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, 7 November 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

2.2 Apologies

2.3 Absent

3. CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 3 October 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 23024769 - 1842 Barossa Valley Way Rowland Flat

APPLICATION DETAILS

PROPOSAL	Installation and operation of 1 (one) FrostBoss C59 Frost Fan with Perkins Engine
APPLICANT	Koch Pilgrim Vineyards
OWNER	Koch Pilgrim Vineyards
APPLICATION NO	23024769
CERTIFICATE(S) OF TITLE	CT 5909/835
AREA	Approximately 16.3 ha
CURRENT USE	Horticulture, vineyard
PLANNING AND DEVELOPMENT CODE VERSION	2023.12 – 17 August 2022
PLANNING AND DESIGN CODE EXTRACT LINK	Relevant Code Extract
ZONE	Rural
OVERLAYS	Character Preservation District Hazards (Bushfire – Medium Risk) Heritage Adjacency Hazards (Flooding – Evidence Required) Limited Land Division Major Urban Transport Routes Native Vegetation Prescribed Water Resources Area State Significant Native Vegetation Traffic Generating Development Water Protection Area Water Resources
APPLICATION TYPE	Performance Assessed
PUBLIC NOTIFICATION	Notified – No Sign (no representations received)
REFERRALS	Heritage SA
PREVIOUS APPLICATIONS	960/649/2001 – Horticulture - Vineyard
ASSESSING OFFICER	Janine Lennon
RECOMMENDATION	That Planning Consent be GRANTED subject to conditions

INTRODUCTION

The site owner seeks Development Approval for the "*Installation and operation of one (1) Frostboss C59 frost fan with Perkins engine*" at 1842 Barossa Valley Way, Rowland Flat.

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 no representations were received.

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

(1) As per the amended Delegation Instrument C, adopted by the BAP on 7 June 2022, the BAP will not delegate applications for decision wherein the nature of development is a frost fan.

The application was subject to referral to the Minister responsible for the administration of the *Heritage Act 1993*.

The site is located in a Rural Zone where horticulture (including viticulture) is an envisaged use. There are currently no frost fans on the site.

The frost fan siting (approximately 240 metres from Barossa Valley Way), slimline design of the proposed frost fan and the hilly terrain, satisfactorily limits visual impact in this rural locality. The applicant has shown, with expert input, that the anticipated noise level of the frost fan when in operation, will not exceed the quantitative noise levels for nearby dwellings as set out in the *Environment Protection (Noise) Policy 2007*. Compliance with this State Government set policy is considered sufficient to demonstrate that noise levels should not unreasonably impact non-associated dwellings in the wider locality.

It is considered that the proposal supports the viticultural use of the land and will have an acceptable level of visual impact in the locality. As such, Planning Consent is considered to be warranted, subject to recommended Conditions of Consent.

SITE AND LOCALITY

The site for the proposed frost fan is an irregular shaped allotment with a frontage to Barossa Valley Way of approximately 175 metres. The site has a maximum depth of approximately 612 metres with total site area of approximately 16.3 hectares.

The site predominantly contains vines with a stand of mature native vegetation along the banks of the bordering Para River. The site contains approximately 12 hectares of vineyard.

The site is positioned on the western side of Barossa Valley Way and is generally surrounded by vineyards, and associated industry and commercial uses such as wineries, cellar doors, restaurants etc. Land is undulating providing limited vistas generally of vineyards interspersed with viticulture related buildings and native trees and shrubs.

There are dwellings on adjoining allotments with the closest non-associated dwellings shown on ***Figure 3***. These are all in excess of 200 metres from the proposed frost fan and will have direct sightlines to the frost fan.

The site is located on the southern edge of the township of Rowland Flat.

Figure 1 highlights the subject site below.

Figure 1: *Zone Map – subject site within the Rural Zone*

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

Site photos are provided in ***Figure 4*** and ***Figure 5*****.**

Figure 2: *Aerial View – Subject Site*

Figure 3: *Aerial View – Locality – site in red, non-associated dwellings indicated with a blue star*

Figure 4: *Looking south-west from the corner of Church Road and Barossa Valley Way toward the proposed frost fan location (red ellipse)*

Figure 5: *Looking north-west, from the most south-easterly corner of the site on Barossa Valley Way, toward the proposed frost fan location (red ellipse)*

PROPOSAL

The application seeks development approval for the installation of one (1) frost control fan (Frost Boss model C59) on the subject site.

The frost fan comprises a metal tower 10.38 metres in height and 0.435 metres in diameter, with a five-blade fan rotating on a tilted axis mounted at the top of the tower. Each blade has a radius of 2.75 metres. The overall maximum height of the fan from ground level to tip of propeller is 13.45 metres.

The main tower and propeller blades are proposed to be of a galvanised iron finish. A small tower radio, anemometer and strobe light (solar powered) is located at the midpoint of the tower.

The tower will be erected on a concrete foundation measuring 2.29 metres square and with a depth of 0.94 metres.

The frost fan is powered by a Perkins 1006-6T Turbo diesel engine (the same as typically used in the FrostBoss C49 frost fan) enclosed within a steel cabinet at the base of the tower.

The frost fan is intended to provide effective permanent protection against cold injury and frost damage to existing vines during night-time periods of temperatures around 1.5 degrees or less (typically on still nights). The frost fan is located on the subject site taking into account landform, direction of cold nocturnal drift and other internal wind shelter effects. The tower is sited approximately 240 metres from the eastern Barossa Valley Way boundary, 140 metres from the southern property boundary, 175 metres from the northern boundary and 370 metres from the eastern boundary being the Para River.

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

APPLICATION TYPE
The site is located within the Rural Zone under the Planning and Design Code.

The proposed development is not listed in Tables 1-4 and therefore defaults to 'Performance Assessed' pathway under Table 3 of the Zone.

PUBLIC NOTIFICATION
The application was subject to public notification in accordance with Table 5 – Procedural Matters – Notification of the Rural Zone. The proposed development in nature of a frost fan is a type of development not listed in Table 5 as being exempt from notification. The proposal is not deemed to be a minor form of development.

Class of Development (Column A)	*Exceptions (Column B)*
Development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	*None specified.*
Any development involving any of the following (or of any combination of any of the following): *a) advertisement* *b) agricultural building* *c) air handling unit, air conditioning system or exhaust fan* *d) ancillary accommodation* *e) building work on railway land* *f) carport* *g) dwelling* *h) dwelling addition* *i) farming* *j) fence* *k) horse keeping* *l) internal building works* *m) land division* *n) outbuilding* *o) private bushfire shelter* *p) protective tree netting structure* *q) replacement building* *r) retaining wall* *s) shade sail* *t) solar photovoltaic panels (roof mounted)* *u) swimming pool or spa pool* *v) temporary accommodation in an area affected by bushfire* *w) tree damaging activity* *x) verandah* *y) water tank.*	*None specified.*

No representations were received during the Public Notification period.

REFERRALS

External
The site is located adjacent to the site of a State Heritage Listed Place in the nature of a dwelling known as "Koch House" at 1857 Barossa Valley Way, Rowland Flat.

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 subject to referral to the Minister responsible for the Administration of the *Heritage Places Act 1993* on basis that the development involves a new building that may materially affect the context of the State Heritage Place.

Heritage South Australia have provided referral response and have not expressed any concerns with the proposal. Summary of the advice is contained below:

Minister responsible for the Administration of the Heritage Places Act 1993	*While the proposed frost fan is a substantial structure in height, it will be located approximately 200 metres away from the adjacent State Heritage Place and will be distant and not dominant in views of significance associated with the State Heritage Place – which are predominantly from Barossa Valley Way.*

A copy of Heritage South Australia's referral response is contained in ***Attachment 2***.

Internal
There were no internal referrals undertaken for this application.

ASSESSMENT
Please refer to the following link, the Planning and Design Code extract for this proposal, Version 2022.15, dated 18 August 2022:

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.

An Environmental Noise Assessment has been provided by Echo Acoustic Consulting. The report has assessed the predicted noise emissions of the frost fan when measured from the closest non associated dwellings. The C59 machine achieves a predicted noise level, when measured from the closest (non-associated) dwellings of 42-52 dB(A). These noise levels are below the minimum thresholds in the *Environment Protection (Noise) Policy* 2007 based on the zoning applicable to the locality.

The existing viticultural activity is an envisaged use in the Zone. The proposed frost fan is designed to prevent crop loss through frost damage and support ongoing business advancement and viability. Built form and visual impact is considered to be acceptable. The applicant has satisfactorily addressed noise and amenity concerns.

The proposal is therefore 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. The character values of the district are:

(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

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

Assessment

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

Land Use

Rural Zone	
Desired Outcomes	
DO1	*A zone supporting the economic prosperity of South Australia primarily through the production, processing, storage and distribution of primary produce, forestry and the generation of energy from renewable sources.*
DO2	*A zone supporting diversification of existing businesses that promote value-adding such as industry, storage and warehousing activities, the sale and consumption of primary produce, tourist development and accommodation.*
Relevant Performance Outcomes/Designated Performance Features	
Land use and Intensity	
PO 1.1 *The productive value of rural land for a range of primary production activities and associated value adding, processing, warehousing and distribution is supported, protected and maintained.*	*DTS/DPF 1.1* *Development comprises one or more of the following:* *a) Advertisement* *b) Agricultural building* *c) Brewery* *d) Carport* *e) Cidery* *f) Dairy* *g) Dam* *h) Distillery* *i) Dwelling* *j) Dwelling addition* *k) Farming* *l) Horse keeping* *m) Horticulture* *n) Industry* *o) Intensive animal husbandry* *p) Low intensity animal husbandry* *q) Outbuilding*

	r) Renewable energy facility *s) Shop* *t) Small-scale ground mounted solar power facility* *u) Stock slaughter works* *v) Tourist accommodation* *w) Transport distribution* *x) Verandah* *y) Warehouse* *z) Winery* *aa) Workers' accommodation*

Performance Outcome 1.1 of the Rural Zone speaks of supporting the productive value of rural land. The envisaged land uses for the zone includes horticulture, winery and farming. The subject site has a longstanding horticulture use. The frost fan is ancillary to the established use of the land and is intended to reduce damage loss and therefore support the ongoing viability and sustainability of this primary production site.

Subject to noise and visual assessment, frost fans are considered an appropriate form of development within the Rural Zone, given their association with horticulture. They positively contribute to the sustainability of the plantation by providing an effective solution to frost damage, which has significant economic impact through loss of crop.

Built form and character

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

The proposal is for one (1) C59 model frost fan comprising a structure with the following features:

- A concrete foundation pad and post baseplate
- Engine cabinet located at ground level
- 10.38 metres high tower
- Gearbox and a 4-blade propeller fan with a 5.5 metre wide diameter

The top of the main tower/column stands at a height of 10.38 metres with the overall height of the fan to tip of propeller being 13.45 metres.

The proposed galvanised iron finish has a grey colour tone and is the prevailing finish of frost fans, used commonly in the Barossa Valley region and typical of the rural character. The narrow, cylindrical tower and blades are not highly reflective, having relatively limited surface area. The galvanised finish shall weather and dull overtime. The proposed material and colour are considered to be acceptable.

The tower is approximately 230 metres from the eastern, Barossa Valley Way, property boundary, 180 metres from the northern property boundary, 365 metres from the western, Para River, property boundary and 135 metres from the southern property boundary.

The subject site gently slopes away towards the Para River when viewed from Barossa Valley Way. There is a modest tree lined ridgeline surrounding the site, effectively providing a landscape backdrop to the frost fan in lieu of the sky. The frost fan will be visible from Barossa Valley Way albeit not a dominant visual element due to its slender built form, setback and terrain backdrop.

Whilst the height of the proposed frost fan structure is notable, the narrow diameter of the main column/shaft limits the bulk associated with the structure. In addition, the tower is setback a substantive distance from all boundaries.

While the frost fan will be a visual feature in the landscape, a frost fan is a common element in the Barossa landscape, is significantly less obtrusive than the maximum built form allowable under DPF 12.1 and its existence has a clear and important function which is considered an important offset consideration in this assessment.

Character Preservation Overlay

Character Preservation District Overlay	
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	
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.*
Built Form and Character in the Rural Areas	
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.*

The Character Preservation District Overlay seeks to recognise, protect and enhance the area's special character with a further remit to assure long term use of the land outside of townships for primary production activities.

The site is located within rural land on the southern boundary of the rural township of Rowland Flat. Local character is defined by the presence of viticulture activities interspersed with wineries, associated buildings, dwellings and the Holy Trinity Lutheran Church. Frost fans are an increasing visual element within the rural parts of the Barossa Valley and have typically been assessed by Councils within the district as an acceptable addition to the existing landscape.

It is always a balanced decision when assessing built form that can intrude into a landscape. In determining that the proposal accords with Overlay policies it is considered important to acknowledge that the structure has an intended purpose of crop protection, and its height and design is a factor of function plus form.

Having regard to the Character values of the district and Overlay policies, it is considered that the proposed frost fan, associated with the existing vineyard will not detrimentally affect the special character of the district for the following reasons:

- Frost fan structures are a common feature in the wider locality and in areas of rural landscape across the district.
- The fan is silhouetted against trees and terrain to the rear of the allotment and will not adversely interrupt skyline views.
- Whilst the height of the frost fan is some 13 metres to the top of the propeller, the narrow diameter of the main column/shaft limits the bulk associated with the structure. Frost fans are noticeable but are not considered to be highly intrusive to the existing character.
- The galvanised iron finish of the frost fan is not highly reflective. The grey colour will help minimise the visual impact of the structure.
- The frost fan will support a primary production operation within the Rural Zone which in turn helps deliver positive economic outcomes in the area.

Heritage Adjacency

Character Preservation District Overlay	
Desired Outcomes	
DO1	*Development adjacent to State and Local Heritage Places maintains the heritage and cultural values of those Places*
Relevant Performance Outcomes/Designated Performance Features	
Built Form	
PO 1.1 *Development adjacent to a State or Local Heritage Place does not dominate,*	*DTS/DPF 1.1* *None are applicable.*

encroach on or unduly impact on the setting of the Place.	

There are two Local Heritage listed items and one State Heritage Listed Item within the locality (refer ***Figure 6***). As mentioned earlier, the State Heritage Listed dwelling, "Koch House" is located at 1857 Barossa Valley Way, Rowland Flat. In addition, the Rowland Flat cemetery is located to the south-east of the subject site (refer ***Figure 7***) and Holy Trinity Lutheran Church to the north-east of the subject site (refer ***Figure 8***).

The proposed frost fan will be visible from the Local and State Heritage Places but is not considered to dominate or encroach upon the Places. Likewise, the frost fan will not unduly impact upon the setting of the Places given that it will be located in excess of (approximately) 200 metres from the listed Places.

Figure 6: *Locality showing location of Local and State Heritage Items*

Figure 7: *Local Heritage Item, Holy Trinity Lutheran Church*

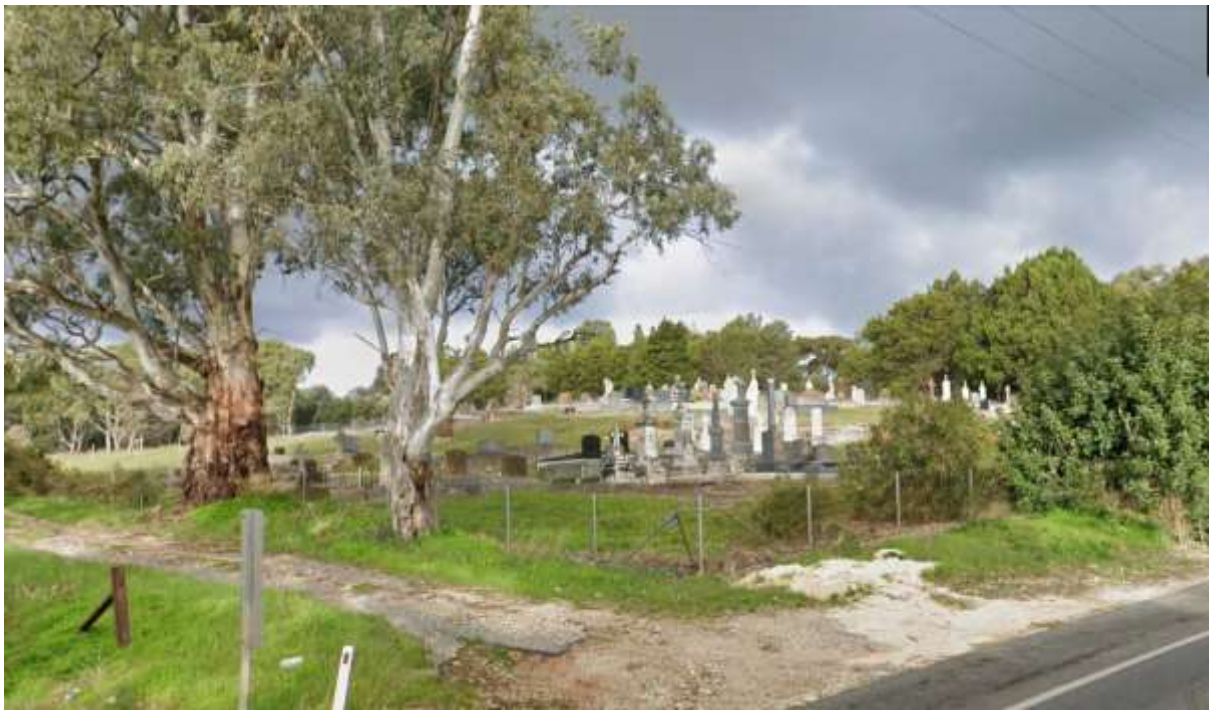

Figure 8: *Local Heritage Item, Rowland Flat Cemetery*

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.*

DTS/DPF 1.1 clause has been met and therefore the related Performance Outcome 1.1 will be achieved.

Interface between Land Uses

General Development Policies	
Interface between Land Uses	
Desired Outcomes	
DO1	*Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.*
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 1.2* *None are applicable.*
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).*	*DTS/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.*	*DTS/DPF 4.2* *None are applicable.*

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.*	
PO 4.4 *External noise into bedrooms is minimised by separating or shielding these rooms from service equipment areas and fixed noise sources located on the same or an adjoining allotment.*	*DTS/DPF 4.4* *Adjacent land is used for residential purposes.*
Solar Reflectivity / Glare	
PO 7.1 *Development is designed and comprised of materials and finishes that do not unreasonably cause a distraction to adjacent road users and pedestrian areas or unreasonably cause heat loading and micro-climatic impacts on adjacent buildings and land uses as a result of reflective solar glare.*	*DTS/DPF 7.1* *None are applicable.*

One of the primary concerns with the operation of frost fans is the potential for noise generation which may impact upon the amenity of the predominantly rural locality.

The applicant has engaged Echo Acoustic Consulting to undertake an Environmental Noise Assessment of the proposed frost fan to predict noise levels and assess against criterion established under the *Environment Protection (Noise) Policy 2007*. This Policy document has been prepared by the EPA and sets out specifically the noise control provisions applicable to frost fans. The parent legislation for this Policy is the *Environment Protection Act 1993* which incorporates a requirement to ensure the acoustic amenity of a locality is not unreasonably interfered with. Division 5 of the Policy provides specific allowable noise levels for frost control fan operation that seeks balance between protecting primary production through the effective use of frost control fans and minimisation of noise impact on neighbouring properties. There are other stipulated operational requirements which should be addressed in a noise assessment such as limiting fan dimensions and operating speed to that reasonably required for its effective operation.

As identified in DPF 4.1, compliance with Performance Outcome 4.1 is considered satisfied when the "*Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria*".

An additional EPA document, the '*EPA Evaluation Distances for Effective Air Quality and Noise Management 2016'* identifies an evaluation distance of 2,000 metres for a frost fan from a sensitive receiver. This is a recommended evaluation distance to help guide the potential radius of sensitive receivers for a proposed development and is not considered absolute criteria. The guide states that "*If a proponent wishes to*

reduce the distance, the EPA will request the proponent to demonstrate that adverse impacts are reduced to acceptable levels (or below)." That is part of the purpose of the Environmental Noise Assessment report to demonstrate impact and recommend any mitigation measures and to show (or otherwise) compliance with the *Environment Protection (Noise) Policy 2007*. Compliance with the Policy is typically considered within the 2,000 metre evaluation distance to allow reduced separation to sensitive receivers. This is a typical assessment process for frost fans in the Rural Zone.

In their assessment Echo Acoustic Consulting identify that the applicant will operate the Frost Boss C59 fan at an engine speed of 1,800rpm which corresponds to fan speed operating at 365rpm. The report further notes that:

- Noise modelling which accounts for the propagation in noise during the specific meteorological conditions that occur during frost conditions (this aligns with Division 5, Part 32 (1)(b) of the Policy).
- One new FrostBoss C59 frost control fan being operated (with no existing frost control fans) at the premises.

In addition, the following operating criteria is proposed as conditions in the Environmental Noise Report:

(1) The frost control fan must not be operated except during a period when frost occurs or is reasonably likely to occur, or as necessary for maintenance work and maintenance work must not be carried out on the fans except between 7.00 a.m. and 10.00 p.m. on the same day.

(2) The frost control fan must not exceed an equivalent noise level LAeq, of 55 dB(A) when measured over the full rotation of the fan about the tower at any non-associated dwelling which exists in the Rural Zone (or similar) at the time of approval. Where an equivalent noise level LAeq, of 55 dB(A) is exceeded, then the operation of the fan must be modified to achieve that external noise level, or it must be shown that an equivalent noise level LAeq full rotation of 35 dB(A) is achieved in the habitable rooms of that non-associated dwelling.

These suggested conditions align with allowable noise levels in Division 5, Part 32 (1)(6) of the *Environment Protection (Noise) Policy 2007*. They have been integrated, where appropriate, in recommended Conditions of Consent.

Echo Acoustic Consultants identify the closest dwellings from the proposed frost fan where noise measurements have been undertaken and assessed. These are all located between 265 metres and 1,119 metres from the proposed structure. The location of each property is shown in *Figure 1* of the Environmental Noise Report and included below in ***Figure 8***. All these dwellings are located in the Rural Zone.

The predicted noise levels (C59 fan) operating at normal speed for NAD 1 - 5 are:

- NAD 1 – 1,119 metres separation distance (42 dB(A))
- NAD 2 – 288 metres separation distance (51 dB(A))
- NAD 3 – 265 metres separation distance (52 dB(A))
- NAD 4 – 340 metres separation distance (49 dB(A))
- NAD 5 – 585 metres separation distance (44 dB(A))

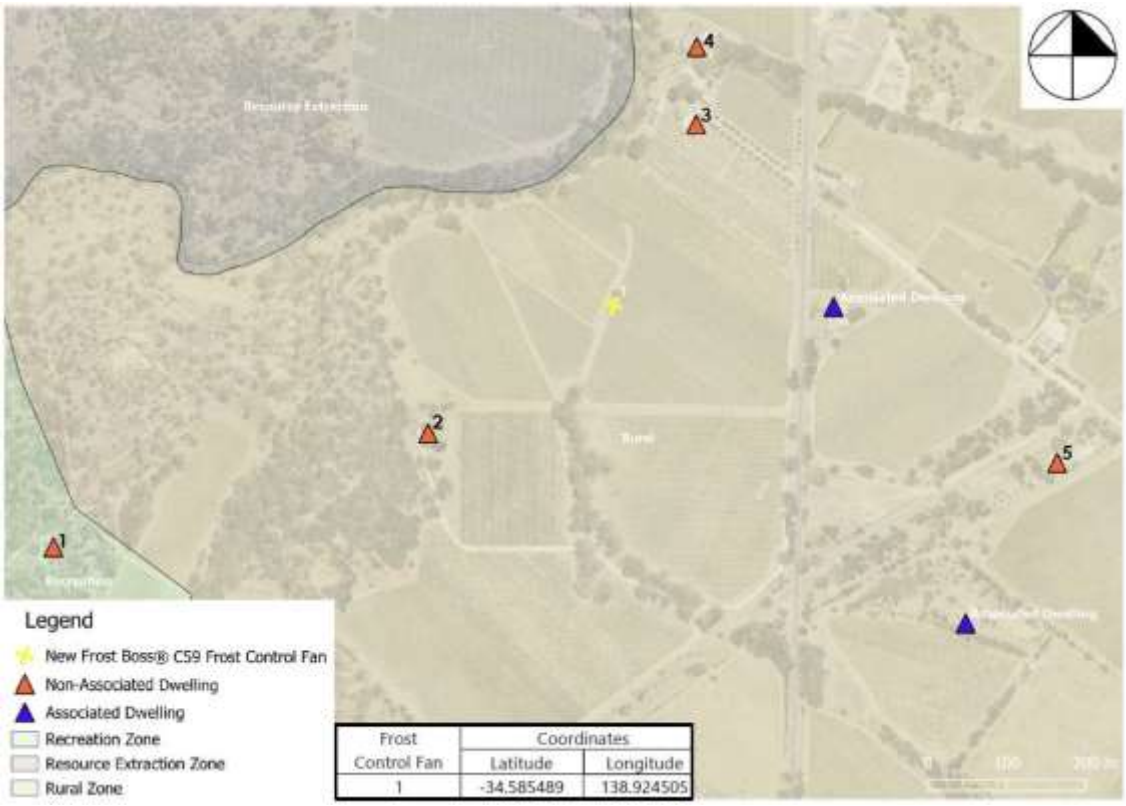

Figure 8: *Aerial View indicating closest dwellings from the proposed frost fan where noise measurements have been undertaken and assessed*

The predicted noise levels for these dwellings therefore fall below the criterion of 55 dB(A) for the Rural Zone.

With regards to the Policy threshold, the EPA has previously advised that noise at a certain level such as 55 dB(A) is audible particularly if the background level of noise is low, such as a rural area at night-time. However, this threshold has also been established cognisant that frost fans operate occasionally throughout each year when the ambient temperature reaches a very low level of around 1.0 – 1.5 degree Celsius (usually late night/early morning).

Overall, the Environmental Noise Assessment Report utilises accepted calculation methodology and the conclusions drawn are considered reasonable. Based on this report, the proposal is considered to achieve the *Environment Protection (Noise) Policy 2007* criteria and therefore Performance Outcome 4.1 and DPF 4.1 are satisfied.

It should also be acknowledged that the primary intent of the Rural Zone is to support and protect farming, horticulture and similar activities. In acknowledging amenity issues, residents living within a rural area should have some expectation of noise, odour or other amenity (obviously within any set guidelines/parameters) impacts. This is supported in the approach previously adopted by the Environment, Resources and Development (ERD) Court. In Takhar v District Council of Light (1994), the Court stated the following: "*Those who choose to live outside of the more settled areas, and thus closer to farming activities, have to be prepared to accept some "strange" odours and noises which are to be experienced in farming areas. That is the price that they might have to pay for escaping from the effects of the urban lifestyle*".

Transport, access and parking

General Development Policies	
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 six metres of an intersection of two or more roads or a pedestrian activated crossing.*
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.*	*DTS/DPF 6.1* *Movement between vehicle parking areas within the site can occur without the need to use a public road.*
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.*
PO 6.3 *Vehicle parking areas are designed to provide opportunity for integration and shared use of adjacent car parking areas to reduce the total extent of vehicle parking areas and access points.*	*DTS/DPF 6.3* *None are applicable.*

There will be occasional servicing needs for the fan. There is an internal driveway running through the site that provides access to the position of the new frost fan. There is a cleared pathway with sufficient width to allow parking and entry/exit in a forward direction. Relevant Performance Outcomes are considered to be met.

Other Overlays

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

Hazards (Bushfire – Medium Risk) Overlay

The frost fan will be located within the allotment which is accessible via vehicles for maintenance. There are no habitable buildings on-site.

Hazards (Flooding - Evidence Required) Overlay
There are no water courses that traverse the land where the frost fan is proposed. The frost fan has a minimal footprint and will not contribute to any flooding impacts within the locality.

Limited Land Division Overlay
No division of land is proposed as part of this application.

Major Urban Transport Routes Overlay
The frost fan will have no impact with regard to traffic movement and safety.

Native Vegetation Overlay
No native vegetation is identified to be removed as part of the development. The Native Declaration form has been signed by the applicant.

Prescribed Water Resources Area Overlay
The frost fan will be associated with an established vineyard area and will not be located near any watercourses.

State Significant Native Vegetation Areas Overlay
No native vegetation is identified to be removed as part of the development. The Native Declaration form has been signed by the applicant.

Traffic Generating Development Overlay
The frost fan will have no impact with regard to traffic movement and safety.

Water Protection Area Overlay
The proposed development does not involve any activities listed in PO 1.1 and will not alter water use or change water supply arrangements for the existing activity.

Water Resources Overlay
The frost fan will be associated with an established vineyard area and given the minimal building footprint will not result in increased surface water run-off or deposition of material in any watercourses.

CONCLUSION
The proposal comprises the *"Installation and operation of one (1) Frostboss C59 frost fan with Perkins engine"*. 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* with no representations received.

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

The nature of the proposal is acceptable as the frost fan is intended to support the existing viticultural use of the land. Viticulture is an envisaged use in the Rural Zone.

The primary assessment issues are related to visual impact and noise emission. It is considered that the frost fan will have an acceptable visual impact taking into account its height, slender frame, setbacks and clearly expressed functional form. Frost fans are another built element in the Barossa Valley landscape and while the

frost fan will be visible its visual impact is not sufficiently detracting on the landscape and related special character of the area.

The applicant has shown with expert input that the anticipated noise level of the frost fan when in operation will not exceed the quantitative noise levels for nearby dwellings as set out in the *Environment Protection (Noise) Policy 2007*. Compliance with this State Government set policy is considered sufficient to demonstrate that noise levels should not unreasonably impact the amenity of adjacent residential land uses.

Assessment has identified that the proposed development is reasonably consistent with the Desired Outcome and Performance Outcomes of the Rural Zone and other relevant provisions of the Planning and Design Code, such that Planning Consent is warranted, subject to recommended 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 in the assessment of this application.

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. 23024769 by Koch Pilgrim Vineyards to undertake installation and operation of one frost fan at 1842 Barossa Valley Way, Rowland Flat (CT 5909/835) subject to the following conditions:

Council Conditions

(1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 22028290 except where varied by any condition(s) listed below.

- C59 Tower Elevations, Design Phase, Sheet No. 1, Issue 1, Dated 01.03.2019
- C59 Foundation and Baseplate Details, Design Phase, Sheet No. 2, Issue 1, Dated 01.03.2019
- Acoustic Report, Echo Acoustic Consulting, Reference ID; 23-37-1, Dated 23.08.23

(2) The frost fan must be operated in accordance with the provisions of the *Environment Protection (Noise) Policy 2007* relating to frost fans, as amended or superseded from time to time.

(3) An annual report shall be prepared detailing the prevailing ambient temperature, times and duration the frost fan was in use as well as setting out any maintenance, repairs, modification or other service. The report(s) shall be provided to the Relevant Authority on request and shall be prepared at least once each calendar year.

(4) No audible alarm to signal frost malfunction shall be installed. A limiting switch may be installed that immediately turns the frost fan off during a malfunction and includes an effective operator warning system that can be remotely monitored, to the satisfaction of the Relevant Authority. A person capable of managing the use and function of the approved frost fan shall be available to attend promptly, to the reasonable satisfaction of the Relevant Authority, at the vineyard site, at all times during operations.

(5) The frost fan shall be maintained at all times in good repair and condition, in accordance with the manufacturer's specifications. Maintenance, repair, modification work or other service on the frost fan shall only be carried out between 7:00 am and 10:00 pm. A log of all such work shall be kept and produced to the Relevant Authority upon request.

(6) The frost fan shall be set with a fan 'start' temperature of 1.5°C and a fan 'stop' temperature of 3.5°C.

(7) The operating motor speed for the frost fan must be mechanically limited to a maximum of 1800 rpm and the fan speed must not exceed a maximum of 365 rpm.

(8) The diesel engine cabinet attached to the frost fan shall be clad using a muted colour, such as Colorbond "Woodland Grey".

Advisory Notes

(1) 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.

(2) 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.

(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 road 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) 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.

(5) 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.

(6) 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.

(7) 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.

Heritage SA Advice Notes

(8) Any changes to the proposal for which Planning Consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department for Environment and Water, or an additional referral to the Minister for Climate, Environment and Water. Such changes would include for example:

a. an application to vary the Planning Consent, or
b. Building Rules documentation that incorporates differences from the proposal as documented in the development application.

(9) Please note the following requirements of the *Heritage Places Act 1993:*

a. If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.
b. Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the Department for Environment and Water.

(10) Please note the following requirements of the *Aboriginal Heritage Act 1988*.

a. If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Application and Associated Documents ⇩

Attachment 2 Heritage South Australia Referral Response ⇩

Development Locations

Location 1

Location reference
1842 BAROSSA VALLEY WAY ROWLAND FLAT SA 5352

Title Ref
CT 5909/835

Plan Parcel
D55278 QP43

Additional Location Information

Council

Zone Overlays

Zones
- Rural

Sub-zones
(None)

Overlays
- Character Preservation District
- Hazards (Bushfire - Medium Risk)
- Heritage Adjacency
- Hazards (Flooding - Evidence Required)
- Limited Land Division
- Major Urban Transport Routes
- Native Vegetation
- Prescribed Water Resources Area
- State Significant Native Vegetation
- Traffic Generating Development
- Water Protection Area
- Water Resources

Variations
- Minimum Site Area (Minimum site area is 25 ha)
- Minimum Dwelling Allotment Size (Minimum dwelling allotment size is 25 ha)

Application Contacts

Applicant(s)

Stakeholder info
Koch Pilgrim vineyards
1842 BAROSSA VALLEY WAY
ROWLAND FLAT
SA
5352

Contact

Stakeholder info
Australian Frost Fans Pty Ltd

1429 Omahu Road
Hastings
4175

Invoice Contact

Stakeholder info
Australian Frost Fans Pty Ltd
1429 Omahu Road
Hastings
4175

Invoice sector type

Builder

Stakeholder info
Australian Frost Fans Pty Ltd
1429 Omahu Road
Hastings
4175

Land owners

Stakeholder info
Koch Pilgrim vineyards
1842 BAROSSA VALLEY WAY
ROWLAND FLAT
SA
5352

Nature Of Development

Nature of development
Installation and operation of one (1) FrostBoss C59 frost fan with a Perkins engine

Development Details

Current Use
Viticulture

Proposed Use
No change - viticulture

Development Cost
$87,989.00

Proposed Development Details
Installation and operation of one (1) FrostBoss C59 frost fan with a Perkins engine

Element Details

You have selected the following elements

Other - Rural - $87,989.00
- Frost fan for frost protection of crops

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 Construction Industry Training Fund Levy (CITB) been paid?
Yes

CITB Receipt Number
263525

Has a builder been engaged for the proposed development?
Yes

Is the development being constructed by an Owner Builder?
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
23- 37- 1 Environmental Noise Assessment.pdf	Technical Report - Acoustic	23 Aug 2023 2:23 PM
263525.pdf	CITB Payment Reference	23 Aug 2023 2:23 PM
20230823005817_Register_Search_Plus.pdf	Certificate of Title	23 Aug 2023 2:23 PM
Koch Pilgrim Vinyards - CT5909- 835.pdf	Location Plan	23 Aug 2023 2:23 PM
15136 C59 Frost Fan Perkins.pdf	Technical Report - Acoustic	23 Aug 2023 2:23 PM
C59 - Design Phase.pdf	Engineering Structural	23 Aug 2023 2:23 PM
Calculations - NZ FROST FANS.pdf	Engineering Structural	23 Aug 2023 2:23 PM
DPL- C59.pdf	Engineering Structural	23 Aug 2023 2:23 PM

Application Created User and Date/Time

Created User
lyn.elliott

Created Date/Time
23 Aug 2023 2:23 PM

LAND SERVICES SA

Product	Register Search Plus (CT 5909/835)
Date/Time	23/08/2023 02:01PM
Customer Reference	Kock Pilgrim
Order ID	20230823005817

REAL PROPERTY ACT, 1886 South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.

REGISTRAR - GENERAL SOUTH AUSTRALIA

Certificate of Title - Volume 5909 Folio 835

Parent Title(s) CT 5756/851, CT 5829/270

Creating Dealing(s) RTC 9669933

Title Issued 13/01/2004 **Edition** 3 **Edition Issued** 17/06/2016

Estate Type

FEE SIMPLE

Registered Proprietor

LEON ROSS KOCH
CARLENE FAYE KOCH
OF PO BOX 944 ROWLAND FLAT SA 5352
WITH NO SURVIVORSHIP

Description of Land

ALLOTMENT COMPRISING PIECES 41, 42 AND 43 DEPOSITED PLAN 55278
IN THE AREAS NAMED ALTONA AND ROWLAND FLAT
HUNDRED OF BAROSSA

Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED A TO THE MINISTER FOR INFRASTRUCTURE (V 4013565)

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED B (TG 6374789)

TOGETHER WITH EASEMENT(S) OVER THE LAND MARKED D.H AND K APPURTENANT ONLY PIECES 41 AND 43 AND PORTION OF PIECE 42 MARKED X (TG 6374786 TG 6374787 AND TG 6374788 RESPECTIVELY)

Schedule of Dealings

NIL

Notations

Dealings Affecting Title NIL

Priority Notices NIL

Notations on Plan NIL

Registrar-General's Notes

REFER DIVISION SECTION BEFORE FURTHER TRUNCATION VIDE F22851

Administrative Interests NIL

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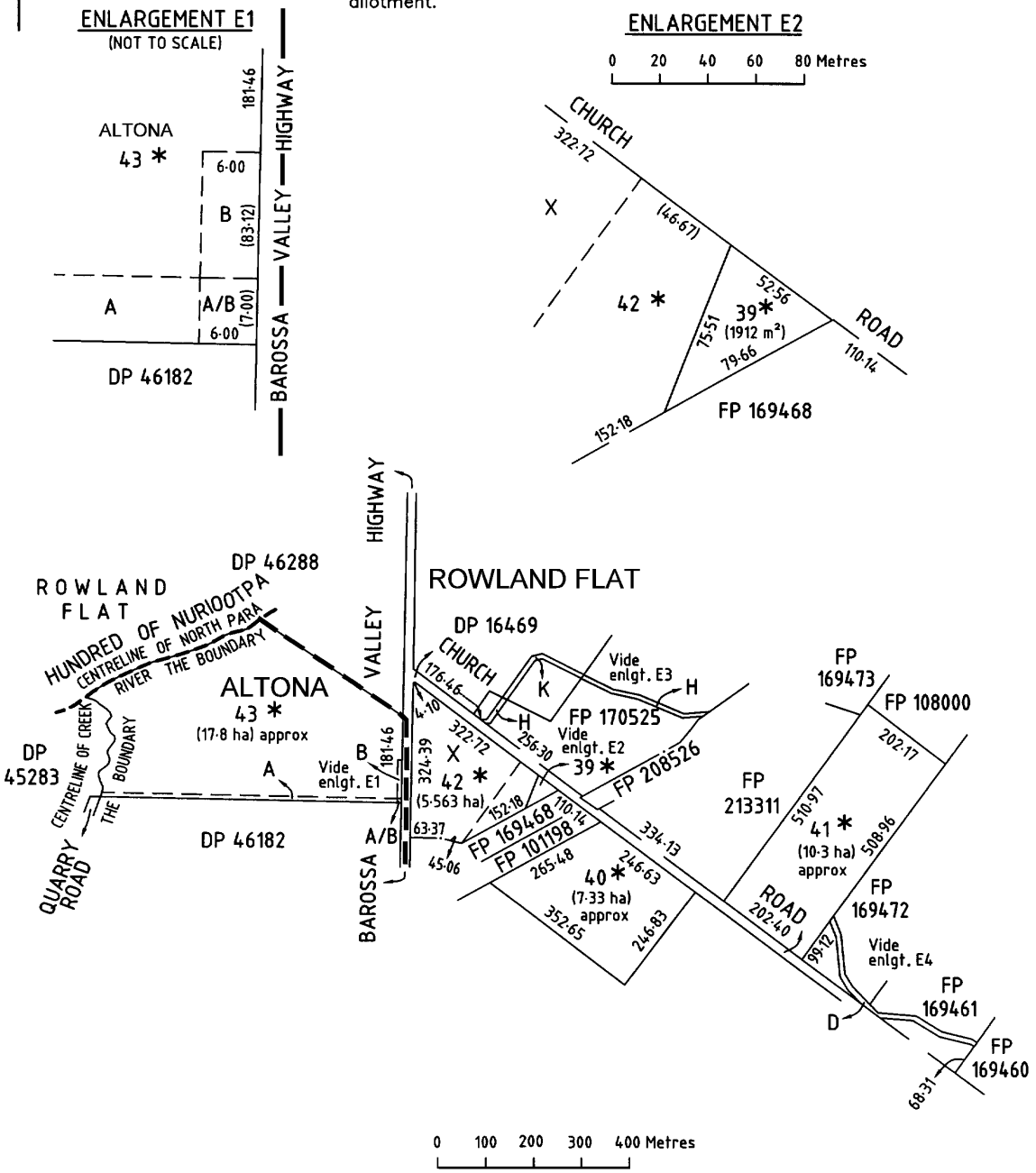
LAND SERVICES SA

Product	Register Search Plus (CT 5909/835)
Date/Time	23/08/2023 02:01PM
Customer Reference	Kock Pilgrim
Order ID	20230823005817

SCHEDULE OF PIECES COMPRISED IN ONE ALLOTMENT

PIECES COMPRISED IN ONE ALLOTMENT	TOTAL AREA
39 and 40	7·53 ha approx
41, 42 and 43	33·7 ha approx

* Asterisk denotes PIECE identifier only.
NOTE: All remaining parcels are each an allotment.



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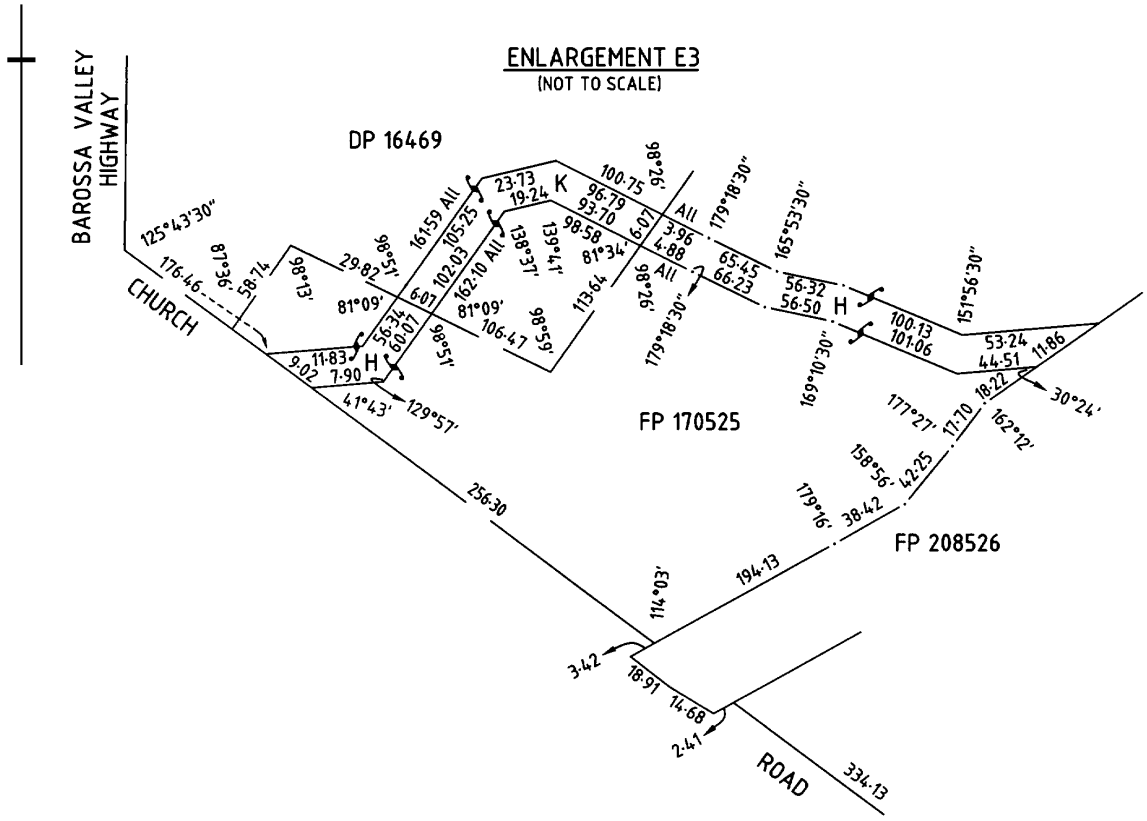

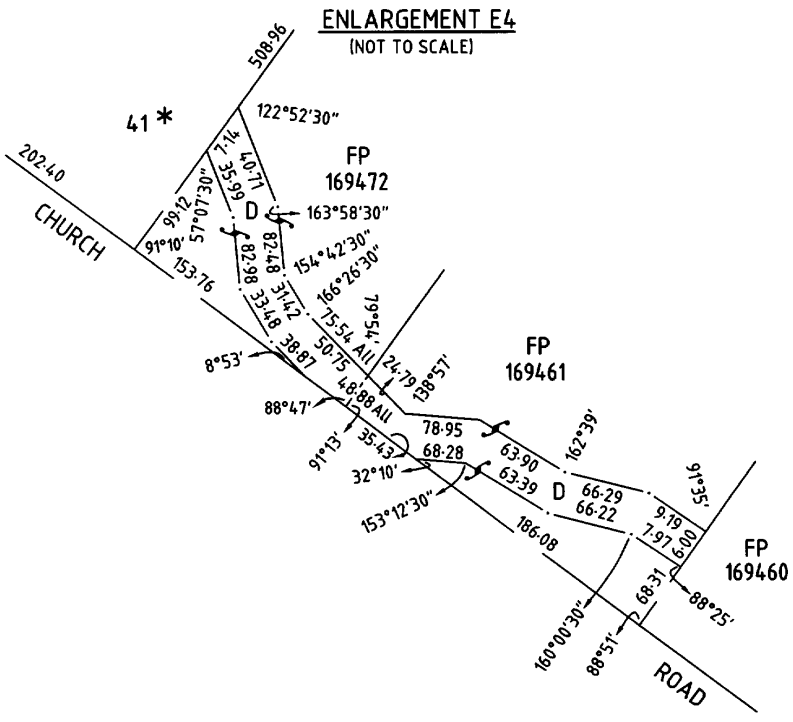

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NO.	DATE	DESCRIPTION
1	01/03/2019	ISSUE

Structural Drawings for Frost Fans C59

Drawing Index

S - Series

Sheet No.	Sheet Name	Issue Date	Rev. No.
S.01	C59 Tower Elevations	01/03/2019	1
S.02	C59 Foundation & Baseplate Details	01/03/2019	1

designphase ltd
civil & structural engineers
PH: 06 878 5130
114 QUEEN STREET EAST, HASTINGS

PROJECT TITLE
Frost Boss C59

PROJECT ADDRESS
1429 Omahu Road, Twyford

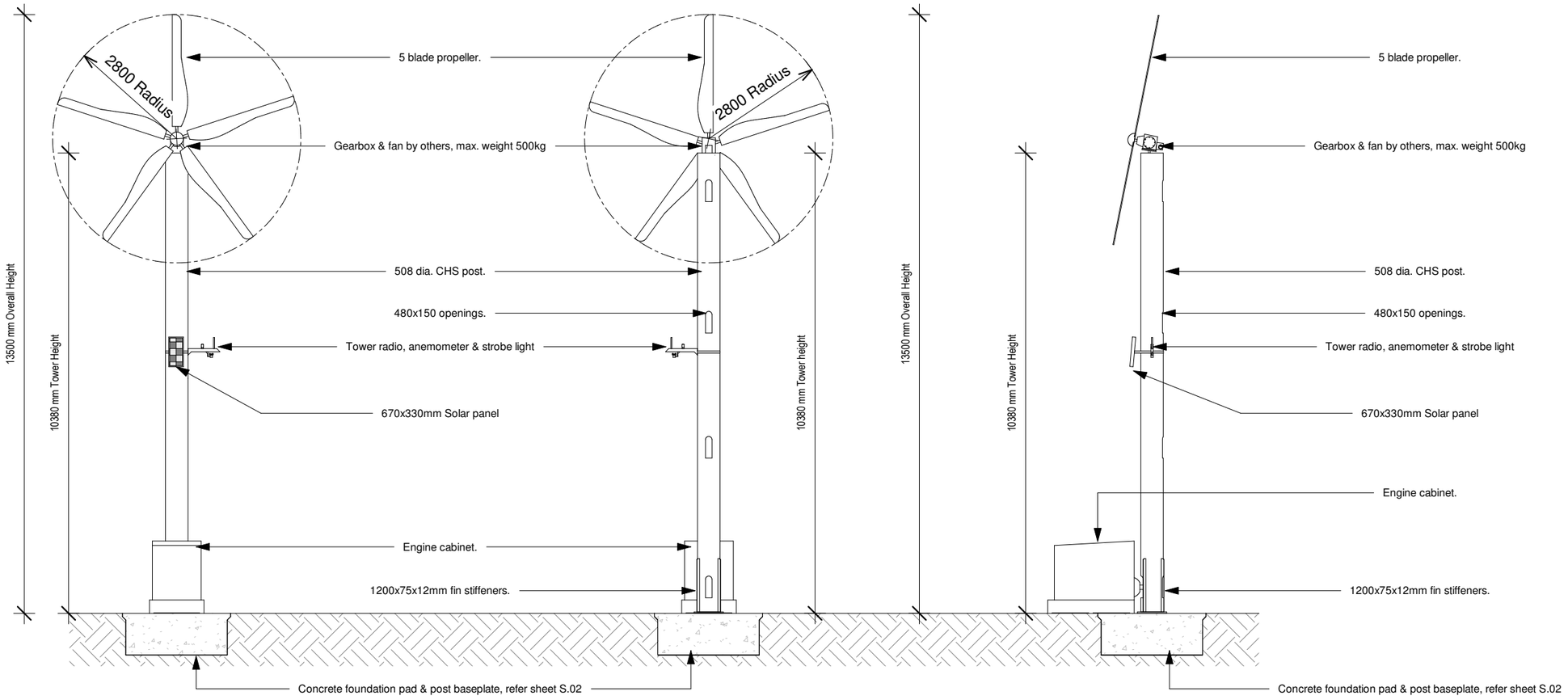
CLIENT NAME
Frsot Fans

SHEET NAME
Cover Page

DATE	01/03/2019
DRAWN BY	KB

PROJECT NO.	SHEET NO.
1951	000

NO.	DATE	DESCRIPTION
1	01/03/2019	ISSUE



1 C59 Frost Fans
1 : 100 @ A3

designphase ltd.
civil & structural engineers
PO Box 8136 • Havelock North • 4157 • PH • 06 877 5110

PH: 06 878 5130
114 QUEEN STREET EAST, HASTINGS

PROJECT TITLE
Frost Boss C59

PROJECT ADDRESS
1429 Omahu Road, Twyford

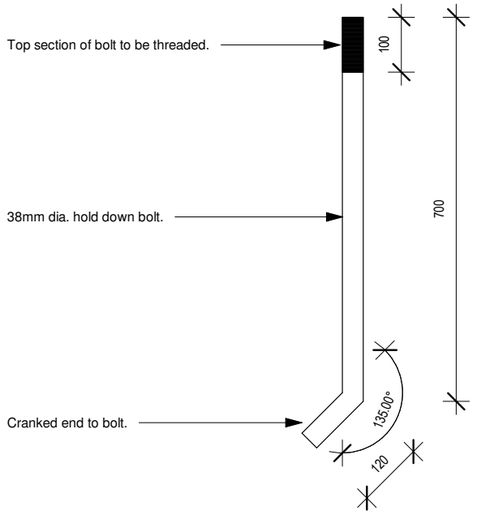
CLIENT NAME
Frsot Fans

SHEET NAME
C59 Tower Elevations

DATE 01/03/2019
DRAWN BY KB

PROJECT NO.	SHEET NO.
1951	S.01

NO.	DATE	DESCRIPTION
1	01/03/2019	ISSUE



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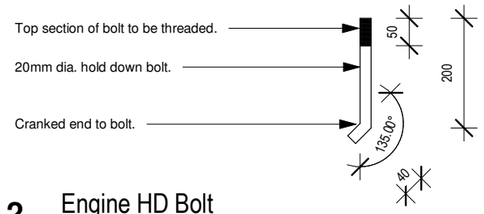

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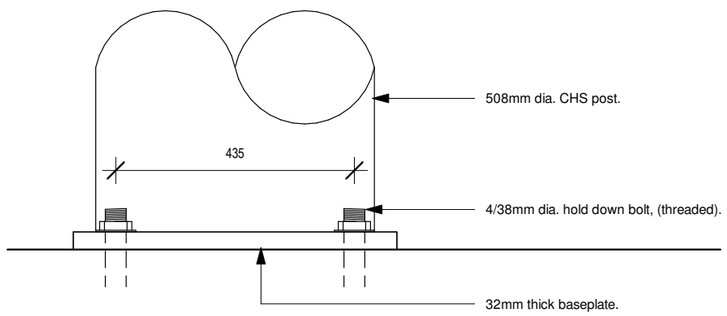
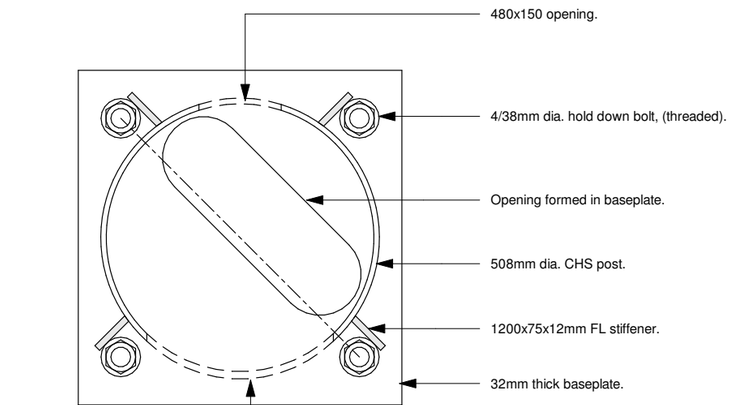


ELEVATION



PLAN

3 Tower Baseplate
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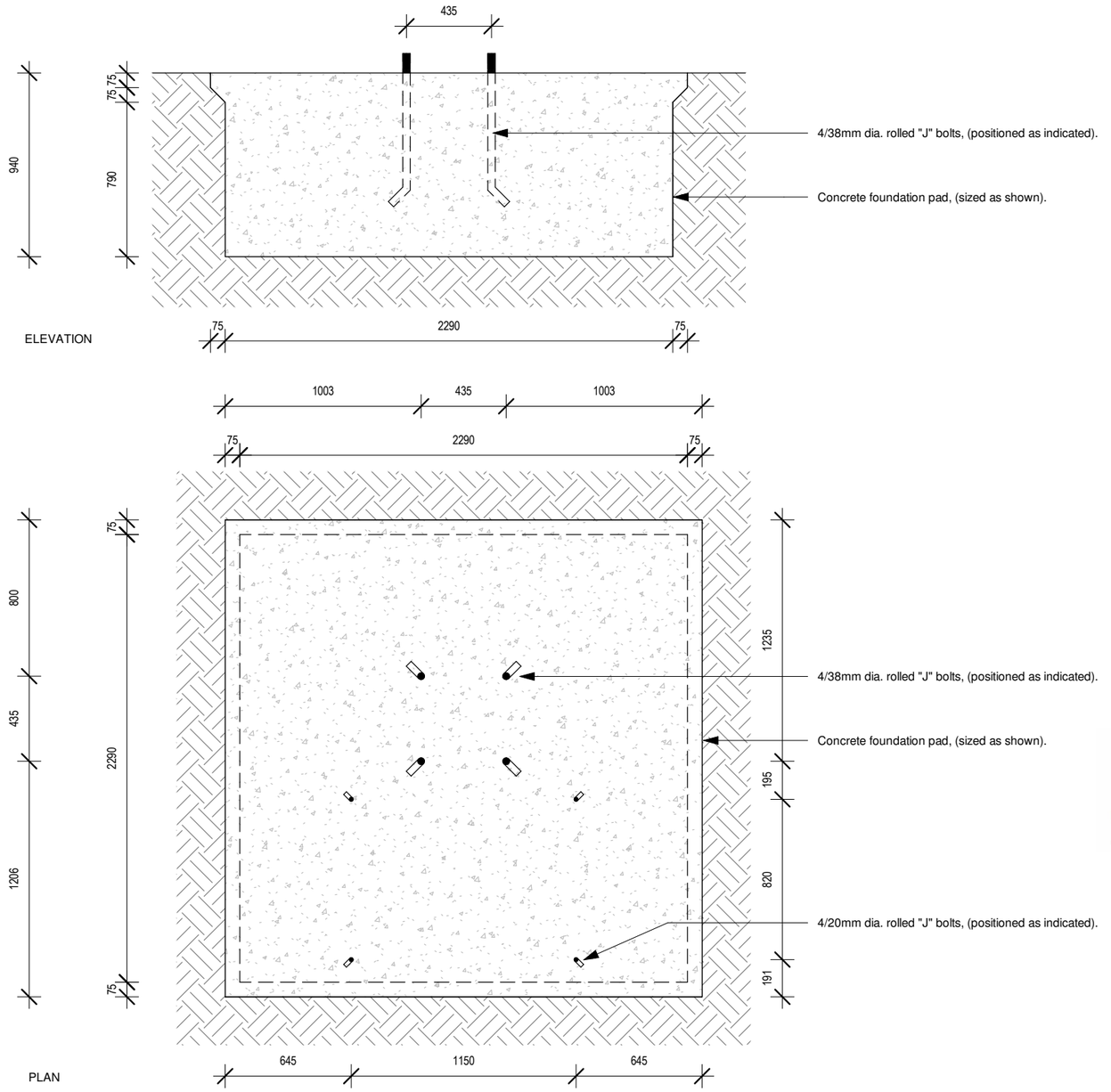

PLAN

4 Tower Foundation
1 : 25 @ A3

designphase ltd.
civil & structural engineers

PH: 06 878 5130
114 QUEEN STREET EAST, HASTINGS

PROJECT TITLE
Frost Boss C59

PROJECT ADDRESS
1429 Omahu Road, Twyford

CLIENT NAME
Frsot Fans

SHEET NAME
C59 Foundation & Baseplate Details

DATE	01/03/2019
DRAWN BY	KB
PROJECT NO.	SHEET NO.
1951	S.02

1842 Barossa Valley Way Rowland Flat

Environmental Noise Assessment

23 August 2023
Reference ID: 23-37-1

echo Acoustic Consulting

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Abbreviations

DO	Desired Outcome of the Code
DPF	Designated Performance Feature within the Code
DTS	Deemed-to-Satisfy criteria within the Code
EPA	South Australian Environment Protection Authority
PO	Performance Outcome of the Code
rpm	revolutions per minute
WHO	World Health Organization

Glossary

A-weighting	A mathematical adjustment to the measured noise levels to represent the human response to sound. An *A-weighted noise level* is presented as dB(A)
Associated dwelling	A dwelling which is associated with the installation and is not considered to be a *receiver* for the purposes of this assessment
Code	*Planning and Design Code* Version *2023.12 dated 17 August 2023*, PlanSA
dB	The logarithmic unit of measurement to define the magnitude of a fluctuating air pressure wave. Used as the unit for *sound* or *noise level*.
EP Act	*Environment Protection Act 1993*
Equivalent noise level	The A-weighted noise level which is equivalent to a noise level which varies over time. The descriptor is L_{Aeq} and it is the A-weighted *source noise level (continuous)* referenced in the Policy. The L_{Aeq} is also referenced as an average noise level in this assessment for simplicity
Frost control fans	Fans that operate during frost conditions that are used to mitigate the detrimental impacts of frosts on agricultural crops. Frost control fans are the subject of this environmental noise assessment.
Noise	An interchangeable term with sound but which is most often described as *unwanted sound*
Non-associated dwelling	A dwelling which is not associated with the installation and is considered to be a *receiver* for the purposes of this assessment
Policy	The *Environment Protection (Noise) Policy 2007*
Premises	The allotment on which the frost control fans are installed
Receiver	A *sensitive receiver* where noise impacts are considered in this assessment. In this instance, the *receivers* are the non-associated dwellings in the vicinity, with the closest being as identified in Figure 1.

Sensitive receiver	The same meaning as under *Part 8 Administrative Terms and Definitions* of the Code. Defined as: *a. any use for residential purposes or land zoned primarily for residential purposes;* *b. child care facility;* *c. educational facility;* *d. hospital;* *e. supported accommodation;* *f. tourist accommodation*
Sound	An activity or operation which generates a fluctuating air pressure wave. The ear drum can perceive both the frequency (pitch) and the magnitude (loudness) of the fluctuations to convert those waves to sound
Sound pressure level	The magnitude of sound (or noise) at a position. The sound pressure level can vary according to location relative to the noise source, and operational, meteorological and topographical influences. The terms *sound pressure level* and *noise level* are used interchangeably in this assessment

Background

Frosts occur for relatively short durations and on infrequent occurrence in South Australia when air temperatures at ground level drop below 0 degrees Celsius. During a frost, agricultural crops can be damaged.

Frosts typically occur in the early hours of the morning before dawn when the meteorological conditions result in the air temperature at 10 (to 50) metres above ground level being warmer than the sub zero-degree temperatures at ground level.

Frost control fans are used to draw this warmer air down into the agricultural crops. The frost control fans are triggered when the temperature at ground level approaches a frost condition, and they continue to operate until the temperature at ground level rises.

Frost control fans (comprising five fixed pitch blades in this instance) are located on a galvanised tower with a height in the order of 10m and are powered by a diesel engine. The noise level generated by a fan is associated with the aerodynamic noise of the blades moving at approximately 365rpm and varies as the fans rotate 360 degrees around the tower. The engine drive operates at approximately 1800rpm and is not audible in comparison to the aerodynamic noise from the blades (at distances required to satisfy the noise requirements in this report).

The *Environment Protection (Noise) Policy 2007* (the Policy) provides specific allowable noise levels for frost control fan operation that are based on a balance between protecting primary production in a rural zone through the effective use of frost control fans and minimising the impact on neighbouring properties.

The balance changes depending on the land use zone in which the neighbouring properties are located, with lower noise limits applying in a rural living or a residential zone.

As frost control fans typically operate during frost conditions in the early hours before dawn, the Policy establishes the allowable noise levels based on impacts to habitable spaces (bedrooms) of a dwelling with windows closed. For practical reasons, the Policy primarily promotes measurements (and assessments) to be made against the allowable noise level outside of a dwelling which accounts for the difference in noise level from inside to outside.

The influence of frost conditions on noise propagation are well understood and the noise levels generated by a frost control fan installation can be predicted and/or measured in-situ with accuracy.

Environmental noise assessments predict the noise level from a proposed frost control fan installation and compares that noise level against the Policy. The predicted noise level can (and must) account for the cumulative effect of the frost control fans at a premises operating together (where there are more than one installed). Where the Policy cannot be achieved, the assessments determine whether the fan installation can be relocated, reduced in operational speed, or removed, to satisfy the Policy.

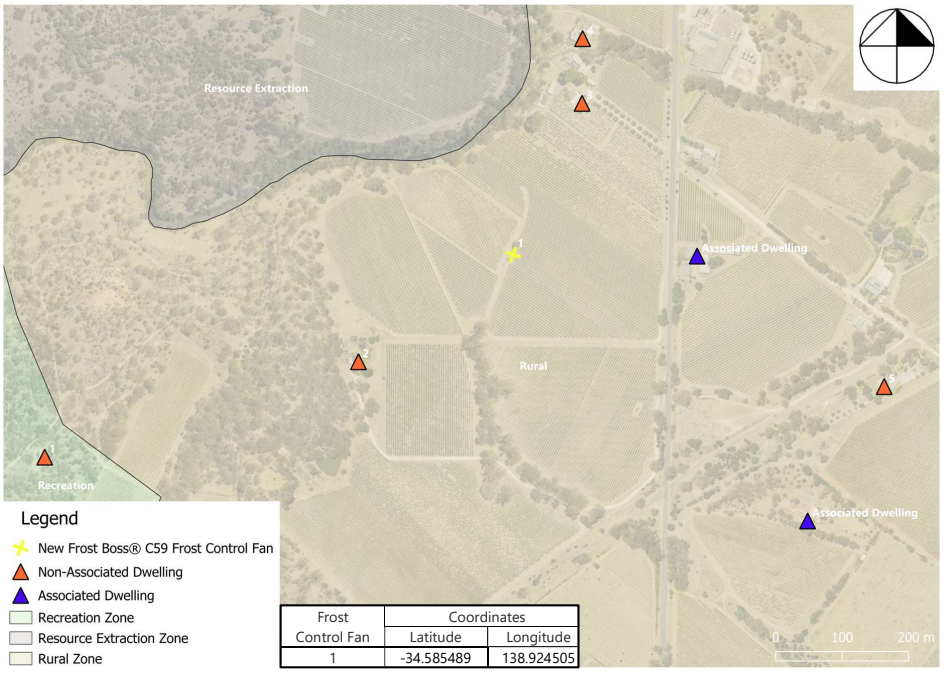
This assessment considers the installation of one new FrostBoss® C59 frost control fan at 1842 Barossa Valley Way, Rowland Flat, in the Barossa Council. There are no existing frost control fans at the premises.

Introduction

This assessment considers the noise associated with one new FrostBoss® C59 frost control fan (with a diesel engine and five fixed pitch fan blades) proposed to be installed at 1842 Barossa Valley Way, Rowland Flat in the Barossa Council. There are no existing frost control fans at the premises.

The frost control fan (including coordinates) and the closest dwellings are shown in Figure 1 below.

Figure 1 The Frost Control Fan Location and Closest Dwellings



Frost Control Fan	Coordinates	
	Latitude	Longitude
1	-34.585489	138.924505

Source Plan SA – SA Property & Planning Atlas

Assessment Criteria

The Code

The frost control fan and the closest non-associated dwellings(receivers) are in *Rural and Recreation Zones* within the *Planning and Design Code Version 2023.12 dated 17 August 2023* (the **Code**).

The following provisions within the Code are considered relevant to the environmental noise assessment.

Interface between Land Uses (Part 4 – General Development Policies)

Desired Outcome DO 1

Development is located and designed to *mitigate adverse effects* on or from neighbouring and proximate land uses.

Performance Outcome 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*.

Performance Outcome 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.

Performance Outcome PO 4.1

Development that emits noise (other than music) *does not unreasonably impact the amenity* of sensitive receivers (or lawfully approved sensitive receivers).

Deemed-to-Satisfy Criteria DTS / Designated Performance Feature DPF 4.1

Noise that might affect sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.

The Policy

Interface between Land Uses DTS / DPF 4.1 references the *Environment Protection (Noise) Policy 2007* (the **Policy**).

The Policy was developed under the *Environment Protection Act 1993* (the **EP Act**). The EP Act incorporates a requirement to ensure the acoustic *amenity of a locality is not unreasonably interfered with*. *Division 5* of the Policy provides specific allowable noise levels for frost control fan operation that are based on a balance between protecting primary production through the effective use of frost control fans and minimising the impact on neighbouring properties.

Compliance with the Policy will satisfy both the EP Act and *Interface between Land Uses PO 4.1*. With the overarching requirement of the EP Act being consistent with Code provisions, compliance with the Policy is also considered to satisfy the remaining Desired and Performance Outcomes in the Code relevant to this assessment (being the *Interface between Land Uses DO 1, PO 1.2, and PO 2.1*).

Division 5 of the Policy establishes an allowable noise level within both a habitable room and a location outside a dwelling. Where the external noise levels are achieved, then noise from the frost control fan installation is not considered excessive. Where the external noise levels are not achieved, then the habitable room becomes the location for assessment.

This assessment has been made against the allowable external noise levels of the Policy.

The allowable noise level varies depending on the land use zoning in which the non-associated dwelling is located. For a location *in a zone where Residential or Rural Living is principally promoted*, the allowable noise level at a non-associated dwelling is 45 dB(A). For all other zones the allowable noise level at a non-associated dwelling is 55 dB(A).

In this circumstance, an allowable noise level of 55 dB(A) applies at the non-associated dwellings (receivers) in the *Rural and Recreation Zones*. The allowable level of 55 dB(A) is to be achieved from all frost control fans on the premises operating at the same time. For this assessment there is one new FrostBoss® C59 frost control fan proposed. There are no existing frost control fans at the premises.

The Policy also requires that the frost control fans *must not be operated except during a period when frost occurs or is reasonably likely to occur, or as necessary for maintenance work* and *maintenance work must not be carried out on the fan except between 7.00 a.m. and 10.00 p.m. on the same day*.

Assessment

The Policy

The Policy is utilised by this assessment to satisfy the Code requirements.

The following inputs have been utilised for the assessment of the proposed frost control fan installation (over the full rotation of the fan about the tower) and are the basis for the predicted noise levels provided in Table 1:

- a noise level of 55 dB(A) at 180 metres in frost conditions for the operation of the FrostBoss® *C59* frost control fan at a fan speed of 365rpm (this correlates to an engine drive speed of 1800rpm), as summarised in the *Hegley Acoustic Consultants – Frost Boss C59 Frost Fan Field Test Assessment of Noise Report No. 15136, dated August 2015*[1]
- noise modelling which accounts for the propagation in noise during the specific meteorological conditions that occur during frost conditions
- one new FrostBoss® C59 frost control fan being operated (with no existing frost control fans) at the premises with fan coordinates as detailed in Figure 1
- the closest non-associated dwelling (receiver) locations being as depicted in Figure 1

Table 1 Predicted Noise Levels at Non-Associated Dwellings

Non-associated dwelling	*Criterion (dB(A))*	Predicted Noise Level (dB(A))	Compliance
1	*55*	**42**	Yes
2	*55*	**51**	Yes
3	*55*	**52**	Yes
4	*55*	**49**	Yes
5	*55*	**44**	Yes

With reference to Table 1, the noise from the one new FrostBoss® C59 frost control fan will comply with the allowable noise levels at all non-associated dwellings (receivers) and satisfy the Code.

[1] The *Hegley Acoustic Consultants* noise measurements were conducted by an acoustic engineer and have been utilised as the basis for installations since 2010. The location (New Zealand) and timing (2015) are not variables in the assessment process as the physics of acoustics do not change with these factors.

Conclusion

Environmental noise assessments predict the noise level from a proposed frost control fan installation based on established input data and compares that noise level against the specific requirements of *Division 5* of the *Environment Protection (Noise) Policy 2007* (the Policy).

This assessment considers the installation of one new FrostBoss® C59 frost control fan at 1842 Barossa Valley Way, Rowland Flat. There are no existing frost control fans at the premises.

The assessment determines that the noise from the frost control fan can achieve the allowable noise level of the Policy at all non-associated dwellings in the *Rural and Recreation Zones*.

In complying with the Policy, the proposed frost control fan installation will satisfy the relevant *Planning and Design Code* provisions.

The following conditions of operation will ensure consistency with this assessment and the mandatory provisions in the Policy:

1. *The frost control fan must not be operated except during a period when frost occurs or is reasonably likely to occur, or as necessary for maintenance work and maintenance work must not be carried out on the fan except between 7.00 a.m. and 10.00 p.m. on the same day*
2. *The frost control fan must not exceed an equivalent noise level $L_{Aeq,}$ of 55 dB(A) when measured over the full rotation of the fan about the tower at any non-associated dwelling which exists in the Rural and Recreation Zones (or similar) at the time of approval. Where an equivalent noise level $L_{Aeq\ full\ rotation}$ of 55 dB(A) is exceeded, then the operation of the fan must be modified to achieve that external noise level, or it must be shown that an equivalent noise level $L_{Aeq\ full\ rotation}$ of 35 dB(A) is achieved in the habitable rooms of that non-associated dwelling.*

References

Environment Protection (Noise) Policy 2007, SA EPA

Guidelines For the Use Of The Environment Protection (Noise) Policy 2007, SA EPA June 2009

Hegley Acoustic Consultants – Frost Boss C59 Frost Fan Field Test Assessment of Noise, Report 15136, dated August 2015

Planning and Design Code Version *2023.12 dated 17 August 2023*, PlanSA

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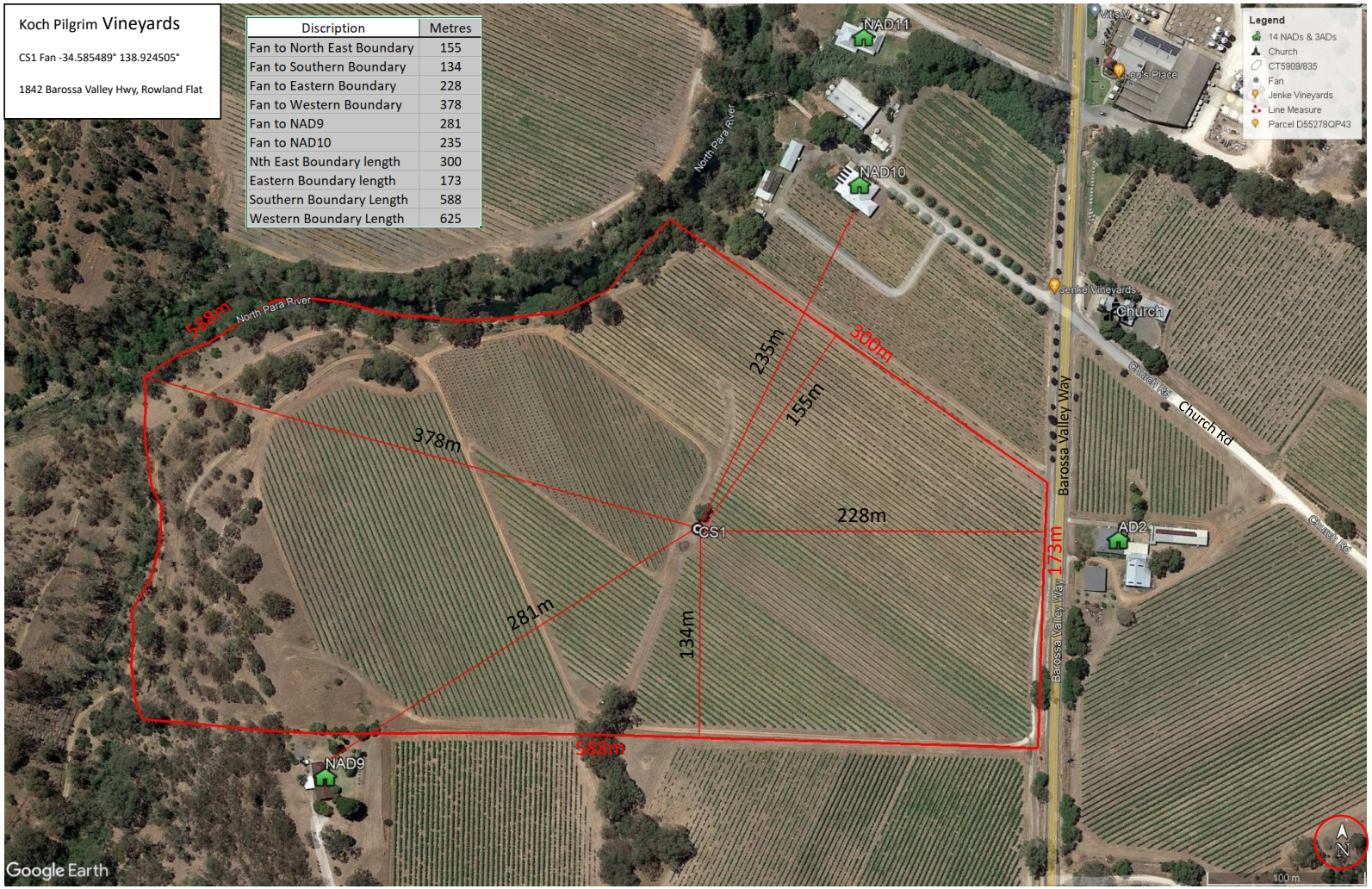
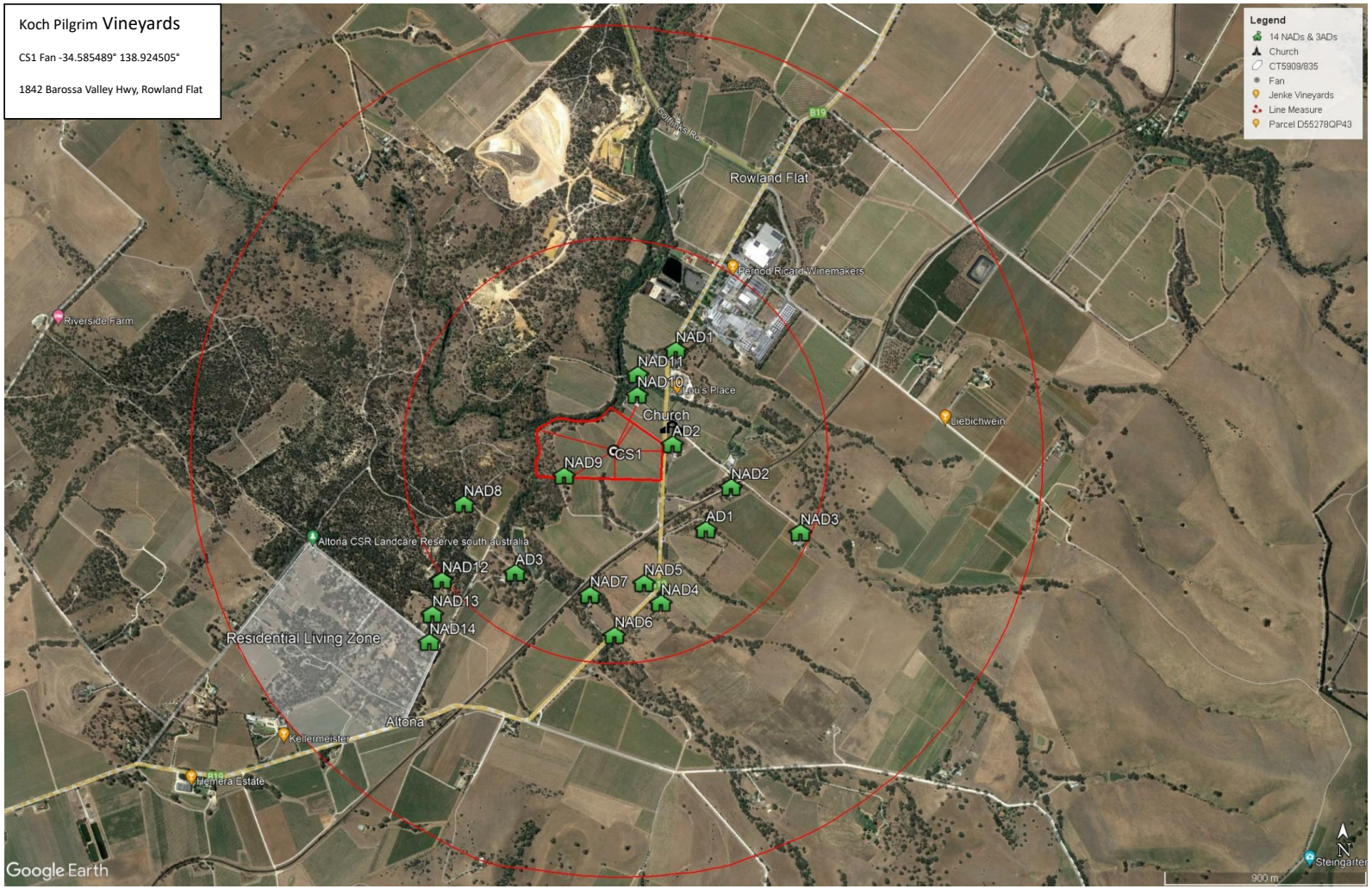

Koch Pilgrim Vineyards
CS1 Fan -34.585489° 138.924505°
1842 Barossa Valley Hwy, Rowland Flat
Discription | Metres
Fan to North East Boundary | 155
Fan to Southern Boundary | 134
Fan to Eastern Boundary | 228
Fan to Western Boundary | 378
Fan to NAD9 | 281
Fan to NAD10 | 235
Nth East Boundary length | 300
Eastern Boundary length | 173
Southern Boundary Length | 588
Western Boundary Length | 625
NAD11
NAD10
NAD9
CS1
AD2
Church
Jenke Vineyards
Louis Place
North Para River
Barossa Valley Way
Church Rd
588m
300m
235m
155m
378m
228m
173m
281m
134m
588m
Legend
14 NADs & 3ADs
Church
CT5909/835
Fan
Jenke Vineyards
Line Measure
Parcel D55278QP43
Google Earth
100 m
N

Koch Pilgrim Vineyards
CS1 Fan -34.585489° 138.924505°
1842 Barossa Valley Hwy, Rowland Flat
Legend
Altona CSR Landcare Reserve south australia
Church
CS1
Feature 1
Penfolds Ricard Winemakers
Steingarter Rd
North Para River
NAD1
NAD11
NAD10
Louis Place
Church
Koch Vineyards
AD2
CS1
Church Rd
1847 Wines
NAD9
NAD2
Rowland Flat Cemetery
AD1
NAD3
Altona CSR Landcare Reserve south australia
Uzuri Barossa
NAD12
NAD8
NAD5
B19
NAD7
Pioneer Antiques
NAD4
NAD13
Altona Rd
NAD14
NAD6
Google Earth
500 m
N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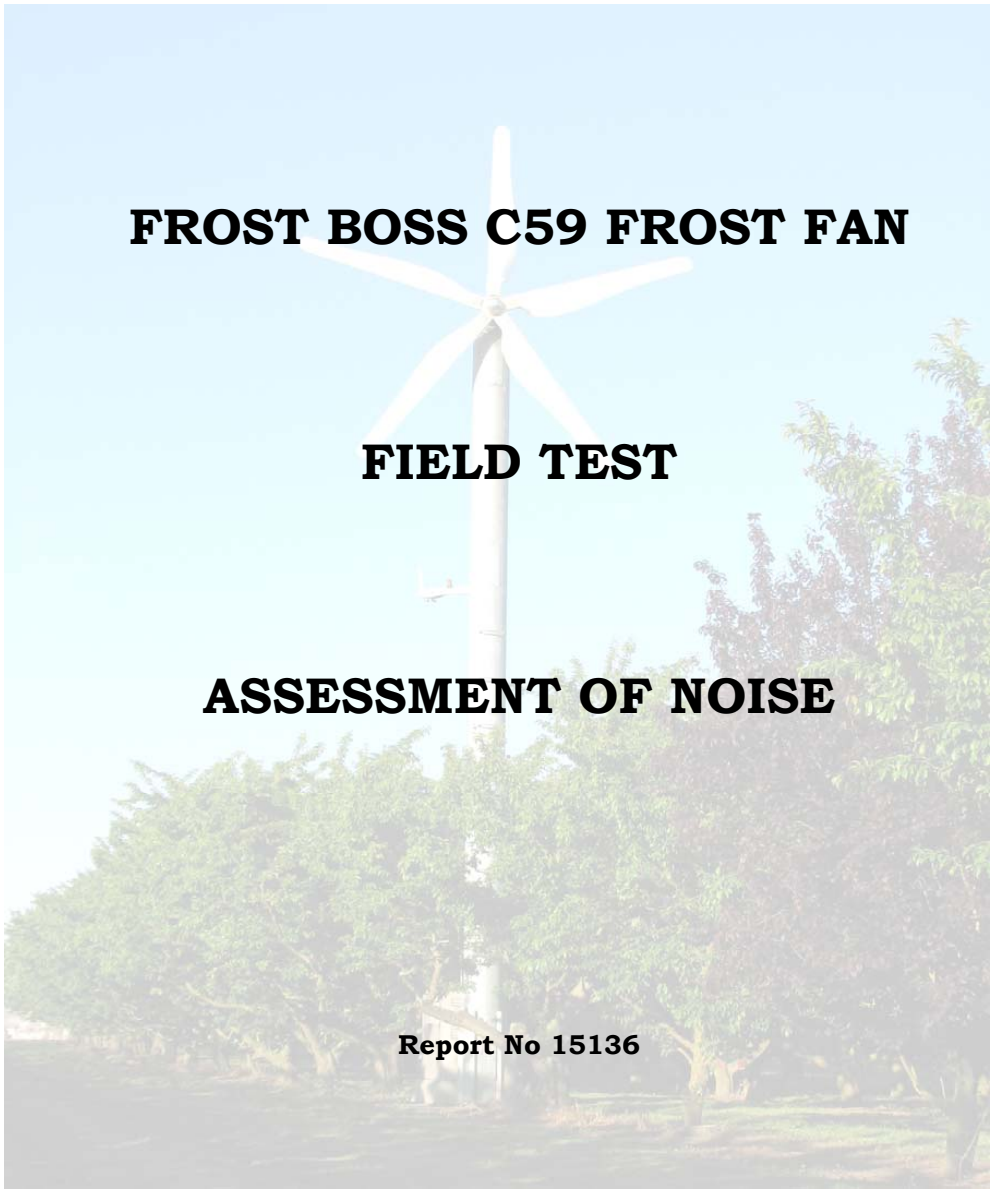
Line Measure
Parcel D55278QP43
Rowland Flat
Pernod Ricard Winemakers
Riverside Farm
Liebichwein
NAD1
NAD11
NAD10
Church
AD2
CS1
NAD9
NAD2
NAD8
AD1
NAD3
Altona CSR Landcare Reserve south australia
AD3
NAD12
NAD7
NAD5
NAD4
NAD13
NAD14
NAD6
Residential Living Zone
Altona
Kellermeister
Irvinera Estate
Steingarten
Google Earth
900 m
N

HEGLEY ACOUSTIC CONSULTANTS



FROST BOSS C59 FROST FAN

FIELD TEST

ASSESSMENT OF NOISE

Report No 15136

Prepared for:

New Zealand Frost Fans Ltd
Hastings
August 2015

Prepared by: .....

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3

1 INTRODUCTION

This report sets out the results of field measurements undertaken on the night of Thursday 28 May 2015 of a Frost Boss C59 frost fan. Measurements were undertaken at 180m and 300m from the frost fan operating at an engine speed of 1840rpm and fan speed at 365rpm at 1445 Omahu Road, Hastings, as shown on Figure 1.

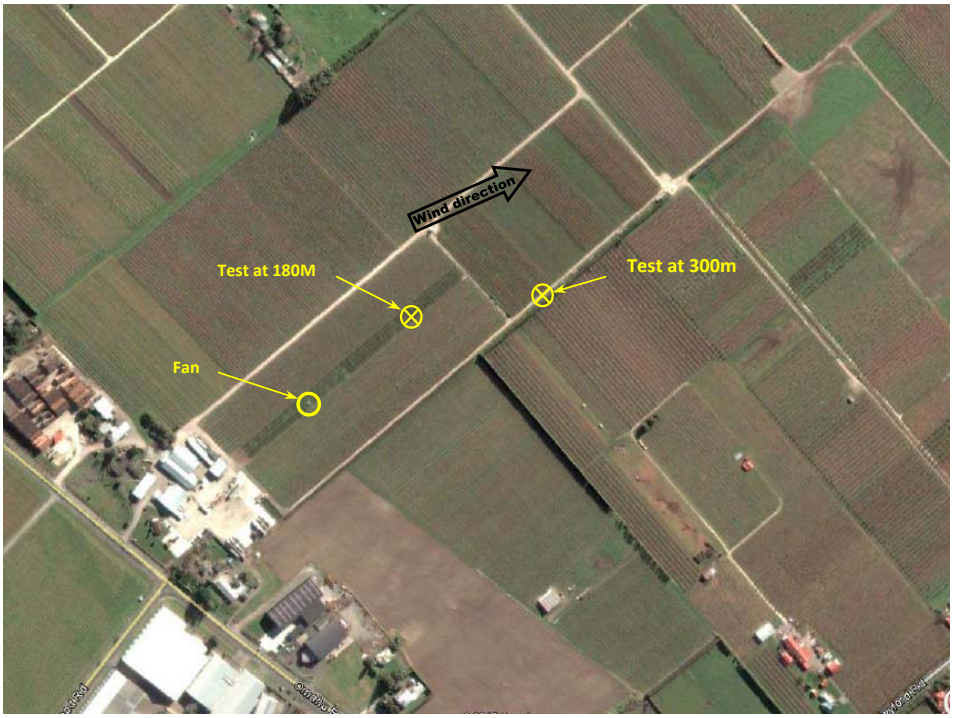

Figure 1. Test Location at 1429 Omahu Road

2 TEST CONDITIONS

The weather throughout the noise monitoring period was fine. The cloud varied between 3/8 cover at the start of testing to 4/8 cover at the completion of the testing. An ambient wind was of variable speed and throughout the testing the wind was blowing from the frost fan towards the monitoring position (south westerly). The reported wind speed is a 30 second moving average, updated every 5 seconds, and is sent to the data logger at 2 minute intervals. The canopy temperature is measured 1m above the ground and the tower temperature is measured 10m above the ground at the top of the tower. Where the tower temperature is above the canopy temperature (which occurred throughout the monitoring period) this indicates a temperature inversion is present and the wind speed is measured 6.5m above the ground from a tower mounted spar.

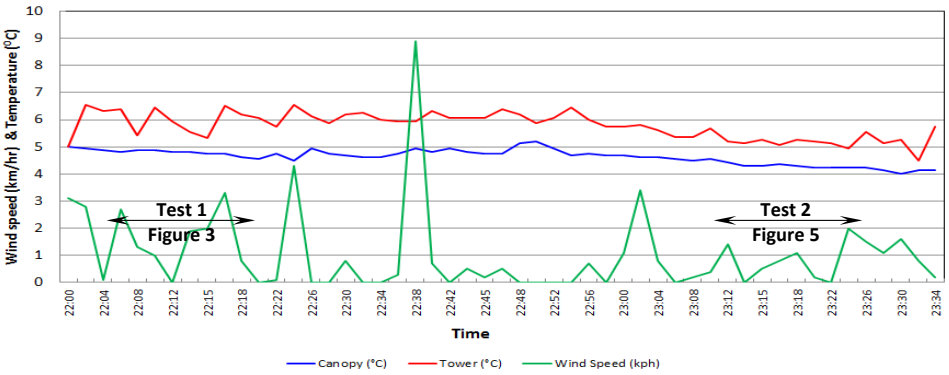

Figure 2. Wind Speed and Temperature during Testing

The meteorological conditions were compatible with those set out for Category 6 in Concawe[1], which gives enhanced meteorological conditions. When testing commenced the temperature was 5^{0}C and it dropped to 4^{0}C at the completion of

[1] The Propagation of Noise from Petroleum and Petrochemical Complexes to Neighbouring Communities, Report No 4/81, May 1981 prepared by C J Manning, Acoustic Technology for Concawe's Special Task Force on Noise Propagation

the testing. The weather conditions were considered ideal for monitoring noise from the frost fan.

The topography was flat and the apple trees in the orchard were in a dormant state with very few leaves.

The technical information of the frost fan tested is:

- Frost Fan model FrostBoss C59 (prototype)
- Engine Cummins 6BT5.9 Turbo diesel
- Engine cabinet Standard FrostBoss steel cabinet
- Exhaust Standard single chamber internal muffler
- Blade type Standard C9 series composite blade
- Fan diameter 5.5m
- Tower height 10.5m
- Pitch fixed
- Upper gearbox DeRan GB11 ratio 1.68 to 1
- Lower gearbox Amarillo 85W ratio 3.0 to 1
- Overall ratio 5.04
- Fan speed 365 rpm
- Engine speed 1840 rpm

Commercial Fan

- Frost fan model FrostBoss C59 (production model)
- Engine Perkins 1006-6T Turbo diesel
- Engine cabinet Standard FrostBoss steel cabinet
- Exhaust Standard single chamber internal muffler
- Blade type Standard C9 series composite blade
- Fan diameter 5.5m
- Tower height 10.5m
- Pitch fixed
- Upper gearbox Amarillo UD105 ratio 1.6364 to 1
- Lower gearbox Amarillo 85W ratio 3.0 to 1
- Overall ratio 4.9091
- Fan speed 365 rpm
- Engine speed 1792 rpm

As shown above, the tested frost fan has some small differences to the proposed commercial frost fan. The differences are a different engine and slightly different overall gear ratios to the C59 fan system that will be marketed by NZ Frost Fans.

The test engine was a 5.9 litre, 6 cylinder, Cummins turbo-diesel whereas the production engine will be a 6.0 litre, 6 cylinder, Perkins turbo-diesel. Both engines have similar mufflers and the cabinet design is the same for both engines with a similar noise output at the same engine speed.

The C59 fan is designed to run at 365 rpm, regardless of the engine driving it. The test fan had an overall gear ratio from the fan to the engine of 5.04, therefore the engine speed is 365 rpm x 5.04, which equals 1,840 rpm. The production fan will have an overall gear ratio from the fan to the engine of 4.9091, therefore the engine speed is 365 rpm x 4.9091, which equals 1,792 rpm. Thus, the commercially available frost fan will operate at 48 rpm lower engine speed compared to the test fan so theoretically the engine noise will be slightly lower than the engine tested. Regardless, it is noted that the engine noise does not control the measured noise; the noise into the environment is controlled by the fan itself.

The equipment used for the measurements was:

- Brüel & Kjær 2250 Hand-held Analyser platform with Sound Level Meter Software BZ 7222, Frequency Analysis Software and BZ 7225 Enhanced Logging Software. Re-calibration is next due in September 2015;
- Brüel & Kjær ½" type 4189 microphone, serial number 2650951. Re-calibration is next due in September 2015;
- Brüel & Kjær 4230 calibrator serial number 930422. Re-calibration is next due in September 2015;
- Brüel & Kjær type UA0237 90mm diameter windscreen;
- All measurements were undertaken in accordance with the requirements of *NZS 6801:2008 Acoustics - Measurement of Environmental Sound* and assessed in accordance with the requirements of *NZS 6802:2008 Acoustics – Environmental Noise*.

7

3 TEST RESULTS WITH FAN AT 365RPM AND 300M

Two measurements were undertaken at 300m downwind of the frost fan. Figure 3 shows the real time noise trace of the frost fan as measured over a 15 minute period, which gave two full rotations of the frost fan.

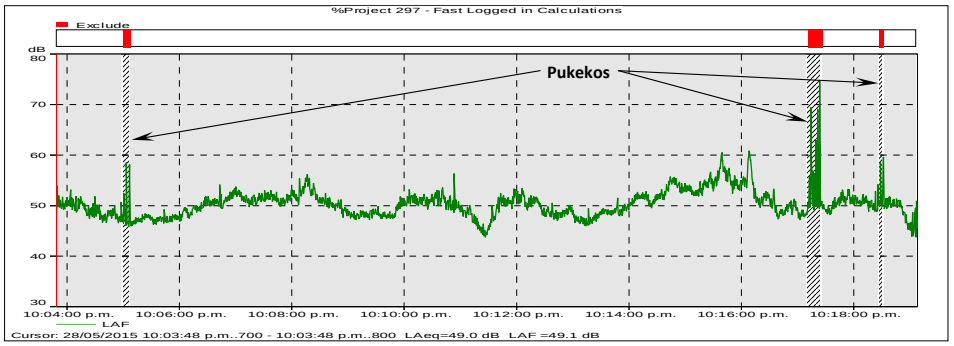

Figure 3. Real Time Noise Trace at 300m, commenced 10:04pm

Figure 4 shows the sound spectrum in one third octave bands for the test undertaken at 300m.

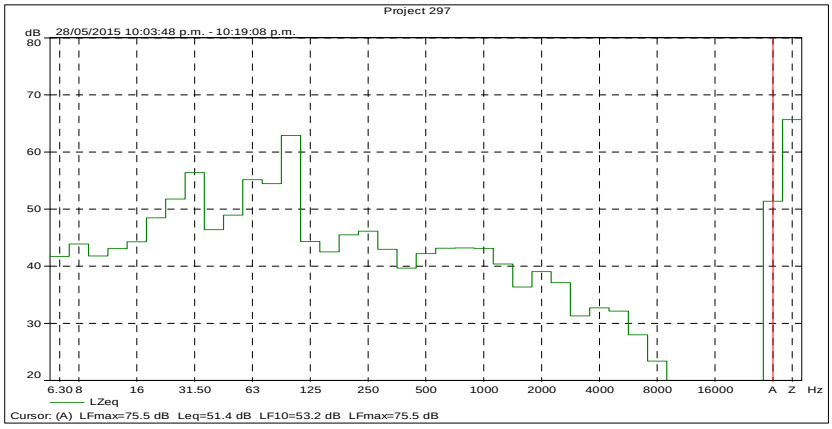

Figure 4. 1/3 Octave Spectrum at 300m – Total Test Duration

Based on the measured level at 300m the noise over a 15 minute period for the Frost Boss C59 frost fan at 365rpm is 50dB L_{Aeq}.

8

A second 15 minute test was undertaken from 11:11pm at the same location at 300m from the frost fan and at 365rpm as shown on Figure 5. In this case the noise level was also 50dB L_{Aeq}.

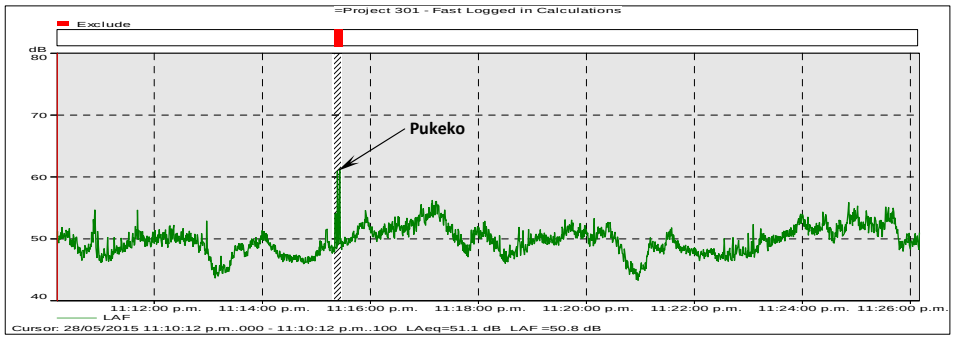

Figure 5. Real Time Noise Trace, commenced 11:11pm

Figure 6 shows the sound spectrum in one third octave bands for this second test starting at 11:11pm and at 300m.

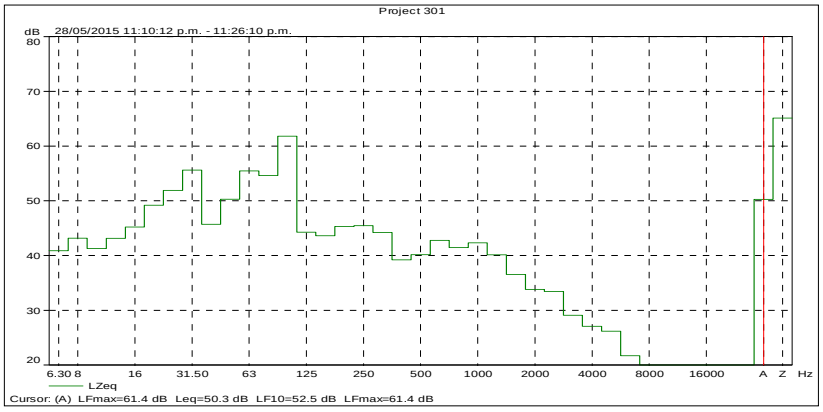

Figure 6. 1/3 Octave Spectrum at 300m – Total Test Duration

Appendix B4 of NZS 6802:2008 Acoustics – Environmental Noise sets the test to determine if there is a tone to the sound of interest. To determine if a tone is present the relevant section of the Standard states:

B4.2 Objective test methods

Where there is doubt about the presence of tonality, the following two methods provide an objective measure for tonality. The simplified test method may be carried out using one-third octave band measurement equipment. The reference test method requires the use of narrow band analysis. If the simplified method does not indicate tonality, it may still be necessary to use the reference method to confirm the presence or absence of tonality. In addition, the reference method can properly assess modulated tones or complex tones.

B4.3 Simplified test method for tonality

A test for the presence of a prominent discrete-frequency spectral component (tonality) can be made by comparing the levels of neighbouring one-third octave bands in the sound spectrum. An adjustment for tonality shall be applied if the LEQ in a one-third-octave band exceeds the arithmetic mean of the LEQ in both adjacent bands by more than the values given in table B2.

Table B2 - One-third octave band level differences

One-third octave band	Level difference
25 - 125 Hz	15dB
160 - 400 Hz	8dB
500 - 10000 Hz	5dB
NOTE - At frequencies below 500Hz the criterion could be too severe and tones might be identified where none is actually audible. For complex spectra the method is often inadequate and the reference method should be used.	

A check of the individual frequencies as set out on Figures 4 and 6 (1/3 octave bands) shows there is no tonal characteristic to the sound that warrants an adjustment to the measurements. In addition, there are no other characteristics, such as a whacking sound often associated with frost fans, which would attract a 5dB penalty due to a special audible characteristic to the sound. Thus, a level of 50dB L_{Aeq} equates to the rating level for the C59 frost fan operating at 365rpm.

4 TEST RESULTS WITH FAN AT 365RPM AND 180M

Figure 7 shows the real time noise trace of the frost fan as measured over a 15 minute period when at 180m downwind, which gave two full rotations of the frost fan.

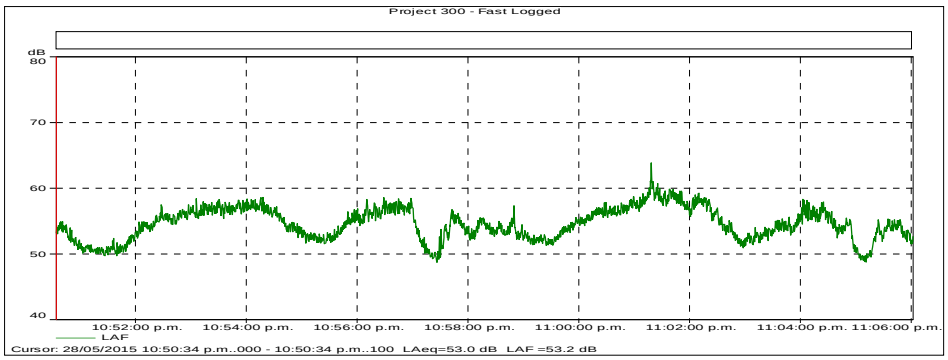

Figure 7. Real Time Noise Trace at 180m

Figure 8 shows the sound spectrum in one third octave bands for the test undertaken at 180m.

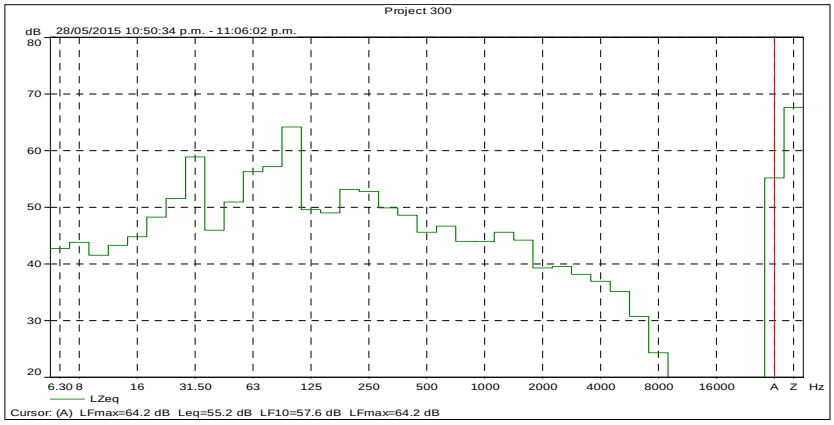

Figure 8. 1/3 Octave Spectrum at 180m – Total Test Duration

Based on the measured level at 180m the noise over a 15 minute period for the Frost Boss C59 frost fan at 365rpm is 55dB L_{Aeq}.

As for the 300m distance, there are no special audible characteristic to the frost fan at 180m.

5 SUMMARY OF RESULTS

A summary of the measured levels of the Frost Boss C59 Frost Fan is set out in Table 1.

	Octave Level , Hz									
	31.5	**63**	**125**	**250**	**500**	**1k**	**2k**	**4k**	**8k**	**A**
365rpm at 300m – L_{Aeq}	57	59	62	50	46	46	40	32	18	50
365rpm at 180m – L_{Aeq}	60	60	64	57	52	49	46	42	27	55

Based on 15 minute measurement

Table 1. Measured Noise Levels (dB)

6 TEST VARIABLES

6.1 Wind Speed

The above testing was undertaken with wind speeds between 0 – 3km/hr although there the frost fan is designed to operate in wind speed up to 8km/hr so the effects of an increased wind speed has been assessed.

The two potential effects of a change in the wind to that will increase the noise level as received 300m downwind are the positive effects of the sound transmission of noise to the receiver due to the wind and the effects of an increase in the wind on the fan blades and hence a higher noise level or special any audible characteristics may be generated at source.

The analysis of sound propagation has been based on meteorological conditions as set out in Concawe report addressed above and checked against the requirements of ISO 9613-1 *Acoustics - Attenuation of Sound During Propagation Outdoors. Part 1: Calculation of the Absorption of Sound by the Atmosphere* and ISO 9613-2 *Acoustics - Attenuation of Sound During Propagation Outdoors. Part 2: General Method of Calculation*. Each of these

documents is referred to in NZS6801:2008. The above measurements of the C59 frost fan were undertaken in Concawe meteorological category 6 conditions. Using the same method to assess the effects of an increased wind to a steady 8km/hr will give a potential increase of 0.5 – 1dB with an 8km/hr wind. A similar result is found if ISO 9613-1/2 is used.

The above is for a constant wind speed of 8km/hr. Figure 9 shows a weather trace over a random 24 hour period with wind speeds representative of the conditions required for a frost fan to operate. As shown on Figure 9 (as also shown on Figure 2) the wind varies continuously there will never be a period with a constant wind throughout any 15 minute measurement so the best that can be achieved is a typical wind pattern.

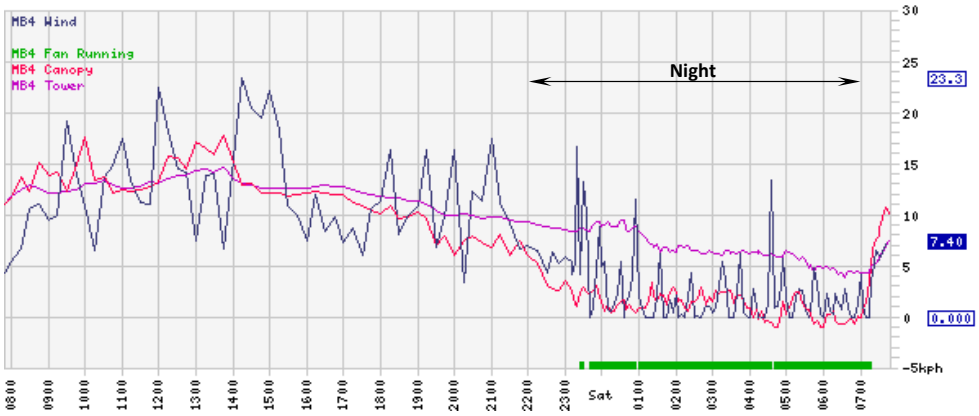

Figure 9. 24 Hour Wind Speed Plot

As set out above, when measured at the same location, and excluding outside noise influences, the same noise level of 50dB L_{Aeq} at 300m (Figures 3 and 5) was measured in different wind speeds. Figure 2 shows the wind condition during the actual measurement period with an average wind speed of 2.5km/hr (0 – 3.3km/hr) for the first measurement and an average wind speed of 1km/hr (0 – 2km/hr) for the second measurement.

In each case the wind varied throughout the 15 minute monitoring period with no apparent change to the measured noise level. The wind was from a stable direction throughout the monitoring. If the wind speed is higher the wind direction is not normally as stable so the receiver noise will drop as the wind deviates from the direct downwind situation.

From the noise trace shown in Figure 5 it can be seen the noise varies by 11dB as the frost fan rotates around the tower with a small component of this variation being be due to the variation of the wind speed.

The frost fan noise requirement in the District Plan as set out in Rule 36.2.7.1.2 states:

> a) *Subject to (b), sound levels shall be measured in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with the provisions of NZS 6802: 2008 Acoustics – Environmental Noise;*

Section 5.2 Measurement Time Intervals of NZS 6802:2008 states:

> *A sound environment shall be assessed as it relates to a prescribed time frame, for example, day, evening or night. Thus an appropriate survey period (or periods) shall be selected so that relevant and representative samples of the sound under investigation are obtained …*

In calm conditions the noise level will be similar at any point around the frost fan. However, if it is assumed the steady wind speed of 8km/hr is blowing the noise level will vary by typically 7dB due solely to the effects of being upwind or downwind of the frost fan with approximately an increase of 3dB if downwind and a 4dB reduction if upwind. Clause 7.1.2 of NZS6801:2008 Acoustics - Measurement of Environmental Sound states:

> *To demonstrate compliance, measurements should include or be appropriately adjusted to slightly positive propagation conditions, which are the upper limits of the meteorological window. Therefore when*

> *predicting sound levels it is recommended that slightly enhanced propagation is assumed. Where meteorological conditions vary so that sound from an activity might comply one day but not on another and adjustments are not practical, sufficient measurements shall be made to provide an adequate description of the variation.*

The variation in the noise level for a frost fan is from a negative to positive wind. A negative wind will obviously not fulfill the requirements of NZS6801. If an 8km/hr downwind is adopted this is at the extreme of the measurement range so considered to be more than "slightly positive" plus such a wind is not representative of the actual conditions. A positive wind of 2 – 4km/hr is in the upper noise range from a frost fan (a calculated 0.5 - 1dB lower than the maximum noise likely to be experienced for the C59 frost fan with a steady 8km/hr wind) so is considered to easily satisfy the requirements of NSZ6801.

6.2 Special Audible Characteristics

The second potential change of noise from a frost fan is related to any special audible characteristics that may develop as the wind speed increases at the frost fan.

In addressing this effect previous testing undertaken of the C49 frost fan (which has identical blades as the C59) and the C59 frost fan has been made.

When monitoring the C59 frost fan the wind varied from 0 – 3.3km/hr as shown on Figure 2 above. In addition, between testing there was one period when the wind speed increased to a high of 9km/hr. There was no subjective effect of the higher wind speed on the spectral content of the sound during the different wind speeds and no impulsive noise generated by the wind gust.

From previous tests on the C49 frost fan with a fan speed of 395rpm (engine speed of 1,700rpm) and speed of 418rpm (engine speed of 1,800rpm) in wind conditions ranging from calm to km/hr none of these tests had a tonal sound or exhibited any impulsive sound. The C59 has a fan speed of 365rpm (engine

speed of 1,840rpm). Table 2 sets out the comparison of the fans and their tip speeds.

Fan Type	C49	C49	C59
Fan diameter (m)	5.5		
Blade type	Standard C9 series composite		
Fan speed (rpm)	395	418	365
Engine speed (rpm)	1,700	1,800	1,840
Fan tip speed (m/s)	114	120	105
Fan tip speed (km/hr)	410	432	378

Table 2. Comparison of Fan Tip Speeds

The field testing of the C49 frost fan has demonstrated the fan does not exhibit either a tonal or impulsive sound at different operating speeds. From the above table the tip speed of the C59 fan is 32km/hr slower than the C49 operating at 395rpm and 54km/hr slower than the C49 fan operating at 418rpm. In each case the only variation to the operation is the speed of the fan tip; all other aspects of the fan are identical.

As the C59 is operating at the lowest tip speed, and it is the tip speed that controls the tone and impulsive sound, it is reasonable to conclude the C59 will not have any special audible characteristics over a wind speed range of 0 – 8km/hr. This is because the C59 is operating at a lower tip speed and this is the reason the noise has been reduced compared with the C49 (and other types of frost fan).

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7 CONCLUSIONS

Based on the above the Frost Boss C59 Frost Fan will not have any tonal or impulsive sound when operating in wind conditions varying from 0 – 8km/hr.

When measured in accordance with the requirements of NZS 6801:2008 *Acoustics - Measurement of Environmental Sound* and assessed in accordance with the requirements of NZS 6802:2008 *Acoustics – Environmental Noise* the noise from the Frost Boss C59 frost fan operating at 365rpm is 50dB L_{Aeq} when measured at 300m and 55dB L_{Aeq} when measured at 180m.

* * *

Government of South Australia
Department for Environment and Water

Heritage South Australia
Environment, Heritage and Sustainability Division

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Adelaide SA 5000
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Ph: +61 8 8124 4922
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Ref: SH/12276D
Date: 5 October 2023

The Barossa Council
PO Box 867
Nuriootpa 5355

Attention: Janine Lennon

Dear Ms Lennon

DESCRIPTION: HERITAGE ADJACENCY INSTALLATION AND OPERATION OF ONE (1) FROSTBOSS C59 FROST FAN WITH A PERKINS ENGINE - 1842 BAROSSA VALLEY WAY ROWLAND FLAT SA 5352

Application number:	23024769
Referral received:	24/08/2023
Adjacent State Heritage Place :	Dwelling - Koch House - 1857 BAROSSA VALLEY WAY ROWLAND FLAT SA 5352
Documentation:	As referred to date of response
☒	Support the application

In accordance with Section 122(1) of the Planning, Development and infrastructure Act 2016 and Regulation 41(1) of the Planning, Development and Infrastructure (General) Regulations 2017, the above application has been referred to the Minister for Climate, Environment and Water as the prescribed body listed in Schedule 9 Clause 3 Item 17 of the Regulations.

The subject land is affected by the Heritage Adjacency Overlay of the Planning and Design Code, because of the adjacent location of a State Heritage Place.

The proposed development is considered to be acceptable in relation to the above State Heritage Place for the following reason/s.

- While the proposed frost fan is a substantial structure in height, it will be located approximately 200 metres away from the adjacent State Heritage Place and will be distant and not dominant in views of significance associated with the State Heritage Place – which are predominantly from Barossa Valley Way.

General Information

1. Any changes to the proposal for which Planning Consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department for Environment and Water, or an additional referral to the Minister for Climate, Environment and Water. Such changes would include for example (a) an application to vary the Planning Consent, or (b) Building Rules documentation that incorporates differences from the proposal as documented in the development application.

2. Please note the following requirements of the *Heritage Places Act 1993*.

   (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.

(b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the Department for Environment and Water.

3. Please note the following requirements of the *Aboriginal Heritage Act 1988.*

(a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

Any enquiries in relation to this application should be directed to telephone (08) 8124 4922 or e-mail DEW.StateHeritageDA@sa.gov.au.

Yours sincerely

Michael Queale
Principal Heritage Architect
Department for Environment and Water
as delegate of the
MINISTER FOR CLIMATE, ENVIRONMENT AND WATER

DAC_RESPONSE20230824101340

6.2 23027675 - Lot 102 Samuel Road Nuriootpa

APPLICATION DETAILS

PROPOSAL	Variation to Development Application 22043062 (relocate detention basin and warehouse 2, altered building heights and floor areas, alteration to car parking, landscaping, native vegetation removal and cut/fill)
APPLICANT	Nuriootpa Traders Pty Ltd c/o Future Urban Pty Ltd
OWNER	Nuriootpa Traders
APPLICATION NO	23027675
CERTIFICATE(S) OF TITLE	CT 6160/23
AREA	13.01 hectares
CURRENT USE	Vacant – Planning Consent granted for integrated storage and transport distribution facility
PLANNING AND DEVELOPMENT CODE VERSION	Version 2023.13 (31 August 2023)
PLANNING AND DESIGN CODE EXTRACT LINK	Relevant Code Extract
ZONE	Strategic Employment
OVERLAYS	Character Preservation District Hazards (Bushfire - Medium Risk) Hazards (Flooding - Evidence Required) Native Vegetation Prescribed Water Resources Area Water Protection Area Water Resources
APPLICATION TYPE	Performance Assessed
PUBLIC NOTIFICATION	Not Notified
REFERRALS	Native Vegetation Council
PREVIOUS APPLICATIONS	Nil
ASSESSING OFFICER	Paul Vivian, Planning Consultant
RECOMMENDATION	That Planning Consent be GRANTED subject to Reserved Matters and Conditions

INTRODUCTION

The site owner seeks a variation to Development Application 22043062 (granted planning consent at the 22 February 2023 Barossa Assessment Panel meeting) for the construction of an integrated storage and transport distribution facility comprising storage and warehousing buildings, ancillary offices, worker's accommodation, truck workshop, container storage area, weighbridge, fuel storage, retaining walls and fencing and associated hardstand, car parking and manoeuvring areas, stormwater basins and landscaping.

The site is located within the Strategic Employment Zone. The proposed development was subject to Performance Assessment and the application was not publicly notified.

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

(2) The Barossa Assessment Panel was the Relevant Authority for the original Development Application 22043062.

The Panel is reminded that pursuant to the *Planning, Development and Infrastructure Act 2016,* it can only assess the elements of the application subject to variation. This is explained in more detail within the report.

This report provides a detailed assessment of the variation proposal against the relevant provisions of the Planning and Design Code. Overall, assessment identifies that the majority of the key assessment issues from the original application (land use, built form, operating hours, amenity impacts, light spill, car parking and circulation, site access, stormwater management, road network impact) are either unchanged or represent an acceptable update or refinement. Many of the elements subject to variation result in an improved outcome, including in respect to lowered building heights, reduced cut and fill and increased landscaping provision.

It is considered that the matters subject to variation are appropriate and demonstrate planning merit, such that Planning Consent is warranted, subject to recommended Conditions and Reserved Matters (to be varied from those under Development Application 22043062).

SITE AND LOCALITY

The site for the proposed development comprises land located on Samuel Road Nuriootpa wholly within Allotment 102 as shown in Certificate of Title Volume 6160 Folio 23.

The subject land is primarily rectangular in external form, however, comprises a series of right-angled boundary alignments as it wraps around smaller adjoining properties fronting Samuel Road. The site has limited direct Samuel Road street frontage with the two access points having a combined width of 60 metres. These access handles appear like fingers extending from Samuel Road into the allotment proper. The site has a maximum 181.96 metres width and a maximum depth from Samuel Road to the rear boundary of over 400 metres and a total site area of 13.01 hectares.

The site is subject to a series of easements and encumbrances as follows:

- Easement(s) over the land marked A on D110043 to Distribution Lessor Corporation (Subject to Lease 8890000) (T1866480) – with this easement containing an existing powerline.
- Free and unrestricted right(s) of way over the land marked B on D110043 (RTC 12357310)
- Encumbrance to Tarac Barossa Pty Ltd registered on the Title

The land has a general cross fall of approximately 6 metres from south to north (280 metres AHD to 274 metres AHD) albeit the land rises centrally with the lowest points near the north-eastern and south-eastern corners.

There is existing vegetation on the subject land comprising a mix of native and exotic vegetation and grassed areas. Native vegetation including SA Blue Gums are primarily located in clusters with the largest set located in the central to northern section of the site. The percentage cover of vegetation is less than 10%.

The subject land is vacant and contains no existing built form or major improvements other than an existing waste effluent pipe.

The locality is defined principally by visual reference, anticipated noise emissions from the proposed use and the traffic movements to and from the site using the local road network and connections to the Sturt Highway.

As shown on ***Figure 1*** the locality comprises Greenock Road, Tolley Road and Falkenberg Road in the north an east, to the edge of the Strategic Employment Zone to the west and the intersection of Samuel Road and Liebig/Pheasant Farm Road to the south.

The locality is characterised principally by employment land uses but also vineyards, vacant sites (some with vegetation), large scale detention basins and some rural living/residential uses. Samuel Road forms the border and interface with Light Regional Council.

The subject land sits centrally between Samuel Road, Tolley Road and Falkenberg Road with limited street frontage. There are five properties that directly front Samuel Road (ie that 'eat' into what would otherwise be a regular allotment) that contain a range of commercial and industrial businesses including Teusner Wines, Sturt Street Kitchens and Maggie Beer's Warehouse.

The adjoining allotment to the north facing Samuel Road accommodates Barossa Enterprises and a disability employment business with the balance of northern allotments that face Tolley Road either vacant, residential (with significant sheds and likely home activity) or industrial uses. These properties are located in an Employment Zone.

The adjoining allotment to the east accommodates KSI Sawmill (including spoil encroachment onto the site), dwelling/rural living and primary production. The adjacent land to the west across Samuel Road contains the substantial Tarac Technologies facility (winery), rural living , place of worship and Light Regional Council's wastewater Lagoons.

The nearest residential properties within a neighbourhood type zone are located approximately 160 metres east of the subject land, within the Neighbourhood Zone fronting Falkenberg Road and Old Mill Road. These residential properties are separated from the subject land by KSI Sawmills.

The subject site is well located in terms of access to the Sturt Highway via Samuel Road and south to Seppeltsfield Road and the wider road, and freight network through the Barossa region and Greater Adelaide.

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

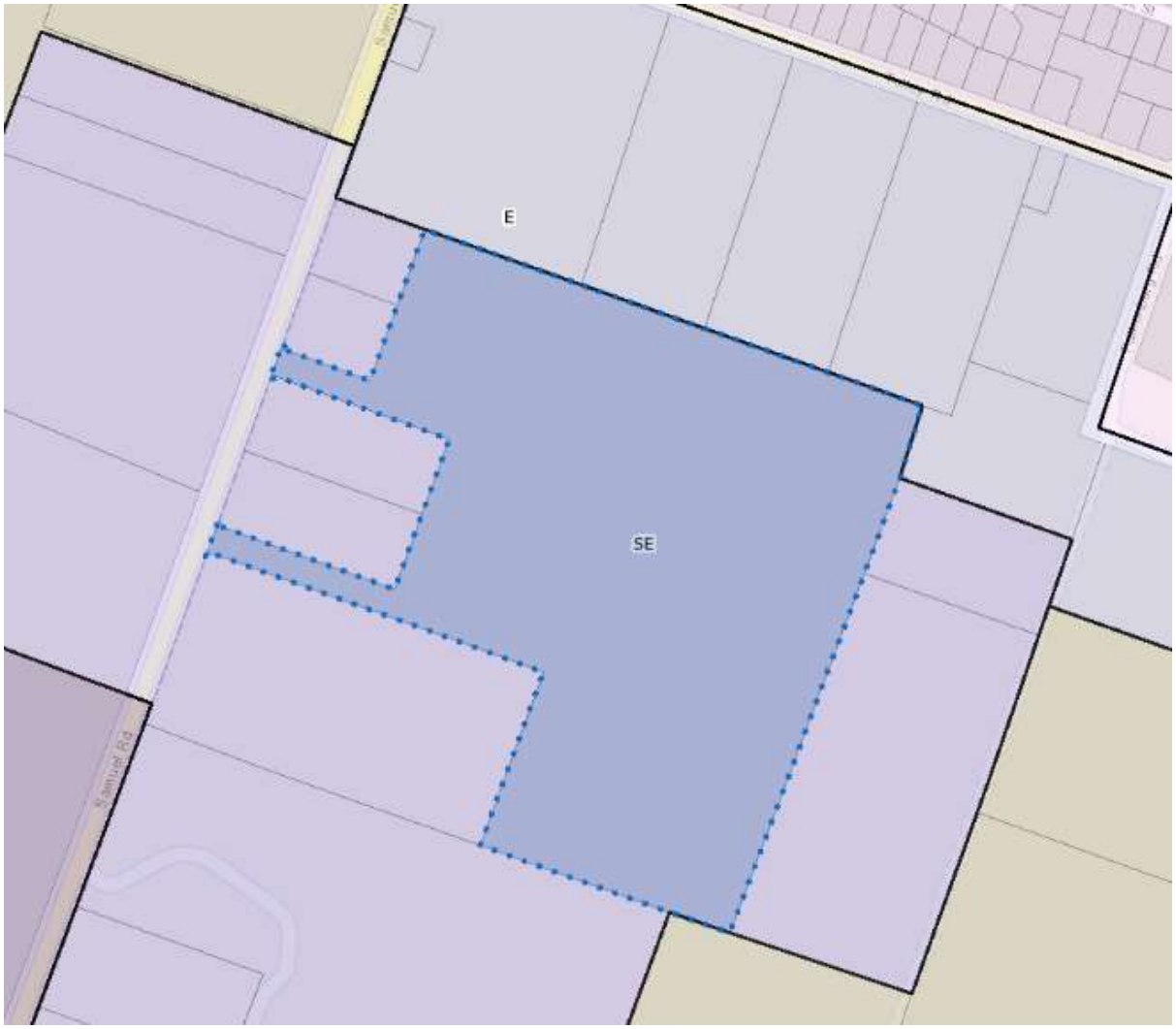


***Figure 1**: Zone Map and Locality*

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 19***.

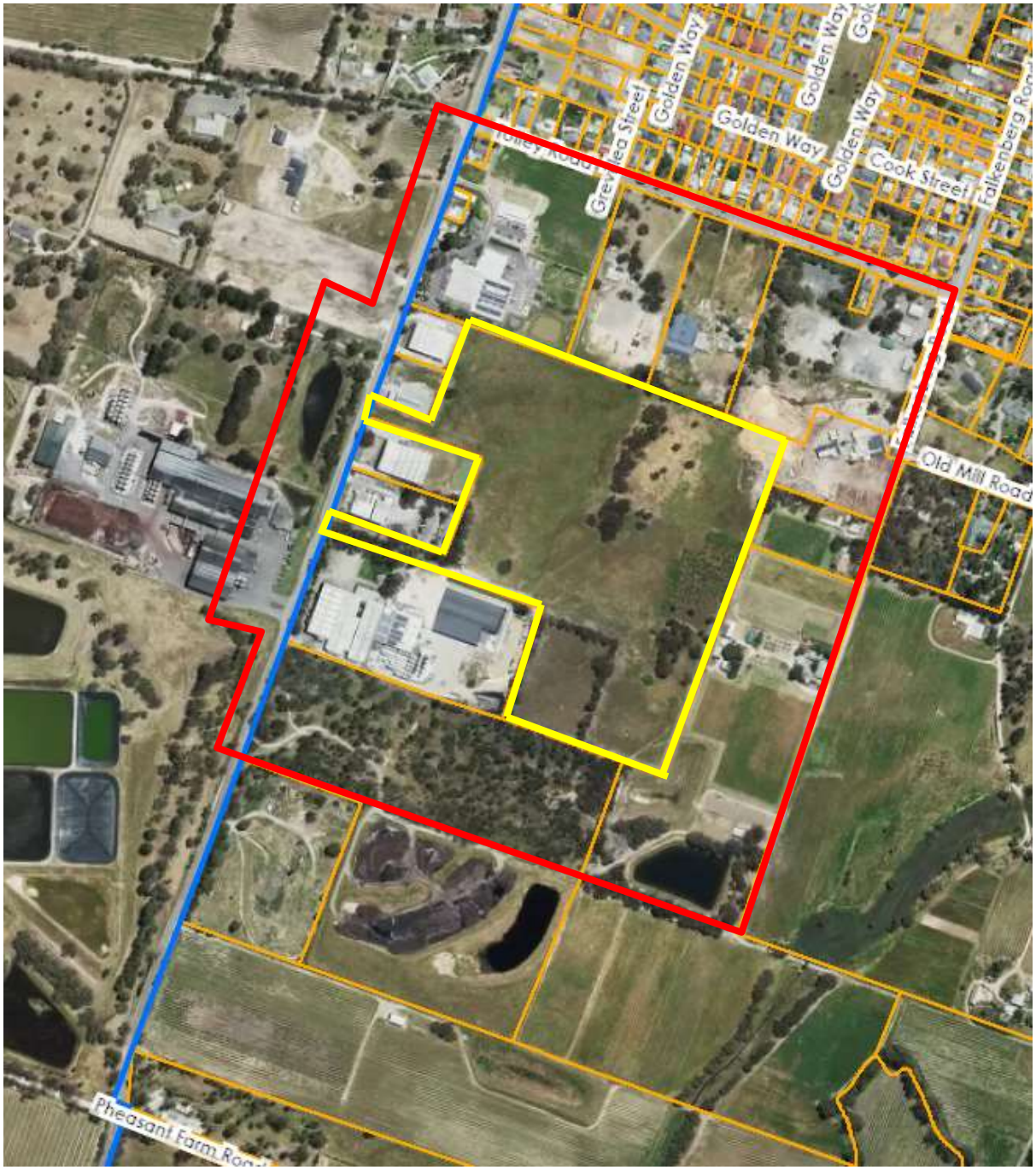


Figure 2: *Aerial – Locality – Subject site in yellow, locality in red*

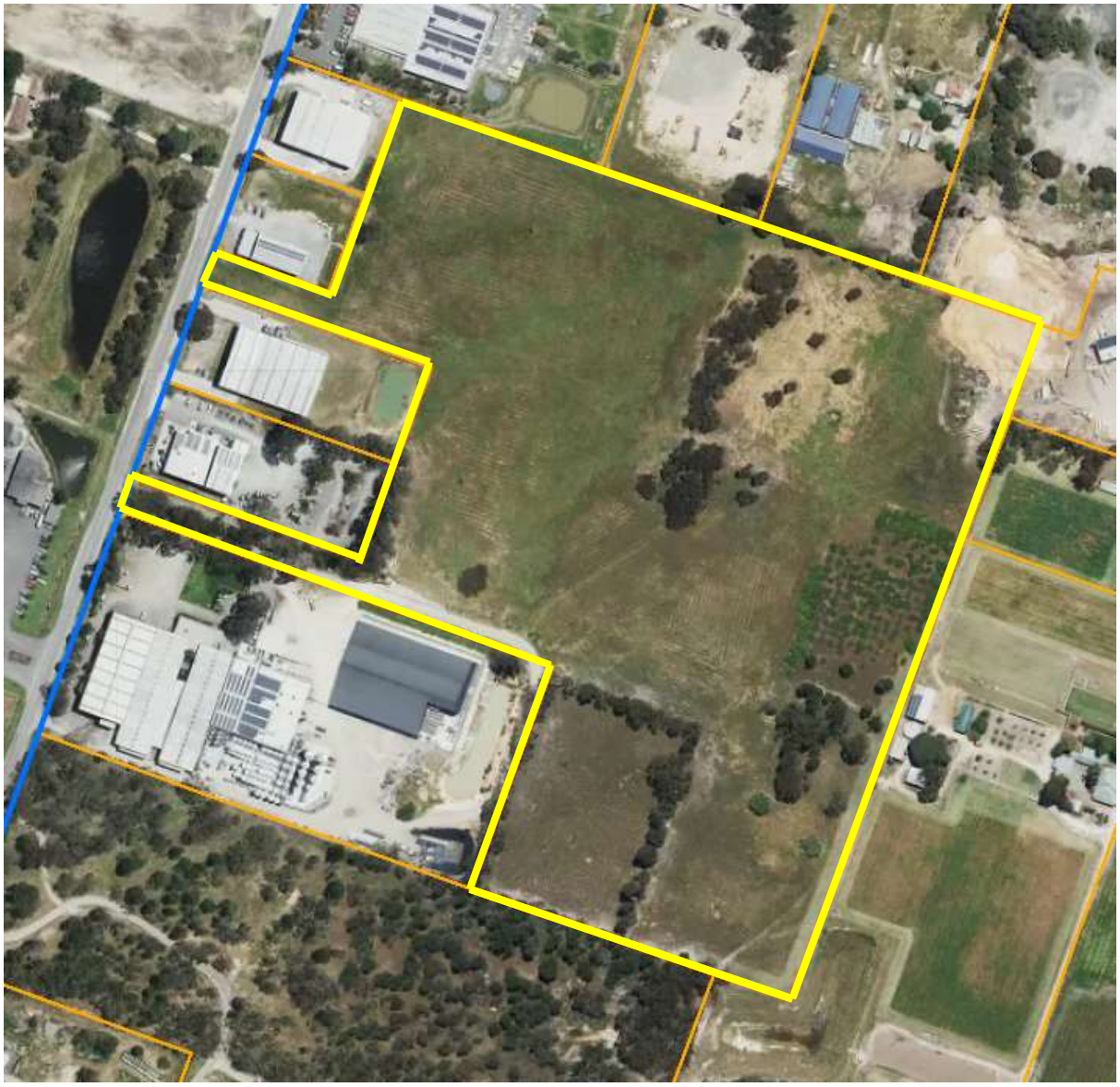


Figure 3: *Aerial – Site*

Figure 4.: *Looking east from Samuel Road toward the northern site frontage, being the location for the main site access to service the development.*

Figure 5.: *Looking north from the site toward the back of properties fronting Tolley Road, Barossa Enterprises is located on the left side of image.*

Figure 6.: *Looking north-west from site toward rear of properties at 63 Samuel Road (left hand side) and 55 Samuel Road (right hand side)*

Figure 7.: *Looking south-west from site toward rear of Vater Machinery (right hand side of image), Maggie Beer's (centre) and Teusner Wines (left hand side of image)*

Figure 8.: *Looking north-east from site toward KSI Sawmills wood shavings stockpile.*

Figure 9.: *Looking east from site toward established orchard situated at the rear of the site, the property at 58B Falkenberg Road is located in the background.*

Figure 10.: *Looking east from site toward existing trees on the site, the sheds in the background are located at 58B Falkenberg Road*

Figure 11.: *Looking south from site, a water storage dam and vines are located in the background on left side of picture at 58B Falkenberg Road within Rural Zone*

Figure 12.: *Looking south from site toward established access located at rear of Teusner Wines, that traverses site within an existing easement*

Figure 13.: *Looking west from site along existing driveway servicing Teusner Wines, which is contained within the site in an easement.*

Figure 14.: *Looking north-west within site back toward Samuel Road, the cluster of native vegetation is evident in foreground, powerlines are also in view.*

Figure 15.: *Looking east from Samuel Road into the established southern access, utilised by Teusner Wines*

Figure 16.: *Looking west from Samuel Road toward Tarac Technologies buildings, located west of the site.*

Figure 17.: *Looking south-east from Samuel Road toward Vater machinery access, car park is on the left hand side, building on right hand side.*

Figure 18.: *Looking south-east from Samuel Road toward Maggie Beer's Warehouse, access on the left hand side, a large tree is located in the frontage.*

Figure 19.: *Looking north-east from Samuel Road toward existing buildings at 63 Samuel Road (foreground) and 55 Samuel Road (background)*

PROPOSAL
The application seeks to vary elements of the authorised development with key changes comprising:

Building size, height and design

- A reduction in floor area of Warehouse 1a/1b from 20,474 sqm to 19,396 sqm
- An increase in floor area of Warehouse 2a/2b from 11,881 sqm to 13,137 sqm (plus increased eastern boundary setback to 46.7 metres).
- A reduction in floor area of Warehouse 3a/3b from 13,304 sqm to 13,187 sqm
- A decrease of 28 sqm (from 639 sqm to 611 sqm) of the office and sleeping quarters comprising internal layout changes such as reduction of one bedroom (noting that building has also been further away from truck parking area).
- Inclusion of a mezzanine level within the workshop building along with minor changes to the number and design of the truck service bays, wash bays and internal storage. The net result is a slight floor area decrease from 1,794 sqm to 1,696 sqm.
- A general 2.1 metre reduction in the building height of the warehouse and workshop buildings (now 6.87 metres high).
- General retention of external building appearance, colour and material selection although the office/sleeping quarters has a new architectural building element to define site entry and improve wayfinding for visitors.
- Minor changes in the proposed finished floor levels with a general reduction of between 200 mm and 1.2 metres (this requires less earthworks and cut/fill).

Vehicle parking

- Increased provision of car parking spaces from 230 to 259 coupled with changes to truck parking that will result in an additional 17 spaces for trucks.

Landscaping

- An additional 4,761 sqm of landscaped area, relocation of the detention basin and additional removal of 22 native trees (subject of Native Vegetation Council consent).

The applicant's planning consultant report outlines all proposed changes as part of the variation application.

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

The original development application, DA 22043062 was previously reported to the panel at a special meeting held on the 22 February 2023, in which ***Attachment 2*** contains a copy of the report only.

A copy of the previous decision notice granting Planning Consent is contained in ***Attachment 3***.

APPLICATION TYPE
The site is located within the Strategic Employment Zone.

The application components are not assigned as a form of 'Accepted Development' under Table 1, '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 the 'Performance Assessed' assessment pathway.

PUBLIC NOTIFICATION
The proposal seeks a variation to DA 22043062. The applicant's planning consultant cites two important considerations in determining whether the application should undergo public consultation, namely:

- *"Section 128(2)(b) of the Act states that a variation is to be assessed only to the extent of the proposed variation. The consideration of other elements or aspects of the development that are not being varied do not form part of the assessment."*
- *"As a result of the proposals undefined nature, the proposal does not contain any elements that are listed as a class of development excluded from public notification in Table 5 - Procedural Matters (PM) – Notification (Table 5) of the Zone".*

Council staff concurred with this interpretation and have assessed the extent of the proposed variation taking into account Clause 1 in Table 5 that states:

> *Development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.*

In forming an opinion, Council staff considered:

- The original representations received for DA 22043062 and the nature of concerns expressed and how they relate to the matters under variation;
- The size, scale and impact of the proposal as now varied, against what was granted Planning Consent;
- Minor change in building floor area (61 sqm).
- Increased side boundary setback for Warehouse 2 plus the reduction in overall height for all warehouse buildings and the workshop.
- Relatively minor changes to on-site car parking and access arrangements.
- Increased areas for landscaping across the site and relocation of the detention basin (that also reduces height of approved retaining walls in the north-eastern corner and building setback to eastern boundary).
- Native Vegetation Council agreement for the additional native vegetation removal.
- Reduction in finished floor levels (further reducing apparent height of the buildings).

Based on the above, Council staff consider that the proposed variations are of a minor nature in context of the overall development and that the scale, nature and design of the changes will not unreasonably impact on nearby owners or occupiers. Public notification was therefore not required.

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:

Native Vegetation Council *Schedule 9(3)(11) of the Planning, Development and Infrastructure (General) Regulations 2017*	The Native Vegetation Council do not object to the proposed development and have directed Council to attach five conditions and one advisory note to Planning Consent.

A copy of the Native Vegetation Council report is contained in ***Attachment 4*****.**

Internal
The following internal advice has been received from Engineering Services:

Engineering Services	*On balance, the proposed variations are acceptable to Engineering. The recommended approval conditions associated with the original application remain applicable and relevant to the variation application. Similarly, the Reserved Matters noted on Planning Consent Decision Notification Form for Development Application 22043062 are still required to be satisfied.*

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
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 Strategic Employment Zone envisages a range of higher impacting land uses including warehouse and transport distribution, plus complementary activities. New development should not unduly impede use of other land in the zone for employment generating activities. The clear policy intent for the zone is to accommodate activities that by their inherent nature generate 'more than typical' traffic, visual and amenity impacts. The land use 'fit' of the original application was assessed in detail and considered by the Panel at its 22 February 2023 meeting, to be worthy of planning consent. This included a full and proper assessment of the application relating to design, proximity to sensitive receivers, character impacts, siting, native vegetation removal, stormwater management, amenity, access and traffic impacts.

In respect to the application for variation, the Panel is reminded that pursuant to Section 128(2)(b) of the *Planning, Development and Infrastructure Act 2016* a variation is to be assessed only to the extent of the proposed variation with unchanged elements of the approved development not for consideration.

The matters subject to variation do not alter the land use that has received Planning Consent in nature of an integrated storage and transport distribution facility which is an appropriate land use within the Zone. The extent of changes are focused on the design and functional elements of the development and none of the proposed changes are in fundamental conflict with the Planning and Design Code, such that this development is not 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 variations to the approved development do not adversely impact the character values of the district.

The subject land is located at the fringe of the Nuriootpa township in an established industrial and mixed used neighbourhood comprising some substantial commercial, warehouse and viticultural buildings and ancillary uses. The authorised application involved the development of a vacant site with tree removal (approved by the Native Vegetation Council) and the introduction of a number of larger buildings. Proposed changes under this variation application are to built form, car parking areas, native vegetation removal and stormwater management and which are considered to be sufficiently in-keeping with zone aspirations and local context.

The proposed variations will not adversely impact the historic identity and character of Nuriootpa or its environs. Given the location of the site there is no adverse impact adverse on the rural and natural landscape.

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 and Intensity

Strategic Employment Zone	
Desired Outcomes	
DO 1	*A range of industrial, logistical, warehousing, storage, research and training land uses together with compatible business activities generating wealth and employment for the state*
DO 2	*Employment generating uses are arranged to:* *(a) support the efficient movement of goods and materials on land in the vicinity of major transport infrastructure such as ports and intermodal freight facilities;* *(b maintain access to waterfront areas for uses that benefit from direct water access including harbour facilities, port related industry and warehousing, ship building and related support industries* *(c) create new and enhance existing business clusters* *(d) support opportunities for the convenient co-location of rural related industries and allied businesses that may detract from scenic rural landscapes* *(e) be compatible with its location and setting to manage adverse impacts on the amenity of land in adjacent zones*

DO 3	*A pleasant visual amenity from adjacent arterial roads, adjoining zones and entrance ways to cities, towns and settlements.*
Relevant Performance Outcomes/Designated Performance Features	
Land use and Intensity	
PO 1.1 *Development primarily for a range of higher-impacting land uses including general industry, warehouse, transport distribution and the like is supplemented by other compatible development so as not to unduly impede the use of land in other ownership in the zone for employment-generating land uses, particularly those parts of the zone unaffected by an interface with another zone that would be sensitive to impact-generating uses.*	*DTS/DPF 1.1* *Development comprises one or more of the following:* *a) Advertisement* *b) Automotive collision repair* *c) Electricity substation* *d) Energy generation facility* *e) Energy storage facility* *f) Fuel depot* *g) General industry* *h) Intermodal facility* *i) Light Industry* *j) Motor repair station* *k) Public service depot* *l) Rail marshalling yard* *m) Renewable energy facility (other than a wind farm)* *n) Retail fuel outlet* *o) Service trade premises* *p) Shop* *q) Store* *r) Telecommunications facility* *s) Training facility* *t) Warehouse*

At the February 2023 meeting, the Panel granted planning consent for the application which involves operation as an integrated storage and transport distribution facility.

The Panel report assessed the land use specifically against Desired Outcome DO 1 and Performance Outcome 1.1 and determined that the development was an appropriate land use and satisfies all Desired and Performance Outcomes for the Strategic Employment Zone.

The proposed variation does not alter the authorised use of the land for warehousing, storage and logistical activities. The changes do not alter the compatible nature and/or intensity of the authorised land use or unduly impede the use of other land in the zone (as sought in Desired Outcome 1.1).

The proposed variation satisfies all Desired and Performance Outcomes for the Strategic Employment Zone.

Built Form and Character

Relevant Performance Outcomes/Designated Performance Features	
Built Form and Character	
PO 3.1 *Development includes distinctive building, landscape and streetscape design to achieve high visual and environmental amenity particularly along arterial roads, zone boundaries and public open spaces.*	*DTS/DPF 3.1* *None are applicable.*

PO 3.2 *Building facades facing a boundary of a zone primarily intended to accommodate sensitive receivers, a public road, or public open space incorporate design elements to add visual interest by considering the following:* *a) using a variety of building finishes* *b) avoiding elevations that consist solely of metal cladding* *c) using materials with a low reflectivity* *d) using techniques to add visual interest and reduce large expanses of blank walls including modulation and incorporation of offices and showrooms along elevations visible to a public road*	*DTS/DPF 3.2* *None are applicable.*
General Development Policies	
Design	
Desired Outcomes	
DO 1	*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.*
External Appearance	
PO 1.3 *Building elevations facing the primary street (other than ancillary buildings) are designed and detailed to convey purpose, identify main access points and complement the streetscape.*	*DTS/DPF 1.3* *None are applicable.*
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.*

In the February 2023 Panel report, Council staff observed that the subject land does not contain a typical section of road frontage, rather it is limited to two access points (each 30 metres wide) that connect to elongated driveways extending along the boundaries of smaller allotments directly facing the street (eg Teusner Wines). The visual relationship between the main part of the site and Samuel Road is demonstrably diminished. This also applies to Tolley Road and Falkenberg Road where the site is setback approximately 211 metres and 110 metres respectively.

In the February 2023 CAP Report, Council staff considered that *"the proposed development will still be visible in longer views primarily from Samuel Road. The proposal has therefore been assessed against Performance Outcome 3.2 and is considered to be an appropriate design in keeping with the built form and appearance of larger warehouse, industrial and viticultural buildings in the vicinity of the site. Positive design elements in accordance with Performance Outcome 3.2 include:*

- *A mix building finishes including painted pre-cast concrete, differing colours of metal cladding and accent painting.*
- *No larger elevations that comprise only metal cladding.*
- *Utilising materials with a darker hue and low light reflectivity.*

Arguably, the large warehouse buildings employ minimal modulation or articulation, however, given their perpendicular alignment to the street, significant street setbacks, obscuring effect of existing built form and variation in external finishes they are considered to have an acceptable streetscape and visual impact. Plus their visual dominance to the street is low and far less noticeable than other sites such as Tarac Technologies that form part of the accepted character in the zone."

Planning staff also wrote that *"Overall, the buildings are not considered distinctive as referenced in Desired Outcome 1, however, they have adopted contemporary warehouse and commercial design vernacular and with their darker hue and partial embedding into the site (due to topography and proposed landscaping they are considered to meet Performance Outcomes 3.1 and 3.2."*

The proposed variation alters the original authorisation by:

- Reducing the size of warehouse 1a/1b by 1,078 sqm.
- Increasing the floor area of warehouse 2a/2b by 1,256 sqm.
- Marginally reducing the floor area of warehouse 3a/3b by 117 sqm.
- Net overall effect of the change in buildings is an increase across the three buildings of 61 sqm) plus minor changes to the office/workers accommodation building.
- Reducing building height by 2.1 metres and decreasing finished floor levels by up to 1.2 metres.

The general design of the buildings and external colour and material selection remain the same. Additional landscaping areas will result in 18% landscape coverage across the site in excess of the 10% guideline. Two detention basins will be constructed, albeit that the location of the original basin between Warehouses 1 and 2 will relocate to the north-eastern corner.

Overall, the proposed variations under consideration will not greatly alter the appearance or layout of the approved development The reduction in building height by 2.1m reduces the visual bulk and scale of the buildings. It is considered that the proposed development remains compliant with Performance Outcomes 3.1 and 3.2.

Building setbacks

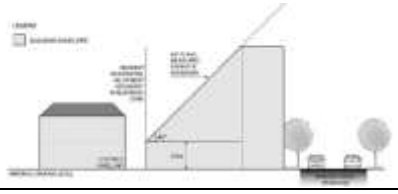
Relevant Performance Outcomes/Designated Performance Features	
Building Setbacks	
PO 3.3 *Buildings are set back from the primary street boundary to contribute to a consistent streetscape.*	*DTS/DPF 3.3* *The building line of a building is no closer to the primary street frontage than:* *a) the average of existing buildings on adjoining sites with the same primary street frontage and, if there is only one such building, the setback of that building* *or* *b) where no building exists on an adjoining site:* *i. 8 metres or more for buildings up to 6 metres high* *ii. not less than 10 metres for buildings greater than 6 metres high.*
PO 3.5 *Buildings are sited to accommodate vehicle access to the rear of a site for deliveries, maintenance and emergency purposes.*	*DTS/DPF 3.5* *Building walls are set back 3 metres or more from at least one side boundary, unless an alternative means for vehicular access to the rear of the site is available*

This section of Samuel Road contains built form with varying setbacks from approximately 13 metres to over 50 metres interspersed with vacant properties. There is limited consistency in front setbacks. In general, building setbacks in the immediate vicinity allow for perimeter landscaping and car parking to the front of buildings built parallel to the road.

The subject land has no direct street frontage other than for two access points. The proposed buildings will sit to the rear of existing buildings and form no visual component of the current front setback arrangements along Samuel Road. Taking into account existing setbacks and the siting of the proposed development the application is considered to meet the intent of Performance Outcome 3.3.

Zone guidelines do not prescribe side and/or rear boundary setbacks, however, Performance Outcome 3.5 seeks the siting of buildings to accommodate vehicle access to the rear of the site. The proposed variation does not adversely alter front, side or rear setbacks and retains vehicle access to the rear in compliance with this guideline. In fact, Warehouse 2 is now set further back from the rear and side boundaries with the relocation of the detention basin into the north-east corner of the site.

Interface Height

Relevant Performance Outcomes/Designated Performance Features	
Building Height	
PO 4.1 *Buildings mitigate visual impacts of building massing on residential development within a neighbourhood-type zone.*	*DTS/DPF 4.1* *Buildings are constructed within a building envelope provided by a 45 degree plane measured from a height of 3 metres above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram (except where this boundary is a southern boundary or where this boundary is the primary street boundary):This diagram depicts the angled plane which buildings are required to adhere to, in order to satisfy DTS/DPF criteria. For more information, please contact your local council.* 

The subject land is bordered by an Employment Zone to the north and the Strategic Employment Zone to the east, west and almost the entirety of the southern boundary. There is a small section of the site in the south-eastern corner that abuts the Rural Zone.

The subject land therefore does not abut any neighbourhood type zone and accordingly Performance Outcomes 4.1 to 4.3 are not applicable in the assessment of this application.

It was recognised in the original assessment that the eastern neighbouring properties at 58a and 58b Falkenberg Road and two northern sites contain dwellings. Therefore, a review of these sites was undertaken in the original assessment to ascertain compliance with Performance Outcome 4.1 (for completeness only).

This earlier assessment concluded that there would be no adverse shadowing arising from the development, including to solar photovoltaic cell impacts. The proposed variation reduces the height of all warehouse and workshop buildings from 8.96 metres to 6.87 metres above finished ground level. The roof and wall form are essentially unchanged. On this basis, it is considered that potential for shadowing is further reduced from that deemed acceptable by the Panel at its February 2023 meeting.

Therefore, it is considered that the proposal satisfies Performance Outcome 4.1.

Landscaping

Landscaping	
PO 5.1 *Landscaping is provided along public roads and thoroughfares and zone boundaries to enhance the visual appearance of development and soften the impact of large buildings when viewed from public spaces and adjacent land outside the zone.*	*DTS/DPF 3.3* *The building line of a building is no closer to the primary street frontage than:* *a) the average of existing buildings on adjoining sites with the same primary street frontage and, if there is only one such building, the setback of that building* *or* *b) where no building exists on an adjoining site:* *i. 8 metres or more for buildings up to 6 metres high* *ii. not less than 10 metres for buildings greater than 6 metres high.*
PO 5.2 *Development incorporates areas for landscaping to enhance the overall amenity of the site and locality.*	*DTS/DPF 5.2* *Landscape areas comprise:* *i. not less than 10 percent of the site* *ii. a dimension of at least 1.5 metres.*
PO 5.3 *Landscape areas incorporate a range of plant species of varying heights at maturity, including tree species with a canopy above clear stems, to complement the scale of relevant buildings.*	*DTS/DPF 5.3* *None are applicable.*
General Development Policies	
Landscaping	
PO 3.1 *Soft landscaping and tree planting is incorporated to:* *1. minimise heat absorption and reflection* *2. maximise shade and shelter* *3. maximise stormwater infiltration* *4. enhance the appearance of land and streetscapes* *5. contribute to biodiversity.*	*DTS/DPF 3.1* *None are applicable.*
PO 3.2 *Soft landscaping and tree planting maximises the use of locally indigenous plant species, incorporates plant species best suited to current and future climate conditions and avoids pest plant and weed species.*	*DTS/DPF 3.2* *None are applicable.*

PO 7.2 *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 7.2* *None are applicable.*
PO 7.4 *Street level vehicle parking areas incorporate tree planting to provide shade and reduce solar heat absorption and reflection.*	*DTS/DPF 7.4* *None are applicable.*
PO 7.5 *Street level parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places.*	*DTS/DPF 7.5* *None are applicable.*

The Applicant has provided a landscaping plan and planting schedule as part of the variation application, plus a rendered drawing providing an axonometric view of the proposed development.

The original landscaping plan and planting schedule contained a mix of indigenous or native trees, shrubs and ground covers. The landscaped elements were also designed to retain selected existing trees to help maintain an element of canopy cover for parts of the site. One existing stand of vegetation was proposed to be located between Warehouses 1 and 2 with the space to be used as a detention basin. This arrangement was supported by the Native Vegetation Council.

Further site work has been undertaken and it has been determined that the lowest point in this part of the large site is in the north-eastern corner and the original plan to retain (up to 3 metres) level changes would be better addressed by incorporating the detention basin in this part of the site. This change would reduce the height and number of retaining walls in this section and enable them to be replaced by batters and allow contouring of the land to form a detention basin. This negates the need for a large separation between Warehouse 1 and 2 where the native vegetation, subject of this application, is located. The outcome however is that native vegetation will be impacted, which is discussed under separate heading below.

The applicant increased landscaping area during assessment phase of the original application to provide 18,320 sqm (14% of the site) for landscaping. Due to changes in the design and layout of the detention basins and an aspiration to add further planting alongside boundaries and the main entry area, the variation application now incorporates 23,081 sqm (18% of the site) for landscaping. Main changes comprise:

- Relocated detention basin into the north-eastern corner of the site with an increased width of 40 metres. The basin will be landscaped.
- A 4 metre increase in the width of the eastern boundary landscaping strip to 7.5 metres.
- New landscaping along the southern boundary and southwest corner, plus a 7 metre wide landscaping strip within the northern entry driveway.

The applicant confirms that the additional landscaped areas will contain a mix of plant species (including indigenous plantings) and have minimum dimensions of 1.5 metres or greater.

The other area of native vegetation that was to be retained under the original application will still be retained and incorporated in the landscaping areas.

Overall, the proposal does maximise tree retention, provides landscaped areas in excess of minimum guidelines and provides for a mix of planting species and heights. Additional native vegetation clearance is required in order to facilitate appropriate stormwater management. This is not considered to be unreasonable, given that there is an overall increase in landscaped area, that increased buffers are achieved from the eastern rear boundary and the Native Vegetation Council consent to the clearance.

The proposed landscaping will aid in ameliorating the visual impact of the large areas of hard standing, sufficiently accommodate stormwater retention and filtration and ensure an appropriate appearance of employment land from neighbouring sites (still within non-residential zones).

The applicant consents to a Reserve Matter being re-applied in order to finalise species selection and other planting detail. This is recommended to ensure compliance with Performance Outcome 5.3 is achieved.

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) 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'.*
PO 1.2 *Native vegetation clearance in association with development avoids the following:* *a) significant wildlife habitat and movement corridors* *b) rare, vulnerable or endangered plants species* *c) native vegetation that is significant because it is located in an area which has been extensively cleared* *d) native vegetation that is growing in, or in association with, a wetland environment.*	*DTS/DPF 1.2* *None are applicable.*

The applicant commissioned a Native Vegetation Clearance Data Report, prepared by Ecosphere Ecological Solutions, was prepared to inform the level of assessment of the impacted native vegetation. The report identifies that 22 scattered trees (12 Eucalyptus leucoxylon and 10 Eucalyptus odorata) are proposed for clearance as shown on ***Figure 20.***

The report identifies that an additional stand of native vegetation is proposed to be removed due to changes in the siting of the detention basin and one of the warehouse buildings.

The report notes that the site *"is predominantly cleared with clusters of remnant and emergent native scattered trees, planted amenity trees, emergent woody weeds and horticultural shrubs. Understorey ground cover was dominated by pasture grasses and clovers, primarily Phalaris, indicating this area is subject to wet soil conditions during winter."*

Original site assessment data identified 173 individual trees within the allotment of which 114 trees were remnant or emergent native vegetation and 59 were exotic species. Extrapolating the siting of existing trees and proposed site layout, it was determined that 31 natives would originally need to be removed. This has now increased to 53 trees.

In accordance with *Native Vegetation Regulations 2017* an application for the proposed clearance of 31 native trees was submitted to the Native Vegetation Council. The application was accompanied by a Native Vegetation Clearance Data Report which assessed the proposed removal against the Principles of Clearance (Schedule 1, *Native Vegetation Act 1991*) and made the following considerations:

- *"Two tree species were recorded in the assessment, Eucalyptus leucoxylon and Eucalyptus odorata.*
- *The general area is highly fragmented being utilised as viticulture land use and therefore the existing habitat has an existing low baseline.*

- *No threatened plant species were recorded in the scattered tree or bushland assessments.*
- *The vegetation within the property area containing Eucalyptus odorata does not meet the guidelines to be classed as this threatened community.*
- *Of the 1 ha of native vegetation originally assessed within the wider property, approximately 0.5 ha of native vegetation will be retained in the proposed new project layout (dam relocated to north-east boundary). Where possible, larger wooded patches containing both mature and emergent trees (important for ensuring the longevity of these patches of native vegetation) were retained.*
- *A Significant Environmental Benefit of $46,049.15 was determined with the assessor recommending this be paid into the Native Vegetation Fund."*

The Native Vegetation Council have reviewed the proposal and accompanying report and have advised that they consent to the removal of the additional native vegetation consistent subject to a payment into the Fund and conditions of consent.

Based on the referral response, this aspect of the development is considered to satisfy Performance Outcomes 1.1 and 1.2.

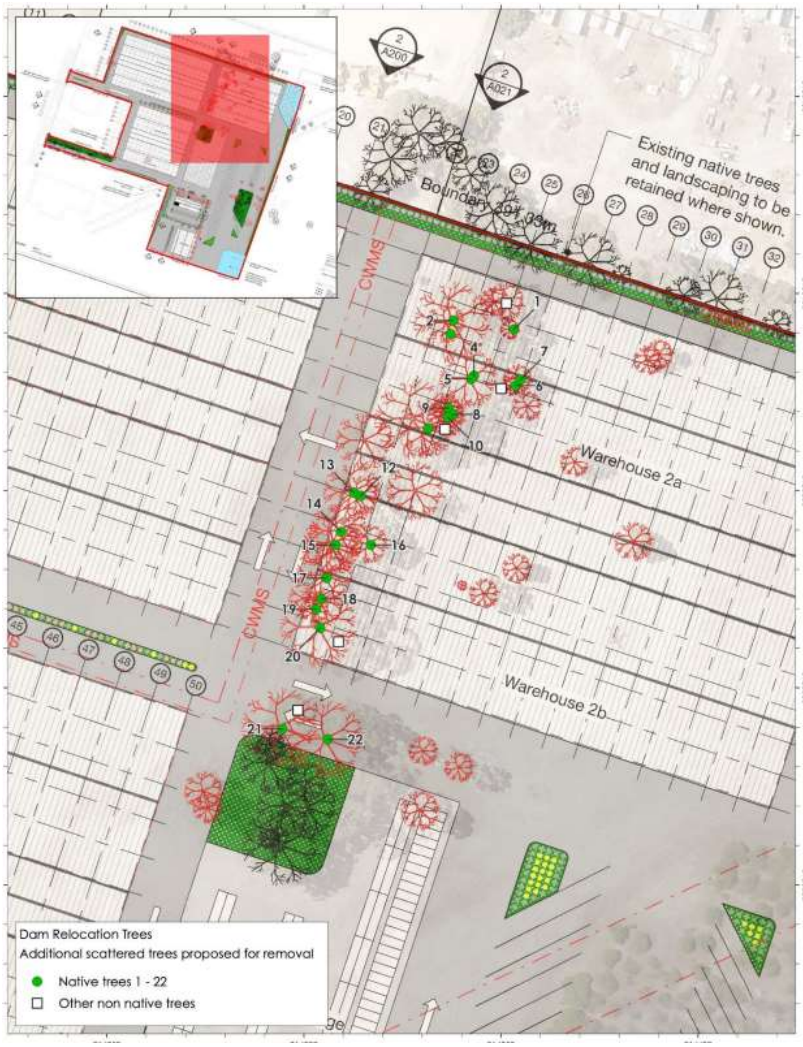


Figure 20. *Location of native vegetation subject to clearance*

Stormwater Management

The original application was supported by a Stormwater Management Plan, prepared by MLEI Consulting Engineers, to demonstrate the proposed stormwater strategy for the facility. The plan was designed to demonstrate how the Planning and Design Code and both Council's stormwater requirements will be achieved.

Key elements of the Plan include:

- Stormwater detention system to restrict the post-development 5% AEP storm to the pre-development 5% AEP storm.
- Treatment of stormwater runoff prior to discharging to follow EPA guidelines.
- Capturing and diversion of stormwater runoff from impervious surfaces towards the following key stormwater detention and treatment features.
- A series of open drains, strip drains, grated inlet pits and pipes, which will feed into the two proposed dams for each catchment area.
- OceanProtect ESK Oil/Water separator at the outlet of the re-fuelling area.

The original plan provided sufficient level of detail to demonstrate potential compliance subject to resolution of further information sought by both Councils' Engineers (noting the boundary interface). On this basis, Council's Development Engineer recommended that Reserved Matters be re-included in any consent. The applicant has agreed to this request.

Character Preservation Overlay

Character Preservation District Overlay (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	
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*	*DTS/DPF 2.2* *None are applicable.*

c) siting *d) design* *e) landscaping.*	

The site is located within the Nuriootpa township, albeit at the commercial fringe and not within the main street environs, residential neighbourhoods or any historic area.

The existing site is encircled by allotments (facing Samuel, Falkenberg and Tolley Roads) comprising a mix of industrial/commercial buildings, sheds and structures, open land, primary production and vegetation plus a couple of dwellings. The prevailing character of this section of Nuriootpa is informed by this eclectic mix and zone policy envisages further employment generating uses. Samuel Road is a well used road with a freight function, however, this section of road is not promoted as an important tourist destination.

The Panel considered the original application at the February 2023 meeting noting that:

- The proposed development comprises single and equivalent commercial two storey buildings with adequate spacing and arranged in a manner to satisfactorily maintain existing streetscape form and be fit for purpose.
- New landscaping is proposed to further embed the development into the area.
- Large development sites such as for this proposal also serve a valuable companion role for primary producers in terms of providing important storage and freight function as part of their economic enterprise.

The proposed variation introduces additional landscaping (albeit with some loss of native vegetation) combined with a reduction in buildings heights of 2.1 metres. The net visual impact of the development is accordingly reduced. Overall, the proposed variation maintains the character and identity of the Nuriootpa township as sought by Performance Outcomes 2.1 and 2.2 and accords with the Desired Outcomes and other relevant Performance Outcomes of the District.

Hazards (Flooding)

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 subject land is not located within any mapped flood plain. The site has undulating topography and given the large street setback no buildings will have a finished floor level above top of kerb on Samuel Road.

Council's Works and Engineering Services Department have reviewed the preliminary Civil and Stormwater Management Plan drawings and associated calculations and have raised no concerns with the proposed floor levels, subject to the further assessment taking place as part of Reserved Matters.

This aspect of the development satisfies Performance Outcome 1.1.

Bushfire Hazard

Hazards (Bushfire - Medium Risk) Overlay	
Desired Outcomes	
DO1	*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.*
DO2	*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*
PO 2.2 *Roads are designed and constructed to facilitate the safe and effective:* *a) access, operation and evacuation of fire-fighting vehicles and emergency personnel* *b) evacuation of residents, occupants and visitors.*	*DTS/DPF 5.1* *Roads:* *a) are constructed with a formed, all-weather surface* *b) have a gradient of not more than 16 degrees (1-in-3.5) at any point along the road* *c) have a cross fall of not more than 6 degrees (1-in-9.5) at any point along the road* *d) have a minimum formed road width of 6 metres* *e) provide overhead clearance of not less than 4 metres between the road surface and overhanging branches or other obstructions including buildings and/or structures (Figure 1)*

	f) allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around road curves by constructing the curves with a minimum external radius of 12.5 metres (Figure 2) *g) incorporating cul-de-sac endings or dead end roads do not exceed 200 metres in length and the end of the road has either:* *i. a turning area with a minimum formed surface radius of 12.5m (Figure 3) or* *ii. a 'T' or 'Y' shaped turning area with a minimum formed surface length of 11 metres and minimum internal radii of 9.5 metres (Figure 4)* *h) incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.*
PO 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 site is located within the Hazards (Medium Bushfire Risk) Area Overlay under the Planning and Design Code. The subject land is well connected to the road network with two entry and exit points. Bushfire egress is considered acceptable and consistent with other adjoining properties. In the event of a bushfire there are multiple escape routes in the network.

Both the original and variation proposal are considered to accord with the relevant Performance Outcomes as follows:

- Buildings are sited away from significant stands of vegetation or areas with an unacceptable bushfire risk - Performance Outcome 1.1.
- Proposed buildings have limited eave overhanding or building elements that could trap debris Performance Outcome 2.1.
- Access points and internal circulation space provide ample space for the safe operation of emergency vehicles and evacuation - Performance Outcome 5.1.
- The development has sealed driveway and entry points to Samuel Road – Performance Outcome 5.3.

Overall, the variation proposal is considered to be consistent with the provisions of the Hazards (Medium Bushfire Risk) Area Overlay.

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.*	*DPF 1.1* *None are applicable*
PO 1.2 *Development avoids interfering with the existing hydrology or water regime of swamps and wetlands other than to improve the existing conditions to enhance environmental values.*	*DPF 1.2* *None are applicable*
PO 1.5 *Development that increases surface water run-off includes a suitably sized strip of vegetated land on each side of a watercourse to filter runoff to:* *(a) reduce the impacts on native aquatic ecosystems.* *(b) minimize soil loss eroding into the watercourse*	*DPF 1.5* *A strip of land 20 metre or more wide measured from the top of existing banks on each side of the watercourse is free from development, livestock use and revegetated with locally indigenous vegetation*
PO 1.6 *Development resulting in the depositing or placing of an object or solid material in a watercourse or lake occurs on where it involves any of the following:* *(a) the construction of an erosion control structure* *(b) devices or structures used to extract or regulate water flowing in a watercourse.* *(c) devices used for scientific purposes.* *(d) the rehabilitation of watercourses*	*DPF 1.6* *None are applicable*
PO 1.7 *Watercourses, floodplains (1% AEP flood extent) and wetlands protected and enhanced by retaining and protecting existing native vegetation*	*DPF 1.7* *None are applicable*
PO 1.8 *Watercourses, floodplains (1% AEP flood extent) and wetlands protected and enhanced by stablising watercourse banks and reducing sediments and nutrients entering the watercourse*	*DPF 1.8* *None are applicable*

The site is subject to the Water Resources Overlay under the Planning and Design Code.

The subject land is not located in close proximity to a watercourse (approximately 420 metres to nearest watercourse) and is outside any mapped flood plain. Waste water disposal and stormwater management will be installed to the satisfaction of Council. No adverse impact on surface water is anticipated and variation proposal still achieves Overlay policies.

This outcome also applies to Water Protection Area and Water Resources Overlays.

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	
i.PO 1.1 *i.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.*

An Electricity Declaration has been submitted associated with the development, consistent with DPF 1.1, such that the Performance Outcome 1.1 is considered to be met.

It was noted in the assessment of the original application that an easement in favour of SA Power Networks (SAPN) extends across the site. As per the original assessment , Council is in a position to make a decision on the application as SAPN and the applicant will resolve any detailed matters outside of the planning assessment.

Cut and Fill

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.*	*DPF 8.1* *Development does not involve any of the following:* *(a) excavation exceeding a vertical height of 1 metre.* *(b) filling exceeding a vertical height of 1 metre.* *(c) a total combined excavation and filling vertical height of 2 metres or more*

The applicant has refined the finished floor levels through the variation design and based on more detailed assessment, the proposal will reduce the building floor levels by up to 1.2 metres from the original authorisation. This has a direct correlation to a lesser amount of earthworks and soil retention or fill.

Overall, earthworks will be reduced from that which has received a planning consent, noting that final civil details are still to be approved through detailed design (Reserved Matter).

Fencing

Relevant Performance Outcomes/Designated Performance Features	
Fencing	
PO 6.1 *Fencing exceeding 2.1 metres in height is integrated and designed to complement the appearance of land and buildings and does not form a dominant visual feature from adjacent streets to enhance the character of employment areas.*	*DTS/DPF 6.1* *Fencing exceeding 2.1 metres in height is:* *a) located behind a façade of an associated building located on the same site* *b) located behind a landscaped area along relevant street frontages* *c) consists of visually permeable materials with landscaping behind.*

No significant changes are proposed to the approved siting, design and/or height of fencing. Overall, Performance Outcome 6.1 is considered to be met.

Amenity Impacts

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 1.1 *Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.*	*DTS/DPF 1.1* *None are applicable.*
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 1.2* *None are applicable.*
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.* *i.*	*DTS/DPF 2.1* *Development operating within the following hours:* **Class of Development** / **Hours of operation** *Consulting room* — *7.00 am to 9.00 pm, Monday to Friday; 8.00 am to 5.00 pm, Saturday* *Office* — *7.00am to 9.00 pm, Monday to Friday; 8.00 am to 5.00 pm, Saturday*

	Shop, other than any one or combination of the following: *a) restaurant* *b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone*	*7.00 am to 9.00 pm, Monday to Friday* *8.00 am to 5.00 pm, Saturday and Sunday*
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.*	*DTS/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 9.00 am and 3.00 pm 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.*	*DTS/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 spaceor* *ii. 35 sqm of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)* *b. for ground level communal open space, at least half of the existing ground level open space.*	
PO 3.3 *Development does not unduly reduce the generating capacity of adjacent rooftop solar energy facilities taking into account:* *a) the form of development contemplated in the zone.* *b) the orientation of the solar energy facilities* *the extent to which the solar energy facilities are already overshadowed.*	*DTS/DPF 3.3* *None are applicable.*	

Activities Generating Noise or Vibration	
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* *providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.*	*DTS/DPF 4.2* *None are applicable.*
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).*	*DTS/DPF 6.1* *None are applicable.*

The site is bordered by mixed commercial, primary production and residential activities on southern and northern boundaries within Employment or Rural based zone. To the east, neighbouring properties contain dwellings (albeit within the Strategic Employment Zone) plus the KSI Sawmill. The closest sensitive receiver (dwelling) within a neighbourhood type zone is located around 160 metres northeast of the site along Falkenberg Road. It is noted that the KSI Sawmill is located between the subject land and the dwellings in this Neighbourhood Zone.

In assessing this application it is further recognised that Performance Outcome 1.1 envisages higher impacting land uses such as warehouses and transport distribution. This is not a carte blanche for development but does raise the assessment question that the zone intent is to accommodate development as proposed and benchmark tests are not equivalent for proposals within a neighbourhood type zone. This has been reflected in ERD Court decisions.

This element of the original application was subject to detailed assessment with the proposal being considered to meet the relevant Planning and Design Code policies. Standard noise and lighting conditions (conditions 16 and 17) were included within the adopted resolution of the Panel to grant Planning Consent.

The proposed variation does not introduce any new activities, buildings, car parking or circulation areas or other changes that are considered to alter compliance with the relevant Code policies. The applicant's planning consultant has noted that noise and lighting conditions would 'carry over' to the variation and the proposed design and operation of the site can meet these conditions.

Effluent Disposal

General Development Policies	
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	
Water Supply	
PO 11.1 *Development is connected to an appropriate water supply to meet the ongoing requirements of the intended use.*	*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.*	*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 the development it will service; and* *(b) the system will comply with the South Australian Public Health Act 2011.*
PO 12.2 *Effluent drainage fields and other wastewater disposal areas are maintained to ensure the effective operation of waste systems and minimise risks to human health and the environment.*	*DPF 12.2* *Development is not built on, or encroaches within, an area that is, or will be, required for a sewerage system or waste control system.*

The subject site has potential to connect to the Nuriootpa Community Wastewater Management System (CWMS). The original assessment identified that part of the system currently traverses the site (without any Easement in place) and conflicts with the proposed location of some buildings. The applicant was advised of this conflict and responded as outlined below.

Based on supplied information and additional discussion, Council's Engineering Department do not object to potential additional load to the network, but detailed assessment is required. In response to a further information request the applicant confirms that:

- The site plan has been updated to indicate and include revised siting of the existing CWMS line and also indicates the CWMS line being located within a 3 metre wide easement.
- In respect to the general CWMS requirements, our client is comfortable with a condition or Reserved Matter being applied in respect to:

    - the replacement of all existing drains which traverse the site as well as the installation of a new connection point.
    - the development being connected to the Nuriootpa Community Wastewater Management Scheme (CWMS).

The proposed variation has altered the position of buildings to avoid conflict to the existing pipe location within the site.

A Reserved Matter is still recommended to be applied as per the earlier suggestions and imposition of a standard Condition of Consent requiring the ongoing connection of the facility to the Nuriootpa CWMS. This aspect of the development is considered to satisfy Performance Outcome 12.1.

Access and Car Parking

General Development Policies		
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 1.1 *Development is integrated with the existing transport system and designed to minimise its potential impact on the functional performance of the transport system.*		*DTS/DPF 1.1* *None are applicable.*
PO 1.2 *Development is designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive receivers.*		*DTS/DPF 1.2* *None are applicable.*
PO 1.3 *Industrial, commercial and service vehicle movements, loading areas and designated parking spaces are separated from passenger vehicle car parking areas to*		*DTS/DPF 1.3* *None are applicable.*

ensure efficient and safe movement and minimise potential conflict.	
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.*	*DTS/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.*	*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 6m of an intersection of 2 or more roads or a pedestrian activated crossing.*
PO 3.8 *Driveways, access points, access tracks and parking areas are designed and constructed to allow adequate movement and manoeuvrability having regard to the types of vehicles that are reasonably anticipated.*	*DTS/DPF 3.8* *None are applicable*
PO 3.9 *Development is designed to ensure vehicle circulation between activity areas occurs within the site without the need to use public roads.*	*DTS/DPF 3.9* *None are applicable.*
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 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.*

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.*	*DTS/DPF 6.1* *Movement between vehicle parking areas within the site can occur without the need to use a public road.*
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.*
PO 6.3 *Vehicle parking areas are designed to provide opportunity for integration and shared use of adjacent car parking areas to reduce the total extent of vehicle parking areas and access points.*	*DTS/DPF 6.3* *None are applicable.*
PO 6.4 *Pedestrian linkages between parking areas and the development are provided and are safe and convenient.*	*DTS/DPF 6.4* *None are applicable.*
PO 6.5 *Vehicle parking areas that are likely to be used during non-daylight hours are provided with sufficient lighting to entry and exit points to ensure clear visibility to users.*	*DTS/DPF 6.5* *None are applicable.*
PO 6.6 *Loading areas and designated parking spaces for service vehicles are provided within the boundary of the site.*	*DTS/DPF 6.6* *Loading areas and designated parking spaces are wholly located within the site.*
PO 6.7 *On-site visitor parking spaces are sited and designed to be accessible to all visitors at all times.*	*DTS/DPF 6.7* *None are applicable.*

Entry arrangements, vehicle types, on-site circulation and car parking provision were all agreed as part of the original Planning Consent. This included issues relating to:

- Road capacity – Samuel Road
- Use and entry from Samuel Road (located within Light Regional Council)
- New crossovers and design
- Traffic speed, safety and network impact
- Internal circulation and turn path analysis
- Car parking for office, warehousing and work.

Overall, it was noted in the February 2023 Panel report that "*larger vehicles accessing the facility (such as B-Doubles) must utilise the Restricted Access Vehicle network (RAVnet). At present, this includes Moppa Road to the north and Seppeltsfield Road to the south connecting to Samuel Road. Local roads such as Falkenberg Road do not form part of this network and cannot be used by heavy freight. There will be additional traffic and impact from increased use of the road network, however, Council's Works and Engineering Department have not raised concerns with the capacity or suitability of Samuel Road or the wider network with The Barossa Council to cater for the proposed facility.*"

The proposal seeks the following changes as part of the proposed variation:

- Increased car parking from 230 approved spaces to 259 spaces;
- Reduction in the number of onsite parking for large trucks from 26 to 24.
- Increase from 18 to 31 (plus 6 temporary parks) for smaller trucks;
- An overall increase from 276 to 322 parking spaces for cars and all freight vehicles.

These changes better reflect the likely freight vehicle usage of the authorised land use and are considered to represent a net improvement.

In assessing these changes, it should be noted that the subject land and environs are zoned Strategic Employment/Employment/Rural where larger vehicle and freight movement is anticipated. Achieving site access is key to this employment generating activity and Council staff are satisfied this can be achieved subject to the applicant undertaking the necessary access upgrades to Samuel Road and satisfying the balance of engineering requirements set out by Light Regional Council.

CIRQA have updated their turn path analysis to confirm that the largest B-Double vehicles can still enter, circulate and exit the site in a forward direction.

CIRQA previously advised that potential traffic generation and the number of peak hour trips will, in their opinion, have negligible impact on Samuel Road. Council's Engineering Department and the engineers at Light Regional Council did not dispute these assessment conclusions for the road network. Council's Engineering Department have considered the proposed changes to car parking and have not altered their support for the proposal.

The applicant will still need to liaise with Light Regional Council to ensure entry and exit from the site meets their technical requirements. This is being addressed as part of Reserved Matter that an infrastructure agreement be signed with Light Regional Council for the installation of the access points onto Samuel Road

Overall, the proposal is considered to meet the relevant transport, access and parking policies of the Code.

CONCLUSION

The proposed variation application represents an evolution of the authorised development with detailed design refining elements of the application. This has led to design changes, to better account for the site slope to minimise cut/fill and landform change.

The original application involved the construction of an integrated storage and transport distribution facility comprising storage and warehousing buildings, ancillary offices, worker's accommodation, truck workshop, container storage area, weighbridge, fuel storage, retaining walls and fencing and associated hardstand, car parking and manoeuvring areas, stormwater basins and landscaping.

These essential elements of the proposal are unchanged except for the components assessed within this report. The proposed building, siting, car parking and stormwater management changes are all considered acceptable and will not adversely affect approved site operations, other businesses in the locality or change the level of any

amenity impacts in the locality. The additional native vegetation removal has been accepted by the Native Vegetation Council.

This report has provided a detailed assessment of the variation proposal against the relevant provisions of the Planning and Design Code, noting that the panel is only assessing those elements captured in this application.

Assessment has identified that the proposed development is reasonably consistent with the Desired Outcome and Performance Outcomes of the Strategic Employment Zone and other relevant provisions of the Planning and Design Code, such that Planning Consent is recommended, subject to 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 Development Application No. "Variation to Development Application 22043062 (relocate detention basin and warehouse 2, altered building heights and floor areas, alteration to car parking, landscaping, native vegetation removal and cut/fill)" by Nuriootpa Traders Pty Ltd at Allot 102, Samuel Road, Nuriootpa (CT Volume 6160 Folio 23) subject to the following reserved matters, conditions and advisory notes:

Reserved Matters

Pursuant to Section 102(3) of the *Planning, Development and Infrastructure Act 2016,* the Relevant Authority reserves its decision in relation to the following matters, that are delegated to the Assessment Manager to determine:

(1) The applicant shall submit a final working Landscape Plan for approval, that includes all of the following:

a) Final location for all proposed landscaping, comprising trees, shrubs and groundcovers;
b) Final nominated species to be used, noting species shall be suited to the local conditions;
c) Shade trees within the hardstand areas;

d) Planting types and locations to be considerate of site features including batters and detention basins;
e) Landscaping to stabilise batters and prevent overland flow of stormwater management;
f) Pot sizes, noting advanced growth trees shall be used;
g) Irrigation and maintenance methods, including protection of plantings from vehicles and pedestrians;
h) Retention of existing native vegetation as marked on the approved plans.

(2) The relevant toilet facilities as shown within the approved buildings shall be granted authorisation to connect to an authorised wastewater system pursuant to the *South Australian Public Health Act 2011* and *South Australian Public Health (Wastewater) Regulations 2013.*

(3) Construction Environment Management Plan which shall include all of the following:

a) Proposed hours of operation during construction;
b) Arrangements for management of stormwater noise and dust during construction period;
c) Measures to minimise drag-out from the site during wet weather events;
d) Where contaminated soils are identified and/or disturbed, measures to contain soils to the satisfaction of the EPA;
e) Access is preserved for Teusner Wines via the existing right of way.

(4) The stormwater drainage design shall include final Stormwater Management Plan and Stormwater Calculations. The plan shall adopt and achieve all of the following:

a) Detention shall be provided to limit the 5% AEP post-development peak discharge to the 5% AEP pre-development peak discharge from the site, or the maximum point discharge to kerb and gutter up to a 10% AEP event shall be 12L/sec; 1% AEP event shall be 20L/sec, whichever is the lesser.
b) The impervious and pervious fractions shall be 90% and 10% respectively.
c) Stormwater flow passage from the external catchment shall be addressed and contained within appropriate easement as it relates to the whole of the site, registered to The Barossa Council. The easement shall be 3 metres wide or 4 metres where shared with a CWMS easement. It must be demonstrated that there is adequate space to establish the easement.
d) The current Nuriootpa CWMS drain traversing the site shall be replaced with a new drain, constructed to SA Health CWMS standard and shall be sized to service all current connected CWMS loads and projected capacity from the development. The drain shall be protected by an easement to The Barossa Council.
e) All new loads charged on the Nuriootpa CWMS shall be subject to a single connection point at the nominated point of connection to the new drain.

(5) Final Civil and Siteworks Plan, prepared by a qualified and experienced stormwater engineer, for all civil and stormwater works, which shall address all of the following:

a) Finished floor level for all buildings and hardstand surfaces;
b) Cut/fill details;
c) Retaining walls, kerbing and ramps, designs and grades;
d) Car parking dimensions, aisle widths, circulation movements and associated parking markings and signage;
e) Stormwater management arrangements including pipes, sumps, drains, swales and basins, sizes and grades;
f) Water sensitive design measures;
g) Surface water treatment to ensure water quality objectives are met;
h) The new two-way vehicle access to the property at the northern connection to Samuel Road is in conflict with an existing underground stormwater concrete pipe that conveys stormwater from west to east in Samuel Road.
i) The minimum gate offset between the gate and Samuel Road boundary shall be adequate to accommodate the temporary parking of a B-Triple, to enable the temporary holding of the vehicle in an instance when the access gate is closed.

(6) In respect to the final design and selection of air conditioning and ventilation equipment, an environmental noise assessment undertaken to assess sound power levels and relevant/applicable noise attenuation, enclosures or barriers required in order for the proposal to comply with the *Environment Protection (Noise) Policy 2007* (or later policy as amended from time to time).

(7) Final designs for the Samuel Road access points to service the development, shall be provided, to give effect to the complete access design, which shall accord with the advice of Lisa Sapio, Manager – Development Services, Light Regional Council, 8 February 2023 and the acceptance of such works confirmed by the applicant in email from Jason Cattonar, Associate Director, Future Urban, 13 February 2023.

Note: An Infrastructure Deed of Agreement shall be executed between Nuriootpa Traders Pty Ltd and Light Regional Council, to give effect to necessary works required within Samuel Road, as agreed between the parties.

(8) Final designs for all batters and retaining walls as identified on the approved plans, with provision for appropriate stormwater management arrangements in place to manage overland flow and landscaping to stabilise soils and prevent erosion.

(9) In event that staging of the development is proposed, a staging plan that sets out the elements contained within each stage and the timing for satisfaction of conditions relevant to each stage.

Council Conditions

(1) The development shall be undertaken in accordance with the details submitted with the application and the following stamped approved plans and documents, except where varied by the conditions contained herein:

Development Application 22043062

Plan Type	Prepared By	Drawing No./Doc No.	Issue No./Date
Planning Report	Future Urban	V3	22.12.22
Response to Representations	Future Urban	Not Stated	09.02.23
~~Site Plan~~	~~Startari~~	~~No. 143 A020 Rev 6~~	~~01.02.23~~
~~Fence Elevations~~	~~Startari~~	~~No. 143 A021 Rev 3~~	~~01.02.23~~
~~Landscape Site Plan~~	~~Startari~~	~~No. 143 A030 Rev 6~~	~~01.02.23~~
~~Overall Ground Floor Plan~~	~~Startari~~	~~No. 143 A100 Rev 6~~	~~01.02.23~~
~~Office and Sleeping Quarters Floor Plan~~	~~Startari~~	~~No. 143 A101 Rev 3~~	~~01.02.23~~
~~Workshop Floor Plan~~	~~Startari~~	~~No. 143 A102 Rev 2~~	~~01.02.23~~
~~Site External Elevations~~	~~Startari~~	~~No. 143 A200 Rev 5~~	~~01.02.23~~
~~Workshop External Elevations~~	~~Startari~~	~~No. 143 A201 Rev 3~~	~~01.02.23~~
~~Office and Sleeping Quarters External Elevations~~	~~Startari~~	~~No. 143 A202 Rev 3~~	~~01.02.23~~
~~Sections~~	~~Startari~~	~~No. 143 A220 Rev 4~~	~~01.02.23~~
~~Sections~~	~~Startari~~	~~No. 143 A221 Rev 3~~	~~01.02.23~~
~~3D Render~~	~~Startari~~	~~No. 143 A300 Rev 3~~	~~01.02.23~~
Environmental Noise Assessment	Resonate	A210816RP1 Rev A	13.12.22
Response to Representations	Resonate	A210816 Ref A210816LT1	08.2.23
Traffic and Parking Report	Cirqa	Project No. 22488 Rev V1.0	20.12.22
Response to Representations	Cirqa	Ref BNW	07.02.23
Stormwater Report	MLEI	Ref A2021-11834	01.02.23
Data Report	Ecosphere Ecological Solutions	Not Stated	12.12.23
Visual Lighting Advice	Lucid	LCE24497-001	17.01.23
Lighting Plan	Lucid	SK-EL-00001	17.01.23

Development Application 23027675

Plan Type	Prepared By	Drawing No./Doc No.	Issue No./Date
Planning Report	Future Urban	Not Stated	19.09.23
Site Plan	Startari	No. 104 A020 Rev 7	04.09.23
Fence Elevations	Startari	No. 104 A021 Rev 3	04.09.23
Landscape Plan	Startari	No. 104 A030 Rev 7	04.09.23
Ground Floor Plan – Office & Sleeping Quarters	Startari	No. 104 A101 Rev 7	04.09.23

Ground Floor Plan - Workshop	Startari	No. 104 A110 Rev 1	04.09.23
Mezzanine Floor Plan - Workshop	Startari	No. 104 A111 Rev 1	04.09.23
External Elevations - Site	Startari	No. 104 A200 Rev 6	04.09.23
External Elevations - Workshop	Startari	No. 104 A201 Rev 4	04.09.23
External Elevations – Office & Sleeping Quarters	Startari	No. 104 A202 Rev 4	04.09.23
Sections - Workshop	Startari	No. 104 A250 Rev 1	04.09.23
Sections – Office & Sleeping Quarters	Startari	No. 104 A251 Rev 1	04.09.23
Sections - Warehouses	Startari	No. 104 A252 Rev 1	04.09.23
3D Render	Startari	No. 104 A300 Rev 3	04.09.23
Overall Layout Plan – Sheet 1 of 2	ADG	No. C04 Rev A	24.08.23
Overall Layout Plan – Sheet 2 of 2	ADG	No. C05 Rev A	24.08.23
Earthworks Overall Layout	ADG	No. C20 Rev B	24.08.23
Earthworks Layout Plan Sheet 1 of 5	ADG	No. C21 Rev B	24.08.23
Earthworks Layout Plan Sheet 2 of 5	ADG	No. C22 Rev B	24.08.23
Earthworks Layout Plan Sheet 3 of 5	ADG	No. C23 Rev B	24.08.23
Earthworks Layout Plan Sheet 4 of 5	ADG	No. C24 Rev B	24.08.23
Earthworks Layout Plan Sheet 5 of 5	ADG	No. C25 Rev B	24.08.23
Earthworks Site Sections Sheet 1 of 2	ADG	No. C26 Rev B	24.08.23
Earthworks Site Sections Sheet 2 of 2	ADG	No. C27 Rev B	24.08.23
Roadworks and Drainage Overall Layout	ADG	No. C30 Rev B	24.08.23
Roadworks and Drainage Layout Plan Sheet 1 of 5	ADG	No. C31 Rev B	24.08.23
Roadworks and Drainage Layout Plan Sheet 2 of 5	ADG	No. C32 Rev B	24.08.23
Roadworks and Drainage Layout Plan Sheet 3 of 5	ADG	No. C33 Rev B	24.08.23
Roadworks and Drainage Layout Plan Sheet 4 of 5	ADG	No. C34 Rev B	24.08.23

Roadworks and Drainage Layout Plan Sheet 5 of 5	ADG	No. C35 Rev B	24.08.23
Roadworks & Drainage Details Turn Paths	ADG Cirqa	No. C36 Rev A Sheet 1 SH01 Ver C	24.08.23 11.07.23
Turn Paths	Cirqa	Sheet 1 SH02 Ver C	11.07.23
Turn Paths	Cirqa	Sheet 1 SH04 Ver C	11.07.23
Data Report	Ecosphere Ecological Solutions	Not Stated	16.06.23

(2) An augmentation fee is applicable to account for the increase in loads on the Nuriootpa CWMS, pursuant to The Barossa Council's rates and charges, as levied under the *Water Industry Act*.

Note: The actual augmentation fee to be charged will be calculated and advised at time of Wastewater Application assessment.

(3) Prior to commencement of use, the development shall be connected and remain connected to an approved wastewater system, pursuant to the *South Australian Public Health Act 2011*, to the reasonable satisfaction of the Relevant Authority.

(4) The external building materials shall:

a) Be of new non-reflective materials; and
b) Be in accordance with the approved plans; and
c) Be maintained in good condition at all times.

(5) Prior to occupation of the development, the landscaping works shown on the Approved Landscaping Plan, pursuant to Reserved Matter 1, must be carried out, completed and maintained to the satisfaction of the Relevant Authority. Any dead or diseased plantings shall be replaced.

(6) Boundary retaining walls and fencing shall be established, prior to commencement of use, in accordance with the Approved Plans.

(7) The stormwater disposal system shall be fully installed, prior to commencement of use, in accordance with the Approved Stormwater Management Plan and Approved Civil and Site Works Plan, pursuant to Reserved Matters 4 and 5 respectively. Adequate measures shall be deployed during construction, pursuant to the Construction Environmental Management Plan authorised by Reserved Matter 3, such that temporary disposal of surface or roof water does not adversely impact neighbouring properties.

(8) All car parking, driveways and vehicle manoeuvring areas shall be constructed and finished in sealed surface in accordance with the Civil and Siteworks Plan, approved by the Relevant Authority pursuant to Reserved Matter 5. The surface shall consist of brick paving, concrete or bitumen to a standard appropriate for the intended traffic volumes and vehicles types. Individual car parking bays shall be clearly line-marked. Car parking, driveways and vehicle manoeuvring areas shall be completed, prior to

commencement of use, and shall be maintained at all times thereafter in good condition to satisfaction of the Relevant Authority.

(9) The car parking layout and associated aisle widths and car park manoeuvring areas shall be designed and constructed to comply with AS 2890.1 – Off-street Parking, Part 1 and Austroads "Guide to Traffic Engineering Practice Part 11 – Parking", *AS 2890.2 – Facilities for Commercial Vehicles, and AS 2890.6 Off-Street Parking for People with Disabilities*.

(10) The car parking, driveways and vehicle manoeuvring areas shall be kept clear and unobstructed of buildings and structures, so as to enable continual and ongoing use of the car parking, driveways and manoeuvring areas at all times.

(11) All loading and unloading of vehicles and manoeuvring of vehicles in connection with the approved development shall be carried out entirely within the site, at all times.

(12) The detailed design of all internal footpaths and other publicly accessible areas within the site shall comply with the requirements of the *Disability Discrimination Act 1992*.

(13) The minimum gate offset between the gate and Samuel Road boundary shall be adequate to accommodate the temporary parking of a B-Triple, to enable the temporary holding of the vehicle in an instance when the access gate is closed.

(14) The maximum design vehicle accessing the site shall not exceed B-double.

(15) Noise levels from the integrated storage and transport distribution facility measured at residences (the noise affected premises) shall comply with the *Environment Protection (Noise) Policy 2007* (or later policy as amended from time to time) at all times.

(16) All of the recommendations contained in the Environmental Noise Assessment, prepared by Resonate, dated 13 December 2022, A210816RP1, Revision A and subsequent Environmental Noise Assessment, pursuant to Reserved Matter 6, shall be implemented to the extent applicable to the development. Refrigerated trailers, containers, units and the like are not permitted on the site at any time.

(17) Except where otherwise approved, external lighting shall be restricted to that necessary for safe operations within the site and lighting shall be directed and shaded as necessary. All external lighting shall be in accordance with *Australian Standard 4282 – 2019 Outdoor Lighting Obtrusive Effects' so as to prevent any adverse effect or nuisance on adjoining sensitive receivers or drivers on adjacent public roads.*

(18) A bunding system shall be established in respect of the proposed fuel storage area, prior to commencement of use and shall be maintained in good condition at all times thereafter, in accordance with the Environment Protection Authority Guidelines "*Liquid Storage*", May 2016, in order to minimise the risk of environmental harm from liquid spills and/or leaks.

Native Vegetation Council Conditions

(19) Clearance areas are to be defined with barriers, pegs, flags or temporary fencing to ensure that native vegetation outside of the approved area is not damaged.

(20) Native vegetation and trees retained in close proximity to the construction activity zone are to be protected with barriers (ie. fencing or flagging) in accordance with the Australian Standard for Protection of Trees on Development Sites AS 4970-2009.

(21) Stockpiled materials, including cleared vegetation and excavated soil is not to be placed under native trees or on top of native understorey outside the approved area.

(22) Construction vehicles, equipment or materials are not to be stored or placed on top of native vegetation outside the approved clearance area.

(23) Construction vehicles, equipment or materials are not to be stored or placed within the Tree Protection Zone of retained trees.

Advisory Notes

(1) Any variation of this approved development and/or the conditions of consent will require a separate request and approval from the Relevant Authority. Granting of Consent does not necessarily imply that future requests for variations will be approved. Any future requests will be assessed by having regard to the relevant rules and requirements in form at the time any request is made.

(2) Any portion of Council's infrastructure damaged as a result of work undertaken in relation to the development shall be repaired and/or reinstated to Council's satisfaction at the developer's expense.

(3) 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 applicants determine the requirements that apply pursuant to 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 Native Vegetation Council.

(4) The adjoining owner should be advised of the proposed work on the boundary and issues such as access to perform work, removal of fencing, finished levels and retaining walls should be resolved before commencement of building work. This approval does not give right to access neighbouring land or to replace or erect boundary fencing. Fencing work is subject to the provisions of the *Fences Act 1975.*

(5) Excavations on or near the boundary may require the giving of notification to the neighbour pursuant to Regulation 75 of the *Planning, Development and Infrastructure (General) Regulations 2017*. Where mechanical equipment is required to construct retaining walls, the retaining walls may need to be constructed prior to construction of footings on-site.

(6) 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.

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

(8) The applicant is reminded that demolition and construction is required to be carried out so that it complies with the provisions of the *Local Nuisance and Litter Control Act 2016*. Under the *Local Nuisance and Litter Control Act 2016,* construction noise is declared a local nuisance as follows:

The noise has travelled from the location of the construction activity to neighbouring premises –

- On any Sunday or public holiday; or
- After 7.00 pm or before 7.00 am on any other day.

(9) The applicant has signed the Powerline Declaration, pursuant to Schedule 8(6) of the *Planning, Development and Infrastructure (General) Regulations 2017,* that the proposed development would not be contrary to the regulations prescribed for the purposes of Section 86 of the *Electricity Act 1996*. The approved plans incorporate a container storage area, and portion of this area is subject to the powerline easement. Storage of containers, is subject to the relevant horizontal and vertical clearance requirements prescribed for buildings under the *Electricity Act 1996* and associated Regulations. Insofar as the development (ie. including containers) does not achieve relevant clearance requirements, the activity is not authorised unless otherwise given consent from the Office of the Technical Regulator. For further information, please contact the Office of the Technical Regulator at dsd.otr@sa.gov.au or 8226 5500.

(10) Any works associated with the development, such as tree planting, tree removal, footpath renewal or the like, to be undertaken within the road reserve (ie. the road carriage, verge or footpath area) is subject to separate approval pursuant to the *Local Government Act 1999*. Further enquiries should be directed to Council's Engineering Services Department on 8563 8444.

(11) This Consent does not grant authorisation to advertisements or external light fixtures and fittings, except to the extent that such works are not 'Development' and do not contravene any condition contained within this Authorisation. Separate development authorisation is required for any advertisements or external light fixtures or fittings.

(12) Infrastructure works required external to the site in the nature of stormwater works within Falkenberg Road and Old Mill Road, to enable connection of the stormwater outflow to Kalimna Creek, are subject to a Deed of Agreement, signed between The Barossa Council and Nuriootpa Traders Pty Ltd.

The proposal also incorporates stormwater pipe connecting from the site, through Commissioner of Highways land, to the pipe alignment within 'Old Mill Road'. The section of pipe through Commissioner of Highways land, is subject to grant of consent from Commissioner of Highways.

(13) All proposed works within Samuel Road are located within Light Regional Council and are subject to authorisation from Light Regional Council, pursuant to *Local Government Act 1999*. The parties shall enter into an Infrastructure Deed of Agreement to give effect to necessary works required within Samuel Road, as agreed between the parties.

Native Vegetation Council Note

(1) The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the *Native Vegetation Act 1991* as set out in Decision Notification 2023/3205/960.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Application and Associated Documentation ⇩
Attachment 2 Report item presented to the 22 February 2022 special meeting of the Barossa Assessment Panel - Original Application 22043062 ⇩
Attachment 3 Decision Notification Form DA 22043062 ⇩
Attachment 4 Native Vegetation Referral Response ⇩

Development Locations

Location 1

Location reference
LOT 102 SAMUEL RD NURIOOTPA SA 5355

Title Ref
CT 6160/23

Plan Parcel
D110043 AL102

Additional Location Information

Council
THE BAROSSA COUNCIL

Zone Overlays

Zones
- Strategic Employment

Sub-zones
(None)

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

Variations
(None)

Application Contacts

Applicant(s)

Stakeholder info
Nuriootpa Traders Pty Ltd C/- Future Urban Pty Ltd
74 PIRIE STREET
ADELAIDE
SA
5000
[redacted]

Contact

Stakeholder info
Jason Cattonar
[redacted]

Invoice Contact

Stakeholder info
Nuriootpa Traders Pty Ltd C/- Future Urban Pty Ltd
74 PIRIE STREET
ADELAIDE
SA
5000
[redacted]

Invoice sector type

Land owners

Stakeholder info
Nuriootpa Traders Pty Ltd C/- Future Urban Pty Ltd
74 PIRIE STREET
ADELAIDE
SA
5000
[redacted]

Nature Of Development

Nature of development
Variation to Application ID 22043062 to:
• relocate the detention basin and Warehouse 2
• reduce the total building height of the warehouse and workshop buildings
• increase total building floor areas
• increase on-site parking spaces
• increase landscaping across the site
• Reduce cut and fill

Development Details

Current Use
Integrated storage and transport distribution facility

Proposed Use
No change in use proposed

Development Cost
$1.00

Proposed Development Details
Variation to Application ID 22043062 to:
• relocate the detention basin and Warehouse 2
• reduce the total building height of the warehouse and workshop buildings
• increase total building floor areas
• increase on-site parking spaces
• increase landscaping across the site
• Reduce cut and fill

Element Details

You have selected the following elements

Store - $1.00

Fences and walls - $0.00
- Retaining wall

Commercial & Industrial Elements

Does the application include signage?
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?
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?
Relevant Authority

Building Consent

Do you wish to have your building consent assessed in multiple stages?
No

Apply Now?
No

Consent Order

Recommended order of consent assessments
1. Planning Consent

Do you have a pre-lodgement agreement?
No

Declarations

Electricity Declaration

In accordance with the requirements under Clause 6(1) of Schedule 8 of the Planning, Development and Infrastructure (General) Regulations 2017, the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996.

Native Vegetation Declaration

The application is supported by a report prepared in accordance with Regulation 18(2)(a) of the Native Vegetation Regulations 2017 that establishes clearance is categorised as 'low level clearance'.

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
Variation Request planning statement - Nuri Tr aders.pdf	Planning Report	19 Sep 2023 2:31 PM
Appendix 1 - Planning Drawings.pdf	Site Plans	19 Sep 2023 2:31 PM
Appendix 2 - Civil DESIGN_WIP SET_24.8.23.pdf	Site Plans	19 Sep 2023 2:31 PM
Appendix 3 - Swept paths.pdf	Other Documents	19 Sep 2023 2:31 PM
Appendix 4 - NVC Report.pdf	Technical Report - Native Vegetation	19 Sep 2023 2:31 PM

Application Created User and Date/Time

Created User
epn.cattonaa@sa.gov.au

Created Date/Time
19 Sep 2023 2:31 PM

FUTURE URBAN

Level 1, 74 Pirie Street
Adelaide SA 5000
PH: 08 8221 5511
W: www.futureurban.com.au
E: info@futureurban.com.au
ABN: 71 651 171 630

September 19, 2023

Mr Aaron Curtis
Senior Manager, Development, Health Services and Community Safety
Barossa Council

Via PlanSA/email: acurtis@barossa.gov.au

Dear Aaron,

RE: SECTION 128 VARIATION TO APPLICATION ID 22043062

We write on behalf of Nuriootpa Traders Pty Ltd (**Proponent**) in relation to Application ID 22043062 (**Approval**) which was granted planning consent by the Council Assessment Panel (**CAP**) on February 22, 2023 subject to 9 reserved matters and 24 conditions.

As the development has progressed through detailed civil design, a number of amendments are necessary to fine tune the proposal so as to better account for operational requirements, as well as deliver improvements to the overall development outcome in relation to building siting and landscaping, coupled with the refinement of site levels to better correspond to the natural land contours and decrease the extent of cut and fill across the site.

Proposed Variations

As was detailed in the supporting documentation submitted with the Approval, the Proponent provides high quality and bespoke storage solutions (generally medium and longer term) for a variety of food and wine producers.

The proposed variation intends to maintain the authorised use of the land, including the general operating requirements as detailed in the Approval's supporting documentation.

The nature of the variation is further detailed below.

Store / Warehouse floor areas

The total floor area of buildings across the site has marginally increased by 61m^2. The extent of change proposed for each building is detailed in the Table 1.1 below:

Table 1.1 *Building floor areas*

Building	Approved *(Includes central access area)*	Proposed
Warehouse 1a/1b	20,474m^2	19,396m^2
Warehouse 2a/2b	11,881m^2	13,137m^2
Warehouse 3a/3b	13,304m^2	13,187m^2
TOTAL	**45,659m^2**	**45,720m^2**
		DIFFERENCE: +61m^2

Other changes to building floor areas and internal layouts include the following:

Office / Sleeping Quarters

The total floor area has decreased from by 28m^2 (639m^2 to 611m^2). Key changes to the internal layout include the following:

- Office floor area increased by ~47m^2:
  - » Additional private office room (5 to 6 private office rooms);
  - » 1 less open plan work station;
  - » Inclusion of 'compactus' room; and
  - » Outdoor lunch area repositioned to south of building
- Sleeping Quarters floor area decreased by ~75m^2:
  - » Number of rooms decreased by 1 (4 to 3 rooms); and
  - » Sleeping Quarters relocated to western side of building (away from truck parking).

Workshop

Including the new mezzanine level, the total building floor area of the workshop has decreased by 98m^2 (1,794m^2 to 1,696m^2). Key changes to the internal layout of workshop include the following:

- Number of service bays reduced by 2 (6 to 4);
- Number of wash bays increased by 1 (1 to 2);
- Inclusion of internal storage area; and
- Inclusion of mezzanine level.

Vehicle Parking

The overall number of vehicle parking spaces has increased by 46 spaces, with the specific changes to vehicle allocation being providing in the Table 1.2 below:

Table 1.2 *Vehicle parking on-site*

Type of Space	Approved	Proposed
Car parks	230	259
Accessible	2	2
Large Trucks	26	24
Small Trucks	18	31 + 6 temp
TOTAL	**276**	**322**
		DIFFERENCE: +46 spaces

Landscaping

The variation proposes a substantial increase to the total area of the site being dedicated to landscaping as provided in the Table 1.3 below:

Table 1.3 *Changes to landscaping*

Metric	Approved	Proposed
Square metres	18,320m^2	23,081m^2
Percentage of total site area	14%	18%
		DIFFERENCE: +4,761m^2 / +4%

Key changes to landscaping include the following:

- Detention basin / landscaping area in the north-eastern corner will measure a maximum width of 40m width and have a total area of 3,256m^2;
  - » as detailed in the supporting documentation accompanying the Approval, the detention basin will remain dry for considerable periods and drain quickly; this supports the growth and vitality of the proposed landscaping in this area.
- Landscaping strip along eastern boundary increased in width by 4m (3.5m to 7.5m)
- Landscaping included along southern boundary and south-west corner where previously there was none.
- Landscaping strip measuring 7m wide has been included along the median of main site entry

Stormwater Detention / Native Vegetation / Warehouse 2

In addition to the above, the refinement of the civil design has necessitated the relocation of the detention basis to the north-eastern corner of the site, which is the natural 'low spot'. This, in turn, has been the key driver for the relocation of Warehouse 2 further to the west.

As a result, the variation requires the clearance native vegetation (22 scattered trees: 12 *Eucalyptus leucoxylon* and 10 *Eucalyptus odorata*) to accommodate the adjusted siting for Warehouse 2. A Native Vegetation Clearance report prepared by, Ecosphere is appended in **Appendix 4**.

In quantitative terms, the eastern boundary setback of Warehouse 2 is proposed as 46.7m. This represents an overall increase by 32.6m at the north-eastern corner and 14.35 at the south-western corner (the eastern wall of Warehouse 2 is now 'squared off' rather than being staggered).

Building Height / Design

The variation proposes a **2.1m reduction** to the overall height of the warehouse and workshop buildings (8.96m to 6.87m).

The architectural composition of these buildings remains largely unchanged with the exception being the canopies now being integrated with the roof form of the warehouses rather than a cantilevered design.

The office / sleeping quarters remains the same height, except for a new architectural element at the main building entrance. This new design feature is intended to better define the building entrance, particularly for visitors.

The external palette of external materials and finishes remains largely unchanged and is comprised of non-reflective materials and finishes.

Civil / Finished Floor Levels

The variation proposes an overall reduction to the extent of earthworks across the site, which generally supports a reduction in finished floor levels, retaining walls and battered slopes on the boundaries of the site. Further details of these reductions are provided in the Table 1.4 below:

Table 1.4 *Building finished floor levels*

Building	Approved *(Includes central access area)*	Proposed
Warehouse 1a/1b	276.57 / 275.63	276.15
Warehouse 2a/2b	276.57 / 275.63	275.25
Warehouse 3a/3b	278.56 / 277.62	277.60
Office	279.93	279.25
Workshop	280.70	278.90

Procedural Matters

At the time of preparing this letter, the relevant version of the Planning and Design Code (**Code**) was consolidated on August 31, 2023 (Version 2023.13).

The subject site is situated within the Strategic Employment Zone (**Zone**).

Variation – Section 128

On February 22, 2023 the Application was granted Planning Consent by the Council Assessment Panel (**CAP**).

Accordingly, the Approval is, and will remain, operative until February 22, 2025 thereby satisfying the requirements of Section 128(2)(a) of the *Planning Development and Infrastructure Act 2016* ('Act').

Further to the above, we note that Section 128(2)(b) of the Act states that a variation is to be assessed only to the extent of the proposed variation. The Act does not provide for the consideration of other elements or aspects of the development that are not being varied.

Nature of Development

As outlined above, variation applications must be treated as new applications only to the extent of the variation. As such, the nature of development for the variation will be as follows:

*"**Variation to Application ID 22043062** to:*

- *relocate the detention basin and Warehouse 2*
- *reduce the total building height of the warehouse and workshop buildings*
- *increase total building floor areas*
- *increase on-site parking spaces*
- *increase landscaping across the site*
- *Reduce cut and fill*

Elements

As the proposal intends to variation the previous authorisation, and does not include any new *elements*, we suggest that the proposal is comprised of undefined elements, thereby necessitating an assessment against all relevant Code policies.

Referrals

The application is accompanied by a Native Vegetation Clearance report (**Appendix 4**) prepared in accordance with Regulation 18(2) (a) of the *Native Vegetation Regulations 2017* that categorises the proposed native vegetation clearance as being a 'Level 4 clearance'.

As such, the variation will need to be referred to the Native Vegetation Council in accordance with the *Procedural Matters – Referrals (PM)* table of the Native Vegetation Overlay (**NVO**).

Notification

As a result of the proposals undefined nature, the proposal does not contain any elements that are listed as a class of development excluded from public notification in *Table 5 - Procedural Matters (PM) – Notification* (**Table 5**) of the Zone. Notwithstanding, Clause 1 in Table 5 states:

> *Development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.*

As outlined previously, Section 128(2)(b) of the Act states that a variation is to be assessed only to the extent of the proposed variation. The consideration of other elements or aspects of the development that are not being varied do not form part of the assessment.

To that end, we suggest that the proposed variations satisfy the 'tests' prescribed in Clause 1 of Table 5 because:

- the relocation of Warehouse 2 is minor when the proposed changes to the eastern boundary setback are reference against those of the Approval, coupled with consideration of the overall site context and its relationship with adjoining land.
  - » the increased building setback coupled with the significant increase in landscaping in the north-eastern corner of the site establish a considerably improved interface with the adjoining land owners – noting they reside in a dwelling that is within the Strategic Employment Zone.
- the reduction in building height is minor, and given the building scale, the extent of this change will be largely imperceptible.
- adjustments to retaining wall heights and battered slopes are generally minor and are otherwise in locations that are internal to the site.
- other changes which effect the site configuration have no impact beyond the boundaries of the site.

Lastly, whilst the proposal intends to remove native vegetation, the removal of native vegetation is excluded from the definition of development pursuant to Regulation 3F(4)(c) of the Regulations. As such, we contend that this aspect of the proposal is to be excluded from the relevant authorities' considerations as to whether the proposal satisfies Clause 1 of Table 5.

Therefore, we suggest that notification of the application is not required.

Relevant Authority

On the basis that public notification is not required, we suggest that pursuant to Regulation 22(a)(ii) of the Regulations, the **Council's Assessment Manager may act as the relevant authority** for the determination of the proposed variation.

The Merits

In summary, we are of the opinion that the proposed variation displays sufficient merit to warrant planning consent when assessed against the relevant Code policies as further outlined below:

Land use

The proposed variation does not intend to change the nature of the land use as authorised in the Approval.

Interface Between Land Uses

The proposed variation intends to improve the interface with the rural living allotments to the east, which we note are located within the Strategic Employment Zone, by increasing the building setback to the shared boundary, and establishing a significantly larger landscape buffer.

Noting that the conditions attached to the Approval in relation to noise and lighting (Conditions 16 and 17) automatically 'carry over' to the variation, we confirm that the proposed variation is able to comply the requirements of these conditions.

Transport & Access

The proposed variation does not change the authorised access arrangements, nor the type of vehicles that will access the site.

Updated plans showing vehicle turn paths were prepared by, Cirqa and provided in **Appendix 3**.

Car Parking

As detailed earlier in this report, the proposed variation will provide a combined total of 322 on-site parking spaces for cars, small trucks and large trucks which represents an overall increase of 46 spaces. Proposed changes to on-site parking numbers are detailed in Table 1.4 below:

Table 1.5 *Vehicle parking on-site*

Type of Space	Approved	Proposed
Car parks	230	259
Accessible	2	2
Large Trucks	26	24
Small Trucks	18	31 + 6 temp
TOTAL	**276**	**322**
		DIFFERENCE: +46 spaces

Stormwater Management

The Stormwater Management Plan and calculation prepared by MLEI, which formed part of the Approval documents, remains relevant to the proposed variation.

In any event, we further note that Reserved Matter 4 of the Approval requires a final Stormwater Management Plan and Stormwater Calculations to be provided to the Council prior to the granting of Development Approval.

We confirm that the Proponent is willing to accede to this reserved matter being applied to the variation.

Landscaping

To variation intends to increase the landscaping across the site, with particular focus on the north-eastern corner, the entire length of the eastern boundary and the southernmost portions of the site.

We confirm that the landscaped areas will include:

- a mix of plant species, including locally indigenous varieties, to soften the visual impact of the proposed development and contribute to a pleasant appearance to public areas and adjoining private land;
- areas with a minimum dimension of 1.5 metres or greater (as sought in DPF 5.2) to promote taller plantings commensurate with the building height that can deliver shade, amenity and reduce urban heat loads; and
- landscaping along the perimeter of the car parking areas so as contribute to reducing the visibility of the carparking areas from Samuel Road and enhancing the appearance to the public realm achieving the Carparking Appearance POs 7.4 to 7.6 of the Design Module.

Native Vegetation

A Native Vegetation Clearance report prepared by, Ecosphere is appended at **Appendix 4**.

Conclusion

We trust the proposed variation application meets with your favourable consideration, however should you have any queries in relation to this request, please do not hesitate to contact me on 0411 275 446 or jason@futureurban.com.au

Yours sincerely,

Jason Cattonar
Associate Director

APPENDIX 1: *AMENDED ARCHITECTURAL DRAWINGS*

FUTURE URBAN

APPENDIX 2: *CIVIL PLANS*

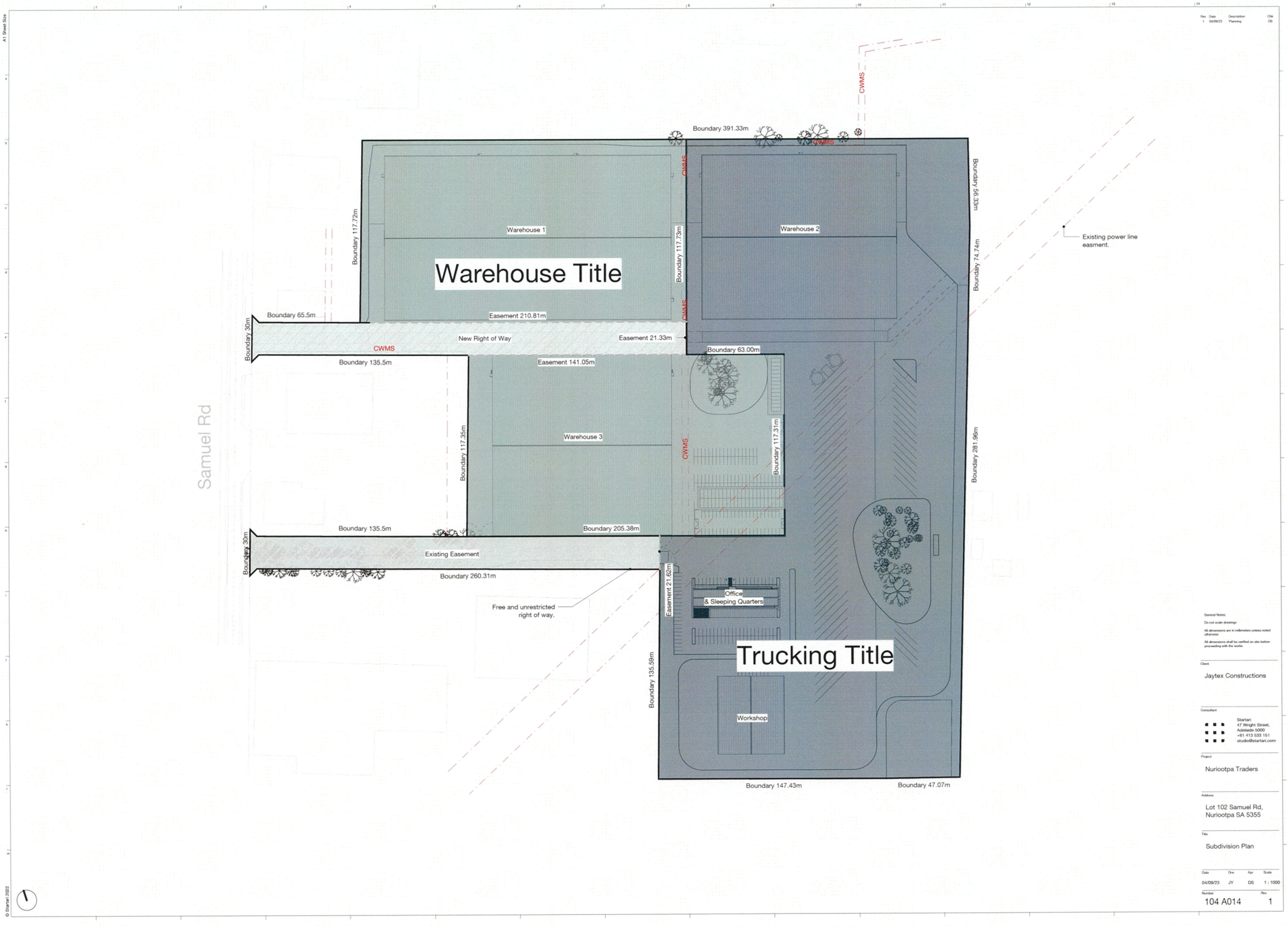
APPENDIX 3: *VEHICLE SPWEPT PATHS*

APPENDIX 4: *NATIVE VEGETATION CLEARANCE ASSESSMENT*

Nuriootpa Traders

Lot 102 Samuel Rd, Nuriootpa SA 5355

Startari
47 Wright St, Adelaide, South Australia 5000
61 413 533 151 | studio@startari.com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1 04/09/23 Planning DS
CWMS
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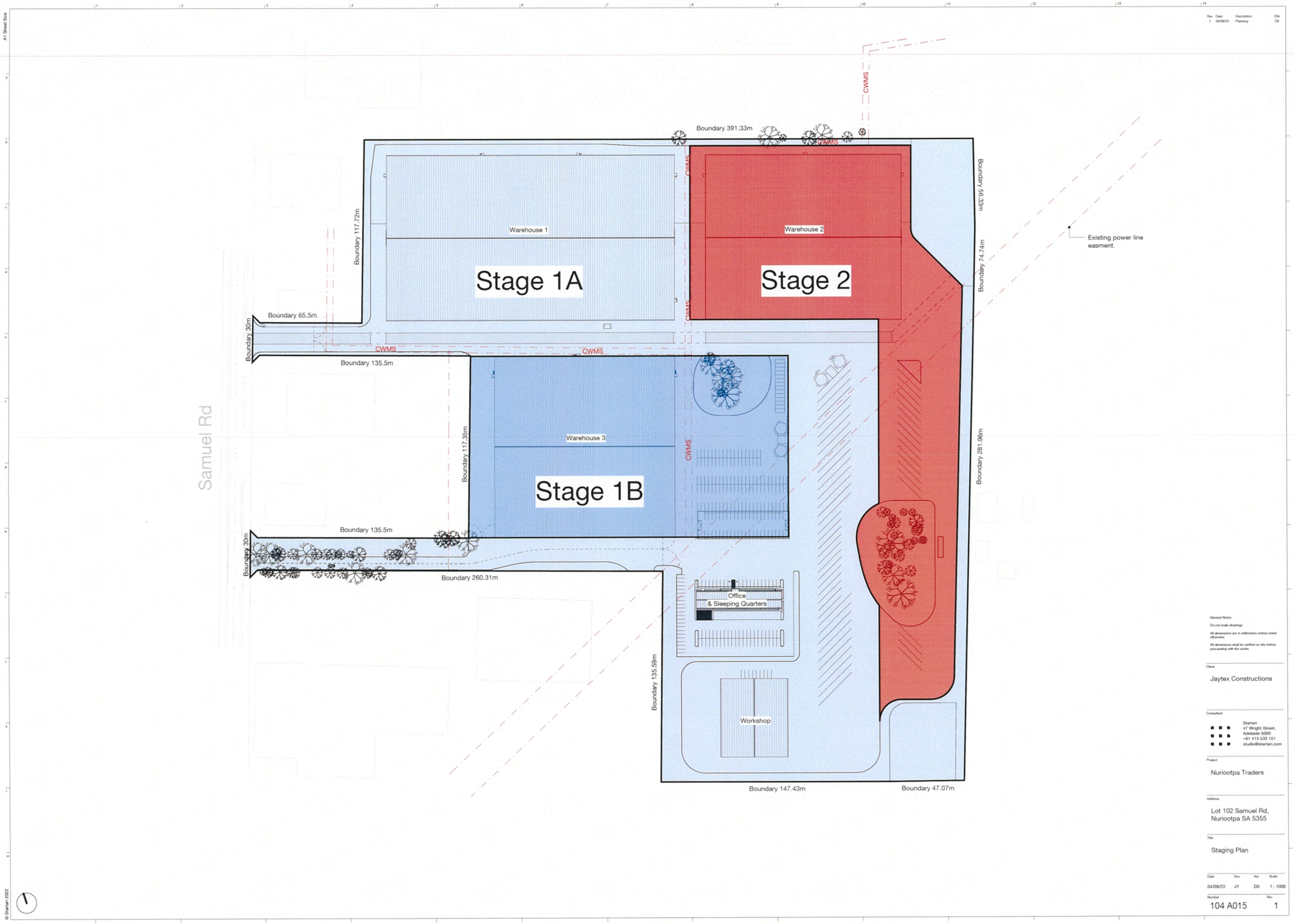
Warehouse 1
Warehouse Title
Warehouse 2
Boundary 117.72m
Boundary 117.73m
Boundary 56.33m
Boundary 74.74m
Boundary 65.5m
Easement 210.81m
Boundary 30m
New Right of Way
Easement 21.33m
CWMS
Boundary 63.00m
Boundary 135.5m
Easement 141.05m
Existing power line easment.
Samuel Rd
Warehouse 3
Boundary 117.35m
Boundary 117.31m
Boundary 281.96m
Boundary 135.5m
Boundary 205.38m
Boundary 30m
Existing Easement
Boundary 260.31m
Easement 21.62m
Free and unrestricted right of way.
Office & Sleeping Quarters
Trucking Title
Boundary 135.59m
Workshop
Boundary 147.43m
Boundary 47.07m
© Startari 2022
General Notes:
Do not scale drawings
All dimensions are in millimetres unless noted otherwise
All dimensions shall be verified on site before proceeding with the works
Client
Jaytex Constructions
Consultant
Startari
47 Wright Street,
Adelaide 5000
+61 413 533 151
studio@startari.com
Project
Nuriootpa Traders
Address
Lot 102 Samuel Rd,
Nuriootpa SA 5355
Title
Subdivision Plan
Date Drw Apr Scale
04/09/23 JY DS 1 : 1000
Number Rev
104 A014 1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Rev Date Description Chk
1 04/09/23 Planning DS
CWMS
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Warehouse 2
Stage 1A
Stage 2
Boundary 117.72m
Boundary 65.5m
Boundary 30m
Boundary 135.5m
Boundary 56.33m
Boundary 74.74m
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Stage 1B
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Boundary 281.96m
Boundary 135.5m
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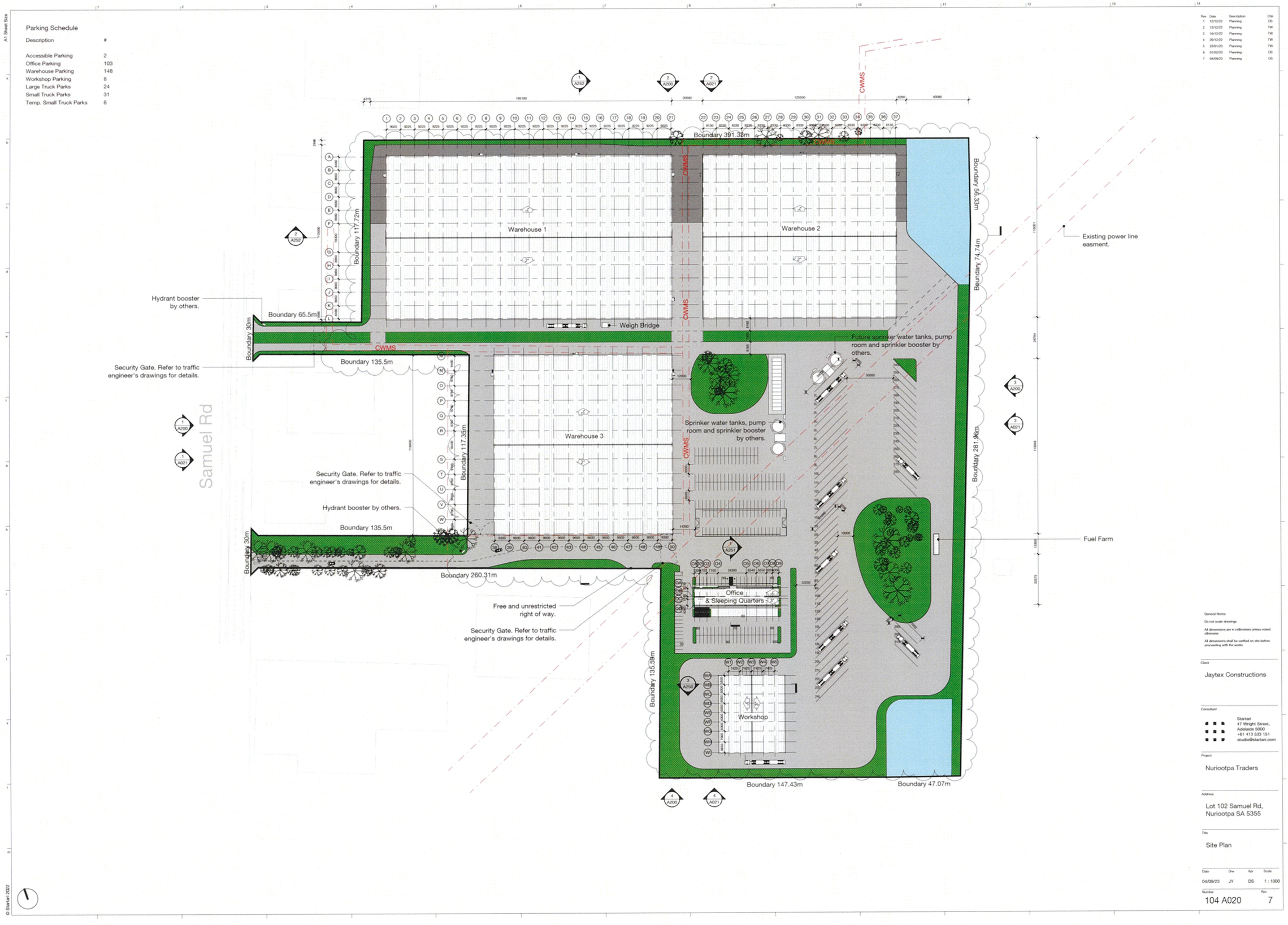
Parking Schedule
Description #
Accessible Parking 2
Office Parking 103
Warehouse Parking 148
Workshop Parking 8
Large Truck Parks 24
Small Truck Parks 31
Temp. Small Truck Parks 6
Rev Date Description Chk
1 13/12/22 Planning DS
2 13/12/22 Planning TW
3 16/12/22 Planning TW
4 20/12/22 Planning TW
5 23/01/23 Planning TW
6 01/02/23 Planning DS
7 04/09/23 Planning DS
CWMS
Boundary 391.38m
Boundary 95.33m
Boundary 74.74m
Boundary 281.96m
Boundary 117.72m
Boundary 117.35m
Boundary 260.31m
Boundary 135.59m
Boundary 147.43m
Boundary 47.07m
Boundary 65.5m
Boundary 135.5m
Boundary 30m
Warehouse 1
Warehouse 2
Warehouse 3
Workshop
Office
& Sleeping Quarters
Weigh Bridge
Hydrant booster by others.
Security Gate. Refer to traffic engineer's drawings for details.
Future sprinker water tanks, pump room and sprinkler booster by others.
Sprinker water tanks, pump room and sprinkler booster by others.
Existing power line easment.
Fuel Farm
Free and unrestricted right of way.
Samuel Rd
General Notes:
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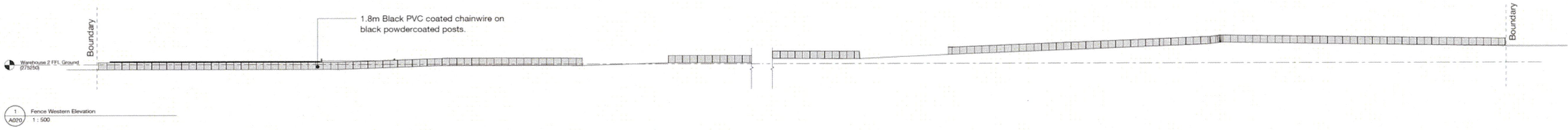
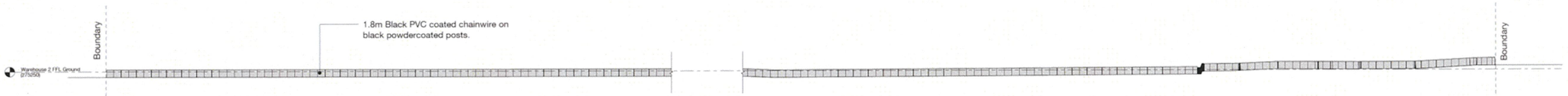
A1 Sheet Size

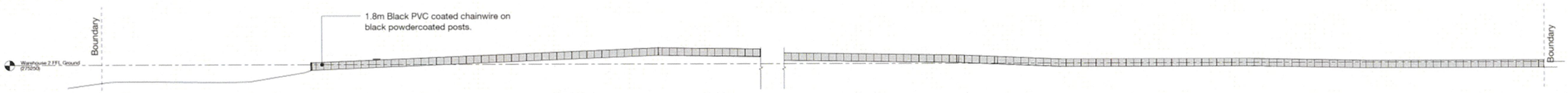
Rev	Date	Description	Chk
1	13/12/22	Planning	DS
2	13/12/22	Planning	TW
3	16/12/22	Planning	TW



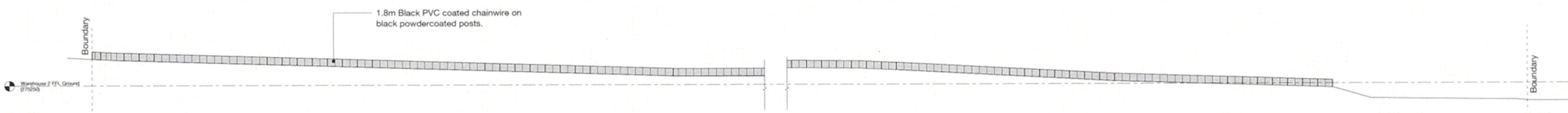
1 A020 Fence Western Elevation
1 : 500



2 A020 Fence Northern Elevation
1 : 500



3 A020 Fence Eastern Elevation
1 : 500



4 A020 Fence Southern Elevation
1 : 500

General Notes:

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Client

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Nuriootpa Traders

Address

Lot 102 Samuel Rd,
Nuriootpa SA 5355

Title

Fence Elevations

Date	Drw	Apr	Scale
04/09/23	JY	DS	1 : 500

Number: 104 A021 Rev: 3

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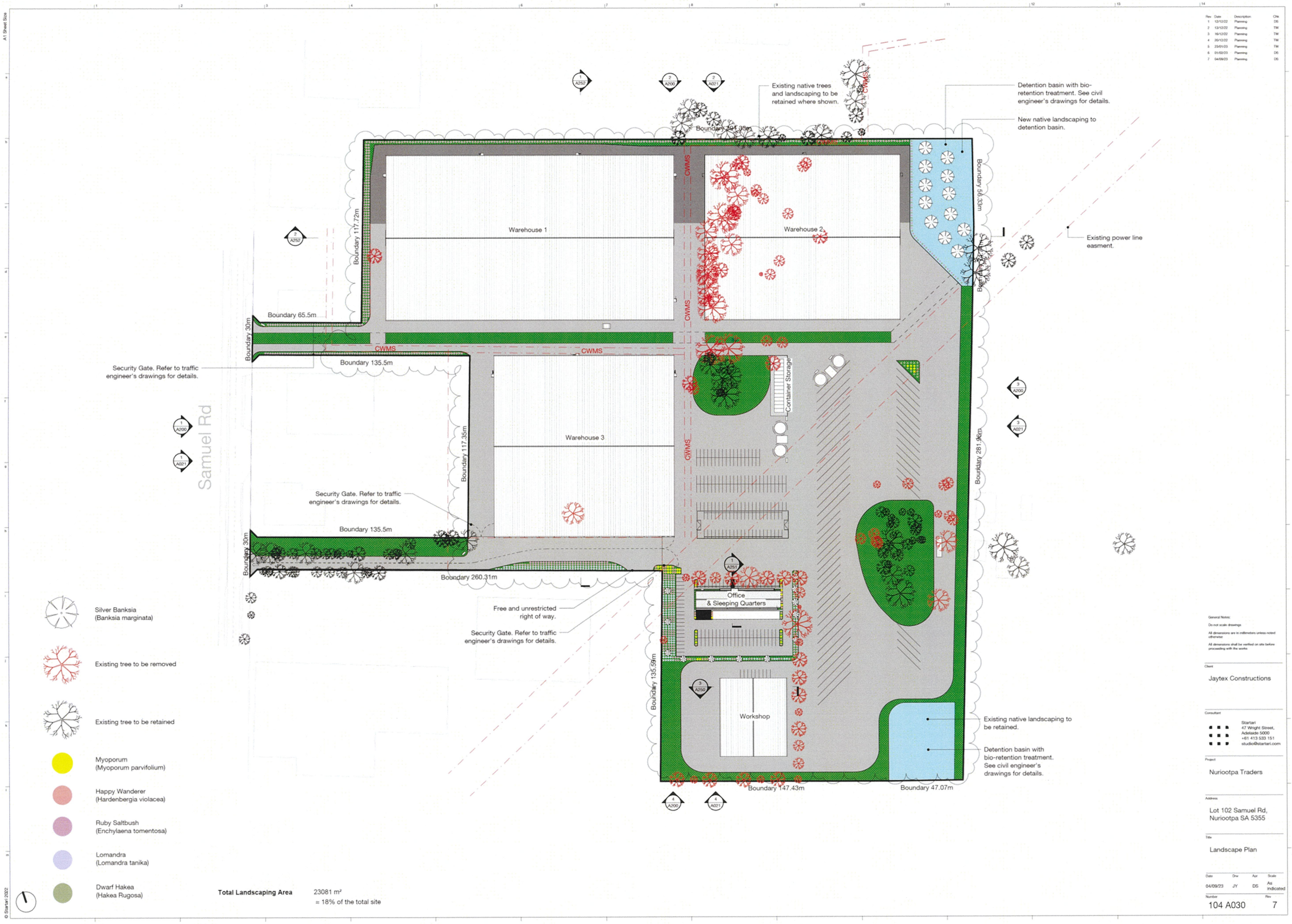
A1 Sheet Size
Existing native trees and landscaping to be retained where shown.
Detention basin with bio-retention treatment. See civil engineer's drawings for details.
New native landscaping to detention basin.
Existing power line easment.
Boundary 264.98m
Boundary 95.33m
Boundary 281.96m
Boundary 117.72m
Boundary 65.5m
Boundary 30m
Boundary 135.5m
Boundary 117.35m
Boundary 260.31m
Boundary 135.59m
Boundary 147.43m
Boundary 47.07m
Warehouse 1
Warehouse 2
Warehouse 3
CWMS
Container Storage
Office
& Sleeping Quarters
Workshop
Security Gate. Refer to traffic engineer's drawings for details.
Free and unrestricted right of way.
Existing native landscaping to be retained.
Detention basin with bio-retention treatment. See civil engineer's drawings for details.
Samuel Rd
Silver Banksia (Banksia marginata)
Existing tree to be removed
Existing tree to be retained
Myoporum (Myoporum parvifolium)
Happy Wanderer (Hardenbergia violacea)
Ruby Saltbush (Enchylaena tomentosa)
Lomandra (Lomandra tanika)
Dwarf Hakea (Hakea Rugosa)
Total Landscaping Area 23081 m²
≈ 18% of the total site
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Nuriootpa Traders
Lot 102 Samuel Rd,
Nuriootpa SA 5355
Landscape Plan
04/09/23 JY DS As indicated
104 A030 7

A1 Sheet Size

Warehouse Areas	
Name	Area
Warehouse 1	19396 m²
Warehouse 2	13137 m²
Warehouse 3	13187 m²
Workshop	1838 m²
Office	442 m²
Sleeping Quarters	133 m²

Rev	Date	Description	Chk
1	12/12/22	Planning	DS
2	13/12/22	Planning	TW
3	16/12/22	Planning	TW
4	20/12/22	Planning	TW
5	23/01/23	Planning	TW
6	01/02/23	Planning	DS
7	04/09/23	Planning	DS

Boundary 391.38m
Boundary 117.72m
Boundary 65.5m
Boundary 30m
Boundary 135.5m
Boundary 117.33m
Boundary 260.31m
Boundary 135.59m
Boundary 147.43m
Boundary 47.07m
Boundary 281.96m
Boundary 74.74m
Boundary 36.33m
CWMS
Warehouse 1
19396 m²
Warehouse 2
13137 m²
Warehouse 3
13187 m²
Weigh Bridge
Container Storage
421 m²
Existing power line easment.
Security Gate. Refer to traffic engineer's drawings for details.
Security Gate. Refer to traffic engineer's drawings for details.
Free and unrestricted right of way.
Security Gate. Refer to traffic engineer's drawings for details.
Samuel Rd
Fuel Farm
39 m²
Sleeping Quarters
133m²
Office
443m²
Workshop
1832m²

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Project
Nuriootpa Traders

Address
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Title
Ground Floor Plan - Overall

Date	Drw	Apr	Scale
04/09/23	JY	DS	1 : 1000

Number
104 A100

Rev
7

A1 Sheet Size

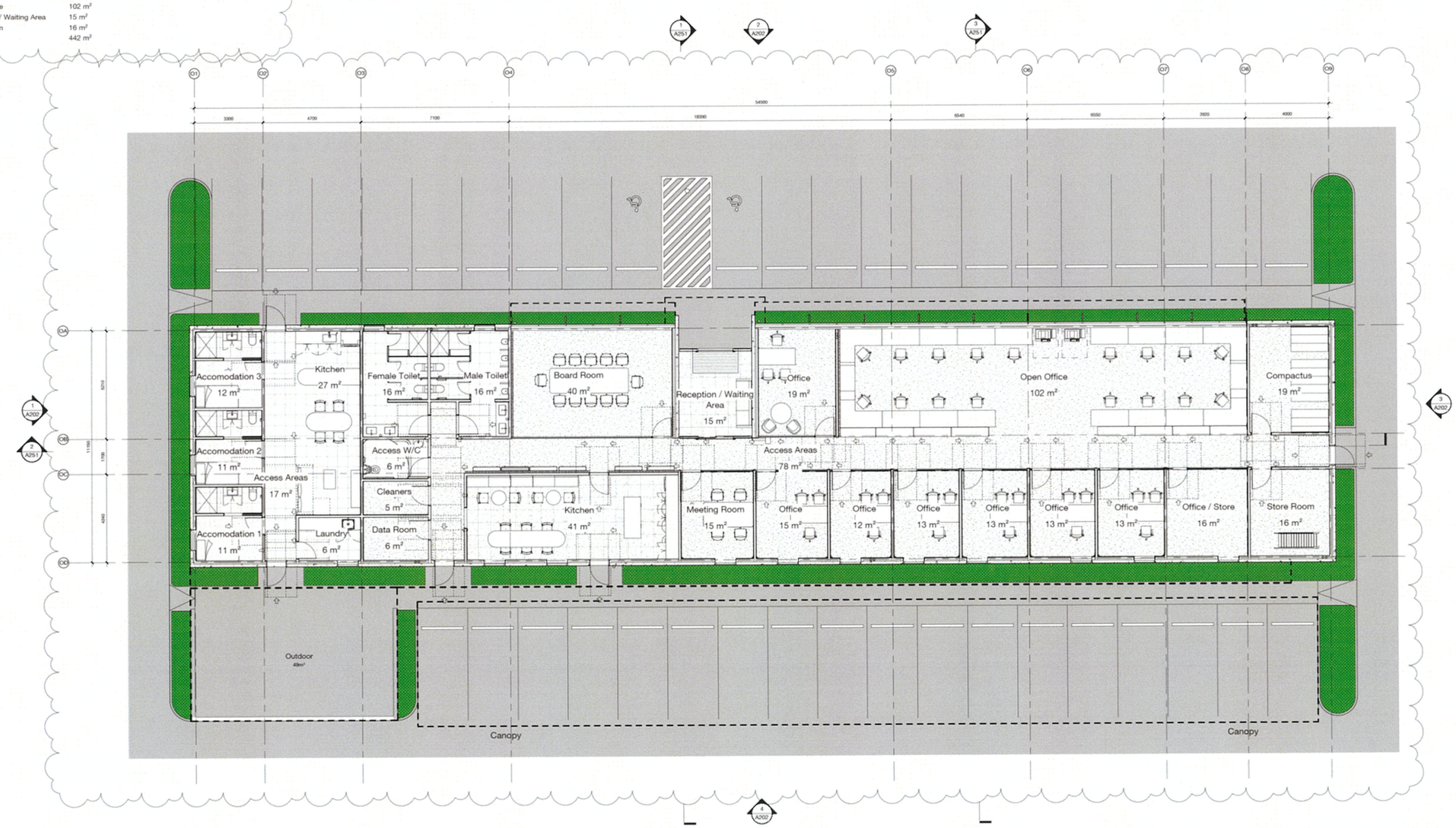
Rev	Date	Description	Chk
1	13/12/22	Planning	DS
2	13/12/22	Planning	TW
3	16/12/22	Planning	TW
4	20/12/22	Planning	TW
5	25/01/23	Planning	TW
6	01/02/23	Planning	DS
7	04/09/23	Planning	DS

Office Room Schedule

Name	Area
Access Areas	78 m²
Access W/C	6 m²
Board Room	40 m²
Cleaners	5 m²
Compactus	19 m²
Data Room	6 m²
Female Toilet	16 m²
Kitchen	41 m²
Male Toilet	16 m²
Office	66 m²
Office / Store	16 m²
Open Office	102 m²
Reception / Waiting Area	15 m²
Store Room	16 m²
	442 m²

Sleeping Quarters Room Schedule

Name	Area
Access Areas	17 m²
Accomodation 1	11 m²
Accomodation 2	11 m²
Accomodation 3	12 m²
Kitchen	27 m²
Laundry	6 m²
Outdoor Area	49 m²
	133 m²



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Title
Ground Floor Plan - Office & Sleeping Quarters

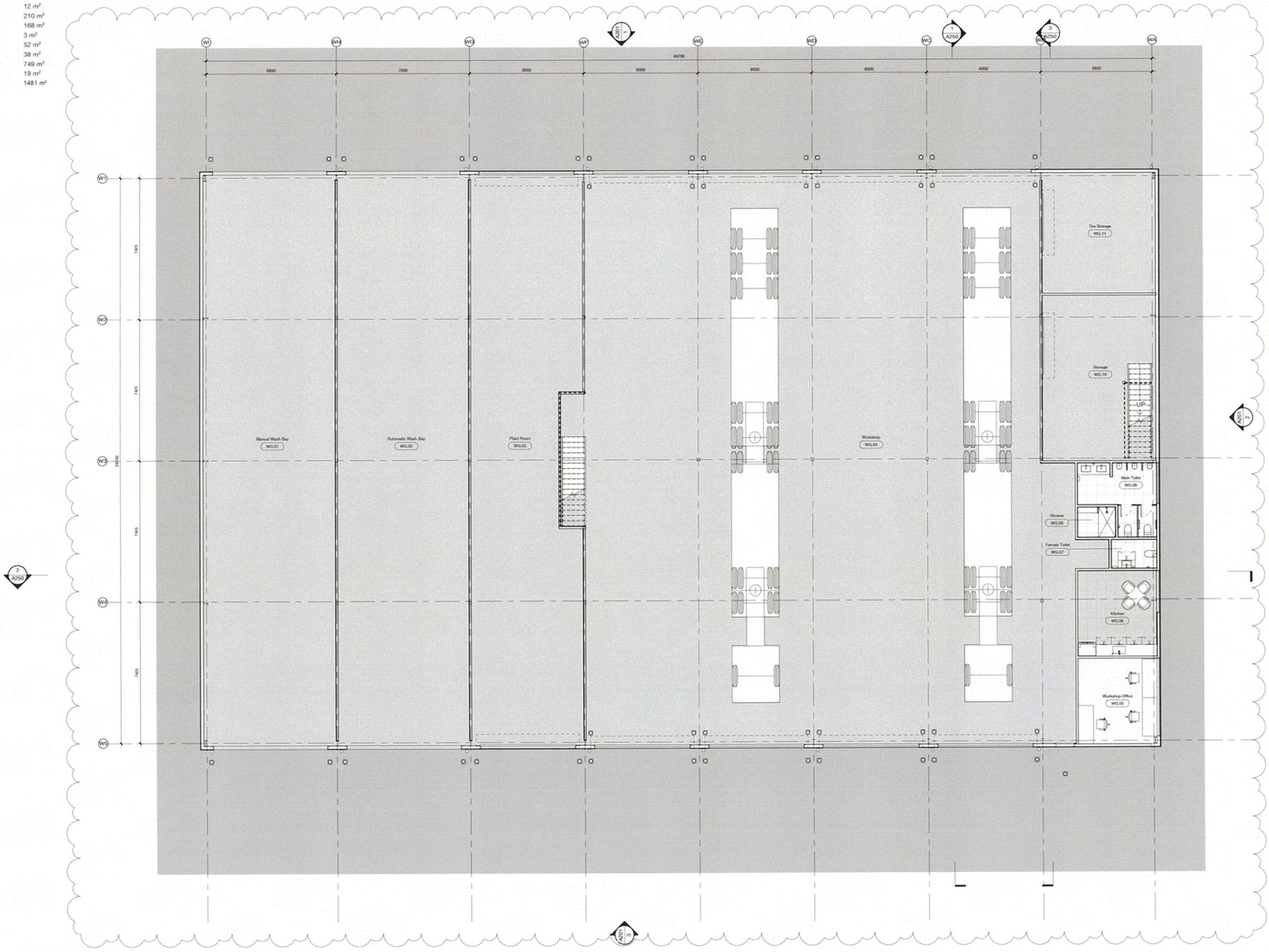
Date	Drw	Apr	Scale
04/09/23	JY	DS	1 : 100

Number: 104 A101
Rev: 7

A1 Sheet Size

Workshop Ground Room Schedule

Name	Area
Automatic Wash Bay	207 m²
Female Toilet	4 m²
Kitchen	19 m²
Male Toilet	12 m²
Manual Wash Bay	210 m²
Plant Room	168 m²
Shower	3 m²
Storage	52 m²
Tire Storage	38 m²
Workshop	749 m²
Workshop Office	19 m²
	1481 m²



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Title

Ground Floor Plan - Workshop

Date	Drw	Apr	Scale
04/09/23	JY	DS	1 : 100

Number: 104 A110 Rev: 1

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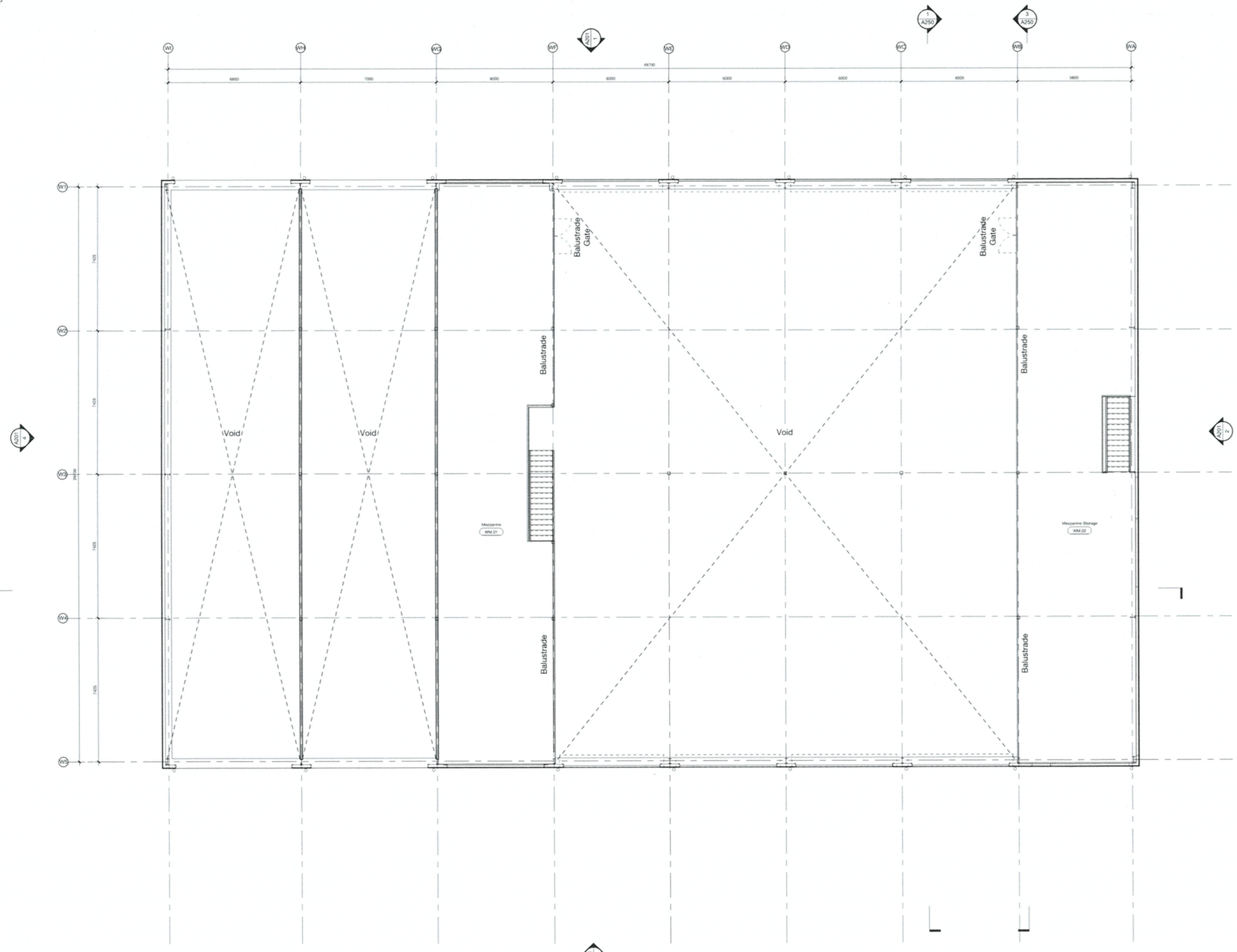
A1 Sheet Size

Workshop Mezzanine Room Schedule

Name	Area
Mezzanine	172 m²
Mezzanine Storage	185 m²
	357 m²

Rev Date Description Chk
1 04/09/23 Planning DS



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Address
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Title
Mezzanine Floor Plan - Workshop

Date	Drw	Apr	Scale
04/09/23	JY	DS	1 : 100

Number 104 A111 Rev 1

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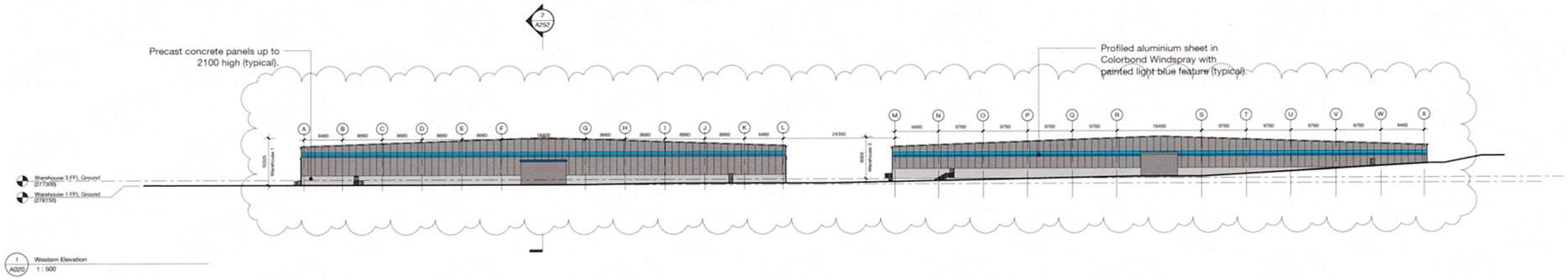
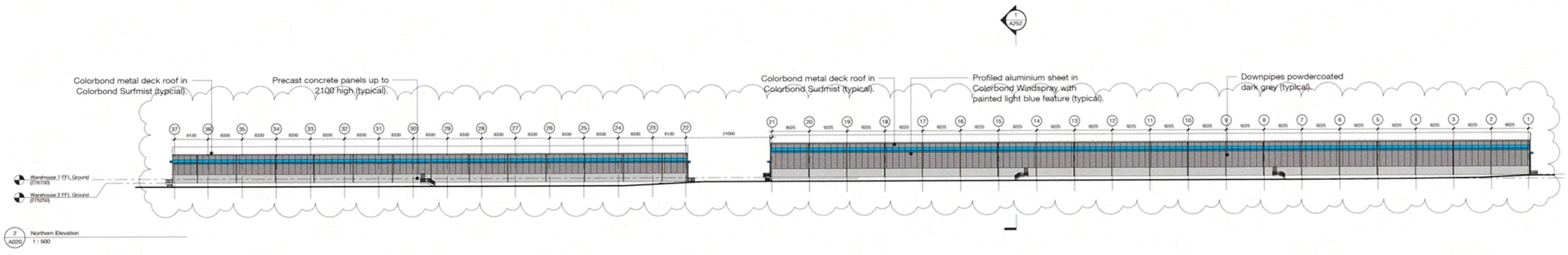
A1 Sheet Size

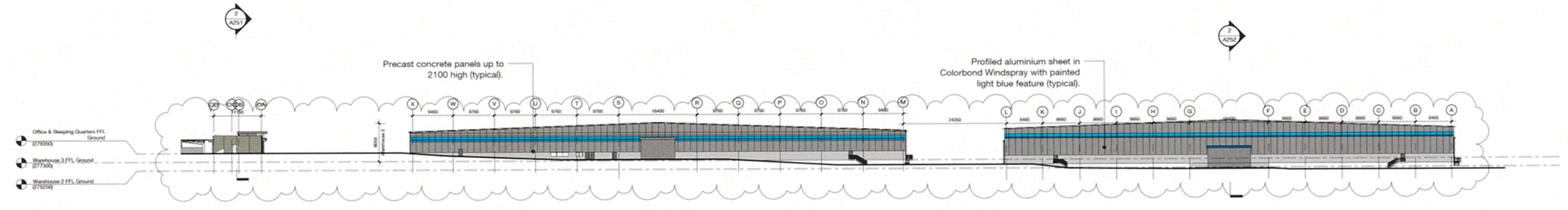
Rev	Date	Description	Chk
1	13/12/22	Planning	DS
2	13/12/22	Planning	TW
3	16/12/22	Planning	TW
4	20/12/22	Planning	TW
5	23/01/23	Planning	TW
6	04/09/23	Planning	DS



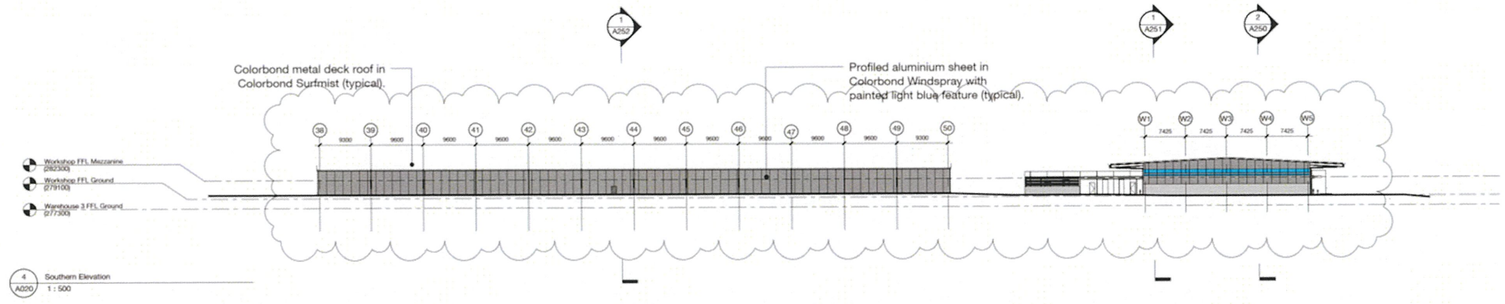
1 A020 Western Elevation
1 : 500



2 A020 Northern Elevation
1 : 500



3 A020 Eastern Elevation
1 : 500



4 A020 Southern Elevation
1 : 500

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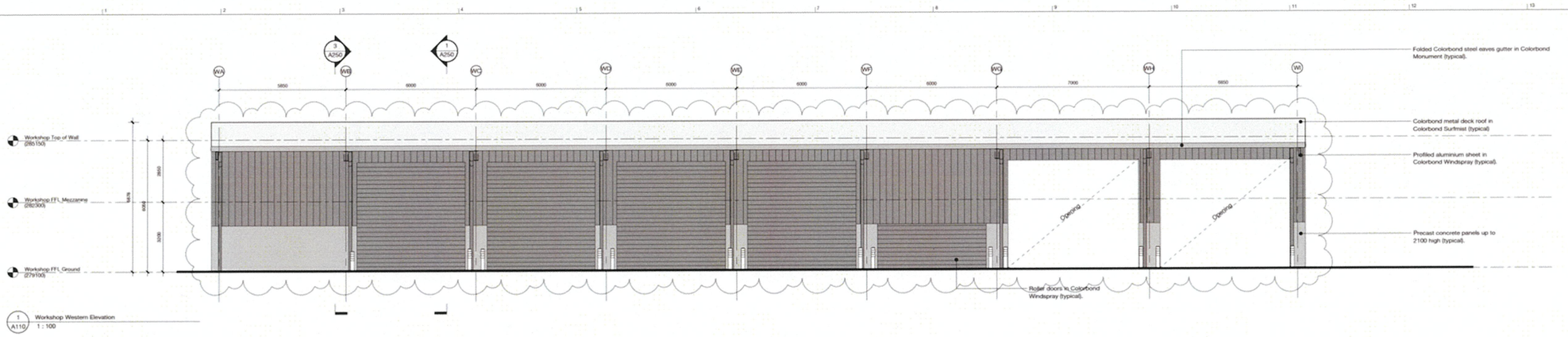
Title

External Elevations - Site

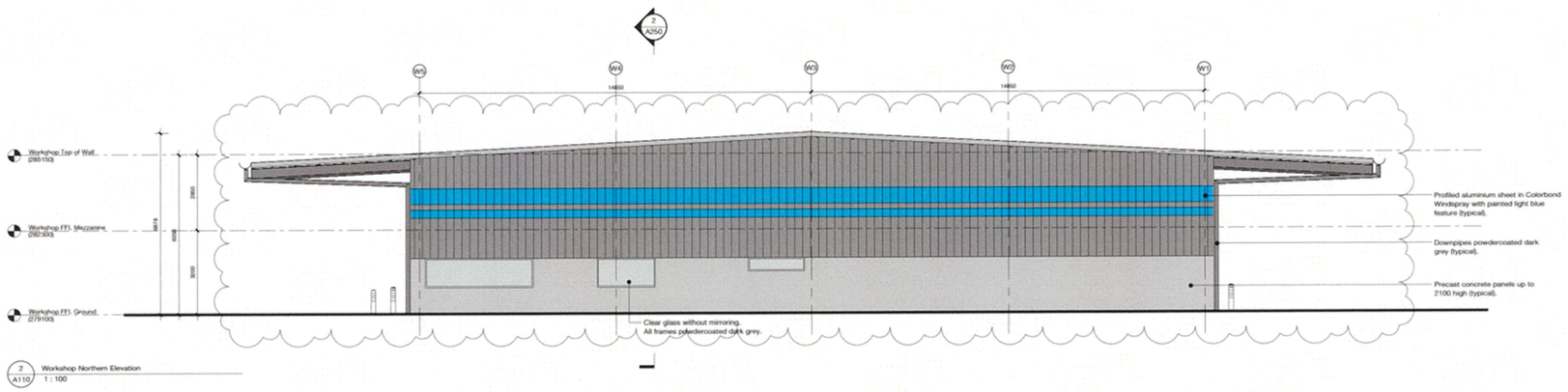
Date	Drw	Apr	Scale
04/09/23	JY	DS	1 : 500

Number: 104 A200 Rev: 6

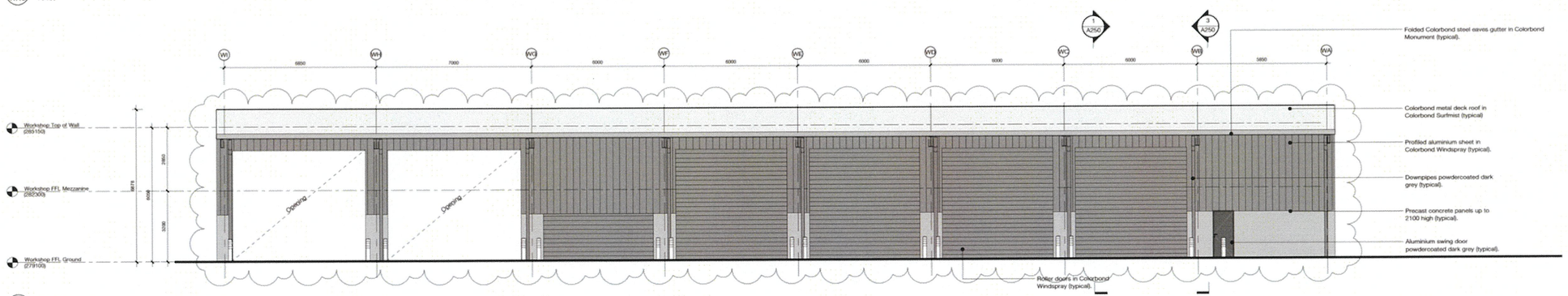
A1 Sheet Size



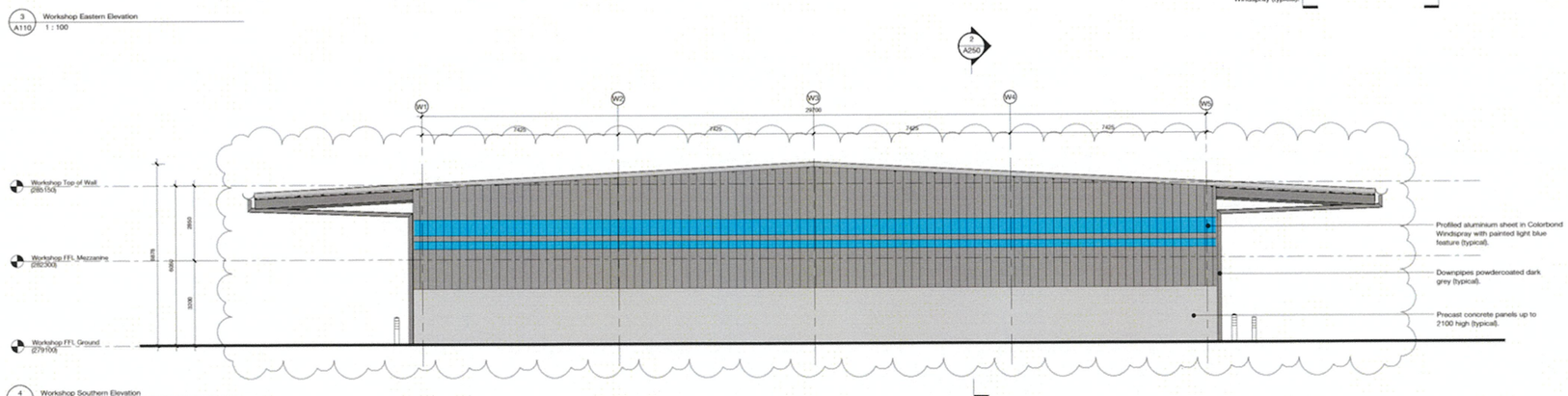
1 A110 Workshop Western Elevation 1 : 100



2 A110 Workshop Northern Elevation 1 : 100



3 A110 Workshop Eastern Elevation 1 : 100



4 A110 Workshop Southern Elevation 1 : 100

Rev	Date	Description	Chk
1	12/12/22	Planning	DS
2	13/12/22	Planning	TW
3	16/12/22	Planning	TW
4	04/09/23	Planning	DS

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Title

External Elevations - Workshop

Date	Drw	Apr	Scale
04/09/23	JY	DS	1 : 100

Number 104 A201 Rev 4

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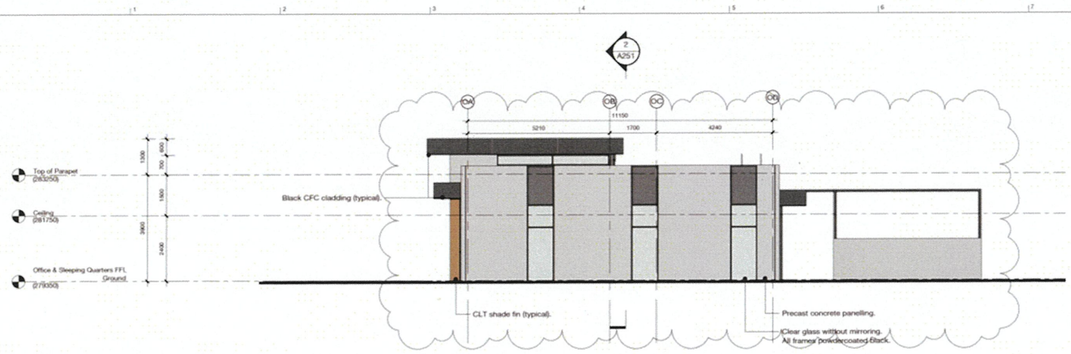
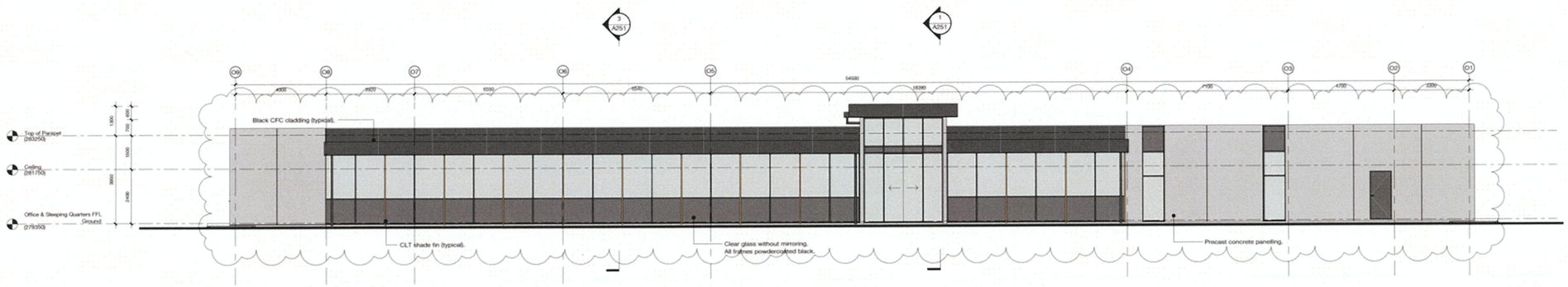
A1 Sheet Size

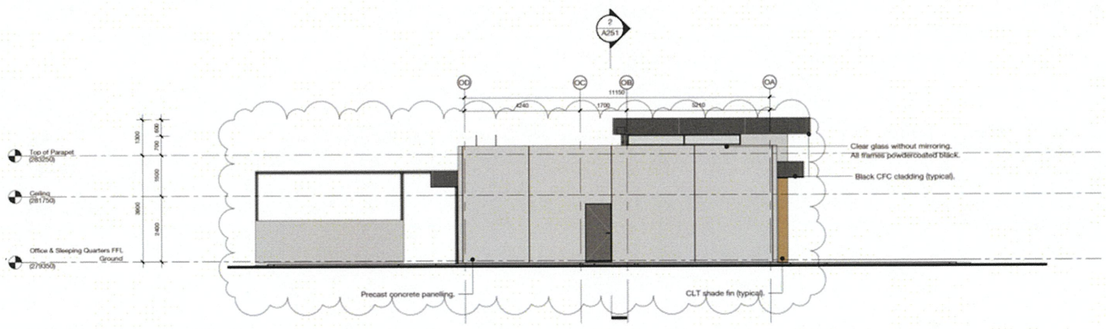
Rev	Date	Description	Chk
1	12/12/22	Planning	DS
2	13/12/22	Planning	TW
3	16/12/22	Planning	TW
4	04/09/23	Planning	DS



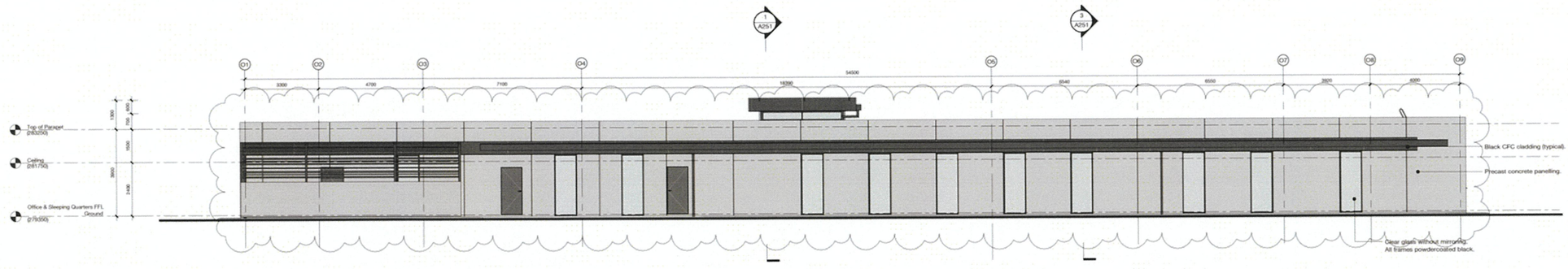
1 A031 Office & Sleeping Quarters Western Elevation
1 : 100



2 A031 Office & Sleeping Quarters Northern Elevation
1 : 100



3 A031 Office & Sleeping Quarters Eastern Elevation
1 : 100



4 A031 Office & Sleeping Quarters Southern Elevation
1 : 100

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Title
External Elevations - Office & Sleeping Quarters

Date	Drw	Apr	Scale
04/09/23	JY	DS	1 : 100

Number 104 A202 Rev 4

A1 Sheet Size

Rev	Date	Description	Chk
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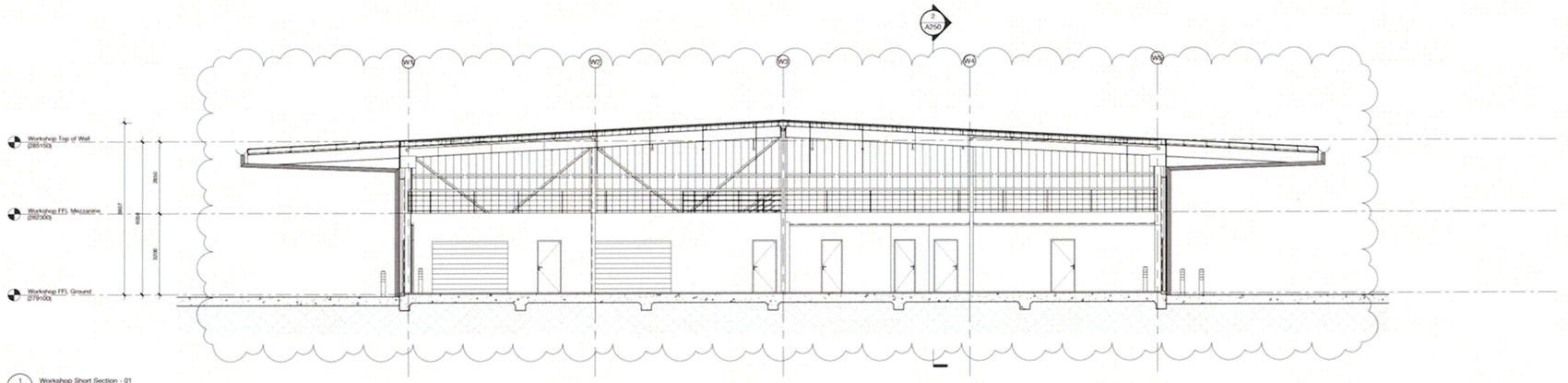
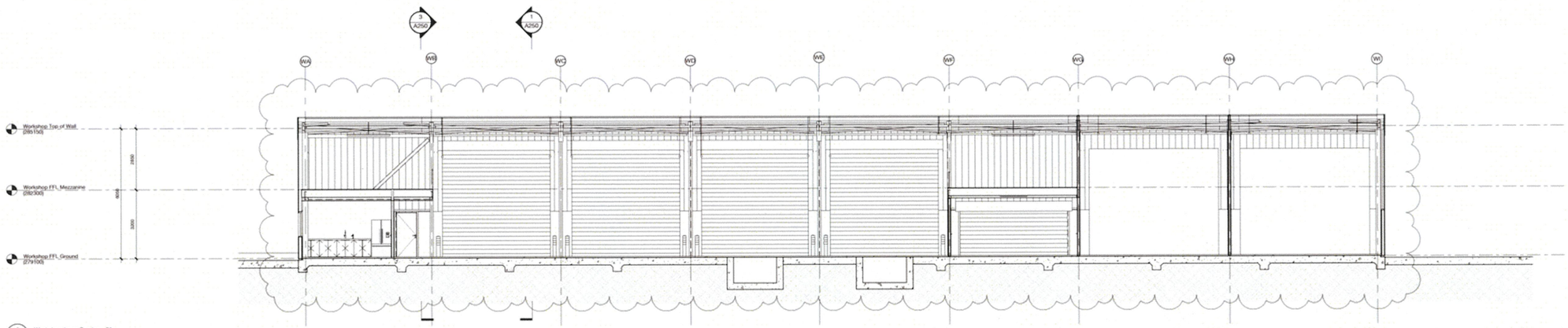
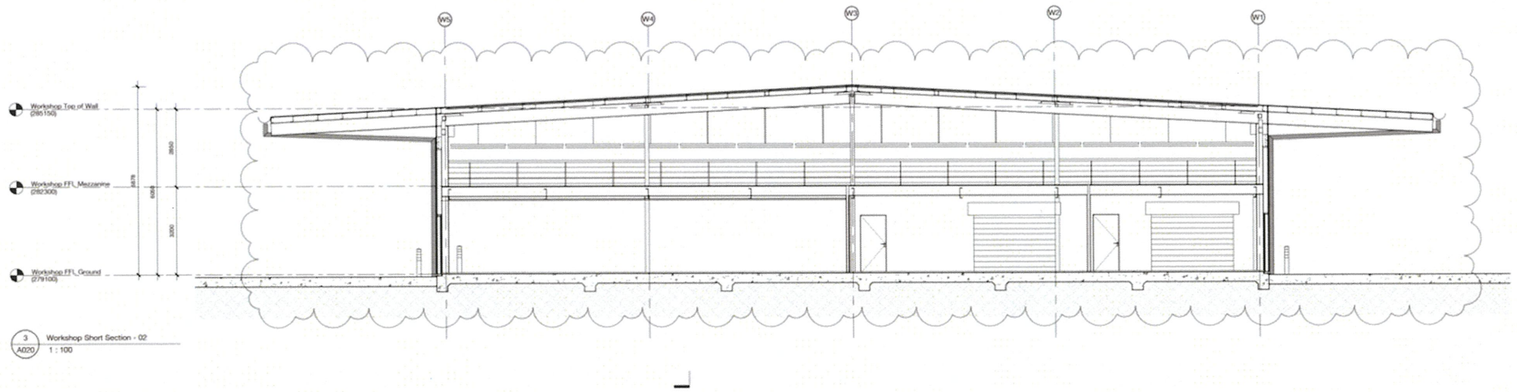


1 A052 Workshop Short Section - 01
1 : 100



2 A052 Workshop Long Section - 01
1 : 100



3 A020 Workshop Short Section - 02
1 : 100

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Title
Sections - Workshop

Date	Drw	Apr	Scale
04/09/23	JY	DS	1 : 100

Number 104 A250 Rev 1

A1 Sheet Size

Rev	Date	Description	Chk
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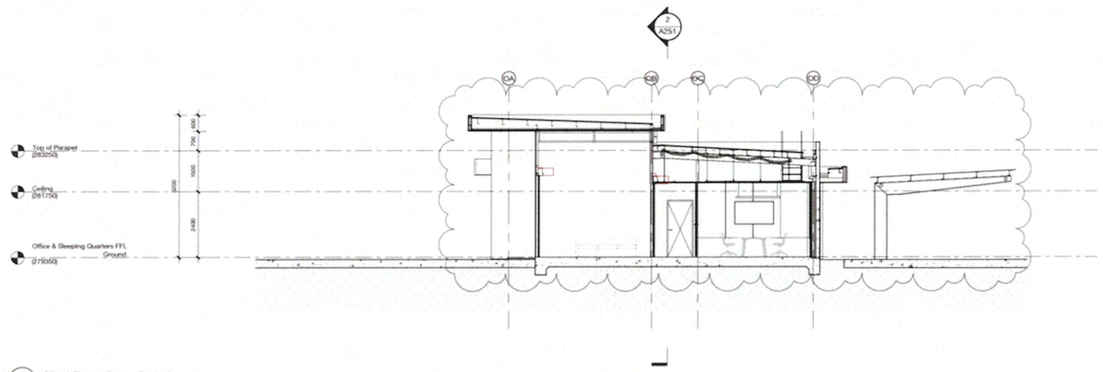
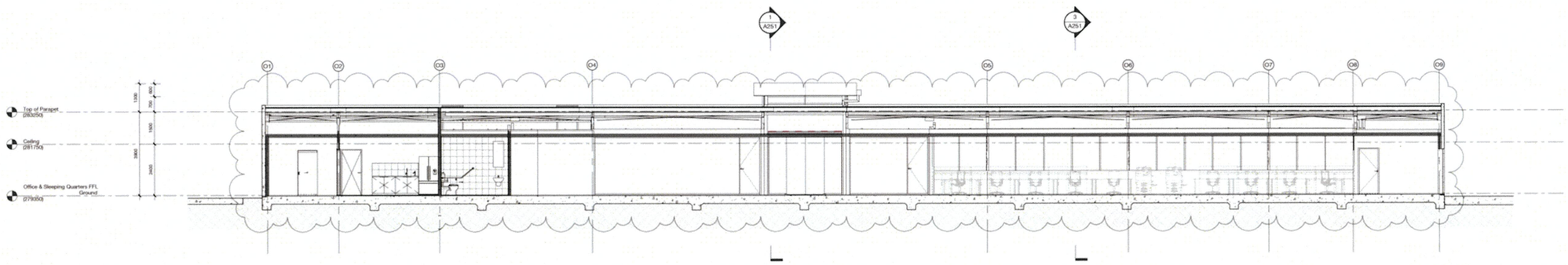
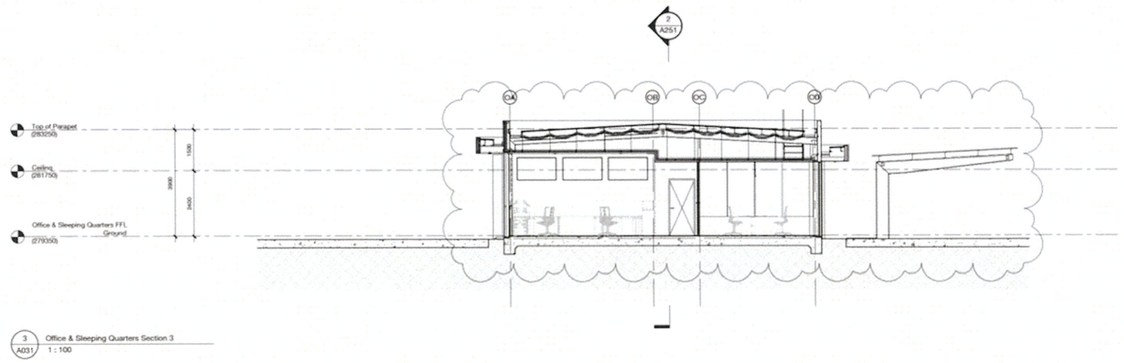


1 Office & Sleeping Quarters Section 1
A020 1 : 100



2 Office & Sleeping Quarters Section 2
A031 1 : 100



3 Office & Sleeping Quarters Section 3
A031 1 : 100

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General Notes:

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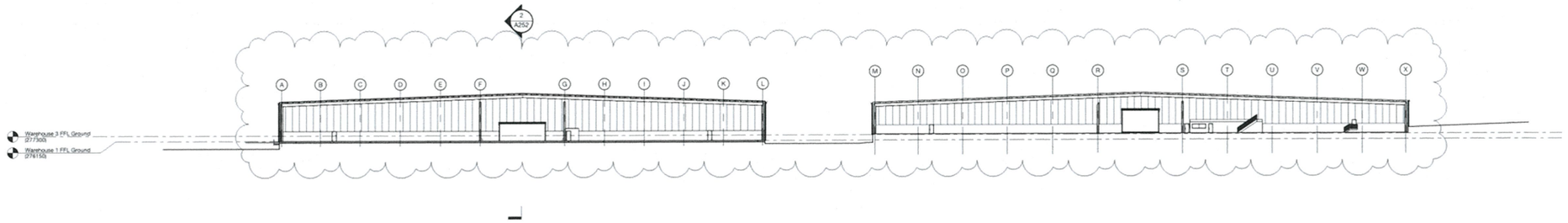
Title
Sections - Office & Sleeping Quarters

Date	Drw	Apr	Scale
04/09/23	JY	DS	1 : 100

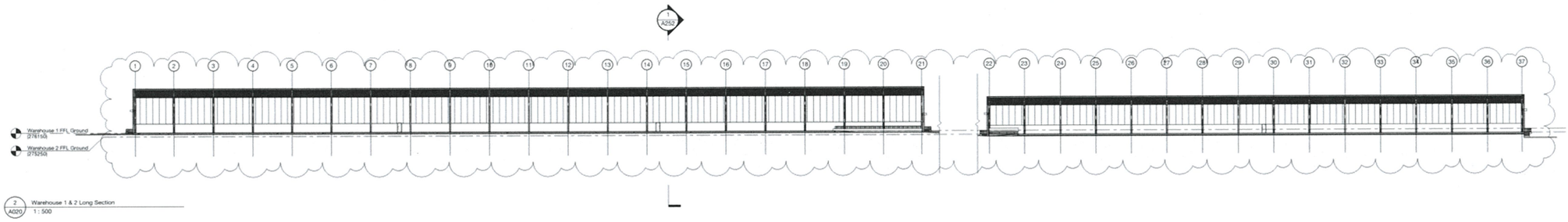
Number: 104 A251
Rev: 1

A1 Sheet Size

Rev	Date	Description	Dra
1	04/09/23	Planning	DS



1 A020 Warehouse 1 & 3 Short Section
1 : 500



2 A020 Warehouse 1 & 2 Long Section
1 : 500

General Notes:

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Client

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Address

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Title

Sections - Warehouses

Date	Drw	Apr	Scale
04/09/23	JY	DS	1 : 500

Number: 104 A252 Rev: 1

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A1 Sheet Size

Rev	Date	Description	Chk
1	12/12/22	Planning	DS
2	13/12/22	Planning	TW
3	23/01/23	Planning	TW

General Notes

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Title

3D Render

Date	Drw	Apr	Scale
04/09/23	JY	DS	

Number	Rev
104 A300	3

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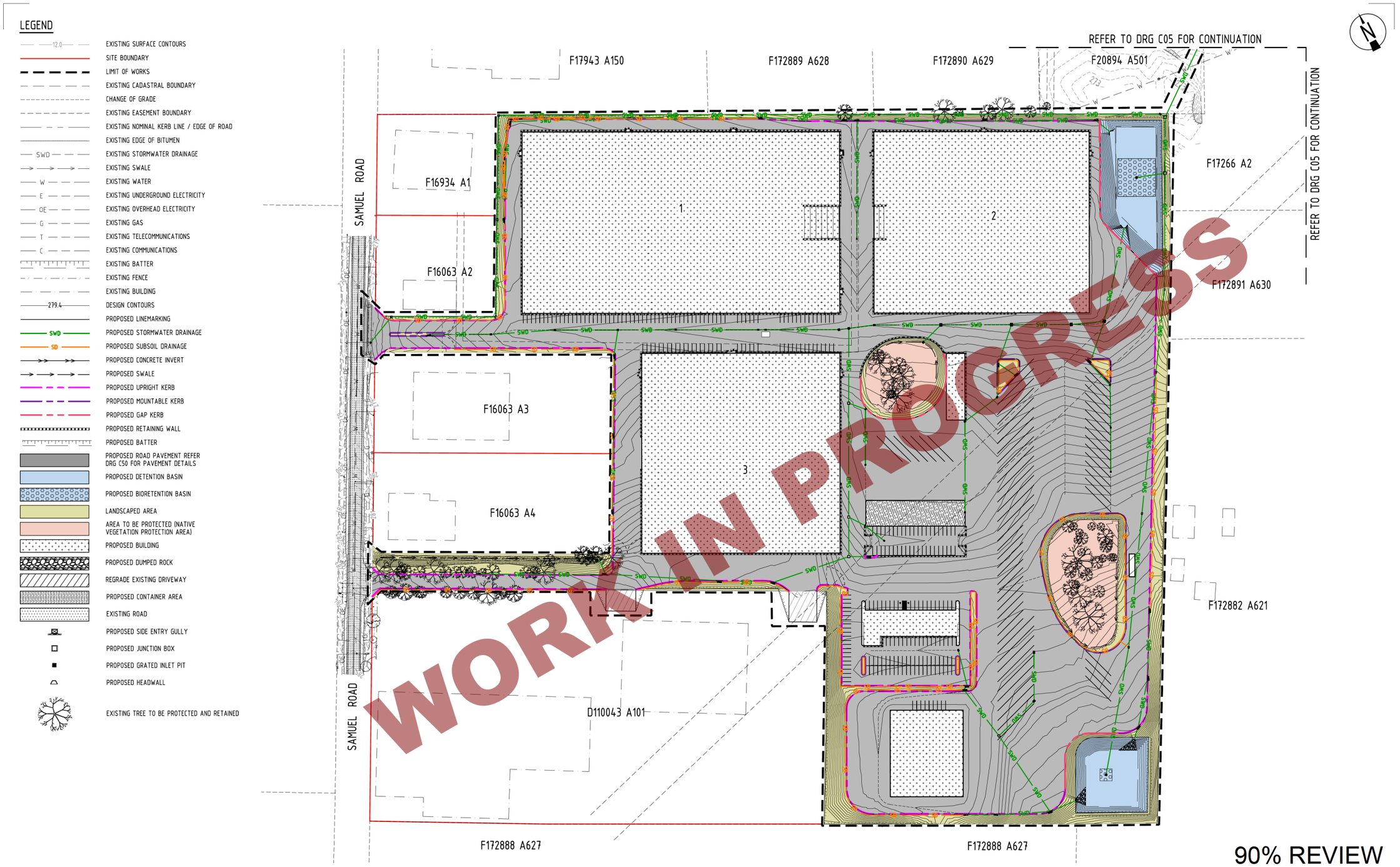

90% REVIEW

Rev	Date	Description	By	Chk
A	WIP	ISSUED FOR 90% REVIEW	DL	JL

PLOT DATE: 8/24/2023 12:09 PM FILENAME: \\ADGDWN04\JOBS\25000\25622\CM\DWG\25622_C04_OVERALL LAYOUT PLAN SHEET 1 OF 2.DWG

0 10 20 30 40 50m
SCALE 1:1000
AT ORIGINAL SIZE (A1)

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Environmental Management ISO 14001:2015

Client: JAYTEX CONSTRUCTIONS	Discipline: CIVIL		Status: 90% REVIEW
Project Name: NURIOOTPA TRADERS SAMUEL ROAD NURIOOTPA	Designed By: LL	Checked By: JL	Approved By: SW
	Project No.: 25622	Drawn By: DL	Scale at A1: 1:1000

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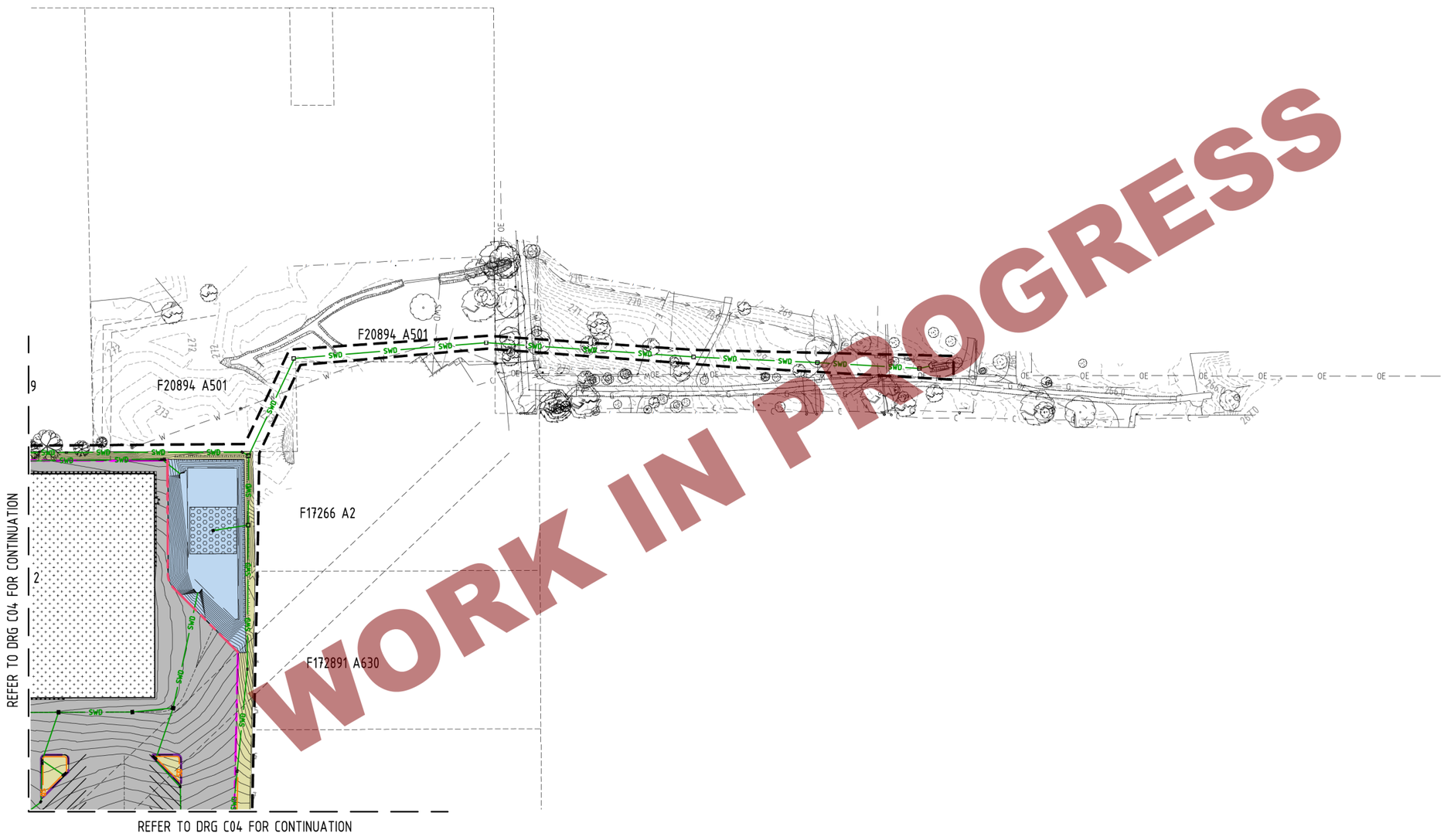
Title: OVERALL LAYOUT PLAN SHEET 1 OF 2
Drawing No.: C04
Revision: A

FULL SIZE ON ORIGINAL 0 10 20 30 40 50 60 70 80 90 100mm

NOTE
REFER TO DRG C04 FOR LEGEND



WORK IN PROGRESS

90% REVIEW

Rev	Date	Description	By	Chk
A	WIP	ISSUED FOR 90% REVIEW	DL	JL

PLOT DATE: 8/24/2023 12:10 PM FILENAME: \\ADGDWN04\JOBS\25000\25622\CVL\DWG\25622_C05_OVERALL LAYOUT PLAN SHEET 2 OF 2.DWG

0 10 20 30 40 50m
SCALE 1:1000
AT ORIGINAL SIZE (A1)

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Client: JAYTEX CONSTRUCTIONS
Project Name: NURIOOTPA TRADERS
SAMUEL ROAD
NURIOOTPA

Discipline: CIVIL
Designed By: LL
Checked By: JL
Approved By: SW
Project No.: 25622
Drawn By: DL
Scale at A1: 1:1000
Status: 90% REVIEW

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Title: OVERALL LAYOUT PLAN
SHEET 2 OF 2

Drawing No.: C05
Revision: A

FULL SIZE ON ORIGINAL 0 10 20 30 40 50 60 70 80 90 100mm

LEGEND

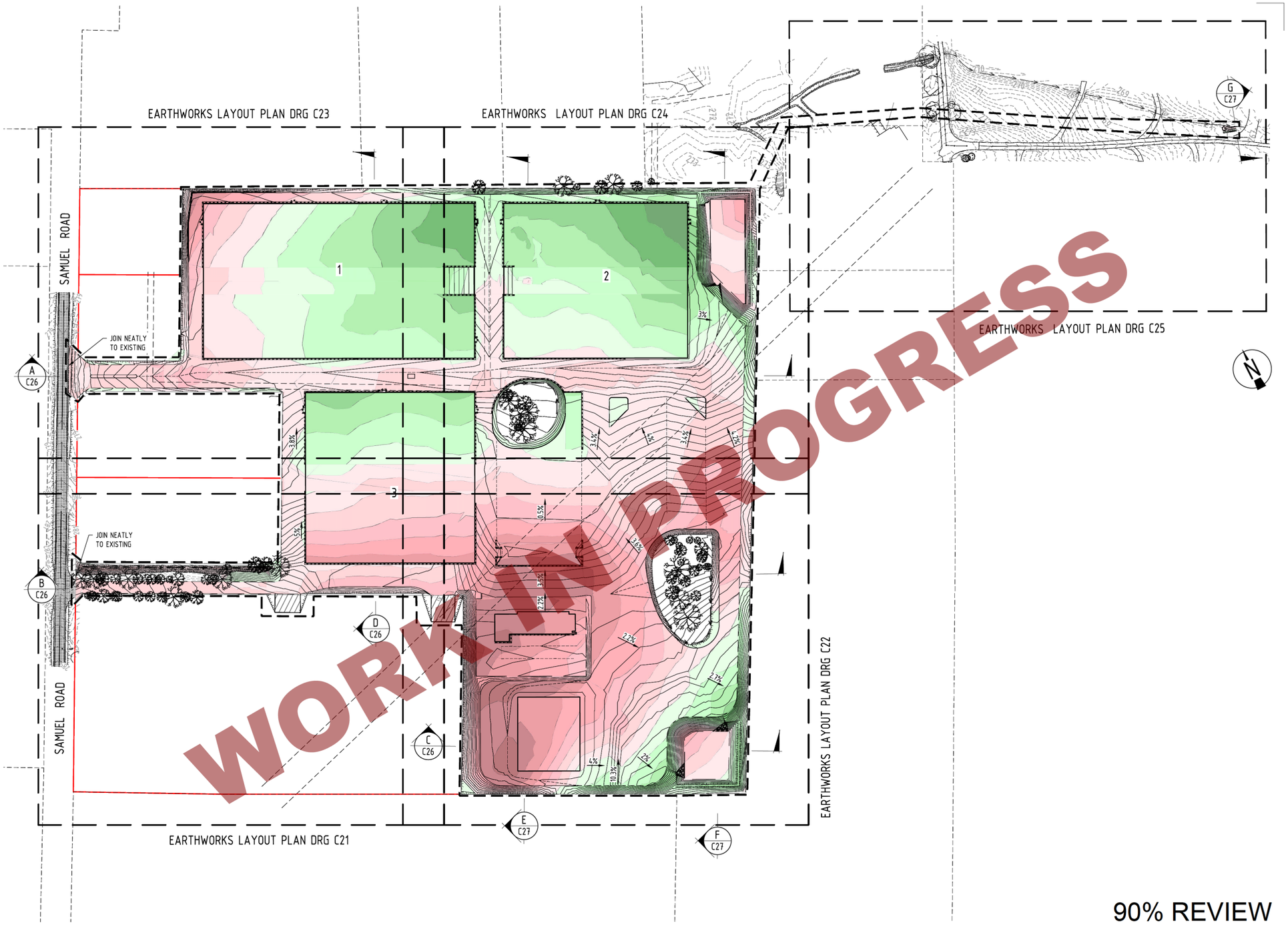
- EXISTING SURFACE CONTOURS (12.0)
- SITE BOUNDARY
- EXISTING EASEMENT BOUNDARY
- LIMIT OF WORKS
- EXISTING CADASTRAL BOUNDARY
- EXISTING SWALE
- CHANGE OF GRADE
- PROPOSED RETAINING WALL
- DESIGN CONTOURS (12.0)
- PROPOSED TOE BATTER
- BUILDING OUTLINE
- PROPOSED SWALE
- EXISTING ROAD
- PROPOSED REGRADED DRIVEWAY
- EXISTING TREE TO BE PROTECTED AND RETAINED

LEGEND

- CUT >3.5m
- CUT 3.0m - 3.5m
- CUT 2.5m - 3.0m
- CUT 2.0m - 2.5m
- CUT 1.5m - 2.0m
- CUT 1.0m - 1.5m
- CUT 0.5m - 1.0m
- CUT 0.0m - 0.5m
- FILL 0.0m - 0.5m
- FILL 0.5m - 1.0m
- FILL 1.0m - 1.5m
- FILL 1.5m - 2.0m
- FILL 2.0m - 2.5m
- FILL 2.5m - 3.0m
- FILL 3.0m - 3.5m
- FILL >3.5m

NOTE

1. FOR EARTHWORKS NOTES REFER DRG No. C02
2. FOR SITE SECTIONS REFER DRG No. C26 & C27



90% REVIEW

Rev	Date	Description	By	Chk
B	XX.08.23	ISSUED FOR 90% REVIEW	DL	JL
A	WIP	ISSUED FOR 50% REVIEW	MT	JL

PLOT DATE: 8/24/2023 12:11 PM FILENAME: \\ADGDWN04\JOBS\25000\25622\DX\DWG\25622_C20_EARTHWORKS OVERALL LAYOUT.DWG

0 25 50 75m
SCALE 1:1250
AT ORIGINAL SIZE (A1)

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Client: JAYTEX CONSTRUCTIONS	Discipline: CIVIL		Status: 90% REVIEW
Project Name: NURIOOTPA TRADERS SAMUEL ROAD NURIOOTPA	Designed By: LL	Checked By: JL	Approved By: SW
	Project No.: 25622	Drawn By: DL	Scale at A1: 1:1250

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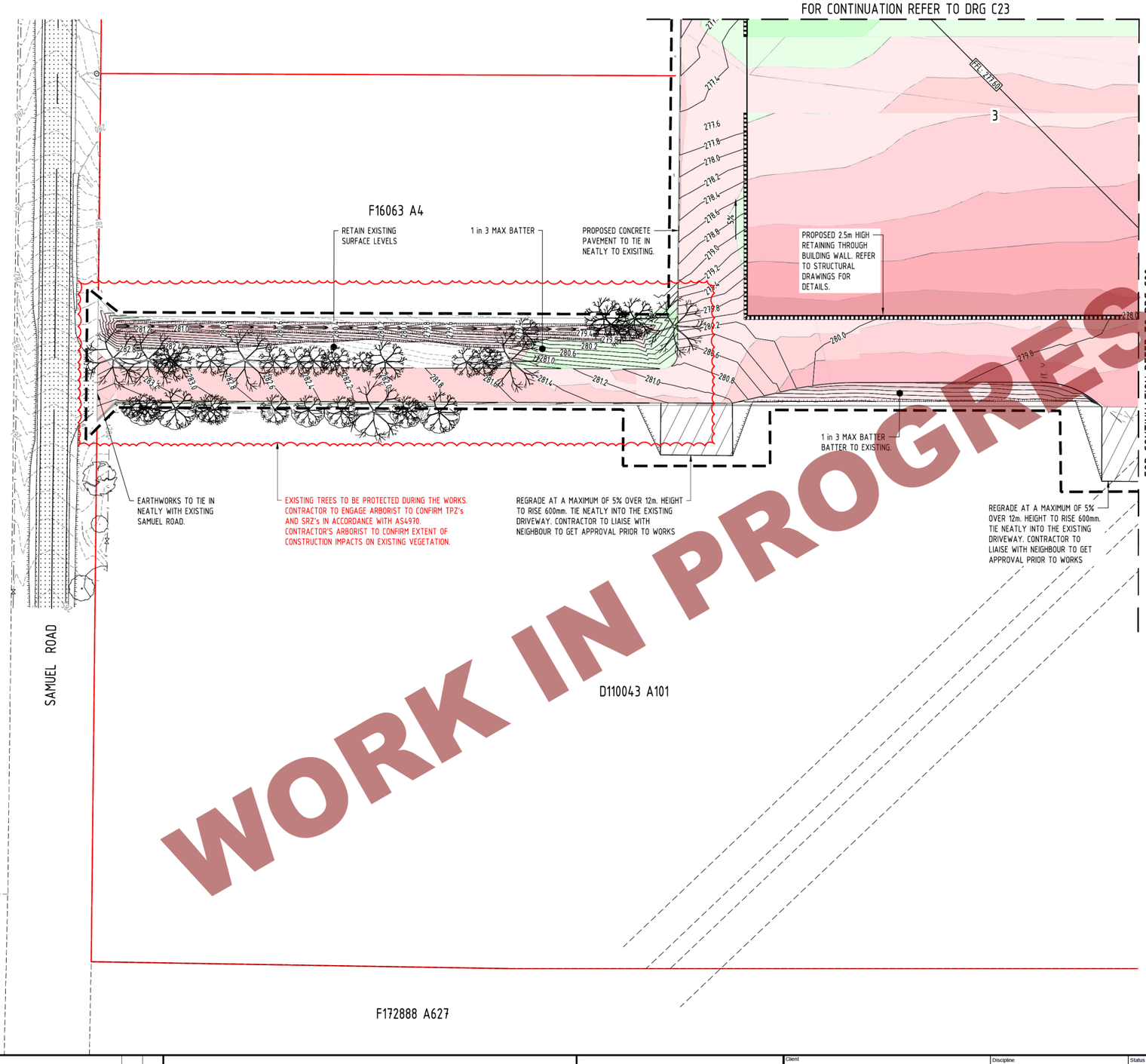
Title: EARTHWORKS OVERALL LAYOUT
Drawing No.: C20
Revision: B

FULL SIZE ON ORIGINAL 0 10 20 30 40 50 60 70 80 90 100mm

NOTE

1. FOR EARTHWORKS NOTES REFER DRG No. C02
2. FOR EARTHWORKS LEGEND REFER TO DRG No. C20
3. FOR SITE SECTIONS REFER DRG No. C26 & C27



WORK IN PROGRESS

90% REVIEW

Rev	Date	Description	By	Chk
B	XX.08.23	ISSUED FOR 90% REVIEW	DL	JL
A	WIP	ISSUED FOR 50% REVIEW	MT	JL

PLOT DATE: 8/24/2023 12:11 PM FILENAME: \\ADGDWN04\JOBS\25000\25622\CIVIL\DWG\25622_C21_EARTHWORKS LAYOUT PLAN SHEET 1 OF 5.DWG

0 10 20 30m
SCALE 1:500
AT ORIGINAL SIZE (A1)

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Client: JAYTEX CONSTRUCTIONS
Project Name: NURIOOTPA TRADERS SAMUEL ROAD NURIOOTPA
Discipline: CIVIL
Status: 90% REVIEW
Designed By: LL
Checked By: JL
Approved By: SW
Project No.: 25622
Drawn By: DL
Scale at A1: 1:500

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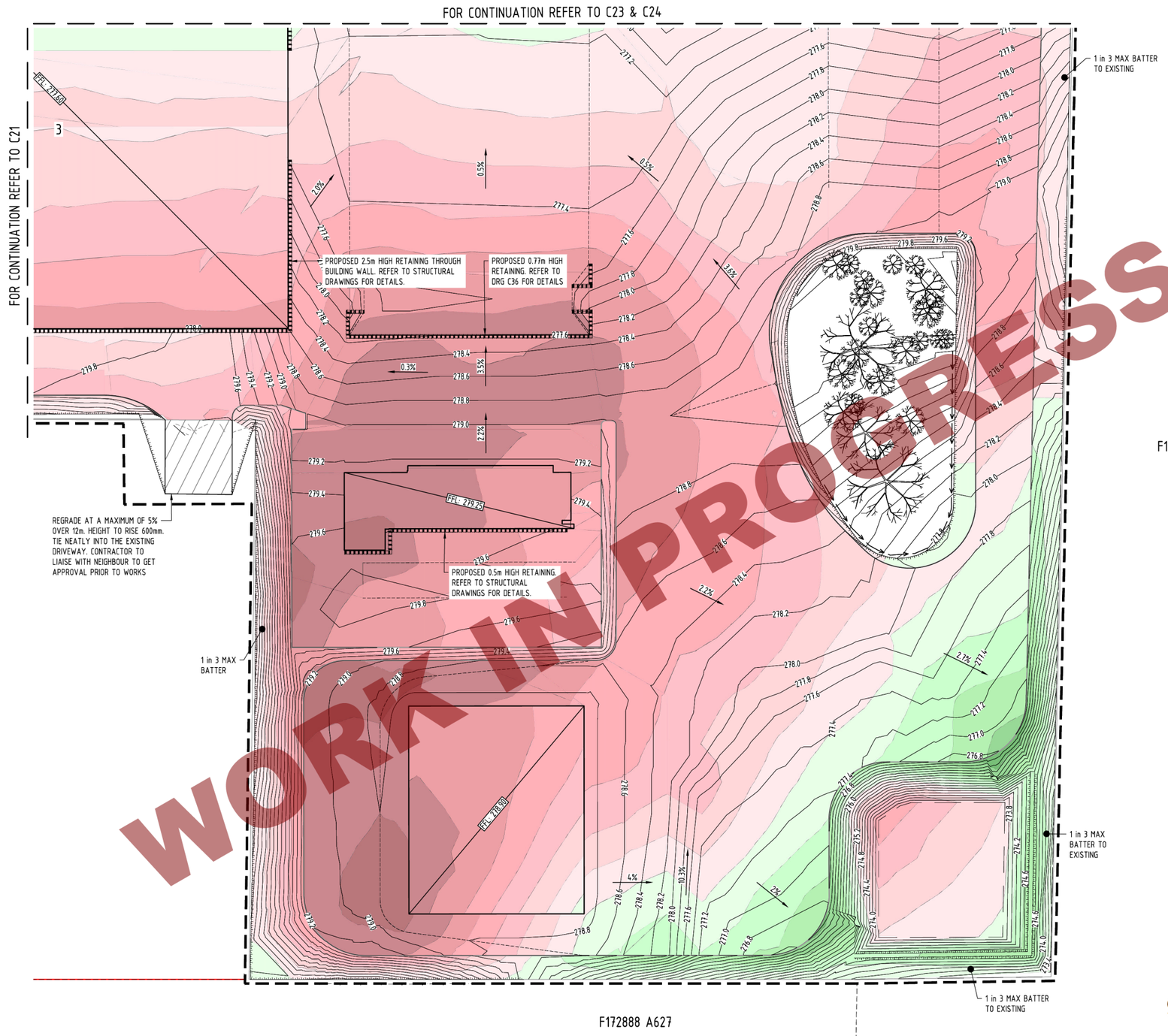
Title: EARTHWORKS LAYOUT PLAN SHEET 1 OF 5
Drawing No.: C21
Revision: B

FULL SIZE ON ORIGINAL 0 10 20 30 40 50 60 70 80 90 100mm

NOTE

1. FOR EARTHWORKS NOTES REFER DRG No. C02
2. FOR EARTHWORKS LEGEND REFER TO DRG No. C20
3. FOR SITE SECTIONS REFER DRG No. C26 & C27



F172882 A621

F172888 A627

WORK IN PROGRESS

90% REVIEW

Rev	Date	Description	By	Chk
B	XX.08.23	ISSUED FOR 90% REVIEW	DL	JL
A	WIP	ISSUED FOR 50% REVIEW	MT	JL

PLOT DATE: 8/24/2023 12:12 PM FILENAME: \\ADG2WIN04\JOBS\25000\25622\CIV\DWG\25622_C22_EARTHWORKS LAYOUT PLAN SHEET 2 OF 5.DWG

0 10 20 30m
SCALE 1:500
AT ORIGINAL SIZE (A1)

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Client: JAYTEX CONSTRUCTIONS	Discipline: CIVIL		Status: 90% REVIEW
Project Name: NURIOOTPA TRADERS SAMUEL ROAD NURIOOTPA	Designed By: LL	Checked By: JL	Approved By: SW
	Project No.: 25622	Drawn By: DL	Scale at A1: 1:500

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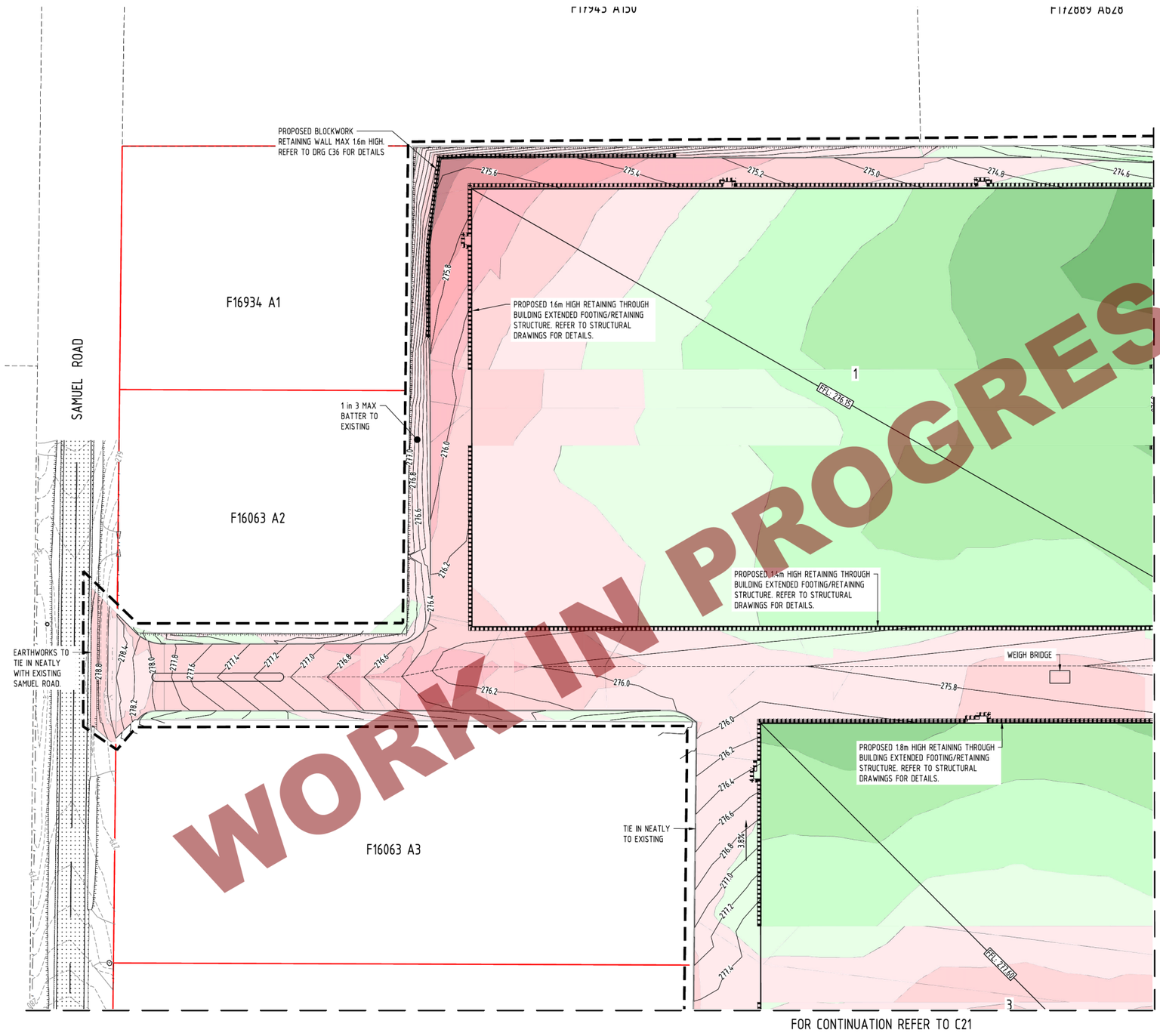
Title: EARTHWORKS LAYOUT PLAN SHEET 2 OF 5

Drawing No.: C22 Revision: B

FULL SIZE ON ORIGINAL 0 10 20 30 40 50 60 70 80 90 100mm

NOTE

1. FOR EARTHWORKS NOTES REFER DRG No. C02
2. FOR EARTHWORKS LEGEND REFER TO DRG No. C20
3. FOR SITE SECTIONS REFER DRG No. C26 & C27



WORK IN PROGRESS

90% REVIEW

Rev	Date	Description	By	Chk
B	XX.08.23	ISSUED FOR 90% REVIEW	DL	JL
A	WIP	ISSUED FOR 50% REVIEW	MT	JL

PLOT DATE: 8/24/2023 12:13 PM FILENAME: \\ADGDWN04\JOBS\25000\25622\CM\DWG\25622_C23_EARTHWORKS LAYOUT PLAN SHEET 3 OF 5.DWG

0 10 20 30m
SCALE 1:500
AT ORIGINAL SIZE (A1)

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Client: JAYTEX CONSTRUCTIONS	Discipline: CIVIL		Status: 90% REVIEW
Project Name: NURIOOTPA TRADERS SAMUEL ROAD NURIOOTPA	Designed By: LL	Checked By: JL	Approved By: SW
	Project No: 25622	Drawn By: DL	Scale at A1: 1:500

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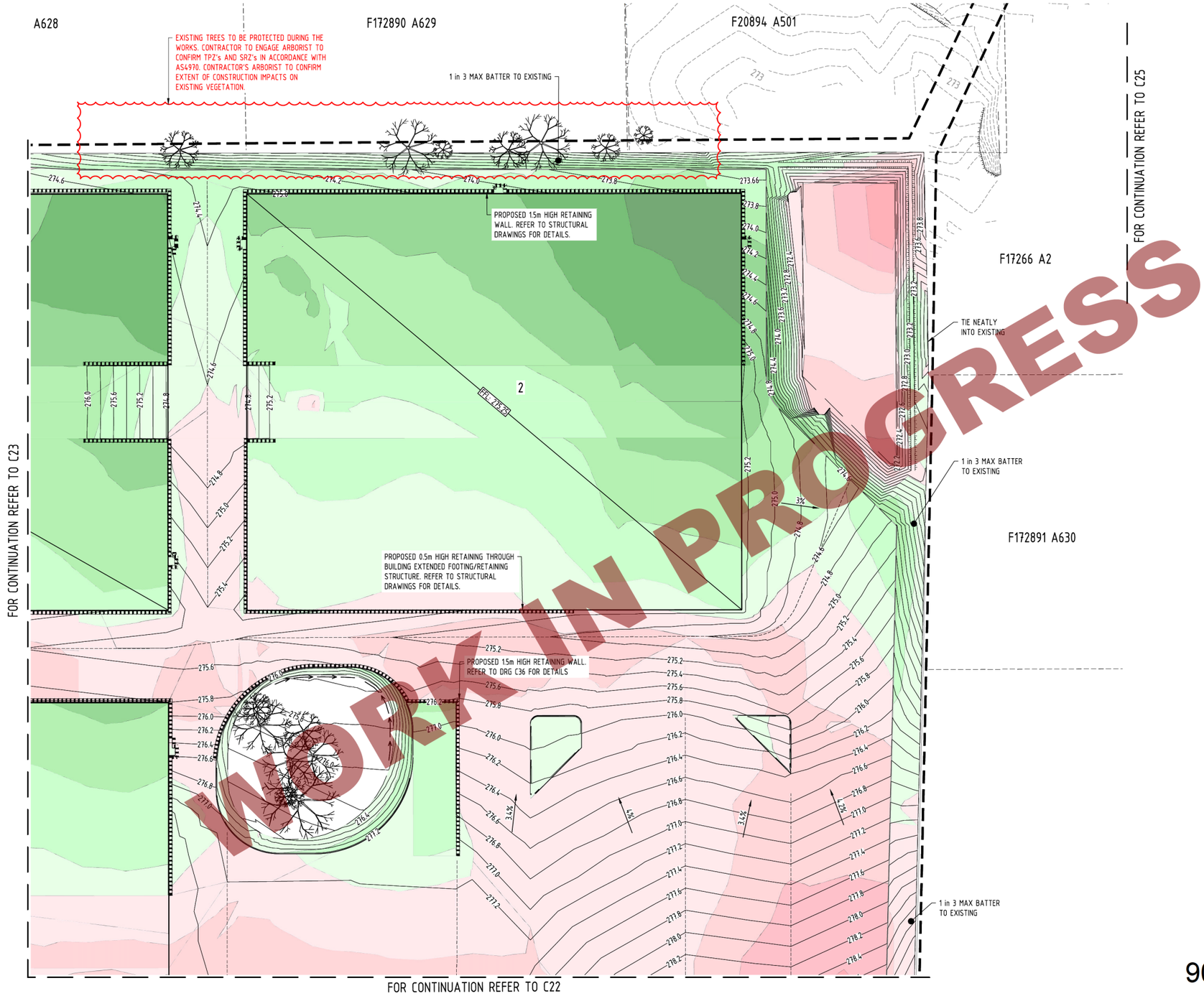
Title: EARTHWORKS LAYOUT PLAN SHEET 3 OF 5

Drawing No.: C23 Revision: B

FULL SIZE ON ORIGINAL 0 10 20 30 40 50 60 70 80 90 100mm

NOTE

1. FOR EARTHWORKS NOTES REFER DRG No. C02
2. FOR EARTHWORKS LEGEND REFER TO DRG No. C20
3. FOR SITE SECTIONS REFER DRG No. C26 & C27



WORK IN PROGRESS

90% REVIEW

Rev	Date	Description	By	Chk
B	XX.08.23	ISSUED FOR 90% REVIEW	DL	JL
A	WIP	ISSUED FOR 50% REVIEW	MT	JL

0 10 20 30m
SCALE 1:500
AT ORIGINAL SIZE (A1)

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Client: JAYTEX CONSTRUCTIONS	Discipline: CIVIL		Status: 90% REVIEW
Project Name: NURIOOTPA TRADERS SAMUEL ROAD NURIOOTPA	Designed By: LL	Checked By: JL	Approved By: SW
	Project No.: 25622	Drawn By: DL	Scale at A1: 1:500
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Title: EARTHWORKS LAYOUT PLAN SHEET 4 OF 5

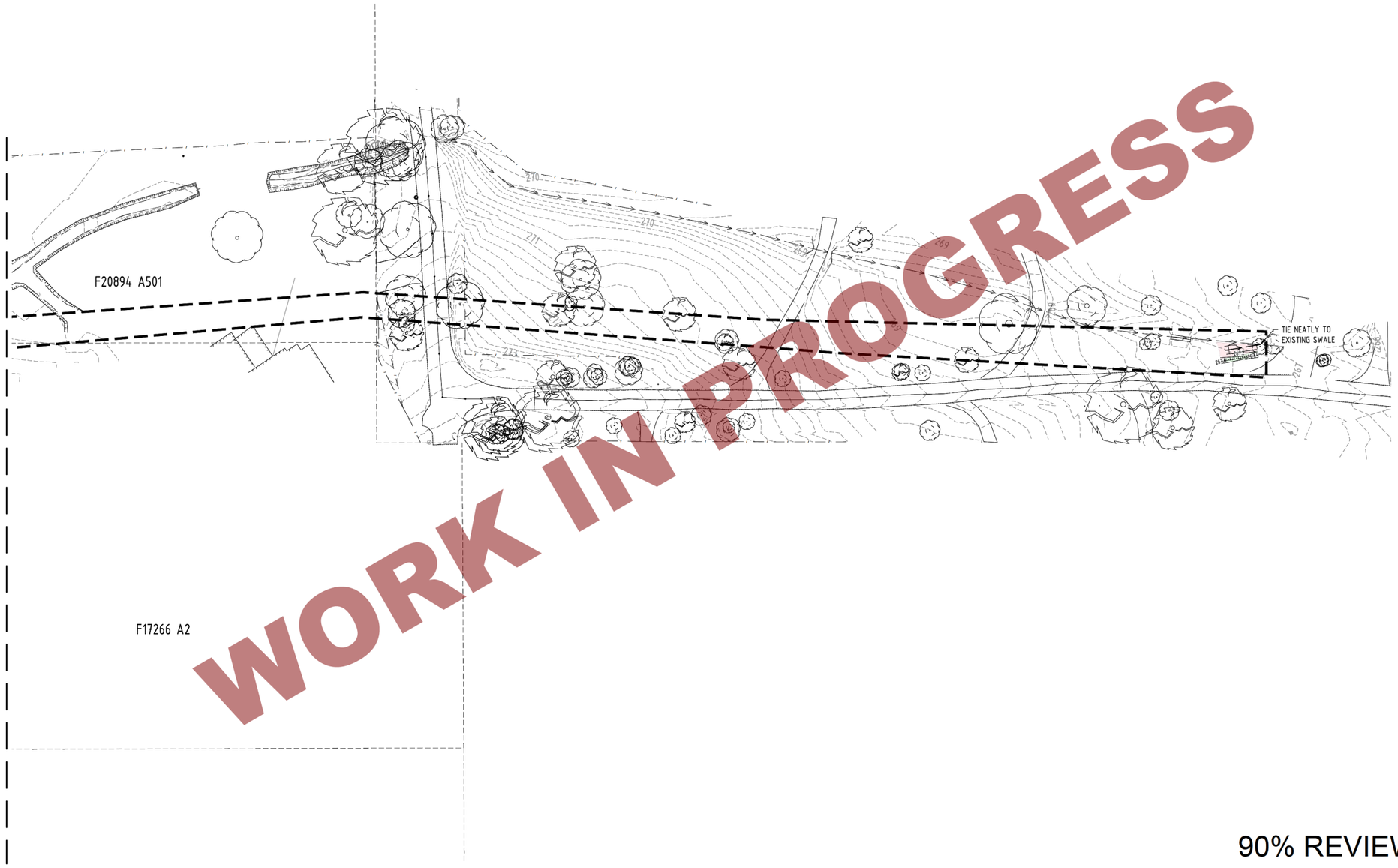
Drawing No.: C24 Revision: B

PLOT DATE: 8/24/2023 12:13 PM FILENAME: \\ADGDWN04\JOBS\25000\25622\CIVIL\DWG\25622_C24_EARTHWORKS LAYOUT PLAN SHEET 4 OF 5.DWG

FULL SIZE ON ORIGINAL 0 10 20 30 40 50 60 70 80 90 100mm

NOTE

1. FOR EARTHWORKS NOTES REFER DRG No. C02
2. FOR EARTHWORKS LEGEND REFER TO DRG No. C20
3. FOR SITE SECTIONS REFER DRG No. C26 & C27



WORK IN PROGRESS

90% REVIEW

Rev	Date	Description	By	Chk
B	XX.08.23	ISSUED FOR 90% REVIEW	DL	JL
A	WIP	ISSUED FOR 50% REVIEW	MT	JL

PLOT DATE: 8/24/2023 12:14 PM FILENAME: \\ADGDWN04\Jobs\25000\25622\CIV\DWG\25622_C25_EARTHWORKS LAYOUT PLAN SHEET 5 OF 5.DWG

0 10 20 30m
SCALE 1:500
AT ORIGINAL SIZE (A1)

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Client: JAYTEX CONSTRUCTIONS	Discipline: CIVIL		Status: 90% REVIEW
Project Name: NURIOOTPA TRADERS SAMUEL ROAD NURIOOTPA	Designed By: LL	Checked By: JL	Approved By: SW
	Project No.: 25622	Drawn By: DL	Scale at A1: 1:500

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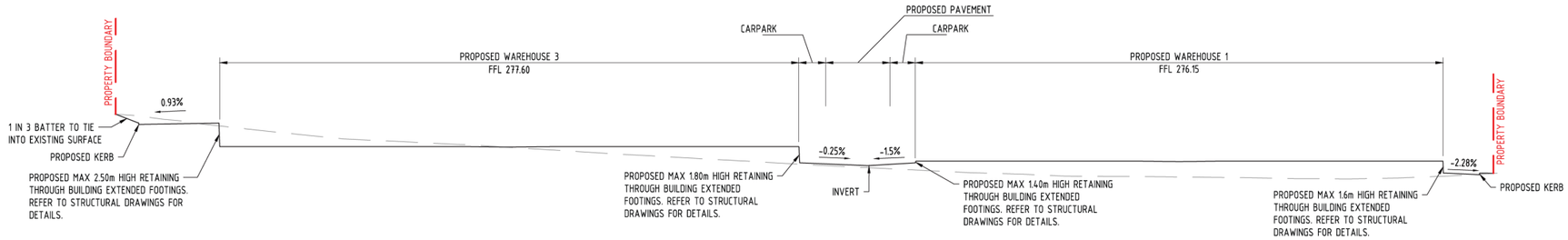
Title: EARTHWORKS LAYOUT PLAN SHEET 5 OF 5

Drawing No.: C25 Revision: B

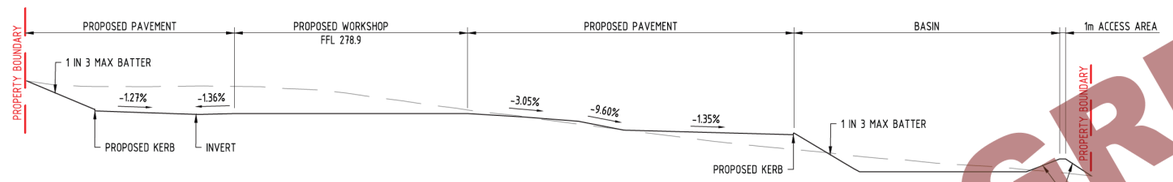
FULL SIZE ON ORIGINAL 0 10 20 30 40 50 60 70 80 90 100mm

NOTES

1. FOR EARTHWORKS NOTES REFER DRG No. C02
2. FOR EARTHWORKS LAYOUTS REFER DRG No. C20 - C25

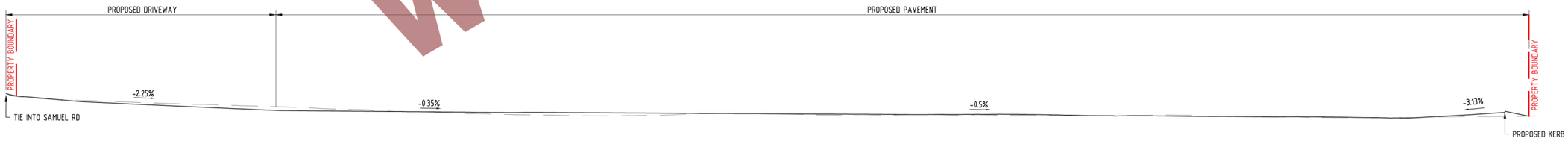


SECTION D
SCALE 1:1000
C20



SECTION C
SCALE 1:1000
C20

SECTION B
SCALE 1:1250
C20



SECTION A
SCALE 1:1250
C20

WORK IN PROGRESS

90% REVIEW

Rev	Date	Description	By	Chk
B	XX.08.23	ISSUED FOR 90% REVIEW	DL	JL
A	WIP	ISSUED FOR 50% REVIEW	MT	JL

0 10 20 30 40 50m
SCALE 1:1000
AT ORIGINAL SIZE (A1)

0 25 50 75m
SCALE 1:1250
AT ORIGINAL SIZE (A1)

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Environmental Management ISO 14001:2015

Client: JAYTEX CONSTRUCTIONS
Project Name: NURIOOTPA TRADERS SAMUEL ROAD NURIOOTPA
Discipline: CIVIL
Status: 90% REVIEW
Designed By: LL
Checked By: JL
Approved By: SW
Project No.: 25622
Drawn By: DL
Scale at A1: AS SHOWN

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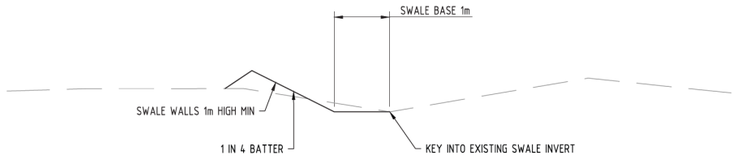
Title: EARTHWORKS SITE SECTIONS SHEET 1 OF 2
Drawing No.: C26
Revision: B

PLOT DATE: 8/24/2023 12:14 PM FILENAME: \\ADGNAS04\JOBS\25000\25622\CIVIL\DWG\25622_C26_EARTHWORKS SITE SECTIONS SHEET 1 OF 2.DWG

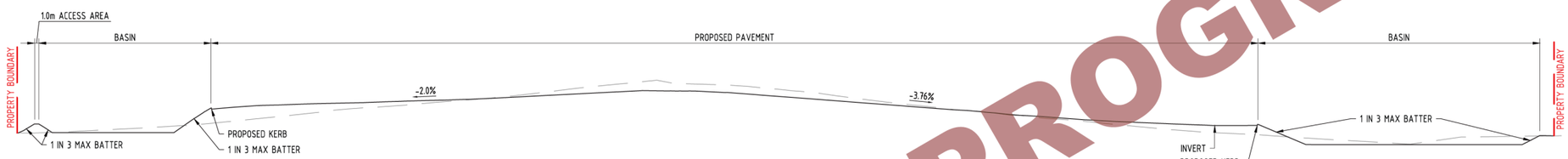
FULL SIZE ON ORIGINAL 0 10 20 30 40 50 60 70 80 90 100mm

NOTES

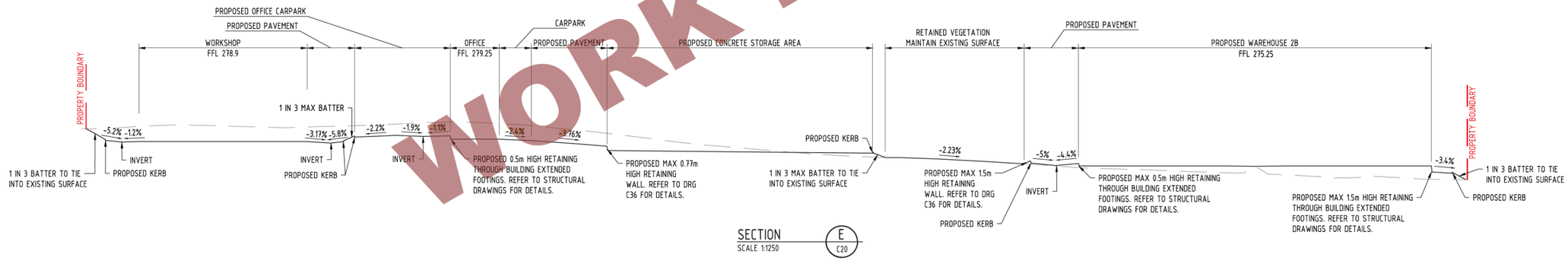
1. FOR EARTHWORKS NOTES REFER DRG No. C02
2. FOR EARTHWORKS LAYOUTS REFER DRG No. C20 - C25



SECTION G
SCALE 1:100
C20



SECTION F
SCALE 1:1250
C20



SECTION E
SCALE 1:1250
C20

WORK IN PROGRESS

90% REVIEW

Rev	Date	Description	By	Chk
B	XX.08.23	ISSUED FOR 90% REVIEW	DL	JL
A	WIP	ISSUED FOR 50% REVIEW	MT	JL

PLOT DATE: 8/24/2023 12:15 PM FILENAME: \\ADGDWN04\JOBS\25000\25622\CIVIL\DWG\25622_C27_EARTHWORKS SITE SECTIONS SHEET 2 OF 2.DWG

0 1 2 3 4 5m
SCALE 1:100
AT ORIGINAL SIZE (A1)

0 25 50 75m
SCALE 1:1250
AT ORIGINAL SIZE (A1)

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Client: JAYTEX CONSTRUCTIONS
Project Name: NURIOOTPA TRADERS SAMUEL ROAD NURIOOTPA
Discipline: CIVIL
Status: 90% REVIEW
Designed By: LL
Checked By: JL
Approved By: SW
Project No.: 25622
Drawn By: DL
Scale at A1: AS SHOWN

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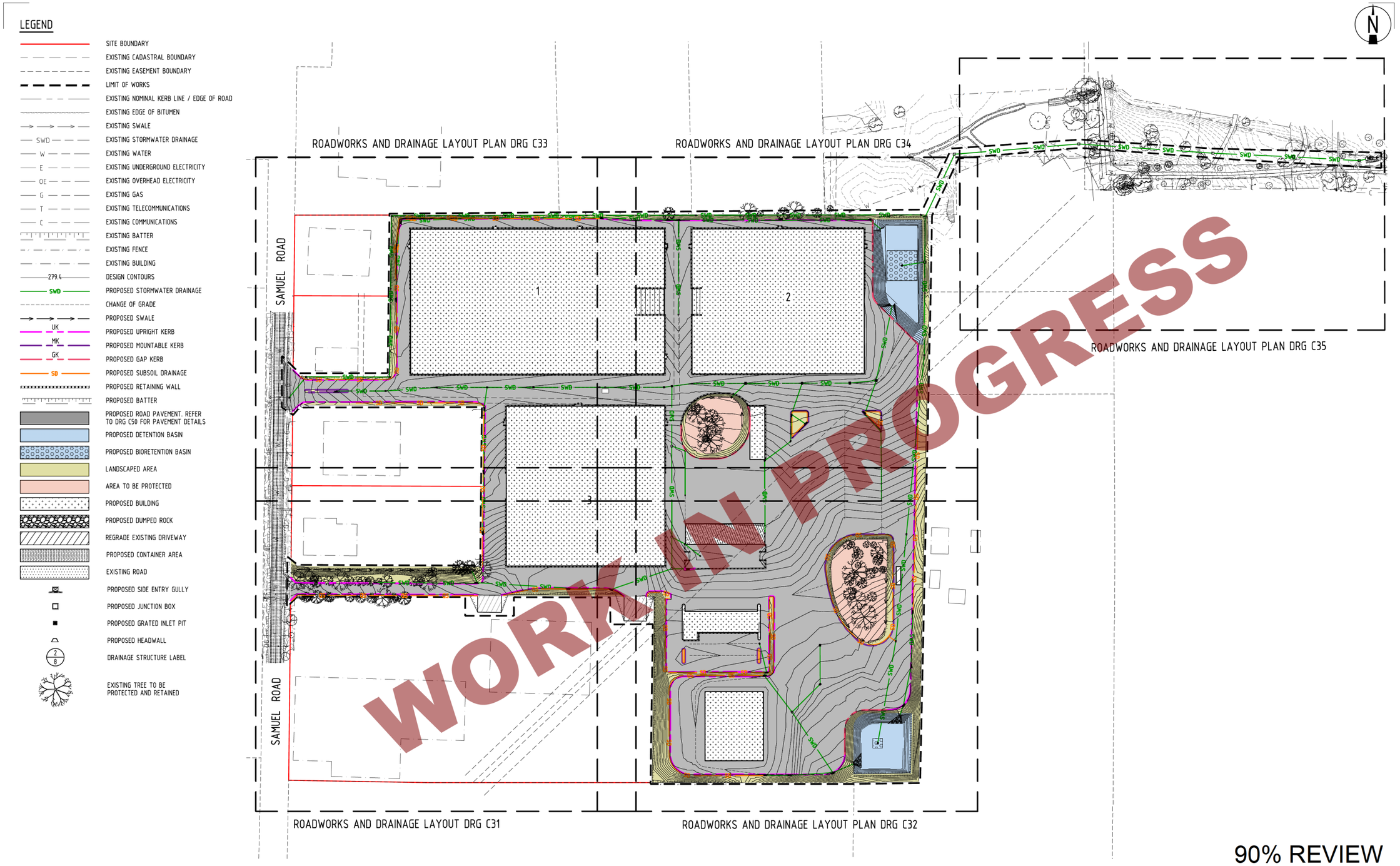
Title: EARTHWORKS SITE SECTIONS SHEET 2 OF 2
Drawing No.: C27
Revision: B

FULL SIZE ON ORIGINAL 0 10 20 30 40 50 60 70 80 90 100mm



WORK IN PROGRESS

90% REVIEW

Rev	Date	Description	By	Chk
B	XX.08.23	ISSUED FOR 90% REVIEW	DL	JL
A	WIP	ISSUED FOR 50% REVIEW	MT	JL

PLOT DATE: 8/24/2023 12:15 PM FILENAME: \\ADGDWN04\JOBS\25000\25622\CIVIL\DWG\25622_C30_ROADWORKS AND DRAINAGE OVERALL LAYOUT.DWG

0 25 50 75m
SCALE 1:1250
AT ORIGINAL SIZE (A1)

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Environmental Management ISO 14001:2015

Client: JAYTEX CONSTRUCTIONS	Discipline: CIVIL		Status: 90% REVIEW
Project Name: NURIOOTPA TRADERS SAMUEL ROAD NURIOOTPA	Designed By: LL	Checked By: JL	Approved By: SW
	Project No.: 25622	Drawn By: DL	Scale at A1: 1:1250

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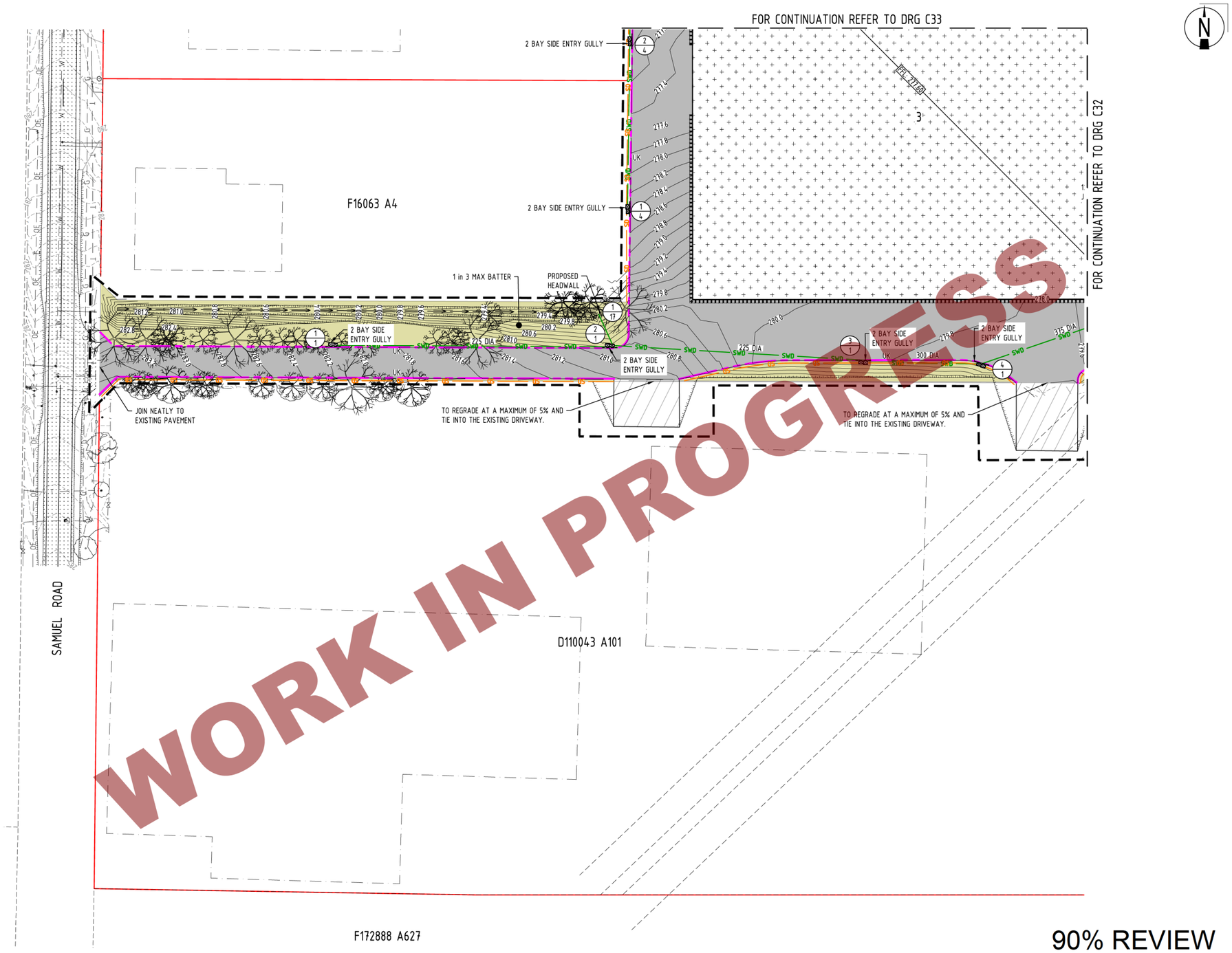
Title: ROADWORKS AND DRAINAGE OVERALL LAYOUT
Drawing No.: C30
Revision: B

FULL SIZE ON ORIGINAL 0 10 20 30 40 50 60 70 80 90 100mm

NOTES

1. FOR ROADWORKS AND DRAINAGE NOTES REFER DRG No. C02
2. FOR ROADWORKS AND DRAINAGE LEGEND REFER DRG No. C30
3. FOR ROADWORKS AND DRAINAGE DETAILS REFER DRG C36
4. FOR STORMWATER LONGITUDINAL SECTIONS REFER DRG No. C73 - C79



90% REVIEW

Rev	Date	Description	By	Chk
B	XX.08.23	ISSUED FOR 90% REVIEW	DL	JL
A	WIP	ISSUED FOR 50% REVIEW	MT	JL

PLOT DATE: 8/24/2023 12:16 PM FILENAME: \\ADGDWN04\JOBS\25000\25622\CVI\DWG\25622_C31_ROADWORKS AND DRAINAGE LAYOUT PLAN SHEET 1 OF 5.DWG

SCALE 1:500
AT ORIGINAL SIZE (A1)

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Client	JAYTEX CONSTRUCTIONS
Project Name	NURIOOTPA TRADERS SAMUEL ROAD NURIOOTPA
Discipline	CIVIL
Status	90% REVIEW
Designed By	LL
Checked By	JL
Approved By	SW
Project No.	25622
Drawn By	DL
Scale at A1	1:500

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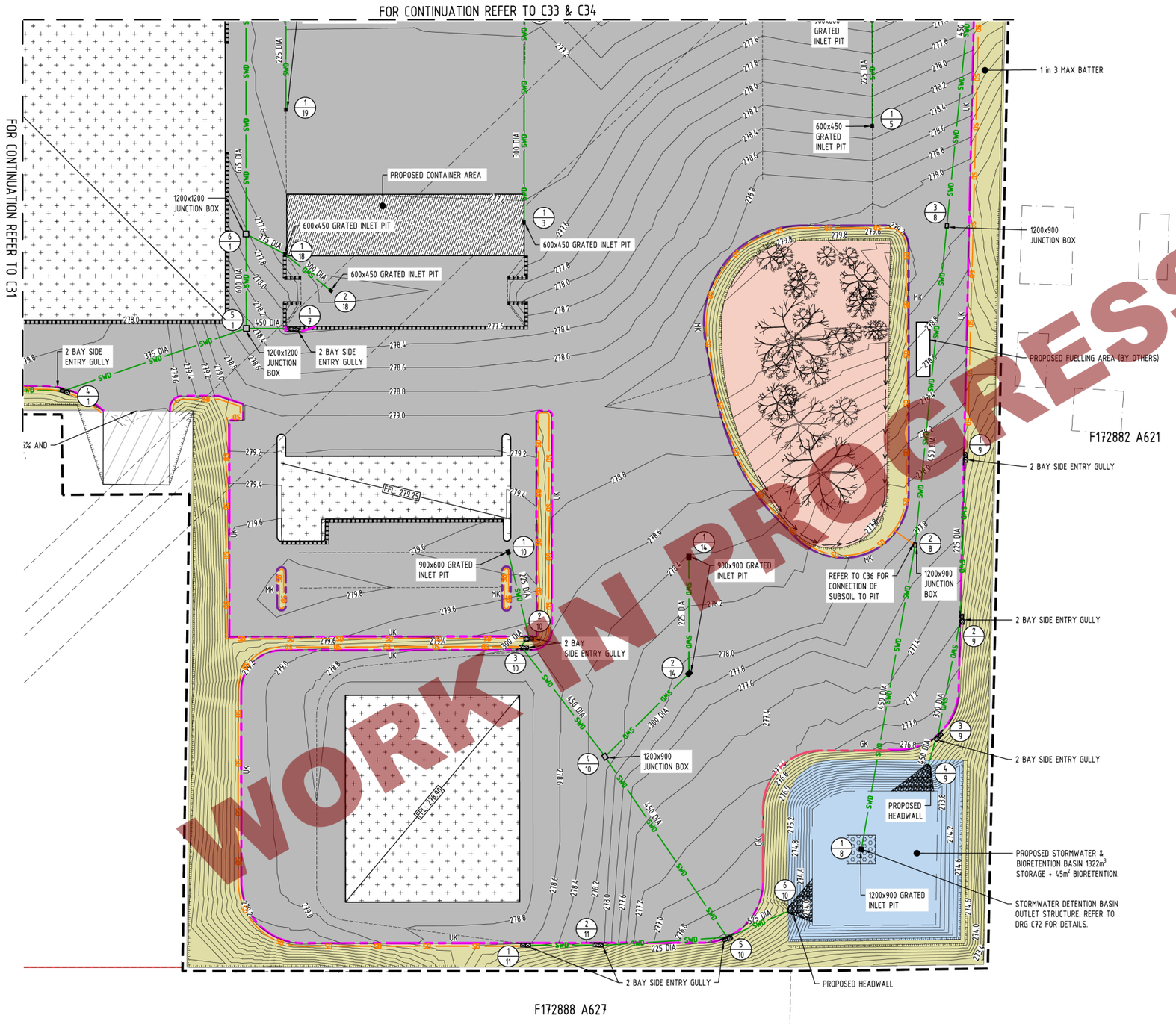
Title: ROADWORKS AND DRAINAGE LAYOUT PLAN SHEET 1 OF 5

Drawing No. C31 | Revision B

FULL SIZE ON ORIGINAL 0 10 20 30 40 50 60 70 80 90 100mm

NOTES

1. FOR ROADWORKS AND DRAINAGE NOTES REFER DRG No. C02
2. FOR ROADWORKS AND DRAINAGE LEGEND REFER DRG No. C30
3. FOR ROADWORKS AND DRAINAGE DETAILS REFER DRG C36
4. FOR STORMWATER LONGITUDINAL SECTIONS REFER DRG No. C73 - C79



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Rev	Date	Description	By	Chk
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PLOT DATE: 8/24/2023 12:17 PM FILENAME: \\ADGDWND4\JOBS\25000\25622\CIVIL\DWG\25622_C32_ROADWORKS AND DRAINAGE LAYOUT PLAN SHEET 2 OF 5.DWG

SCALE 1:500
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Client: JAYTEX CONSTRUCTIONS	Discipline: CIVIL		Status: 90% REVIEW
Project Name: NURIOOTPA TRADERS SAMUEL ROAD NURIOOTPA	Designed By: LL	Checked By: JL	Approved By: SW
	Project No.: 25622	Drawn By: DL	Scale at A1: 1:500

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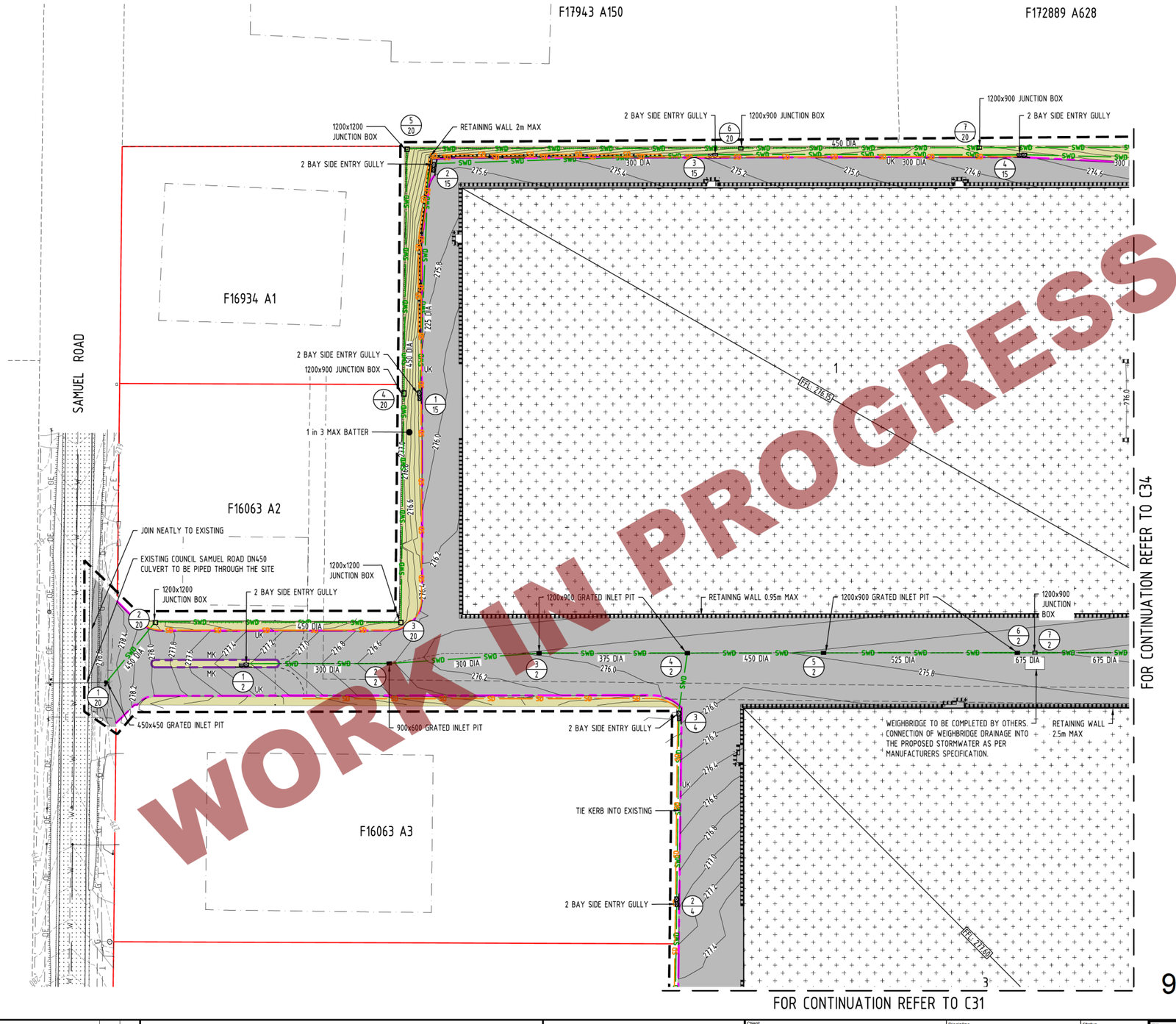
Title: ROADWORKS AND DRAINAGE LAYOUT PLAN SHEET 2 OF 5

Drawing No.: C32 Revision: B

FULL SIZE ON ORIGINAL 0 10 20 30 40 50 60 70 80 90 100mm

NOTES

1. FOR ROADWORKS AND DRAINAGE NOTES REFER DRG No. C02
2. FOR ROADWORKS AND DRAINAGE LEGEND REFER DRG No. C30
3. FOR ROADWORKS AND DRAINAGE DETAILS REFER DRG C36
4. FOR STORMWATER LONGITUDINAL SECTIONS REFER DRG No. C73 - C79



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SCALE 1:500
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Project Name: NURIOOTPA TRADERS SAMUEL ROAD NURIOOTPA	Designed By: LL	Checked By: JL	Approved By: SW
	Project No.: 25622	Drawn By: DL	Scale at A1: 1:500

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Title: ROADWORKS AND DRAINAGE LAYOUT PLAN SHEET 3 OF 5

Drawing No.: C33
Revision: B

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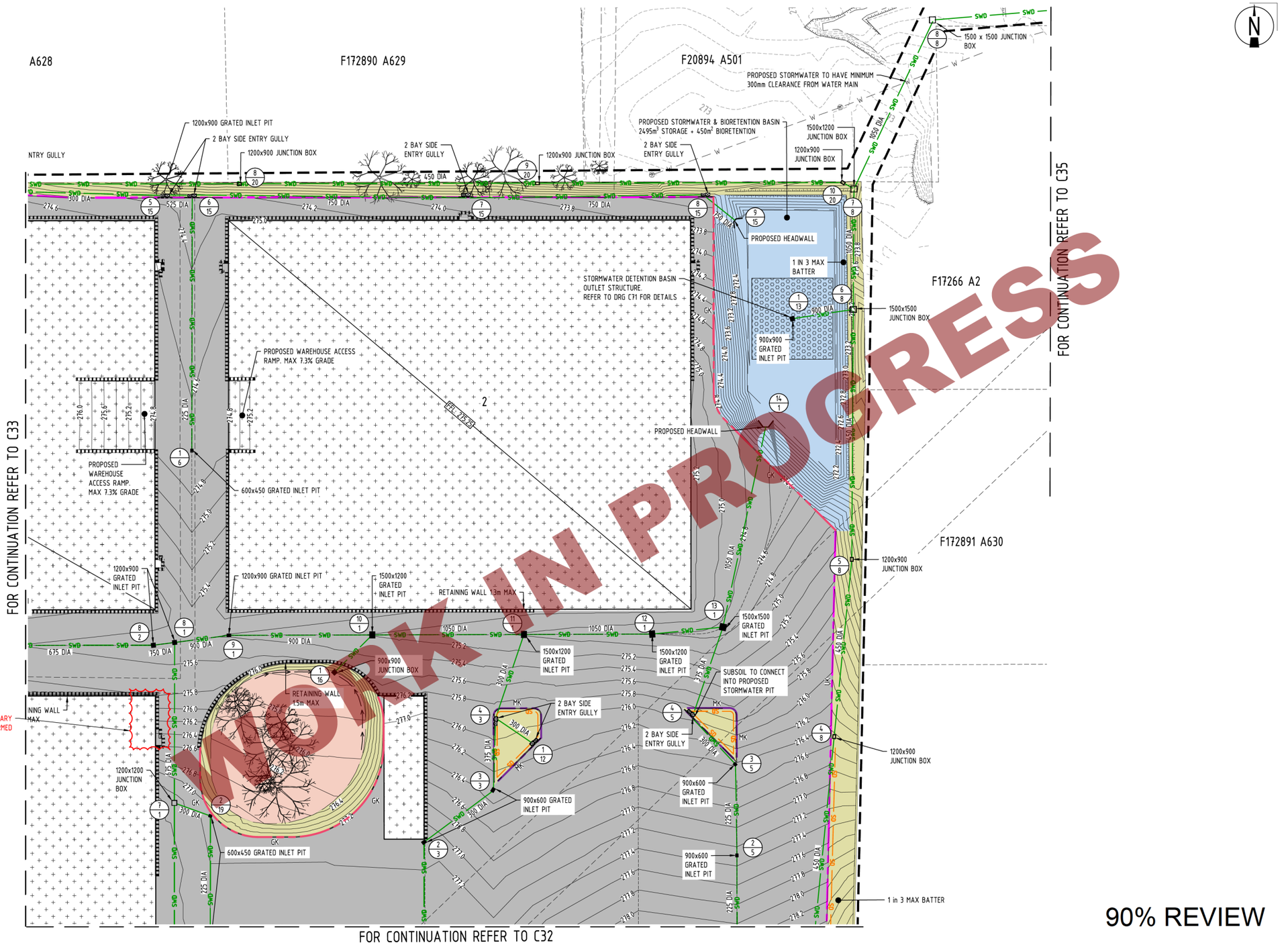
FULL SIZE ON ORIGINAL 0 10 20 30 40 50 60 70 80 90 100mm

NOTES

1. FOR ROADWORKS AND DRAINAGE NOTES REFER DRG No. C02
2. FOR ROADWORKS AND DRAINAGE LEGEND REFER DRG No. C30
3. FOR ROADWORKS AND DRAINAGE DETAILS REFER DRG C36
4. FOR STORMWATER LONGITUDINAL SECTIONS REFER DRG No. C73 - C79



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PLOT DATE: 8/24/2023 12:18 PM FILENAME: \\ADGDWN04\JOBS\25000\25622\CH1\DWG\25622_C34_ROADWORKS AND DRAINAGE LAYOUT PLAN SHEET 4 OF 5.DWG

SCALE 1:500
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Client: JAYTEX CONSTRUCTIONS	Discipline: CIVIL		Status: 90% REVIEW
Project Name: NURIOOTPA TRADERS SAMUEL ROAD NURIOOTPA	Designed By: LL	Checked By: JL	Approved By: SW
	Project No.: 25622	Drawn By: DL	Scale at A1: 1:500

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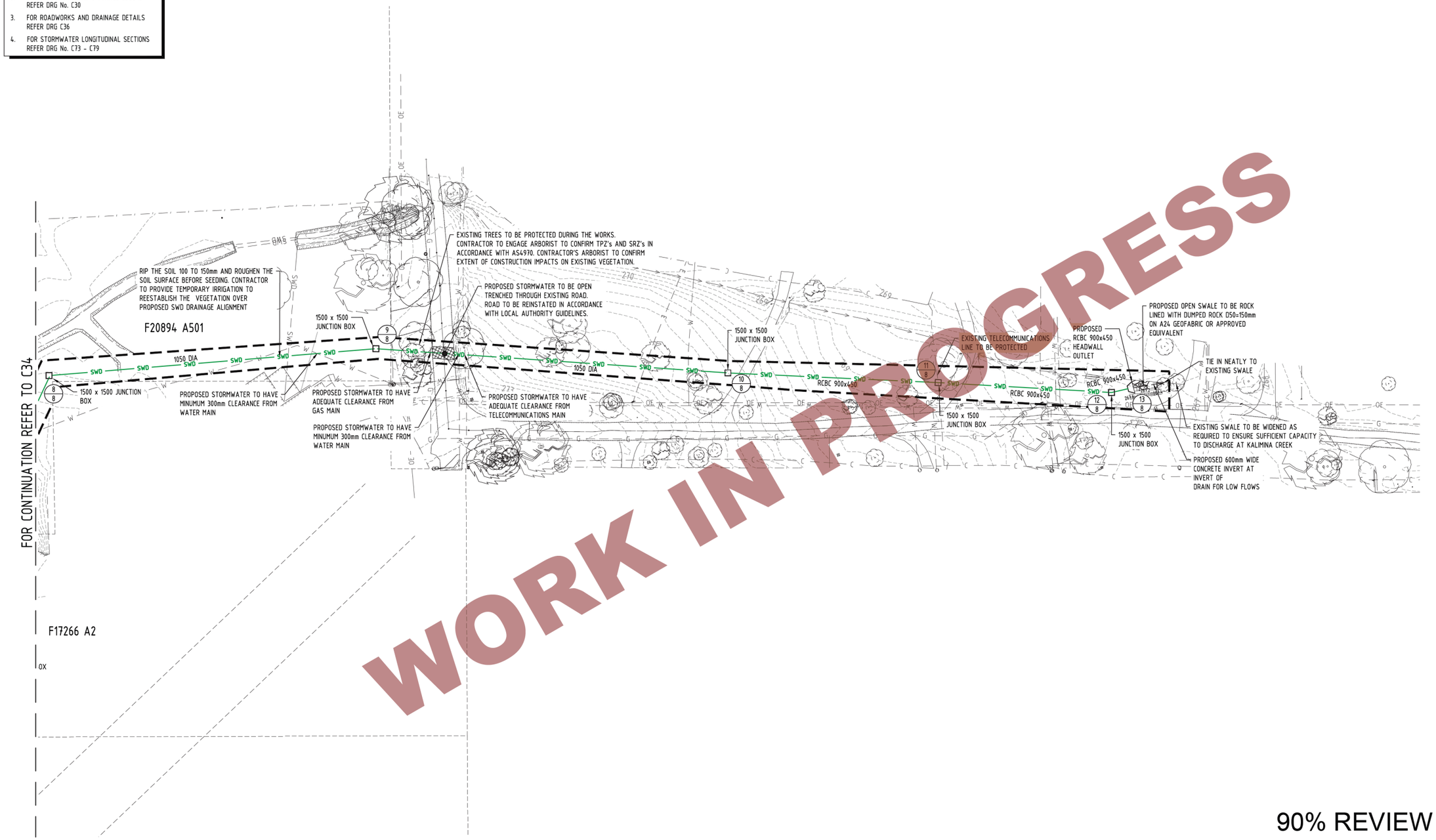
Title: ROADWORKS AND DRAINAGE LAYOUT PLAN SHEET 4 OF 5

Drawing No.: C34 Revision: B

FULL SIZE ON ORIGINAL 0 10 20 30 40 50 60 70 80 90 100mm

NOTES

1. FOR ROADWORKS AND DRAINAGE NOTES REFER DRG No. C02
2. FOR ROADWORKS AND DRAINAGE LEGEND REFER DRG No. C30
3. FOR ROADWORKS AND DRAINAGE DETAILS REFER DRG C36
4. FOR STORMWATER LONGITUDINAL SECTIONS REFER DRG No. C73 - C79



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A	WIP	ISSUED FOR 50% REVIEW	MT	JL

PLOT DATE: 8/24/2023 12:19 PM FILENAME: \\ADGDWN04\JOBS\25000\25622\CIVIL\DWG\25622_C35_ROADWORKS AND DRAINAGE LAYOUT PLAN SHEET 5 OF 5.DWG

SCALE 1:500
AT ORIGINAL SIZE (A1)
0 10 20 30m

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Project Name: NURIOOTPA TRADERS SAMUEL ROAD NURIOOTPA
Discipline: CIVIL
Status: 90% REVIEW
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Checked By: JL
Approved By: SW
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Drawn By: DL
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Title: ROADWORKS AND DRAINAGE LAYOUT PLAN SHEET 5 OF 5
Drawing No.: C35
Revision: B

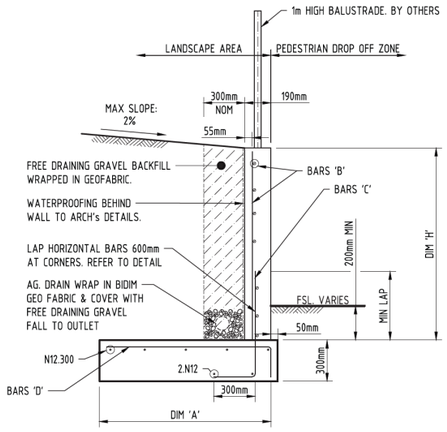
FULL SIZE ON ORIGINAL 0 10 20 30 40 50 60 70 80 90 100mm

NOTES

1. FOR ROADWORKS AND DRAINAGE NOTES REFER DRG No. C02
2. FOR STORMWATER LONGITUDINAL SECTIONS REFER DRG No. C73 - C79

SUBSOIL DRAINAGE NOTES

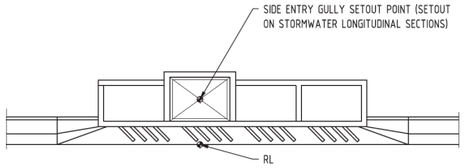
1. ALL SUBSOIL DRAINAGE TO BE IN ACCORDANCE WITH SA DEPARTMENT FOR INFRASTRUCTURE AND TRANSPORT MASTER SPECIFICATION RD-DK-C1
2. FLUSHING POINTS SHALL BE PROVIDED AT HEAD OF ALL LINES AND 60m MAXIMUM SPACING
3. UNDER ROAD PAVEMENTS THE WRAPPED SCREENED AGGREGATE SHALL EXTEND TO THE UNDERSIDE OF THE ROAD PAVEMENT AND PIPE COVER SHALL BE 750mm MINIMUM.
4. SUBSOIL DRAINS SHALL, REGARDLESS OF ROAD GRADE OR FINISHED SURFACE LEVEL, BE LAID WITH A MINIMUM LONGITUDINAL GRADE OF 0.5%.
5. ALL SUBSOIL DRAINS SHALL DISCHARGE TO A DRAINAGE STRUCTURE UNLESS NOTED OTHERWISE ON THE PLANS.
6. SUBSOIL OUTLETS TO BE PROVIDED AT 150m MAXIMUM SPACING.
7. WHEN LOCATING FLUSHING POINTS THE CONTRACTOR IS TO TAKE INTO CONSIDERATION LOCATION OF SERVICES AND LOT ACCESSES.
8. CONCRETE SURROUND MAY BE OMITTED WHERE FLUSHING POINT LOCATED IN CONCRETE PAVEMENT.



RETAINING WALL DETAIL - CONCRETE WALL 1500 MAX HEIGHT
SCALE 1:20

RETAINING WALL RW.1 SCHEDULE

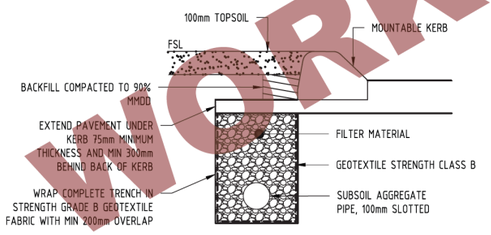
DIM 'H'	DIM 'A'	BARS 'B'	BARS 'C'	BARS 'D'
600	1200	N16.175	N16.175	N12.300
1250	1500	N16.175	N16.175	N12.300



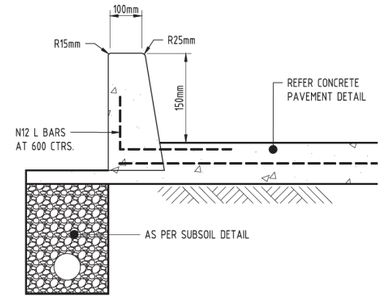
SIDE ENTRY GULLY SETOUT
SCALE 1:50

JUNCTION BOX SETOUT
SCALE 1:50

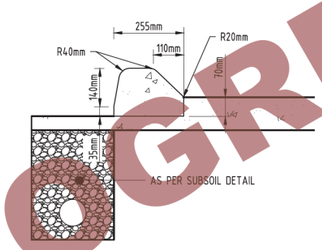
GRATED INLET PIT SETOUT
SCALE 1:50



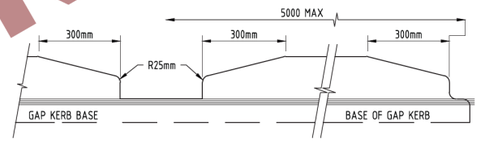
SUBSOIL DETAIL
NOT TO SCALE



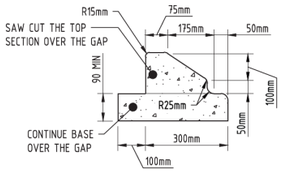
UPRIGHT KERB (UK) - ALTERNATIVE 1 SINGLE POUR SLAB & KERB
NOT TO SCALE



MOUNTABLE KERB (MK)
NOT TO SCALE

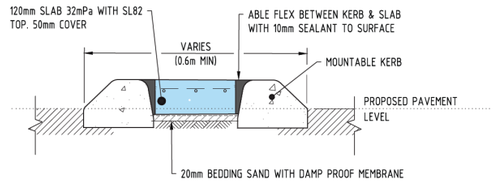


ELEVATION



SECTION

GAP KERB (GK) DETAILS
NOT TO SCALE



CONCRETE ISLAND DETAIL
SCALE 1:10

WORK IN PROGRESS

90% REVIEW

Rev	Date	Description	By	Chk
A	WIP	ISSUED FOR 90% REVIEW	DL	JL

SCALE 1:50 AT ORIGINAL SIZE (A1)
SCALE 1:20 AT ORIGINAL SIZE (A1)
SCALE 1:10 AT ORIGINAL SIZE (A1)

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	Project No.: 25622	Drawn By: DL	Scale at A1: AS SHOWN

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Title: ROADWORKS AND DRAINAGE DETAILS
Drawing No.: C36
Revision: A

PLOT DATE: 8/24/2023 12:19 PM FILENAME: \\ADGDWN04\JOBS\25000\25622\CIV.\DWG\25622_C36_ROADWORKS AND DRAINAGE DETAILS.DWG

FULL SIZE ON ORIGINAL 0 10 20 30 40 50 60 70 80 90 100mm

ORANGE - 26.0m B-DOUBLES
BLUE - 19.0m SEMI-TRAILERS

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C	11/07/2023	FOR REVIEW	ABH	BNW

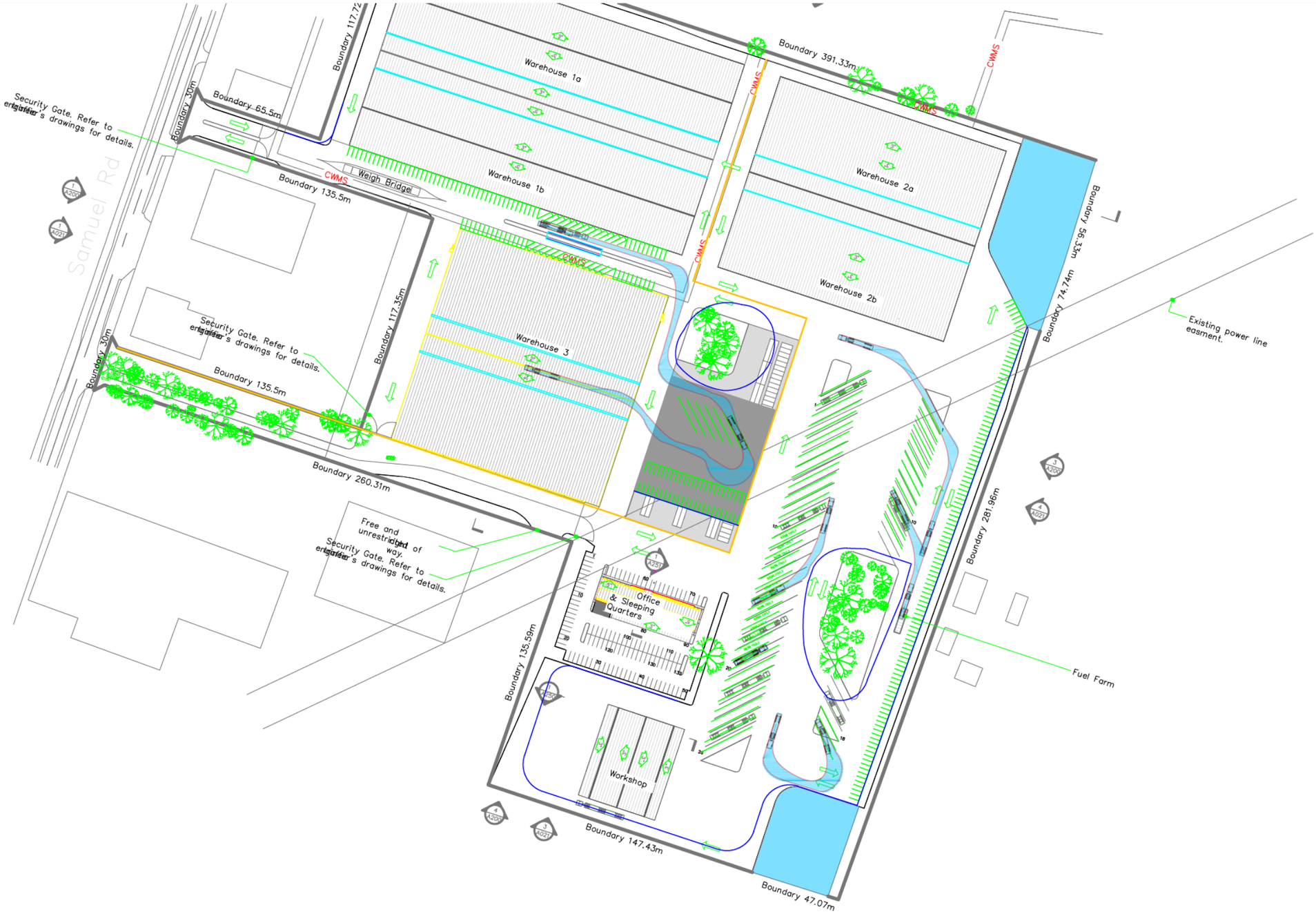
C22488_04C.DWG 11/7/2023 1:06 PM

N
1:2000
@ A3

NURIOOTPA TRADERS

102 SAMUEL ROAD, NURIOOTPA
TURN PATH STAGING PLAN - B-DOUBLES

PROJECT # 22488 SHEET # 01_SH01



ORANGE - 26.0m B-DOUBLES
BLUE - 19.0m SEMI-TRAILERS

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C	11/07/2023	FOR REVIEW	ABH	BNW

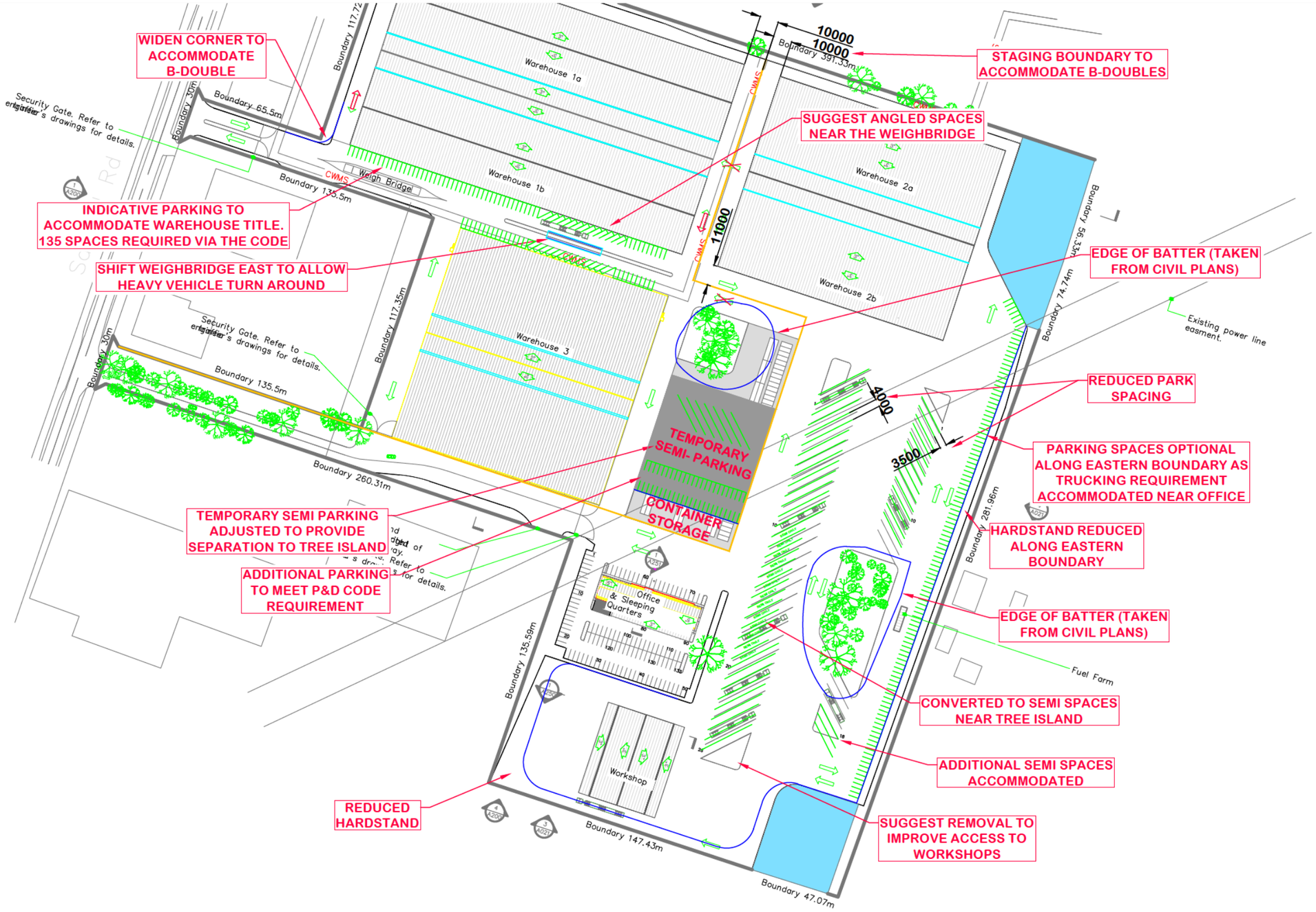
C22488_04C.DWG 11/7/2023 1:07 PM

N
1:2000
@ A3

NURIOOTPA TRADERS

102 SAMUEL ROAD, NURIOOTPA
TURN PATH STAGING PLAN - SEMI-TRAILERS

PROJECT # 22488 SHEET # 01_SH02



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C	11/07/2023	FOR REVIEW	ABH	BNW

C22488_04C.DWG 11/7/2023 1:07 PM

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1:2000
@ A3

NURIOOTPA TRADERS

102 SAMUEL ROAD, NURIOOTPA
TURN PATH STAGING PLAN - DESIGN COMMENTS
PROJECT # 22488 SHEET # 01_SH04

Native Vegetation Clearance

Nuriootpa Traders Transport Distribution Warehouse Development

Additional Clearance for Dam Relocation

Data Report

Clearance under the *Native Vegetation Regulations 2017*

16/06/2023

Prepared by Ecosphere Ecological Solutions

Table of contents

1. Application information
2. Purpose of clearance
    2.1 Description
    2.2 Background
    2.3 General location map
    2.4 Details of the proposal
    2.5 Approvals required or obtained
    2.6 Native Vegetation Regulation
    2.7 Development Application information (if applicable)
3. Method
    3.1 Flora assessment
    3.2 Fauna assessment
4. Assessment outcomes
    4.1 Vegetation assessment
    4.2 Threatened Species assessment
    4.3 Cumulative impacts
    4.4 Addressing the Mitigation hierarchy
    4.5 Principles of clearance
    4.6 Risk Assessment
    4.7 NVC Guidelines
5. Clearance summary
6. Significant environmental benefit
7. Appendices
    7.1 Fauna Survey (where applicable)
    7.2 Bushland, Rangeland or Scattered Tree Vegetation Assessment Scoresheets (to be submitted in Excel format).
    7.3 Flora Species List
    7.4 SEB Management Plan (where applicable)

1. Application information

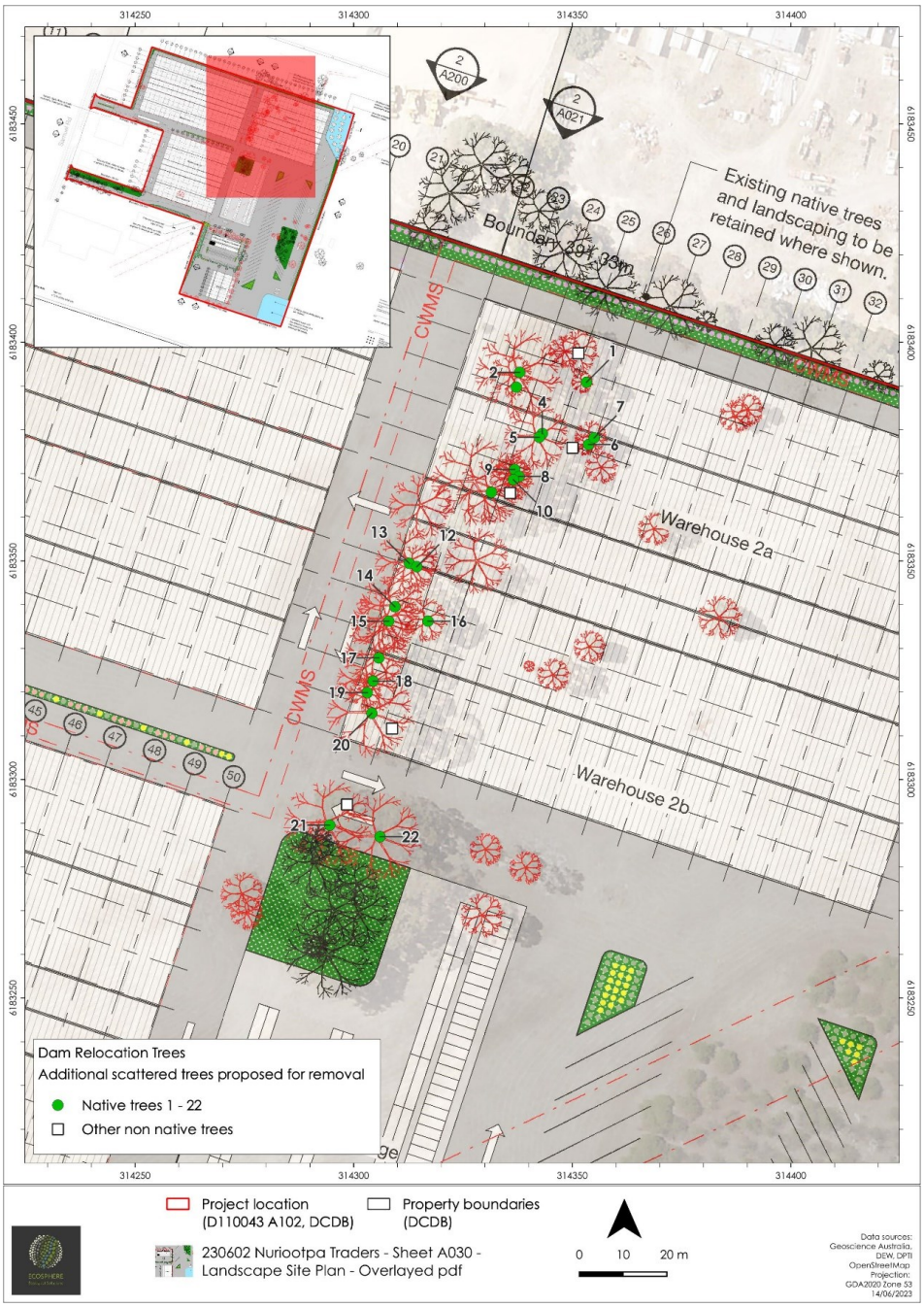
Application Details

Applicant:	Nuriootpa Traders Pty Ltd		
Key contact:	Matthew Moss Managing Director, Jaytex Construction matthew.moss@jaytex.com.au P: (08) 8924 0880 M: 0437 426 332		
Landowner:	Industrial and Commercial Developments Pty Ltd.		
Site Address:	Lot 102 Samuel Road, Nuriootpa SA, 5355		
Local Government Area:	The Barossa Council	Hundred:	Nuriootpa
Title ID:	CT6160/23	Parcel ID	D110043AL102

Summary of proposed clearance

Purpose of clearance	The proposal is for additional clearance required to allow for the relocation of a dam at the Nuriootpa Traders Transport Distribution Warehouse Development.
Native Vegetation Regulation	Schedule 1 Part 6 Clause 34 – Infrastructure
Description of the vegetation under application	Scattered trees within the allotment comprised of Mixed *Eucalyptus leucoxylon* ssp. *leucoxylon* (SA Blue-gum), *Eucalyptus odorata* (Peppermint Box) and *Callitris gracilis* (Native Pine) Open Woodland over exotic grassland.
Total proposed clearance - area (ha) and number of trees	22 scattered trees (12 *Eucalyptus leucoxylon* and 10 *Eucalyptus odorata*) are proposed for clearance.
Level of clearance	Level 4
Overlay (Planning and Design Code)	Native Vegetation

Map of proposed clearance area



Mitigation hierarchy	Level 4
SEB Offset proposal	Payment of $46,049.15

2. Purpose of clearance

2.1 Description

The subject land is comprised within Allotment 102 Samuel Road, Nuriootpa – CT CT6160/23 (Figure 1). The allotment is approximately 12.9 hectares in size with a subtle gradient rising from the South-west to North-east. The site is located on the outskirts of Nuriootpa within the strategic employment zone and has a rural character, with large allotments primarily accommodating industry, vineyards, farming activities, and patches of remnant vegetation. Some allotments also comprise detached dwellings. The allotment is predominantly cleared with clusters of remnant and emergent native scattered trees, planted amenity trees, emergent woody weeds and horticultural shrubs. Understorey ground cover was dominated by pasture grasses and clovers, primarily *Phalaris*, indicating this area is subject to wet soil conditions during winter.

The proposed clearance is in addition to a previous clearance application to allow for the relocation of a dam within the warehouse development (**Error! Reference source not found.**). See Appendix 6 for previous project layout (original dam location).

2.2 Background

IBRA

The Interim Biogeographical Regionalisation of Australia (IBRA) was developed in 1993-94 and is endorsed by all levels of government as a key tool for identifying land for conservation under Australia's Strategy for the National Reserve System 2009-2030 (DoEE 2012). IBRA identifies geographically distinct bioregions based on common climate, geology, landform, native vegetation, and species information. The bioregions are further refined into subregions and environmental associations. The Project area falls within the Flinders Lofty Block IBRA Bioregion and is characterised by a Mediterranean climate, with predominantly winter rainfall, hot summers and mild winters. The subregion is the Mt Lofty Ranges which has a remnancy of 15% and at a finer scale, falls within the Barossa Environmental Association which has 7% remnant native vegetation.

NVIS Mapping

There is Native Vegetation Floristic Areas - NVIS - Statewide South Australian government vegetation mapping applicable to this allotment. The southern access to the site from Samuel Road contains native *Callitris gracilis* forest and woodland. The south-eastern corner of the allotment also borders onto this block of native vegetation. Nearby areas associated with remnant vegetation blocks describe *Eucalyptus odorata* Woodlands, *Callitris gracilis* woodlands and *Eucalyptus camaldulensis* woodlands associated with the north Para River.

Administrative boundaries

The Project area is in the Barossa Council Local Government Area (LGA) and the Hundred of Nuriootpa. It falls within the Northern and Yorke Landscape Management Area.

2.4 General location map

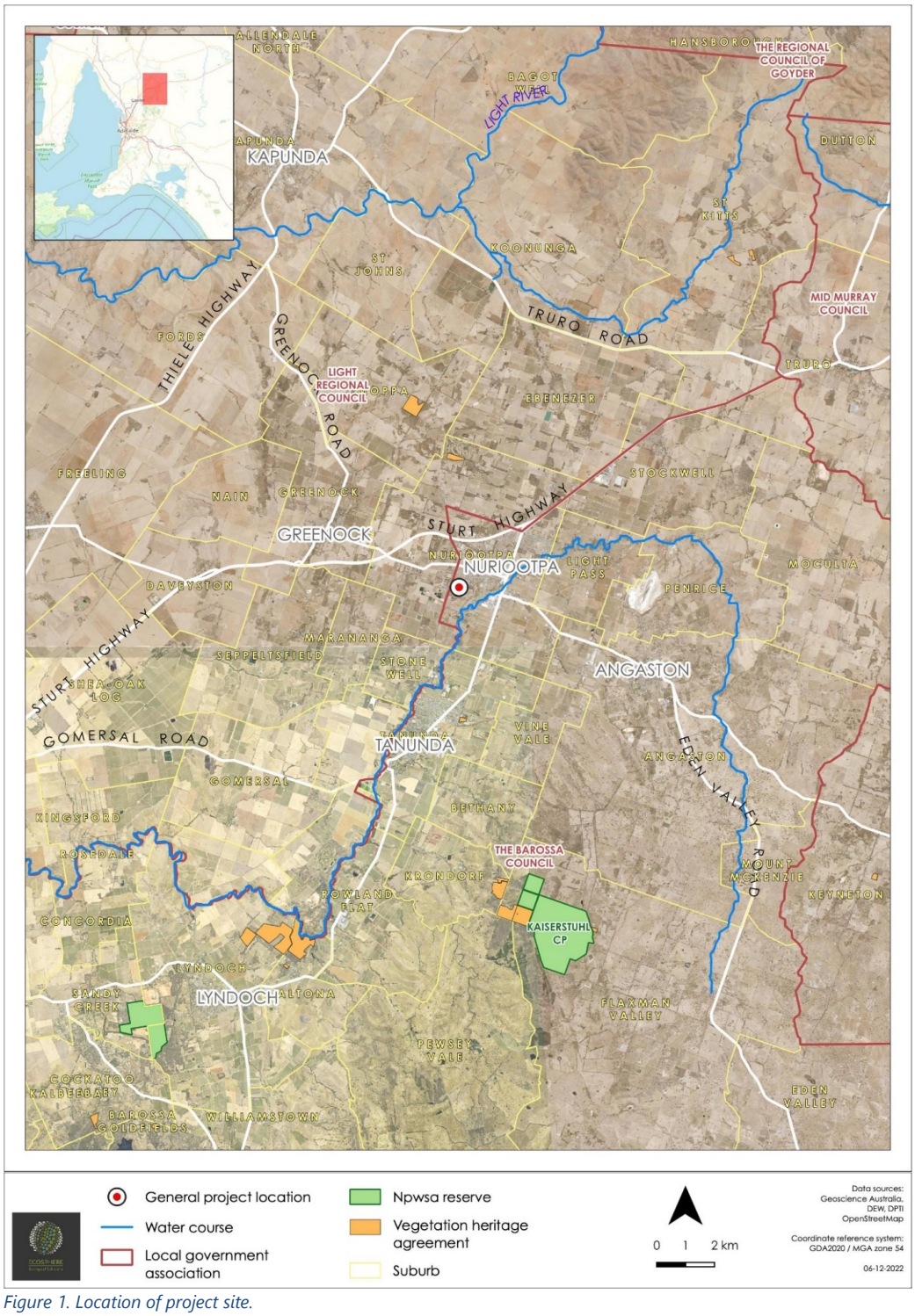


Figure 1. Location of project site.

Figure 2. Proposed new project footprint.

2.5 Details of the proposal

Under the original application, the detention basin (dam) was proposed to be placed on the Northern boundary of the site. This location was initially determined to be suitable location as it was where a number of native tree species area located meaning that these could be protected as the dam was designed to be free draining to avoid the trees from permanent inundation. Upon further development of the detailed design, it was identified that the lowest point of the site was in the north-eastern concerned adjacent to KSI Sawmills, In order to meet the developers' serviceability requirements for the warehouses 'and stormwater management for the site, it was identified that up to 3m of fill was required along the north-eastern boundary of Warehouse 2a. This would require a 3m retaining wall or batter to be constructed on the site boundary.

Given the cost implication, safety concerns and aesthetic appeal of large retaining walls being located on the boundary of the site and the reduction in site space with large batter, its is recommended that the stormwater detention basin be relocated to the north-eastern corner of the site adjacent to the KSI Sawmills. In relocating the basin to this location this will achieve the following:

- Reduce the volume of fill required to be imported to the site
- Reduce the size and number of retaining walls to be constructed on the property boundary
- Provide a better stormwater management system as stormwater is being captures in the low point of the site rather than a higher point.
- Reduce the risk of having large retaining walls (up to 3m height) on the site Retaining walls of this height become a rick for construction and ongoing operation and maintenance.
- Allow the space to be maximised for the proposed development as large batters will notably reduce the size of the required warehouse on site.

2.6 Approvals **required** ***or*** **obtained**

A summary of key legislation relating to flora and fauna consideration and their relevance to the proposed project is provided in Table 1 below.

The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides protection for matters of national environmental significance (NES). Any action that has, will have or is likely to have a significant impact on matters of NES requires referral under the EPBC Act.

Any clearance of native vegetation in South Australia requires approval under the relevant legislation.

Native plants and animals in South Australia are protected under the *National Parks and Wildlife Act 1972* (NPW Act). Under this Act, it is an offence to take a native plant or protected animal without approval. Conservation significant flora and fauna species listed on Schedules 7, 8, or 9 of the NPW Act potentially occur within the Project area.

From July 1, 2020, the *Landscape South Australia Act 2019* (LSA Act) replaced the *Natural Resources Management Act 2004* (NRM Act), as the key framework for managing the state's land, water, pest plants and animals, and biodiversity across the state.

Table 1. Legislative Summary

Legislation	Summary	Relevance
Commonwealth		
Environment Protection and Biodiversity Conservation Act 1999	To protect 'matters of national environmental significance' (MNES): • World Heritage properties • National Heritage properties • wetlands of international importance (Ramsar wetlands)	Where an activity may trigger requirements of the EPBC Act, this legislation must be considered. Any action that has, will have, or is likely to have a significant impact on a matter of national environmental significance requires referral and approval. Significant penalties apply.

Legislation	Summary	Relevance
	• listed threatened species and ecological communities • migratory species • Commonwealth marine areas • the Great Barrier Reef Marine Park • nuclear actions (including uranium mining).	To determine whether an action is likely to have a significant impact on a matter of national environmental significance, refer to the Significant Impact Guidelines (Commonwealth of Australia 2009) at: http://www.environment.gov.au/epbc/publications/pubs/nes-guidelines.pdf.
South Australia		
National Parks and Wildlife Act 1972	Allows for the protection of habitat and wildlife through the establishment of parks and reserves (both on land and in State waters); provides for the protection of native flora and fauna; identifies flora and fauna species considered to be of conservation significance (under Schedules 7, 8, and 9 of the Act); and provides for the use of approved wildlife through a system of permits allowing certain actions, i.e. keeping and selling (s.58), harvesting (s.60G), farming (s.60C), hunting (s.68A), releasing (s.55) and undertaking scientific research (s.53) on/of native fauna species, and for the taking of plants (s.49).	A person must not "take" a native plant, protected animal or the eggs of a protected animal without approval (s.48A). Significant penalties apply. To take a native plant means to remove the plant or part of the plant, from the place in which it is growing; or to damage the plant. To take a protected animal means to remove, hunt, catch, restrain, kill or injure an animal, or attempt to do so. A person may take non-prescribed plant species from private land with the consent of the owner; however, these species may also be covered under the *Native Vegetation Act 1991*. There are several non-complying activities in parks and reserves that result in penalty (parts 4-6).
Native Vegetation Act 1991	To preserve, enhance and manage the State's native vegetation; provide a regulatory framework to control clearance of vegetation; and provide incentives and assistance to landowners to encourage them to preserve and enhance native vegetation. The Act protects all native vegetation that naturally occurs, i.e., vegetation which has not been planted. This includes all naturally occurring local native plants, from small ground covers and native grasses to mallee scrub and tall trees. It does not cover planted trees. Approval is required for the clearance of native vegetation. Clearance is defined as: • the killing or destruction of native vegetation • the removal of native vegetation • the severing of branches, limbs, stems or trunks of native vegetation • the burning, poisoning and slashing of native vegetation • any other substantial damage to native vegetation including activities such as the draining for the reclamation of wetlands or flooding of land, grazing land where stock have been excluded for more than ten years.	Persons wanting to clear native vegetation must apply for a permit from the Native Vegetation Council (NVC) (ss.7,14), unless exempt under the regulations. The NVC will consider the impacts of the proposed clearance and may grant consent, refuse consent or grant consent subject to certain conditions (s.29). A net environment benefit is generally conditional on an approval being granted. Significant penalties apply if a person clears native vegetation without the permission of the NVC (s.26). The NVC can also take civil enforcement proceedings in the District Court for an order that the native vegetation be re-instated (s.31). The Act also provides the opportunity for landholders to enter into voluntary "Heritage Agreement(s)" to ensure vegetation on private land is protected for perpetuity (s.23).

Legislation	Summary	Relevance
Landscape South Australia Act 2019	From July 1, 2020, the *Landscape South Australia Act 2019* (LSA Act) replaced the *Natural Resources Management Act 2004*, as the key framework for managing the state's land, water, pest plants and animals, and biodiversity across the state.	Under the South Australian LSA Act landholders have a legal responsibility to manage declared pest plants and animals and prevent land and water degradation. A key priority of landscape boards is to support local communities and landowners to be solely responsible for sustainably managing their region's landscapes with an emphasis on land and water management, pest animal and plant control, and biodiversity. This includes providing greater funding and partnership opportunities with local community organisations to deliver on ground works and projects.
Planning Development and Infrastructure Act 2016	The Planning and Design Code is the cornerstone of the new system and has replaced all council development plans to become the sole source of planning policy for assessing development applications. The *Development Act 1993* has been replaced by the new Act state-wide and is no longer operational. The *Planning Development and Infrastructure Act 2016* provides provision for the protection of 'regulated trees' and 'significant trees.	Any activity that damages a 'regulated tree' or 'significant tree' is 'development', and as such requires a development approval. Specifically, development approval is required for removal, killing or destruction, branch or limb lopping, ringbarking, or topping, or any other substantial damage to a regulated or significant tree, including to its root system other than maintenance pruning. Significant fines apply if breaches are proven.

2.7 Native Vegetation Regulation

Schedule 1 Part 6 Clause 34 – Infrastructure, to allow clearance of vegetation incidental to the construction or expansion of a building or infrastructure (and associated services) where the Minister has declared that the clearance is in the public interest.

2.8 Development Application information (if applicable)

Under the *Planning Development and Infrastructure Act 2016* the site is currently zoned Strategic Employment.

Overlays that apply to this site include:

- Character Preservation District (Township)
- Hazards (Bushfire - Medium Risk)
- Hazards (Flooding - Evidence Required)
- Native Vegetation
- Prescribed Water Resources Area
- Water Protection Area
- Water Resources

3. Method

Desktop study

3.1.1 Protected Matters Search Tool (PMST) – EPBC Act

The online Protected Matters Search Tool was used to determine MNES under the EPBC Act relevant to the Project area (DCCEEW 2022). The PMST is maintained by the Commonwealth Department of Climate Change Energy the Environment and Water (DCCEEW) and was used to identify flora and fauna species or ecological communities of national environmental significance that may occur or likely to have suitable habitat within the Project areas. Nationally threatened species potentially occurring within the sites were identified from this source.

3.1.2 Biological Database of South Australia (BDBSA) – NPW Act

A Biological Database of South Australian (BDBSA) Supertable search was obtained from the South Australian Department for Environment and Water (DEW) on 21st November 2022 to identify flora and fauna species previously recorded within a 5 km buffer around the Project area (DEW 2020). The BDBSA is comprised of an integrated collection of corporate databases which meet DEWNR standards for data quality, integrity and maintenance. In addition to DEWNR biological data the BDBSA also includes data from partner organisations (Birds Australia, Birds SA, Australasian Wader Study Group, SA Museum, and other State Government Agencies). This data is included under agreement with the partner organisation for ease of distribution, but they remain owners of the data and should be contacted directly for further information.

3.1.3 Assessment of the likelihood of occurrence

The likelihood of each threatened flora and fauna species occurring within the Project areas was assessed. A likelihood of occurrence rating (Highly Likely / Known, Likely, Possible and Unlikely) was assigned to each threatened species identified in the desktop PMST and BDBSA search (Table 2).

Table 2. Likelihood criteria summary.

Likelihood	Criteria
Highly Likely/Known	Recorded in the last 10 years, the species does not have highly specific niche requirements, the habitat is largely intact and falls within the known range of the species distribution or; The species was recorded as part of field surveys.
Likely	Recorded within the previous 20 years, the area falls within the known distribution of the species and the area provides species habitat which is largely intact.
Possible	Recorded within the previous 20 years, the area falls inside the known distribution of the species, but the area does not provide species habitat which is largely intact. Recorded within 20 -40 years, survey effort is considered adequate, habitat is present and intact, and species of similar habitat needs have been recorded in the area.
Unlikely	Recorded within 20 -40 years; however, suitable habitat does not occur, and species of similar habitat requirements have not been recorded in the area. or: No records within the previous 40 years despite suitable habitat being known to occur in the area. or: No records despite adequate survey effort.

3.2 Field Survey

The field survey was conducted on 1st December 2022 by NVC accredited ecologist Andrew Sinel with assistance from ecologist Imogen Marshall. The field survey included a vegetation survey and fauna assessment. All sites were assessed using the Scattered Tree Assessment Methodology (STAM) (NVC 2020).

3.3 Vegetation survey

The NVC scattered tree assessment method is suitable for assessing scattered trees in the following instances:

- Individual scattered trees (i.e., canopy does not overlap). Spatial distribution of trees may vary from approach what would be considered their original distribution (pre-European) through to single isolated trees in the middle of a paddock or;
- Dead trees (when a dead tree is considered native vegetation) or;
- Clumps of trees (contiguous overlapping canopies) if the clump is small (~<0.1 ha) and;
- For both scattered trees and clumps;
    - the ground layer comprising wholly or largely of introduced species
    - some scattered colonising native species may be present, but represents <5% of the ground cover
    - the area around the trees consists of introduced pasture or crops.

3.4 Fauna survey

Existing records and knowledge of species habitat preferences have been used to determine the species likely to use the landscape present as either permanent or transient habitat. Species likelihoods are based on Table 2.

4. Assessment Outcomes

4.1 Vegetation Assessment

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

The project area is located approximately 60 km north-east of Adelaide's CBD and 200 m south of Nuriootpa's urban fringe. The surrounding land use is predominantly commercial and agricultural. No water courses are present within the project area. The closest water course to the property is an unclassified stream (order 3) approximately 450m east of the property boundary. The property has a gentle upward gradient from north to south with a high point in the south-western corner. The soil type with the property was sand over clay.

The vegetation within the property was primarily cleared paddock but had patches of both native and exotic vegetation. Lightly wooded areas comprised of *Eucalyptus leucoxylon* (SA Blue-gum)*, Eucalyptus odorata* (Peppermint Box) and *Callitris gracilis* (Native Pine) were present as two main patches of clumps of trees. Native trees of significant size and value are located within these wooded patches. A *Prunus sp.* orchard is located on the eastern boundary of the property. An amenity planting was located at the south-west corner of the allotment as strips along fence lines comprised of *Acacia iteaphylla*, *Acacia provincialis*, *Melaleuca sp*., *Corymbia sp.*, and *Callistemon viminalis*. The understorey across the entirety of the property was predominantly exotic grass and forb species.

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

A total of 22 native trees are located within the clearance (Table 3). Photographs of each of the scattered native trees can be found in Appendix 4.

Table 3. Summary of scattered trees

Tree ID	Species	No. of Individuals	Height	Diameter	Canopy Dieback	Hollows	Removal	General Comments	Tree ID from Previous Application*	Photo #
1	*Eucalyptus leucoxylon*	20	5	15	10		Y		43	1
2	*Eucalyptus leucoxylon*	1	18	117	10		Y		45	2
3	*Eucalyptus odorata*	1	13	45	10		Y		46	3
4	*Eucalyptus leucoxylon*	1	3	10	0		Y		47	4
5	*Eucalyptus leucoxylon*	1	17	77	5		Y		48	5
6	*Eucalyptus leucoxylon*	1	7	26	5		Y		50	6
7	*Eucalyptus leucoxylon*	1	7	17	5		Y		51	7
8	*Eucalyptus odorata*	1	10	35	15		Y		53	8
9	*Eucalyptus odorata*	1	9	40	80		Y		54	9
10	*Eucalyptus leucoxylon*	1	15	48	5		Y		55	10
11	*Eucalyptus leucoxylon*	1	15	57	5		Y		57	11
12	*Eucalyptus leucoxylon*	1	12	67	60		Y		60	12
13	*Eucalyptus odorata*	1	7	57	40		Y	Tree laying on side, still moderately healthy.	61	13
14	*Eucalyptus leucoxylon*	1	14	44	5		Y		62	14
15	*Eucalyptus odorata*	1	5	50	90		Y		63	15
16	*Eucalyptus odorata*	1	11	74	20		Y		64	16
17	*Eucalyptus odorata*	1	10	66	30		Y		69	17
18	*Eucalyptus odorata*	1	13	62	20		Y		70	18
19	*Eucalyptus odorata*	1	10	28	15		Y		71	19
20	*Eucalyptus leucoxylon*	1	17	91	10		Y		72	20
21	*Eucalyptus odorata*	1	15	77	5		Y		75	21
22	*Eucalyptus leucoxylon*	1	18	95	5		Y		76	22

*See Appendix 5.

Site map showing areas of proposed impact

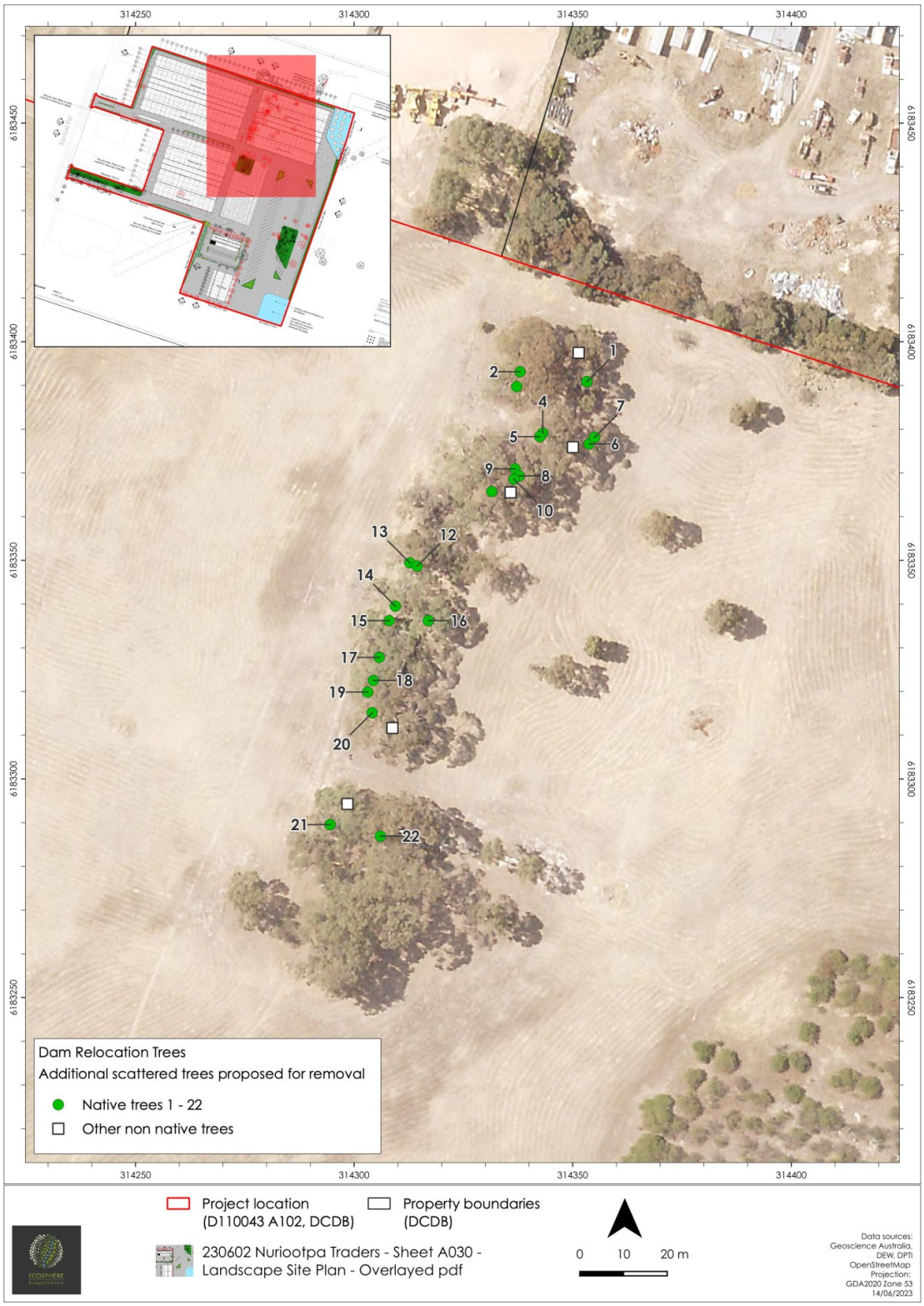


Figure 3. Additional trees proposed for clearance for the dam relocation.

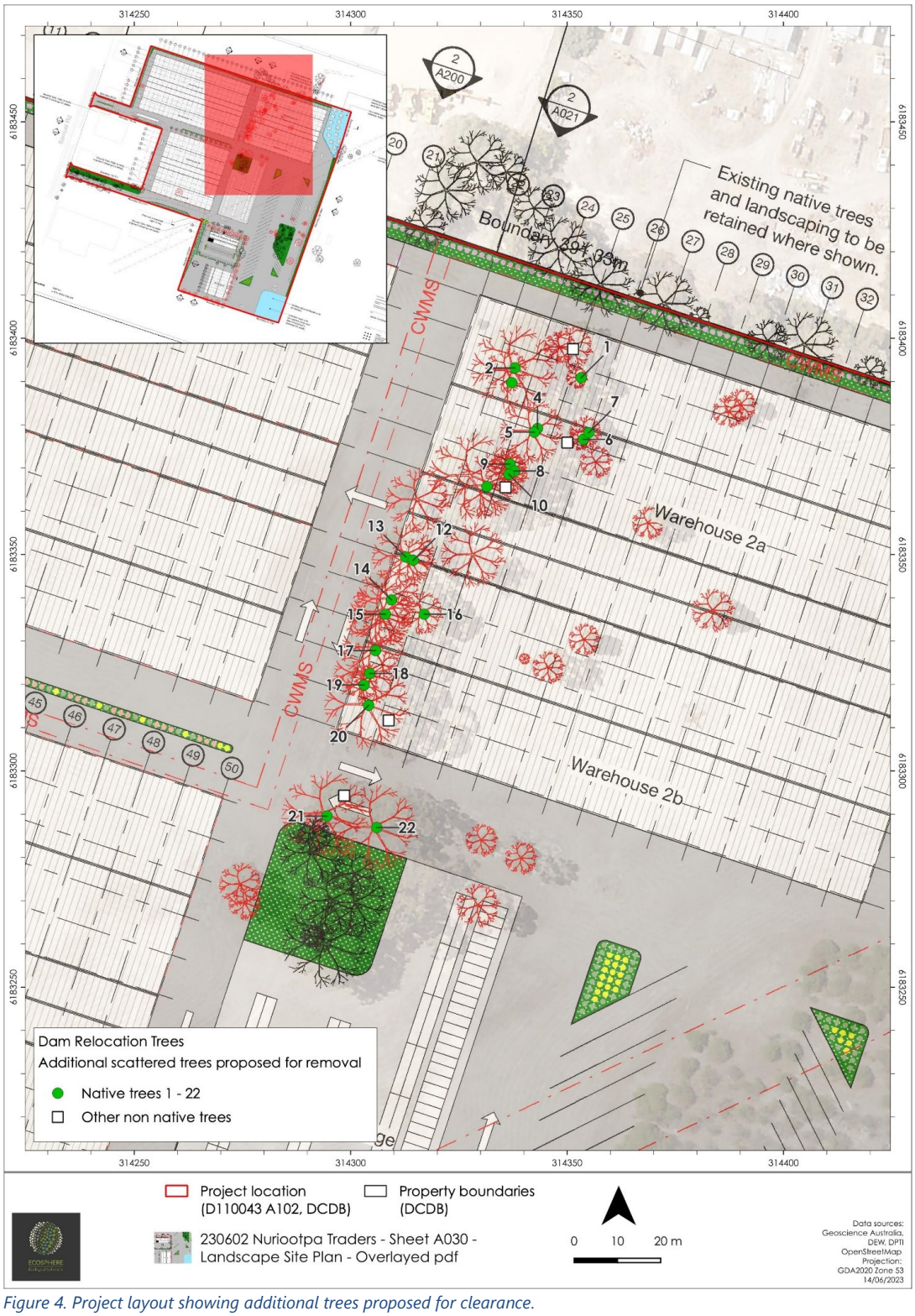


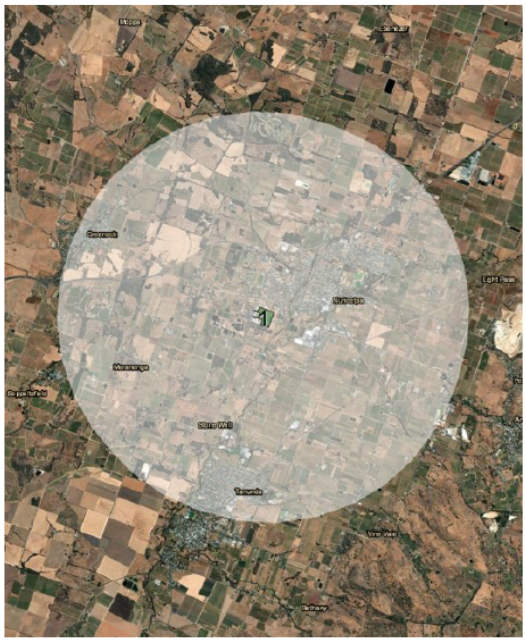
Figure 4. Project layout showing additional trees proposed for clearance.

4.2 Threatened Species assessment

4.2.1 Matters of National Significance

A total of 31 listed threatened species and 11 migratory species were identified by the EPBC Act PMST report as potentially occurring or having suitable habitat potentially occurring within 5 km of the project area (Table 4) (DCCEEW 2022). The relevant MNES protected under the EPBC Act are discussed in detail below.

Table 4. PMST Summary

Search Area (5km Buffer)	Matters of National Environmental Significance	Identified within search area
	World Heritage Properties	0
	National Heritage Places	0
	Wetlands of International Importance (RAMSAR)	0
	Great Barrier Reef Marine Park	0
	Commonwealth Marine Area	0
	Listed Threatened Ecological Communities	2
	Listed Threatened Species	31
	Listed Migratory Species	11
	Other Matters Protected by the EPBC	
	Commonwealth Lands	0
	Commonwealth Heritage Places	0
	Listed Marine Species	17
	Whales and Other Cetaceans	0
	Critical Habitats	0
	Commonwealth Reserves Terrestrial	0
	Australian Marine Parks	0
	Habitat Critical to the Survival of Marine Turtles	0
	Extra Information	
	State and Territory Reserves	4
	Regional Forest Agreements	0
	Nationally Important Wetlands	0
	EPBC Act Referrals	4
	Key Ecological Features	0
	Biologically Important Areas	0
	Bioregional Assessments	0
	Geological and Bioregional Assessments	0

4.2.2 Threatened ecological communities

Two Threatened Ecological Communities (TEC) were found in the PMST as potentially occurring within 5 km of the project area. A summary of these TEC and comment about their likelihood of occurrence in the project area are provided in Table 5.

Table 5. Threatened Ecological Communities identified by the PMST as potentially occurring within 5km of the project area.

Threatened Ecological Community	EPBC Status	Likelihood of Occurrence in the Project Area
Iron-grass Natural Temperate Grassland of South Australia	Critically Endangered	Unlikely.
Peppermint Box (*Eucalyptus odorata*) Grassy Woodland of South Australia	Critically Endangered	Unlikely.

4.2.3 Nationally threatened flora

Twelve flora species listed as threatened under the EPBC Act were identified in the PMST report as potentially occurring or having suitable habitat within the Project area (Table 6). One species of national conservation significance had historical records within 5 km of the project area. *Olearia pannosa* subsp. *pannosa* (Silver Daisy-bush) is listed as vulnerable (Figure 5).

4.2.4 State threatened flora

Fifteen flora species of state conservation significance had historical records from the BDBSA (Table 6 7 Figure 5). *Acacia iteaphylla* (Flinders Ranges Wattle) (SA:R) is present as a planted tree within the project area. However, this species is not native to the biogeographical area of the project site where it is considered a volunteer weed.

A list of all flora species with historical records within 5 km of the Project area is in shown Appendix 2.

Table 6. Threatened flora species listed under the EPBC Act and NPW Act identified in the PMST (Source 5) and Naturemaps (Source 3) database searches within 5 km of the project area.

Scientific Name	Common Name	EPBC Act	NP&W Act	Data Source	Date of last record	Species known habitat preferences	Likelihood of habitat use
Acacia iteaphylla	Flinders Ranges Wattle		R	3	30/06/2000	Mostly confined to heavy alluvial or basalt-derived soils. Growing in area as volunteer weed only.	Present as a planted tree.
Acacia menzelii	Menzel's Wattle	VU		5		Menzel's Wattle is endemic to South where it occurs discontinuously from Mt Hack (Northern Flinders Ranges) to Brachina, in the north, near Burra and to the Murray Bridge area.	Unlikely
Acacia pendula	Weeping Myall		V	3	21/03/2001	Only in area as planted amenity species.	Unlikely
Austrostipa densiflora	Fox-tail Spear-grass		R	3	22/02/2018	Occurs almost exclusively amongst rocks or on very shallow soil overlying rock, and most common in drier elevated sites.	Unlikely
Austrostipa tenuifolia			R	3	30/11/2005	Callitris dominated woodlands.	Likely
Bothriochloa macra	Red-leg Grass		R	3	25/11/2011	Common in disturbed sites such as roadsides	Likely
Brachyscome ciliaris var. *subintegrifolia*			R	3	1/08/2004	Widely distributed, occurring in every Australian state. Somewhat restricted in terms of habitat, favouring red earths and grey sands over limestone or clay, in disturbed areas and on the margins of salt pans.	Unlikely
Caladenia argocalla	White-beauty Spider-orchid	EN		5		Prefers open grassy herb land under light, in a mixed Eucalypt and Callitris forest. The species is also noted to occur on hills and slopes in open forest dominated by Drooping She Oak and in Eucalypt woodlands with a grassy understory	Unlikely
Caladenia tensa	Greencomb Spider-orchid, Rigid Spider-orchid	EN		5		Generally found in Heathy Woodland or Mallee on sands and sandy loams. Broadly considered secure but some forms may prove to be distinct species. No habitat available onsite, Highly Unlikely and not observed within Project area.	Unlikely
Centrolepis cephaloformis subsp. *cephaloformis*	Cushion Centrolepis		R	3	14/11/1996	Wetlands	Unlikely
Daviesia benthamii subsp. *humilis (NC)*	Mallee Bitter-pea		R	3	1/08/2004	Grows in mallee, on sandy or loamy soils, usually calcareous.	Unlikely

Scientific Name	Common Name	EPBC Act	NP&W Act	Data Source	Date of last record	Species known habitat preferences	Likelihood of habitat use
Dianella longifolia var. *grandis*	Pale Flax-lily		R	3	31/03/2013	Ephemeral zones and woodlands	Unlikely
Dodonaea procumbens	Trailing Hop-bush	VU		5		Ephemeral drainage lines within open grasslands and hills	Unlikely
Dodonaea subglandulifera	Peep Hill Hop-bush	EN		5		Populations of the Peep Hill Hop-bush occur primarily on low hills on loamy soils associated with rocky (limestone, slate, shale) These low hills occur to the east of the range country, just before the vegetation changes to mallee flats. The species has also been recorded from plains country in sandy soils over limestone.	Unlikely
Echinopogon ovatus	Rough-beard Grass		R	3	31/03/2013	A fairly common species of moist forests, frequently associated with a rocky or skeletal substrate.	Unlikely
Eucalyptus behriana	Broad-leaf Box		R	3	4/04/2011	In this area, scattered within *E. odorata* and E. *leucoxylon* woodland on low hills, more likely to west of project site and consistent with existing records.	Possible
Euphrasia collina subsp. *osbornii*	Osborn's Eyebright	EN		5		The species has generally been recorded as growing in mallee scrubland (Barker 1982) but has also been found growing in sclerophyll forest and sometimes in sclerophyll woodland associated with Stringybark. Unlikely within Project area.	Unlikely
Glycine latrobeana	Clover Glycine, Purple Clover	VU		5		Native grasslands, dry sclerophyll forests, woodlands and low open woodlands with a grassy ground layer	Unlikely
Isoetes drummondii subsp. *drummondii*	Plain Quillwort		R	3	9/10/1996	Semi aquatic species is usually found growing in mud or temporary water and in damp depressions	Unlikely
Maireana rohrlachii	Rohrlach's Bluebush		R	3	21/03/2002	Open hills and grasslands often occurring on ridges and hillslopes.	Unlikely
Olearia pannosa subsp. *pannosa*	Silver Daisy-bush	VU	V	3, 5	28/09/2010	Small to medium size perennial suckering shrub to 1.5 m high. Found in mallee, woodland and forest communities. In the Northern and Yorke region it usually grows in woodlands but is known in a few moderate	Possible

Scientific Name	Common Name	EPBC Act	NP&W Act	Data Source	Date of last record	Species known habitat preferences	Likelihood of habitat use
						rainfall mallee areas. Not observed within Project area.	
Prasophyllum pallidum	Pale Leek-orchid	VU		5		Grows singly or in small groups on the more fertile soils of woodland and well-grassed open forests. Unlikely within Project area.	Unlikely
Prasophyllum pruinosum	Plum Leek-orchid	EN		5		Recorded in a range of open woodland habitats; usually with an overstorey of Pink Gum (*Eucalyptus fasciculosa*), South Australian Blue Gum (*E. leucoxylon*), *Acacia* and *Callitris gracilis*.	Unlikely
Ptilotus erubescens	Hairy-tails		R	3	31/03/2013	Occasional on relatively fertile soils supporting grassland and woodland communities	Possible
Rumex dumosus	Wiry Dock		R	3	1/08/2004	In grasslands and disturbed grassy areas; mostly on clayey soils.	Unlikely
Senecio macrocarpus	Large-fruit Fireweed, Large-fruit Groundsel	VU		5		The Yellow Swainson-pea Swainsona pyrophila is a short-lived, fire-adapted species that occurs in mallee vegetation communities in inland south-eastern Australia, where it is widely distributed from the northern Eyre Peninsula, South Australia, east to north-western Victoria and western New South Wales.	Unlikely
Thelymitra matthewsii	Spiral Sun-orchid	VU		5		Favours open forests and woodlands in well-drained sand and clay loams. It is a post-disturbance coloniser. It has been recorded as growing on gravely soils in disturbed areas of low coastal in swampy soils on lateritic podsol on gently sloping plateaus or from sand overlying limestone on undulating plain.	Unlikely

Source; 1- BDBSA, 2 - AoLA, 3 – NatureMaps 4 – Observed/recorded in the field, 5 - Protected matters search tool, 6 – others
Conservation status: Aus.: Australia (Environment Protection and Biodiversity Conservation Act 1999). SA: South Australia (National Parks and Wildlife Act 1972). Conservation codes: EN/E: Endangered. VU/V: Vulnerable, R: Rar

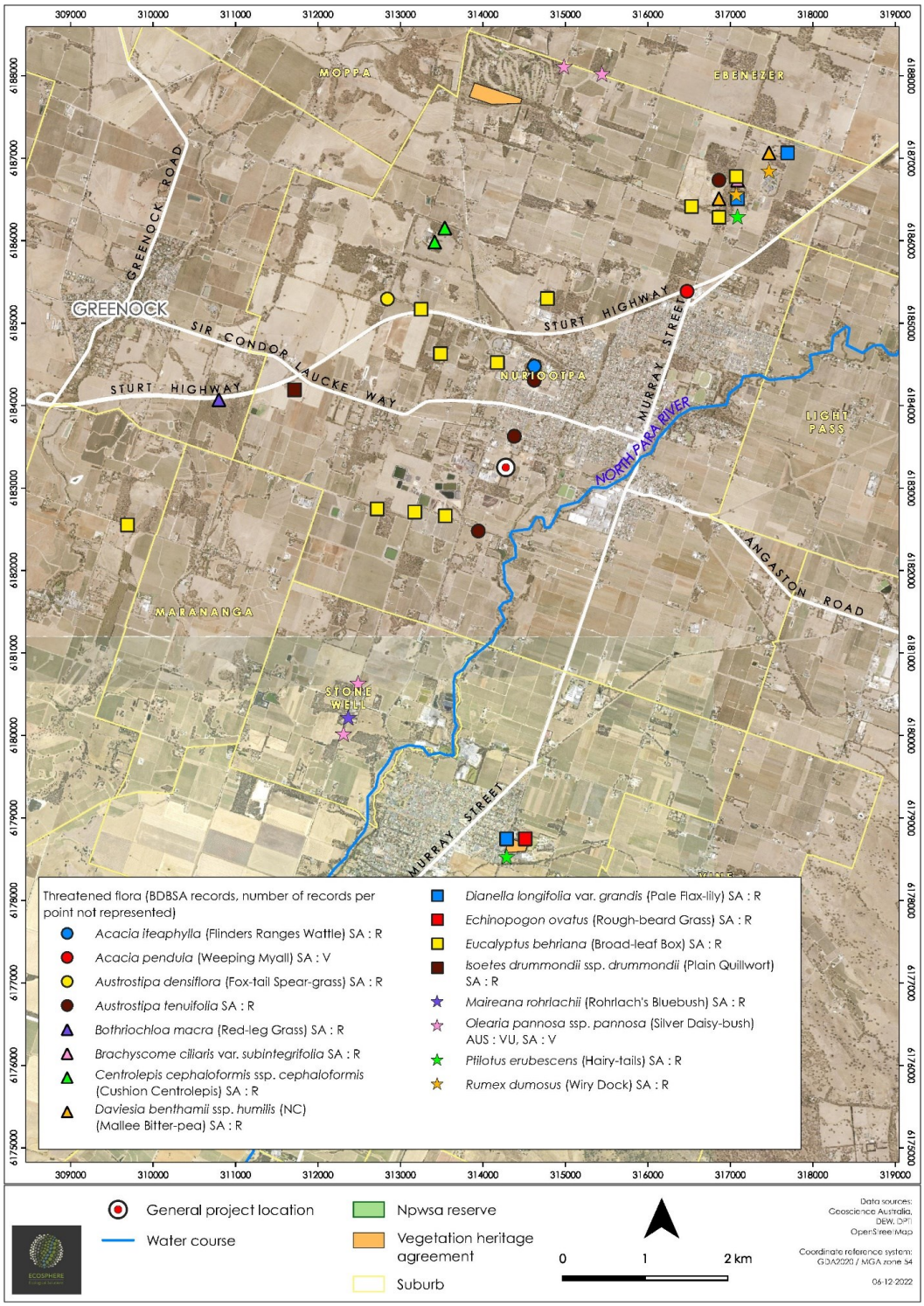


Figure 5. Threatened flora previously recorded within 5km of the project site.

4.2.5 Nationally threatened fauna

Nineteen fauna species listed as threatened under the EPBC Act were identified in the PMST report as potentially occurring or having suitable habitat within the project area (Table 7). This included 14 birds, two reptiles, two mammals and one frog species. One species of national conservation significance had historical records within 5 km of the Project area (Table 7), Diamond Firetail (*Stagonopleura guttata*, EPBC: VU, SA: V). This species was considered to possibly utilise the project area.

The Diamond Firetail (*Stagonopleura guttata*) is known to inhabit open grassy woodland, heath and farmland. Habitat listed as critical for the species includes *Eucalypt, acacia* or *casuarina* woodlands and open forests with low tree density and high native grass cover for foraging, roosting and breeding.

The species has records within 5km of the project area and suitable habitat is present within the wider area. However, habitat within the project area is not deemed critical for the species given the highly degraded understorey formed predominantly of exotic grass and forb species. The area is also located on the edge of a major township and the surrounding land use is becoming increasingly industrialised. Loss of habitat within the project area is therefore unlikely to reduce or fragment existing populations of Diamond Firetail in the wider area and is unlikely to reduce the species area of occupancy.

4.2.6 Migratory species

Eleven migratory species listed under the EPBC Act were highlighted as potentially present within 5km of the project area. None were considered likely to occur within the project area.

4.2.7 State threatened fauna

Three fauna species of state conservation significance had historical records from the Naturemaps BDBSA search within 5km. All state listed species were considered likely to utilise the project area and included:

- *Corcorax melanorhamphos* (White-winged Chough, SA: R)
- *Melithreptus gularis* (Black-chinned Honeyeater, SA: V)
- *Trichosurus vulpecula* (Common Brushtail Possum, SA: R)

White-winged Chough were observed on site during the field assessment.

A list of all fauna species with records within 5 km of the Project area is shown in Appendix 3.

Table 7. Threatened fauna species and migratory listed under the EPBC Act and NPW Act identified in the PMST (Source 5) and BDBSA (Source 3) database searches within 5 km of the project area.

Scientific Name	Common Name	EPBC Act	NP&W Act	Data Source	Date of last record	Species known habitat preferences	Likelihood of habitat use
Aves							
Actitis hypoleucos	Common Sandpiper	Mi		5		The Common Sandpiper mainly breeds in parts of Europe and Asia, and occasionally Africa. Found along all coastlines of Australia and in many areas inland, the species utilises a wide range of coastal wetlands and some inland wetlands, with varying levels of salinity, and is mostly found around muddy margins or rocky shores and rarely on mudflats.	Unlikely
Aphelocephala leucopsis	Southern Whiteface	VU		5		Inhabit wide range of open woodlands and shrublands where there is an understorey of grasses or shrubs, or both. These areas are usually in habitats dominated by acacias or eucalypts on ranges, foothills and lowlands, and plains.	Unlikely
Apus pacificus	Fork-tailed Swift	Mi		5		The Fork-tailed Swift is a non-breeding visitor to all states and territories of Australia. In South Australia, the Fork-tailed Swift is widespread from the Victorian border west to the Spencer Gulf. In Australia, the Fork-tailed Swift is almost exclusively aerial.	Unlikely
Botaurus poiciloptilus	Australasian Bittern	EN		5		In Australia, the Australasian Bittern occurs from south-east Queensland to south-east South Australia as far as the Adelaide Region, southern Eyre Peninsula, Tasmania and in the southwest of Western Australia It favours wetlands with tall dense vegetation	Unlikely
Calidris acuminata	Sharp-tailed Sandpiper	Mi		5		The Sharp-tailed Sandpiper spends the non-breeding season in Australia. In Australasia, the Sharp-tailed Sandpiper prefers muddy edges of shallow fresh or brackish wetlands, with inundated or emergent sedges, grass, saltmarsh or other low vegetation.	Unlikely
Calidris ferruginea	Curlew Sandpiper	CR, Mi		5		In Australia, curlew sandpipers occur around the coasts and are also widespread inland. In Australia, curlew sandpipers mainly occur on intertidal mudflats in sheltered coastal areas, such as estuaries, bays, inlets and lagoons. They are also recorded inland, though less often, including around ephemeral and permanent lakes, dams, waterholes and bore drains, usually with bare edges of mud or sand.	Unlikely

Scientific Name	Common Name	EPBC Act	NP&W Act	Data Source	Date of last record	Species known habitat preferences	Likelihood of habitat use
Calidris melanotos	Pectoral Sandpiper	Mi		5		In South Australia, the Pectoral Sandpiper is found mostly in the south-east, from north to the Murray River and west to Yorke Peninsula. The species is found at coastal lagoons, estuaries, bays, swamps, lakes, inundated grasslands, saltmarshes, river pools, creeks, floodplains and artificial wetlands	Unlikely
Corcorax melanorhamphos	White-winged Chough		R	3	18/10/2019	White-winged Choughs are found in open forests and woodlands. They tend to prefer the wetter areas, with lots of leaf-litter, for feeding, and available mud for nest building, no habitat present within project area.	Known
Falco hypoleucos	Grey Falcon	VU		5		The species occurs in arid and semi-arid Australia, including the Murray-Darling Basin, Eyre Basin, central Australia, and Western Australia (Marchant and Higgins 1993). The species is mainly found where annual rainfall is less than 500 mm, except when wet years are followed by drought, when the species might become marginally more widespread.	Unlikely
Gallinago hardwickii	Latham's Snipe, Japanese Snipe	Mi		5		Latham's Snipe breed in Japan and far eastern Russia during the northern hemisphere summer. Latham's Snipe is a non-breeding visitor to south-eastern Australia and is a passage migrant through northern Australia. The species has been recorded along the east coast of Australia from Cape York Peninsula through to south-eastern South Australia.	Unlikely
Grantiella picta	Painted Honeyeater	VU		5		The species prefers woodlands which contain a higher number of mature trees, as these host more mistletoes. It is more common in wider blocks of remnant woodland than in narrower strips.	Unlikely
Leipoa ocellata	Malleefowl	VU		5		The Malleefowl is found in semi-arid to arid shrublands and low woodlands, especially those dominated by mallee and/or acacias. A sandy substrate and abundance of leaf litter are required for breeding.	Unlikely
Melanodryas cucullata cucullata	South-eastern Hooded Robin	EN	R	5		Prefer dry eucalypt and acacia woodlands and shrublands with an open understorey, some grassy areas and a complex ground layer. Avoid woodlands with tall trees or dense tree cover but sometimes occur in tall, dense heaths with scattered open areas.	Unlikely

Scientific Name	Common Name	EPBC Act	NP&W Act	Data Source	Date of last record	Species known habitat preferences	Likelihood of habitat use
Melithreptus gularis	Black-chinned Honeyeater		V	3	28/11/2003	Upper levels of open eucalypt forests and woodlands dominated by box and ironbark eucalypts. It is often found along waterways, especially in arid and semi-arid areas and in northern Australia. It is occasionally seen in gardens and street trees.	Likely
Motacilla cinerea	Grey Wagtail	Mi		5		The Grey Wagtail has a strong association with water, particularly rocky substrates along water courses but also lakes and marshes. The species is a rare non-breeding summer visitor to northern Australia.	Unlikely
Motacilla flava	Yellow Wagtail	Mi		5		The Yellow Wagtail is a regular wet season visitor to northern Australia. The species is considered a vagrant to Victoria, South Australia and southern Western Australia.	Unlikely
Myiagra cyanoleuca	Satin Flycatcher	Mi		5		The Satin Flycatcher is found in tall forests, preferring wetter habitats such as heavily forested gullies	Unlikely
Neophema chrysostoma	Blue-winged Parrot	VU	V	5		The Blue-winged Parrot inhabits a range of habitats from coastal, sub-coastal and inland areas, right through to semi-arid zones. Throughout their range they favour grasslands and grassy woodlands. Project not likely to significantly impact species due to extent and proximity to highway.	Unlikely
Numenius madagascariensis	Far Eastern Curlew	CR, Mi		5		Primarily coastal distribution rarely recorded inland. During the non-breeding season in Australia, the eastern curlew is most associated with sheltered coasts, especially estuaries, bays, harbours, inlets, and coastal lagoons.	Unlikely
Pedionomus torquatus	Plains-wanderer	CR		5		Plains-wanderers are distributed across north-central Victoria, southern New South Wales (NSW) around the Riverina region, eastern South Australia, and west-central Queensland. Plains-wanderers inhabit sparse native grasslands and are often absent from areas where grass becomes too dense or too sparse. They nest amongst native grasses and herbs, or sometimes amongst crops, feeding on a mixture of seeds, invertebrates, and leaves.	Unlikely
Polytelis anthopeplus monarchoides	Regent Parrot (eastern)	VU		5		The Regent Parrot (eastern) primarily inhabits riparian or littoral River Red Gum (*Eucalyptus camaldulensis*) forests or woodlands and adjacent Black Box (*E. largiflorens*) woodlands. Nearby open	Unlikely

Scientific Name	Common Name	EPBC Act	NP&W Act	Data Source	Date of last record	Species known habitat preferences	Likelihood of habitat use
						mallee woodland or shrubland, usually with a ground cover of spinifex (Triodia) or other grasses, supporting various eucalypts.	
Rostratula australis	Australian Painted Snipe	EN		5		The Australian painted snipe occurs in shallow freshwater (occasionally brackish) wetlands, both ephemeral and permanent, such as lakes, swamps, claypans, inundated or waterlogged grassland/saltmarsh, dams, rice crops, sewage farms and bore drain.	Unlikely
Stagonopleura guttata	Diamond Firetail	VU	V	3	28/02/2019	Open woodlands and grasslands as well a coastal heathland.	Possible
Tringa nebularia	Common Greenshank	Mi		5		The Common Greenshank is found in Europe, Africa, Asia, Melanesia and Australasia. The Common Greenshank does not breed in Australia; however, the species occurs in all types of wetlands and has the widest distribution of any shorebird in Australia. It occurs in sheltered coastal habitats, typically with large mudflats and saltmarsh, mangroves or seagrass.	Unlikely
Zoothera lunulata halmaturina	South Australian Bassian Thrush	EN		5		Woodlands with dense understory, this species will forage in the ground layer.	Unlikely
Mammals							
Isoodon obesulus obesulus	Southern Brown Bandicoot	EN		5		Very dense understory in forests and woodlands. Usually associated with very dense heath or riparian areas infested with blackberry.	Unlikely
Pteropus poliocephalus	Grey-headed Flying-fox	VU		5		Grey-headed Flying-foxes have been recorded intermittently in South Australia for many decades, with a permanent camp only becoming established in Adelaide from 2010. Since 2010, Grey-headed Flying-fox numbers increased incrementally in Adelaide with regular monitoring revealing that there are now approximately 22,000 bats residing here. In South Australia, Grey-headed Flying-foxes feed in tree canopies on blossom and nectar of banksias, grevilleas, tea-trees and gum trees e.g. spotted and Lemon-scented gums and fleshy fruit	Possible as very occasional visitor
Trichosurus vulpecula	Common Brushtail Possum		R	3	29/08/2018	The Common Brushtail Possum (Trichosurus vulpecula) has been recently listed as rare in South Australia due to suffering a significant decline in abundance and reduction in its range across the state, mainly brought about by loss of habitat and	Likely

Scientific Name	Common Name	EPBC Act	NP&W Act	Data Source	Date of last record	Species known habitat preferences	Likelihood of habitat use
						predation. They are commonly found at night in the canopies of eucalypt and She-oak woodlands, mainly feeding on the leaves, flowers and fruits.	
Reptiles							
Aprasia pseudopulchella	Flinders Ranges Worm-lizard	VU		5		Flinders Ranges Worm Lizard burrows freely in loose sand and soil, under rocks and litter in open woodland, native tussock grassland, riparian habitats and rocky isolates. Prefers stony soils or clay soils with a stony surface.	Unlikely
Tiliqua adelaidensis	Pygmy Blue-tongue Lizard, Adelaide Blue-tongue Lizard	EN		5		Occupies spider holes on open grasslands where no historical soil disturbance has occurred.	Unlikely
Frog							
Litoria raniformis	Growling Grass Frog, Southern Bell Frog, Green and Golden Frog	VU		5		Dependent on permanent freshwater lagoons for breeding. Utilises dense vegetation, soil cracks, fallen timber and debris as sources of refuge particularly on frequently inundated floodplains.	Unlikely

Source; 1- BDBSA, 2 - AoLA, 3 – NatureMaps 4 – Observed/recorded in the field, 5 - Protected matters search tool, 6 – others.
Conservation status: Aus.: Australia (Environment Protection and Biodiversity Conservation Act 1999). SA: South Australia (National Parks and Wildlife Act 1972). Conservation codes: EN/E: Endangered. VU/V: Vulnerable, R: Rare, Mi: Migratory

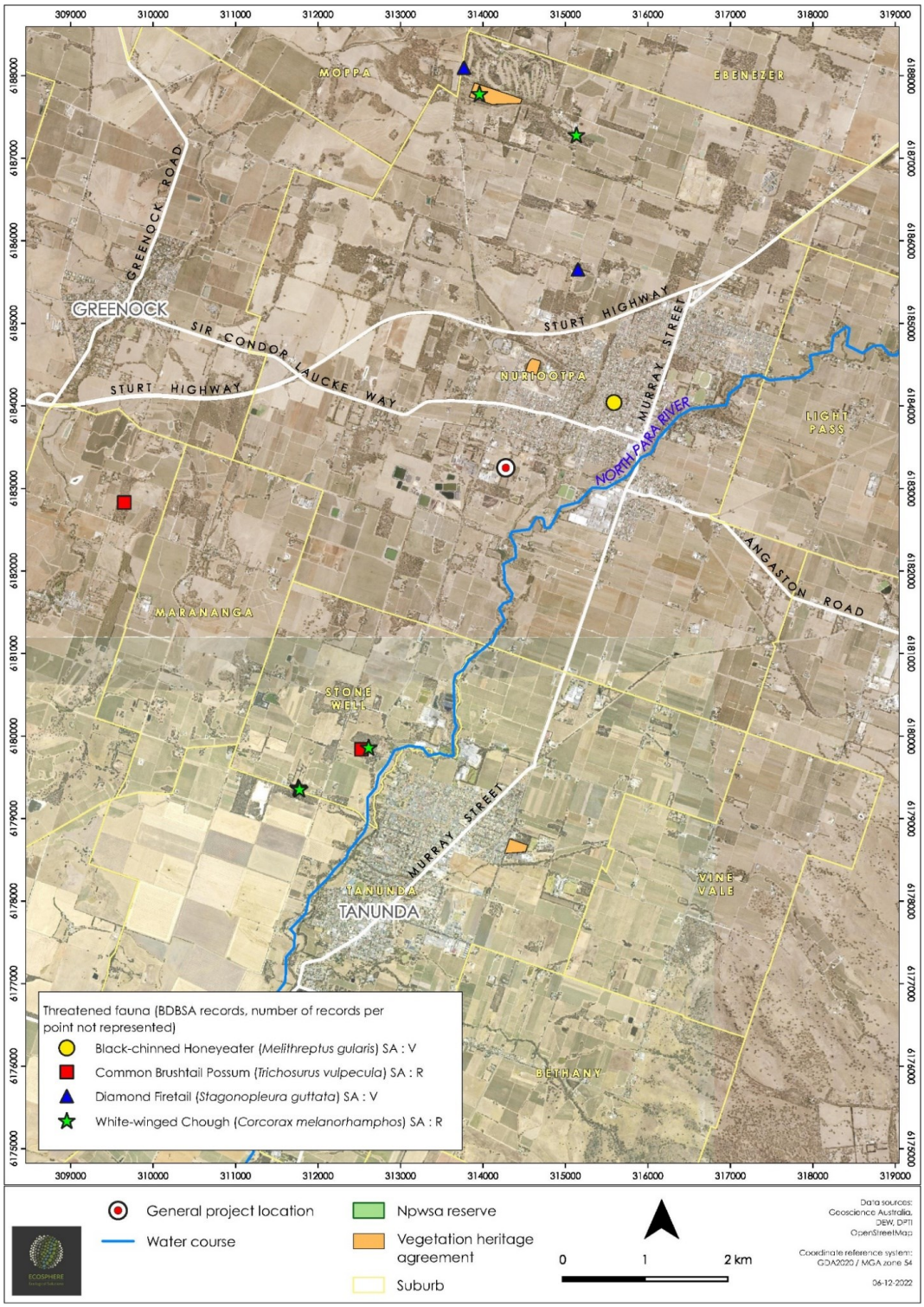


Figure 6. Threatened fauna previously recorded within 5km of the project site.

4.3 Cumulative impact

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

4.4 Address the Mitigation Hierarchy

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

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

Given the nature of the project, spatial optimization is required. The updated design maintains two areas of reserve where native vegetation is incorporated into the plan. These were identified as high value sites where a mix of *Eucalyptus odorata, Callitris gracilis* and *Eucalyptus leucoxylon* were present. These remain representative of the wider remnant vegetation present within road reserves and maintains to some extent connectivity between these and other remnant patches in the immediate area. Preservation of other amenity plantings and landscape themes in keeping with indigenous species is also being maintained where possible within the context of the overall development.

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

The industrial nature of the development generally precludes the ability to minimise outside of retaining vegetation. The development requires a removal or keep approach without scope for allowing regeneration or areas to be unkempt. Areas outside of reserves will be hard paved as part of an industrial warehousing complex.

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

The nature of the project does not lend itself to significant rehabilitation however the retention of amenity trees associated with the southern boundary would maintain a buffer between an industrial facility and the intact remnant vegetation in the allotment south. The concept designs have set aside approximately 16,300m^2 for landscaping (**Error! Reference source not found.**). Locally indigenous species including *Hakea rugosa, Hardenbergia violacea, Myoporum parvifolia, Enchylaena tomentosa* and *Lomandra* c.v. will aid in providing refuge and foraging resources for small birds and complement the retained large trees. Areas have been selected to allow for small distances between patches and includes the use of 2:1 batters instead of hard concrete walls for changes in levels across the site and small areas at the ends of carparking sections. This results in smaller bird species being able to 'skip' through the area without being exposed to large sections of no plantings which otherwise effectively fragments area of amenity plantings and the remnant vegetation at the southern end of the site in an otherwise heavily industrialised zone.

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

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

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

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

Principle of clearance	Considerations
Principle 1a - it comprises a high level of diversity of plant species	Relevant information Two tree species were recorded in the assessment, *Eucalyptus leucoxylon* and *Eucalyptus odorata*.
	Assessment against the principles Not at variance
	Moderating factors that may be considered by the NVC N/A
Principle 1b - significance as a habitat for wildlife	Relevant information Four threatened species have previously been recorded within 5km of the project site. All of these species were considered likely to use the vegetation in the project area (listed below). None of the species are expected to be impacted by the clearance. • *Corcorax melanorhamphos* (White-winged Chough) SA: R • *Melithreptus gularis* (Black-chinned Honeyeater) SA: V • *Stagonopleura guttata* (Diamond Firetail) EPBC: VU, SA: V • *Trichosurus vulpecula* (Common Brushtail Possum) SA: R All trees had a fauna habitat score of 1.4 and unit biodiversity scores ranging from 0.23 to 6.34.
	Assessment against the principles Seriously at Variance – all trees proposed for removal.
	Moderating factors that may be considered by the NVC Patches of intact habitat and large trees of high habitat value were prioritised, where possible, when refining the wider project layout. This maintains some connectivity between other roadside remnant patches however the area is becoming more industrialised being located right on the edge of a major township and adjacent to a significant freight route from Adelaide to Sydney. The general area is highly fragmented being utilised as viticulture land use and therefore the existing habitat has an existing low baseline.
Principle 1c - plants of a rare, vulnerable or endangered species	Relevant information No threatened plant species were recorded in the scattered tree or bushland assessments.
	Assessment against the principles Not at variance.
	Moderating factors that may be considered by the NVC N/A

***Principle 1d - the vegetation comprises the whole or part of a plant community that is Rare, Vulnerable or endangered*:**	Relevant information Although Peppermint Box (*Eucalyptus odorata*) grassy woodlands are listed as a critically endangered ecological community, the vegetation within the property area containing *Eucalyptus odorata* does not meet the guidelines to be classed as this threatened community. This is because *Eucalyptus odorata* cannot be classed as the sole dominant species in the woodland and the minimum requirement of greater than 15 native species, of which at least three are native broad-leaved herbaceous species not on the disturbance resistant list and at least two are native perennial grass species, is not met.
	Assessment against the principles Not at variance
	Moderating factors that may be considered by the NVC N/A
Principle 1e - it is significant as a remnant of vegetation in an area which has been extensively cleared.	Relevant information The IBRA Association percentage vegetation remnancy (%) is 7 and the IBRA Subregion percentage vegetation remnancy (%) is 15. The Total Biodiversity Score for all scattered trees proposed for removal is 53.92.
	Assessment against the principles Seriously at variance – all trees proposed for removal
	Moderating factors that may be considered by the NVC Of the approximately 12.9 ha property, approximately 1 ha was assessed as native vegetation prior to the previous clearance application (approximately 7.7%). This is slightly greater than the 7% native vegetation remnancy of the IBRA association but lower than the 8% remnancy within the surrounding 5km radius. Therefore, the vegetation within the property can be considered a significant remnant. Of the 1 ha of native vegetation originally assessed within the wider property, approximately 0.5ha of native vegetation will be retained in the proposed new project layout (dam relocated to north-east boundary). Where possible, larger wooded patches containing both mature and emergent trees (important for ensuring the longevity of these patches of native vegetation) were retained.
Principle 1f - it is growing in, or in association with, a wetland environment.	Relevant information None of the vegetation proposed for clearance is associated with wetland environments.
	Assessment against the principles Not at variance
	Moderating factors that may be considered by the NVC N/A
Principle 1g - it contributes significantly to the amenity of the area in which it is growing or is situated.	Relevant information
	N/A
	Moderating factors that may be considered by the NVC N/A

Principles of Clearance (h-m) will be considered by comments provided by the local NRM Board or relevant Minister. The Data Report should contain information on these principles where relevant and where sufficient information or expertise is available.

4.6 Risk Assessment

Determine the level of risk associated with the application

Total clearance	No. of trees	22
	Area (ha)	n/a
	Total biodiversity Score	53.92
Seriously at variance with principle 1(b), 1(c) or 1 (d)		1b
Risk assessment outcome		Level 4

4.7 NVC Guidelines

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

5. Clearance summary

Scattered trees Summary table

Tree or Cluster ID	Number of trees	Fauna Habitat score	Threatened flora score	Biodiversity score	Loss factor	SEB Points required	SEB Payment	Admin Fee
1	20	1.4	0	0.2767495	1	5.81	$4,082.30	$224.53
2	1	1.4	0	4.747125	1	4.98	$3,501.22	$192.57
3	1	1.4	0	3.9451532	1	4.14	$2,909.73	$160.03
4	1	1.4	0	0.2254985	1	0.24	$166.32	$9.15
5	1	1.4	0	3.9212285	1	4.12	$2,892.08	$159.06
6	1	1.4	0	0.4602418	1	0.48	$339.45	$18.67
7	1	1.4	0	0.361177	1	0.38	$266.38	$14.65
8	1	1.4	0	2.086426	1	2.19	$1,538.83	$84.64
9	1	1.4	0	0.6192089	1	0.65	$456.69	$25.12
10	1	1.4	0	2.1895991	1	2.30	$1,614.93	$88.82
11	1	1.4	0	2.3861736	1	2.51	$1,759.91	$96.80
12	1	1.4	0	1.1101896	1	1.17	$818.81	$45.03
13	1	1.4	0	1.2582621	1	1.32	$928.02	$51.04
14	1	1.4	0	1.999964	1	2.10	$1,475.06	$81.13
15	1	1.4	0	0.3878107	1	0.41	$286.03	$15.73
16	1	1.4	0	4.1186402	1	4.32	$3,037.68	$167.07
17	1	1.4	0	3.2967446	1	3.46	$2,431.50	$133.73
18	1	1.4	0	4.2754907	1	4.49	$3,153.37	$173.44
19	1	1.4	0	1.3588403	1	1.43	$1,002.21	$55.12
20	1	1.4	0	4.0835289	1	4.29	$3,011.78	$165.65
21	1	1.4	0	6.3396075	1	6.66	$4,675.74	$257.17
22	1	1.4	0	4.4749096	1	4.70	$3,300.45	$181.52
Total	41			53.922569		62.14	$43,648.49	$2,400.67

Totals summary table

	Total Biodiversity score	Total SEB points required	SEB Payment	Admin Fee	Total Payment
Application	53.92	62.14	$43,648.49	$2,400.67	$46,049.15

Economies of Scale Factor	0.5
Rainfall (mm)	505

6. Significant Environmental Benefit

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

ACHIEVING AN SEB

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

☐ Establish a new SEB Area on land owned by the proponent.

☐ Use SEB Credit that the proponent has established. Provide the SEB Credit Ref. No. _____

☐ Apply to have SEB Credit assigned from another person or body. The application form needs to be submitted with this Data Report.

☐ Apply to have an SEB to be delivered by a Third Party. The application form needs to be submitted with this Data Report.

☒ Pay into the Native Vegetation Fund.

PAYMENT SEB

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

To fulfil the SEB obligation under the current plan, a payment of $43,648.49 plus an administration fee of $2,400.67 totalling $46,049.15 is required.

7. Appendices

Appendix 1. Bushland, Rangeland or Scattered Tree Vegetation Assessment Scoresheets associated with the proposed clearance and SEB Area (to be submitted in Excel format)

Appendix 2. Flora Species List

Scientific Name	Common Name	Date of Last Record
Acacia acinacea	Wreath Wattle	29/11/2019
Acacia calamifolia	Wallowa	15/11/2002
Acacia calamifolia (NC)	Wallowa	15/11/2002
Acacia euthycarpa	Wallowa	29/11/2019
Acacia hakeoides	Hakea Wattle	19/07/2022
Acacia iteaphylla	Flinders Ranges Wattle	30/06/2000
Acacia myrtifolia	Myrtle Wattle	29/11/2019
Acacia paradoxa	Kangaroo Thorn	4/11/2019
Acacia pendula	Weeping Myall	21/03/2001
Acacia pycnantha	Golden Wattle	19/07/2022
Acacia retinodes	Wirilda	27/12/2008
Acacia retinodes var. (NC)	Silver Wattle	4/06/2002
Acacia sp.	Wattle	29/11/2019
Acacia spinescens	Spiny Wattle	4/04/2011
Acaena echinata	Sheep's Burr	19/07/2022
Acrotriche affinis	Ridged Ground-berry	1/04/2004
Agave americana var. (NC)	Century Plant	17/04/2002
Aira cupaniana	Small Hair-grass	1/08/2004
Aira sp.	Hair-grass	1/04/2004
Allium sp.		19/07/2022
Allium triquetrum	Three-cornered Garlic	2/10/2014
Allocasuarina pusilla	Dwarf Oak-bush	21/03/1997
Allocasuarina sp.	Sheoak/Oak-bush	29/11/2019
Allocasuarina verticillata	Drooping Sheoak	29/11/2019
Amyema miquelii	Box Mistletoe	19/07/2022
Anthosachne scabra	Native Wheat-grass	19/07/2022
Apodasmia brownii	Coarse Twine-rush	31/03/2013
Arctotheca calendula	Cape Weed	19/07/2022
Aristida behriana	Brush Wire-grass	1/08/2004
Arthropodium fimbriatum	Nodding Vanilla-lily	10/01/2017
Arthropodium strictum	Common Vanilla-lily	19/07/2022
Arundo donax	Giant Reed	17/04/2002
Asparagus asparagoides (NC)	Bridal Creeper	4/06/2002
Asparagus asparagoides f.	Bridal Creeper	19/07/2022
Asparagus asparagoides f. asparagoides	Bridal Creeper	19/07/2022

Scientific Name	Common Name	Date of Last Record
Asparagus declinatus		7/08/2014
Asperula conferta	Common Woodruff	19/07/2022
Asphodelus fistulosus	Onion Weed	21/03/2001
Asteriscus spinosus	Golden Pallensis	1/08/2004
Atriplex sp.	Saltbush	29/11/2019
Austrostipa blackii	Crested Spear-grass	10/01/2017
Austrostipa curticoma	Short-crest Spear-grass	1/08/2004
Austrostipa densiflora	Fox-tail Spear-grass	22/02/2018
Austrostipa drummondii	Cottony Spear-grass	14/11/1996
Austrostipa elegantissima	Feather Spear-grass	19/07/2022
Austrostipa flavescens	Coast Spear-grass	14/11/1996
Austrostipa mollis	Soft Spear-grass	31/03/2013
Austrostipa nodosa	Tall Spear-grass	31/03/2013
Austrostipa pilata	Prickly Spear-grass	1/11/2007
Austrostipa semibarbata	Fibrous Spear-grass	31/03/2013
Austrostipa setacea	Corkscrew Spear-grass	14/11/1996
Austrostipa sp.	Spear-grass	19/07/2022
Austrostipa tenuifolia		30/11/2005
Avellinia festucoides	Avellinia	14/11/1996
Avena barbata	Bearded Oat	19/07/2022
Avena fatua	Wild Oat	25/11/2011
Avena sp.	Oat	15/10/2002
Banksia marginata	Silver Banksia	15/11/2002
Blennospora drummondii	Dwarf Button-flower	14/11/1996
Bothriochloa macra	Red-leg Grass	25/11/2011
Brachyloma ericoides ssp.	Brush Heath	14/11/1996
Brachyloma ericoides ssp. ericoides	Brush Heath	31/03/2013
Brachypodium distachyon	False Brome	20/09/2018
Brachyscome ciliaris var. subintegrifolia		1/08/2004
Brachyscome perpusilla	Tiny Daisy	20/09/2018
Brassica sp.		13/01/2004
Brassica tournefortii	Wild Turnip	1/08/2004
Briza maxima	Large Quaking-grass	20/09/2018
Briza minor	Lesser Quaking-grass	1/08/2004
Bromus diandrus	Great Brome	29/11/2019
Bromus diandrus (NC)	Great Brome	13/01/2004
Bromus hordeaceus ssp. hordeaceus	Soft Brome	4/11/2019
Bromus rubens	Red Brome	1/08/2004
Bromus sp.	Brome	1/11/2006
Bulbine bulbosa	Bulbine-lily	31/03/2013
Bulbine sp.	Bulbine-lily	29/08/2018
Bursaria spinosa ssp.	Bursaria	20/08/2018
Bursaria spinosa ssp. spinosa	Sweet Bursaria	19/07/2022
Caesia calliantha	Blue Grass-lily	20/08/2018

Scientific Name	Common Name	Date of Last Record
Caladenia sp.	Spider-orchid	31/03/2013
Caladenia tentaculata	King Spider-orchid	3/10/2019
Calandrinia sp.	Purslane/Parakeelya	31/03/2013
Callistemon rugulosus	Scarlet Bottlebrush	29/11/2019
Callistemon sp.	Bottlebrush	17/11/1999
Callitris gracilis	Southern Cypress Pine	10/01/2017
Calocephalus citreus	Lemon Beauty-heads	19/07/2022
Calostemma purpureum	Pink Garland-lily	20/08/2018
Calotis hispidula	Hairy Burr-daisy	20/09/2018
Calytrix tetragona	Common Fringe-myrtle	31/03/2013
Carduus tenuiflorus	Slender Thistle	1/08/2004
Carex sp.	Sedge	29/11/2019
Carpobrotus modestus	Inland Pigface	30/06/2000
Carpobrotus sp.	Pigface	21/05/2002
Cassinia arcuata	Drooping Cassinia	20/09/2018
Cassinia arcuata (NC)	Drooping Cassinia	7/08/2014
Cassytha pubescens	Downy Dodder-laurel	12/06/1995
Cassytha sp.	Dodder-laurel	30/06/2000
Cenchrus clandestinus	Kikuyu	25/03/2004
Cenchrus longisetus	Feather-top	17/09/2002
Cenchrus longispinus	Spiny Burr-grass	31/03/2013
Cenchrus setaceus	Fountain Grass	17/11/1999
Centaurea calcitrapa	Star Thistle	21/03/2002
Centaurea solstitialis	St Barnaby's Thistle	21/03/2002
Centaurium erythraea	Common Centaury	1/08/2004
Centaurium sp.	Centaury	14/11/1996
Centaurium tenuiflorum	Branched Centaury	10/01/2017
Centrolepis cephaloformis ssp. cephaloformis	Cushion Centrolepis	14/11/1996
Centrolepis strigosa ssp. strigosa	Hairy Centrolepis	14/11/1996
Cerastium glomeratum	Common Mouse-ear Chickweed	14/11/1996
Chamaecytisus palmensis	Tree Lucerne	7/08/2014
Cheilanthes austrotenuifolia	Annual Rock-fern	20/09/2018
Cheilanthes sp.	Rock-fern	10/01/2017
Cheiranthera alternifolia	Hand-flower	1/11/2006
Chenopodium album	Fat Hen	21/05/2002
Chenopodium desertorum ssp.	Desert Goosefoot	20/09/2018
Chenopodium desertorum ssp. desertorum	Frosted Goosefoot	1/08/2004
Chloris truncata	Windmill Grass	1/11/2006
Chorizandra enodis	Black Bristle-rush	1/08/2004
Chrysanthemoides monilifera ssp. monilifera	Boneseed	20/08/2018
Chrysocephalum apiculatum	Common Everlasting	31/03/2013
Chrysocephalum apiculatum (NC)	Common Everlasting	1/11/2006
Chrysocephalum semipapposum	Clustered Everlasting	19/07/2022
Clematis microphylla	Old Man's Beard	19/07/2022

Scientific Name	Common Name	Date of Last Record
Clematis microphylla var. microphylla (NC)	Old Man's Beard	1/11/2006
Convolvulus erubescens (NC)	Australian Bindweed	27/11/2002
Convolvulus remotus	Grassy Bindweed	1/08/2004
Convolvulus sp.	Bindweed	21/05/2002
Conyza bonariensis	Flax-leaf Fleabane	21/05/2002
Correa sp.	Correa	29/11/2019
Cotoneaster simonsii	Cotoneaster	4/06/2002
Craspedia variabilis	Billy-buttons	31/03/2013
Crassula colligata ssp.		20/09/2018
Crassula colorata var.	Dense Crassula	1/08/2004
Crassula colorata var. acuminata	Dense Crassula	14/11/1996
Crassula colorata var. colorata	Dense Crassula	14/11/1996
Crassula decumbens var. decumbens	Spreading Crassula	20/09/2018
Crassula sieberiana ssp. tetramera (NC)	Australian Stonecrop	14/11/1996
Crassula sp.	Crassula/Stonecrop	20/08/2018
Crassula tetragona ssp. robusta	Crassula	17/04/2002
Cymbonotus preissianus	Austral Bear's-ear	29/08/2018
Cynara cardunculus ssp. flavescens	Artichoke Thistle	19/07/2022
Cynodon dactylon (NC)	Couch	13/01/2004
Cynodon dactylon var.	Couch	29/11/2019
Cynodon dactylon var. dactylon	Couch	31/03/2013
Cynosurus cristatus	Crested Dog's-tail Grass	25/11/2011
Cynosurus echinatus	Rough Dog's-tail Grass	1/11/2006
Cyperaceae sp.	Sedge Family	4/11/2019
Cyperus gymnocaulos	Spiny Flat-sedge	29/11/2019
Cyperus sp.	Flat-sedge	4/11/2019
Cytisus scoparius	English Broom	22/05/2002
Dactylis glomerata	Cocksfoot	19/07/2022
Danthonia sp. (NC)	Wallaby-grass	13/01/2004
Daucus glochidiatus	Native Carrot	20/09/2018
Daviesia arenaria	Sand Bitter-pea	31/03/2013
Daviesia benthamii ssp. (NC)	Spiny Bitter-pea	1/08/2004
Daviesia benthamii ssp. humilis (NC)	Mallee Bitter-pea	1/08/2004
Daviesia brevifolia	Leafless Bitter-pea	21/03/1997
Dianella brevicaulis/revoluta var.	Black-anther Flax-lily	21/03/1997
Dianella longifolia var. grandis	Pale Flax-lily	31/03/2013
Dianella revoluta var.		1/11/2006
Dianella revoluta var. revoluta	Black-anther Flax-lily	19/07/2022
Dichondra repens	Kidney Weed	1/08/2004
Dillwynia hispida	Red Parrot-pea	31/03/2013
Dillwynia sericea	Showy Parrot-pea	31/03/2013
Dittrichia graveolens	Stinkweed	1/11/2006
Dodonaea viscosa ssp.	Sticky Hop-bush	29/11/2019
Dodonaea viscosa ssp. spatulata	Sticky Hop-bush	31/03/2013

Scientific Name	Common Name	Date of Last Record
Drosera glanduligera	Scarlet Sundew	14/11/1996
Drosera peltata (NC)	Pale Sundew	14/11/1996
Drosera whittakeri	Scented Sundew	19/07/2022
Drosera whittakeri ssp. (NC)		1/08/2004
Echinopogon ovatus	Rough-beard Grass	31/03/2013
Echium plantagineum	Salvation Jane	19/07/2022
Ehrharta calycina	Perennial Veldt Grass	31/03/2013
Ehrharta longiflora	Annual Veldt Grass	29/11/2019
Ehrharta sp.	Veldt Grass	4/11/2019
Einadia nutans ssp.	Climbing Saltbush	20/09/2018
Einadia nutans ssp. nutans	Climbing Saltbush	10/01/2017
Enchylaena tomentosa var.	Ruby Saltbush	19/07/2022
Enchylaena tomentosa var. tomentosa	Ruby Saltbush	22/05/2002
Enneapogon nigricans	Black-head Grass	27/11/2002
Eragrostis barrelieri	Pitted Love-grass	11/06/2015
Eragrostis curvula	African Love-grass	1/05/2016
Eragrostis minor	Small Stink-grass	1/08/2004
Erodium botrys	Long Heron's-bill	1/08/2004
Erodium cicutarium	Cut-leaf Heron's-bill	20/09/2018
Erodium sp.	Heron's-bill/Crowfoot	19/07/2022
Eucalyptus behriana	Broad-leaf Box	4/04/2011
Eucalyptus camaldulensis ssp.	River Red Gum	29/11/2019
Eucalyptus camaldulensis var. camaldulensis (NC)	River Red Gum	30/06/2000
Eucalyptus cladocalyx (NC)	Sugar Gum	21/03/2002
Eucalyptus gracilis	Yorrell	4/06/2002
Eucalyptus incrassata	Ridge-fruited Mallee	4/06/2002
Eucalyptus leptophylla	Narrow-leaf Red Mallee	15/11/2002
Eucalyptus leptophylla (NC)	Narrow-leaf Red Mallee	15/11/2002
Eucalyptus leucoxylon ssp.	South Australian Blue Gum	29/11/2019
Eucalyptus leucoxylon ssp. leucoxylon	South Australian Blue Gum	31/03/2013
Eucalyptus leucoxylon ssp. pruinosa	Inland South Australian Blue Gum	19/07/2022
Eucalyptus odorata	Peppermint Box	19/07/2022
Eucalyptus odorata (NC)	Peppermint Box	4/04/2011
Eucalyptus socialis ssp.	Beaked Red Mallee	29/11/2019
Eucalyptus sp.		29/11/2019
Euphorbia drummondii (NC)		1/08/2004
Euphorbia terracina	False Caper	17/11/1999
Eutaxia microphylla	Common Eutaxia	1/11/2006
Eutaxia microphylla var. microphylla (erect) (NC)	Common Eutaxia	14/11/1996
Exocarpos cupressiformis	Native Cherry	20/09/2018
Foeniculum vulgare	Fennel	9/12/2009
Fraxinus angustifolia ssp. angustifolia	Narrow-leaved Ash	2/10/2014
Freesia leichtlinii	Freesia	20/08/2018
Fumaria capreolata	White-flower Fumitory	9/12/2009

Scientific Name	Common Name	Date of Last Record
Galium aparine	Cleavers	9/12/2009
Galium divaricatum	Slender Bedstraw	14/11/1996
Galium gaudichaudii (NC)	Rough Bedstraw	14/11/1996
Galium migrans (NC)	Loose Bedstraw	1/08/2004
Galium murale	Small Bedstraw	20/09/2018
Gazania linearis	Gazania	17/09/2002
Gazania sp.	Gazania	31/03/2013
Geranium sp.	Geranium	20/09/2018
Gladiolus undulatus	Wild Gladiolus	29/11/2019
Glycyrrhiza glabra	Liquorice	9/12/2009
Gnaphalium indutum ssp. indutum	Tiny Cudweed	14/11/1996
Gomphocarpus cancellatus	Broad-leaf Cotton-bush	25/03/2004
Gonocarpus elatus	Hill Raspwort	10/01/2017
Goodenia blackiana	Native Primrose	20/09/2018
Goodenia paradoxa	Spur Velleia	14/11/1996
Goodenia pinnatifida	Cut-leaf Goodenia	19/07/2022
Gramineae sp.	Grass Family	29/11/2019
Grevillea ilicifolia ssp.	Holly-leaf Grevillea	1/08/2004
Grevillea ilicifolia var. ilicifolia (NC)	Holly-leaf Grevillea	22/05/2002
Grevillea lavandulacea ssp. lavandulacea	Spider-flower	31/03/2013
Grevillea lavandulacea var. (NC)	Spider-flower	21/03/1997
Grevillea lavandulacea var. lavandulacea (NC)	Spider-flower	30/06/2000
Hackelia suaveolens	Sweet Hound's-tongue	14/11/1996
Hakea rostrata	Beaked Hakea	21/03/1997
Hakea rugosa	Dwarf Hakea	31/03/2013
Hardenbergia violacea	Native Lilac	20/09/2018
Helichrysum leucopsideum	Satin Everlasting	1/11/2006
Helminthotheca echioides	Ox-tongue	29/11/2019
Hibbertia exutiacies	Prickly Guinea-flower	14/11/1996
Hibbertia riparia (NC)	Guinea-flower	21/03/1997
Hibbertia sp.	Guinea-flower	7/08/2014
Hibbertia virgata	Twiggy Guinea-flower	15/11/2002
Holcus lanatus	Yorkshire Fog	1/08/2004
Hordeum glaucum	Blue Barley-grass	15/10/2002
Hordeum sp.		19/07/2022
Hordeum sp. (NC)	Barley-grass	29/11/2019
Hydrocotyle callicarpa	Tiny Pennywort	14/11/1996
Hypericum perforatum ssp. veronense	St John's Wort	1/08/2004
Hypochaeris glabra	Smooth Cat's Ear	20/09/2018
Hypochaeris radicata	Rough Cat's Ear	1/11/2006
Hysterobaeckea behrii	Silver Broombush	31/03/2013
Iridaceae sp.		10/01/2017
Iris albicans	Flag Iris	31/03/2013
Iris germanica	Flag Iris	4/11/2019

Scientific Name	Common Name	Date of Last Record
Iris germanica (NC)	Flag Iris	22/05/2002
Iris sp.	Iris	13/01/2004
Isoetes drummondii ssp. drummondii	Plain Quillwort	9/10/1996
Isolepis marginata	Little Club-rush	14/11/1996
Juncus capitatus	Dwarf Rush	14/11/1996
Juncus subsecundus	Finger Rush	1/11/2006
Kennedia prostrata	Scarlet Runner	31/03/2013
Kunzea pomifera	Muntries	31/03/2013
Lactuca serriola (NC)	Prickly Lettuce	21/03/2001
Lactuca serriola f.	Prickly Lettuce	29/11/2019
Lagenophora gunniana	Coarse Bottle-daisy	20/08/2018
Lagurus ovatus	Hare's Tail Grass	1/04/2004
Leontodon rhagadioloides	Cretan Weed	20/09/2018
Lepidium africanum	Common Peppercress	19/07/2022
Lepidosperma canescens	Hoary Rapier-sedge	1/07/2002
Lepidosperma carphoides	Black Rapier-sedge	31/03/2013
Lepidosperma concavum (NC)	Spreading Sword-sedge	1/04/2004
Lepidosperma curtisiae	Little Sword-sedge	31/03/2013
Lepidosperma hispidulum	Spreading Sword-sedge	31/03/2013
Lepidosperma sp.	Sword-sedge/Rapier-sedge	30/06/2000
Lepidosperma viscidum	Sticky Sword-sedge	1/11/2006
Leptomeria aphylla	Leafless Currant-bush	31/03/2013
Leptorhynchos squamatus ssp. squamatus	Scaly Buttons	1/11/2006
Leptospermum myrsinoides	Heath Tea-tree	31/03/2013
Levenhookia dubia	Hairy Stylewort	20/09/2018
Lichen sp.		14/11/1996
Linum marginale	Native Flax	1/11/2006
Lolium rigidum	Wimmera Ryegrass	27/11/2002
Lolium sp.	Ryegrass	29/11/2019
Lomandra collina	Sand Mat-rush	31/03/2013
Lomandra densiflora	Soft Tussock Mat-rush	23/08/2022
Lomandra juncea	Desert Mat-rush	31/03/2013
Lomandra leucocephala ssp. robusta	Woolly Mat-rush	22/05/2002
Lomandra micrantha ssp.	Small-flower Mat-rush	10/01/2017
Lomandra micrantha ssp. micrantha	Small-flower Mat-rush	31/03/2013
Lomandra multiflora ssp. dura	Hard Mat-rush	19/07/2022
Lomandra nana	Small Mat-rush	19/07/2022
Lomandra sororia	Sword Mat-rush	31/03/2013
Lomandra sp.	Mat-rush	1/08/2004
Lycium ferocissimum	African Boxthorn	19/07/2022
Lysiana exocarpi ssp. exocarpi	Harlequin Mistletoe	7/08/2014
Lysimachia arvensis	Pimpernel	20/09/2018
Maireana brevifolia	Short-leaf Bluebush	1/08/2004
Maireana enchylaenoides	Wingless Fissure-plant	19/07/2022

Scientific Name	Common Name	Date of Last Record
Maireana rohrlachii	Rohrlach's Bluebush	21/03/2002
Malva parviflora	Small-flower Marshmallow	19/07/2022
Marrubium vulgare	Horehound	31/03/2013
Medicago polymorpha	Burr-medic	29/11/2019
Medicago sp.	Medic	16/11/1999
Melaleuca lanceolata	Dryland Tea-tree	29/11/2019
Melaleuca sp.	Tea-tree	17/11/1999
Microseris walteri	Yam Daisy	20/09/2018
Microtis frutetorum		14/11/1996
Microtis sp.	Onion-orchid	31/03/2013
Moenchia erecta	Erect Chickweed	1/08/2004
Moraea flaccida	One-leaf Cape Tulip	31/03/2013
Moraea setifolia	Thread Iris	1/08/2004
Moss sp.		14/11/1996
Neurachne alopecuroidea	Fox-tail Mulga-grass	1/11/2006
Not naturalised in SA sp.		13/01/2004
Oenothera stricta ssp. stricta	Common Evening Primrose	31/03/2013
Olea europaea ssp.	Olive	29/11/2019
Olea europaea ssp. europaea	Olive	31/03/2013
Olearia decurrens	Winged Daisy-bush	21/03/2001
Olearia pannosa ssp. pannosa	Silver Daisy-bush	28/09/2010
Onopordum acaulon	Horse Thistle	4/06/2002
Opuntia sp.		7/08/2014
Opuntia sp. (NC)	Prickly Pear	21/03/2002
Oxalis perennans	Native Sorrel	19/07/2022
Oxalis perennans/exilis	Native Oxalis	20/09/2018
Oxalis pes-caprae	Soursob	19/07/2022
Ozothamnus retusus	Notched Bush-everlasting	29/08/2018
Ozothamnus sp.	Bush-everlasting	21/03/2002
Palmae sp.	Palm Family	29/11/2019
Panicum capillare var. brevifolium	Witch-grass	1/08/2004
Panicum decompositum var. decompositum	Native Millet	13/01/2004
Panicum effusum var. effusum	Hairy Panic	25/11/2011
Panicum sp.	Panic/Millet	31/03/2013
Parapholis incurva	Curly Ryegrass	14/11/1996
Paspalum dilatatum	Paspalum	13/01/2004
Pauridia glabella var. glabella	Tiny Star	29/08/2018
Pauridia vaginata var. vaginata	Yellow Star	7/08/2014
Pentameris airoides ssp. airoides	False Hair-grass	14/11/1996
Pentameris pallida	Pussy Tail	1/08/2004
Petrorhagia dubia	Velvet Pink	10/01/2017
Phalaris aquatica	Phalaris	29/11/2019
Phalaris sp.	Canary Grass	1/08/2004
Phoenix canariensis	Canary Island Palm	4/11/2019

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Phoenix dactylifera	Date Palm	17/04/2002
Phragmites australis	Common Reed	17/04/2002
Phyllopodium cordatum		14/11/1996
Pimelea humilis	Low Riceflower	31/03/2013
Pimelea stricta	Erect Riceflower	1/11/2006
Pinus halepensis	Aleppo Pine	10/01/2017
Pinus radiata	Radiata Pine	22/05/2002
Pinus sp.	Pine	4/11/2019
Piptatherum miliaceum	Rice Millet	29/11/2019
Plantago lanceolata var.	Ribwort	1/08/2004
Plantago lanceolata var. lanceolata	Ribwort	14/11/1996
Plantago sp.	Plantain	20/09/2018
Poa bulbosa	Bulbous Meadow-grass	20/09/2018
Poa crassicaudex	Thick-stem Tussock-grass	1/08/2004
Polygonum aviculare	Wireweed	4/11/2019
Polygonum aviculare (NC)	Wireweed	21/05/2002
Populus sp.	Poplar	21/05/2002
Prunus dulcis	Almond	4/11/2019
Prunus sp.	Plum	27/11/2002
Psilurus incurvus	Bristle-tail Grass	14/11/1996
Pterostylis biseta	Two-bristle Greenhood	18/10/2019
Pterostylis biseta (NC)	Two-bristle Greenhood	14/11/1996
Pterostylis sp.	Greenhood	20/08/2018
Ptilotus erubescens	Hairy-tails	31/03/2013
Ptilotus spathulatus	Pussy-tails	10/01/2017
Pultenaea largiflorens	Twiggy Bush-pea	10/01/2017
Pultenaea tenuifolia	Narrow-leaf Bush-pea	31/03/2013
Ranunculus sessiliflorus var. sessiliflorus	Annual Buttercup	1/08/2004
Rapistrum rugosum ssp. rugosum	Turnip Weed	4/06/2002
Rhagodia parabolica	Mealy Saltbush	21/03/2002
Rhamnus alaternus	Blowfly Bush	19/07/2022
Romulea minutiflora	Small-flower Onion-grass	2/10/2014
Romulea rosea var. australis	Common Onion-grass	31/03/2013
Romulea sp.	Onion-grass	19/07/2022
Rosa canina	Dog Rose	17/04/2002
Rosa sp.	Wild Rose/Briar	27/11/2002
Rubus sp.	Blackberry	1/08/2004
Rumex acetosella	Sorrel	31/03/2013
Rumex conglomeratus	Clustered Dock	1/11/2006
Rumex crispus	Curled Dock	19/07/2022
Rumex dumosus	Wiry Dock	1/08/2004
Rumex sp.	Dock	4/11/2019
Rytidosperma auriculatum	Lobed Wallaby-grass	1/08/2004
Rytidosperma caespitosum (NC)	Common Wallaby-grass	1/11/2006

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Rytidosperma erianthum	Hill Wallaby-grass	1/08/2004
Rytidosperma fulvum	Leafy Wallaby-grass	31/03/2013
Rytidosperma geniculatum	Kneed Wallaby-grass	1/08/2004
Rytidosperma setaceum	Small-flower Wallaby-grass	4/04/2011
Rytidosperma sp.	Wallaby-grass	19/07/2022
Salsola australis	Buckbush	4/06/2002
Salvia verbenaca var.	Wild Sage	19/07/2022
Salvia verbenaca var. verbenaca	Wild Sage	14/11/1996
Santalum acuminatum	Quandong	20/08/2018
Scabiosa atropurpurea	Pincushion	1/08/2004
Scaevola albida	Pale Fanflower	20/08/2018
Schinus molle	Pepper-tree	13/01/2004
Schoenus apogon	Common Bog-rush	1/08/2004
Schoenus breviculmis	Matted Bog-rush	1/08/2004
Senecio glossanthus (NC)	Annual Groundsel	30/06/2000
Senecio pinnatifolius var. lanceolatus	Variable Groundsel	31/03/2013
Senecio quadridentatus	Cotton Groundsel	20/09/2018
Senna artemisioides ssp. petiolaris		17/04/2002
Senna artemisioides ssp. X coriacea	Broad-leaf Desert Senna	21/03/2002
Setaria verticillata	Whorled Pigeon-grass	21/05/2002
Sisymbrium officinale	Hedge Mustard	21/03/2001
Solanum nigrum	Black Nightshade	1/08/2004
Solenogyne dominii	Smooth Solenogyne	1/08/2004
Sonchus oleraceus	Common Sow-thistle	19/07/2022
Sonchus oleraceus (NC)	Common Sow-thistle	17/04/2002
Sonchus sp.	Sow-thistle	16/11/1999
Sorghum halepense	Johnson Grass	17/04/2002
Sparaxis tricolor	Tricolor Harlequin Flower	20/09/2018
Stackhousia sp.	Candles	20/09/2018
Stellaria media	Chickweed	14/11/1996
Stenanthera conostephioides	Flame Heath	31/03/2013
Stuartina muelleri	Spoon Cudweed	20/09/2018
Styphelia humifusa	Cranberry Heath	20/08/2018
Teucrium racemosum	Grey Germander	1/08/2004
Themeda triandra	Kangaroo Grass	1/11/2006
Thysanotus patersonii	Twining Fringe-lily	20/09/2018
Trachymene pilosa	Dwarf Trachymene	14/11/1996
Tribulus terrestris	Caltrop	31/03/2013
Tricoryne elatior	Yellow Rush-lily	14/11/1996
Trifolium angustifolium	Narrow-leaf Clover	19/07/2022
Trifolium arvense var. arvense	Hare's-foot Clover	4/11/2019
Trifolium campestre	Hop Clover	10/01/2017
Trifolium glomeratum	Cluster Clover	1/08/2004
Trifolium scabrum	Rough Clover	10/01/2017

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Trifolium sp.	Clover	29/11/2019
Trifolium subterraneum	Subterranean Clover	1/08/2004
Triglochin centrocarpum (NC)	Dwarf Arrowgrass	14/11/1996
Ulex europaeus	Gorse	13/01/2004
Veronica persica	Persian Speedwell	1/08/2004
Vicia sativa ssp.	Common Vetch	1/11/2006
Vicia sativa ssp. sativa	Common Vetch	31/03/2013
Vicia sp.	Vetch	19/07/2022
Vinca major	Blue Periwinkle	29/11/2019
Vitis vinifera	Grape Vine	27/11/2002
Vittadinia cervicularis var. cervicularis	Waisted New Holland Daisy	1/08/2004
Vittadinia cuneata var.	Fuzzy New Holland Daisy	1/08/2004
Vittadinia gracilis	Woolly New Holland Daisy	1/11/2006
Vittadinia sp.	New Holland Daisy	10/01/2017
Vulpia bromoides	Squirrel-tail Fescue	14/11/1996
Vulpia fasciculata	Sand Fescue	14/11/1996
Vulpia myuros f.	Fescue	17/11/1999
Vulpia myuros f. myuros	Rat's-tail Fescue	14/11/1996
Vulpia sp.	Fescue	10/01/2017
Wahlenbergia gracilenta	Annual Bluebell	20/09/2018
Wahlenbergia stricta ssp. stricta	Tall Bluebell	14/11/1996
Walwhalleya proluta (NC)	Rigid Panic	1/08/2004
Watsonia meriana cv. Bulbillifera (NC)	Bulbil Watsonia	21/03/2002
Wurmbea dioica ssp. dioica	Early Nancy	29/08/2018
Wurmbea sp.	Nancy	20/08/2018
Yucca gloriosa	Yucca	17/04/2002
Zaluzianskya divaricata	Spreading Night-phlox	20/09/2018

Appendix 3. Fauna Species List

Scientific Name	Common Name	Date of Last Record
Acanthiza chrysorrhoa	Yellow-rumped Thornbill	3/01/2018
Acanthiza nana	Yellow Thornbill	26/10/2016
Anas gracilis gracilis	Grey Teal	26/10/2016
Anthochaera carunculata	Red Wattlebird	18/10/2019
Anthochaera chrysoptera chrysoptera	Little Wattlebird (mainland SA)	9/02/2012
Artamus cyanopterus	Dusky Woodswallow	26/10/2016
Cacatua sanguinea gymnopis	Little Corella	13/10/2017
Carduelis carduelis britannica	European Goldfinch	16/11/2017
Cincloramphus mathewsi	Rufous Songlark	26/10/2016
Climacteris picumnus picumnus	Brown Treecreeper	18/10/2019
Colluricincla harmonica	Grey Shrikethrush	3/01/2018
Coracina novaehollandiae	Black-faced Cuckooshrike	15/01/2018
Corcorax melanorhamphos	White-winged Chough	18/10/2019
Corvus mellori	Little Raven	16/11/2017
Crinia signifera	Common Froglet	13/11/2005
Ctenotus spaldingi	Eastern Striped Skink	24/02/2017
Dacelo novaeguineae novaeguineae	Laughing Kookaburra	3/01/2018
Dicaeum hirundinaceum hirundinaceum	Mistletoebird	26/10/2016
Egretta novaehollandiae	White-faced Heron	16/11/2017
Eolophus roseicapilla	Galah	16/11/2017
Fulica atra australis	Eurasian Coot	26/10/2016
Gambusia holbrooki	Eastern Gambusia	18/03/2018
Geopelia cuneata	Diamond Dove	9/02/2012
Geopelia placida placida	Peaceful Dove	16/11/2017
Glossopsitta concinna	Musk Lorikeet	18/10/2019
Grallina cyanoleuca cyanoleuca	Magpielark	1/02/2018
Gymnorhina tibicen	Australian Magpie	1/02/2018
Hemiergis decresiensis	Three-toed Earless Skink	24/02/2017
Lepus europaeus	European Brown Hare	29/08/2018
Lerista bougainvillii	Bougainville's Skink	23/02/2017
Limnodynastes dumerilii	Banjo Frog	23/02/2017
Limnodynastes tasmaniensis	Spotted Marsh Frog	13/11/2005
Litoria ewingii	Brown Tree Frog	13/11/2005
Macropus fuliginosus	Western Grey Kangaroo	29/08/2018
Manorina melanocephala	Noisy Miner	3/01/2018
Melithreptus gularis	Black-chinned Honeyeater	28/11/2003
Menetia greyii	Dwarf Skink	23/02/2017
Merops ornatus	Rainbow Bee-eater	26/10/2016
Microcarbo melanoleucos melanoleucos	Little Pied Cormorant	26/10/2016
Morethia obscura	Mallee Snake-eye	23/02/2017
Neobatrachus pictus	Burrowing Frog	28/10/2016
Ocyphaps lophotes lophotes	Crested Pigeon	3/01/2018
OLIGOCHAETA sp.	oligichaete worms	22/05/2008
Oryctolagus cuniculus	Rabbit (European Rabbit)	29/08/2018
Pachycephala rufiventris rufiventris	Rufous Whistler	26/10/2016
Pardalotus striatus substriatus	Striated Pardalote	18/10/2019
Passer domesticus domesticus	House Sparrow	15/01/2018
Phaps chalcoptera	Common Bronzewing	18/10/2019
Philypnodon grandiceps	Big-headed Gudgeon	18/03/2018
Phylidonyris novaehollandiae	New Holland Honeyeater	15/01/2018
Platycercus elegans	Crimson Rosella	18/10/2019

Scientific Name	Common Name	Date of Last Record
Pogona vitticeps	Central Bearded Dragon	21/02/2017
Pomatostomus superciliosus	White-browed Babbler	18/10/2019
Psephotus haematonotus	Red-rumped Parrot	15/09/2020
Psephotus haematonotus haematonotus	Red-rumped Parrot (eastern SA except NE)	10/01/2017
Pseudocheirus peregrinus	Common Ringtail Possum	24/11/2019
Pseudonaja textilis	Eastern Brown Snake	21/02/2017
Ptilotula penicillata	White-plumed Honeyeater	18/10/2019
Rhipidura leucophrys leucophrys	Willie Wagtail	3/01/2018
Stagonopleura guttata	Diamond Firetail	28/02/2019
Sturnus vulgaris vulgaris	Common Starling	18/10/2019
Tachyglossus aculeatus	Short-beaked Echidna	10/10/2016
Taeniopygia guttata castanotis	Zebra Finch	3/01/2018
Threskiornis molucca molucca	Australian White Ibis	23/04/2020
Tiliqua rugosa	Sleepy Lizard	23/02/2017
Tiliqua scincoides	Eastern Bluetongue	26/10/2016
Tinca tinca	Tench	18/03/2018
Trichosurus vulpecula	Common Brushtail Possum	29/08/2018
Turdus merula merula	Common Blackbird	3/01/2018
Tyto javanica delicatula	Eastern Barn Owl	10/10/2016
Vulpes vulpes	Fox (Red Fox)	10/01/2017
Zosterops lateralis	Silvereye	16/11/2017

Appendix 4. Scattered Tree Photos

Tree 1

Tree 2

Tree 3

Tree 4

Tree 5

Tree 6

Tree 7

Tree 8

Tree 9

Tree 10

Tree 11

Tree 12

Tree 13

Tree 14

Tree 15

Tree 16

Tree 17

Tree 18

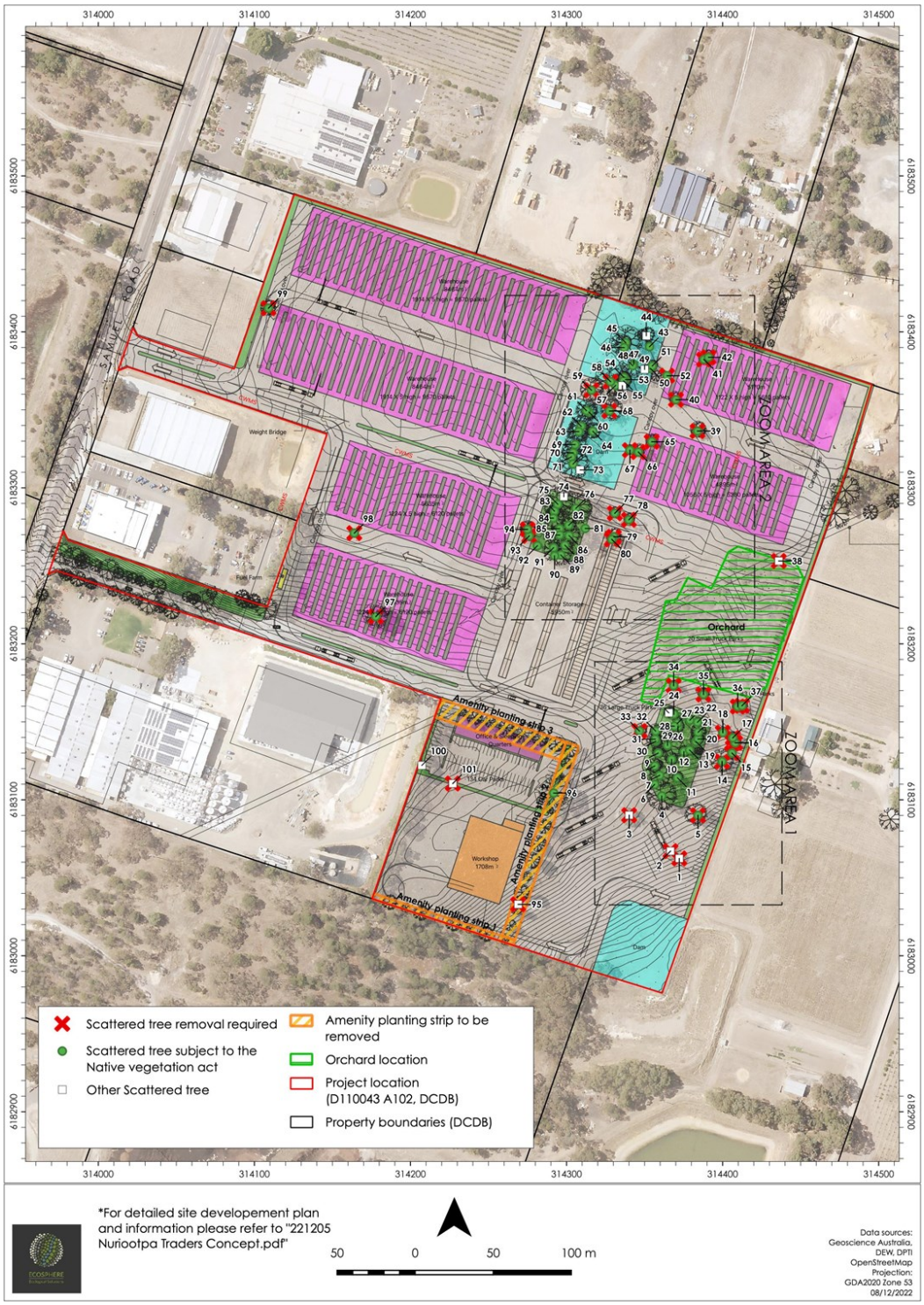
Tree 19

Tree 20

Tree 21

Tree 22

Appendix 5. Project footprint and trees assessed in previous NVC Application for the warehouse development.



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

4.1 22043062 - Allot 102 Samuel Road Nuriootpa

Hearing of Representations:

Applicant: Jason Cattonar of Future Urban on behalf of the applicant Nuriootpa Traders Pty Ltd

Representors: Kylie Falkenberg on behalf of Dianne Falkenberg
Kylie Falkenberg on behalf of Ian Falkenberg

APPLICATION DETAILS

PROPOSAL	Construction of an integrated storage and transport distribution facility comprising storage and warehousing buildings, ancillary offices, worker's accommodation, truck workshop, container storage area, weighbridge, fuel storage, retaining walls and fencing and associated hardstand, car parking and manoeuvring areas, stormwater basins, landscaping and Samuel Road site access upgrades
APPLICANT	Nuriootpa Traders Pty Ltd
OWNER	Industrial and Commercial Developments Pty Ltd
APPLICATION NO	22012365
CERTIFICATE(S) OF TITLE	CT 6160/23
AREA	13.01 hectares
CURRENT USE	Vacant
PLANNING AND DEVELOPMENT CODE VERSION	2022.24 (22 December 2022)
PLANNING AND DESIGN CODE EXTRACT LINK	Relevant Code Extract
ZONE	Strategic Employment
OVERLAYS	Character Preservation District Hazards (Bushfire - Medium Risk) Hazards (Flooding - Evidence Required) Native Vegetation Prescribed Water Resources Area Water Protection Area Water Resources
APPLICATION TYPE	Performance Assessed
PUBLIC NOTIFICATION	Notified – Sign Required
REFERRALS	Native Vegetation Council
PREVIOUS APPLICATIONS	Nil
ASSESSING OFFICER	Aaron Curtis, Assessment Manager

RECOMMENDATION	That Planning Consent be GRANTED subject to Conditions and Reserved Matters

INTRODUCTION

Nuriootpa Traders Pty Ltd seeks Planning Consent for "*Construction of an integrated storage and transport distribution facility comprising storage and warehousing buildings, ancillary offices, worker's accommodation, truck workshop, container storage area, weighbridge, fuel storage, retaining walls and fencing and associated hardstand, car parking and manoeuvring areas, stormwater basins, landscaping and Samuel Road site access upgrades*".

The site is located within the Strategic 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 three representations were received, of which two of the representors have requested to be heard (albeit represented by the same person). The application was subject to referral to Native Vegetation Council pursuant to Schedule 9(3)(11) of the *Planning, Development and Infrastructure (General) Regulations 2017* on basis that the development involves clearance categorised as Level 4 clearance. The Native Vegetation Council have not objected to the clearance.

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.

This report provides a detailed assessment of the proposal against the relevant provisions of the Planning and Design Code. Overall, the assessment identifies that:

a) The integrated storage and transport distribution facility is an envisaged use in the Strategic Employment Zone whereby 'higher impacting uses' are anticipated. The site is one of few sites, zoned to support large scale transport distribution within The Barossa Council;
b) The proposed built form is of a good commercial quality, the buildings are broken up into multiple buildings of lesser floor plates to minimise the overall visual impact of the development and to complement existing large format buildings in the locality, the development site has limited direct Samuel Road street frontage with it being behind established developments fronting Samuel Road, with the main frontages already being developed and occupied by large format industrial buildings, that in part will screen this development from Samuel Road, the proposed buildings are also stepped in their level in order to balance the cut/fill and reduce their prominence in the landscape;
c) The site is located within the Character Preservation Overlay, the development is considered to be appropriate within the township area of the Overlay, noting that the site is located within a Strategic Employment Zone that supports "*higher impacting uses*", the development facilitates storage and warehousing of wine product sourced from uses operating within the out of township area of the Overlay, the development is highly suited for this development having regard to the presence of large format buildings in the locality, the site being set behind established buildings fronting Samuel Road, and having regard to local site

topography which somewhat minimises visibility of the development from the wider area. The proposal has also minimised the extent of retaining walls by proposing batters to the sloped areas in order to soften the interface with the neighbouring properties. Final design of the batters to ensure their stabilisation and manage runoff is subject to Reserved Matter;

d) Notwithstanding proposed 24 hours operation, which the applicant states is the maximum operations but not necessarily reflective of typical operations, noise levels will be within limits of the *Environmental Noise Policy 2007* as assessed by a qualified acoustic consultant. The site does not border any residential use within a Neighbourhood Zone, with the two adjacent residential properties located to the rear (east) being located within the Strategic Employment Zone, as well as another dwelling located at 19-27 Tolley Road that is located within the Employment Zone, meaning levels of amenity for these dwellings cannot be assessed in the same way than if the dwellings were located within a Neighbourhood Zone;
e) External lighting has been assessed by a qualified lighting engineer and will achieve relevant Australian Standards. Light poles do not form part of this consent and are subject to a separate development authorisation, if desired;
f) Landscaped areas, comprising 14% of the total site area, are proposed, which enable retention of established areas of native vegetation and accommodate for new landscaping, to soften the appearance of the buildings and hardstand areas, create positive entranceways to the site via Samuel Road and to minimise the impact of the development upon neighbouring properties by establishing screening;
g) The Native Vegetation Council has granted consent for removal of 31 trees, subject to conditions of consent in relation to the retention of a number of other trees within the site;
h) Adequate on-site parking is available for all expected users, including provision for overflow parking, with the parking areas separated from heavy vehicle parking to maximise safety for operations within the site;
i) Vehicle manoeuvring is accommodated on-site, with all vehicles able to enter and exit the site in a forward direction, the development is designed to cater for a maximum design vehicle for B-Doubles and Semi-Trailers, which are permitted in Samuel Road, that is part of the Barossa Valley freight network;
j) Stormwater management system has been designed by a qualified and experienced stormwater engineer, the stormwater system incorporates provision for detention and treatment of stormwater on-site, before being drained from the site in an environmentally sensitive manner at pre-development levels and the site levels are adequate for flood mitigation. Council's Engineering Services Department have given support to the stormwater design, which includes provision for a stormwater outflow pipe to discharge stormwater underground at controlled rate through neighbouring Commissioner of Highways land which is the direction of fall from the site and Old Mill Road reserve with connection to Kalimna Creek catchment;
k) The site is traversed by existing CWMS infrastructure that services existing developments fronting Samuel Road, the development will realign the CWMS line and propose new connection of the development to the line, subject to meeting Council's requirements, pursuant to the *Public Health Act 2011;*
l) The site is traversed by existing high voltage powerlines contained within an easement, the applicant has signed the Powerline Clearance Declaration and has an ongoing obligation to maintain safe clearance distances from powerlines;
m) Site access has been designed by qualified and experienced traffic engineer, the proponent has been in negotiations with Light Regional Council (who are the custodians of Samuel Road) and the applicant has confirmed they agree to

comply with the Light Regional Council's design requirements for access, subject to design detail being prepared, which is part of a recommended Reserved Matter;

It is considered that the proposal is an appropriate form of development in the Zone and will have an acceptable level of impact on the locality, such that Planning Consent is warranted, subject to recommended Conditions and Reserved Matters.

SITE AND LOCALITY

The site for the proposed development comprises land located at Samuel Road Nuriootpa, formally described as Allotment 102, Certificate of Title Volume 6160 Folio 23.

The site is primarily rectangular in external form, however, comprises a series of right-angled boundary alignments as it wraps around smaller adjoining properties fronting Samuel Road. The site has limited direct Samuel Road street frontage with the two access points having a combined frontage width of 60 metres. These access handles appear like fingers extending from Samuel Road into the allotment proper. The site has a maximum 181.96 metres width and a maximum depth from Samuel Road to the rear boundary of over 400 metres and a total site area of 13.01 hectares.

The site is subject to a series of easements and encumbrances as registered on the Certificate of Title as follows:

- Easement(s) over the land marked A on D110043 to Distribution Lessor Corporation (Subject to Lease 8890000) (T1866480) – with this easement containing an existing high voltage powerline;
- Free and unrestricted right(s) of way over the land marked B on D110043 (RTC 12357310);
- Encumbrance to Tarac Barossa Pty Ltd registered on the Title.

The site has a general cross fall of approximately 6 metres fall from south-west down to north-east (280 metres AHD to 274 metres AHD), with the lowest parts of the site being in the north-eastern and south-eastern corners.

There is existing vegetation on the site comprising a mix of native and exotic vegetation and grassed areas. Native vegetation including SA Blue Gums are primarily confined to clusters of vegetation with the largest cluster located in the central to northern area of the site. Percentage cover of vegetation is less than 10%.

The site is vacant and contains no existing built form or major improvements other than an existing underground waste effluent pipe that traverses the site and services existing developments fronting Samuel Road, albeit that the existing pipe is not contained within an easement. Teusner Wines also have an established access constructed within the site and this access is formed of bitumen part way into the southern handle up to their main access and their rear access is formed via gravel.

The locality is defined principally by visual reference, anticipated noise from the proposed use and the traffic movements to and from the site using Samuel Road, which is part of the Barossa Valley freight network, and has connections to the Sturt Highway and Seppeltsfield Road.

As shown on ***Figure 2,*** the locality extends as follows:

- North to Tolley Road, which is the boundary between the Neighbourhood Zone and Employment Zone
- East along Falkenberg Road
- South, to encompass properties in the Strategic Employment Zone which extend nearer toward the intersection of Samuel Road and Liebig/Pheasant Farm Road
- West, to encompass the properties on opposite side of Samuel Road, located within the Light Regional Council

The locality is mixed in nature, the predominant land use and built form character comprises that of employment land uses but due to many of the properties being undeveloped, the locality has a semi-rural open character which is not uncommon at the periphery of townships.

The site sits centrally between Samuel Road, Tolley Road and Falkenberg Road with the site having limited street frontage. There are five properties that directly abut Samuel Road (i.e. that 'consume' into what would otherwise be a regular allotment) in form of individual commercial and industrial businesses including Teusner Wines, Sturt Street Kitchens and Maggie Beer's Warehouse. These developments comprise large format buildings with there being landscaping and car parking to the front and sides of the buildings and large detention basins at their side or rear.

The adjoining allotment in the north-west corner facing Samuel Road accommodates Barossa Enterprises and a disability employment business with the balance of northern allotments facing Tolley Road occupied by a plant depot (Hunter Bros), residential with approved storage sheds and industrial use (KSI sawmills). These properties are located in the Employment Zone.

The adjoining allotment to the east and portion of the site at corner of Tolley Road and Falkenberg Road (owned by Commissioner of Highways) is occupied by KSI Sawmills, located within the Employment Zone. South of KSI sawmills, there are two allotments containing dwellings and outbuildings which function as semi-rural living allotments with some related primary production/orchards/vines, but are located within the Strategic Employment Zone.

The site immediately south at 107 Samuel Road is vacant and occupied by native vegetation, with the southern half of that site having a dogleg and this area being devoid of native vegetation and containing a water storage dam and set down area used to store grape marc by Tarac. There is a separate allotment at the front of this site (117 Samuel Road, Nuriootpa) which is owned by Barossa Council and is largely vacant but does occupy the dog pound.

South-east of the site, the property at 58B Falkenberg Road is occupied by a large water storage dam together with vines located immediately north and south of the water storage dam. This is part of the same site that contains the dwelling and outbuildings located further north.

The adjacent land to the west across Samuel Road contains the substantial Tarac Technologies facility (winery), with the main industrial buildings being located directly across the road from the southern access of the subject site, there are wastewater lagoons located south of these buildings. To the north of Tarac Technologies, there is a dam located in view directly across the road from the main access to the proposed development. North of that are two vacant allotments located within the Strategic

Employment Zone and further north of that allotment is a rural living allotment occupied by a dwelling, located at corner of Samuel Road and Tolley Road.

The nearest residential properties within a Neighbourhood Zone are located approximately 160 metres east of the site, within the Neighbourhood Zone fronting Falkenberg Road and Old Mill Road. These residential properties are separated from the site by KSI Sawmills.

Being situated on the Barossa Valley freight route, the site is well positioned for a transport depot, noting Samuel Road connects to Sturt Highway to the north, being a primary arterial road, and south to Seppeltsfield Road, which is also part of the freight network.

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

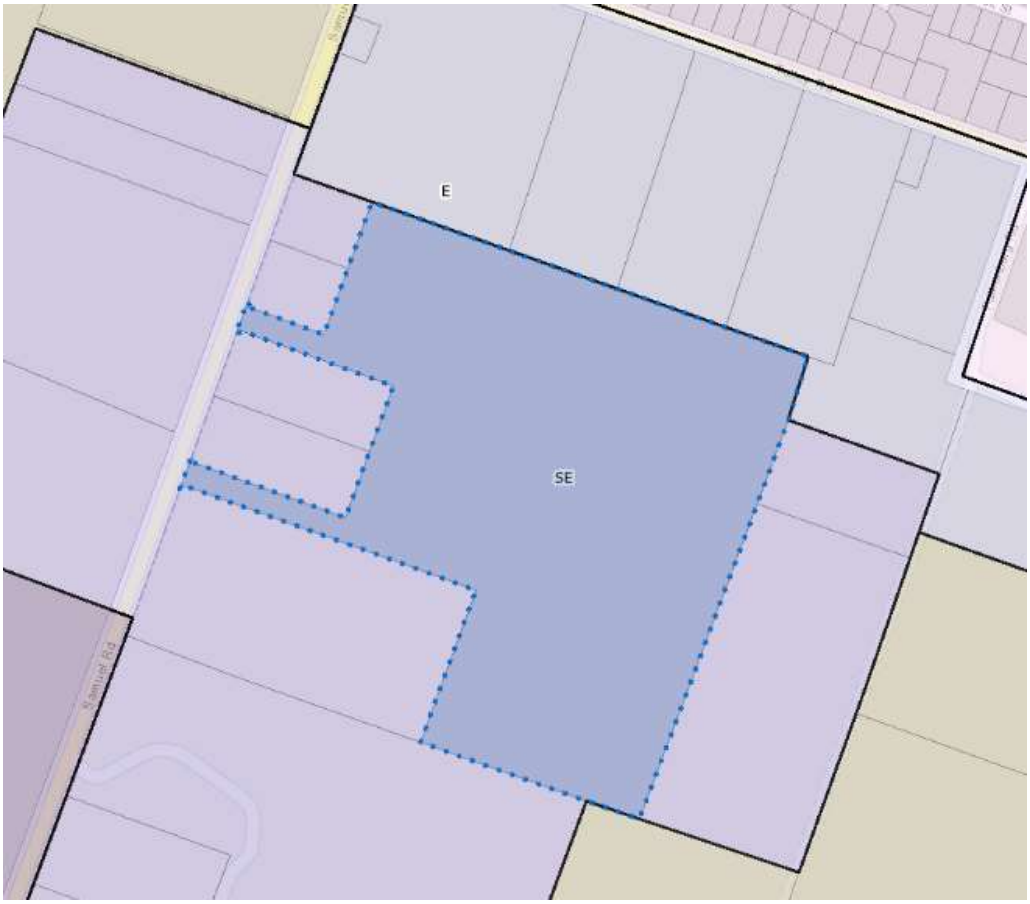


***Figure 1**: Zone Map and Locality*

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

Site photos are provided in **Figures 4** to **19**.

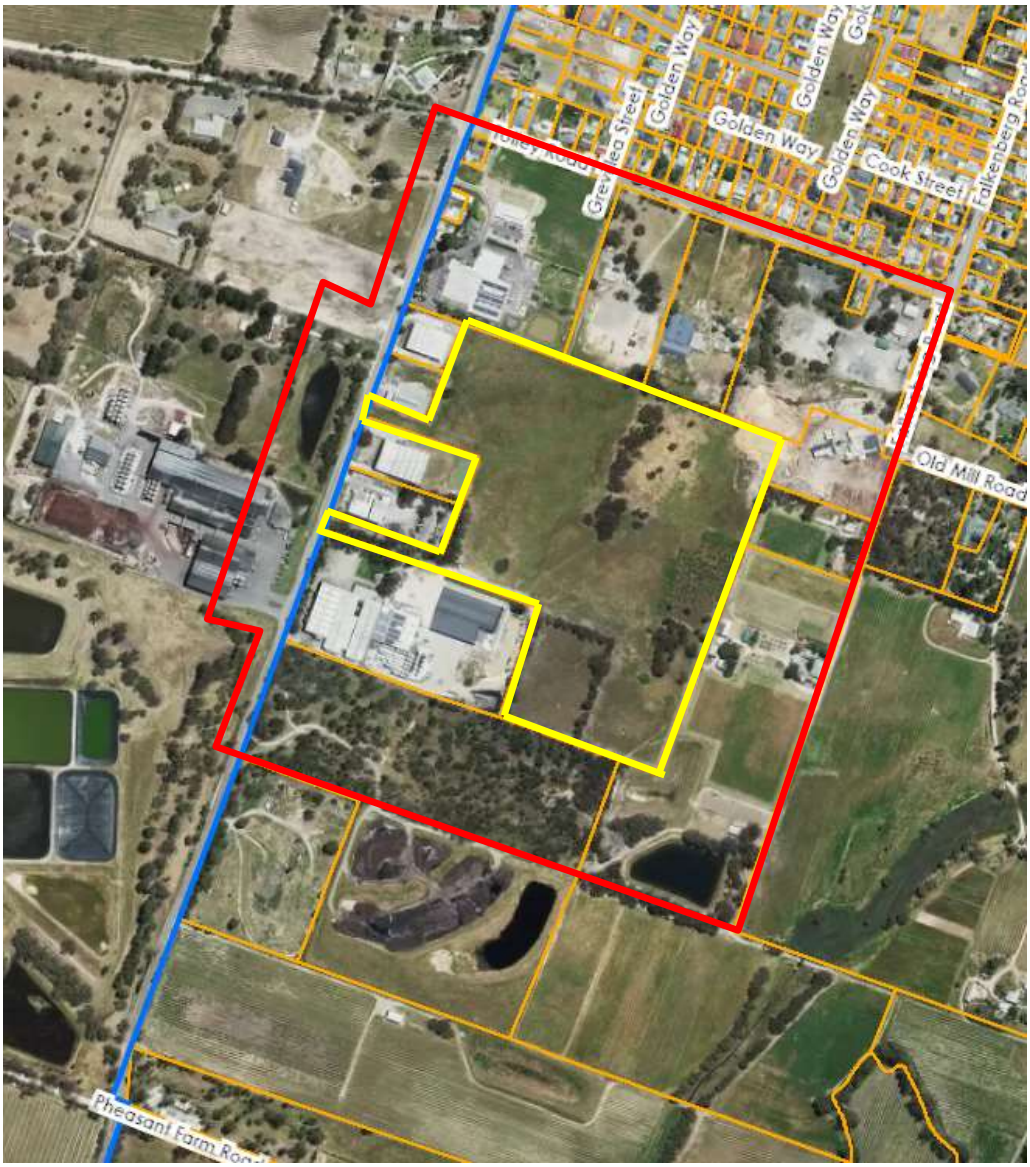


Figure 2: *Aerial – Locality – Subject site in yellow, locality in red*

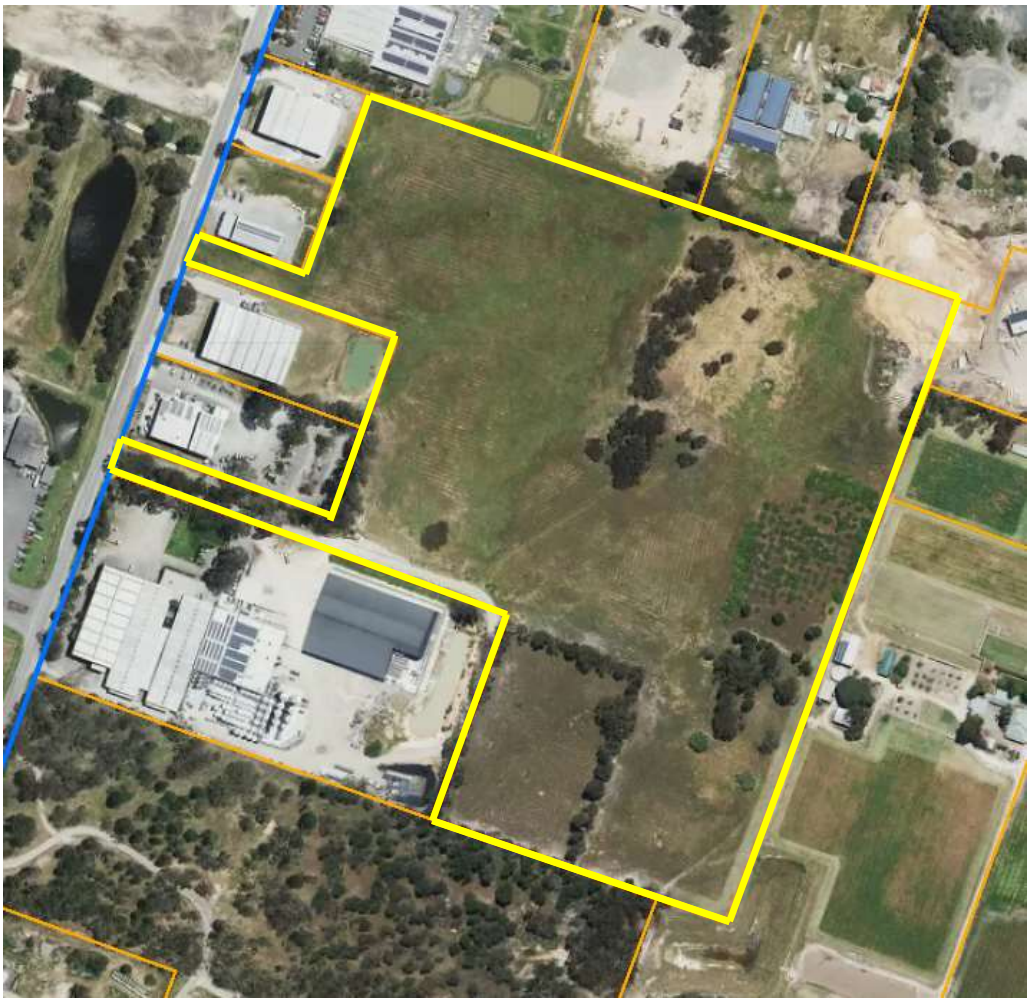


Figure 3: *Aerial – Site*

Figure 4.: *Looking east from Samuel Road toward the northern site frontage, being the location for the main site access to service the development*

Figure 5.: *Looking north from the site toward the back of properties fronting Tolley Road, Barossa Enterprises is located on the left side of image*

Figure 6.: *Looking north-west from site toward rear of properties at 63 Samuel Road (left hand side) and 55 Samuel Road (right hand side)*

Figure 7.: *Looking south-west from site toward rear of Vater Machinery (right hand side of image), Maggie Beer's (centre) and Teusner Wines (left hand side of image)*

Figure 8.: *Looking north-east from site toward KSI Sawmills wood shavings stockpile*

Figure 9.: *Looking east from site toward established orchard situated at the rear of the site, the property at 58B Falkenberg Road is located in the background*

Figure 10.: *Looking east from site toward existing trees on the site, the sheds in the background are located at 58B Falkenberg Road*

Figure 11.: *Looking south from site, a water storage dam and vines are located in the background on left side of picture at 58B Falkenberg Road within Rural Zone*

Figure 12.: *Looking south from site toward established access located at rear of Teusner Wines, that traverses site within an existing easement*

Figure 13.: *Looking west from site along existing driveway servicing Teusner Wines, which is contained within the site in an easement*

Figure 14.: *Looking north-west within site back toward Samuel Road, the cluster of native vegetation is evident in foreground, powerlines are also in view*

Figure 15.: *Looking east from Samuel Road into the established southern access, utilised by Teusner Wines*

Figure 16.: *Looking west from Samuel Road toward Tarac Technologies buildings, located west of the site*

Figure 17.: *Looking south-east from Samuel Road toward Vater machinery access, car park is on the left hand side, building on right hand side*

Figure 18.: *Looking south-east from Samuel Road toward Maggie Beer's Warehouse, access on the left hand side, a large tree is located in the frontage*

Figure 19.: *Looking north-east from Samuel Road toward existing buildings at 63 Samuel Road (foreground) and 55 Samuel Road (background)*

PROPOSAL

The Planning Report, accompanying the application, prepared by Future Urban, describes the business activities of Nuriootpa Traders as follows *"Nuriootpa Traders provides high quality and bespoke storage solutions (generally medium and longer term) for a variety of food and wine producers. The proposed facility is intended to provide a more convenient base for food and wine producers within the Barossa region together with producers across the State more generally."*

The proposed facility includes the following main components:

- Five storage buildings (albeit two are connected with cantilevered roofs to read as single buildings when viewed from above with open ends) combined total floor area of 37,434 sqm with the individual buildings having dimensions as follows:
    - Store 1a – 8,349 sqm (9,570 pallets)
    - Store 1b – 8,349 sqm(9,570 pallets)
    - Store 2a – 5,093 sqm (5,610 pallets)
    - Store 2b – 4,469 sqm (5,280 pallets)
    - Store 3a – 5,587 sqm (6,120 pallets)
    - Store 3b – 5,587 sqm (6,120 pallets)
- A mixed office and workers accommodation building with a total floor area of 629 sqm. The building comprises an open plan office with amenities and four 'self-contained' work accommodation pods with communal kitchen, bathroom, laundry and access space.
- A workshop building with a total floor area of 1,756 sqm comprising a truck servicing workshop, truck wash bay, plant room, office and staff amenities.
- An open area for container storage of 5,950 sqm.
- 216 light vehicle car parking spaces and 44 truck parking spaces.
- 39 sqm fuelling area with a total storage capacity of 95,000 litres.

The proposed site layout places Warehouses 1a to 2b along the northern boundary with Warehouses 3a/3b and the open space container storage area in the centre of the allotment. The 'office', 'sleeping quarters' and the workshop are positioned in the southern half of the site, at the rear of 'Teusner Wines'. Vehicle and truck parking is located behind (ie. east) the container storage area, 'office'/'sleeping quarters' and the workshop, and there are two stormwater basins located in the south-eastern corner and adjacent the northern boundary between warehouses 1a/b and 2a/b.

There are two access point proposed, which are located within the existing 'handles' to Samuel Road (both of 30 metres wide) with the southern access point designed primarily for light/car vehicle access/exit and retention of existing vehicle movements by Teusner Wines within the right of way, together with retention of established vegetation within a landscaped area. The northern access/exit point is the main access to service the development and is designed to accommodate heavy vehicles with separated entry and exit lanes directly connecting (with a weighbridge) to the internal circulation network. The internal vehicle layout is designed to avoid the need for reversing manoeuvres by heavy vehicles.

Much of the balance of the site comprises hardstand utilised as access and circulation space with pockets of landscaping and perimeter plantings (except for the southern boundary).

The proposed storage buildings have a simple rectilinear floor plan with a low pitch gable roof form, metal frame, glazing, concrete dado walls and metal cladding above. The buildings have an overall height of approximately 9.3 metres above finished ground level. The external walls are proposed to be finished with a combination of grey painted pre-cast concrete dado wall to a height of 2.1 metres with profiled metal cladding (Colorbond 'Windspray') above. Lighter coloured metal cladding (Colorbond 'Surfmist') roofing is proposed. There is also a band of light blue painting along the external walls as an additional visual feature, in the 'Nuriootpa Traders' corporate colour.

The office/accommodation building is single storey in appearance with a maximum height to the top of the parapet wall of 4.2 metres above finished ground level. The building has a degree of articulation with external building materials that are complementary to the larger format industrial buildings, comprising dark grey aluminium framed windows and doors, aluminium panelling for the upper section of the building finished in Colorbond 'Wallaby', precast concrete for the lower portion of the building painted in a contrasting shade of grey, and timber slat panel fencing surrounding a 41 sqm outdoor area.

The workshop building adopts a similar design and material palette. It is slightly lower in height than the main warehouse buildings at 8.96 metres high to the apex of the roof and contains substantial roller doors facilitating vehicle access into a wash bay and workshops, together with cantilevered canopies to both sides to provide weather coverage to the door openings.

A car parking area for 216 passenger vehicles (including 2 disabled spaces) is proposed as the primary vehicle parking area for office and workers adjacent to the 'office' and 'sleeping quarters', with these spaces being separated by landscaping beds from the main heavy vehicle access and manoeuvring areas. Of the 216 car parking spaces, 85 car parks are accommodated within an additional overflow car park adjacent the eastern rear boundary.

The hardstand area encircles the buildings and includes a truck parking area located at the rear (east) of the container storage area and 'office'/'sleeping quarters'. There is sufficient space within the site to enable all vehicles to enter and exit the buildings and the site generally in a forward direction.

Landscaping is proposed to cover 14% (18,320 sqm) of the site. Landscaping is proposed within landscaping beds adjacent to the main access and secondary access to Samuel Road, in clusters within the hardstand areas and driveways, adjacent the open container storage area, around the 'office'/'sleeping quarters' and alongside and rear boundaries. The two detention basins are also designed to accommodate peak stormwater flows while containing existing native vegetation and are included within the total area of proposed landscaping referred above.

Existing trees on the site have been retained where possible, as well being incorporated into the proposed stormwater detention system and proposed landscaping areas. Clearance approval has been granted for native trees subject to the *Native Vegetation Act 1991*. The proposed landscaped areas and garden beds will include trees, ground covers, grasses, shrubs, and creepers.

Black cyclone chain wire mesh fencing at 1.8 metres high will be established along both side boundaries and the rear boundary. In some portions of the site boundaries, the fence will sit on top of retaining wall, however, majority of the fence will be situated at the existing site levels, with batters formed inside of the boundary to transition the modified ground surface levels back to that of existing levels.

The Applicant has advised that the proposed facility is intended to operate 24 hours a day, 7 days a week, however the applicant has advised this is maximum operations but is not necessarily reflective of typical operations.

The business will employ up to fifty (50) staff with a maximum number of visitors likely to be five people at any one time. Due to the transient nature of site activities the applicant outlines that the number of staff will vary during the course of a 24 hour period "*as this includes white collar office staff, goods handlers working shift work and local and interstate truck drivers who will deliver goods to the site at various times throughout the day and night.*"

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

APPLICATION TYPE
The site is located within the Strategic Employment Zone.

The proposed development has been described as "an integrated storage and transport distribution facility". Development of this kind is not assigned as a form of '*Accepted Development*' under Table 1 of the Strategic Employment Zone, '*Deemed to Satisfy*' development under Table 2 of the Zone, or as a 'Restricted' form of development under Table 4 of the Zone. Therefore, the application is subject to the 'Performance Assessed' assessment pathway.

PUBLIC NOTIFICATION
An "integrated storage and transport distribution facility" is not excluded from public notification within Column A of Table 5 – Procedural Matters – Notification of the Strategic Employment Zone. Therefore, the application was therefore subject to public notification.

A summary of the public notification process is contained within the table below:

Representations: Three representations were received as follows:

- Diane Falkenberg PO Box 386, Nuriootpa, SA 5355
- Ian Falkenberg PO Box 386, Nuriootpa, SA 5355
- Todd Reithmuller, Teusner & Page Pty Ltd, 95 Samuel Road, Nuriootpa, SA 5352

The representors, D Falkenberg and I Falkenberg oppose the development while the third representation from Teusner & Page Pty Ltd does not object to the development, subject to concerns being addressed by the applicant. The representations from D Falkenberg and I Falkenberg submitted the same letter of objection. Their objection does not explicitly state the address in which they are making a representation, but it is clear from the contents of their

	representation that they are the owners of the two properties located at the rear (ie. east) of the site.
Person wishing to be heard:	Two representors have requested to be heard as follows: • Diane Falkenberg PO Box, Nuriootpa, SA 5355 • Ian Falkenberg PO Box, Nuriootpa, SA 5355
Applicant	Future Urban, on behalf of the applicant, Nuriootpa Traders Pty Ltd, wishes to appear to respond to the representations.
Time period for Public Consultation	12 January 2023 to 2 February 2023

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

Summary of Representations Representor/s	**Applicant's Response**
Size, nature and 24 hour operation more appropriate closer to Sturt Highway	*Site is located in a Strategic Employment Zone which envisages higher impacting land uses. Proposal is correctly sited in this part of Nuriootpa.*
Amenity impacts – increased noise levels from on-site activity will affect ambience and quality of life for surrounding residents. *Amenity impacts – increased light spill from development, particularly at night, may affect local residents and nearby farm animals.*	*Established case law confirms that amenity impacts should not be applied to standards appropriate for residential zoned land. Reiterates that noise emissions will meet Environmental Noise Policy requirements, lighting to comply with Australian Standard 4282 and perimeter landscaping is proposed with a range of medium and tall trees for screening purposes. Will accept a standard light spill condition.*
Loss of native trees and potential polluting emission.	*The site contains small vegetation clusters with most of the land covered by exotic grasses. The Native Vegetation Council do not object to the proposed tree removal. The proposal seeks to retain trees where possible.* *To ensure that no site contamination occurs and watercourse is protected the application will implement a range of measures and meet EPA stormwater quality targets.*
There will be Increased traffic on Falkenberg, Samuel and Greenock Roads with potential for increased	*Traffic consultant, CIRQA have assessed the application and advise that Samuel and Greenock Roads will operate within*

congestion, access issues, longer commute times and higher levels of air pollution. A review of Samuel Road should be undertaken as this road is always congested,	*capacity limits. There is limited need for heavy vehicles to use Falkenberg Road and any Restricted Access Vehicles would need to use gazetted route via Moppa and Samuel Roads.*
There is potential for increased accidents arising from this development. The Samuel Road, Moppa Road and Greenock Road intersection is a considerable hazard.	*The Light Regional Council has received Black Spot Program funding for construction of a roundabout at the intersection of Moppa Road, Samuel Road and Greenock Road. This will improve safety and intersection capacity.*
There are concerns regarding stormwater management in relation to the proposed 'southern basin' located in the south eastern corner of the site	*Civil engineering firm MLEI have advised that the stormwater detention dams will predominately remain dry at all times other than during a major storm event. Therefore, they have assessed the detention dams as being unlikely to result in any concerns for the representors in respect to odour impacts as a result of stagnant water or overland flow concerns.*
The proposal will reduce property values.	*This concern is acknowledged but the perceived loss of property value is not relevant to assessment of this application.*
The proposal will have a visual impact on the natural beauty of surrounding area and increase vehicle traffic making it feel like an industrial area.	*The proposal is located within the appropriate Zone.*
Potential for increased odours from vehicles and health issues such as respiratory, headache etc.	*The Local Nuisance and Litter Control Act 2017, provides appropriate tools to investigate and resolve complaints in relation to local nuisance such as odours and air quality. Notwithstanding, the applicant is committed to adopting on site management protocols to ensure diesel smoke emissions are appropriately managed and achieve best practice.*
The proposal will result in potential damage to road infrastructure due to wear and tear from heavy vehicles.	*Not specifically addressed.*
Council should consider if 'sleeping quarters' are appropriate in a Strategic Employment Zone. There are concerns that proposed sleeping quarters would	*The proposed sleeping quarters will incorporate acoustic treatments to the building facades, roof, external doors and windows such that internal noise*

impede use of adjoining land for future development. The acoustic report does not assess impact of existing uses on proposed sleeping quarters. Report should be updated, *Teusner Wines has a septic tank line running through the subject land and this should not be damaged. Teusner seeks following conditions/reserved matters relating to:* • *Sealing of the existing laneway* • *Ensure a Construction Management Plan maintains access into our site in Southern laneway* • *Update Stormwater Management Plan to consider flows into and from the Southern Laneway* • *A Landscape Management Plan be prepared also including a landscaping strip along the common boundary* • *Reinforce Acoustic Report conditions if sleeping quarters are acceptable* • *Applicant must identify any underground infrastructure associated with Teusner Wines and ensure it is not damaged.*	*levels will be acceptable for prevention of sleep disturbance (will meet AS/NZS 2017:2016 'Recommended design sound levels and reverberation times for building interiors).* *The proposed southern access and circulation road connection has been altered from the originally lodged arrangement (including removal of the median treatment previously identified as requested by Teusner Wines).* *The access arrangements will ensure that the right-of-way and associated access to/from the Teusner site is retained.* *An additional impact analysis has been prepared for the subject site's access points. The modelling confirms that all movements at the shared access point with Teusner will have a Level of Service of 'A' (the highest level of service)'. Similarly, all movements at the northern (commercial vehicle) access will all have a Level of Service of 'A' (including through movements on Samuel Road) with the exception of the right-in movement which is forecast to have a Level of Service 'B' (still well within acceptable levels). The results indicate that there would be minimal impact on existing conditions at the access points and that volumes associated with the site (as well as Teusner's site) are easily accommodated.*

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 Development Code, the application was referred to:

Native Vegetation Council *Schedule 9(3)(11) of the Planning, Development and Infrastructure (General) Regulations 2017*	The application involves native vegetation clearance categorised as Level 4 clearance.

	The Application seeks removal of 31 scattered trees including SA Blue Gum and Peppermint box. *The Native Vegetation Council has assessed the application and consider the application to be in accordance with the requirements of the Native Vegetation Regulations 2017 Regulation 12, Schedule 1, Clause 24.* *The Native Vegetation Council has directed Council to apply 5 conditions, if granted consent.*

A copy of the Native Vegetation Council report is contained in ***Attachment 4.*** It is noted the report contained within Attachment 4 refers to 13 conditions but these conditions relate to the Decision Notification Form for native vegetation clearance and not the actual referral response, that is contained within the Plan SA Portal that contains 5 conditions, which are contained within the recommendation.

The application was subject to consultation with Light Regional Council, as a non-statutory consultation process, noting that Samuel Road is located wholly within the Light Regional Council, with the cadastre boundary forming the Council boundary between The Barossa Council and Light Regional Council. The Light Regional Council have provided comments in relation to the development, principally concerning traffic/access and stormwater matters.

The applicant has confirmed they agree to comply with the Light Regional Council's design requirements for access, subject to design detail being prepared, which is part of a recommended Reserved Matter. The contents of the Light Regional Council advice, dated 8 February 2023 and the acceptance of the works, confirmed by Future Urban on behalf of Nuriootpa Traders Pty Ltd, dated 13 February 2023, are contained in ***Attachment 5***.

A summary of the advice from Light Regional Council is contained below:

Light Regional Council advice
• *Light Regional Council staff advise the development shall not discharge stormwater runoff onto Samuel Road.* • *Samuel Road has several low points that need to be drained to prevent ponding and flooding. The internal stormwater system will need to consider existing connections and outflows.* • *Light Regional Council are currently assessing two development proposals upstream of the catchment. Tarac Technologies have a basin at the front of the property that will overflow onto Samuel Road in extreme weather events. If Samuel Road is widened, impacts on existing swales and culverts will be required and will need to form part of the access point upgrade.* • *Samuel Road is a gazetted freight route for B-double vehicles (26.5 metre road, PBS Level 2A). The newly constructed roundabout between*

Samuel, Stelzer and Seppeltsfield Road can only accommodate B-double vehicles. Funding has been sourced by the Light Regional Council to upgrade the Greenock/Samuel/Moppa Road intersection to a roundabout. Given that Samuel Road is only gazetted to accommodate B-doubles, the applicant should be made aware of this issue and the road can only accommodate B-doubles as part of the current application before Council.

- *The traffic count conducted on Samuel Road by Light Regional Council on 15 September 2021, indicated an AM/PM peak hour movements of 180vph and 174vph respectively in the week. It should be noted, this traffic is within the off-season for vintage and it is likely that these volumes will increase significantly within the vintage period. The percentage of heavy vehicles on Samuel Road is ±16%, which is higher than Thiele Highway, Horrocks Highway and Barossa Valley Way. The majority of heavy vehicles are class 3 delivery vehicles, which is the expected size of vehicles based on the neighbouring properties. As The Barossa Council would be aware, it is a well-used freight route within the area.*
- *Based on the Austroads Guide to Traffic Management, Part 6: Intersections, Interchanges and Crossing Management, both access points warrant a road treatment in the northbound direction. A rural auxiliary lane turn treatment shall be provided by the applicant to accommodate the development, along with an upgrade of both access points.*

- *Assessment Recommendations in Summary:*

  <u>Stormwater</u>

  a) The existing stormwater infrastructure beneath Samuel Road shall be accommodated within the subject site, due to being pre-development upstream surface flow and the natural flow path over the Nuriootpa Traders property, down to Kalimna Creek.
  b) Road treatments on Samuel Road will affect the existing swale on the western side and alteration to the swale system shall be accommodated within the intersection upgrades for the access points.

  <u>Road infrastructure</u>

  c) Concept designs of both access intersections will need to be submitted to the Light Regional Council for approval and shall include a full width auxiliary lane with a 500 mm shoulder on the western side of Samuel Road and any additional widening required for heavy vehicle southbound turning movements from Samuel Road.
  d) Any re-alignment of the infrastructure associated with widening Samuel Road, which might include stormwater swales, underground pipes and electrical poles, will be at the cost of the developer and will require the approval of the Light Regional Council.

e) *A Dilapidation report of Samuel Road will be required and provided to Light Regional Council prior to commencement of any construction works on the site.*
f) *A Pavement Design Report for upgrading Samuel Road to asphalt from crest-to-crest point will be required with works to be undertaken by the applicant, prior to occupation of the land and at the applicant's cost.*
g) *Street lighting shall be installed at the junction of the proposed heavy vehicle access point and Samuel Road with all costs borne by the applicant.*

In relation to the fuel storage on-site, the total capacity is 95,000 litres and this does not exceed the threshold of 100,000 litres, as trigger for referral to the EPA as an activity of Major Environmental Significance, pursuant to Schedule 9 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

Internal
The following internal advice has been received from staff:

Engineering Services	*As advised in comments, dated 19 January 2023, the stormwater management concept described in the MLEI Stormwater Report is acceptable in concept and sufficient to provide confidence that an appropriate stormwater management solution is achievable to support the development. Additional detail will be required for a full assessment during detailed design stage.* *Engineering Services advised that:* • *The extent of Samuel Road upgrades will need to be negotiated between the applicant and Light Regional Council.* • *Access/parking as outlined within the Cirqa report is generally acceptable.* • *The underground drainage pipe is proposed to be installed on the southern side of Old Mill Road, with a 90 degree bend at the intersection of Falkenberg Road and Old Mill Road. However, in order to have a straightline drainage and less asset, such as a junction box, it is recommended*

that the pipe is installed on the northern side of Old Mill Road.

The following items were initially identified by Engineering Services in their comments, dated 19 January 2023:

- *Flows entering the site from northern side of Samuel Road via RCP stormwater pipe at northern entrance (375Ø ?) have not been considered.*
- *Assumed Post-development site fraction impervious of 78% requires justification (would be more likely 95-100%)*
- *Runoff coefficient used to determine pre-development peak flows to be advised*
- *Detailed site plans (grading levels, earthworks etc).*

The applicant was provided opportunity to address these matters in a revised Stormwater Management Plan. Engineering Services have reviewed the revised Plan and advised in comments, dated 13 February 2023 that:

- *The gate at the northern vehicle access has been repositioned as requested previously;*
- *Stormwater flow passage from the external catchment has been addressed. As stormwater is being collected from Samuel Road, this should be a Council asset and therefore contained within a 3 metre wide easement (or 4 metre if shared with CWMS infrastructure). It is evident that there is adequate space in which to accommodate an easement, clear of buildings.*
- *The impervious and pervious areas have been amended as requested.*

Health Services	*It is likely the site will be able to achieve onsite disposal, and as the site is not currently connected to the CWMS system they would technically be able choose to undertake onsite disposal under the Public Health Act 2016.* *If the applicant plans to connect to the CWMS system they will need to submit an application for 'Construction or Modification on Council Property' to Council's Works and Engineering Team, connection fees will likely be applicable, and will be calculated by Council's CWMS Team.* *A Wastewater Application is required to be lodged with Council's Health Team for all internal sanitary drainage, and provide engineering for onsite disposal if they elect to do so.*

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
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 Strategic Employment Zone envisages a range of higher impacting land uses including warehouse and transport distribution. New development should not unduly impede use of other land in the Zone for employment generating activities. The clear policy intent for the Zone is to accommodate activities that by their inherent nature generate 'more than typical' traffic, visual and amenity impacts. The zone allocates land within the Planning and Design Code identified through investigations and subsequent zoning to appropriately accommodate, at a base level, forms of employment generating activity. It is relevant to consider the relationship of different zones and what is permitted where under the Planning and Design Code. The proposed form of development is only contemplated within a Strategic Employment Zone and this particular land has been zoned due to its location at the edge of the township, separated from residential area, being removed from the rural area of the character preservation area and being located on the freight route. The proposal therefore satisfies fundamental land use test.

The applicant has sufficiently addressed assessment issues relating to native vegetation removal, stormwater management, amenity impacts, access and traffic impacts. The arrangement of the proposed buildings, circulation and car parking areas are considered acceptable and while sensitive receivers will experience changed living conditions as a result of the proposal, these uses are located within

the Strategic Employment Zone or Employment Zone and the applicant has demonstrated sufficient compliance with Environmental Noise and other policies/standards to meet Code guidance. The applicant has worked with Barossa and Light Regional Councils to agree to necessary actions to ensure acceptable impact on the external road network and stormwater management infrastructure.

For all of the above reasons, the proposal is therefore 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.

The subject land is located on the fringes of the Nuriootpa township in an established industrial and mixed used neighbourhood comprising some large format buildings in form of storage and warehouse buildings. The proposed involves the development of a vacant site with tree removal (approved by the Native Vegetation Council) and the introduction of a number of large buildings. Proposed built form has a height, scale and appearance sufficiently in-keeping with zone aspirations and local context. The proposed development will not adversely impact the historic identity and character of Nuriootpa or its environs.

The development facilitates storage and warehousing of wine product sourced from uses operating within the out of township area of the Overlay, the development is highly suited for this development having regard to the presence of large format buildings in the locality, the site being set behind established buildings fronting Samuel Road, and having regard to local site topography which somewhat minimises visibility of the development from the wider area. The proposal has also minimised the extent of retaining walls by proposing batters to the sloped areas in order to soften the interface with the neighbouring properties.

Given the location of the site there is no adverse impact on the rural and natural landscape as contemplated for this part 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 and Intensity

Strategic Employment Zone	
Desired Outcomes	
DO 1	*A range of industrial, logistical, warehousing, storage, research and training land uses together with compatible business activities generating wealth and employment for the state*
DO 2	*Employment generating uses are arranged to:* *(a) support the efficient movement of goods and materials on land in the vicinity of major transport infrastructure such as ports and intermodal freight facilities;*

	(b) maintain access to waterfront areas for uses that benefit from direct water access including harbour facilities, port related industry and warehousing, ship building and related support industries *(c) create new and enhance existing business clusters* *(d) support opportunities for the convenient co-location of rural related industries and allied businesses that may detract from scenic rural landscapes* *(e) be compatible with its location and setting to manage adverse impacts on the amenity of land in adjacent zones*
DO 3	*A pleasant visual amenity from adjacent arterial roads, adjoining zones and entrance ways to cities, towns and settlements.*
Relevant Performance Outcomes/Designated Performance Features	
Land use and Intensity	
PO 1.1 *Development primarily for a range of higher-impacting land uses including general industry, warehouse, transport distribution and the like is supplemented by other compatible development so as not to unduly impede the use of land in other ownership in the zone for employment-generating land uses, particularly those parts of the zone unaffected by an interface with another zone that would be sensitive to impact-generating uses.*	*DTS/DPF 1.1* *Development comprises one or more of the following:* *a) Advertisement* *b) Automotive collision repair* *c) Electricity substation* *d) Energy generation facility* *e) Energy storage facility* *f) Fuel depot* *g) General industry* *h) Intermodal facility* *i) Light Industry* *j) Motor repair station* *k) Public service depot* *l) Rail marshalling yard* *m) Renewable energy facility (other than a wind farm)* *n) Retail fuel outlet* *o) Service trade premises* *p) Shop* *q) Store* *r) Telecommunications facility* *s) Training facility* *t) Warehouse*

The proposed development comprises a number of elements contemplated within DPF 1.1 including warehousing and store. Although transport and logistical activities are not referenced within the DPF 1.1, they are clearly contemplated within Desired Outcome 1 and listed in Performance Outcome 1.1 as appropriate activities in the Strategic Employment Zone.

Further, the Strategic Employment Zone is intended to accommodate 'higher impacting' land uses indicating that land uses involving activities at a larger scale or a higher level of impact are more tolerable than within an Employment Zone, Mixed Use or Neighbourhood Zone.

The site abuts residential properties to the east and one residential property to the north but is not located adjacent to an interface with a Neighbourhood-type zone.

The proposal meets the criteria set out in Desired Outcome 2 as:

- The site is within an established industrial and employment generating area with road links to the Sturt Highway (that forms part of the statewide freight network

connecting to Port Adelaide and intermodal facilities such as Direk) as well as Seppeltsfield Road;
- The proposal comprises development of vacant land in the form of a major transport distribution facility that will generate wealth and employment for the state, consistent with Desired Outcome 1.
- The built form and function as a transport distribution facility is compatible with existing and anticipated built form in the locality, plus is located away from any boundary with a Neighbourhood Zone.

The proposed development is considered to be an entirely appropriate land use in the Strategic Employment Zone and satisfies the key Desired and Performance Outcomes for the Zone.

Built Form and Character

Relevant Performance Outcomes/Designated Performance Features	
Built Form and Character	
PO 3.1 *Development includes distinctive building, landscape and streetscape design to achieve high visual and environmental amenity particularly along arterial roads, zone boundaries and public open spaces.*	*DTS/DPF 3.1* *None are applicable.*
PO 3.2 *Building facades facing a boundary of a zone primarily intended to accommodate sensitive receivers, a public road, or public open space incorporate design elements to add visual interest by considering the following:* *a) using a variety of building finishes* *b) avoiding elevations that consist solely of metal cladding* *c) using materials with a low reflectivity* *d) using techniques to add visual interest and reduce large expanses of blank walls including modulation and incorporation of offices and showrooms along elevations visible to a public road*	*DTS/DPF 3.2* *None are applicable.*
General Development Policies	
Design	
Desired Outcomes	
DO 1	*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.*
External Appearance	
PO 1.3 *Building elevations facing the primary street (other than ancillary buildings) are designed and detailed to convey purpose, identify main access points and complement the streetscape.*	*DTS/DPF 1.3* *None are applicable.*
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 subject land does not contain a typical section of road frontage, rather it is limited to two access points (each 30 metres wide) that connect to elongated driveways extending along the boundaries of smaller allotments directly facing the street (e.g. Teusner Wines). The visual relationship between the main part of the site and Samuel Road is demonstrably diminished. This also applies to Tolley Road and Falkenberg Road due to the site being setback from these roads approximately 211 metres and 110 metres respectively.

The proposed development will still be visible in longer views primarily from Samuel Road as well as Tolley Road and Falkenberg Road. The proposal has therefore been assessed against Performance Outcome 3.2 and is considered to be an appropriate design in keeping with the built form and appearance of large format buildings in the vicinity of the site. Positive design elements in accordance with PO 3.2 include:

- A mix building finishes including painted pre-cast concrete, differing colours of metal cladding and accent painting.
- The buildings are broken up into multiple buildings of lesser floor plates to minimise the overall visual impact of the development;
- Utilising materials with a darker hue and low light reflectivity;
- The buildings are stepped in their level in order to balance the cut/fill and reduce their prominence in the landscape.

The large warehouse buildings employ limited modulation or articulation, however, given their perpendicular alignment to the street, significant street setbacks, obscuring affect of existing built form and variation in external finishes they are considered to have an acceptable streetscape and visual impact. Plus their visual dominance to the street is low and far less noticeable than other sites such as Tarac Technologies that form part of the accepted character in the Zone.

Desired Outcome 1 of the General Development Policies also sets out design guidelines for the development. The proposal sufficiently satisfies design criteria in that:

- The proposed development has a built form comprising large format buildings within a purpose designed layout that meets the needs of the future occupier and is cognisant of the nature of existing commercial development in the locality.
- The proposed buildings have large floorplates and internal volume to meet occupier needs with flexibility for other employment generating uses if ever required. The buildings utilise a mix of pre-cast concrete and metal cladding that has proven over time to be durable and long lasting.
- Within the context of site activities the proposed development places car parking areas (including disabled spaces) within close proximity of the 'office' and 'worker accommodation' building, plus integrates landscaping around the site to enhance amenity and retain existing native vegetation where possible. The site is not linked to any open space or cycling network with limited public realm exposure thus Desired Outcome 1(c) has limited applicability.
- There are elements of sustainable design techniques most notably for stormwater detention and associated bio-filtration swales. The large expanses of hardstand surface will likely increase site specific urban heat outcomes, however, there is a legitimate requirement for this amount of space for vehicle circulation and parking and the applicant has increased the amount of soft landscaping to exceed the 10% guideline which offers some amelioration to this potential impact.

The design and layout of buildings and car park areas is logical and internal site wayfinding and pedestrian safety is acceptable.

Overall, the buildings are not considered to be distinctive as referenced in Desired Outcome 1, however, they need not be, given their location within a site that is largely removed from a road frontage, the buildings have adopted contemporary warehouse and commercial design vernacular and with their darker hue and partial embedding into the site (due to topography and proposed landscaping) they are considered to meet Performance Outcomes 3.1 and 3.2.

Building setbacks

Relevant Performance Outcomes/Designated Performance Features	
Building Setbacks	
PO 3.3 *Buildings are set back from the primary street boundary to contribute to a consistent streetscape.*	*DTS/DPF 3.3* *The building line of a building is no closer to the primary street frontage than:* *a) the average of existing buildings on adjoining sites with the same primary street frontage and, if there is only one such building, the setback of that building* *or* *b) where no building exists on an adjoining site:* *i. 8 metres or more for buildings up to 6 metres high* *ii. not less than 10 metres for buildings greater than 6 metres high.*

PO 3.5 *Buildings are sited to accommodate vehicle access to the rear of a site for deliveries, maintenance and emergency purposes.*	*DTS/DPF 3.5* *Building walls are set back 3 metres or more from at least one side boundary, unless an alternative means for vehicular access to the rear of the site is available*

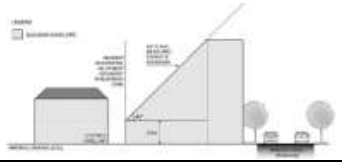
This section of Samuel Road contains built form with varying setbacks from approximately 13 metres to over 50 metres interspersed with vacant properties. There is limited consistency in front setbacks. In general, building setbacks in the immediate vicinity allow for perimeter landscaping and car parking to the front of buildings built parallel to the road.

The site has no direct street frontage other than for two access points to Samuel Road. The proposed buildings will sit to the rear of existing buildings and form no visual component of the current front setback arrangements along Samuel Road. Taking into account existing setbacks and the siting of the proposed development the application is considered to meet the intent of Performance Outcome 3.3.

The Zone does not prescribe side and rear boundary setbacks, however, Performance Outcome 3.5 seeks the siting of buildings to accommodate vehicle access to the rear of the site. The proposed layout allows for full circulation of the site with vehicle access to the rear in compliance with this guideline for the maximum design vehicle.

This aspect of the development is acceptable.

Interface Height

Relevant Performance Outcomes/Designated Performance Features	
Building Height	
PO 4.1 *Buildings mitigate visual impacts of building massing on residential development within a neighbourhood-type zone.*	*DTS/DPF 4.1* *Buildings are constructed within a building envelope provided by a 45 degree plane measured from a height of 3 metres above natural ground level at the boundary of an allotment used for residential purposes within a neighbourhood-type zone as shown in the following diagram (except where this boundary is a southern boundary or where this boundary is the primary street boundary):This diagram depicts the angled plane which buildings are required to adhere to, in order to satisfy DTS/DPF criteria. For more information, please contact your local council.* 

The site is bordered by an Employment Zone to the north, the Strategic Employment to the east, west and almost the entire southern boundary. There is a small section in the south-eastern corner that abuts the Rural Zone.

The site therefore does not abut any Neighbourhood-type zone and Performance Outcomes 4.1 to 4.3 are not applicable in the assessment of this application.

It is recognised that eastern neighbouring properties at 58a and 58b Falkenberg Road and one of the sites immediately north fronting Tolley Road contain dwellings but as these properties are not located within a Neighbourhood Zone, Performance Outcomes 4.1 to 4.3 are not strictly applicable.

Based on the criteria in DPF 4.1, sections of the proposed buildings would intrude into the 'angled plane' measured from the northern boundaries (adjacent properties in the Employment Zone). However, given nature of topography, arrangement and separation distances, orientation of buildings and use of adjoining properties there would be no adverse shadowing or solar photovoltaic cell impacts and the building massing is appropriate where interfacing with an Employment Zone.

Landscaping

Landscaping	
PO 5.1 *Landscaping is provided along public roads and thoroughfares and zone boundaries to enhance the visual appearance of development and soften the impact of large buildings when viewed from public spaces and adjacent land outside the zone.*	*DTS/DPF 3.3* *The building line of a building is no closer to the primary street frontage than:* *a) the average of existing buildings on adjoining sites with the same primary street frontage and, if there is only one such building, the setback of that building* *or* *b) where no building exists on an adjoining site:* *i. 8 metres or more for buildings up to 6 metres high* *ii. not less than 10 metres for buildings greater than 6 metres high.*
PO 5.2 *Development incorporates areas for landscaping to enhance the overall amenity of the site and locality.*	*DTS/DPF 5.2* *Landscape areas comprise:* *i. not less than 10 percent of the site* *ii. a dimension of at least 1.5 metres.*
PO 5.3 *Landscape areas incorporate a range of plant species of varying heights at maturity, including tree species with a canopy above clear stems, to complement the scale of relevant buildings.*	*DTS/DPF 5.3* *None are applicable.*
General Development Policies	
Landscaping	
PO 3.1 *Soft landscaping and tree planting is incorporated to:* *1. minimise heat absorption and reflection* *2. maximise shade and shelter* *3. maximise stormwater infiltration*	*DTS/DPF 3.1* *None are applicable.*

4. enhance the appearance of land and streetscapes *5. contribute to biodiversity.*	
PO 3.2 *Soft landscaping and tree planting maximises the use of locally indigenous plant species, incorporates plant species best suited to current and future climate conditions and avoids pest plant and weed species.*	*DTS/DPF 3.2* *None are applicable.*
PO 7.2 *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 7.2* *None are applicable.*
PO 7.4 *Street level vehicle parking areas incorporate tree planting to provide shade and reduce solar heat absorption and reflection.*	*DTS/DPF 7.4* *None are applicable.*
PO 7.5 *Street level parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places.*	*DTS/DPF 7.5* *None are applicable.*

The Applicant has provided a landscaping plan and planting schedule plus a rendered drawing providing an axonometric view of the proposed development.

The landscaping plan and planting schedule contain a mix of indigenous and native trees, shrubs and ground covers. The landscape elements have also been designed to retain selected existing trees which helps maintain an element of canopy cover for parts of the site. There are three large landscaped areas within the site (positioned around existing trees) between warehouses 1 and 2, adjacent the open container storage area and in the parking area. There is landscaping adjacent both entry points and along northern and eastern boundaries. The two detention basins are located on lower parts of the site and will be formed in a manner that allows for retention of existing vegetation. This has been agreed with the Native Vegetation Council.

The applicant has amended the landscaping plan following the public notification process by more than doubling the amount of soft landscaping to 14% or 18,320 sqm of the site all with a minimum dimension of 1.5 metres. This exceeds the minimum 10% landscaped area and dimensions sought in DPF 5.2.

The net effect of selected native tree retention, the landscaped areas in excess of the 10% guideline and proposed planting results in an overall high quality outcome in terms of landscaping provision in the context of a transport depot which typically requires high levels of hardstand/pavement. In addition, the proposal incorporates the stormwater retention and filtration and provides for adequate landscaped buffers to neighbouring properties which can accommodate tree plantings to screen the

development from longer range views of the site and immediate properties which are within non-neighbourhood zones. This complies with Performance Outcomes 5.1 to 5.3.

The applicant advises they are comfortable to accept a Reserved Matter being applied in order to finalise species selection and other planting detail. This is recommended to ensure compliance with Performance Outcome 5.3 is achieved.

Character Preservation Overlay

Character Preservation District Overlay (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	
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.*

The site is located within the Nuriootpa township, albeit at the commercial fringe and not within the main street environs, residential neighbourhoods or any historic area. Performance Outcome 2.1 is particularly relevant to this proposal in that the site is located at the edge of the Nuriootpa township. The proposal is considered to satisfy this Performance Outcome for reasons below.

The existing site is encircled by allotments (facing Samuel, Falkenberg and Tolley Roads) comprising a mix of industrial/commercial buildings, sheds and structures, open land, primary production and vegetation plus three dwellings on adjacent properties in non-neighbourhood zones. The prevailing character of this section of Nuriootpa is informed by this eclectic mix and Zone policy envisages further employment generating uses. Samuel Road is a well used road with a freight function,

however, this section of the road is not promoted as an important tourist route within the Planning and Design Cede.

The proposed development comprises single and equivalent commercial two storey buildings with adequate spacing and arrangement in a manner that satisfactorily maintains existing streetscape form and is fit for purpose. New landscaping is proposed to further embed the development into the area. The development will have an acceptable visual impact on the wider area having regard to the site being largely removed from roads and having regard to local topography which somewhat minimises visibility of the development from the wider area. The development has broken up the buildings into smaller modules to limit overall impact. In addition, the proposal has minimised the extent of retaining walls by proposing batters to the sloped areas in order to soften the interface with the neighbouring properties. Overall, the development maintains the character and identity of the Nuriootpa township as sought by Performance Outcomes 2.1 and 2.2.

In addition, the primary intent of the Overlay is to recognise, protect and enhance the special character of Character Preservation District. There are a limited number of Strategic Employment Zones in the Barossa and they are primarily located at the fringe of townships. Large development sites such as for this proposal also serve a valuable companion role for primary producers in terms of providing important storage and freight function as part of their economic enterprise. The site is well suited to accommodate a 'higher impacting' land use, and will mitigate the need for expansion of warehousing and storage facilities in the rural parts of the District.

The proposal is considered to accord with the Desired Outcomes and relevant Performance Outcomes of the District.

Cut and Fill

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.*	*DPF 8.1* *Development does not involve any of the following:* *(a) excavation exceeding a vertical height of 1 metre* *(b) filling exceeding a vertical height of 1 metres* *(c) a total combined excavation and filling vertical height of 2 metres or more*

The site a high point of 280 metres Australian Height Datum (AHD) at the south-western corner of the site, with the site falling towards the north-east. There is a crest near the southern boundary but the site falls away in the south-eastern corner. The access points are level with Samuel Road and gently fall in an eastwards direction.

In the response to representations, the applicant has advised that following public consultation, the application has been amended to:

- *Include landscaped batters to most boundaries in lieu of retaining walls, with the proposal now only including the construction of two boundary retaining walls, adjacent the southern and western boundaries;*

- *All other retaining walls are internal and are located a substantial distance from site boundaries.*

The amended proposal now comprises western boundary retaining wall height ranging from 0.28 metres to 1.72 metres, adjacent the rear boundaries of 'Vater Machinery' and 'Maggie Beer's Warehouse', which is cut into natural ground level. The main southern boundary retaining wall is located near the rear boundary and will range in height from 0.38 metres to 2.24 metres This wall is predominantly in cut and the adjacent land to the south is undeveloped. A third boundary retaining wall is proposed along short section of the southern boundary of up to 1.70 metres, within the 'handle' adjacent Teusner Wines. This wall is also in cut. All retaining walls will have a 1.8 metre high chainlink fence on top.

Earthworks will be required within the site and this is expected with any large scale commercial or industrial development in order to enable the appropriate gradients for vehicle movements, storage and car parking. Notwithstanding, the proposal has designed the finished floor levels so the buildings are stepped to accord with the natural slope to minimise earthworks. In addition, by removing most retaining walls and replacing them with batters, especially to the perimeter, this reduces the visual impact of the retaining walls and provides a more natural transition. The applicant has advised that the final design of the batters is subject to detailed design, to address how they will be stabilised and to avoid overland stormwater flow issues with neighbouring land. This matter is addressed as a Reserved Matter.

In summary, the extent of cut and fill has been limited through transitioning the buildings and surfaces with the natural fall, retaining walls are predominantly in cut to mitigate their visual impact, and total cut and fill is mostly within the limit of two metres, as anticipated in Performance Outcome 8.1.

Amenity Impacts

<table>
<tr><td colspan="3">Interface between Land Uses</td></tr>
<tr><td colspan="3">Desired Outcomes</td></tr>
<tr><td>DO 1</td><td colspan="2">Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.</td></tr>
<tr><td colspan="3">Relevant Performance Outcomes/Designated Performance Features</td></tr>
<tr><td colspan="3">General Land Use Compatibility</td></tr>
<tr><td>PO 1.1
Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.</td><td colspan="2">DTS/DPF 1.1
None are applicable.</td></tr>
<tr><td>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.</td><td colspan="2">DTS/DPF 1.2
None are applicable.</td></tr>
<tr><td colspan="3">Hours of Operation</td></tr>
<tr><td>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:</td><td colspan="2">DTS/DPF 2.1
Development operating within the following hours:
<table>
<tr><th>Class of Development</th><th>Hours of operation</th></tr>
<tr><td>Consulting room</td><td>7.00 am to 9.00 pm, Monday to Friday</td></tr>
</table></td></tr>
</table>

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.		8.00 am to 5.00 pm, Saturday
	Office	7.00 am to 9.00 pm, Monday to Friday 8.00 am to 5.00 pm, Saturday
	Shop, other than anyone or combination of the following: a) restaurant b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural (a) Horticulture Zone	7.00 am to 9.00 pm, Monday to Friday 8.00 am to 5.00 pm, Saturday and Sunday
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.	DTS/DPF 3.1 North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least three hours of direct sunlight between 9.00 am and 3.00 pm 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.	DTS/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. or ground level private open space, the smaller of the following: i. half the existing ground level open space' or ii. 35 sqm of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres) b. for ground level communal open space, at least half of the existing ground level open space.	
PO 3.3 Development does not unduly reduce the generating capacity of adjacent rooftop solar energy facilities taking into account: a) the form of development contemplated in the zone b) the orientation of the solar energy facilities	DTS/DPF 3.3 None are applicable.	

the extent to which the solar energy facilities are already overshadowed.	
Activities Generating Noise or Vibration	
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.*	*DTS/DPF 4.2* *None are applicable.*
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).*	*DTS/DPF 6.1* *None are applicable.*

As mentioned earlier, the site is largely bounded by Employment and Strategic Employment Zoned land, with two dwellings on non-Neighbourhood Zoned sites to the east and one dwelling on a site in the Employment Zone to the north. The closest sensitive receiver (dwelling) within a neighbourhood type zone is located around 160 metres northeast of the site along Falkenberg Road. It is noted that the KSI Sawmill is located between the site and the dwellings in this Neighbourhood Zone.

It is acknowledged that Performance Outcome 1.1 envisages higher impacting land uses such as warehouses and transport distribution. This is not a carte blanche for development but does raise the assessment question that the Zone intent is to accommodate development as proposed and benchmark tests are not equivalent for proposals within a neighbourhood type zone. This has been reflected in ERD Court decisions and as the applicant points out in their Response to Representation:

> *"When assessing amenity impacts of a proposal, the Environment, Resources and Development Court ('Court') confirmed, in Sanford & Ors v The Corporation of the City of Marion & Anor [2013] SAERDC 42, that found the level of expected amenity in any area (i.e. a dwelling in non-residential zone) must have regard to the circumstances of the locality, namely the proximity of non-residential zones and the nature of uses, both existing and sought, by the relevant zone.*

> *Citing the judgment in Lanzilli Holdings Pty Ltd v Campbelltown City Corporation (9182) SASR 81, a matter involving the establishment of a furniture factory in a Light Industry Zone and opposite a Residential Zone, Jacobs J noted: "... The amenity of such a locality is not to be measured by the standards appropriate to a solely residential zone, and the amenity and convenience of those who choose to live on the very boundary of the light industrial zone ought not necessarily to be regarded as the appropriate standard of amenity and convenience for the locality as a whole."*

On this basis, an assessment of environmental noise and light spill has been undertaken by suitably qualified consultants, assessed in context of this locality.

Environmental Noise

Resonate has assessed the proposal and make the following observations and conclusions:

- Primary noise generation are from activities such as movement of heavy vehicles, primarily during the day, although some at night, the use of forklifts, loading and unloading of goods and truck washing and maintenance.
- Resonate understand that the warehouses will not be refrigerated although evaporative cooling may be used in hotter months (it is noted by Resonate that with correct siting that cooling units can comply with noise guidelines and can be addressed at detailed design stage).
- Environmental noise generation should comply with *Environment Protection (Noise) Policy 2007* determined by Resonate to be as follows:

Day time noise levels		
Prediction location	*Predicted noise level Leq dB(A) (1)*	*Noise EPP day time criteria, Leq dB(A)*
Most affected noise sensitive receiver in the Strategic Employment zone	*55+5 = 60*	*60*
Most affected sensitive receiver in the Employment zone	*41+5 = 47*	*57*
Most affected sensitive receiver in the Neighbourhood zone	*43+5 = 48*	*52*
Night time noise levels		
Prediction location	*Predicted noise level Leq dB(A) (1)*	*Noise EPP day time criteria, Leq dB(A)*
Most affected sensitive receiver in the Neighbourhood zone	*33+5 = 38*	*45*
A 5 dB(A) penalty may be applicable to account for modulating noise associated with heavy vehicle movement and loading activities. The presented level includes a 5 dB(A) penalty.		

Based on these outputs Resonate concludes *"the operation of the site is predicted to comply with the Environment Protection (Noise) Policy 2007 Leq criteria at all nearby noise sensitive receptors. The predicted maximum noise level, expected to be the*

result of truck air brake release, at the most affected sensitive receiver in the Neighbourhood zone is 53 dB(A) Lmax, which complies with the Environment Protection (Noise) Policy 2007 criterion of 60 dB(A) Lmax."

Resonate also note that if garbage removal activities exceed a maximum noise level of 60dB(A) they should be restricted to between 9.00 am and 7.00 pm on a Sunday or public holiday and 7.00 am and 7.00 pm on any other day. The predicted noise emission within the Strategic Employment Zone sits at this threshold figure and while not required for compliance with the *Environment Protection (Noise) Policy 2007* it would reduce any potential noise risk from this source to impose these hours as a condition. As refuse collection activities are a form of '*Local Nuisance'* under the *Local Nuisance and Litter Control Act 2016* prior to 9:00 am and 7:00 pm on a Sunday or public holiday and 7:00 am and 7:00 pm on any other day, a condition of consent is not necessary as should concerns arise, there is a mechanism in place.

It is noted that Resonate has not specifically referenced the two existing dwellings at 58A or 58B Falkenberg Road or the dwelling immediately north in their assessment. Resonate did however provide a response to the representations from D Falkenberg and I Falkenberg and have reaffirmed that day and night time noise emissions have been predicted to comply with *Environment Protection (Noise) Policy 2007* and the Planning and Design Code.

Another implication of the proposed design which is supported from an acoustic perspective is that the warehouses 1a and 2a, being the buildings furthest north, do not have openings facing in direction of the Neighbourhood Zone. These buildings will in effect shield activities including vehicle movements from noise within the site and mitigate the transmission of noise.

Overshadow Impact

The site measures just over 13 hectares and has crossfalls that will be addressed by cutting and retaining of the land closer to the northern and eastern boundary. Adjoining properties are similarly large in footprint with a mix of undeveloped land and built form. Based on site topography, building height of the proposed warehouses, setback to adjoining buildings (including the two dwellings at 58A and 58B Falkenberg Road) and site orientation, the proposed new buildings are not predicated to restrict direct sunlight to north facing habitable rooms or the primary area of private open space outside minimum requirements in DPF 3.1 and 3.2. In particular, the development is sited In addition, the proposed development is not considered to unduly reduce the generating capacity of the adjacent rooftop energy facility and meets Performance Outcome 3.3.

Lighting

Hours of operation are to be unrestricted and therefore extended night time illumination is required for safety and security reasons. Two representors raised concerns with potential light spill impact on their quality of life, plus potential impact on livestock.

LUCID Consulting Australia were engaged by the applicant to provide a supporting memorandum which outlines the relevant Australian Standards for Lighting.

LUCID consulting confirm that all external lighting will be designed to not cause nuisance by way of light spill and that any lighting for the development accords with the *Australian Standard 4282 – The Control of the obtrusive effects of outdoor lighting*.

Lighting towers are not proposed within the application, and will be subject to a separate development authorisation that is subject to assessment against the Planning and Design Code. Notwithstanding, a condition of consent is recommended that all site lighting be designed and installed in compliance with Australian Standard 4282.

Proposed external material selection includes grey/black cladding that will not be highly reflective or cause undue distraction to road users or pedestrians. Performance Outcome 7.1 is therefore considered to be met.

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) 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'.*
PO 1.2 *Native vegetation clearance in association with development avoids the following:*	*DTS/DPF 1.2* *None are applicable.*

a) *significant wildlife habitat and movement corridors* b) *rare, vulnerable or endangered plants species* c) *native vegetation that is significant because it is located in an area which has been extensively cleared* d) *native vegetation that is growing in, or in association with, a wetland environment.*	

The application is accompanied by a detailed Native Vegetation Clearance Data Report prepared by Ecosphere Ecological Solutions, which provides assessment of the proposed removal of native vegetation categorised as Level 4 clearance.

The report identifies that the site *"is predominantly cleared with clusters of remnant and emergent native scattered trees, planted amenity trees, emergent woody weeds and horticultural shrubs. Understorey ground cover was dominated by pasture grasses and clovers, primarily Phalaris, indicating this area is subject to wet soil conditions during winter."*

Further, the site survey identified 173 individual trees within the allotment of which 114 trees were remnant or emergent native vegetation and 59 were exotic species. Extrapolating the siting of existing trees and the proposed site layout it was determined that 31 native trees are subject to removal. The report identifies that this final number was a reduction from initial plans with refinement through the design, ensuring the further retention of 16 trees (with a circumference of greater than two metres) initially considered for removal. In part, this has resulted in the 14% of the site allocated to landscaping.

In accordance with *Native Vegetation Regulations 2017,* an application for the proposed clearance of 31 native trees was submitted to the Native Vegetation Council. The referral response from the Native Vegetation Council confirms that consent has been granted to the proposed clearance subject to a payment into the Native Vegetation Fund and a series of procedural conditions. The Native Vegetation Council has directed the application of 5 conditions to a decision.

This aspect of the development satisfies Performance Outcomes 1.1 and 1.2.

Hazards (Flooding)

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*	*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:*

damage to or compromise ongoing activities within buildings.	*(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 site is not located within any mapped or identified flood plain. The site has undulating topography and given the large street setback and natural fall from Samuel Road, none of the buildings will have a finished floor level above top of kerb on Samuel Road. Council's Works and Engineering Services Department have reviewed the preliminary Civil and Stormwater Management Plan drawings and associated calculations and have raised no concerns with the proposed floor levels from a flood hazard risk perspective. Detailed stormwater flow assessment and the siting and size of detention basins accommodate freeboard to achieve any necessary flood risk mitigation for the site and neighbouring properties.

This aspect of the development satisfies Performance Outcome 1.1.

Stormwater Management

Relevant Performance Outcomes/Designated Performance Features	
Design	
PO 5.1 *Development is sited and designed to maintain natural hydrological systems without negatively impacting:* *(a) the quantity and quality of surface water and groundwater* *(b) the depth and directional flow of surface water and groundwater* *(c) The quality and function of natural springs.*	*DPF 5.1* *None are applicable*

The Applicant has provided a Stormwater Management Plan, prepared by MLEI Consulting Engineers, to demonstrate the proposed stormwater strategy for the facility.

The plan is designed to demonstrate how the Planning and Design Code and both Council's stormwater requirements will be achieved.

Key elements of the Plan include:

- Stormwater detention system to restrict the post-development 5% AEP storm to the predevelopment 5% AEP storm
- Treatment of stormwater runoff prior to discharging to follow EPA guidelines
- Capturing and diversion of stormwater runoff from impervious surfaces towards the following key stormwater detention and treatment features
- A series of open drains, strip drains, grated inlet pits and pipes, which will feed into the two proposed dams for each catchment area
- Ocean Protect ESK Oil/Water separator at the outlet of the re-fuelling area.

This is a challenging undertaking given the extent of hardstand areas required for the facility and site topography. The submitted plan provides sufficient level of detail to demonstrate compliance with Performance Outcome 5.1 and Council's stormwater

requirements, subject to resolution of further information sought by both Councils' Engineers. In part, the applicant has provided updated technical information for Councils' Engineers however further information is needed that can only be finalised at detailed design stage. Council's Engineering Services Department have recommended that Reserved Matters be included in the recommendation requiring the endorsement of a final Stormwater Management Plan and Civil and Siteworks Plan prior to grant of Development Approval.

Council's Engineering Services Department are also in discussions with Nuriootpa Traders in relation to formalising an Infrastructure Deed of Agreement to cover the proposed external works that are required to establish a stormwater pipe in Old Mill Road to discharge stormwater to Kalimna Creek. The deed of agreement is planned to be executed prior to decision being made by the Barossa Assessment Panel. A verbal update will be provided in relation to this matter at the meeting.

Bushfire Hazard

Hazards (Bushfire - Medium Risk) Overlay	
Desired Outcomes	
DO1	*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.*
DO2	*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*
PO 2.2 *Roads are designed and constructed to facilitate the safe and effective:* *a) access, operation and evacuation of fire-fighting vehicles and emergency personnel* *b) evacuation of residents, occupants and visitors.*	*DTS/DPF 5.1* *Roads:* *a) are constructed with a formed, all-weather surface* *b) have a gradient of not more than 16 degrees (1-in-3.5) at any point along the road* *c) have a cross fall of not more than 6 degrees (1-in-9.5) at any point along the road* *d) have a minimum formed road width of 6 metre* *e) provide overhead clearance of not less than 4 metres between the road surface*

	and overhanging branches or other obstructions including buildings and/or structures (Figure 1) *f) allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around road curves by constructing the curves with a minimum external radius of 12.5 metres (Figure 2)* *g) incorporating cul-de-sac endings or dead end roads do not exceed 200 metres in length and the end of the road has either:* *ii. a turning area with a minimum formed surface radius of 12.5 metres (Figure 3)or* *iii. a 'T' or 'Y' shaped turning area with a minimum formed surface length of 11 metres and minimum internal radii of 9.5 metres (Figure 4)* *h) incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.*
PO 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 site is located within the Hazards (Medium Bushfire Risk) Area Overlay under the Planning and Design Code. The site is well connected to the road network with two entry and exit points. Bushfire egress is considered acceptable and consistent with other adjoining properties. In the event of a bushfire there are multiple escape routes in the network.

The proposed development is considered to accord with the relevant policies as:

- Buildings are sited away from significant stands of vegetation or areas with an unacceptable bushfire risk - Performance Outcome 1.1.
- Proposed buildings have limited eave overhanding or building elements that could trap debris Performance Outcome 2.1.
- Access points and internal circulation space provide ample space for the safe operation of emergency vehicles and evacuation - Performance Outcome 5.1.
- The development has sealed driveway and entry points to Samuel Road – Performance Outcome 5.3.

Overall, the proposal satisfies the relevant policies in the Overlay.

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.*	*DPF 1.1* *None are applicable*
PO 1.2 *Development avoids interfering with the existing hydrology or water regime of swamps and wetlands other than to improve the existing conditions to enhance environmental values.*	*DPF 1.2* *None are applicable*
PO 1.5 *Development that increases surface water run-off includes a suitably sized strip of vegetated land on each side of a watercourse to filter runoff to:* *(a) reduce the impacts on native aquatic ecosystems* *(b) minimize soil loss eroding into the watercourse*	*DPF 1.5* *A strip of land 20 metre or more wide measured from the top of existing banks on each side of the watercourse is free from development, livestock use and revegetated with locally indigenous vegetation*
PO 1.6 *Development resulting in the depositing or placing of an object or solid material in a watercourse or lake occurs on where it involves any of the following:* *(a) the construction of an erosion control structure* *(b) devices or structures used to extract or regulate water flowing in a watercourse* *(c) devices used for scientific purposes* *(d) the rehabilitation of watercourses*	*DPF 1.6* *None are applicable*
PO 1.7 *Watercourses, floodplains (1% AEP flood extent) and wetlands protected and enhanced by retaining and protecting existing native vegetation*	*DPF 1.7* *None are applicable*
PO 1.8 *Watercourses, floodplains (1% AEP flood extent) and wetlands protected and enhanced by stablising watercourse banks and reducing sediments and nutrients entering the watercourse*	*DPF 1.8* *None are applicable*

The site is subject to the Water Resources Overlay under the Planning and Design Code.

The site is not located in close proximity to a watercourse with the nearest waterhouse being approximately 420 metres east (Kalimna Creek). The site is also located outside

of any mapped flood plain. Waste water disposal and stormwater management will be installed to the satisfaction of Council's Engineering Department, and have been deemed acceptable based on preliminary assessment. No adverse impact on surface water is anticipated.

For the above reasons, the proposal satisfies the relevant provisions of the Water Resources Overlay.

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		
(b) PO 1.1 *(c) 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.*

An Electricity Declaration has been submitted associated with the development, consistent with DPF 1.1, such that the Performance Outcome 1.1 is met.

It is noted that an easement in favour of SA Power Networks (SAPN) extends across the site. The applicant has held discussions with SAPN and advises that design revision was undertaken to ensure no encroachments onto the easement are necessary. The proposal does include an open container storage area which the applicant advises is subject to a single stack level only to avoid any conflict with overhead powerlines. Given that the applicant has signed the powerline declaration, the proposal satisfies Performance Outcome 1.1, however, the applicant has ongoing obligation to comply with building clearance requirements under the *Electricity Act 1996* and should containers be stored in a manner that does not comply with the Act, further action will be required on part of the applicant/operator pursuant to this Act. An advice note is included within the recommendation to make the applicant aware of their obligations.

Fencing

Relevant Performance Outcomes/Designated Performance Features	
Fencing	
PO 6.1 *Fencing exceeding 2.1 metres in height is integrated and designed to complement the appearance of land and buildings and does not form a dominant visual feature from adjacent streets to enhance the character of employment areas.*	*DTS/DPF 6.1* *Fencing exceeding 2.1 metres in height is:* *a) located behind a façade of an associated building located on the same site*

	b) located behind a landscaped area along relevant street frontages *c) consists of visually permeable materials with landscaping behind.*

As mentioned earlier, the applicant has amended the proposal to reduce the extent of retaining walls required on site boundaries and internally. Retaining walls are proposed for portion of western and southern boundaries and are primarily required to retain cutting of land from within the site. This limits the external visual impact of the retaining walls but does result in a combined retaining wall/fence height that exceeds 2.1 metres along sections of these boundaries, which is 'Development' in its own right. The application comprises 1.8 metre black PVC coated chain wire fencing with complementary black powder coated posts.

The plans are not explicit in relation to the style of front gates or fencing to the Samuel Road access points, but in event that controlled access is required, fencing can be erected in a manner to match external chain wire fencing.

The visually permeable fencing together with proposed landscaping adjacent to site boundaries will result in a visually appealing outcome and will fit with the semi-open character that is evident in the locality and match style of other fencing in the locality. From an external view proposed fencing will follow natural ground level. Overall, Performance Outcome Performance Outcome 6.1 is considered to be met.

Effluent Disposal

General Development Policies	
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	
Water Supply	
PO 11.1 *Development is connected to an appropriate water supply to meet the ongoing requirements of the intended use.*	*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.*	*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 the development it will service; and*

(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.*	*(b) the system will comply with the South Australian Public Health Act 2011.*
PO 12.2 *Effluent drainage fields and other wastewater disposal areas are maintained to ensure the effective operation of waste systems and minimise risks to human health and the environment.*	*DPF 12.2* *Development is not built on, or encroaches within, an area that is, or will be, required for a sewerage system or waste control system.*

The site has potential to connect to the Nuriootpa Community Wastewater Management System (CWMS). Assessment has identified that part of the system currently traverses the site (without any easement in place) and the current alignment of the pipe conflicts with the proposed location of some buildings. The applicant was advised of this conflict and has responded as outlined below.

Based on supplied information and additional discussion, Council's Engineering and CWMS Departments have not objected to potential additional load to the network but detailed assessment is required, together with payment of the augmentation fee to account for the additional loads imposed on the network. In response to a further information request the applicant has advised that:

- The site plan has been updated to indicate and include revised siting of the existing CWMS line and also indicates the CWMS line being relocated and will be located within a 3 metre wide easement.
- In respect to the general CWMS requirements, our client is comfortable with a condition or Reserved Matter being applied in respect to:

    - the replacement of all existing drains which traverse the site as well as the installation of a new connection point.
    - The development being connected to the Nuriootpa Common Waste Management System (CWMS).

To address the obligations of the parties in relation to the matter of the CWMS redirection of the line and completion of the works to the appropriate standards, pursuant to SA Health and Council's standards, it is proposed that this matter is addressed within the same Infrastructure Deed of Agreement that addresses the external stormwater works within Old Mill Road.

The response from the applicant is acceptable and it is recommended that a Reserved Matter be applied as per the above suggestions and imposition of a standard condition of consent that requires the ongoing connection of the facility to

the Nuriootpa CWMS. Subject to compliance with the condition, this aspect of the development satisfies Performance Outcome 12.1.

Fuel Storage

The application incorporates measures to avoid site contamination from the proposed fuel storage, pursuant to Environmental Protection Authority requirements. This includes proposed bunding of storage areas, the fuelling area and bio-filtration and other measures to ensure any waters exiting the site meets discharge standards. A condition of consent is recommended in relation to the fuel storage area.

Access and Car Parking

General Development Policies	
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 1.1 *Development is integrated with the existing transport system and designed to minimise its potential impact on the functional performance of the transport system.*	*DTS/DPF 1.1* *None are applicable.*
PO 1.2 *Development is designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive receivers.*	*DTS/DPF 1.2* *None are applicable.*
PO 1.3 *Industrial, commercial and service vehicle movements, loading areas and designated parking spaces are separated from passenger vehicle car parking areas to ensure efficient and safe movement and minimise potential conflict.*	*DTS/DPF 1.3* *None are applicable.*
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.*	*DTS/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.*	*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 metre of an intersection of two or more roads or a pedestrian activated crossing.*

PO 3.8 *Driveways, access points, access tracks and parking areas are designed and constructed to allow adequate movement and manoeuvrability having regard to the types of vehicles that are reasonably anticipated.*	*DTS/DPF 3.8* *None are applicable*
PO 3.9 *Development is designed to ensure vehicle circulation between activity areas occurs within the site without the need to use public roads.*	*DTS/DPF 3.9* *None are applicable.*
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 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.*
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.*	*DTS/DPF 6.1* *Movement between vehicle parking areas within the site can occur without the need to use a public road.*
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.*
PO 6.3 *Vehicle parking areas are designed to provide opportunity for integration and shared-use of adjacent car parking areas to reduce the total extent of vehicle parking areas and access points.*	*DTS/DPF 6.3* *None are applicable.*
PO 6.4 *Pedestrian linkages between parking areas and the development are provided and are safe and convenient.*	*DTS/DPF 6.4* *None are applicable.*

PO 6.5 *Vehicle parking areas that are likely to be used during non-daylight hours are provided with sufficient lighting to entry and exit points to ensure clear visibility to users.*	*DTS/DPF 6.5* *None are applicable.*
PO 6.6 *Loading areas and designated parking spaces for service vehicles are provided within the boundary of the site.*	*DTS/DPF 6.6* *Loading areas and designated parking spaces are wholly located within the site.*
PO 6.7 *On-site visitor parking spaces are sited and designed to be accessible to all visitors at all times.*	*DTS/DPF 6.7* *None are applicable.*

The application includes a Traffic and Parking Report prepared by qualified traffic consultants, CIRQA. In their report CIRQA summarise that:

- Samuel Road is under the care and control of Light Regional Council and comprises an 8.0 metre wide carriageway with single lane in either direction.
- The daily traffic volumes are around 2,000 vpd.
- There is a posted speed limit of 80km/h and the road is currently gazetted for use by 26 metre long B-Double vehicles.
- Vehicle access comprises a new two-way crossover (the northern crossover) that will accommodate simultaneous movements and is designed to accommodate heavy vehicles in a safe manner. The southern crossover caters for light vehicles including cars and allows for continuation of the right of way access afforded to Teusner Wines over this part of the site.

Samuel Road is wholly located in the Light Regional Council and forms part of their road network. Council staff advised Light Regional Council of the proposal and sought feedback on issues engendered by the development of a transport distribution facility. Light Regional Council provided detail feedback and subsequent discussions have been held with the applicant and The Barossa Council and Nuriootpa Traders have agreed to requirements of Light Regional Council. Key requirements of the Light Regional Council were:

- Samuel Road is a gazetted freight route for B- Double vehicles (26.5 metre road, PBS Level 2A). This road forms an integral part of the freight route network in Nuriootpa.
- All local freight route roads are currently gazetted for B-doubles, except for Sturt Highway which is gazetted for 42 metre Road Trains.
- The newly constructed roundabout between Samuel, Stelzer and Seppeltsfield Road will accommodate B-double vehicles.
- There will be an increase in heavy vehicle movement due to the proposed development. Both access points warrant upgraded access in form of full width auxiliary lane with a 500 mm shoulder on the western side of Samuel Road and any additional widening required for heavy vehicle southbound turning movements from Samuel Road.
- Future pavement shall be designed to accommodate heavy vehicles including a level 3A (30.6 metre) vehicle.

Council Engineering Services Department have reviewed the proposed access arrangements and agree with the advice of Light Regional Council in relation to proposed road access upgrades required, to ensure safe access and egress into the site is achieved.

Concerns were also expressed by a representor that Samuel Road is congested during the day. CIRQA have undertaken more analysis in relation to the and advises that:

- Samuel Road (and Moppa Road South) is identified as forming part of the Barossa Valley Freight Route and is designated as a 'collector road' within the Statewide Road Network.
- Data provided by the Light Regional Council indicates that Samuel Road accommodates approximately 1,636 vehicles per day.
- Such volumes are well below the upper levels typically associated with collector roads (up to 6,000 vpd).

In addition, larger vehicles accessing the facility (such as B-Doubles) must utilise the Restricted Access Vehicle network (RAVnet). At present, this includes Moppa Road to the north and Seppeltsfield Road to the south connecting to Samuel Road. Local roads such as Falkenberg Road do not form part of this network and cannot be used by heavy freight. Council's Engineering Department have not raised concerns with the capacity or suitability of Samuel Road or the wider network within The Barossa Council to cater for the proposed facility. Again, the site and environs are zoned Strategic Employment Zone and surrounding Zones are Employment and Rural where larger vehicle and freight movement is anticipated. Achieving site access is key to this employment generating activity and Council staff are satisfied this can be achieved subject to the applicant undertaking the necessary access upgrades to Samuel Road and satisfying the balance of engineering requirements set out by Light Regional Council.

Within the site, CIRQA advise that the proposed site layout has been designed to safely accommodate forward entry and exit into the site with internal traffic flow designed to accommodate the maximum design vehicle. There is a central weighbridge located adjacent the northern crossover and internal traffic circulation and the parking areas have been designed for both B-Doubles and Semi-trailers. CIRQA also advised that if Samuel Road is gazetted for B-Triples in the future (Light Regional Council has indicated this is under consideration) the proposed layout can cater for these larger vehicles as shown by Turn Path Assessment prepared for B-Triples, B-Doubles, Semi-Trailers and general vehicles. These also consider safe pedestrian movement within the site. The question of refrigerated vehicles was raised with the applicant and they confirm that no such vehicles are intended to be permitted to enter the site. As refrigerated vehicles have specific noise characteristics, a condition of consent is contained within the recommendation to preclude them.

CIRQA has assessed potential traffic generation and forecast that 195am and 193pm peak hour trips are anticipated from the facility. This rate is determined by calculating trip rates based on the RTA's "*Guide to Traffic Generating Developments*". In their opinion this will have negligible impact on Samuel Road. Council's Works and Engineering Department and the engineers at Light Regional Council do not dispute the generation rate or the assessment conclusions for the road network. That said, Light Regional Council have sought additional road safety measures to ensure entry and exit from the site meets their technical requirements. This matter is discussed earlier within the report.

The proposal includes 216 car parking spaces for visitors and staff attending the site, adjacent to the 'office' and 'sleeping quarters' together with provision of overflow car parking for 85 spaces (within the 216 spaces in total) adjacent the eastern rear

boundary. The Planning and Design Code provides car parking provision rates in Table 1 - General Off-Street Car Parking Requirements. The proposal also incorporates dedicated truck parking.

This table does not specify a parking rate for storage and transport distribution facilities, however, it does address the following components of the application:

- Warehouse/store – 0.5 spaces per 100 sqm of floor area
- Office – 4.0 spaces per 100 sqm of floor area

The applicant considers that:

- On-site worker's accommodation does not generate a parking demand as it does not form tourist accommodation, rather it is provided for truck drivers associated with the facility and excluded from the assessment as truck drivers would be associated with commercial vehicles parking on-site within the dedicated truck parking spaces;
- The workshop be excluded from the calculations, as this use is ancillary to the overall land use and staff associated with the workshop will also be associated with the workshop office.
- Container storage area be excluded from the assessment, as it is not anticipated to generated additional demand above that associated with the other components within the site.

Council staff concur with these suggestions and have excluded these elements from the car parking demand calculation.

On this basis, a parking requirement of 206 spaces is generated from the development. A slightly higher 216 line marked spaces will be provided within the two primary parking areas. The proposal therefore exceeds the required car parking demand for the site as outlined within the Planning and Design Code.

Overall, the proposal meets the relevant transport, access and parking policies of the Code.

Site Contamination

Site Contamination	
PO 1.1 *Ensure land is suitable for use when land use changes to a more sensitive use.*	*DTS/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: *(i) 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* *(j) 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).*

The applicant did not complete a site contamination declaration on basis that one was not required pursuant to DPF 1.1(c). The proposal does not constitute a change to a more sensitive use as per defined within Practice Direction 14. The same conclusion can be made in two different ways:

1. If the site is regarded as being subject to 'farming' (a former and previous use of the land), the proposal does not constitute a change to a more sensitive use under the Practice Direction, in that a 'store', 'warehouse' and 'industry' are all at the same level or lower level in the hierarchy;
2. If the site is regarded as being 'vacant', then the proposal does not constitute a change to a more sensitive use under the Practice Direction, in that 'industry' is excluded from definition of a more sensitive use under Clause 5(d)(iii).

The proposal complies with DPF 1.1 and therefore satisfies the related Performance Outcome 1.1.

CONCLUSION

The proposal involves the construction of an integrated storage and transport distribution facility comprising storage and warehousing buildings, ancillary offices, worker's accommodation, truck workshop, container storage area, weighbridge, fuel storage, retaining walls and fencing and associated hardstand, car parking and manoeuvring areas, stormwater basins, landscaping and Samuel Road site access upgrades.

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 the receipt of three representations, two of which has requested to be heard. The application was subject to referral to Native Vegetation Council and a referral response has been received that they do not object to the development, subject to 5 conditions of consent.

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

The Strategic Employment Zone envisages higher impacting employment generating land uses and strongly emphasises the importance of facilitating activity to help grow the wealth of the state.

The proposed development has sufficiently addressed relevant Planning and Design Code provision, relating to land use, design and landscaping, amenity impacts, access and parking. The operation is for 24 hours a day and interface issues with adjoining residential occupiers is acknowledged, however, the applicant has demonstrated compliance with the relevant noise policy and the weight given to the amenity of these existing dwellings within non-Neighbourhood Zones must be balanced, recognising that a facility of this kind is anticipated within the Zone. This approach is in line with previous decisions of the ERD Court.

There are various technical matters relating to site access, stormwater, noise emissions (air-conditioning) and landscaped and batters to be resolved as Reserved Matters. In principle, these can all be resolved to satisfaction of the Relevant Authority, under delegation to the Assessment Manager.

Assessment has identified that the proposed development is reasonably consistent with the Desired Outcome and Performance Outcomes of the Strategic Employment Zone and other relevant provisions of the Planning and Design Code, such that Planning Consent is warranted, subject to 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 Development Application No. 22043062 involving "*Construction of an integrated storage and transport distribution facility comprising storage and warehousing buildings, ancillary offices, workers' accommodation, truck workshop, container storage area, weighbridge, fuel storage, retaining walls and fencing and associated hardstand car parking and manoeuvring areas, stormwater basins, landscaping and Samuel Road site access upgrades*" by Nuriootpa Traders Pty Ltd at Allot 102, Samuel Road, Nuriootpa (CT Volume 6160 / Folio 23) subject to the following reserved matters, conditions and advisory notes:

Reserved Matters

Pursuant to Section 102(3) of the *Planning, Development and Infrastructure Act 2016,* the Relevant Authority reserves its decision in relation to the following matters:

(1) The applicant shall submit a final working Landscape Plan for approval, that includes all of the following:

a) Final location for all proposed landscaping, comprising trees, shrubs and groundcovers;
b) Final nominated species to be used, noting species shall be suited to the local conditions;
c) Shade trees within the hardstand areas;
d) Planting types and locations to be considerate of site features including batters and detention basins;
e) Landscaping to stabilise batters and prevent overland flow of stormwater management;
f) Pot sizes, noting advanced growth trees shall be used;
g) Irrigation and maintenance methods, including protection of plantings from vehicles and pedestrians;
h) Retention of existing native vegetation as marked on the approved plans.

(2) The relevant toilet facilities as shown within the approved buildings shall be granted authorisation to connect to an authorised wastewater system pursuant to the *South Australian Public Health Act 2011* and *South Australian Public Health (Wastewater) Regulations 2013.*

(3) Construction Environment Management Plan which shall include all of the following:

a) Proposed hours of operation during construction;
b) Arrangements for management of stormwater noise and dust during construction period;
c) Measures to minimise drag-out from the site during wet weather events;
d) Where contaminated soils are identified and/or disturbed, measures to contain soils to the satisfaction of the EPA;
e) Access is preserved for Teusner Wines via the existing right of way.

(4) The stormwater drainage design shall include final Stormwater Management Plan and Stormwater Calculations. The plan shall adopt and achieve all of the following:

a) Detention shall be provided to limit the 5% AEP post-development peak discharge to the 5% AEP pre-development peak discharge from the site, or the maximum point discharge to kerb and gutter up to a 10% AEP event shall be 12L/sec; 1% AEP event shall be 20L/sec, whichever is the lesser.
b) The impervious and pervious fractions shall be 90% and 10% respectively.
c) Stormwater flow passage from the external catchment shall be addressed and contained within appropriate easement as it relates to the whole of the site, registered to The Barossa Council. The easement shall be 3 metres wide or 4 metres where shared with a CWMS easement. It must be demonstrated that there is adequate space to establish the easement.
d) The current Nuriootpa CWMS drain traversing the site shall be replaced with a new drain, constructed to SA Health CWMS standard and shall be sized to service all current connected CWMS loads and projected capacity from the development. The drain shall be protected by an easement to The Barossa Council.
e) All new loads charged on the Nuriootpa CWMS shall be subject to a single connection point at the nominated point of connection to the new drain.

(5) Final Civil and Siteworks Plan, prepared by a qualified and experienced stormwater engineer, for all civil and stormwater works, which shall address all of the following:

a) Finished floor level for all buildings and hardstand surfaces;
b) Cut/fill details;
c) Retaining walls, kerbing and ramps, designs and grades;
d) Car parking dimensions, aisle widths, circulation movements and associated parking markings and signage;
e) Stormwater management arrangements including pipes, sumps, drains, swales and basins, sizes and grades;
f) Water sensitive design measures;
g) Surface water treatment to ensure water quality objectives are met;
h) The new two-way vehicle access to the property at the northern connection to Samuel Road is in conflict with an existing underground stormwater concrete pipe that conveys stormwater from west to east in Samuel Road.

i) The minimum gate offset between the gate and Samuel Road boundary shall be adequate to accommodate the temporary parking of a B-Triple, to enable the temporary holding of the vehicle in an instance when the access gate is closed.

(6) In respect to the final design and selection of air conditioning and ventilation equipment, an environmental noise assessment undertaken to assess sound power levels and relevant/applicable noise attenuation, enclosures or barriers required in order for the proposal to comply with the *Environment Protection (Noise) Policy 2007* (or later policy as amended from time to time).

(7) Final designs for the Samuel Road access points to service the development, shall be provided, to give effect to the complete access design, which shall accord with the advice of Lisa Sapio, Manager – Development Services, Light Regional Council, 8 February 2023 and the acceptance of such works confirmed by the applicant in email from Jason Cattonar, Associate Director, Future Urban, 13 February 2023.

Note: An Infrastructure Deed of Agreement shall be executed between Nuriootpa Traders Pty Ltd and Light Regional Council, to give effect to necessary works required within Samuel Road, as agreed between the parties.

(8) Final designs for all batters and retaining walls as identified on the approved plans, with provision for appropriate stormwater management arrangements in place to manage overland flow and landscaping to stabilise soils and prevent erosion.

Council Conditions

(1) The development shall be undertaken in accordance with the details submitted with the application and the following stamped approved plans and documents, except where varied by the conditions contained herein:

Plan Type	Prepared By	Drawing No./Doc No.	Issue No./Date
Planning Report	Future Urban	V3	22.12.22
Response to Representations	Future Urban	Not Stated	09.02.23
Site Plan	Startari	No. 143 A020 Rev 6	01.02.23
Fence Elevations	Startari	No. 143 A021 Rev 3	01.02.23
Landscape Site Plan	Startari	No. 143 A030 Rev 6	01.02.23
Overall Ground Floor Plan	Startari	No. 143 A100 Rev 6	01.02.23
Office and Sleeping Quarters Floor Plan	Startari	No. 143 A101 Rev 3	01.02.23
Workshop Floor Plan	Startari	No. 143 A102 Rev 2	01.02.23
Site External Elevations	Startari	No. 143 A200 Rev 5	01.02.23
Workshop External Elevations	Startari	No. 143 A201 Rev 3	01.02.23
Office and Sleeping Quarters External Elevations	Startari	No. 143 A202 Rev 3	01.02.23

Sections	Startari	No. 143 A220 Rev 4	01.02.23
Sections	Startari	No. 143 A221 Rev 3	01.02.23
3D Render	Startari	No. 143 A300 Rev 3	01.02.23
Environmental Noise Assessment	Resonate	A210816RP1 Rev A	13.12.22
Response to Representations	Resonate	A210816 Ref A210816LT1	08.2.23
Traffic and Parking Report	Cirqa	Project No. 22488 Rev V1.0	20.12.22
Response to Representations	Cirqa	Ref BNW	07.02.23
Stormwater Report	MLEI	Ref A2021-11834	01.02.23
Data Report	Ecosphere Ecological Solutions	Not Stated	12.12.23
Visual Lighting Advice	Lucid	LCE24497-001	17.01.23
Lighting Plan	Lucid	SK-EL-00001	17.01.23

(2) An augmentation fee is applicable to account for the increase in loads on the Nuriootpa CWMS, pursuant to The Barossa Council's rates and charges, as levied under the *Water Industry Act*.

Note: The actual augmentation fee to be charged will be calculated and advised at time of Wastewater Application assessment.

(3) Prior to commencement of use, the development shall be connected and remain connected to an approved wastewater system, pursuant to the *South Australian Public Health Act 2011*, to the reasonable satisfaction of the Relevant Authority.

(4) The external building materials shall:

a) Be of new non-reflective materials; and
b) Be in accordance with the approved plans; and
c) Be maintained in good condition at all times.

(5) Prior to occupation of the development, the landscaping works shown on the Approved Landscaping Plan, pursuant to Reserved Matter 1, must be carried out, completed and maintained to the satisfaction of the Relevant Authority. Any dead or diseased plantings shall be replaced.

(6) Boundary retaining walls and fencing shall be established, prior to commencement of use, in accordance with the Approved Plans.

(7) The stormwater disposal system shall be fully installed, prior to commencement of use, in accordance with the Approved Stormwater Management Plan and Approved Civil and Site Works Plan, pursuant to Reserved Matters 4 and 5 respectively. Adequate measures shall be deployed during construction, pursuant to the Construction Environmental Management Plan authorised by Reserved Matter 3, such that temporary disposal of surface or roof water does not adversely impact neighbouring properties.

(8) All car parking, driveways and vehicle manoeuvring areas shall be constructed and finished in sealed surface in accordance with the Civil and Siteworks Plan, approved by the Relevant Authority pursuant to Reserved Matter 5. The surface shall consist of brick paving, concrete or bitumen to a standard appropriate for the intended traffic volumes and vehicles types. Individual car parking bays shall be clearly line-marked. Car parking, driveways and vehicle manoeuvring areas shall be completed, prior to commencement of use, and shall be maintained at all times thereafter in good condition to satisfaction of the Relevant Authority.

(9) The car parking layout and associated aisle widths and car park manoeuvring areas shall be designed and constructed to comply with AS 2890.1 – Off-street Parking, Part 1 and Austroads "Guide to Traffic Engineering Practice Part 11 – Parking", *AS 2890.2 – Facilities for Commercial Vehicles, and AS 2890.6 Off-Street Parking for People with Disabilities*.

(10) The car parking, driveways and vehicle manoeuvring areas shall be kept clear and unobstructed of buildings and structures, so as to enable continual and ongoing use of the car parking, driveways and manoeuvring areas at all times.

(11) All loading and unloading of vehicles and manoeuvring of vehicles in connection with the approved development shall be carried out entirely within the site, at all times.

(12) The detailed design of all internal footpaths and other publicly accessible areas within the site shall comply with the requirements of the *Disability Discrimination Act 1992*.

(13) The minimum gate offset between the gate and Samuel Road boundary shall be adequate to accommodate the temporary parking of a B-Triple, to enable the temporary holding of the vehicle in an instance when the access gate is closed.

(14) The maximum design vehicle accessing the site shall not exceed B-double.

(15) Noise levels from the integrated storage and transport distribution facility measured at residences (the noise affected premises) shall comply with the *Environment Protection (Noise) Policy 2007* (or later policy as amended from time to time) at all times.

(16) All of the recommendations contained in the Environmental Noise Assessment, prepared by Resonate, dated 13 December 2022, A210816RP1, Revision A and subsequent Environmental Noise Assessment, pursuant to Reserved Matter 6, shall be implemented to the extent applicable to the development. Refrigerated trailers, containers, units and the like are not permitted on the site at any time.

(17) Except where otherwise approved, external lighting shall be restricted to that necessary for safe operations within the site and lighting shall be directed and shaded as necessary. All external lighting shall be in accordance with *Australian Standard 4282 – 2019 Outdoor Lighting Obtrusive Effects' so as to prevent any adverse effect or nuisance on adjoining sensitive receivers or drivers on adjacent public roads.*

(18) A bunding system shall be established in respect of the proposed fuel storage area, prior to commencement of use and shall be maintained in good condition at all times thereafter, in accordance with the Environment Protection Authority Guidelines "*Liquid Storage*", May 2016, in order to minimise the risk of environmental harm from liquid spills and/or leaks.

Native Vegetation Council Conditions

(19) Clearance areas are to be defined with barriers, pegs, flags or temporary fencing to ensure that native vegetation outside of the approved area is not damaged.

(20) Native vegetation and trees retained in close proximity to the construction activity zone are to be protected with barriers (ie. fencing or flagging) in accordance with the Australian Standard for Protection of Trees on Development Sites AS 4970-2009.

(21) Stockpiled materials, including cleared vegetation and excavated soil is not to be placed under native trees or on top of native understorey outside the approved area;

(22) Construction vehicles, equipment or materials are not to be stored or placed on top of native vegetation outside the approved clearance area;

(23) Construction vehicles, equipment or materials are not to be stored or placed within the Tree Protection Zone of retained trees.

Advisory Notes

(1) Any variation of this approved development and/or the conditions of consent will require a separate request and approval from the Relevant Authority. Granting of Consent does not necessarily imply that future requests for variations will be approved. Any future requests will be assessed by having regard to the relevant rules and requirements in form at the time any request is made.

(2) Any portion of Council's infrastructure damaged as a result of work undertaken in relation to the development shall be repaired and/or reinstated to Council's satisfaction at the developer's expense.

(3) 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 applicants determine the requirements that apply pursuant to 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 Native Vegetation Council.

(4) The adjoining owner should be advised of the proposed work on the boundary and issues such as access to perform work, removal of fencing, finished levels and retaining walls should be resolved before commencement of building work. This approval does not give right to access neighbouring land or to

replace or erect boundary fencing. Fencing work is subject to the provisions of the *Fences Act 1975.*

(5) Excavations on or near the boundary may require the giving of notification to the neighbour pursuant to Regulation 75 of the *Planning, Development and Infrastructure (General) Regulations 2017.* Where mechanical equipment is required to construct retaining walls, the retaining walls may need to be constructed prior to construction of footings on-site.

(6) 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.

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

(8) The applicant is reminded that demolition and construction is required to be carried out so that it complies with the provisions of the *Local Nuisance and Litter Control Act 2016*. Under the *Local Nuisance and Litter Control Act 2016,* construction noise is declared a local nuisance as follows:

The noise has travelled from the location of the construction activity to neighbouring premises –

- On any Sunday or public holiday; or
- After 7.00 pm or before 7.00 am on any other day.

(9) The applicant has signed the Powerline Declaration, pursuant to Schedule 8(6) of the *Planning, Development and Infrastructure (General) Regulations 2017,* that the proposed development would not be contrary to the regulations prescribed for the purposes of Section 86 of the *Electricity Act 1996.* The approved plans incorporate a container storage area, and portion of this area is subject to the powerline easement. Storage of containers, is subject to the relevant horizontal and vertical clearance requirements prescribed for buildings under the *Electricity Act 1996* and associated Regulations. Insofar as the development (ie. including containers) does not achieve relevant clearance requirements, the activity is not authorised unless otherwise given consent from the Office of the Technical Regulator. For further information, please contact the Office of the Technical Regulator at dsd.otr@sa.gov.au or 8226 5500.

(10) Any works associated with the development, such as tree planting, tree removal, footpath renewal or the like, to be undertaken within the road reserve (ie. the road carriage, verge or footpath area) is subject to separate approval pursuant to the *Local Government Act 1999.* Further enquiries should be directed to Council's Engineering Services Department on 8563 8444.

(11) This Consent does not grant authorisation to advertisements or external light fixtures and fittings, except to the extent that such works are not 'Development' and do not contravene any condition contained within this

Authorisation. Separate development authorisation is required for any advertisements or external light fixtures or fittings.

(12) Infrastructure works required external to the site in the nature of stormwater works within Falkenberg Road and Old Mill Road, to enable connection of the stormwater outflow to Kalimna Creek, are subject to a Deed of Agreement, signed between The Barossa Council and Nuriootpa Traders Pty Ltd.

The proposal also incorporates stormwater pipe connecting from the site, through Commissioner of Highways land, to the pipe alignment within 'Old Mill Road'. The section of pipe through Commissioner of Highways land, is subject to grant of consent from Commissioner of Highways.

(13) All proposed works within Samuel Road are located within Light Regional Council and are subject to authorisation from Light Regional Council, pursuant to *Local Government Act 1999*. The parties shall enter into an Infrastructure Deed of Agreement to give effect to necessary works required within Samuel Road, as agreed between the parties.

Native Vegetation Council Conditions

(14) The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the *Native Vegetation Act 1991* as set out in Decision Notification 2023/3112/960.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Application and Associated Documents ⇩
Attachment 2 Representations Received ⇩
Attachment 3 Applicants Response to Representations ⇩
Attachment 4 Native Vegetation Referral Response ⇩
Attachment 5 Comments from Light Regional Comments ⇩

PlanSA

DECISION NOTIFICATION FORM

Section 126(1) of the Planning, Development and Infrastructure Act 2016

TO THE APPLICANT(S):

Name: Nuriootpa Traders Pty Ltd C/- Future Urban
Postal address: 74 PIRIE STREET ADELAIDE SA 5000
Email: info@futureurban.com.au

IN REGARD TO:

Development application no.: 22043062	Lodged on: 3 Jan 2023
Nature of proposed development: Construction of an integrated storage and transport distribution facility comprising storage and warehousing buildings, ancillary offices, workers' accommodation, truck workshop, container storage area, weighbridge, fuel storage, retaining walls and fencing and associated hardstand car parking and manoeuvring areas, stormwater basins, landscaping and Samuel Road site access upgrades	

LOCATION OF PROPOSED DEVELOPMENT:

Location reference: LOT 102 SAMUEL RD NURIOOTPA SA 5355		
Title ref.: CT 6160/23	**Plan Parcel:** D110043 AL102	**Council:** THE BAROSSA COUNCIL

DECISION:

Decision type	Decision (granted/refused)	Decision date	No. of conditions	No. of reserved matters	Entity responsible for decision (relevant authority)
Planning Consent	Granted	22 Feb 2023	24	9	Assessment Panel at The Barossa Council
Building Consent	Still Required				To be Determined
Development Approval - Planning Consent; Building Consent	Still Required				The Barossa Council

FROM THE RELEVANT AUTHORITY: Assessment Panel - Section 93 at The Barossa Council
Date: 23 Feb 2023

RESERVED MATTERS

Planning Consent

Pursuant to section 102 (3) of the Planning, Development and Infrastructure Act of 2016, the following matter(s) shall be reserved for further assessment prior to the granting of Development Approval:

Reserved Matter 1

The applicant shall submit a final working Landscape Plan for approval, that includes all of the following:

a) Final location for all proposed landscaping, comprising trees, shrubs and groundcovers;

This form constitutes the form of a decision notification under section 126(1) of the Planning, Development and Infrastructure Act 2016, as determined by the Minister for Planning for the Purposes of regulation 57(1) of the Planning, Development and Infrastructure (General) Regulations 2017. Published: 7 July 2022.

Government of South Australia
Department for Trade and Investment

b) Final nominated species to be used, noting species shall be suited to the local conditions;

c) Shade trees within the hardstand areas;

d) Planting types and locations to be considerate of site features including batters and detention basins;

e) Landscaping to stabilise batters and prevent overland flow of stormwater management;

f) Pot sizes, noting advanced growth trees shall be used;

g) Irrigation and maintenance methods, including protection of plantings from vehicles and pedestrians;

h) Retention of existing native vegetation as marked on the approved plans.

Reserved Matter 2

The relevant toilet facilities as shown within the approved buildings shall be granted authorisation to connect to an authorised wastewater system pursuant to the *South Australian Public Health Act 2011* and *South Australian Public Health (Wastewater) Regulations 2013.*

Reserved Matter 3

Construction Environment Management Plan which shall include all of the following:

a) Proposed hours of operation during construction;

b) Arrangements for management of stormwater noise and dust during construction period;

c) Measures to minimise drag-out from the site during wet weather events;

d) Where contaminated soils are identified and/or disturbed, measures to contain soils to the satisfaction of the EPA;

e) Access is preserved for Teusner Wines via the existing right of way.

Reserved Matter 4

The stormwater drainage design shall include final Stormwater Management Plan and Stormwater Calculations. The plan shall adopt and achieve all of the following:

a) Detention shall be provided to limit the 5% AEP post-development peak discharge to the 5% AEP pre-development peak discharge from the site. The pipework connecting the site discharge to Kalimna Creek shall be appropriately sized to accommodate the 1% AEP discharge flows, inclusive of the upstream catchment express flows.

b) The impervious and pervious fractions shall be 90% and 10% respectively.

c) Stormwater flow passage from the external catchment shall be addressed and contained within appropriate easement as it relates to the whole of the site, registered to The Barossa Council. The easement shall be 3 metres wide or 4 metres where shared with a CWMS easement. It must be demonstrated that there is adequate space to establish the easement.

d) The current Nuriootpa CWMS drain traversing the site shall be replaced with a new drain, constructed to SA Health CWMS standard and shall be sized to service all current connected CWMS loads and projected capacity from the development. The drain shall be protected by an easement to The Barossa Council.

e) All new loads charged on the Nuriootpa CWMS shall be subject to a single connection point at the nominated point of connection to the new drain.

Reserved Matter 5

Final Civil and Siteworks Plan, prepared by a qualified and experienced stormwater engineer, for all civil and stormwater works, which shall address all of the following:

a) Finished floor level for all buildings and hardstand surfaces;

b) Cut/fill details;

c) Retaining walls, kerbing and ramps, designs and grades;

d) Car parking dimensions, aisle widths, circulation movements and associated parking markings and signage;

e) Stormwater management arrangements including pipes, sumps, drains, swales and basins, sizes and grades;

f) Water sensitive design measures;

g) Surface water treatment to ensure water quality objectives are met;

h) The new two-way vehicle access to the property at the northern connection to Samuel Road is in conflict with an existing underground stormwater concrete pipe that conveys stormwater from west to east in Samuel Road.

i) The minimum gate offset between the gate and Samuel Road boundary shall be adequate to accommodate the temporary parking of a B-Triple, to enable the temporary holding of the vehicle in an instance when the access gate is closed.

Reserved Matter 6
In respect to the final design and selection of air conditioning and ventilation equipment, an environmental noise assessment undertaken to assess sound power levels and relevant/applicable noise attenuation, enclosures or barriers required in order for the proposal to comply with the *Environment Protection (Noise) Policy 2007* (or later policy as amended from time to time).

Reserved Matter 7
Final designs for the Samuel Road access points to service the development, shall be provided, to give effect to the complete access design, which shall accord with the advice of Lisa Sapio, Manager – Development Services, Light Regional Council, 8 February 2023 and the acceptance of such works confirmed by the applicant in email from Jason Cattonar, Associate Director, Future Urban, 13 February 2023.

Note: An Infrastructure Deed of Agreement shall be executed between Nuriootpa Traders Pty Ltd and Light Regional Council, to give effect to necessary works required within Samuel Road, as agreed between the parties.

Reserved Matter 8
Final designs for all batters and retaining walls as identified on the approved plans, with provision for appropriate stormwater management arrangements in place to manage overland flow and landscaping to stabilise soils and prevent erosion.

Reserved Matter 9
A Renewable Energy Assessment report shall be submitted, that assesses the total electrical demands of the facility and the optimal amount of roof top solar and other renewable forms of energy proposed to support that demand.

CONDITIONS

Planning Consent

Condition 1
The development shall be undertaken in accordance with the details submitted with the application and the following stamped approved plans and documents, except where varied by the conditions contained herein:

· Planning Report, Future Urban, V3, 2.12.22
· Response to Representations, Future Urban, Not Stated, 09.02.23
· Site Plan, Startari, No. 143 A020 Rev 6, 01.02.23
· Fence Elevations, Startari No. 143 A021 Rev 3, 01.02.23
· Landscape Site Plan, Startari, No. 143 A030 Rev 6, 01.02.23
· Overall Ground Floor Plan, Startari, No. 143 A100 Rev 6, 01.02.23
· Office and Sleeping Quarters Floor Plan, Startari, No. 143 A101 Rev 3, 01.02.23
· Workshop Floor Plan, Startari, No. 143 A102 Rev 2, 01.02.23
· Site External Elevations, Startari, No. 143 A200 Rev 5, 01.02.23
· Workshop External Elevations, Startari, No. 143 A201 Rev 3, 01.02.23
· Office and Sleeping Quarters External Elevations, Startari, No. 143 A202 Rev 3, 01.02.23
· Sections, Startari, No. 143 A220 Rev 4, 01.02.23

· Sections, Startari, No. 143 A221 Rev 3, 01.02.23
· 3D Render, Startari, No. 143 A300 Rev 3, 01.02.23
· Environmental Noise Assessment, Resonate, A210816RP1 Rev A, 13.12.22
· Response to Representations, Resonate, A210816 Ref A210816LT1, 08.2.23
· Traffic and Parking Report, Cirqa, Project No. 22488 Rev V1.0, 20.12.22
· Response to Representations, Cirqa, Ref BNW, 07.02.23
· Stormwater Report, MLEI, Ref A2021-11834, 01.02.23
· Data Report, Ecosphere Ecological Solutions, Not Stated, 12.12.23
· Visual Lighting Advice, Lucid, LCE24497-001, 17.01.23
· Lighting Plan, Lucid, SK-EL-00001, 17.01.23

Condition 2
An augmentation fee is applicable to account for the increase in loads on the Nuriootpa CWMS, pursuant to The Barossa Council's rates and charges, as levied under the *Water Industry Act.*

Note: The actual augmentation fee to be charged will be calculated and advised at time of Wastewater Application assessment.

Condition 3
Prior to commencement of use, the development shall be connected and remain connected to an approved wastewater system, pursuant to the *South Australian Public Health Act 2011*, to the reasonable satisfaction of the Relevant Authority.

Condition 4
The external building materials shall:

a) Be of new non-reflective materials; and
b) Be in accordance with the approved plans; and
c) Be maintained in good condition at all times.

Condition 5
Prior to occupation of the development, the landscaping works shown on the Approved Landscaping Plan, pursuant to Reserved Matter 1, must be carried out, completed and maintained to the satisfaction of the Relevant Authority. Any dead or diseased plantings shall be replaced.

Condition 6
Boundary retaining walls and fencing shall be established, prior to commencement of use, in accordance with the Approved Plans.

Condition 7
The stormwater disposal system shall be fully installed, prior to commencement of use, in accordance with the Approved Stormwater Management Plan and Approved Civil and Site Works Plan, pursuant to Reserved Matters 4 and 5 respectively. Adequate measures shall be deployed during construction, pursuant to the Construction Environmental Management Plan authorised by Reserved Matter 3, such that temporary disposal of surface or roof water does not adversely impact neighbouring properties.

Condition 8
All car parking, driveways and vehicle manoeuvring areas shall be constructed and finished in sealed surface in accordance with the Civil and Siteworks Plan, approved by the Relevant Authority pursuant to Reserved Matter 5. The surface shall consist of brick paving, concrete or bitumen to a standard appropriate for the intended traffic volumes and vehicles types. Individual car parking bays shall be clearly line-marked. Car parking, driveways and vehicle manoeuvring areas shall be completed, prior to commencement of use, and shall be maintained at all times thereafter in good condition to satisfaction of the Relevant Authority.

Condition 9
The car parking layout and associated aisle widths and car park manoeuvring areas shall be designed and constructed to comply with AS 2890.1 – Off-street Parking, Part 1 and Austroads "Guide to Traffic Engineering Practice Part 11 – Parking", *AS 2890.2 – Facilities for Commercial Vehicles, and AS 2890.6 Off-Street Parking for People with Disabilities*.

Condition 10
The car parking, driveways and vehicle manoeuvring areas shall be kept clear and unobstructed of buildings and structures, so as to enable continual and ongoing use of the car parking, driveways and manoeuvring areas at all times.

Condition 11
All loading and unloading of vehicles and manoeuvring of vehicles in connection with the approved development shall be carried out entirely within the site, at all times.

Condition 12
The detailed design of all internal footpaths and other publicly accessible areas within the site shall comply with the requirements of the *Disability Discrimination Act 1992.*

Condition 13
The minimum gate offset between the gate and Samuel Road boundary shall be adequate to accommodate the temporary parking of a B-Triple, to enable the temporary holding of the vehicle in an instance when the access gate is closed.

Condition 14
The maximum design vehicle accessing the site shall not exceed B-double.

Condition 15
Noise levels from the integrated storage and transport distribution facility measured at residences (the noise affected premises) shall comply with the *Environment Protection (Noise) Policy 2007* (or later policy as amended from time to time) at all times.

Condition 16
All of the recommendations contained in the Environmental Noise Assessment, prepared by Resonate, dated 13 December 2022, A210816RP1, Revision A and subsequent Environmental Noise Assessment, pursuant to Reserved Matter 6, shall be implemented to the extent applicable to the development. Refrigerated trailers, containers, units and the like are not permitted on the site at any time.

Condition 17
Except where otherwise approved, external lighting shall be restricted to that necessary for safe operations within the site and lighting shall be directed and shaded as necessary. All external lighting shall be in

accordance with *Australian Standard 4282 – 2019 Outdoor Lighting Obtrusive Effects' so as to prevent any adverse effect or nuisance on adjoining sensitive receivers or drivers on adjacent public roads.*

Condition 18
A bunding system shall be established in respect of the proposed fuel storage area, prior to commencement of use and shall be maintained in good condition at all times thereafter, in accordance with the Environment Protection Authority Guidelines "*Liquid Storage"*, May 2016, in order to minimise the risk of environmental harm from liquid spills and/or leaks.

Condition 19
The Energy Efficiency report, approved by the Relevant Authority under Reserved Matter 9, shall be implemented, prior to commencement of use.

Conditions imposed by Native Vegetation Council under Section 122 of the Act

Condition 20
1. Clearance areas are to be defined with barriers, pegs, flags or temporary fencing to ensure that native vegetation outside the approved area is not damaged.

Condition 21
2. Native Vegetation and trees retained in close proximity to the construction activity zone are to be protected with barriers (i.e. fencing or flagging) in accordance with the Australian Standard for Protection of Trees on Development Sites AS 4970-2009;

Condition 22
3. Stockpiled materials, including cleared vegetation and excavated soil is not to be placed under native trees or on top of native understorey outside the approved area;

Condition 23
4. Construction vehicles, equipment or materials are not to be stored or placed on top of native vegetation outside the approved clearance area;

Condition 24
5. Construction vehicles, equipment or materials are not to be stored or placed within the Tree Protection Zone of retained trees;

ADVISORY NOTES

Planning Consent

Advisory Note 1
Any variation of this approved development and/or the conditions of consent will require a separate request and approval from the Relevant Authority. Granting of Consent does not necessarily imply that future requests for variations will be approved. Any future requests will be assessed by having regard to the relevant rules and requirements in form at the time any request is made.

Advisory Note 2
Any portion of Council's infrastructure damaged as a result of work undertaken in relation to the development shall be repaired and/or reinstated to Council's satisfaction at the developer's expense.

Advisory Note 3
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 applicants

determine the requirements that apply pursuant to 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 Native Vegetation Council.

Advisory Note 4
The adjoining owner should be advised of the proposed work on the boundary and issues such as access to perform work, removal of fencing, finished levels and retaining walls should be resolved before commencement of building work. This approval does not give right to access neighbouring land or to replace or erect boundary fencing. Fencing work is subject to the provisions of the *Fences Act 1975.*

Advisory Note 5
Excavations on or near the boundary may require the giving of notification to the neighbour pursuant to Regulation 75 of the *Planning, Development and Infrastructure (General) Regulations 2017.* Where mechanical equipment is required to construct retaining walls, the retaining walls may need to be constructed prior to construction of footings on-site.

Advisory Note 6
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.

Advisory Note 7
EPA information sheets, guidelines documents, technical bulletins etc. can be accessed on the following web site: http://www.epa.sa.gov.au.

Advisory Note 8
The applicant is reminded that demolition and construction is required to be carried out so that it complies with the provisions of the *Local Nuisance and Litter Control Act 2016*. Under the *Local Nuisance and Litter Control Act 2016,* construction noise is declared a local nuisance as follows:

The noise has travelled from the location of the construction activity to neighbouring premises –

- On any Sunday or public holiday; or
- After 7.00 pm or before 7.00 am on any other day.

Advisory Note 9
The applicant has signed the Powerline Declaration, pursuant to Schedule 8(6) of the *Planning, Development and Infrastructure (General) Regulations 2017,* that the proposed development would not be contrary to the regulations prescribed for the purposes of Section 86 of the *Electricity Act 1996.* The approved plans incorporate a container storage area, and portion of this area is subject to the powerline easement. Storage of containers, is subject to the relevant horizontal and vertical clearance requirements prescribed for buildings under the *Electricity Act 1996* and associated Regulations. Insofar as the development (ie. including containers) does not achieve relevant clearance requirements, the activity is not authorised unless otherwise given consent from the Office of the Technical Regulator. For further information, please contact the Office of the Technical Regulator at dsd.otr@sa.gov.au or 8226 5500.

Advisory Note 10
Any works associated with the development, such as tree planting, tree removal, footpath renewal or the like, to be undertaken within the road reserve (ie. the road carriage, verge or footpath area) is subject to separate

approval pursuant to the *Local Government Act 1999.* Further enquiries should be directed to Council's Engineering Services Department on 8563 8444.

Advisory Note 11
This Consent does not grant authorisation to advertisements or external light fixtures and fittings, except to the extent that such works are not 'Development' and do not contravene any condition contained within this Authorisation. Separate development authorisation is required for any advertisements or external light fixtures or fittings.

Advisory Note 12
Infrastructure works required external to the site in the nature of stormwater works within Falkenberg Road and Old Mill Road, to enable connection of the stormwater outflow to Kalimna Creek, are subject to a Deed of Agreement, signed between The Barossa Council and Nuriootpa Traders Pty Ltd.

The proposal also incorporates stormwater pipe connecting from the site, through Commissioner of Highways land, to the pipe alignment within 'Old Mill Road'. The section of pipe through Commissioner of Highways land, is subject to grant of consent from Commissioner of Highways.

Advisory Note 13
All proposed works within Samuel Road are located within Light Regional Council and are subject to authorisation from Light Regional Council, pursuant to *Local Government Act 1999.* The parties shall enter into an Infrastructure Deed of Agreement to give effect to necessary works required within Samuel Road, as agreed between the parties.

Advisory Notes imposed by Native Vegetation Council under Section 122 of the Act

Advisory Note 14
The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the *Native Vegetation Act 1991* as set out in Decision Notification 2023/3112/960

CONTACT DETAILS OF CONSENT AUTHORITIES

Name: The Barossa Council	Type of consent: Planning
Telephone: 08 8563 8444	Email: development@barossa.sa.gov.au
Postal address: PO Box 867, Nuriootpa SA 5355	

Referral Snapshot

Development Application number:
23027675

Consent:
Planning Consent

Relevant authority:
The Barossa Council

Consent type for distribution:

Referral body:
Native Vegetation Council

Response type:
Schedule 9 (3)(11) Native Vegetation Overlay

Referral type:
Direction

Response date:
24 Oct 2023

Advice:
With comments, conditions and/or notes

Condition 1
1. Clearance areas are to be defined with barriers, pegs, flags or temporary fencing to ensure that native vegetation outside the approved area is not damaged.

Condition 2
2. Native Vegetation and trees retained in close proximity to the construction activity zone are to be protected with barriers (i.e. fencing or flagging) in accordance with the Australian Standard for Protection of Trees on Development Sites AS 4970-2009;

Condition 3
3. Stockpiled materials, including cleared vegetation and excavated soil is not to be placed under native trees or on top of native understorey outside the approved area;

Condition 4
4. Construction vehicles, equipment or materials are not to be stored or placed on top of native vegetation outside the approved clearance area;

Condition 5
5. Construction vehicles, equipment or materials are not to be stored or placed within the Tree Protection Zone of retained trees;

Advisory Note 1
The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the *Native Vegetation Act 1991* as set out in Decision Notification 2023/3205/960

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	POSTION
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 scheduled on Wednesday 25 October 2023 but has been adjourned at request of the appellant. The matter has been set down for Conference on 7 November 2023.

RECOMMENDATION

That the report be received.

9. REPORTS – OTHER BUSINESS

9.1 Assessment Manager Quarterly Report - July 2023 to September 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 July 2023 to September 2023.

REPORT

The Panel is assigned as a relevant authority 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	130
Planning Applications determined (excluding Private Certification)	102
Notified Applications	9
Determined Planning Consents by Relevant Authority (excluding Private Certification): • BAP • Assessment Manager (AM) • AM for BAP	 2 89 11

The number of development applications that were notified during this period was 9. 89 development applications were determined by the Assessment Manager. Two (2) development applications were determined by the Panel and 11 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 one (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 22023840 - 48 Truro Road Moculta *Construction of a building for use as a function centre and cellar door; construction of six self-contained, short-term, tourism accommodation buildings including one swimming (plunge) pool; and associated landscaping and carparking; Stage 1 - 3 x self-contained, short-term, tourism accommodation buildings (2 x two bedroom units & 1 x one bedroom unit); swimming pool Stage 2 - 3 x self-contained, short-term, tourism accommodation buildings (2 x two bedroom units & 1 x one bedroom unit) Stage 3 - Upgrade to Shannon Road to accommodate function centre access Stage 4 - Function centre and cellar door* Representations – One Decision – Planning Consent granted 17 July 2023 subject to conditions
Development Application 22035759 – 20 Queen Street Williamstown *Alterations and Additions to an existing Hotel; including enclosing an area between two existing stone buildings to extend a Bar and Dining area; building an Alfresco Dining Area facing into the existing Beer Garden and construction of a new Toilet Block* Representations – Nil Decision – Planning Consent granted 1 August 2023 subject to conditions
Development Application 23002083 – Unit 2, 7 Railway Terrace Mount Pleasant *Construction of a split-level single-storey dwelling with front verandahs, double garage and side alfresco; construction of a combined retaining wall and fence on the property boundary up to 2.9m high* Representations – Nil Decision – Planning Consent granted 5 July 2023 subject to conditions
Development Application 23002304 – 131 Krondorf Road and 135 Krondorf Road Krondorf *(1) Construction of three new buildings and a courtyard in association with an existing winery The three new buildings have a total gross floor area of 1028m² to accommodate the following functions: • Vintage vehicle parking shed including office, store, awning and verandah 407sqm • Finished goods warehouse, coolroom and amenities addition attached to existing warehouse 307sqm • Dry goods warehouse & awning 314sqm; Construction of retaining wall up to height of 3m, with associated stairs; construction of replacement pump shed* Representations – Nil Decision – Planning Consent granted 13 July 2023 subject to conditions
Development Application 23007163 – 29 Richter Road Lyndoch *Construction of a single-storey detached dwelling with front portico, double garage and rear alfresco under main roof; associated earthworks including retaining wall and boundary fencing to a maximum combined height of 2.7m* Representations – One Decision – Planning Consent granted 24 July 2023 subject to conditions

Development Application 23007974 – Lot 1 Talunga Park Road Mount Pleasant *Alteration and change of use to existing stone building to contain dwelling and tourist accommodation; construction of a domestic outbuilding - garage & storage shed (measuring 12.0m x 6.0m x 3.0m wall height)* Representations – One Decision – Planning Consent granted 14 July 2023 subject to conditions
Development Application 23008386 – 4 Albert Street Tanunda *Construction of a single-storey detached dwelling with double garage under main roof; installation of a swimming pool and associated safety barrier; construction of a 2m high masonry wall forward of building line - Variation to locate rumpus room on side property boundary (3.8m wall height)* Representations – One Decision – Planning Consent granted 26 July 2023 subject to conditions
Development Application 23014318 – 14 Walden Street Tanunda *Construction of an additional tenancy - Store (measuring 5.5m x 9.0m x 3.0m wall height); existing tenancy approval - service trade premises* Representations – Nil Decision – Planning Consent granted 6 July 2023 subject to conditions
Development Application 23017203 – 7 Rosalie Avenue Tanunda *Change of use from dwelling to tourist accommodation (short stay for maximum of 5 guests)* Representations – Nil Decision – Planning Consent granted 26 July 2023 subject to conditions
Development Application 23021757 – 13 Sarah Street Penrice *Change of use of a portion of dwelling to short term tourist accommodation (max four guests)* Representations – Nil Decision – Planning Consent granted 31 August 2023 subject to conditions
Development Application 23022232 – 30 Hospital Road Mount Pleasant *Variation of Development Application 22038596 - Change of use from emergency services depot, to gin distillery and dwelling; Variations include change from dwelling to tourist accommodation and alterations and additions to existing building (inclusive of ancillary offices)* Representations – One Decision – Planning Consent granted 4 September 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 July 2023 to September 2023 be received and noted.

RECOMMENDATION
That the report be received.

9.2 Barossa Assessment Panel Meeting Schedule 2024

REPORT

The first Barossa Assessment Panel meeting for 2024 has been scheduled for Wednesday 24 January 2024 and thereafter shall be held on the first Tuesday of each month.

The following schedule of meeting dates is provided for information.

24 January 2024
6 February 2024
5 March 2024
2 April 2024
7 May 2024
4 June 2024
2 July 2024
6 August 2024
3 September 2024
1 October 2024
5 November 2024
3 December 2024

RECOMMENDATION

That the Barossa Assessment Panel agree to continue to meet on the first Tuesday of each month, with the exception of the January meeting which shall be held on Wednesday 24 January 2024 (due to a conflict with the Council meeting). All meetings shall be held at The Barossa Council Chambers commencing at 5.00 pm.

9.3 Council and Regional Assessment Panels

REPORT

Council has received correspondence from the Chair of the State Planning Commission regarding the obligations of Councils and Assessment Panel Members under the *Planning, Development and Infrastructure Act 2016.* A copy of the correspondence from the State Planning Commission is contained in ***Attachment 1.***

The Code of Conduct sets out the standards of conduct and professionalism that are to be observed by Assessment Panel members in the performance of their duties under the Act.

The State Planning Commission advises that it has recently reviewed the *Assessment Panel Members – Code of Conduct* and has published additional guidance material for Assessment Panel Members pertaining to conflict of interest and bias. A reference to the Guidance Material is contained in ***Attachment 2***.

Members are encouraged to access and read the guidance information to familiarise themselves with conflict of interest principles, acting in the public interest and identifying and managing bias.

RECOMMENDATION

That the report be received.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 State Planning Commission - Council and Regional Assessment Panels Obligations ⇩

Attachment 2 Code of Conduct - Guidance Material ⇩

OFFICIAL: Sensitive

STATE PLANNING COMMISSION

20654916

Level 10
83 Pirie Street
Adelaide SA 5000

GPO Box 1815
Adelaide SA 5001

1800 752 664
saplanningcommission@sa.gov.au

5 October 2023

Mayor Michael Lange
The Barossa Council

By email: mayor.lange@barossa.sa.gov.au

Dear Mayor Lange

Council and Regional Assessment Panels

I write on behalf of the State Planning Commission (the Commission) regarding the obligations of councils and Assessment Panel Members under the *Planning, Development and Infrastructure Act 2016* (the Act).

Eleven (11) complaints regarding the conduct of Elected Members and Independent Assessment Panel Members have been lodged with the Commission so far this year. The concerns raised with the Commission related to conduct that potentially breached the *Assessment Panel Members – Code of Conduct* (the Code of Conduct) adopted by the Minister for Planning under Schedule 3 of the Act. The Commission reviewed each complaint in accordance with the *Planning, Development and Infrastructure (General) Regulations 2017*. In some instances, the Commission found complaints to be substantiated and recommended Assessment Panel Member sanctions and disciplinary actions to appointing entities.

As a result of the nature of many of the complaints received throughout 2022 and 2023, the Commission reviewed the Code of Conduct and published additional guidance for Assessment Panel Members around conflict of interest and bias. The Code of Conduct – Guidance Material is available for Assessment Panel Members to download via the PlanSA portal. I encourage all appointed members to access and read the guidance information to familiarise themselves with conflict of interest principles, acting in the public interest and identifying and managing bias.

The Commission recommends that that the appointing entity ensures that all newly appointed members of an Assessment Panel are appropriately inducted prior to commencing their role, and such induction should include information and training regarding Code of Conduct obligations imposed on Members.

The Commission also recommends that all Assessment Panel Members continue to undergo regular training regarding Assessment Panel operating and meeting procedures, as well as Code of Conduct, conflict of interest and ethics.

OFFICIAL: Sensitive

The Commission continues to recommend that Presiding Members attend regular training relating to effective management of meetings and that those Panel Members who are also current Elected Members receive training regarding the identification and management of conflict of interest, particularly in the context of their dual roles as both Elected Member of the Council and an Assessment Panel Member.

A number of complaints were received by the Commission that were outside its statutory complaint authority. To assist a prospective complainant to identify the nature of a complaint which can be lodged with the Commission, the Commission has revised the Assessment Panel Member Complaint Form and published a Frequently Asked Questions (FAQ) about lodging a complaint on the PlanSA portal.

The Code of Conduct, Complaint Form and Fact Sheets are provided at **Appendix A** for further guidance on these matters.

Yours sincerely

Craig Holden
Chair

cc Mr Martin McCarthy, Chief Executive Officer, The Barossa Council
Local Government Association of South Australia (LGA)

Appendix A:

- The Commission's Code of Conduct for Assessment Panel Members;
- The Commission's Code of Conduct – Guidance Material;
- The Commission's Fact Sheet – Elected Members on Assessment Panels
- Assessment Panel Member Complaint Form
- Frequently Asked Questions - Assessment Panel Member Complaints

PlanSA

CODE OF CONDUCT

Codes of Conduct – Guidance Material

Introduction

Under Schedule 3 of the *Planning, Development and Infrastructure Act 2016* (PDI Act), the Minister has adopted the following codes of conduct:

- State Planning Commission Members – Code of Conduct
- Assessment Panel Members – Code of Conduct
- Accredited Professionals Scheme – Code of Conduct
- Infrastructure Scheme Coordinators – Code of Conduct
- Joint Planning Board Members – Code of Conduct.

The codes of conduct (which are available on the PlanSA portal) set out standards of conduct and professionalism that are to be observed by these entities in the performance of their duties under the PDI Act.

While there are provisions within the PDI Act that govern the management of conflicts of interest for State Planning Commission members, the remaining entities listed above have provisions within their respective code of conduct (the Codes) that require the disclosure and management of conflicts of interest, as well as provisions requiring them to act in the public interest and avoid bias.

Under the PDI Act and the Codes, a direct or indirect personal or pecuniary interest must be appropriately disclosed and managed. The existence of a conflict of interest is something that needs to be determined on a case-by-case basis, with this guidance material having been produced to assist entities with that assessment.

It is noted that conflict of interest obligations on entities under the PDI Act and the Codes operate alongside any other obligations that an entity may have under other legislation. For instance, an elected member who sits on an assessment panel also has obligations under the *Local Government Act 1999* (see Elected Members on Assessment Panels Fact Sheet).

Associate and close personal relationships

A conflict of interest may exist where an entity, an associate of an entity or a close personal relation to an entity has a direct or indirect personal or pecuniary interest in a matter.

Associate

An entity (other than an accredited professional) is automatically taken to have an interest in a matter if an ***associate*** (within the meaning of section 3(7) of the PDI Act) has an interest in the matter. Under section 3(7) of the PDI Act, an associate includes any of the following:

- a relative
- a spouse or domestic partner
- a body corporate in which you, or any of the above, have an interest exceeding 10% of its capital
- a trustee of a trust to which you, or any of the above are a beneficiary.

While the Accredited Professionals Scheme – Code of Conduct does not expressly provide that an interest of an associate also gives rise to an interest for an accredited professional, this does not mean that an accredited professional will not have a conflict of interest in this scenario.

Close personal relation

Although not expressly mentioned in the PDI Act or the Codes, other close personal relationships could still give rise to a conflict of interest (for example a business partner, housemate, intimate relationship, close personal friend). In determining whether a conflict of interest exists, consideration should also be given to whether a close personal relationship exists.

Direct or indirect personal or pecuniary interest

Direct or indirect

A direct interest is an interest where the entity will receive the benefit. Career advancement or the assessment of a matter where a company the entity owns (or has shares in) will receive a benefit are examples of possible direct conflicts.

An indirect interest is an interest where the entity does not stand to benefit directly, but a person or other entity connected to them will gain a benefit (or suffer a loss). An indirect interest may arise where an associate or close personal relation stands to benefit (or suffer a loss).

Personal or pecuniary

An interest in a matter could be either a financial (pecuniary) interest or a non-financial (personal) interest. A pecuniary interest is one where an entity, their associate or a person with whom they have a close personal relationship, stands to gain a financial or monetary benefit.

A non-financial conflict of interest is one that does not involve a financial benefit for the entity. A non-financial conflict may arise when an entity receives a benefit, such as enhancement of personal reputation, or advancement (or loss) of some other personal interest. It may also arise through an involvement or affiliation with a community, social or other cultural organisation.

Actual, potential or perceived

An actual conflict of interest arises when an entity has a direct personal or pecuniary interest in a matter that is being considered, whereas a potential conflict of interest is one which may arise in the future.

A perceived conflict of interest arises when it could appear to a reasonable person that an entity's personal interests could influence or impact the performance of their public duty. A conflict of interest is more likely to be perceived when the interest itself is indirect.

The management of perceived conflicts of interest can be more difficult than the management of actual conflicts of interest. The disclosure of a perceived conflict of interest does not make it an actual conflict, but it helps remove any perception of bias or influence and maintains public confidence in the decision-making process.

In determining whether a potential or perceived conflict may be present, an entity should consider whether a 'reasonable person' would consider that a conflict could exist.

Class of persons

Where an interest of an entity is shared with a significant proportion of other community members, a conflict of interest may not arise. This consideration is of particular importance where an entity is in a smaller community or regional area, where it is more likely that an interest will be shared with a significant proportion of other community members.

An entity should exercise caution in determining whether their interest is shared with a 'significant proportion' of other community members, with a larger proportion providing greater certainty that a conflict does not exist. It is also important to note that the interest of the entity should not exceed the interest of the other community members.

Questions to consider in determining whether a conflict exists

The following are questions that an entity should consider in determining whether they declare a conflict of interest in relation to a particular matter.

1. Do I, or an associate, have a direct or indirect personal or pecuniary interest in the matter?
2. Does someone I have a close personal relationship with have a direct or indirect personal or pecuniary interest in the matter?
3. Is my interest (or the interest of my associate) greater than a significant proportion of other community members?
4. If an interest does exist, is there a way I could influence the decision on the matter?
5. Will my involvement negatively affect the community's trust in the decision?
6. Will the decision have a big impact on me, an associate or someone I have a close personal relationship with?
7. How certain is the benefit to be gained or loss to be suffered? Is it guaranteed or just a remote possibility?

8. Will my decision be consistent with decisions made by other entities in similar circumstances?
9. Where a gift has been received by an entity, how long ago was the gift received and what was the value of the gift?

If after considering the above questions, an entity is unsure whether they have a conflict of interest, it may be appropriate to exercise caution and declare a conflict of interest. Legal advice may be sought to assist in determining whether a conflict of interest exists.

An entity must remind themselves that the test is not whether they are an honest and impartial person, but it is whether a reasonable and fair-minded person might perceive that their interests could be favoured by exercising their duties and responsibilities in the circumstances. Perception is an important consideration when identifying conflicts of interest, and the reasonable person test should always be considered when seeking to identify the existence of conflicts of interest.

An assessment manager appointed to an assessment panel established under the PDI Act may be required to provide advice and guidance to assessment panel members in relation to governance and probity matters, including conflict of interest matters (see Assessment Managers Fact Sheet).

Managing conflicts of interest

Appropriately managing an actual, perceived or potential conflict of interest maintains the honesty and integrity of the decision-making process to ensure the public has confidence that the final decision was made impartially and without prejudice. If an entity declares a conflict of interest, they must:

- disclose the nature and extent of the interest; and
- where appropriate, not take part in any further consideration or assessment of the matter.

This would include not taking part in hearings, workshops briefings or other meetings where the matter is discussed. A person who declares a conflict of interest and removes themselves from any decision-making process should not attempt to influence the decision of those who will ultimately decide the matter.

While a perceived conflict should be managed in a similar manner to an actual conflict, a potential conflict of interest should be carefully monitored to allow the appropriate action to be taken should it develop into an actual conflict of interest.

Once a conflict has been declared, there is an ongoing requirement that an entity will not take part in any further consideration or assessment of a matter, unless circumstances change and there is no longer a conflict of interest. This is particularly relevant where a panel may consider a matter across multiple meetings.

Examples of conflicts of interest

The existence of a conflict of interest is something that needs to be determined on a case-by-case basis. Examples of conflicts of interest that may arise in the planning system include, but are not limited to:

- where an entity could gain financially from business dealings, programs or services associated to a matter they are considering;
- where an associate of an entity could gain financially from business dealings, programs or services associated with a matter they are considering;
- where an assessment panel member has a close personal relationship with a person who is providing advice to the assessment panel;
- where an accredited professional or assessment panel member has previously been involved in a development proposal through alternative employment, and is now responsible for the assessment of that proposal;
- where a joint planning board is appointing an assessment panel, and a member of the joint planning board is an associate of (or has a close personal relationship with) an applicant; or
- where an infrastructure scheme coordinator has a close personal relationship with an entity assisting to provide the required infrastructure.

Acting in the public interest

The Codes require that an entity must act in a manner that promotes or protects the public interest. Acting in the public interest means that the outcomes of any decision-making process are in the public interest (which may ultimately conflict with personal interests), as well as the processes and procedures followed in reaching that outcome.

An entity acting in the public interest may require any of the following:

- applicable legislation is adhered to (eg PDI Act, *Local Government Act 1999* etc);
- applicable Codes of Conduct are complied with
- principles of procedural fairness are followed
- decisions are made fairly and impartially
- conflicts of interest are declared and appropriately managed
- transparency over the process involved in reaching the final outcome.

Bias

The Codes provide that an entity should have regard to any affiliation, disposition or any material, pecuniary or other interest that would lead to a reasonable apprehension that they may be biased in carrying out any aspect of their role under the PDI Act. Bias is a tendency or prejudice toward or against something or someone and it may result in a lack of objectivity when considering a matter.

It is important to distinguish that the Codes seek to manage an individual entity's bias, but an assessment panel or joint planning board should also be mindful of any bias it may have as a whole that needs to be managed.

Explicit and implicit bias

Explicit bias refers to any biased beliefs or attitudes that an entity has towards another person or group on a conscious level. Implicit bias is a form of bias that occurs automatically and unintentionally which still impacts decisions and judgements. It is also known as unconscious bias.

When carrying out their role or function, an entity is entitled to be predisposed to particular views, but this does not mean that they should have predetermined the matter before them. Any assessment should be undertaken with an open mind and be subject to persuasion.

Actual and apparent bias

An actual bias is a bias where an entity actually has a personal interest in the outcome of a matter. An apparent or apprehended bias is similar to a perceived conflict of interest and arises where the conduct of an entity raises suspicion that their decision will not be impartial, even though they do not necessarily have an interest in the matter.

The test for apparent or apprehended bias is whether a fair-minded lay observer might reasonably apprehend that the entity might not bring an impartial mind to the resolution of the question to be decided (*Ebner v Official Trustee in Bankruptcy* [2000] HCA 63). In applying this test, it is assumed that a fair-minded lay observer has no special knowledge or qualifications (*Charisteas v Charisteas* [2021] HCA 29).

Managing bias

In the event that an actual bias exists, an entity should declare the existence of the bias and remove themselves from any decision-making process. An entity may also need to consider declaring a conflict of interest, which should then be appropriately managed going forward.

Where an apparent or apprehended bias exists following consideration of the above test, an entity should declare the existence of the apparent or apprehended bias and consider removing themselves from the decision-making process where appropriate.

Examples of bias

Bias may result from the relationship between two parties that may lead one of those parties to make a decision (whether conscious or unconscious) that will favour the other party. Examples of bias that may arise in the planning system include, but are not limited to:

- an assessment panel member making public statements in relation to a development that will subsequently be assessed by an assessment panel on which they sit
- an assessment panel member considering an application for planning consent after providing advice to the applicant about how to best facilitate the project
- an accredited professional advising a potential applicant they will grant planning or building consent to a particular project if the application is lodged with them to be assessed
- a Commission member strongly and publicly advocating to protect a character or heritage area, and then subsequently considering a proposal to rezone that character or heritage area.

10. REPORTS – CONFIDENTIAL

10.1 Confidential Item - 23015775 - 614a Balmoral Road Cockatoo Valley

Reason for Confidentiality

It is recommended that the public be excluded from the meeting, as is necessary, in accordance with Section 13 of the *Planning, Development and Infrastructure (General) Regulations 2017* to receive, discuss or consider in confidence the following information or matters in relation to this item:

(viii) legal advice;

On the basis that this matter could result in the release of legal information which could be expected to be kept confidential and disclosure could on balance be contrary to current or future legal obligations or duties, the advice be kept confidential until such time that the use of the site for purposes of a bible camp no longer exists.

Recommendation

That:

(1) Pursuant to Regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017* the Barossa Assessment Panel orders that the public be excluded from the meeting with the exception of the Director, Development and Community Services, Assessment Manager, Senior Assessment Officer Planning, Assessment Officers, and the Minute Secretary, on the basis that this matter could result in the release of legal information which could be expected to be kept confidential and disclosure could on balance be contrary to current or future legal obligations or duties.

(2) Accordingly, on this basis, the Barossa Assessment Panel is satisfied that the principal that meetings of the assessment panel should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

11. NEXT MEETING

Tuesday 5 December 2023 commencing at 5.00 pm

12. CLOSURE OF MEETING

The Presiding Member will declare the meeting closed.