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, 3 October 2023, commencing at 5.00 pm

Aaron Curtis
Assessment Manager

The Barossa Council

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

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2.3 Absent

3. CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 5 September 2023 and the Special Barossa Assessment Panel meeting held on Wednesday 20 September 2023 and the Special Confidential Barossa Assessment Panel meeting held on Wednesday 20 September 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 23015775 - 614a Balmoral Road Cockatoo Valley

APPLICANT:	Kevin Casey of Kevin Casey Design and Daniel Evans of Christadelphian Bible Camp Inc will appear on behalf of the Applicant
REPRESENTORS:	Christopher and Shelley Arnold, 18 Goldfields Road Cockatoo Valley Dianne Schaefer, 58 Goldfields Road Cockatoo Valley Nicole Emes, 44 Goldfields Road Cockatoo Valley Jacalyn Seddon, 87 Woodlands Road Cockatoo Valley Chris Walmsley, 608 Balmoral Road Cockatoo Valley Cameron Ainslie, 43 Middleton Road Cockatoo Valley

APPLICATION DETAILS

PROPOSAL	Amendments to Development Application 960/592/2018 - Demolition and Replacement of Dormitory Accommodation and Classrooms (5 accommodation cabins and 2 classrooms) in association with existing camp site facility; Amendments include temporary Re-location of former Dormitories H and F (housing up to 60 beds), amendment to construction of three replacement dormitories: Building B to contain 36 beds and additional bathroom facilities, Building F to contain 30 beds, and altered bathroom facilities and Building H to contain 32 beds and altered bathroom facilities; re-located former Dormitories H and F to be demolished and/or removed from the site at completion of replacement buildings
APPLICANT	Daniel Evans
OWNER	Christadelphian Bible Camp Inc
APPLICATION NO	23015775
CERTIFICATE(S) OF TITLE	CT 5897/233
AREA	15.4 hectares
CURRENT USE	Short Term Accommodation – Christian Bible Camp
PLANNING AND DEVELOPMENT CODE VERSION	2023.9 – 29 June 2023
PLANNING AND DESIGN CODE EXTRACT LINK	Relevant Code Extract
ZONE	Rural Living
OVERLAYS	Character Preservation District Gas and Liquid Petroleum Pipelines Hazards (Bushfire - Medium Risk)

	Hazards (Flooding - Evidence Required) Native Vegetation Prescribed Water Resources Area Water Resources
APPLICATION TYPE	Code Assessed – Performance Assessed
PUBLIC NOTIFICATION	Notified – Sign
REFERRALS	Department for Energy and Mining
PREVIOUS APPLICATIONS	1976 – 2 toilet blocks, 2 dormitories and one kitchen/dining room 1976 - 2 dual-room wooden classroom blocks to be used as teaching rooms 1976 - a 'Galeprufe' shed 1983 – pergola 1987 – Council advises Hebron that they have no objection to the site accommodating up to 350 people 1988 - camp site facility consisting of a substantial dining room extension, two dormitories and a new toilet block 1989 – recreation hall – APPEALED – consent upheld by Planning Tribunal 1989 - dining room extension, dormitories and a ablution block 1991 - 5 dormitory buildings, 3 ablution buildings, 1 storage shed, car parking and landscaping, 6 gazebos – REFUSED – APPEALED – refusal upheld by Planning Tribunal 1994 – sound proofing of recreation hall 966/246/94 – caretaker's residence 966/D032/05 – land division 1996 – ablution block 966/6118/1996 – tractor & implement shed 960/756/1998 – garage 960/756/1998 – carport in associated with caretaker's residence 960/47/2006 – 10 shelters for discussion groups and Sunday School Classes 960/622/06 – ablution block 960/934/08 – new accommodation block to replace existing – REFUSED 960/396/2013 - replacement of existing dormitory accommodation - APPEALED – Consent upheld by ERD Court – Lapsed 5 Sept 2017 960/592/2018 - Demolition and Replacement Dormitory Accommodation and Classrooms (5 accommodation cabins and 2 classrooms) in association with existing camp site facility – Deemed Complying – In Progress – to be completed by 26 October 2024
ASSESSING OFFICER	Janine Lennon
RECOMMENDATION	That Planning Consent by GRANTED subject to Reserved Matters and Conditions

INTRODUCTION

The landowner seeks Development Approval for "*Amendments to 960/592/2018-Demolition and Replacement Dormitory Accommodation and Classrooms (5 accommodation cabins and 2 classrooms) in association with existing camp site facility; Amendments include temporary Re-location of former Dormitories H and F (housing up to 60 beds), amendment to construction of three replacement dormitories: Building B to contain 36 beds and additional bathroom facilities, Building F to contain 30 beds and altered bathroom facilities and Buildings H to contain 32 beds and altered bathroom facilities; re-located former Dormitories H and F to be demolished and/or removed from the site at completion of replacement buildings*" at 614a Balmoral Road, Cockatoo Valley.

The site is located within the Rural Living 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 twelve representations, of which six representors have 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 representors have indicated a desire to be heard in support of their representation.

The proposal is for alterations to existing short-term accommodation on a site which has existing and approved use as short-term accommodation. The site contains five dormitory buildings, two classroom buildings, a recreation hall, a kitchen and dining hall, two ablution blocks and numerous small ancillary buildings, as well as a caretaker's residence.

While short-term accommodation is not an envisaged land use under the relevant Performance Outcome and associated DPF for the Rural Living Zone, it is a pre-existing approved use. On balance, considering all relevant provisions of the Planning and Design Code, with regard to the locality, siting, bulk and scale, car parking, vehicular access, native vegetation removal, bushfire and wastewater management, the proposal 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 an irregular shaped allotment located at 614a Balmoral Road, Cockatoo Valley. It is positioned on the southern side of the road within an established rural living area characterised primarily by small acreage rural lifestyle allotments with varying levels of animal keeping and horse keeping activities. The site sits quite low within Cockatoo Valley with two watercourses passing through, being Seven Mile Creek and Yettie Creek.

The visual locality is defined by a low intensity of built form development punctuated by stands of vegetation with relatively short vistas available due to the terrain and vegetation. The closest township is Lyndoch which is located 3.7 kilometres north-east of the subject land.

The site has an area of approximately 15.4 hectares. As previously mentioned, the site contains five dormitory buildings, two classroom buildings, a recreation hall, a kitchen and dining hall, two ablution blocks and numerous small ancillary buildings, these buildings are all clustered in the southern portion of the site. To the north of the site adjoining Balmoral Road is the caretaker's residence.

Stands of planted mature vegetation are clustered within the site and concentrated mostly in the south (around the accommodation buildings), and along the water courses, the eastern boundary and the central driveway.

The primary vehicle access is via a single driveway from Balmoral Road. Balmoral Road has a 6.5 metre-wide verge that contains mature vegetation. The internal driveway comprises compacted rubble that access existing car parking areas for the accommodation buildings and the caretaker's residence. The car parks are generally informal with cleared, level areas providing space for vehicle manoeuvring.

The locality comprises substantially of rural lifestyle allotments on small acreages. Uses include residential, animal keeping, horse keeping and home activities.

The topography of the locality is undulating. The subject site being somewhat flatter being in the bottom of the valley with a slope of 1 in 10 at its steepest point, but generally approximately 1 in 50. There are limited views to and from the accommodation buildings from external to the site.

Figure 1 below contains a Zone map.

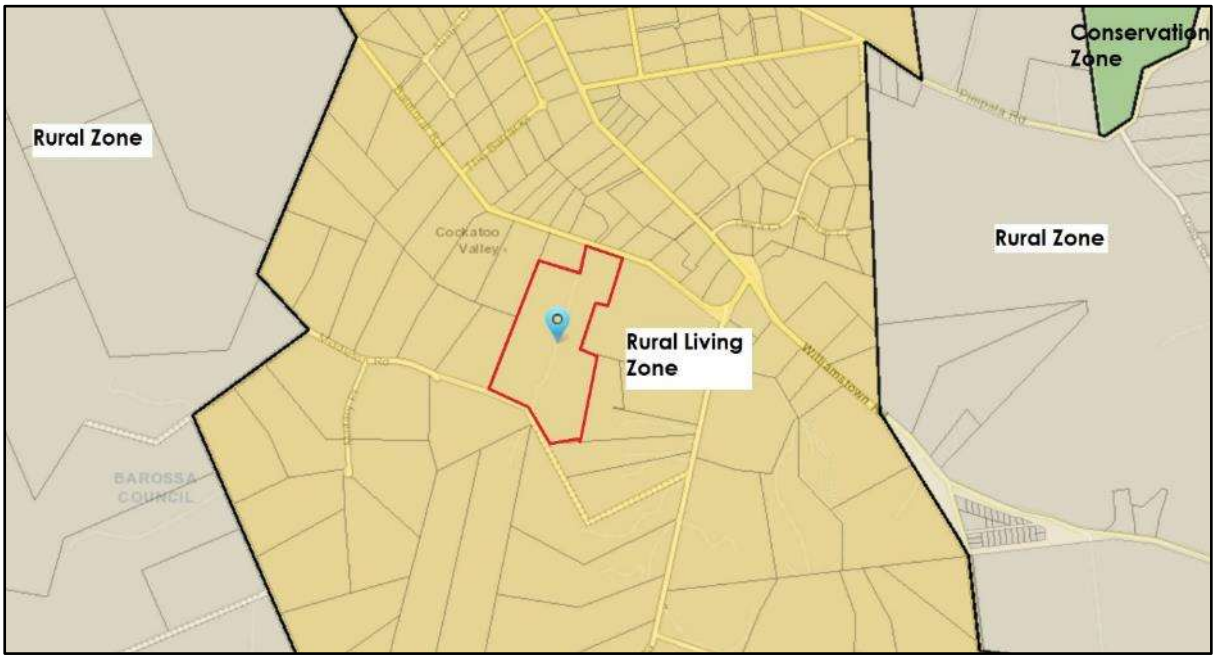


Figure 1: *Zone Map and Locality*

An aerial view of the site and locality are contained in ***Figures 2*** and ***Figure 3***.

Site photos are provided in ***Figure 4*** to ***Figure 14.***

Figure 2: *Aerial view of site*

Figure 3: *Subject Site in Red, Locality in Blue*

Figure 4: *Site Photo – Dormitory H, to be temporarily relocated while replacement building is built*

Figure 5: *Site Photo – Dormitory F, to be temporarily relocated while replacement building is built*

Figure 6: *Site Photo – Dormitory C, already replaced*

Figure 7: *Site Photo – Dormitory D, already replaced*

Figure 8: *Site Photo – Former Dormitory A, approved to be changed to classroom as a part of 960/592/2018*

Figure 9: *Site Photo – Former Classroom B, approved to be changed to dormitory as a part of 960/592/2018. This building is subject to current amendment to change internal layout*

Figure 10: *Site Photo – Former Dormitory E, approved to be changed to classroom as a part of 960/592/2018*

Figure 11: *Site Photo – Woodshed and firepit*

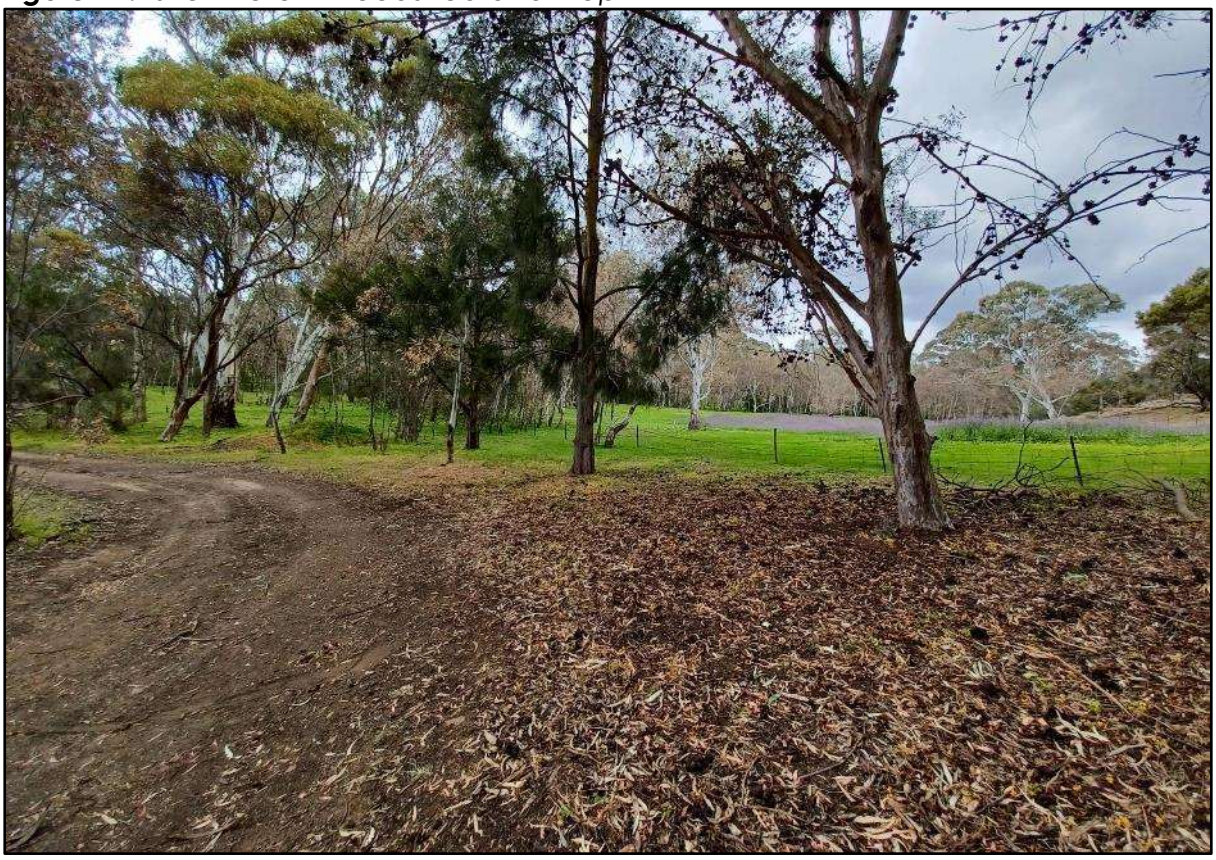


Figure 12: *Site Photo – View south from southern fire track loop towards 58 Goldfields Road*

Figure 13: *Site Photo – View of proposed temporary relocation area, on either side of fire track*

Figure 14: *Site Photo – site of installation of new waste water system (approved by SA Health)*

PROPOSAL
The proposal involves the following key elements:

- Temporary relocation of dormitories F and H to avoid significant loss of on-site accommodation while their replacement buildings are being constructed.
- Upon issue of Certificate of Occupancy for the two new dormitories F and H, these two buildings will either be demolished or transported from the site.
- Amendment to construction of replacement dormitories B, F and H.

The replacement dormitories B, F and H will feature an altered floor plan to enable better provision of ensuite facilities to each room. Building F will contain a disability accessible suite and Buildings B and H will contain some externally accessed bathrooms. While there will be no increase to the number of bedrooms, there will be some changes to the bed combinations in the dormitories which will result in an additional 10 beds. The applicant advises the intent of the additional beds is to provide flexibility in accommodation, not to exceed the maximum permitted guest number of 144 guests within the dormitory accommodation.

The table below contains the existing approved floor area and bathroom sizes against what is now proposed for dormitories B, F and H:

Building Identifier	Existing approved Floor Area	Proposed Floor Area	Proposed increase in floor area	Existing approved bathrooms	Proposed bathrooms	Proposed Increase in bathrooms
B	133.4 sqm	169.4 sqm	36 sqm	11	12	1
F	115.9 sqm	158.9 sqm	43 sqm	8	8	0
H	115.9 sqm	164.9 sqm	49 sqm	8	8	0

The new dormitory buildings will be substantially located upon the same footprint as the buildings that they are intended to replace and will be no higher than the existing buildings.

The relocated buildings will be setback approximately 19 metres (at the closest point) from the southernmost property boundary. This is approximately 6 metres closer than any of the existing buildings.

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

APPLICATION
The site is located within the Rural Living 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 Living Zone, noting that the development is not excluded from public notification within Column A of Table 5.

The table below provides details of the public notification process:

Representations	Twelve (12) representations were received during the public notification period: • Christopher and Shelley Arnold • Dianne Schaefer • Daniel and Nicole Emes • Jacalyn Seddon • Chris Walmsley • Cameron Ainslie • Nanon Miojlic • Vlora Dzeladini * • Leanne and Achim Urmersbach * • Matthew Lyon • David Lyon • Ric West * * Indicates representors outside of the area shown in Figure 15 below
Person wishing to be heard:	Of the twelve representations received, six representors have requested to be heard as follows: • Christopher and Shelley Arnold • Dianne Schaefer • Nicole Emes • Jacalyn Seddon • Chris Walmsley • Cameron Ainslie
Applicant	Kevin Casey of Kevin Casey Design and Daniel Evans of Christadelphian Bible Camp Inc will appear on behalf of the applicant
Time period for Public Consultation	20 July 2023 to 9 August 2023

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

Summary of Representations **Representor/s**	**Applicant's Response**
• *Dormitories have an existing maximum capacity of 144 persons, will this proposal increase the capacity?*	• *There is no intent to accommodate more guests in the dormitories than the current 144 guest limit, the additional beds are to provide better accommodation options for our guests*
• *No expansion should be allowed*	
• *Will more dormitories be allowed to be built? Will they be complying or non-complying*	
• *Human trespass concerns and firewood scavenging concerns*	• *In relation to trespassing for firewood, this makes no sense at all, the site is vastly covered with trees and fallen branches as well as having a woodshed that is always well*

	stocked. The camp secretary has no knowledge of reported incidents and would like to hear from any affected neighbour as quickly as possible so the situation can be addressed to the particular group concerned
• *8th July explosion*	• *8th of July explosions was not on our site, but on the other side of Balmoral Road*
• *Irresponsible behaviour around fires* • *Amenity impacts from bonfires, football matches, loudspeakers, motorbikes, music, cars, burnouts, parties* • *Drone trespass concerns*	• *Camp has a detailed rule book outlining policies and rules that is read out to attendees at the beginning of each camp* • *For our young people's camp's, we have 4-8 host couples to oversee activities and unruly behaviour is not tolerated* • *Generally, our music is worship style and held indoors and we have no outside amplification except for the Emergency Warning system* • *No alcohol other than Communion Wine is permitted on site*
• *Is the site to become a "Tourist Accommodation Facility"?* • *The plans show "Caravan Park" is a caravan park proposed?*	• *The site is not and is not intended to be available to the general public* • *The reference to "tourist" is with regard to building classification not intended use*
• *Anecdotally traffic has tripled on Balmoral Road and the road is not suitable for an expansion of the Bible Camp* • *Insufficient space for car parking*	• *The carpark is unsealed and is not lit, there are no plans to do so The Christadelphians bought the site back in 1987, which was previously a school campsite, it is still a campsite. New residents of properties have purchased their properties with full knowledge of our existence*
• *Why does a temporary building have a permanent retaining wall around it?* • *Has a recent environmental impact study been done assessing the suitability of the positioning of the buildings and their many ensuites?* • *Residents did not have the opportunity to comment on 960/592/2018*	

- *960/592/2018 should have had the conditions applied that were applied to 960/396/2013 by the ERD Court*

- *Can the Council guarantee, if Planning Consent is given, that the plans will not be altered by the applicant once construction commences?"*

- *Going into the future will people, other that the caretaker/s, be legally allowed to live permanently on site?*

- *The classrooms being used for accommodation in the last hearing, in the Hebron Campsite viewing, those involved witnessed large numbers of mattresses stacked up in the Classrooms.*

Figure 15 below indicates representors' locations in relation to the subject site.

Figure 15: *Representors' properties indicated with blue stars*

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

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:

Department for Energy and Mining	*The Department for Energy and Mining has no objection to the proposed development subject to inclusion of recommended condition of consent and advisory notes.*

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

PREVIOUS APPEAL
Several of the representors make reference to the previous judgement of the Environment, Resources and Development Court in respect to the matter of development at the site. The matter is described as *Hebron Christadelphian Bible Camp Inc v The Barossa Council & Anor; Loughhead v The Barossa Council & Anor (2016) SAERDC 31*.

A copy of the judgement of the Court from the appeal is contained in ***Attachment 5***.

ASSESSMENT

Please refer to the following link, the Planning and Design Code extract for this proposal, Version 2023.9 99 June 2023

Planning and Design Code Extract Link	*Relevant Code Extract*

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.

Having regard to the nature of development being an existing approved use, essentially what is being proposed is an additional bathroom, and an increase in dormitory floor area of 128 sqm across the three replacement dormitories. 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.

As detailed above, the use of the site is an existing approved use. The proposal does not increase the number of people accommodated in the dormitories, but it will increase the floor area of buildings by 128 sqm. The buildings will be no higher than currently approved, and the external materials and finishes will be consistent with the current approval (see ***Figure 6*** and ***Figure 7*** for external appearance). The minimal change to the proposed built form is not expected to be visually discernible externally to the site and therefore is not expected to adversely impact upon the 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:

Rural Living Zone	
Desired Outcomes	
DO1	*A spacious and secluded residential lifestyle within semi-rural or semi-natural environments, providing opportunities for a range of low intensity rural activities and home-based business activities that complement that lifestyle choice.*
Relevant Performance Outcomes/Designated Performance Features	
Land use and Intensity	
PO 1.1 *Residential development with complementary ancillary non-residential uses that do not place additional demands on services and infrastructure, and compatible with a secluded semi-rural or semi-natural residential character.*	*DTS/DPF 1.1* *Development comprises one or more of the following:* (a) *Agricultural building* (b) *Animal Keeping* (c) *Carport* (d) *Consulting Room* (e) *Detached Dwelling* (f) *Dwelling addition* (g) *Farming* (h) *Horse keeping* (i) *Kennel* (j) *Light Industry* (k) *Office* (l) *Outbuilding* (m) *Shelter/Stable*

The proposed development comprises a change to the floor area of three approved dormitories on the site. While the use of the site is not envisaged within the Rural Living Zone, it is an existing approved use that dates back to 1976. The ERD Court ruling associated with 960/396/2013 recognised the approved accommodation within the dormitories as being a maximum of 144 persons, the proposed development does not

intend to increase that number, therefore there will be no change of land use and no increase in the intensity of the land use on the site.

Siting, Design and Appearance

Built Form and Character	
PO 2.2 *Non-residential buildings are designed and sited to minimise visual impact on the surrounding locality 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 2.2* *Non-residential buildings and structures:* *do not exceed 100 sqm in total floor area* (a) *are set back from all allotment boundaries by at least 25 metres* (b) *if clad in sheet metal, it is pre-colour treated or painted in a nonreflective colour* (c) *have a building height that is no greater than 1 building level and 6 metres* (d) *have a wall height is no greater than 3 metres.*

As detailed earlier, the proposal plans to increase the floor area of three approved dormitory buildings. The location of these three buildings will not change, and the height, external materials and colours will also not change.

The proposal also plans to temporarily relocate two of the existing dormitory buildings while the new buildings are under construction. While these buildings will meet DPF 2.2(b), (c) and (d), DPF 2.2(a) will not be met as the closest building will be located approximately 19 metres from the nearest boundary. Despite not meeting the 25 metre setback, the buildings will not be visible from any nearby dwellings as can be seen by site photos - ***Figure 12*** and ***Figure 13*** which demonstrate the view out from the proposed building sites.

The proposal is considered to comply with Performance Outcome 2.2.

Cut and Fill

Design	
Relevant Performance Outcomes/Designated Performance Features	
All development	
Earthworks and sloping land	
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 three dormitories are proposed to be located within the same footprint of the buildings that they are replacing. Proposed cut and fill will not exceed that detailed

in DPF 8.1 (a), (b) and (c). The buildings proposed to be temporarily relocated will be placed in an area that is already substantially level. Any cut that may be required will not exceed the one metre prescribed in DPF 8.1(a). The proposal therefore satisfies Performance Outcome 8.1.

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 clusterswell set back from public roads.*	*DTS/DPF 3.5* *None are applicable.*
PO 3.6 *Development mitigates the need for long, steep access roads that require excessive grading or removal of vegetation.*	*DTS/DPF 3.6* *None are applicable.*

The subject site is located within a rural area (ie not in township) in reference to the Character Preservation (Barossa Valley) District.

The proposal has been placed on previously cleared land, however, will still require some minor excavation.

The single storey and clustered nature of the development is considered relatively sympathetic to the character of the locality and broader district. The new buildings will not be visible from Balmoral Road, nor any other nearby road. The buildings are generally setback in line with other buildings on the site and will not dominate in any view given the existing terrain.

As stated earlier, the buildings are located in close proximity (comparative to the 15.4 hectare site) to existing buildings and set amongst existing vegetation that will reduce their visual bulk and scale. The clustering of buildings is consistent with Performance Outcome 3.5.

The proposed buildings are sited below the highest point on the subject land, within the lowest portion of the valley.

There are existing accessways and car parking areas on the subject land. The proposed development adopts the existing movement paths used for access on the site. No removal of vegetation or grading of land is required to facilitate use of the existing accessway/s.

The buildings are to be Colorbond clad in earthy colours similar to the completed buildings. This is considered to be 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.

Gas and Liquid Petroleum Pipelines Overlay

Gas and Liquid Petroleum Pipelines Overlay	
Desired Outcomes	
DO 1	*Management of risk to public safety, the environment and security of energy supply from the encroachment of development on strategic gas and liquid petroleum pipelines.*
Relevant Performance Outcomes/Designated Performance Features	
Land Use and Intensity	
PO 1.1 *Community exposure to a potential hazard from the failure of a gas or liquid petroleum pipeline is mitigated by locating development that may accommodate or result in large congregations of people, buildings for housing and / or caring for vulnerable people and community facilities outside areas that pose an unacceptable risk to protect life.*	*DTS/DPF 1.1* *Development satisfies one of the following:* (a) *it does not comprise:* (i) *child care facility* (ii) *caravan and tourist park* (iii) *educational facility* (iv) *buildings comprising 3 or more building levels* (v) *land division creating allotments under 1ha for residential purposes (except where the existing allotment is less than* (vi) *1ha)* (vii) *prison* (viii) *residential park* (ix) *retirement facility* (x) *student accommodation* (xi) *supported accommodation* (xii) *shop or shops with a gross leasable floor area of 1000 sqm or greater* (xiii) *tourist accommodation* (xiv) *stadium*

	(b) *a class of development referred to in part (a), or any combination thereof, which will occur in accordance with an agreement under section 123 of the Planning, Development and Infrastructure Act, 2016*

While the Gas and Liquid Petroleum Pipelines Overlay crosses the subject site, none of the proposed buildings are to be located within the Overlay.

It is noted that the Department for Energy and Mining has not objected to the development.

It is considered that the proposed development satisfies the relevant provisions of the Gas and Liquid Petroleum Pipelines Overlay.

Wastewater Disposal

Design	
Relevant Performance Outcomes/Designated Performance Features	
All development	
On-site Waste Treatment Systems	
PO 6.1 *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.*	*DTS/DPF 6.1* *Effluent disposal drainage areas do not:* (a) *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.* (b) *use an area also used as a driveway.* (c) *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.*

The previous development application 960/592/2018 was associated with an approval (from SA Health) to upgrade the site's overall waste management system. Noting that the proposed building alterations will also change the underfloor plumbing and will include an additional bathroom, a Reserved Matter is recommended to ensure that the proposal is established in accordance with the SA Health approval.

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

Native Vegetation

Native Vegetation Overlay	
Desired Outcomes	
DO 1	*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.*
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* *(a) 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 provided a declaration in accordance with DPF 1.1(a). Therefore, Performance Outcome 1.1 is deemed to have been met.

Interface between Land Uses

Interface between Land Uses	
Desired Outcomes	
DO 1	*Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.*
Relevant Performance Outcomes/Designated Performance Features	
General Land Use Compatibility	
PO 1.2 *Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended*	*DTS/DPF 1.2* *None are applicable.*

to accommodate sensitive receivers is designed to minimise adverse impacts.	

The subject site is located within a rural living area. Representors have raised concerns regarding the existing use and amenity impacts such as noise, light, trespass, smoke and dust. While there is no change or intensification of land use proposed the conditions applied to 960/396/2013 by the Environment, Resources and Development Court have been reiterated in the recommendation for this proposal as many of them appear to directly address the potential amenity impacts of the existing use.

It is noted that in Site Photo – Figure 11, there is now a dedicated firepit established on the site as well as an associated well-stocked woodshed which when combined with the outdoor fire conditions should address some of the representors concerns such as trespass and scavenging of firewood.

While Performance Outcome 1.2 is considered to be satisfied, in that no change or intensification of use is proposed, it is considered that the recommended conditions of consent will reinforce the need to maintain amenity.

Bushfire Hazard

Hazards (Bushfire - Medium Risk) Overlay		
Desired Outcomes		
DO 1	*Development, including land division responds to the medium level of bushfire risk and potential for ember attack and radiant heat by siting and designing buildings in a manner that mitigates the threat and impact of bushfires on life and property taking into account the increased frequency and intensity of bushfires as a result of climate change.*	
DO 2	*To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.*	
Relevant Performance Outcomes/Designated Performance Features		
Siting		
PO 1.1 *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.*
Built Form		
PO 2.1 *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.*		*DTS/DPF 2.1* *None are applicable.*

All dormitories to be 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. It is considered that the buildings will be located away from areas that pose an unacceptable bushfire risk as a result of vegetation cover and type, and terrain. The temporarily relocated dormitories will not be sited on slabs and will therefore require cladding to the subfloor structure. An appropriate condition in this respect is recommended.

The proposed development therefore satisfies Performance Outcome 1.1 and 2.1.

Habitable Buildings	
PO 3.1 *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 workers' accommodation) is sited on the flatter portion of allotments away from steep slopes.*	*DTS/DPF 3.1* *None are applicable.*
PO 3.2 *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.*	*DTS/DPF 3.2* *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 at least:* (i) *50 metres to unmanaged grasslands* (ii) *100 metres to hazardous bushland vegetation* (b) *the asset protection zone is contained wholly within the allotment of the development.*
PO 3.3 *Residential, 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 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.*	*DTS/DPF 3.3* *None are applicable.*

The dormitories are to be constructed on the flatter portion of allotments away from steep slopes and an asset protection zone has been identified. A dedicated area on the site is provided to accommodate a bushfire protection system comprising firefighting equipment and water supply in accordance with Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements. A condition of consent is recommended to reiterate the ongoing need for the bushfire protection system.

The proposed development therefore satisfies Performance Outcome 3.1, 3.2 and 3.3.

Vehicle Access - Roads, Driveways and Fire Tracks	
PO 5.2 *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 5.2* *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 7 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 6 degrees (1-in-9.5) at any point along the driveway have a minimum formed width of 3 metres (4 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)* (vi) *incorporate passing bays with a minimum width of 6 metres and length of 17 metres every 200 metres (Figure 5).* (vii) *provide overhead clearance of not less than 4 metres between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures (Figure 1)* (viii) *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)* (ix) *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)* *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)* (x) *incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes*
PO 5.3 *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 5.3* *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. The car park and internal driveways are designed to support a turn-around area for a CFS firefighting appliance.

The applicant has previously applied the necessary CFS requirements the site. These include:

- The driveway does not exceed more than 600 metres in length – incorporates a turning loop and passing bays to facilitate passing and continuous forward travel.
- Constructed driveway with a formed all-weather surface and connected to a formed, all weather public road (Balmoral 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.
- Solid, all-weather crossings over the two watercourses that support fire-fighting vehicles.
- Safe access and egress of emergency vehicles due to the presence of loop roads.

The existing driveway will comply with the requirements in DPF 5.2. The development does not rely on use of fire tracks.

The proposed development therefore satisfies Performance Outcome 5.2 and 5.3.

Flood Hazard

Hazards (Flooding – Evidence Required) Overlay	
Desired Outcomes	
DO 1	*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.*
Relevant Performance Outcomes/Designated Performance Features	
Flood Resilience	
PO 1.1 *Development is sited, designed and*	*DTS/DPF 1.1* *Habitable buildings, commercial and*

constructed to minimise therisk 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.	*industrial buildings, and buildings used for animal keeping incorporate a finished floorlevel at least 300 mm above:* (a) *the highest point of top of kerb of the primary street* *or* (b) *the highest point of natural ground level at the primary street boundary where there is no kerb.*

The building site is considerably lower than the primary street (Balmoral Road) but is at least 1.0 metre higher that the top of bank for the closest watercourse. It is therefore considered that the development is sited, designed and constructed to minimise the risk of entry of potential floodwaters, where the entry of flood waters would be likely to result in undue damage to or compromise ongoing activities within buildings.

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.*

There are no alterations proposed for either watercourse that pass through the land.

Performance Outcome 1.1 is therefore satisfied.

Transport, Car Parking and Access

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 bituminised Balmoral Road. Due to the location of the camp being approximately 500 metres from Balmoral Road, there should be no impact upon roadside parking.

The proposal maintains vehicle access via the existing crossover that directly connects to Balmoral 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.

The subject land currently contains a rubble based internal access route that is utilised by visitors and other users associated with the development. This allows 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 by Performance Outcome 1.4.

As detailed in the proposal section the proposal will not increase the number of accommodation rooms, and therefore does not trigger a review of carparking provision. The carparking condition that was applied by the Court to 960/396/2013 has been re-iterated in the recommended conditions as the site plan provided matches that endorsed by the Court.

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).*

Practice Direction 14 – Site Contamination Assessment 2021 has been considered in context of this proposal. The proposal does not introduce a more sensitive land use as the use is existing.

The application satisfies Performance Outcome 1.1 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:* (1) *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.* (2) *there are no aboveground powerlines adjoining the site that are the subject of the proposed development.*

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, the proposal achieves the minimum clearance required from the powerlines.

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

CONCLUSION

The proposal involves an amendment to previous development approval 960/592/2018 in that it seeks to increase the floor area of approved replacement Dormitories B, F and H, will add an additional bathroom to Dormitory H and will also increase the number of beds available with no intention to increase the overall guest cap of 144 people. The proposal also includes the temporary relocation of existing Dormitories F and H, to enable accommodation numbers to be maintained while the new dormitories are built.

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 twelve representations of which six have 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 has found that the proposal is reasonably consistent with the Desired Outcome and Performance Outcome of the Rural Living 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, access and car parking provision are considered to be broadly consistent with the provisions of the Planning and Design Code.

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. 23015775 by Daniel Evans on behalf of Christadelphian Bible Camp Inc for Amendments to 960/592/2018-Demolition and Replacement Dormitory Accommodation and Classrooms (5 accommodation cabins and 2 classrooms) in association with existing camp site facility; Amendments include temporary Re-location of former Dormitories H and F (housing up to 60 beds), amendment to construction of three replacement dormitories: Building B to contain 36 beds and additional bathroom facilities, Building F to contain 30 beds and altered bathroom facilities and Buildings H to contain 32 beds and altered bathroom facilities; re-located former Dormitories H and F to be demolished and/or removed from the site at completion of replacement buildings at 614a Balmoral Road, Cockatoo Valley

(CT 5897/233) subject to the following reserved matters, conditions and advisory notes:

Reserved Matters

(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*.

Council Conditions

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

a. Email prepared by Kevin Casey, dated 22 June 2023
b. Site Plan, prepared by Kevin Casey Design, Drawing No ADA-001, Rev B, dated 21 June 2023
c. Partial Site Plan, prepared by Kevin Casey Design, Drawing No ADA-002, Rev B, dated 21 June 2023
d. Cut and Fill Plan F & H, prepared by Kevin Casey Design, Drawing No ADA-003, Rev A, dated 25 March 2023
e. Bld B Cut and Fill, prepared by Kevin Casey Design, Drawing No ADA-004, Rev A, dated 25 March 2023
f. Drainage Plan, prepared by Kevin Casey Design, Drawing No ADA-005, Rev A, dated 25 March 2023
g. Floor Plan Building B, prepared by Kevin Casey Design, Drawing No ADA-101, Rev A, dated 25 March 2023
h. Floor Plan Building H, prepared by Kevin Casey Design, Drawing No ADA-103, Rev C, dated 21 June 2023
i. Floor Plan Building F, prepared by Kevin Casey Design, Drawing No ADA-102, Rev C, dated 21 June 2023
j. Elevations Block B, prepared by Kevin Casey Design, Drawing No ADA-201, Rev B, dated 25 March 2023
k. Elevations Block F, prepared by Kevin Casey Design, Drawing No ADA-202, Rev A, dated 25 March 2023
l. Elevations Block H, prepared by Kevin Casey Design, Drawing No ADA-203, Rev A, dated 25 March 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.

(5) 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.

(6) 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.

(7) 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.

(8) All five existing dormitories shall be completely demolished/removed prior to the new approved dormitories being occupied.

(9) No more than 144 persons shall be accommodated within the approved dormitory accommodation at any one time.

(10) Car parking and van parking shall be restricted to the designated car parking area as shown on the site plan.

(11) The use and any associated activities carried out on the site shall not have an unreasonable detrimental effect on the amenity of the locality by reason of noise, smell, fumes, smoke, soot, ash or dust.

(12) The subject land is located within a Medium Bushfire Risk or an area within an urban interface area that is within 500 metres of a high bushfire risk area. The following shall be met, prior to occupation of the replacement dormitories, and shall be maintained at all times thereafter:

i. A dedicated and independent water supply shall be available at all times for firefighting purposes which;
ii. Is located adjacent to the building or in another convenient location on the allotment accessible to fire fighting vehicles (safe and convenient access shall be provided), and Comprises a minimum of 2000 litres of water where the property is connected to mains water, or 5000 litres in any other case (Any rainwater tank used for this purpose should be dedicated entirely for firefighting and shall be of non-combustible materials).
iii. The provision of the dedicated water supply for fighting purposes shall comply with the Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements.

(13) The nominated asset protection zone shall be generally clear of vegetation and maintained to minimise the spread of fire between areas of hazardous vegetation and habitable buildings.

(14) Gatherings for the purpose of worship or biblical education involving more than 50 people in a single group shall only occur:

a. within the dining hall or gymnasium; and
b. shall be limited to the hours of 7.00 am to 10.00 pm.

(15) Gatherings for the purpose of meditation involving more than 50 people in a single group shall only occur:

a. within the dining hall, gymnasium or the area designated at condition 14; and
b. shall be limited to the hours of 7.00 am to 11.00 pm.

(16) Gatherings in outdoor areas for the purpose of worship or biblical education involving 50 people or less in a single group shall only occur between the hours of 7.00 am to 9.00 pm. Gatherings in outdoor areas for the purpose of meditation involving 50 people or less in a single group may occur up to 11.00 pm.

(17) Organised outdoor activities involving sporting-type activities (such as volleyball, cricket, football and soccer) and games may take place between the hours of 8.00 am and 9.00 pm. Any such activities shall not take place between the Recreational Hall and the eastern-most boundary of the subject land. Organised outdoor activities will only involve people of the Christadelphian faith (students and members) and their immediate family.

(18) Outdoor fires may only occur subject to conditions 15, 16 and this condition and as follows:

a. a fire of no more than 2 square metres in area and contained within an appropriately-designed containment device (including but not limited to a brazier, gas heater, etc) may occur in the area adjacent the dining hall;
b. a single bonfire of any size may be lit in the area adjacent to the creek, near the western boundary of the subject land, noting that this restriction does not apply to the fires in (16)a. above;
c. no outdoor fire may be lit on total fire ban days unless in accordance with fire ban restrictions;
d. the fires described above may only occur whilst the camp site is occupied for the purposes of a Bible Camp by people (students or members) of the Christadelphian faith and their immediate families;
e. all fires must be extinguished by 11.00 pm;

save that nothing herein contained prevents fires for land management purposes provided they comply with the relevant fire regulations (including being a suitable distance from any buildings on the subject land or adjacent land).

(19) PA systems and amplification shall not be used outside of any buildings after 8.00 pm except for the purposes of implementing the fire action plan (for example evacuation warnings).

(20) All development is to be maintained in a serviceable condition and in good repair with conditions being inspected by or on behalf of the Applicant on a regular basis and repairs conducted in a timely manner.

(21) Fencing is to be maintained in a serviceable condition and in good repair inspected on a regular basis by or on behalf of the Applicant and repairs conducted in a timely manner. Fencing is to be of post and wire construction and maintained to a standard to prevent trespass onto neighbouring properties. Nothing herein contained affects the rights available to any landowner pursuant to the Fences Act.

(22) The dormitory accommodation shall only be used by people (students or members) of the Christadelphian faith and their immediate families.

(23) The use of caravans and tents shall be limited to the area of the subject land east of the access road. Save and except for the October long weekend each year, when there may be up to 30 caravans present on the subject land, no more than 10 caravans and 15 tents shall be present on the subject land at any one time. Caravans and tents shall only be present on the subject land during Camps or events and shall only be occupied by people (students or members) of the Christadelphian faith and their immediate families.

(24) A responsible person shall be assigned before each Camp. The responsible person shall be provided in advance with all conditions relevant to any activities conducted at the site and have overall responsibility for enforcing adherence to these Conditions by all Camp users. The responsible person shall be required to provide a written statement in advance of that Camp which evidences they have read, understood and will adhere to these requirements.

(25) Buildings other than the dormitories, caravans and tents shall not be used for any form of sleeping accommodation.

(26) Before the use of any new dormitory commences, it's corresponding former building shall have been demolished or otherwise removed from the site.

(27) Prior to occupation of the dormitories, the underfloor area of the building shall be enclosed and shall be painted in the same or a complementary colour to the building, to the reasonable satisfaction of council. The cladding shall be maintained for the life of the dormitories.

(28) This consent, when approved, will also extend the time frame for 960/592/2018. The approval will then lapse 3 years from the operative date of the Development Approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

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.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Application and Associated Documents ⇩
Attachment 2 Representations Received ⇩
Attachment 3 Response to Representations ⇩
Attachment 4 External Referral Response ⇩
Attachment 5 Environment Resources and Development Court of South Australia Judgement 2016-31 - 5 September 2016 ⇩

Development Locations

Location 1

Location reference
614A BALMORAL RD COCKATOO VALLEY SA 5351

Title Ref
CT 5897/233

Plan Parcel
D45942 AL201

Additional Location Information

Council
THE BAROSSA COUNCIL

Zone Overlays

Zones
- Rural Living

Sub-zones
(None)

Overlays
- Character Preservation District
- Gas and Liquid Petroleum Pipelines
- Hazards (Bushfire - Medium Risk)
- Hazards (Flooding - Evidence Required)
- Native Vegetation
- Prescribed Water Resources Area
- Water Resources

Variations
- Minimum Site Area (Minimum site area is 4 ha)

Application Contacts

Applicant(s)

Stakeholder info
Mr Daniel Evans

Contact

Stakeholder info
Mr Kevin Casey

Invoice Contact

Stakeholder info
Mr Daniel Evans

Invoice sector type

Land owners

Stakeholder info
Christadelphian Bible Camp Inc

Nature Of Development

Nature of development
Amended plan of DA960/592/2018
Development cost is total including the original DA, the amended plans add about $150k to the original

Development Details

Current Use
Camp Site

Proposed Use
Camp Site

Development Cost
$700,000.00

Proposed Development Details
Amended plan of DA960/592/2018
Development cost is total including the original DA, the amended plans add about $150k to the original

Element Details

You have selected the following elements

Replacement building - $700,000.00

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?
Yes

Selected Constraints
Easement or rights of way

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?
Applicant

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
Combined Amended DA Submission.pdf	All application documentation	30 May 2023 11:15 AM

Application Created User and Date/Time

Created User
kevin.casey

Created Date/Time
30 May 2023 11:15 AM

From: Kevin Casey
To: Development
Subject: [EXTERNAL] Plan ID 23015775 Attn Jennifer Lennon
Date: Thursday, 22 June 2023 9:10:47 AM
Attachments: image003.png
ADA-103 Building H Floor Plan 614A Balmoral Road Cockatoo Valley Issue C.pdf
ADA-102 Building F Floor Plan 614A Balmoral Road Cockatoo Valley Issue C.pdf
ADA-001 Full Site Plan 614A Balmoral Road Cockatoo Valley Issue B.pdf
ADA-002 Partial Site Plan 614A Balmoral Road Cockatoo Valley Issue B.pdf
191107-003D Hebron Site Effluent Disposal Assessment 7 Aug 2020.pdf
Septic Approval WWI-10667 18 August 2020.pdf

CAUTION: This Message originated outside your organization. Treat all attachments and hyperlinks with suspicion.

Hello Jennifer,

Please find attached amended plans in reference to your request for addition documentation for amendments to DA 960/592/2018 dated 07/06/2023

a. Car location shown of ADA-001
b. Location of Septic system is ADA-002, also attached is info re septic system
c. Unfortunately Eric has shown 2 different labels on the amendment of 2020. On sheet 1 he has Building A as a dorm and building B as a classroom, on sheet 2 he has Building A as a classroom and building B as a dorm, his floor plans however are correct and align with sheet 2.
d. Bunk bedding noted
e. It is planned to commence relocation as soon as the necessary approvals are finalise and to cease using them approx. 2 months after Cert of Occupancy given, this will allow final fitout of bedding, curtains etc which is done by volunteers, then the buildings will be either on-sold or demolished and removed from site.
f. Notes added to ADA-001 & 002

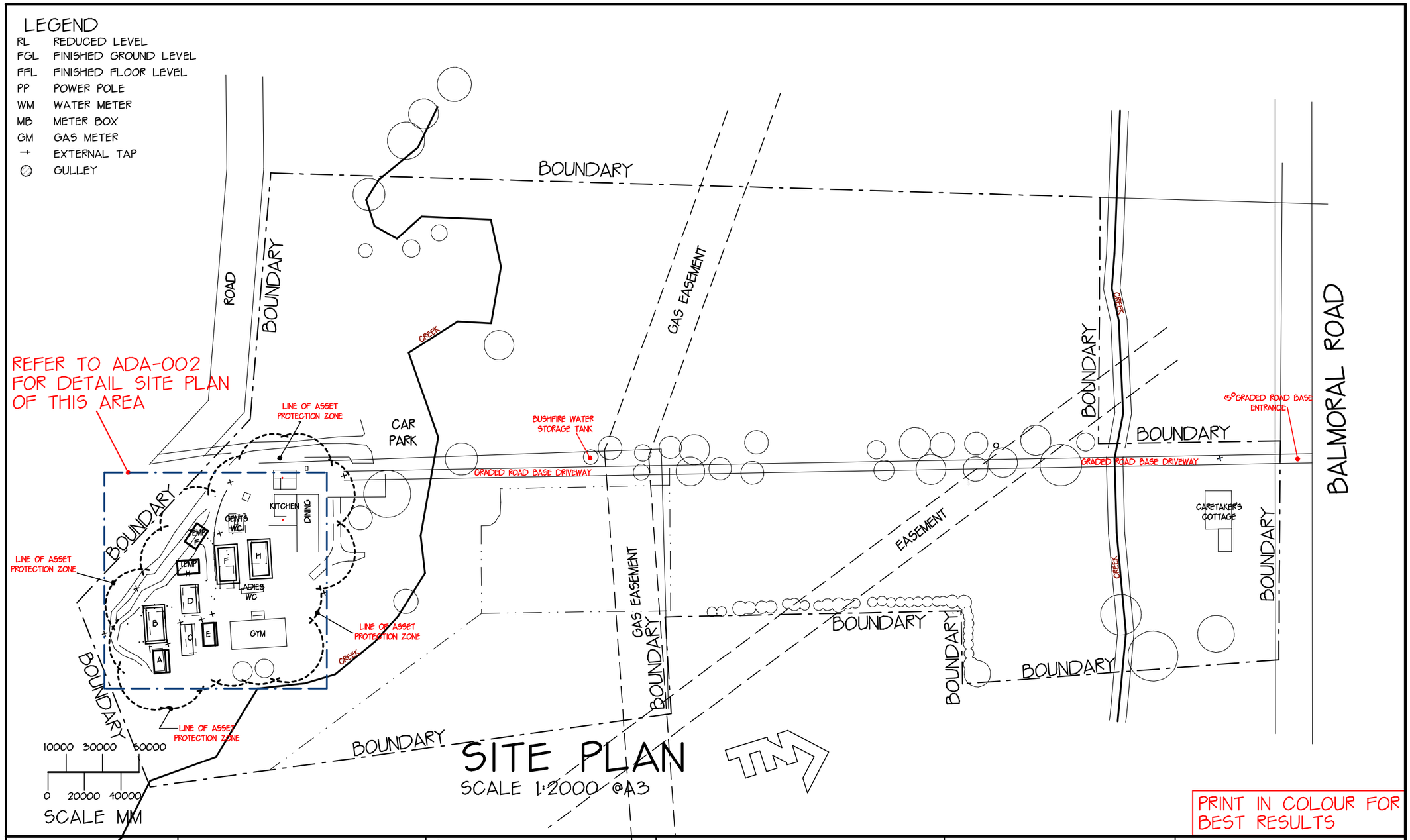
Any other questions please contact me directly.

Kind regards

Kevin Casey
Director

KEVIN CASEY DESIGN

'we design buildings not just draw plans'
combining client needs + the site + the environment + creativity + expertise
to produce an exceptional space



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IF IN DOUBT, ASK!

Client:
HEBRON BIBLE CAMP
614A BALMORAL RD.,
COCKATOO VALLEY

Project:
PROPOSED REPLACEMENT BUILDING. B'LD B,F & H
614A BALMORAL RD.,
COCKATOO VALLEY
LOT 201 DP 45942

Details:

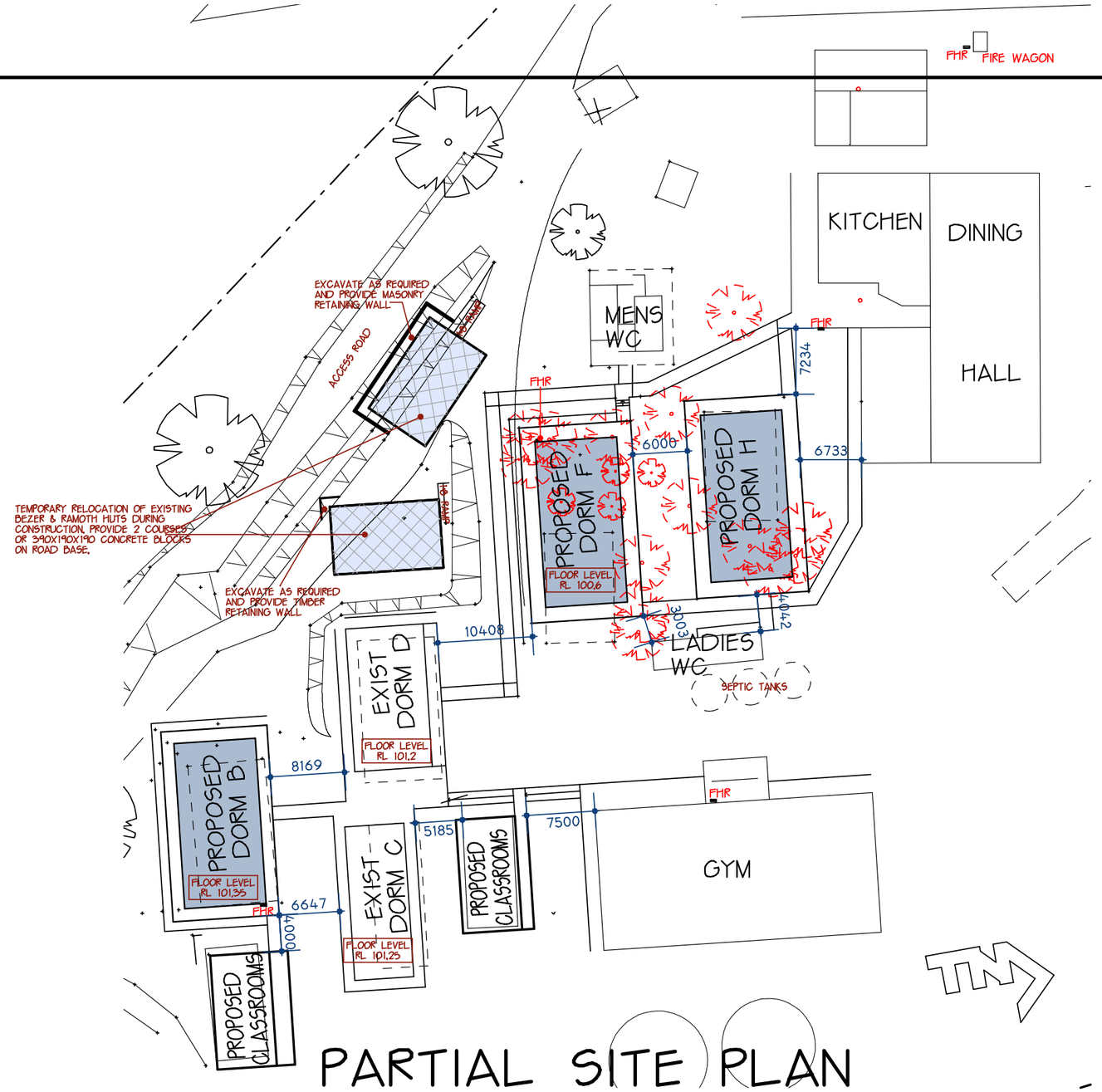
Drawing title: SITE PLAN	
Drawn by: KEVIN CASEY	Date: MARCH 2023
Project No: 4040	Scale: AS SHOWN
Drawing No: ADA-001	Issue: B

Issue:

#	Description	Date
A	AMENDED COUNCIL SUBMISSION	250523
B	ASSET PROTECTION ZONE & ASSOCIATED NOTES ADDED	210623

LEGEND

RL	REDUCED LEVEL
FGL	FINISHED GROUND LEVEL
FFL	FINISHED FLOOR LEVEL
PP	POWER POLE
WM	WATER METER
MB	METER BOX
GM	GAS METER
⊣	EXTERNAL TAP
⊘	GULLEY
	TREE TO BE REMOVED
FHR	FIRE HOSE REEL



1000 3000 5000
0 2000 4000
SCALE MM

PARTIAL SITE PLAN
SCALE 1:500 @A3

REDRAWN

REFER TO SHEET ADA-003 & 004 FOR LEVELS AND CUT & FILL FOR BUILDINGS B, F, AND H.

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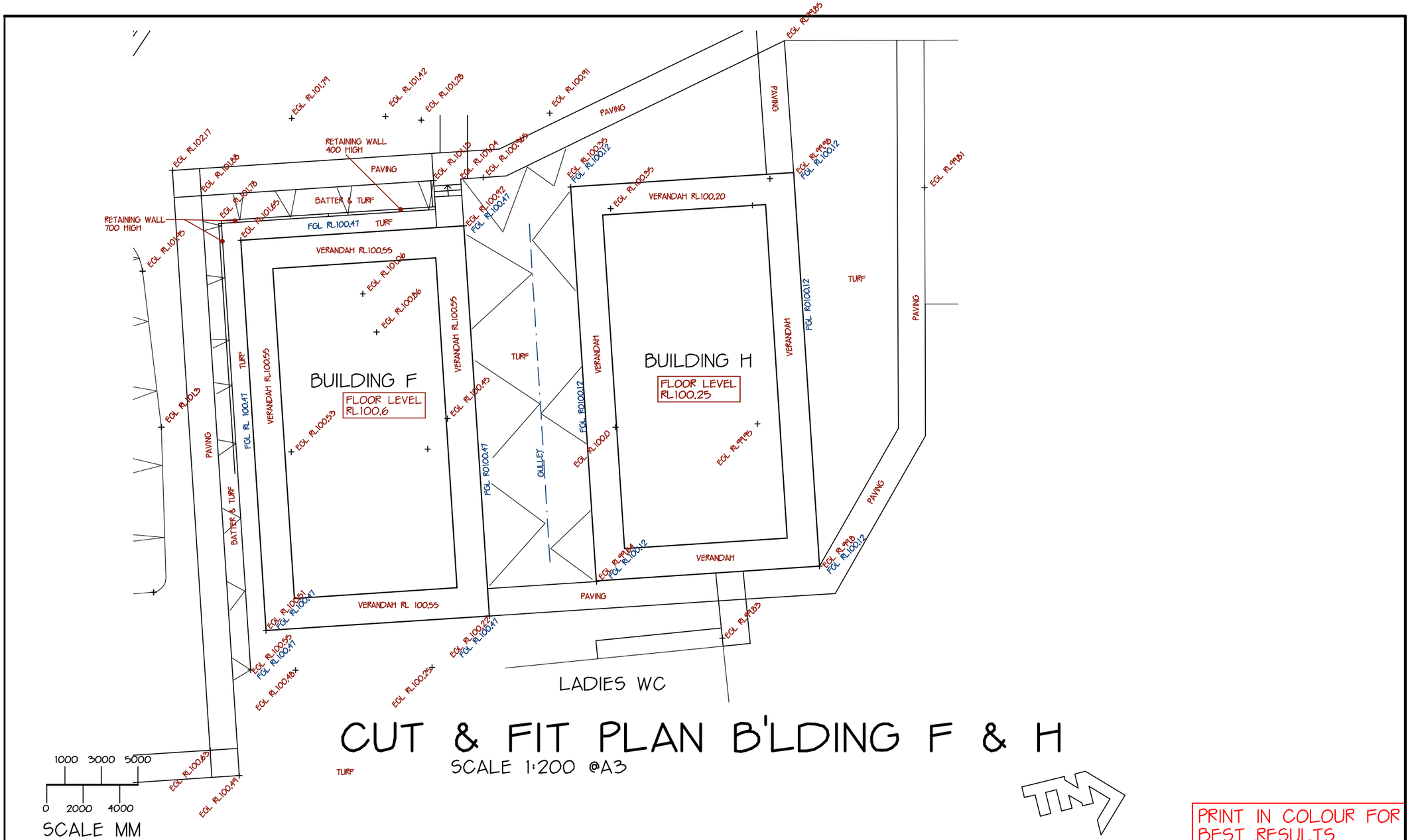
Project:
PROPOSED REPLACEMENT BUILDING. B'LD B,F & H
614A BALMORAL RD.,
COCKATOO VALLEY
LOT 201 DP 45942

Details:

Drawing title:	PARTIAL SITE PLAN
Drawn by: KEVIN CASEY	Date: MARCH 2023
Project No: 4040	Scale: AS SHOWN
Drawing No: ADA-002	Issue: B

Issue:

#	Description	Date
A	AMENDED COUNCIL SUBMISSION	250523
B	FIRE HOSE REELS ADDED	250523


BUILDING F
FLOOR LEVEL RL100.6
BUILDING H
FLOOR LEVEL RL100.25
RETAINING WALL 400 HIGH
RETAINING WALL 700 HIGH
PAVING
BATTER & TURF
TURF
VERANDAH RL100.55
VERANDAH RL100.20
VERANDAH RL 100.55
GULLEY
LADIES WC
EGL RL102.17
EGL RL101.88
EGL RL101.79
EGL RL101.78
EGL RL101.65
EGL RL101.42
EGL RL101.28
EGL RL101.13
EGL RL101.04
EGL RL100.96
EGL RL100.91
EGL RL100.35
EGL RL100.12
EGL RL100.12
EGL RL100.47
EGL RL100.55
EGL RL100.86
EGL RL100.53
EGL RL100.45
EGL RL100.0
EGL RL99.95
EGL RL99.84
EGL RL99.83
EGL RL99.81
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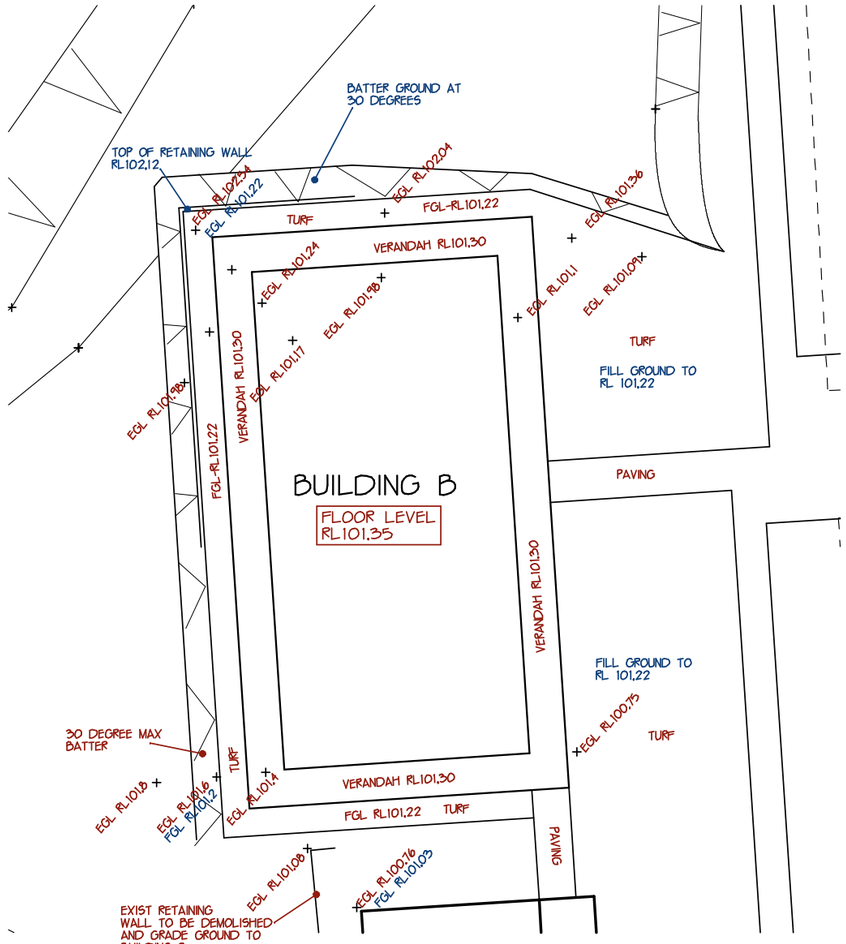
FGL RL100.12
FGL RL100.12
FGL RL100.12



2000 6000 1000
0 4000 8000
SCALE MM

BUILDING B CUT & FILL

SCALE 1:200 @A3

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BUILDING + INTERIOR DESIGNERS

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COCKATOO VALLEY

Project:
PROPOSED REPLACEMENT BUILDING. B'LD B,F & H
614A BALMORAL RD.,
COCKATOO VALLEY
LOT 201 DP 45942

Details:

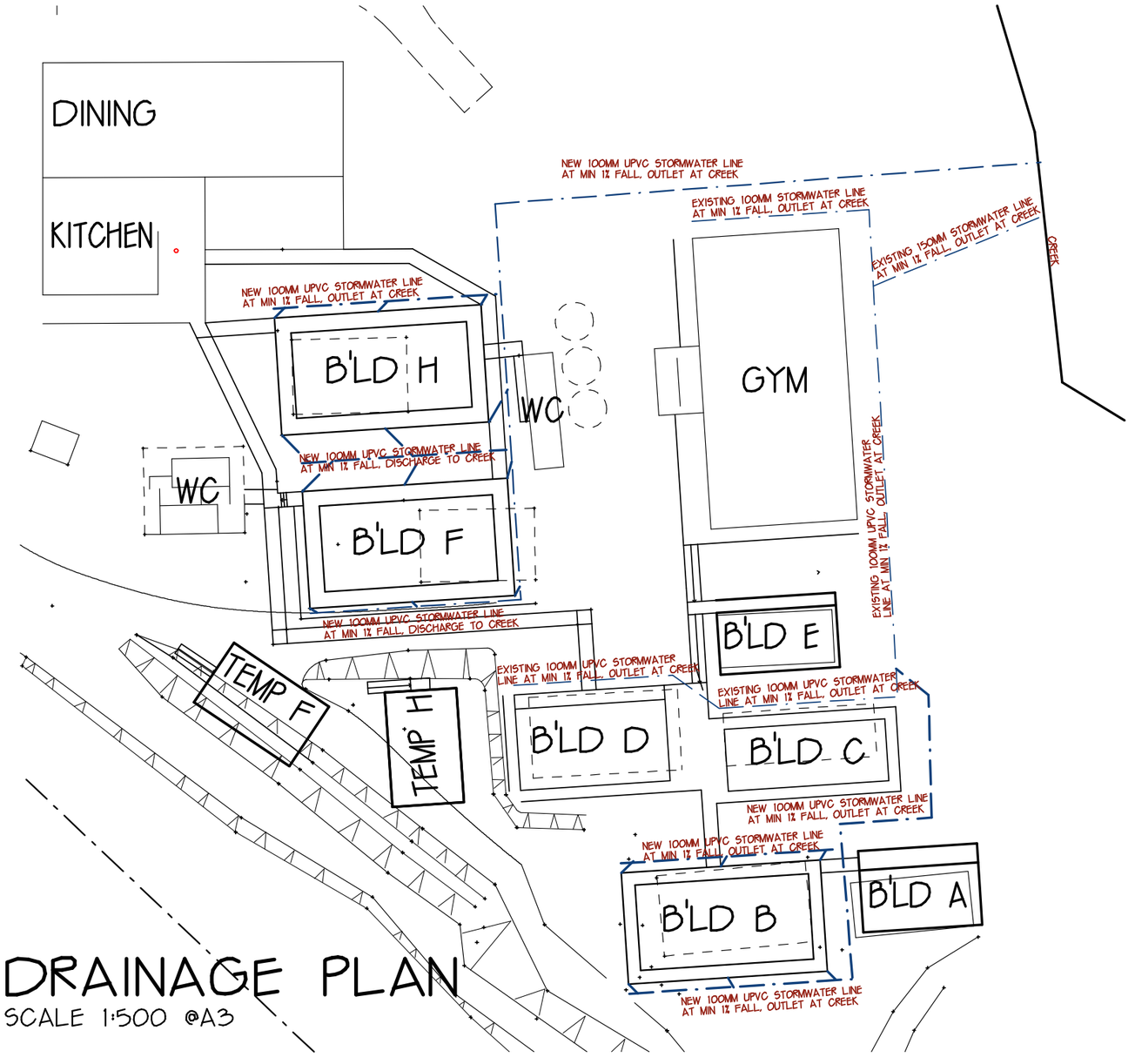
Drawing title: B'LD B CUT & FILL	
Drawn by: KEVIN CASEY	Date: MARCH 2023
Project No: 4040	Scale: AS SHOWN
Drawing No: ADA-004	Issue: A

Issue:

#	Description	Date
A	AMENDED COUNCIL SUBMISSION	250523

LEGEND

RL	REDUCED LEVEL
FGL	FINISHED GROUND LEVEL
FFL	FINISHED FLOOR LEVEL
PP	POWER POLE
WM	WATER METER
MB	METER BOX
GM	GAS METER
⊣	EXTERNAL TAP
⊘	GULLEY
-----	EXISTING DRAINAGE LINE
———	PROPOSED DRAINAGE LINE
DP	DOWN PIPE
▨	SURFACE PIT



DRAINAGE PLAN

SCALE 1:500 @A3

2500 7500 12500
0 5000 10000
SCALE MM

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614A BALMORAL RD.,
COCKATOO VALLEY

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614A BALMORAL RD.,
COCKATOO VALLEY
LOT 201 DP 45942

Details:

Drawing title: DRAINAGE PLAN	
Drawn by: KEVIN CASEY	Date: MARCH 2023
Project No: 4040	Scale: AS SHOWN
Drawing No: ADA-005	Issue: A

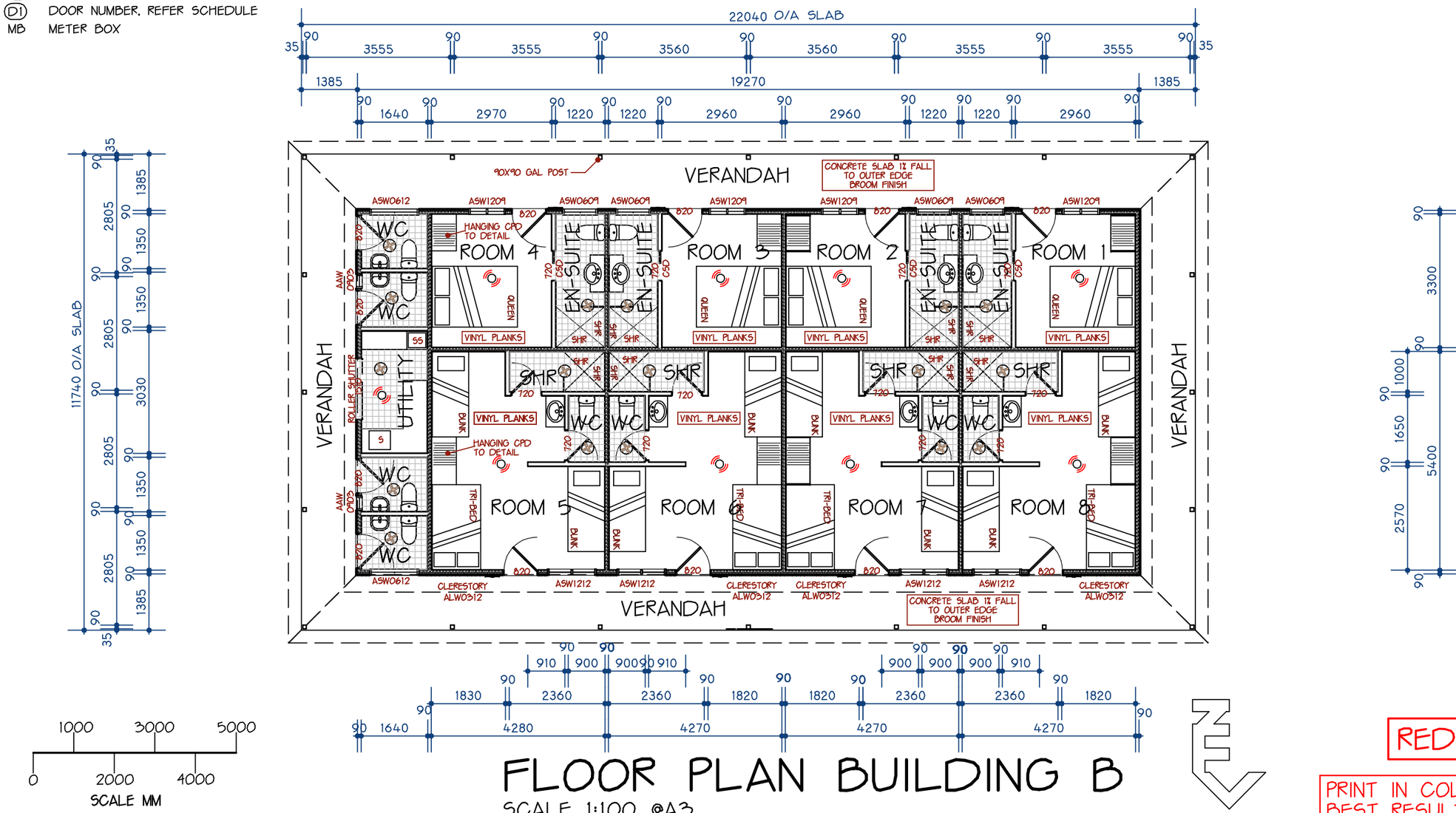
Issue:

#	Description	Date
A	AMENDED COUNCIL SUBMISSION	250523

LEGEND

RL REDUCED LEVEL
FGL FINISHED GROUND LEVEL
FFL FINISHED FLOOR LEVEL
(W1) WINDOW NUMBER REFER SCHEDULE
(D1) DOOR NUMBER. REFER SCHEDULE
MB METER BOX

AERIAL MAINS
HW / CHW HOT WATER SYSTEM
GM GAS METER
EXTERNAL TAP
DP DOWN PIPE
SMOKE ALARM
EXHAUST FAN
CEILING FAN
FLOOR WASTE
LINEAR FLOOR GRATE
S.O. STUD OPENING
INTERNAL 60/60/60 STUD WALL
INTERNAL STUD WALL
EXTERNAL STUD WALL
LINE OF ROOF ABOVE



FLOOR PLAN BUILDING B

SCALE 1:100 @A3

REDRAWN

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COCKATOO VALLEY

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614A BALMORAL RD.,
COCKATOO VALLEY
LOT 201 DP 45942

Details:

Drawing title: FLOOR PLAN BUILDING B	
Drawn by: KEVIN CASEY	Date: MARCH 2023
Project No: 4040	Scale: AS SHOWN
Drawing No: ADA-101	Issue: A

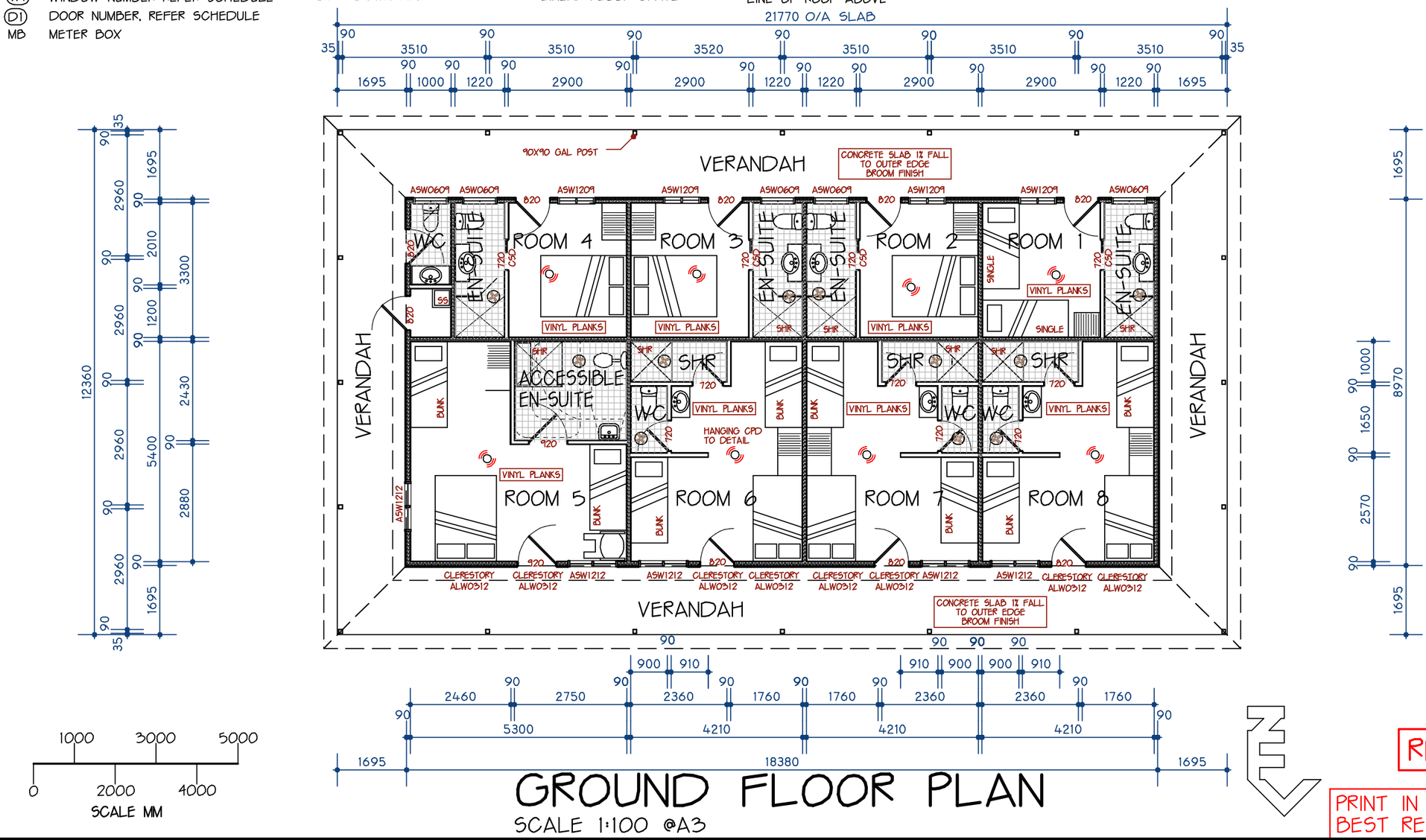
Issue:

#	Description	Date
A	AMENDED DA SUBMISSION	250323

LEGEND

RL REDUCED LEVEL
FGL FINISHED GROUND LEVEL
FFL FINISHED FLOOR LEVEL
(W1) WINDOW NUMBER REFER SCHEDULE
(D1) DOOR NUMBER. REFER SCHEDULE
MB METER BOX

AERIAL MAINS
HW / HRW HOT WATER SYSTEM
GM GAS METER
EXTERNAL TAP
DP DOWN PIPE
SMOKE ALARM
EXHAUST FAN
CEILING FAN
FLOOR WASTE
LINEAR FLOOR GRATE
S.O. STUD OPENING
INTERNAL 60/60/60 STUD WALL
INTERNAL STUD WALL
EXTERNAL STUD WALL
LINE OF ROOF ABOVE



SCALE MM
1000 3000 5000
0 2000 4000

GROUND FLOOR PLAN

SCALE 1:100 @A3

REDRAWN

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614A BALMORAL RD.,
COCKATOO VALLEY

Project:
PROPOSED REPLACEMENT BUILDING. B'LD H
614A BALMORAL RD.,
COCKATOO VALLEY
LOT 201 DP 45942

Details:

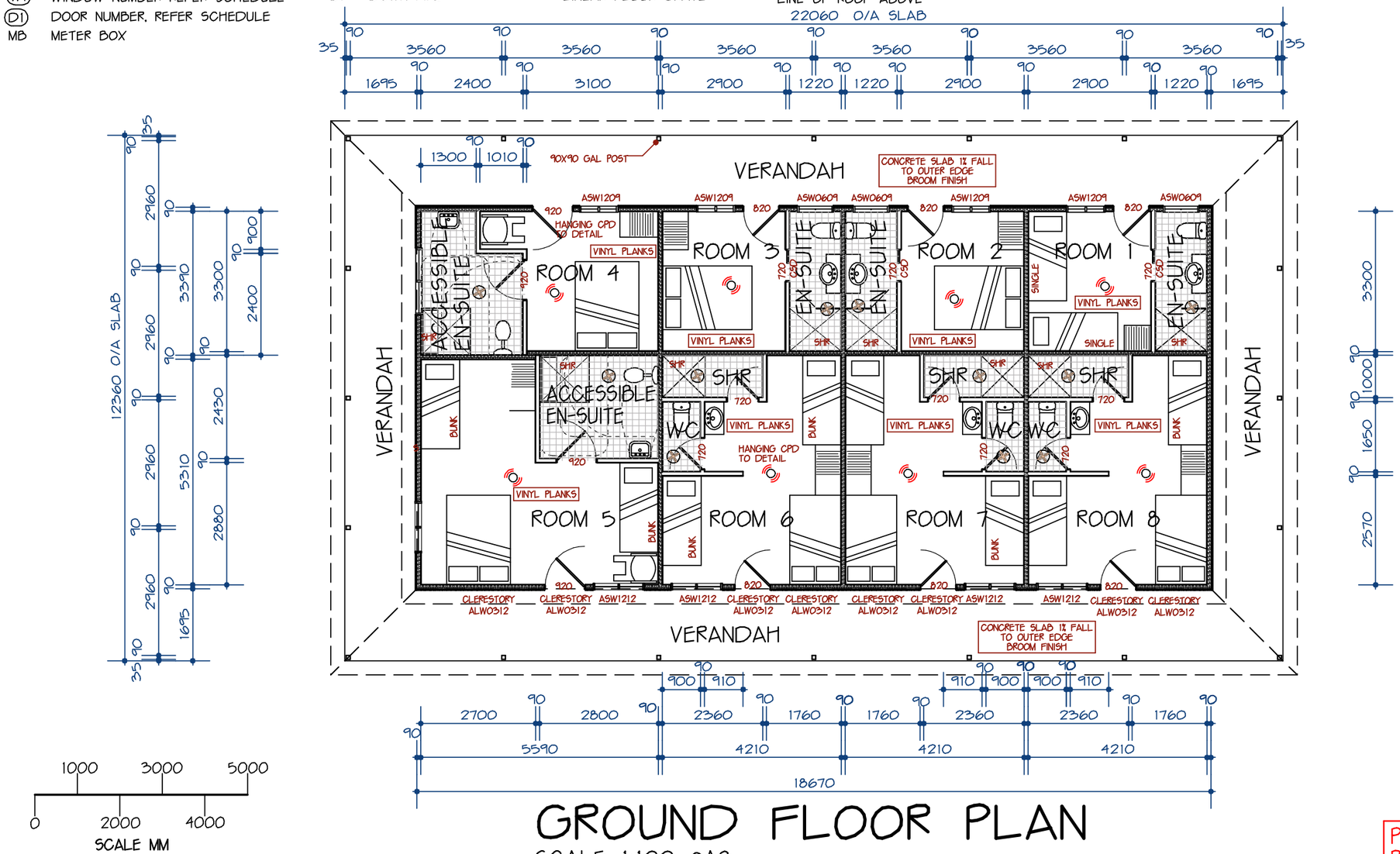
Drawing title: FLOOR PLAN BUILDING H	
Drawn by: KEVIN CASEY	Date: MARCH 2023
Project No: 4040	Scale: AS SHOWN
Drawing No: ADA-103	Issue: C

Issue:

#	Description	Date
A	CLIENT REVIEW	070618
B	AMENDED DA SUBMISSION	250323
C	BUNK BEDS NOMINATED	210623

LEGEND

RL	REDUCED LEVEL
FGL	FINISHED GROUND LEVEL
FFL	FINISHED FLOOR LEVEL
(W1)	WINDOW NUMBER REFER SCHEDULE
(D1)	DOOR NUMBER. REFER SCHEDULE
MB	METER BOX
— ——	AERIAL MAINS
HW / HWW	HOT WATER SYSTEM
GM	GAS METER
→	EXTERNAL TAP
DP	DOWN PIPE
	SMOKE ALARM
	EXHAUST FAN
	CEILING FAN
	FLOOR WASTE
	LINEAR FLOOR GRATE
S.O.	STUD OPENING
	INTERNAL 60/60/60 STUD WALL
	INTERNAL STUD WALL
	EXTERNAL STUD WALL
– –	LINE OF ROOF ABOVE



GROUND FLOOR PLAN

SCALE 1:100 @A3

REDRAWN

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614A BALMORAL RD.,
COCKATOO VALLEY

Project:
PROPOSED REPLACEMENT BUILDING. B'LD F
614A BALMORAL RD.,
COCKATOO VALLEY
LOT 201 DP 45942

Details:

Drawing title: FLOOR PLAN BUILDING F	
Drawn by: KEVIN CASEY	Date: MARCH 2023
Project No: 4040	Scale: AS SHOWN
Drawing No: ADA-102	Issue: C

Issue:

#	Description	Date
A	CLIENT REVIEW	070618
B	AMENDED DA SUBMISSION	250323
C	NOTES ADDED RE BUNKS	210623

LEGEND

E	E PREFIX MEANS EXISTING
RL	REDUCED LEVEL
FGL	FINISHED GROUND LEVEL
NGL	NATURAL GROUND LEVEL
MB	METER BOX
GM	GAS METER
DP	DOWNPIPE, PAINT FINISH
GUT	ZINCALUME GUTTER, COLORBOND FINISH

CLADDING

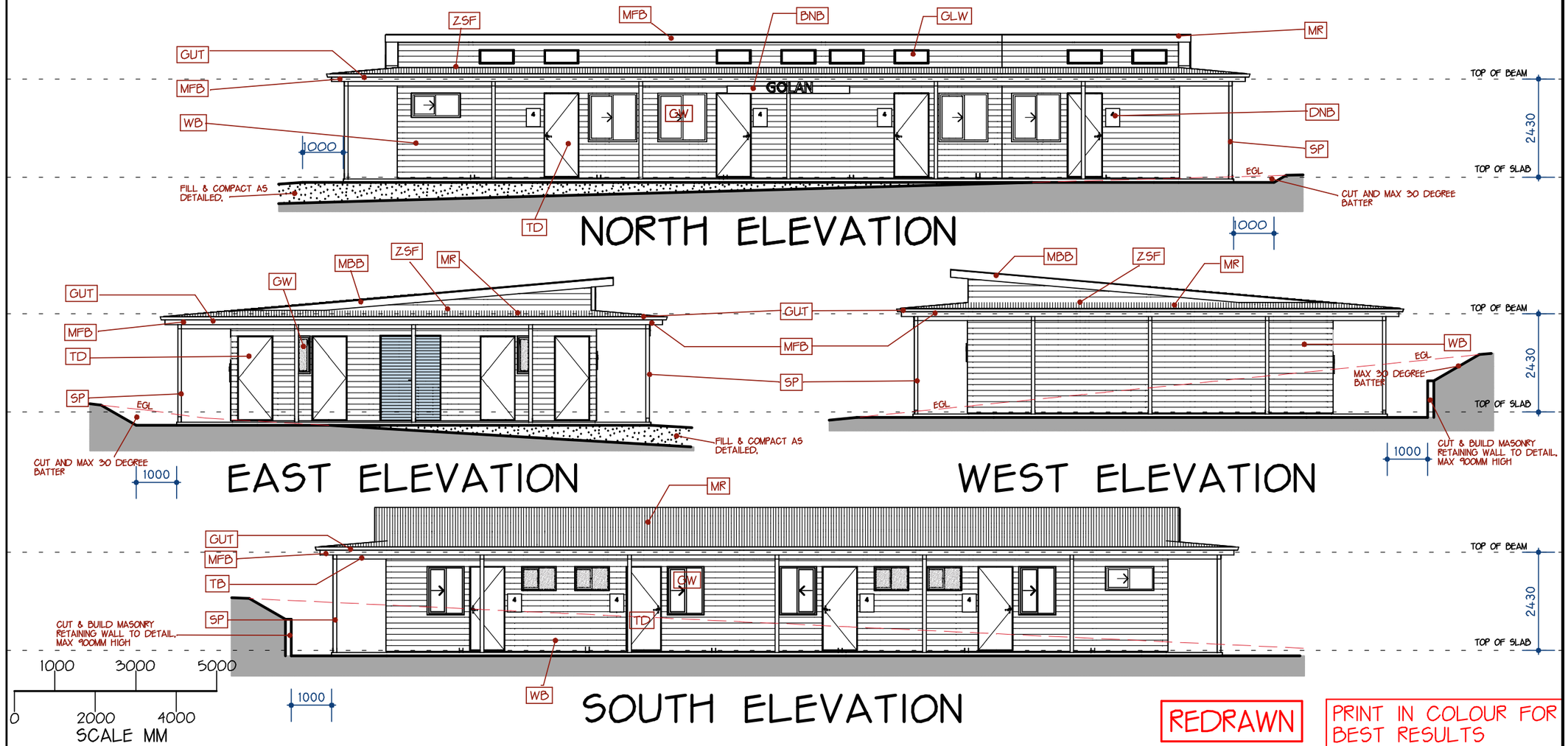
WB	WEATHERTEX SHADOWOOD OVER BREATHERGRADE SISALATION 20MM CAVITY. PAINT FINISH
GW	GLAZED WINDOW, SLIDING ALUMINIUM FRAMED POWDERCOAT FINISH
GLW	GLAZED WINDOW, LOUVRED ALUMINIUM FRAMED POWDERCOAT FINISH
TD	FLUSH SOLID CORE DOOR. PAINT FINISH
CB	70X20 TIMBER CORNER BATTEN AS DETAILED. PAINT FINISH
SP	90X90 GAL POST TO DETAIL. PAINT FINISH

ROOFING

MR	CORRUGATED ZINCALUME STEEL ROOF SHEETING OVER 55MM FOIL BACKED INSULATION BLANKET. COLORBOND FINISH.
ZSF	ZINCALUME STEEL FLASHING, COLORBOND FINISH.
GD	GLAZED DOOR, TIMBER FRAMED, PAINT FINISH

TRIM

MFB	180X31 ZINCALUME STEEL FASCIA, COLORBOND FINISH
MBB	180X31 ZINCALUME STEEL FASCIA, COLORBOND FINISH
DP	90MM DIA UPVC DOWNPIPE. PAINT FINISH.
GUT	115X85 ZINCALUME STEEL QUAD GUTTER, COLORBOND FINISH
TB	240X45 DAR H3 TIMBER BEAM TO DETAIL. PAINT FINISH.
BNB	BUILDING NAME BOARD TO DETAIL
DNB	DOOR # BOARD TO DETAIL



REDRAWN

PRINT IN COLOUR FOR BEST RESULTS

KEVIN CASEY DESIGN
BUILDING + INTERIOR DESIGNERS

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FIGURED DIMENSIONS MUST BE READ IN PREFERENCE TO SCALING.
THESE PLANS SHALL BE READ IN CONJUNCTION WITH SPECIFICATION.
IF IN DOUBT, ASK!

Client:
HEBRON BIBLE CAMP
614A BALMORAL RD., COCKATOO VALLEY

Project:
PROPOSED REPLACEMENT BUILDING. B'LD B
614A BALMORAL RD., COCKATOO VALLEY
LOT 201 DP 45942

Details:

Drawing title: ELEVATIONS BLOCK B	
Drawn by: KEVIN CASEY	Date: MARCH 2023
Project No: 4040	Scale: 1:100 @ A3
Drawing No: ADA-201	Issue: B

Issue:

#	Description	Date
A	AGM PRESENTATION	160323
B	AMENDED DA SUBMISSION	250323

LEGEND

E	E PREFIX MEANS EXISTING
RL	REDUCED LEVEL
FGL	FINISHED GROUND LEVEL
NGL	NATURAL GROUND LEVEL
MB	METER BOX
GM	GAS METER
DP	DOWNPIPE, PAINT FINISH
GUT	ZINCALUME GUTTER, COLORBOND FINISH

CLADDING

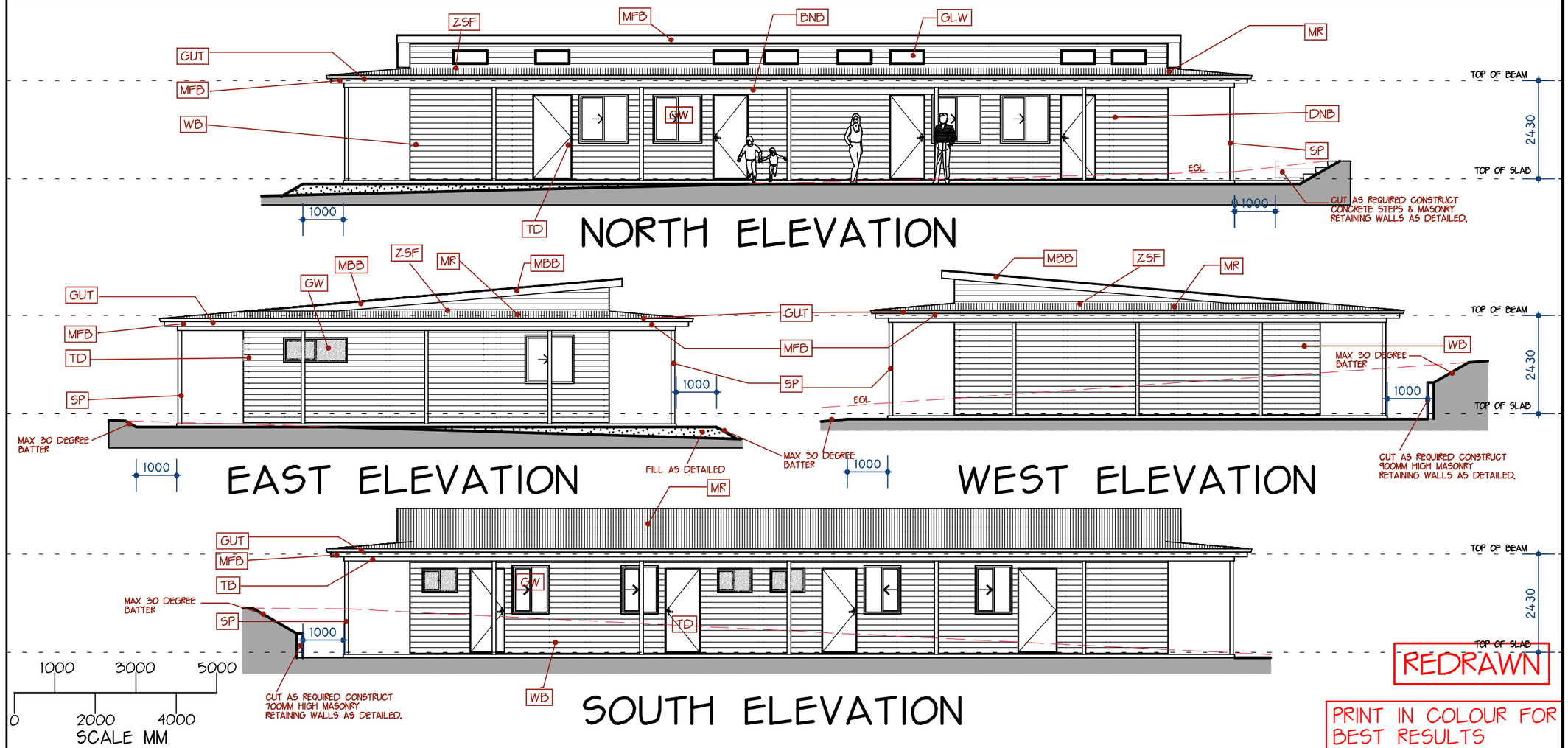
WB	WEATHERTEX SHADOWOOD OVER BREATHERGRADE SISALATION 20MM CAVITY. PAINT FINISH
GW	GLAZED WINDOW, SLIDING ALUMINIUM FRAMED POWDERCOAT FINISH
GLW	GLAZED WINDOW, LOUVRED ALUMINIUM FRAMED POWDERCOAT FINISH
TD	FLUSH SOLID CORE DOOR. PAINT FINISH
CB	70X20 TIMBER CORNER BATTEN AS DETAILED. PAINT FINISH
SP	90X90 GAL POST TO DETAIL. PAINT FINISH

ROOFING

MR	CORRUGATED ZINCALUME STEEL ROOF SHEETING OVER 55MM FOIL BACKED INSULATION BLANKET. COLORBOND FINISH.
ZSF	ZINCALUME STEEL FLASHING, COLORBOND FINISH.
GD	GLAZED DOOR, TIMBER FRAMED, PAINT FINISH

TRIM

MFB	180X31 ZINCALUME STEEL FASCIA, COLORBOND FINISH
MBB	180X31 ZINCALUME STEEL FASCIA, COLORBOND FINISH
DP	90MM DIA UPVC DOWNPIPE. PAINT FINISH.
GUT	115X85 ZINCALUME STEEL QUAD GUTTER, COLORBOND FINISH
TB	240X45 DAR H3 TIMBER BEAM TO DETAIL. PAINT FINISH.
BNB	BUILDING NAME BOARD TO DETAIL
DNB	DOOR # BOARD TO DETAIL



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Client:
HEBRON BIBLE CAMP
614A BALMORAL RD., COCKATOO VALLEY

Project:
PROPOSED REPLACEMENT BUILDING. B'LD F
614A BALMORAL RD., COCKATOO VALLEY
LOT 201 DP 45942

Details:

Drawing title: ELEVATIONS BLOCK F	
Drawn by: KEVIN CASEY	Date: MARCH 2023
Project No: 4040	Scale: 1:100 @ A3
Drawing No: ADA-202	Issue: A

Issue:

#	Description	Date
A	AMENDED DA SUBMISSION	250323

LEGEND

E	E PREFIX MEANS EXISTING
RL	REDUCED LEVEL
FGL	FINISHED GROUND LEVEL
NGL	NATURAL GROUND LEVEL
MB	METER BOX
GM	GAS METER
DP	DOWNPIPE, PAINT FINISH
GUT	ZINCALUME GUTTER, COLORBOND FINISH

CLADDING

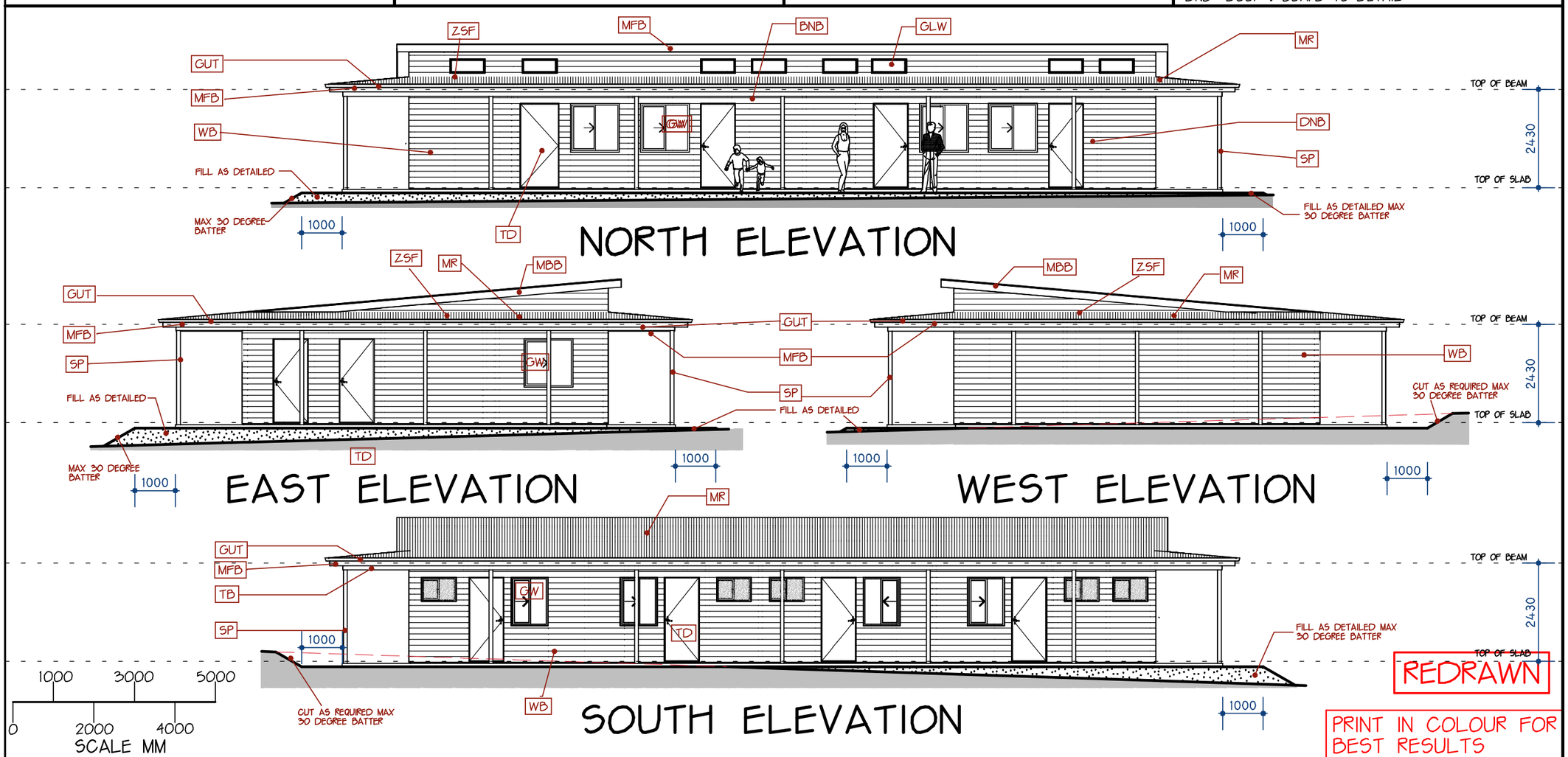
WB	WEATHERTEX SHADOWOOD OVER BREATHERGRADE SISALATION 20MM CAVITY. PAINT FINISH
GW	GLAZED WINDOW, SLIDING ALUMINIUM FRAMED POWDERCOAT FINISH
GLW	GLAZED WINDOW, LOUVRED ALUMINIUM FRAMED POWDERCOAT FINISH
TD	FLUSH SOLID CORE DOOR. PAINT FINISH
CB	70X20 TIMBER CORNER BATTEN AS DETAILED. PAINT FINISH
SP	90X90 GAL POST TO DETAIL. PAINT FINISH

ROOFING

MR	CORRUGATED ZINCALUME STEEL ROOF SHEETING OVER 55MM FOIL BACKED INSULATION BLANKET. COLORBOND FINISH.
ZSF	ZINCALUME STEEL FLASHING, COLORBOND FINISH.
GD	GLAZED DOOR, TIMBER FRAMED, PAINT FINISH

TRIM

MFB	180X31 ZINCALUME STEEL FASCIA, COLORBOND FINISH
MBB	180X31 ZINCALUME STEEL FASCIA, COLORBOND FINISH
DP	90MM DIA UPVC DOWNPIPE. PAINT FINISH.
GUT	115X85 ZINCALUME STEEL QUAD GUTTER, COLORBOND FINISH
TB	240X45 DAR H3 TIMBER BEAM TO DETAIL. PAINT FINISH.
BNB	BUILDING NAME BOARD TO DETAIL
DNB	DOOR # BOARD TO DETAIL



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IF IN DOUBT, ASK!

Client:
HEBRON BIBLE CAMP
614A BALMORAL RD., COCKATOO VALLEY

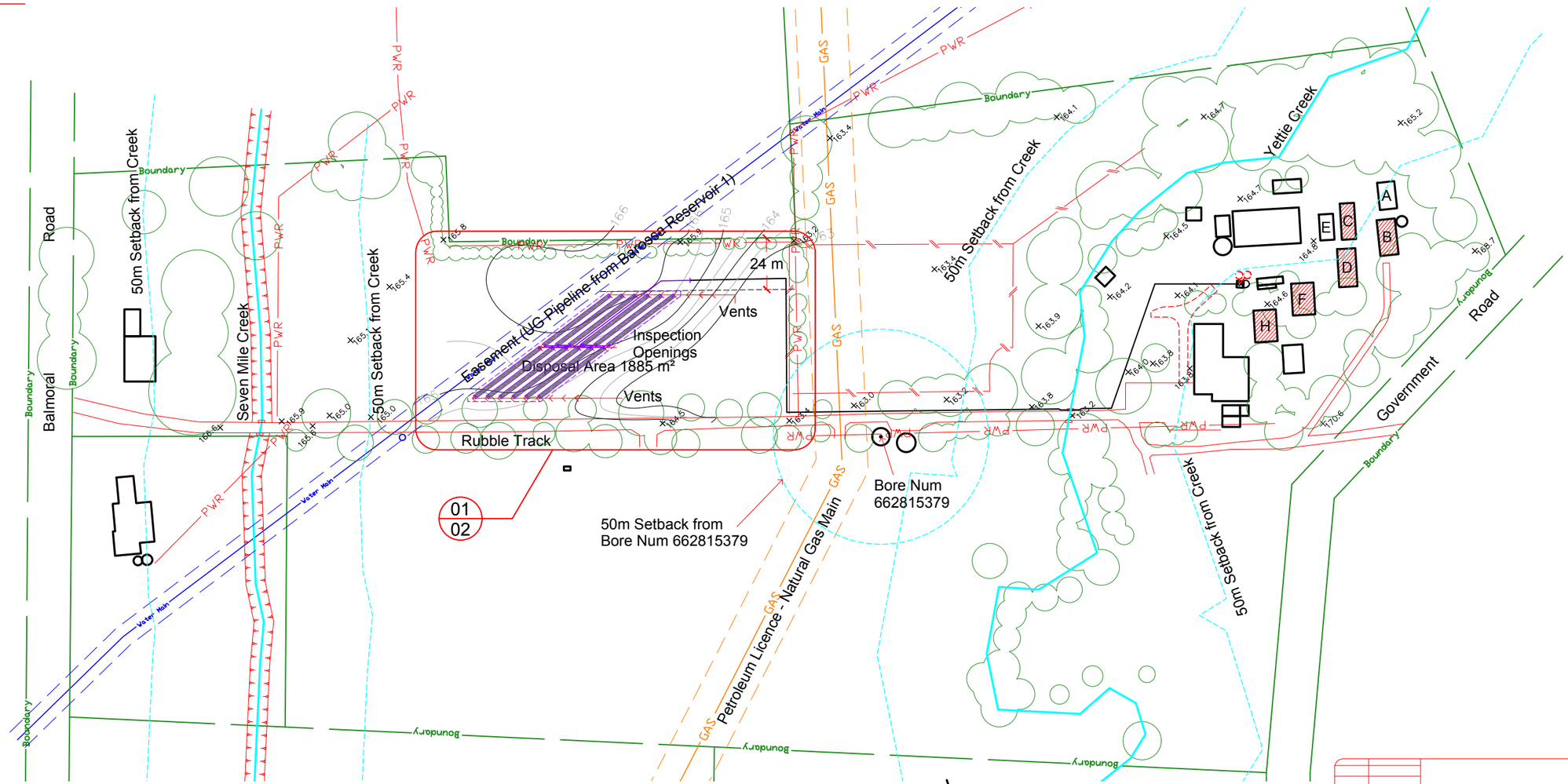
Project:
PROPOSED REPLACEMENT BUILDING. B'LD H
614A BALMORAL RD., COCKATOO VALLEY
LOT 201 DP 45942

Details:

Drawing title: ELEVATIONS BLOCK H	
Drawn by: KEVIN CASEY	Date: MARCH 2023
Project No: 4040	Scale: 1:100 @ A3
Drawing No: ADA-203	Issue: A

Issue:

#	Description	Date
A	AMENDED DA SUBMISSION	250323



01 SITE PLAN
\- 1:2000

Title Details:

Street Address: 614A BALMORAL RD
Suburb: COCKATOO VALLEY
Postcode: 5351
Property Details:
Council: THE BAROSSA COUNCIL
Hundred: BAROSSA
Valuation Number: 9693307005
Title Reference: CT5897/233
Plan No. Parcel No.: D45942A201

Notes:

1. Cadastral infromation from SAPPA (South Australian Property and Planning Atlas)
2. The location of boundarys, easments, infrastructure and watercourses infromation sourced from Location SA Map Viewer
3. This is a single parcel that has been expanded since the original approval for 616 Balmoral Rd.
4. The new Disposal Field overlay the exisitng disposal feild that did no comply with the previous approval.
5. The Distribution box and Aggregate from the existing field may be reused.

Rev.	Date	Amendments	Dr	Ch
B	06/04/20	Design Revised, Inlets moved to centre of trench	LM	RG
A	03/02/20	Issued For Review	LM	RG

Hebron
Christadelphian Bible Camp Inc
614B Balmoral Rd,
Cockatoo Valley SA 5351

Factor UTB
SEPARATING WATER FROM WASTE
305A UNLEY ROAD, MALVERN SA AUSTRALIA 5061
Tel: +61 (08) 8271 6044, Email: Enquiries@factorutb.com.au

Do not scale drawing - all dimensions to be verified on site - if discrepancies occur, confirm dimensions and levels on site with engineer before commencing work.
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Issued For Review

Project
Wastewater Treatment System
616 Balmoral Road, Cockatoo Valley, SA, 5351

Drawing
Site Plan

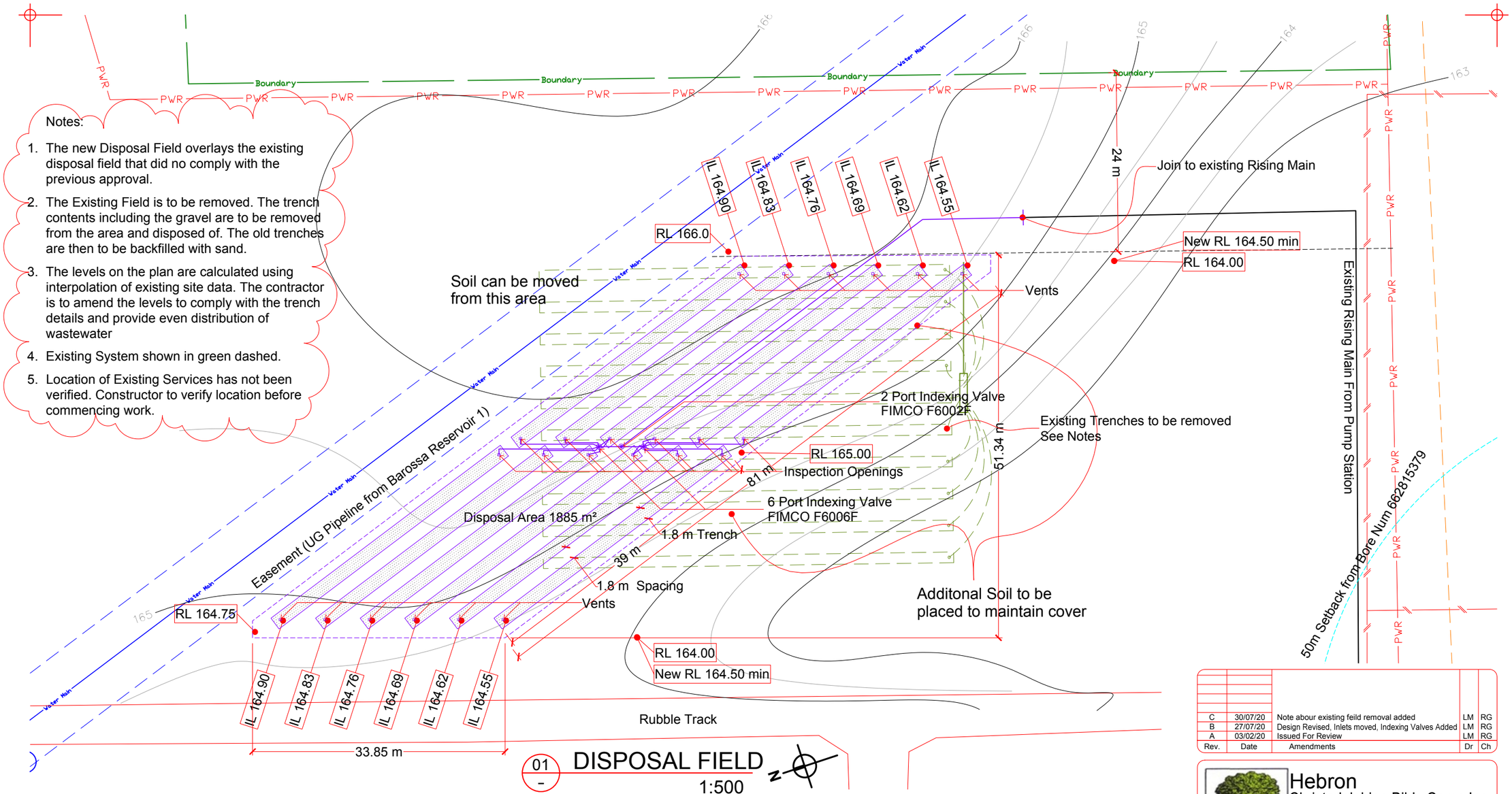
Drawn LM
Engineer RG

Date: 21 Jan 2020
Scale: 1:100 @ A3
Job No. 191107
Dwg No. 01
Rev. B

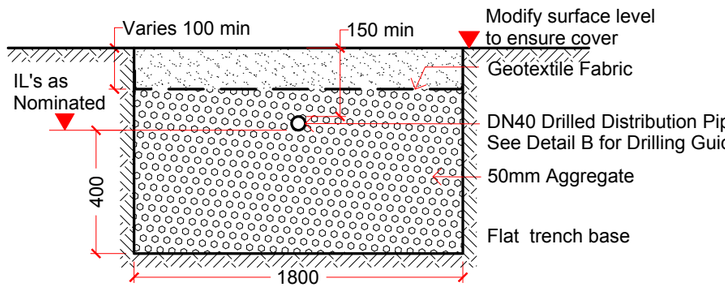
\\Server\shared\Projects\2019_Projects\191107 - Christadelphian Camp\Drawings\191107 Site C.tcw

Notes:

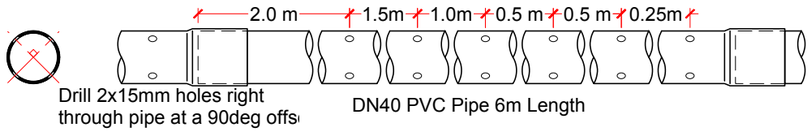
1. The new Disposal Field overlays the existing disposal field that did no comply with the previous approval.
2. The Existing Field is to be removed. The trench contents including the gravel are to be removed from the area and disposed of. The old trenches are then to be backfilled with sand.
3. The levels on the plan are calculated using interpolation of existing site data. The contractor is to amend the levels to comply with the trench details and provide even distribution of wastewater
4. Existing System shown in green dashed.
5. Location of Existing Services has not been verified. Constructor to verify location before commencing work.



01 - DISPOSAL FIELD 1:500



02 - SOAKAGE TRENCH DETAILS at 2.4m Spacing 1:20



B - DRILLING GUIDE 1:5

1:20 0 0.2 0.4 0.6 0.8 1 METRE
1:500 0 5 10 15 20 25 METRES

\\Server\shared\Projects\2019_Projects\191107 - Christadelphian Camp\Drawings\191107 Site C.tcw

Rev.	Date	Amendments	Dr	Ch
C	30/07/20	Note abour existing feild removal added	LM	RG
B	27/07/20	Design Revised, Inlets moved, Indexing Valves Added	LM	RG
A	03/02/20	Issued For Review	LM	RG

Hebron
Christadelphian Bible Camp Inc
614B Balmoral Rd,
Cockatoo Valley SA 5351

Factor UTB
SEPARATING WATER FROM WASTE
305A UNLEY ROAD, MALVERN SA AUSTRALIA 5061
Tel: +61 (08) 8271 6044, Email: Enquiries@factorutb.com.au

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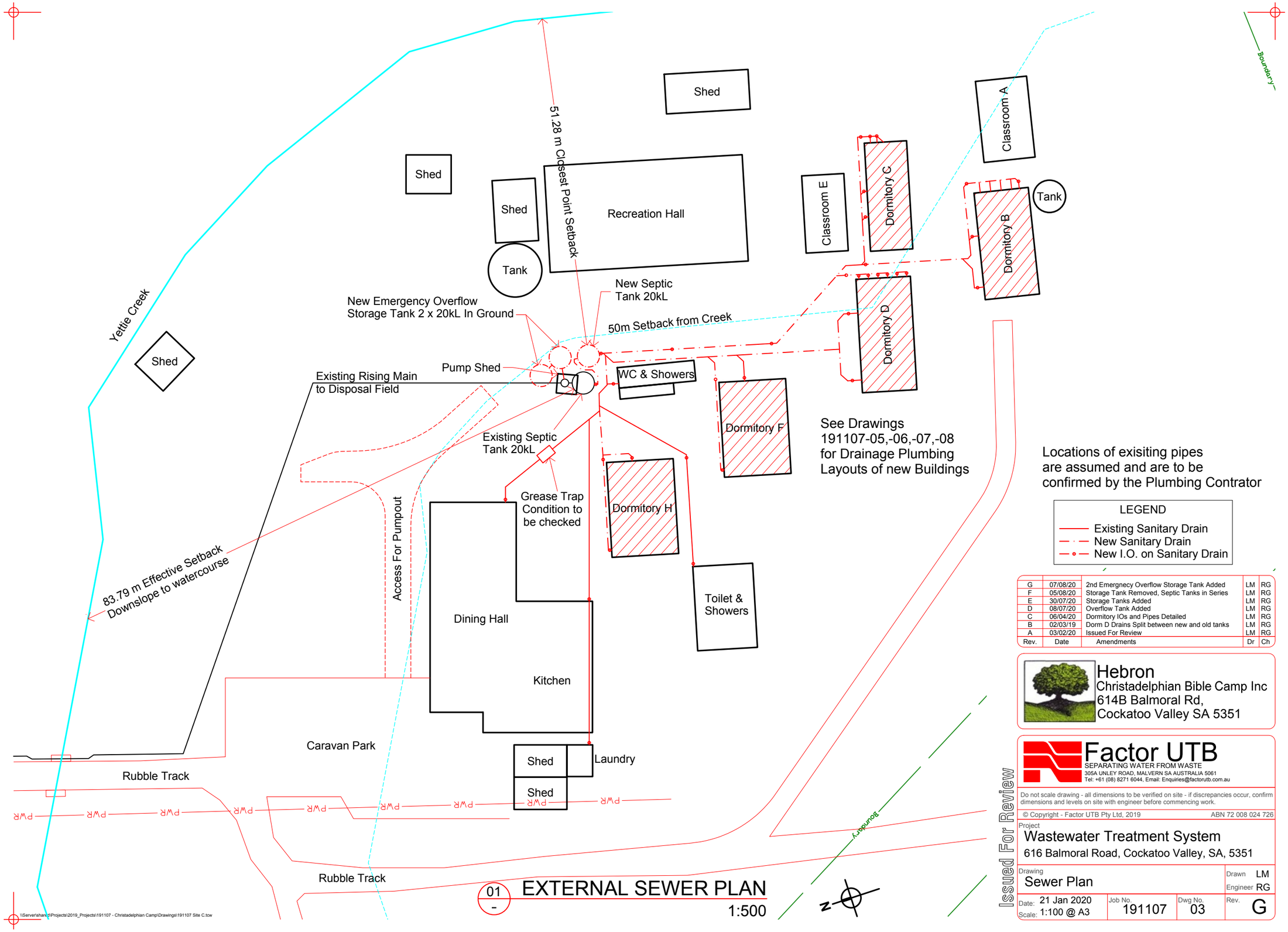
Project
Wastewater Treatment System
616 Balmoral Road, Cockatoo Valley, SA, 5351

Drawing: Disposal Field
Drawn: LM
Engineer: RG
Date: 21 Jan 2020
Scale: 1:100 @ A3
Job No. 191107
Dwg No. 02
Rev. C



01 – EXTERNAL SEWER PLAN
1:500

See Drawings 191107-05,-06,-07,-08 for Drainage Plumbing Layouts of new Buildings

Locations of exisiting pipes are assumed and are to be confirmed by the Plumbing Contrator

LEGEND
- Existing Sanitary Drain
- New Sanitary Drain
- New I.O. on Sanitary Drain

Rev.	Date	Amendments	Dr	Ch
G	07/08/20	2nd Emergnecy Overflow Storage Tank Added	LM	RG
F	05/08/20	Storage Tank Removed, Septic Tanks in Series	LM	RG
E	30/07/20	Storage Tanks Added	LM	RG
D	08/07/20	Overflow Tank Added	LM	RG
C	06/04/20	Dormitory IOs and Pipes Detailed	LM	RG
B	02/03/19	Dorm D Drains Split between new and old tanks	LM	RG
A	03/02/20	Issued For Review	LM	RG

Hebron
Christadelphian Bible Camp Inc
614B Balmoral Rd,
Cockatoo Valley SA 5351

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Project
Wastewater Treatment System
616 Balmoral Road, Cockatoo Valley, SA, 5351

Drawing
Sewer Plan

Drawn LM
Engineer RG

Date: 21 Jan 2020
Scale: 1:100 @ A3
Job No. 191107
Dwg No. 03
Rev. G

Details of Representations

Application Summary

Application ID	23015775
Proposal	Amendments to 960/592/2018-Demolition and Replacement Dormitory Accommodation and Classrooms (5 accommodation cabins and 2 classrooms) in association with existing camp site facility; Amendments include temporary Re-location of former Dormitories H & F (housing up to 60 guests), construction of three replacement dormitories: Building B to contain (8 additional guests) a total of 36 guests and additional bathroom facilities, Building F to contain 30 guests and additional bathroom facilities and Buildings H to contain (2 additional guests) a total of 32 guests and additional bathroom facilities; re-located former Dormitories H & F to be demolished and/or removed from the site at completion of replacement buildings
Location	614A BALMORAL RD COCKATOO VALLEY SA 5351

Representations

Representor 1 - Nanon Miojlic

Name	Nanon Miojlic
Address	48 GOLDFIELDS ROAD COCKATOO VALLEY SA, 5351 Australia
Submission Date	31/07/2023 10:16 AM
Submission Source	Email
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 Refer Attached	

Attached Documents

externalHebronBibleCamp-6122952.pdf

From: [redacted]
To: Development
Subject: [EXTERNAL] Hebron Bible Camp
Date: Thursday, 27 July 2023 6:56:16 PM

CAUTION: This Message originated outside your organization. Treat all attachments and hyperlinks with suspicion.

I am writing to you to express my many concerns regarding the development at the Hebron Bible Camp.

On behalf of my family (and we share a fence border) with this camp - we are absolutely AGAINST any kind of development or expansion at this site.

They are already totally disrespectful to us and our property, they trespass onto our back paddock - we have seen them on out there and have seen the bands on hi-viz pants at night out the back when they've had fires and they are helping themselves to wood from our property.

We have tried to contact them on multiple occasions, we've knocked on their door, tried to contact them via Facebook community page and they never give us the courtesy of getting back to us regarding these issues which we wanted to approach privately - as well as us wanting to get fencing redone out there.

We have no emergency access at the back of our property and have been trying to reach out to them to ask for help to get to our property via their property but they simply ignore us.

As far as them and their fires at night, they have thrown things into the fire and we have had explosions scaring our horses and our neighbours horses & our dogs. If they have the opportunity to have more people we are ultimately being exposed to more people out the back on our property, more noise and more disrupting behaviour on their behalf.

We ask that you deny any expansion / development that allows them to have any more people there than they already have. We think if they want to expand their camp and activities, they need to sell up and move to a more isolated area /bigger acerage that can handle the extra people.

So please note that 48 Goldfields Road Cockatoo Valley are 100% AGAINST this plan.

Thank you
Mrs Nanon Miojlic

Representations

Representor 2 - Vlora Dzeladini

Name	Vlora Dzeladini
Address	80 The Barracks COCKATOO VALLEY SA, 5351 Australia
Submission Date	08/08/2023 08:39 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	

Attached Documents

Representations

Representor 3 - Leanne and Achim Urmersbach

Name	Leanne and Achim Urmersbach
Address	66 DAVIES ROAD SANDY CREEK SA, 5350 Australia
Submission Date	09/08/2023 08:55 AM
Submission Source	Email
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 Refer attached	

Attached Documents

externalProposedExpansionOfHebronChristadelphianCamp-LeanneUrmersbach-6193989.pdf

From: [redacted]
[redacted] Development
Subject: [EXTERNAL] Proposed expansion of Hebron Christadelphian camp
Date: Tuesday, 8 August 2023 10:21:39 PM

CAUTION: This Message originated outside your organization. Treat all attachments and hyperlinks with suspicion.

We are submitting a definite NO to the proposed expansion of the Hebron Bible Camp.
Our names are Leanne and Achim Urmersbach, our address is 66 Davies Road Sandy Creek SA 5350
Our personal views are that it will increase the traffic on Balmoral Road and with the speed limit of 80 it is already dangerous turning right from Davies Road onto Balmoral road travelling to Gawler.
Since we moved into our property in 2010 the increased traffic of cars and trucks has tripled as our road has been used as a cut through, being the only bitumen road to get to cockatoo valley General store, Lyndoch or back to Gawler. so more expansion of the camp means more people driving there from all around Adelaide.
We feel the Bible camp does not fit in with the country rural setting of the Barossa and any expansion has an environmental impact within the area with noise pollution, traffic pollution and wildlife impact.
An expansion of this sort should be on a much bigger acreage not on a small parcel of land that directly effects Barossa residents that want a peaceful country quiet lifestyle.
We feel that planning and building laws should not commence before a formal development approval has been given.
We also believe that all residents need to be kept fully informed about developments such as these on an ongoing basis.
We oppose the campsite getting bigger and bigger into the future, and we oppose that it changes from a campsite to a tourist accommodation facility.
Once again we OPPOSE the expansion or any changes to the current Bible Camp
Yours sincerely
Leanne and Achim Urmersbach

Sent from my iPad

Representations

Representor 4 - Matthew Lyon

Name	Matthew Lyon
Address	P.O.box 74 COCKATOO VALLEY SA, 5351 Australia
Submission Date	09/08/2023 09:44 AM
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 The position the bible camp is in if not suitable for the amount of people they have there, they have on countless occasions disrupted the peace over the last 30 years.	

Attached Documents

Representations

Representor 5 - David Lyon

Name	David Lyon
Address	P.O.box 74 COCKATOO VALLEY SA, 5351 Australia
Submission Date	09/08/2023 09:49 AM
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 The land is too small, and they have many neighbours in very close proximity to everything they do.	

Attached Documents

Representations

Representor 6 - Daniel and Nicole Emes

Name	Daniel and Nicole Emes
Address	44 GOLDFIELDS ROAD COCKATOO VALLEY SA, 5351 Australia
Submission Date	09/08/2023 01:12 PM
Submission Source	Email
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 As Attached	

Attached Documents

DanielAndNicoleEmes-HebronCamp614aBalmoralRoadCockatooValley-6198558.pdf

From: [redacted]
To: [redacted]
Subject: [EXTERNAL] RE: Hebron Camp 614A Balmoral Road Cockatoo Valley
Date: Wednesday, 9 August 2023 12:56:47 PM

CAUTION: This Message originated outside your organization. Treat all attachments and hyperlinks with suspicion.

Wednesday 9th August 2023
Daniel and Nicole Emes
44 Goldfields Rd, Cockatoo Valley
Direct and adjoining neighbours to Hebron Camp, 614A Balmoral Rd, Cockatoo Valley.

Dear Barossa Council/Development & planning/Assessment panel,

I am writing to you as a concerned property owner, rate payer and invested community member of the Cockatoo Valley community.

My husband and I purchased our property at 44 Goldfields Road, Cockatoo Valley in November of 2016. In this time we have existed as immediate, boundary neighbours to the Hebron Camp on 614A Balmoral Rd.

During this time we have experienced on a regular basis the disruption to our enjoyment of our property due to the following:

- The intentional, negligent and illegal use of Drones, also known as Remotely Piloted Aircraft (RPAs) or Unmanned Aerial Vehicles (UAVs) trespassing on our land. The use of these drones have interfered in our enjoyment of private land and breached our privacy by flying over/around our house, hovering by windows and the incessant chasing/harassing of valuable livestock.

- Disruptive and invasive noise pollution from: bonfires, football matches, loudspeakers, motorbikes, music, cars, burnouts and parties, this can occur all hours of the day and night.

- Unsafe practices when lighting bonfires, explosions and toxic fumes. I have video evidence of the most recent bonfire/explosion that occurred on the 8th July showing the distress caused to my livestock during a dangerous explosion. The windows on our house were impacted by this explosion to the point we were concerned that they would shatter. This explosion was recorded at 90dB on my toddlers baby monitor inside our home, approximately one hundred metres away.

- Persons trespassing on private property and in paddocks with livestock. Electric fencing has been erected on our boundary to discourage trespassing.

"Local nuisance is described as "any adverse impact on the amenity value of an area, which unreasonably interferes with, or is likely to unreasonably interfere with, the enjoyment of that area by people in that area." - Barossa Council.

Expansion or further development of the existing property of 614A Balmoral Road will only exacerbate and increase the frequency of these disruptions and have a detrimental impact on not only the property owners involved but the rural character of Cockatoo Valley. The land is

not appropriate for the needs of this group and any further ideas of expansion should be moved to a larger area/property where there is no impact to adjoining property owners and their quality of life.

When seeking information/clarification relating to this proposal, no accurate or direct answers were provided. We were told to read/reference the application and that all further questions or concerns should be addressed in a representation.

As stated in 'The Barossa Council behavioural standards for Council members':

1.2 Act in a way that generates community trust and confidence in the Council.

1.3 Act in a manner that is consistent with the Council's role as a representative, informed and responsible decision maker, in the interests of its community.

2.2. Take all reasonable steps to provide accurate information to the community and the Council.

2.3. Take all reasonable steps to ensure that the community and the Council are not knowingly misled.

If this approval is granted, the Barossa Council has completely disregarded its own 'Behavioural standards for council members'. This decision will prove detrimental in the valuation of properties affected, the families quality of life and will prove negligent to its ratepayers, community members and the entire township of Cockatoo Valley.

If this planning approval is granted, I will also be forwarding my concerns to my local member of parliament, the Minister of Planning and local media outlets.

Kind regards,

Daniel and Nicole Emes
44 Goldfields Road, Cockatoo Valley.

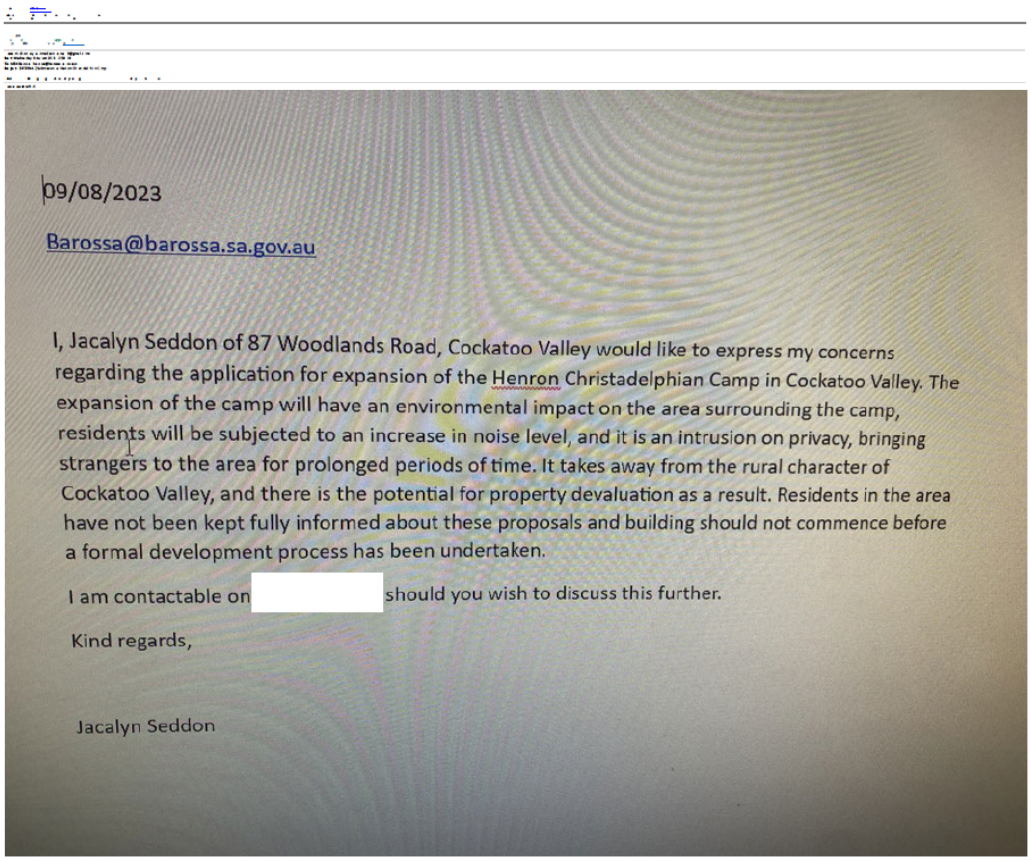
Representations

Representor 7 - Jacalyn Seddon

Name	Jacalyn Seddon
Address	87 WOODLANDS ROAD COCKATOO VALLEY SA, 5351 Australia
Submission Date	09/08/2023 01:59 PM
Submission Source	Email
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 Refer attached	

Attached Documents

JacalynSneddenSubmissionRe_HenronChristadelphianCamp-6199255.pdf



09/08/2023

Barossa@barossa.sa.gov.au

I, Jacalyn Seddon of 87 Woodlands Road, Cockatoo Valley would like to express my concerns regarding the application for expansion of the Henron Christadelphian Camp in Cockatoo Valley. The expansion of the camp will have an environmental impact on the area surrounding the camp, residents will be subjected to an increase in noise level, and it is an intrusion on privacy, bringing strangers to the area for prolonged periods of time. It takes away from the rural character of Cockatoo Valley, and there is the potential for property devaluation as a result. Residents in the area have not been kept fully informed about these proposals and building should not commence before a formal development process has been undertaken.

I am contactable on [redacted] should you wish to discuss this further.

Kind regards,

Jacalyn Seddon

Representations

Representor 8 - Shelley Arnold

Name	Shelley Arnold
Address	PO Box 16, Cockatoo Valley, Cockatoo Valley COCKATOO VALLEY SA, 5351 Australia
Submission Date	09/08/2023 06:34 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 Our document outlining the reasons for this has been sent directly to the Barossa Council as I was unable to send it attached to this representation notification.	

Attached Documents

Representations

Representor 9 - Christopher Arnold

Name	Christopher Arnold
Address	PO Box 16, Cockatoo Valley, Cockatoo Valley COCKATOO VALLEY SA, 5351 Australia
Submission Date	09/08/2023 06:37 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 Document detailing the reasons for not supporting this development has been sent directly sent to the Barossa Council as we could not attach the file with this option	

Attached Documents

Representations

Representor 10 - Dianne Schaefer

Name	Dianne Schaefer
Address	58 Goldfields Rd., P.O. Box 47 Cockatoo Valley, P.O. Box 47 Cockatoo Valley COCKATOO VALLEY SA, 5351 Australia
Submission Date	09/08/2023 07:35 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. History of incompatibility: Since the original sale and 'Change of Land Use' by Council without consultation of surrounding residents. 2. 'Change of Land Use' from Rural, Primary Production, Hobby Farm to 'camp-site'. and the associated disrespectful, irresponsible, nasty behaviour of the unknown users of this property. 3. Noise emanating from this narrow stretch of land is not dissimilar to the sound effect of the Whispering Wall....sound travels in this valley. 4.Noise: Screaming, yelling, cheering, loud speakers, P/A systems, car horns, whistles, sirens, all very unsuitable in the middle of small hobby farms. 5. Burning/Fire. The hundreds of users of this property have homes to return to, If we, the neighbouring residents get burnt out by these people having their bon-fires. There have been occasions whereby bon-fires have been lit and some explosions thrown in, startling the local residents and livestock. 6. Use of firearms. Very frightening. 7. Lighting. Cars headlights coming and going all times of the day/night. Sounds of cars and other vehicles at all times of the day and night. 8.Continual banging, building, and associated heavy equipment, at any time. Week-ends, night times, most disturbing when the residents are attempting to enjoy quiet time at home on the week-ends. 9. Quiet Enjoyment: A phrase/condition which is granted to any person whether renting or their own property. We the concerned residents are being denied Quiet Enjoyment. 10. Retrospective: Reference made to past applications to Council whereby neighbouring properties never given opportunity to know what was going on, never given 'Notice of Appeal', and now we have this totally unsuitable aberration. 11. Figures of amounts of attendees given as adults only not including children...350 adults can mean plus 700 to 1400 extra attendees as children. 12.Ref: Court Conditions (Council has given undertaking that the council will enforce subject conditions) All dormitories to be demolished and removed prior new approved dormitories being located on site was not agreed to by Christadelphians. Pg 25 Conditions Formal Orders. No more than 144 persons accommodated within dorms Formal Orders.

Attached Documents

Representations

Representor 11 - Nicole Emes

Name	Nicole Emes
Address	PO Box 264 COCKATOO VALLEY SA, 5351 Australia
Submission Date	09/08/2023 07:36 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
2.2. Take all reasonable steps to provide accurate information to the community and the Council. 2.3. Take all reasonable steps to ensure that the community and the Council are not knowingly misled. If this approval is granted, the Barossa Council has completely disregarded its own 'Behavioural standards for council members'. This decision will prove detrimental in the valuation of properties affected, the families quality of life and will prove negligent to its ratepayers, community members and the entire township of Cockatoo Valley. If this planning approval is granted, I will also be forwarding my concerns to my local member of parliament, the Minister of Planning and local media outlets. Kind regards, Daniel and Nicole Emes 44 Goldfields Road, Cockatoo Valley

Attached Documents

Representations

Representor 12 - Nanon Miojlic

Name	Nanon Miojlic
Address	PO BOX 197 WILLASTON SA, 5118 Australia
Submission Date	09/08/2023 07:51 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
My family have already experienced people on our property at night and this will add to the chance of more of this happening. Sadly as we can't get out there across the creek, we can't stop them and although we can't prove it, we know it is happening. We have seen people taking wood from our back paddock when they have had bonfires. We have experienced things exploding in their fires and scaring our dogs and horses let alone me and my family. We have not been able to make contact with them to discuss matters privately. We do not want our property devalued as we directly join them on the boundary fenceline.

Attached Documents

Representations

Representor 13 - Jacalyn Seddon

Name	Jacalyn Seddon
Address	PO Box 215 WILLASTON SA, 5118 Australia
Submission Date	09/08/2023 07:56 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
The expansion of the camp will have an environmental impact on the area surrounding the camp, residents will be subjected to an increased noise level, and it is an intrusion on privacy, bringing strangers to the area for prolonged periods of time. It takes away from the rural character of Cockatoo Valley, and there is potential for property devaluation as a result. These works should not be permitted.

Attached Documents

092D4E1F-2E78-423D-B796-CFC96CECBE9B-1259777.jpeg

09/08/2023

Barossa@barossa.sa.gov.au

I, Jacalyn Seddon of 87 Woodlands Road, Cockatoo Valley would like to express my concerns regarding the application for expansion of the Henron Christadelphian Camp in Cockatoo Valley. The expansion of the camp will have an environmental impact on the area surrounding the camp, residents will be subjected to an increase in noise level, and it is an intrusion on privacy, bringing strangers to the area for prolonged periods of time. It takes away from the rural character of Cockatoo Valley, and there is the potential for property devaluation as a result. Residents in the area have not been kept fully informed about these proposals and building should not commence before a formal development process has been undertaken.

I am contactable on [redacted] should you wish to discuss this further.

Kind regards,

Jacalyn Seddon

Representations

Representor 14 - Ric West

Name	Ric West
Address	18 florence street HAMLEY BRIDGE SA, 5412 Australia
Submission Date	09/08/2023 08:30 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 Lived next to it for a while and it was hell wouldn't recomend to anyone	

Attached Documents

Representations

Representor 15 - chris Walmsley

Name	chris Walmsley
Address	PO BOX 39 COCKATOO VALLEY SA, 5351 Australia
Submission Date	09/08/2023 09:19 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
Sir/Ma'am, I live in the vicinity of this development and i have some concerns as a neighbour adjoining the property of HEBRON. My concerns as a neighbour are as follows: 1. Traffic on Balmoral Rd - On a normal day when visitors come to HEBRON (mainly weekends) the traffic on Balmoral Rd gets backed up whilst cars are turning right into the HEBRON Camp coming from the Gawler area. Adding more people to this accommodation will impact the flow of traffic - this is an 80km zone and numerous times i have heard hard braking and extreme acceleration whilst waiting cars try to navigate this stretch of road. 2. Increase of noise - Concerns with the plan with increased numbers of people and noise. As the plan states the accomodation could house families- ensuite/single bed and double beds. The Notified elements state that this has a Tourist Accomodation, Replacement building classification. The notified elements says to me that families can stay on site for a longer duration, outside normal activities on this site- being school holidays, long weekends etc. this will disrupt the rural lifestyle, due to increase in noise. 3. Future development on HEBRON site. - In the plans it has the new accommodation moving to the rear of the old accommodation near boundary fence. As the old is dismantled a slab will be left. I have great concerns that HEBRON will continue to build more accommodation with a slow increase of 10 people extra and in a few years time an increase of many more will greatly disrupt my way of living in a rural setting through noise and disruptions to daily life. 4. Car parking - There is insufficient car parking on this site. Looking out my back window and on my verandah to the south (rear of my property) I can see cars and caravans lined up on the eastern side of the road (on a hill). This is located just on the other side of the 10 ACRE vacant block. If an increase in the number of people living there was to be approved i do not want to be looking out my window or my entertainment area over the land at cars and caravans sitting there for long durations. 5. Lifestyle - Like many people that move and set up in the rural lifestyle my family would like to maintain that peaceful rural living on a property that wont be disrupted with continuous noise, traffic and eye pollution as stated above. My home has the potential to be decreased in value due to the expansion in close proximity to my house. -I believe that the HEBRON camp will continue to increase in size, but i am not against a new for old building, just the increase in people. - This site is not for public use, therefore, what benefit does this expansion have for the local community? I say none, as a non christadelphian i am not allowed to stay on this site in accordance with the sites webpage. Questions for the panel What exactly does Notified Elements - Tourist accommodation mean? Does this allow the HEBRON camp to be restructured like a caravan park? More people allowed to stay? This needs to be clarified. What is the intent of HEBRON in relation to expansion? Are they going to increase in size further?

Attached Documents

Representations

Representor 16 - Cameron Ainslie

Name	Cameron Ainslie
Address	PO Box 314 COCKATOO VALLEY SA, 5351 Australia
Submission Date	09/08/2023 09:29 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 support the development with some concerns

Reasons

We are the adjacent neighbor to the west of this site. All of our interactions with the caretakers and any volunteers of the facility since we moved to our property have been of good nature and they have been helpful and cooperative when we have undertaken fencing works or required access for machinery. We are not opposed to the existing use of the property, nor the concept of upgrading buildings, sewer systems and minor increases in guest capacity proposed. Our concerns/requests for clarification are below; Site Plan ADA001 Rev B shows a 'carpark' on the western side of the development, it doesn't denote if this is existing or proposed? we would request further information of the proposed or previously approved size of this carpark and any proposed pavement/sealing and/or improvements such as light poles, etc. as this is in line of site from our property. Sewer Plan 191107-03 Rev G denotes and area to the northwest of the Dining Area as a 'Caravan Park', is this an existing approved caravan park, if so could the details associated with the existing approval (i.e. number of caravan sites, any restrictions on permanent caravans, services reticulated to the sites) be provided? If this is a 'proposed' Caravan Park, could this be denoted on the Architectural drawings and further details like number of spaces, services reticulation, temporary or permanent sites, etc. be included in the application. If permanent sites are proposed, further information would be requested on guests, management, etc. If this is an error on the sewer plan, could this be removed from the drawing to prevent confusion. Again this is in line of sight of our property. We would like to ensure adequate conditions or controls are put in place to ensure the two temporarily relocated accommodation buildings are promptly removed from site at the completion/occupation of the new buildings, the capacity of the site would be significantly increased should they not be removed, which we would not support. We would support the Certificate of Occupancy to be conditional on these buildings being removed, fit out works noted in the application would need to be completed prior to the new buildings being occupied, so I don't see the requirement for the proposed 2 months grace before removal. One of the relocated buildings is denoted as having a new masonry retaining wall around it, this is a significant amount of work for a temporarily located building. We are happy to receive further updated drawings or responses to our queries prior to any decision/meeting, and subject to acceptable responses would be open to withdrawing our concerns.

Attached Documents

Representations

Representor 17 - Christopher and Shelley Arnold

Name	Christopher and Shelley Arnold
Address	18 GOLDFIELDS ROAD COCKATOO VALLEY SA, 5351 Australia
Submission Date	10/08/2023 08:34 AM
Submission Source	Email
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 Refer attached document	

Attached Documents

externalRepresentation-CjAndSpsArnold-HebronBibleCamp-6203650.pdf

From: [redacted]
[redacted] Development
Cc: [redacted]
Subject: [EXTERNAL] Representation - CJ and SPS Arnold - Hebron Bible Camp
Date: Wednesday, 9 August 2023 7:01:38 PM
Attachments: DEVELOPMENT APPLICATION Hebron August 2023.docx

CAUTION: This Message originated outside your organization. Treat all attachments and hyperlinks with suspicion.

Dear Janine,
I attempted to attach the document relating to this matter on the Plan SA representation option but was unable to do so so I am sending this to you directly.
Yours faithfully,
Shelley Arnold
for CJ and SPS Arnold

DEVELOPMENT APPLICATION

APPLICATION ID: 23015775 Proposed Development: Amendments to 960/592/2018

REPRESENTATION AGAINST THIS DEVELOPMENT

Christopher John Arnold and Shelley PS Arnold

18, Goldfields Road, COCKATOO VALLEY. SA. 5351

We are adjoining residents to the Hebron Bible Camp at Cockatoo Valley and have lived on our property for approximately 34 years. We have been directly involved with all the 3 Court cases involving the Cockatoo Valley Residents, The Barossa Valley and the Christiadelphian Bible Camp Inc. We felt confident after the last hearing in 2016 that the ongoing problems with the Campsite had been resolved. The old and dilapidated buildings were to be replaced within a 3-year period, the existing use rights had been clarified and the Camps would be run in the future with a set of conditions specified by Judge Costello. We also believed that the Council would make the best decisions in the future on behalf of all the residents in the area, including the visitors to the Camp site, so that the peace and harmony of this beautiful area can be maintained.

To say we feel that we have been let down by the whole Planning Process involving the Barossa Council is an understatement and I will outline our reasons below. This will be followed by our concerns for the general Cockatoo Valley area and its' residents and lastly, I will outline our personal concerns which directly involve our own property.

THE PLANNING APPLICATION AND DEVELOPMENT PROCESS

We do not believe that the correct Planning and Development procedures have been followed by the Barossa Council and this could be the subject of further investigation in the future.

1. **Development 960/592/2018** – the residents were not informed of this development and were given no opportunity to comment. In view of the problems associated with the site in the past and the number of new residents (ratepayers) in the area, we feel it was not appropriate to classify it as complying.
   If the complying aspect was non-negotiable from a planning perspective, then why were residents not given some sort of information about what was happening on this property after the approval was given?
   The Residents have been ignored in the Planning process up until this current application and we believe this is a huge mistake that has been made by the Barossa Council.

2. If this 2018 development application was similar to the one that was the subject of the Court hearing in 2016, we believe that a **set of conditions** should have been attached to this particular development. We believe they were not.

3. For whatever reason, apparently this development was not completed in the 3 year designated time frame.
   However, some sort of **building work** has still been occurring on the property and with the Council's knowledge and there is now a new non-complying Development Application being considered.
   Why is this one non-complying and the other one wasn't?

Is it true that the Council is just looking to rubber stamp this application to justify all the building that has taken place. That is the impression that has been given by one of your Council employees. We believe that building is not supposed to occur until full Planning Consent is given.
Can building take place in the Barossa area before Planning consent is given?
Are the correct Planning processes being followed by the Barossa Council?
Has an order to cease building on the Hebron Campsite been issued until Planning Consent has been given?
Once again, the Residents have been made to feel redundant in this matter.

4. Numerous phone calls have been made to the Planner by adjoining residents and I personally wrote a lengthy email outlining many queries about this Application. The resounding response by the Council could only be described as **evasive**. Some of our questions were answered in writing and in her final email, Janine Lennon suggested that I ask the balance of them in the representation.
   The questions were planning related, clearly stated and should not have presented a problem. I am repeating them in this document.
   In our opinion this has proved to be a very frustrating and inadequate form of communication with the Council (but recommended on the Plan SA website) and a relatively futile exercise. We believe that other residents have also felt poorly served by Barossa Council staff.

5. **Change of Land Use** – the property is to be named a **Tourist Accommodation Facility**. This is very different from the current name - Campsite. We believe this is a change of land use, which should require separate Planning Consent.
   If the property is sold in the future, then those existing use rites go with the property and could have massive implications for the future of the area. We believe this should be clarified by the Council and all Cockatoo Valley residents should be given an open and honest direction on what the Barossa Council plans for the future of this property.
   The lack of transparency in this whole Planning process is staggering.

6. **Change of Land Use** – on the plans a designated **Caravan Park** has been allocated.
   Will caravans be permanently parked on the site?
   Will there be people living permanently in those vans?
   If the answer is yes to either of those questions, then we believe that the use of the land is being changed to a more permanent accommodation facility and separate Planning Consent and ratepayer input should occur.

7. **Expansion –** Judge Costello determined that 144 was the capacity for dormitory accommodation at the Campsite in his judgement in 2016 – existing use rights.
   For many years the Development Plan for Precinct 22, Cockatoo Valley stated that 'further expansion of existing recreation and accommodation facilities should not take place'. That was a direct referral to Hebron.
   The proposed accommodation in this application **will increase the capacity to 154 persons**.
   Is the Council comfortable with this expansion?
   Is there a limit in the future to the number of people that can be accommodated in dormitories on the site?
   Will more dormitories be allowed to be built?

Will they be complying or non-complying?
Will the development process at Hebron return to the haphazard and piecemeal approach that the Barossa Council took in the late eighties and there will be no limit to numbers?
So many questions – so little clarity.

8. **Expansion** – Your planner was not able to give me an answer when I asked about a possible increase in the floor area of the new buildings.
   Will the buildings be larger than those approved in 2016? If yes, why weren't these figures given out in an easy to understand format in the Application for the residents to comment on.
   Is the Council comfortable with an increase in building footprint in this tiny parcel of land?
   Will the Council put a limit on the number and size of accommodation buildings in the future?

9. **Environmental Assessment** Another question that your planner was unable to answer. This is a relatively tiny parcel of land, bordered by a creek in a very rural/semi-rural area. Has a recent environmental impact study been done assessing the suitability of the positioning of the buildings and their many ensuites?
   We believe that the residents have a right to know if there are any environmental implications with this development and the results should be made public.
   Is the Council prepared to openly assure residents that this is a suitable development from an environmental perspective and will remain so going into the future?

10. **Change of plans** Another question left unanswered by your Planner. 'Can the Council guarantee, if Planning Consent is given, that the plans will not be altered by the applicant once construction commences?'
    Obviously, construction has commenced, so that part was clarified.
    We believe that this question is not unreasonable because a new set of plans were presented in Court by the Christiadelphian Bible Camp Inc in 2016, completely different to those that were submitted by them initially.

11. **People living on the site permanently '**Going into the future will people, other that the caretaker/s, be legally allowed to live permanently on site'. An answer to that one would be most appreciated, as 'the change of land use' quandary could be very relevant if permanent residents were permitted on the site.

12. **The Classrooms being used for accommodation** In the last hearing, in the Hebron Campsite viewing, those involved witnessed large numbers of mattresses stacked up in the Classrooms. We were told that these are spares for when we have large numbers on site. What is the Council's attitude to the housing of people in buildings not approved for accommodation? Janine was not able to clearly answer that question.

It should be obvious from the above, that there are many unanswered questions and grey areas relating to the Hebron Bible Camp. The Residents are justifiably concerned about the future. We believe that the Barossa Council needs to be open and transparent about the whole situation relating to the Hebron and to clarify all of the matters that have been raised.

I will now detail what I believe to be **THE CONCERNS FOR COCKATOO VALLEY RESIDENTS IN GENERAL**

1. **The Future –** what does this all mean for Cockatoo Valley?

    - A Tourist Accommodation Facility and all its' implications – completely undesirable for the area
    - The loss of rural character in Cockatoo Valley if this Campsite is allowed to expand with or without constraint.
    - A Caravan Park in Cockatoo Valley is not a desirable development (but is specified on the application)
    - The environmental concern with the large number of buildings and septic facilities in this small and sensitive parcel of land – is responsible planning taking place here?
    - The intrusion – more people = more traffic, more noise, more chance of trespass, more chance of injury to livestock. The people who visit this property have minimal vested interest in the area. They have very little understanding of rural living and no understanding of the noise and disruption impact they have on adjoining properties.
    - The lack of support by the Council towards the Residents and the failure to keep them informed about what is going on at Hebron – is this going to continue?
    - The failure by the Council to portray a strong vision for the future in planning terms for the Cockatoo Valley area and to reassure the residents that they will not be impacted by any future developments on the site.
    - The potential devaluation of properties in the area – not rocket science there!!

2. **The Present –** I have communicated with numerous local residents and the concerns are the same as those that have been around for years – they are not an exaggeration, but a statement of fact. The residents live with all of this now.

    - Noise – more people = more noise – it gets very noisy now, this application isn't going to improve things – loudspeakers, shouting, cheering etc etc
    - Traffic – noise and movement
    - Intrusion – trespass, the use of drones, bonfire noises and explosions

- Visual – massive numbers of cars, caravans and tents parked on the property a few times a year
- Fire Hazard

OUR PERSONAL CONCERNS FOR 18 GOLDFIELDS ROAD, COCKATOO VALLEY

We are not in the direct firing line, so to speak, from intrusions from visitors to Hebron, but certainly we are undesirably impacted during the course of the year

1. **Noise and nuisance –** this is our main problem and always has been. We have learned to deal with it but certainly during sports events it is very noisy and the sound is amplified due to an amphitheatre effect in the local area. It makes our outdoor activities quite unpleasant. We do not want to see this property used more frequently by more people as the noise will just increase. Old argument, but still very relevant.

2. **Intrusion –** We have not had problems with trespassers, but a huge concern is the apparent use of DRONES by Hebron users lately. This is unacceptable on so many levels – intrusion, animal safety, personal safety etc etc. and will be a matter to be addressed by us when we get back to Australia, if it becomes a problem over our property.

3. **Upgraded Septic System –** apparently the Hebron Septic System has been upgraded/enlarged at the back of our property and we have been told that this has nothing to do with the Barossa Council. We will seek clarification on this, from both a development perspective and an environmental one, when we return to Australia, as apparently it is in the hands of Health SA. All a bit confusing and lacking transparency.

4. **Land Valuation –** a large Tourist Accommodation facility which creates noise and intrusion into the surrounding area must have a negative impact on the future land value of our property.

In summary, this Development shows a complete misunderstanding on the impact on the local residents, in the way it has been handled by the Council. There are very concerned residents who are very stressed about what the future holds. In this modern era, this situation is unthinkable, but it has occurred and needs to be rectified as soon as possible.

We can sincerely hope that attitudes may change and a more progressive planning approach will be used by the Barossa Council going into the future. We ask that the Council to work with the residents and the Christiadelphian Bible Camp Inc with the aim of forging a workable and agreeable situation that is acceptable to everyone.

Signed,

Shelley PS Arnold

Christopher J Arnold

KEVIN CASEY DESIGN
BUILDING + INTERIOR DESIGNERS

29th August 2023

The Barossa Council
43-51 Tanunda Road
NURIOOTPA
S.A. 5355

RE: 614A Balmoral Road, Cockatoo Valley DA

Attn: Ms Janine Lennon

Dear Ms Lennon,

This is a combined response from the Secretary of Hebron Bible Camp Inc (the Owners) and myself (the designer of the project) in response to the Letters of Objection to the proposed amendments for the above project.

Firstly, to restate the project, Council has already given approval for the construction of 5 new accommodation buildings and two classrooms, the amended plans are not seeking to increase the number of people staying at the site or change the location that has already been approved in the DA. It is not the intention of the committee to have any more persons staying at any one time other than what was originally approved.

After the construction of the initial two buildings, it was realised that the rooms were too small to provide suitable accommodation for our whole community. Our community is made up of children, young people, families and seniors, the original design was mainly catering for young people.

The proposed amendments seek to allow for a queen bed in the single bunk rooms in lieu of a bunk bed (not all that suitable for those over 65 years of age). The rooms of 3 bunk beds have been changed to 2 bunk beds and 1 tri bed (a double bed with a single bunk over) this is to provide more suitable accommodation for families, however, when used by young people the double bed may only be used by 1 person and another young person in the single bunk above to comply with Child Protection rules and regulations, the room will remain for a maximum of 6 persons. It was also decided that all the rooms should have showers and not just a toilet and vanity. This is much better for hygiene than communal showers.

It was also noticeable that there was insufficient accommodation for any of our members who may have some form of disability.

The other amendment was for the temporary relocation of two transportable buildings during construction, this allows to keep the camp fully operational for our members.

In a wholistic response to the comments of the letters of objection:

1. The site is not available to the general public, it is solely for the members of our community. It is not and is never ever intended to be a Tourist or a Caravan Park and there is no intention of anyone other than our caretaker staying or living permanently on the site, the majority of our stays are weekends with a few being for a one-week

period. Please note: The reference to the term *Tourist* was the means by which Council categorised the classification of building and not designate a change of use as a Tourist Park

2. The reference to an explosion was not from our site but from a neighbouring property on the other side of Balmoral Road, our caretaker was in his residence at the time and can confirm this with a 'stat dec' if required.
3. The Camp has a detailed rule book outlining our policies & rules which we are happy to supply for your information. This is read out to the attendees as a reminder of their responsibilities at the beginning of each Camp by the Caretaker or the group's secretary. "The following are not permitted at Hebron: Alcohol, Cigarettes, Vaping or smoking in any form".
4. For our young people's camp's, we have 4-8 host couples to oversee activities and unruly behaviour is not tolerated. Generally, our music is worship style and held indoors and we have no outside amplification except for the Emergency Warning system and as stated above we have a ban on alcohol at the site, except for communion wine.
5. In relation to trespassing for firewood, this makes no sense at all, the site is vastly covered with trees and fallen branches as well as having a woodshed that is always well stocked. The camp secretary has no knowledge of reported incidents and would like to hear from any affected neighbour as quickly as possible so the situation can be addressed to the particular group concerned.
6. The carpark is unsealed and is not lit, there are no plans to do so.
7. The Christadelphians bought the site back in 1987, which was previously a school campsite, it is still a campsite. New residents of properties have purchased their properties with full knowledge of our existence.

We (the Secretary, the designer and the caretaker) are available to attend the planning committee meeting to answer any questions they may have on the proposal, please advise us of the date, time and location of the meeting.

With thanks,

Kevin E. Casey
Director Kevin Casey Design

Daniel Evans
Secretary Hebron Bible Camp Inc

we design buildings, not just draw plans
studio + office: 25 pinnacle cres, flagstaff hill sa 5159 telephone: 0412 293 808
web site: www.kevincasey.design email: info@kevincasey.design abn 68 002 108 894

OFFICIAL

Our Ref: MER-2021/0142
2023_067

Government of South Australia
Department for Energy and Mining

10 August 2023

Janine Lennon
The Barossa Council
PO Box 867
NURIOOTPA

Dear Janine

Development Application: 23015775

This development was referred to the Department for Energy and Mining (DEM) in accordance with section 122 of the *Planning Development and Infrastructure Act 2016* and Regulation 41 and Item 9B in the table in Clause 3 of Schedule 9 of the *Planning, Development and Infrastructure (General) Regulations 2017* as the subject land is within the Gas and Liquid Petroleum Pipelines Overlay (**Overlay**) in the Planning and Design Code (**Code**).

The proposed development is within the vicinity of Pipeline Licence (PL) 13, licensed to SEA Gas (**the Licensee**) for the South Australian section of the Port Campbell to Adelaide Pipeline (**the Pipeline**) under the *Petroleum and Geothermal Energy Act 2000* **(PGE Act).**

The matters to which this referral relates are to provide expert assessment and direction to the relevant authority in relation to potential risks associated with the proposed development with respect to:

- potential safety issues relating to the proposed development; and/or
- the potential for the development to adversely impact upon the lawful continued operation of strategic infrastructure (gas pipelines).

In providing this response, DEM has had regard to the Desired Outcome in the Overlay (DO 1), being the management of risk to public safety, the environment and security of energy supply from the encroachment of development on strategic gas and liquid petroleum pipelines, and to Performance Outcomes PO 1.1 to 1.3 and their corresponding Designated Performance Features within the Overlay.

Regard has also been had to the PGE Act, *Petroleum and Geothermal Energy Regulations 2013* (**PGE Regulations**), and Australian Standard 2885: *Pipelines – Gas and Liquid Petroleum* (**AS 2885**), particularly as they relate to matters of safety (as referred to in DO 1) and the lawful continued operation of the Pipeline.

The vicinity of the proposed development to the Pipeline gives rise to potential risks to public safety and the Pipeline, particularly due the potential to introduce additional threats to the Pipeline (i.e. construction on the easement or ROW and upgrades to roads crossing the Pipeline).

However, DEM is satisfied that these potential risks are capable of being adequately addressed for the proposed development, particularly as specified immediately below.

ENERGY RESOURCES DIVISION
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Department for Energy and Mining

- Safety: The safety risk will be adequately mitigated and/or managed. Although detailed engineering design relating to the construction of infrastructure in the vicinity of, or proposed to cross, the Pipeline (**Detailed Design**) have not been specified by the Applicant, each of these matters are capable of being designed and constructed in such a manner as to mitigate and manage potential safety risks – this is addressed in the conditions further below to ensure that this occurs.

- The Licensee will be able to continue to lawfully continue to operate the Pipeline in accordance with the PGE Act, PGE Regulations and AS 2885 (as required in Regulation 29 of the PGE Regulations).

DEM considers that the matters of Detailed Design can be appropriately addressed via conditions (as set out below).

Conditions:

Should the relevant authority resolve to grant planning consent to the application, the relevant authority is directed to include as part of the condition the following conditions:

1. Vibrating equipment must not be used within 10 metres of the Pipeline unless vibration monitoring is installed to demonstrate that vibration remains below 50mm/s peak particle velocity at the surface above the Pipeline.

Advisory notes:

DEM requests the following advisory notes be included in any decision notification form issued by the relevant authority, should it determine to grant development authorisation to the application:

1. The proposed development is within the vicinity of the Port Campbell to Adelaide Pipeline (**PCA**). The applicant is reminded that under section 93 of the Petroleum and Geothermal Energy Act 2000 (**PGE Act**), a person must not interfere with activities regulated under the PGE Act which are lawfully conducted under a licence.

2. The South Australian section of the PCA is licenced to SEA Gas. Direct contact with SEA Gas on this matter should be through Michael Jarosz on (08) 8236 6836 or via email at development.application@seagas.com.au.

3. From the information provided, DEM understands that there may be construction work (such road upgrade works, excavation or installation of above ground infrastructure/fencing) associated with this development in close proximity to the pipeline. DEM reminds the applicant of the requirement to undertake a Before You Dig Australia (BYDA) enquiry prior to commencement of activities. Through the BYDA process, the pipeline operator will confirm if the installation must be attended by a representative, and any other conditions for safe work near the pipeline.

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4. The applicant is reminded that a Pipeline easement is contained within the vicinity of the application. The applicant must conduct activities pursuant to the conditions of the easement. In particular the Applicant must not undertake any of the following activities without the prior consent of SEA Gas:

   a. Excavate, dig, drill or change the contour of the easement land;
   b. Construct or erect any building or other permanent structure on the easement land;
   c. Plant or cultivate trees on the easement land; or
   d. Conduct any activity which constitutes a nuisance or hindrance to the exercise by SEA Gas of its rights under the Grant of Easement

If you have any queries in relation to this matter, please contact Michael Malavazos on (08) 8429 2470 or Michael.Malavazos@sa.gov.au.

Yours sincerely,

Michael Malavazos
Director Engineering Operations
Energy Resources Division
Department for Energy and Mining

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ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA

DISCLAIMER - Every effort has been made to comply with suppression orders or statutory provisions prohibiting publication that may apply to this judgment. The onus remains on any person using material in the judgment to ensure that the intended use of that material does not breach any such order or provision. Further enquiries may be directed to the Registry of the Court in which it was generated.

HEBRON CHRISTADELPHIAN BIBLE CAMP INC v THE BAROSSA COUNCIL & ANOR; LOUGHHEAD v THE BAROSSA COUNCIL & ANOR

[2016] SAERDC 31

Judgment of His Honour Judge Costello

5 September 2016

ENVIRONMENT AND PLANNING - BUILDING CONTROL - COUNCIL CONSENT AND APPROVAL - CONSENTS, APPROVALS AND PERMITS - CONDITIONS

Two appeals against Council's decision granting approval to Hebron to undertake development to demolish and replace existing dormitory accommodation - Loughhead a neighbouring resident appealed upon the basis that there was no lawful existing approval for the existing dormitories - Hebron appealed against a number of the Conditions imposed.

HELD: Loughhead appeal dismissed.

Hebron appeal upheld - certain Conditions deleted or varied.

Kipa Freeholds Pty Ltd & Anor v Development Assessment Commission & Anor [1999] SASC 53; *McKenzie Constructions Pty Ltd v Development Assessment Commission & Ors* [1999] SASC 386; *Loughhead v District Council of Barossa & Christadelphian Bible Camp Inc* No. 196 of 1989; *Christadelphian Bible Camp Inc v District Council of Barossa & Ors* No. 121 of 1991;

Appellant: HEBRON CHRISTADELPHIAN BIBLE CAMP INCORPORATED Counsel: MR G MANOS - Solicitor: BOTTEN LEVINSON
First Respondent: THE BAROSSA COUNCIL Counsel: MS V SHUTE - Solicitor: KELLEDY JONES
Second Respondent: GARRY LOUGHHEAD In Person
Appellant: GARRY LOUGHHEAD In Person
First Respondent: THE BAROSSA COUNCIL Counsel: MS V SHUTE - Solicitor: KELLEDY JONES
Second Respondent: HEBRON CHRISTADELPHIAN BIBLE CAMP INCORPORATED Counsel: MR G MANOS - Solicitor: BOTTEN LEVINSON
Hearing Date/s: 19/07/2016 to 21/07/2016, 25/08/2016
File No/s: ERD-15-277, ERD-15-249
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Christadelphian Bible Camp Inc v The Barossa Council [2015] SAERDC 6; *Development Assessment Commission v A & V Contractors Pty Ltd* (2011) 109 SASR 276, considered.

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HEBRON CHRISTADELPHIAN BIBLE CAMP INC v THE BAROSSA COUNCIL & ANOR; LOUGHHEAD v THE BAROSSA COUNCIL & ANOR
[2016] SAERDC 31

THE COURT DELIVERED THE FOLLOWING JUDGMENT:

Introduction

1 These are two appeals against a decision of the Barossa Council ('the Council') granting Development Plan Consent ('DPC') subject to conditions, to Hebron Christadelphian Bible Camp Inc ('Hebron')[1] to undertake development, namely a proposal described by the Council as 'demolition and replacement of existing dormitory accommodation ('the proposed development') on land at 616 Balmoral Road, Cockatoo Valley ('the subject land').

2 In action number 249 of 2015 Garry Loughhead, a neighbouring landowner, has appealed against the Council's decision upon the basis that the existing dormitory buildings, which are to be replaced, have no existing development approval ('the Loughhead appeal').

3 In action number 277 of 2015 Hebron has appealed against a number of conditions attached to the DPC ('the Hebron appeal').

4 Hebron and Mr Loughhead have been joined as parties to the appeals in which they are not the appellants.

5 In view of the fact that the parties to both appeals are common and the appeals relate to the same proposed development, the Court determined to hear both appeals together.

6 In each appeal Mr Loughhead represented himself. In the Loughhead appeal Mr Loughhead called the following witnesses:

Mr Hains, a neighbouring landowner
Ms Loughhead, Mr Loughhead's wife and a neighbouring landowner
Ms Schaefer, a neighbouring landowner
Ms Arnold, a neighbouring landowner

7 In each appeal Mr Manos represented Hebron. In the Hebron appeal Mr Manos called Mr Edgecombe, the Treasurer and a member of the Management Committee of Hebron. He also gave evidence on some of the issues raised in the Loughhead appeal.

[1] In the course of these reasons a reference to Hebron is intended also to refer to and mean, where relevant, Christadelphian Bible Camp Inc.

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8 In each appeal the Council was represented by Ms Shute. Ms Shute called Mr Monteduro, the Council's Senior Manager, Planning Services, who gave evidence with respect to matters involving both appeals.

Background to the Appeals

9 The history of the use of the subject land which has given rise to these appeals dates back to 1976. In a written statement, tendered by Ms Shute, Mr Monteduro set out the history of the use of the subject land from 1976 and the various 'planning approvals', including those relating to dormitory accommodation, issued by the Council to occupiers of the subject land from 1976 to the present time.

10 The subject land use history and schedule of approvals identified by Mr Monteduro relevantly provides as follows:

2 July 1976	Woodville High School (WHS) applies for consent for 2 dormitories, 2 toilet blocks and one kitchen/dining room for the purposes of a school camp site.
9 August 1976	Approval was granted for 2 toilet blocks, 2 dormitories and one kitchen/dining room subject to 4 planning consent conditions and 2 building conditions.
2 November 1976	WHS made an application pursuant to the Building Act for '2 dual-room wooden classroom blocks to be used as teaching rooms'.
29 November 1976	WHS applied for a 'Galeprufe' shed.
13 December 1976	Council issued approval for classrooms. Subsequent to this, the Council issued approval for 'galeprufe she'/garage.
28 September 1983	WHS applied for a pergola.
11 October 1983	Council granted approval for the pergola.
21 September 1987	Dr Luke (a representative of Hebron) makes enquiries with the Council as to whether the site can become a Bible camp with accommodation for up to 350 people.
25 September 1987	The Council resolves to contact Dr Luke and advises him that the Council does not have any major objections to the proposal subject to the usual building and planning approvals being obtained.
30 September 1987	A letter from the Council pursuant to this resolution sent to Dr Luke states 'reference to further approvals being obtained is in respect to future development of the site'. Following this letter Hebron purchased the subject land.

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2 September 1988	Hebron lodges a development application for 'extension of existing camp site' and included the words 'proposed use – camp site' and 'present or last known use – camp site'. The application consisted of a substantial dining room extension, two dormitories and a new toilet block. A building application was lodged at the same time showing similar buildings but included three new dormitories not two. The dormitories did not include ensuites.
12 September 1988	Council grants approval for a development described as 'camp site facility'.
24 November 1988	Hebron lodges a development application for 'camp site – erection of recreation hall'. Hebron lodges an application for approval of building work for a dining room, ablution block and dormitories (without ensuites).
13 March 1989	Council grants planning approval for the recreation hall.
14 March 1989	The Council grants building approval for dining room, ablution block and dormitories (without ensuites).
28 March 1989	Mr Loughhead appeals the decision of the Council to grant approval for the recreation hall to the Planning Appeal Tribunal ('PAT').
29 May 1989	Hebron apply for development approval for 4 dormitory blocks.
18 August 1989	The PAT delivers its judgment and finds that the recreation hall did not constitute either a change in the use of the land or a material intensification of the use of the land. The approval of the Council is confirmed with varied conditions.
24 August 1990	Hebron apply for a development described as '5 dormitory buildings, 3 ablution buildings, 1 storage shed, car parking and landscaping, 6 gazebos'.
16 January 1991	The Council refused this application. Hebron subsequently appeals the decision of the Council to the PAT.
6 November 1991	Hebron lodges an application to install a septic tank system application form 57802/AA.
8 November 1991	The PAT confirms the decision of the Council to refuse consent to the development application lodged on 24 August 1990.

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18 August 1994	Hebron lodges a development application to sound proof the recreation hall.
30 August 1994	The Council grants development approval to this application.
15 November 1994	Hebron applies for a caretaker's residence (DA 966/246/94).
6 February 1995	The Council grants Development Plan consent for the caretaker's residence (DA 966/246/94).
27 June 1995	Private Certifier Katnich Dodd grant building rules consent to DA 966/246/94.
11 July 1995	The Council grants development approval to Hebron for DA 966/246/94.
12 December 1995	Hebron lodges an application for land division (DA 966/D032/95).
7 May 1996	The Council grants development approval to DA 966/D032/95.
14 June 1996	The Council grants development approval to Hebron for an ablution block.
4 September 1996	Hebron lodges a development application for a tractor and implement shed.
9 September 1996	Council grants development approval to Hebron for the implement storage shed.
9 June 1998	Hebron lodges a development application for a garage (DA 960/756/98).
12 June 1998	Council grants development approval to DA 960/756/98 for the garage.
12 July 2002	Hebron applies for development authorisation for a carport for caretakers' private use (DA 960/37/03).
17 July 2002	Council grants development approval to DA 960/37/03 for a carport.
1 July 2005	Hebron lodges a development application for 10 shelters for discussion groups and Sunday school classes (DA 960/047/96 [sic DA 960/047/06]).
29 August 2005	Council grants development approval to DA 960/047/96 [sic DA 960/047/06],
4 October 2005	Hebron lodges a development application for the addition of a new ablution block to increase facilities for existing usage (DA 960/622/06).

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10 February 2006	Council grants approval to install (or alter) a waste control system.
28 February 2006	Council grants development plan consent to DA 960/622/06.
19 May 2006	Hebron lodges an application for a gazebo (DA 960/47/06).
28 June 2006	Council grants development approval to DA 960/47/06.
26 February 2007	Hebron lodges a development application for an 'amenities addition' (DA 960/622/06).
13 June 2007	Council grants development approval to DA 960/622/06.
17 April 2008	Hebron lodges a development application for new accommodation block to replace existing (DA 960/934/08).
8 August 2011	Council refuses development plan consent for DA 960/934/08.
18 January 2013	Hebron lodged an application for replacement of existing dormitory accommodation (DA 960/396/2013).
3 November 2014	Council determined the Application as a non-complying form of development. Hebron subsequently applied to the ERD Court for a review of this decision.
24 March 2015	The ERD Court determined the proposal should have been treated as an 'on-merit' proposal.
9 October 2015	Council granted development plan consent to DA 960/396/2013.
21 October 2015	Mr Loughhead appeals this decision.

11 Subsequent to the preparation of Mr Monteduro's statement, on 19 November 2015, Hebron also appealed against the Council's decision to grant DPC.

The Hearing

12 At the commencement of the hearing of these appeals Hebron applied to amend its proposal plans so as to include ensuite bathrooms in the proposed new dormitories. In order to understand the import of the proposed amendments it is necessary to retrace the history of the proposed development.

13 In January 2013 Hebron sought to remove a number of existing dormitory buildings from the subject land and to replace them with two larger accommodation buildings. Council determined to treat the application as an application for a non-complying form of development. Hebron appealed to this

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Court and in March 2015 the Court allowed the appeal and determined that the proposal should have been treated as an 'on-merit' proposal.

14 In October 2015 the Council considered the proposed development as an on-merit proposal and described it in the following manner:

> The applicant seeks consent to remove the five existing dormitories and replace [them] with two transportable buildings. The applicant intends to modify the floor layout of the buildings to create individual dormitories that are partitioned within the buildings.
>
> The two replacement dormitories each have a floor area of 234sqm, a floor to ceiling height is [sic] 2.7 metres with an overall height from ground level of 3.6 metres. The buildings are clad in Colorbond corrugated iron.
>
> The combined floor area of the existing five dormitories is 422.7sqm. The combined floor area of the proposed two dormitories is 468sqm. The proposal will result in an increase of 10.5 percent of the existing floor area of the accommodation facilities. The dormitories will be divided into separate rooms that will be fitted with bunk beds and wardrobe storage. The number and layout of beds proposed to be fitted in the dormitories allow for varying configurations to accommodate different family groups.
>
> Proposed Dormitory B will be located 20 metres from the closest point of the southern boundary. Dormitory A will be located parallel to Dormitory B and situated 60 metres from the eastern boundary. The dormitories will be screened from the eastern boundary by the existing gymnasium building.

15 This is the proposed development to which the Council gave a DPC and which is the subject of the two appeals.

16 At the commencement of the hearing Hebron applied to amend the proposed development to include, under the rooves of the two new dormitory buildings, and in place of the verandahs, ensuite bathrooms for the various proposed dormitories.

17 Importantly, the amendments were not intended to have the effect of increasing the number of persons who could be accommodated in the dormitories.[2] They did however, have the effect of increasing the total floor area of the two dormitories combined. This increase was variously estimated at between 60 sqm and 215 sqm. The roof area of each building and its overall appearance will not change.

18 The Council opposed the application to amend upon the basis that the addition of the ensuites had the effect of changing the accommodation from '*dormitory'* to a form of undefined private accommodation.

19 Having regard to the principles enunciated in the Supreme Court decisions in *Kipa Freeholds*[3] and *McKenzie Constructions*[4] I was not persuaded that the

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[2] The maximum number of persons who could occupy the dormitories at any one time was limited by one of the Council's conditions to 144. Hebron did not appeal against this condition.

[3] [1999] SASC 53.

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introduction of the ensuites to the dormitories would have the effect of changing the essential nature of the proposed development. I therefore allowed Hebron to proceed with its appeal based upon amended plans incorporating the ensuite arrangement. I now turn to consider the respective appeals.

The Development Plan

20 The relevant Development Plan for the purposes of these two appeals is the Barossa Council Development Plan consolidated 11 November 2011. I have had regard to the relevant provisions of the Plan. As the subject land is situated within the Plan's Rural Living Zone and the Cockatoo Valley South Precinct which relevantly provides:

> **Rural Living Zone**
>
> …
>
> **PRECINCT SPECIFIC PROVISIONS**
>
> …
>
> **Precinct 22 Cockatoo Valley South**
>
> 21 Further expansion of the existing recreation and accommodation facilities should not occur.
>
> …

The Loughhead Appeal

21 In this appeal Mr Loughhead adduced evidence from a number of neighbouring residents.

Mr Hains

22 Mr Hains owns the neighbouring property to the south-east of the subject land. He was opposed to any further expansion of the existing use of the subject land.

23 It was his view that one of the existing dormitory buildings had no development approval and that some other buildings were being used for purposes other than their approved purposes, namely for sleeping in some classrooms and for general accommodation in the dining room.

24 He was concerned to have the existing use rights for the subject land 'clarified'. In terms of the current use of the subject land he expressed concerns with general noise from Hebron's activities, with children from Hebron damaging neighbouring fences and scaring his horses and the possible escape of fires from the subject land.

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[4] [1999] SASC 386.

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25 In cross-examination he agreed that, as the number of persons occupying the dormitories was 'capped' at 144, it was unlikely to materially alter the existing situation.

26 He also agreed that he had no 'first hand' knowledge of any buildings being used for unapproved purposes. He had arrived at this view from documents he had read which included letters from some of his neighbours to the Council.

27 He said that he had not contacted Hebron with respect to the fences being damaged. He simply fixed them himself.

Ms Loughhead

28 Ms Loughhead has occupied land adjoining the subject land (and immediately to its east) since 1978.

29 She had experienced problems with the use of the subject land by its previous owner, Woodville High School with respect to 'noise and behaviour issues'. She was particularly concerned about this given the fact that she had not been notified by the Council of any proposed change in the use of the subject land at that time.

30 Since the purchase of the subject land by Hebron she had experienced more noise and disturbance and greater numbers of people coming to the subject land and occupying its buildings which, in her view, were used for unapproved purposes including a building used for dormitory purposes. There were also people coming to the subject land in tents and caravans which had not occurred at all during the High School's ownership.

31 She opposed the current application insofar as it proposed an expansion of the floor area of the existing dormitory buildings by some 24.5%. She also expressed concerns with respect to risks associated with her property in the event of an escape of fire. She said that even though she had written and complained to the Council over many years the Council just seemed 'to be avoiding us'.

32 She said that in terms of the impact of Hebron's current use of the subject land she hadn't had 'a peaceful long weekend for years'. Even though the current conditions of approval 'cap' the numbers who can occupy the dormitories at 144, she observed that the capacity in terms of numbers of beds was around 190. She questioned therefore whether Hebron was likely to comply with a condition limiting it to 144 in such circumstances.

33 In cross-examination she agreed that the use of the subject land by Hebron, (comprising, in part, use for caravans, tents, and a large marquee) had been going on since the 1980's. She also accepted that the extra numbers of beds, in terms of capacity, did not necessarily mean that they had to be used. Nevertheless, she still doubted that Hebron would comply with the condition limiting the numbers to 144.

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34 Finally, she acknowledged that at least four of the existing dormitories have been approved and that there had been, as far as she was aware, no escape of fire, from bonfires on the subject land, to other parts of the subject land or to neighbouring properties.

Ms Schaefer

35 Ms Schaefer has resided in a property to the south of the subject land for some 35 years.

36 Her concerns with respect to Hebron's application, in general terms were:

- At least one building/structure has not had any relevant planning approval. Therefore, in her estimate, the current application 'increased' the existing dormitory floor area by at least 24%.
- The subject land already has a long history of disturbing neighbours with noise and further increasing the facilities will inevitably increase the patronage, and, in turn, disturbances for neighbours.
- The activities undertaken by the masses of casual visitors to the site has an effect on the day to day enjoyment of her home.
- People who frequent the site appear to have no understanding of their obligations to neighbours with regards to their behaviour and it would be advantageous to have the 'existing rights' for the subject land clarified.
- The increased fire-risk posed by large numbers of non-local people coming to the subject land.
- Local residents are entitled to have expectations of living in a peaceful, safe, environment. Noise, disruptions and 'living in fear' should not be accepted, or tolerated, under any circumstance whatsoever.

37 She said that she had given evidence in the two Planning Appeal Tribunal hearings relating to applications by Hebron. She said she had been concerned at the time of those hearings about possible expansions of Hebron's activities on the subject land and continued to be concerned in a similar way with respect to this current application.

38 In cross-examination, with respect to the general issue of escape of fire, she agreed that, to her knowledge, no fire had escaped from the subject land since she had resided on her land.

39 Nevertheless, she maintained her concerns about fire escaping from the subject land due to the simple fact, amongst others, that different groups (identified by Hebron as groups from different Ecclesia) attend the subject land

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over the course of a year. As a result, 'new' people unfamiliar with the locality could attend the subject land. The diverse nature of the groups thus attending meant that there was unlikely to be meaningful 'central control' over these otherwise autonomous groups, thereby exacerbating the potential, in her mind, for irresponsible behaviour with respect to fires.

Ms Arnold

40 Ms Arnold has owned and resided on property adjoining the subject land for some 28 years.

41 She was opposed to the proposed development which she saw as an 'expansion' of the existing use.

42 The 'expansion' would occur because only four dormitories had been approved. As a result, the floor area for the proposed dormitories would represent an increase over the existing approved dormitories of some 24%. Furthermore, in terms of numbers, the number of beds proposed (192) would inevitably mean more than 144 could be accommodated overnight.

43 She said that there was a need for clarification of the existing use rights for the subject land with respect to matters such as numbers of buildings, persons who could stay overnight, the use of caravans, tents and marquees, car parking and the use of the classrooms and the dining room for accommodation.

44 She felt that there was a need for all the conditions sought to be imposed by the Council to be retained because of the detrimental impact the current use of the subject land was having on the neighbouring residents.

45 She articulated her specific concerns in this regard to be noise from the activities of people occupying the subject land, traffic impacts, physical intrusions from some of the children attending the subject land and increased bushfire risks from fire escaping the subject land.

46 She expressed concerns about the response (or lack of it) by the Council over the years to her letters of concern regarding the activities of persons coming to the subject land.

47 In terms of impacts she identified noise emanating from the subject land as her major area of concern. It was her view that the topography of the subject land, in relation to the surrounding land, caused noise from the subject land to travel thus accentuating the impact on neighbours from the activities of people on the Hebron land.

48 Her concerns with respect to escape of fire had increased since the recent Sampson Flat fire. This, she said, was exacerbated still further upon hearing Mr Edgecombe indicate that some persons (albeit not a large number) visiting the

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subject land may choose to smoke despite a condition precluding smoking imposed by the Planning Appeal Tribunal in 1989.

49 She also saw a need for parts of the fencing surrounding the subject land to be improved.

50 In cross-examination she said that after hearing Mr Edgecombe's evidence, to the effect that smoking is merely 'discouraged', she was not confident in the 'no smoking' condition being observed despite the reference to it in Hebron's Book of Rules.

51 Although she indicated that it was her opinion that the recreation building may have been used for unlawful purposes i.e. as a meeting hall, she did concede that the PAT's 1989 determination, together with the conditions imposed, when properly understood, may permit its use for meetings for religious type services.[5]

Mr Edgecombe

52 He was called to give evidence in the Loughhead appeal as well as the Hebron appeal.

53 In a written statement[6] tendered on Hebron's behalf, Mr Edgecombe detailed his experience of the history of the use of the site from 1989 when he first attended the Bible Camp at the subject land.

54 He said that different Ecclesia attend the subject land and that these Ecclesia range in size from approximately 30 adults to about 210. Ecclesia are 'sized' by reference to adults, not children.

55 He said the busiest times in terms of usage of the site were the June and October long weekends when up to 220 and 350 persons, respectively, might attend.

56 He described a typical weekend in terms of the various activities which might occur over the June weekend which involved activities (including bible readings, study, sports and games, worship and meditation) between 8:30 am and 11:00 pm.

57 He stressed that, of those attending over the course of the night, only 144 stayed in the dormitories. The balance of people remaining overnight resided in tents and caravans.

58 He said that people attend the subject land by motor vehicle. Car parking on the subject land has always been informal, although it has generally occurred to

[5] T241-242.
[6] Exhibit A5 – Mr Edgecombe's statement and oral evidence dealt with issues arising in both appeals.

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the west of the driveway near the main group of buildings. Other car parking did take place around the buildings.

59 On those long weekends when some people stayed in both tents and caravans they tended to 'camp' near the buildings or by the creek.

60 In relation to the existing dormitories he said that one of the dormitories, which had been purchased, had been cut into two to enable it to be transported. He also said that they were now very old, in poor condition and provided only basic accommodation. They also present fire hazards in their present condition. I am satisfied, having inspected them on the view, that this is correct. I am equally satisfied that the substantial list of items required to upgrade these buildings, to make them compliant with National Construction Code, is uneconomic.

61 In 2011 Hebron acquired two buildings from Huntfield Heights Primary School. These buildings are currently being stored at Murray Bridge. He said that the location on the subject land for the proposed buildings had been chosen, in part, to place them further away from the boundaries of neighbouring properties. He indicated that Hebron was desirous of amending its proposal to include ensuites to make the dormitories more convenient and user friendly.

62 He said that the overall use of the subject land was approximately 20-25 weekends per year and that on the October long weekend there could be up to 35 caravans and five tents. He said that the site was occupied perhaps only once or twice during the period from November to March.

63 In terms of impacts he said that most people arrived on a Friday night by vehicle but that this was staggered over a period of some three to four hours. When departing this occurred over a period of one to two hours. This meant that there could be some 50-60 vehicles per hour leaving during that time. However, over the course of the weekend most vehicles tended to remain on the subject land.

64 In terms of noise he said that during meetings a public address system is used and hymns are sung. He said that in terms of music there had never been bands playing 'rock-style' music. The purpose of these gatherings is to mix and promote bible education.

65 With respect to fire he said that Hebron had produced a Bush Fire Action which e.g. precluded the use of the camp on days of catastrophic fire danger.

66 He said that at no time since the subject land had been used as a camp facility, was he aware of any escape of fire from the subject land. He also outlined the fire fighting measures (including water tanks) installed on the site.

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67 He said no fires were lit on the subject land during 'fire season'. As far as smoking is concerned he said smoking is inconsistent with their faith. He was aware that one or two members may smoke but that he had never been aware of them smoking on the subject land.

68 On the issue, of the introduction of these dormitories resulting in an expansion of the existing floor area, he expressed the view that the increase was in the order of 10%.

69 In terms of historical usage he acknowledged that in the distant past (some 25 years or so ago) activity halls and dining halls had been used as dormitories, but this had long since ceased.

70 In cross-examination by Mr Loughhead he acknowledged that car parking and camp activities were currently occurring on land previously identified, in correspondence to Hebron from the Council, as residential/rural. He also acknowledged that, in a letter from Dr Luke (a representative of Hebron), Hebron had accepted that the use of this land would not change, despite the fact that the land was to merge with other land owned by Hebron, which was used for camping purposes.

71 He also accepted that there was no specific approval to use the subject land, in general, for accommodation for tents and caravans.

72 He said that smoking by members was a possibility and that, even though their Book of Rules and the existing Conditions of consent made it clear that it was 'forbidden', he could not ensure that it would never happen.

73 In re-examination he said that the Book of Rules, with the specified limitation of 144 in the dormitories, was provided to all groups who hired the camp site. He said that musical instruments used by various Ecclesia might comprise violins, flutes, cellos and piano but not guitars or drums. He described their musical taste as 'conservative'.

74 Finally, he noted that the number of Ecclesia may have increased from around eight in the 1980's to around 16 currently.

Lawful Existing Use

75 Against the background of this evidence, I turn now to consider Mr Loughhead's sole ground of appeal which complains that the 'buildings to be replaced have no planning approval'.

76 It is tolerably clear, from the chronology of consents summarised in Mr Monteduro's statement, that in August 1976 approval was granted for, *inter alia*, two dormitories. I accept that it would appear that some (perhaps all) of the neighbouring residents were not consulted prior to this approval being

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granted. This, to say the least, was regrettable. Nevertheless, any omission on the Council's part to notify neighbours did not invalidate that consent.

77 Subsequently, in September 1988, Hebron lodged an application for an 'extension of [its] existing camp site'. The application comprised a substantial dining room extension, a new toilet block and relevantly two more dormitories.[7] A building application lodged at the same time included three dormitories not two.

78 Later in September that year Council granted approval for a development described as 'camp site facility'.

79 It is open to conjecture as to whether the Council's development approval was for two or three, extra dormitories. I am inclined to the view that its approval was for two, further dormitories.

80 Having obtained its approval Hebron erected three dormitories. The explanation as to how this may have occurred is (according to Mr Edgecombe) apparently that one of the dormitories was cut into two in order to facilitate its transport to the subject land.

81 Regardless of whether this explanation is accurate, it is ultimately of no consequence. All five dormitories which currently exist are to be demolished and replaced. Development approvals were issued for four dormitories. The existence of approvals for four dormitories was recognised and accepted by the PAT in 1989.[8]

82 The fact that, a subsequent application by Hebron for approval for five dormitory buildings was rejected, cannot invalidate the existing approvals for four dormitories.

83 A subsequent decision of the PAT recognised as much when it said: [9]

> … there is also no doubt that approvals of one kind or another have been given for most of the existing buildings and there has clearly been established an existing use for camp site facilities.

84 And later when it said:[10]

> It is clear that at the present time planning approval has been given for four dormitories …
>
> … housing 144 people …[11]

---

7 Yet again the Council did not notify neighbouring residents.
8 *Loughhead v District Council of Barossa & Christadelphian Bible Camp Inc* No 196 of 1989 at pp 4 and 7.
9 *Christadelphian Bible Camp Inc v District Council of Barossa & Ors* No 121 of 1991 at p 15.
10 Ibid at p 17.

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85 In short, valid current planning approvals exist for four of the accommodation buildings. In other circumstances the fact that there is no valid approval for the fifth building might be of some importance. In these circumstances, where the proposal is to demolish all five buildings and replace them with two 'new' buildings and where any increase in numbers of persons able to occupy them at any one time is prohibited, it is of no material consequence.

86 This is sufficient to dispose of this appeal, but the residents' concerns also relate to other matters about which I will have something to say in a moment.

The Hebron Appeal

87 The Hebron appeal was confined to an appeal against certain of the Conditions attached to the Council's DPC which relevantly provided:

> **DEVELOPMENT PLAN CONSENT CONDITIONS**
>
> (1) The development shall be undertaken in accordance with the plans and documentation (as amended) accompanying the application unless varied by the following conditions.
>
> (2) All five existing dormitories shall be completely demolished/removed prior to the new approved dormitories being located on the site.
>
> (3) No more than 144 persons shall be accommodated within the approved dormitory accommodation at any one time.
>
> (4) The total numbers of persons at the site shall not exceed 144 persons at any one time.
>
> (5) Caravans and tents, or other forms of temporary accommodation, shall not be established on the site at any time.
>
> (6) Car parking shall be restricted to the designated car parking area as shown on the approved site plan.
>
> (7) Any lights used for the illumination of the subject land shall be sited and designed so as not to cause unreasonable nuisance to any person living in the vicinity of the subject land.
>
> (8) The use and any associated activities carried out on the site shall not detrimentally affect the amenity of the locality by reason of noise, smell, fumes, smoke, soot, ash or dust.
>
> (9) No outdoor sports, outdoor activities and outdoor services shall occur on the site.
>
> (10) Services and gatherings shall only occur within the dining hall and gymnasium and shall be limited between the hours of 7.00am and 9.00pm.

[11] Ibid at p 20.

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(11) The applicant shall submit a detailed landscaping plan, providing extensive screening along the southern and eastern boundaries of the subject land, and shall include the type of plantings and existing trees to be retained, to the reasonable satisfaction of Council within three months from the date of this decision. The landscaping shall be implemented prior to the occupation of the approved dormitories.

(12) The site shall be landscaped to achieve a high level of amenity commensurate with the locality and to the reasonable satisfaction of Council.

(13) All existing native vegetation on the site shall be maintained.

(14) Adequate provisions be made for the disposal of stormwater to the reasonable satisfaction of Council. Where possible, stormwater should be retained on site by the use of natural drainage methods.

(15) The premises shall be kept tidy, free of graffiti and in good repair and condition to the satisfaction of Council at all times.

(16) The subject land is located within a Medium Bushfire Risk area.

A dedicated and independent water supply shall be available at all times for fire fighting purposes which:

(a) Is located adjacent to the building or in another convenient location on the allotment accessible to fire fighting vehicles (safe and convenient access shall be provided), and

(b) Comprises a minimum of 2000 litres of water where the property is connected to mains water, or 5000 litres in any other case. (Any rainwater tank used for this purpose should be dedicated entirely for fire fighting and shall be of non combustible materials).

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

88 In its Notice of Appeal Hebron opposed Conditions 2, 4, 5, 6, 8, 9, 10, 13, 15 and 16 which it submitted should either be deleted or varied.

89 Prior to considering Hebron's appeal and the impugned Conditions in more detail, it is necessary to consider the evidence of Mr Monteduro.

Mr Monteduro

90 As I earlier indicated Mr Monteduro was called to give evidence.

91 On the issues raised in the Loughhead appeal, Mr Monteduro stated that one of the dormitories currently being occupied by Hebron had never received planning approval.

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92 He also expressed the opinion that the proposal, as amended, did not warrant approval. It was his view that the amended proposal effected a change from dormitory to something akin to private or motel style accommodation.

93 In *Christadelphian Bible Camp Inc v The Barossa Council*[12] this Court concluded that the introduction of the proposed two 'new' accommodation buildings represented a replacement and improvement of existing dormitory buildings to permit the practical continuation of their lawful existing use.

94 Earlier, in these reasons, I concluded that the ensuite amendment did not change the essential character of what had been proposed by Hebron in its development application and which, in turn, was the subject of Council's DPC.

95 If the amendment does not change the essential nature of the proposed development the question arises as to whether it, nevertheless, effects a change from dormitory style accommodation to a form of private accommodation.

96 In my view it does not. Although his remarks were expressed in a slightly different context, Kourakis J's observations in *Development Assessment Commission v A & V Contractors Pty Ltd*[13] are apposite to the current question, namely:

> … The statutory right to continue pre-existing lawful uses would be substantially undermined if those rights were denied to proponents of developments which did not extend beyond that lawful use but were designed to allow its practical continuation by improving, replacing or adding to buildings, or by better adapting conditions attached to that use to contemporary conditions.

97 In my view, the word 'dormitory', in the context in which it has been used here, is not a term of art. Rather, it is, in my view, nothing more than a reference to a style of accommodation, the conditions of which may, to use the Chief Justice's words, 'change to better adapt [the buildings] to contemporary conditions'. In this case the introduction of the ensuites will have the undoubted effect of making the accommodation somewhat more commodious but that, in my view, is really doing nothing more than adapting them to modern conditions.

98 It may, in turn, have the effect, for some groups at least, of enabling them to reside as a family. It however, does not dictate that this must occur. Indeed, I would be surprised if a proportion of the occupants of individual dormitories did not continue to be members of Hebron who are otherwise unrelated.

99 Furthermore, the fact, that the conditions of approval limit occupants to members of Hebron, precludes it from becoming something akin to motel style accommodation which of necessity requires that such accommodation be available to the public.

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[12] [2015] SAERDC 6.
[13] (2011) 109 SASR 276.

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100 In the result, I am not persuaded that the addition of the ensuites changes the accommodation buildings from dormitory to motel or indeed any other undefined form of publicly available accommodation.

101 Nor am I persuaded that the replacement of buildings, with a floor area of some 354 sqm, with buildings occupying some 570 sqm[14] is an undesirable expansion in its current context.

102 The context of which I speak includes the fact that the numbers who may lawfully be accommodated remains the same, the fact that the buildings, despite their increase in size, are to be sited less obtrusively and will constitute but a relatively small proportion of the built form on the subject land.

103 Finally, in terms of impact, it may lead to older persons, whose style of living is likely to be less intrusive on the surrounding neighbourhood, choosing to stay overnight. It would also obviate the need for persons to move around the site to go to the toilet during the quieter, night hours.

104 For these reasons, I am satisfied that, although the introduction of two new dormitories with ensuites will result in an expansion of dormitory accommodation, it is an acceptable expansion in terms of planning merit.

Mr Edgecombe

105 In the Hebron appeal Mr Edgecombe said that Hebron was seeking to have the existing dormitories remain during the installation of the replacement dormitories.

106 He said that Conditions 4 and 5 would effectively derogate from Hebron's existing use rights to use the site for greater numbers.

107 In relation to Condition 6 he said that existing car parking currently occurred 'all around the property'.

108 He was similarly concerned that Conditions 9 and 10 would derogate from Hebron's lawful existing use. He identified, in relation to other Conditions, some minor alterations to the wording to which I will refer later.

109 In cross-examination he indicated that Hebron would be prepared to accept a condition limiting the number of tents or caravans which may occupy the subject land at any one time. He said it would also be prepared to define, with more precision, the types of services and gatherings occurring up till 9:00 pm as contemplated in Condition 10.

110 I turn now to consider the set of conditions imposed by the Council and the variations to or deletions from that set of Conditions sought by Hebron.

[14] In adopting these dimensions I have assumed a worst-case scenario for the proposed development.

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111 As part of its case Hebron submitted the following revised set of Conditions:[15]

Black text – condition unchanged

~~Orange text – strike out~~

Orange text with yellow highlighting – substitute words

1. The development shall be undertaken in accordance with the plans and documentation (as amended) accompanying the application, unless varied by the following conditions.

2. All five existing dormitories shall be completely demolished/removed prior to the new approved dormitories being ~~located on the site~~ occupied OR substantially completed.

3. No more than 144 persons shall be accommodated within the approved dormitory accommodation at any one time.

~~4. The total numbers of persons at the site shall not exceed 144 persons at any one time.~~

~~5. Caravans and tents, or other forms of temporary accommodation, shall not be established on the site at any time.~~

~~6. Car parking shall be restricted to the designated car parking area as sown on the approved site plan.~~

7. 4. Any lights used for the illumination of the subject land shall be sited and designed so as not to cause unreasonable nuisance to any person living in the vicinity of the subject land.

8. 5. The use and any associated activities carried out on the site shall not have an unreasonable detrimental effect on the amenity of the locality by reason of noise, smell, fumes, smoke, soot, ash or dust.

~~9. No outdoor sports, outdoor activities and outdoor services shall occur on the site.~~

~~10. Services and gatherings shall only occur within the dining hall and gymnasium and shall be limited between the hours of 7.00am and 9.00pm.~~

11. 6. The applicant shall submit a detailed landscaping plan, providing ~~extensive~~ screening along the southern and eastern boundaries of the subject land, and shall include the type of plantings and existing trees to be retained, to the reasonable satisfaction of Council within three months from the date of this decision. The landscaping shall be implemented prior to the occupation of the approved dormitories.

12. 7. The site shall be landscaped to achieve a high level of amenity commensurate with the locality and to the reasonable satisfaction of Council.

13. 8. All existing native vegetation of significance on the site shall be maintained.

[15] Exhibit A6.

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14. 9. Adequate provisions be made for the disposal of stormwater to the reasonable satisfaction of Council. Where possible, stormwater should be retained on site by the use of natural drainage methods.

15. 10. The premises shall be kept tidy, free of graffiti and in good repair and condition to the reasonable satisfaction of Council at all times.

16. 11. The subject land is located within a Medium Bushfire Risk area. A dedicated and independent water supply shall be available at all times for fire fighting purposes which:

    (a) Is located adjacent to the building or in another convenient location on the allotment accessible to fire fighting vehicles (sale and convenient access shall be provided), and

    (b) Comprises a minimum of 2000 litres of water where the property is connected to mains water, or 5000 litres in any other case.

    (Any rainwater tank used for this purpose should be dedicated entirely for fire fighting and shall be of non combustible materials).

    The provision of the dedicated water supply for fighting purposes shall comply with the Ministers Specification SA 78 'Bushfire fighting equipment and water supply requirements in designated bushfire prone areas' in relation to the replacement accommodation buildings, if any.

112 I will deal with each of the variations or deletions in turn:

Condition 2

113 The variation to Condition 2 does seem, in the circumstances, to represent a reasonable compromise, designed, as it is, to permit Hebron to continue to use the existing dormitories wholly, or in part, pending the installation of the replacement dormitories.

Conditions 4-6

114 The existing use of the subject land was identified on at least two occasions by the Planning Appeal Tribunal to be for 'camp facility' purposes. That lawful existing use included dining room facilities and recreation hall facilities both to accommodate up to 350 persons.

115 Although these approvals permitted facilities which are able to accommodate such numbers, the approvals did not, in turn, specify that such numbers could reside on the site. Nevertheless, it seems to have been accepted by both Hebron and the Council to have been the case. It would also appear to have been, at the very least, tacitly accepted by Judge Bowering in his decision.

116 Furthermore, there seems little doubt that this 'understanding', i.e. of the maximum numbers who might be accommodated overnight on the site (being 350), has been acted upon by Hebron since the late 1980's and that this usage has been 'endorsed (passively if not actively) by the Council since that

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time. Even though no specific wording expressly authorises the number of 350 persons overnight, I am satisfied that such an approval may be distilled from approvals for facilities with capacities of 350, together with the actions of the two parties in response thereafter to the grant of those approvals.

117 In my view, part of the lawful existing use of the subject land includes the right to use it to accommodate up to 350 people on the subject land at any one time. Accordingly, Condition 4 should be deleted as a derogation from Hebron's lawful existing use.

Condition 5

118 In his 1989 decision Judge Bowering recognised:

- The Council had conveyed an impression to Hebron that it had approved, in principle, a facility which would accommodate 350 people;
- As at September 1988 the approved use of the subject land was as a camp site facility;
- The approved facility comprised a dining room extension to accommodate up to 350 persons;
- Hebron had sought approval for a recreation hall to accommodate 350 persons;
- Groups of people had, in the past, camped on the subject land in either tents or caravans;
- Hebron was legally able to use the site, for camping purposes, as frequently as it wished.

119 Finally, his Honour expressly adverted to the desire of the then appellant to have imposed a Condition prohibiting the use of the site by people in tents or caravans. His Honour declined to impose such a condition.

120 Although the nature and extent of some of the existing use rights for the subject land is regrettably vague, I am of the view that they do include occupation of the subject land by persons in accommodation other than in dormitories. It is inescapable, in my view, that such accommodation was intended to have been in tents and caravans. Accordingly, as Condition 5 seeks to derogate from such a right, it too should be deleted.

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Condition 6

121 Condition 6 seeks to restrict the parking of vehicles to the designated car parking area shown on the approved site plan.[16]

122 It is apparent from the history of the use of the subject land that parking has been informal, arguably haphazard, but in no sense has it ever been specifically confined to any designated area of the site.

123 Condition 6, insofar as it seeks to prohibit or restrict parking in certain areas, is, in my view, and for similar reasons to those relating to Conditions 4 and 5, beyond power and should be deleted.

124 Having said that, I have earlier referred to the 1996 correspondence between the Council and Dr Luke regarding parking on part of the subject land, which, at that time, was contained in Certificate of Title Volume 5279 Folio 183. In my view, on the current state of the evidence, there would appear to be no existing use rights to use this land for car parking purposes.

Condition 8

125 The introduction of the word 'unreasonable' before the word 'detrimental' would seem to be appropriate.

Condition 9

126 I am of the view that particular types of outdoor sports, activities and services have been part of the lawful existing use of the subject land for decades.

127 Having said that, the subject land has not been used in the past for an unlimited range of sports, activities and services. As worded, the condition is too vague. It should be either deleted or reworded to delineate the nature of the lawful existing sports, activities and services.

Condition 10

128 A similar observation may be applied to this Condition. However, I understand that Hebron is willing to limit some of its activities in these areas to more restricted hours. It should therefore be reworded.

Condition 11

129 I agree that the word 'extensive' is unreasonable and should be deleted.

Conditions 13, 15 and 16(b)

130 The variations advanced by Hebron, in my opinion, are reasonable and appropriate.

[16] Exhibit R2 p 79.

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Existing Use Rights

131 Finally, I indicated during argument that in view of the long standing, complex history of the use of this land and the uncertainty surrounding the nature of the existing use rights attaching to it, particularly in the minds of the neighbouring residents, that it may be desirable to make some brief observations about these existing use rights. I mention the residents because, in my view, they have, in the past at least, been poorly served by the Council in terms of both notifications and any consequent opportunity to participate in the planning processes for the subject land.

132 I have reached the conclusion that it is desirable to say something with a view to obviating, if possible, further proceedings which might be generated by an imperfect understanding as to purposes for which the subject land and buildings may lawfully be used.

133 I have, in the course of this decision, already made observations about some of those rights and I will simply repeat them.

134 The subject land is currently lawfully entitled to be used as a camp site for bible study purposes. It has a lawful approval for four accommodation buildings housing overnight a maximum of 144 persons. There is no approval for a fifth accommodation building.

135 There is a lawful existing use for a number of toilet/shower block facilities, two classrooms, a dining room for up to 350 persons with an associated kitchen.

136 There is a lawful existing use for a recreation hall for up to 350 persons which may be lawfully used for meetings of members of the Christadelphian faith, which meetings may include activities of a religious nature, including but not limited to, activities such as church type services and bible studies. Buildings, other than the dormitories, may not be used for accommodation purposes.

137 The subject land may also be used for an unlimited number of occasions each year. Persons attending, who are not accommodated as part of the 144 persons in the dormitories, may stay overnight in caravans or tents. The subject land may also be used for large marquees on occasions. The subject land may be used to accommodate up to 350 persons at any one time.

138 Vehicles may park on the subject land in an undesignated fashion save and accept that the land formerly comprised in Certificate of Title Volume 5279 Folio 183 may not lawfully be used for parking purposes.

139 No persons, other than members of Hebron, may use the subject land for camping or related purposes, save and accept for the caretaker and workers employed by the caretaker or Hebron's Board of Management.

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140 The lawful existing use of the subject land is also subject to the Conditions imposed by Judge Bowering in his decision in 1989.

141 On 12 August 2016 the Court delivered a Memorandum comprised of the foregoing Reasons. In that Memorandum the Court invited the parties to consider the Reasons in general and with a view to imposing Conditions on the future use of the subject land.

142 On 25 August 2016 the parties made submissions as to the Conditions which should be imposed.

143 In his submissions Mr Loughhead submitted that I should impose a number of conditions designed to potentially ameliorate the impact on the amenity currently experienced by the residents.

144 Unfortunately many of the Conditions which he sought to have imposed would also have the effect of derogating from Hebron's existing use rights in a similar way to some of the Conditions which the Council had proposed during the substantive hearing.

145 For the reasons already articulated, I am unable to accommodate some of the residents' concerns for a more peaceful environment because, to do so, would require me to impose conditions which, given Hebron's existing use rights, are beyond the Court's power.

146 Having considered the parties' respective submissions, I propose to uphold Hebron's appeal, but only for the purpose of replacing the Conditions imposed by the Council with different Conditions. These Conditions conform, in large measure, with the Conditions submitted by Hebron following its consultation with the Council. Whilst they do not involve limitations on Hebron's use to the extent sought by the residents, they do comprise restrictions on its existing use rights, which I doubt the Court could have imposed without Hebron's consent and represent restrictions which I trust will go some way to improving the day to day living environment for the residents.

147 Hebron submitted a draft set of Conditions in relation to which I offer the following comments:

- Draft Condition 2.4 should be varied to include a reference to 'van' parking and be restricted to the areas shown on the car parking plan, exhibit A8;

- Draft Condition 2.23 should be varied to insert the words 'the use of' prior to the word 'tents' in line one so as to clarify where these forms of accommodation may be used while on the subject land;

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- Draft Condition 2.23 should also be varied to reflect an indication from Mr Edgecombe[17] that Hebron was prepared to limit the number of tents and caravans which could be present on the subject land at any one time. The Condition should be varied to read 'Save and except for the October long weekend each year, when there may be up to 30 caravans present on the subject land, no more than 10 caravans and 15 tents shall be present on the subject land at any one time'. I regard these numbers as achieving a reasonable compromise between Hebron's needs and the concerns of the residents for a 'ceiling' to be put on the number of persons using such accommodation.

- The intent of this Condition is also to ensure that the tents and caravans are not to be stored on the subject land on a permanent basis which is not, in my view, part of the existing use.

- Draft Condition 2.26 should be varied to include the words 'or events proposed at the' after the word 'bookings' in line one and the words 'or event' after the words 'camp' in line three.

  It was proposed by the Council that this draft Condition be further varied to require Hebron to ensure that all information relating to an upcoming camp or event is provided to the Council to enable the Council to determine whether any legislative requirements apply.

  In my view, a Condition in those terms is simply too vague and, as such, is not reasonable. I am not prepared to vary draft Condition 2.26 any further.

Formal Orders

1. The Appeal in action 249 of 2015 is dismissed.

2. The Appeal in action 277 of 2015 is upheld and the conditions set out in the Council's Decision Notification Form are replaced with the following Conditions:

   2.1 The development shall be undertaken in accordance with the plans and documentation (as amended) accompanying the application unless varied by the following conditions.

   2.2 All five existing dormitories shall be completely demolished/removed prior to the new approved dormitories being occupied.

   2.3 No more than 144 persons shall be accommodated within the approved dormitory accommodation at any one time.

   2.4 Car parking and van parking shall be restricted to the designated parking areas as shown on the car parking plan, exhibit A8.

[17] See T98 and [109].

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2.5 Any lights used for the illumination of the subject land and shall be sited and designed so as not to cause unreasonable nuisance to any person living in the vicinity of the subject land.

2.6 The use and any associated activities carried out on the site shall not have an unreasonable detrimental effect on the amenity of the locality by reason of noise, smell, fumes, smoke, soot, ash or dust.

2.7 The applicant shall submit a detailed landscaping plan, providing screening along the southern and eastern boundaries of the subject land, and shall include the type of plantings and existing trees to be retained, to the reasonable satisfaction of Council within three months from the date of this decision. The landscaping shall be implemented prior to the occupation of the approved dormitories.

2.8 The site shall be landscaped to achieve a high level of amenity commensurate with the locality and to the reasonable satisfaction of Council.

2.9 All existing native vegetation of significance on the site shall be maintained.

2.10 Adequate provisions be made for the disposal of stormwater to the reasonable satisfaction of Council. Where possible, stormwater should be retained on site by the use of natural drainage methods.

2.11 The premises shall be kept tidy, free of graffiti and in good repair and condition to the reasonable satisfaction of Council at all times.

2.12 The subject land is located within a Medium Bushfire Risk area. A dedicated and independent water supply shall be available at all times for fire fighting purposes which;

2.12.1 is located adjacent to the building or in another convenient location on the allotment accessible to fire fighting vehicles (safe and convenient access shall be provided), and

2.12.2 comprises a minimum of 2000 litres of water where the property is connected to mains water, or 5000 litres in any other case. (Any rainwater tank used for this purpose should be dedicated entirely for fire fighting and shall be of non combustible materials).

The provision of the dedicated water supply for fighting purposes shall comply with the Ministers Specification SA 78 'Bushfire fighting equipment and water supply requirements in designated bushfire prone areas' in relation to the replacement accommodation buildings, if any.

2.13 The new approved dormitories shall not be occupied until they are substantially completed.

2.14 Gatherings for the purpose of worship or biblical education involving more than 50 people in a single group shall only occur:

2.14.1 within the dining hall or gymnasium; and

2.14.2 shall be limited to the hours of 7:00 am to 10:00 pm.

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2.15 Gatherings for the purpose of meditation involving more than 50 people in a single group shall only occur:

2.15.1 within the dining hall, gymnasium or the area designated at condition 2.18.2; and

2.15.2 shall be limited to the hours of 7:00 am to 11:00 pm.

2.16 Gatherings in outdoor areas for the purpose of worship or biblical education involving 50 people or less in a single group shall only occur between the hours of 7:00 am to 9:00 pm. Gatherings in outdoor areas for the purpose of meditation involving 50 people or less in a single group may occur up to 11:00 pm.

2.17 Organised outdoor activities involving sporting-type activities (such as volleyball, cricket, football and soccer) and games may take place between the hours of 8:00 am and 9:00 pm. Any such activities shall not take place between the Recreational Hall and the eastern-most boundary of the subject land. Organised outdoor activities will only involve people of the Christadelphian faith (students and members) and their immediate family.

2.18 Outdoor fires may only occur subject to conditions 2.14, 2.15 and this condition and as follows:

2.18.1 a fire of no more than 2 square metres in area and contained within an appropriately-designed containment device (including but not limited to a brazier, gas heater, etc) may occur in the area adjacent the dining hall;

2.18.2 a single bonfire of any size may be lit in the area adjacent to the creek, near the western boundary of the subject land, noting that this restriction does not apply to the fires in 2.18.1 above;

2.18.3 no outdoor fire may be lit on total fire ban days unless in accordance with fire ban restrictions;

2.18.4 the fires described above may only occur whilst the camp site is occupied for the purposes of a Bible Camp by people (students or members) of the Christadelphian faith and their immediate families;

2.18.5 all fires must be extinguished by 11:00 pm;

save that nothing herein contained prevents fires for land management purposes provided they comply with the relevant fire regulations (including being a suitable distance from any buildings on the subject land or adjacent land).

2.19 PA systems and amplification shall not be used outside of any buildings after 8:00 pm except for the purposes of implementing the fire action plan (for example evacuation warnings).

2.20 All development is to be maintained in a serviceable condition and in good repair with conditions being inspected by or on behalf of the Applicant on a regular basis and repairs conducted in a timely manner.

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Signed by AustLII

2.21 Fencing is to be maintained in a serviceable condition and in good repair inspected on a regular basis by or on behalf of the Applicant and repairs conducted in a timely manner. Fencing is to be of post and wire construction and maintained to a standard to prevent trespass onto neighbouring properties. Nothing herein contained affects the rights available to any landowner pursuant to the *Fences Act*.

2.22 The dormitory accommodation shall only be used by people (students or members) of the Christadelphian faith and their immediate families.

2.23 The use of caravans and tents shall be limited to the area of the subject land east of the access road. Save and except for the October long weekend each year, when there may be up to 30 caravans present on the subject land, no more than 10 caravans and 15 tents shall be present on the subject land at any one time. Caravans and tents shall only be present on the subject land during Camps or events and shall only be occupied by people (students or members) of the Christadelphian faith and their immediate families.

2.24 A responsible person shall be assigned before each Camp. The responsible person shall be provided in advance with all conditions relevant to any activities conducted at the site and have overall responsibility for enforcing adherence to these Conditions by all Camp users. The responsible person shall be required to provide a written statement in advance of that Camp which evidences they have read, understood and will adhere to these requirements.

2.25 The Applicant shall provide the telephone number of a dedicated telephone to be provided to the responsible person referred to in condition 2.24 to the Council and to the owners of land adjoining the subject land.

2.26 The Applicant shall notify the Council of bookings or events proposed at the Camp three months in advance of them occurring and will provide the Council with the numbers to be accommodated in a particular Camp to the nearest 50 people.

2.27 Buildings other than the dormitories, caravans and tents shall not be used for any form of sleeping accommodation.

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6.2 23007773 - Allotment 1 Gods Hill Road Lyndoch

APPLICANT:	Mr Phil Harnett of URPS on behalf of Oakford Homes, the Applicant
REPRESENTORS:	Mr Aaron Lipp, 8 Samuel Stephens Court Lyndoch Mr Mark Betros, PO Box 482, Lyndoch (on behalf of Units 1, 2, 3 and 4, 87 Gilbert Street Lyndoch)

APPLICATION DETAILS

PROPOSAL	Retaining walls, fencing and associated earthworks
APPLICANT	Oakford Homes
OWNER	Oakford Homes
APPLICATION NO	23007773
CERTIFICATE(S) OF TITLE	CT 6208/305
AREA	8.45 ha
CURRENT USE	Vacant Land
PLANNING AND DEVELOPMENT CODE VERSION	Verandah 2023.4 – 27 April 2023
PLANNING AND DESIGN CODE EXTRACT LINK	Relevant Code Extract
ZONE	Township Neighbourhood
OVERLAYS	Character Preservation District Hazards (Bushfire - Urban Interface) Hazards (Flooding - Evidence Required) Native Vegetation Prescribed Water Resources Area Water Protection Area
APPLICATION TYPE	Performance Assessed
PUBLIC NOTIFICATION	Notified – Sign
REFERRALS	Nil
PREVIOUS APPLICATIONS	960/35/2019 – Land Division
ASSESSING OFFICER	Paul Vivian (Planning Consultant)
RECOMMENDATION	That Planning Consent be GRANTED subject to conditions

INTRODUCTION

On 17 March 2023, a development application was lodged for the construction of a series of retaining walls within the large landholding at Allotment 1 Gods Hill Road, Lyndoch.

The lodgement of this development application formed the next step in the preparation of the site for residential development.

Land division of the subject land into 82 allotments (DA 960/35/2019) was granted Planning Consent on 3 August 2021. Land Division Consent Stage 1 was granted Development Approval on 16 May 2023 for allotments 1-10, 24-40, 67-82 and associated public roads and a drainage reserve.

This application comprises the construction of retaining walls primarily associated with Stage 1. Due to the topography of the site, retaining walls are necessary to support the civil works associated with creation of bench levels as contained within the civil plans. The developer has advised that they will be constructing the retaining walls and thus there is a benefit in having a coordinated approach to earthworks.

Public Consultation commenced on 23 May 2023 and concluded on 13 June 2023. Three representations were received, two of which requested to be heard, in opposition to the proposal based upon the significant height of boundary walls.

It is noted that in the planning consultant's response to representations it stated *"The retaining walls hereby proposed are required to achieve the Council's site level and drainage requirements for the authorised land division, as per the plans approved by Council. This means that the proposed development (i.e. retaining walls) needs to be built to achieve Council's requirements with respect to the authorised land division."*

This statement was subject to interpretation as it could not be inferred that Council staff had set the levels for all new allotments nor has Council requested the proposed extent and height of retaining walls as originally submitted in this application.

Following further consideration by Council staff, the heights of retaining walls were determined to be unreasonable, due to the significant visual bulk and amenity impact upon neighbours. The applicant was subsequently invited to review the proposal and the applicant resolved to make amendments to the proposed retaining wall design to reduce retaining wall heights from a maximum of 2.3 metres on the eastern boundary, down to 650 mm. Changes also involved removal of proposed retaining walls along most of the eastern boundary and reduced retaining wall heights along the lot 104 reserve boundary and centrally within the site (lots 32-45).

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

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

With redesign of the retaining walls to a maximum of 650 mm as described above, the retaining wall heights are considered to be more appropriate on an external boundary and are recommended for Planning Consent, subject to conditions.

BACKGROUND

Development Application 960/35/2019 was subject to extensive assessment pursuant to the provisions of the previous Barossa Development Plan and the *Development Act 1993*. The following matters were addressed within the assessment:

- Allotment size and layout
- Public road layout

- Road buffers and site access
- Southern buffer to existing primary production
- Stormwater management including a drainage easement along the eastern boundary and detention basin within the north-eastern corner;
- Open space and reserves
- Requirement for building envelopes and proposed bench levels for selected allotments (33, 34, 35, 62, 63, 64 and 65)
- Waste water management.

During course of assessment, the applicant reduced the original number of allotments following assessment discussions with Council officers. This outcome addressed staff concerns with regards to allotment sizes, future earthworks and retaining walls during the processing of this application. The resultant allotment sizes were generally 500 sqm or larger, thereby allowing for greater capacity to batter slopes.

Notwithstanding, the applicant identified a need during the civil design stage of works to construct retaining wall within Stage 1 to facilitate the land division. Consequently, the subject development application was submitted and proposed a retaining wall on the eastern boundary of the site up to a maximum of 2.3 metres. This did not include the height of the 1.8 metre fence on top.

SITE AND LOCALITY

The subject land comprises a single large allotment having an approximate area of 8.45 hectares. The allotment has an irregular shape with a 115 metre frontage to Gilbert Street which then wraps southwest aligned with the angled Gods Hill Road for the balance of this road frontage (approximately another 460 metres). The eastern boundary sits adjacent to an older residential subdivision with the existing Samuel Stephens Court terminating at the current boundary. The southern boundary adjoins low intensity rural land with viticulture evident in longer range views.

The site contains no improvements except for boundary fencing. The land is generally devoid of mature vegetation except for two clusters of existing vegetation located centrally within the site plus roadside vegetation in Gods Hill Road. The land undulates with notable level change within the property. There is a level change of around 25 meters across the site with the steepest incline of approximately 1 in 7.

The subject land is located at the south-western edge of Lyndoch and is the last large undeveloped parcel in the township. Properties to the east are well established and generally measure 1000 sqm. The closest residential neighbours are at:

- 85 Gilbert Street – Council reserve on approximate 3,900 sqm allotment that is heavily treed and undeveloped
- 87 Gilbert Street (Units 1, 2, 3 and 4) – older single storey unit complex constructed parallel to the common boundary with small rear yards abutting Lots 104 and 1
- 7 and 8 Samuel Stephens Court – detached dwellings on approximate 1,295 sqm and 990 sqm allotments respectively.

To the north across Gilbert Road, the residential properties are larger and more akin to rural living style. Land to the west and south is primarily used for very low-density housing and primary production.

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

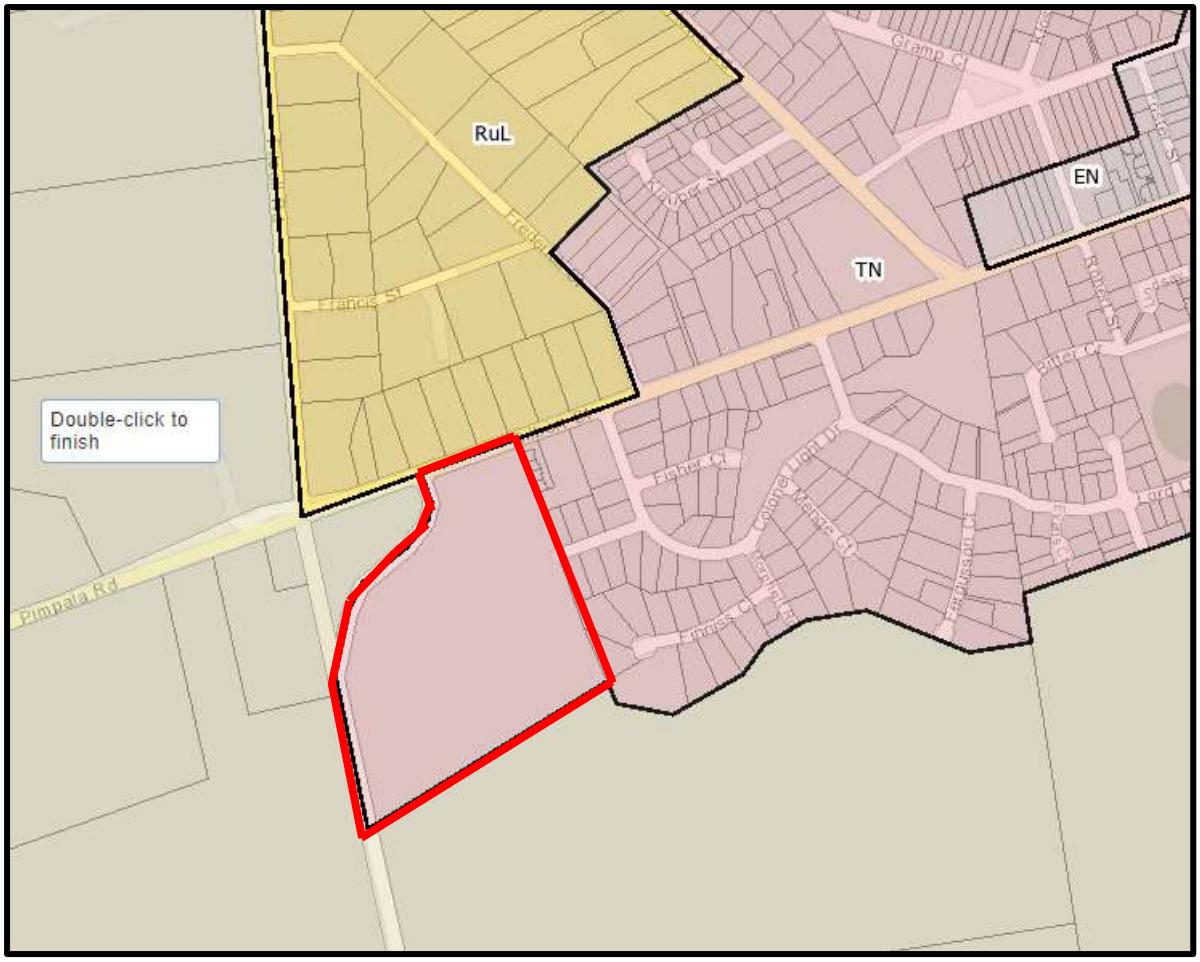


Figure 1: *Zone Map*

An aerial view of the site and locality are contained in ***Figure 2*** and ***Figure 3***.

Site photos are provided in ***Figure 4*** to ***Figure 6.***

Figure 2: *Aerial – Locality - Site marked with red outline*

Figure 3: *Aerial – Site marked with red outline*

Figure 4: *Site Photo - view from Gilbert Street along eastern site boundary*

Figure 5: *Site Photo - view from Gods Hill Road looking south east from end of bitumen*

Figure 6: *Site Photo – at the end of Samuel Stephens Court, looking north towards Gilbert Street*

PROPOSAL

The application comprises the construction of retaining walls, associated earthworks and a 1.8 metre high fence above in-order to facilitate the future development of the subject land for residential development. This application comprises the construction of retaining walls primarily for Stage 1.

The retaining walls as originally proposed varied in height from 0.2 metres up to a maximum of 2.3 metres. A retaining wall section drawing was provided identifying the proposed height of these walls submitted as part of the application. Retaining walls are of a typical design with metal posts and concrete sleepers.

Post completion of public notification, the applicant reviewed the height of retaining walls and subsequently amended the design such that the wall at the eastern boundary would not exceed 650 mm. This was achieved by reducing the crossfall on the adjacent access track servicing the detention basin in lot 104.

The changes also involved removal of proposed retaining walls along most of the eastern boundary and reduced retaining wall heights along lot 104 reserve boundary and centrally within the site (lots 32-45).

Another change that was made was a reduction in the rear bench level of allotment 26 from 221.65 to 220.65. This change thereby reduced the extent of road boundary retaining by approximately 20%.

The retaining wall will accommodate a standard 1.8 metre high metre boundary fence, such that the total height of the combined retaining wall and fence will not exceed a maximum of 2.45 metre.

Attachment 1 contains a copy of the application and associated documentation. It is noted that the plans include the superseded version, dated 19 September 2023 as well as the amended version, dated 19 September 2023.

APPLICATION TYPE

The site is located within the Township Neighbourhood Zone under the Planning and Design Code.

The proposed development is neither assigned as a form of 'Accepted' or 'Deemed to Satisfy' development, nor as a 'Restricted' form of development for the Township Neighbourhood Zone.

It is identified in Table 3 'Class of Development' of the Township Neighbourhood Zone and therefore, the application is subject to the 'Performance Assessed' assessment pathway.

PUBLIC NOTIFICATION

The application was subject to public notification in accordance with Table 5 – Procedural Matters – Notification of the Township Neighbourhood Zone.

Class of Development (Column A)	*Exceptions (Column B)*
Retaining Wall	*Involves a building wall (or structure) that is proposed to be situated on (or abut) an allotment boundary (not being a boundary with a primary street or secondary street or an excluded boundary) and:* (a) *the length of the proposed wall (or structure) exceeds 8 metres (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment)*

The table below provides details of the public notification process:

Representations:	Three representations were received during the public notification period: • Mr Aaron Lipp • Mr Mark Betros (on behalf of Units 1, 2, 3 and 4 – 87 Gilbert Street, Lyndoch) • Mr David Pritchard
Person wishing to be heard:	Of the three representations (one repeated) received, two wish to be heard as follows: • Mr Aaron Lipp • Mr Mark Betros (on behalf of Units 1, 2, 3 and 4 – 87 Gilbert Street, Lyndoch)
Applicant	Mr Phil Harnett of URPS on behalf of Oakford Homes (the Applicant) wishes to appear to respond to representations.

An aerial view showing the representors' properties is contained in ***Figure 7***.

Figure 7: *Red outline shows subject site, blue stars show representors locations.*

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

Summary of Representations **Representor/s**	**Applicant's Response**
• *Solar access will be impeded*	• *The proposal will not unreasonably impact access to sunlight when acknowledging the orientation of the subject land and neighbouring properties to the northern path of the sun.*
• *Extent of earthworks is excessive*	• *Retaining walls adjoining 85 Gilbert Street and 7 and 8 Samuels Stephens Court have been removed*
• *There will be impacts on amenity*	• *Retaining wall adjoining 1-4, 87 Gilbert Street has been reduced in height*
• *Aesthetics of retaining wall and loss of privacy*	• *Proposed retaining wall and fence combination will maintain, and in some cases enhance, the privacy and security of all properties*
• *The proposed wall will result in an unreasonable visual impact.*	• *Will change the visual amenity of some allotments, however, believe this is not an unreasonable impact*
• *Retaining wall and fence construction will damage existing site improvements*	• *All possible care and consideration will be taken during the construction of any retaining walls and fencing such that damage does not occur wherever possible. If alteration to neighbouring land is required, the applicant commits to reinstating neighbouring properties to their pre-development condition at the applicant's expense*

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

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 not subject to any referrals.

Internal

The following internal advice has been received from staff:

Engineering Department	*The Department support the proposed bench levels, retaining wall heights and public road levels as per amended plans, dated 19 September 2023.* *The Department has reviewed the design for the reserve (Lot 104) and considers that the access track along the eastern side of the detention basin should be reduced from a 5% to 3% crossfall. This allows a further 240 mm reduction in adjacent retaining wall height. (Note: the applicant has complied with this request within the amended design drawings).*

ASSESSMENT
Please refer to the following link, the Planning and Design Code extract for this proposal, dated insert date, Version insert version number:

Planning and Design Code Extract Link	*Relevant Code Extract*

Seriously at Variance
The application is for earthworks and retaining walls to facilitate benching and retaining of allotments predominantly within stage 1 of the approved land division of the site for future residential development. The undulating land presents challenges to minimise the extent of topographical change and in order to balance the visual, overlooking and amenity impacts, in particular, on adjoining eastern neighbours.

The applicant has adopted changes to the proposal post consultation to address representators concerns and Council staff concerns regarding the height of some sections of the retaining walls. The applicant has removed proposed retaining walls along most of the eastern boundary and reduced retaining wall heights (and some bench levels) along Lot 104 (the reserve boundary) and centrally within the site (Lots 32-45). Given the size and sting of these allotments and the fixed public road levels (and therefore kerb heights) it is considered acceptable that the future earthworks for these allotments can be addressed in detail as part of individual housing applications.

The summation of these amendments has resulted in Council staff being in a position to support the application. For the above reasons, the proposal is not considered to be Seriously at Variance with the relevant 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. The retaining walls, the associated earthworks and fencing above the walls are reasonable and appropriate, when considering the topography of the land and in context of what is approved for land division of the site for residential purposes.

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

Township Neighbourhood	
Desired Outcomes	
DO 1	*Accommodation of a range of housing types that respond to housing preferences in a manner that contributes to and enhances township streetscapes and original settlement patterns.*

The subject land has approval for the creation of 82 new residential allotments and associated infrastructure. The allotment layout and road pattern have been determined in order to service the allotments. Future allotments vary between 500 sqm to 1,100 sqm having addressed topographic and buffer constraints as part of the original land division application. The proposed retaining walls will facilitate the future benching and construction of dwellings in accordance with the baseline intent of the Zone. Retaining walls are a typical built element within a residential neighbourhood. Given the undulating nature of the site, Council staff have sought to balance engineering requirements with aesthetic and amenity impacts for existing and future residents (plus views from public roads within the Characters Preservation District). The retaining walls and fencing as a form of development are appropriate.

Design

Design (General Development Policies)	
Desired Outcomes	
DO 1.	*Development is:* *1. contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area* *2. durable - fit for purpose, adaptable and long lasting* *3. inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors* *4. sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.*

Relevant Performance Outcomes/Designated Performance Features	
All development	
Fences and Walls	
PO 9.1 *Fences, walls and retaining walls are of sufficient height to maintain privacy and security without unreasonably impacting the visual amenity and adjoining land's access to sunlight or the amenity of public places.*	*DTS/DPF 9.1* *None are applicable.*

Earthworks and sloping land	
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:* 1. *excavation exceeding a vertical height of 1 metre* 2. *filling exceeding a vertical height of 1 metre* 3. *a total combined excavation and filling vertical height of 2 metres or more.*

The original submission as presented to Council sought construction for more than 40 retaining walls associated with Lots 1-10, 24-34, 44,45 and 67-82. Prior to lodgement the applicant liaised with Council's Engineering Department to discuss lot bench levels and public road topography. It was acknowledged that parts of the site require significant earthworks to create acceptable buildings site and that retaining walls would be necessary to support the creation of the bench levels.

In general, the proposed bench levels for 24-34, 44,45 and 67-82 were considered to be acceptable by Council. These desired levels have been transcribed by the applicant's consulting engineer into a series of retaining walls for these allotments which are shown within the proposal plans.

Noting the undulating nature of the site and overarching need to ensure site stability and to facilitate stormwater management, the prevailing retaining wall heights were 1.2 metres for Lots 67-82 (allotments that back onto Gods Hill Road). These walls would be located on the side boundaries and allow for stepping of allotments in line with the slope which is considered to be a positive outcome.

Lots 67 and 68 were to have sections of taller retaining walls abutting Gods Hills Road up to 2.5 metres (plus fencing), but it is noted that such walls would be in cut and therefore not visible to Gods Hill Road. On the basis of the localised steepness in this part of the site, the future 5 metre wide planting strip required as part of the land division and topography, the visual impact of this outcome would be acceptable.

Within the centre of the site, the bench levels have been slightly adjusted during the refinement in the design as follows:

- Lot 31 – BL 227.15 to a split BL 227.15 at front stepping down to BL 224.15 at rear
- Lot 32 – BL 227.15 to a split BL 227.15 at front stepping down to BL 224.15 at rear
- Lot 33 – BL 225.15 to a split BL 225.15 at front stepping down to BL 222.15 at rear
- Lot 34 – BL 222.15 increased to BL 223.15 (with internal battering along southern boundary)
- Lot 44 – BL 227.15 to a split BL 225.15 at front stepping down to BL 222.15 at rear
- Lot 45 – BL 227.15 to a split BL 226.15 at front stepping down to BL 224.15 at rear

The net effect of these changes has been to reduce the future level of earthworks required and thereby allow or stepped dwellings and/or lower ancillary buildings as development progresses. This outcome is more in keeping with Performance Outcome 9.1 of the Design Overlay.

As mentioned earlier, the primary concern for representors and for Council staff was the height of retaining walls proposed along the eastern boundary, where there is an existing residential interface. Retaining walls in this section were up to a maximum of 2.3 metres plus fence above of 1.8 metres. This section of the site comprises the proposed detention reserve (lot 104) and proposed Lots 1- 10.

In response to the concerns expressed by representors as well as concerns of Council staff, the applicant reviewed the design and resolved to significantly alter this element of the design. The table below contains the height of retaining walls as originally proposed as it relates to the reserve 104 and lots 1-10, in comparison with the heights post redesign.

Lot No.	**Original BL**	**Original retaining wall heights**	**Amended BL**	**Amended retaining wall heights**
Reserve Lot 104	N/A	Up to 0.9 metres	N/A	Up to 0.65 metres
1	216.4	Up to 2.2 metres	No BL	Nil proposed
2	216.4	Up to 1.8 metres	No BL	Nil proposed
3	217.4	Up to 2 metres	No BL	Nil proposed
4	218.4	Up to 2.3 metres	No BL	Nil proposed
5	219.4	Up to 0.9 metres	No BL	Nil proposed
6	218.4	Up to 0.9 metres	No BL	Nil proposed
7	218.4	Up to 1.8 metres	No BL	Nil proposed
8	219.9	Up to 2.4 metres	No BL	Nil proposed
9	220.4	Up to 0.7 metres	220.4	Up to 1.2 metres
10	220.4	Up to 2.4 metres	220.4	Up to 2.4 metres

The amended proposal has omitted bench levels and retaining walls for this section of the site. The existing ground levels within Lot 1–8 are to be maintained. Unlike other parts of the site which are subject to a Condition B(a) of DA 960/D003/2019 that requires building envelopes and bench levels, these allotments did not require such.

The affected allotments measure between 502 sqm and 629 sqm with average depth for Lots 1–4 of 44 metres. There is a drainage easement abutting the eastern rear boundary. Council staff are satisfied that individual assessment of each future dwelling application can result in site appropriate outcomes in line with the Planning and Design Code provisions. In particular, site by site assessment will need to occur and stepped dwelling designs may be necessary to address topography (and satisfy General Development Policies Design PO 8.1).

The applicant has also removed the proposed bench levels and retaining walls from Lots 77-80 (other than a 1.2 metre high wall between Lots 78 and 79). The original proposal had a 2.0 metre retaining wall adjacent the entry to the site from Gilbert Street that Council staff did not support. Natural ground conditions will instead remain and future changes to levels can be assessed on an individual property basis.

The applicant has also incorporated recommendations from the Engineering Department to reduce the crossfall on the access track adjacent the detention basin in Lot 104. This has reduced the maximum height of the retaining wall adjacent to Units 1-4, 87 Gilbert Street to a maximum of 0.65 metres tapering down to 0.4 metres.

This was a strong concern of representors as well as staff, given the narrow rear yards and minimal dwelling setbacks on the neighbouring sites from this boundary.

The combined height of a standard 1.8 metre high boundary fence and the maximum retaining wall of 0.65 metres combined amounts to 2.45 metres, which is not significantly above a benchmark height of 2.1 metres (where no approval is required). The revised proposal is considered to result in an appropriate outcome in that it does not result in adverse overshadowing, outlook and/or visual bulk and scale, consistent with Performance Outcome 9.1.

As a final amendment, the applicant has reduced the rear bench level of Lot 26 from 221.65 to 220.65. This has reduced the extent of road boundary retaining by approximately 20%.

In summary, the extent of earthworks, benching and heights of retaining walls have been revised post consultation, in consultation with Council staff. The design is considered to support the ultimate civil design but in a manner that does not result in adverse amenity impacts to neighbours. The developer has advised that they will be constructing the retaining walls and thus there is a benefit in having a coordinated approach to earthworks and retaining walls as proposed.

Character Preservation Overlay

Character Preservation District Overlay (Not in township)	
Desired Outcomes	
DO1	*Recognise, protect and enhance the special character of Character Preservation Districts.*
DO2	*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, steep access roads that require excessive grading or removal of vegetation.*	*DTS/DPF 3.6* *None are applicable.*

Desired Outcomes for the Character Preservation District speak of protecting the special character of the area and ensuring long term use of rural land for primary production and value adding enterprises. The proposed development will not adversely affect the special character, nor primary production activity.

The proposed development is considered to satisfy Performance Outcomes 3.1 – 3.6 as follows:

- Earthworks have been satisfactorily reduced to achieve an appropriate balance between retention of existing topography and the engineering requirements for a residential subdivision;
- Allotment sizes are generally large and will support substantive landscaping as well as some battering of transition in ground levels. Some retaining walls are necessary due to the topography and walls have been minimised in their height;
- The development will appear as an extension to the existing Lyndoch township and the retaining walls will be a non-invasive element in the new division's future character and appearance;
- The new public roads reduce the length for future driveways that take into account need to minimise significant earth works.

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

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.*

DTS 1.1, clause (a) has been met and therefore the related Performance Outcome 1.1 will be achieved.

Other Overlays

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

Prescribed Water Resources Area
The proposed development arguably does not involve any activities listed in PO 1.1.

Hazards (Bushfire - Urban Interface)
Proposed for retaining walls only and does not involve construction of habitable buildings or alterations to the approved land division layout.

Hazards (Flooding - Evidence Required)
The proposed development has been reviewed by Council's engineer who has not raised concerns with the proposal (noting that stormwater management was addressed in the land division application application).

Native Vegetation
Addressed as part of original land division application including the creation of Reserve 101 to protect an existing stand of native vegetation. The proposed retaining walls do not affect this Reserve.

Water Protection Area
The proposed development has been reviewed by Council's engineer who has not raised concerns with the proposal (noting that stormwater management was addressed in the land division application application).

CONCLUSION
The application seeks permission to construct a series of retaining walls and undertake associated earthworks in order to progress the residential subdivision approved in DA 960/35/2019.

This application comprises the majority of engineering design work for Stage 1 of the development. The applicant has worked with Council staff to address key concerns with the height and length of retaining walls along the eastern boundary (also subject to representations from some neighbours) and the potential level of earthworks around Lots 32-44. The amended design satisfies Council's Engineering Department and is considered a more appropriate response to General Development Policy 8.1.

There are no retaining walls proposed along the eastern boundary or agreed bench levels. Given the size, dimensions and topography of these Lots it is considered that appropriate outcomes can be achieved on an individual basis for each allotment. In addition, the applicant has reduced the extent of retaining required for Lot 104, thereby minimising the height of retaining walls to the rear of Units 1, 2 and 3 of 87 Gilbert Street. Given the small rear yards and westerly outlook from these properties, the final height of retaining walls with a combined fence of up to a maximum 2.45 metres is considered a more appropriate outcome and is not substantially greater than that which can be established without approval of 2.1 metres.

On balance the proposal as a whole is considered to satisfy the relevant provisions of the Planning and Design Code, and is therefore recommended for grant of Planning Consent, subject to conditions of consent.

RECOMMENDATION 1

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. 23007773 by Oakford Homes to undertake construction of retaining walls up to 2. 8 metres high in association with earthworks for land division at Lot 1 Gods Hill Road (CT-6208/305) subject to the following conditions and advisory notes:

Council Conditions

(1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 23007773 except where varied by any condition(s) listed below.

- Retaining Wall Plan, TMK Engineering, Drawing No. 2108186-C21/2, No 2, dated 19 September 2023
- Retaining Wall Sections, TMK Engineering, Drawing No. 2108186-C22/2, No 2, Dated 19 September 2023.

Advisory Notes

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

(2) Any 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.

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

(4) 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.

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

(6) The adjoining owner should be advised of the proposed work on the boundary and issues such as access to perform work, removal of fences, finished levels and retaining walls should be resolved before building work commences. This approval does not create an automatic right to access neighboring land. Fencing work is subject to the provisions of the *Fences Act 1975*.

(7) The adjoining owner/s should be advised of the proposed work on the boundary and issues such as access to perform work, removal of fences, finished levels and retaining walls should be resolved before building work commences. This approval does not create an automatic right to access neighbouring land.

(8) Excavations on or near the boundary may require the giving of notification to the neighbour pursuant to Section 139 of the *Planning, Development and Infrastructure Act 2016* and Regulation 64 of the *Planning, Development and Infrastructure (General) Regulations 2017*. It is recommended that where mechanical equipment is proposed to be used to construct retaining walls, and where the dwelling may impede access for that equipment, the retaining walls be constructed prior to preparing the footings.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Application and Associated Documents ⇩
Attachment 2 Representations Received ⇩
Attachment 3 Response to Representations ⇩

Development Locations

Location 1

Location reference
LOT 1 GODS HILL RD LYNDOCH SA 5351

Title Ref
CT 6208/305

Plan Parcel
D118260 AL1

Additional Location Information

Council
THE BAROSSA COUNCIL

Zone Overlays

Zones
- Township Neighbourhood

Sub-zones
(None)

Overlays
- Character Preservation District
- Hazards (Bushfire - Urban Interface)
- Hazards (Flooding - Evidence Required)
- Native Vegetation
- Prescribed Water Resources Area
- Water Protection Area

Variations
- Minimum Frontage (Minimum frontage is 15m)
- Minimum Site Area (Minimum site area is 500 sqm)

Application Contacts

Applicant(s)

Stakeholder info
Oakford Homes
PO Box 296
Marden
SA
5070

Contact

Stakeholder info

Invoice Contact

Stakeholder info
Oakford Homes
PO Box 296
Marden
SA
5070

Invoice sector type

Land owners

Stakeholder info
Oakford Homes
PO Box 296
Marden
SA
5070

Nature Of Development

Nature of development
Retaining walls

Development Details

Current Use
Vacant Land

Proposed Use
Retaining Walls

Development Cost
$750,000.00

Proposed Development Details
Retaining walls

Element Details

You have selected the following elements

Fences and walls - $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?
No

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?
Yes

Who should assess your building consent?
Independent assessor - Vittorio Barone - KD Building Certifiers - Building Level 1

Has Construction Industry Training Fund Levy (CITB) been paid?
No

Has a builder been engaged for the proposed development?
No

Consent Order

Recommended order of consent assessments
1. Planning Consent
2. Building 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
Covering Letter to Janine Lennon.pdf	Further Information	17 Mar 2023 3:09 PM
2108186- C21_B Retainingwall Plan.pdf	Site Plans	17 Mar 2023 3:09 PM
2108186- C22_A Retainingwall Sections.pdf	Sectional Drawings	17 Mar 2023 3:09 PM
2108186- C23_A Retainingwall Details.pdf	Sectional Drawings	17 Mar 2023 3:09 PM
2108186_SR1- bound Structural Calcualtions.pdf	Other Documents	17 Mar 2023 3:09 PM

Application Created User and Date/Time

Created User
zoe.eastwoodbryson2

Created Date/Time
17 Mar 2023 3:09 PM

Received 27 April 2023

Ref: 23ADL-0309

URPS

Adelaide
12/154 Fullarton Rd
Rose Park, SA 5067

08 8333 7999

urps.com.au

27 April 2023

Ms Janine Lennon
Senior Assessment Officer, Planning
The Barossa Council
Email: jlennon@barossa.sa.gov.au

Dear Janine

Lot 1 Gods Hill Road, Lyndoch – Application ID 23007773

Thank you for your time on the phone regarding Application ID 23007773 for retaining walls at Lot 1 Gods Hill Road, Lyndoch.

URPS has now been engaged by the Applicant to respond to your letter dated 22/03/2023.

As you are aware, the proposed retaining walls are required in relation to the land division within Development Application Number 960/D003/19 which already has Development Plan Consent.

Response to Information Request

You have stated the following in your letter dated 22/03/2023:

> *The accompanying planning letter written by Masterplan states that the proposed development "Primarily results in retaining walls that retain adjoining and accordingly do not have a visual or functional impact on the adjacent land."*
>
> *Of particular concern for the Relevant Authority's assessment is the height of structures along existing dwelling boundaries, namely those properties to the east of the subject site.*
>
> *The TMK plans show that primarily fill will occur along these boundaries which therefore suggests that these allotment boundary walls will be retaining fill up to 2.3m above existing ground level. Whilst boundary fencing has not been shown a 1.8m high colorbond fence on top of the proposed retaining walls will result in a structure up to 4.1m high for the extent of these adjoining allotments' western boundaries.*
>
> *Updated information is required noting the potential impacts upon the adjoining residential allotments.*

We acknowledge the Kaurna People as the Traditional Custodians of the land on which we work and pay respect to Elders past, present and emerging.

Received 27 April 2023

It is acknowledged that the land partly descends towards its eastern boundary adjacent Samuel Stephens Court and neighbouring properties at:

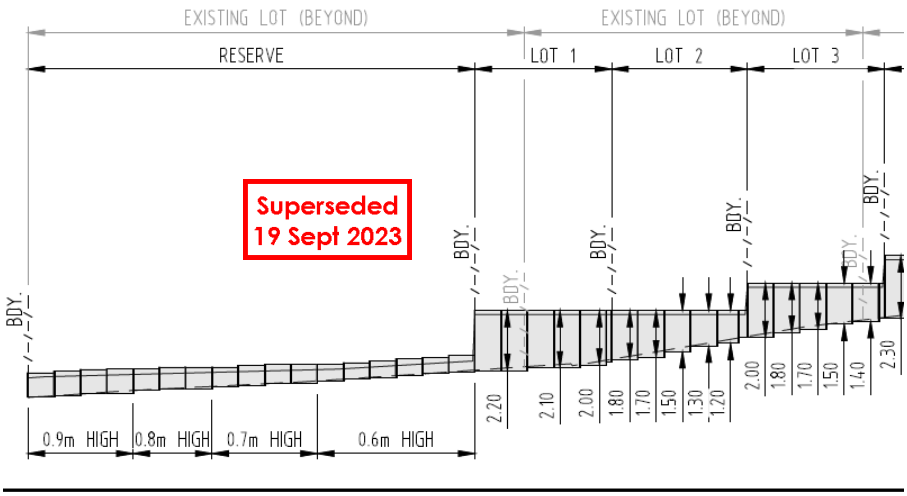
- 85 Gilbert Street (Allotment 92).
- 87 Gilbert Street (Units 1, 2, 3 and 4).
- 7 and 8 Samuel Stephens Court.

It is understood that authorised allotments 1, 2, 3, 4, 7 and 8 within the land division and adjacent the eastern boundary will have a site level that is raised partly above the neighbouring properties to coordinate with authorised road and stormwater management levels elsewhere within the authorised land division.

The height of retaining walls adjacent the neighbouring properties (listed above) will vary as dictated by the finished ground and road levels within the subject land when compared with the established ground levels of neighbouring properties.

The proposed retaining wall heights at the eastern boundary are shown below in Images 1, 2 and 3.

Image 1: Retaining Walls along eastern boundary of Reserve, Lots 1, 2 and 3



Superseded 19 Sept 2023

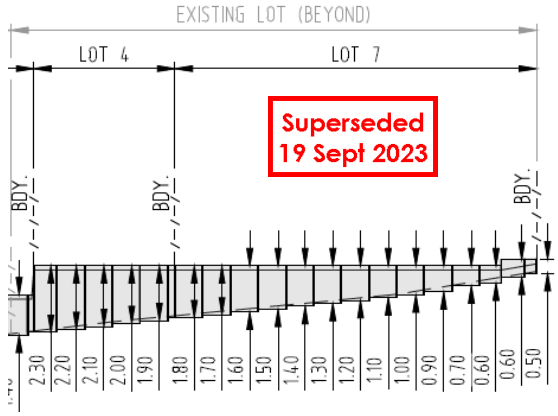
These retaining walls will be situated along the boundary with 85 and 87 Gilbert Street as follows:

- The retaining wall along the boundary of the Reserve will be shared with Units 1, 2 and 3 of 87 Gilbert Street and will only have a height ranging from 0.6 to 0.9 metres.

Received
27 April 2023

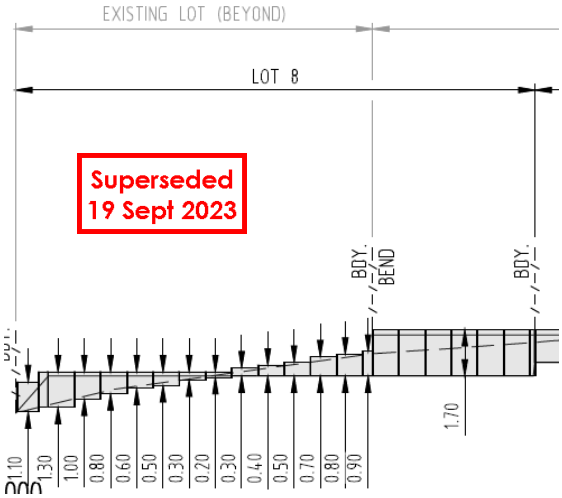
- The retaining wall along the boundary of Lot 1 will be shared with Unit 4 of 87 Gilbert Street with a height ranging from 2 to 2.2 metres.
- The retaining walls along the boundary of Lots 1, 2 and 3 will be shared with 85 Gilbert Street which is a large vacant allotment comprising substantial stands of vegetation. These walls will therefore not impact upon a residential amenity.

Image 2: Retaining Walls along eastern boundary of Lots 4 and 7



The retaining walls along the boundary of Lots 4 and 7 will be shared with 8 Samuel Stephens Court and range from 0.5 to 2.3 metres in height.

Image 3: Retaining Walls along eastern boundary of Lot 8



Received
27 April 2023

The retaining walls along the boundary of Lot 8 will be shared with 7 Samuel Stephens Court and range from 0.2 to 1.3 metres in height.

With regard to all of these retaining walls proposed along the eastern boundary of the land, I note the following:

- All retaining walls are situated on the south-eastern boundary of the neighbouring properties such that they will not diminish access to natural light through overshadowing.
- The Units at 87 Gilbert Street currently have a Colorbond fence along their boundary with the subject land.

  The retaining walls shared with the Units at 87 Gilbert Street will primarily range from 0.6 to 0.9 metres, with the exception of Unit 4 where the boundary retaining wall would peak at 2.2 metres.
- 7 and 8 Samuel Stephens Court are large allotments ranging between 1,000 and 1,300 square metres. The proposed retaining walls will not unreasonably impact upon the access to sunlight and ventilation for these properties given their expansive nature and the position of the propsoed retaining walls.
- The retaining walls shared with 7 Samuel Stephens Court only range from 0.2 to 1.3 metres in height. This is not considered an excessive or unreasonable height.
- The retaining walls shared with 8 Samuel Stephens Court range from 0.5 to 2.3 metres. This is primarily adjacent the garage and private open spaces of this property which are generally wide and expansive, with the highest sections of the retaining wall setback from the existing dwelling.

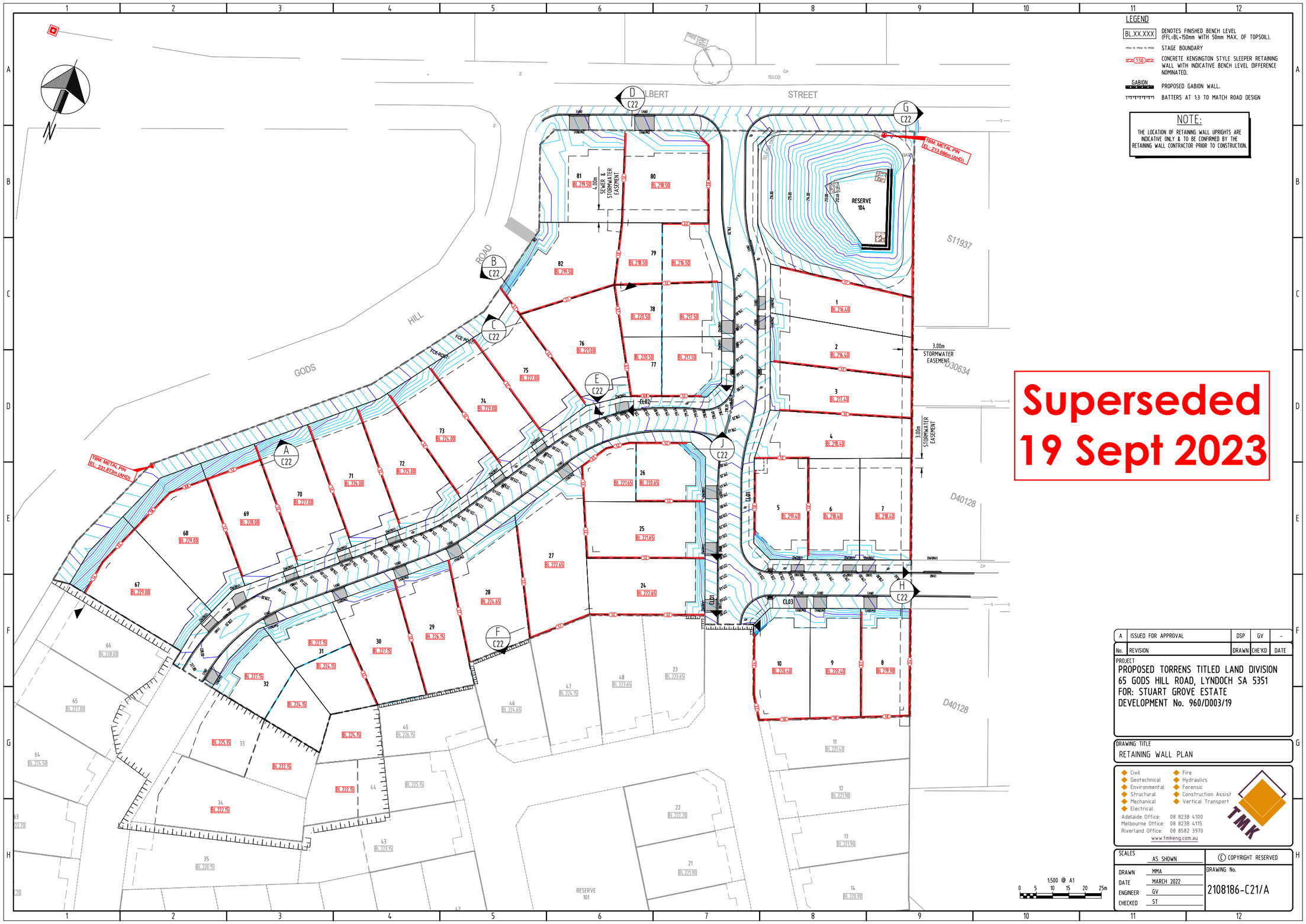
In addition to these matters, I understand that the Council has endorsed the site, road, stormwater and CWMS levels associated with the authorised land division. These levels somewhat dictate the retaining wall heights as proposed herein.

I understand that this summary will now allow you to verify Application ID 23007773 such that an invoice for fees can be arranged and the assessment can progress.

Feel free to call me on 8333 7999, or email at pharnett@urps.com.au if you have any questions.

Yours sincerely

Phil Harnett
Principal Planner


LEGEND
BL.XX.XXX DENOTES FINISHED BENCH LEVEL (FFL=BL+150mm WITH 50mm MAX. OF TOPSOIL).
STAGE BOUNDARY
1.50 CONCRETE KENSINGTON STYLE SLEEPER RETAINING WALL WITH INDICATIVE BENCH LEVEL DIFFERENCE NOMINATED.
GABION PROPOSED GABION WALL.
BATTERS AT 1:3 TO MATCH ROAD DESIGN
NOTE:
THE LOCATION OF RETAINING WALL UPRIGHTS ARE INDICATIVE ONLY & TO BE CONFIRMED BY THE RETAINING WALL CONTRACTOR PRIOR TO CONSTRUCTION.
Superseded
19 Sept 2023
TBM: METAL PIN EL= 213.56m (AHD)
TBM: METAL PIN EL= 243.873m (AHD)
GODS HILL ROAD
ALBERT STREET
RESERVE 104
RESERVE 101
S11937
D40128
D30634
3.00m STORMWATER EASEMENT
4.00m SEWER & STORMWATER EASEMENT
A ISSUED FOR APPROVAL DSP GV -
No. REVISION DRAWN CHE'KD DATE
PROJECT
PROPOSED TORRENS TITLED LAND DIVISION
65 GODS HILL ROAD, LYNDOCH SA 5351
FOR: STUART GROVE ESTATE
DEVELOPMENT No. 960/D003/19
DRAWING TITLE
RETAINING WALL PLAN
Civil Fire
Geotechnical Hydraulics
Environmental Forensic
Structural Construction Assist
Mechanical Vertical Transport
Electrical
Adelaide Office: 08 8238 4100
Melbourne Office: 08 8238 4115
Riverland Office: 08 8582 3970
www.tmkeng.com.au
TMK
SCALES AS SHOWN
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DATE MARCH 2022
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DRAWING No.
2108186-C21/A
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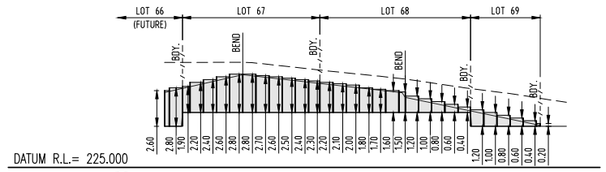

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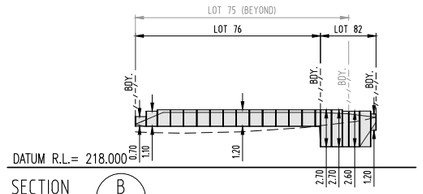

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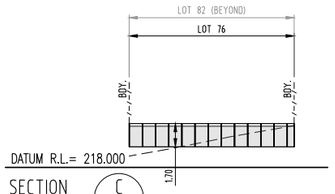

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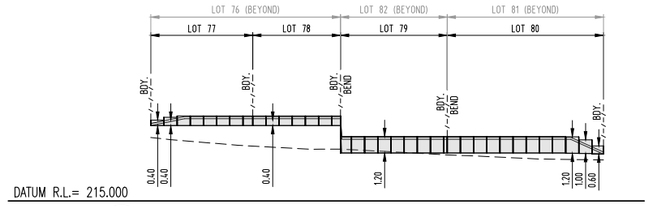

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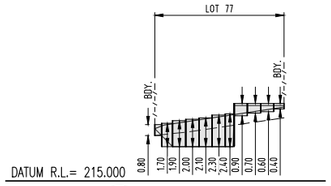

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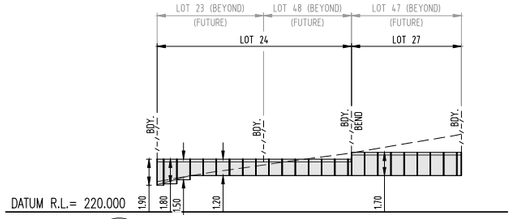

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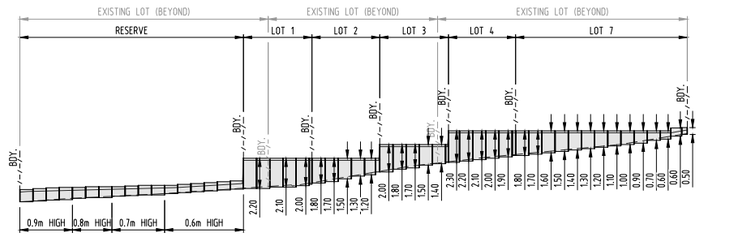

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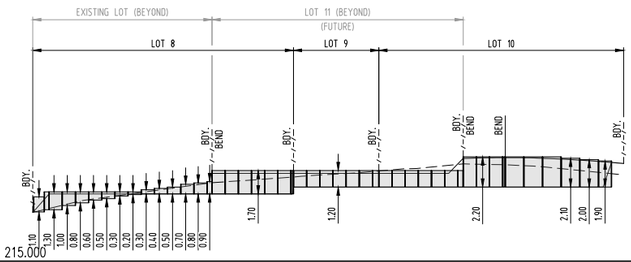

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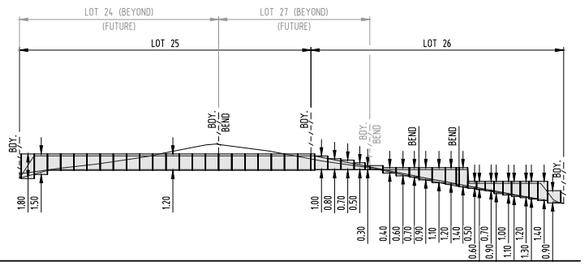

DATUM R.L.= 215.000

SECTION J C21
H=1:500 V=1:200

Superseded
19 Sept 2023

No.	REVISION	DRAWN	CHE'KD	DATE
A	ISSUED FOR APPROVAL	DSP	GV	-

PROJECT
PROPOSED TORRENS TITLED LAND DIVISION
65 GODS HILL ROAD, LYNDOCH SA 5351
FOR: STUART GROVE ESTATE
DEVELOPMENT No. 960/D003/19

DRAWING TITLE
RETAINING WALL SECTIONS

Civil, Geotechnical, Environmental, Structural, Mechanical, Electrical
Fire, Hydraulics, Forensic, Construction Assist, Vertical Transport
Adelaide Office: 08 8238 4100
Melbourne Office: 08 8238 4115
Riverland Office: 08 8582 3970
www.tmkeng.com.au

VERTICAL 1:200 @ A1
0 2 4 6 8 10m
HORIZONTAL 1:500 @ A1
0 5 10 15 20 25m

SCALES	AS SHOWN
DRAWN	MMA
DATE	MARCH 2022
ENGINEER	GV
CHECKED	ST

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DRAWING No.
2108186-C22/A

CONCRETE SLEEPER RETAINING WALL SCHEDULE (TYPE 1) UPRIGHTS AT 2000mm CENTRES								
WALL HEIGHT (H1)	CONCRETE SLEEPERS XX			PIER DIMENSIONS $$		PIER FOOTING REINFORCEMENT ##	STEEL UPRIGHTS	
	THICKNESS	HEIGHT	BARS ^^	DIAMETER	DEPTH, D1		DESIGNATION	MIN. EMBED
400	100	200	2-N10	450	900	6-N16	150 UB 14	550
800	100	200	2-N10	450	1250	6-N16	150 UB 14	550
1200	100	200	2-N10	450	1700	6-N16	150 UB 14	550
1600	100	200	2-N10	450	2250	6-N16	180 UB 16.1	550
2000	100	200	2-N10	600	2350	6-N20	180 UB 22.2	650
2400	100	200	2-N10	900	2100	6-N28	200 UB 22.3	1000
2800	100	200	2-N10	900	2600	6-N28	250 UB 31.4	1000
3200	100	200	2-N10	900	3100	6-N28	310 UB 40.4	1000

CONCRETE SLEEPER RETAINING WALL SCHEDULE (TYPE 1) UPRIGHTS AT 4000mm MAX CENTRES (TRAVERSE EASEMENT)								
WALL HEIGHT (H1)	CONCRETE SLEEPERS XX			PIER DIMENSIONS $$		PIER FOOTING REINFORCEMENT ##	STEEL UPRIGHTS	
	THICKNESS	HEIGHT	BARS ^^	DIAMETER	DEPTH, D1		DESIGNATION	MIN. EMBED
1000	100	200	2-N10	450	2250	6-N16	150 UB 14	550

CONCRETE SLEEPER RETAINING WALL SCHEDULE (TYPE 2) UPRIGHTS AT 2000mm CENTRES								
WALL HEIGHT (H1)	CONCRETE SLEEPERS XX			PIER DIMENSIONS $$		PIER FOOTING REINFORCEMENT ##	STEEL UPRIGHTS	
	THICKNESS	HEIGHT	BARS ^^	DIAMETER	DEPTH, D1		DESIGNATION	MIN. EMBED
400	100	200	2-N10	450	1000	6-N16	150 UB 14	550
800	100	200	2-N10	450	1450	6-N16	150 UB 14	550
1200	100	200	2-N10	450	2000	6-N16	150 UB 14	550
1600	100	200	2-N10	600	2100	6-N20	180 UB 16.1	550
2000	100	200	2-N10	600	2700	6-N20	200 UB 22.3	650
2400	100	200	2-N10	900	2400	6-N28	250 UB 29.8	650

NOTES FOR TABLES:

REFER ALSO TO ATTACHMENT SRWN WITHIN REPORT SR1

THE LIVE LOAD SURCHARGE IS 5.00 kPa FOR RETAINING WALLS BETWEEN ALLOTMENTS (TYPE 1) AND 20kPa FOR RETAINING WALLS ADJACENT TO ROAD RESERVE (TYPE 2)

XX CONCRETE EXPOSURE CLASSIFICATION B1; GRADE N32 AND MINIMUM COVER TO REINFORCEMENT 30 mm, IN ACCORDANCE WITH AS 3600-2009 *CONCRETE STRUCTURES* TABLE 4.10.3.3, i.e. INTENSE COMPACTION IN RIGID FORMWORK.

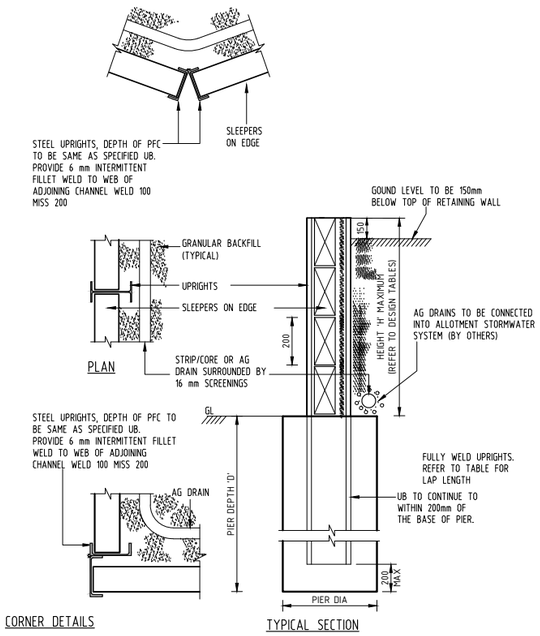
^^ REINFORCEMENT IS PLACED AT THE MID-THICKNESS OF WALL, i.e. D = 50 mm FOR 100 mm THICK SLEEPERS.

$$ THE MINIMUM RATIO OF DEPTH-TO-DIAMETER FOR THE BORED PIER FOOTINGS IS 2.00.

THE BORED PIER CAN BE REINFORCED EITHER BY CONTINUING THE STEEL POST UPRIGHT TO WITHIN 200 mm OF THE BASE OF THE PIER OR BY CASTING THE STEEL POST UPRIGHT TO A DEPTH OF 29 BAR DIAMETERS PLUS 60 mm BELOW THE TOP OF THE PIER AND USING REINFORCING BARS IN THE CONCRETE THROUGHOUT THE DEPTH OF THE PIER. IN THIS CASE THE MAXIMUM REINFORCEMENT RATIO OF 0.005 IN ACCORDANCE WITH AS 2159-2009 *PILING - DESIGN AND INSTALLATION*, COVER TO PIER FOOTING REINFORCEMENT IS 60 mm. LIGATURES ARE W6 @ 300 mm C/C MAX.

THE SOIL PROPERTIES OF THE RETAINED AND FOUNDATION SOIL HAVE BEEN ASSUMED TO BE AS FOLLOWS:
1. FIRM CLAY OF MEDIUM TO HIGH PLASTICITY, SILTY CLAY, SANDY CLAY;
2. COHESION c=5 kPa;
3. INTERNAL FRICTION ANGLE, ø = 28 DEGREES;
4. FRICTION ANGLE BETWEEN THE RETAINED SOIL AND BACK OF WALL, Ω = 19 DEGREES;
5. DENSITY = 18.0 kN/m³

RETAINING WALL FOOTING STABILITY & INTEGRITY IS TO BE MAINTAINED BY FOOTING CONTRACTOR DURING DWELLING CONSTRUCTION.



TYPICAL RETAINING WALL DETAIL

No.	REVISION	DRAWN	CHE'KD	DATE
A	ISSUED FOR APPROVAL	MJT	GV	02.03.23

PROJECT
PROPOSED TORRENS TITLED LAND DIVISION
65 GODS HILL ROAD, LYNDOCH SA 5351
FOR: STUART GROVE ESTATE
DEVELOPMENT No. 960/D003/19

DRAWING TITLE
RETAINING WALL DETAILS

Civil, Geotechnical, Environmental, Structural, Mechanical, Electrical
Fire, Hydraulics, Forensic, Construction Assist, Vertical Transport
Adelaide Office: 08 8238 4100
Melbourne Office: 08 8238 4115
Riverland Office: 08 8582 3970
www.tmkeng.com.au

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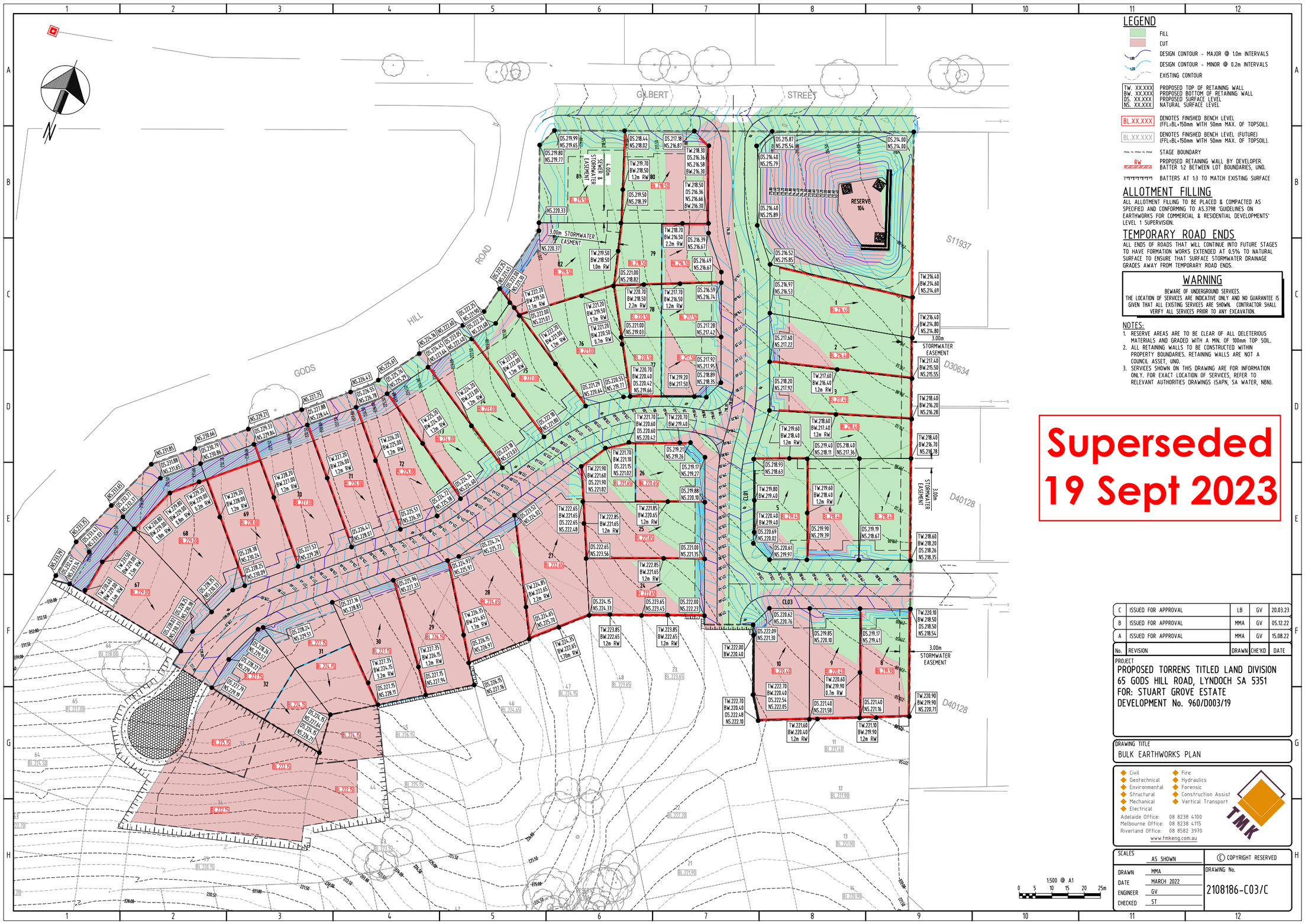
DRAWN	MMA
DATE	MARCH 2022
ENGINEER	GV
CHECKED	ST

DRAWING No.
2108186-C23/A


GILBERT STREET
GODS HILL ROAD
S11937
D30634
D40128
D40128
RESERVE 104
CL03
3.00m STORMWATER EASEMENT
3.00m STORMWATER EASEMENT
3.00m STORMWATER EASEMENT
3.00m STORMWATER EASEMENT
LEGEND
FILL
CUT
DESIGN CONTOUR - MAJOR @ 1.0m INTERVALS
DESIGN CONTOUR - MINOR @ 0.2m INTERVALS
EXISTING CONTOUR
TW. XX.XXX PROPOSED TOP OF RETAINING WALL
BW. XX.XXX PROPOSED BOTTOM OF RETAINING WALL
DS. XX.XXX PROPOSED SURFACE LEVEL
NS. XX.XXX NATURAL SURFACE LEVEL
BL.XX.XXX DENOTES FINISHED BENCH LEVEL (FFL=BL+150mm WITH 50mm MAX. OF TOPSOIL).
BL.XX.XXX DENOTES FINISHED BENCH LEVEL (FUTURE) (FFL=BL+150mm WITH 50mm MAX. OF TOPSOIL).
STAGE BOUNDARY
RW PROPOSED RETAINING WALL BY DEVELOPER. BATTER 1:2 BETWEEN LOT BOUNDARIES, UNO.
BATTERS AT 1:3 TO MATCH EXISTING SURFACE
ALLOTMENT FILLING
ALL ALLOTMENT FILLING TO BE PLACED & COMPACTED AS SPECIFIED AND CONFORMING TO AS.3798 'GUIDELINES ON EARTHWORKS FOR COMMERCIAL & RESIDENTIAL DEVELOPMENTS' LEVEL 1 SUPERVISION.
TEMPORARY ROAD ENDS
ALL ENDS OF ROADS THAT WILL CONTINUE INTO FUTURE STAGES TO HAVE FORMATION WORKS EXTENDED AT 0.5% TO NATURAL SURFACE TO ENSURE THAT SURFACE STORMWATER DRAINAGE GRADES AWAY FROM TEMPORARY ROAD ENDS.
WARNING
BEWARE OF UNDERGROUND SERVICES.
THE LOCATION OF SERVICES ARE INDICATIVE ONLY AND NO GUARANTEE IS GIVEN THAT ALL EXISTING SERVICES ARE SHOWN. CONTRACTOR SHALL VERIFY ALL SERVICES PRIOR TO ANY EXCAVATION.
NOTES:
1. RESERVE AREAS ARE TO BE CLEAR OF ALL DELETERIOUS MATERIALS AND GRADED WITH A MIN. OF 100mm TOP SOIL.
2. ALL RETAINING WALLS TO BE CONSTRUCTED WITHIN PROPERTY BOUNDARIES. RETAINING WALLS ARE NOT A COUNCIL ASSET, UNO.
3. SERVICES SHOWN ON THIS DRAWING ARE FOR INFORMATION ONLY. FOR EXACT LOCATION OF SERVICES, REFER TO RELEVANT AUTHORITIES DRAWINGS (SAPN, SA WATER, NBN).
Superseded
19 Sept 2023
1:500 @ A1
0 5 10 15 20 25m
C ISSUED FOR APPROVAL LB GV 20.03.23
B ISSUED FOR APPROVAL MMA GV 05.12.22
A ISSUED FOR APPROVAL MMA GV 15.08.22
No. REVISION DRAWN CHE'KD DATE
PROJECT
PROPOSED TORRENS TITLED LAND DIVISION
65 GODS HILL ROAD, LYNDOCH SA 5351
FOR: STUART GROVE ESTATE
DEVELOPMENT No. 960/D003/19
DRAWING TITLE
BULK EARTHWORKS PLAN
Civil
Geotechnical
Environmental
Structural
Mechanical
Electrical
Fire
Hydraulics
Forensic
Construction Assist
Vertical Transport
Adelaide Office: 08 8238 4100
Melbourne Office: 08 8238 4115
Riverland Office: 08 8582 3970
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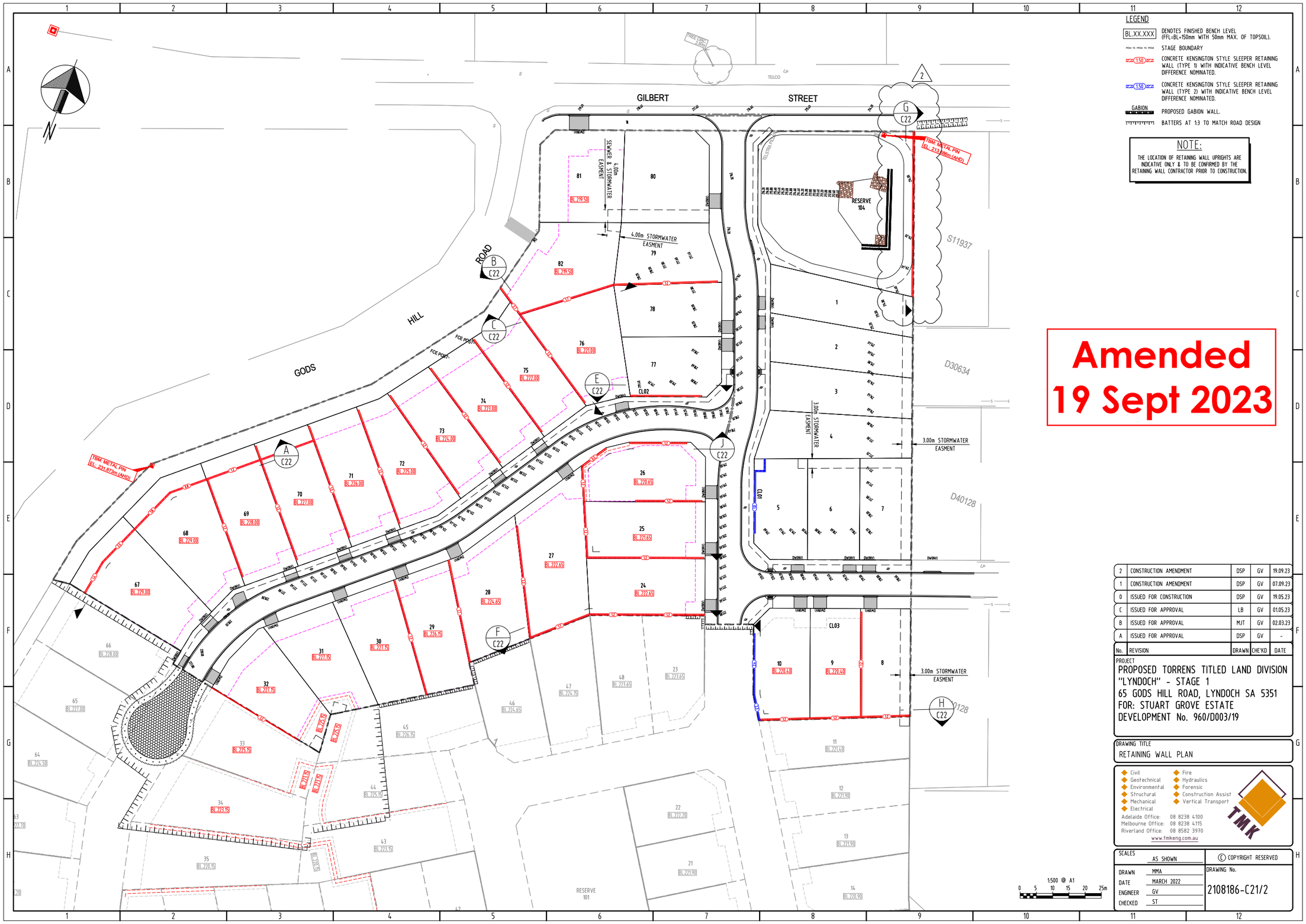
SCALES AS SHOWN
© COPYRIGHT RESERVED
DRAWN MMA
DATE MARCH 2022
ENGINEER GV
CHECKED ST
DRAWING No.
2108186-C03/C


GILBERT STREET
HILL ROAD
GODS
RESERVE 104
RESERVE 101
S11937
D30634
D40128
4.00m STORMWATER EASEMENT
3.00m STORMWATER EASEMENT
SEWER & STORMWATER EASEMENT
TBM METAL PIN EL. 213.95m (AHD)
TBM METAL PIN EL. 231.87m (AHD)
LEGEND
BL.XX.XXX DENOTES FINISHED BENCH LEVEL (FFL=BL+150mm WITH 50mm MAX. OF TOPSOIL).
STAGE BOUNDARY
1.50 CONCRETE KENSINGTON STYLE SLEEPER RETAINING WALL (TYPE 1) WITH INDICATIVE BENCH LEVEL DIFFERENCE NOMINATED.
1.50 CONCRETE KENSINGTON STYLE SLEEPER RETAINING WALL (TYPE 2) WITH INDICATIVE BENCH LEVEL DIFFERENCE NOMINATED.
GABION PROPOSED GABION WALL.
BATTERS AT 1:3 TO MATCH ROAD DESIGN
NOTE:
THE LOCATION OF RETAINING WALL UPRIGHTS ARE INDICATIVE ONLY & TO BE CONFIRMED BY THE RETAINING WALL CONTRACTOR PRIOR TO CONSTRUCTION.
Amended 19 Sept 2023
2 CONSTRUCTION AMENDMENT DSP GV 19.09.23
1 CONSTRUCTION AMENDMENT DSP GV 07.09.23
0 ISSUED FOR CONSTRUCTION DSP GV 19.05.23
C ISSUED FOR APPROVAL LB GV 01.05.23
B ISSUED FOR APPROVAL MJT GV 02.03.23
A ISSUED FOR APPROVAL DSP GV -
No. REVISION DRAWN CHE'KD DATE
PROJECT
PROPOSED TORRENS TITLED LAND DIVISION "LYNDOCH" - STAGE 1
65 GODS HILL ROAD, LYNDOCH SA 5351
FOR: STUART GROVE ESTATE
DEVELOPMENT No. 960/D003/19
DRAWING TITLE
RETAINING WALL PLAN
Civil Geotechnical Environmental Structural Mechanical Electrical
Fire Hydraulics Forensic Construction Assist Vertical Transport
Adelaide Office: 08 8238 4100
Melbourne Office: 08 8238 4115
Riverland Office: 08 8582 3970
www.tmkeng.com.au
TMK
SCALES AS SHOWN
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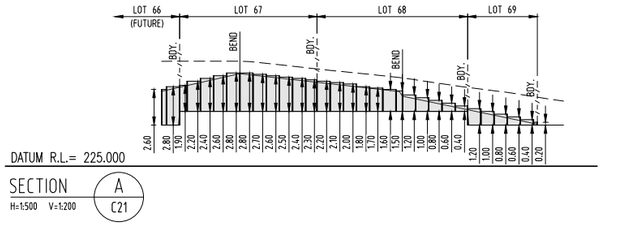
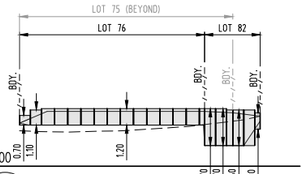
DRAWN MMA
DATE MARCH 2022
ENGINEER GV
CHECKED ST
DRAWING No.
2108186-C21/2
1:500 @ A1
0 5 10 15 20 25m



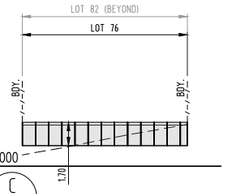
DATUM R.L.= 225.000

SECTION A H=1:500 V=1:200 C21



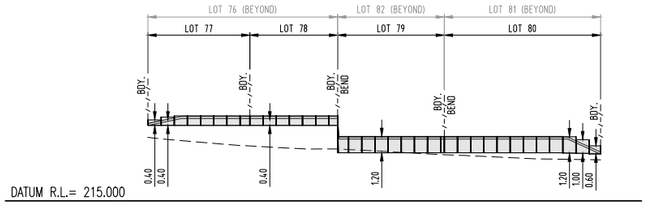
DATUM R.L.= 218.000

SECTION B H=1:500 V=1:200 C21



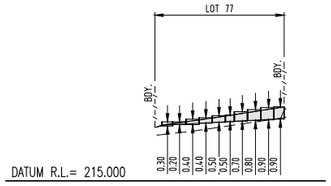
DATUM R.L.= 218.000

SECTION C H=1:500 V=1:200 C21



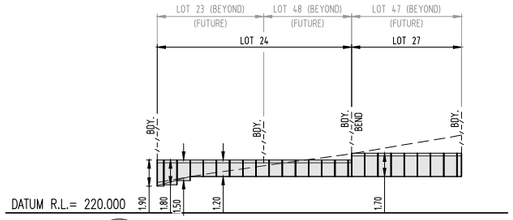
DATUM R.L.= 215.000

SECTION D H=1:500 V=1:200 C21



DATUM R.L.= 215.000

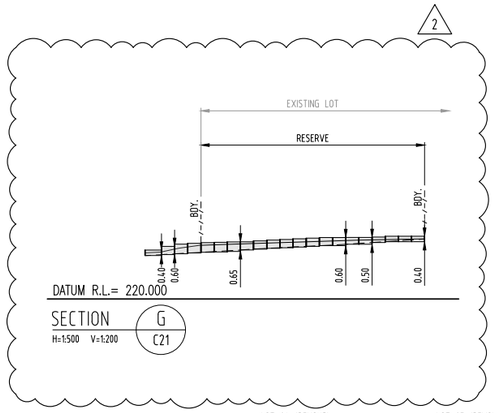
SECTION E H=1:500 V=1:200 C21



DATUM R.L.= 220.000

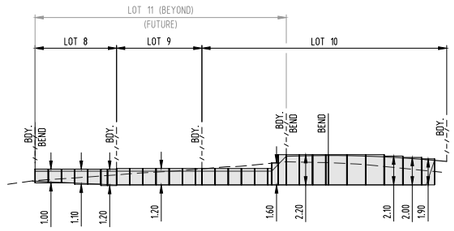
SECTION F H=1:500 V=1:200 C21

Amended 19 Sept 2023



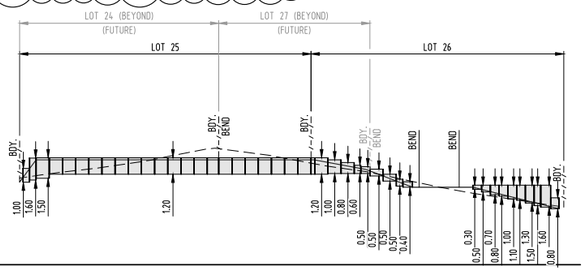
DATUM R.L.= 220.000

SECTION G H=1:500 V=1:200 C21



DATUM R.L.= 215.000

SECTION H H=1:500 V=1:200 C21



DATUM R.L.= 215.000

SECTION J H=1:500 V=1:200 C21

No.	REVISION	DRAWN	CHE'KD	DATE
2	CONSTRUCTION AMENDMENT	DSP	GV	19.09.23
1	CONSTRUCTION AMENDMENT	DSP	GV	07.09.23
0	ISSUED FOR CONSTRUCTION	DSP	GV	19.05.23
B	ISSUED FOR APPROVAL	LB	GV	01.05.23
A	ISSUED FOR APPROVAL	DSP	GV	-

PROJECT
PROPOSED TORRENS TITLED LAND DIVISION "LYNDOCH" - STAGE 1
65 GODS HILL ROAD, LYNDOCH SA 5351
FOR: STUART GROVE ESTATE
DEVELOPMENT No. 960/D003/19

DRAWING TITLE
RETAINING WALL SECTIONS

Civil, Geotechnical, Environmental, Structural, Mechanical, Electrical
Fire, Hydraulics, Forensic, Construction Assist, Vertical Transport
Adelaide Office: 08 8238 4100
Melbourne Office: 08 8238 4115
Riverland Office: 08 8582 3970
www.tmkeng.com.au

VERTICAL 1:200 @ A1
0 2 4 6 8 10m
HORIZONTAL 1:500 @ A1
0 5 10 15 20 25m

SCALES AS SHOWN
DRAWN MMA
DATE MARCH 2022
ENGINEER GV
CHECKED ST

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DRAWING No.
2108186-C22/2

Details of Representations

Application Summary

Application ID	23007773
Proposal	Construction of retaining walls up to 2.8m high in association with earthworks for land division
Location	LOT 1 GODS HILL RD LYNDOCH SA 5351

Representations

Representor 1 - David Pritchard

Name	David Pritchard
Address	[redacted]
Submission Date	24/05/2023 09:48 AM
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 support the development with some concerns

Reasons
Re' Detail in email provided to Ms Janine Lennon, Senior Assessment Officer - Planning, Barossa Council from URPS dated 27 April 2023: Detail states that "all retaining walls are situated on the South-Eastern boundary of the neighboring properties such that they will not diminish access to natural light through overshadowing". This information is factually incorrect, the retaining walls adjoining 7 & 8 Samuel Stephens Ct will be on the NW side of the said properties resulting in significant reduction in in access to natural light through overshadowing dependent on total RT wall and fencing heights.

Attached Documents

23007773PublicNotificationDocuments-Lot1GodsHillRoadLyndoch-5557411-1226208.pdf

Received
27 April 2023

The retaining walls along the boundary of Lot 8 will be shared with 7 Samuel Stephens Court and range from 0.2 to 1.3 metres in height.

With regard to all of these retaining walls proposed along the eastern boundary of the land, I note the following:

- All retaining walls are situated on the south-eastern boundary of the neighbouring properties such that they will not diminish access to natural light through overshadowing.
- The Units at 87 Gilbert Street currently have a Colorbond fence along their boundary with the subject land.

  The retaining walls shared with the Units at 87 Gilbert Street will primarily range from 0.6 to 0.9 metres, with the exception of Unit 4 where the boundary retaining wall would peak at 2.2 metres.
- 7 and 8 Samuel Stephens Court are large allotments ranging between 1,000 and 1,300 square metres. The proposed retaining walls will not unreasonably impact upon the access to sunlight and ventilation for these properties given their expansive nature and the position of the propsoed retaining walls.
- The retaining walls shared with 7 Samuel Stephens Court only range from 0.2 to 1.3 metres in height. This is not considered an excessive or unreasonable height.
- The retaining walls shared with 8 Samuel Stephens Court range from 0.5 to 2.3 metres. This is primarily adjacent the garage and private open spaces of this property which are generally wide and expansive, with the highest sections of the retaining wall setback from the existing dwelling.

In addition to these matters, I understand that the Council has endorsed the site, road, stormwater and CWMS levels associated with the authorised land division. These levels somewhat dictate the retaining wall heights as proposed herein.

I understand that this summary will now allow you to verify Application ID 23007773 such that an invoice for fees can be arranged and the assessment can progress.

Feel free to call me on 8333 7999, or email at pharnett@urps.com.au if you have any questions.

Yours sincerely

Phil Harnett
Principal Planner

Representations

Representor 2 - David Pritchard

Name	David Pritchard
Address	[redacted]
Submission Date	24/05/2023 10:27 AM
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 support the development with some concerns

Reasons
Developer's submission to council states that the retaining walls adjoining the boundaries of 7 and 8 Samuel Stephens Ct will be on the SE boundary of said properties so as not to diminish access to natural light through overshadowing. This is incorrect, the RT walls will be on the NW boundaries of 7 & 8 Samuel Stephens Ct and WILL diminish access to natural light through overshadowing dependent on total elevation of RT wall and colour bond fencing.

Attached Documents

23007773PublicNotificationDocuments-Lot1GodsHillRoadLyndoch-5557411-1226227.pdf

Representations

Representor 3 - Mark Betros

Name	Mark Betros
Address	[redacted]
Submission Date	02/06/2023 01:34 PM
Submission Source	Over Counter
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 Refer attached - representation is on behalf of the Strata Corporation Plan for Units 1, 2, 3 and 4 of 87 Gilbert Street Lyndoch	

Attached Documents

JointRepresentationFromOwnersOfUntisAt87GilbertStreetLyndoch-5690315.pdf

REPRESENTATION ON APPLICATION – PERFORMANCE ASSESSED DEVELOPMENT

Planning, Development and Infrastructure Act 2016

Applicant:	**Oakford Homes**
Development Number:	**23007773**
Nature of Development:	**Retaining Walls**
Zone/Sub-zone/Overlay:	**Township Neighbourhood / None / Character Preservation District, Hazards (Bushfire - Urban Interface), Hazards (Flooding - Evidence Required), Native Vegetation, Prescribed Water Resources Area and Water Protection Area**
Subject Land:	**Lot 1 Gods Hill Rd, Lyndoch SA 5351** **Lot no 1, Plan Number D118260A1, Volume 6208 and Folio 305**
Contact Officer:	**Ms Janine Lennon**
Phone Number:	**08 8563 8444**
Close Date:	**13 June 2023**

My name*: **Joseph Mark Betros** My phone number: [redacted]

My postal address*: [redacted] My email: [redacted]

* *Indicates mandatory information*

My position is:

- ☐ I support the development
- ☐ I support the development with some concerns (detail below)
- ☒ **We oppose the development**

The specific reasons we believe that planning consent should be ~~granted~~/refused are:

a. The owners of Units at 87 Gilbert Street do not consent to the proposed removal of the Fence on the basis that it would cause substantial environmental damage to the backyards of 87 Gilbert Street, Lyndoch.

b. Firstly, some of the residents have established gardens including raised garden beds along the Fence that would be significantly damaged or destroyed by the removal of the Fence and subsequent installation of a Concrete Retaining Wall.

c. Secondly, the owners of Unit 2, have undertaken substantial cat proofing of their backyard to keep their cats safe, while protecting the local Wildlife. If this was to be removed, the

Government of South Australia
Department for Trade and Investment

financial cost would be at the owner's expense to have this cat proofing reinstated. This is not acceptable and would be under advisement legally.

d. There are also other companion animals in Units 1 and 4, that require access to their backyards for exercise and toileting. All these animals will need to be removed from their homes and put into a cattery/kennel for the duration of the construction of retaining wall for their own safety and at a substantial cost to the Unit residents. Again, under legal advisement as to who pays for this.

e. The owners are not in a financial position to replace the work that has already been done over the years in their backyards. In some cases, there are tenants living in these units and they would be subjected to loss of amenity due to construction work, noise, disruption and inconvenience. This is cause for compensation and we would be seeking legal advice on this matter.

f. There is also the brick fence on the common property that will be removed and replaced with the Concrete Retaining Wall. This will then be aesthetically unappealing in terms of the existing brick wall across the front of 87 Gilbert Street, Lyndoch. This would affect the resale value of an owner's unit. Again, subject to legal advice.

g. There is no reason why the developer cannot construct the retaining wall inside the boundary of the Lot 1 Gods Hill Road, Lyndoch, given most of it will be along the reserve, and therefore will have no impact on the developer's land for sale.

h. Provided that is it constructed solely within the boundary of Lot 1 Gods Hill Road, Lyndoch and that any damage caused to the existing fence will be immediately repaired at no cost to the owners then we will conjointly consider any alternative option that the developer may wish to provide as long as it falls within the above criteria.

This representation is made conjointly by the owners Units 1, 2, 3 and 4 of 87 Gilbert Street, Lyndoch 5351
Strata Corporation Plan Number 11937 – 87 Gilbert Street, Lyndoch SA 5351
Units 1 and 3 – Carlo Meggetto and Mario Meggetto - [redacted]
Unit 2 – Joseph Betros and Vickie Hughes – [redacted]
Unit 4 – Tyson Brown – [redacted]

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why planning consent should be granted or refused; and
- comment only on the performance-based elements of the proposal, which does not include the:
-
  - **There is an outstanding question on the development application on how the Concrete Retaining Wall will be finished. Will there be a fence onto of the retaining wall? After a phone call to the Barossa Council, where they verbally agreed that this key information was missing.**

I:	☒	wish to be heard in support of my submission*
	☐	do not wish to be heard in support of my submission
By:	☒	appearing personally
	☐	being represented by the following person: Click here to enter text.

**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*

Signature: **Date: 1 June 2023**

Return Address: **PO Box 867, Nuriootpa, SA, 5355** or

Email: **development@barossa.sa.gov.au** or

Complete online submission: planninganddesigncode.plan.sa.gov.au/haveyoursay/

Representations

Representor 4 - Aaron Lipp

Name	Aaron Lipp
Address	[redacted]
Submission Date	16/06/2023 03:08 PM
Submission Source	Email
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 As attached	

Attached Documents

RepresentationALipp-5790371.docx

REPRESENTATION ON APPLICATION – PERFORMANCE ASSESSED DEVELOPMENT

Planning, Development and Infrastructure Act 2016

Applicant:	Oakford Homes
Development Number:	23007773
Nature of Development:	Retaining Walls to 2.8m in association with earthworks for land division.
Zone/Sub-zone/Overlay:	Township – Neighbourhood Character Preservation District • Hazards (Bushfire - Urban Interface) • Hazards (Flooding - Evidence Required) • Native Vegetation • Prescribed Water Resources Area • Water Protection Area
Subject Land:	Lot 1 Gods Hill RD Lyndoch sa 5351
Contact Officer:	Janine Lennon
Phone Number:	Unknown
Close Date:	13 June 2023

My name: Aaron Lipp of [redacted]	My phone number: [redacted]
My postal address: [redacted]	My email: [redacted]

My position is:

- ☐ I support the development
- ☐ I support the development with some concerns (detail below)
- ☒ I oppose the development

Government of South Australia
Department for Trade and Investment

The specific reasons I believe that planning consent should be granted/refused are:

Oakford Homes' application to have 2.8m retaining walls permissible in this development is excessive and I object to their proposal for the following reasons:

- *The height of the retaining walls contradicts the Principals of Development as stated in the council's Assessment notes from August 2021 regarding the Gods Hill development.*
- *Retaining walls of this size do not exist in Lyndoch and allowing them will contradict the following objectives:*

Land Division
Design and Layout
Roads and Access

Objectives 1, 2 and 3
PDCs 1, 2, 3, 4, 5, 8, 12, 13, 14, 15, 16 and 17

OBJECTIVES

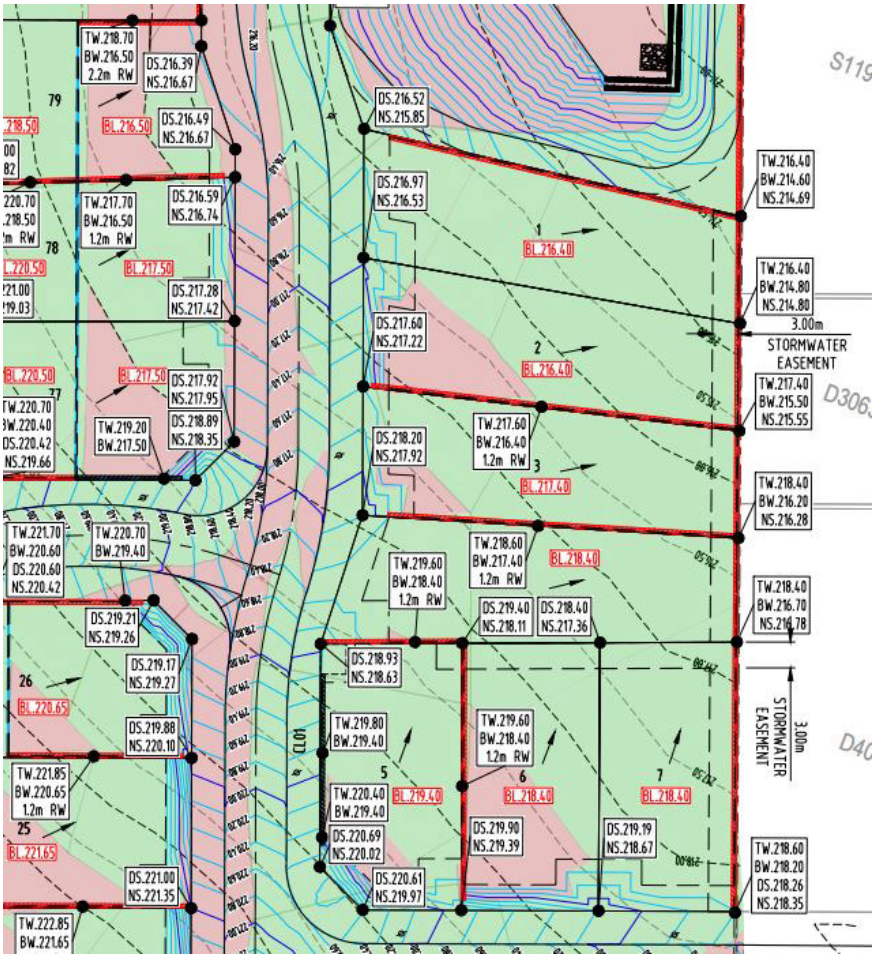
1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.
2 Land division that creates allotments appropriate for the intended use.
3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.

- *2.8m retaining walls will not integrate with existing site features.*

5 Land division should facilitate optimum solar access for energy efficiency.
8 Allotments should have an orientation, size and configuration to encourage development that:

(a) minimises the need for earthworks and retaining walls.

- *2.8m retaining walls will maximise the need for earthmoving not minimise it.*
- *2.8m retaining walls will minimise solar access. Has Oakford Homes completed Shadow Diagrams and does Council have copies?*



- *As you can see from this diagram blocks 1 – 7 are flat apart from the front. The amount of earthmoving needed to create flat blocks adjacent to my residence is not minimal.*
- *Oakford Homes should be made to Grade these blocks to follow the natural contour of the land.*
- *Grading will minimise the need for earthmoving and minimise the height of the retaining walls.*

Siting and Visibility

Objectives 1 and 2
PDCs 1 and 9

OBJECTIVES

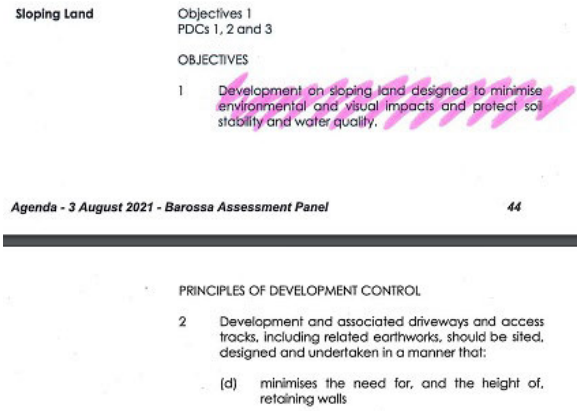
1 Protection of scenically attractive areas, particularly natural and rural landscapes.
2 The protection and enhancement of the area's visual amenity and landscape quality, including land visible from tourist routes.

PRINCIPLES OF DEVELOPMENT CONTROL

1 Development should be sited and designed to minimise its visual impact on:

(a) the natural, rural or heritage character of the area.
(b) areas of high visual or scenic value, particularly rural areas.
(c) views from public reserves, tourist routes and walking trails.

- *Gods' Hill Rd Lyndoch is an attractive part of our town. Allowing 2.8m retaining walls as part of this development will contradict these objectives and does not minimise the impact of development.*
- *Gilbert St. is one of the main access points for tourist buses coming to Lyndoch, 2.8m retaining walls contradict these objectives.*



Sloping Land

Objectives 1
PDCs 1, 2 and 3

OBJECTIVES

1 Development on sloping land designed to minimise environmental and visual impacts and protect soil stability and water quality.

Agenda - 3 August 2021 - Barossa Assessment Panel *44*

PRINCIPLES OF DEVELOPMENT CONTROL

2 Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:

(d) minimises the need for, and the height of, retaining walls

- *Allowing 2.8m retaining walls will contradict these objectives.*

In summary, Oakford Homes should not be granted permission to build retaining walls that are 2.8m as part of this development because the concept is contradictive of the Principal of Development Control. Please be mindful that 1.8m fencing will be in addition to the majority of these walls which is unprecedented in Lyndoch. Oakford Homes need to find a solution that minimises the impact of this development on the existing environment and operate within existing PDC's.

The assertion that the retaining walls will not adversely affect sunlight and air flow through my property are not supported by any evidence and appear to be mere assertions with no supporting documentation. I do not believe it is possible for this design to not adversely affect my property.

[attach additional pages as needed]

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why planning consent should be granted or refused; and
- comment only on the performance-based elements of the proposal, which does not include the:
  - Click here to enter text. [*list any accepted or deemed-to-satisfy elements of the development]*.

I:	☒ wish to be heard in support of my submission*
	☐ do not wish to be heard in support of my submission
By:	☒ appearing personally
	☐ being represented by the following person: Click here to enter text.

Signature: Aaron Lipp Date: 13.6.2023

Return Address: Barossa Council PO Box 876, Nuriootpa SA 5355

Email: development@barossa.sa.gov.au

Complete online submission: planninganddesigncode.plan.sa.gov.au/haveyoursay/

Ref: 23ADL-0309

URPS

Adelaide
12/154 Fullarton Rd
Rose Park, SA 5067

08 8333 7999

urps.com.au

19 July 2023

Ms Janine Lennon
The Barossa Council
Submission via Planning Portal

Dear Janine

Application ID 23007773 – Lot 1 Gods Hill Road, Lyndoch – Response to Representations

Thank you for providing the submissions in relation to Application ID 23007773.

I provide our response to the submissions below.

Submissions

The following submissions were received:

Submission	Address	Support or oppose?	Request to be heard?
David Pritchard (same representation submitted twice)	Unconfirmed	Supports with Concerns	No
Mark Betros	PO Box 482 Lyndoch (on behalf of Units 1, 2, 3 and 4 – 87 Gilbert Street, Lyndoch)	Oppose	Yes
Aaron Lipp	8 Samuel Stephens Court, Lyndoch	Oppose	Yes

I have collated the matters raised and addressed them below under the respective headings.

I also provide a brief background explaining why the proposed development is required.

We acknowledge the Kaurna People as the Traditional Custodians of the land on which we work and pay respect to Elders past, present and emerging.

Engagement with Neighbour

Please note that the applicant (Oakford Homes) and I attempted to consult with Mr Aaron Lipp of 8 Samuel Stephens Court, Lyndoch regarding his submission.

This was to hopefully resolve the concerns raised by Mr Lipp.

After numerous attempts, Mr Lipp no longer responded. We remain open to meeting with him to address his concerns.

Planning and Design Code

Some of the submissions have referred to provisions in the superseded Barossa Council Development Plan.

It is very important to note that the proposal is to be assessed against the Planning and Design Code. Any reference to the outdated Development Plan provisions should be ignored.

In circumstances where incorrect provisions have been referenced, we have attempted to distil the primary concern and address it in this letter.

Background

The subject land has been zoned for residential development since it was positioned in the Township Zone as per The Barossa Council Development Plan dated 13/08/2015 and via the Lyndoch Residential Development Plan Amendment.

This means that the land has been available for residential development since 2015.

The Barossa Council has since issued a Development Approval to divide the subject land (Lot 1 Gods Hill Road) via Development Application Number 960/D003/19.

The retaining walls hereby proposed are required to achieve the Council's site level and drainage requirements for the authorised land division, as per the plans approved by Council.

This means that the proposed development (i.e. retaining walls) needs to be built to achieve Council's requirements with respect to the authorised land division.

Desired Outcome of the Zone

In considering the proposed development it is relevant to acknowledge the Desired Outcome of the Township Neighbourhood Zone, in which the land and neighbouring residential properties are situated.

DO 1 of the Zone states:

> *Accommodation of a range of housing types that respond to housing preferences in a manner that contributes to and enhances township streetscapes and original settlement patterns.*

As above, the Council has issued Development Approval for the division of the land. This land division will enhance housing types in the locality and squarely achieves Desired Outcome 1 of the Zone.

The retaining walls hereby proposed will facilitate the authorised land division in a manner as requested/approved by the Council.

Height of Retaining Walls

Some of the submissions raised concern about the height of the proposed retaining walls.

The following provisions of the Planning and Design Code apply to retaining wall development:

- General Development Policies, Design PO 9.1 states:

  > *"Fences, walls and retaining walls are of sufficient height to maintain privacy and security without unreasonably impacting the visual amenity and adjoining land's access to sunlight or the amenity of public places".*

- General Development Policies, Design PO 9.2 states:

  > *"Landscaping incorporated on the low side of retaining walls is visible from public roads and public open space to minimise visual impacts".*

- General Development Policies, Design DPF 9.2 states:

  > *"A vegetated landscaped strip 1m wide or more is provided against the low side of a retaining wall".*

The proposed retaining walls will satisfy these provisions as follows:

- The proposed retaining wall and fence combination will maintain, and in some cases enhance, the privacy and security of all properties. This is evident noting that some properties currently feature low, open, wire fencing (refer image 3 further below).
- It is evident that the proposal will not unreasonably impact access to sunlight when acknowledging the orientation of the subject land and neighbouring properties to the northern path of the sun. This is explained in further detail below.
- I acknowledge that the proposal will change the visual amenity of some allotments, however, believe this is not an unreasonable impact for the following reasons:

- The subject land has been zoned for residential development since it was positioned in the Township Zone as per The Barossa Council Development Plan dated 13/08/2015.

  This means that the land has been available for residential development since 2015 and that the visual amenity of the properties neighbouring the subject land would change to some extent (i.e. development on the subject land and its boundaries has been reasonably expected for several years).
- Significant lengths of the proposed retaining walls are quite low, particularly adjacent the units at 87 Gilbert Street and shared with 7 Samuel Stephens Court.
- The owner of 8 Samuel Stephens Court will continue to have long open views to the reserve abutting their northern boundary. The proposed retaining walls will not unreasonably enclose their garden given its expansive area and outlook.
- Neighbouring residents can place landscaping along the proposed retaining walls and fencing if they wish to visually screen them from within their land. The applicant is willing to make a financial contribution to such planting where suitable hedging and screening plants are proposed.
- The applicant is willing to utilise decorative or colour matching sleeper panels as requested by the individual owners.

For these reasons, the proposal is considered to reasonably satisfy the key provisions of the Planning and Design Code that apply to retaining walls and fencing.

Put simply, the proposal will enhance privacy and security, not unreasonably overshadow or visually impact.

Overshadowing

One of the submissions has indicated that the proposed retaining walls are positioned on the north-western side of 7 and 8 Samuel Stephens Court causing overshadowing and reduced access to natural light.

To clarify:

- The retaining walls are positioned on the eastern to south-eastern boundary of 7 and 8 Samuel Stephens Court.
- The retaining walls are positioned on the north-western boundary of the subject land being Lot 1 Gods Hill Road.

The overshadowing provisions in the Planning and Design Code do not apply to the proposed development and cannot be considered in the assessment.

This technically correct assessment procedure may be perceived as unfair by the representors and I have therefore addressed such concerns anyway.

General Development Policies, Interface between Land Uses of the Planning and Design Code provides the following guidelines with regard to overshadowing:

> *PO 3.1 - Overshadowing of habitable room windows of adjacent residential land uses in:*
>
> *a. a neighbourhood-type zone is minimised to maintain access to direct winter sunlight*
>
> *b. other zones is managed to enable access to direct winter sunlight.*
>
> *DPF 3.1 - North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.*
>
> *PO 3.2 - Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in:*
>
> *a. a neighbourhood type zone is minimised to maintain access to direct winter sunlight*
>
> *b. other zones is managed to enable access to direct winter sunlight.*
>
> *DPF 3.2 - Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:*
>
> *a. for ground level private open space, the smaller of the following:*
>
> *i. half the existing ground level open space*
> *or*
> *ii. 35m2 of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m)*
>
> *b. for ground level communal open space, at least half of the existing ground level open space.*

I note the following regarding these PO's and DPF's:

- When acknowledging the northern path of the sun, it is evident that the proposed retaining walls will not overshadow neighbouring land given their position on the eastern to south-eastern allotment boundaries of neighbouring properties.

- Any north facing windows of neighbouring properties will not be overshadowed by the proposed retaining walls and will continue to receive at least 3 hours of direct sunlight between 9:00am and 3:00pm on 21 June.
- 7 and 8 Samuel Stephens Court each have a private open space area of approximately 500 square metres. All this area will continue to receive at least 2 hours of direct sunlight between 9:00am and 3:00pm on 21 June.
- It is also relevant to note that the proposed retaining walls will range from 0.2 to 2.3 metres above the ground level of neighbouring properties. This means the retaining wall heights are not likely to peak above the total height of adjacent windows.

For these reasons, it is evident that the proposed retaining walls will not unreasonably overshadow habitable room windows or private open space areas.

The proposal satisfies the overshadowing provisions within the Planning and Design Code, even though they do not specifically apply to the proposed form of development.

Temporary Removal of Fencing

Some of the submissions have raised the following concerns regarding boundary fencing:

- Removal of fencing and installation of retaining walls would damage back gardens at 87 Gilbert Street.
- The existing fencing has been cat-proofed and this would need to be replaced at the developers expense.
- Occupant and pet access to back gardens would be impacted during construction.
- Re-homing of pets during construction work.
- Noise, disruption, and inconvenience during construction work.
- Replacement of brick wall with concrete wall will diminish occupant outlook.
- Could the retaining walls be constructed inside the neighbouring land (i.e. not on the boundaries)?

In response, I confirm the following:

- All possible care and consideration will be taken during the construction of any retaining walls and fencing such that damage does not occur wherever possible. If alteration to neighbouring land is required, the applicant commits to reinstating neighbouring properties to their pre-development condition at the applicant's expense.

- The applicant agrees to review the cat-proofing treatments to the existing fencing and reinstating these where appropriate. This is a matter for resolution between the landowners.
- Occupants and their pets will continue to have some form of access to their rear gardens during construction. If access needs to be temporarily restricted on particular days, then residents will be formally notified in advance.
- Temporary fencing panels will be erected where necessary to ensure neighbouring privacy.
- Retaining walls along the boundary shared with 87 Gilbert Street cannot be repositioned into the authorised reserve land (lot 104) within the land division.

  This is because Council do not agree to take responsibility for the retaining walls within their land (i.e. Council will take ownership of the authorised reserve and do not want sole ownership of the resulting retaining wall).

  It has therefore been accepted between Council staff and the applicant that the retaining walls near 87 Gilbert Street needs to be situated on the existing boundary between the properties.

Alternative Development Options

The applicant has considered various alternative development options to minimise the visual impact of the proposed/required retaining walls upon the neighbours, however this is challenging when noting:

- The Council's minimum site level and drainage requirements for the land division. This has required the retaining walls as proposed.
- The site levels required to link the current cul-de-sac of Samuel Stephens Court with the new road in the authorised land division. This is shown on the TMK Retaining Wall Plan attached.
- The need for a 3-metre-wide stormwater easement along the boundary shared with neighbours. This is also shown on the TMK Retaining Wall Plan attached.

For these reasons, the proposed arrangement is the best possible outcome.

Summary

In summary:

- **Engagement:**
  - The applicant has attempted to liaise with Mr Lipp of 8 Samuel Stephens Court, to no avail.
  - The applicant has considered the concerns of the residents at 87 Gilbert Street and will address these as explained above.
- **Council requirements:**
  - The proposed retaining walls are required to achieve the Council's site level and drainage requirements for the authorised land division, as per the plans already approved by Council.
- **Desired Outcomes of the Zone:**
  - The retaining walls are required to achieve the authorised land division, which in turn will enhance housing types in the locality and in accordance with Desired Outcome 1 of the Zone.
- **Privacy and Security:**
  - The proposed retaining walls will maintain, and in some cases enhance, the privacy and security of all properties.
- **Overshadowing:**
  - The proposal will not overshadow in a manner that is contrary to the Planning and Design Code.
- **Visual Impact:**
  - While some visual impact will be encountered, this is not considered unreasonable noting the height of retaining walls against respective private open space areas, particularly at 8 Samuel Stephens Court which has expansive open space and will retain a northern outlook to the existing Council reserve.
- **Alternative Development Options:**
  - Alternative arrangements have been considered by the applicant however the proposal is the best method of facilitating the land division and Council's requirements.

The proposed retaining walls warrant Planning Approval and I (or the applicant's representative) request the opportunity to present in support of the proposed development at any required meetings.

Please feel free to contact me on (08) 8333 7999 or at pharnett@urps.com.au should you wish to discuss any particular matter.

Yours sincerely

Phil Harnett
Principal Consultant

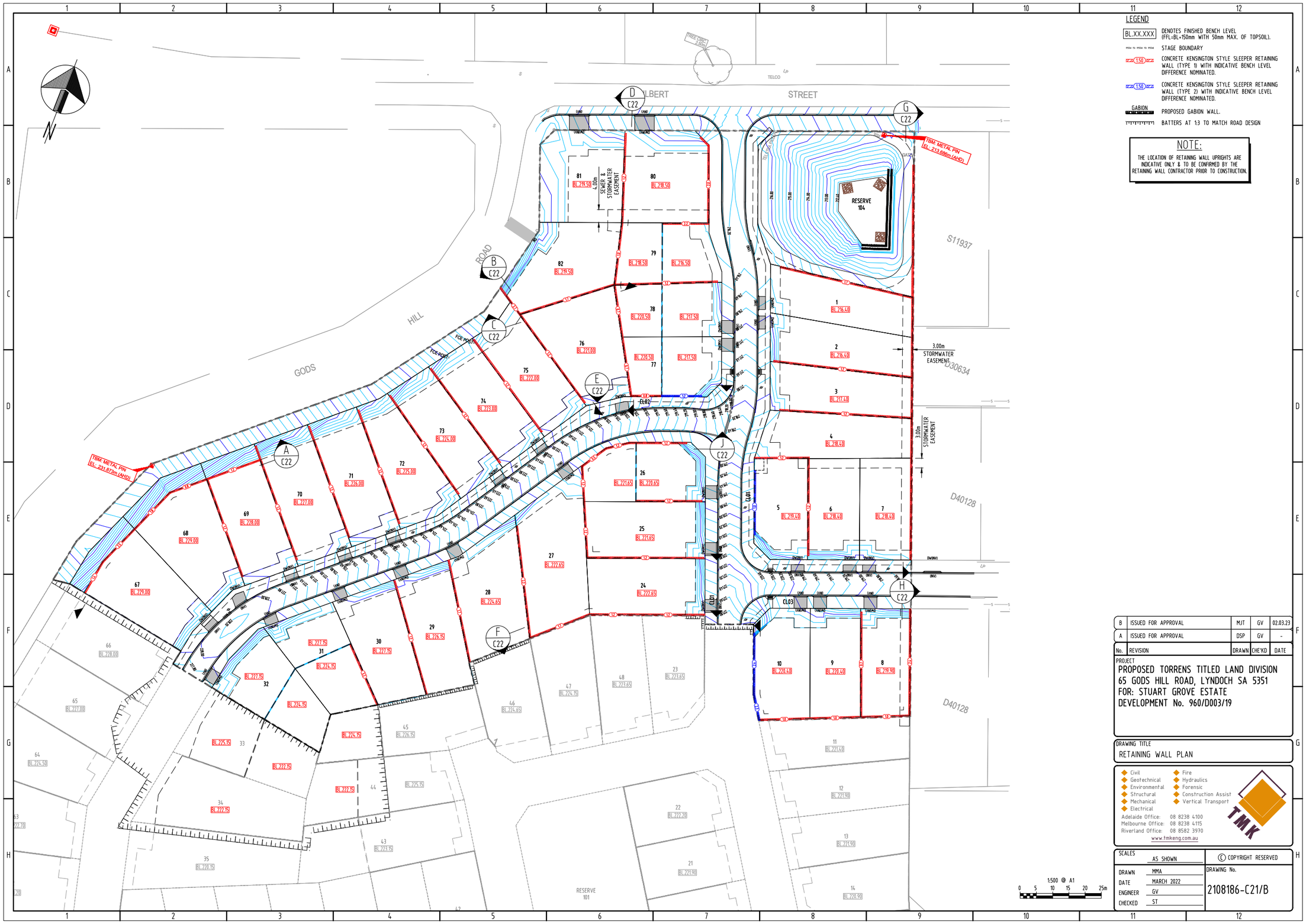
Image 1: Boundary interface with the Units at 87 Gilbert Street.

Image 2: Boundary interface with Council Reserve

SHAPING GREAT COMMUNITIES

Image 3: Boundary interface with 8 Samuel Stephens Court.

Image 4: Boundary interface with 7 Samuel Stephens Court.


LEGEND
BL.XX.XXX DENOTES FINISHED BENCH LEVEL (FFL=BL+150mm WITH 50mm MAX. OF TOPSOIL).
STAGE BOUNDARY
1.50 CONCRETE KENSINGTON STYLE SLEEPER RETAINING WALL (TYPE 1) WITH INDICATIVE BENCH LEVEL DIFFERENCE NOMINATED.
1.50 CONCRETE KENSINGTON STYLE SLEEPER RETAINING WALL (TYPE 2) WITH INDICATIVE BENCH LEVEL DIFFERENCE NOMINATED.
GABION PROPOSED GABION WALL.
BATTERS AT 1:3 TO MATCH ROAD DESIGN
NOTE:
THE LOCATION OF RETAINING WALL UPRIGHTS ARE INDICATIVE ONLY & TO BE CONFIRMED BY THE RETAINING WALL CONTRACTOR PRIOR TO CONSTRUCTION.
GODS HILL ROAD
GILBERT STREET
TBM METAL PIN EL. 213.56m (AHD)
TBM METAL PIN EL. 231.87m (AHD)
RESERVE 104
RESERVE 101
3.00m SEWER & STORMWATER EASEMENT
3.00m STORMWATER EASEMENT
S11937
D30634
D40128
B C22
C C22
D C22
E C22
F C22
G C22
H C22
J C22
A C22
B ISSUED FOR APPROVAL MJT GV 02.03.23
A ISSUED FOR APPROVAL DSP GV -
No. REVISION DRAWN CHE'KD DATE
PROJECT
PROPOSED TORRENS TITLED LAND DIVISION
65 GODS HILL ROAD, LYNDOCH SA 5351
FOR: STUART GROVE ESTATE
DEVELOPMENT No. 960/D003/19
DRAWING TITLE
RETAINING WALL PLAN
Civil Fire
Geotechnical Hydraulics
Environmental Forensic
Structural Construction Assist
Mechanical Vertical Transport
Electrical
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6.3 23016854 - 49 Basedow Road Tanunda

APPLICANT:	Josh Fuller of Farmtech, the Applicant
REPRESENTORS:	Ben Stephen, 6 Wilberth Street Tanunda

APPLICATION DETAILS

PROPOSAL	Change of use from light industry to service trade premises (agricultural equipment showroom and spare parts)
APPLICANT	Farmtech Pty Ltd
OWNER	DC and CF Smith
APPLICATION NO	23016854
CERTIFICATE(S) OF TITLE	CT 5360/790
AREA	885 sqm
CURRENT USE	Light Industry
PLANNING AND DEVELOPMENT CODE VERSION	Version 2023.9 – 29 June 2023
PLANNING AND DESIGN CODE EXTRACT LINK	Relevant Code Extract
ZONE	Employment
OVERLAYS	Character Preservation District – Township Hazards (Bushfire – Urban Interface) Hazards (Flooding – Evidence Required) Native Vegetation Prescribed Water Resources Area Water Protection Area
APPLICATION TYPE	Performance Assessed
PUBLIC NOTIFICATION	Notified – Sign
REFERRALS	Nil
PREVIOUS APPLICATIONS	960/1017/2005 – Workshop Extension and Verandah 960/342/2005 - Signage
ASSESSING OFFICER	Jake Boswell
RECOMMENDATION	That Planning Consent by GRANTED subject to conditions

INTRODUCTION

Farmtech, the applicant, seek development approval for the "*change of use from light industry to service trade premises (agricultural equipment showroom and spare parts)*" at 49 Basedow Road, Tanunda.

The site is located within the Employment 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 one representation (comprising of four separate submissions), whom has requested to be heard.

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

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

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

The proposed development involves a change of use from an established light industrial activity, to a service trade premises (being an agricultural equipment and spare parts showroom). By virtue of being a service trade premises, some associated mechanical/repair work is expected. No changes to the building are proposed.

The proposal seeks to operate in accordance with established site hours, being Monday to Friday, 9:00 am to 5:00 pm inclusive.

All goods for sale are to be housed within the existing buildings on the site, with no external displays being proposed.

There is an existing carparking area at the front of the site, with associated landscaping, which will both be retained but the car parks demarcated to improve their useability. Additional carparking is proposed to be established along the eastern boundary of the site, with staff parking toward the rear. The design vehicle is also proposed to be capped to a medium rigid vehicle to improve safety.

A reduction in the width of the driveway crossover within Basedow Road is required, with portion of the driveway invert needing to be reinstated to upright kerb and removal of the corresponding portion of bitumen apron. An upstand at the property boundary is also required.

No building work is proposed.

SITE AND LOCALITY

The site is known as 49 Basedow Road, Tanunda. This is a single allotment use for light industrial purposes. Past records show that a steel framed workshop was approved in 1980 for use as a joinery shop. The planning consent was subject to two conditions:

(1) Work on the premises being completed by 9000 pm each night;
(2) Noise producing machines, tools and equipment are not used on the premises on Sundays.

A later development approval was granted in 2005 to expand the existing workshop 18 metres x 9.1 metres x 3.8 metres) at the rear in the form of a 12 metres x 9.1 metres x 3.8 metres extension.

The site contains an existing workshop with rear workshop annexed later with verandah at the front. The front of the site comprises an informal car park with associated landscaping on both sides of the central bitumen hardstand.

The site has a frontage to the sealed Basedow Road. The site's frontage is 18.30 metres with a maximum depth of 48.7 metres. The access extends along the eastern side of the building, subject to entry through a set of double swing gates.

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

Figure 1 *– Zone Map and Locality – Employment Zone*

Access to the site is attained from Basedow Road by virtue of an existing crossover of around 12.5 metres in width. Basedow Road is a relatively high-use local road servicing both commercial and residential land users.

The locality herein is mixed with the site being adjacent a range of established land uses including commercial and residential that includes:

- West at 47 Basedow Road – tourist accommodation (Basedow Budget Units);
- East at 51-53 Basedow Road – funeral parlour (Barossa Funerals)
- South (site at rear) – transport depot (Booth Transport)
- North and north-west – Service Trade Premises (Vinetech)
- North-east at 72 Basedow Road – residential accommodation (Barossa Villages)

Land on the southern side of Basedow Road is zoned Employment.

The northern side of Basedow Road is located within the Neighbourhood Zone. Multiple residences exist to the north-west of the subject site, in the form of retirement aged accommodation, accessed via a common driveway to Basedow Road. North and north-east is VineTech, a similar type of business to the development being proposed herein. This operation occurs across multiple allotments.

The locality can be taken to include several allotments to the east and west, the adjacent southern site occupied by Booth Transport, and several allotments along the opposite side of Basedow Road, between Wilberth Street and Grocke Way.

An aerial view of the site and locality are contained in ***Figure 2*** and ***Figure 3***.

Site photos are provided in ***Figure 4*** to ***Figure 10.***

Figure 2: *Aerial – Site*

Figure 3: *Aerial – Locality – Subject site in red; Locality defined in yellow*

Figure 4: *Site Photo – Looking south to front of site from Basedow Road*

Figure 5: *Site Photo – Looking south-east to front of site*

Figure 6: *Site Photo – Looking south-west to front of site*

Figure 7: *Site Photo – Looking south-east to front of site*

Figure 8: *Site Photo – Side entry gates and internal laneway*

Figure 9: *Site Photo – Front of site from Basedow Road*

Figure 10: *Site Photo – Verge area between site and Basedow Road*

PROPOSAL

The proposed development involves the "*change of use from light industry to service trade premises (agricultural equipment showroom and spare parts)*."

The existing buildings located on the site are proposed to be repurposed for the development herein with no new building work being proposed. Car parking is to be demarcated within the existing hardstand area, subject to linemarking, with retention of existing landscaped areas. Four 90 degree angled visitor car parks will be designated within the front hardstand and a further four parallel visitor car parks along the eastern side boundary. Two staff car parks are proposed at the rear.

The operation of the business is proposed to occur between Monday – Friday 9.00 am to 5.00 pm. It is also expected that some associated repair and maintenance work will occur on site, as expected with a service trade premises (per definition of the Planning and Design Code). This work is proposed to be relatively minor, as majority of repair work is done on-site, and is expected to achieve requirements of the *Environment Protection (Noise) Policy 2007*.

Access to the site will be per existing arrangement via the Basedow Road frontage. To avoid conflict with the four 90 degree angled visitor car parks, a reduction in the width of the driveway crossover within Basedow Road is required, with portion of the driveway invert needing to be reinstated to upright kerb and removal of the corresponding portion of bitumen apron. The applicant advises that the largest vehicle entering the site will be a medium rigid.

No native vegetation is affected by the proposed development.

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

APPLICATION TYPE
The site is located within the Employment 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 Employment Zone.

Service Trade Premises is not a prescribed excluded type of development within Table 5. As such, this development cannot be excluded from mandatory public notification.

The table below provides details of the public notification process:

Representations:	One representation (comprising of four separate submissions) were received as follows: • Ben Stephen
Person wishing to be heard:	Ben Stephen of 6 Wilberth Street, 64 and 66 Basedow Road, Tanunda wishes to be heard.
Applicant	Josh Fuller of FarmTech (the Applicant) wishes to appear to respond to the representation.
Time period for Public Consultation	9 August 2023 – 29 August 2023

An aerial view showing the representors' properties is contained in ***Figure 11***.

Figure 11: *Aerial of Representors Properties (subject site in red; representors sites in yellow*

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

Summary of Representations **Representor/s**	**Applicant's Response**
• *Risk of excessive maintenance and servicing (amenity impacts)*	• *Acknowledgement that maintenance and servicing will occur to some degree, in accordance with regulatory requirements*
• *Site is undersized for the proposed operation, and other more suitable sites should be considered*	• *Business analysis undertaken and this site was considered most appropriate for the intended purposes, with acknowledgement that future expansion would warrant a larger site*

• *Interface with Basedow Road, with risk of off-site car parking and deliveries creating access and safety issues*	• *Car parking spaces nominated on site, with a number proposed that are commensurate with expected use. Likewise confirmed that maximum vehicle to visit the site will be 12.5 metres Medium Rigid, with all loading/unloading to be undertaken on-site without use of road reserve*
• *Interface with adjacent Retirement Village and Funeral Home (risk of excessive noise through funeral services)*	• *Noted that noise would occur within accepted regulatory limits, with conscientious management that noise-generating works wouldn't occur during funeral services (as occurs with current land user)*

A copy of the representation (incorporating all four separate submissions) are contained in ***Attachment 2*** and the applicant's response is contained in ***Attachment 3***.

REFERRALS

External
Pursuant to Schedule 9 of the *Planning, Development & Infrastructure (General) Regulations 2017* and Part 9 of the Planning, Design Code, the application was not subject to any referrals.

Internal
The following internal advice has been received from staff:

Engineering Services	*Proposed development generally acceptable, although it has been noted that the driveway crossover shall be reduced to a maximum of 7 metres (instead of existing 12.5 metres~) with upstand provided along property boundary adjacent car parking area.* *Also noted that all vehicles shall enter and exit in a forward direction.*

ASSESSMENT
Please refer to the following link, the Planning and Design Code extract for this proposal, Version 2023.9, dated 29 June 2023

Planning and Design Code Extract Link	*Relevant Code Extract*

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. The proposed development seeks the change in land use from light industry to Service Trade Premises. A 'Service Trade Premises' is an anticipated form of development within the Employment Zone, and the operation of the site is not proposed in a manner that will be incompatible with the established locality.

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. The proposal is not considered to diminish the visual amenity of the natural landscape nor the heritage attributes of the 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

Employment Zone	
Desired Outcomes	
DO 1	*A diverse range of low-impact light industrial, commercial and business activities that complement the role of other zone accommodating significant industrial, shopping and business activities.*
DO 2	*Distinctive building, landscape and streetscape design to achieve high visual and environmental amenity particularly along arterial roads, zone boundaries and public open spaces.*
Relevant Performance Outcomes/Designated Performance Features	
Land use and Intensity	
PO 1.1 *A range of employment-generating light industrial, service trade, motor repair and other compatible businesses servicing the local community that do not produce emissions that would detrimentally affect local amenity*	*DPF 1.1* *Development comprises one or more of the following:* *(a) Advertisement* *(b) Consulting room* *(c) Indoor recreation facility* *(d) Light industry* *(e) Motor repair station* *(f) Office* *(g) Place of worship* *(h) Research facility* *(i) Retail fuel outlet* *(j) Service trade premises* *(k) Shop* *(l) Store* *(m) Telecommunications facility* *(n) Training facility* *(o) Warehouse*

The proposed development seeks a change of use from light industry to service trade premises. Service trade premises is a prescribed form of development per DPF 1.1. As such, the proposal satisfies DPF 1.1.

Scale and Form of Development

Building height and setbacks	
PO 3.2 *Buildings are set back from a secondary street boundary to accommodate the provision of landscaping between buildings and the street to enhance the appearance of land and buildings when viewed from the street.*	*DPF 3.2* *Building walls are no closer than 2 metres to the secondary street boundary.*
PO 3.4 *Buildings are sited to accommodate vehicle access to the rear of a site for deliveries, maintenance and emergency purposes.*	*DPF 3.4* *Building walls are setback at least 3 metres from at least on side boundary, unless an alternative means for vehicular access to the rear of the site is available*
PO 3.5 *Building height is consistent with the form expressed in any relevant Maximum Building Height (Levels) Technical and Numeric Variation layer and Maximum Building Height (Metres) Technical and Numeric Variation layer or is generally low-rise to complement the established streetscape and local character.*	*DPF 3.5* *Building height is not greater than:* *(a) The following:* *(b) In all other cases (i.e., there are blank fields for both maximum building height (metres) and maximum building height (levels)) – 2 building levels up to a height of 9 metres* *In relation to DTS/DPF 3.5, in instances where:* *(c) More than one value is returned in the same field for DTS/DPF 3.5(a) refer to the Maximum Building Height (Levels) Technical and Numeric Variation layer or Maximum Building Height (metres) Technical and Numeric Variation layer in the SA planning database to determine the applicable value relevant to the site of the proposed development* *(d) Only one value is returned for DTS/DPF 3,1(a) (i.e., there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other*
PO 3.8 *Buildings on an allotment fronting a road that is not a State maintained road, and where land on the opposite side of the road is within a neighbourhood-type zone, provides an orderly transition to the built form scale envisaged in the adjacent zone to complement the streetscape character.*	*DPF 3.8* *None are applicable*

The proposed development does not seek construction of any new buildings, nor does it involve alterations/additions to existing buildings, other than to facilitate the desired access and car parking arrangements. The proposed development is therefore considered to satisfy these prescribed Performance Outcomes.

Landscaping	
PO 5.1 *Landscaping is provided to enhance the visual appearance of development when viewed from public roads and thoroughfares.*	*DPF 5.1* *Other than to accommodate 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, a landscaped area is provided within the development site: *(a) Where a building is setback less than 3 metres from the street boundary – 1 metre wide or the area remaining between the relevant building and the street boundary where the building is less than 1 metre from the street boundary* *Or* *(b) In any other case – at least 1.5 metres wide*
PO 5.2 *Development incorporates areas for landscaping to enhance the overall amenity of the site and locality*	*DPF 5.2* *Landscape areas comprise:* *(a) Not less than 10 percent of the site* *(b) A dimension of at least 1.5 metres*

A 2 metre wide landscaping strip exists along the western property boundary, between the building line and the primary frontage. In addition, a landscaping bed exists adjacent the eastern property boundary, also between the building line and primary frontage which curves out and then curves back in. At its maximum, this landscape strip is 3 metres wide and contains a medium-large established tree.

The landscaping will be retained and thus DPF 5.1 and 5.2 are satisfied.

Interface between Land Uses

Interface between Land Uses	
Desired Outcomes	
DO 1	*Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.*
Relevant Performance Outcomes/Designated Performance Features	
Hours of Operation	
PO 2.1 *Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:* *(a) the nature of the development* *(b) measures to mitigate off-site impacts.* *(c) the extent to which the development is desired in the zone.* *(d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land*	*DPF 2.1* *Development operating within the following hours of operation:* *(a) Consulting Room- 7.00 am to 9.00 pm, Monday to Friday; 8.00 am to 5.00 pm, Saturday.* *(b) Office – 7.00 am to 9.00 pm, Monday to Friday; 8.00 am to 5.00 pm, Saturday.* *(c) Shop, other than any one or combination of the following:* *i) Restaurant;* *ii) Cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone – 7.00 am to 9.00 pm, Monday to Friday and 8.00 am to 5.00 pm, Saturday*
Activities Generating Noise or Vibration	
PO 4.1 *Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).*	*DPF 4.1* *Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.*

PO 4.2 *Areas for the on-site manoeuvring of service and delivery vehicles, plant and equipment, outdoor work spaces (and the like) are designed and sited to not unreasonably impact the amenity of adjacent sensitive receivers (or lawfully approved sensitive receivers) and zones primarily intended to accommodate sensitive receivers due to noise and vibration by adopting techniques including:* (a) *Locating openings of buildings and associated services away from the interface with the adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers.* (b) *When sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers* (c) *Housing plant and equipment within an enclosed structure or acoustic enclosure* (d) *Providing a suitable acoustic barrier between the plant and/or equipment and the adjacent sensitive receiver boundary or zone*	*DPF 4.2* *None are applicable*
Light Spill	
PO 6.1 *External lighting is positioned and designed to not cause unreasonable light spill impact on adjacent sensitive receivers (or lawfully approved sensitive receivers)*	*DPF 6.1* *None are applicable.*

The proposed development seeks change of use from light industry to Service Trade Premises. This is an anticipated form of development within the Employment Zone. The extent of interface impacts arising from this proposal with adjacent sensitive receivers are considered to be most centred on noise.

With respect to noise, the applicant notes that some on-site servicing/maintenance work will occur. This is noted to be an ancillary aspect of the business operations, with most of the business centred on sales and on-site servicing. The applicant advises most of our work is undertaken in the field with their mobile service fleet.

Being an Employment Zone, some level of noise is anticipated, however, the applicant indicates that the scale of the activity is limited and majority of activities will not generate substantive noise. It is also noted the activity will operate to more restrictive operating hours than the existing use which is able to operate until 9.00 pm.

Regard is also given to the adjacent sensitive receivers on adjacent sites. To the east and west is an existing tourist accommodation facility and funeral home, respectively, both within the Employment Zone. By virtue of being in this zone, the protection from noise related impacts is considered to be afforded lesser weight than compared to sensitive receivers within a Neighbourhood type zone.

Noise impact to the tourist accommodation is not likely to be unreasonable by virtue of the 9.00 am to 5.00 pm hours of operation proposed herein and the expected low-intensity noise generation at the site. Similar consideration is provided in respect to the funeral home. It is noted the funeral parlour may be particularly sensitive to noise but the applicant has advised they can adjust their operations to respect this use.

The subject site abuts the Neighbourhood Zone to the north, on the opposite side of Basedow Road. An existing service trade premises in the name of Vinetech operates across the road, and undertakes activities of a similar nature to that proposed by the applicant. In terms of line of sight, the nearest dwelling is approximately 40 metres from the existing building that is proposed to be used for the service trade premises.

Given the limited noise-generating work that will occur on site, the appropriate hours of operation, the limited scale in which the activity will occur and that the proposed hours of operation will be more restrictive than what is currently approved, the proposed noise impact is considered to be acceptable. It is noted that the applicant has an ongoing obligation to comply with the *Environment Protection (Noise) Policy 2007* and in this regard, it is recommended that a condition to this effect be placed on any consent, if granted.

Car Parking and Access

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 queuing on public roads and pedestrian paths.*		*DPF 1.4* *All vehicle manoeuvring occurs onsite*
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 for which consent has been granted as part of an application for the division of land.* *or* *(b) not located within 6 metres of an intersection of 2 or more roads or a pedestrian activated crossing*
PO 3.5 *Access points are located so as not to interfere with street trees, existing street furniture (including directional signs, lighting, seating and weather shelters) or infrastructure services to maintain the appearance of the streetscape, preserve local amenity and minimise disruption to utility infrastructure assets.*		*DPF 3.5* *Vehicle access to designated car parking spaces satisfy (a) or (b):* *(a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land.* *(b) where newly proposed, is set back:*

	(i) 0.5 metres or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner. *(ii) 2 metres or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance.* *(iii) 6 metres or more from the tangent point of an intersection of 2 or more roads* *(iii) outside of the marked lines or infrastructure dedicating a pedestrian 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.*	*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	*Service Trade Premises:* *(a) 2.5 spaces per 100 sqm of gross leasable floor area* *(b) 1 space per 100 sqm of outdoor area used for display purposes*
Vehicle Parking Areas	
PO 6.1 *Vehicle parking areas are sited and designed to minimise impact on the operation of public roads by avoiding the use of public roads when moving from one part of a parking area to another.*	*DPF 6.1* *Movement between vehicle parking areas within the site can occur without the need to use a public road.*
PO 6.6 *Loading areas and designated parking spaces for service vehicles are provided within the boundary of the site.*	*DPF 6.6* *Loading areas and designated parking spaces are wholly located within the site.*

Access, manoeuvring and car parking will be critical to the function of this site.

The applicant has confirmed that four parking spaces existing to the front of the site will be provided as 90 degree angled car parks. These are currently sealed, but informal. It is suggested a condition of consent require that these car parks be linemarked.

Additional parking spaces will be made available along the eastern side boundary. There is around 5.2 metres between the building and the side boundary. This will allow for at least a 2.4 metre wide car park, while providing at least a 3 metre access laneway to the rear of the site, consistent with AS 2890. These car parks will also need to be linemarked by way of condition of consent.

A total of eight visitor car parking spaces are noted, with an additional two staff parking spaces to the rear of the site. Service Trade Premises warrants 2.5 spaces per 100 sqm of gross leasable area, and an additional space for 100 sqm of outdoor display area. This equates to nine parking spaces being required, per Table 1 – General Off-Street Car Parking Requirements. The proposal achieves this.

Manoeuvrability is limited to these car parking spaces provided along the eastern side boundary. Sufficient space is not afforded for a conventional turnaround, however the applicant contends that a three-point turn is possible for forward entry and exit and this can be achieved if the gates and access doors to the building are open.

In the worst-case scenario reversing of vehicles may be required which is not optimal but reflects the limitations of the existing sit layout. These carparks will act as an overflow to the primary parking spaces forward of the building and it is acknowledged that some inconvenient site movements may occur on a sporadic basis.

Deliveries to the site are proposed to be undertaken with a vehicle not exceeding the size of a medium rigid (12.5 metres length; single rear axle). It is noted that the site is currently unrestricted in terms of design vehicle size and at previous occasions, an articulated vehicle (19 metres long) has accessed the site.

With the design vehicle being reduced, there is sufficient space to accommodate associated loading and unloading entirely on-site, without reliance on the use of public land/road reserve, provided that the gates and access doors to the building are open.

Deliveries are to occur within business hours, and the applicant advises there will be an anticipated delivery rate of two per day (one van; one MR).

To give effect to the desired access and car parking arrangements, a reduction in the width of the driveway crossover within Basedow Road is required, with portion of the driveway invert needing to be reinstated to upright kerb and removal of the corresponding portion of bitumen apron. An upstand at the property boundary is also required. These matters are addressed by way of condition.

Subject to conditions of consent, the proposed access and car parking arrangements are considered to be suitable.

Native Vegetation

Native Vegetation Overlay	
Desired Outcomes	
DO 1	*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.*
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.*	*DPF 1.1* *An application is accompanied by 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* *(b) a report prepared in accordance with Regulation 18(2)(a) of the Native Vegetation Regulations 2017 that establishes* that the clearance is categorised as 'Level 1 clearance'.

The proposed development does not seek to remove, nor require any removal of, any native vegetation.

The applicant has submitted a signed Native Vegetation Declaration in association with the application. Therefore, DPF 1.1 is satisfied.

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 township for primary production and associated value adding enterprises is assure and promoted*
Relevant Performance Outcomes/Designated Performance Features	
Built Form and Character in the Rural Area	
PO 2.1 *Development occurring at the edge of townships is sympathetic to the rural*	*DPF 2.1* *None are applicable*

landscape and reinforces a clear transition between townships and rural landscape through measures including: *(a) being of a low scale* *(b) orientating residential development towards the rural area* *ensuring visual separate from the rural area through landscaping and road reserves*	
PO 2.2 *Development contributes to and maintains the historic identity and character of townships through appropriate:* *(a) form* *(b) scale* *(c) siting* *(d) design* *(e) landscaping*	*DPF 2.2* *None are applicable*
PO 3.1 *Preservation of existing natural features including topography, watercourses and mature trees.*	*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.*	*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.*	*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.*	*DPF 3.4* *None are applicable*
PO 3.5 *Buildings and structures are grouped to create compact clusters well set back from public roads.*	*DPF 3.5* *None are applicable*
PO 3.6 *Development mitigates the need for long, steep access roads that require excessive grading or removal of vegetation.*	*DPF 3.6* *None are applicable*
PO 4.1 *Excavation and filling of land is limited to that associated with:* *(a) minimising the visual impact of buildings or structures; or* *(b) construction of water storage facilities.*	*DPF 4.1* *Excavation and/or filling of land is:* *(a) no greater than 1.5 metres from natural ground level.* *only undertaken in order to reduce the visual impact of buildings or structures or to construct water storage facilities.*

The proposed development does not incorporate any building work, nor does it propose to make any changes to the appearance of the site.

The proposed land use is not out of character with the locality, nor diminishes from the character of this part of the township.

The proposed development does not detrimentally impinge upon the relevant Performance Outcomes for this Overlay.

Flood Hazard

Hazards (Flooding – Evidence Required) Overlay	
Desired Outcomes	
DO 1	*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.*
Relevant Performance Outcomes/Designated Performance Features	
Flood Resilience	
PO 1.1 *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.*	*DPF 1.1* *Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished floor level at least 300 mm above:* *(a) the highest point of top of kerb of the primary street; or,* *(b) the highest point of natural ground level at the primary street boundary where there is no kerb.*

The existing finished floor level is located above top of kerb level at the primary frontage. In any case, it is noted that no changes to the existing building are proposed. Noting that the proposal will not increase the flood risk, Performance Outcome 1.1 is considered to be satisfied by this development.

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 5 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 1 activity or class 2 activity has taken place at the land since the preparation of the site contamination audit report (as demonstrated in a site contamination declaration form).*

There is no known risk or history of site contamination at this site, beyond expected impacts of a historical light industrial land use. This proposed development does not go up the land use sensitivity hierarchy, meaning it will not increase the risk or susceptibility to site contamination. The DPF criteria is considered to be met.

Clearance from Overhead Powerlines

General Development Policies		
Clearance from Overhead Powerlines		
Desired Outcomes		
DO1	*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.*		*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.

The proposed development has been submitted with a supporting declaration that the works will not impinge upon the requirements of Section 86 of the *Electricity Act 1996*, in accordance with the specified DPF criteria.

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

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 "*change of use from light industry to service trade premises (agricultural equipment showroom and spare parts)"* at 49 Basedow Road, Tanunda.

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 one representation (comprising four submissions), seeking 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 reasonable consistent with the Desired Outcomes and Performance Outcomes of the Employment Zone and has demonstrated compliance in most areas with respect to the relevant provisions of the Planning and Design Code.

The development as a whole is considered to warrant Planning Consent being granted, subject to conditions.

RECOMMENDATION 1

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. 23016854 by Farmtech Pty Ltd to undertake *Change of use from light industry to service trade premises (agricultural equipment showroom and spare parts)* at 49 Basedow Road, Tanunda (CT 5360/790) subject to the following conditions and advisory notes:

Council Conditions

(1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 23016854 except where varied by any condition(s) listed below:

- Site Plan, prepared by the Applicant, Drawing No. 2, dated 21 September 2023
- Delivery Plan, prepared by the Applicant, dated 22 September 2023
- Site Plan (partially amended), prepared by the Applicant, Drawing No. 1, dated 18 July 2023

Note: The site plan, dated 21 September 2023 prevails in respect to the approved car parking layout.

(2) The development authorised herein shall operate between the following hours:

(a) Monday to Friday: 9:00 am – 5:00 pm

(3) All external lighting must be in accordance with AS 4282:2019 'Outdoor Lighting Obtrusive Effects' so as to prevent any adverse effect on adjoining sensitive receivers.

(4) Provision shall be made for appropriate storage and disposal of waste to the reasonable satisfaction of the Relevant Authority. All waste storage areas shall be screened from public view at all times.

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

(6) All car parking, driveways and manoeuvring areas shall comply with the requirements of Australian Standard 2890 - Parking Facilities – Off-street car parking. The approved car parks shall be linemarked, prior to commencement of use.

(7) Prior to the commencement of use, the driveway crossover to Basedow Road shall be reduced to a maximum 7 metre width (at gutter) towards the eastern property frontage to allow safe and convenient vehicular access to the car park area.

The resulting redundant portion of the existing gutter invert shall be sawcut and removed and reinstated to upright kerb and gutter to match adjacent levels and profile. The redundant portion of the driveway apron shall be sawcut and removed, and verge area reinstated with new material matching existing adjacent verge materials, levelled to match top of new kerb and gutter levels.

(8) Prior to the commencement of use, a concrete upstand along the portion of property frontage that is adjacent the car parking spaces shall be constructed to separate the car parking from the footpath in Basedow Road and restrict vehicle access/egress to the approved driveway access point.

(9) The largest vehicle permitted to enter the site shall be no greater than a MR Vehicle, with maximum length of 12.5 metres.

(10) Any mechanical and/or servicing work associated with the development herein shall be undertaken within enclosed buildings, to the reasonable satisfaction of the relevant authority.

(11) All storage and/or display of goods/products (including machinery for maintenance/servicing) shall occur within enclosed buildings, to the reasonable satisfaction of the relevant authority.

Advisory Notes

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

(2) Any 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.

(3) Any works associated with the development, such as tree planting, tree removal, footpath renewal or construction of new vehicle entrances proposed to be undertaken within the road reserve (ie. the carriageway, verge or footpath area) requires an independent approval from Council pursuant to the *Local Government Act 1999*. Further enquiries should be directed to the Works and Engineering team on 8563 8444.

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

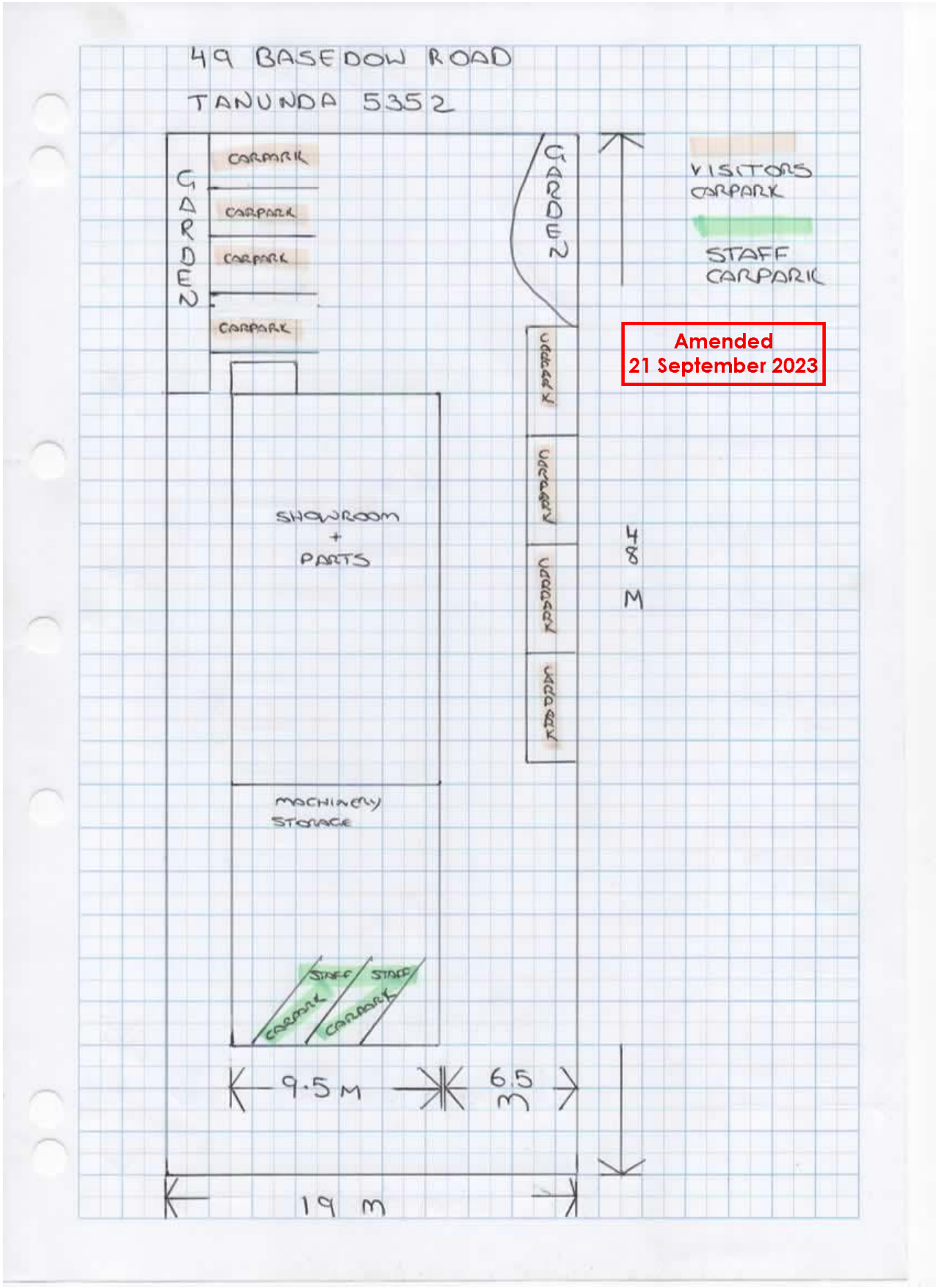
(5) The applicant is reminded of its general environmental duty, as required by Section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that the activities on the whole site including during construction, do not pollute the environment in a way which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

(6) Waste collection noise is declared to constitute a local nuisance pursuant to Schedule 1 of the *Local Nuisance and Litter Control Act 2016* where undertaken before 9.00 am or after 7.00 pm on any Sunday or public holiday or after 7.00 pm or before 7.00 am on any other day. The applicant is advised to schedule waste collection movements during times that do not constitute a Local Nuisance.

(7) 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.environmlent.sa.gov.au/topics/nativevegetation/interactivegui de Any specific queries regarding the clearance, removal or trimming of native vegetation should be directed to the South Australian Native Vegetation Council.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Application and Associated Documents ⇩
Attachment 2 Representations Received ⇩
Attachment 3 Applicants Response to Representations ⇩


49 BASEDOW ROAD
TANUNDA 5352
CARPARK
CARPARK
CARPARK
CARPARK
GARDEN
GARDEN
VISITORS CARPARK
STAFF CARPARK
Amended
21 September 2023
SHOWROOM + PARTS
MACHINERY STORAGE
STAFF CARPARK
STAFF CARPARK
9.5 M
6.5 M
19 M
48 M

Morning Jake,

All our deliveries currently are made by either Ute or small rigid trucks not exceeding the 12.5 metre length single rear axle to our current business in Eudunda. This would not change for the Barossa as these vehicles cover all our day-to-day freight movements. With viticulture being on the smaller scale of machinery items in agriculture, we can keep all our machinery legally transported by the trucks you wish us to use. Both Barossa Valley Hire and Barossa Towing have these trucks as part of their fleet. This will allow all deliveries to be made at 49 Basedow Road on private land with adequate vehicles.

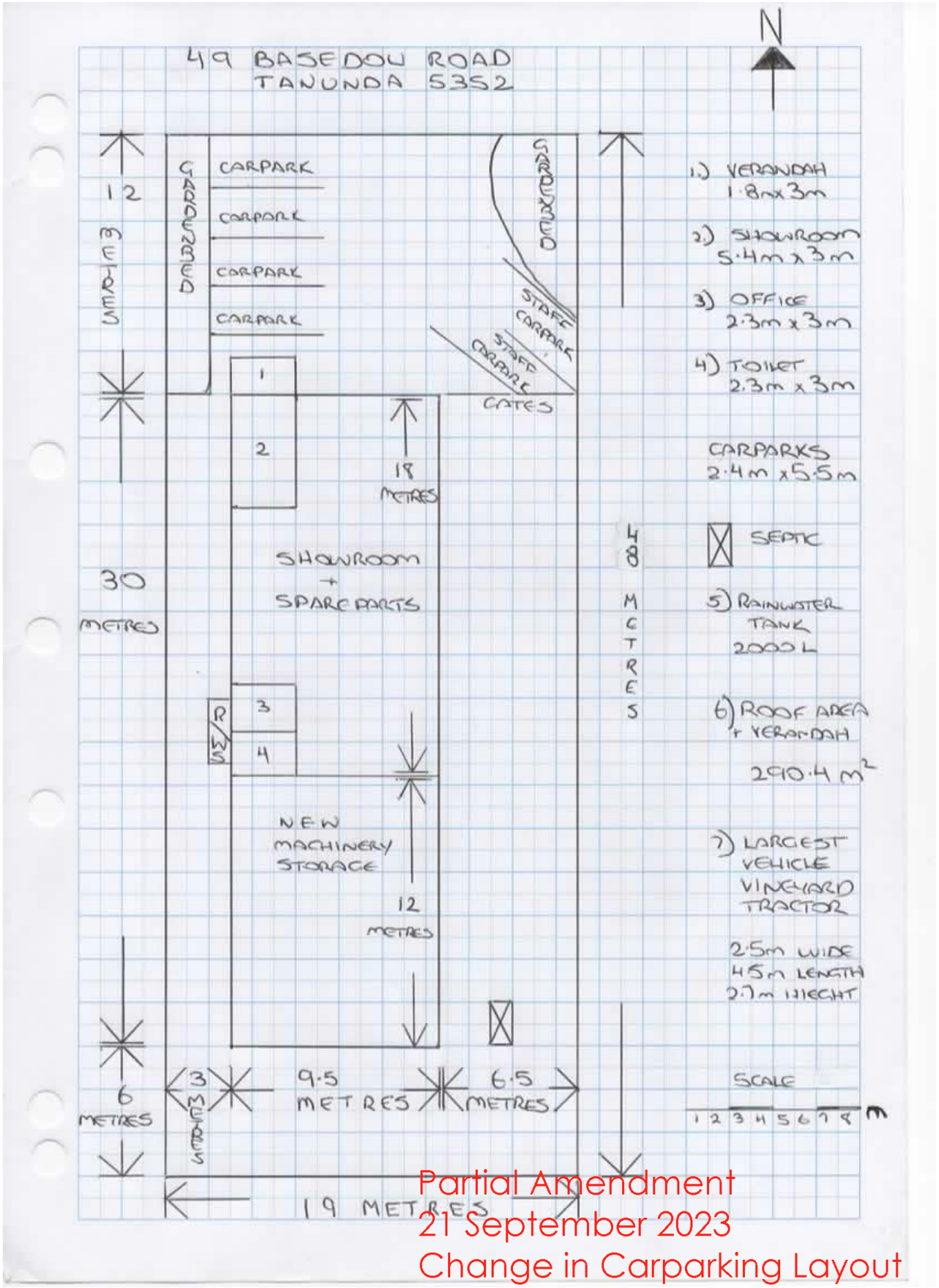
I have attached an updated copy of our car parking with 49 Basedow Road with this letter .Please feel free to look over this and feel free to discuss this going forward.

Kind Regards,

Shane Schiller (Director/Owner)

Josh Fuller (General Manager)

Attachment 1



Details of Representations

Application Summary

Application ID	23016854
Proposal	Change of use from light industry to service trade premises (agricultural equipment showroom and spare parts)
Location	49 BASEDOW RD TANUNDA SA 5352

Representations

Representor 1 - BEN STEPHEN

Name	BEN STEPHEN
Address	6 Wilberth Street TANUNDA SA, 5352 Australia
Submission Date	12/08/2023 10:18 AM
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
12/08/2023 Ben Stephen Property owner of 68-70 Basedow Road 66 Basedow Road, 64 Basedow Road and 6 Wilberth Street Tanunda, directly opposite 49 Basedow Road. 49 Basedow Road is seeking change of use as per Plan SA Application ID: 23016854and I believe should not become an Agricultural equipment showroom and parts retail outlet. Farmtec sell Agricultural Tractors, sprayers and grape harvesters. Is it realistic to believe these machines will not end up at 49 Basedow Road, including tractor servicing and machinery maintenance? as I currently believe Farmtec are seeking mechanics specifically for this site. The Barossa Valley has far more suitable premises available with larger sites for this type of work. Stockwell Road and Samuel Road to name a few. Basedow Road is a very busy road, increasing annually with traffic and pedestrians. As 49 Basedow Road has such a small road frontage, where will customers park? Naturally they will park on the road, most likely blocking access to the adjoining business landowners. I ask, how will freight trucks including semi-trailers be unloaded, as 49 Basedow Road has minimal road frontage. Trucks will only be able to reverse into the property therefore blocking traffic. I would also suggest forklifts will have to be driven onto the public road to unload trucks with freight. It is unrealistic to accept all freight delivered will be in vans or small trucks, I think not. Directly next door is 47 Basedow Road 'Basedow Budget Units' a long time Bed and Breakfast accommodation complex consisting of 3 units. There are constant 7 day bookings at 47 and I also urge council to consider the safety of their patrons, being elderly and small children. Once again, freight, customers, tractors entering and exiting create significant safety and noise concerns. I would also suggest this will effect the bookings and online rating status for 47, and I can guarantee there will be negative feedback from patrons due to noise, traffic, driveway access and general parking. Council must consider the safety risks to pedestrians and commuters. Directly opposite is Barossa Village, a retirement village, that I am sure will not enjoy the increase in noise and traffic levels. Most concerningly is 51 Basedow Road, also directly next door to 49. 51 is a Chappel, funeral parlour, hosting multiple weekly funerals. I ask council, would you want to be farewelling your loved ones with a noisy agricultural workshop next door? Or have the sound of a forklift reversing beeper during a service? I highly doubt Farmtec would cease operations for hours at a time while a funeral takes place. I ask, do Council believe no mechanical work will ever take place at 49? Considering Farmtec are currently trading &

servicing agricultural machinery in Eudunda, I can guarantee from experience, spare parts alone will not make this site viable, therefore servicing & machinery sales (which 100% require pre-delivery servicing) will be guaranteed to be part of the operations at 49, weather council have this information or not, I believe it is inevitable. I ask then, what happens when mechanical work does start? and tractors fill the front yard, further reducing already limited parking, and freight is unloaded on Basedow Road? Who will monitor this, and what actions would then be taken? Regards, Ben Stephen

Attached Documents

Representations

Representor 2 - BEN STEPHEN

Name	BEN STEPHEN
Address	66 BASEDOW ROAD TANUNDA SA, 5352 Australia
Submission Date	12/08/2023 12:04 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

12/08/2023 Ben Stephen - 6 Wilberth Street Tanunda Also, Property owner 66 Basedow Road, 64 Basedow Road directly opposite 49 Basedow Road. 49 Basedow Road is seeking change of use as per Plan SA Application ID: 23016854 and I believe should not become an Agricultural Equipment showroom and parts retail outlet. Farmtech Pty Ltd sell Agricultural Tractors, sprayers and grape harvesters. Is it realistic to believe these machines will not end up at 49 Basedow Road, including tractor servicing and machinery maintenance? as I currently believe Farmtech are seeking mechanics specifically for this site. The Barossa Valley has far more suitable premises available with larger sites for this type of work, such as Stockwell Road and Samuel Road for example. Basedow Road is a very busy road, increasing annually with traffic and pedestrians. As 49 Basedow Road has such a small road frontage, where will customers park? Naturally they will park on the road, most likely blocking access to the adjoining business landowners. I ask, how will freight trucks including semi-trailers be unloaded, as 49 Basedow Road has minimal road frontage. Trucks will only be able to reverse into the property therefore blocking traffic. I would also suggest forklifts will have to be driven onto the public road to unload trucks with freight. It is unrealistic to accept all freight delivered will be in vans or small trucks, I think not. Directly next door is 47 Basedow Road 'Basedow Budget Units' a long time Bed and Breakfast accommodation complex consisting of 3 units. There are constant 7 day bookings at 47 and I also urge council to consider the safety of their patrons, especially the elderly and small children. Once again, freight, customers, tractors entering and exiting create significant safety and noise concerns. I would also suggest this will effect the bookings and online rating status for 47, and I can guarantee there will be negative feedback from patrons due to noise, traffic, driveway access and general parking. Council must consider the safety risks to pedestrians and commuters. Directly opposite is Barossa Village, a retirement village, that I am sure will not enjoy the increase in noise and traffic levels. Most concerningly is 51 Basedow Road, also directly next door to 49. 51 is Barossa Funerals Chappel, funeral parlour, hosting multiple weekly funerals. I ask council, would you want to be farewelling your loved ones with a noisy agricultural workshop next door? Or have the sound of a forklift reversing beeper during a service? I highly doubt Farmtech would cease operations for hours at a time while a funeral takes place. I ask, do Council believe no mechanical work will ever take place at 49? Considering Farmtech are currently trading & servicing agricultural machinery in Eudunda, I can guarantee from experience, spare parts alone will not make this site viable, therefore servicing & machinery sales (which 100% require pre-delivery servicing) will be guaranteed to be part of the operations at 49, weather council have this information or not, I believe it is inevitable. I ask then, what happens when mechanical work does start? and tractors fill the front yard, further reducing already limited parking, and freight is unloaded on Basedow Road? Who will monitor this, and what actions would then be taken? Regards, Ben Stephen

Attached Documents

Representations

Representor 3 - BEN STEPHEN

Name	BEN STEPHEN
Address	64 Basedow Road TANUNDA SA, 5352 Australia
Submission Date	12/08/2023 12:08 PM
Submission Source	Online
Late Submission	Yes
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

12/08/2023 Ben Stephen - 64 Basedow Road Tanunda Also Property owner 66 Basedow Road and 6 Wilberth Street Tanunda, directly opposite 49 Basedow Road. 49 Basedow Road is seeking change of use as per Plan SA Application ID: 23016854 and I believe should not become an Agricultural Equipment showroom and parts retail outlet. Farmtech Pty Ltd sell Agricultural Tractors, sprayers and grape harvesters. Is it realistic to believe these machines will not end up at 49 Basedow Road, including tractor servicing and machinery maintenance? as I currently believe Farmtech are seeking mechanics specifically for this site. The Barossa Valley has far more suitable premises available with larger sites for this type of work, such as Stockwell Road and Samuel Road for example. Basedow Road is a very busy road, increasing annually with traffic and pedestrians. As 49 Basedow Road has such a small road frontage, where will customers park? Naturally they will park on the road, most likely blocking access to the adjoining business landowners. I ask, how will freight trucks including semi-trailers be unloaded, as 49 Basedow Road has minimal road frontage. Trucks will only be able to reverse into the property therefore blocking traffic. I would also suggest forklifts will have to be driven onto the public road to unload trucks with freight. It is unrealistic to accept all freight delivered will be in vans or small trucks, I think not. Directly next door is 47 Basedow Road 'Basedow Budget Units' a long time Bed and Breakfast accommodation complex consisting of 3 units. There are constant 7 day bookings at 47 and I also urge council to consider the safety of their patrons, especially the elderly and small children. Once again, freight, customers, tractors entering and exiting create significant safety and noise concerns. I would also suggest this will effect the bookings and online rating status for 47, and I can guarantee there will be negative feedback from patrons due to noise, traffic, driveway access and general parking. Council must consider the safety risks to pedestrians and commuters. Directly opposite is Barossa Village, a retirement village, that I am sure will not enjoy the increase in noise and traffic levels. Most concerningly is 51 Basedow Road, also directly next door to 49. 51 is Barossa Funerals Chappel, funeral parlour, hosting multiple weekly funerals. I ask council, would you want to be farewelling your loved ones with a noisy agricultural workshop next door? Or have the sound of a forklift reversing beeper during a service? I highly doubt Farmtech would cease operations for hours at a time while a funeral takes place. I ask, do Council believe no mechanical work will ever take place at 49? Considering Farmtech are currently trading & servicing agricultural machinery in Eudunda, I can guarantee from experience, spare parts alone will not make this site viable, therefore servicing & machinery sales (which 100% require pre-delivery servicing) will be guaranteed to be part of the operations at 49, weather council have this information or not, I believe it is inevitable. I ask then, what happens when mechanical work does start? and tractors fill the front yard, further reducing already limited parking, and freight is unloaded on Basedow Road? Who will monitor this, and what actions would then be taken? Regards, Ben Stephen

Attached Documents

Representations

Representor 4 - BEN STEPHEN

Name	BEN STEPHEN
Address	66 Basedow Road TANUNDA SA, 5352 Australia
Submission Date	12/08/2023 12:09 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

12/08/2023 Ben Stephen - 66 Basedow Road Also Property owner of 64 Basedow Road and 6 Wilberth Street Tanunda, directly opposite 49 Basedow Road. 49 Basedow Road is seeking change of use as per Plan SA Application ID: 23016854 and I believe should not become an Agricultural Equipment showroom and parts retail outlet. Farmtech Pty Ltd sell Agricultural Tractors, sprayers and grape harvesters. Is it realistic to believe these machines will not end up at 49 Basedow Road, including tractor servicing and machinery maintenance? as I currently believe Farmtech are seeking mechanics specifically for this site. The Barossa Valley has far more suitable premises available with larger sites for this type of work, such as Stockwell Road and Samuel Road for example. Basedow Road is a very busy road, increasing annually with traffic and pedestrians. As 49 Basedow Road has such a small road frontage, where will customers park? Naturally they will park on the road, most likely blocking access to the adjoining business landowners. I ask, how will freight trucks including semi-trailers be unloaded, as 49 Basedow Road has minimal road frontage. Trucks will only be able to reverse into the property therefore blocking traffic. I would also suggest forklifts will have to be driven onto the public road to unload trucks with freight. It is unrealistic to accept all freight delivered will be in vans or small trucks, I think not. Directly next door is 47 Basedow Road 'Basedow Budget Units' a long time Bed and Breakfast accommodation complex consisting of 3 units. There are constant 7 day bookings at 47 and I also urge council to consider the safety of their patrons, especially the elderly and small children. Once again, freight, customers, tractors entering and exiting create significant safety and noise concerns. I would also suggest this will effect the bookings and online rating status for 47, and I can guarantee there will be negative feedback from patrons due to noise, traffic, driveway access and general parking. Council must consider the safety risks to pedestrians and commuters. Directly opposite is Barossa Village, a retirement village, that I am sure will not enjoy the increase in noise and traffic levels. Most concerningly is 51 Basedow Road, also directly next door to 49. 51 is Barossa Funerals Chappel, funeral parlour, hosting multiple weekly funerals. I ask council, would you want to be farewelling your loved ones with a noisy agricultural workshop next door? Or have the sound of a forklift reversing beeper during a service? I highly doubt Farmtech would cease operations for hours at a time while a funeral takes place. I ask, do Council believe no mechanical work will ever take place at 49? Considering Farmtech are currently trading & servicing agricultural machinery in Eudunda, I can guarantee from experience, spare parts alone will not make this site viable, therefore servicing & machinery sales (which 100% require pre-delivery servicing) will be guaranteed to be part of the operations at 49, weather council have this information or not, I believe it is inevitable. I ask then, what happens when mechanical work does start? and tractors fill the front yard, further reducing already limited parking, and freight is unloaded on Basedow Road? Who will monitor this, and what actions would then be taken? Regards, Ben Stephen

Attached Documents

Reply to 49 Basedow road site application

To whom it may concern,

In reply to the letter from Mr Stephens regarding 49 Basedow Road Application ID 23016854. We would like to answer the numerous questions as been put forward by Mr Stephens in his representations.

"Is it realistic to believe these machines will not end up at 49 Basedow road including tractor servicing & machinery maintenance?"
Yes some servicing will be performed at 49 Basedow road, as informed to council in previous email sent July 18th 2023 to Jake Boswell. However, predominantly our work is undertaken in field with our mobile service fleet.

"The Barossa valley has far more suitable premises available with larger sites, for this type of work"
After numerous years of investigating this has been the most suitable predeveloped premises to become available. If our business were to evolve over the coming years, we would certainly be looking to expand to a larger site.

"As 49 Basedow road, has such a small road frontage, where will customers park?"
This has been addressed in our original application submitted.

"How will freight trucks including semi trailers be unloaded, as 49 Basedow road has minimal road frontage?"
Regular truck deliveries have been made to this premises under the previous business, with no concerns. However, large Freight has been addressed by positive discussions with the truck depot yard located behind the property.

How will surrounding neighbours; 47 Basedow Budget Units, 51 Barossa Funerals, 71/72 Barossa Village be affected?
As attached in an additional letter from the current proprietors of 49 Basedow road it has been confirmed that none of the stated neighbours have concerns with the new proposal, this is supported by the fact that none of these residents have produced a representation in opposition, during the public consultation process.

"I highly doubt that Farmtech would cease operation hours at a time while a funeral takes place"
Funeral parlour discussions took place during initial investigations & work can cease during funerals as has previously happened with current owners. Farmtech will directly liase with Barossa Funeral as previous proprietors have done so.

"I ask then what happens when mechanical work does start, who will monitor this & what actions will be taken?"
As already stated, the council is already aware of some mechanical repairs to be undertaken at these premises & we are happy to conform to current regulations. It may be noted that farm machinery all conforms to a regulated noise limit on manufacture, therefore noise issues will not be a problem with neighboring properties.

Dated: 12/9/2023

If any further discussions are required, please feel free to contact us directly.
Kind Regards;
Shane Schiller (Director) & Josh Fuller (General Manager)

Dated: 12/9/2023

THE GLASSMITHS

49 Basedow Road
Tanunda SA5352
PO Box 522
Angaston SA 5353
PH 0418 811 188
glassmiths@gmail.com

12th September 2023

Re: Development Application ID: 23016854

To PlanSA

My name is David Smith. My wife Colleen and I are the owners of 49 Basedow Road, Tanunda.

Due to health reasons, last year my wife and I decided to close our businesses and lease out our factory at 49 Basedow Road. Our prospective tenant is to be Shane Schiller of Farmtech, Eudunda.

I wish to respond to Mr. Ben Stephens's submission opposing the development application.

When the time seemed appropriate, I spoke with our neighbours to inform them of the possibility of Farmtech moving into and conducting their business from the premises. Of our immediate neighbours being Ken Ambrose from Basedow Budget Units, Dennis & Maryanne Noack from Barossa Funerals and Karen Davidson, tenant and secretary of the Barossa Village Residence Association, none of them had any complaints or concerns with the proposed developments and as such, no one, to our knowledge has lodged a submission against it.

My wife and I have been running our cabinet making & glazing business from this location for almost 20 years with panel saws, dust extractors, air compressors, edge banders and glass floatation machines running all hours of the day. We have always had regular deliveries via semi- trucks, rigid trucks, delivery vans and using forklifts to assist. Not once has there been any complaint from our neighbours or general public. Furthermore, due to the glazing business, being primarily emergency type call out work, it was not unusual to be at the workshop very late at night or on weekends. Given that the neighbours to our back fence are Booths Transport depot it was the norm to have heavy trucks & machinery in the neighbourhood seven days per week.

As a small community of Basedow Road businesses which Mr Stephens has not been part of, we have all worked together out of common courtesy whether it be parking, putting away rubbish bins or whatever was required to help each other out. In particular, I would like to rebut Mr. Stephen's comment regarding funerals. Out of respect, we always closed down the machinery noise for the duration of every funeral held and have personally expressed the same to Shane Schiller and his team. They are absolutely in accord with this sentiment for the same reason – respect.

Unfortunately, this matter has been clouded by the fact that Mr Stephens business, Vinetech is in direct competition to Mr Schiller who is hoping to run his business Farmtech from Basedow Road. I consider this to be a conflict of interest and hope that the Barossa Council & PlanSA call it as it is and disregard the many complaints Mr. Stephens has tried to mount in order to block any competition.

Thank you for taking the time to consider my concerns.

Regards,

David Smith

6.4 23022756 - 34 John Street Tanunda

APPLICATION DETAILS

PROPOSAL	Change of use from dwelling to short term tourist accommodation (max of 8 guests)
APPLICANT	Simon Liersch
OWNER	Simon Liersch
APPLICATION NO	23022756
CERTIFICATE(S) OF TITLE	CT 5948/4
AREA	767 sqm
CURRENT USE	Residential
PLANNING AND DEVELOPMENT CODE VERSION	2023.11 – 3 August 2023
PLANNING AND DESIGN CODE EXTRACT LINK	Relevant Code Extract
ZONE	Established Neighbourhood Zone
OVERLAYS	Character Preservation District (Township) Historic Area (Baro14) Hazards (Bushfire - Urban Interface) Hazards (Flooding - Evidence Required) Native Vegetation Prescribed Water Resources Area Water Protection Area
APPLICATION TYPE	Performance Assessed
PUBLIC NOTIFICATION	Notified – Sign
REFERRALS	Nil
PREVIOUS APPLICATIONS	Nil
ASSESSING OFFICER	Tom Marshall
RECOMMENDATION	That Planning Consent by GRANTED subject to Conditions

INTRODUCTION

The applicant is seeking to obtain development approval for a change of use from the existing dwelling to tourist accommodation with the capacity to accommodate up to eight guests. No other elements are proposed within this application.

The subject site is located within the Established Neighbourhood Zone where Tourist Accommodation does not have any applicable Accepted, Deemed to Satisfy or Restricted Pathway. The application was therefore classified as a Performance Assessed – Code assessed application that was publicly notified in accordance with Section 107 of the *Planning, Development and Infrastructure Act 2016*. Two representations were received throughout the public notification process with none choosing to be heard.

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

(1) Where in the opinion of the Assessment Manager, it is appropriate for the application to be determined by the Barossa Assessment Panel.

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

The proposed use is seeking to provide short-term accommodation to travellers on a commercial basis in accordance with the definition of '*Tourist Accommodation'* contained within Part 7 of the Planning and Design Code. This land use is not listed as an envisaged form of development within the Established Neighbourhood Zone.

Although the proposal is not directly identified as an envisaged use, non-residential uses are anticipated within the Zone. It is considered that the proposed use does not unreasonably impact on the residential character or amenity of the surrounding area and is a compatible non-residential land use that can complement the surrounding residential properties, as a result of the limited potential interface impacts expected to occur.

The proposal is considered to warrant the grant of Planning Consent, subject to conditions.

SITE AND LOCALITY

The subject site comprises the entire property of 34 (lot 741) John Street, Tanunda.

The property is of a regular rectangle shape with a 17 metre wide frontage to John Street and site area of approximately 767 sqm. The site contains an existing single storey detached dwelling with associated rear verandah and two domestic outbuildings at the rear.

The dwelling is setback from John Street a comparable distance to the dwellings on neighbouring properties. The dwelling has a pitched hipped roof in roof tiles and brick walls with aluminium window frames. The dwelling has a consistent visual appearance to the neighbouring dwellings in this street.

The subject site is located approximately 430 metres west of the Tanunda Main Street (Murray Street), approximately 250 metres from the Township Main Street Zone and has approximately nine Tourist Accommodation uses within a 200 metre radius situated amongst an area primarily used for residential purposes.

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

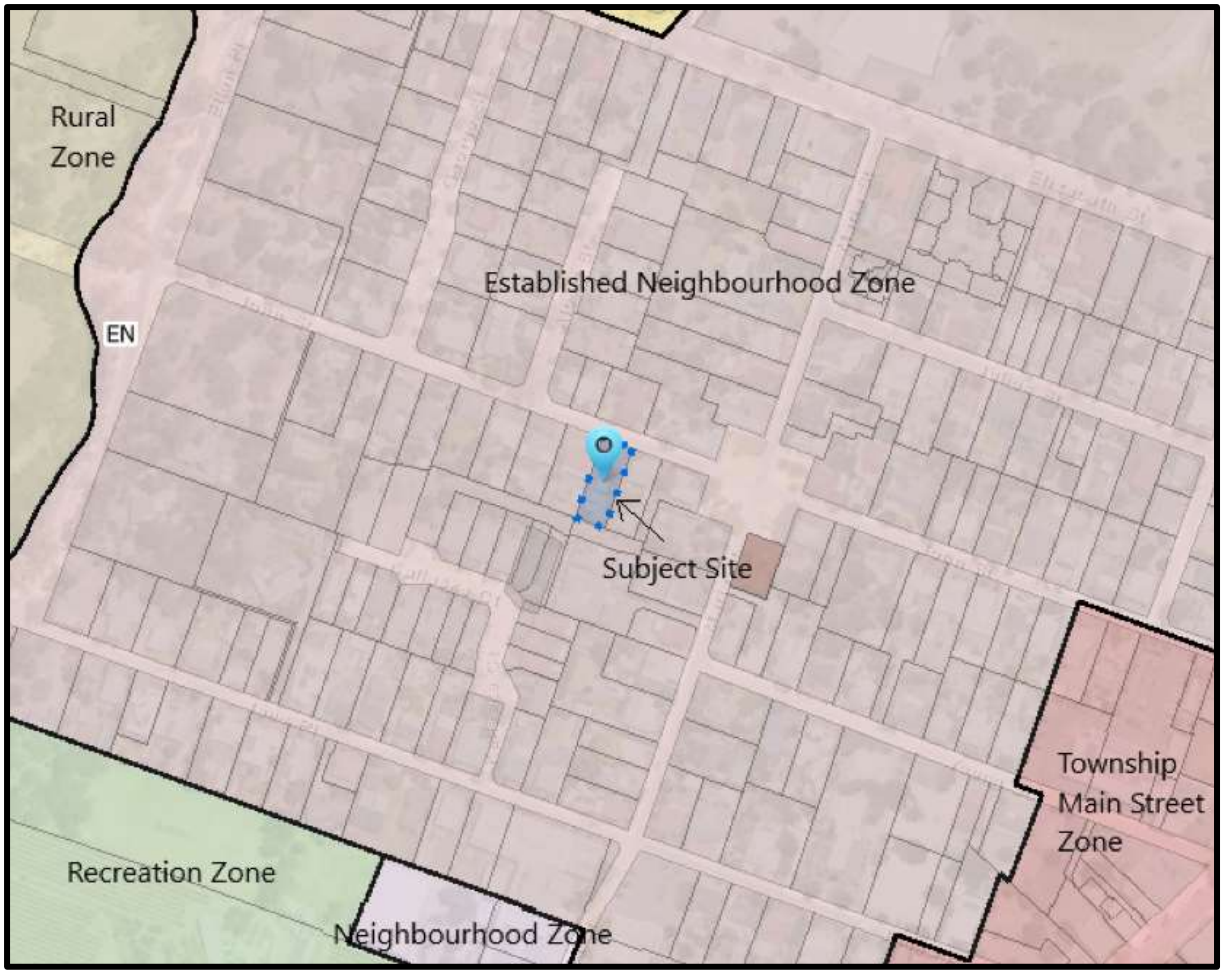


Figure 1: *Zone Map – subject site with surrounding zoning.*

An aerial view of the site and locality are contained in ***Figure 2*** and ***Figure 3*** below.

Site photos are provided in ***Figures 4*** to ***Figure 11.***

Figure 2: *Aerial – Locality – Locality defined in green shading.*

Figure 3: *Aerial – Site*

Figure 4: *Site Photo – Looking south from John Street toward the site*

Figure 5: *Site Photo – front of property looking west*

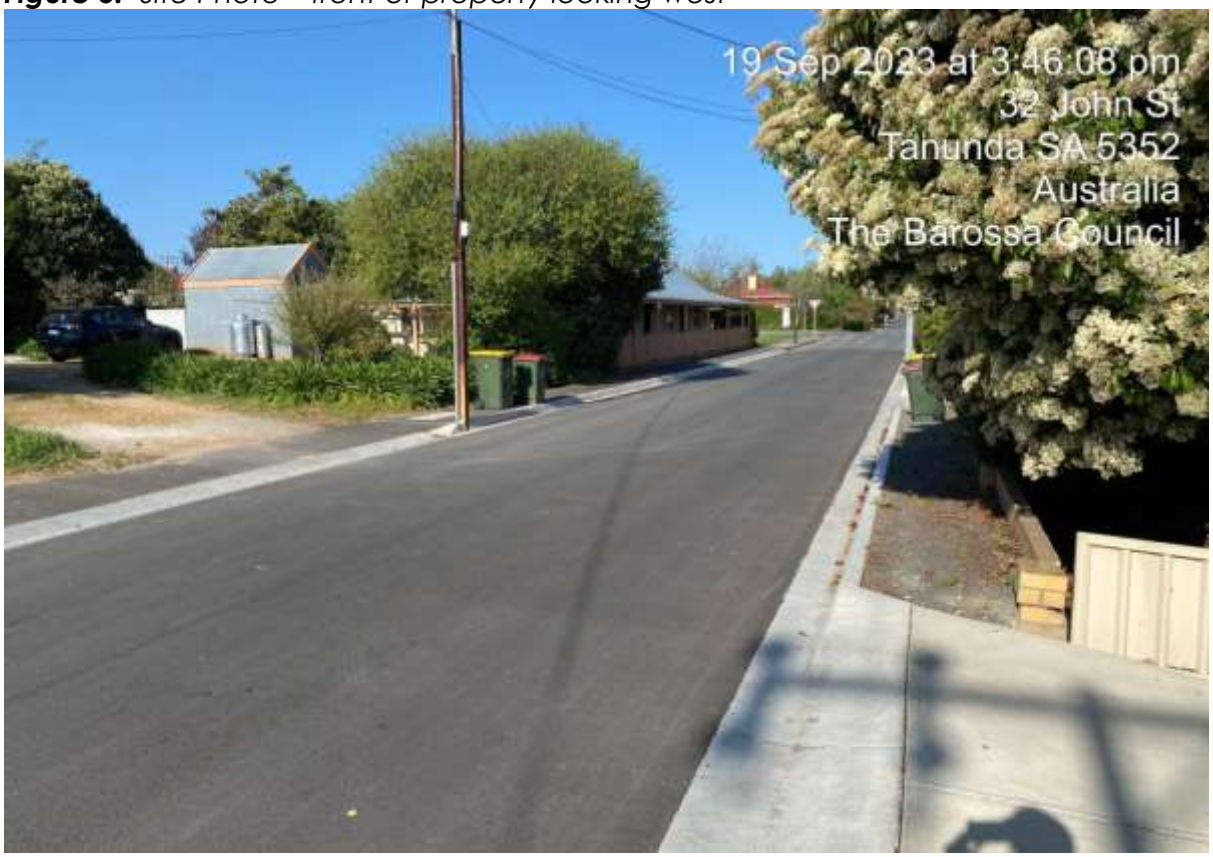


Figure 6: *Site Photo - front of property looking east along John Street*

Figure 7: *Site Photo – view north from driveway of the subject property*

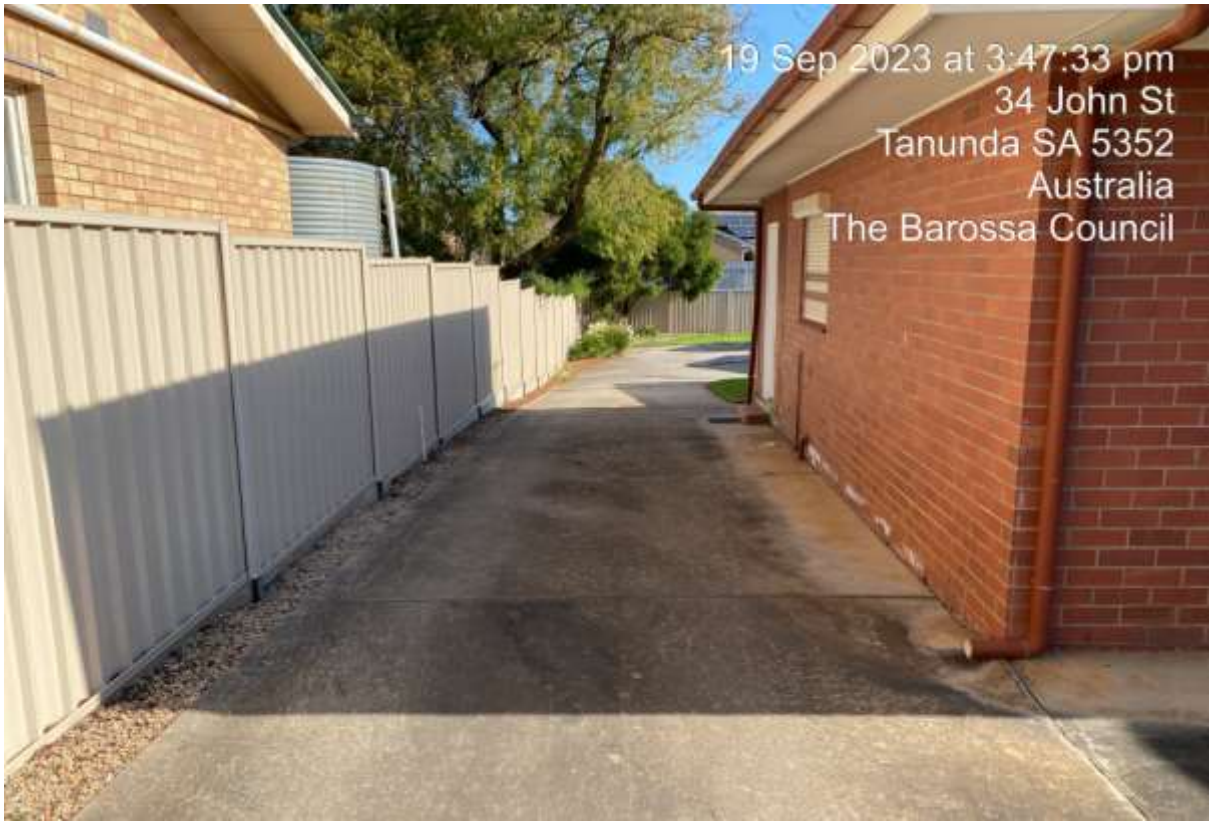


Figure 8: *Site Photo – view down driveway from front of house to rear*

Figure 9: *Site Photo – looking north-west within rear yard of property*

Figure 10: *Site Photo – looking north from rear of property toward John Street*

Figure 11: *Site Photo – front yard viewed from driveway*

PROPOSAL

The proposal involves change of use from an existing dwelling to Tourist Accommodation. There is no signage or building work proposed within this application, other than necessary internal works to meet the National Construction code, for Building Consent.

The change of use will result in the existing dwelling being converted to short term accommodation with a single width driveway extending along the eastern side of the site for rear access parking spaces. The building includes three bedrooms, loungeroom, dining, kitchen, laundry bathroom and separate toilet sought to accommodate a maximum of eight guests at any one time.

Access to the property is via a lawful access point from John Street to a single width driveway internal to the subject site. The site does not include a covered carport or garage along the eastern side of the existing dwelling due to the existence of an easement along the eastern allotment boundary for Council's Community Waste Management System (CWMS), thereby restricting development within that easement area. Covered parking is instead accommodated for at the rear of the property within the two domestic outbuildings (garages).

There are no proposed changes to the existing building with the external appearance and internal configuration being maintained.

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

APPLICATION TYPE
The site is located within the Established Neighbourhood Zone under the Planning and Design Code.

The proposed development does not have an applicable Accepted, Deemed to Satisfy or Restricted Pathway as in accordance with Table 1, 2 and 4 of the Established Neighbourhood Zone. The application is also not listed within Table 3 of the Established Neighbourhood Zone, such that the proposed development does not have a specified list of 'Applicable Policies'. Instead, the application is determined to be '*All Other Code Assessed Development'* in accordance with Part 1 – Rules of Interpretation of the Planning and Design Code (Version 2023.11).

PUBLIC NOTIFICATION
The application was subject to public notification in accordance with Table 5 – Procedural Matters – Notification of the Established Neighbourhood Zone. The proposed Tourist Accommodation use is not excluded from public notification due to not being listed within 'Class of Development (Column A)' within Table 5.

A summary of the public notification process is contained below:

Representations:	Two representations were received during the public notification period as follows: • Damien Semba • Andrew and Jenny Rosenzweig Based on the address information provided within the two representations received, the property addresses of the representors are unable to be determined. No late representations were received.
Person wishing to be heard:	No representors wish to be heard.
Applicant	Simon Liersch, owner of the subject site, shall be in attendance if the Panel have any questions.
Time period for Public Consultation	21 August 2023 – 8 September 2023

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

Summary of Representations **Representor/s**	**Applicant's Response**
• *The property should have additional safety measures such as a second fire alarm in the lounge room and an additional fire exit placed closer to the middle of the rear of the dwelling to enable quick egress in case of a fire.*	• *I have lived in the property and another family has lived in this property for years without any issues. A working smoke alarm and small fire extinguisher will be provided in the kitchen.*

• *With the rental crisis, is it wise to remove houses from the available supply to be used for short term accommodation?*	• *With regard to the rental crisis, this is a legitimate application for short term accommodation, which is very common in the area close to the main street of Tanunda.*
• *Concerns with eight guests parking at the residence within a narrow street. John Street is 'tight' with several vehicles parking in the street now. It is awkward navigating other traffic and vehicles parked on either side of the street. Is there room and the requirement for the eight guests to park on the property?*	• *This is not an issue. There is more than enough parking on the property off John Street that can fit multiple vehicles.*
• *Eight guests seem excessive for a three bedroom house with a single bathroom and toilet but assume it must meet regulations.*	• *Not directly addressed.*
• *Don't believe the development would be within the character of the immediate area.*	• *This is a legitimate application for short term accommodation, which is very common in the area close to the main street of Tanunda.*
• *There is existing heritage style guest accommodation nearby which is more suited to the character preservation of the district.*	• *Not directly addressed.*
• *Increased concerns with the broader homelessness and rental crisis issues in the Barossa.*	• *This is a legitimate application for short term accommodation, which is very common in the area close to the main street of Tanunda.*

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

REFERRALS

External

The application was not subject to any referrals pursuant to Schedule 9 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

Internal

The following internal advice has been received from staff:

Health Services	*No concerns. The proposed change of use will not impact on the existing wastewater system and the 'Bed and Breakfast Questionnaire' has been received.*

ASSESSMENT
Please refer to the following link, the Planning and Design Code extract for this proposal, dated 3 August 2023, Version 2023.11.

Planning and Design Code Extract Link	*Relevant Code Extract*

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.

The proposed change of use is of a size, scale and intensity that is considered reasonable in the context of the subject site. Similarly, while tourist accommodation is not a use that is listed under the DTS/DPF 1.1 as an envisaged use within the Established Neighbourhood Zone, the small scale of the proposed tourist accommodation and the characteristics of this locality, which include multiple tourist accommodation uses close by, are such that the proposed land use is considered to be in-principle appropriate and compatible with the locality in which it is situated.

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.

The proposal will not diminish the visual amenity of the township landscape in that the proposal will not involve any changes to the appearance of the existing building.

Further discussion in relation to this matter 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

Established Neighbourhood Zone	
Desired Outcomes	
DO1	*A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.*
DO2	*Maintain the predominant streetscape character, having regard to key features such as roadside plantings, footpaths, front yards, and space between crossovers.*
Relevant Performance Outcomes/Designated Performance Features	
Land use and Intensity	
PO 1.1 *Predominantly residential development with complementary non-residential activities compatible with the established development pattern of the neighbourhood.*	*DTS/DPF 1.1* *Development comprises one or more of the following:* *(a) Ancillary accommodation* *(b) Community facility*

	(c) Consulting room *(d) Dwelling* *(e) Office* *(f) Recreation area* *(g) Shop*
PO 1.2 *Commercial activities improve community access to services are of a scale and type to maintain residential amenity.*	*DTS/DPF 1.2* *A shop, consulting room or office (or any combination thereof) satisfies any one of the following:* *(a) it is located on the same allotment and in conjunction with a dwelling where all the following are satisfied:* *i. does not exceed 30% of the total floor area of the associated dwelling (excluding any garage or carport) or 50 sqm gross leasable floor area, whichever is the lesser* *ii. does not involve the display of goods in a window or about the dwelling or its curtilage* *(b) it reinstates a former shop, consulting room or office in an existing building (or portion of a building) and satisfies one of the following:* *i. the building is a State or Local Heritage Place* *ii. is in conjunction with a dwelling and there is no increase in the gross leasable floor area previously used for non-residential purposes* *(c) is located more than 500 metres from an Activity Centre and satisfies one of the following:* *i. does not exceed 100 sqm gross leasable floor area (individually or combined, in a single building) where the site does not have a frontage to a State Maintained Road* *ii. does not exceed 200 sqm gross leasable floor area (individually or combined, in a single building) where the site has a frontage to a State Maintained Road* *(d) the development site abuts an Activity Centre and all the following are satisfied:* *i. it does not exceed 200 sqm gross leasable floor area (individually or combined, in a single building)* *ii. the proposed development will not result in a combined gross leasable floor area (existing and proposed) of all shops, consulting rooms and offices that abut the Activity Centre*

	in this zone exceeding the lesser of the following: *A. 50% of the existing gross leasable floor area within the Activity Centre* *B. 1000 sqm*
PO 1.3 *Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.*	*DTS/DPF 1.3* *None are applicable.*
PO 1.4 *Non-residential development located and designed to improve community accessibility to services, primarily in the form of:* *(a) small scale commercial uses such as offices, shops and consulting rooms* *(b) community services such as educational facilities, community centres, places of worship, child care facilities and other health and welfare services* *(c) services and facilities ancillary to the function or operation of supported accommodation or retirement facilities* *(d) open space and recreation facilities.*	*DTS/DPF 1.4* *None are applicable.*

The proposed Tourist Accommodation use is not directly identified within DTS/DPF 1.1 as an envisaged form of development within the Established Neighbourhood Zone.

To determine the suitability of the proposed use, consideration to the intent of Performance Outcome 1.1 and DTS/DPF 1.1 is necessary. Performance Outcome 1.1 seeks predominantly residential development with complementary non-residential activities that both complement the residential area and are compatible with the established pattern of development within the neighbourhood.

Arguably, Performance Outcome 1.1 is achieved by this proposal through encouraging a complementary commercial use that continues to provide a form of accommodation, except in the form of a change from long-term residential accommodation to short-term commercial accommodation.

The non-residential uses envisaged within DTS/DPF 1.1 ie consulting room, office, shop etc, are uses that may have greater level of impact upon the existing residential area than the proposed Tourist Accommodation which seeks to utilise an existing dwelling that does not change the dwelling appearance, thereby avoiding character impacts beyond the existing property appearance, aligning with Desired Outcome 2.

It is difficult to draw connection to Performance Outcome 1.2 in that the proposed commercial use does not directly improve community access to services, although the provision does highlight amenity impacts. The proposal is of a scale and type that is likely to maintain residential amenity due to being an accommodation use and with all parking spaces accommodated on the property (instead of on-street).

Performance Outcome 1.3 seeks to protect the residential character and amenity of the neighbourhood from non-residential land uses. The proposal does not seek visual alterations of the existing dwelling thereby maintaining the existing contribution to the residential character through the retained appearance of the dwelling frontage. The

amenity of the neighbourhood can be maintained through the use of on-site parking and through general law enforcement routes by SAPOL (should the guests create amenity impacts such as noise etc.).

The application does not directly achieve Performance Outcome 1.4 as the proposed use is not directly related to community services. However, as discussed above, the intended use is reasonably consistent to the intended form of development within the zone when considering the residential amenity and character.

A key concern for both representors was the impact of this proposal upon housing availability within the Zone. A key consideration for this type of proposal is the potential of the proposal to frustrate the Desired Outcome of the Zone. Desired Outcome 1 seeks "*A neighbourhood that includes a range of housing types*". With the removal of housing to tourist accommodation, this does reduce the supply of housing within the Zone, but it is acknowledged that the Zone does anticipate non-residential development.

Character Preservation District Overlay

Character Preservation District Overlay (Township)	
Desired Outcomes	
DO1	*Recognise, protect and enhance the special character of Character Preservation Districts.*
DO2	*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	
i.Built Form and Character	
PO 2.1 *Development occurring at the edge of townships is sympathetic to the rural landscape and reinforces a clear transition between townships and rural landscape through measures including:* *(a) being of a low scale* *(b) orientating residential development towards the rural area* *(c) ensuring visual separation from the rural area through landscaping and road reserves.*	*DTS/DPF 2.1* *None are applicable.*
PO 2.2 *Development contributes to and maintains the historic identity and character of townships through appropriate:* *(a) form* *(b) scale* *(c) siting* *(d) design* *(e) landscaping.*	*DTS/DPF 2.2* *None are applicable.*
PO 2.3 *Adaptive re-use of rural structures and historic and/or character buildings supports their preservation and ongoing contribution to the landscape.*	*DTS/DPF 2.3* *None are applicable.*

The subject site is located within the Tanunda township boundary having a separation distance in excess of 250 metres from the nearest rural area identified within the *Character Preservation (Barossa Valley) Act 2012*. This property is not considered to be located at or on the edge of the township, therefore Performance Outcome 2.1 is not impacted (although still has been considered for clarity).

The proposal is not seeking to alter any of the existing built form or undertake any alterations of the site. The existing building, driveways, outbuildings, fences and landscaping areas are all not proposed to be altered within this application. The intent of Performance Outcome 2.2 is therefore not offended.

The building subject to this application is not considered to be of significant historic or character value when considered on its own, however this building is considered to make some positive contribution to the streetscape character. This application will maintain the existing building through the tourist accommodation use proposed, meaning the proposal will not impact the existing contribution to the landscape or change to the external appearance.

In summary, the proposal is considered to satisfy key provisions within the Character Preservation District Overlay.

Historic Area Overlay

Historic Area Overlay (Baro14)		
Desired Outcomes		
DO1	*Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that responds to existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.*	
Relevant Performance Outcomes/Designated Performance Features		
All Development		
PO 1.1 *All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.*		*DTS/DPF 1.1* *None are applicable*

Tanunda West Historic Area Statement (Baro14)

Baro14	***Tanunda West Historic Area Statement (Baro14)*** *The Historic Area Overlay identifies localities that comprise characteristics of an identifiable historic, economic and/or social theme of recognised importance. They can comprise land divisions, development patterns, built form characteristics and natural features that provide a legible connection to the historic development of a locality.* *These attributes have been identified in the below table. In some cases State and/or Local Heritage Places within the locality contribute to the attributes of an Historic Area.* *The preparation of an Historic Impact Statement can assist in determining potential additional attributes of an Historic Area where these are not stated in the below table.*

		Eras, themes and context	*Nineteenth century development*
		Allotments, subdivision and built form patterns	*Narrow streets*
		Architectural styles, detailing and built form features	*[Not stated]*
		Building height	*[Not stated]*
		Materials	*[Not stated]*
		Fencing	*[Not stated]*
		Setting, landscaping, streetscape and public realm features	*Existing landscaping and low-density built form, attractive "gateway" to the town centre. Varied, but minimal building setbacks, forming intimate streetscapes.*
	j.	*Representative Buildings*	*[Not identified]*

The site is located within the Tanunda West Historic Area.

The proposal will not impact on the historic streetscapes and built form as expressed within the Tanunda West Historic Area Statement due to there being no built form alterations. The Historic Area Overlay and associated Statement does not provide limitation on the proposed Tourist Accommodation proposed within this application. Therefore, Performance Outcome 1.1 is not considered to be offended.

Native Vegetation

Native Vegetation Overlay	
Desired Outcomes	
DO1	*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.*
Relevant Performance Outcomes/Designated Performance Features	
Environmental Protection	
PO1.1 *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* *or* *(b) a report prepared in accordance with Regulation 18(2)(a) of the Native Vegetation Regulations 2017 that establishes that the clearance is categorised as 'Level 1 clearance'.*

No native vegetation clearance is required as part of this application – Performance Outcome 1.1 is therefore achieved.

Clearance from Overhead Powerlines

General Development Policies	
Clearance from Overhead Powerlines	
Desired Outcomes	
DO1	*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.*

The applicant has provided an electricity declaration – Performance Outcome 1.1 is therefore achieved.

Design

Design	
Desired Outcomes	
DO1	*Development is:* *(a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area* *(b) durable - fit for purpose, adaptable and long lasting* *(c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors.* *(d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.*
Relevant Performance Outcomes/Designated Performance Features	
All Development	
Safety	
PO 2.3 *Buildings are designed with safe, perceptible and direct access from public street frontages and vehicle parking areas.*	*DTS/DPF 2.3* *None are applicable.*

The existing vehicle access point from John Street to the property will be maintained, noting the existing internal driveway and hardstand will be utilised for vehicles of guests staying at the site. There are no concerns with regard to direct access or the safety of this access point, thereby supporting the intent of Performance Outcome 2.3.

Infrastructure and Renewable Energy Facilities

Infrastructure and Renewable Energy Facilities	
Desired Outcomes	
DO1	*Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.*
Relevant Performance Outcomes/Designated Performance Features	
General	
PO1.1 *Development is located and designed to minimise hazard or nuisance to adjacent development and land uses.*	*DTS/DPF 1.1* *None are applicable.*
Water Supply	
PO 11.1 *Development is connected to an appropriate water supply to meet the ongoing requirements of the intended use.*	*DTS/DPF 11.1* *Development is connected, or will be connected, to a reticulated water scheme or mains water supply with the capacity to meet the on-going requirements of the development.*
Wastewater Services	
PO 12.1 *Development is connected to an approved common wastewater disposal service with the capacity to meet the requirements of the intended use. Where this is not available an appropriate on-site service is provided to meet the ongoing requirements of the intended use in accordance with the following:* *(a) it is wholly located and contained within the allotment of the development it will service.* *(b) in areas where there is a high risk of contamination of surface, ground, or marine water resources from on-site disposal of liquid wastes, disposal systems are included to minimise the risk of pollution to those water resources.* *(c) septic tank effluent drainage fields and other wastewater disposal areas are located away from watercourses and flood prone, sloping, saline or poorly drained land to minimise environmental harm.*	*DTS/DPF 12.1* *Development is connected, or will be connected, to an approved common wastewater disposal service with the capacity to meet the requirements of the development. Where this is not available it is instead capable of being serviced by an on-site waste water treatment system in accordance with the following:* *(a) the system is wholly located and contained within the allotment of development it will service; and* *(b) the system will comply with the requirements of the South Australian Public Health Act 2011.*

The proposed development will involve reuse of an existing dwelling that achieves typical dwelling boundary setbacks. The proposed use is short-term accommodation to guests on a commercial basis. It is not expected that existing facilities servicing the building such as air conditioning will create hazard or nuisance for neighbouring properties, noting that accommodation will continue, albeit for short term accommodation rather than residential accommodation.

The existing water supply and waste control system will be maintained and are considered to be suitable to service the land use.

Interface between Land Uses

Interface between Land Uses	
Desired Outcomes	
DO1	*Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.*
Relevant Performance Outcomes/Designated Performance Features	
General Land Use Compatibility	
PO 1.2 *Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.*	*DTS/DPF 2.1* *None are applicable.*

The proposed land use will not adversely impact on the adjoining sensitive receivers (dwellings) due to the property being used for short-term accommodation.

The use itself is not expected to give rise to nuisance impacts. Any issues associated to behaviour of the guests is not considered within the applicable policy and, should the situation arise, will be a matter for SAPOL. The potential nuisance impacts are not expected to be any different to the use of an existing dwelling within a Neighbourhood Zone, thereby achieving the intent of Desired Outcome 1.

This matter is also discussed under heading "Land Use".

Transport, Access and Parking

Transport, Access and Parking	
Desired Outcomes	
DO1	*A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.*
Relevant Performance Outcomes/Designated Performance Features	
Vehicle Access	
PO 3.1 *Safe and convenient access minimises impact or interruption on the operation of public roads.*	*DTS/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 6 metres of an intersection of two or more roads or a pedestrian activated crossing.*
PO 3.5 *Access points are located so as not to interfere with street trees, existing street furniture (including directional signs, lighting, seating and weather shelters) or infrastructure services to maintain the appearance of the streetscape, preserve local amenity and minimise disruption to utility infrastructure assets.*	*DTS/DPF 3.5* *Vehicle access to designated car parking spaces satisfy (a) or (b):* *(a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land*

	(b) where newly proposed, is set back: *i. 0.5 metres or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner* *ii. 2 metres or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance* *iii. 6 metres or more from the tangent point of an intersection of two or more roads* *iv. outside of the marked lines or infrastructure dedicating a pedestrian 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.*	*DTS/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 2 - Off-Street Vehicle Parking Requirements in Designated Areas if the development is a class of development listed in Table 2 and the site is in a Designated Area* *(b) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements where (a) does not apply* *(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.*
Vehicle Parking Areas	
PO 6.2 *Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced, and the like.*	*DTS/DPF 6.2* *None are applicable.*

Table 1 - General Off-Street Car Parking Requirements	
Vehicle Parking Rates	
Tourist accommodation other than a caravan and tourist park	*One car parking space per accommodation unit/guest room.*

The proposed development will be accessed via an existing lawful access point to John Street, thereby satisfying both Performance Outcome 3.1 and 3.5.

The property consists of concrete ramped areas, which provide the potential for disabled access to be provided. Confirmation of any requirement to this regard are considered within the assessment of the Building Consent, which shall follow if Planning Consent is granted.

The proposal seeks to utilise the three existing bedrooms for accommodation, meaning the site should be served by three vehicle spaces. The parking rates do not require these spaces to be covered so the uncovered driveway spaces may be appropriate. The subject site will suitably achieve this requirement due to the large internal driveway area situated along the eastern boundary and at the rear of the existing dwelling.

These parking spaces are suitably located with an existing boundary fence separating this property to the adjoining eastern property. There are no concerns in relation to impacts on adjoining sensitive receivers due to the minimal impacts expected from use of the driveway and parking areas.

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

Hazards (Bushfire - Urban Interface) (Urban Interface)
Proposal does not seek to land division or the creation of a road.

Hazards (Flooding - Evidence Required)
The proposal does not propose any alterations to the existing floor level or drainage system.

Prescribed Water Resources Area
The proposed use is serviced by mains water and will not be impacting on surface water, watercourses or wells.

Water Protection Area
Proposal does not involve activities with the potential to harm or impact on water supply.

CONCLUSION
The proposal involves the "*Change of use from dwelling to short term tourist accommodation (max of eight guests)*" at 34 John Street, Tanunda.

The application was subject to Performance Assessed 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 objecting to the proposal, of which none wish to be heard.

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

The proposal is considered to be reasonably consistent with the Desired Outcome and Performance Outcomes of the Established Neighbourhood Zone whilst also achieving the further requirements identified within the Planning and Design Code as they apply to the subject site.

Whilst the proposed land use is not directly identified as an envisaged use, it is considered that the proposed use does not unreasonably impact on the residential character or amenity of the surrounding area through utilising the existing dwelling on the site for the use. The land use is also considered to be a compatible non-residential land use which can complement the surrounding residential properties.

With the consideration to the assessment within this report, this application warrants Planning Consent being granted, subject to 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. 23022756 by Simon Liersch to undertake the "Change of use from dwelling to short term tourist accommodation (max of eight guests)" at 34 John Street, Tanunda (CT 5948/4) subject to the following conditions and advisory notes:

Council Conditions

(1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 23022756 except where varied by any condition(s) listed below.

(2) Prior to occupation, the building authorised herein shall be connected and remain connected to an approved wastewater system.

(3) No more than eight (8) guests shall be accommodated within the Tourist Accommodation facility at any one time.

(4) All guests vehicle parking must be contained within the site boundary.

Advisory Notes

(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) 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) 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.

(10) 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 being 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.

Further enquiries should be directed to the Works and Engineering team on 8563 8444.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Application and Associated Documentation ⇩
Attachment 2 Representations Received ⇩
Attachment 3 Applicants Response to Representations ⇩

Development Locations

Location 1

Location reference
34 JOHN ST TANUNDA SA 5352

Title Ref
CT 5948/4

Plan Parcel
D67776 AL741

Additional Location Information

Council
THE BAROSSA COUNCIL

Zone Overlays

Zones
- Established Neighbourhood

Sub-zones
(None)

Overlays
- Character Preservation District
- Historic Area
- Hazards (Bushfire - Urban Interface)
- Hazards (Flooding - Evidence Required)
- Native Vegetation
- Prescribed Water Resources Area
- Water Protection Area

Variations
- Minimum Frontage (Minimum frontage for a detached dwelling is 15m; semi-detached dwelling is 12m; row dwelling is 10m; group dwelling is 25m; residential flat building is 25m)
- Minimum Site Area (Minimum site area for a detached dwelling is 500 sqm; semi-detached dwelling is 400 sqm; row dwelling is 350 sqm; group dwelling is 400 sqm; residential flat building is 400 sqm)
- Maximum Building Height (Levels) (Maximum building height is 1 level)

Application Contacts

Applicant(s)

Stakeholder info
Mr simon liersch
[redacted]

Contact

Stakeholder info
Mr simon liersch
[redacted]

TANUNDA
SA
5352
[redacted]

Invoice Contact

Stakeholder info
Mr simon liersch
[redacted]

Invoice sector type

Land owners

Stakeholder info
Mr simon liersch
[redacted]

Nature Of Development

Nature of development
We intend to use the above-mentioned property for short term accommodation eg. Air BNB…(but not limited to this platform).

Development Details

Current Use
Residential

Proposed Use
Short term rental

Development Cost
$1.00

Proposed Development Details
We intend to use the above-mentioned property for short term accommodation eg. Air BNB…(but not limited to this platform).

Element Details

You have selected the following elements

Change of use - $0.00

Regulated and Significant Trees

Does the application include any works that will result in damage (includes impacts to roots and pruning) or removal to regulated or significant tree(s) on the site or neighbouring land?
No

Septic/Sewer information submitted by applicant

Does this development require a septic system, i.e. septic tank and/or waste water disposal area?
No

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?
Applicant

Building Consent

Do you wish to have your building consent assessed in multiple stages?
No

Apply Now?
Yes

Who should assess your building consent?
The Barossa Council

Has a builder been engaged for the proposed development?
No

Consent Order

Recommended order of consent assessments
1. Planning Consent
2. Building 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

No report or declaration supplied with this application.

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
34 john st site plan 2023.docx	Other Documents	3 Aug 2023 2:31 PM
Floorplan john st approx.pdf	Floor Plans	3 Aug 2023 2:31 PM

Application Created User and Date/Time

Created User
simon.liersch

Created Date/Time
3 Aug 2023 2:30 PM

Re: 34 John St Tanunda SA 5352

Dear **Barossa Council,**

We intend to use the above-mentioned property for short term accommodation eg. Air **BNB**...(but not limited to this platform). Attached is a site plan and floor plan showing the property. Guest accommodation of approximately 8 max is our intention. If there is any issues with this application please let me know ASAP.

Kind Regards

SL

Simon Liersch

Senior Agronomist (Viticulture)

Elders Rural Services Australia Limited

Lot 12 Flett Road

PO Box 400, Roseworthy S.A 5371

P: [redacted]

F: [redacted]

M: [redacted]

E: [redacted]

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34 John St Tanunda SA 5352

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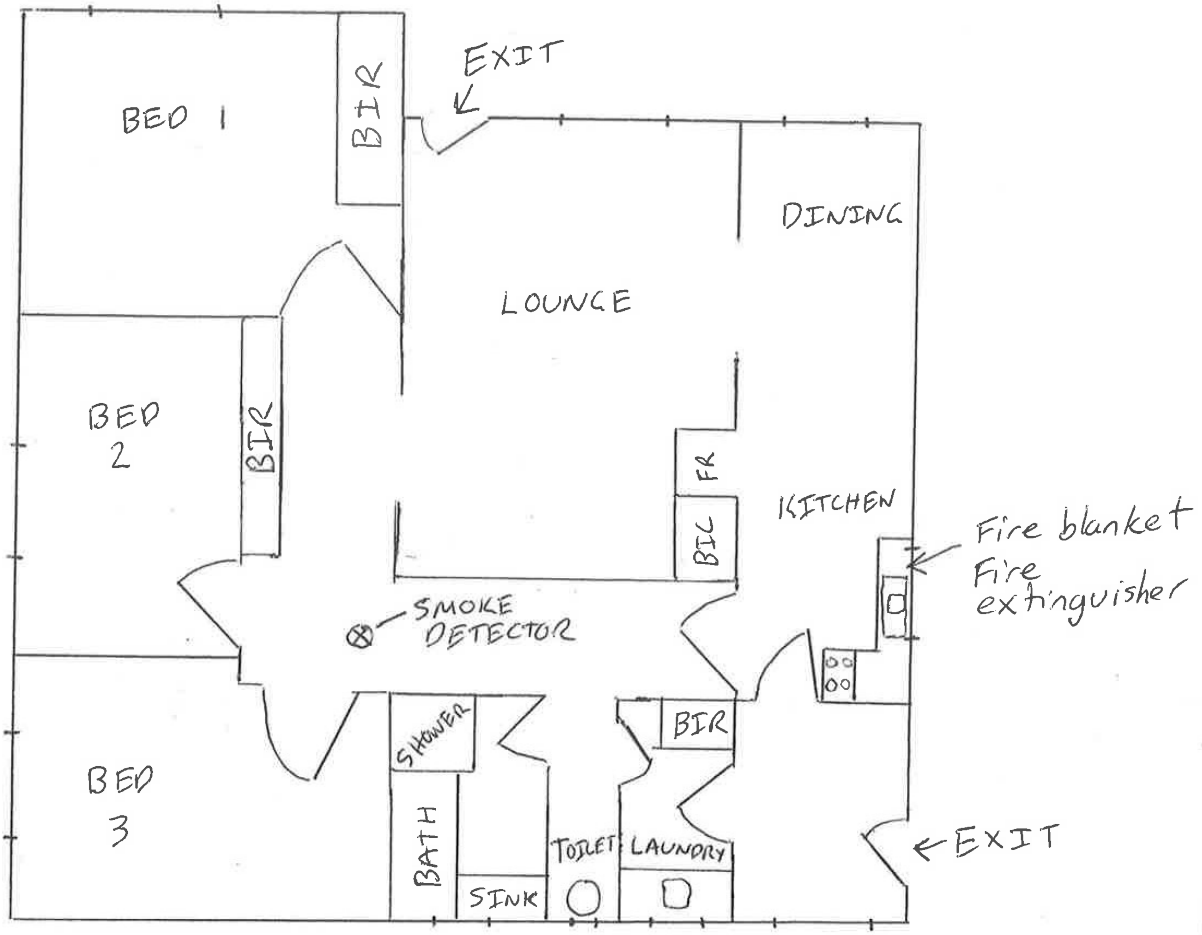
34 JOHN ST TANUNDA SA 5352

FLOUR PLAN



Details of Representations

Application Summary

Application ID	23022756
Proposal	Change of use from dwelling to short term tourist accommodation (max of 8 guests)
Location	34 JOHN ST TANUNDA SA 5352

Representations

Representor 1 - Damien Semba

Name	Damien Semba
Address	[redacted]
Submission Date	06/09/2023 05:23 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 This property should have additional safety measures put in place before stuffing it full of 8 tourists. Firstly, it should have a second fire alarm in the lounge room, and there should be a fire exit placed closer to the middle of the rear of the dwelling to enable quick egress in case of a fire. With a rental crisis, is it wise for the Council to remove houses from the available supply in order for a landlord to rent it out for short term accommodation?	

Attached Documents

Representations

Representor 2 - Andrew and Jenny Rosenzweig

Name	Andrew and Jenny Rosenzweig
Address	[redacted]
Submission Date	08/09/2023 08:07 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
Our concerns are regarding vehicles for "approximately eight guests" to park at the residence and in the narrow street. Currently access in John Street is 'tight' with several vehicles parking in the street now, for whatever reasons. It is already awkward at times to drive along John Street negotiating other traffic and vehicles parked on either side of the street. Would there be room and a requirement to park the vehicles of approximately eight guests in the driveway and on the property of 34 John Street? Eight guests seems excessive for a three bedroom house with a single bathroom and toilet but we imagine it must meet regulations. We don't believe this development would be within the character of the immediate area. In our view there is heritage style guest accommodation nearby which is more suited to the character preservation of the district. NB. It shouldn't be at the applicant's expense, and through no fault of his own, homlessness and a rental crisis are real life issues in the Barossa and a real concern for its residents. Sincerely Andrew & Jenny.

Attached Documents

Simon Liersch
Viticulturist

20 Barossa Valley Way
Tanunda SA 5352
0427 617 377
Simon.liersch@elders.com.au

Barossa Council / Plan SA
43-51 Tanunda Road | PO Box 867 NURIOOTPA SA 5355
Tom Marshall
Assessment Officer - Planning
E: tmarshall@barossa.sa.gov.au | T: 08 8563 8434

11/9/2023

Dear Barossa Council / Plan SA,

Regarding: Response to representation. Application ID 23022756

Representor 1 – Safety measures (in particular fire safety).

I have lived in this property and another family has lived in this property for years without any issues. A working smoke alarm and small fire extinguisher and fire blanket will be provided in the kitchen.

With regards to the rental crisis. This is a legitimate application for short term accommodation, which is very common in the area close to the main street of Tanunda.

Representor 2 – Parking concerns.

This is not an issue. There is more than enough parking on the property off john street. You can fit multiple vehicles.

With regards to the rental crisis. This is a legitimate application for short term accommodation, which is very common in the area close to the main street of Tanunda.

Sincerely,

Simon Liersch

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

Nil.

8. REPORTS – PANEL UPDATES

8.1 Environment Resources and Development Court Appeal Updates

BACKGROUND

The following application was subject to an appeal in the Environment Resources and Development Court.

DA NUMBER	APPLICANT	ADDRESS	NATURE OF DEVELOPMENT	POSITION
22034751	Xun Li	261 Rifle Range Road Bethany	The construction of eight buildings for the purposes of short-term tourist accommodation and associated car parking	A Compulsory Conference was held on Friday 22 September 2023 in which the conference was adjourned and rescheduled for 25 October 2023. ***Attachment 1*** refers to the Record of Outcome – Order from the ERD Court.

RECOMMENDATION

That the report be received.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Environment Resources and Development Court - Record of Outcome - Order ⇩

Form 81

To be inserted by Court

Case Number: ERD-23-000090

Date Signed: 22 September 2023

FDN: 6

ENVIRONMENT RESOURCES AND DEVELOPMENT COURT SOUTH AUSTRALIA

RECORD OF OUTCOME – ORDER

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA

Xun LI
Appellant

The Barossa Council - Council Assessment Panel
Respondent

Hearing

Hearing Location:	Sir Samuel Way Building
Date and Time:	22 September 2023 11:00 AM
Hearing Type:	Conference
Presiding Officer:	Commissioner Ryan

Appearances
Appellant 1 - Represented by Ms H Morriss (c) in person
Respondent 1 - Represented by Ms J Lennon (council) in person

Date of Order: 22 September 2023

Adjourned
Conference scheduled for 25/10/2023 2:15 PM at location: Sir Samuel Way Building

Authentication

Signature of Presiding Officer
Commissioner Ryan

ERD-23-000090

9. REPORTS – OTHER BUSINESS

9.1 Assessment Manager Quarterly Report - April 2023 to June 2023

INTRODUCTION

Clause 18 of the Barossa Assessment Panel Operating and Meeting Procedures requires the Assessment Manager to prepare a quarterly report of:

- The development applications determined under delegated authority of the Barossa Assessment Panel for the previous period.
- A report at the next meeting of the Panel for any development application delegated by the Panel where a deemed consent notice has been received.
- This report provides a quarterly report for the period April to June 2023.

REPORT

The Panel is assigned as a relevant authority in its own right under the *Planning, Development and Infrastructure Act 2016.* In the exercise of its duties, the Panel delegated to the Assessment Manager specific duties and powers on its behalf. Delegations enhance decision making processes and allow nominated matters to be resolved efficiently and effectively without the need for the Panel's consideration.

The delegations provide for:

- Administrative matters to assist in the timely processing of applications such as verifying development applications, undertaking statutory referrals and public notification.
- Determining prescribed development applications.

The planning applications received by The Barossa Council for the period are summarised in the table below.

	Number
Planning Applications Lodged	158
Planning Applications determined (excluding Private Certification)	124
Notified Applications	16
Determined Planning Consents by Relevant Authority (excluding Private Certification): • BAP • Assessment Manager (AM) • AM for BAP	 3 110 11

The number of development applications that were notified during this period was 16. 110 development applications were determined by the Assessment Manager. Three development applications were determined by the Panel and eleven development applications were determined by the Assessment Manager under delegation of the Panel.

The number of planning applications that were lodged under the previous *Development Act 1993* (prior to 19 March 2021) that are still active at the end of this quarter is 1.

Development Applications Assessed under Delegated Authority of BAP by the Assessment Manager

The development applications considered by the Assessment Manager under Delegated Authority of the Panel are summarised below:

Development Application 22034414 – 45-63 MOUNT CRAWFORD RD WILLIAMSTOWN SA 5351 *Retention of existing uses - light industry (cooperage) & associated retail sales only; Additional use of landscape supplies, timber yard, and additional shop (retail tenancy) – inclusive of associated acoustic fencing up to 3.0 metres in height and associated signage, landscaping and car parking* Representations – Nil Decision – Planning Consent granted 9 May 2023 subject to conditions
Development Application 22037462 – 25 ST HALLETT RD ROWLAND FLAT SA 5352 *Change of use from Cooperage to Wine warehouse and cellar door; Includes building alterations and upgrades for a maximum 50 patrons; provision of customer carparking; freestanding stone wall (measuring 3.6 metres wide x 1.5 metre high) to display entry signage* Representations – One Decision – Planning Consent granted 16 May 2023 subject to conditions
Development Application 22043053 – 17 VINE ST NURIOOTPA SA 5355 *Extension to existing carpark to Early Learning Centre with associated site works* Representations – Nil Decision – Planning Consent granted 3 May 2023 subject to conditions
Development Application 23000604 – 18 BRIAN HURN CR ANGASTON SA 5353 *Construction of a single-storey detached dwelling with double garage, front portico and rear alfresco under main roof; combined retaining wall and boundary fence to a maximum height of 2.9 metres* Representations – One Decision – Planning Consent granted 21 April 2023 subject to conditions
Development Application 23001419 – 17 VINE ST NURIOOTPA SA 5355 *Alterations and additions to existing Early Learning Centre (incorporating increase in capacity of child places from 60 to 90 children and staff from 10 to 20)* Representations – Nil Decision – Planning Consent granted 10 May 2023 subject to conditions
Development Application 23003752 – 32 STURT ST ANGASTON SA 5353 *Alterations and additions to an existing dwelling, change of use to tourist accommodation and retention of existing shed for domestic purposes* Representations – One Decision – Planning Consent granted 20 June 2023 subject to conditions
Development Application 23004089 – 20 MUNZBERG CT TANUNDA SA 5352 *Construction of a verandah attached to an existing dwelling including a lattice panel installed between verandah and top of boundary fence* Representations – Nil Decision – Planning Consent granted 15 June 2023 subject to conditions

Development Application 23005936 – 153 MURRAY ST NURIOOTPA SA 5355 *Demolition of existing car sales showroom and construction of new car showroom; Demolition of existing wash bay and conversion of detailing shed to used car sales office; Creation of a used car sales yard with 2 x 6 metre high light poles; Demolition of an existing pylon sign and replacement with a new pylon sign (6m high)* Representations – Nil Decision – Planning Consent granted 13 June 2023 subject to conditions
Development Application 23006894 – 18 BILYARA RD TANUNDA SA 5352, 9 ELIZABETH ST TANUNDA SA 5352 *Replace 24m section of the existing colorbond fence (bordering the Tanunda Junior Oval and 9 Elizabeth St Tanunda) with a 2.7m high colorbond fence (colour to match existing fence). Install 100m of 4.5m high cricket and football mesh fence/netting, between the Tanunda Junior Oval and 9 Elizabeth St and the Tanunda Bowling Club.* Representations – One Decision – Planning Consent granted 17 May 2023 subject to conditions
Development Application 23010685 – 15 DEAN ST ANGASTON SA 5353 *Demolition of single-storey detached dwelling, including verandah, pergola and carport* Representations – Nil Decision – Planning Consent granted 28 June 2023 subject to conditions
Development Application 23012374 – UNIT 3 42 LINDNER CR LYNDOCH SA 5351 *Construction of attached Verandah (measuring 13.5m x 2.78m x 2.41m post height)* Representations – Nil Decision – Planning Consent granted 19 June 2023 subject to conditions

Deemed Consents

No deemed consent notices have been received for this period.

CONCLUSION

The Assessment Manager's Quarterly Report for the period April to June 2023 be received and noted.

RECOMMENDATION

That the report be received.

9.2 Variation to Barossa Assessment Panel Delegations - Updates to Legislation

INTRODUCTION

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

- Council as a Council, Designated Authority and Designated Entity
- Council as a Relevant Authority
- **the Barossa Assessment Panel as a Relevant Authority; and**
- the Assessment Manager as a Relevant Authority.

These powers are separated into four Instruments of Delegation, Instruments A – D.

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

Council's Delegation Register and instruments are based on Local Government Association (LGA) templates. The LGA has recently issued an update to its delegation instruments under the PDI Act, amending Instruments A, B, C and D.

This report seeks the Panel's consent to authorise amendments to Instrument C – delegations from the Barossa Assessment Panel (BAP) to the Assessment Manager.

A copy of the amendments to Instrument C – delegations, is contained in ***Attachment 1***.

DISCUSSION

In early 2020, the Local Government Association (LGA) advised councils it was undertaking a comprehensive review of the delegations' templates and revised its approach to the service offered to councils. The resulting framework established a simpler and contemporary approach that will improve ease of use, reduce legal risk, and enhance flexibility for Council.

The statutory power of delegation under section 100 of the *Planning, Development and Infrastructure Act 2016* enables the delegation of the statutory powers and functions vested or conferred on the Panel.

The framework is not intended to provide a compliance manual for delegates exercising statutory functions and powers. Providing guidance as to the legal requirements for the valid exercise of that delegated power or function is not the purpose of an instrument of delegation or sub-delegation. The purpose is to record formally the delegation of statutory functions or powers. The delegate or sub-delegate is responsible for exercising the delegated power or function lawfully. This requires compliance with:

- any conditions or limitations on the delegation
- any statutory requirements which apply to the exercise of the power or function; and

- relevant principles of administrative law.

Newly identified delegation under Section 128 (1) and (2)
The power pursuant to Sections 128(1) and (2) of the PDI Act to determine an application seeking the variations of a development authorisation previously given under the PDI Act (including an application seeking the variation of a condition imposed with respect to the development authorisation).

Newly identified delegation under the Planning and Design Code
The power pursuant to and in accordance with Part 8 of the Planning and Design (PD) Code to for the purposes of Table 5 – Procedural Matters (PM) – Notification and the definition of 'Excluded Building', form the opinion that:

- the building, structure or landscape feature (or part thereof) does not contribute to the building or features of identified heritage value within the State Heritage Area;
- the building (or part thereof) does not demonstrate the historic characteristics as expressed in the Historic Area Statement.

The power pursuant to and in accordance with the PD Code to determine that the variation to one or more corresponding exclusions prescribed in Column B is minor in nature and does not require public notification.

The power pursuant to and in accordance with the PD Code to form the opinion development materially affects the context within which the State Heritage Place is situated.

The power pursuant to and in accordance with the PD Code to form the opinion the variation to an application is minor in nature or would not warrant a referral when considering the purpose of the referral.

CONCLUSION
The Barossa Assessment Panel now has the opportunity to consider these new provisions identified through legislative amendments for delegation to the Assessment Manager under Instrument C, being the Instrument of delegation under the *Planning Development and Infrastructure Act 2016*.

RECOMMENDATION
That the Barossa Assessment Panel:

(1) In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016*, the powers and functions under Instrument C and specified in the proposed Instruments of Delegation contained in Attachment 1 of the report entitled "Variations to Barossa Assessment Panel Delegations – Updates to Legislation" are hereby delegated from 3 October 2023, to the position of Assessment Manager except where otherwise indicated in the Attachment, subject to the conditions and limitations specified in the proposed Instrument of Delegation.

(2) Such powers and functions may be further delegated by the Assessment Manager in accordance with Section 100(2)(c) of the *Planning. Development and Infrastructure Act 2016*, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Amendments to Delegations ⇩

Instrument C – Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel

NEW Provisions

#	Delegation Source	Provision	Item Delegated	Conditions & Limitations
682447	Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)	s128(1) and (2)	17. Variation of Authorisation 17.1The power pursuant to Sections 128(1) and (2) of the PDI Act to determine an application seeking the variations of a development authorisation previously given under the PDI Act (including an application seeking the variation of a condition imposed with respect to the development authorisation).	
682451	Planning and Design Code	PD Code	54.Administrative Terms and Definition 54.1 The power pursuant to and in accordance with Part 8 of the PD Code to for the purposes of Table 5 – Procedural Matters (PM) – Notification and the definition of 'Excluded Building', form the opinion that: 54.1.1the building, structure or landscape feature (or part thereof) does not contribute to the building or features of identified heritage value within the State Heritage Area; 54.1.2the building (or part thereof) does not demonstrate the historic characteristics as expressed in the Historic Area Statement.	
682448	Planning and Design Code	PD Code	52.Procedural Matter 52.2The power pursuant to and in accordance with the PD Code to determine that the variation to one or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.	

#	Delegation Source	Provision	Item Delegated	Conditions & Limitations
682450	Planning and Design Code	PD Code	53. Procedural Referrals 53.9 The power pursuant to and in accordance with the PD Code to form the opinion development materially affects the context within which the State Heritage Place is situated.	
682449	Planning and Design Code	PD Code	53. Procedural Referrals 53.8 The power pursuant to and in accordance with the PD Code to form the opinion the variation to an application is minor in nature or would not warrant a referral when considering the purpose of the referral.	

10. REPORTS – CONFIDENTIAL

Nil.

11. NEXT MEETING

Tuesday 7 November 2023 commencing at 5.00 pm

12. CLOSURE OF MEETING

The Presiding Member will declare the meeting closed.