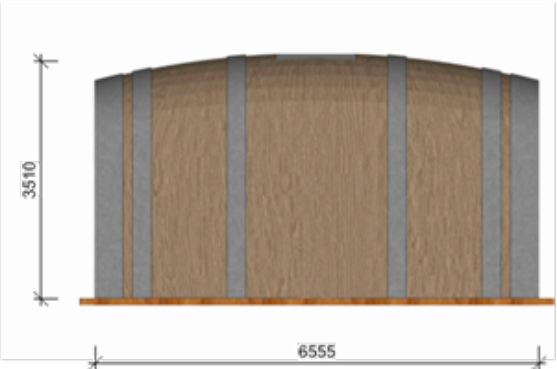
1 FRONT ELEVATION
SCALE: 1 : 100



2 REAR ELEVATION
SCALE: 1 : 100



3 LEFT ELEVATION
SCALE: 1 : 100



4 RIGHT ELEVATION
SCALE: 1 : 100



TRENDPLANK TIMBER CLADDING,
SPOTTED GUM, CLEAR OILED FINISH

building designer:



YOGO DESIGN & CONSULTING PTY LTD
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revision:

rev:	date:	description:	dwn:	chk:
A	03/08/2022	FOR REVIEW	VY	YG
B	06/10/2022	FOR APPROVAL	VY	YG
C	13/10/2022	FOR APPROVAL	VY	YG
F	18/05/2023	FOR APPROVAL	VY	YG
G	20/06/2023	FOR APPROVAL	VY	YG

project:

NEW BARREL CABINS

261 RIFLE RANGE ROAD, BETHANY

ELEVATIONS

issue:

FOR APPROVAL

project no:	drawing no:
Y18###	A005
site area:	revision:
67840.2 m ²	1 : 100 @ A3
date issued:	paper size:
20/06/2023	A3
	G

PLANNING DRAWINGS

WINE BARREL OUTDOOR
FURNITURE & PLANTBOX



TRELLIS ON PLANTBOX



INTERIOR DESIGN
PRECEDENT



PLANNING DRAWINGS

building designer:

builder & contractor note:

revision:

project:

issue:

 YOGO DESIGN & CONSULTING PTY LTD 572 Portrush Road, Glen Osmond www.yogodesign.net E: yogodesignconsulting@gmail.com T: 08 8338 1883 ABN: 93 607 055 925	Figured dimensions must be taken in preference to scaled dimensions. All site dimensions and levels are to be verified on site prior to any work being commenced. Any discrepancies should be reported to the designer immediately. All workmanship and materials whether specified or implied must comply with all current and relevant building codes. These drawings must be read in conjunction with the Specification. It should be noted that these documents have been prepared to comply with the building regulations applicable at the time of preparation. It should be noted that the Building Code of Australia is continually upgraded and amended. Responsibility will only be accepted for compliance with the Building Code of Australia and its referenced standards applicable at the time of document preparation. 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colspan="2">261 RIFLE RANGE ROAD, BETHANY</td><td>address:</td><td>project no:</td><td colspan="2">drawing no:</td></tr><tr><td colspan="2"> </td><td> </td><td>Y18###</td><td colspan="2">A006</td></tr><tr><td colspan="2"> </td><td> </td><td>67540.2 m²</td><td>site area:</td><td> </td></tr><tr><td colspan="2"> </td><td> </td><td> </td><td> </td><td> </td></tr><tr><td colspan="2"> </td><td> </td><td> </td><td> </td><td> </td></tr><tr><td colspan="2"> </td><td> </td><td> </td><td> </td><td> </td></tr><tr><td colspan="2"> </td><td> </td><td> </td><td> </td><td> </td></tr><tr><td colspan="2"> </td><td> </td><td> </td><td> </td><td> </td></tr><tr><td colspan="2"> </td><td> </td><td> </td><td> </td><td> </td></tr><tr><td colspan="2"> </td><td> </td><td> </td><td> </td><td> </td></tr><tr><td colspan="2"> </td><td> </td><td> </td><td> </td><td> </td></tr><tr><td colspan="2"> </td><td> </td><td> </td><td> </td><td> </td></tr><tr><td colspan="2"> </td><td> </td><td> </td><td> </td><td> 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On-Site Wastewater Report

Prepared For
Yogo Design & Consulting Pty Ltd

Intrax Project Number
S#194587

Site Address
261 Rifle Range Road Bethany

Council
The Barossa Council

Author
Alvin Hu

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On-Site Wastewater Report SA
13/01/2023

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Date	Rev	Author	Comments
13/01/2022	A	Alvin Hu	First Edition

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On-Site Wastewater Report SA
13/01/2023

1 Site Information

SOIL TYPE	CLAY
FALL	Relatively Flat
SURFACE MOISTURE	TBC
BEDROCK	TBC
WATER TABLE	TBC
WATER BORE	Not located within 50m of Wastewater disposal system
WATERCOURSES/DAMS/FORESHORE	Not located within 50m of Wastewater disposal system
SURFACE VEGETATION	Grass
SITE CLASSIFICATION	S
FLOODING	Not subject to regular flooding (within 1 in 10 Years or more)

2 Design Information

SOIL CATEGORY	4 (as per AS1547)
DESIGN IRRIGATION RATE (DIR)	3.5 L/m ² /day
NUMBER OF PERSONS USING SYSTEM	8
DAILY FLOW PER PERSON PER DAY	100 L/person/day
SPA BATH	Not present
HYDRAULIC LOAD	800 L/day
SURFACE CONTACT AREA REQUIRED	230 m ²

3 On-Site Wastewater Treatment Information (Drip Irrigation)

METHOD OF EFFLUENT DISPOSAL	Secondary treated effluent system into subsurface irrigation area
WASTEWATER TREATMENT SYSTEM	Ri-Treat EP10 Tank, (or APPROVED EQUIVALENT)
WASTEWATER DISPOSAL REQUIREMENTS	230 m ² surface spray irrigation area (minimum)
DISTRIBUTION LINE	25mm LILAC POLYPIPE
DRIP LINE	NETAFIM UNIBIOLINE CNL XR 16010 (or APPROVED EQUIVALENT) with emitter spacing 300mm
FLUSH RETURN LINE	25mm LILAC POLYPIPE
CULTIVATION	Surface to be cultivated and covered with 150-250mm friable soil or existing topsoil if suitable. Bench area to reduce fall to be less than 20% slope as required
PLANTATION	Grassed or planted with salt & high nutrient shrubs.

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4 Provisions for On-site Wastewater Installation

- Surface runoff to be directed away from effluent disposal area.
- All setbacks as specified are satisfied (On-site Wastewater Systems Code - Appendix B).
- Construction of effluent disposal area in accordance with Site Layout Plan (C1), underfloor plumbing to be installed in accordance with AS3500.
- Maintenance details to be provided by a licensed installer at time of installation.
- This site has been classified as suitable for long term effluent disposal.

5 References

- On-site Wastewater Systems Code, SA Health 2013
- On-site Domestic Wastewater Management AS/NZS 1547:2012

Should you have any questions regarding this report please do not hesitate to contact Intrax on 08 8165 0122.

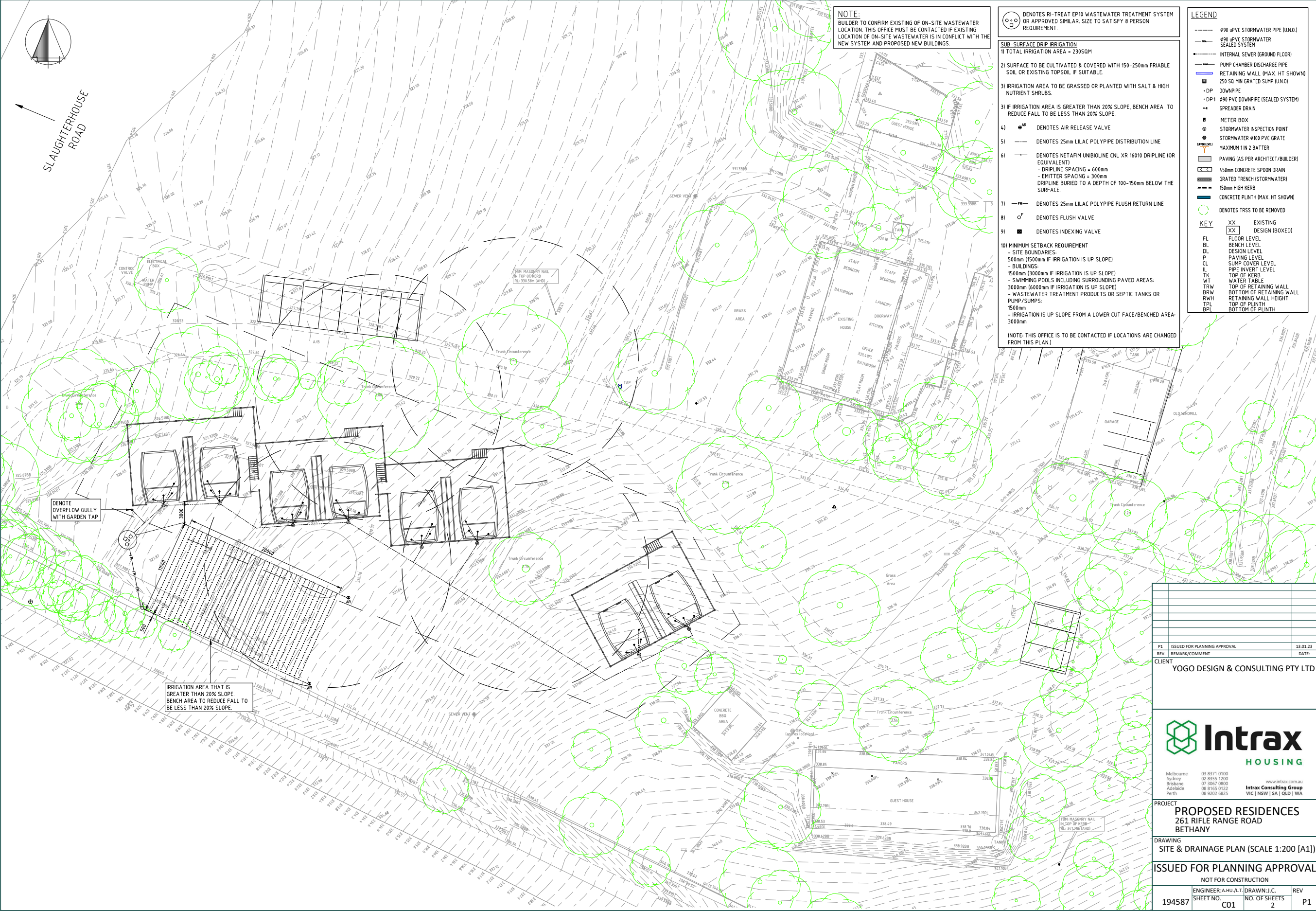
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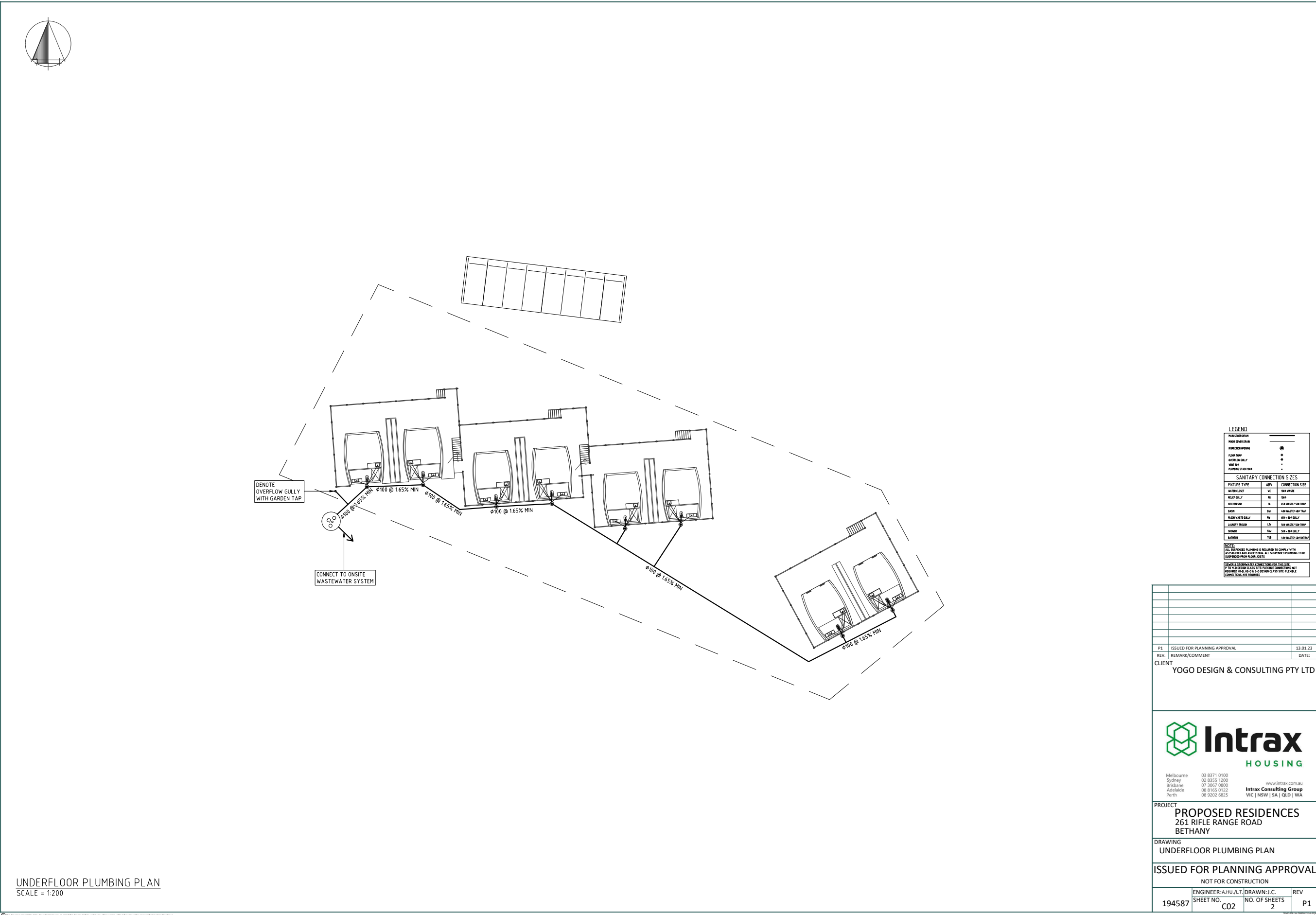
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BUSHFIRE DEVELOPMENT ASSESSMENT – 261 RIFLE RANGE ROAD, BETHANY, SA.



**URBAN LIVING
CONSULTANTS**

FINAL REPORT

11 MAY 2023



GRANT FLEMING ENVIRONMENTAL

Bushfire Development Assessment – 261 Rifle Range Road, Bethany, SA.

Cover Photographs: Grant Fleming 2022.

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Bushfire Development Assessment – 261 Rifle Range Road, Bethany, SA.

EXECUTIVE SUMMARY

Grant Fleming Environmental (GFE) has prepared the Bushfire Development Assessment (BDA) for the proposed tourist development at 261 Rifle Range Road, Bethany for Urban Living Consultants (ULC) on behalf of Mr Jonathon Jianing Li, Orchid Wine Estate (client). A preliminary risk assessment identified the presence of vegetation classified as Grassland (G) in accordance with AS3959:2018 to the southwest, south and southeast of the site adjacent Rifle Range Road that poses a grassfire threat to the proposed development. Grass present to the north of the proposed development within the vineyard has the potential to become classified vegetation in accordance with AS3959 if it is not managed.

The proposed tourist development was assessed against the requirements of the Hazards (Bushfire – High Risk) Overlay under the P&D Code of the PDI Act and Government of South Australia (2020) *Ministerial Building Standard MBS 008*. It is recommended that the existing driveway be audited and maintained to ensure compliance with the required *Ministerial Building Standard MBS 008*. Consideration should be given to the construction of a stone gabion wall or similar structure to provide a non-combustible screen extending from the entrance to the northeast on the northern side of the existing driveway to provide a physical barrier to a grassfire and as a minimum a structure be provided to screen the proposed water supply and pump location. A bushfire risk audit of the entire site has been recommended to identify bushfire hazards and recommend measures to mitigate risk. Similarly, the landscape plan for the proposed development site should be reviewed when developed to ensure compliance with the requirements of the APZ.

No evidence of bushfire was observed at the site. Historically large bushfires have occurred in the Barossa Valley and the ranges to the east of the property. Potential fire runs through the established vineyards exist from the north and northwest when the under vine and inter row grass is not managed and would pose the greatest threat to the site on days of catastrophic fire danger. It is essential that these grasslands be maintained ≤ 10 cm for the duration of the fire danger season.

The BAL was determined using AS 3959:2018 for the proposed accommodation units to be BAL 12.5. The BAL remains as BAL 12.5 following the application of a 20 m APZ around all proposed infrastructure. Rifle Range Road provides additional separation to the grazing paddocks located within 100 m of the proposed accommodation on the southern side of Rifle Range Road.

A 20 m APZ - A-zones are required to be established around all existing and proposed infrastructure subject to native vegetation clearance approval. Grass in the APZ is to be maintained ≤ 10 cm for the duration of the fire danger season and vegetation is to be managed to maintain a fuel load of Moderate or lower.

The logo for Grant Fleming Environmental (GFE) features a stylized, hand-drawn line representing a landscape or a path, with the letters 'GFE' written in a simple, sans-serif font below it.

Bushfire Development Assessment – 261 Rifle Range Road, Bethany, SA.

GLOSSARY OF TERMS AND ABBREVIATIONS

GLOSSARY OF TERMS AND ABBREVIATIONS	
AMLR BMAP	Adelaide and Mount Lofty Ranges Bushfire Management Area Plan
APZ (A-zone)	Asset Protection Zone
Assets	Assets may be related to human settlements including existing infrastructure; roads, footpaths, parks, buildings or environmental assets; components of the environment that may be at risk from bush fire including rated species or socioeconomic assets such as historic or culturally significant places or elements of the environment.
BAL	Bushfire Attack Level. AS 3959 (2009) describes six levels of risk of bushfire attack including BAL-LOW, BAL-12.5, BAL-19, BAL-29, BAL-40 and BAL-FZ and are based upon the potential exposure to heat flux thresholds, expressed as kW/m ² .
BDA	Bushfire Development Assessment – the process of evaluating a development within a bushfire prone area against the legal requirements to protect property and lives against bushfire risk.
DEWNR	Department of Water and Natural Resources
BBZ (B-zone)	Bushfire Buffer Zone
BDC	Barossa District Council
BPA	Bushfire Prone Area/ Bushfire Protection Area
Bushfire	A general term used to describe fire in vegetation, including grass fire and forest fire.
Bushfire Hazard	The potential severity of a bushfire, which is evaluated by fuel load, fuel arrangement and topography under a given climatic condition.
Bushfire Management	A systematic process that identifies and assesses assets and provides a range of treatments that contributes to the wellbeing of communities and the environment, which suffer the adverse effects of wildfire/bushfire.
Bushfire Risk	The chance of a bushfire igniting, spreading and causing damage to the environment, community or assets.
Bushfire Threat	Potential bushfire exposure of an asset due to the proximity and type of a hazard, and the slope on which the asset is situated.
CFS	Country Fire Service, South Australia
Clearance	The physical removal of vegetation. This may involve the removal of all vegetation from an area, for example on a fire track, through to trimming branches or the selective removal of species or a stratum of vegetation. With the exception of a fire track, generally clearance does not mean the removal of all vegetation.
C-zone	Conservation Zone
DA	Development Application
DEM	DEM Digital Elevation Model
DPF	Designated Performance Feature
DENR	Department of Environment and Natural Resources (Now Department for Environment and Water).
DTS	Deemed-to-Satisfy
EPBC Act	Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>
X-zone	Exclusion zone



Bushfire Development Assessment – 261 Rifle Range Road, Bethany, SA.

GLOSSARY OF TERMS AND ABBREVIATIONS	
FDI	Fire Danger Index
FES Act	Fire and Emergency Services Act 2005
FFDI	Forest Fire Danger Index
FLA	Fuel load assessment
FMZ	Fire Management Zone
FRL	Fire Resistance Level
GFE	Grant Fleming Environmental
GIS	Geographic Information System
ha	Hectare, 1 hectare = 10,000 metres ² .
IAPZ	Inner asset protection zone - land adjacent to assets with a low fuel hazard, reducing the level of ember attack, direct flame contact and radiant heat impact and providing a defensible space with increased safety under some conditions (ESA 2014 ¹).
K	Kelvin the primary unit of temperature in the International System of Units.
LG Act	Local Government Act 1999
LMA	Land Management Agreement
LSA Act	<i>Landscape South Australia Act 2019</i>
MNES	Matters of national environmental significance
NCC	National Construction Code
NSW RFS	New South Wales Rural Fire Service
NV Act	<i>South Australian Native Vegetation Act 1991</i>
OAPZ	Outer asset protection zone - land adjacent to an inner asset protection zones, where fuel hazard is reduced to a lesser extent than within the IAPZ.
PBP	NSW RFS 2019. <i>Planning for Bushfire Protection: A guide for Councils, planners, fire authorities and developers.</i>
P&D Code	Planning and Design Code, South Australia
PDI Act	<i>Planning, Development and Infrastructure Act 2016</i>
PO	Performance Outcomes
PRA	Preliminary Risk Assessment
S Zone (SFMZ)	Strategic Fuel Management Zone - These zones are strategically located to slow the spread of unplanned fires and reduce fire intensity and spotting.
SA SBCC	South Australian State Bushfire Coordination Committee
ULC	Urban Living Consultants



Bushfire Development Assessment – 261 Rifle Range Road, Bethany, SA.

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Bushfire Development Assessment – 261 Rifle Range Road, Bethany, SA.

1 INTRODUCTION

1.1 Purpose

Grant Fleming Environmental (GFE) has been engaged by Nicholas Timotheou (Urban Living Consultants) on behalf of Jonathon Jianing Li (client) to undertake a Bushfire Development Assessment (BDA) of the proposed development of 261 Rifle Range Road, Bethany, South Australia 5222 (site), Figure 1.

A Development Application (DA) *Reference Number – 22034751* has been lodged with the Barossa District Council (BDC) to obtain development approval and building consent for the proposed development of the site. As the site is a designated bushfire prone area mapped as within the Hazards (Bushfire – High Risk) Overlay of the Planning and Design Code (P&D Code) under the *Planning, Development and Infrastructure Act 2016* (PDI Act) a referral to the South Australian Country Fire Service (CFS) is triggered. The CFS has undertaken a review of the proposed site, planned development and adjoining areas against the statutory requirements that relate to bushfire risk and mitigation. The findings of the CFS review are considered and addressed within this BDA.

The planning stage of a proposed development allows compliance with statutory requirements to be evaluated and consideration of appropriate bushfire protection measures (BPMs) for incorporation into the proposed development.

This BDA reviews the proposed development including the proposed layout of the short-term tourist accommodation comprised of eight buildings, associated car park spaces, access and egress and required dedicated fire-fighting water system with respect to classified vegetation that determines the Bushfire Attack Level (BAL) applicable to the construction of accommodation within the development. Statutory requirements including the Performance Outcomes (PO) required in the National Construction Code (NCC) will be considered including:

- Siting
- Access and Egress (public and emergency vehicles)
- Water supply
- Vegetation clearance
- Construction structural standards
- Firefighting equipment

BPMs will be recommended to minimize the threat of bushfire and to protect life and property.

1.2 BDA objectives

The BDA objectives are as follows:

- Conduct a Preliminary Risk Assessment (PRA) to establish the nature of bushfire risk that the site may be exposed to.
- Review the proposed development against the requirements of the following:
 - Hazards (Bushfire – High Risk) Overlay under the P&D Code of the PDI Act.



Bushfire Development Assessment – 261 Rifle Range Road, Bethany, SA.

- Government of South Australia. Ministerial Building Standard MBS 008. Designated Bushfire Prone Areas – Additional Requirements July 2020
- National Construction Code of Australia (NCC)
- Australian Standard 3959 – Construction of buildings in bushfire prone areas.
- Consider the proposed development conformance with the NSW Rural Fire Service 2019 *Planning for bushfire protection (PBP) guide*

1.3 Proposed Development

The site is located entirely within the Barossa District Council (BDC) Local Government Area (LGA), Figure 1. The location of the proposed development is summarised in Table 1.

Table 1. Location of Proposed Land Division

Landowner:	Mr Jonathon Jianing Li, Orchid Wine Estate		
Site Address:	261 Rifle Range Road, Bethany SA 5352		
Local Government Area:	Barossa District Council	Hundred:	Moorooroo
Title ID:	CT/6117/263	Parcel ID	D57830 A1

The site is comprised of an individual property (CT/6117/263) that occupies 6.7423 ha, although the proposed development is restricted to the hillslope on the eastern side of the entrance driveway, between the entrance to the property and the existing accommodation.

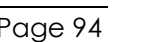
The majority of the property is comprised of a managed vineyard with existing tourist accommodation known as the 'Blinckinstal Barossa Valley Retreat' that is comprised of two single storey buildings with four suites and two suites respectively, available for short term tourist stays. The other existing buildings at the property include a four car garage and a single storey residence historically utilised by the property manager. Existing car parking is available for 16 vehicles, while it is proposed to provide an additional eight car parking spaces on the northern side of the driveway. The proposed development involves the construction of eight wine barrel shaped buildings for short term accommodation. The access road will be brought into compliance with the performance outcome (PO) requirements of the Hazards (Bushfire – High Risk) Overlay where necessary to support safe access and egress by emergency service vehicles, Figure 1.

The site is located within the Rural Zone of the P&D Code with general farming, grazing and viticulture as the main land use in the surrounding area, Figure 2 and Figure 4. The Overlays under the P&D Code of the PDI Act that apply to the proposed development include the Hazards (Bushfire – High Risk) Overlay as mentioned. The Native Vegetation Overlay applies to the property and all native vegetation present on the site is protected under the *Native Vegetation Act 1991* (NV Act).

Additional overlays that apply to the site include the Character Preservation District – Not In Township, Hazards (Flooding – Evidence Required), Limited Land Division, Prescribed Water Resources Area, Significant Landscape Protection, Water Protection Area and the Water Resources Overlays.







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1.4 Bushfire Protection Area (BPA)

The site is located within the Hazards (Bushfire – High Risk) Overlay under the P&D Code of the PDI Act as mapped by the Attorney General's Department (Government of South Australia 2022). The south-western and western boundaries of the site adjoin the Hazards (Bushfire – Medium Risk) Overlay, Figure 3.

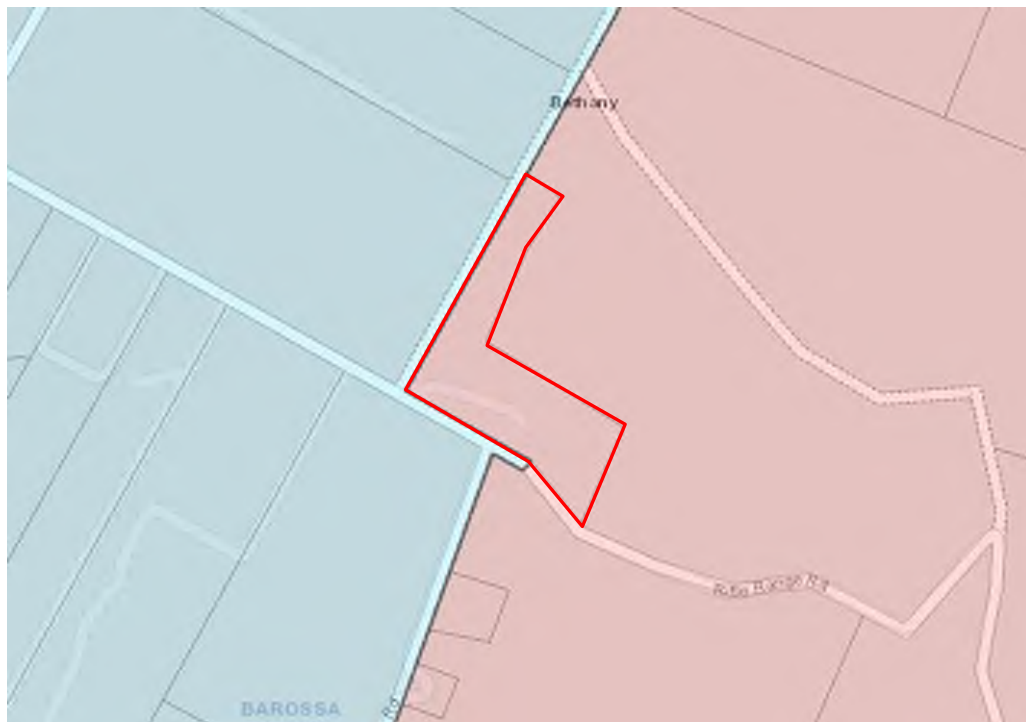


Figure 3 Bushfire Protection Areas (Pink - High Bushfire Risk, Blue – Medium Bushfire Risk) Source: <https://sappa.plan.sa.gov.au/>

In accordance with the Ministerial Building Standard MBS 008 the Bushfire Attack Level (BAL) within an area identified as being within the Hazards (Bushfire – High Risk) Overlay is required to be determined in accordance with Australian Standard AS3959 - *Construction of buildings in bushfire-prone areas* (AS 3959).

1.5 Surrounding land use

The generalised land use at the site is mapped as residential/rural residential, Figure 4. To the east of the site land use is pastoral and mapped as "Livestock" (NatureMaps 2023). Photo 1 shows the eastern portion of the property that includes vineyard and pastoral land, with pastoral land extending further east. Land further east includes areas classified as 'Conservation and Natural Environments'. Approximately 2.6 km southeast of the site is Kaiserstuhl Conservation Park. Mount Crawford Forest Reserve is located approximately 3 km south-southeast of the site at Pewsey Vale and is comprised largely of softwood plantations. Land use along the foothills that extend in a broadly northeast to southwest alignment is typically vineyards and the area is a significant wine region.



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Photo 1 Land use to the east of the property.

The land use category west of the site is 'Production from Irrigated Agriculture and Plantations' with smaller areas of 'Intensive Uses' and areas of 'Production from Dryland Agriculture and Plantations' forming a mosaic that is dominated by vineyards. Photo 2 shows the extent of vineyards to the southwest of the site and vineyards continue to be the predominant land use to the west of the site, Photo 3.



Photo 2. Land use to the south west – vineyards & grazing. (Fuel load Assessment location Number 4)



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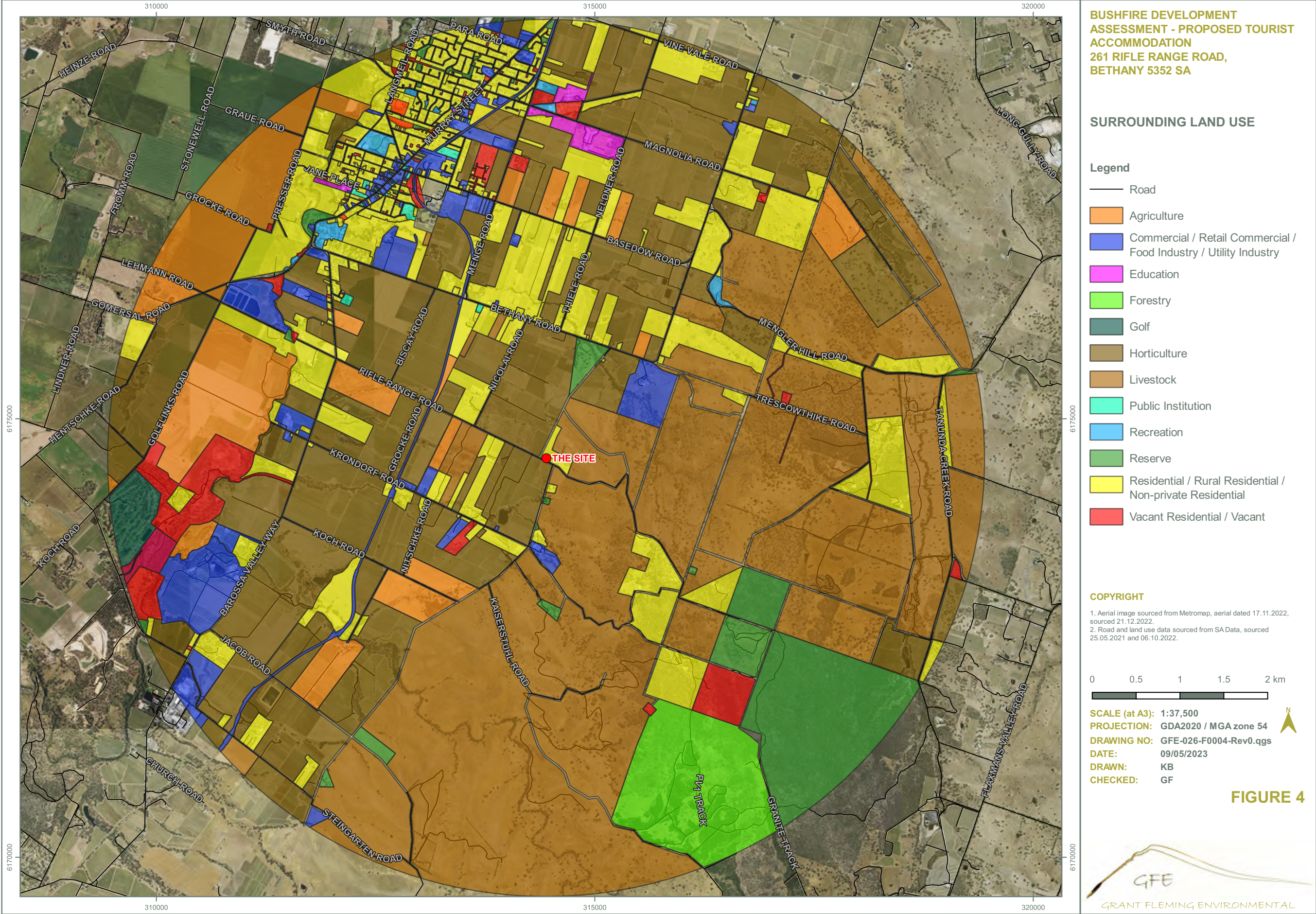
Photo 3. Land use to the west – vineyards & grazing.

A vineyard is located immediately to the north of the proposed development site, with Photo 4 showing the vineyard adjacent to the proposed new car park location on the northern side of the entrance driveway.



Photo 4. Land use to the north – vineyards & grazing.





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1.6 Legislative Context

1.6.1 The Local Government Act 1999

The Barossa District Council has a responsibility under the *Local Government Act 1999* (LG Act) to take action that will help to protect the Council area from bushfires or acts of arson. Under Section 7 of the LG Act Council is required “(d) to take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards”.

The Barossa District Council is currently responsible for managing the road reserves on Rifle Range Road that is located on the southern side of the site and forms the primary access to the site.

The LG Act is not prescriptive in that it does not instruct Council with regard to how Council is to manage bushfire, although it does provide Council with some powers to make orders (Section 254), including the power to “remove overgrown vegetation, cut back overhanging branches, or to remove a tree” and the power to make by-laws (Section 246).

1.6.2 Fire and Emergency Services Act 2005 & Fire and Emergency Services (Review) Amendment Act 2009

Council is provided with more extensive fire prevention powers under the *Fire and Emergency Services Act 2005* (FES Act) that incorporates the *Fire and Emergency Services (Review) Amendment Act 2009* and forms the principal legislation under which Council operates with regard to fire management. Section 105F requires private land owners (Jonathon Jianing Li) to:

- (a) prevent or inhibit the outbreak of fire on the land
- (b) prevent or inhibit the spread of fire through the land
- (c) protect property on the land from fire
- (d) minimise the threat to human life from fire on the land.

Under Section 105F of the *Fire and Emergency Services Act 2005* (FES Act) Council can issue notices to landholders in order to clean up fire fuels and to prepare and maintain their property ahead of the fire danger season.

This legislation also creates the establishment of the fire danger season and establishes the fire districts.

1.6.3 Planning, Development and Infrastructure Act 2016

The PDI Act is the principal legislation that addresses bushfire risk within South Australia with regard to planning and building within bushfire prone areas.

Bushfire prone land within South Australia has been categorized and mapped into six Bushfire Protection Areas (BPAs) by the Attorney Generals Department. Each BPA category corresponds to the level of bushfire risk determined to be present. The six categories as follows are published as Overlays in the *Planning and Design Code* within the *Planning, Development and Infrastructure Act 2016*:

- Hazard (bushfire – general risk) Overlay
- Hazard (bushfire – medium risk) Overlay
- Hazard (bushfire – high risk) Overlay
- Hazard (bushfire – regional) Overlay



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- Hazard (bushfire – outback) Overlay
- Hazard (bushfire – urban interface) Overlay

The Bushfire Protection Area (BPA) for the area in which the site occurs has been designated as HIGH. The Hazards (Bushfire – High Risk) Overlay as published in the *Planning and Design Code* within the *Planning, Development and Infrastructure Act 2016* applies to the site. In addition to the Hazards (Bushfire – High Risk) Overlay the *Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements* document identifies bushfire prone areas and additional bushfire safety requirements.

The South Australian PDI Act contains the Building Rules that call up the Building Code of Australia (BCA) that is in turn comprised of Volume 1 and 2 of the National Construction Code (NCC). The Australian Standard AS 3959-2009 *Construction of Buildings in Bushfire Prone Areas* is called up by the BCA for residential buildings and accommodation buildings on land that has been declared bushfire prone.

The NCC specifies general fire safety construction and performance requirements.

Significant and regulated trees within the land division area are afforded protected under the PDI Act however, the *Native Vegetation Act 1991* (NV Act) takes precedence. Approval would be required to be obtained from Council prior to the removal of any non-native significant or regulated trees at the site unless the tree concerned was exempt under the PDI Act.

1.6.4 Native Vegetation Act 1991

The proposed development is located within the application boundary of the *Native Vegetation Act 1991* (NV Act), that is the NV Act applies to the proposed development area. Significant or regulated native trees that are controlled under the PDI Act that occur within the subdivision area are primarily protected under the NV Act that takes precedence. A native vegetation clearance application is required to be submitted the Native Vegetation Council (NVC) for approval prior to removal of native vegetation at the site. A vegetation clearance Data Report has been prepared for the site by GFE (2023) and while the majority of trees at the site have been planted and are therefore not afforded protection under the NV Act a native grassland was determined to be present at the development site and it is protected under the NV Act.

1.6.5 National Parks and Wildlife Act 1972

Landscape managers must be cognisant of the potential for bushfire risk management control measures to have a negative impact upon threatened plant and animal species present within the landscape and avoid such impacts.

1.6.6 Landscape South Australia Act 2019

The proposed development is located within the Northern and Yorke Landscape Management Region established in accordance with the *Landscape South Australia Act 2019* (LSA Act). A part of this legislation that is relevant to the proposed development is the requirement for landholders to control proclaimed weed species, in particular as some proclaimed weeds may increase the intensity of a bushfire and its ability to spread.



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1.6.7 Environment Protection Biodiversity and Conservation Act 1999

Commonwealth legislation including the *Environment Protection Biodiversity and Conservation Act 1999* (EPBC Act) may be applicable to the site and must be considered where bushfire or bushfire management measures may impact upon matters of national environmental significance (MNES). No MNES were identified as being present at the site.



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2 BUSHFIRE HISTORY

2.1 Fires Last 10 Years

The bushfire history mapping has been obtained from NatureMaps (2022) and site observations, while it is acknowledged that small fires that burn less than 1 ha in size have historically not been recorded by the CFS. The bushfires discussed are typically within a 5 km buffer area of the site and have been mapped, Figure 5, although significant bushfires beyond this buffer area have also been included as they provide important context. The Adelaide Mount Lofty Ranges Bushfire Management Area Plan (AMLR BMAP) provides a list of major bushfires within the AMLR BMA including the 2015 Sampson Flat bushfire that burnt 12,600 ha costing an estimated \$13 million of damage and the 2014 Eden Valley bushfire that burnt approximately 25,000 ha (Government of South Australia 2016).

The Flaxman Valley bushfire occurred on 14 January 2014 and burnt to within 6.5 km southeast of the site. The Flaxman Valley bushfire burnt approximately 250 hectares.

The Krondorf bushfire (Incident Number 201401080) occurred on 15 January 2014, a day after the Flaxman Valley bushfire, near Krondorf Estate and burnt to within 260 m south of the property boundary, Photo 5.



Photo 5 Krondorf Bushfire 2014 (Source: <https://www.decanter.com/wine-news/grant-burge-estate-escapes-huge-bushfire-30420/> Photo Credit Roy van der Vegt)

The Eden Valley bushfire (Incident Number 201401096) occurred on 17 January 2014 just two days after the Krondorf bushfire. The Flaxman Valley bushfire, Krondorf bushfire and Eden Valley bushfires all occurred following a period of prolonged dry conditions (Bierman, Nairn and Sanford 2015). The Eden Valley bushfire started as a flare up from a bushfire that had started three days earlier due to a lightning strike. The Eden Valley bushfire burnt in a south westerly direction under the influence of moderate north westerly winds that shifted to become southerlies pushing the fire northwards, eventually burning approximately 24, 250 ha (Bierman, Nairn and Sanford 2015).

While both the Pinery Bushfire and Eden Valley Bushfires are beyond a 5 km radius of the site, the potential exists for a significant fire event to occur within the vicinity of the site as indicated by the Krondorf bushfire.

GFE

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The 2015 Pinery bushfire (Incident Number 201511009) caused by a spark from a car battery within a paddock burnt from the town of Pinery in a southeasterly direction towards Bethany, coming within 14 km of the site before a wind change from the southwest increased the size of the bushfire as the flank of the bushfire become the front. The Pinery bushfire burnt approximately 78,260 ha and demonstrates the typical wind directions involved in significant fires within the region.

The Bethany bushfire (No incident number) occurred on 6 January 2021 and burnt approximately 4 ha. This bushfire was located approximately 2.8km due north of the site.

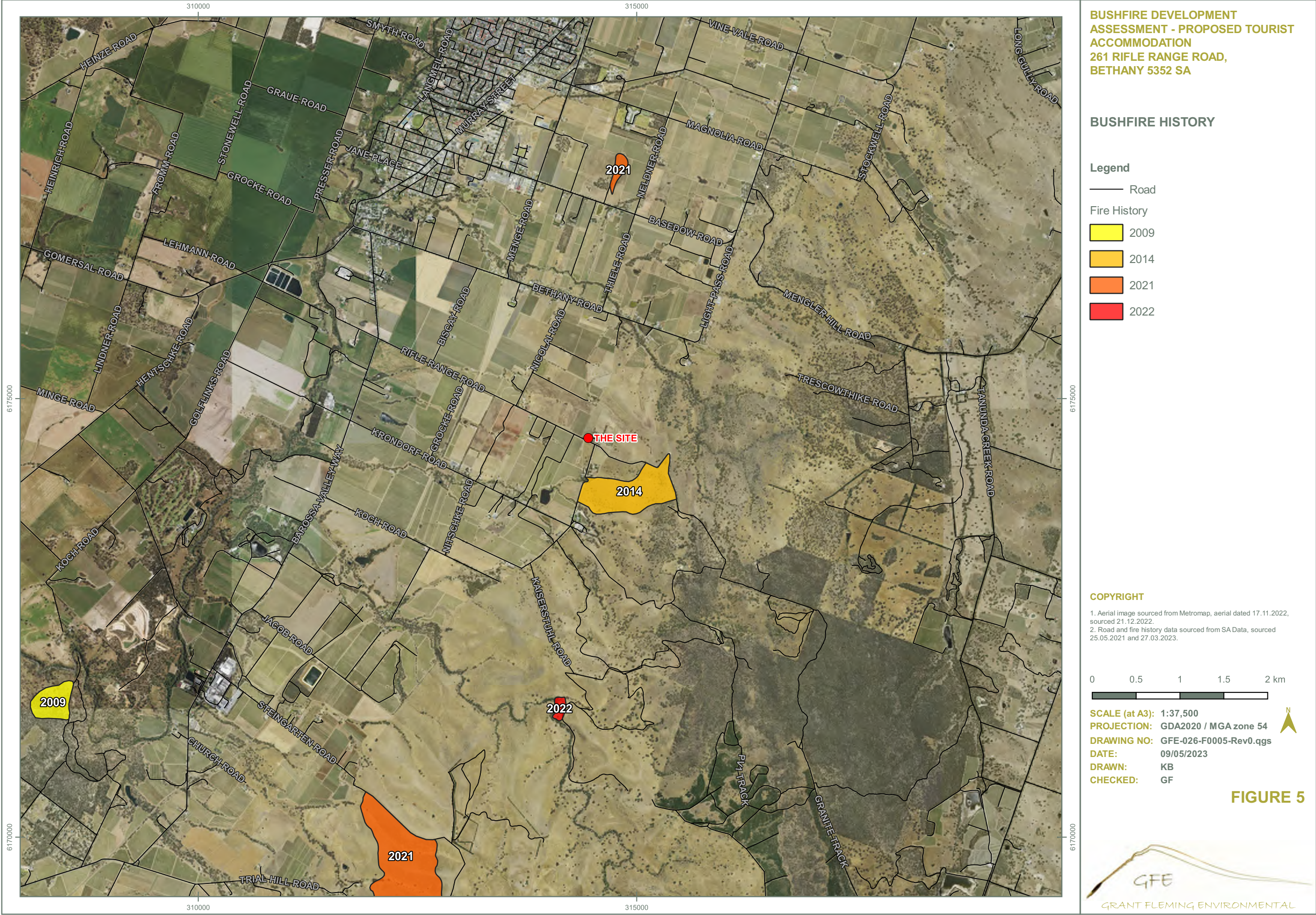
The Pewsey Vale bushfire (No incident number) occurred on 22 February 2021 approximately 4.8 km south west of the site near Tanunda. This bushfire burnt approximately 20 ha of grassland and burnt in a northerly direction towards Rowland Flat.



Photo 6 The Pewsey Vale bushfire occurred within similar terrain to that at the site (Source: James and Sulda 2021 Photo Credit J. Katsaras)

The Rowland Flat bushfire occurred on 31 December 2022 (Incident Number 1509479) and burnt approximately 3 ha and to within 3 km due south of the site.





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3 BUSHFIRE ATTACK LEVEL

3.1 Classified Vegetation & Effective Slope

The type of vegetation present across the site and surrounding it is a determinant of the maximum fire size that an asset may be exposed to due to the fuel characteristics of each vegetation type. Fuel comprises material that can be ignited and sustain a fire. This can include grass, leaf litter and live vegetation. Fuel is categorised according to the layer in which it occurs, including the surface, near surface, elevated (e.g. shrubs and understorey), bark and canopy.

The classified vegetation where present, was determined as the dominant vegetation within 150 m of the development (asset). The proposed development is comprised of the eight accommodation units that are numbered consecutively from the western-most to the eastern-most, Figure 1. As classified vegetation must be within 100 m of the asset for the determination of the Bushfire Attack Level, the distance to the classified vegetation was only measured up to 100 m. Classified vegetation existing beyond 100 m is denoted as 100+ metres. AS3959:2018 sets minimum requirements for vegetation to be considered as classified vegetation.

The vegetation within 100 m of the site is comprised largely of managed grassland/lawn and garden beds that are located around the existing accommodation units and the site of the proposed eight new accommodation units. Beyond the managed grassland and gardens vineyards are established to the southwest, west, northwest, north and northeast of the site. The grassland that is located beneath the rows of vines is considered to be managed grassland that is maintained by mowing, grazing and or weeding and is therefore not considered as classified vegetation in accordance with AS3959:2018. It must be noted that if the grass under the vineyard blocks is not managed then it would qualify as classified vegetation and contribute to the radiant heat flux that the proposed development would be potentially exposed to in the event of a grass fire.

The vegetation within the immediate vicinity of the proposed development has been determined to be native grassland (GFE 2022). The proposed development is located in an area (0.36 ha) bordered by Rifle Range Road to the south and the site driveway to the north/northwest and the existing development to the east. A Native Vegetation Clearance Approval under the NV Act (GFE 2022) has been sought for this entire area, although the grassland surrounding the footprint of the eight units is understood to be managed as native grassland and will incorporate a 20 m Asset protection Zone (APZ).

The classified vegetation within 100 m of the proposed units and the effective slope under any classified vegetation present is presented in the following tables. The distribution of classified vegetation is shown in Figure 6.

The vegetation classifications are used to determine the Bushfire Attack Level (BAL) for buildings constructed at the site.



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Table 2 Unit 1 – Distance to classified vegetation and effective slope.

Direction	Distance to classified vegetation (m)	Distance to classified vegetation - APZ applied (20 m)	Classified Vegetation Group	Effective Slope under classified vegetation	Comment
North	100+	100+	Managed Grassland	-	Vineyard
Northeast	100+	100+	Managed Grassland	-	Vineyard
East	100+	100+	Managed Grassland	-	Managed grassland and gardens in front of existing units
Southeast	78	78	Grassland	Upslope	Agricultural paddock
South	30	30	Grassland	Flat	Agricultural paddock
Southwest	100+	100+	Managed Grassland	-	Vineyard
West	100+	100+	Managed Grassland	-	Vineyard
Northwest	100+	100+	Managed Grassland	-	Vineyard

Table 3 Unit 2 – Distance to classified vegetation and effective slope.

Direction	Distance to classified vegetation (m)	Distance to classified vegetation - APZ applied (20 m)	Classified Vegetation Group	Effective Slope under classified vegetation	Comment
North	100+	100+	Managed Grassland	-	Vineyard
Northeast	100+	100+	Managed Grassland	-	Vineyard
East	100+	100+	Managed Grassland	-	Managed grassland and gardens in front of existing units
Southeast	83	83	Grassland	Upslope	Agricultural paddock
South	31	31	Grassland	Flat	Agricultural paddock
Southwest	100+	100+	Managed Grassland	-	Vineyard



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Direction	Distance to classified vegetation (m)	Distance to classified vegetation - APZ applied (20 m)	Classified Vegetation Group	Effective Slope under classified vegetation	Comment
West	100+	100+	Managed Grassland	-	Vineyard
Northwest	100+	100+	Managed Grassland	-	Vineyard

Table 4 Unit 3 – Distance to classified vegetation and effective slope.

Direction	Distance to classified vegetation (m)	Distance to classified vegetation - APZ applied (20 m)	Classified Vegetation Group	Effective Slope under classified vegetation	Comment
North	100+	100+	Managed Grassland	-	Vineyard
Northeast	100+	100+	Managed Grassland	-	Vineyard
East	100+	100+	Managed Grassland	-	Managed grassland and gardens in front of existing units
Southeast	100+	100+	Managed Grassland	-	Agricultural paddock beyond 100 m.
South	36	36	Grassland	Flat	Agricultural paddock
Southwest	100+	100+	Managed Grassland	-	Vineyard
West	100+	100+	Managed Grassland	-	Vineyard
Northwest	100+	100+	Managed Grassland	-	Vineyard



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Table 5 Unit 4 – Distance to classified vegetation and effective slope.

Direction	Distance to classified vegetation (m)	Distance to classified vegetation - APZ applied (20 m)	Classified Vegetation Group	Effective Slope under classified vegetation	Comment
North	100+	100+	Managed Grassland	-	Vineyard
Northeast	100+	100+	Managed Grassland	-	Vineyard
East	100+	100+	Managed Grassland	-	Managed grassland and gardens in front of existing units
Southeast	100+	100+	Managed Grassland	-	Agricultural paddock beyond 100 m.
South	39	39	Grassland	Flat	Agricultural paddock
Southwest	100+	100+	Managed Grassland	-	Vineyard beyond 100 m.
West	100+	100+	Managed Grassland	-	Vineyard
Northwest	100+	100+	Managed Grassland	-	Vineyard

Table 6 Unit 5 – Distance to classified vegetation and effective slope.

Direction	Distance to classified vegetation (m)	Distance to classified vegetation - APZ applied (20 m)	Classified Vegetation Group	Effective Slope under classified vegetation	Comment
North	100+	100+	Managed Grassland	-	Vineyard
Northeast	100+	100+	Managed Grassland	-	Vineyard beyond 100 m.
East	100+	100+	Managed Grassland	-	Managed grassland and gardens in front of existing units
Southeast	100+	100+	Managed Grassland	-	Managed grassland and gardens beside existing units
South	40	40	Grassland	Flat	Agricultural paddock
Southwest	40	40	Grassland	Downslope	Vineyard



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Direction	Distance to classified vegetation (m)	Distance to classified vegetation - APZ applied (20 m)	Classified Vegetation Group	Effective Slope under classified vegetation	Comment
West	100+	100+	Managed Grassland	-	Vineyard
Northwest	100+	100+	Managed Grassland	-	Vineyard



Photo 7 Vegetation opposite Rifle Range Road, agricultural land (south), vineyard (southwest).

The classified vegetation that was identified within 100 m of the proposed development is located on the southern side of Rifle Range Road, with the road forming a fuel break. As discussed if the vegetation surrounding the proposed units and under the vineyards is not maintained to less than 10 cm in height during the fire danger season then it would become classified vegetation (Grassland) rather than managed grassland.

Table 7 Unit 6 – Distance to classified vegetation and effective slope.

Direction	Distance to classified vegetation (m)	Distance to classified vegetation - APZ applied (20 m)	Classified Vegetation Group	Effective Slope under classified vegetation	Comment
North	100+	100+	Managed Grassland	-	Vineyard
Northeast	100+	100+	Managed	-	Vineyard beyond 100 m.



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Direction	Distance to classified vegetation (m)	Distance to classified vegetation - APZ applied (20 m)	Classified Vegetation Group	Effective Slope under classified vegetation	Comment
			Grassland		
East	100+	100+	Managed Grassland	-	Managed grassland and gardens in front of existing units
Southeast	100+	100+	Managed Grassland	-	Managed grassland and gardens in beside existing units
South	44	44	Grassland	Flat	Agricultural paddock
Southwest	42	42	Grassland	Downslope	Agricultural paddock
West	100+	100+	Managed Grassland	-	Vineyard beyond 100 m.
Northwest	100+	100+	Managed Grassland	-	Vineyard

Table 8 Unit 7 – Distance to classified vegetation and effective slope.

Direction	Distance to classified vegetation (m)	Distance to classified vegetation - APZ applied (20 m)	Classified Vegetation Group	Effective Slope under classified vegetation	Comment
North	100+	100+	Managed Grassland	-	Vineyard
Northeast	100+	100+	Managed Grassland	-	Vineyard beyond 100 m.
East	100+	100+	Managed Grassland	-	Managed grassland and gardens in front of existing units
Southeast	100+	100+	Managed Grassland	-	Agricultural paddock beyond 100 m.
South	38	38	Grassland	Flat	Agricultural paddock
Southwest	36	36	Grassland	Downslope	Agricultural paddock
West	100+	100+	Managed Grassland	-	Vineyard beyond 100 m.
Northwest	100+	100+	Managed Grassland	-	Vineyard



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Table 9 Unit 8 – Distance to classified vegetation and effective slope.

Direction	Distance to classified vegetation (m)	Distance to classified vegetation - APZ applied (20 m)	Classified Vegetation Group	Effective Slope under classified vegetation	Comment
North	100+	100+	Managed Grassland	-	Vineyard
Northeast	100+	100+	Managed Grassland	-	Managed grassland and gardens in front of existing units
East	100+	100+	Managed Grassland	-	Managed grassland and gardens in front of existing units
Southeast	100+	100+	Managed Grassland	-	Managed grassland and gardens beside and behind existing units
South	47	47	Grassland	Flat	Agricultural paddock
Southwest	44	44	Grassland	Flat	Agricultural paddock
West	100+	100+	Managed Grassland	-	Managed grassland and Vineyard
Northwest	100+	100+	Managed Grassland	-	Managed grassland and Vineyard





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3.2 Topography

The local topography including slope and aspect are determinants of the part of the fire (e.g. head, flank, back) that an asset may be exposed to. The proposed units are located on a hillslope that rises from the northwest to the southeast.

The property is located on the junction of the Barossa Valley Land System that corresponds to the plains and the Trial Hill Land System that corresponds to the hill slopes present at the property. The boundary of these land systems bisects the property. The landform classified as Land Type A with shallow stony soils formed over basement rock in an area of hills and rises with variable rock outcrop forms part of the Trial Hill Land System (Naturemaps 2022). No rock outcropping was present within the site that is located on a hillslope with a northwesterly aspect. The northwestern portion of the property is gently sloping with grape vines growing on the deep texture contrast soil formed over calcareous subsoil and corresponds to the Barossa Valley Land System. Land Type J is part of the Barossa Valley Land System located across the western portion of the property and comprises plains and gentle slopes with soils that have developed as a result of the deposition of outwash sediments that have been derived the basement rock in the hills. Vineyards in the region have been developed on these deeper soils on the plains of the Barossa Valley Land System.

An un-named Strahler first order stream runs across the property in the broad valley formed by the adjacent hillslopes from the northeast towards the northwest, Photo 8.



Photo 8 View to the northeast – paddock on eastern side of existing accommodation.

The ridge of hills that extend in a northeast to southwest alignment to the east of the site are covered by *Allocasuarina* and *Eucalyptus* Forests and Woodlands, typically with grassy understorey.

3.2.1 Slope

Slope can affect bushfire behaviour with fires burning faster up slope than down slope, in particular when aligned with the prevailing wind direction. A fire burning up a 10 degree slope will generally spread at double the rate of a fire on level ground (Bushfire CRC 2009). Likewise a fire burning up a 20 degree



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slope will generally spread at a rate that is four times the rate of spread across level ground (Bushfire CRC 2009).

Slopes within the site have been calculated using 2 metre contour intervals within ArcView Spatial Analyst, Geographic Information System (GIS) to produce a digital elevation model (DEM) that enabled the slope to be calculated in degrees. Slope was classified into five categories Table 10, Figure 7.

Table 10: Slope categories.

Description	Slope Category
Flat	Flat to 5 degrees
Gentle	6 to 10 degrees
Moderate	11 to 15 degrees
Steep	16 to 20 degrees
Very Steep	20+ degrees

The majority of the land within the property is gently sloping of 6 to 10 degrees. The slope under the classified vegetation in accordance with AS3959 has been deemed to be flat within the agricultural paddock south of all units. The paddock on the southern side of Rifle Range Road slopes upwards from the northwest to the southeast, however the proposed units are located on the same contour, therefore the relative slope is flat.

Southeast of units 1 and 2 the slope under the grassland within the agricultural paddock is determined to be upslope. The classified vegetation to the southwest of units 5 to 8 inclusively is determined to be downslope in accordance with AS3959.

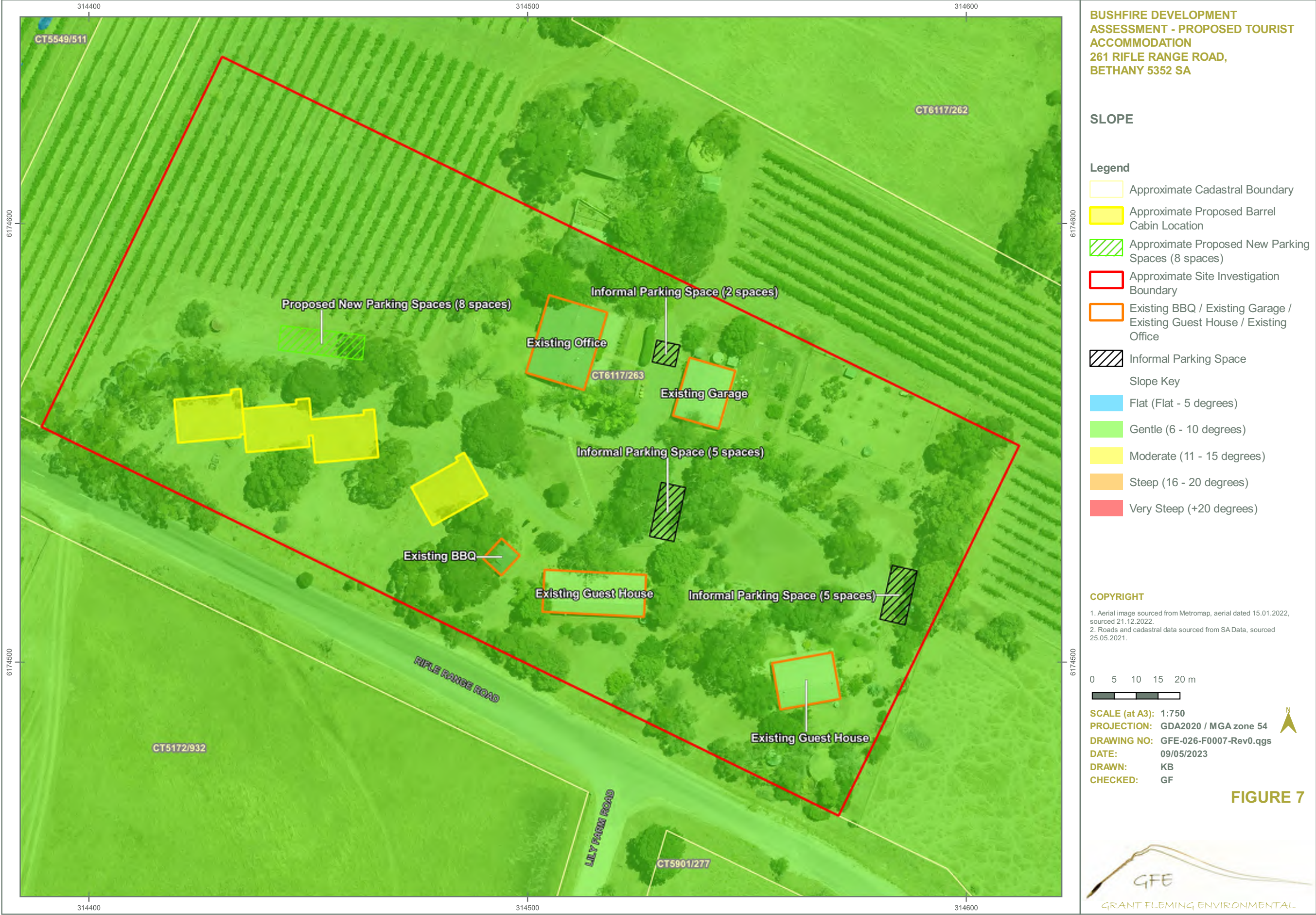
Slope has the potential to be a factor influencing bushfire behavior within the vicinity of the proposed development with a grassfire originating to the northwest of the site and a grassfire traveling from the southwest.

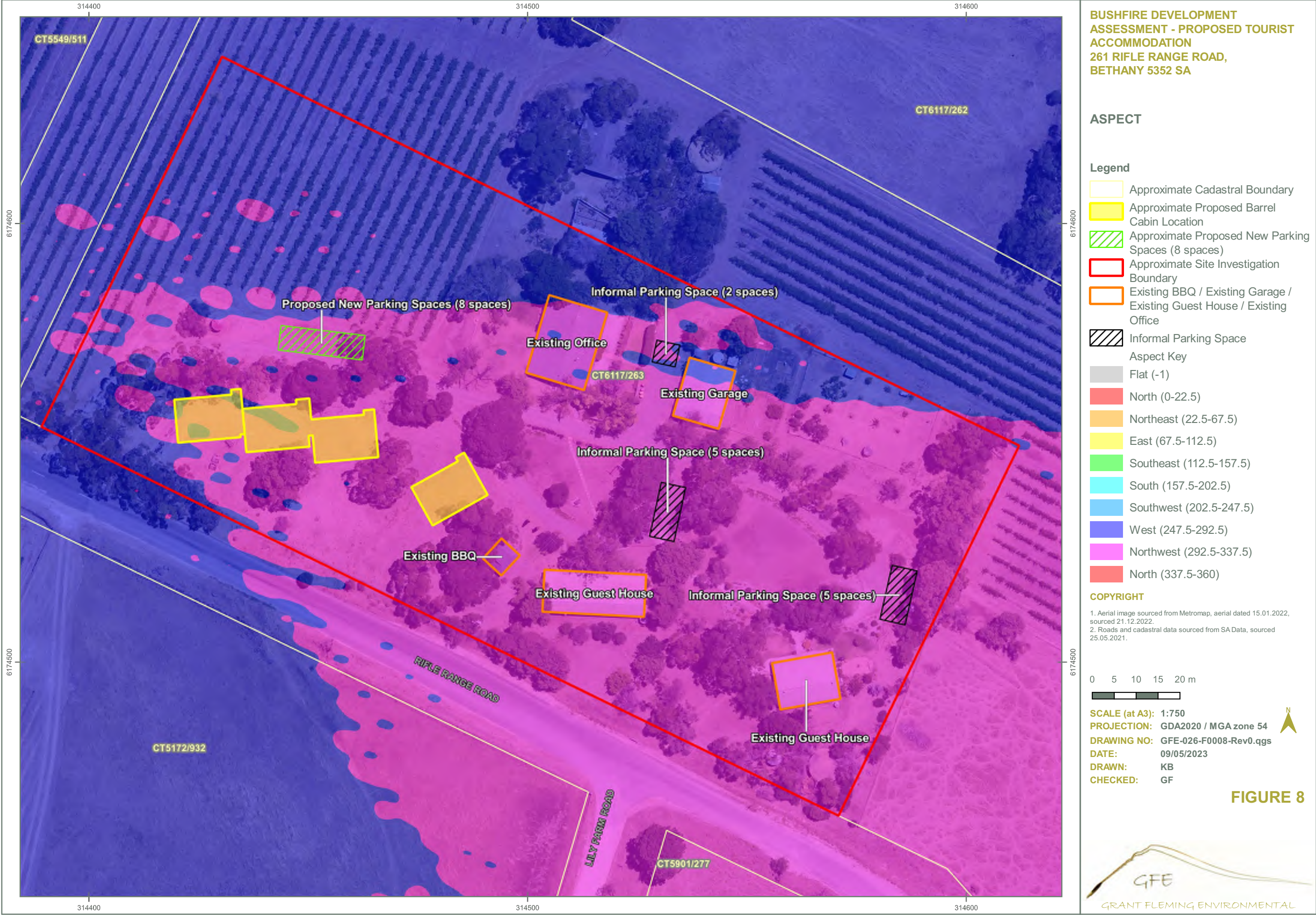
3.2.2 Aspect

Aspect is another topographical factor affecting bushfire behaviour. North facing slopes receive more solar radiation that dries surface fuel faster than on south facing slopes (Bushfire CRC 2009). Later in summer and during drought, fuels may become uniformly dry across slopes with different aspects, at which stage slope orientation to the prevailing wind becomes a more important factor (Bushfire CRC 2009).

Aspect is mapped for the site in Figure 8 that shows that in the vicinity of the proposed development the aspect of slopes is northwesterly. The land that leads to the hillside where the proposed development is located has a westerly aspect. The land leading to and at the site is likely to be drier although it is noted that the vineyard is irrigated which may mitigate this effect. Maintenance of the grassland under the vineyard and around the proposed units will be of increased importance due to the northwesterly and westerly aspect of the land at the property with regard to minimizing the effect of aspect upon fire behaviour.







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3.3 Bushfire Attack Level (BAL)

The Fire Danger Index (FDI) for South Australia is 80 (1090 K), therefore Table 2.5 of AS3959 has been used to determine the Bushfire Attack Level (BAL) for the site. The BAL has been determined to provide a determination of the heat flux each location may experience during a bushfire. The maximum BAL determined for each unit was BAL 12.5, Table 11.

It is important to note that BAL 12.5 is achieved provided that grass surrounding the proposed units and within the nearby vineyards is maintained, including to a height of ≤ 10 cm during the bushfire season.

Table 11 BAL for the proposed units – where classified vegetation occurs.

Unit	Direction	Distance to classified vegetation - APZ applied (20 m)	Vegetation Group	Effective Slope	BAL (KW/m ²) with 20 m APZ applied
1	Southeast	78	(G) Grassland	Upslope	12.5
	South	30	(G) Grassland	Flat	12.5
2	Southeast	83	(G) Grassland	Upslope	12.5
	South	31	(G) Grassland	Flat	12.5
3	South	36	(G) Grassland	Flat	12.5
4	South	39	(G) Grassland	Flat	12.5
5	South	40	(G) Grassland	Flat	12.5
	Southwest	40	(G) Grassland	Downslope	12.5
6	South	44	(G) Grassland	Flat	12.5
	Southwest	42	(G) Grassland	Downslope	12.5
7	South	38	(G) Grassland	Flat	12.5
	Southwest	36	(G) Grassland	Downslope	12.5
8	South	47	(G) Grassland	Flat	12.5
	Southwest	44	(G) Grassland	Downslope	12.5



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4 ACCESS & EGRESS

Consideration of the internal road layout within the proposed land division should comply with the Bushfire – High Risk Overlay, Ministerial Building Standard MBS 008 and PBP with regard to access and egress in a BPA.

PO 6.2 *Access to habitable buildings is designed and constructed to facilitate the safe and effective:*
(a) *use, operation and evacuation of fire-fighting vehicles and emergency personnel*
(b) *evacuation of residents, occupants and visitors.*

The specifications for *Vehicle Access – Roads, Driveways and Fire Tracks* within the Bushfire – High Risk Overlay are provided within Deemed to Satisfy (DTS) and Designated Performance Feature (DPF) 6.1 and 6.2.

The access driveway will comply with the following requirements:

- The driveway does not exceed more than 600 m in length – incorporates two turning loops to facilitate passing and continuous forward travel.
- Constructed with a formed all-weather surface.
- Connected to a formed, all weather public road (Rifle Range Road) with the transition between the driveway having a gradient of not more than seven degrees.
- A gradient of not more than 16 degrees at any point along the driveway.
- A cross-fall of not more than six degrees at any point.
- A minimum formed width of 3 m that is maintained past the car parking areas.
- Overhead clearance of 4 m minimum and lateral clearance of 0.5 m from the side of the driveway and is free of obstructions.
- Passing bays are not required due to the presence of two turning loops to allow continuous forward travel.
- Driveway curves have a minimum external radius of 12 m.
- Facilitate safe access and egress of emergency vehicles due to the presence of loop roads.
- A T-shaped turning area is present between the residence and garage.

The existing gravel entrance driveway, Photo 9 satisfies the requirement to have a minimum formed width of 3 m and constructed with a formed all-weather surface although it will require regular maintenance and/or upgrading as necessary in order to maintain the additional 0.5 m clearance from vegetation (or obstacles) on both sides of the driveway (total clearance 4 m). The existing driveway access layout is provided in Figure 9.

The overhead clearance required for the driveway is 4 m and some tree branches belonging to the trees that line the driveway from the entrance on the southern side may require removal/pruning to provide the necessary clearance. The trees along the driveway have been planted and are therefore not protected under the NV Act.



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Photo 9 Existing driveway.

The all-weather driveway will allow fire-fighting vehicles to safely enter and exit the property in a forward direction as two loops forming a figure eight pattern are incorporated within the existing driveway layout. The existing driveway access must meet the required specifications for width (3 m) and lateral clearance (0.5 m either side) and vertical clearance (4 m). The required 3 m width minimum must be maintained opposite the car park areas. It is recommended that the dead Eucalypt be removed from in front of the existing accommodation as this tree presents a potential access hazard to fire fighting vehicles and a fire hazard to the existing accommodation. Pot plants, timber sleepers and other physical structures are presently located within 0.5 m of the edge of the access road and these structures must be removed to ensure a 0.5 m clearance is maintained, Photo 10. Directional signage is required to be installed for emergency service vehicles.

While the access driveway is approximately 215 m long, from the entrance on Rifle Range Road, to the furthest point, the necessity to incorporate a vehicle passing bay is avoided as the access track forms a loop (122 m total length) at the end of the track in front of the eastern most existing accommodation. An additional loop of access track (100 m in total length) is located in front of the western existing accommodation and this loop commences 153 m from the property entrance at the furthest point and returns onto the access driveway 104 m from the property entrance. The two loops of access driveway form an approximate figure eight. An additional T- shaped turning point is available to emergency vehicles between the existing residence and garage approximately 145 m from the property entrance, Photo 11.

It is recommended that a bushfire audit of the property be undertaken to identify existing hazards and mitigation measures required.

PO 6.3 *Development does not rely on fire tracks as means of evacuation or access for fire-fighting purposes unless there are no safe alternatives available.*

The proposed accommodation does not rely on fire tracks as a means of evacuation or access for fire-fighting purposes. The existing access driveway into the property from Rifle Range Road provides the means of access and egress for the proposed development.

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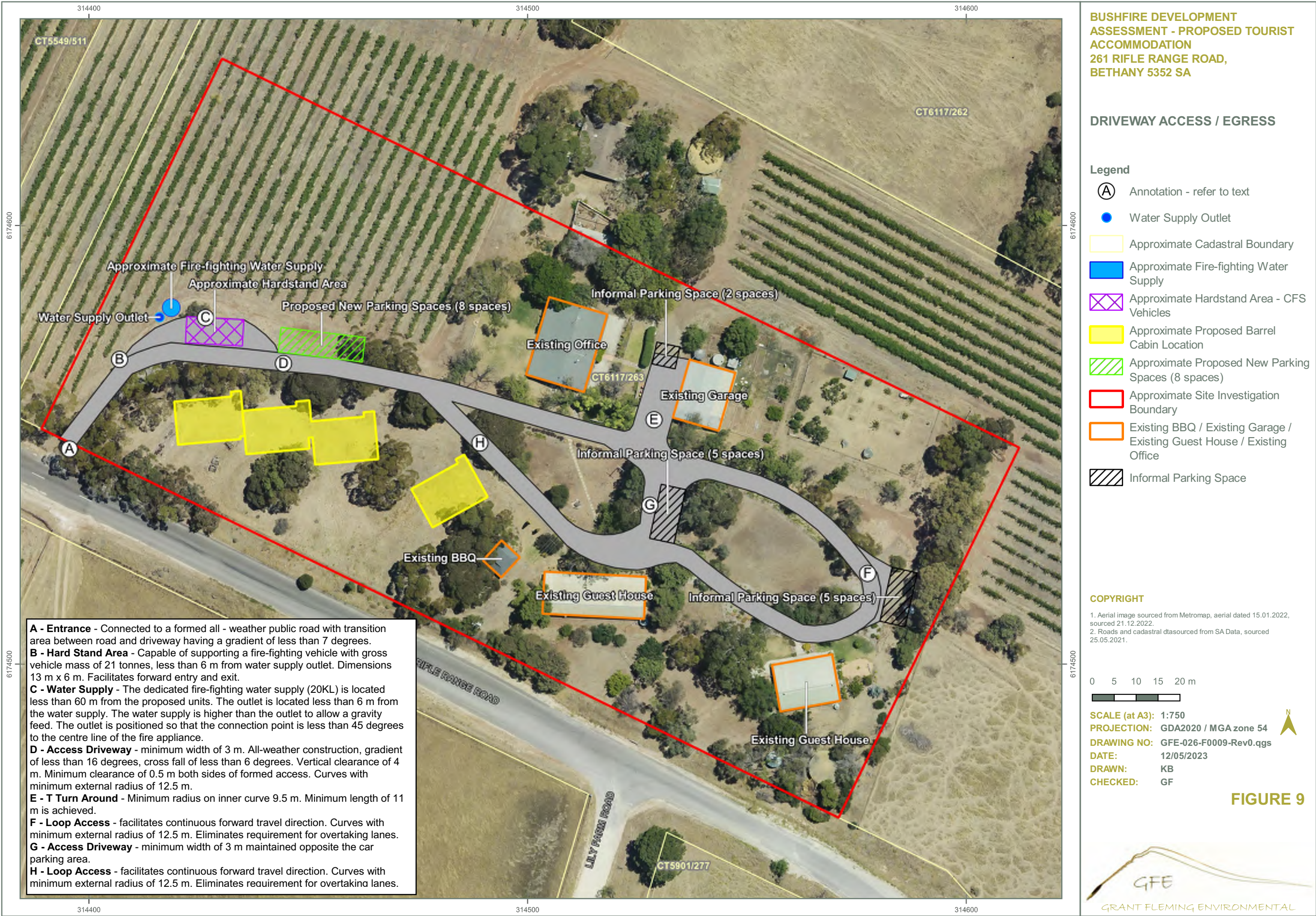


Photo 10 Driveway loop in front of existing units (red arrow - remove, yellow arrow – prune branches).



Photo 11 T-shaped turning area between residence and garage.

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5 SITING

PO 4.1 To minimize the threat, impact and potential exposure to bushfires on life and property, residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) is sited on the flatter portion of allotments away from steep slopes.

Existing short-stay accommodation units are located on the same rising ground that the proposed accommodation units are to be built upon. The underlying slope was classified as gentle, between 6 – 10 degrees and the proposed accommodation is to be located on the lower portion of this slope, Photo 12. It is therefore considered that the proposed accommodation is located away from steep slopes.



Photo 12 General vicinity of Units 3 & 4 on gently sloping ground.

PO 4.2 Residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) is sited away from vegetated areas that pose an unacceptable bushfire risk.

The BPA for the site has been designated as high that corresponds to the Bushfire – High Risk Overlay of the P&D Code the land beyond the western and southern boundaries of the property are designated as medium bushfire risk. Classified vegetation in accordance with AS3959 is located on the southern side of Rifle Range Road. An agricultural paddock that supports classified vegetation (Grassland) is located to the east of the existing guest house and is more than 100 m from the proposed development. The location of the existing accommodation and surrounding garden areas forms a buffer from the classified vegetation east of the proposed development. The siting of the proposed accommodation units is therefore away from areas of classified vegetated that would pose an unacceptable bushfire risk. The BAL for all units was calculated as 12.5 indicating that the accommodation units may be exposed to ember attack.

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While asset protection zones (APZs) are required to be developed wholly within the property, Rifle Range Road provides additional asset protection by being located between the classified vegetation and the proposed accommodation.



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6 WATER SUPPLY

PO 4.3 Residential and tourist accommodation and habitable buildings for vulnerable communities, (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation), has a dedicated area available that (a) is capable of accommodating a bushfire protection system comprising firefighting equipment and water supply in accordance with Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements (b) includes the provision of an all-weather hardstand area in a location that (i) allows fire-fighting vehicles to safely access the dedicated water supply and exit the site in a forward direction (ii) is no further than 6 metres from the dedicated water supply outlet(s) where required.

In accordance with Table 2.5.1 (Government of South Australia 2020) prescribes the capacity and fittings required for a dedicated fire-fighting water supply. As the eight proposed accommodation units were assessed as BAL 12.5 the following water supply and fitting requirements apply, Table 12.

Table 12 Capacity and fittings required for a dedicated water supply (Government of South Australia 2020 from Table 5.2.1)

Availability of water supply	Minimum Water supply (Litres) and fittings required for the site.		
	Allotment size	Connected to mains	Not connected to mains
High Bushfire Risk Area or Urban Interface Area that is within 100 m of a high bushfire risk area and assessed as BAL 12.5 or BAL 19.	< 500 m ²	2000 litres with domestic fittings	5000 litres with domestic fittings
	500 m ² – 1500 m ²	5000 litres with fire fittings	10,000 litres with fire fittings
	≥ 1500 m ²	10,000 litres with fire fittings	10,000 litres with fire fittings

The site located within the Bushfire – High Risk Overlay area must have a dedicated standing water supply of 10,000 L whether the site is connected to mains water or not. GFE understands that mains water is available at the site with bore water also available. The CFS have indicated that they would accept a combined 20,000 L water tank for fire-fighting water and domestic supply provided that the water tank outlet would need to be located within 60 m of the proposed units. If the water supply is connected to a mains water supply then it is required to have an automatic float switch to maintain a 10,000L capacity to be available for fire-fighting at all times. The water supply outlet for domestic use must be located above the 10,000L dedicated fire-fighting water level.

The dedicated fire-fighting water supply must be fitted with fire fittings as prescribed in Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements.

The water supply tank must be constructed of a non-combustible material, either concrete or metal although an alternative material may be utilised subject to consideration and approval by the relative authority. Pumps are required to be shielded from radiant heat and construction or installation of a stone, brick, gabion basket or concrete wall (non-combustible material) is recommended to provide shielding. Extension of this wall along the northern side of the access driveway to the site entrance and the existing residence would also serve to provide a physical barrier to a grass fire burning towards the proposed accommodation.

The fire-fittings, pumps, pipework and hoses must be in compliance with the Government of South Australia (2020) Ministerial Building Standard MBS 008.



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- The water supply tank is to be a non-combustible material
- All water supply pipes for draughting purposes will be capable of withstanding the required pressures for draughting.
- All non-metal water supply pipes shall be buried below ground to a minimum depth of 300 mm with no non-metal parts above ground level.
- A gravity fed water supply outlet may be remotely located from the above ground tank to provide adequate access. Note the water tank must be higher than the outlet to achieve a gravity feed).
- The water supply system and fire-fighting infrastructure shall be designed so that it complies with Government of South Australia (2020) *Ministerial Building Standard MBS 008* and relevant Australian Standards.

GFE recommends that the water tank be located in the location of the existing poly-tank that is located approximately 50 m from the property entrance on the northern side of the driveway, Photo 13 and within 60 m of all proposed units. Alternatively the water tank may be located approximately 110 m from the entrance along the driveway at the corner of the lawn area of the existing residence that remains within 60 m of all the proposed accommodation units.



Photo 13. Location recommended for dedicated fire-fighting water supply (20,000 L)

A hard stand area is required to be constructed in order to support the water tank and to provide fire fighting vehicles with safe access to the fire-fighting water supply outlet. The hard stand area may be constructed of bituminous concrete, compacted aggregate, concrete or similar surfaces (Government of South Australia 2016). It is recommended that the hard stand area be contiguous with the proposed vehicle parking area, ensuring that sufficient room is available for a fire fighting vehicle even when the car parks are occupied. The hard stand area is to provide a flat level all weather surface clear of obstructions and capable of supporting a standard fire-fighting vehicle (e.g. 34 Pumper with gross vehicle mass of 21 tonnes, measuring 2.5 m by 10 m) and measures at a minimum 6 m by 13 m. The connection outlet to the static water supply is to be positioned less than 6m from the static water supply. The outlet is to be positioned so that it is not more than 45 degrees to the centerline of the fire appliance.

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7 BUSHFIRE MANAGEMENT

Bushfire management is divided into managing the physical bushfire hazards (i.e. Hazard Management) and the behaviours that contribute to bushfires and the safety of personnel (i.e. Risk Management). This BDA is focused on establishing bushfire management measures for recognized hazards within and surrounding the site.

7.1 Fire Management Zones – A-Zone

In South Australia strategic fire management utilises the following Fire Management Zones (FMZs):

- Asset Protection Zone (APZ or A-Zone)
- Bushfire Buffer Zone (BBZ or B-zone)
- Strategic Fuel Management Zone (S-zone)
- Conservation Zone (C-zone)
- Exclusion Zone (X-zone)

Only A-zones are to be incorporated into the plan for this site.

An asset protection zone (APZ) is defined by NSW Rural Fire Service (2005) as “a fuel reduced area surrounding a built asset or structure.” In the context of the report the asset is considered to be the proposed eight short term accommodation units, driveway and water supply tank with associated hard stand area. Fuel reduction within the APZ aims to prevent bushfire travelling either along the ground or through a canopy to the asset. An APZ can comprise a combination of perimeter roads, fire trails or managed lands so that a fire path is not created between the hazard and the asset.

An APZ provides:

- a buffer zone between a bush fire hazard and an asset;
- an area of reduced bush fire fuel that allows fire suppression;
- an area from which back burning may be conducted; and
- a relatively safe area for firefighters to operate in and allows emergency services access (NSW RFS 2005).

A-zones comprised of a 20 m fuel reduced zone are required to be established around all assets and along the alignment of the driveway, with the APZ centred along the mid line of the driveway, that is 10 m either side of the midline where possible, Figure 10.

The native vegetation clearance assessment (GFE 2023) and subsequent application will allow for complete clearance of native vegetation within the proposed development area. The proposed development area, shown in Figure 1 is the wedge of land from the property entrance, bordered to the north by the driveway and to the south by Rifle Range Road, extending eastwards to the driveway in front of the existing accommodation (level with the barbeque area). Native vegetation clearance cannot be conducted without approval from the NVC under the NV Act.



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7.2 Proposed Development Area - APZ (A-zone)

The APZ includes the 20 m defendable space around dwellings that is provided for under the NV Act. The APZ is to be established on the property to the extent possible as this is not possible to the southwest of the proposed units that are located less than 20 m from Rifle Range Road. Rifle Range Road affords the proposed development additional protection along the southern boundary. The vegetation surrounding the proposed development was assessed by GFE and found to comprise 0.36 ha of Rough Spear Grass (*Austrostipa scabra*), Corkscrew Spear Grass (*Austrostipa setacea*) Common Wallaby Grass (*Rytidosperma caespitosum*.) Open Grassland in poor condition. It is understood by GFE that the area is to be maintained as a native grassland following construction of the proposed accommodation. Grass within the APZ is required to be maintained ≤ 10 cm for the duration of the fire danger season. Fine fuel levels in the APZ are required to be maintained to ensure that surface and shrub level fine fuels at Moderate or lower (average) as defined by DENR (2012). The overall fuel hazard should not exceed moderate as defined by DENR (2012) (SA SBCC 2020). Additional, specific requirements are provided within SA SBCC (2020).

Numerous small Desert Ash (**Fraxinus angustifolia*) occur within the centre of the site with many seedlings present under the canopy of established trees including a Red Gum (*Eucalyptus camaldulensis*), Photo 14. As a Declared Plant under the LSA Act it would be recommended that established and seedlings of Desert Ash be removed while retaining the Red Gum. The Red Gum was assessed as being planted and is therefore not protected under the NV Act and may be removed if required.



Photo 14 Desert Ash to be removed.

A landscape plan for the site has not been provided for review as a component of this BDA. It is recommended that the landscape plan be assessed for bushfire risk when developed.

Landscaping around the proposed unit sites is to comply with the following (SA SBCC 2020):

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- Manage vegetation so that the leaf area of the vegetation is not vertically or horizontally continuous. A disconnected 'clumping' of shrubs is more desirable than even connected coverage. Separate shrubs and trees to minimise vertical fuel 'ladders'.
 - As the area surrounding the proposed accommodation is to be maintained as a grassland, the planting of shrubs should be minimal.
- Vegetation coverage (shrubs and trees) should be a maximum of 30% within the APZ. This can be achieved by the removal of trees and/or pruning of tree canopies.
 - Initial tree removal is to focus upon exotic species e.g. Desert Ash and driveway trees that are assessed as too close to the road verge (less than 1m).
- All trees should be 'skirted' to a height of 2 m, that is, lateral branches are to be removed to a height of 2 m to avoid a grassfire climbing into the canopy.
- No heath or shrub understorey species are to be within 2 m of the proposed units.
- Dead trees and shrubs should be removed (in front of existing accommodation).
- Tree canopies within the APZ should be separated by at least 2m. This may require pruning and/or removal of some trees that are present as an avenue along the driveway.
- Tree branches must be pruned so that no branches overhang or are likely to be in contact with the proposed units. Branches are to be at least 2 m from the proposed unit.
- Grasses should be maintained at or below a height of 10 cm throughout the bushfire season. Mown grass cuttings are to be removed from the APZ.
- The grassland should preferably be kept green (watered) throughout the bushfire season.
- Fine fuel levels should be maintained to keep surface and shrub level fine fuels at Moderate or lower (average across the zone) as defined in the Overall Fuel Hazard Guide for South Australia.
- Paths should be constructed of a non-flammable material such as concrete, gravel, compacted mineral dust. Garden bed edging should similarly be constructed of a non-flammable material.
 - Remove permapine posts from garden bed
- Pencil Pine trees are highly flammable and should be removed where existing and not be planted within the APZ.
- A gravel path should be established adjacent the proposed accommodation for a distance of 1m (adjacent the buildings).

A weed management plan is recommended to be developed and implemented to manage the bushfire hazard associated with the presence of weeds within the APZ and vineyard. The responsibility for the management of the vegetation across the APZ must be clearly established.

7.2.1 APZ Consideration of Landscaping for Visual Amenity (Raised Platform)

The Barossa Council has expressed concern with the required cut (1.5 m) associated with the proposed construction pad and the height of the proposed platform (1.5 m). In order to reduce the visual impact of the proposed construction while engaging the bushfire risk reduction principles required within an APZ it is considered that a landscape treatment may provide an acceptable performance outcome. It is considered that a combination of soil (fill – taken from the cut) and rock placement (locally sourced) on the downslope of the proposed cut could be designed so as to reduce the visual impact of the cut and raised platform while reducing bushfire risk. An environmentally sensitive design that raised the soil level



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immediately adjacent the cut and incorporated the formed mound (crescent shaped) seamlessly into the surrounding hillslope would reduce the visual impact of the cut. Placement of large rock/s to simulate natural rock outcropping would further reduce visual impact of the raised platform while providing a radiant heat shield from a grassfire while reducing the potential of fire accessing the area beneath the platform.

The closest visual receiver (vineyard residence) is located approximately 450 m due north of the proposed development on the 315 m contour line. The proposed development is located between the 325 to 330 m contour line representing an increase in elevation of 10 to 15 m when compared to the visual receiver. The visual impact of the proposed development to the receiver is considered to be low as the land between is planted as a vineyard and the line of sight to the proposed development is screened by the existing avenue of established Eucalypt trees on the southern side of the entrance driveway.

7.3 Proposed Car Park Areas

7.3.1 Existing Informal Central Car Park (5 spaces)

The existing informal car parking spaces is lined on the eastern side by planted trees that are not afforded protection under the NV Act. It is recommended that the dead stumps present be removed and that the trees be skirted so that branches lower than 2m from the ground are removed to inhibit a grassfire climbing into the canopy. Grass in the vicinity must be maintained ≤ 10 cm in height for the duration of the bushfire season at this location. The permapine posts that line the garden bed should be replaced by a non-combustible material that is secured no closer than 0.5 m from the edge of the driveway so as not to prevent a hazard to fire-fighting vehicles. Vertical clearance of 4 m over the access road must be established and maintained, Photo 15.



Photo 15 Existing Informal car park (5 spaces) – remove obstacles (red arrows), 4m vertical clearance (yellow arrow).

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7.3.2 Existing Informal Eastern Car Park (5 spaces)

The eastern most existing car parking space for five vehicles is located adjacent a line of planted Eucalypt trees and vegetation in a paddock classified as Grassland in accordance with AS3959. The classified vegetation adjoins a vineyard that has a grassed understorey classified as managed grassland provided that it is maintained. Vegetation surrounding the car park must be maintained ≤ 10 cm in height for the duration of the bushfire season at this location.

It is recommended that the car parking spaces be clearly delineated and an impervious material used in the parking area so as to avoid the potential for ignition of grass. The access track within the area that forms the turning loop for fire-fighting vehicles is to conform to the requirements of the Government of South Australia (2020) *Ministerial Building Standard MBS 008*. The trees adjacent the car park area should be skirted to a height of 2 m.

The car park area should form part of the existing APZ at the property and be maintained so as to conform to the A-Zone standard (SA SBCC 2020).



Photo 16 Existing Informal car park (5 spaces).



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7.3.3 New Car Park – Access Driveway



Photo 17 Proposed car park adjacent road access (8 parking spaces)

The proposed new car park area for eight parking spaces is within the 20 m APZ, Photo 17. Physical evidence observed suggests that this area has been utilised as an informal parking area. It is recommended that this car parking space be incorporated into the hard stand area for the dedicated fire-fighting water supply 20,000 L tank, with car parking spaces clearly demarcated while retaining room for a fire-fighting vehicle to access the water supply connection. It may be necessary for the vineyard rows to be shortened in order to accommodate the water supply, hard stand area and car parking spaces while provide a buffer area between infrastructure and the grapevines in order to maintain biosecurity. Grass in the vicinity must be maintained ≤ 10 cm in height for the duration of the bushfire season at this location.

The tree located on the northern side of the driveway at the eastern end close to the existing residence is considered to have been planted and is therefore not protected under the NV Act. Vertical clearance of 4m must be maintained above the driveway and the tree is also located close to the existing road edge and consideration must be given to ensuring adequate access width at this location if the tree is to be retained, that is, the potential to increase the access track width on the southern side to enable the tree to be retained, creating 0.5 m clearance to the access track. Reflective or a hazard marker should be installed if the tree is to be retained so that it is clearly visible in low light conditions that are associated with a bushfire, from both directions.

7.3.4 Existing Garage

While the garage is outside of the proposed APZ associated with the new accommodation it is considered appropriate that a 20 m APZ be established or maintained around the existing accommodation buildings and infrastructure. Consideration should be given to pruning overhanging branches and ensuring that grassed areas around the garage are maintained ≤ 10 cm in height for the duration of the bushfire season. Shrubs evident in Photo 18 should be removed from beneath the window.

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Photo 18 Existing Garage – overhanging branches are to be removed.

7.4 Vineyard

While a small area of the vineyard located on the property to the north and northwest of the proposed units falls within the APZ it is considered prudent for the grass understorey in the entire vineyard to be meet the APZ requirements for the duration of the bushfire season. On days of catastrophic bushfire conditions the wind is likely to be from the north to north-west and a potential grassfire fire run would exist through the vineyard towards the proposed accommodation if the understorey is not effectively managed. It is therefore recommended that grass within the vineyard located north/northwest of the proposed development be maintained ≤ 10 cm in height for the duration of the bushfire season. This requirement includes the grass located under the trellis as well as the inter-row. The grass under the trellis had not been mowed when the site was visited on 23 March 2023 with mowing restricted to the inter-row, Photo 19.

If the under vine ground cover is not effectively managed in the vineyard then the grassland becomes classified vegetation (Grassland) in accordance with AS3959 and presents a hazard to the proposed development.

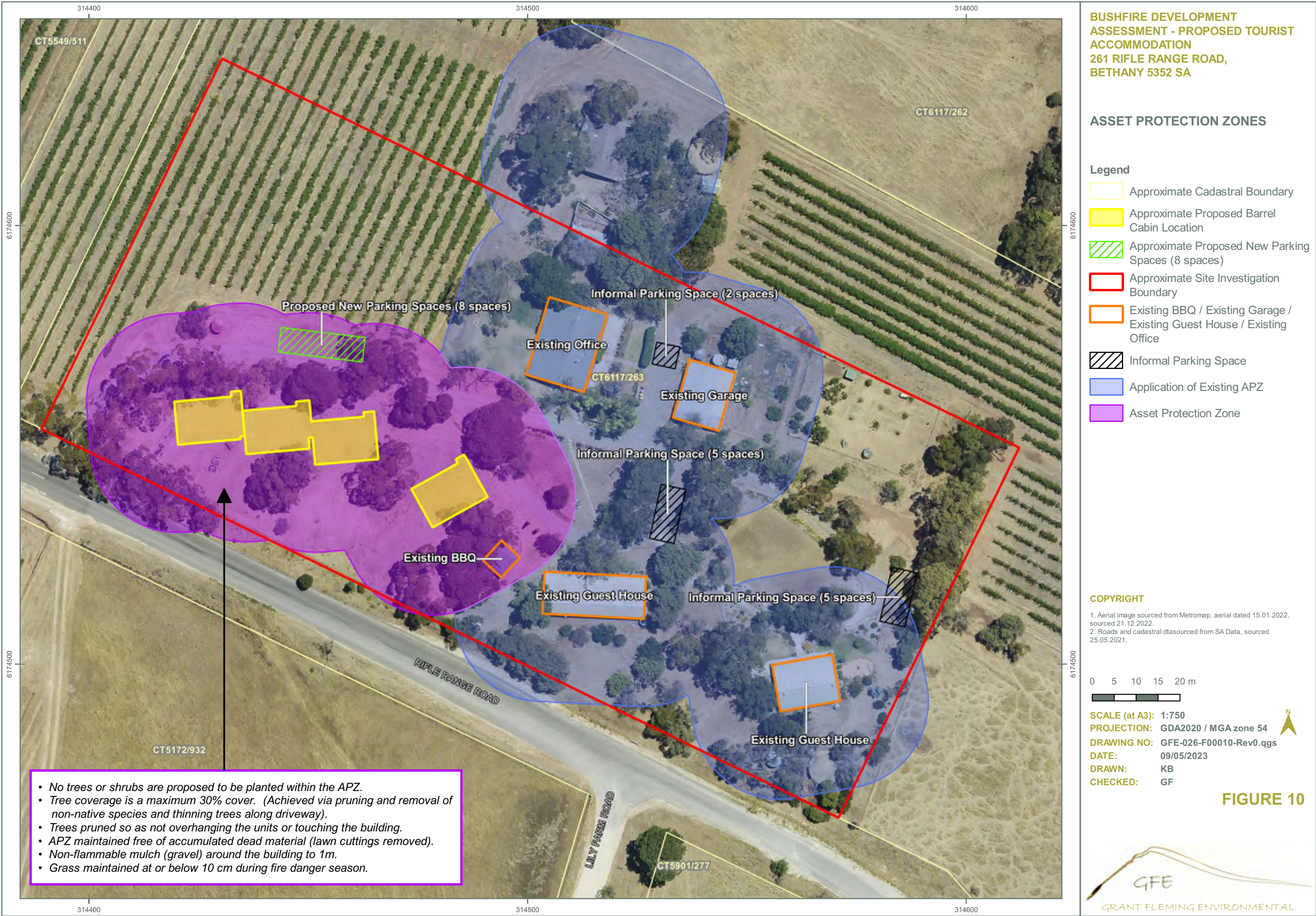
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Photo 19 Vineyard north/northwest of the proposed development – mowed inter-row.





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8 BUILDING CONSIDERATIONS

All proposed accommodation units constructed within the site are required to conform to *Section 3 General Construction Requirements* and *Section 5 Construction Requirements for BAL- 12.5* of AS3959:2018.

Please refer to the National Construction Code (NCC), relevant standards including the *Ministerial Building Standard MBS 008* and state provisions for construction requirements and performance provisions.

It is noted that adjacent units are proposed to be positioned such that the external walls are positioned within 2.4 m of each other. Compliance with Section 3 (AS3959) requires a separation distance of not less than 6 m from adjacent structures unless certain fire resistance levels (FRL) and construction conditions are met. Increasing the separation distance between units to no less than 6 m would bring the units into compliance. If the proposed spacing is to be retained (2.4 m) then GFE recommends that a Building Certifier be consulted to determine the necessary construction standards for the units to comply with AS3959 Sections 3 and 5 and the National Construction Code of Australia (building rules). The construction of fire walls in place of the proposed planter boxes and between units may present a solution if the external walls of the proposed buildings do not conform to AS3959:2018 and if the proposed unit spacing is to be retained.

In accordance with AS3959:2018 '*Section 5.7 Verandas, Decks, Steps and Landings*' decking may be spaced and there is '*no requirement to enclose the subfloor spaces of verandas, decks, steps, ramps or landings*'. It is recommended that either; solid non-combustible decking material be used and subfloor space and area beneath the decking be enclosed or bushfire resisting timber (refer to Appendix F AS3959:2018) be utilised for decking and the subfloor space of decks, steps ramps or landings be enclosed or screened with a mesh or perforated material made of corrosion resistant steel, bronze or aluminium with a maximum aperture of 2 mm. A combination of wall and screening would also provide an acceptable subfloor/decking enclosure/screening.



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9 RECOMMENDATIONS

A number of recommendations have been made to improve various aspects of the proposed development with regard to bushfire safety and preparedness.

- Remove the dead Eucalypt from in front of the existing accommodation. The tree is an access hazard to fire fighting vehicles and a fire hazard to the existing accommodation.
- Install directional signage for emergency service vehicles.
- Establish and maintain a 20 m wide APZ around all site infrastructures (subject to Native Vegetation Council clearance approval).
- Manage grass within the vineyard located north/northwest of the proposed development to maintain grass height ≤ 10 cm in height for the duration of the bushfire season.
- Establish a weed management plan for the grassland within the APZ and vineyards.
- Conduct a bushfire audit of the property to identify existing hazards and measures necessary to improve bushfire preparedness.
- Consider the construction of a stone gabion wall or similar structure to provide a non-combustible screen to protect the pump located at the fire-fighting water supply.
- Consider extending construction of a stone gabion wall or similar structure from the northwest (entrance) along the northern side of the access driveway to the existing residence in order to provide a physical barrier to a grass fire burning towards the proposed accommodation.
- Assess the landscape plan for bushfire risk once developed.
- Consult a Building Certifier to determine the necessary construction standards for the units to comply with AS3959 Sections 3 and 5 and the National Construction Code of Australia, given that external walls are proposed to be located 2.4 m apart (6 m minimum requirement).
- Enclose the decking area with either solid non-combustible material or screen with a mesh or perforated material made of corrosion resistant steel, bronze or aluminium with a maximum aperture of 2 mm. Where timber decking or cladding is utilised it is to be a bushfire resistant timber.



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10 LIMITATIONS

This BDA has been completed based upon the information provided to Grant Fleming Environmental (GFE) and the agreed scope of works between GFE and Mr Jonathon Jianing Li, Orchid Wine Estate (client) and their representative Mr Nicholas Timotheou, Urban Living Consultants.

Extensive consultation with stakeholders was outside of the scope of works for this BDA, although limited input was sought from key stakeholders where it was considered important to the risk assessment process and for integrated management.

Bushfire risk assessment and management is not a precise science and a significant number of factors may influence how bushfire risks are assessed and managed at any particular location. These factors include the landscape hazards, weather conditions, vulnerability of assets, community preparedness, and implementation of management programs, practicality and cost. It must be acknowledged that the level of bushfire risk in any given situation and the potential for mitigation remains a complex balance of these and other factors, most of which are outside of the control of GFE. It is not possible to guarantee that a bushfire will not occur as a result of mitigation measures proposed or that the associated consequences can be removed. It must be acknowledged that under catastrophic bushfire conditions bushfires may occur that cannot be controlled by fire-fighting services and bushfire mitigation measures may not be effective in preventing loss of property or life.

GFE has prepared this BDA in accordance with the usual care and thoroughness of the consulting profession, by reference to applicable industry standards, guidelines and assessment criteria in existence at the date of issue of this Report and based upon the information and advice provided to GFE. For the reasons outlined, no warranty or guarantee, whether expressed or implied, is made as to the data, observations and recommendations expressed in this BDA.

Any reliance of this BDA by a third party shall be entirely at such party's own risk. GFE provides no warranty or guarantee to any third party, express or implied, as to the information and or professional advice indicated in this BDA, and accept no liability whatsoever for or in any respect of any use or reliance upon this BDA by a third party.

The logo for Grant Fleming Environmental (GFE) features a stylized, hand-drawn line drawing of a landscape with a hill and a river, with the letters 'GFE' written below it.

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SIGNATURE PAGE

GRANT FLEMING ENVIRONMENTAL

A handwritten signature in blue ink, appearing to read 'G Fleming', is centered on a white rectangular background.

Grant Fleming BSc(Hons), BAppSc, MAppSc
Principal Environmental Scientist

A handwritten signature in blue ink, appearing to read 'GFE', is centered on a white rectangular background.

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Bushfire Development Assessment – 261 Rifle Range Road, Bethany, SA.

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Native Vegetation Clearance

Proposed Tourist Accommodation – 261 Rifle Range Road, Bethany 5352 SA

Data Report

Clearance under the *Native Vegetation Regulations 2017*

1 May 2023

Prepared by Grant Fleming



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1. Application information

Application Details

Applicant:	Jonathon Jianing Li		
Key contact:	Nicholas Timotheou, Urban Living Consultants. M: 0401 342 923 E: nic@urbanic.com.au		
Landowner:	Jonathon Jianing Li, 234-236 Grote Street, Adelaide SA 5000 M: 0410281888 E: Jonathon.li@orchidwine.com.au		
Site Address:	261 Rifle Range Road, Bethany, SA 5352		
Local Government Area:	Barossa Council District Council	Hundred:	Moorooroo
Title ID:	CT/6117/263	Parcel ID	D57830 A1

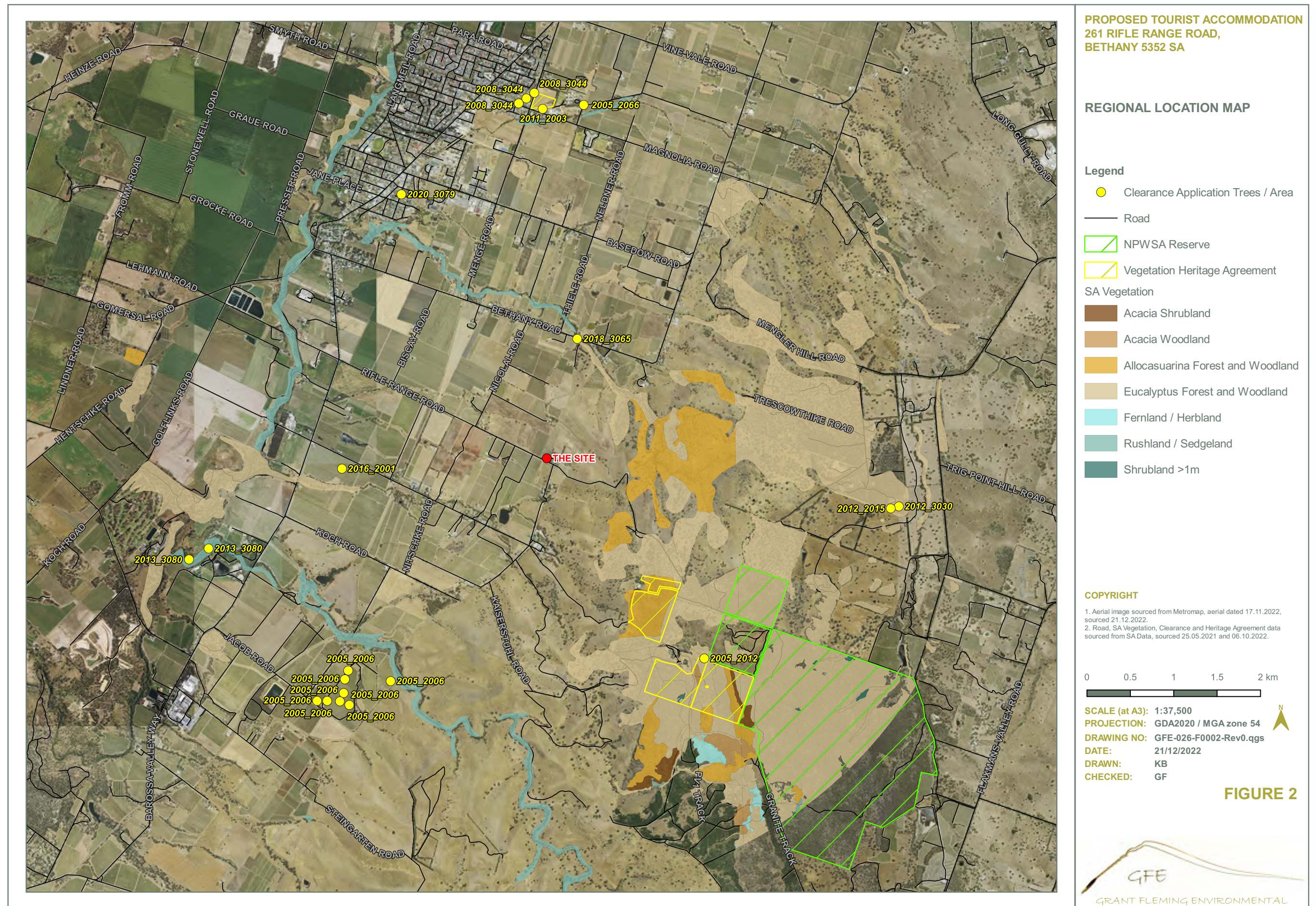
Summary of proposed clearance

Purpose of clearance	Clearance required for the construction of eight Barrel Cabins and ancillary structures, vehicle access and car parking spaces.
Native Vegetation Regulation	Regulation 12, Schedule 1; clause 33, House or Buildings
Description of the vegetation under application	<u>Size, type and general condition</u> – 0.36 ha of Rough Spear Grass (<i>Austrostipa scabra</i>), Corkscrew Spear Grass (<i>Austrostipa setacea</i>) Common Wallaby Grass (<i>Rytidosperma caespitosum</i> .) Open Grassland in poor condition with emergent <i>Eucalyptus spp.</i> saplings.
Total proposed clearance - area (ha) and number of trees	0.36 ha of Open Grassland is proposed to be cleared.
Level of clearance	Level 2
Overlay (Planning and Design Code)	<u>Zones</u> Rural - Ru <u>Overlays</u> Character Preservation District – Not In Township Hazards (Bushfire – High Risk) Hazards (Flooding – Evidence Required) Native Vegetation Limited Land Division Prescribed Water Resources Area Significant Landscape Protection Water Protection Area Water Resources

Map of proposed clearance area: • Proposed position of the cabins • Presence of remnant native vegetation association • Location of planted trees • Location of carparks	
Mitigation hierarchy	The application seeks approval to clear native vegetation present within the site in order to establish the eight short term stay cabins. The development is aligned with the performance outcomes of the Rural zone in which it is located, as tourist accommodation is a complying development within the zone. <u>Avoidance</u> The proposed development has located cabins to avoid the requirement to remove scattered trees that as planted trees are not afforded protection under the NV Act. The proponent in retaining scattered trees has recognized their value within the landscape and aesthetic value as an important component of the proposed development. The value of the tree is undiminished regardless of whether or not it is afforded protection under the NV Act. Managed native grassland will be maintained within the 20 m APZ established within the existing constraints around the proposed cabins. Therefore while clearance approval is required to be sought to accommodate the 20 m APZ, the actual clearance will be restricted to the pads for the cabins and the immediate indirect impacts associated with construction. Use of the existing driveway and car parking spaces avoids the requirement for additional clearance. The cabin size chosen is also a means by which the impact upon the environment is minimized and considered to be a low profile development in keeping with the natural surroundings. <u>Minimisation</u> The proposed development has been sited within a previously cleared area with planted trees. GFE understands that established planted trees are proposed to be retained on the site and cabins have been deliberately placed to avoid the requirement to remove the large (native – not protected under the NV Act) trees. Clearance of the grassland is restricted to the eight pads constructed to accommodate the cabins. Grouping the cabins together in pairs reduces the overall impact upon native vegetation and the impact is further minimized by aligning six cabins adjacent to each other. Retention and promotion of the native grassland within the APZ further minimizes the long term impact of the proposed development. The car park locations utilize the existing car parking areas that do not support native vegetation.

	<u>Rehabilitation or restoration</u> The vegetation within the footprint of the cabins and the pads upon which they are constructed will be permanently cleared. However, the Asset Protection Zone established around the cabins will be maintained as managed native grassland that includes retention of the native grasses identified within this report. It is considered likely that the maintenance of the grassland will promote grass species over weeds due to the mowing regime required to maintain the grassland at a height of ≤ 10 cm across the bushfire season. <u>Offset</u> The proposed clearance will be offset by payment into the NVC fund.
SEB Offset proposal	Payment of \$2,403.78





2. Purpose of clearance

2.1 Description

The clearance is required to establish the proposed eight short term tourist accommodation cabins and the associated 24 car parking spaces that are provided across five locations at the property within existing formal and informal parking areas. The existing driveway will be utilised for the proposed development.

2.2 Background

The property occupies 6.8 ha at 261 Rifle Range Road, Bethany. The property contains grape vine blocks and short term stay tourist accommodation and is known as the Blickinstal Barossa Valley Retreat. The present development at the property includes two accommodation buildings, two smaller buildings used for storage north of the main building, a garage accommodating four parking spaces and a single storey main dwelling. The proposed carparks are located within areas that are presently used for informal car parking. The entrance driveway is lined by planted trees along the southern side of the driveway. This driveway will remain and be used for the newly developed site. The small lawn area in front (north) of the existing accommodation building has a garden bed on the northern side and planted trees on the eastern side and lacks any native vegetation association. The line of trees adjacent the eastern most proposed carpark location are also planted and therefore not protected under the NV Act.

The land use across hills to the east of the site is classified as 'Production from Dryland Agriculture and Plantations', with the adjoining land further east classified as 'Conservation and Natural Environments'. Approximately 2.6 km southeast of the site is Kaiserstuhl Conservation Park. Mount Crawford Forest Reserve is located approximately 3 km south-southeast of the site at Pewsey Vale and is comprised largely of softwood plantations. Land use along the foothills that extend in a broadly northeast to southwest alignment is typically vineyards and the area is a significant wine region. The land use category west of the site is therefore 'Production from Irrigated Agriculture and Plantations' with smaller areas of 'Intensive Uses' and areas of 'Production from Dryland Agriculture and Plantations' forming a mosaic that is dominated by vineyards.



Photo 1 Aerial Photography 1949 – site cleared of trees.

Peter Farmer, NV Branch following a review of the historical aerial imagery indicated that “it appears that the vast majority if not all the trees on the property were planted between 1975 and 1985 on land that had been cleared prior to 1949”, Photo 1 (personal communication 20 October 2022). Aerial photography from 1985 showed that trees had been established along the southern side of the entrance driveway with the alignment and spacing suggesting that these trees had been planted. Review of historic aerial photography suggests on the balance of probability that the mature trees present at the site had been planted. The historic aerial photography indicates that the entire site had been cleared prior to 1949, although it is not possible to determine if an altered remnant native grassland association persists on the site. The site is not mapped as supporting a native vegetation association (NatureMaps 2022).

The site has been mowed regularly by the previous owner (local grazier (name not supplied) personal communication), although the present owner has not maintained the same schedule allowing grasses to remain taller. At the time of the vegetation assessment grass cover across the site was quite high with wild oats (*Avena barbata*) present with seed heads, indicating that it had been some time since mowing or slashing had occurred.

GFE is not aware of any further development plans with the property remaining dedicated to grape production while providing short term tourist accommodation.

2.3 General location map

The site map is provided in Figure 1 and the general location map is provided in Figure 2.

2.4 Details of the proposal

The design drawings for the proposed development are provided within Appendix 7.4. The layout of the proposed facility is shown in Figure 1 while the surrounding land use is shown in Figure 2. As the proposed cabins will be located on the hill slope to take advantage of the views across the area, level pads will be constructed with the associated earthworks including the construction of retaining walls. Cabins have been deliberately located in order to avoid the removal of established trees minimizing the development's impact upon the environment.

The APZ to be established around the facility involves the establishment and management of natural grassland that includes the retention of the existing native grass species. During the bushfire season the native grassland will be maintained at a height of ≤ 10 cm.

All of the proposed car-parking areas are to be located within areas previously developed or presently being used as informal car-parking spaces. No vegetation clearance is required in order to establish the car-park spaces to service the proposed eight cabins.

2.5 Approvals required or obtained

Native Vegetation Act 1991

Consent to clear native vegetation at the site under the *Native Vegetation Act 1991* is subject to this application and data report. The trees at the site are planted and are therefore not afforded protection under the NV Act.

Planning, Development and Infrastructure Act 2016

A Development Application will be required to be lodged in order to obtain building consent. It is understood that no significant or regulated trees will be removed as part of the proposed development. The removal of Regulated or Significant Trees would require approval under the PDI Act as the trees on the property are not afforded protection under the NV Act as they are planted.

The location of the proposed development within the Bushfire – High Hazard overlay triggers a referral to the CFS Development Assessment Service (this advice has not been received) and this Data Report assumes an APZ of 20 m will be required to be established. While it is acknowledged that additional asset protection may be required the site boundary is considered to limit the potential to establish the APZ within the property boundary, although Rifle Range Road provides a fuel reduced zone.

Environment Protection and Biodiversity Conservation Act 1999

No direct impacts upon protected matters of national environmental significance (MNES) have been identified associated with the proposed clearance. Grey-headed Flying-Fox (*Pteropus poliocephalus*) listed as Vulnerable under the EPBC Act were reported under the search of MNES, however the species has not been recorded from within 5 km of the site over the last 20 years. No protected native vegetation associations were present at the site. Four bird and four plant species were identified by the search of MNES as *Species or species habitat known to occur within area*.

National Parks and Wildlife Act 1972

There were no occurrence records of threatened species listed under *National Parks and Wildlife Act 1972* (NPW Act) identified as occurring on the site. The search of the Biological Database of South Australia (BDBSA) and the search for Matters of National Environmental Significance (MNES) under the EPBC Act identified the occurrence of species listed under the NPW Act that were possible or likely to occur at the site.

Landscape South Australia Act 2019.

The site is located within the Northern and Yorke Landscape Management Region. The proposed development does not involve a water affecting activity. Pest animal and plant weed control is regulated under this legislation, landowners are required to manage and control Aleppo Pine, Desert Ash and Olives on their property as they are Declared Plants under this legislation. Numerous small Desert Ash (**Fraxinus angustifolia*) occur within the centre of the site, around the Red Gum (*Eucalyptus camaldulensis*) and many seedlings were present under the canopy of the established trees. As a Declared Plant under the LSA Act it would be recommended that established and seedlings of Desert Ash be removed while retaining the Red Gum.

The proposed development does not involve activities that require a water licence.

Aboriginal Heritage Act 1988

There are no known Aboriginal heritage sites located within the allotment (NatureMaps 2022) and no cultural artifacts were noted during the site survey. There remains the potential for cultural artefacts to be located within the property. The trees subject to this application are considered to have been planted and did not contain scars consistent with Aboriginal use. The property is located within an area of native title claim Ngadjuri Nation #2 (Application File Number SC2011/002, Federal Court Number SAD84/2022) (NatureMaps 2022).

2.6 Native Vegetation Regulation

Regulation 12, Schedule 1; clause 33, House or Buildings.

2.7 Development Application information (if applicable)

A Development Application will be lodged for the proposed development.

Zones

Rural – Ru – the proposed development provides additional short term stay tourist accommodation while viticulture on the property remains unchanged. The Rural Zone supports tourist accommodation and the proposed development is an extension of the existing land use at the property. It is considered that the proposed development is consistent with the Performance Outcome which seeks:

Tourist accommodation is associated with the primary use of the land for primary production or primary production related value adding industry to enhance and provide authentic visitor experiences.

Overlays

Character Preservation District – Not In Township – the proposed design is sympathetic with the broader wine making region.

Hazards (Bushfire – High Risk) - the proposed development will be referred to the CFS for a bushfire development assessment as it is located within a High Bushfire Risk area.

Hazards (Flooding – Evidence Required)

Native Vegetation – consideration of native vegetation at the site is the subject of this Data Report.

Limited Land Division – the proposed development involves expansion of the existing tourist accommodation facilities and does not involve subdivision of the property.

Prescribed Water Resources Area

Significant Landscape Protection

Water Protection Area

Water Resources

3. Method

3.1 Flora assessment

The desktop assessment of flora and vegetation associations of conservation significance included the following database searches:

- A desktop review of historical imagery and discussions with Peter Farmer NV Branch regarding historical clearance and the potential for a native grassland vegetation association to occur at the site.
- A search for Matters of National Environmental Significance (MNES) under the *EPBC Act 1999* within a 5 km radius from the property.
- A threatened species report utilising the Biological Database of South Australia (BDBSA) for the site with a 5 km buffer applied from NatureMaps SA.
- A search for mapped SA vegetation associations was conducted to establish an indicative species list of flora prior to undertaking the fieldwork.
- A threatened species search utilizing the Atlas of Living Australia (ALA) database with a 5 km buffer applied.

The vegetation present on the site was assessed on Thursday 8 December 2022 in accordance with the Native Vegetation Council (NVC) (2019) *Bushland Assessment Manual* July 2020 for small sites (<0.5 ha) or narrow linear sites (<5m wide). Figure 1, shows the location of the vegetation subject to this application. The entire site was assessed as the site was too small to establish a 50 m x 50 m quadrat. The assessment involved walking transects over the whole site to identify species present and any environmental issues.

A total of 3 hours was spent on site.

Photographs were taken for each compass point (N, E, S and W) at each corner of the proposed layout and each location was recorded with a GPS.

The areas of the property proposed to be developed as carparks were inspected and a determination made as the nature (planted/remnant and native/exotic) of any scattered trees present.

The planted trees along the driveway were assessed to determine if they were Regulated or Significant trees under the PDI Act.

3.2 Fauna assessment

As a Level 2 risk assessment formal fauna surveys were not required. However, a search of the MNES was conducted under the EPBC Act 1999 for the site with a 5km buffer applied. A database search of records for the past 20 years was conducted for the presence of species listed under the NP&W Act 1972 utilising the Biological Database of South Australia for the site with a 5km buffer applied to the site.

The presence of fauna and scats and tracks was recorded during the site vegetation assessment.

4. Assessment Outcomes

4.1 Vegetation Assessment

General description of the vegetation, the site and matters of significance

The property is located on the junction of the Barossa Valley Land System that corresponds to the plains and the Trial Hill Land System that corresponds to the hill slopes present at the property. The boundary of these land systems bisects the property. The landform classified as Land Type A with shallow stony soils formed over basement rock in an area of hills and rises with variable rock outcrop forms part of the Trial Hill Land System (Naturemaps 2022). No rock outcropping was present within the site that is located on a hillslope with a northwesterly aspect. The northwestern portion of the property is gently sloping with grape vines growing on the deep texture contrast soil formed over calcareous subsoil and corresponds to the Barossa Valley Land System. Land Type J is part of the Barossa Valley Land System located across the western portion of the property and comprises plains and gentle slopes with soils that have developed as a result of the deposition of outwash sediments that have been derived the basement rock in the hills. Vineyards in the region have been developed on these deeper soils on the plains of the Barossa Valley Land System.

An un-named Strahler first order stream runs across the property in the broad valley formed by the adjacent hillslopes from the northeast towards the northwest.

The vegetation under application contains a single native vegetation association, identified as an *Austrostipa setacea* (Corkscrew Spear Grass), *Austrostipa scabra* (Rough Spear Grass), *Rytidosperma caespitosum* (Common Wallaby Grass) Open (Tussock) Grassland. The ratio of native:exotic understorey biomass was assessed to be 5-10 %, that is, the site is dominated by weed species including *Avena barbata* (Wild Oat), *Bromus diandrus* (Great Brome), *Ehrharta longiflora* (Annual Veldgrass) and *Vulpia myuros* (Rat's Tail Fescue). The native grassland occurs as patches across the site, with each patch typically dominated by a particular species, that is the composite species are not evenly distributed across the site or within a patch. A small number of saplings of *Eucalyptus spp.* were emergent within the grassland and were considered to be principally a mix of *Eucalyptus camaldulensis* and *E. leucoxylon* although it is likely that some mallee species and *E. torquata* (Coral Gum) may have also been present, as saplings were likely to have arisen from the roadside corridor plantings that contained a mixture of species and from the planted species along the driveway. As the area had not been mowed for a considerable time saplings had emerged. It is believed that the area had previously been regularly maintained (mowed) (personal communication) which may explain why small trees were absent from the grassland. The remainder of the property, outside of the proposed development area was not assessed so the distribution of native grasses across the entire property was not determined. The areas of the proposed car parks and garden beds in front (north) of the existing accommodation were assessed and lacked a native grassland vegetation association. The potential remains for native grasses to occur within the vineyard as the inter-row was grassed.

As previously discussed the trees present at the site and across the property are considered to have been planted, as the site was cleared sometime prior to the date of the aerial photography taken in 1949. The native tree species present are therefore not afforded protection under the NV Act. The tree species present include a number of Declared Plants under the LSA Act, native species that are not endemic to South Australia and a number of local species including *Eucalyptus camaldulensis* (Red Gum). Trees were situated along the southern side of the driveway and scattered across the site.

The vegetation under application is comprised of a large number and percentage cover of pasture grasses and exotic weeds with scattered patches of native grasses. The percentage cover of these native grasses is sufficient for the site to be regarded as a native grassland association. The native grassland appears to be isolated, although native grasses may occur in the surrounding landscape including amongst the ground cover under the vines. The areas of grass immediately north and northwest of the existing accommodation units was comprised of introduced grasses that were being maintained as garden areas and did not support a native vegetation association. In the broader landscape context the closest conservation area is Kaiserstuhl Conservation Park located 2.6 km away to the southeast of the site.

There are three Heritage Agreement areas located within a 5 km radius of the site. HA1211 registered on 27/03/2001 and 14/12/2007 is established across two properties located approximately 1.7 km southeast of the site and occupies a combined area of 33.5 ha. HA900 located a short distance from HA1211 is also established across two properties, registered on 30/06/1994 and is located approximately 2.6 km southeast of the site and occupies approximately 56 ha. HA1112 registered on 4/06/1999 is located approximately 4 km north of the site and occupies 3.29 ha.

Details of the vegetation associates/scattered trees proposed to be impacted

Vegetation Association	<i>Austrostipa setacea</i> (Corkscrew Spear Grass), <i>Austrostipa scabra</i> (Rough Spear Grass), <i>Rytidosperma caespitosum</i> (Common Wallaby Grass) Open (Tussock) Grassland with emergent <i>Eucalyptus spp.</i>
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Representative photo(s)



Photo A1 Patch of *Austrostipa scabra* (Rough Spear Grass) near property entrance to the west of the site. Historic disturbance had occurred in this area.



Photo A2 Patch of *Austrostipa setacea* (Corkscrew Spear Grass) – green tussocks near ranging pole – Fig.1(B)



Photo A3 *Rytidosperma caespitosum* (Common Wallaby Grass), northern side of the site approaching the driveway.



Photo A4 Patch of *Austrostipa scabra* (Rough Spear Grass) adjacent driveway – Fig.1(A)

General description	<i>Austrostipa setacea</i> (Corkscrew Spear Grass), <i>Austrostipa scabra</i> (Rough Spear Grass), <i>Rytidosperma caespitosum</i> (Common Wallaby Grass) were the only native grasses located on the site in a patchy distribution. The presence of numerous seedlings of Desert Ash (<i>Fraxinus angustifolia</i>) adjacent and under the canopy of the Red Gum (<i>Eucalyptus camaldulensis</i>) within the middle of the site and the height of vegetation throughout the site indicates that the site has not been mowed for a considerable length of time. Several Blue Gum (<i>Eucalyptus leucoxylon</i>) and <i>Eucalyptus spp</i> saplings are present within the site and are likely regeneration originating from the roadside plantings and the trees lining the driveway. Declared plant species present include Desert Ash (<i>*Fraxinus angustifolia</i>), Olive (<i>*Olea europaea</i>), Soursob (<i>*Oxalis pes-caprae</i>) and Horehound (<i>*Marrubium vulgare</i>). The site was dominated by the presence of pasture grasses and agricultural weeds.				
Threatened species or community	The vegetation association identified at the site (Spear Grass, Wallaby Grass Open (Tussock) Grassland) is not a threatened vegetation association. No threatened flora or fauna were located at the site. The site does not provide suitable habitat for threatened fauna. The proximity to Rifle Range Road, the narrow nature of the site and activity within the vineyard and associated with the existing tourist accommodation provides a high level of disturbance.				
Landscape context score	1.15	Vegetation Condition Score	6.67	Conservation significance score	1
Unit biodiversity Score	7.66	Area (ha)	0.36	Total biodiversity Score	2.76

Site map showing areas of proposed impact

The proposed development within the site is shown in Figure 1.

Photo log

Photo 2 Trees (mixed species) established along he driveway entrance.

Planted trees lined the southern side of the driveway are not protected under the NV Act and are to be retained. Species included *Eucalyptus leucoxylon* (Blue Gum), *Eucalyptus camldulensis* (Red Gum), *Eucalyptus torquata* (Coral Gum) with a section of **Agapanthus praecox ssp orientalis* (Agapanthus) lining the driveway at the eastern end of the site towards the existing accommodation. Several other garden escapes were present in the site close to the existing accommodation.



Photo 3 Red Gum (planted) surrounded by Desert Ash (**Fraxinus angustifolia*) trees and saplings (mid site). Note *Eucalyptus* spp. sapling recruitment (arrow).



Photo 4 Western end of the site with historic disturbance as evident by the presence of mounds, dominated by agricultural weeds and pasture grasses.

4.2 Threatened Species assessment

There are 20 Biological Database of South Australia (BDBSA) records of threatened fauna species occurring within 5 km of the site. These records are clustered within two areas; the Tanunda sewage ponds located 3.6 km northwest of the site and within the Kaiserstuhl Conservation Park located 2.6 km to the southeast of the site. With much of the plains area cleared with established vineyards, many records are associated with the watercourses that flow from the hills region across the plains and typically retain vegetation. The distribution of BDBSA threatened flora and fauna records within 5 km of the site over the last 20 years are shown in Appendices 7.1 and 7.2.

The records of threatened ducks and other waterbirds including: *Oxyura australis* (Blue-billed Duck), *Biziura lobata menziesi* (Musk Duck), *Actitis hypoleucos* (Common Sandpiper), *Spatula rhynchotis* (Australasian Shoveler) all listed as Rare under the NPW Act and *Stictonetta naevosa* (Freckled Duck) listed as Vulnerable were from the Tanunda effluent ponds. As the site does not have any open waterbodies present it is considered Unlikely that these species will occur at the site. No threatened fauna were observed at the site during the 3 hours spent undertaking the vegetation assessment.

The following species were recorded from the Kaiserstuhl Conservation Park and are considered to be Unlikely to utilize the open Grassland under application; *Trichosurus vulpecula* (Common Brushtail Possum), *Zoothera lunulata halmaturina* (South Australian Bassian Thrush (southern FR, MLR, KI)), *Strepera versicolor* (Grey Currawong), *Petroica boodang boodang* (Scarlet Robin), *Pachycephala inornata* (Gilbert's Whistler), *Melithreptus brevirostris* (Brown-headed Honeyeater), *Myiagra inquieta* (Restless Flycatcher), *Falcunculus frontatus frontatus* (Eastern Shrikebill), *Corcorax melanorhamphos whiteae* (White-winged Chough) and *Acanthiza lineata* (Striated Thornbill).

Turnix varius varius (Painted Buttonquail) NPW Act rated as Rare were recorded from within Kaiserstuhl Conservation Park preferring habitat where there is a closed canopy and are therefore considered Unlikely to occur at the site that is also exposed to a number of disturbance factors. *Platyercus elegans* (Crimson Rosella) are considered to have the potential to move through the site while foraging, but the open grassland considered under this application is not important habitat for this species. The *Stagonopleura guttata* (Diamond Firetail) recorded within Kaiserstuhl Conservation Park is another species that could potentially utilize the grassland, although this species prefers grassy woodland is considered Unlikely to disperse into the habitat under application.

The BDBSA flora records for the last 20 years from within 5 km of the site did not return any records for the site. A large proportion of BDBSA flora records are from Kaiserstuhl Conservation Park. These records include *Austrostipa gibbosa* (Swollen Spear Grass), *Austrostipa densiflora* (Fox-tail Spear Grass) both rated as Vulnerable under the NPW Act, *Rytidosperma leave* (Smooth Wallaby Grass) rated as Vulnerable under the NPW Act and *Amphibromus archeri* (Pointed Swamp Wallaby Grass) also rated as Vulnerable under the NPW Act. None of these species were located within the Open Grassland located at the site. The site is considered to be highly modified with pasture grass and environmental weed species the dominant ground cover present in what historically would have been a grassy woodland vegetation association. As such the canopy and shrub layers have been removed and the Open Grassland is a patchy remnant of this pre-European native vegetation association.

The EPBC Act search for Protected Matters of National Environmental Significance (MNES) identified the potential presence of two birds and four plants where the "Species or species habitat known to occur in the area". The *Zoothera lunulata halmaturina* (South Australian Bassian Thrush) is known to occur at the Kaiserstuhl Conservation Park and the other bird identified the Australasian Bittern (*Botaurus poiciloptilus*) is considered Unlikely to occur at the site as suitable habitat is not present. The records of plants included three species of orchids, *Caladenia argocalla* (White-beauty Spider-orchid), *Prasophyllum pallidum* (Pale Leek-orchid) and *Prasophyllum pruinosum* (Plum Leek-orchid) that occur in Woodland habitats and are considered Unlikely to occur at the site given the disturbed nature of the site and lack of Woodland stratum. The fourth plant species identified by the MNES search was *Olearia pannosa ssp pannosa* (Silver Daisy bush) that was not recorded within the BDBSA search of records from the past 20 years within 5 km of the site and was not identified as being present at the site during the vegetation assessment. Silver Daisy Bush is therefore considered Unlikely to occur at the site.

Criteria for the likelihood of occurrence of species within the Study area.

Likelihood	Criteria
Highly Likely/Known	Recorded in the last 10 years, the species does not have highly specific niche requirements, the habitat is present and falls within the known range of the species distribution or; The species was recorded as part of field surveys.
Likely	Recorded within the previous 20 years, the area falls within the known distribution of the species and the area provides habitat or feeding resources for the species.
Possible	Recorded within the previous 20 years, the area falls inside the known distribution of the species, but the area provide limited habitat or feeding resources for the species. Recorded within 20 -40 years, survey effort is considered adequate, habitat and feeding resources present, and species of similar habitat needs have been recorded in the area.
Unlikely	Recorded within the previous 20 years, but the area provide no habitat or feeding resources for the species, including perching, roosting or nesting opportunities, corridor for movement or shelter. Recorded within 20 -40 years; however, suitable habitat does not occur, and species of similar habitat requirements have not been recorded in the area. No records despite adequate survey effort.

4.3 Cumulative impact

When exercising a power or making a decision under Division 5 of the Native Vegetation Regulations 2017, the NVC must consider the potential cumulative impact, both direct and indirect, that is reasonably likely to result from a proposed clearance activity.

The site is adjacent to the existing short term accommodation at the property and therefore services have already been installed to the property, although connections to the existing services will be required, however the impact upon the Open Grassland is reduced due this factor. The application has included the entire site when only a portion of the site will be directly impacted by the construction of the eight cabins with the disturbance by trenching for water and sewer pipes able to be rehabilitated and revegetated. Trees at the site are to be retained to provide shelter for the cabins and to reduce the visual impact of the proposed development, that is environmentally sensitive and the wine barrel design is considered in keeping with the surrounding land use (vineyards). While the site trees are not protected under the NV Act as they had been planted their ecological value remains intact.

The existing driveway is to be retained for the proposed development avoiding the need for additional clearance and the car parking required for the additional cabins has been located within existing informal car parks at the property that do not support native vegetation and also reduces the need for any additional clearance. These car parking spaces were assessed as part of the overall development assessment. The grassed/garden areas located in front of the existing accommodation do not support native vegetation associations and are best described as garden spaces. The trees at these garden spaces are to be retained and were a mixture of planted native and introduced species that included native species from interstate including *Eucalyptus torquata* (Coral Gum), *Corymbia citriodora* (Lemon Scented Gum), **Pinus halepensis* (Aleppo Pine), *Allocasuarina sp*, *Eucalyptus platypus* (Moort) and *Eucalyptus porosa* (Mallee Box).

The clearance allowed around buildings (10 m) and for fire protection (20 m) will not involve removal of trees other than Desert Ash (**Fraxinus angustifolia*) that are a Declared plant under the LSA Act. The asset protection zone (20 m) unless the CFS recommend additional clearance is to be established by maintaining the native grassland and keeping the grass height to ≤ 10 cm during the fire danger season. It is anticipated that the increased mowing regime across the bushfire season will promote the growth of grasses and progressively lead to a reduction in the broad leaved weeds present, potentially promoting native grasses, albeit at a reduced height. While clearance has been sought for the entire site, trees are to be retained and the removal of native grassland is to be limited to the pad upon which the cabins are to be constructed. The area impacted by construction around the pads is to be rehabilitated as grassland and ongoing management is to maintain open grassland.

GFE is unaware of any planned future development at the site and the property is to continue as a vineyard with short term tourist accommodation.

4.4 Address the Mitigation Hierarchy

When exercising a power or making a decision under Division 5 of the Native Vegetation Regulations 2017, the NVC must have regard to the mitigation hierarchy. The NVC will also consider, with the aim to minimize, impacts on biological diversity, soil, water and other natural resources, threatened species or ecological communities under the EPBC Act or listed species under the NP&W Act.

a) Avoidance – outline measures taken to avoid clearance of native vegetation

The development is located in an area that does not contain a threatened ecological community and does not contain threatened flora and is considered unlikely to contain or be critical habitat for threatened fauna. No threatened flora or fauna were observed during the site assessment.

The location of car parks away from the cabins, making use of existing informal car parking spaces at the property avoids additional clearance within the Open Grassland vegetation association. The co-location of cabins onto the one pad and collocating pads avoids the requirement for additional clearance than if the cabins were positioned separately.

Additional clearance is avoided by the proposed development making use of the existing entrance way and not providing a driveway to each cabin. The cabins size is considered to be modest/minimalist avoiding a large scale footprint for the proposed development.

The decision to retain grassland within the 20 m APZ rather than utilize a hard surface or inorganic mulch (e.g. pebble, crushed granite etc) enables the retention of the open grassland vegetation association, avoiding clearance. That is, while clearance has been sought over the entire area in practice the native vegetation will be retained within the APZ. Retention of the grassland should serve to maintain a stable hillslope with runoff from the cabins effectively managed and avoid excessive dust generation during construction, especially where standard environmental practices are utilised during the construction phase.

b) Minimization – if clearance cannot be avoided, outline measures taken to minimize the extent, duration and intensity of impacts of the clearance on biodiversity to the fullest possible extent (whether the impact is direct, indirect or cumulative).

As shown in Figure 1, the co-location of cabins on the individual pad and the positioning of pads adjoining each other reduces the amount of clearance required compared to if each cabin was located individually within the site. The proposed development footprint is minimized by utilizing the existing driveway and converting the informal parking spaces that exist at the property into formal car parking spaces. The existing informal car parking spaces do not support native vegetation associations.

While the trees established within the site are not afforded protection under the NV Act as they have been planted following historical clearance at the site, the proposed development involves retention of these trees that retain their ecological value. Cabins have been deliberately positioned to avoid trees on the site.

Retention of the native grassland at the site to form the APZ is a further example of minimizing clearance as other options exist that may not require the extent of ongoing management that is associated with maintaining native grassland.

c) Rehabilitation or restoration – outline measures taken to rehabilitate ecosystems that have been degraded, and to restore ecosystems that have been degraded, or destroyed by the impact of clearance that cannot be avoided or further minimized, such as allowing for the re-establishment of the vegetation.

While the footprint of the pads upon which the cabins are to be constructed is permanent clearance the surrounding area that forms the 20 m asset protection zone will be managed as native grassland, with the height of the grass to be maintained ≤ 10 cm for the duration of the fire danger season. The native grassland will be allowed and encouraged to re-establish upon areas of disturbance associated with the construction e.g. tyre tracks and service trenches. It is considered likely that the more frequent mowing regime will promote the growth of grasses and be unfavourable to many of the environmental weeds that are present. Active

management of weed species including Declared Plants will further improve the quality of the open grassland vegetation association present within the APZ. This will include the removal of Desert Ash and Olive trees and seedlings from the middle of the site.

- d) Offset – any adverse impact on native vegetation that cannot be avoided or further minimized should be offset by the achievement of a significant environmental benefit that outweighs that impact.**

The NVC will only consider an offset once avoidance, minimization and restoration have been documented and fulfilled. The SEB Policy explains the biodiversity offsetting principles that must be met.

The proposed development will be offset by the SEB payment into the NV Fund.

4.5 Principles of Clearance (Schedule 1, Native Vegetation Act 1991)

The Native Vegetation Council will consider Principles 1(b), 1(c) and 1(d) when assigning a level of Risk under Regulation 16 of the Native Vegetation Regulations. The Native Vegetation Council will consider all the Principles of clearance of the Act as relevant, when considering an application referred under the *Planning, Development and Infrastructure Act 2016*.

Principle of clearance	Relevant information	Assessment against the principles	Moderating factors that may be considered by the NVC
Principle 1b - significance as a habitat for wildlife	No threatened species were recorded within the site and no threatened species are considered likely to use the vegetation under application. Patches; Threatened Fauna Score - 0 Unit biodiversity Score - 7.66	<u>Seriously at Variance</u> - None <u>At Variance</u> – - None	
Principle 1c - plants of a rare, vulnerable or endangered species	No threatened species were recorded at the site or were assessed to likely be present but undetectable at the time of assessment (e.g. orchids). Threatened Flora Score(s) 0	<u>Seriously at Variance</u> - None <u>At Variance</u> – - None	
Principle 1d - the vegetation comprises the whole or part of a plant community that is Rare, Vulnerable or endangered:	No threatened communities under the EPBC Act or threatened ecosystems under the DEW Provisional list of threatened ecosystems were present at the site. Threatened Community Score 1 (default)	<u>Seriously at Variance</u> - None	

4.6 Risk Assessment

Determine the level of risk associated with the application

Total clearance	No. of trees	None
	Area (ha)	0.36
	Total biodiversity Score	2.76
Seriously at variance with principle 1(b), 1(c) or 1 (d)		None
Risk assessment outcome		Level 2

4.7 NVC Guidelines

Provide any other information that demonstrates that the clearance complies with any relevant NVC guidelines related to the activity.

Not applicable

5. Clearance summary

Clearance Area(s) Summary table

Block	Site	Species diversity score	Threatened Ecological community Score	Threatened plant score	Threatened fauna score	UBS	Area (ha)	Total Biodiversity score	Loss factor	Loadings	Reductions	SEB Points required	SEB payment	Admin Fee
A	1	6	1	0	0	7.66	0.36	2.76	1	0	0	2.90	\$2278.46	\$125.32
						Total	0.36	2.76				2.90	\$2278.46	\$125.32

Totals summary table

	Total Biodiversity score	Total SEB points required	SEB Payment	Admin Fee	Total Payment
Application	2.76	2.90	\$2278.46	\$125.32	\$2403.78

Economies of Scale Factor	0.5
Rainfall (mm)	588

6. Significant Environmental Benefit

A Significant Environmental Benefit (SEB) is required for approval to clear under Division 5 of the *Native Vegetation Regulations 2017*. The NVC must be satisfied that as a result of the loss of vegetation from the clearance that an SEB will result in a positive impact on the environment that is over and above the negative impact of the clearance.

ACHIEVING AN SEB

Indicate how the SEB will be achieved by ticking the appropriate box and providing the associated information:

- ☐ Establish a new SEB Area on land owned by the proponent.
- ☐ Use SEB Credit that the proponent has established. Provide the SEB Credit Ref. No. _____
- ☐ Apply to have SEB Credit assigned from another person or body. The [application form](#) needs to be submitted with this Data Report.
- ☐ Apply to have an SEB to be delivered by a Third Party. The [application form](#) needs to be submitted with this Data Report.

☒ Pay into the Native Vegetation Fund.

PAYMENT SEB

If a proponent proposes to achieve the SEB by paying into the Native Vegetation Fund, summary information must be provided on the amount required to be paid and the manner of payment:

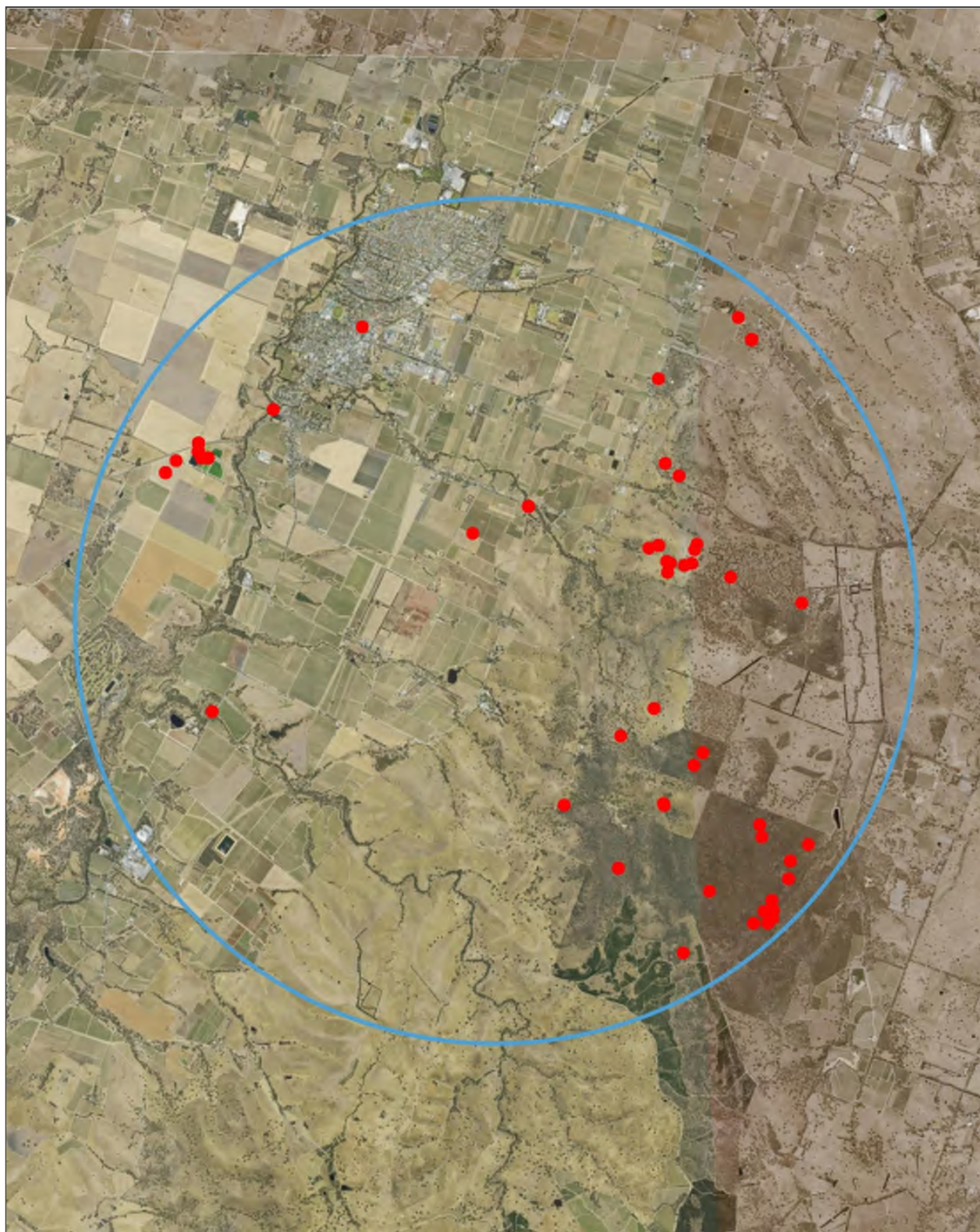
- Total SEB amount (including Administration Fee) is **\$2,403.78** will be paid into the Native Vegetation Fund.

7. Appendices

- 7.1 Threatened Fauna 5km buffer last 20 years
- 7.2 Threatened Flora 5km buffer last 20 years
- 7.3 Bushland Vegetation Assessment Scoresheets (to be submitted in Excel format).
- 7.4 Design Plans

7.1 Threatened Fauna 5km buffer last 20 years

State and National Threatened Fauna Records Last 20 Years, 5 km Buffer



Map data is compiled from a variety of sources and hence its accuracy is variable.

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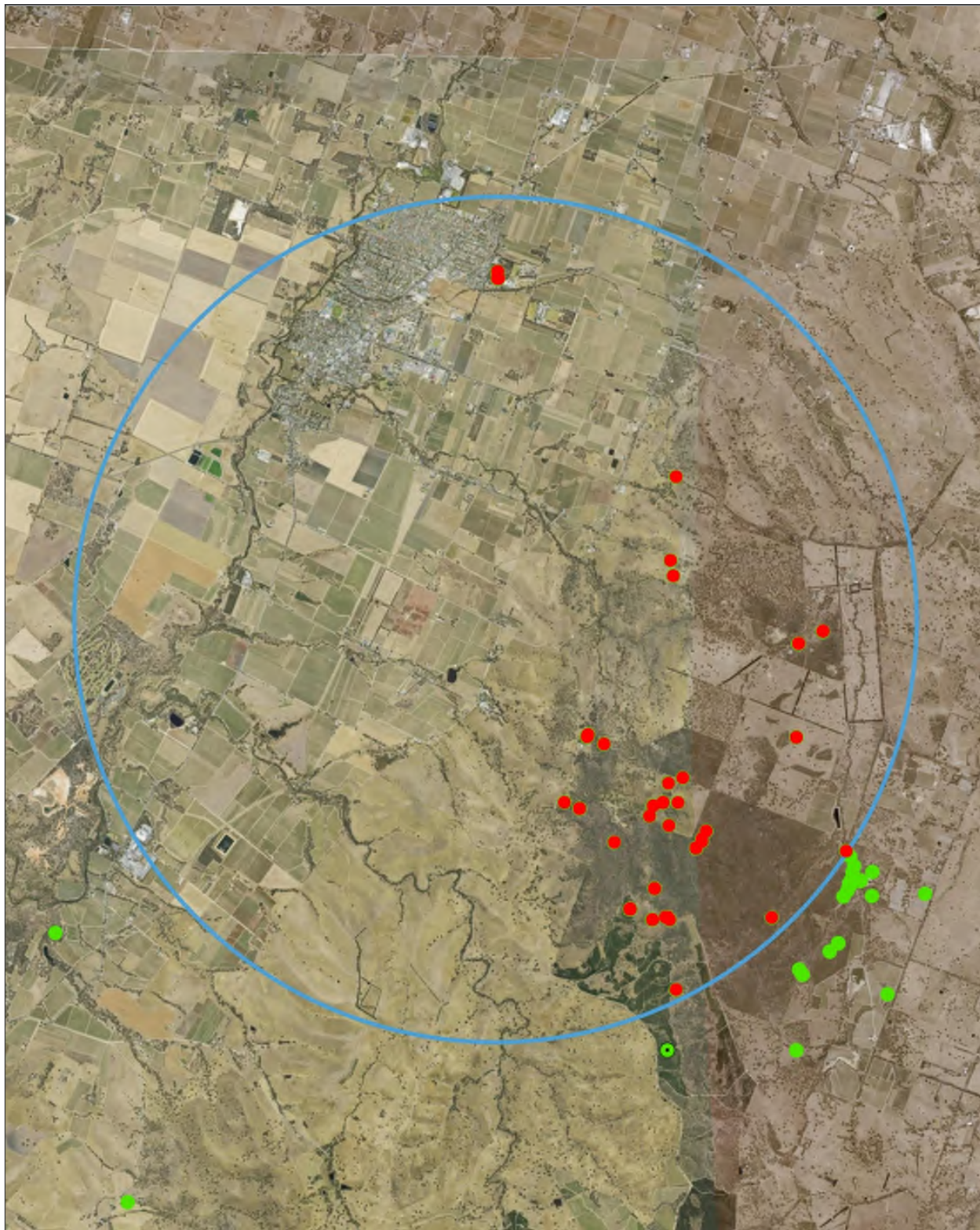
0 2,961 Kms

Compiled: 19-Dec-2022
Generated at: www.naturemaps.sa.gov.au
Datum: Geocentric Datum of Australia, 2020
Projection: Web Mercator (Auxiliary Sphere)



7.2 Threatened Flora 5km buffer last 20 years

State and National Threatened Flora Records Last 20 Years, 5 km Buffer.



Map data is compiled from a variety of sources and hence its accuracy is variable.

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0

2,961 Kms

Compiled: 19-Dec-2022
Generated at: www.naturemaps.sa.gov.au
Datum: Geocentric Datum of Australia, 2020
Projection: Web Mercator (Auxiliary Sphere)



Government of South Australia
Department for Environment
and Water

7.3 Bushland Vegetation Assessment Scoresheets (to be submitted in Excel format). – Electronic files submitted

Bushland Assessment Scoresheet (Small Sites)		(Version - 22 Oct 2021)	
Block	Bethany - A	ASSESSOR(S)	Grant Fleming
Size of Block (Ha)	0.36	DATE OF ASSESSMENT	8/12/2022
Landscapes Region	Northern & Yorke		
IBRA Association	Barossa		
IBRA Subregion	Mount Lofty Ranges		
Map of the Block (Including the Sites)			
See Figure 1			
Landscape Context Scores		% native veg. remaining in IBRA Assoc. 7 % native veg. remaining in IBRA subregion 15 0 - 10% = 0.05 pts; >10-20% = 0.04 pts; >20-30% = 0.03 pts; >30-60% = 0.02 pts; > 60 = 0 pts Score 0.09 Score received for both IBRA assoc. and subregion and summed	
Percent Vegetation Cover (5km radius) (%)	18	% native veg. protected IBRA Assoc.	9
0-5% = 0 pts; >5-10% = 0.02 pts; >10-25% = 0.04 pts; >25-50% = 0.06 pts; >50-75% = 0.03 pt; >75-100% = 0 pts	Score 0.04	0-5% = 0.03 pts; >5-10% = 0.02 pts; >10-25% = 0.01 pt; >25% = 0	Score 0.02
Block Shape Cleared perimeter:Area (km/km2)		Wetland or Riparian Habitat present	
Cleared Perimeter (m) =	159.47	Riparian zone present (Yes/No) = 0.02 pt	No
Cleared Perimeter to area ratio	44.30	Swamp/wetland present (Yes/No) = 0.03 pts	No
<6 = 0.03 pts; 6 to <12 = 0.02 pts; 12 to <18 = 0.01 pt	Score 0	(Swamp/wetland may be +/- riparian zone)	
		Score 0	
Note: Blocks will score a minimum Landscape Context Score of 1		LANDSCAPE CONTEXT SCORE (max 1.25) 1.15	

Attachment 1

[illegible]

[illegible]

Vegetation Condition Scores																							
SITE:	A - cabin area																						
VEGETATION ASSOCIATION DESCRIPTION	Open Grassland																						
SIZE OF SITE (Ha)	0.36																						
Native Plant species diversity																							
Score the diversity of species present in the site as a proportion to what would be expected in a vegetation of that community in very good condition (approaching a pre-European state)																							
<5% (3 Points)	☐																						
5-10% (6 Points)	☒																						
11 - 20% (9 Points)	☐																						
21 - 30% (12 Points)	☐																						
31 - 40 % (15 Points)	☐																						
41 - 50% (18 Points)	☐																						
51 - 60% (21 Points)	☐																						
61 - 70% (24 Points)	☐																						
71 - 80% (27 Points)	☐																						
>80% (30 Points)	☐																						
Native Plant species diversity score (max score of 30)	6																						
Weed Scores																							
Does the site contain plant species declared under the <i>NRM Act 2004</i> (1.5 points)	☒																						
Cover rating for all declared weeds (max of 6)	2																						
Does the site contain environmental weeds (introduced plants with the capacity to invade and exclude native species from bushland. This typically includes species with a BCM weed threat rating of 3, 4 or 5). (1 Point)	☒																						
Cover rating for all environmental weeds (max of 6)	2																						
Weed Score (max score of 15)	10																						
Is the community naturally treeless?	☒																						
<i>Tree attributes not scored for treeless community</i>																							
Native:exotic Understorey biomass score (max 5)	1																						
Regeneration																							
No regeneration present (0 Points)	☒																						
Very low regeneration, consisting of highly scattered juvenile plants of a limited number of species (3 points)																							
Regeneration present, consisting of multiple individual juvenile plants but a limited number of species (6 points)																							
Multiple species regenerating, but low numbers of juvenile plants (9 points)																							
Multiple species regenerating with multiple individual juveniles present with varying age classes (12 points)																							
Regeneration Score (Max 12)	0																						
Native Plant life form																							
All strata of vegetation heavily impacted and native vegetation represented by only scattered plants (4 points)	☒																						
All strata of vegetation impacted with limited structural diversity, largely uniform age classes and reduced vegetation cover (8 points)																							
At least one strata of vegetation has been impacted, with reduced structural diversity, elements may be missing (such as plant species that provide specific structural features e.g. sedges or mid layer shrubs) and reduce vegetation cover (12 points)																							
Limited impacts on native vegetation, with a diversity of structural features and a varied age class, with only a minor loss in structural diversity, vegetation cover or structural elements (16 points)																							
All strata of vegetation present, little or no sign of disturbance. A variety of life forms and associated age classes present. Vegetation cover near complete (20 points)																							
Native Plant life form score (max 20)	4																						
Vegetation Condition Score calculation																							
Positive Vegetation Attributes Score = Native species diversity + Regeneration + Native Plant Life Forms + Mature Trees + Fallen timber/debris + Hollow-bearing trees																							
<i>If the community is naturally treeless this score is multiplied by 1.24</i>																							
		12.40																					
Negative Vegetation Attributes Score = (15 - Weeds) + ((10 - (Biomass score x 2))exp2/2)																							
		37.00																					
VEGETATION CONDITION SCORE (Positive veg attributes x ((Negative vegetation attributes + 60) / 80))																							
		6.67																					
<table border="1"> <thead> <tr> <th>Attribute</th> <th>Score</th> <th>Bar Length (%)</th> </tr> </thead> <tbody> <tr> <td>Native Plant Species Diversity</td> <td>6</td> <td>~33%</td> </tr> <tr> <td>Weed Score</td> <td>10</td> <td>~67%</td> </tr> <tr> <td>Native Plant Life Forms</td> <td>4</td> <td>~20%</td> </tr> <tr> <td>Regeneration</td> <td>0</td> <td>0%</td> </tr> <tr> <td>Native:exotic Understorey Biomass</td> <td>1</td> <td>~17%</td> </tr> <tr> <td>Vegetation Condition Score</td> <td>6.67</td> <td>~50%</td> </tr> </tbody> </table>			Attribute	Score	Bar Length (%)	Native Plant Species Diversity	6	~33%	Weed Score	10	~67%	Native Plant Life Forms	4	~20%	Regeneration	0	0%	Native:exotic Understorey Biomass	1	~17%	Vegetation Condition Score	6.67	~50%
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Vegetation Condition Score	6.67	~50%																					

Conservation Significance Score																			
Is the vegetation association considered a Threatened Ecological community or Ecosystem?			Yes/No																
State (Provisional List of Threatened Ecosystems of SA) Rare community (0.1 pt)			☐																
State (Provisional List of Threatened Ecosystems of SA) Vulnerable community (0.2 pts)			☐																
State (Provisional List of Threatened Ecosystems of SA) Endangered community (0.3 pts)			☐																
Nationally (EPBC Act) Vulnerable community (0.35 pts)			☐																
ins a Nationally (EPBC Act) Endangered or Critically Endangered community (0.4 pts)			☐																
Note; all sites will score a minimum Conservation Significance Score of 1																			
Threatened Community Score			1																
Number of Threatened Flora Species recorded for the site (within the site)			Number																
*If a species has both a State (NP&W Act) and National (EPBC Act) rating, it's only recorded for its National rating.																			
State Rare species recorded (1 pt each)			0																
State Vulnerable species recorded (2.5 pt each)			0																
State Endangered recorded (5 pts each)			0																
Nationally Vulnerable species recorded (10 pts each)			0																
Nationally Endangered or Critically endangered species recorded (20 pts each)			0																
0 = 0 pts; <2 = 0.04 pts; 2 - <5 = 0.08 pts; 5 - <10 = 0.12 pts; 10 - <20 = 0.16pts; 20 or > = 0.2 pts			0																
Threatened Flora Score			0																
Potential habitat for Threatened Fauna Species (number observed or previously recorded)			Number																
*If a species has both a State (NP&W Act) and National (EPBC Act) rating, it's only recorded for its National rating.																			
Rare species observed or locally recorded (1 pt each)			0																
State Vulnerable species observed or locally recorded (2.5 pt each)			0																
State Endangered species observed or locally recorded (5 pt each)			0																
Nationally Vulnerable species observed or locally recorded (10 pts each)			0																
Nationally Endangered or Critically endangered species observed or locally recorded (20 pts each)			0																
0 = 0 pts; <2 = 0.02 pts; 2 - <5 = 0.04 pts; 5 - <10 = 0.06 pts; 10 - <20 = 0.08pts; 20 or > = 0.1 pts			0																
Threatened Fauna Score			0																
CONSERVATION SIGNIFICANCE SCORE			1																
<table border="1"> <thead> <tr> <th colspan="2">Final Scores for the Site</th> <th colspan="2">Vegetation Condition x Landscape Context x Conservation Significance =</th> </tr> </thead> <tbody> <tr> <td>LANDSCAPE CONTEXT SCORE</td> <td>1.15</td> <td>UNIT BIODIVERSITY SCORE</td> <td>7.66</td> </tr> <tr> <td>VEGETATION CONDITION SCORE</td> <td>6.67</td> <td>Total Biodiversity Score</td> <td></td> </tr> <tr> <td>CONSERVATION SIGNIFICANCE SCORE</td> <td>1.00</td> <td>(Biodiversity Score x hectares)</td> <td>2.76</td> </tr> </tbody> </table>				Final Scores for the Site		Vegetation Condition x Landscape Context x Conservation Significance =		LANDSCAPE CONTEXT SCORE	1.15	UNIT BIODIVERSITY SCORE	7.66	VEGETATION CONDITION SCORE	6.67	Total Biodiversity Score		CONSERVATION SIGNIFICANCE SCORE	1.00	(Biodiversity Score x hectares)	2.76
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CONSERVATION SIGNIFICANCE SCORE	1.00	(Biodiversity Score x hectares)	2.76																
Photo Point and Vegetation Survey Location		Direction of the Photo																	
		West																	
		GPS Reference																	
		Datum	WGS84																
		Zone (52, 53 or 54)	54																
		Easting (6 digits)	314473																
Northing (7 digits)		6174520																	
Description		Rifle Range Road (LHS) view towards property entrance - entrance road on RHS. Cabins to be positioned between trees. Tussocks of native grass amongst significant pasture grass and weeds. Trees planted.																	
Assessment for Clearance		Approximate hectares required																	
Loss Factor	1.0	Economies of Scale factor	0.50																
Loadings for clearance of protected areas		Mean Annual rainfall for the site (mm)	588																
Reductions for rehabilitation of impact site		Payment into the fund (GST Exclusive)	\$2,278.46																
SEB Points required	2.90	Administration fee (GST Inclusive)	\$125.32																

7.4 Design Plans & Landscape Design Plans

Details of Representations

Application Summary

Application ID	22034751
Proposal	The construction of eight buildings for the purposes of short-term tourist accommodation
Location	261 RIFLE RANGE RD BETHANY SA 5352

Representations

Representor 1 - Rodney Hueppauff

Name	Rodney Hueppauff
Address	
Submission Date	01/03/2023 08:17 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

1. We are very concerned as adjoining land owners that sufficient bushfire reduction measures will not be implemented or maintained to ensure that my land and livestock are never at risk of fire from site. The site is currently a bushfire hazard with most vegetation exceeding 1 metre in height and has remained poorly maintained with the last change in property ownership. 2. As adjoining land owners we rely on full access to our property on a daily basis via the existing driveway in order to sufficiently feed, water, transport and maintain livestock on the grazing area owned by us. There is an existing easement that facilitates full access to and from our property via the existing driveway. We anticipate that access will not be compromised during the construction of the development and after completion due to parking and pedestrian traffic from guests. 3. We are concerned that the safe movement of all vehicles entering and exiting the site will be compromised. There is a high concern for traffic safety as vehicles exiting the site do not have a clear sightline of oncoming traffic on the public road which is unsafe for all road users and pedestrians. The proposed location of the 8 additional parking spaces allow for unsafe vehicle and pedestrian traffic as it is close to existing driveway. 4. We believe that the proposed units do not blend with the surrounding area and the character of the area will be compromised. 5. Existing wildlife habitat and movement corridors will be negatively impacted by proposed development. 6. We do not believe that the development will contribute to local food, wines and nature.

Attached Documents

Representations

Representor 2 - Danette Mifflin

Name	Danette Mifflin
Address	
Submission Date	01/03/2023 09:25 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

1. As local residents close to site we believe that the proposed cabins do not blend with the surrounding natural area and the character of the area will be compromised. 2. We are concerned that the traffic on Rifle Range Road and surrounding sealed and unsealed roads will be impacted by increased traffic movements from tourists and is often unsafe as they enter and exit the site. The free flow/safety of local traffic will be negatively impacted especially traffic coming down the steep hill on Rifle Range Road right next to the site. 3. An increase in guests will mean an increase in rubbish which in turn may mean more bins on roadside for collection. During windy weather these bins are often overturned and debris scattered. This also attracts pests to the area (ie foxes). 4. We are aware the kangaroos use the site as a corridor for their daily movements and fear they will be negatively impacted. 5. The existing accommodation appears to be unoccupied for long periods. We question the long term viability of additional units if their existing accommodation is under-utilised and fear the empty barrel cabins will be unattractive in the surrounding natural area long into the future. 6. We do not believe that the existing dry grown vineyard on site reflects primary production in the Barossa nor enhances or supports an authentic visitor experience contributing to showcasing local wines/produce. 7. We believe there is a moratorium on new buildings on the foothills which must be upheld. 8. There is a real concern that current bushfire regulations are not upheld and the new wooden cabins will be at greater fire risk especially given that the existing mature trees will remain and be used to hide the cabins from the landscape. We believe that access and clearance areas do not comply with codes for fire trucks on site. 9. We have observed existing accommodation being used for long term local residents instead of current approved land use as short term tourist accommodation and are concerned new development may be used in this way in the future. 10. We are unable to view plans and therefore question facilitation of eco-friendly waste water management system that does not impact/contaminate local rainfall/underground water sources; electrical installments and a sufficient, reliable water supply to accommodate a fully occupied site. 11. The potential for conflict between new development and adjoining land users for primary production is increased due to a number of issues including noise, normal primary production activities, disruption to local traffic, dust, pollution and ease of access to adjoining land. 12. Allocated bushfire fighting rainwater storage tanks are used for other means (watering stock, gardens, accommodation) and therefore may be inadequate during bushfire threat.

Attached Documents



Nicholas Timotheou
Accredited Professional – Level 1, 2, 3 & 4
Registration number – APP20200012
0401 342 923
nic@urbanlc.com.au

23/03/2023

Janine Lennon
Senior Planning Officer
The Barossa Council

Dear Janine,

Re: Application ID: 22034751
Proposed Development: construction of eight buildings for the purposes of short-term tourist accommodation
Location: 261 RIFLE RANGE RD BETHANY SA 5352

1. Introduction

Urban Living Consultants has been providing on-going advice for this matter and has been engaged to prepare a response to representations for the above-mentioned Development Application. Our response is to be read in conjunction with our prior reports, together with the additional information submitted to Council.

For the benefit of the Relevant Authority, we are presently in communication with representors and their legal representatives. Through these communications, it has been uncovered Mr Hueppauff and Ms Mifflin do not object the proposed development, rather, seek clarification on certain items. While we continue to converse with the Mr Hueppauff and Ms Mifflin, we attach the following response to enable Council to continue processing the application. Any further correspondence between the applicant and representors shall be forward to the Relevant Authority in due course.

2. Representations

A total of 2 representations were received during the public notification period. The comments received from representors during public notification raised concern with the proposal and are summarised under the following headings:

- Bushfire Hazard and Management
- Traffic and Parking / Pedestrian Safety
- Design and Appearance / Impact on Character
- Failure to complement local attractions
- Interface Between Land Uses
- Waste Management
- Long-term viability of the development / Land Use
- Impacts on Wildlife

We have carefully considered the points raised in the representations and discussed each item with the applicant. We provide the following response in attempt to appease those concerns.

3. Response to Representations

Bushfire Hazard and Management

Concerns have been raised relating to the inadequacy of bushfire mitigation measures. In this regard, the applicant has engaged the services of Mr Grant Fleming of Grant Fleming Environmental, an independent Environmental Scientist. Mr Fleming has been engaged to assess and provide recommendations on the suitability of the development from a bushfire hazards risk in connection with a mandatory referral to the South Australian Country Fire Service. While we defer to their advice on this matter, the importance of bushfire prevention and maintenance is at the forefront of the applicant's priority in ensuring the facility operates and continues to operate in a safe fashion. Subsequently, on-going discussions between Mr Fleming, the CFS and the applicant shall ensure any bushfire hazards are appropriately managed.

Traffic and Parking / Pedestrian Safety

Traffic and parking matters are managed by way of the facilities ability to maintain an appropriate amount of on-site car parking, while the existing access/egress shall be utilised. This arrangement does not require the use of or has no need to rely on on-street parking. On-street parking is highly unlikely for this venue, noting the distance between the activity areas and the street.

The development does not seek any alterations to the access point from Rifle Range Road and therefore, despite the increased intensity of the land use, we do not consider there to be any significant impacts on the flow of traffic, nor does it change the existing nature of movements into/out of the site.

The land contains an existing right of way easement, providing access to adjoining land. The proposal does not seek to alter these arrangements and access will remain available. Further to this, the location of the newly proposed car parking spaces are situated in a safe and convenient location in order to maintain vehicle and pedestrian safety. Car parking areas are strategically located in attempt to avoid informal car parking throughout the site and provide convenience for the new accommodation. These locations are provided with generous vehicle aisle and sightlines to reduce the risk of any potential conflict. It is also noted the nature of the development site is one where vehicles are not travelling at high speeds and given the shared arrangement, all vehicle and pedestrian movements should be carried out with caution.

To this end, limited if any impacts upon the local road network are contemplated. While it could be argued an increased volume of vehicle movements may result from the proposal, the land is able to absorb these impacts to ensure a seamless arrangement.

Design and Appearance / Impact on Character

Concerns have been raised relating to the overall design and appearance of the development together with the impact on the overall character of the area. We take the view the development provides a unique built form outcome which is complementary to one of the key drawcards to the region.

The development introduces a modern building to the area, while achieving an architectural design which strikes visual interest. In order to soften the appearance of the built form, the latest set of plans submitted to Council introduce additional elements to avoid the presence of any upright and bland

outcomes of decking/elevated platforms. This outcome is complementary to the natural setting of the land and reinforces the overall theme and goals of the development.

The development maintains limited visibility from beyond the site and is clustered amongst vegetation and other buildings on the land. We are satisfied the development complements the setting of the special character of the district and reinforces the desired outcomes of the Zone

Failure to complement local attractions

The development involves a reasonable addition to an existing mixed-use facility used for the purposes of viticulture and tourist accommodation. Given the Zone contemplates a range of primary production activities including tourist accommodation, we disagree that the development does not complement local food, wine and nature. The proposal provides a unique and attractive form of short stay accommodation to the region and is a welcomed form of development, contemplated by the Zone.

Interface between land uses

The development is not considered to impact the on-going and long-term use of primary production uses on adjoining land. The subject land is presently used for both viticulture and tourist accommodation and the relatively small increase/expansion of this use is not considered to result in adverse interface concerns.

Waste management systems

The application plans have been updated to nominate the location of waste storage areas. In this regard, we note the following:

- No changes are proposed to the facilities existing waste storage areas
- The location of waste storage receptacles will remain in a location capable of being screened from public view
- The anticipated waste generated from the site does not extend beyond recycling and general waste
- Green waste is disposed of by the facilities private gardening service
- Council's collection services will be sufficient for the removal of waste from the site.

Reference has also been made to the suitability of the site's waste management system. The existing waste management systems are to be utilise, while a new system shall be installed in accordance with Council's standards. We consider this a matter which the owner shall appropriately manage and closely monitor to ensure facilities are available for the development to function.

Other

Impacts on wildlife have been raised throughout the representations. In this regard, we note the existing facility operates in a similar fashion to that proposed. The further intensification of the land use involves an increase in guest numbers and built form. In doing so, the existing operation of the facility is not significantly altered to any extent which we would consider there to be an additional strain on wildlife.

Reference has also been made to the long-term viability of the development and use of the development as short stay accommodation. We note these items are not matters relevant to the planning assessment and are inaccurate assumptions made on the overall operation of the facility.

If the development were to be used for purposes other than short-term tourist accommodation, the applicant is aware this would be a matter subject to a future application with Council. We confirm the applicant has no intention of applying for a different land use in the future.

Closing

I trust this adequately responds to the written representations received by the Council.

We are of the opinion that planning consent and the support of Council is warranted. We look forward to this matter being presented to the next available Council Assessment Panel meeting, where we are happy to answer any questions.

Yours sincerely,



Nicholas Timotheou
Director

URBAN
LIVING CONSULTANTS

Referral Snapshot

Development Application number:
22034751

Consent:
Planning Consent

Relevant authority:
The Barossa Council

Consent type for distribution:

Referral body:
South Australian Country Fire Service

Response type:
Schedule 9 (3)(2) Hazards (Bushfire - High Risk) Overlay

Referral type:
Direction

Response date:
19 Jun 2023

Advice:
With comments, conditions and/or notes

Condition 1

ACCESS TO HABITABLE BUILDING

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 6.2) details the mandatory requirements for 'Private' roads and driveways to facilitate safe and effective use, operation and evacuation for firefighting and emergency personnel and evacuation of residents, occupants and visitors where required. These requirements apply when the furthest point of the building is more than 60m from the nearest public road.

SA CFS has no objection to utilising the existing and proposed access driveway as detailed on drawing named Guest Houses Area Site Plan, dated at last

revision 18/05/2023 and upgraded, where necessary, to comply with the following conditions:

- Access to the building sites shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles, to within 60m of the furthest point of the building.
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either –
 1. A loop road around the building, OR
 2. A turning area with a minimum radius of 12.5 metres, OR
 3. A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres (for each 'leg') and minimum internal radii of 9.5 metres OR
 4. A 'U' shaped 'drive-through' option.
- Private access shall have minimum internal radii of 9.5 metres on all bends.
- Private access shall provide overhead clearances of not less than 4.0m horizontally and vertically between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures.

Condition 2

WATER SUPPLY & ACCESS (to dedicated water supply)

Ministerial Building Standard MBS008 "Designated bushfire prone areas - additional requirements" 2020, as published under the Planning, Development and Infrastructure Act 2016, provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with MBS008.

Please note that where the water supply is an above-ground water tank, the tank (including any support structure) should be constructed of non-combustible material, such as concrete or metal.

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 4.3) details the mandatory requirements for the site to provide a dedicated hardstand area in a location that allows fire fighting vehicles to safely access the dedicated water supply.

SA CFS has no objection to the proposed location for the dedicated water supply as detailed on drawing named Guest Houses Area Site Plan, dated at last revision 18/05/2023, providing the outlet is positioned to comply with the following conditions:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way and is no greater than 60m path of travel to the furthestmost point of the building, to enable fire services to reach all parts

of the building with no more than two lengths of hose from the hardstand area.

- The dedicated water supply and its location should be identified with suitable signage (i.e. blue sign with white lettering "FIRE WATER").
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent the water supply for a nominally level hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- SA CFS appliance's inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.
- A gravity fed water supply outlet may be remotely located from the above ground tank to provide adequate access.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.

Condition 3

MAINTAIN AN ASSET PROTECTION ZONE (APZ) - VEGETATION MANAGEMENT

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 4.2) details the mandatory requirements to establish and maintain an asset protection zone. As such, landscaping shall include bushfire protection features that will prevent or inhibit the spread of bushfires and minimise the risk to life and/or damage to buildings and property and maintain a fuel reduced zone for safe movement of occupants and fire fighters.

SA CFS has no objection to the location and extent of the asset protection zones as detailed on drawing named Guest Houses Area Site Plan, dated at last revision 18/05/2023, providing it complies with the following conditions:

- Vegetation management shall be established and maintained within 20 metres of the habitable building (or to the property boundaries – whichever comes first) as follows:
 1. The number of trees and understorey plants existing and to be established within the APZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.

2. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
3. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
4. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
5. Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height from the trees' lowest branches.
6. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
7. No understorey vegetation shall be established within 2 metres of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).
8. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves
9. The APZ shall be maintained to be free of accumulated dead vegetation.

Advisory Note 1**BUILDING CONSIDERATIONS**

Ministerial Building Standard MBS008 "Designated bushfire prone areas - additional requirements" 2020, as published under the Planning, Development and Infrastructure Act 2016 applies to this site.

Please refer to the National Construction Code (NCC), relevant standards and state provisions for construction requirements and performance provisions.

A site Bushfire Attack Level (BAL) assessment was conducted in accordance with the NCC and Australian Standard™3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas".

Category of Bushfire Attack Level:

Unit 1: BAL 12.5

Unit 2: BAL 12.5

Unit 3: BAL 12.5

Unit 4: BAL 12.5

Unit 5: BAL 12.5

Unit 6: BAL 12.5

Unit 7: BAL 12.5

Unit 8: BAL 12.5

These BAL ratings are conditional upon the establishment and maintenance of 20 metre Asset Protection Zones, in accordance with the Asset Protection Zone – Vegetation Management condition of consent placed on the planning consent with the same application reference.

This result is considered relevant at the date of assessment with respect to the elevations detailed on proposed **Guest Houses Area Site Plan, dated at last**

revision 18/05/2023 and shall not be considered as SA CFS endorsement of any subsequent development.

Advisory Note 2

TOURIST ACCOMMODATION - BUSHFIRE SURVIVAL PLAN

CFS further recommends:

- The applicants to prepare and display a BUSHFIRE SURVIVAL PLAN (BSP) designed specifically for the purpose of any guests that may be in residence during a bushfire event, especially during the Fire Danger Season. The BSP:
 1. should provide clear directions to persons that may be unfamiliar with the area/locality and unfamiliar with what protective actions they may need to take to protect their lives during a bushfire event, including when to take such protective actions; and
 2. should address the possibility that the owners may not be present at the time of the bushfire event; and
 3. should not expect guests to be involved in fire-fighting operations.

The SA CFS 'Bushfire Safety Guide For Business' document (refer to CFS website) should be utilised as a basis for information and the drafting of the (GUEST) BSP.

The applicant should consider reducing operating hours and restrictions on days of heightened bushfire danger and/or bushfire events and consider including any alterations to bookings and services offered due to actual or predicted conditions during the Fire Danger Season in any booking/refund policy.

7. REPORTS – REVIEW OF ASSESSMENT MANAGER DECISIONS (PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016)

Nil.

8. REPORTS – PANEL UPDATES

Nil.

9. REPORTS – OTHER BUSINESS

Nil.

10. REPORTS – CONFIDENTIAL

Nil.

11. NEXT MEETING

Tuesday 1 August 2023 commencing at 5.00pm

12. CLOSURE OF MEETING

The Presiding Member will declare the meeting closed.