

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, 5 December 2023, commencing at 5.00 pm

Aaron Curtis
Assessment Manager



AGENDA

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

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

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1. WELCOME**2. ATTENDANCE****2.1 Present****2.2 Apologies****2.3 Absent****3. CONFIRMATION OF MINUTES****RECOMMENDATION**

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 7 November 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 23028433 - 278 Menge Road Tanunda

APPLICATION DETAILS

PROPOSAL	Change of Use from Dwelling to Tourist Accommodation, with Construction of Ancillary Deck and Verandah
APPLICANT	Vintnerize Pty Ltd
OWNER	Pirathon Wines Pty Ltd
APPLICATION NO	23028433
CERTIFICATE(S) OF TITLE	CT 5223/19
AREA	1.68 ha
CURRENT USE	Tourist accommodation and associated facilities; Restaurant with associated dining; Caretakers residences (inclusive of subject building)
PLANNING AND DEVELOPMENT CODE VERSION	2023.13 – 31 August 2023
PLANNING AND DESIGN CODE EXTRACT LINK	Relevant Code Extract
ZONE	Rural
OVERLAYS	Character Preservation District – Not in Township Hazards (Bushfire – Medium Risk) Hazards (Flooding – Evidence Required) Limited Land Division Native Vegetation Prescribed Water Resources Area Water Protection Area Water Resources
APPLICATION TYPE	Performance Assessed
PUBLIC NOTIFICATION	Notified – No Sign (Rural one exemption)
REFERRALS	Nil
PREVIOUS APPLICATIONS	960/240/2017 – Construct new dwelling and relocate and rearrange existing store, laundry caretakers facilities and lounge within existing buildings (non-complying)
ASSESSING OFFICER	Jake Boswell
RECOMMENDATION	That Planning Consent be GRANTED subject to Reserved Matters and Conditions

INTRODUCTION

The landowner seeks Development Approval for "Change of Use from Dwelling to Tourist Accommodation, with Construction of Ancillary Deck and Verandah" at 278 (Lot 5) Menge Road, Tanunda.

The site is located within the Rural Zone. The proposed development was subject to Performance Assessment and public notification. The application was notified in accordance with Section 107 of the *Planning, Development and Infrastructure Act 2016* and no representations were received.

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

- (1) Where in the opinion of the Assessment Manager, it is appropriate for the application to be determined by the Barossa Assessment Panel.

The proposal is for additional tourist accommodation, by virtue of a change of use to an established dwelling, on a site which has existing tourist accommodation, a restaurant with associated dining, and an existing dwelling (caretakers' residence). The proposal similarly incorporates an associated verandah and deck around the perimeter of the existing building, while also seeking to establish a landscaping buffer to the primary frontage.

While not being in a visually prominent position within the landscape, this building is clearly visible from the street due to the lack of vegetation between the building and the road and the design of the building, being a weatherboard transportable appearance which is generally not consistent with the appearance of existing buildings on the site or in the locality.

Tourist accommodation is an envisaged land use under Performance Outcome (PO) 1.1 and its associated Designated Performance Feature (DPF) for the Rural Zone. However, by virtue of the decision in *Geber Super Pty Ltd v The Barossa Assessment Panel [2023] SASC 154*, satisfying this DPF does not mean the proposal will automatically satisfy the relevant PO.

On balance, considering the relevant provisions of the Planning and Design Code, the proposal is considered to adequately address relevant items inclusive of siting, design, land use and intensity, access, native vegetation and bushfire management, such that the proposal reasonably achieves the Desired Outcomes (DO) of the Code. As such, Planning Consent is considered to be warranted, subject to Reserved Matters and Conditions.

SITE AND LOCALITY

The site comprises a wedge shaped allotment located at 278 Menge Road, Tanunda. It is positioned to the west of the road within an established rural area primarily characterised by viticulture and associated value adding activities, such as wineries. The site sits in the valley floor, is not visually prominent within the locality, and is generally free of native vegetation. The site sits south-east of the Tanunda township.

The site has an area of approximately 1.68 ha. The site contains a range of established buildings. While not heritage listed nor within a Historic Area, the built form is generally sympathetic to traditional development within the region. The site contains an existing five-bedroom tourist accommodation, restaurant and dining room, caretakers residence with ancillary store and laundry and an additional dwelling, authorised as a full time caretakers residence by virtue of development application 960/240/2017. This latter building is the subject of the herein development application. It is visually distinct from the other buildings by virtue of its weatherboard clad transportable style

design. More broadly, the site contains a relatively small 3000 sqm vineyard and small dam, providing amenity to guests of the site.

The site has two access points to Menge Road, with all on-site driveways, manoeuvring areas and car parking spaces being of all-weather unsealed material. The northern access point is primarily for restaurant patrons, with the southern access being primarily for the caretakers residence access and the existing tourist accommodation.

The locality generally comprises rural land uses, primarily viticulture with associated value adding activities. The subject allotment is relatively small within the context of the locality, however, allotment sizes and shapes do vary substantially in the locality.

The site borders the railway corridor along its western boundary.

Allotments east of the site are generally utilised for viticulture and associated buildings, with dwellings located sporadically throughout. Directly north of the site is an existing vineyard, however to the north of that is an established employment area, comprising multiple light industry, warehouse and storage developments within the Tanunda township. These front Basedow Road and are located approximately 250 metres from the subject site. To the south is Bethany, a rural settlement characterised by traditional dwellings on huffendorf-style allotments with associated vineyards. To the west of the site are rural allotments used for viticultural purposes.

The nearest dwelling is approximately 215 metres from the subject building (263 Menge Road, Tanunda).

Figure 1 highlights the subject site below.



Figure 1: Zone Map – Subject site in red

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 red; locality in yellow



Figure 3: Aerial – Site



Figure 4: Site Photo – Menge Road frontage, southern access



Figure 5: Site Photo of existing dwelling – Building façade



Figure 6: Site Photo – Looking east to existing accommodation and car parking



Figure 7: Aerial – Site – Looking south toward existing dwelling



Figure 8: Site Photo – Looking south toward rear of existing dwelling



Figure 9: Site Photo – Looking north toward rear of existing dwelling



Figure 10: Site Photo - Existing accommodation and laundry/store



Figure 11: Site Photo – Menge Road frontage



Figure 12: Site Photo – Menge Road frontage, view south



Figure 13: Site Photo – Rear of site, view south



Figure 14: Site Photo – Rear of site, view west



Figure 15: Site Photo – Rear of site, view north-west



Figure 16: Site Photo – Menge Road frontage, view north



Figure 17: Site Photo – Menge Road frontage, northern entry



Figure 18: Site Photo – Menge Road frontage, northern entry



Figure 19: Site Photo – Restaurant, north of subject building

PROPOSAL

The proposal involves the change of use of an established dwelling, authorised for fulltime caretakers' accommodation, to tourist accommodation comprising five bedrooms and an anticipated capacity of ten guests. It is noted that at the time of approval of the dwelling, the floor plan had three bedrooms, a family room and an office. This proposal seeks to convert the family room and office room into bedrooms four and five. In addition, a verandah is proposed around the perimeter of the building, with associated decking, to provide amenity and visual articulation to the building.

Access and manoeuvring is proposed via existing arrangements, with a more formalised car parking arrangement being established in nature of 5 x 90 degree angled car parks, south of the existing driveway and 7 x 90 degree angled car parks, north of the existing driveway. An associated landscaping buffer to the Menge Road frontage is also proposed to be planted inside of the front boundary, comprising a *Photinia Robusta* hedge up to two metres in height.

Attachment 1 contains a copy of the application and associated documentation. A copy of the stamped approved plan of the existing dwelling is contained in **Attachment 2**.

APPLICATION TYPE

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

PUBLIC NOTIFICATION

The application was subject to public notification in accordance with Table 5 – Procedural Matters – Notification of the Rural Zone, as the proposal did not achieve the relevant exemption within Rural Zone DPF 6.3(b). The existing dwelling has a total floor area of approximately 231 sqm, thereby exceeding that of 150 sqm.

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

<i>Performance Outcome</i>	<i>DTS/DPF</i>
<i>PO 6.3</i> <i>Tourist accommodation is associated with the primary use of the land for primary production or primary production related value adding industry to enhance and provide authentic visitor experiences.</i>	<i>DTS/DPF 6.3</i> <i>Tourist accommodation:</i> <i>(a) Is ancillary to and located on the same allotment or an adjoining allotment used for primary production or primary production related value adding industry.</i> <i>(b) In relation to the area used for accommodation:</i>

	(i) Where in a new building, does not exceed a total floor area of 100 sqm. (ii) Where in an existing building, does not exceed a total floor area of 150 sqm. (c) Does not result in more than one facility being located on the same allotment.
PO 6.4 <i>Tourist accommodation proposed in a new building or buildings is sited, designed and of a scale that maintains a pleasant rural character and amenity.</i>	DTS/DPF 6.4 <i>Tourist accommodation in new buildings:</i> (a) <i>Is set back from all allotment boundaries by at least 40 metres.</i> (b) <i>Has a building height that does not exceed 7 metres above natural ground level.</i>

No representations were received during the Public Notification period.

REFERRALS

External

The application was not subject to any referrals pursuant to Schedule 9 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

Internal

The following internal advice has been received from staff:

Health Services *The existing structure was approved with a wastewater system designed for a maximum capacity of six. This proposal will increase the capacity of up to ten guests.*

Given that the existing building has a limitation in respect to its wastewater capacity, the applicant will need to evidence that the existing wastewater system is capable of accommodating the wastewater loading from the proposed development, pursuant to the *SA Public Health Act 2011*.

ASSESSMENT

Please refer to the following link, the Planning and Design Code extract for this proposal, dated 2023.13 – 31 August 2023:

Planning and Design Code Extract Link	Relevant Code Extract
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Seriously at Variance

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

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

in the Rural Zone, in circumstances where it supports, protects and maintains primary production lands per Performance Outcome 1.1.

The development seeks conversion of an existing building from a dwelling to tourist accommodation upon an allotment of approximately 1.68 ha. The site contains an existing five-bedroom tourist accommodation, restaurant and dining room, dwelling (caretakers residence) with ancillary store and laundry. More broadly, the site contains a relatively small 3000 sqm vineyard and small dam, providing amenity to guests of the site.

While tourist accommodation is anticipated in DPF 1.1, by virtue of matter of *Geber Super Pty Ltd v The Barossa Assessment Panel [2023] SASC 154*, this does not mean that PO 1.1 is automatically satisfied. In this judgement, Justice Blue found that a large scale tourist development in the Rural Zone, that was not associated with primary production, was Seriously at Variance with the Planning and Design Code.

While the subject site is not used for primary production, it operates in a manner that takes advantage of its setting in the locality and historically has operated sympathetic to existing primary production activities therein. The site abuts multiple vineyards and visually it is difficult to distinguish the site from those of adjacent sites. In addition, the tourist accommodation is already established at the site and the proposal is to convert the existing residence to tourist accommodation. As such, the proposal will not consume any land currently used for primary production purposes, nor will it detract from existing/adjacent primary production activities. There is already a small 3000 sqm vineyard and small dam that provides for amenity to guests of the site but is not commercial scale primary production. It is also noted that DPF 6.3(a) envisages that tourist accommodation either be located on, or adjoining, a site use for primary producing purposes, which this development will satisfy.

For the above reasons, the circumstances of this proposal are considered to be fundamentally in distinction to the matter of Geber. The proposal is not considered to be Seriously at Variance with the relevant provisions of the Planning and Design Code.

Character Preservation (Barossa Valley) Act 2012

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

This proposal involves a change of use from dwelling to tourist accommodation together with construction of ancillary verandah and decking. The subject site is not considered to be visually prominent within the broader landscape, and the scale of built form proposed herein is of an ancillary nature. The additionally proposed landscape hedging to the Menge Road frontage in nature of *Photinia Robusta* hedge up to two metres in height will further diminish the visibility of this development.

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

Insert Zone	
Desired Outcomes	
DO 1	A zone supporting the economic prosperity of South Australia primarily through the production, processing, storage and distribution of primary produce, forestry and the generation of energy from renewable sources.
DO 2	A zone supporting diversification of existing businesses that promote value-adding such as industry, storage and warehousing activities, the sale and consumption of primary produce, tourist development and accommodation.
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) Commercial forestry (g) Dairy (h) Dam (i) Distiller (j) Dwelling (k) Dwelling addition (l) Farming (m) Horse keeping (n) Horticulture (o) Industry (p) Intensive animal keeping (q) Low intensity animal husbandry (r) Outbuilding (s) Renewable energy facility (t) Shop (u) Small-scale ground mounted solar power facility (v) Stock slaughter works (w) Tourist accommodation (x) Transport distribution (y) Verandah (z) Warehouse (aa) Winery (bb) Worker's accommodation

The proposed development comprises expansion of the existing tourist accommodation on the subject site, in the form of a change of use of the existing dwelling to tourist accommodation. In accordance with DO 2 of the Rural Zone, the Rural Zone seeks value adding and diversification of rural activity with an overarching intent to grow the South Australian rural economy (as further inscribed in the Character Preservation District policies).

Tourist accommodation is listed as an envisaged land use under DPF 1.1 (w). However, by virtue of *Geber Super Pty Ltd v The Barossa Assessment Panel [2023] SASC 154*, this does not mean that PO 1.1 is automatically satisfied. PO 1.1 states the following:

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

The proposed site is currently approved for use as a five-bedroom tourist accommodation facility, in association with an existing restaurant. It is noted that there is no commercial scale primary production on site, with there being a small 3000 sqm vineyard and small dam. Given that the site is only 1.68 ha in size, there are limitations as to what can be established for primary production activities.

The site operates in a manner that takes advantage of its setting in the locality and historically has operated sympathetic to existing primary production activities therein. The site abuts multiple vineyards and visually it is difficult to distinguish the site from those of adjacent sites. In addition, the tourist accommodation is already established at the site and the proposal is to convert the existing residence to tourist accommodation. As such, the proposal will not consume any land currently used for primary production purposes, nor will it detract from existing/adjacent primary production activities. There is already a small 3000 sqm vineyard and small dam that provides for some association with primary production. It is also noted that DPF 6.3(a) envisages that tourist accommodation either be located on, or adjoining, a site use for primary producing purposes, which this development will satisfy.

The nature of the development proposed herein, is therefore considered to satisfy PO 1.1 in that it is an appropriate land use for the site, noting that tourist accommodation is already lawfully approved at the site.

Scale and Form of Development

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

No commercial scale primary production occurs on this site. As mentioned above, there is a small 3000 sqm vineyard and small dam that provides for amenity to guests of the site but is not commercial scale primary production. Primary production does occur on an adjoining allotment.

The existing tourist accommodation is in nature of a five-bedroom tourist accommodation of approximately 200 sqm. The new proposal will convert the existing dwelling on the site to tourist accommodation. The total floor area of the existing dwelling is around 231 sqm, thereby exceeding the prescribed DPF 6.3(b)(ii) of 150 sqm. The development will therefore result in ten bedrooms being available for an anticipated maximum number of guests of 20 persons, having a total floor area of approximately 431 sqm.

DPF 6.3 is subsequently not met.

In considering PO 6.3, it is noted that the existing operations on the site add value to the primary production activities on adjacent sites and in the locality. The proposal is not considered to detract or affect those existing operations, noting that the existing dwelling is already established at the site. In addition, tourist accommodation is already established at the site. The proposed development is viewed in this context. It will provide additional accommodation to tourists in a setting that is not considered to be detrimental to existing surrounding land uses. It will likewise be visually interpreted in this setting, within a locality dominated by viticulture. The built form is of a sympathetic scale so as not to detract from this.

In favour of the proposed development is that all facilities associated with this development are already existing on site. As such, the number of individual persons accommodated on the site is not greatly increasing. Likewise, while it will warrant more formalisation, the majority of car parking areas are already existing with new car parks designed to gain access from the existing driveway.

The separation between this proposed development and the nearest sensitive receiver is approximately 215 metres located to the north-east of the site. The existing Lanzerac Estate tourist-accommodation building is located between these two entities, which will prevent the majority of interface impacts.

The proposal will enhance the appearance of the existing development at the site by way of adding new verandah and decking to the existing transportable building and by way of new landscaping in nature of *Photinia Robusta* hedge up to two metres in height inside of the front boundary.

Given the above, this development is considered to have a neutral impact on the viability and continuation of adjacent viticulture operations and will increase the overall accessibility of accommodation for tourists. This will subsequently add value to the region and the locality. As such, PO 6.3 is considered to be met.

Adaptive Reuse of Existing Buildings

Built Form and Character	
PO 8.1 <i>Adaptive reuse of existing buildings for small-scale shops, offices, tourist accommodation or ancillary rural activities</i>	DTS/DPF 8.1 <i>Development within an existing building is for any of the following:</i> (a) A shop (b) Office (c) Tourist accommodation

The proposed development seeks the reuse of an existing dwelling for tourist accommodation. This satisfies DPF 8.1(c).

Furthermore, the scale of development has been assessed earlier in this report as being acceptable in context of the site and locality, despite exceeding the recommended guideline for tourist accommodation of 150 sqm as per DPF 6.3(b). Subsequently, PO 8.1 is considered met.

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: (a) Having substantial setbacks from boundaries and adjacent public roads (b) Using low-reflective materials and finishes that blend with the surrounding landscape (c) Being located below ridgelines	DTS/DPF 10.1 None are applicable.

The proposed development involves primarily a change of use from that of dwelling to tourist accommodation. The built form has been previously assessed and considered acceptable as part of Development Application 960/240/2017.

It is noted that the design plans for the transportable building, approved by Council (refer **Attachment 2**) incorporated front and rear verandahs, but were not constructed.

The perimeter verandah and decking proposed herein proposed is considered to be of a scale that is sympathetic to the existing building. The visual appearance is considered to be improved, as these ancillary structures will provide visual interest and articulation to the building. Monument roof cladding is proposed to match existing.

Front landscaping is also proposed in the form of hedging. When established, this will assist in providing a natural screen between Menge Road and the development.

PO 10.1 is therefore considered to be satisfied.

Tourism Development

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

The proposed development involves primarily a change of use from that of dwelling (caretakers residence) to tourist accommodation. In this sense, there is no increase in environmental or contextual impact as a result of this development.

In addition, the existing dwelling is reasonably well clustered with the existing built form on site, as desired by PO 1.2.

Noting that tourist accommodation is already established at the site, which is built in location that caters to the needs of visitors, it is considered that the location is suitable for the proposed tourist accommodation.

Character Preservation Overlay

Character Preservation District Overlay (Not in township)	
Desired Outcomes	
DO 1	<i>Recognise, protect and enhance the special character of Character Preservation Districts</i>
DO 2	<i>The long-term use of land outside of township for primary production and associated value adding enterprises is assured and promoted</i>
Relevant Performance Outcomes/Designated Performance Features	
Built Form and Character in the Rural Area	
PO 3.1 <i>Preservation of existing natural features including topography, watercourses and mature trees</i>	DTS/DPF 3.1 <i>None are applicable</i>
PO 3.2 <i>Buildings and structures do not interrupt views of the skyline through measures including being sited below ridge lines.</i>	DTS/DPF 3.2 <i>None are applicable</i>
PO 3.3 <i>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.</i>	DTS/DPF 3.3 <i>None are applicable</i>
PO 3.4 <i>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</i>	DTS/DPF 3.4 <i>None are applicable</i>
PO 3.5 <i>Buildings and structures are grouped to create compact clusters well set back from public roads.</i>	DTS/DPF 3.5 <i>None are applicable</i>
PO 3.6 <i>Development mitigates the need for long, steep access roads that require excessive grading or removal of vegetation.</i>	DTS/DPF 3.6 <i>None are applicable</i>

The subject site is located within a rural area (ie, outside of township) in reference to the Character Preservation (Barossa Valley) District.

The proposal contains minimal built form work. No earthworks are proposed, nor will the proposal impact native vegetation on the site.

The post-development appearance of the development is considered to be acceptable, in that the development will add verandahs, decking and landscaping to enhance the appearance of the building.

The site is not located in a visually prominent location, nor does it seek use of reflective materials. There are existing crossovers and manoeuvring areas on site which will be retained and utilised with landscaping added to soften these areas.

The development is considered to be broadly consistent with the DO and above PO of the Character Preservation Overlay.

Effluent Disposal

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

This site has no access to mains sewer. Existing wastewater is managed through existing on-site wastewater systems.

Based on advice from Council's Health Services staff, the existing dwelling has been designed with a wastewater system capable of accommodating up to six persons, which is standard capacity for a residential dwelling. Based on an increase in loading by virtue of this development (seeking an increase to ten persons), the applicant will need to provide evidence that the existing wastewater system can accommodate for the increased loads imposed by the proposed development. If this is not achievable with the current infrastructure, an updated on-site wastewater system may be required.

It is recommended that a Reserved Matter be included in the Consent, if granted, that this matter be resolved prior to full Development Approval.

Native Vegetation

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

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

The applicant has made declaration that the proposed development does not propose the clearance of native vegetation. Therefore, PO/DPF 1.1 is satisfied.

Interface between Land Uses

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

	rock, ores, minerals, petroleum products or chemicals at a wharf or wharf side facility (including sea-port grain terminals) where the handling of these materials into or from vessels does not exceed 100 tonnes per day (c) 500 metres or more, where it involves the storage of bulk petroleum in individual containers with a capacity up to 200 litres and a total on-site storage capacity not exceeding 1000 cubic metres. (d) 500 metres or more, where it involves the handling of coal with a capacity up to one tonne per day or a storage capacity up to 50 tonnes. (e) 1000 metres or more, where it involves the handling of coal with a capacity exceeding 1 tonne per day but not exceeding 100 tonnes per day or a storage capacity exceeding 50 tonnes but not exceeding 5000 tonnes.
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The proposed development is located within 300 metres of established viticultural operations surrounding the subject site. This development brings the risk of impact to those operations by virtue of increased perceptibility to noise and spray drift.

Ultimately, the building in which this tourist accommodation is proposed is an existing residence. This current use of the building is of greater sensitivity than what is proposed in this development, being tourist accommodation.

As such, the risk of this development impinging upon existing viticultural operations is less likely than the existing development. It is further noted that tourist accommodation is already established at the site. As such, PO 9.5 is satisfied.

Bushfire Hazard

Hazards (Bushfire - Medium Risk) Overlay	
Desired Outcomes	
DO 1	Development, including land division is sited and designed to minimise the threat and impact of bushfires on life and property with regard to the following risks: 1. potential for uncontrolled bushfire events taking into account the increased frequency and intensity of bushfires as a result of climate change 2. high levels and exposure to ember attack 3. impact from burning debris 4. radiant heat 5. likelihood and direct exposure to flames from a fire front
DO 2	Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from areas of unacceptable bushfire risk.
DO 3	Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from areas of unacceptable bushfire risk
Relevant Performance Outcomes/Designated Performance Features	
Land Use	
PO 1.1 Development that significantly increases the potential for fire outbreak as a result of the spontaneous combustion of materials, spark	DTS/DPF 1.1 None are applicable

generation or through the magnification and reflection of light is not located in areas of unacceptable bushfire risk.	
Siting	
PO 2.1 Buildings and structures are located away from areas that pose an unacceptable bushfire risk as a result of vegetation cover and type, and terrain.	DTS/DPF 2.1 None are applicable
Built Form	
PO 3.1 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 3.1 None are applicable
Habitable Buildings	
PO4.1 To minimise the threat, impact and potential exposure to bushfires on life and property, residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and) is sited on the flatter portion of allotments away from steep slope.	DTS/DPF 4.1 None are applicable
PO 4.2 Residential, tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) is sited away from vegetated areas that pose an unacceptable bushfire risk.	DTS/DPF 4.2 Residential, tourist accommodation and habitable buildings for vulnerable communities are provided with asset protection zone(s) in accordance with (a) and (b): (a) The asset protection zone has a minimum width of at least: (i) 50 metres to unmanaged grasslands (ii) 100 metres to hazardous bushland vegetation (b) The asset protection zone is contained wholly within the allotment of the development.
PO 4.3 Residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and) has a dedicated area available that: 1. Is capable of accommodating a bushfire protection system comprising firefighting equipment and water supply in accordance with Ministerial Building	DTS/DPF 4.3 None are applicable

Standard MBS 008 - Designated bushfire prone areas - additional requirements. 2 Includes the provision of an all-weather hardstand area in a location that: i. allows fire-fighting vehicles to safely access the dedicated water supply and exit the site in a forward direction. ii. is no further than six metres from the dedicated water supply outlet(s) where required.	
Vehicle Access – Roads, Driveways and Fire Tracks	
PO 6.1 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 6.1 Roads: i. are constructed with a formed, all-weather surface. ii. have a gradient of not more than 16 degrees (1-in-3.5) at any point along the road. iii. have a cross fall of not more than six degrees (1-in-9.5) at any point along the road. iv. have a minimum formed road width of six metres. v. provide overhead clearance of not less than four metres between the road surface and overhanging branches or other obstructions including buildings and/or structures (Figure 1). vi. 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). vii. incorporating cul-de-sac endings or dead-end roads do not exceed 200 metres in length and the end of the road has either: (i) a turning area with a minimum formed surface radius of 12.5 metres (Figure 3) (ii) 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) viii. incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.
PO 6.2 Access to habitable buildings is designed and constructed to facilitate the safe and effective: (a) access, operation and evacuation of fire-fighting vehicles and emergency personal. (b) evacuation of residents, occupants and visitors.	DTS/DPF 6.2 Access is in accordance with (a) or (b): (a) a clear and unobstructed vehicle or pedestrian pathway of not greater than 60 metres in length is available between the most distant part of the habitable building and the nearest part of a formed public access road (b) driveways:

	i. do not exceed 600 metres in length ii. are constructed with a formed, all-weather surface iii. are connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than seven degrees (1-in-8). iv. have a gradient of not more than 16 degrees (1-in-3.5) at any point along the driveway. v. have a crossfall of not more than six degrees (1-in-9.5) at any point along the driveway vi. have a minimum formed width of three metres (four metres where the gradient of the driveway is steeper than 12 degrees (1-in-4.5)) plus 0.5 metres clearance either side of the driveway from overhanging branches or other obstructions, including buildings and/or structures (Figure 1). vii. incorporate passing bays with a minimum width of six metres and length of 17 metres every 200 metres (Figure 5). viii. provide overhead clearance of not less than four metres between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures (Figure 1). ix. allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around driveway curves by constructing the curves with a minimum external radius of 12.5 metres (Figure 2). x. allow fire-fighting vehicles to safely enter and exit an allotment in a forward direction by using a 'U' shaped drive through design or by incorporating at the end of the driveway either: A. a loop road around the building or B. a turning area with a minimum radius of 12.5 metres (Figure 3) (jj) or C. a 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres (Figure 4).
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	xi. incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes
PO 6.3 <i>Development does not rely on fire tracks as means of evacuation or access for fire-fighting purposes unless there are no safe alternatives available.</i>	DTS/DPF 6.3 <i>None are applicable.</i>

The proposed development is located within the Hazards (Medium – Bushfire risk) Overlay.

It is noted that bushfire related matters were considered as part of the prior development application 960/240/2017.

An adequate driveway and manoeuvring area exists, with ample room provided for bushfire related infrastructure – such as water tanks.

All underfloor components of the building are to be cladded to prevent undue debris or build-up or risk of spark entry.

Relevant conditions of consent are recommended in respect to satisfying the above-mentioned POs regarding hazard bushfire risk.

Water Resources Overlay

Water Resources Overlay	
Desired Outcomes	
DO 1	<i>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.</i>
DO 2	<i>Maintain the conveyance function and natural flow paths of watercourses to assist in the management of flood waters and stormwater runoff.</i>
Relevant Performance Outcomes/Designated Performance Features	
Water Catchment	
PO 1.1 <i>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.</i>	DTS/DPF 1.1 <i>None are applicable</i>

No known watercourses pass through the land. Overland water flows are not altered by the proposed development, meaning there should be no significant changes to existing stormwater flows.

On-site wastewater disposal areas are sited more than 50 metres from any nearby watercourse or body. Native grasses are to be retained.

Given the above, PO 1.1 is considered to be satisfied.

Transport, Car Parking and Access

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

The site has frontage and two points of existing access to Menge Road. This is a sealed public road. PO 2.1 and DPF 2.1 are therefore satisfied.

Transport, Access and Parking	
Desired Outcomes	
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Relevant Performance Outcomes/Designated Performance Features	
Movement Systems	
PO 1.4 Development is sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths.	DTS/DPF 1.4 All vehicle manoeuvring occurs on site
Vehicle Access	
PO 3.1 Safe and convenient access minimises impact or interruption on the operation of public roads.	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.
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	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

(d) the adaptive reuse of a State or Local Heritage Place.	(b) less the number of spaces offset by contribution to the fund
Table 1 - General Off-Street Car Parking Requirements	One car parking space per accommodation unit/guest room

The site is accessed from Menge Road, being a sealed public road. The road is of a standard considered suitable to accommodate the expected vehicle movements from the proposed development.

The proposed site plan shows 7 x 90 degree angled car parks provided on the northern side of the existing driveway and an additional 5 x 90 degree angled car parks provided on the southern side of the existing driveway (forward of the building). Two disability spaces are proposed (one on either side of existing driveway).

In total, there are twelve spaces proposed inclusive of the two disability access spaces accommodated for all tourist accommodation on site. This exceeds Table 1 - General Off-Street Car Parking Requirements, quoted above which requires provision of 1 space per room. These spaces will be formed of crushed aggregate finish to an all-weather standard. This will ensure consistency in appearance with the rural setting and retain a semi-pervious base, while satisfying AS 2890.2.

Relevant POs relating to transport and access are considered to be satisfied.

Site Contamination

General Development Policies	
Clearance from Overhead Powerlines	
Desired Outcomes	
DO 1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.
Relevant Performance Outcomes/Designated Performance Features	
PO 1.1 Ensure land is suitable for use when land use changes to a more sensitive use.	DTS/DPF 1.1 Development satisfied (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 five years which states that– A. site contamination does not exist (or no longer exists) at the land; or B. the land is suitable for the proposed use or range of uses (without the need for any further remediation); or C. where remediation is, or remains, necessary for the proposed use (or range of uses), remediation work has been carried out or will be carried out (and the applicant has provided a written undertaking that the remediation works will be implemented in association with the development) and, ii. no other class one activity or class two activity has taken place at the land since the preparation of the site contamination audit report (as demonstrated in a site contamination declaration form).
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Practice Direction 14 – Site Contamination Assessment 2021 has been considered in context of this proposal.

There is no known history of site contamination at this site.

The land is approved for tourist accommodation and residential use and the expansion of this extant use does not introduce a more sensitive land use under the Table 1: Land Use Sensitivity Hierarchy.

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

Clearance from Overhead Powerlines

General Development Policies	
Clearance from Overhead Powerlines	
Desired Outcomes	
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
Relevant Performance Outcomes/Designated Performance Features	
PO 1.1 <i>Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.</i>	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) <i>there are no aboveground powerlines adjoining the site that are the subject of the proposed development.</i>
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The applicant has provided a declaration stating the proposal will not be contrary to the regulations prescribed for the purposes of Section 86 of the *Electricity Act 1996*, as per DPF 1.1, given that the proposal achieves the minimum clearance required from the powerlines.

Therefore, the proposal satisfies DO 1 and PO 1.

Other Overlays

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

Limited Land Division

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

Hazards (Flooding – Evidence Required)

The proposed development does not seek to alter any established floor levels.

Prescribed Water Resources Area

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

Water Protection Area

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

CONCLUSION

The proposed development involves the change of use of a dwelling to tourist accommodation, with construction of ancillary deck and verandah at 278 (Lot 5) Menge Road, Tanunda.

The application was subject to 'Performance Assessment' and public notification. The application was notified in accordance with Section 107 of the *Planning, Development and Infrastructure Act 2016*, but did not receive any representations.

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

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

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

The proposal will intensify the extent of tourist accommodation on the site. However, it is considered to be at a scale that is commensurate with the site and locality, such that its operation would not unreasonably impinge upon the ongoing use of established viticultural land use within the locality.

Further, the addition of a perimeter verandah, decking and associated landscaping hedging will assist in further articulating and screening the development. Overall, the post-development visual outlook is expected to be enhanced by the development and the proposal as a whole will not detract from the established character of the locality.

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

RECOMMENDATION 1

Not Seriously at Variance

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

RECOMMENDATION 2

Character Preservation

Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, has resolved that there are no significant impacts on the character values of the district.

RECOMMENDATION 3

Granting of Planning Consent

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Planning, Development and Infrastructure Act 2016* resolves to GRANT Planning Consent for Application No. 23028433 by Vintnerize Pty Ltd to undertake Change of Use from Dwelling to Tourist Accommodation, with Construction of Ancillary Deck and Verandah at 278 Menge Road, Tanunda (CT 5223/19) 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 lodge and have approved by the relevant authority an application to install a wastewater system pursuant to the provisions of the *South Australian Public Health Act 2011* and *South Australian Public Health (Wastewater) Regulations 2013*; and/or demonstrate that the current wastewater system is of suitable sizing and capacity to service the development herein.

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 23028433 except where varied by any condition(s) listed below.

Plan Type	Prepared By	Drawing No.	Issue No./Date
Planning Report	MasterPlan	N/A	26 September 2023
Site Plan	Jafari Design	N/A	31 August 2023
Site Plan (Enlarged)	Jafari Design	N/A	31 August 2023
Floor Plan	Jafari Design	N/A	31 August 2023
Elevations	Jafari Design	N/A	31 August 2023

- (2) Prior to occupation, the buildings authorised herein shall be connected and remain connected to an approved wastewater system to the reasonable satisfaction of council, pursuant to Reserved Matter 1.
- (3) The maximum number of tourist accommodation guests shall not exceed ten for the building authorised herein at any one time.
- (4) External building materials of the verandah and decking shall be:
- Constructed in accordance with the approved plans; and
 - Of new materials and maintained in good condition at all times.
- (5) Storm water disposal systems must be fully installed at the completion of the construction of the building with adequate measures deployed during construction to ensure the temporary disposal of surface or roof water does not affect neighbouring properties, to the satisfaction of Council.
- (6) The landscaping depicted on the approved plans shall be established prior to the commencement of the land use (hereby approved) and shall be maintained and nurtured at all times thereafter, together with established vegetation proposed to be retained, with any diseased or dying plants replaced in a timely manner.
- (7) All car parking, driveways and vehicle manoeuvring areas shall be constructed and finished in all-weather crushed aggregate (or similar authorised alternative) in accordance with the approved plans and shall be completed prior to the occupation or use of the development, to the reasonable satisfaction of Council.
- (8) All car parking spaces associated with the development herein shall be provided with wheel-stops delineating each space and shall be finished in a manner consistent with AS 2890.
- (9) A dedicated and independent water supply shall be available at all times for firefighting purposes, in accordance with the Hazard (Medium Bushfire Risk) Overlay which:

- (a) Is located adjacent to the building or in another convenient location on the allotment accessible to fire fighting vehicles (safe and convenient access shall be provided), and
 - (b) Comprises a minimum of 2000 litres of water where the property is connected to mains water, or 5000 litres in any other case. (Any rainwater tank used for this purpose should be dedicated entirely for firefighting and shall be of non-combustible materials).
- (10) The open sides of the structures authorised herein shall not be enclosed on any side with any solid material, roller door, or the like without the prior approval of Relevant Authority.

Advisory Notes

- (1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- (2) This consent or approval will lapse at the expiration of two years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
- (3) Where an approved development has been substantially commenced within two years from the operative date of approval, the approval will then lapse three years from the operative date of the approval (unless the development has been substantially or fully completed within those three years, in which case the approval will not lapse).
- (4) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- (5) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by the relevant authority. Approval of this application does not necessarily imply that future requests for variations would be approved. Any future request will be assessed by having regard to the relevant rules and requirements in force at the time any request is lodged.
- (6) Any portion of Council's infrastructure damaged as a result of work undertaken within the development site or associated with the development shall be repaired/reinstated to Council's satisfaction at the developer's expense.
- (7) You are advised that construction or alteration of any footpath, kerb, gutter or crossover on Council land will require a permit, under the *Local Government Act 1999* from Council's Works and Engineering Services. It is illegal to undertake work on Council land without permission. If the existing entranceway (driveway cross-over) is to be removed it must be re-instated with kerb and gutter, including appropriate restoration of the footpath and verge, to Council's standard specification. Please contact Council's Works

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

- (8) The applicant is reminded of its general environmental duty, as required by Section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that the activities on the whole site including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- (9) Construction shall not take place on any Sunday or Public Holiday or after 7.00 pm or before 7.00 am on any other day, and all practicable steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.
- (10) The applicant is advised that this consent does not permit anyone to clear, remove limbs or trim native vegetation. Any proposal to clear, remove limbs, or trim native vegetation will require approval or confirmation of exemption from the Native Vegetation Council. An interactive guide is available to help owners and others determine the requirements that apply under the *Native Vegetation Act 1991*, <https://www.environment.sa.gov.au/topics/nativevegetation/interactive-guide> . Any specific queries regarding the clearance, removal, or trimming of native vegetation should be directed to the South Australian Native Vegetation Council. The applicant is advised that any proposal to clear, remove limbs or trim native vegetation should be undertaken after first notifying the Native Vegetation Council of intended works.
- (11) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the Environment Protection (Noise) Policy 2007, and such that any resulting noise is not considered a nuisance, to the satisfaction of Council, including any existing infrastructure.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Application and Associated Documents  
- Attachment 2 Copy of Approved Plans for Dwelling  

Development Locations

Location 1

Location reference

LOT 5 MENGE RD TANUNDA SA 5352

Title Ref

CT 5223/19

Plan Parcel

F125650 AL5

Additional Location Information**Council**

THE BAROSSA COUNCIL

Zone Overlays

Zones

- Rural

Sub-zones

(None)

Overlays

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

Vintnerize Pty Ltd
278 MENGE ROAD
TANUNDA
SA
5352

Contact

Stakeholder info

Mr Charlie Dubois

Invoice Contact

Stakeholder info
Vintnerize Pty Ltd
278 MENGE ROAD
TANUNDA
SA
5352

Invoice sector type

Land owners

Stakeholder info
Vintnerize Pty Ltd
278 MENGE ROAD
TANUNDA
SA
5352

Nature Of Development

Nature of development

Change of use from caretakers dwelling to tourist accommodation, with ancillary deck and verandah

Development Details

Current Use

Caretakers dwelling

Proposed Use

Tourist accommodation

Development Cost

\$65,000.00

Proposed Development Details

Change of use from caretakers dwelling to tourist accommodation, with ancillary deck and verandah

Element Details

You have selected the following elements

Verandah - \$0.00

Deck - \$0.00

Tourist accommodation - \$0.00

Septic/Sewer information submitted by applicant

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

No

Certificate of Title information submitted by applicant

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

No

Consent Details

Consent list:

- Planning Consent
- Building Consent

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

No

Planning Consent

Apply Now?

Yes

Who should assess your planning consent?

Assessment panel/Assessment manager at The Barossa Council

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

Relevant Authority

Building Consent

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

No

Apply Now?

No

Consent Order

Recommended order of consent assessments

1. Planning Consent

Do you have a pre-lodgement agreement?

No

Declarations

Electricity Declaration

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

Native Vegetation Declaration

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

Submission Declaration

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

Documents

Document	Document Type	Date Created
52768LET01A .pdf	All application documentation	26 Sep 2023 12:59 PM

Application Created User and Date/Time

Created User
epn.duboisca@sa.gov.au

Created Date/Time
26 Sep 2023 12:59 PM



Product Register Search (CT 5223/19)
Date/Time 15/06/2022 01:55PM
Customer Reference
Order ID 20220615006720



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.



Certificate of Title - Volume 5223 Folio 19

Parent Title(s) CT 2031/67
Creating Dealing(s) CONVERTED TITLE
Title Issued 28/10/1994 Edition 7 Edition Issued 24/12/2021

Estate Type

FEE SIMPLE

Registered Proprietor

PIRATHON WINES PTY. LTD. (ACN: 110 081 037)
OF SE 163 79 LONGUEVILLE ROAD LANE COVE NSW 2066

Description of Land

ALLOTMENT 5 FILED PLAN 125650
IN THE AREA NAMED TANUNDA
HUNDRED OF MOOROOROO

Easements

NIL

Schedule of Dealings

NIL

Notations

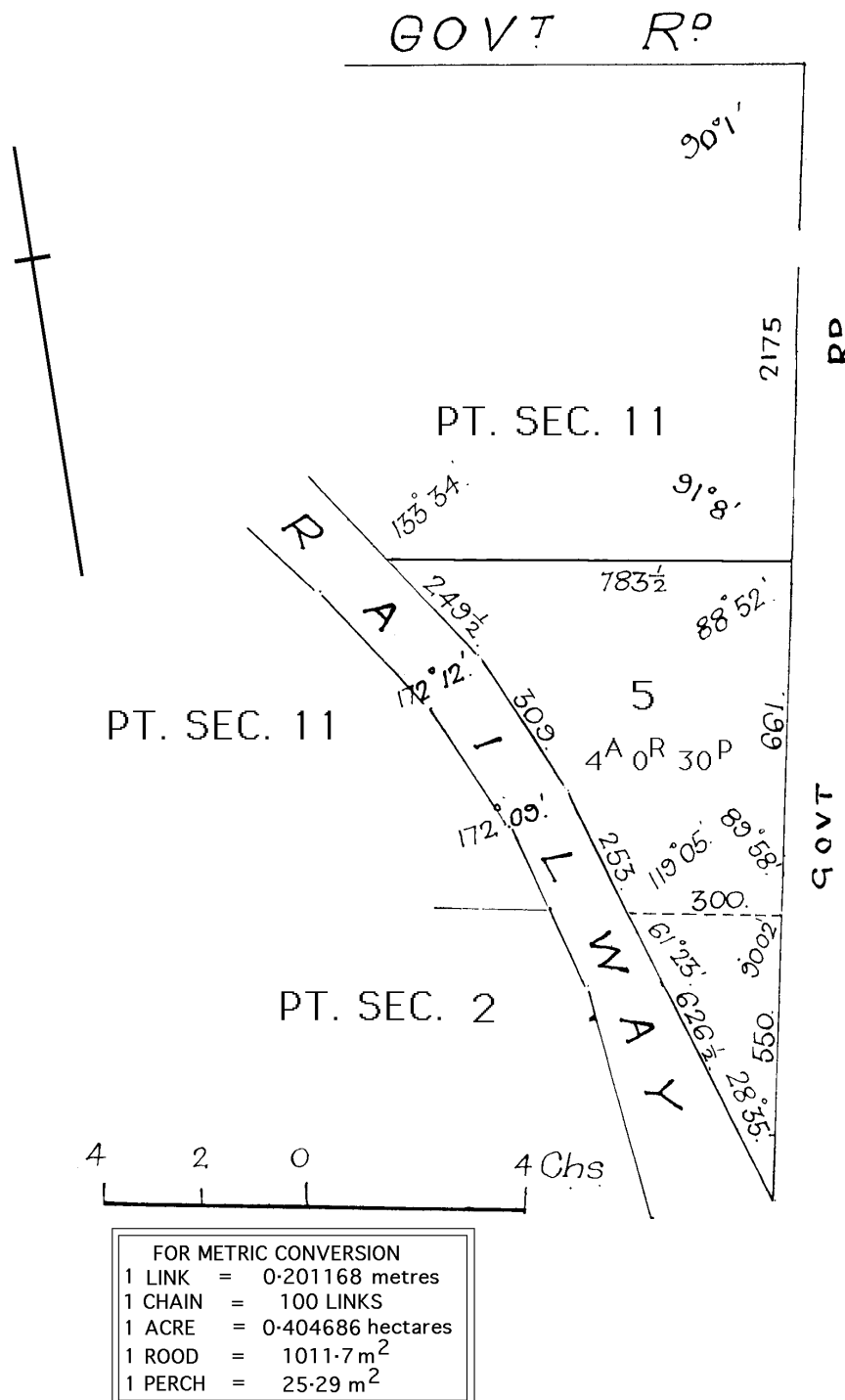
Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



Product
Date/Time
Customer Reference
Order ID

Register Search (CT 5223/19)
15/06/2022 01:55PM
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26 September 2023

The Barossa Council
43-51 Murray Street
NURIOOTPA SA 5355

Attention: Janine Lennon

Dear Janine

**Re: Change of Use from Caretakers Dwelling to Tourist Accommodation with Deck and Verandah
at 278 Menge Road, Tanunda**

MasterPlan Pty Ltd has been engaged by Vintnerize Pty Ltd ('the applicant') to assist with the preparation of a Development Application for a change of use of an existing caretakers dwelling to tourist accommodation, with associated variations to the previously approved deck and verandah of the dwelling, at 278 Menge Road, Tanunda.

Please find **enclosed** the following supporting documentation:

- A Copy of the Certificate of Title Register Search.
- Plan Set prepared by Jafari Design.

This correspondence provides a description of the subject land and locality, a description of the proposed development and an assessment of the proposal against the most relevant provisions of the Planning and Design Code ('the Code').

Subject Site

The site is generally triangular-shaped. It is bounded by Menge Road to the east and a disused railway corridor to the west. It has an overall area of 1.69 hectares.

The site is formally described as Allotment 5 in Deposited Plan 125650 in Certificate of Title Volume 5223 Folio 19, which is **enclosed**.



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The site features a range of complementary land use that as a whole result in a well-established tourism facility, with accommodation, restaurant/dining and productive vines.

Buildings are clustered towards the southern end of the site. The buildings on the site include:

- 'The Barn' restaurant/dining building, located centrally.
- Caretakers accommodation, located to the immediate west of 'The Barn'.
- Store and laundry building.
- Five (5) bedroom tourist accommodation building adjacent Menge Road frontage, which is known as Lanzerac Country Estate.
- Caretakers dwelling, located to the south of the existing tourist accommodation building.

Each building is identified within the **enclosed** Plan Set prepared by Jafari Design.

The caretakers dwelling was granted Development Plan Consent on 26 April 2018 and subsequently Development Approval, as detailed in Development Application 960/240/2017. The caretakers dwelling is a transportable building located to the southwest of the existing tourist accommodation (Lanzerac House). As part of the approval for the caretakers dwelling a new aerobic wastewater treatment system, with irrigation was installed in the southern corner of the site.

In addition to the buildings described above, the balance of the site is comprised by productive vineyard located in the north-eastern corner, a dam and garden in the north-western corner and vehicle parking and circulation areas associated with the existing development. Access to on-site vehicle parking areas is afforded by three (3) existing crossovers to Menge Road. The buildings, other than the caretakers dwelling is serviced by two (2) septic tanks and soakage trenches.

Locality

The locality is characterised by large rural properties which are predominantly planted with vines. Small paddocks used for livestock grazing are evident but are not a prominent feature of the locality. Buildings are limited in number and scale, and where present are generally clustered together. The character of the locality reflects these conditions and is of a high visual amenity.

The nearest neighbouring residence is situated at 263 Menge Road, Bethany on the opposite side of Menge Road. It is approximately 100 metres north-east of the subject site. The dwelling is set back from Menge Road and surrounded by established trees, shrubs and vines.



Proposed Development

The proposed development comprises:

- A change of use of the caretakers dwelling (the building) to tourist accommodation.
- Alteration of the design of the previously approved 'front' and 'rear' verandas of the building.
- Alteration to the size of the 'rear' deck to the dwelling.
- Inclusion of a 'front' deck to the building.
- Inclusion of a deck to the southern elevation of the building.

The first element of the proposed development is the change in land use of the existing caretakers dwelling to tourist accommodation. A total of five (5) bedrooms are proposed (including room previously approved as a family room and an office), with associated common living, dining and kitchen facilities and amenities for tourist accommodation. The floor area of the proposed use is 231 square metres. Wastewater will continue to be disposed of via the existing on-site system.

The deck as varied and proposed, is to the eastern, southern and western elevations of the building, with a finished floor level of 640 millimetres above ground level. The total floor area of the deck is 110 square metres and is setback a minimum of 900 millimetres from the nearest boundary. Steps and a ramp are provided on the eastern section of the deck, with a further set of steps on the western elevation. The area between the ground and floor level is to be infilled with hardwood to match the deck.

The deck is considered to require assessment as the floor level exceeds 500 millimetres and it is therefore not excluded from the definition of development under Schedule 4 (4) (i) of the *Planning, Development and Infrastructure (General) Regulations 2017*.

A verandah in a varied form to that previously approved is proposed over the eastern and western sections of the deck, resulting in a total area of 81 square metres. The verandah is proposed to have a post height of 2.1 metres above deck level and is to have treated pine posts with a Monument Custom Orb roof. The roof is to have a 5-degree pitch.

On-site car parking to service the proposed tourist accommodation is to be provided adjacent the existing building and accessed via the southernmost crossover to Menge Road. An existing fence on the southern side of the aisle is to be amended to allow for an additional five (5) parking spaces. A park on the northern side of the aisle will also be utilised for the proposed development, resulting in six (6) total spaces associated with the land use. A minimum aisle width of 6.0 metres is maintained, with the car park surface to remain as compacted gravel.

A hedge of *Photinia Robusta* along the southern extent of the Menge Road frontage is to be planted, with a maximum height of 2.0 metres.



It is considered that the nature of development can be described as *'Change of use from caretakers dwelling to tourist accommodation, with ancillary deck and verandah'*.

The elements of development are tourist accommodation, deck and verandah.

Procedural Matters

The site is located within the Rural Zone (the Zone) of the Code. Decks and verandas are each listed within Table 2 – Deemed to Satisfy Development of the Zone, in conjunction with relevant assessment provisions. However, both the proposed deck and verandah do not meet these provisions and therefore cannot be assessed via a Deemed to Satisfy assessment pathway.

Therefore, as each of the elements are listed within Table 3 of the Zone, they are to be assessed through the Code Assessed – Performance Assessed pathway.

Public Notification

Table 5 of the Zone excludes all decks and verandahs from public notification.

Tourist accommodation is excluded where DPF 6.3(b) and DPF 6.4 of the Zone are satisfied. DPF 6.3(b) states that:

- b) *in relation to the area used for accommodation:*
 - i. *where in a new building, or buildings, does not exceed a cumulative total floor area of 100m²*
or
 - ii. *where in an existing building, does not exceed a total floor area of 150m²*

The proposed accommodation is located within an existing building with a floor area of 231 square metres. Therefore, public notification is required and the relevant authority is the Barossa Council Assessment Panel.

Referrals

The site is subject to the following Overlays:

- Character Preservation District (Not In Township).
- Hazards (Bushfire - Medium Risk).
- Hazards (Flooding - Evidence Required).
- Limited Land Division.



- Native Vegetation.
- Prescribed Water Resources Area.
- Water Protection Area.
- Water Resources.

The proposed development is not of a nature or intensity that triggers a referral to a Stage Agency under the above listed Overlays.

The development is also not of a nature that triggers the need for a referral under Part 9 of the Code.

Planning Assessment

This section provides an assessment of the proposed development against the most relevant provision of the Code (Version 2023.13 – 31 August 2023).

Rural Zone

Desired Outcome 2 of the Rural Zone envisages:

RURAL ZONE	
Desired Outcome	
DO 2 A zone supporting diversification of existing businesses that promote value-adding such as industry, storage and warehousing activities, the sale and consumption of primary produce, tourist development and accommodation.	
Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
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:... (y) Verandah... (w) Tourist accommodation...

The proposed development supports the expansion of a land use that exists upon the subject site and provides further tourist accommodation to service the Barossa region.

The tourist accommodation land use, in conjunction with the ancillary deck and verandah, are envisaged within DPF 1.1 of the Zone.



The subject site is predominantly utilised for tourism purposes, with a relatively small area of productive vines located in the north-eastern corner of the land. Whilst the vines are productive, the subject site is not of a scale that would enable it to be utilised for primary production in the economical manner.

It is within this context that it is noted that PO 6.3 of the Zone seeks that tourist accommodation is associated 'with the primary use of the land for primary production'. (Emphasis added). As the primary use of the land is not for primary production, but rather tourism related land uses, it is considered that the ability of the development to, as sought by the provision, 'enhance and provide authentic visitor experiences' is of the most relevance to the merits of the development.

The proposed development seeks to enable a greater number of people to utilise the existing and longstanding tourism facilities on the land. The development also is sited to take advantage of the surrounds of the site, which provide vistas that are indicative of the character of the region. The provision of accommodation on this site, whilst not explicitly linked with large scale primary production, seeks to allow further visitors to experience the character of the region. Therefore, it is considered that PO 6.3 of the Zone is satisfied.

RURAL ZONE	
Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Shops, Tourism and Function Venues	
PO 6.3 Tourist accommodation is associated with the primary use of the land for primary production or primary production related value adding industry to enhance and provide authentic visitor experiences.	DTS/DPF 6.3 Tourist accommodation: (a) is ancillary to and located on the same allotment or an adjoining allotment used for primary production or primary production related value adding industry (b) in relation to the area used for accommodation: (i) where in a new building, or buildings, does not exceed a cumulative total floor area of 100m² or (ii) where in an existing building, does not exceed a total floor area of 150m² and (c) does not result in more than one tourist accommodation facility being located on the same allotment.



RURAL ZONE	
Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Adaptive Reuse of Existing Buildings	
PO 8.1 Adaptive reuse of existing buildings for small-scale shops, offices, tourist accommodation or ancillary rural activities.	DTS/DPF 8.1 Development within an existing building is for any of the following: (a) a shop (b) office (c) tourist accommodation.

PO 8.1 of the Zone also supports the reuse of existing buildings for tourist accommodation as is proposed, which maintains the existing level of land used, and available for, primary production.

The Zone offers limited policies in relation to built form and design and seeks primarily to limit visual impacts on the surrounding landscape through siting and scale. The verandah and deck are located on a flat portion of the site with a large setback to the primary street. Whilst the setback to the rear boundary is smaller than contemplated by the Zone, it is considered that given the constrained nature of the allotment and the presence of the disused rail corridor, which provides separation from adjacent uses, that the impacts of this are negligible.

The height, scale and colours of the proposed verandah and deck, in their varied form, are modest and consistent with the site and are considered to improve the visual appearance of the building, which was approved with these features. Therefore, the visual impacts are considered to be minor and well within the bounds of what is considered by PO 10.1 and PO 13.2 of the Zone.

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



RURAL ZONE	
Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Outbuildings, Carports and Verandahs	
PO 13.2 Carports and verandahs are sited, designed and of a scale to maintain a pleasant rural character and amenity.	DTS/DPF 13.2 Carports and verandahs: (a) are set back from the primary street at least as far back as the building to which it is ancillary (b) have a total floor area that does not exceed 80m² (c) have a post height that does not exceed 3m measured from natural ground level (not including a gable end) (d) have a total roof height that does not exceed 5m measured from natural ground level (e) if clad in sheet metal, it is pre-colour treated or painted in a non-reflective colour.

Overlays

Character Preservation District (Not in Township)

The site is subject to the Character Preservation District Overlay that seeks to assure the retention of primary production land and protect the character of the area. PO's 3.2, 3.3 and 3.5 seek buildings that are unobtrusive and harmonious with the land through their design, siting and scale.

CHARACTER PRESERVATION DISTRICT
Desired Outcome
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.



CHARACTER PRESERVATION DISTRICT	
Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Built Form and Character in the Rural Area	
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 3.5 Buildings and structures are grouped to create compact clusters well set back from public roads.	DTS/DPF 3.5 None are applicable.

The substantive building, being the dwelling has been approved and been previously determined to be appropriate in terms of scale and siting, given it clusters with the other buildings and located within a small triangular section of the land that is not utilised for primary production. The proposed development to vary the size and design of the deck and verandah's utilises non-reflective colours and materials, complements the scale of the associated building and has a minimal footprint in the context of the site as a whole.

The combination of these features results in a built form that is complementary and unobtrusive to the landscape, to the satisfaction of the abovementioned policies.

Hazards (Bushfire – Medium Risk)

The proposed development does not result in any alterations to the existing siting of the subject building. Hazardous areas in regards to vegetation and slope are not present on the land, mitigating the risk of bushfire in a manner consistent with PO 1.1. The design of the built form does not feature any elements considered to exacerbate the risk of bushfire through the trapping of burning debris as the space between the deck and ground level is to be infilled, to the satisfaction of PO 2.1.



HAZARDS (BUSHFIRE - MEDIUM RISK) OVERLAY	
Desired Outcome	
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.	
Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
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.
Habitable Buildings	
PO 3.1 To minimise the threat, impact and potential exposure to bushfires on life and property, residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) is sited on the flatter portion of allotments away from steep slopes.	DTS/DPF 3.1 None are applicable.



HAZARDS (BUSHFIRE - MEDIUM RISK) OVERLAY	
PO 3.2 Residential, tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) is sited away from vegetated areas that pose an unacceptable bushfire risk.	DTS/DPF 3.2 Residential, tourist accommodation and habitable buildings for vulnerable communities are provided with asset protection zone(s) in accordance with (a) and (b): (a) the asset protection zone has a minimum width of at least: (i) 50 metres to unmanaged grasslands (ii) 100 metres to hazardous bushland vegetation (b) the asset protection zone is contained wholly within the allotment of the development.
PO 3.3 Residential, tourist accommodation and habitable buildings for vulnerable communities, (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation), has a dedicated area available that is capable of accommodating a bushfire protection system comprising firefighting equipment and water supply in accordance with Ministerial Building Standard MBS 008 – Designated bushfire prone areas – additional requirements.	DTS/DPF 3.3 None are applicable.
Vehicle Access – Roads, Driveways and Fire Tracks	
PO 5.2 Access to habitable buildings is designed and constructed to facilitate the safe and effective: (a) access, operation and evacuation of fire-fighting vehicles and emergency personnel (b) evacuation of residents, occupants and visitors.	DTS/DPF 5.2 Access is in accordance with (a) or (b): (a) a clear and unobstructed vehicle or pedestrian pathway of not greater than 60 metres in length is available between the most distant part of the habitable building and the nearest part of a formed public access road (b) driveways: (i) do not exceed 600m in length (ii) are constructed with a formed, all-weather surface (iii) are connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than 7 degrees (1-in-8) (iv) have a gradient of not more than 16 degrees (1-in-3.5) at any point along the driveway



HAZARDS (BUSHFIRE - MEDIUM RISK) OVERLAY	
	(v) have a crossfall of not more than 6 degrees (1-in-9.5) at any point along the driveway (vi) have a minimum formed width of 3m (4m where the gradient of the driveway is steeper than 12 degrees (1-in-4.5)) plus 0.5 metres clearance either side of the driveway from overhanging branches or other obstructions, including buildings and/or structures (Figure 1) (vii) incorporate passing bays with a minimum width of 6m and length of 17m every 200m (Figure 5) (viii) provide overhead clearance of not less than 4.0m between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures (Figure 1) (ix) allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around driveway curves by constructing the curves with a minimum external radius of 12.5m (Figure 2) (x) allow fire-fighting vehicles to safely enter and exit an allotment in a forward direction by using a 'U' shaped drive through design or by incorporating at the end of the driveway either: A. a loop road around the building - or B. a turning area with a minimum radius of 12.5m (Figure 3) - or C. a 'T' or 'Y' shaped turning area with a minimum formed length of 11m and minimum internal radii of 9.5m (Figure 4) (xi) incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.



Similarly, as the tourist accommodation is to be established within an existing habitable building, existing asset protection and siting measures are considered to continue to be in accordance with the relevant provisions, being PO 3.1, PO 3.2 and PO 3.3 of the Overlay. PO 5.2 seeks that access is provided that allows both evacuation and access (with turnaround areas) for emergency vehicles. The driveway providing access to the proposed development is existing and formed of an all-weather compacted gravel surface and is approximately 40 metres in length. Further, a turnaround area is provided adjacent the proposed development is provided for emergency vehicles. The combination of the above measures are considered to satisfy PO 5.2 of the Overlay.

General Development Policies

Tourism Development

Tourist development, including the provision of accommodation for tourists is a key form of development within the Barossa region, as sought and envisaged by the Desired Outcome and Performance Outcomes of the Tourism Development policies of the Code.

The proposed development provides a further option or form of tourist accommodation for the subject land, which comprises a long-standing tourist accommodation land use. Inclusion of the former dwelling as an 'accommodation unit' for hire for groups provides a complementary form of tourist accommodation to the individual rooms provided within Lanzerac House and the associated and ancillary dining/restaurant and function facilities of the site. Lanzerac House/Estate is a well established tourism development that is complementary to the local food and wine industries of the Barossa region.

GENERAL DEVELOPMENT POLICIES – TOURISM DEVELOPMENT	
Desired Outcome	
DO1 Tourism development is built in locations that cater to the needs of visitors and positively contributes to South Australia's visitor economy.	
Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
General	
PO 1.1 Tourism development complements and contributes to local, natural, cultural or historical context where: (a) it supports immersive natural experiences (b) it showcases South Australia's landscapes and produce (c) its events and functions are connected to local food, wine and nature.	DTS/DPF 1.1 None are applicable.



GENERAL DEVELOPMENT POLICIES – TOURISM DEVELOPMENT	
PO 1.2 Tourism development comprising multiple accommodation units (including any facilities and activities for use by guests and visitors) is clustered to minimise environmental and contextual impact.	DTS/DPF 1.2 None are applicable.

Design

As sought by the Desired Outcome of the Design policies, the development is durable, as it adapts an existing dwelling to be an appropriate tourist accommodation land use.

There are numerous General Development Policies of the Code which relate to the design of buildings. The proposed development is limited to the inclusion of a verandahs in a varied size and design than originally approved for the dwelling and the addition of the decks. Introduction of these two (2) elements will improve the current and overall appearance of the building and provide for a clear entry for the use of the building for tourist accommodation.

Overall, the appearance of the property from Menge Road will be enhanced by the planting of landscaping (as previously approved) adjacent the street frontage. This landscaping will assist in defining the area of the proposed tourist accommodation and car parking area.

GENERAL DEVELOPMENT POLICIES – DESIGN	
Desired Outcome	
DO1 Development is: (a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area (b) durable - fit for purpose, adaptable and long lasting (c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors (d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.	



GENERAL DEVELOPMENT POLICIES – DESIGN	
Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
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.
Landscaping	
PO 3.1 Soft landscaping and tree planting is incorporated to: (a) minimise heat absorption and reflection (b) maximise shade and shelter (c) maximise stormwater infiltration (d) enhance the appearance of land and streetscapes (e) contribute to biodiversity.	DTS/DPF 3.1 None are applicable.
On-site Waste Treatment Systems	
PO 6.1 Dedicated on-site effluent disposal areas do not include any areas to be used for, or could be reasonably foreseen to be used for, private open space, driveways or car parking.	DTS/DPF 6.1 Effluent disposal drainage areas do not: (a) encroach within an area used as private open space or result in less private open space than that specified in Design Table 1 – Private Open Space (b) use an area also used as a driveway (c) encroach within an area used for on-site car parking or result in less on-site car parking than that specified in Transport, Access and Parking Table 1 – General Off-Street Car Parking Requirements or Table 2 – Off-Street Car Parking Requirements in Designated Areas.
Carparking Appearance	
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.



GENERAL DEVELOPMENT POLICIES – DESIGN	
Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Decks – Design and Siting	
PO 33.1 Decks are designed and sited to: (a) complement the associated building form (b) minimise impacts on the streetscape through siting behind the building line of the principal building (unless on a significant allotment or open space) (c) minimise cut and fill and overall massing when viewed from adjacent land.	DTS/DPF 33.1 Decks: (a) where ancillary to a dwelling:... (b) where in association with a non-residential use: (i) are set back at least 2 metres from the boundary of an allotment used for residential purposes. (ii) are set back at least 2 metres from a public road. (iii) have a floor area not exceeding 25m² (c) in all cases, has a finished floor level not exceeding 1 metre above natural ground level at any point.
PO 33.2 Decks are designed and sited to minimise direct overlooking of habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones through suitable floor levels, screening and siting taking into account the slope of the subject land, existing vegetation on the subject land, and fencing.	DTS/DPF 33.2 Decks with a finished floor level/s 500mm or more above natural ground level facing side or rear boundaries shared with a residential use in a neighbourhood-type zone incorporate screening with a maximum of 25% transparency/openings, permanently fixed to the outer edge of the deck not less than 1.5 m above the finished floor level/s.

The proposed development does not result in the existing septic tank or wastewater irrigation area being in proximity to private open space, vehicle parking areas or driveways. Further, warning signs are established around the perimeter of the irrigation area as a measure to prevent its use for any of the above purposes by visitors. The combination of the above satisfy PO 6.1 of the Design module.

The proposed deck is integrated with the design of the tourist accommodation building and associated verandah. While the deck protrudes forward of the building line, this is considered to be in keeping with the rural character of the locality and positive in its impacts on the visual appearance of the site. Further the siting of the deck and the distance between the site and the nearest residential uses prevent any direct overlooking of private open space or habitable areas.

The deck therefore mitigates any potential adverse impacts and contributes positively to the appearance of the associated building, to the satisfaction of PO 33.1 and PO 33.2 of the Design module.



Interface Between Land Uses

The Interface Between Land Uses module seeks to limit the introduction of sensitive receivers into environments where they may create conflicts with existing activities, including primary production. In this instance, the existing building is a lawfully existing dwelling and a sensitive receiver. A change of use of the dwelling to tourist accommodation does not introduce new use to the subject land, nor should it create any additional impacts to rural activities, particularly given the siting on the property.

GENERAL DEVELOPMENT POLICIES – INTERFACE BETWEEN LAND USES	
Desired Outcome	
DO1 Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.	
Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
General Land Use Compatibility	
PO 1.1 Sensitive receivers are designed and sited to protect residents and occupants from adverse impacts generated by lawfully existing land uses (or lawfully approved land uses) and land uses desired in the zone.	DTS/DPF 1.1 None are applicable.
Interface with Rural Activities	
PO 9.1 Sensitive receivers are located and designed to mitigate impacts from lawfully existing horticultural and farming activities (or lawfully approved horticultural and farming activities), including spray drift and noise and do not prejudice the continued operation of these activities.	DTS/DPF 9.1 None are applicable.

Transport, Access and Parking

Table 1 – General Off-Street Parking Requirements of the Transport, Access and Parking module of the Planning and Design Code prescribes a rate of one (1) space per accommodation unit or guest room for tourist accommodation. The proposed development includes five (5) guest rooms and provide six (6) parking spaces, which are located adjacent the building. The development therefore satisfies DPF 5.1 of Transport, Access and Parking.



GENERAL DEVELOPMENT POLICIES –TRANSPORT, ACCESS AND PARKING	
Desired Outcome	
DO1 A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.	
Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
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.
Vehicle Parking Rates	
PO 5.1 Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as: (a) availability of on-street car parking (b) shared use of other parking areas (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared (d) the adaptive reuse of a State or Local Heritage Place.	DTS/DPF 5.1 Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant: a) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas if the development is a class of development listed in Table 2 and the site is in a Designated Area b) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements where (a) does not apply

Similarly, DPF 3.1 is considered to be adequately addressed as access will continue to be provided via the lawfully existing crossover to Menge Road, which is of a suitable size and capacity to accommodate the development.



Infrastructure and Renewable Energy Facilities

The proposed development will utilise the existing wastewater system that services the dwelling. The system, being a Fuji Clean CEX1500 has a capacity of 1,500 litres per day, which equates to ten (10) equivalent persons (EP). The change of use will result in five (5) bedrooms, that are considered to have a maximum capacity of ten (10) persons. Therefore, the existing system is able to cater to the maximum demand and satisfies DPF 12.1 of the module.

GENERAL DEVELOPMENT POLICIES – INFRASTRUCTURE AND RENEWABLE ENERGY FACILITIES	
Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Wastewater Services	
PO 12.1 Development is connected to an approved common wastewater disposal service with the capacity to meet the requirements of the intended use. Where this is not available an appropriate on-site service is provided to meet the ongoing requirements of the intended use in accordance with the following: (a) it is wholly located and contained within the allotment of the development it will service (b) in areas where there is a high risk of contamination of surface, ground, or marine water resources from on-site disposal of liquid wastes, disposal systems are included to minimise the risk of pollution to those water resources (c) septic tank effluent drainage fields and other wastewater disposal areas are located away from watercourses and flood prone, sloping, saline or poorly drained land to minimise environmental harm.	DTS/DPF 12.1 Development is connected, or will be connected, to an approved common wastewater disposal service with the capacity to meet the requirements of the development. Where this is not available it is instead capable of being serviced by an on-site waste water treatment system in accordance with the following: (a) the system is wholly located and contained within the allotment of development it will service; and (b) the system will comply with the requirements of the <i>South Australian Public Health Act 2011</i>.
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 development, and the associated parking and driveway areas, will not result in encroachment into the area occupied by either the septic tank or irrigation area, satisfying PO 12.2 of the module.



Conclusion

The proposed change of use to tourist accommodation, with ancillary decks and verandahs, to an existing building at 278 Menge Road, Tanunda is considered to be an appropriate development for the site and locality.

The proposed development is of an intensity and scale that allows for its impacts to be minimised on the site, with limited effect on the surrounding locality. The development also supports the ongoing use of the site for tourism and is supported by the relevant provisions of the Rural Zone.

Furthermore, we specifically note that the proposal:

- Is of a modest form and scale.
- Utilises existing wastewater infrastructure.
- Provides the required number of on-site parking spaces.
- Improves the visual appearance of the property and streetscape.

Having regard to the proposal, the nature of the development, the site and locality and the relevant provisions of the Planning and Design Code, it is considered that the proposed development warrants Planning Consent in accordance with Section 102 (1)(a) of the *Planning, Development and Infrastructure Act 2016*.

Yours sincerely

Charlie Dubois
MasterPlan SA Pty Ltd

enc: As listed.

COUNCIL : THE BAROSSA COUNCIL
PROPOSAL : CHANGE OF USE (EXISTING DWELLING TO TOURIST ACCOMMODATION), DECK AND VERANDAH

SITE AREA: 17136 sqm

EXISTING DWELLING AREA: 231 sqm
PROPOSED DECK AND VERANDAH: 111 sqm

FFT - FIRE FIGHTING TANK 5,000L MINIMUM, NON COMBUSTIBLE
RWT - RAIN WATER TANK 10,000L MINIMUM
CP - CAR PARK 2.6x5.5m
DCP - DISABLED CAR PARK 3.8x5.5m
SP - EXISTING SEPTIC TANK

BAL 12.5 BUSHFIRE REG APPLY

STORM WATER MANAGEMENT:
ADDITIONAL VERANDAH DOWNPIPES TO BE CONNECTED TO EXISTING RAINWATER TANK AND STORM WATER MANAGEMENT SYSTEM.

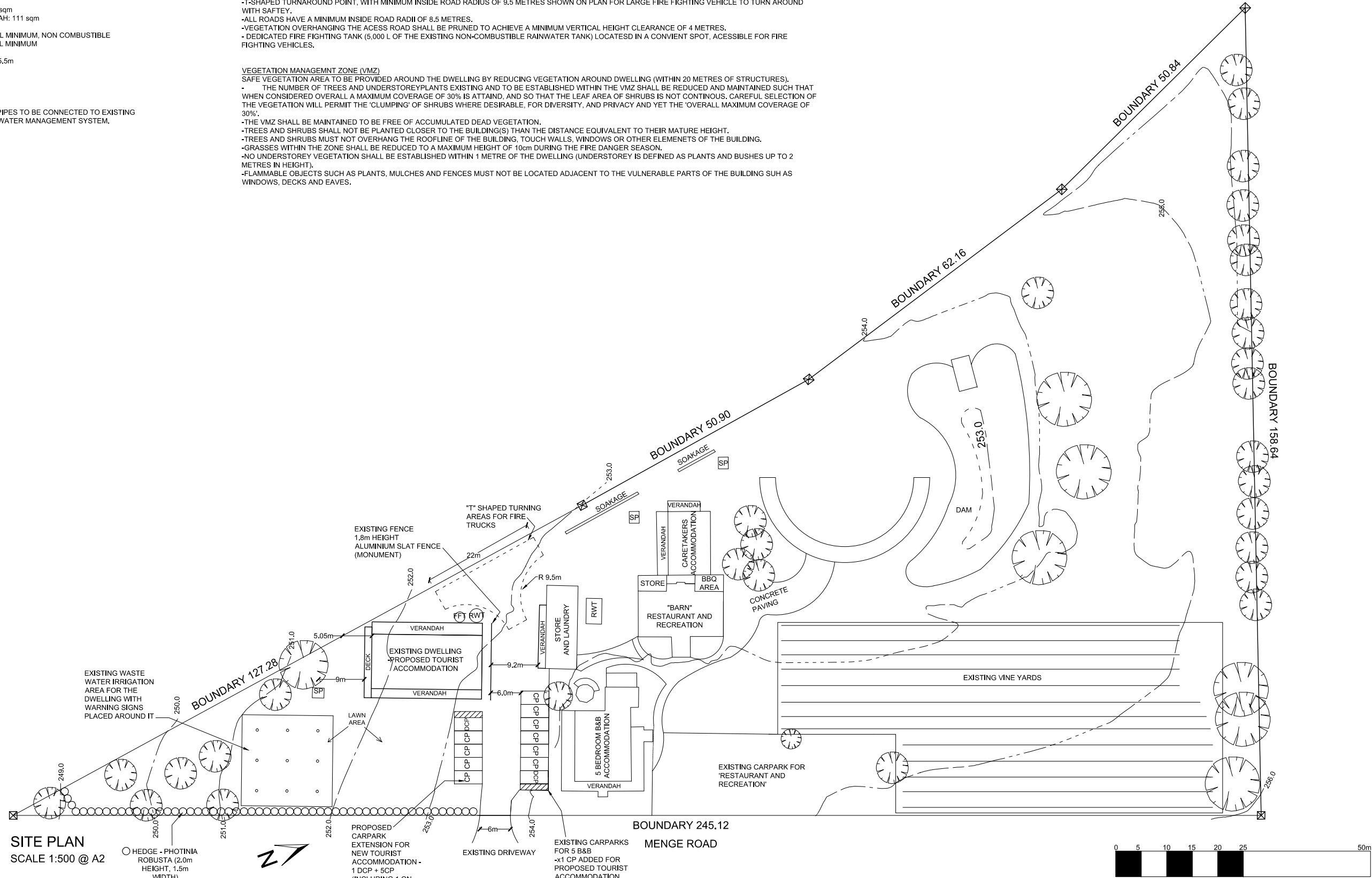
FIRE SAFETY

- ACCESS TO THE BUILDING SHALL BE OF ALL WEATHER CONSTRUCTION, WITH A MINIMUM FORMED ROAD SURFACE WIDTH OF 4 METRES AND MUST ALLOW FORWARD ENTRY AND EXIT FOR LARGE FIRE FIGHTING VEHICLES.
- ALL DEAD END ROADS OR TRACKS HAVE BEEN CONSTRUCTED TO ALLOW LARGE FIRE FIGHTING VEHICLES TO TURN AROUND WITH SAFETY USE.
- T-SHAPED TURNAROUND POINT, WITH MINIMUM INSIDE ROAD RADIUS OF 9.5 METRES SHOWN ON PLAN FOR LARGE FIRE FIGHTING VEHICLE TO TURN AROUND WITH SAFETY.
- ALL ROADS HAVE A MINIMUM INSIDE ROAD RADII OF 8.5 METRES.
- VEGETATION OVERHANGING THE ACCESS ROAD SHALL BE PRUNED TO ACHIEVE A MINIMUM VERTICAL HEIGHT CLEARANCE OF 4 METRES.
- DEDICATED FIRE FIGHTING TANK (5,000 L OF THE EXISTING NON-COMBUSTIBLE RAINWATER TANK) LOCATED IN A CONVENIENT SPOT, ACCESSIBLE FOR FIRE FIGHTING VEHICLES.

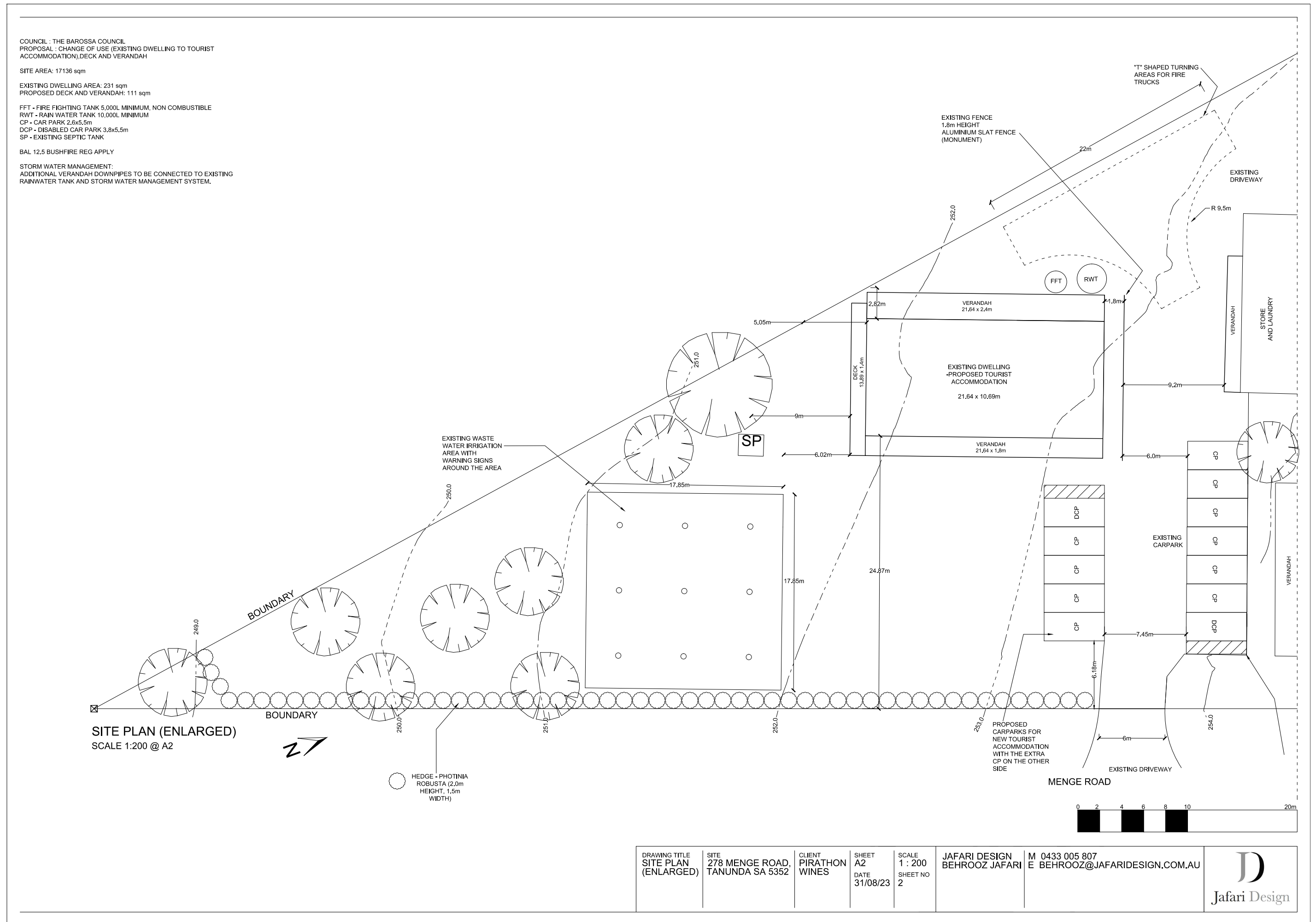
VEGETATION MANAGEMENT ZONE (VMZ)

SAFE VEGETATION AREA TO BE PROVIDED AROUND THE DWELLING BY REDUCING VEGETATION AROUND DWELLING (WITHIN 20 METRES OF STRUCTURES).

- THE NUMBER OF TREES AND UNDERSTOREY PLANTS EXISTING AND TO BE ESTABLISHED WITHIN THE VMZ SHALL BE REDUCED AND MAINTAINED SUCH THAT WHEN CONSIDERED OVERALL A MAXIMUM COVERAGE OF 30% IS ATTAINED, AND SO THAT THE LEAF AREA OF SHRUBS IS NOT CONTINUOUS. CAREFUL SELECTION OF THE VEGETATION WILL PERMIT THE 'CLUMPING' OF SHRUBS WHERE DESIRABLE, FOR DIVERSITY, AND PRIVACY AND YET THE 'OVERALL MAXIMUM COVERAGE OF 30%'.
 - THE VMZ SHALL BE MAINTAINED TO BE FREE OF ACCUMULATED DEAD VEGETATION.
 - TREES AND SHRUBS SHALL NOT BE PLANTED CLOSER TO THE BUILDING(S) THAN THE DISTANCE EQUIVALENT TO THEIR MATURE HEIGHT.
 - TREES AND SHRUBS MUST NOT OVERHANG THE ROOFLINE OF THE BUILDING, TOUCH WALLS, WINDOWS OR OTHER ELEMENTS OF THE BUILDING.
 - GRASSES WITHIN THE ZONE SHALL BE REDUCED TO A MAXIMUM HEIGHT OF 10cm DURING THE FIRE DANGER SEASON.
 - NO UNDERSTOREY VEGETATION SHALL BE ESTABLISHED WITHIN 1 METRE OF THE DWELLING (UNDERSTOREY IS DEFINED AS PLANTS AND BUSHES UP TO 2 METRES IN HEIGHT).
 - FLAMMABLE OBJECTS SUCH AS PLANTS, MULCHES AND FENCES MUST NOT BE LOCATED ADJACENT TO THE VULNERABLE PARTS OF THE BUILDING SUCH AS WINDOWS, DECKS AND EAVES.

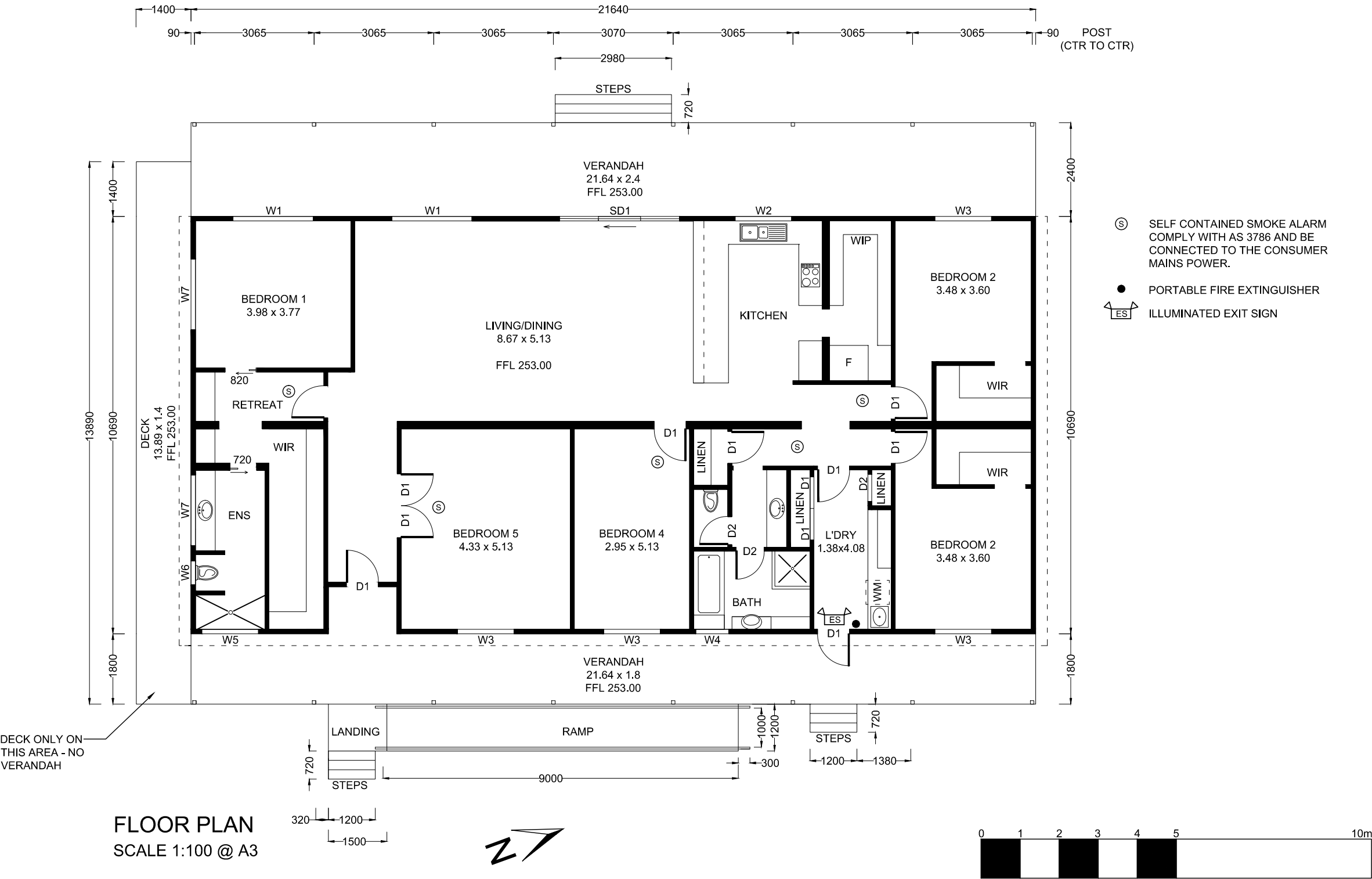


DRAWING TITLE SITE PLAN	SITE 278 MENGE ROAD, TANUNDA SA 5352	CLIENT PIRATHON WINES	SHEET A2 DATE 31/08/23	SCALE 1 : 500 SHEET NO 1	JAFARI DESIGN BEHROOZ JAFARI	M 0433 005 807 E BEHROOZ@JAFARIDESIGN.COM.AU	Jafari Design
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- W1 - SLIDING WINDOW 2050(W) x 1800(H)
- W2 - SLIDING WINDOW 1450(W) x 1190(H)
- W3 - SLIDING WINDOW 1450(W) x 1800(H)
- W4 - SLIDING WINDOW 850(W) x 1200(H)
- W5 - FIXED WINDOW 1450(W) x 300(H)
- W6 - SLIDING WINDOW 610(W) x 857(H)
- W7 - SLIDING WINDOW 610(W) x 857(H)
- SD1- SLIDING DOOR 3084(W) x 2100(H)
- D1- DOOR 820(w) x 2100(H)
- D2- DOOR 720(W) x 2100(H)

BAL 12.5 BUSHFIRE REG APPLY



FLOOR PLAN
SCALE 1:100 @ A3

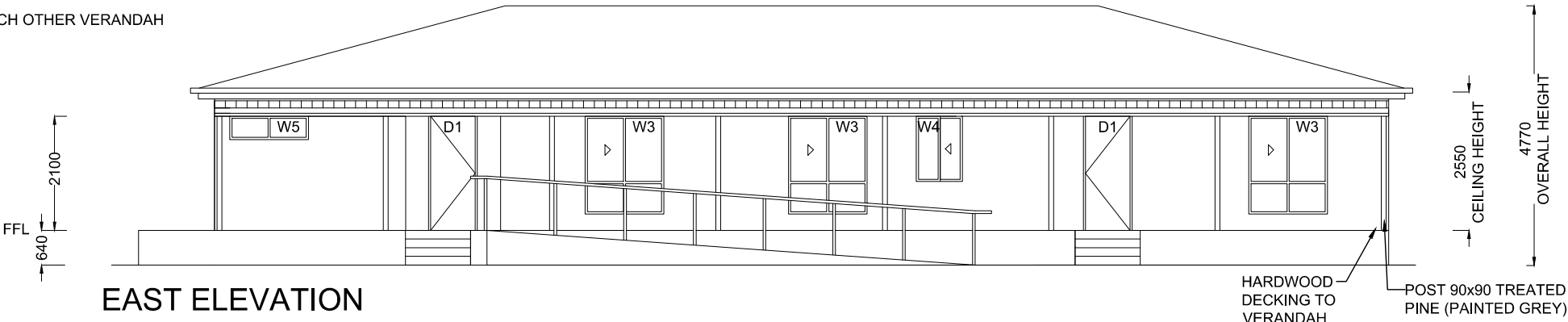
DRAWING TITLE FLOOR PLAN	SITE 278 MENGE ROAD, TANUNDA SA 5352	CLIENT PIRATHON WINES	SHEET A3 DATE 31/08/23	SCALE 1 : 100 SHEET NO 3	JAFARI DESIGN BEHROOZ JAFARI	M 0433 005 807 E BEHROOZ@JAFARIDESIGN.COM.AU	
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VERANDAH ROOF CLADDING:
CUSTOM ORB 0.42 BMT (MONUMENT)

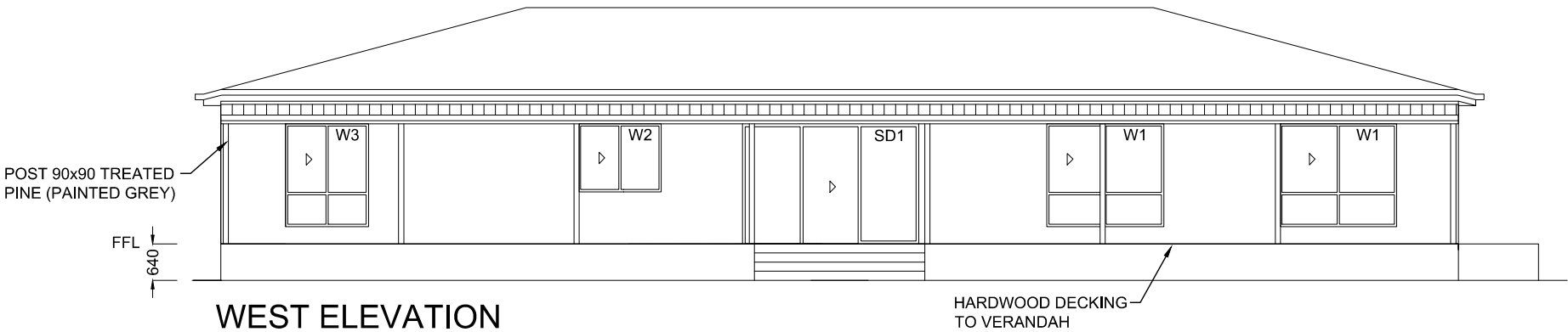
POST: TREATED PINE (PAINTED GREY) TO MATCH OTHER VERANDAH
POSTS ON SITE

BAL 12.5 BUSHFIRE REG APPLY

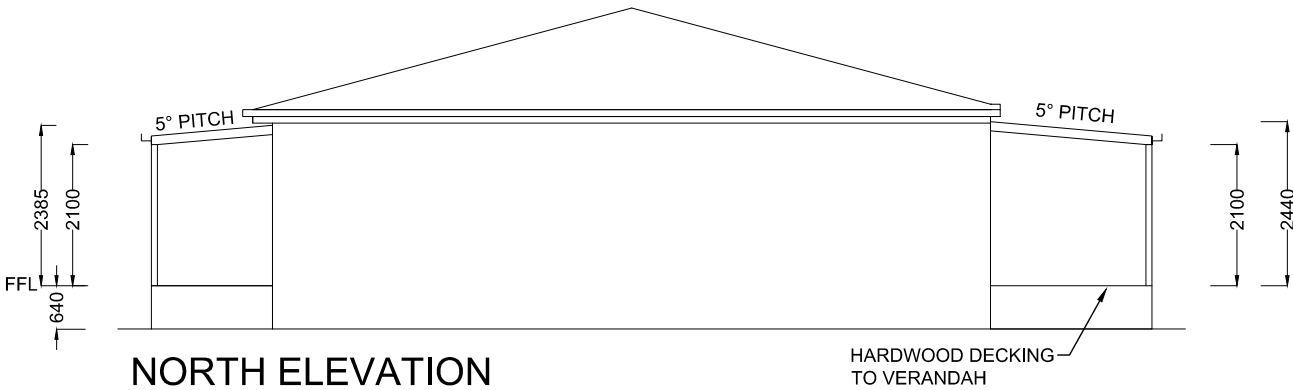
- W1 - SLIDING WINDOW 2050(W) x 1800(H)
- W2 - SLIDING WINDOW 1450(W) x 1190(H)
- W3 - SLIDING WINDOW 1450(W) x 1800(H)
- W4 - SLIDING WINDOW 850(W) x 1200(H)
- W5 - FIXED WINDOW 1450(W) x 300(H)
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- W7 - SLIDING WINDOW 610(W) x 857(H)
- SD1- SLIDING DOOR 3084(W) x 2100(H)
- D1- DOOR 820(w) x 2100(H)
- D2- DOOR 720(W) x 2100(H)



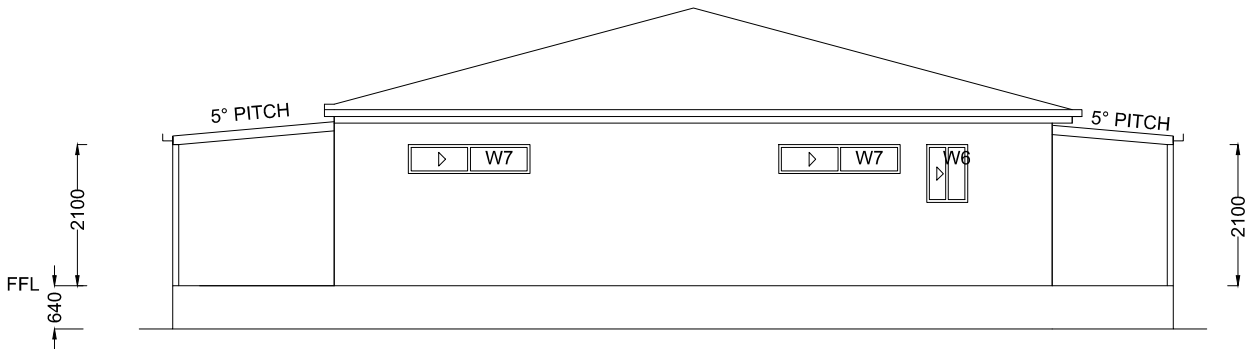
EAST ELEVATION
SCALE 1:100 @ A3



WEST ELEVATION
SCALE 1:100 @ A3



NORTH ELEVATION
SCALE 1:100 @ A3



SOUTH ELEVATION
SCALE 1:100 @ A3



DRAWING TITLE ELEVATIONS	SITE 278 MENGE ROAD, TANUNDA SA 5352	CLIENT PIRATHON WINES	SHEET A3 DATE 31/08/23	SCALE 1 : 100 SHEET NO 4	JAFARI DESIGN BEHROOZ JAFARI M 0433 005 807 E BEHROOZ@JAFARIDESIGN.COM.AU	
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DEVELOPMENT APPROVAL

Date: 7/01/2019
Authorised Officer: pxxri
THE BAROSSA COUNCIL

FINAL PLANS



40 Barfield Crescent
Edinburgh North SA 5113
Ph. (08) 8282 7272 Fax. (08) 8282 7251
A.B.N. 97 008 087 278

All steel framing to comply with
Aust Standards AS 3623
Roof Pitch subject to +/- 1 degree tolerance
Refer to engineers report for all structural elements
Control joints as specified by
engineer defined by:

DESIGN NOTES
HOUSE DESIGN - OWNER
SPECIFICATION - SILVER
CLADDING TYPE T/OUT:
200mm PRIMELOCK CLASSIC PLANK to
FINISH 400mm ABOVE GROUND LEVEL
INSULATION:
FLOOR PANELS - 200mm RIGID CELULAR
EXTERNAL WALLS - 115mm RIGID CELULAR
CEILING - R5.0 INS. BATTS (210mm THK)

Window Manufacture Dowell
Cladding Type Colorbond
Roof Pitch 15
Eave Width 300
Ceiling Height 2550
Window Head Height 2100

Floor Plan

All Steel Transportables

Justin Carter & Casey Carter
Lanzerac Country Estate
Lot 5 No. 278
Menge Road
Tanunda
S.A. 5352

Job No.	Drawing No.	Rev
31023	WD04	F
Areas - M2	Scale 1:100	
Floor - Ground 228.62	Date 20-Feb-2017	
Porch 2.06	Drawn MS	
Front Verandah 38.88	Total Sheet 13	
Rear Verandah 38.88	Checked	
Total 308.44		

Sales Rep:

Amendments

A - 2017-11-07 MS - Site positioning of new dwelling as per email (DD)
No Framing changes Required
B - 2017-11-13 MS - Amendments as requested (DD)
No Framing changes Required
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E - 2018-06-18 MS - Site works (approx) added requested (DD/client)
No Framing changes Required
F - 2018-11-29 MS - Full working drawings requested
Framing changes Required
Version No. 6.00.124 - 4

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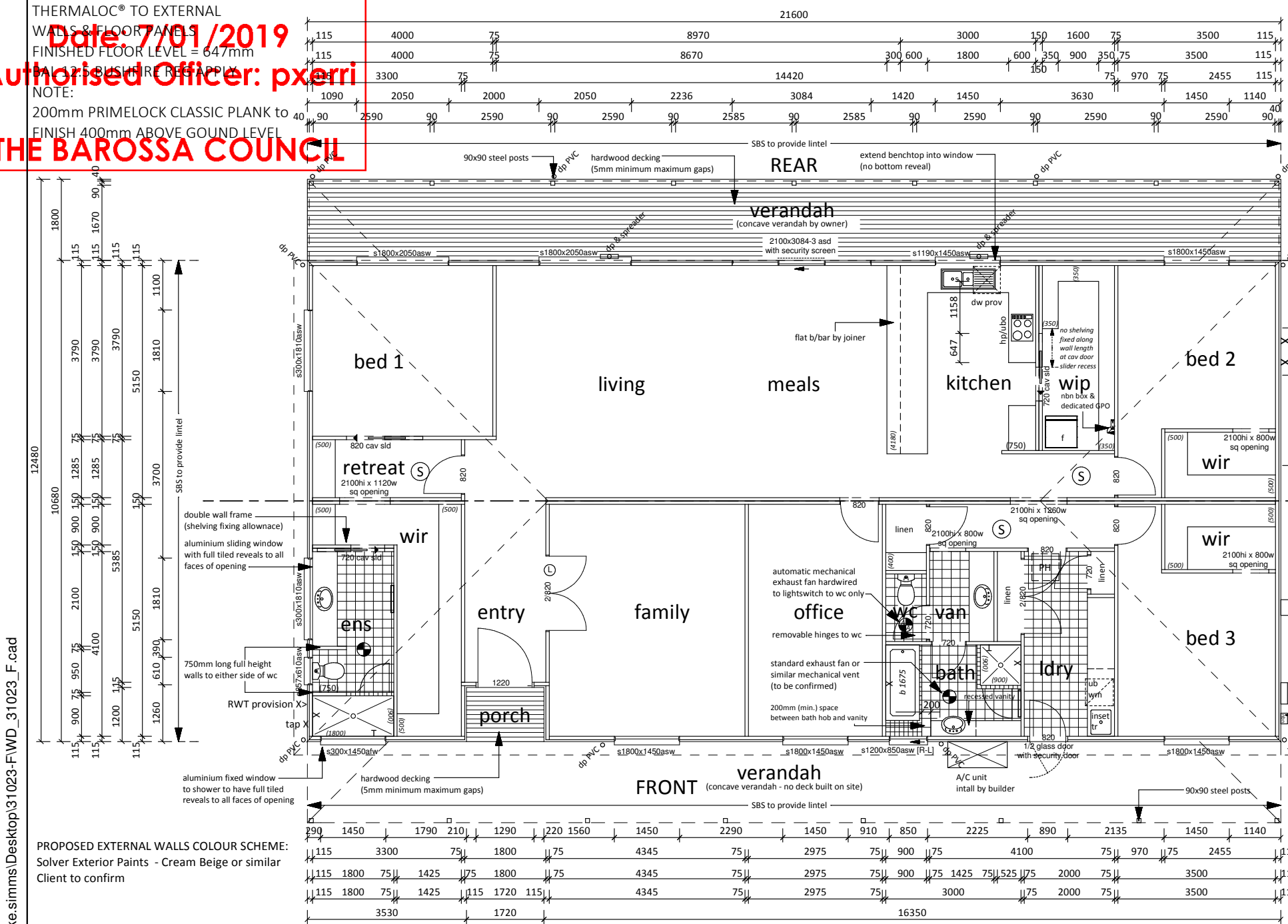
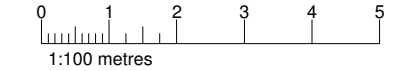
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CLIENT SIGN

DATE

NOTE:
BOTH VERANDAHS AND DECKS
- BY OWNER AFTER HANDOVER
LINTELS TO EXTERNAL WALLS
TO BE INSTALLED
- BY BUILDER AT CONSTRUCTION

JOINERY NOTES
- REFER TO JOINER'S SPECIFICATIONS AND
DRAWINGS FOR JOINER'S DETAILS



PROPOSED EXTERNAL WALLS COLOUR SCHEME:
Solver Exterior Paints - Cream Beige or similar
Client to confirm

- GENERAL NOTES
- X tap - EXTERNAL WALL MOUNTED TAPS
 - PH - PERSON ACCESS HOLE ASSEMBLY TO BE TRIMMED ON SITE (POSITION IS NOMINAL)
 - ⑤ - HARD WIRED SMOKE DETECTORS WITH BATTERY BACK UP
 - MULTIPLE SMOKE DETECTORS TO BE INTERCONNECTED
 - WEATHER SEALS TO EXTERNAL DOORS BY BUILDER
 - - DENOTES APPROX. LOCATION OF DRY WASTE

- LPG PROVISION NOTES
- GAS BOTTLE PROVISION TO BE 2.0m MINIMUM FROM ANY IGNITION SOURCE (m/box, hws etc)
 - GAS BOTTLE PROVISION TO BE 1.5m MINIMUM FROM ANY OPENING (windows, doors etc)

- DOWNPIPE NOTES
- DOWNPIPES ON PLAN ARE NOMINAL IN LOCATION AND MAY BE MOVED IN ACCORDANCE WITH ENGINEERING PLAN OR BY THE ROOFING CONTRACTOR
 - o dp PVC PVC DOWNPIPE (STANDARD)
 - ALL STORMWATER (DOWNPIPES) TO BE PLUMBED INTO RAIN WATER SYSTEM AND/OR OUTLET TO BE A DISTANCE OF 4.0m (MIN.) FROM HOUSE UPON INSTALLATION OF BUILDING ON SITE - BY OWNER

- RAINWATER TANK NOTES
- 1000 LITRE (MINIMUM) RAINWATER TANK AS PER COUNCIL REQUIREMENTS OR AS OTHERWISE NOTED WITH PUMP AND CHANGE OVER DEVICE, CONNECTED TO ONE WC - BY OWNER

- BUILDER TO ALLOW FOR FIRST FIX PLUMBING PROVISION FOR A SEPERATE RAINWATER RUN PLUMBED TO ONE WC AND A MAINS WATER POINT FOR CHANGE OVER DEVICE

- ALL ADDITIONAL NOMINATED ITEMS AND CHANGES TO BE READ IN CONJUNCTION WITH RELATIVE ASPA AMENDMENTS AND VARIATIONS

- NBN PROVISION
- TELSTRA/NBN LUCA/JUNCTION BOX WITH NBN DRAW WIRE
 - INTERNAL NBN BOX AND DEDICATED SINGLE POWER POINT AND DATA/PHONE SOCKET TO NON-ENCLOSED AREA
 - FLOORING TO LIVING AREAS AND BEDROOMS BY OWNER AFTER HANDOVER

- NOTES:
- TRANSPORTABLE SPLIT DESIGN
 - 22mm THICK TERMIFLOOR SHEET FLOORING
 - VERANDAH TO BE BUILT ON SITE
 - FRAMES AND DECKING TO REAR VERANDAH ONLY
 - NO FRAMES AND DECKING TO FRONT VERANDAH
 - FRONT VERADAH DECK BY OWNER AFTER HANDOVER
 - BASE INFILL FRAME SUPPLY ONLY BY BUILDER
 - BASE INFILL FRAME & HARDWOOD CLADDING INSTALLATION BY OWNER AFTER HANDOVER
 - STEPS BY OWNER AFTER HANDOVER
 - SEPTIC SYSTEM BY OWNER
 - NO FLOOR TRAP REQUIRED AS PER MINISTER'S STANDARD SA F1.7
 - L'DRY & BATH TO BE FITTED WITH SANITARYWARE WITH OVERFLOWS

- NO SETDOWNS TO WET AREAS
- TILED SHOWER WITH SCREED FROM HOB TO BATH/ENSUITE
- TILING TO 1200mm HIGH (MINIMUM) TO BATH & ENS WHERE WC IS INCLUDED ROOM SPACE

- DUCTED REVERSE SYSTEM AIR CONDITIONING BY BUILDER
- NOTE - ALL A/C DRAINAGE MUST BE DRAINED AWAY FROM BUILDING AND NOT UNDER BUILDING

DEVELOPMENT APPROVAL

Date: 7/01/2019

Authorised Officer: pxerri

THE BAROSSA COUNCIL

THERMALOC® TO EXTERNAL WALLS & FLOOR PANELS
FINISHED FLOOR LEVEL = 647mm
BAL 12.5 BUSHFIRE RESISTANCE APPLY
NOTE:
200mm PRIMELOCK CLASSIC PLANK to
FINISH 400mm ABOVE GROUND LEVEL

FINAL PLANS

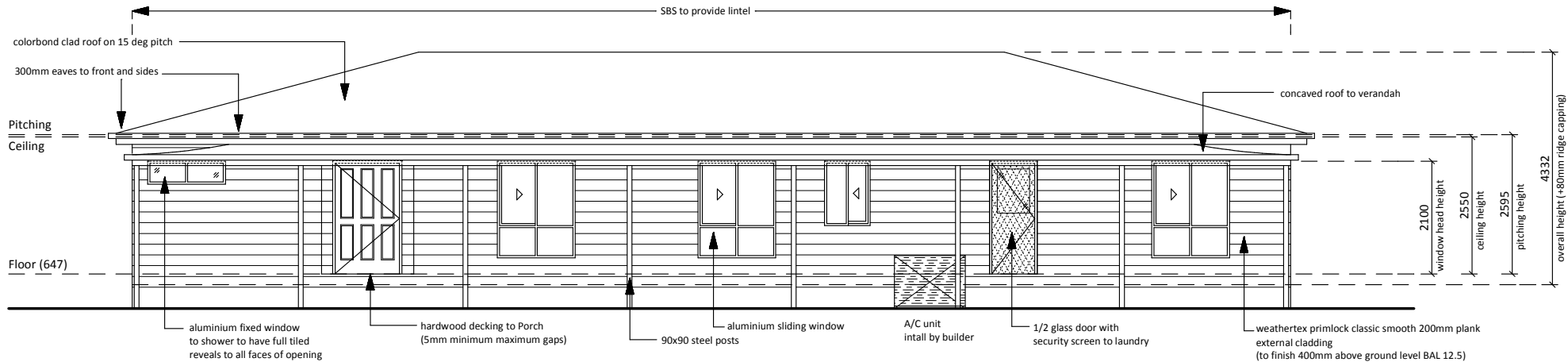
CLIENT SIGN

DATE



40 Barfield Crescent
Edinburgh North SA 5113
Ph. (08) 8282 7272 Fax. (08) 8282 7251
A.B.N. 97 008 087 278

All steel framing to comply with Aust Standards AS 3623
Roof Pitch subject to +/- 1 degree tolerance
Refer to engineers report for all structural elements
Control joints as specified by engineer defined by:

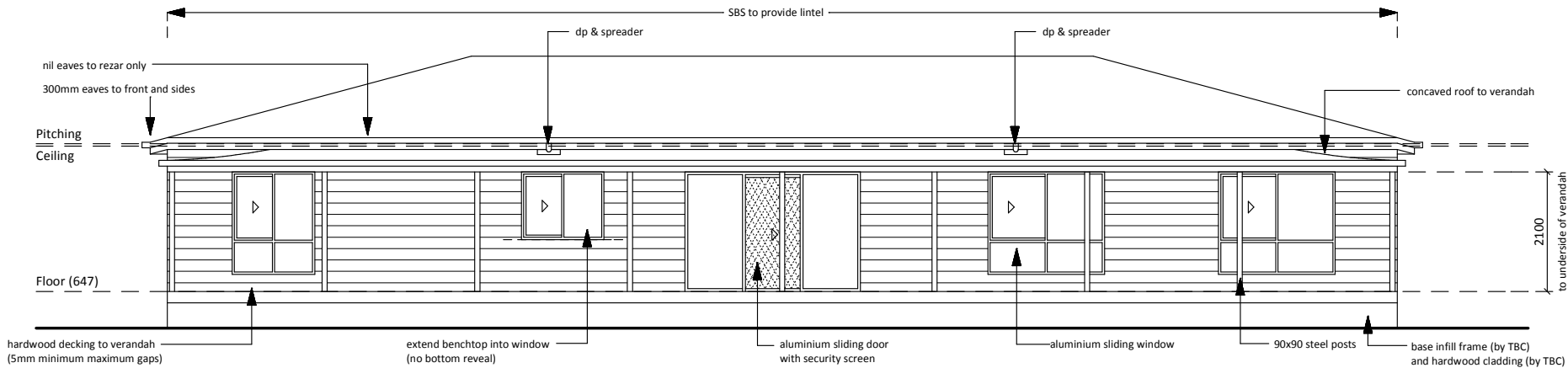


Front Elevation

PROPOSED EXTERNAL WALLS COLOUR SCHEME:
Solver Exterior Paints - Cream Beige or similar
Client to confirm

NOTE:
BOTH VERANDAHS AND DECKS
- BY OWNER AFTER HANDOVER
LINTELS TO EXTERNAL WALLS TO BE INSTALLED
- BY BUILDER AT CONSTRUCTION

NOTE:
200mm PRIMELOCK CLASSIC PLANK to
FINISH 400mm ABOVE GROUND LEVEL



Rear Elevation

Elevations - Sheet 1

All Steel Transportables

Justin Carter & Casey Carter
Lanzerac Country Estate
Lot 5 No. 278
Menge Road
Tanunda
S.A. 5352

Job No.	Drawing No.	Rev
31023	WD05	F
Areas - M2	Scale 1:100	
	Date 30-Nov-2018	
	Drawn MS	
	Total Sheet 13	
	Checked	

Sales Rep:

Amendments

A - 2017-11-07 MS - Site positioning of new dwelling as per email (DD)
No Framing changes Required.
B - 2017-11-13 MS - Amendments as requested (DD)
No Framing changes Required.
C - 2017-12-08 MS - Amendments as email requested (DD)
No Framing changes Required.
D - 2018-01-24 MS - Site works (approx) added requested (DD)
No Framing changes Required.
E - 2018-06-18 MS - Site works (approx) added requested (DD/client)
No Framing changes Required.
F - 2018-11-29 MS - Full working drawings requested
Framing changes Required
Version No. 6.00.124 - 4

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DEVELOPMENT APPROVAL

Date: 7/01/2019

Authorised Officer: pxerri

THE BAROSSA COUNCIL

THERMALOC® TO EXTERNAL WALLS & FLOOR PANELS
FINISHED FLOOR LEVEL = 647mm
BY 12/19/2018 FIRE RESISTANCE
NOTE:
200mm PRIMELOCK CLASSIC PLANK to
FINISH 400mm ABOVE GROUND LEVEL

FINAL PLANS

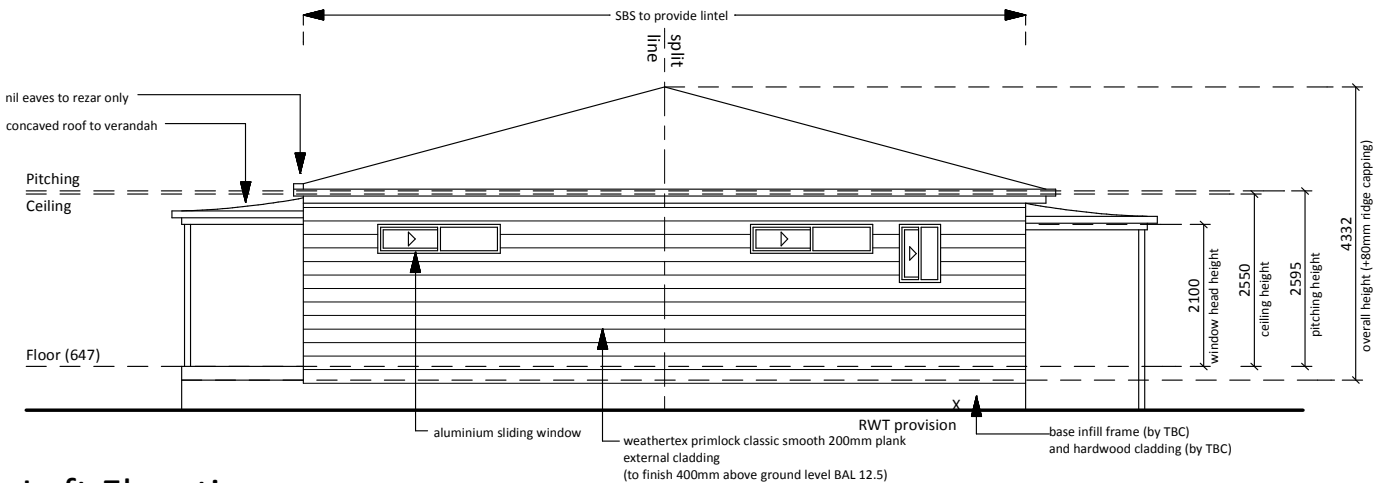
CLIENT SIGN

DATE



40 Barfield Crescent
Edinburgh North SA 5113
Ph. (08) 8282 7272 Fax. (08) 8282 7251
A.B.N. 97 008 087 278

All steel framing to comply with
Aust Standards AS 3623
Roof Pitch subject to +/- 1 degree tolerance
Refer to engineers report for all structural elements
Control joints as specified by
engineer defined by: CJ

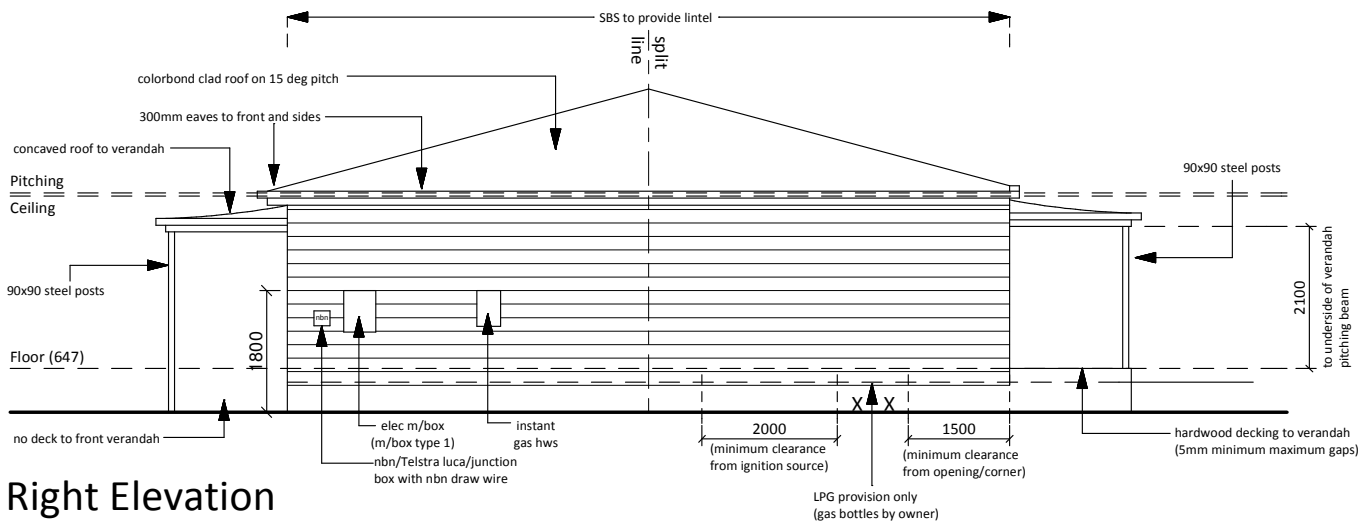


Left Elevation

PROPOSED EXTERNAL WALLS COLOUR SCHEME:
Solver Exterior Paints - Cream Beige or similar
Client to confirm

NOTE:
BOTH VERANDAHS AND DECKS
- BY OWNER AFTER HANDOVER
LINTELS TO EXTERNAL WALLS TO BE INSTALLED
- BY BUILDER AT CONSTRUCTION

NOTE:
200mm PRIMELOCK CLASSIC PLANK to
FINISH 400mm ABOVE GOUND LEVEL



Right Elevation

Elevations - Sheet 2

All Steel Transportables

Justin Carter & Casey Carter
Lanzerac Country Estate
Lot 5 No. 278
Menge Road
Tanunda
S.A. 5352

Job No.	Drawing No.	Rev
31023	WD06	F
Areas - M2	Scale 1:100	
	Date 30-Nov-2018	
	Drawn MS	
	Total Sheet 13	
	Checked	

Sales Rep:

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6.2 22042820 - 1246 Barossa Valley Way Lyndoch

APPLICATION DETAILS

PROPOSAL	Construction of a two-storey building containing two additional tourist accommodation units, in association with existing tourist accommodation
APPLICANT	Pauline Hurren – Hurren Architects
OWNER	Barossa Shiraz Holdings Pty Ltd
APPLICATION NO	22042820
CERTIFICATE(S) OF TITLE	CT 6205/58
AREA	1.14 ha
CURRENT USE	Tourist Accommodation
PLANNING AND DEVELOPMENT CODE VERSION	2023.3 – 16 February 2023
PLANNING AND DESIGN CODE EXTRACT LINK	Relevant Code Extract
ZONE	Rural
OVERLAYS	Character Preservation District – Not in Township Hazards (Bushfire – Medium Risk) Hazards (Flooding – Evidence Required) Limited Land Division Native Vegetation Prescribed Water Resources Area Traffic Generating Development Urban Transport Routes Water Protection Area
APPLICATION TYPE	Performance Assessed
PUBLIC NOTIFICATION	Notified – No Sign (Rural Zone exemption)
REFERRALS	Commissioner of Highways
PREVIOUS APPLICATIONS	960/649/1999 – Bed and Breakfast 960/98/2007 – Expansion of existing Bed and Breakfast Accommodation 960/546/2012 – Extensions to Existing Motel (Non-Complying) 960/912/2013 – Variation to Application 960/546/2012
ASSESSING OFFICER	Jake Boswell
RECOMMENDATION	That Planning Consent be GRANTED subject to Reserved Matters and Conditions

INTRODUCTION

The landowner seeks Development Approval for the “Construction of a two-storey building containing two additional tourist accommodation units, in association with existing tourist accommodation” at 1246 Barossa Valley Way, Lyndoch.

The site is located within the Rural Zone. The proposed development was subject to Performance Assessment and public notification. The application was notified in accordance with Section 107 of the *Planning, Development and Infrastructure Act 2016* and no representations were received.

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

- (1) Where in the opinion of the Assessment Manager, it is appropriate for the application to be determined by the Barossa Assessment Panel.

The proposal is for additional tourist accommodation, via the construction of a two-storey building containing two tourist accommodation units each. This will be an expansion of the established tourist accommodation on site, which is provided across three existing buildings/suites accommodating in total a maximum of 20 guests (10 total bedrooms provided). The proposed development herein would provide an additional two bedrooms, bringing the total number of guests to 24.

This site is not considered to be in a particularly prominent position within the landscape, however, it fronts a main thoroughfare (being a Secondary Arterial Road) and is located on the western entry into the township of Lyndoch. This results in the site being an important site with respect to its context in the locality.

Tourist accommodation is an envisaged land use under Performance Outcome (PO) 1.1 and its associated Designated Performance Feature (DPF) for the Rural Zone. However, by virtue of the decision in *Geber Super Pty Ltd v The Barossa Assessment Panel [2023]* SASC 154, satisfying this DPF does not mean the proposal automatically satisfies the relevant PO.

On balance, considering the relevant provisions of the Planning and Design Code, the proposal is considered to adequately address relevant items inclusive of siting, design, land use and intensity, access, native vegetation and bushfire management, such that the proposal reasonably achieves the Desired Outcomes (DO) of the Code. As such, Planning Consent is considered to be warranted, subject to Reserved Matters and Conditions.

SITE AND LOCALITY

The site comprises an irregular shaped allotment located at 1246 Barossa Valley Way, Lyndoch. It is positioned to the south and west of the road within an established rural area primarily characterised by viticulture and associated value adding activities, such as wineries and tourist accommodation. To the south is the Rural Living Zone, comprising low-density residential sites. The site is generally free of native vegetation and is located to the north-west of the Lyndoch township.

The site has an area of approximately 1.14 ha and contains four established buildings in nature of three accommodation buildings and one shed. There are five tourist accommodation suites across these buildings, providing 20 bedrooms. While not heritage listed nor within a Historic Area, the buildings on site primarily display a design sympathetic to traditional development within the region in nature of pitched roofs, elements of stone and encircling verandahs.

The site contains around 4,750 sqm of vineyard, which forms part of the vineyard on 1234 Barossa Valley Way, the adjacent site. This provides a relationship to primary production on the site and in conjunction with the adjacent site, while also providing amenity to guests.

The site is served by a single access point to Barossa Valley Way. On-site manoeuvring and turnaround areas are provided in an all-weather unsealed condition.

The locality generally comprises rural land uses, primarily viticulture with associated value adding activities. Lyndoch Hill accommodation and restaurant is located to the adjacent northern site, opposite Barossa Valley Way and is well vegetated across the site. Low-density residences existing to the south within a Rural Living Zone that abuts the Lyndoch township. This is separated from the subject site by the adjacent vineyard (1234 Barossa Valley Way) and a train line corridor under the ownership of the Minister for Transport and Infrastructure. The subject site is relatively small within the context of the locality; however, allotment sizes and shapes do vary substantially in this locality.

The subject site is bordered on the west, east and south, by 1234 Barossa Valley Way. This allotment is comprised entirely by vineyard, and the subject site is consequently viewed in this context. These sites were historically in the same ownership.

Outside of this, allotments east and west of the site are generally utilised for viticulture and associated buildings, with dwellings and wineries located sporadically throughout. As discussed above, there is an established low-density residential area (Rural Living) located to the south of the subject site, approximately 125 metres from the subject site. These sites are located at a higher level than the subject site, and as such have some level of lookout over the site.

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



Figure 1: Zone Map – Subject site in red

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 12**.



Figure 2: Aerial – Locality - Subject site in red



Figure 3: Aerial – Site



Figure 4: Photo taken from eastern corner of 1234 Barossa Valley Way (surrounding allotment) facing north-west



Figure 5: Photo taken from eastern side of Barossa Valley Way facing north-west (approx. 270m from site of proposed building)



Figure 6: Photo taken from eastern side of Barossa Valley Way and Hermann Thumm Drive intersection facing west



Figure 7: Photo taken from northern side of Barossa Valley Way and Hermann Thumm Drive intersection facing west



Figure 8: Photo taken from Barossa Valley Way facing southwest



Figure 9: Photo taken within site facing north-west showing residence (septic system behind hedge)



Figure 10: Photo taken within site facing west showing existing tourist accommodation unit



Figure 11: Photo taken within site facing south-west (where new building is proposed)



Figure 12: Photo taken upon Barossa Valley Way facing south-east toward site

PROPOSAL

The proposal involves the construction of a two-storey building containing two additional tourist accommodation units in association with existing tourist accommodation. This will bring the total number of guest rooms provided on site to 12, across four accommodation buildings. This will bring the total number of guests across the four buildings to 24.

The building is to be sited in between the former 'residence' titled on the plans as "The Willow" which is the northernmost building and "The Barn" which is a two storey building located behind. The building is to be sited upon an existing lawned area immediately west of an existing gravel driveway.

The building is in nature of a two storey building that incorporates two accommodation units, attached and form together one building but are offset from one another to provide greater articulation and to enable the building to be constructed with the contours.

The building incorporates open plan living, dining and kitchen and toilet within the ground plan together with external verandah. The upper floor will incorporate a single guest bedroom, ensuite and balcony. A shared boundary wall will divide the two accommodation units.

The building incorporates traditional building elements that are complementary to existing buildings on-site, in the form of 36 degree pitched roofs, external chimneys, stone and galvanised iron walling (to match existing barn), galvanised corrugated iron gutters and roofing and anodised aluminium.

Access and manoeuvring are provided via existing arrangements, with amendments to accommodate the new building and its necessary access provisions. This includes the removal of several trees along the primary frontage which was due to request from Commissioner of Highways as part of their referral comments.

All existing vineyards are proposed to be retained.

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

APPLICATION TYPE

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

PUBLIC NOTIFICATION

The application was subject to public notification in accordance with Table 5 – Procedural Matters – Notification of the Rural Zone, as the proposal did not achieve the relevant exemption within Rural Zone DPF 6.3(b). The proposed tourist accommodation will have a total floor area of approximately 245 sqm (excluding verandahs and balconies) exceeding that of 150 sqm.

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

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

	by at least 40 metres. (b) Has a building height that does not exceed 7 metres above natural ground level.
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No representations were received during the Public Notification period.

REFERRALS

External

Pursuant to Schedule 9(7) of the *Planning, Development & Infrastructure (General) Regulations 2017* and Part 9 of the Planning and Design Code, the application was subject to referral to the Commissioner of Highways:

Commissioner of Highways	<i>Nil concerns noted. Support provided, subject to conditions and notes. Condition 1 requests removal of the 10 easternmost trees along the Barossa Valley Way property frontage.</i>
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A copy of the Commissioner of Highways referral response is contained in **Attachment 2**.

Internal

The following internal advice has been received from staff:

Health Services	<i>Wastewater Approval is required for the new fixtures and additional loadings. There is unlikely to be an issue with achieving approval.</i>
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It is noted that the applicant will need to submit a Wastewater application for approval pursuant to the *SA Public Health Act 2011*. If approved, the applicant must notify Health Services, prior to operation of this tourist accommodation.

ASSESSMENT

Please refer to the following link, the Planning and Design Code extract for this proposal, dated 2023.3 – 16 February 2023:

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

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

DO 2 of the Rural Zone supports the diversification of existing business in the Rural Zone, including the development of value adding activities such as tourist development. DPF 1.1 reinforces that Tourist Accommodation is an anticipated form of development in the Rural Zone, in circumstances where it supports, protects and maintains primary production lands per PO 1.1.

This development seeks an additional tourist accommodation building, providing two bedrooms, on a site with an existing tourist accommodation. It will not consume any land currently used for primary producing purposes, nor will it detract from

existing/adjacent primary producing activities. This building will be prominent to some extent by virtue of being sited on a key tourist route.

It is noted that the subject site is not used for primary production in its own right, however there is a clear relationship between this site and the adjacent site in respect to the activity of viticulture which crosses into the property (1234 Barossa Valley Way). It operates in a manner that takes advantage of its setting in the locality, and historically has operated sympathetically to existing primary producing activities therein. In addition, the tourist accommodation is already established at the site. There is around 4,750 sqm of vineyard, which forms part of the vineyard on 1234 Barossa Valley Way, the adjacent site. It is noted that DPF 6.3(a) envisages that tourist accommodation either be located on, or adjoining, a site use for primary producing purposes, which this development will satisfy.

The two storey building is considered to be of high design quality and of small-scale, such that the building will complement the existing land use and its setting in the locality.

For the above reasons, the circumstances of this proposal are considered to be fundamentally in distinction to the matter of Geber. The proposal is not considered to be Seriously at Variance with the relevant provisions of the Planning and Design Code.

Character Preservation (Barossa Valley) Act 2012

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

While this proposal will result in a building that will be visible from Barossa Valley Way, the building is considered to be of high design quality and in keeping with the established built form on the site. The Zone contemplates buildings of up to two storeys and up to seven metres in height, which this building will exceed (7.79 metres) but is benched into ground 1.2 metres to minimise its height above ground. The overall design and scale of the development is not considered to be detrimental to the character of the locality, with respect to the Character Preservation District Overlay.

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

<u>Insert Zone</u>	
<u>Desired Outcomes</u>	
DO 1	<i>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.</i>
DO 2	<i>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.</i>

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) Commercial forestry (g) Dairy (h) Dam (i) Distiller (j) Dwelling (k) Dwelling addition (l) Farming (m) Horse keeping (n) Horticulture (o) Industry (p) Intensive animal keeping (q) Low intensity animal husbandry (r) Outbuilding (s) Renewable energy facility (t) Shop (u) Small-scale ground mounted solar power facility (v) Stock slaughter works (w) Tourist accommodation (x) Transport distribution (y) Verandah (z) Warehouse (aa) Winery (bb) Worker's accommodation

The proposed development comprises expansion of the existing tourist accommodation on the subject site, in the form of an additional two-storey building. Two suites, comprising one bedroom each, are contained therein. In accordance with DO 2 of the Rural Zone, the Zone seeks value adding and diversification of rural activity with an overarching intent to grow the South Australian rural economy (as further inscribed in the Character Preservation District policies).

Tourist accommodation is listed as an envisaged land use under DPF 1.1 (w). However, by virtue of *Geber Super Pty Ltd v The Barossa Assessment Panel [2023] SASC 154*, this does not mean that PO 1.1 is automatically satisfied. PO 1.1 states the following:

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

The proposed site currently contains three tourist accommodation buildings with ten bedrooms throughout. One of these buildings is two-storey, of similar design to this proposed building. While there is around 4,750 sqm of vineyard on site, this forms part of the operation of a larger vineyard which exists across this site, and the adjoining 1234 Barossa Valley Way. This is equal to around 10 ha of vineyard.

The site operates in a manner that takes advantage of its setting in the locality and historically has operated sympathetic to existing primary production activities therein. The subject site and this proposed development clearly make use of its rural setting and positioning within an established vineyard. Visually there is a clear relationship between the tourist accommodation and these vineyards. There is subsequently some intrinsic non-direct value which will be added to the region, by ensuring more access to the region by tourists. Visually there will be minimal distinguishment between the site and adjacent viticultural operations and as such it will appear as though this tourist accommodation will be located on a larger viticultural site.

In addition, the tourist accommodation is already established at the site and the proposal is to cluster the new building between the existing buildings in a manner that does not impact upon primary production or expand the footprint of buildings outside of the existing cluster. As such, the proposal will not consume any land currently used for primary production purposes, nor will it detract from existing/adjacent primary production activities. It is also noted that DPF 6.3(a) envisages that tourist accommodation either be located on, or adjoining, a site use for primary producing purposes, which this development will satisfy.

The nature of the development proposed herein, is therefore considered to satisfy PO 1.1 in that it is an appropriate type of development in this zone.

Scale and Form of Development

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

This will be the fourth building on the site used for tourist accommodation and will become the eleventh and twelfth rooms on site. The total floor area of this proposed building is 245 sqm, inclusive of both suites and both levels. The total footprint of the building is around 122 sqm. The existing footprint of existing buildings is around 630 sqm. There is therefore a proposed total footprint of 875 sqm on the site.

DPF 6.3 is subsequently not met.

In considering PO 6.3, it is noted that the existing operations on the site add value to the primary production activities on adjacent sites and in the locality. The proposal is not considered to detract or affect those existing operations. The proposed

development will provide additional accommodation to tourists in a setting that won't be detrimental to existing surrounding land uses. It will likewise be visually interpreted in this setting, within a locality dominated by viticulture.

Notwithstanding that PO 6.3 anticipates tourist accommodation to be in conjunction with primary production, it is noted that tourist accommodation is an established land use at this site. The land use does sit adjacent to and have some relationship to primary production within and adjacent to the site. The increase in activity at this site by the addition of four guests is not substantial in context of the site and locality, noting the high quality design and clustering of the building among existing buildings.

The separation between this proposed development and the nearest sensitive receiver is approximately 180 metres, located to the south-west of the site, within the Rural Living Zone. There is not expected to be any substantial amenity impact exhibited upon these residences from this development. This development, and site in general, operates as a more low-key boutique type of accommodation.

This development is considered to have a neutral impact on the viability and continuation of adjacent viticulture operations and any sensitive receivers and will increase the overall accessibility of accommodation for tourists. This will subsequently add value to the region and the locality. As such, PO 6.3 is considered to be met.

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: (a) Having substantial setbacks from boundaries and adjacent public roads (b) Using low-reflective materials and finishes that blend with the surrounding landscape (c) Being located below ridgelines	DTS/DPF 10.1 None are applicable.
Shops, Tourism and Function Centres	
PO 6.4 Tourist accommodation proposed in a new building or buildings is sited, designed and of a scale that maintain a pleasant rural character and amenity	DTS/DPF 6.4 Tourist accommodation in new buildings: (a) Is set back from all allotment boundaries by at least 40 metres. (b) Has a building height that does not exceed 7 metres above natural ground level.

The proposed development will be visible to Barossa Valley Way, having regard to its siting and topography in reference to the road. This will primarily be to the east and south-east, where it is sited above the road level and due to the alignment of Barossa Valley Way which bends around to the south-east. Views of the building from the west are less extensive due to the topography and screening provided by existing vegetation.

Through the assessment process, the applicant was invited to review the design and siting of the building to reduce the overall prominence of the building as viewed from Barossa Valley Way. The previous building design had a roof line that would exceed

the roofline of the existing 'Barn' building in order of around one metre, thereby exerting a dominant appearance of the streetscape.

The applicant has amended the design by relocating and reorientating the building slightly further to the east, down the and benching the floor level further in, thereby achieving a roof line that does not protrude above that established roof line. The finished floor level is now proposed at 168.0, relative to the adjacent 'Barn' building which has a finished floor level of 169.2. This is a 1.2 metre reduction.

The finished floor level will now match the adjacent 'Willow' suite which is the northern-most building.

While this helps ensure the building has a lesser overall visual appearance and prominence to the street, it is noted that by shifting it nearer the street boundary, the benefit of the lower scale is not realised to its full potential, as if it was lowered and retained in its original location with a greater setback. One of the reasons for its chosen position is that it will assist in retaining mature vegetation.

The building has been orientated to match the existing contouring to minimise change to the landform.

The proposed will not affect any ridgelines, and achieves substantial setbacks from boundaries, consistent with DPF 6.4(a). Stone walling is incorporated into the design which is harmonious with other buildings on the site as well as proposed use of galvanised iron roofing. This iron will be relatively reflective upon installation, however over time this will fade and dull, such that the long-term impact is not substantial. The development thereby satisfies DPF 10.1.

The building itself has a maximum height (from finished floor level to ridgeline) of 7.79 metres. This is 11% greater than the anticipated maximum height of seven metres. The benching in of the floor level in order of 1.2 metres helps to moderate its visual impact. It is noted that for context, the Rural Zone does anticipate residential development up to nine metres in total height with six metre walls, to which the subject development conforms, however, this provision is not consistent with PO 6.4.

The Barn building which sits adjacent the proposed building is also a double storey. However, its total height is 6.89 metres above finished floor level. For context, that building satisfies DPF 6.4 (a) and (b). The subject building is 0.9 metres taller, with a 1.2 metre lower floor level, meaning that the ridgeline of the proposed building will sit 0.3 metres lower than that existing building.

The design of this building is sympathetic to the high-quality built form on site. The upper level of the building contains a cut-back wall which doubles as a balcony wall. On the front side, the upper-level wall only extends four metres above the finished floor level, before recessing back into the roofline. Essentially this achieves a scale consistent with a double storey containing an upper-level loft. This design is very similar to "The Barn" but is of a slightly greater scale and height based on the span of the building.

The two suites herein have been offset from each other, which does add an element of articulation into the build and breaks up the bulk of the building, which is a positive element of the design. The front wall of the western suite is set forward by around 3 metres to provide visual interest.

From the south and west the proposed structure will be generally screened by existing buildings. In portions it will protrude above the established ridgelines of those buildings and thus subsequently will be visible, however the overall impact is not considered to be unreasonable.

From the north, the primary visibility will be from Hermann Thumm Drive from vehicles approaching the Barossa Valley Way intersection. This is more than 150 metres from the proposed building work. From this perspective, the building will appear in line with the other structures on site. Its appearance will be softened by the vineyard which sits forward, between the building and the allotment boundary.

The primary visual interface will be from the east, via westbound traffic along Barossa Valley Way. The subject land is located on the high side of the road, exacerbating its visibility. From road level the established vines will assist to screen and soften the overall impact of the building. In contrast to the northern perspective, from this orientation the building will appear more starkly in the landscape. It will have the backdrop of the "Willow" suite, which has a ridgeline around two metres lower, but the building is setback further from the road and behind the 'Willow' suite.

While being finely balanced, the overall intent to cluster the building with those established buildings and approach to bench the floor level in, re-orientate the building to work with the contours and lower the roofline below that of the barn, to achieve a generally consistent scale, is an appropriate design response. Together with the high quality design and materials employed will result in the building being complementary to the established rural character and amenity of the locality.

PO 10.1 is therefore considered to be satisfied.

Tourism Development

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

The development is positioned between two existing tourist accommodation buildings. It is adequately clustered with the established built form on the site. In this sense, there is not a substantial increase in environmental or contextual impact as a result of this development. It is considered that the development will increase the capacity of contribute to South Australia's visitor economy by providing high quality tourist accommodation within a high quality setting.

PO 1.2 is considered to be satisfied.

Character Preservation Overlay

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

The subject site is located within a rural area (ie, outside of the township) in reference to the Character Preservation (Barossa Valley) District.

No earthworks are proposed that will exceed 1.5 metres, nor is that any anticipated impact to native vegetation on the site. The benching in of the building will result in the profile of the building being lowered, with all change to landform being in cut and hidden by the building work.

The site is not located in a visually prominent position in terms of topography, however, as mentioned earlier, it is sited on a relatively high volume secondary arterial road, which is a tourist route, being the main western thoroughfare to and from the Lyndoch township. It therefore has a high level of visual importance in the context of the locality as it forms part of the visual entry into the township.

As discussed above, this building will be visible to Barossa Valley Way, in particular to the north, north-east and east by virtue of its siting and topography. Notwithstanding, the building is clustered amongst existing buildings to minimise its impact within the rural landscape.

The built form is also of a scale and design that is considered appropriate. It is of a high architectural standard and provides a high level of articulation which reduces the bulk and massing of the building, whilst giving regard to historic building design in this locality. The colours and materials are likewise harmonious with the established natural and built environments and of high quality.

There are minimal impacts to natural skylines.

The development is considered to be broadly consistent with the DO and above PO of the Character Preservation Overlay.

Effluent Disposal

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

This site has no access to mains sewer. Existing wastewater is managed through on-site disposal systems.

Council's Health Services staff have confirmed that the site is capable of accommodating an authorised wastewater system, subject to system design.

It is recommended that a Reserved Matter be included in the Consent, if granted, that wastewater approval be obtained prior to grant of Development Approval.

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 and buildings, access points, bushfire protection measures and building maintenance	DTS/DPF 1.1 An application is accompanied by: (a) A declaration stating that the proposal will not, or would not, involve clearance of native vegetation under the Native Vegetation Act 1991, including any clearance that may occur: (b) (i) In connection with a relevant access point and/or driveway. (ii) Within 10 metres of a building (other than a residential building or tourist accommodation). (iii) Within 20 metres of a dwelling or addition to an existing dwelling for fire prevention and control. (iv) Within 50 metres of residential or tourist accommodation in connection with a requirement under a relevant overlay to establish an asset protection zone in a bushfire prone area. Or (c) A report prepared in accordance with Regulation 18(2) of the Native Vegetation Regulations 2017 that establishes that the clearance is categorised as 'Level 1 clearance'.

The applicant has made declaration that the proposed development does not propose the clearance of native vegetation. PO/DPF 1.1 satisfied. The building has also been orientated to maintain as much of the non-native garden planting as possible.

Interface between Land Uses

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

	(b) 300 metres or more, where it involves the handling of agricultural crop products, rock, ores, minerals, petroleum products or chemicals at a wharf or wharf side facility (including sea-port grain terminals) where the handling of these materials into or from vessels does not exceed 100 tonnes per day (c) 500 metres or more, where it involves the storage of bulk petroleum in individual containers with a capacity up to 200 litres and a total on-site storage capacity not exceeding 1000 cubic metres. (d) 500 metres or more, where it involves the handling of coal with a capacity up to one tonne per day or a storage capacity up to 50 tonnes. (e) 1000 metres or more, where it involves the handling of coal with a capacity exceeding 1 tonne per day but not exceeding 100 tonnes per day or a storage capacity exceeding 50 tonnes but not exceeding 5000 tonnes.
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The proposed development is located within 300 metres of established viticultural operations surrounding the subject site. This development brings the risk of impact to those operations by virtue of increased perceptibility to noise and spray drift.

It is considered that the risk from land use conflict is small given that existing tourist accommodation already operates here with no known interface issues between the two land uses.

The operations on the site are also integrated with adjacent land, such that there appears to be a level of management in place to address this issue. There is also an existing driveway separating the building from the vines which will be retained.

As such, the risk of this development impinging upon those ongoing viticultural operations is considered to be negligible. As such, PO 9.5 is satisfied.

Bushfire Hazard

Hazards (Bushfire - Medium Risk) Overlay	
Desired Outcomes	
DO 1	Development, including land division is sited and designed to minimise the threat and impact of bushfires on life and property with regard to the following risks: 1. Potential for uncontrolled bushfire events taking into account the increased frequency and intensity of bushfires as a result of climate change 2. High levels and exposure to ember attack 3. Impact from burning debris 4. Radiant heat 5. Likelihood and direct exposure to flames from a fire front
DO 2	Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from areas of unacceptable bushfire risk.
DO 3	Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from areas of unacceptable bushfire risk

Relevant Performance Outcomes/Designated Performance Features	
Land Use	
PO 1.1 Development that significantly increases the potential for fire outbreak as a result of the spontaneous combustion of materials, spark generation or through the magnification and reflection of light is not located in areas of unacceptable bushfire risk.	DTS/DPF 1.1 None are applicable
Siting	
PO 2.1 Buildings and structures are located away from areas that pose an unacceptable bushfire risk as a result of vegetation cover and type, and terrain.	DTS/DPF 2.1 None are applicable
Built Form	
PO 3.1 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 3.1 None are applicable
Habitable Buildings	
PO4.1 To minimise the threat, impact and potential exposure to bushfires on life and property, residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and) is sited on the flatter portion of allotments away from steep slope.	DTS/DPF 4.1 None are applicable
PO 4.2 Residential, tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) is sited away from vegetated areas that pose an unacceptable bushfire risk.	DTS/DPF 4.2 Residential, tourist accommodation and habitable buildings for vulnerable communities are provided with asset protection zone(s) in accordance with (a) and (b): (a) The asset protection zone has a minimum width of at least: (i) 50 metres to unmanaged grasslands (ii) 100 metres to hazardous bushland vegetation (b) The asset protection zone is contained wholly within the allotment of the development
PO 4.3 Residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation,	DTS/DPF 4.3 None are applicable

student accommodation and) has a dedicated area available that: 1. Is capable of accommodating a bushfire protection system comprising firefighting equipment and water supply in accordance with Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements. 2. includes the provision of an all-weather hardstand area in a location that: i. allows fire-fighting vehicles to safely access the dedicated water supply and exit the site in a forward direction. ii. is no further than 6 metres from the dedicated water supply outlet(s) where required.	
Vehicle Access – Roads, Driveways and Fire Tracks	
PO 6.1 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 6.1 Roads: i. are constructed with a formed, all-weather surface. ii. have a gradient of not more than 16 degrees (1-in-3.5) at any point along the road. iii. have a cross fall of not more than six degrees (1-in-9.5) at any point along the road. iv. have a minimum formed road width of six metres. v. provide overhead clearance of not less than four metres between the road surface and overhanging branches or other obstructions including buildings and/or structures (Figure 1). vi. 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). vii. incorporating cul-de-sac endings or dead-end roads do not exceed 200 metres in length and the end of the road has either: (i) a turning area with a minimum formed surface radius of 12.5 metres (Figure 3). (ii) 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). viii. incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.

PO 6.2 Access to habitable buildings is designed and constructed to facilitate the safe and effective: (a) access, operation and evacuation of fire-fighting vehicles and emergency personnel (b) evacuation of residents, occupants and visitors	DTS/DPF 6.2 Access is in accordance with (a) or (b): (a) a clear and unobstructed vehicle or pedestrian pathway of not greater than 60 metres in length is available between the most distant part of the habitable building and the nearest part of a formed public access road (b) driveways: i. do not exceed 600 metres in length. ii. are constructed with a formed, all-weather surface. iii. are connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than seven degrees (1-in-8). iv. have a gradient of not more than 16 degrees (1-in-3.5) at any point along the driveway. v. have a crossfall of not more than six degrees (1-in-9.5) at any point along the driveway. vi. have a minimum formed width of three metres (four metres where the gradient of the driveway is steeper than 12 degrees (1-in-4.5)) plus 0.5 metres clearance either side of the driveway from overhanging branches or other obstructions, including buildings and/or structures (Figure 1). vii. incorporate passing bays with a minimum width of six metres and length of 17 metres every 200 metres (Figure 5). viii. provide overhead clearance of not less than four metres between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures (Figure 1). ix. allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around driveway curves by constructing the curves with a minimum external radius of 12.5 metres (Figure 2). x. allow fire-fighting vehicles to safely enter and exit an allotment in a forward direction by using a 'U' shaped drive through design or by incorporating at the end of the driveway either: A. a loop road around the building or B. a turning area with a minimum radius of 12.5 metres (Figure 3) (ii) or
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	C. a 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres (Figure4). xi. incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes
PO 6.3 Development does not rely on fire tracks as means of evacuation or access for fire-fighting purposes unless there are no safe alternatives available	DTS/DPF 6.3 None are applicable

The proposed development is located within the Hazards (Bushfire – Medium Risk) Overlay.

The design does not produce a significant additional risk in respect of bushfire management, noting that the building will be clustered within existing buildings and will utilise the same bushfire protection systems as existing buildings including the access and fire tanks.

All access is achieved via a sealed secondary arterial road, with no reliance on fire access tracks.

Adequate driveway and manoeuvring areas exist in the form of the encircling network of all-weather driveways around the buildings which enable forward entry and exit for a fire fighting appliance.

In addition, bushfire related infrastructure, such as the water tanks is in place and additional fire tank can be accommodated within the site, in location that is accessible in event of emergency.

The design of this building excludes any exposed underfloor components.

This aspect of the development is considered to be acceptable.

Transport, Car Parking and Access

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

The site has frontage and existing access to Barossa Valley Way. This is a sealed public road, being a secondary arterial road under the care and control of the Commissioner of Highways. PO and DPF 2.1 are therefore satisfied.

It is noted that the access conditions have been recommended by the Commissioner of Highways pursuant to their referral. The conditions of consent are contained within the recommendation.

Transport, Access and Parking	
Desired Outcomes	
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Relevant Performance Outcomes/Designated Performance Features	
Movement Systems	
PO 1.4 <i>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.</i>	DTS/DPF 1.4 <i>All vehicle manoeuvring occurs on site</i>
Vehicle Access	
PO 3.1 <i>Safe and convenient access minimises impact or interruption on the operation of public roads.</i>	DTS/DPF 3.1 <i>The access is:</i> <i>(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,</i> <i>(b) not located within six metres of an intersection of two or more roads or a pedestrian activated crossing.</i>
Access for People with Disabilities	
PO 4.1 <i>Development is sited and designed to provide safe, dignified and convenient access for people with a disability.</i>	DTS/DPF 4.1 <i>None are applicable.</i>
Vehicle Parking Rates	
PO 5.1 <i>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:</i> <i>(a) availability of on-street car parking</i> <i>(b) shared use of other parking areas</i> <i>(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</i> <i>(d) the adaptive reuse of a State or Local Heritage Place.</i>	DPF 5.1 <i>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:</i> <i>(a) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements.</i> <i>(b) Transport, Access and Parking Table 2 – Off-Street Vehicle Parking Requirements in Designated Areas</i> <i>(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</i>
Table 1 - General Off-Street Car Parking Requirements	One car parking space per accommodation unit/guest room

The proposal is expected to result in two to four additional traffic movements through the site per day. Given the direct access to Barossa Valley Way, the additional movements proposed should result in no loss of amenity to adjacent dwellings.

The site is accessed from Barossa Valley Way, an all-weather sealed public road. The road is of a condition considered suitable to accommodate expected vehicle movements.

This proposal will result in an alteration to the existing driveway, however the site will still retain a complete internal driveway around the site which provides forward access and egress.

Two additional car parking spaces are provided to the immediate north-east of the proposed building. Suitable manoeuvring area is available to enable forward entry and exit of these spaces.

The existing tourist accommodation buildings have designated car parks located within their respective curtilage of the buildings that total six spaces. Therefore, in total, there will be eight spaces to serve the 12 rooms.

While the number of designated spaces is less than that of one car parking space per accommodation, there is additional informal space within the site at edge of the driveways to accommodate space for parking of vehicles.

All car parking spaces will achieve a crushed aggregate finish to an all-weather standard. This will ensure consistency in appearance with the rural setting and retain a semi-pervious base, while satisfying AS2890.2.

Relevant PO relating to transport and access are considered to be satisfied.

Site Contamination

General Development Policies	
Clearance from Overhead Powerlines	
Desired Outcomes	
DO 1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.
Relevant Performance Outcomes/Designated Performance Features	
PO 1.1 Ensure land is suitable for use when land use changes to a more sensitive use.	DTS/DPF 1.1 Development satisfied (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. <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 five years which states that–</i> A. <i>site contamination does not exist (or no longer exists) at the land; or</i> B. <i>the land is suitable for the proposed use or range of uses (without the need for any further remediation); or</i> C. <i>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,</i> ii. <i>no other class one activity or class two activity has taken place at the land since the preparation of the site contamination audit report (as demonstrated in a site contamination declaration form).</i>
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Practice Direction 14 – Site Contamination Assessment 2021 has been considered in context of this proposal.

There is no known history of site contamination at this site.

The land is approved for tourist accommodation use and the expansion of this existing use does not introduce a more sensitive land use under the Table 1: Land Use Sensitivity Hierarchy.

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

Clearance from Overhead Powerlines

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

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

Therefore, the proposal satisfies DO 1 and PO 1.

Other Overlays

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

Limited Land Division

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

Hazards (Flooding – Evidence Required)

The proposed development does not seek to alter any established floor levels.

Prescribed Water Resources Area

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

Traffic Generating Development

The proposed development is not of a scale that warrants any applicable policies.

Water Protection Area

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

CONCLUSION

The proposed development involves "Construction of a two-storey building containing two additional tourist accommodation units, in association with existing tourist accommodation" at 1246 Barossa Valley Way, Lyndoch.

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*, but did not receive any representations.

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

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

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

The proposal will intensify the extent of tourist accommodation on the site. However, the proposal is considered to be of small scale that is commensurate with the site and locality, such that its operation would not unreasonably impinge upon the ongoing use of established viticultural development within the locality.

The two storey building is considered to be of high design quality and of small-scale, such that the building will complement the existing land use and its setting in the locality.

The proposal will cluster the new building between the existing buildings in a manner that does not impact upon primary production or expand the footprint of buildings outside of the existing cluster. As such, the proposal will not consume any land currently used for primary production purposes, nor will it detract from existing/adjacent primary production activities. It is also noted that DPF 6.3(a) envisages that tourist accommodation either be located on, or adjoining, a site use for primary producing purposes, which this development will satisfy.

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

RECOMMENDATION 1

Not Seriously at Variance

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

RECOMMENDATION 2

Character Preservation

Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, has resolved that there are no significant impacts on the character values of the district.

RECOMMENDATION 3

Granting of Planning Consent

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Planning, Development and Infrastructure Act 2016* resolves to GRANT Planning Consent for Application No. 22042820 by Pauline Hurren (Hurren Architects) to undertake 'Construction of a two-storey building containing two additional tourist accommodation units, in association with existing tourist accommodation' at 1246 Barossa Valley Way, Lyndoch (CT 6205/58) 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 lodge and have approved by the relevant authority an application to install a wastewater system pursuant to the provisions of the *South Australian Public Health Act 2011* and *South Australian Public Health (Wastewater) Regulations 2013*.
- (2) The applicant shall lodge and have approved by the Relevant Authority a Landscaping Plan, which complements appearance of the development herein to the reasonable satisfaction of the Relevant Authority, that shall include the location, species, number, pot size and maintenance methods for all proposed plantings.

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 23028433 except where varied by any condition(s) listed below.

Plan Type	Prepared By	Drawing No.	Issue No./Date
Ground Floor Plan; Upper Level Floor Plan; Elevations	Hurren Architects	B	20 October 2023
Site Plan; Enlarged Plan; Driveway Elevation	Hurren Architects	B	20 October 2023

- (2) Prior to occupation, the buildings authorised herein shall be connected and remain connected to an approved wastewater system to the reasonable satisfaction of council, pursuant to Reserved Matter 1.
- (3) The maximum number of tourist accommodation guests shall not exceed four guests for the building authorised herein at any one time.
- (4) External building materials of the verandah and decking shall:

- a. Be in accordance with the approved plans; and
 - b. Be new materials and maintained in good condition at all times.
- (5) Storm water disposal systems must be fully installed at the completion of the construction of the building with adequate measures deployed during construction to ensure the temporary disposal of surface or roof water does not affect neighbouring properties, to the satisfaction of the relevant authority.
- (6) The landscaping depicted on the approved plans shall be established, prior to commencement of the use (hereby approved) and shall be maintained and nurtured at all times thereafter, together with established vegetation proposed to be retained, with any diseased or dying plants replaced in a timely manner.
- (7) All car parking, driveways and vehicle manoeuvring areas shall be constructed and finished in all-weather crushed aggregate (or similar authorised alternative) in accordance with the approved plans and shall be completed prior to the occupation or use of the development, to the reasonable satisfaction of the relevant authority.
- (8) All car parking spaces associated with the development herein shall be provided with wheel-stops delineating each space, and shall be finished in a manner consistent with AS2890.
- (9) A dedicated and independent water supply shall be available at all times for firefighting purposes, in accordance with the Hazard (Medium Bushfire Risk) Overlay which:
- (a) Is located adjacent to the building or in another convenient location on the allotment accessible to fire fighting vehicles (safe and convenient access shall be provided), and
 - (b) Comprises a minimum of 2000 litres of water where the property is connected to mains water, or 5000 litres in any other case. (Any rainwater tank used for this purpose should be dedicated entirely for firefighting and shall be of non-combustible materials).
- (10) The open sides of the structures authorised herein shall not be enclosed on any side with any solid material, roller door, or the like without the prior approval of the Relevant Authority.

Commissioner of Highways Conditions

- (11) In order to maximise sight lines at the access, the 10 easternmost trees along the Barossa Valley Way property frontage shall be removed.
- (12) The access shall be widened to a minimum of 6 metres (measured at the site boundary).
- (13) The access point/s shall be sealed from the property boundary to the edge of the road seal, incorporating shoulder sealing either side of the access, in order to maximise traction for vehicles exiting the site and minimise debris being dragged onto the carriageway.

- (14) All stormwater run-off shall be collected on-site and discharged without impacting the safety or integrity of the adjacent road network. Longitudinal drainage along Main Road shall be maintained (including any required trafficable headwalls) adjacent to and across the widened access in order to minimise the impact on the integrity and safety of the adjacent road network. All costs associated with any upgrade/alterations to road drainage shall be borne by the applicant.

Advisory Notes

- (1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- (2) This consent or approval will lapse at the expiration of two years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
- (3) Where an approved development has been substantially commenced within two years from the operative date of approval, the approval will then lapse three years from the operative date of the approval (unless the development has been substantially or fully completed within those three years (in which case the approval will not lapse).
- (4) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- (5) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by the relevant authority. Approval of this application does not necessarily imply that future requests for variations would be approved. Any future request will be assessed by having regard to the relevant rules and requirements in force at the time any request is lodged.
- (6) Any portion of Council's infrastructure damaged as a result of work undertaken within the development site or associated with the development shall be repaired/reinstated to Council's satisfaction at the developer's expense.
- (7) You are advised that construction or alteration of any footpath, kerb, gutter or crossover on Council land will require a permit, under the *Local Government Act 1999* from Council's Works and Engineering Services. It is illegal to undertake work on Council land without permission. If the existing entranceway (driveway cross-over) is to be removed it must be re-instated with kerb and gutter, including appropriate restoration of the footpath and verge, to Council's standard specification. Please contact Council's Works and Engineering Services to confirm the required standards. Driveway cross-overs which affect a pedestrian footpath should maintain the level of the footpath or be consistent with the proposed footpath levels in instances where the footpath has not been constructed. When final Development Approval is applied for this should be shown on the plans. Please note that construction is

to be in accordance with the *Disability Discrimination Act* and relevant Australian Standards.

- (8) The applicant is reminded of its general environmental duty, as required by Section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that the activities on the whole site including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- (9) Construction shall not take place on any Sunday or Public Holiday or after 7.00 pm or before 7.00 am on any other day, and all practicable steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.
- (10) The applicant is advised that this consent does not permit anyone to clear, remove limbs or trim native vegetation. Any proposal to clear, remove limbs, or trim native vegetation will require approval or confirmation of exemption from the Native Vegetation Council. An interactive guide is available to help owners and others determine the requirements that apply under the *Native Vegetation Act 1991*, <https://www.environment.sa.gov.au/topics/nativevegetation/interactive-guide>. Any specific queries regarding the clearance, removal, or trimming of native vegetation should be directed to the South Australian Native Vegetation Council. The applicant is advised that any proposal to clear, remove limbs or trim native vegetation should be undertaken after first notifying the Native Vegetation Council of intended works.
- (11) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the Environment Protection (Noise) Policy 2007, and such that any resulting noise is not considered a nuisance, to the satisfaction of Council, including any existing infrastructure.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Application and Associated Documents  
- Attachment 2 Commissioner of Highways Referral Response  

Development Locations

Location 1

Location reference

1246 BAROSSA VALLEY WAY LYNDOK SA 5351

Title Ref

CT 6205/58

Plan Parcel

D118105 AL801

Additional Location Information**Council**

THE BAROSSA COUNCIL

Zone Overlays

Zones

- Rural

Sub-zones

(None)

Overlays

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

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

Ms Pauline Hurren
36 Piccadilly Road
Crafers
SA
5152
Tel. 0883391574
ask@hurrenarchitects.com.au

Contact

Stakeholder info

Ms Pauline Hurren
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Invoice Contact

Stakeholder info

Mr Tony Smith
1246 BAROSSA VALLEY WAY
LYNDOCH
SA
5351
[REDACTED]

Invoice sector type

Land owners

Stakeholder info

Mr Tony Smith
1246 BAROSSA VALLEY WAY
LYNDOCH
SA
5351
[REDACTED]

Nature Of Development

Nature of development

Proposed New Cottages for Holiday Rental

Development Details

Current Use

Commercial

Proposed Use

Commercial

Development Cost

\$500,000.00

Proposed Development Details

Proposed New Cottages for Holiday Rental

Element Details

You have selected the following elements

New housing - \$0.00

New House

Is there a brush fence within 3m of the proposed house?

No

Are you proposing to add or modify a driveway?

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?

Unsure

Consent Details

Consent list:

- Planning Consent
- Building Consent

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

No

Planning Consent

Apply Now?

Yes

Who should assess your planning consent?

Assessment panel/Assessment manager at The Barossa Council

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

Relevant Authority

Building Consent

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

No

Apply Now?

No

Consent Order

Recommended order of consent assessments

1. Planning Consent

Do you have a pre-lodgement agreement?

No

Declarations

Electricity Declaration

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

Native Vegetation Declaration

The proposed development will not or would not, involve the clearance of Native Vegetation under the Native Vegetation Act 1991, including any clearance that may occur in connection with a relevant access point and/or driveway, and/or

within 10m of a building (other than a residential building or tourist accommodation), and/or within 20m of a dwelling or addition to an existing dwelling for fire prevention and control, and/or within 50m of residential or tourist accommodation in connection with a requirement under a relevant overlay to establish an asset protection zone in a bushfire prone area.

Submission Declaration

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

Documents

Document	Document Type	Date Created
J&T SMITH SK5 FLOOR PLANS & site plan.pdf	Floor Plans	20 Dec 2022 5:56 PM
J&T SMITH SK6 ELEVATIONS.pdf	Elevations	20 Dec 2022 5:56 PM

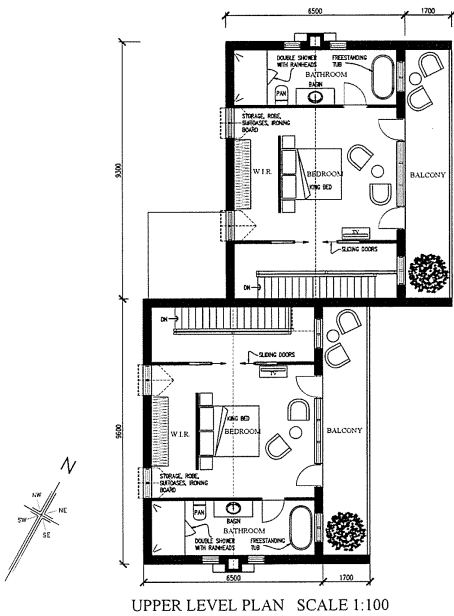
Application Created User and Date/Time

Created User

pauline.hurren

Created Date/Time

20 Dec 2022 5:56 PM



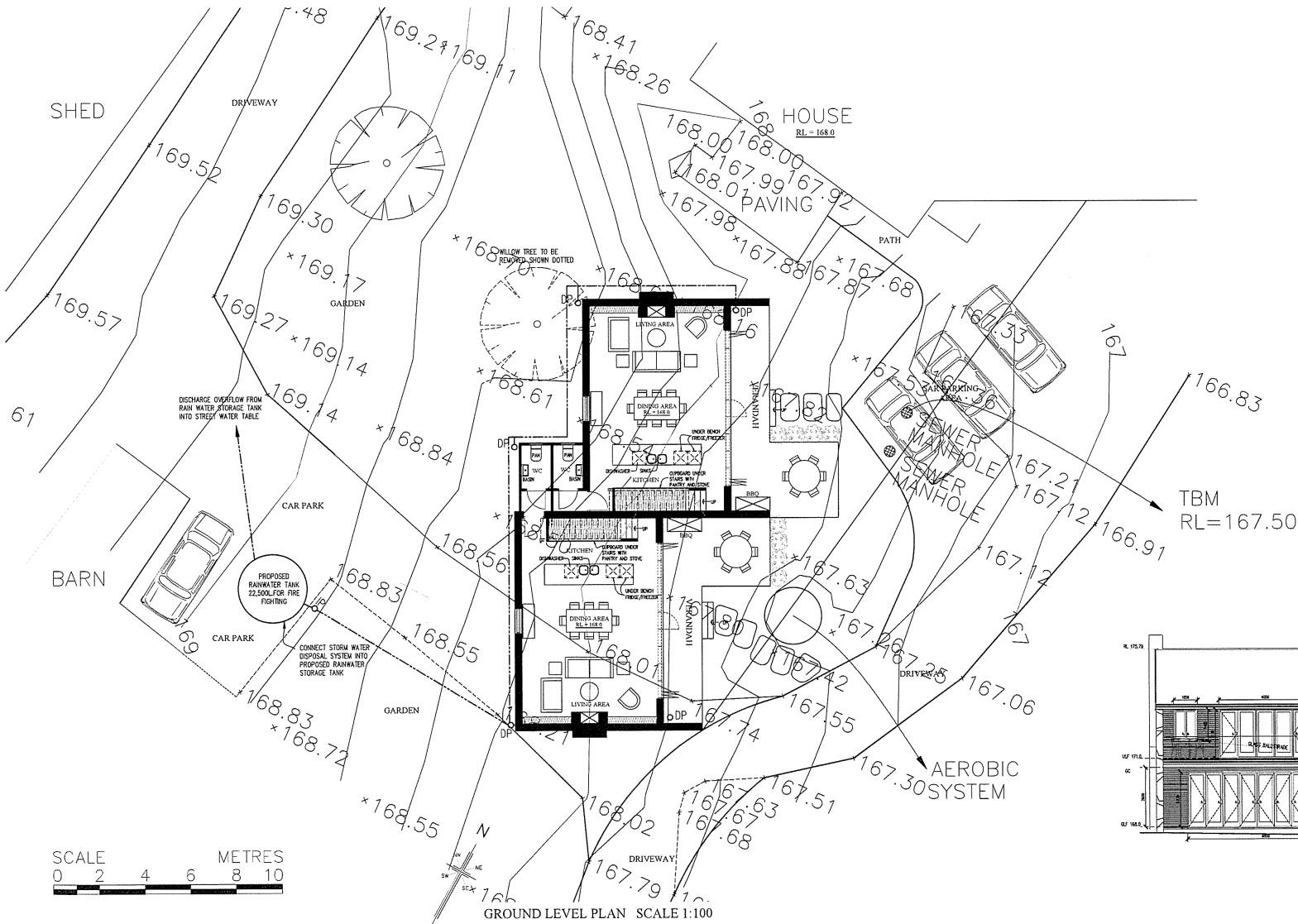
UPPER LEVEL PLAN SCALE 1:100

MATERIALS & FINISHES

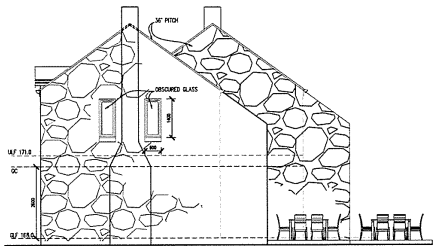
EXTERNAL WALLS - STONE AND GALVANIZED CORRUGATED IRON TO EASTERN FACADE AND WC WING (TO MATCH EXISTING BARN)

ROOF & GUTTERS - GALVANIZED CORRUGATED IRON TO MATCH EXISTING BARN

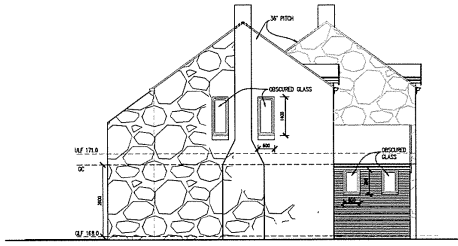
WINDOWS & DOORS - ANODISED ALUMINIUM TO MATCH EXISTING BARN



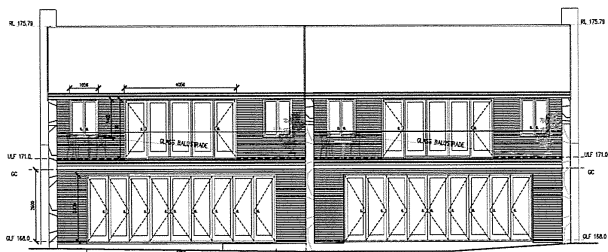
GROUND LEVEL PLAN SCALE 1:100



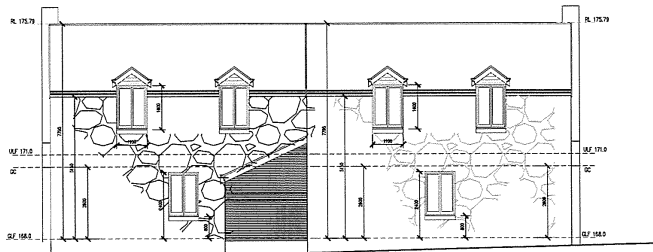
SOUTH ELEVATION SCALE 1:100



NORTH ELEVATION SCALE 1:100



EAST ELEVATION SCALE 1:100



WEST ELEVATION SCALE 1:100

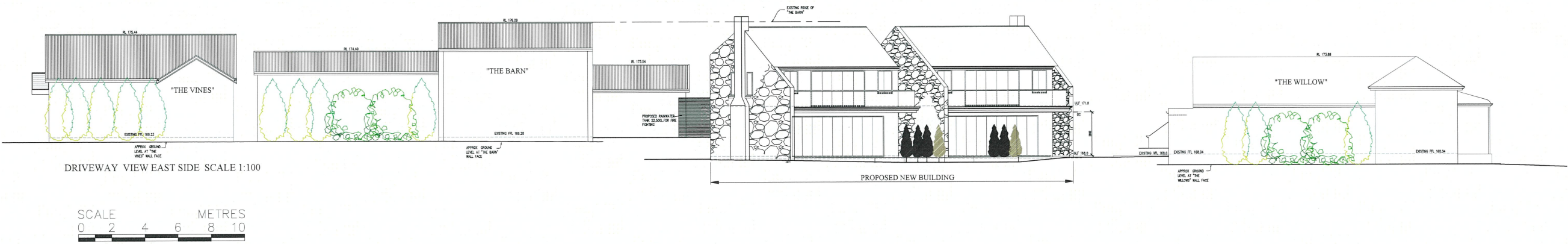
PROPOSED NEW COTTAGES AT BAROSSA SHIRAZ ESTATE, LYNDCH FOR Mr. & Mrs. T. SMITH
HURREN ARCHITECTS 36 PICCADILLY ROAD, CRAFTERS SA 5152 www.hurrenarchitects.com.au T: 8339 1968 email: ask@hurrenarchitects.com.au



HATS 0121 1/SSB
GROUND FLOOR PLAN
UPPER LEVEL FLOOR PLAN
ELEVATIONS
ORIGINAL PAPER SIZE B1
DRAWN BY: M.D.

AMENDMENTS
"A" - 8/02/23
"B" - 20/10/23

GENERAL NOTES
ALL DIMENSIONS & LEVELS TO BE CHECKED & VERIFIED ON SITE. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS. ANY DISCREPANCIES TO BE REPORTED TO THE ARCHITECT IMMEDIATELY. DRAWINGS SHALL BE READ IN CONJUNCTION WITH ASSOCIATED SPECIFICATIONS, ENGINEERING REPORTS & LOCAL AUTHORITY APPROVALS. THE ARCHITECT ASSUMES ANY RESPONSIBILITY FOR ERRORS INVOLVING QUOTES & CONSTRUCTION BY A BUILDER/CONTRACTOR PRIOR & DURING CONSTRUCTION. IT IS THE BUILDER/CONTRACTOR'S RESPONSIBILITY TO CONFIRM ALL DRAWINGS PRIOR TO COMMENCEMENT OF PROJECT.
ALL DRAWINGS ARE SUBJECT TO COPYRIGHT. LEGAL ACTION WILL BE TAKEN AGAINST ANY INFRINGEMENT IN WHOLE OR PART UNLESS WRITTEN PERMISSION IS GIVEN BY THE ARCHITECT.



PROPOSED NEW COTTAGES AT BAROSSA SHIRAZ ESTATE, LYNDOKH FOR Mr. & Mrs. T. SMITH HURREN ARCHITECTS 36 PICCADILLY ROAD, CRAFTERS SA 5152 www.hurrenarchitects.com.au T: 8339 1968 email: ask@hurrenarchitects.com.au		HATS 0121 1/S6B SITE PLAN ENLARGED PLAN DRIVEWAY ELEVATION ORIGINAL PAPER SIZE B1 DRAWN BY: M.D.	AMENDMENTS *A* - 8/02/23 *B* - 20/10/23	GENERAL NOTES ALL DIMENSIONS & LEVELS TO BE CHECKED & VERIFIED ON SITE. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS. ANY DISCREPANCIES TO BE REPORTED TO THE ARCHITECT IMMEDIATELY. DRAWINGS SHALL BE READ IN CONJUNCTION WITH ASSOCIATED SPECIFICATIONS, ENGINEERING REPORTS & LOCAL AUTHORITY APPROVALS. THE ARCHITECT ABSOLVES ANY RESPONSIBILITY FOR ERRORS INVOLVING QUOTES & CONSTRUCTION BY A BUILDER/CONTRACTOR PRIOR & DURING CONSTRUCTION. IT IS THE BUILDER/CONTRACTOR'S RESPONSIBILITY TO CONFIRM ALL DRAWINGS PRIOR TO COMMENCEMENT OF PROJECT. ALL DRAWINGS ARE SUBJECT TO COPYRIGHT. LEGAL ACTION WILL BE TAKEN AGAINST ANY INFRINGEMENT IN WHOLE OR PART UNLESS WRITTEN PERMISSION IS GIVEN BY THE ARCHITECT.
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Referral Snapshot

Development Application number:
22042820

Consent:
Planning Consent

Relevant authority:
The Barossa Council

Consent type for distribution:

Referral body:
Commissioner of Highways

Response type:
Schedule 9 (3)(7) Development Affecting Transport Routes and Corridors

Referral type:
Direction

Response date:
22 Mar 2023

Advice:
With comments, conditions and/or notes

Condition 1
In order to maximise sight lines at the access, the 10 easternmost trees along the Barossa Valley Way property frontage shall be removed.

Condition 2
The access shall be widened to a minimum of 6m (measured at the site boundary).

Condition 3

The access point/s shall be sealed from the property boundary to the edge of the road seal, incorporating shoulder sealing either side of the access, in order to maximise traction for vehicles exiting the site and minimise debris being dragged onto the carriageway.

Condition 4

All stormwater run-off shall be collected on-site and discharged without impacting the safety or integrity of the adjacent road network. Longitudinal drainage along Main Road shall be maintained (including any required trafficable headwalls) adjacent to and across the widened access in order to minimise the impact on the integrity and safety of the adjacent road network. All costs associated with any upgrade/alterations to road drainage shall be borne by the applicant.

6.3 23015775 - 614a Balmoral Road Cockatoo Valley

APPLICATION DETAILS

PROPOSAL	Amendments to Development Application 960/592/2018 - Demolition and Replacement of Dormitory Accommodation and Classrooms (Five accommodation cabins and two classrooms) in association with existing camp site facility; Amendments include temporary Re-location of former Dormitories H and F (housing up to 60 beds), amendment to construction of three replacement dormitories: Building B to contain 36 beds and additional bathroom facilities, Building F to contain 30 beds, and altered bathroom facilities and Building H to contain 32 beds and altered bathroom facilities; re-located former Dormitories H and F to be demolished and/or removed from the site at completion of replacement buildings
APPLICANT	Daniel Evans
OWNER	Christadelphian Bible Camp
APPLICATION NO	23015775
CERTIFICATE(S) OF TITLE	CT 5897/233
AREA	15.4 hectares
CURRENT USE	Short Term Accommodation – Christian Bible Camp
PLANNING AND DEVELOPMENT CODE VERSION	2023.9 – 29 June 2023
PLANNING AND DESIGN CODE EXTRACT LINK	Relevant Code Extract
ZONE	Rural Living
OVERLAYS	Character Preservation District Gas and Liquid Petroleum Pipelines Hazards (Bushfire - Medium Risk) Hazards (Flooding - Evidence Required) Native Vegetation Prescribed Water Resources Area Water Resources
APPLICATION TYPE	Code Assessed – Performance Assessed
PUBLIC NOTIFICATION	Notified – Sign
REFERRALS	Department of Energy and Mining
PREVIOUS APPLICATIONS	1976 – 2 toilet blocks, 2 dormitories and one kitchen/dining room 1976 - 2 dual-room wooden classroom blocks to be used as teaching rooms 1976 - a 'Galeprufe' shed 1983 – pergola

	1987 – Council advises Hebron that they have no objection to the site accommodating up to 350 people 1988 - camp site facility consisting of a substantial dining room extension, two dormitories and a new toilet block 1989 – recreation hall – APPEALED – consent upheld by Planning Tribunal 1989 - dining room extension, dormitories and an ablution block 1991 - 5 dormitory buildings, 3 ablution buildings, 1 storage shed, car parking and landscaping, 6 gazebos – REFUSED – APPEALED – refusal upheld by Planning Tribunal 1994 – sound proofing of recreation hall 966/246/94 – caretaker's residence 966/D032/05 – land division 1996 – ablution block 966/6118/1996 – tractor & implement shed 960/756/1998 – garage 960/756/1998 – carport in associated with caretaker's residence 960/47/2006 – 10 shelters for discussion groups and Sunday School Classes 960/622/06 – ablution block 960/934/08 – new accommodation block to replace existing – REFUSED 960/396/2013 - replacement of existing dormitory accommodation - APPEALED – Consent upheld by ERD Court – Lapsed 5 Sept 2017 960/592/2018 - Demolition and Replacement Dormitory Accommodation and Classrooms (5 accommodation cabins and 2 classrooms) in association with existing camp site facility – Deemed Complying – In Progress – to be completed by 26 October 2024
ASSESSING OFFICER	Janine Lennon
RECOMMENDATION	That Planning Consent by GRANTED subject to Reserved Matters and Conditions

INTRODUCTION

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

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

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

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

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

While short-term accommodation is not an envisaged land use under the relevant Performance Outcome and associated DPF for the Rural Living Zone, it is a pre-existing approved use. On balance, considering all relevant provisions of the Planning and Design Code, with regard to the locality, siting, bulk and scale, car parking, vehicular access, native vegetation removal, bushfire and wastewater management, the proposal reasonably achieves the Desired Outcomes of the Planning and Design Code and as such Planning Consent is considered to be warranted, subject to Reserved Matters and Conditions.

HISTORY

The proposal was presented to the Barossa Assessment Panel on the 3 October 2023. The panel heard from the representers at that meeting and heard the applicants' response to representations. Subsequent to the hearing of representations, the panel with agreement from the Applicant, determined to defer consideration of the matter to allow further clarification of such matters, including the description and nature of use, the total numbers of persons permitted on the site, compliance with conditions of previous consents, local nuisance impacts, and disability access issues.

A confidential report was presented to the Barossa Assessment Panel on the 7 November 2023 which outlined the legal history of the site and provided the panel with advice as to the current lawful use of the site and the existing relevant conditions of use.

The existing lawful use of the site includes:

1. A camp site for bible study purposes.
2. Accommodation buildings housing overnight a maximum of 144 persons.
3. Toilet/shower block facilities, two classrooms, a dining room for up to 350 persons with an associated kitchen.
4. Lawful existing use for a recreation hall for up to 350 persons which may be lawfully used for meetings of members of the Christadelphian faith, which meetings may include activities of a religious nature, including but not limited to,

- activities such as church type services and bible studies. Buildings, other than the dormitories, may not be used for accommodation purposes.
5. The subject land may also be used for an unlimited number of occasions each year. Persons attending, who are not accommodated as part of the 144 persons in the dormitories, may stay overnight in caravans or tents. The subject land may also be used for large marquees on occasions. The subject land may be used to accommodate up to 350 persons at any one time.
 6. No persons, other than members of Hebron, may use the subject land for camping or related purposes, save and accept for the caretaker and workers employed by the caretaker or Hebron's Board of Management.

The existing relevant conditions of use that apply to the site are as follows:

1989 Recreation Hall Approval

1. *The recreation hall hereby approved shall:*
 - a. *Not be used for serving or consumption of meals.*
 - b. *Not be used for the provision of sleeping accommodation.*
 - c. *Be used only by people of the Christadelphian faith and their immediate families.*
 - d. *Shall be sound proofed or insulated, to the reasonable satisfaction of the Council, to such extent as is necessary to ensure that noise from within the hall does not become a nuisance or an annoyance to the occupiers of abutting land.*
 - e. *Be constructed in accordance with the provisions of the Building Act, 1971, and all regulations made thereunder, and*
 - f. *Be constructed in accordance with the plans and details submitted with and forming part of the application, namely the Site Development Plan dated 27 November 1988, prepared by Brighton Building Designers, and the letters from the applicant either dated or received by the Council on the 24 November, 1988 and the 20 January, 1989.*
2. *The recreation hall and all other buildings on the site shall be painted a beige colour. The paint used on all buildings shall be the same shade. All such paintwork shall be maintained in good condition.*
3. *No alcoholic liquor (other than wine used for sacramental purposes) shall be either supplied or consumed on any portion of the land.*
4. *There shall be no smoking on the land.*
5. *No lighting on the land shall shine on or cause any annoyance to the occupiers of abutting land by reason of glare, light spill or otherwise.*
6. *The applicant shall submit, to the Council, a landscaping plan providing for the establishment of a dense planting of trees and shrubs sufficient to provide a screen of all buildings on the camp site when viewed from abutting land. Such landscaping plan shall be to the reasonable satisfaction of the council and may include plantings already established on the land. Such landscaping shall be established and shall be maintained in good health and condition.*

In response to the Panel's decision to defer the application, the applicant has supplied a letter of undertaking to address nuisance concerns raised regarding the use of the site, refer **Attachment 1**.

The proposed replacement of the dormitories and the current application to amend the replacement of those dormitories form part of the owner's efforts to better address disability access issues on the site.

SITE AND LOCALITY

The site comprises an irregular shaped allotment located at 614a Balmoral Road, Cockatoo Valley. It is positioned on the southern side of the road within an established rural living area characterised primarily by small acreage rural lifestyle allotments with varying levels of animal keeping and horse keeping activities. The site sits quite low within Cockatoo Valley with two watercourses passing through, being Seven Mile Creek and Yettie Creek.

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

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

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

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

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

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

Figure 1 below contains a Zone map.

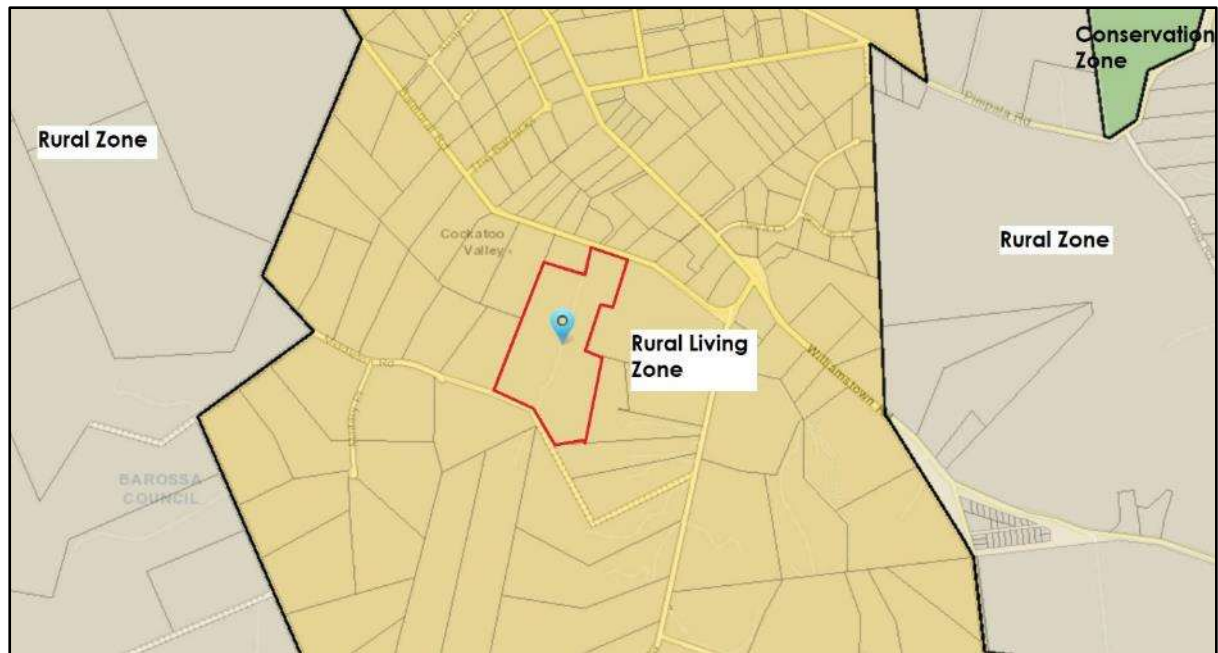


Figure 1: Zone Map and Locality

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

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



Figure 2: Aerial view of site



Figure 3: Subject Site in Red, Locality in Blue



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



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



Figure 6: Site Photo – Dormitory C, already replaced



Figure 7: Site Photo – Dormitory D, already replaced



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



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



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



Figure 11: Site Photo – Woodshed and firepit

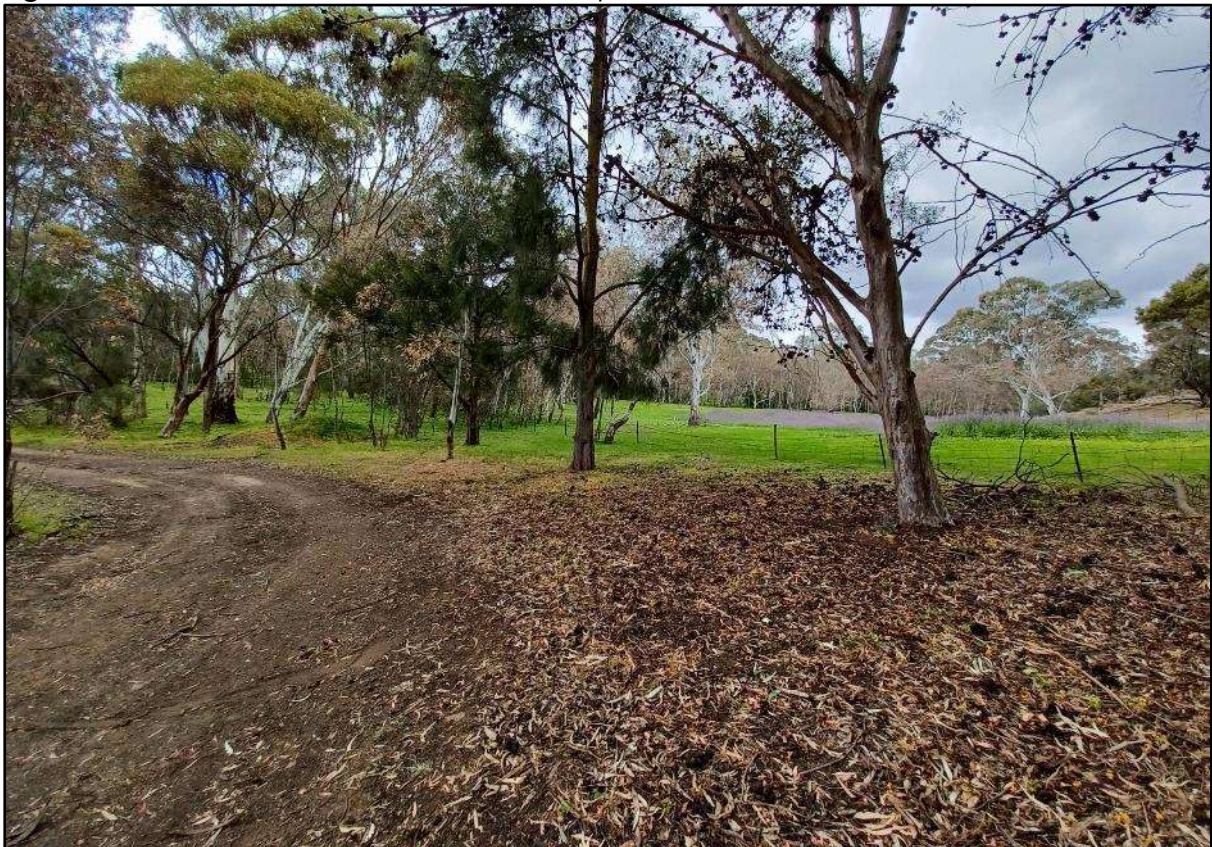


Figure 12: Site Photo – View south from southern fire track loop towards 58 Goldfields Road



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



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

PROPOSAL

The proposal involves the following key elements:

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

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

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

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

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

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

Attachment 2 contains a copy of the application and associated documentation.

APPLICATION TYPE

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

PUBLIC NOTIFICATION

The application was subject to public notification in accordance with Table 5 – Procedural Matters – Notification of the Rural Living Zone, noting that the development is not excluded from public notification within Column A of Table 5.

The table below provides details of the public notification process:

Representations	Twelve (12) representations were received during the public notification period: • Christopher and Shelley Arnold • Dianne Schaefer • Daniel and Nicole Emes • Jacalyn Seddon • Chris Walmsley • Cameron Ainslie • Nanon Miojlic • Vlora Dzeladini * • Leanne and Achim Urnersbach * • Matthew Lyon • David Lyon • Ric West *
Persons heard at the 3 October 2023 Panel meeting	* Indicates representors outside of the area shown in Figure 15 below Of the twelve representations received, six representors originally requested to be heard as follows: • Christopher and Shelley Arnold • Dianne Schaefer • Nicole Emes • Jacalyn Seddon • Chris Walmsley • Cameron Ainslie
Applicant	Kevin Casey of Kevin Casey Design and Daniel Evans of Christadelphian Bible Camp Inc appeared on behalf of the applicant at the 3 October 2023 panel meeting
Time period for Public Consultation	20 July 2023 to 9 August 2023

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

Summary of Representations

Representor/s

- *Dormitories have an existing maximum capacity of 144 persons, will this proposal increase the capacity?*
- *No expansion should be allowed*
- *Will more dormitories be allowed to be built? Will they be complying or non-complying*
- *Human trespass concerns and firewood scavenging concerns*

Applicant's Response

- *There is no intent to accommodate more guests in the dormitories than the current 144 guest limit, the additional beds are to provide better accommodation options for our guests*
- *In relation to trespassing for firewood, this makes no sense at all, the site is vastly covered with trees and fallen branches as well as having a woodshed that is always well*

stocked. The camp secretary has no knowledge of reported incidents and would like to hear from any affected neighbour as quickly as possible so the situation can be addressed to the particular group concerned

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

- Residents did not have the opportunity to comment on 960/592/2018
- 960/592/2018 should have had the conditions applied that were applied to 960/396/2013 by the ERD Court
- Can the Council guarantee, if Planning Consent is given, that the plans will not be altered by the applicant once construction commences?"
- Going into the future will people, other than the caretaker/s, be legally allowed to live permanently on site?
- The classrooms being used for accommodation in the last hearing, in the Hebron Campsite viewing, those involved witnessed large numbers of mattresses stacked up in the Classrooms.

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



Figure 15: Representors' properties indicated with blue stars

A copy of the representations are contained in **Attachment 3** and the applicant's response is contained in **Attachment 4**.

REFERRALS

External

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

Department for Energy and Mining

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

A copy of the relevant referral report is contained in **Attachment 5**.

PREVIOUS APPEAL

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

(2016) SAERDC 31, this consent was not enacted by the applicant and has subsequently lapsed.

ASSESSMENT

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

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

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

Having regard to the nature of development being an existing approved use, essentially what is being proposed is an additional bathroom, and an increase in dormitory floor area of 128 sqm across the three replacement dormitories. The proposal in principle is considered to be appropriate, subject to further consideration of impact and compatibility of use with the locality in which it is sited. In summary, the proposal is not considered to be Seriously at Variance with the provisions of the Planning and Design Code.

Character Preservation (Barossa Valley) Act 2012

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

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

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

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

Assessment

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

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

The proposed development comprises a change to the floor area of three approved dormitories on the site. While the use of the site is not envisaged within the Rural Living Zone, it is an existing approved use that dates back to 1976. The ERD Court ruling associated with 960/396/2013 recognised the approved accommodation within the dormitories as being a maximum of 144 persons, the proposed development does not intend to increase that number, therefore there will be no change of land use and no increase in the intensity of the land use on the site.

Siting, Design and Appearance

Built Form and Character	
PO 2.2 Non-residential buildings are designed and sited to minimise visual impact on the surrounding locality by: (a) having substantial setbacks from boundaries and adjacent public roads. (b) using low-reflective materials and finishes that blend with the surrounding landscape. (c) being located below ridgelines.	DTS/DPF 2.2 Non-residential buildings and structures: do not exceed 100 sqm in total floor area (a) are set back from all allotment boundaries by at least 25 metres (b) if clad in sheet metal, it is pre-colour treated or painted in a nonreflective colour (c) have a building height that is no greater than 1 building level and 6 metres (d) have a wall height is no greater than 3 metres.

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

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

The proposal is considered to comply with Performance Outcome 2.2.

Cut and Fill

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

The three dormitories are proposed to be located within the same footprint of the buildings that they are replacing. Proposed cut and fill will not exceed that detailed in DPF 8.1 (a), (b) and (c). The buildings proposed to be temporarily relocated will be placed in an area that is already substantially level. Any cut that may be required will not exceed the one metre prescribed in DPF 8.1(a). The proposal therefore satisfies Performance Outcome 8.1.

Character Preservation Overlay

Character Preservation District Overlay (Not in township)	
Desired Outcomes	
DO 1	Recognise, protect and enhance the special character of Character Preservation Districts.
DO 2	The long-term use of land outside of townships for primary production and associated value adding enterprises is assured and promoted.
Relevant Performance Outcomes/Designated Performance Features	
Built Form and Character in the Rural Area	
PO 3.1 Preservation of existing natural features including topography, watercourses and mature trees.	DTS/DPF 3.1 None are applicable.
PO 3.2 Buildings and structures do not interrupt views of the skyline through measures including being sited below ridge lines.	DTS/DPF 3.2 None are applicable.

PO 3.3 <i>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.</i>	DTS/DPF 3.3 <i>None are applicable.</i>
PO 3.4 <i>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.</i>	DTS/DPF 3.4 <i>None are applicable.</i>
PO 3.5 <i>Buildings and structures are grouped to create compact clusters well set back from public roads.</i>	DTS/DPF 3.5 <i>None are applicable.</i>
PO 3.6 <i>Development mitigates the need for long, steep access roads that require excessive grading or removal of vegetation.</i>	DTS/DPF 3.6 <i>None are applicable.</i>

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

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

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

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

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

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

The buildings are to be Colorbond clad in earthy colours similar to the completed buildings. This is considered to be an appropriate external material selection in this rural context.

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

Gas and Liquid Petroleum Pipelines Overlay

Gas and Liquid Petroleum Pipelines Overlay	
Desired Outcomes	
DO 1	Management of risk to public safety, the environment and security of energy supply from the encroachment of development on strategic gas and liquid petroleum pipelines.
Relevant Performance Outcomes/Designated Performance Features	
Land Use and Intensity	
PO 1.1 Community exposure to a potential hazard from the failure of a gas or liquid petroleum pipeline is mitigated by locating development that may accommodate or result in large congregations of people, buildings for housing and / or caring for vulnerable people and community facilities outside areas that pose an unacceptable risk to protect life.	DTS/DPF 1.1 Development satisfies one of the following: (a) it does not comprise: (i) childcare facility (ii) caravan and tourist park (iii) educational facility (iv) buildings comprising 3 or more building levels. (v) land division creating allotments under 1ha for residential purposes (except where the existing allotment is less than (vi) 1ha) (vii) prison (viii) residential park (ix) retirement facility (x) student accommodation (xi) supported accommodation. (xii) shop or shops with a gross leasable floor area of 1000 sqm or greater (xiii) tourist accommodation (xiv) stadium (b) a class of development referred to in part (a), or any combination thereof, which will occur in accordance with an agreement under section 123 of the Planning, Development and Infrastructure Act, 2016

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

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

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

Wastewater Disposal

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

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

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

Native Vegetation

Native Vegetation Overlay	
Desired Outcomes	
DO 1	Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.
Relevant Performance Outcomes/Designated Performance Features	
Environmental Protection	
PO 1.1 Development avoids, or where it cannot be practically avoided, minimises the clearance of native vegetation taking into account the siting of buildings, access points, bushfire protection measures and building maintenance.	DTS/DPF 1.1 An application is accompanied by: (a) a declaration stating that the proposal will not, or would not, involve clearance of native vegetation under the Native Vegetation Act 1991, including any clearance that may occur: (i) in connection with a relevant access point and/or driveway.

	(ii) within 10 metres of a building (other than a residential building or tourist accommodation). (iii) within 20 metres of a dwelling or addition to an existing dwelling for fire prevention and control. (iv) within 50 metres of residential or tourist accommodation in connection with a requirement under a relevant overlay to establish an asset protection zone in a bushfire prone area. Or (a) a report prepared in accordance with Regulation 18(2) of the Native Vegetation Regulations 2017 that establishes that the clearance is categorised as 'Level 1 clearance'.
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The applicant has provided a declaration in accordance with DPF 1.1 (a). Therefore, Performance Outcome 1.1 is deemed to have been met.

Interface between Land Uses

Interface between Land Uses	
(a) Desired Outcomes	
DO 1	<i>Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.</i>
Relevant Performance Outcomes/Designated Performance Features	
<i>General Land Use Compatibility</i>	
PO 1.2 <i>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.</i>	DTS/DPF 1.2 <i>None are applicable.</i>

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

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

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

Bushfire Hazard

Hazards (Bushfire - Medium Risk) Overlay	
Desired Outcomes	
DO 1	Development, including land division responds to the medium level of bushfire risk and potential for ember attack and radiant heat by siting and designing buildings in a manner that mitigates the threat and impact of bushfires on life and property taking into account the increased frequency and intensity of bushfires as a result of climate change.
DO 2	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
Relevant Performance Outcomes/Designated Performance Features	
Siting	
PO 1.1 Buildings and structures are located away from areas that pose an unacceptable bushfire risk as a result of vegetation cover and type, and terrain.	DTS/DPF 1.1 None are applicable.
Built Form	
PO 2.1 Buildings and structures are designed and configured to reduce the impact of bushfire through using designs that reduce the potential for trapping burning debris against or underneath the building or structure, or between the ground and building floor level in the case of transportable buildings and buildings on stilts.	DTS/DPF 2.1 None are applicable.

All dormitories to be constructed within the site are required to conform to Section 3 General Construction Requirements and Section 5 Construction Requirements for BAL-12.5 of AS3959:2018. It is considered that the buildings will be located away from areas that pose an unacceptable bushfire risk as a result of vegetation cover and type, and terrain. The temporarily relocated dormitories will not be sited on slabs and will therefore require cladding to the subfloor structure. An appropriate condition in this respect is recommended.

The proposed development therefore satisfies Performance Outcome 1.1 and 2.1.

Habitable Buildings	
PO 3.1 To minimise the threat, impact and potential exposure to bushfires on life and property, residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) is sited on the flatter portion of allotments away from steep slopes.	DTS/DPF 3.1 None are applicable.
PO 3.2 Residential, tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) are provided with asset protection zone(s) in accordance with (a) and (b):	DTS/DPF 3.2 Residential, tourist accommodation and habitable buildings for vulnerable communities are provided with asset protection zone(s) in accordance with (a) and (b):

accommodation) is sited away from vegetated areas that pose an unacceptable bushfire risk.	(a) the asset protection zone has a minimum width of at least: (i) 50 metres to unmanaged grasslands (ii) 100 metres to hazardous bushland vegetation (b) the asset protection zone is contained wholly within the allotment of the development.
PO 3.3 Residential, tourist accommodation and habitable buildings for vulnerable communities, (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation), has a dedicated area available that is capable of accommodating a bushfire protection system comprising firefighting equipment and water supply in accordance with Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements.	DTS/DPF 3.3 None are applicable.

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

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

Vehicle Access - Roads, Driveways and Fire Tracks	
PO 5.2 Access to habitable buildings is designed and constructed to facilitate the safe and effective: (a) access, operation and evacuation of fire-fighting vehicles and emergency personnel (b) evacuation of residents, occupants and visitors.	DTS/DPF 5.2 Access is in accordance with (a) or (b): (a) a clear and unobstructed vehicle or pedestrian pathway of not greater than 60 metres in length is available between the most distant part of the habitable building and the nearest part of a formed public access road. (b) driveways (i) do not exceed 600 metres in length. (ii) are constructed with a formed, all-weather surface. (iii) are connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than 7 degrees (1-in-8) (iv) have a gradient of not more than 16 degrees (1-in-3.5) at any point along the driveway. (v) have a crossfall of not more than 6

	degrees (1-in-9.5) at any point along the driveway have a minimum formed width of 3 metres (4 metres where the gradient of the driveway is steeper than 12 degrees (1-in-4.5)) plus 0.5 metres clearance either side of the driveway from overhanging branches or other obstructions, including buildings and/or structures (Figure 1) (vi) incorporate passing bays with a minimum width of 6 metres and length of 17 metres every 200 metres (Figure 5). (vii) provide overhead clearance of not less than 4 metres between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures (Figure 1) (viii) allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around driveway curves by constructing the curves with a minimum external radius of 12.5 metres (Figure 2) (ix) allow fire-fighting vehicles to safely enter and exit an allotment in a forward direction by using a 'U' shaped drive through design or by incorporating at the end of the driveway either: A. a loop road around the building (b) or B. a turning area with a minimum radius of 12.5 metres (Figure 3) (c) or C. a 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres (Figure 4) (x) incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes
PO 5.3 <i>Development does not rely on fire tracks as means of evacuation or access for fire-fighting purposes unless there are no safe alternatives available.</i>	DTS/DPF 5.3 None are applicable.

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

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

- The driveway does not exceed more than 600 metres in length – incorporates a turning loop and passing bays to facilitate passing and continuous forward travel.
- Constructed driveway with a formed all-weather surface and connected to a formed, all weather public road (Balmoral Road).
- A minimum formed width of 3 metres that is maintained past the car parking areas.
- Overhead clearance of 4 metres minimum and lateral clearance of 0.5 metres from the side of the driveway free of obstructions.
- Driveway curves have a minimum external radius of 12 metres.
- Solid, all-weather crossings over the two watercourses that support fire-fighting vehicles.
- Safe access and egress of emergency vehicles due to the presence of loop roads.

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

The proposed development therefore satisfies Performance Outcome 5.2 and 5.3.

Flood Hazard

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

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

The relevant Performance Outcome 1.1 has been achieved.

Water Resources Overlay

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

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

Performance Outcome 1.1 is therefore satisfied.

Transport, Car Parking and Access

Transport, Access and Parking	
Desired Outcomes	
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Relevant Performance Outcomes/Designated Performance Features	
Movement Systems	
PO 1.4 Development is sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths.	DPF 1.4 All vehicle manoeuvring occurs on site.
Vehicle Access	
PO 3.1 Safe and convenient access minimises impact or interruption on the operation of public roads.	DPF 3.1 The access is: (a) provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land; or, (b) not located within six metres of an intersection of two or more roads or a pedestrian activated crossing.
Access for People with Disabilities	
PO 4.1 Development is sited and designed to provide safe, dignified and convenient access for people with a disability.	DTS/DPF 4.1 None are applicable.

Vehicle Parking Rates	
PO 5.1 Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as: (a) availability of on-street car parking. (b) shared use of other parking areas. (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared. (d) the adaptive reuse of a State or Local Heritage Place.	DPF 5.1 Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant: (a) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements. (b) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas. (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.
Table 1 - General Off-Street Car Parking Requirements	One car parking space per accommodation unit/guest room

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

The proposal maintains vehicle access via the existing crossover that directly connects to Balmoral Road. This crossover allows for two-way egress and exit, and can accommodate larger vehicles (eg. firefighting vehicles) as necessary. The existing crossover achieves adequate sightlines to facilitate access to the site, noting that no change is proposed as this is an existing access.

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

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

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

Site Contamination

General Development Policies	
Site Contamination	
Desired Outcomes	
DO1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.

Relevant Performance Outcomes/Designated Performance Features	
PO 1.1 Ensure land is suitable for use when land use changes to a more sensitive use.	DPF 1.1 Development satisfies (a), (b), (c) or (d): (a) does not involve a change in the use of land. (b) involves a change in the use of land that does not constitute a change to a more sensitive use. (c) involves a change in the use of land to a more sensitive use on land at which site contamination is unlikely to exist (as demonstrated in a site contamination declaration form). (d) involves a change in the use of land to a more sensitive use on land at which site contamination exists, or may exist (as demonstrated in a site contamination declaration form), and satisfies both of the following: (ii) a site contamination audit report has been prepared under Part 10A of the Environment Protection Act 1993 in relation to the land within the previous five years which states that– A. site contamination does not exist (or no longer exists) at the land; or, B. the land is suitable for the proposed use or range of uses (without the need for any further remediation); or, C. where remediation is, or remains, necessary for the proposed use (or range of uses), remediation work has been carried out or will be carried out (and the applicant has provided a written undertaking that the remediation works will be implemented in association with the development) and, (ii) no other class one activity or class two activity has taken place at the land since the preparation of the site contamination audit report (as demonstrated in a site contamination declaration form).

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

The application satisfies Performance Outcome 1.1 through achievement of DPF1.1(a).

Clearance from Overhead Powerlines

General Development Policies	
Clearance from Overhead Powerlines	
Desired Outcomes	
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
Relevant Performance Outcomes/Designated Performance Features	
PO 1.1 <i>Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.</i>	DTS/DPF 1.1 One of the following is satisfied: (1) <i>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.</i> (2) <i>there are no aboveground powerlines adjoining the site that are the subject of the proposed development.</i>

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

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

CONCLUSION

The proposal involves an amendment to previous development approval 960/592/2018 in that it seeks to increase the floor area of approved replacement Dormitories B, F and H, will add an additional bathroom to Dormitory H and will also increase the number of beds available with no intention to increase the overall guest cap of 144 people. The proposal also includes the temporary relocation of existing Dormitories F and H, to enable accommodation numbers to be maintained while the new dormitories are built. Given that the proposal primarily maintains the existing use of the site whilst enabling built form improvements it is not considered to be seriously at variance with the Planning & Design Code.

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

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

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

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

RECOMMENDATION 1

Not Seriously at Variance

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

RECOMMENDATION 2

Character Preservation

Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, has resolved that there are no significant impacts on the character values of the district.

RECOMMENDATION 3

Granting of Planning Consent

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Planning, Development and Infrastructure Act 2016* resolves to GRANT Planning Consent for Application No. 23015775 by Daniel Evans on behalf of Christadelphian Bible Camp Inc for Amendments to 960/592/2018-Demolition and Replacement Dormitory Accommodation and Classrooms (5 accommodation cabins and 2 classrooms) in association with existing camp site facility; Amendments include temporary Re-location of former Dormitories H and F (housing up to 60 beds), amendment to construction of three replacement dormitories: Building B to contain 36 beds and additional bathroom facilities, Building F to contain 30 beds and altered bathroom facilities and Buildings H to contain 32 beds and altered bathroom facilities; re-located former Dormitories H and F to be demolished and/or removed from the site at completion of replacement buildings at 614a Balmoral Road, Cockatoo Valley (CT 5897/233) subject to the following reserved matters, conditions and advisory notes:

Reserved Matters

- (1) The applicant shall lodge and have approved by the relevant authority an application to install a wastewater system pursuant to the provisions of the *South Australian Public Health Act 2011* and *South Australian Public Health (Wastewater) Regulations 2013*.

Council Conditions

- (1) The development shall be undertaken in accordance with the attached endorsed plans and documentation accompanying the application as amended and including:
- a. Letter prepared by Daniel Evans on behalf of the Christadelphian Bible Camp Inc – dated 27 October 2023
 - b. Email prepared by Kevin Casey, dated 22 June 2023
 - c. Site Plan, prepared by Kevin Casey Design, Drawing No ADA-001, Rev B, dated 21 June 2023
 - d. Partial Site Plan, prepared by Kevin Casey Design, Drawing No ADA-002, Rev B, dated 21 June 2023
 - e. Cut and Fill Plan F & H, prepared by Kevin Casey Design, Drawing No ADA-003, Rev A, dated 25 March 2023
 - f. Bld B Cut and Fill, prepared by Kevin Casey Design, Drawing No ADA-004, Rev A, dated 25 March 2023
 - g. Drainage Plan, prepared by Kevin Casey Design, Drawing No ADA-005, Rev A, dated 25 March 2023
 - h. Floor Plan Building B, prepared by Kevin Casey Design, Drawing No ADA-101, Rev A, dated 25 March 2023
 - i. Floor Plan Building H, prepared by Kevin Casey Design, Drawing No ADA-103, Rev C, dated 21 June 2023
 - j. Floor Plan Building F, prepared by Kevin Casey Design, Drawing No ADA-102, Rev C, dated 21 June 2023
 - k. Elevations Block B, prepared by Kevin Casey Design, Drawing No ADA-201, Rev B, dated 25 March 2023
 - l. Elevations Block F, prepared by Kevin Casey Design, Drawing No ADA-202, Rev A, dated 25 March 2023
 - m. Elevations Block H, prepared by Kevin Casey Design, Drawing No ADA-203, Rev A, dated 25 March 2023

unless varied by the following conditions.

- (2) Prior to occupation, the buildings authorised herein shall be connected and remain connected to an approved wastewater system to the reasonable satisfaction of council.
- (3) All external building materials shall:
- a. Be muted and non-reflective in nature; and
 - b. Where metal cladding is used, it shall have a pre-colour treated finish; and
 - c. Be in accordance with the approved plans; and
 - d. Be new materials and maintained in good condition at all times.
- (4) All stormwater from buildings, paving and from areas that immediately surround the perimeter of the building shall be disposed of in a manner that does not result in entry of water into the building, or affect the stability of the building, or create an unhealthy or dangerous condition, or run onto or over land of an adjoining owner.

- (5) Storm water disposal systems must be fully installed at the completion of the construction of the building with adequate measures deployed during construction to ensure the temporary disposal of surface or roof water does not affect neighbouring properties, to the satisfaction of the relevant authority.
- (6) Disturbed surfaces including any exposed batters as a result of excavation on the land shall be revegetated and stabilised within three months of the completion of the development, to the satisfaction of Council.
- (7) All external lighting must be in accordance with AS4282:2019 'Outdoor Lighting Obtrusive Effects' so as to prevent any adverse effect on adjoining sensitive receivers.
- (8) All five existing dormitories shall be completely demolished/removed prior to the new approved dormitories being occupied.
- (9) No more than 144 persons shall be accommodated within the approved dormitory accommodation at any one time.
- (10) Car parking and van parking shall be restricted to the designated car parking area as shown on the site plan.
- (11) The use and any associated activities carried out on the site shall not have an unreasonable detrimental effect on the amenity of the locality by reason of noise, smell, fumes, smoke, soot, ash or dust.
- (12) The subject land is located within a Medium Bushfire Risk or an area within an urban interface area that is within 500 metres of a high bushfire risk area. The following shall be met, prior to occupation of the replacement dormitories, and shall be maintained at all times thereafter:
 - i. A dedicated and independent water supply shall be available at all times for firefighting purposes which;
 - ii. Is located adjacent to the building or in another convenient location on the allotment accessible to fire fighting vehicles (safe and convenient access shall be provided), and Comprises a minimum of 2000 litres of water where the property is connected to mains water, or 5000 litres in any other case (Any rainwater tank used for this purpose should be dedicated entirely for firefighting and shall be of non-combustible materials).
 - iii. The provision of the dedicated water supply for fighting purposes shall comply with the Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements.
- (13) The nominated asset protection zone shall be generally clear of vegetation and maintained to minimise the spread of fire between areas of hazardous vegetation and habitable buildings.
- (14) Gatherings for the purpose of worship, biblical education and/or meditation involving more than 50 people in a single group shall only occur:
 - a. within the dining hall or gymnasium; and
 - b. shall be limited to the hours of 7.00 am to 10.00 pm.

- (15) Gatherings in outdoor areas for the purpose of worship or biblical education involving 50 people or less in a single group shall only occur between the hours of 7.00 am to 9.00 pm. Gatherings in outdoor areas for the purpose of meditation involving 50 people or less in a single group may occur up to 11.00 pm.
- (16) Organised outdoor activities involving sporting-type activities (such as volleyball, cricket, football and soccer) and games may take place between the hours of 8.00 am and 9.00 pm. Any such activities shall not take place between the Recreational Hall and the eastern-most boundary of the subject land. Organised outdoor activities will only involve people of the Christadelphian faith (students and members) and their immediate family.
- (17) Outdoor fires may only occur subject to conditions 15, 16 and this condition as follows:
- a. a fire of no more than two square metres in area and contained within an appropriately designed containment device (including but not limited to a brazier, gas heater, etc) may occur in the area adjacent the dining hall;
 - b. a single bonfire of any size may be lit in the area adjacent to the creek, near the western boundary of the subject land, noting that this restriction does not apply to the fires in (17)a above;
 - c. no outdoor fire may be lit on total fire ban days unless in accordance with fire ban restrictions;
 - d. the fires described above may only occur whilst the camp site is occupied for the purposes of a Bible Camp by people (students or members) of the Christadelphian faith and their immediate families;
 - e. all fires must be extinguished by 11.00 pm;
- save that nothing herein contained prevents fires for land management purposes provided they comply with the relevant fire regulations (including being a suitable distance from any buildings on the subject land or adjacent land).
- (18) PA systems and amplification shall not be used outside of any buildings after 8.00 pm except for the purposes of implementing the fire action plan (for example evacuation warnings).
- (19) All development is to be maintained in a serviceable condition and in good repair with conditions being inspected by or on behalf of the Applicant on a regular basis and repairs conducted in a timely manner.
- (20) Fencing is to be maintained in a serviceable condition and in good repair inspected on a regular basis by or on behalf of the Applicant and repairs conducted in a timely manner. Fencing is to be of post and wire construction and maintained to a standard to prevent trespass onto neighbouring properties. Nothing herein contained affects the rights available to any landowner pursuant to the *Fences Act*.
- (21) The dormitory accommodation shall only be used by people (students or members) of the Christadelphian faith and their immediate families.

- (22) Caravans and tents shall only be present on the subject land during Camps or events and shall only be occupied by people (students or members) of the Christadelphian faith and their immediate families.
- (23) A responsible person shall be assigned before each Camp. The responsible person shall be provided in advance with all conditions relevant to any activities conducted at the site and have overall responsibility for enforcing adherence to these Conditions by all Camp users. The responsible person shall be required to provide a written statement in advance of that Camp which evidences they have read, understood and will adhere to these requirements.
- (24) Buildings other than the dormitories, caravans and tents shall not be used for any form of sleeping accommodation.
- (25) Before the use of any new dormitory commences, it's corresponding former building shall have been demolished or otherwise removed from the site.
- (26) Prior to occupation of the dormitories, the underfloor area of the building shall be enclosed and shall be painted in the same or a complementary colour to the building, to the reasonable satisfaction of council. The cladding shall be maintained for the life of the dormitories.
- (27) This consent, when approved, will also extend the time frame for 960/592/2018. The approval will then lapse 3 years from the operative date of the Development Approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

Advisory Notes Planning Consent

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

- (5) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by the relevant authority. Approval of this application does not necessarily imply that future requests for variations would be approved. Any future request will be assessed by having regard to the relevant rules and requirements in force at the time any request is lodged.
- (6) Any portion of Council's infrastructure damaged as a result of work undertaken within the development site or associated with the development shall be repaired/reinstated to Council's satisfaction at the developer's expense.
- (7) You are advised that construction or alteration of any footpath, kerb, gutter or crossover on Council land will require a permit, under the *Local Government Act 1999* from Council's Works and Engineering Services. It is illegal to undertake work on Council land without permission.

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

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

- (8) The applicant is reminded of its general environmental duty, as required by Section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that the activities on the whole site including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- (9) Construction shall not take place on any Sunday or Public Holiday or after 7.00 pm or before 7.00 am on any other day, and all practicable steps must be taken during construction to minimise the impact of noise emissions on neighbouring properties.
- (10) The applicant is advised that this consent does not permit anyone to clear, remove limbs or trim native vegetation. Any proposal to clear, remove limbs, or trim native vegetation will require approval or confirmation of exemption from the Native Vegetation Council. An interactive guide is available to help owners and others determine the requirements that apply under the Native Vegetation Act 1991, <https://www.environment.sa.gov.au/topics/native-vegetation/interactive-guide>. Any specific queries regarding the clearance, removal, or trimming of native vegetation should be directed to the South Australian Native Vegetation Council.

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

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

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- | | |
|--------------|--|
| Attachment 1 | Attachment 1 - Response to BAPs Request for Clarification ↓  |
| Attachment 2 | Attachment 2 - Application and Associated Documentation ↓  |
| Attachment 3 | Attachment 3 - Representations ↓  |
| Attachment 4 | Attachment 4 - Response to Representations ↓  |
| Attachment 5 | Attachment 5 - External Referral Response - Department for Energy and Mining ↓  |



DATE 27/10/2023

Re: Hebron Development No: 15775/2023

Attention: Barossa Council Senior Assessment Officer

Dear Janine,

We would like to thank you for all the work you have put in so far to considering our current application and the opportunity to address and clarify matters raised at the DAP meeting dated 3rd October 2023. We would like to also thank the neighbours for their feedback as to their concerns, as feedback is not often provided. While we have already responded to their submissions prior to the DAP meeting, we acknowledge that some of their concerns may have come from the Camp's users, and some may not. The following is a response to your letter dated 11 October 2023 in which we clarify the items raised.

The nature of the use of the site has not changed over the last 35 years and doesn't plan to in the foreseeable future. It's a Campsite for Christadelphians, with a Biblical focus. That said, it is used by people of all ages, and activities do include sports, games etc, both inside and outside.

The total number of persons permitted on the site at any one time is 350. The number of persons house overnight in the accommodation buildings is 144. Both of these numbers have been clarified several times over the years.

The Campsite has a handbook for users which is added to from time to time. It includes Rules which are to be read out to the attending group at the start of each camp. Many of them go over and beyond the reasonable rights use of the land in a restrictive sense, and the rights use of all our neighbours, but are tailored to help keep good relations with neighbours. They include the following from the handbook:

THE FOLLOWING ARE NOT PERMITTED AT HEBRON

- Pets
 - Firearms / fireworks or accelerants for fires
 - Alcohol, Cigarettes, Vaping (e-cigarettes) or smoking in any form.
 - Trail Bikes, quad bikes or similar Off Road Vehicles
 - Music that can be heard by neighbours
 - Stockwhips, Megaphones or Whistles used in open air
 - Portable fan heaters
- There is to be absolutely NO trespassing onto neighbouring properties at any time.
- Take care at all times to avoid any aggravation to the neighbours, and to avoid frightening the stock in neighbouring paddocks.
- Noise levels around the campsite must be greatly reduced after 10pm.

Due to the comments about drones from over three years ago, which we don't know if the alleged drones came from the campsite, the committee has decided to ban drone use from the site except for special authorisation from the camp committee or the caretaker, which

would only be for camp group photos in the lawned area near the current buildings or for inspecting gutters of the Gym building.

The Committee of Management for the campsite has had a meeting since the October DAP meeting, and decided implement the following actions with the aim to help prevent any alleged wrongdoings to add to the handbook the restriction on use of drones.

- Survey rear boundary of approximately 150 metres adjacent new road constructed by the Council in 2023 and construct a post and wire fence.
- Fix up any damaged fences on the remaining 200m of southern fencing, The remaining 1600mm of fencing we understand to be in good condition, but will be double checked in the next few weeks.
- Add some more screening trees to areas where trees have died or where neighbours make direct view into the main camp area to reduce the direct transmission of sound.
- Take additional measures to ensure that the self-imposed campsite rules are understood and obeyed consistently, and if there are breaches, provide prompt feedback to the persons responsible and their hosts so they are not repeated.

With regards to one neighbour's concerns about the traffic level and speed on Balmoral Rd, while we don't want to add this to our development, we have observed a lot of through traffic passing by. Seeing there are a significant number of new dwellings and hence driveways entering that short section of Balmoral Rd, if a neighbour wanted to suggest to either the Barossa Council or the relevant department a reduction in the speed limit, we would support that, for the safety of all residents.

We hope this clarifies the uncertainty that the DAP panel may have had on 3rd October, and if you have any further questions regarding the buildings and the site in general, we would like to hear from you.

Also, if there has been an alleged incident that one of our neighbours has concerns about it would be appreciated if the camp caretaker was informed of this as soon as possible (not months or years later) so the committee may follow up and where necessary take action

Kind regards, Daniel Evans

Christadelphian Bible Camp Secretary

Development Locations

Location 1

Location reference

614A BALMORAL RD COCKATOO VALLEY SA 5351

Title Ref

CT 5897/233

Plan Parcel

D45942 AL201

Additional Location Information**Council**

THE BAROSSA COUNCIL

Zone Overlays

Zones

- Rural Living

Sub-zones

(None)

Overlays

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

Variations

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

Application Contacts

Applicant(s)

Stakeholder info

Mr Daniel Evans

Contact

Stakeholder info

Mr Kevin Casev

Invoice Contact

Stakeholder info

Mr Daniel Evans

Invoice sector type

Land owners

Stakeholder info

Christadelphian Bible Camp Inc

Nature Of Development

Nature of development

Amended plan of DA960/592/2018

Development cost is total including the original DA, the amended plans add about \$150k to the original

Development Details

Current Use

Camp Site

Proposed Use

Camp Site

Development Cost

\$700,000.00

Proposed Development Details

Amended plan of DA960/592/2018

Development cost is total including the original DA, the amended plans add about \$150k to the original

Element Details

You have selected the following elements

Replacement building - \$700,000.00

Septic/Sewer information submitted by applicant

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

Yes

Certificate of Title information submitted by applicant

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

Yes

Selected Constraints

Easement or rights of way

Consent Details

Consent list:

- Planning Consent
- Building Consent

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

No

Planning Consent

Apply Now?

Yes

Who should assess your planning consent?

Assessment panel/Assessment manager at The Barossa Council

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

Applicant

Building Consent

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

No

Apply Now?

No

Consent Order

Recommended order of consent assessments

1. Planning Consent

Do you have a pre-lodgement agreement?

No

Declarations

Electricity Declaration

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

Native Vegetation Declaration

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

Submission Declaration

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

Documents

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

Application Created User and Date/Time

Created User

kevin.casey

Created Date/Time

30 May 2023 11:15 AM

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

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

Hello Jennifer,

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

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

Any other questions please contact me directly.

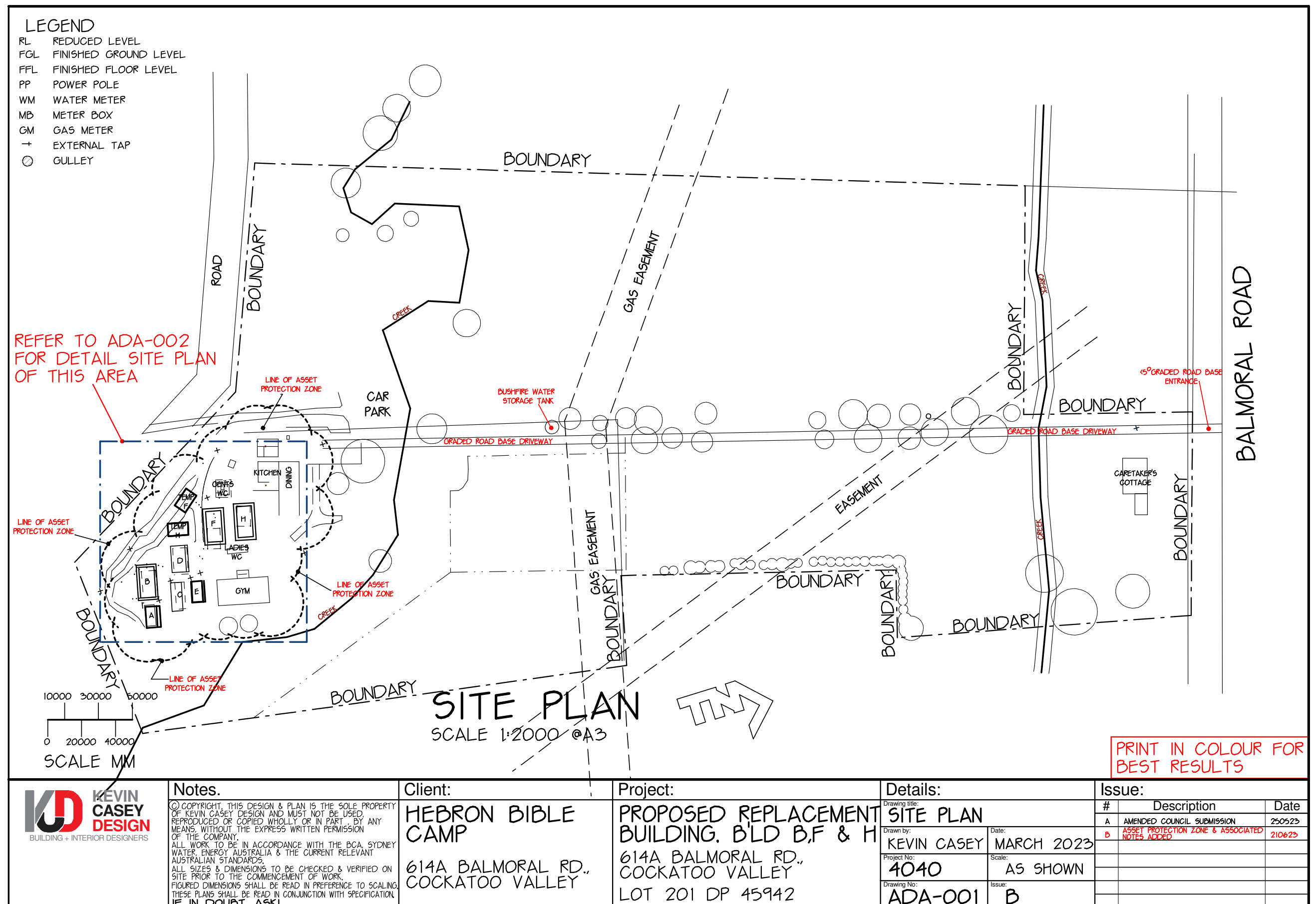
Kind regards

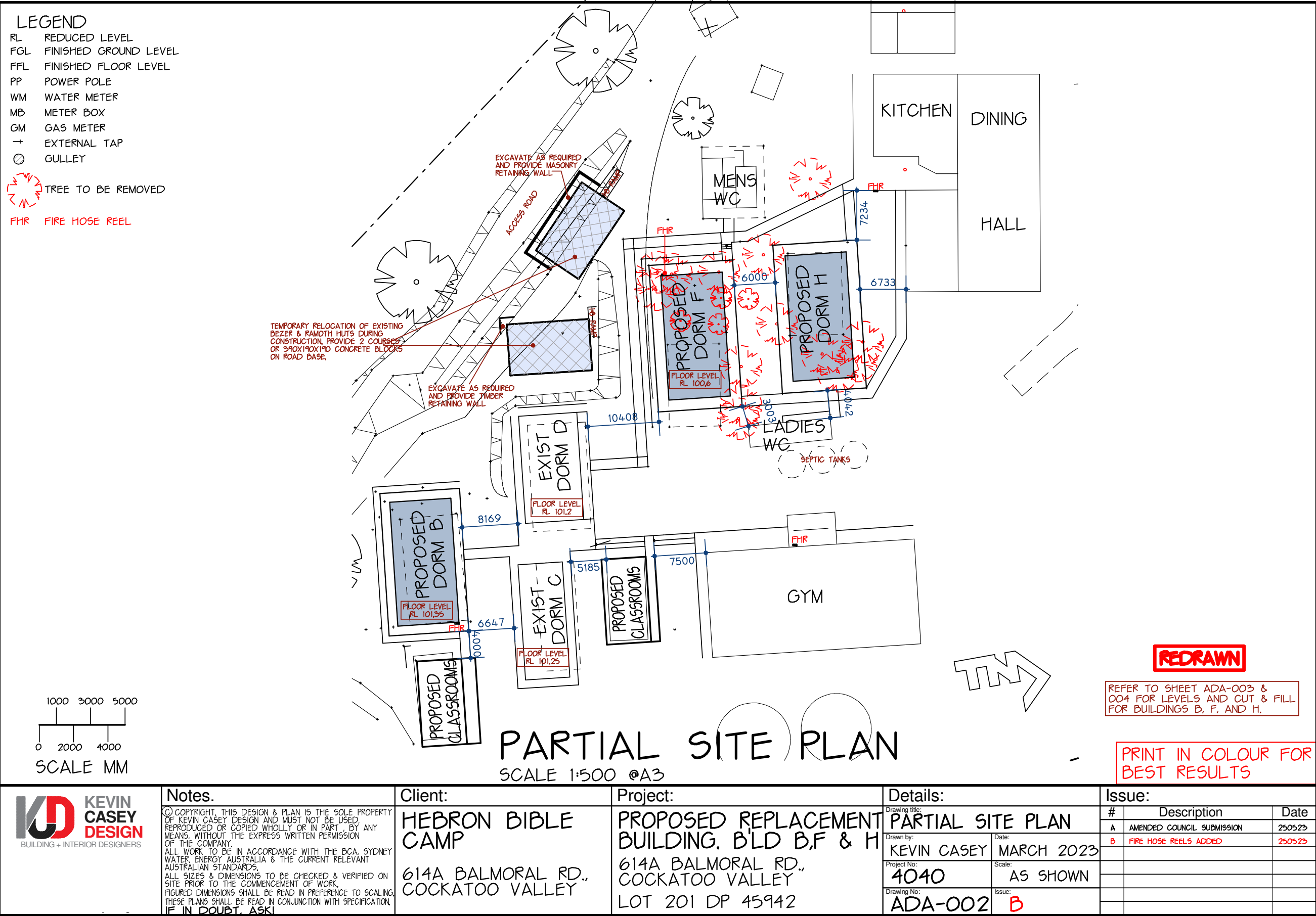
Kevin Casey

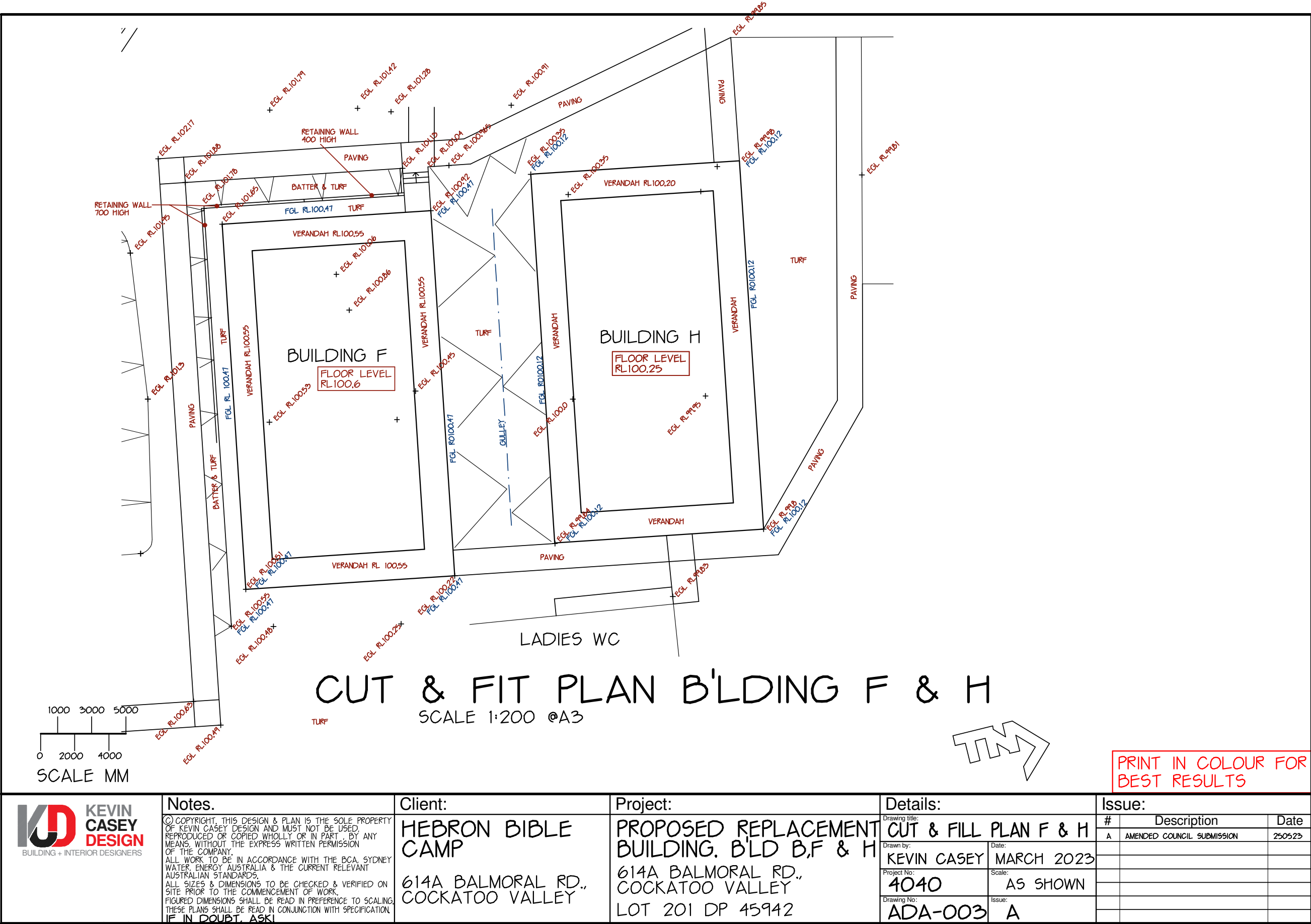
Director

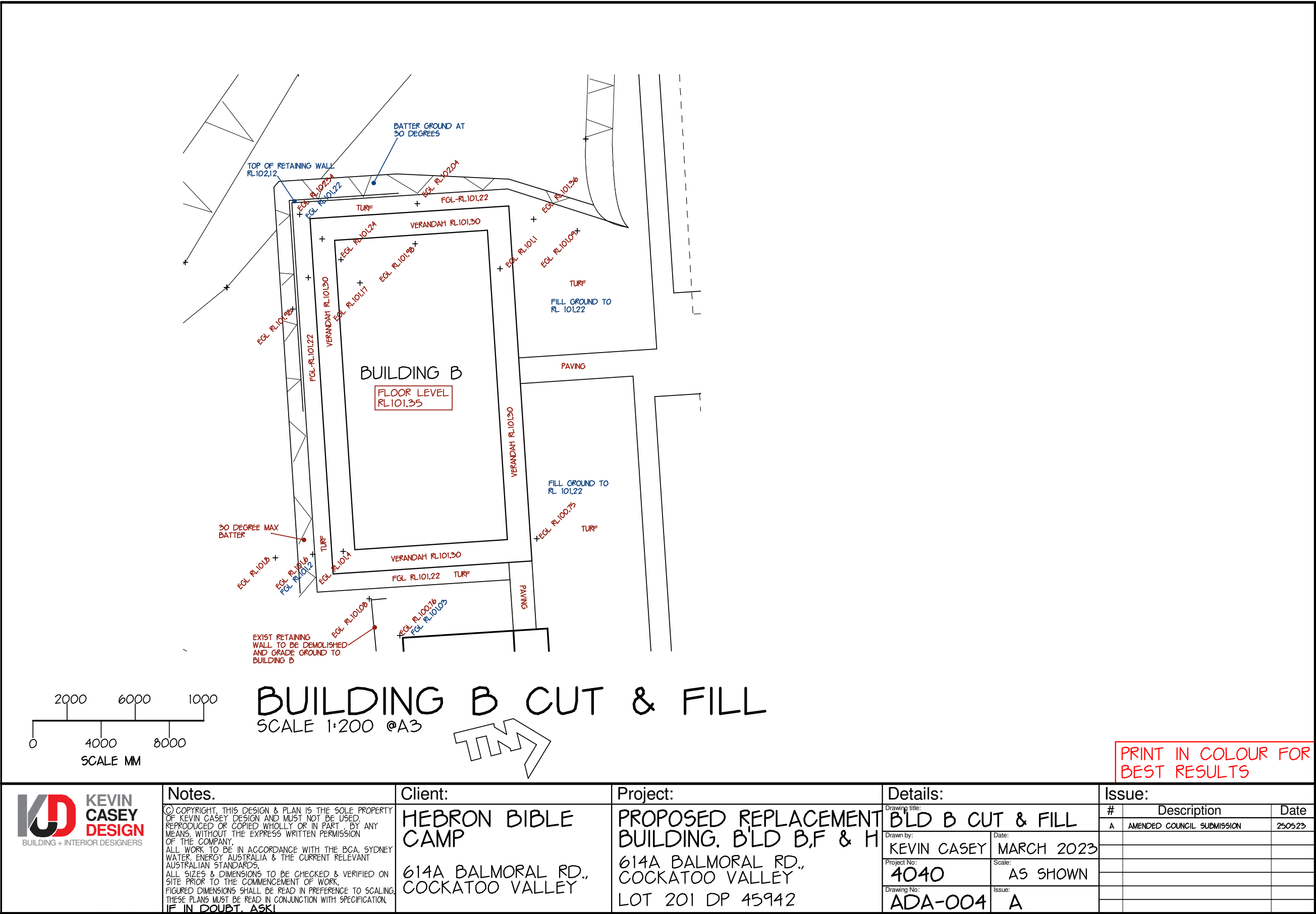


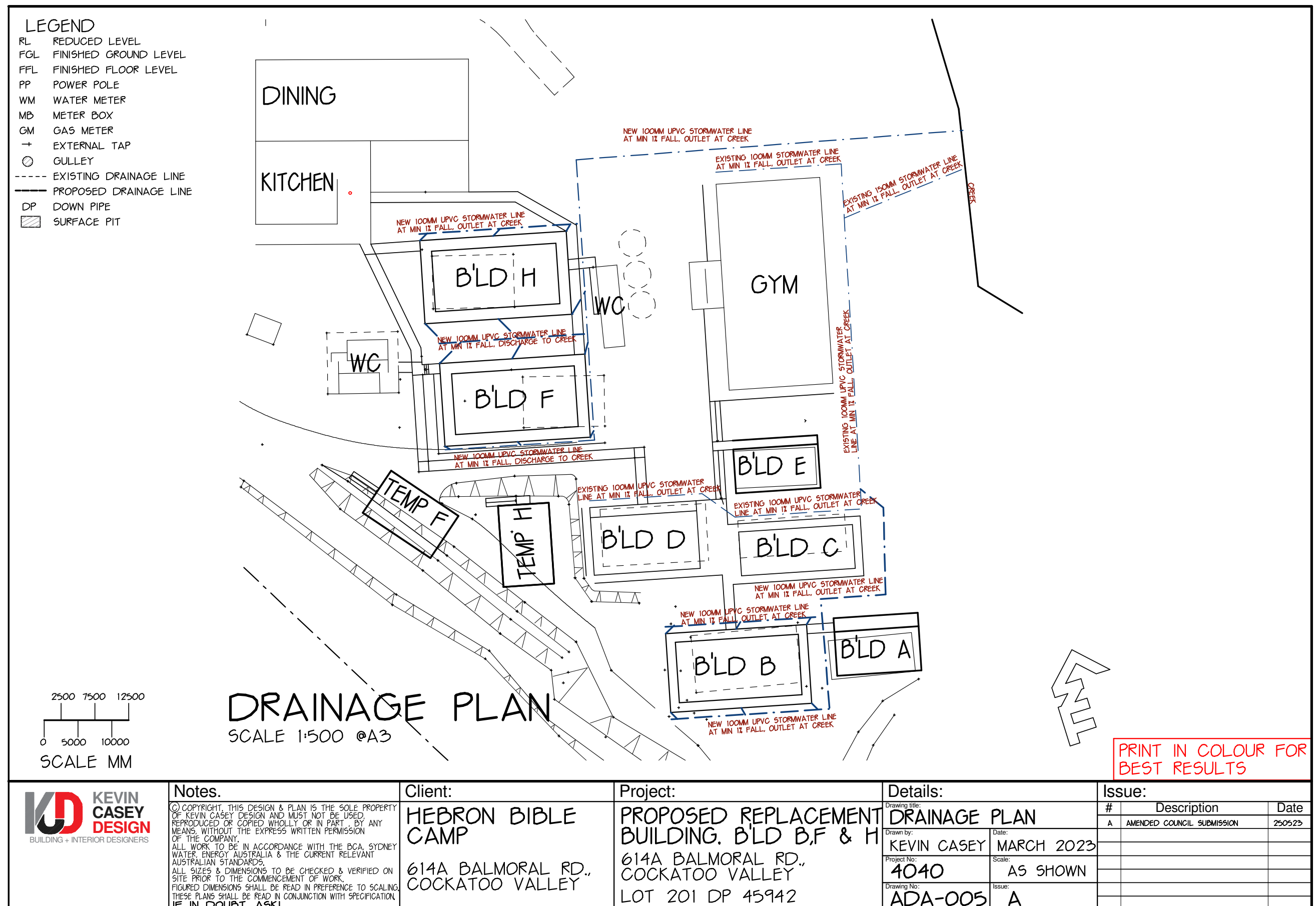
'we design buildings not just draw plans'
combining client needs + the site + the environment + creativity + expertise
to produce an exceptional space

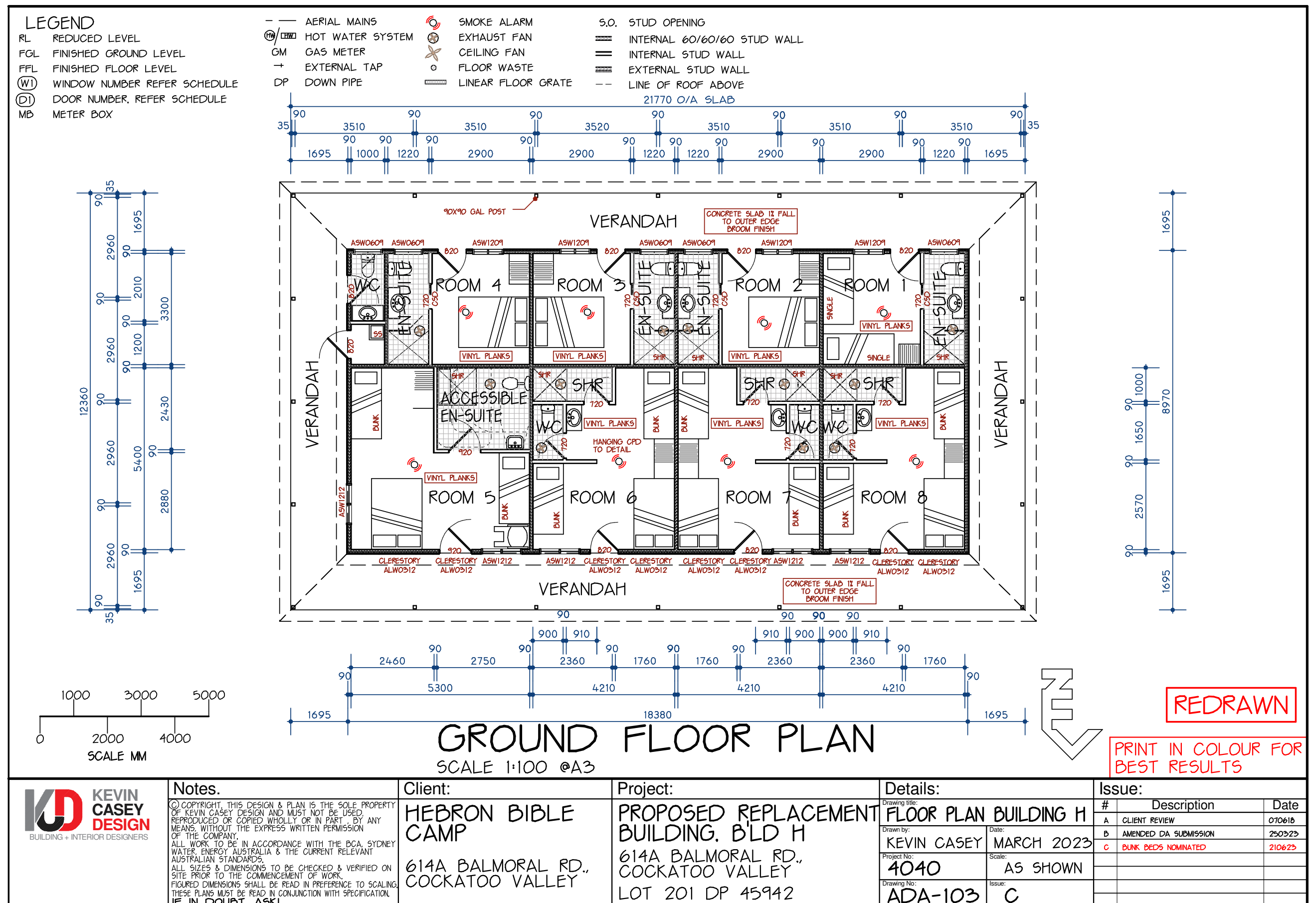


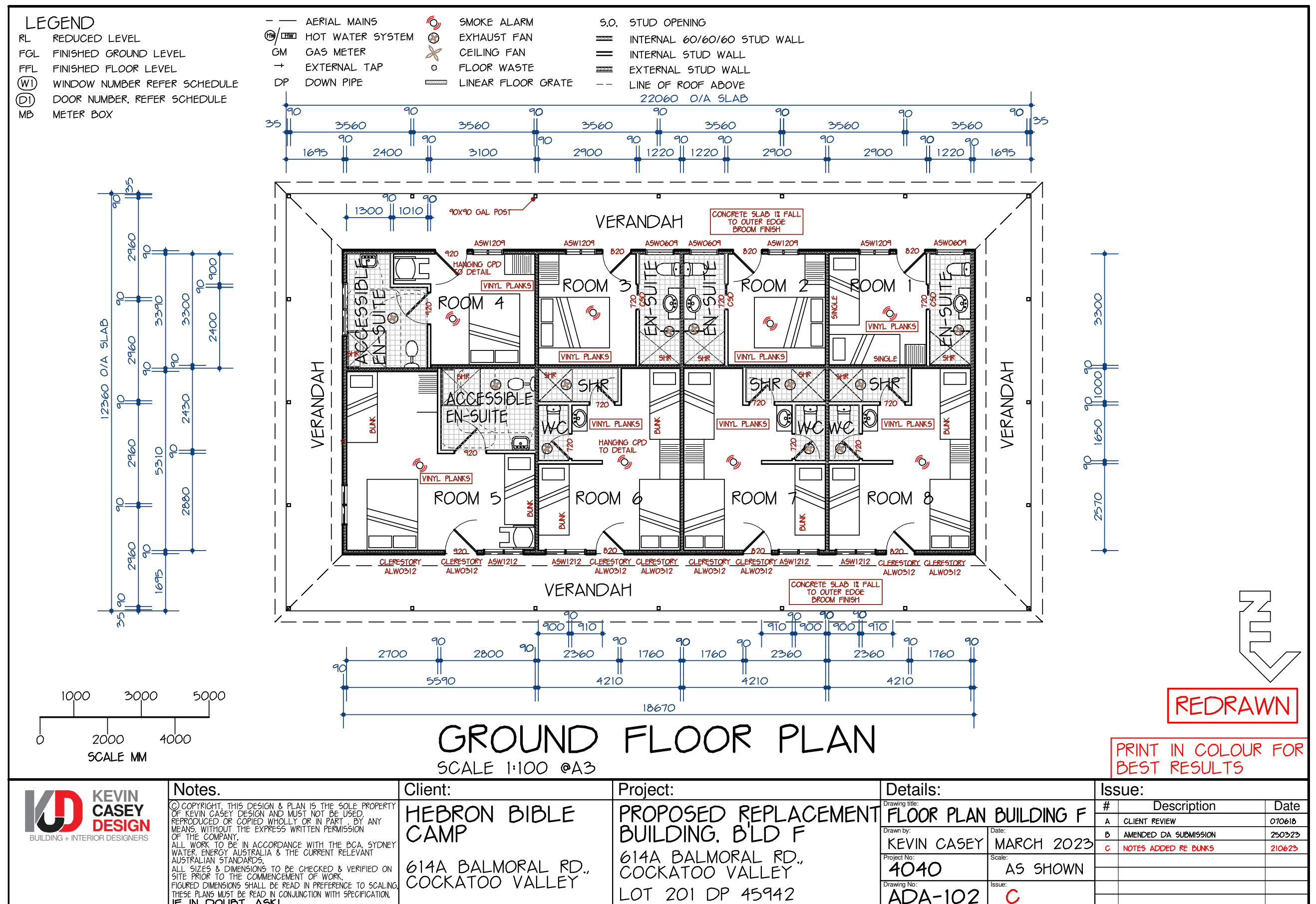












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The figure contains four architectural elevation drawings of a building, labeled NORTH ELEVATION, EAST ELEVATION, WEST ELEVATION, and SOUTH ELEVATION. Each drawing shows the building's profile with various windows, doors, and roof details. Callouts with red boxes and lines identify specific materials and components, such as WB (WeatherTex Shadowood), GW (Glazed Window), TD (Flush Solid Core Door), MR (Corrugated Zincalume Steel Roof Sheeting), ZSF (Zincalume Steel Flashing), GUT (Zincalume Gutter), MFB (Zincalume Steel Fascia), MBB (Zincalume Steel Fascia), DP (UPVC Downpipe), and TB (Timber Beam). The drawings also show structural details like the top of the beam, top of the slab, and ground level (EGL). A scale bar at the bottom left indicates dimensions in millimeters (0 to 5000 mm). A red box with the text 'REDRAWN' is located at the bottom right of the drawing area. Below the drawing area, there is a table with project details.

Notes.		Client:	Project:	Details:	Issue:
© COPYRIGHT, THIS DESIGN & PLAN IS THE SOLE PROPERTY OF KEVIN CASEY DESIGN AND MUST NOT BE USED, REPRODUCED OR COPIED WHOLLY OR IN PART, BY ANY MEANS, WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE COMPANY. ALL WORK TO BE IN ACCORDANCE WITH THE BCA, SYDNEY WATER, ENERGY AUSTRALIA & THE CURRENT RELEVANT AUSTRALIAN STANDARDS. ALL SIZES & DIMENSIONS TO BE CHECKED & VERIFIED ON SITE PRIOR TO THE COMMENCEMENT OF WORK. FIGURED DIMENSIONS MUST BE READ IN PREFERENCE TO SCALING. THESE PLANS SHALL BE READ IN CONJUNCTION WITH SPECIFICATION IF IN DOUBT, ASK!		HEBRON BIBLE CAMP 614A BALMORAL RD., COCKATOO VALLEY	PROPOSED REPLACEMENT BUILDING, B'LD B 614A BALMORAL RD., COCKATOO VALLEY LOT 201 DP 45942	Drawing title: ELEVATIONS BLOCK B Drawn by: KEVIN CASEY Project No: 4040 Drawing No: ADA-201	Date: MARCH 2023 Scale: 1:100 @ A3 Issue: B

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E	E PREFIX MEANS EXISTING	WB	WEATHERTEX SHADOWOOD OVER BREATHERGRADE SISALATION 20MM CAVITY, PAINT FINISH	MR	CORRUGATED ZINCALUME STEEL ROOF SHEETING OVER 55MM FOIL BACKED INSULATION BLANKET, COLORBOND FINISH.	MFB	180X31 ZINCALUME STEEL FASCIA, COLORBOND FINISH
RL	REDUCED LEVEL	GW	GLAZED WINDOW, SLIDING ALUMINIUM FRAMED POWDERCOAT FINISH	ZSF	ZINCALUME STEEL FLASHING, COLORBOND FINISH.	MBB	180X31 ZINCALUME STEEL FASCIA, COLORBOND FINISH
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NGL	NATURAL GROUND LEVEL	TD	FLUSH SOLID CORE DOOR, PAINT FINISH			GUT	115X85 ZINCALUME STEEL QUAD GUTTER, COLORBOND FINISH
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GM	GAS METER	SP	90X90 GAL POST TO DETAIL, PAINT FINISH			BNB	BUILDING NAME BOARD TO DETAIL
DP	DOWNPIPE, PAINT FINISH					DNB	DOOR # BOARD TO DETAIL
GUT	ZINCALUME GUTTER, COLORBOND FINISH						

LEGEND

E E PREFIX MEANS EXISTING
RL REDUCED LEVEL
FGL FINISHED GROUND LEVEL
NGL NATURAL GROUND LEVEL
MB METER BOX
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DP DOWNPIPE, PAINT FINISH
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CLADDING

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GW GLAZED WINDOW, SLIDING ALUMINIUM FRAMED POWDERCOAT FINISH
GLW GLAZED WINDOW, LOUVRED ALUMINIUM FRAMED POWDERCOAT FINISH
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SP 90X90 GAL POST TO DETAIL, PAINT FINISH

ROOFING

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

TRIM

MFB 180X31 ZINCALUME STEEL FASCIA, COLORBOND FINISH
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TB 240X45 DAR H3 TIMBER BEAM TO DETAIL, PAINT FINISH.
BNB BUILDING NAME BOARD TO DETAIL
DNB DOOR # BOARD TO DETAIL

North Elevation

East Elevation

West Elevation

South Elevation

REDRAWN

PRINT IN COLOUR FOR BEST RESULTS

Notes.

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Client:

HEBRON BIBLE CAMP
 614A BALMORAL RD., COCKATOO VALLEY

Project:

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

Details:

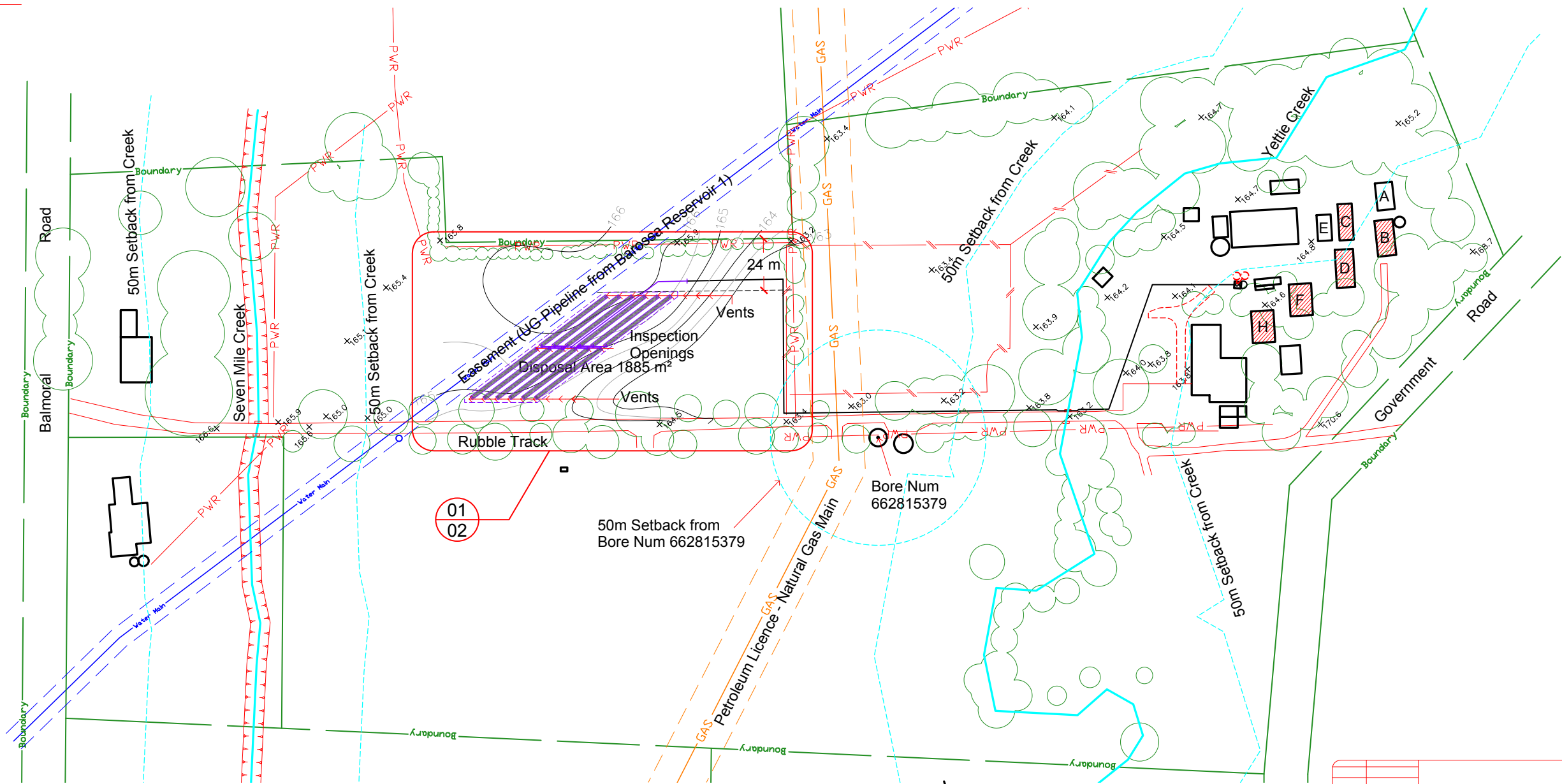
Drawing title: ELEVATIONS BLOCK H
 Drawn by: KEVIN CASEY
 Date: MARCH 2023
 Project No: 4040
 Scale: 1:100 @ A3
 Drawing No: ADA-203
 Issue: A

Issue:

#	Description	Date
A	AMENDED DA SUBMISSION	250323

SCALE MM

0 1000 2000 3000 4000 5000



01 SITE PLAN
1:2000

Title Details:

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

Notes:

1. Cadastral information from SAPPA (South Australian Property and Planning Atlas)
2. The location of boundaries, easements, infrastructure and watercourses information sourced from Location SA Map Viewer
3. This is a single parcel that has been expanded since the original approval for 616 Balmoral Rd.
4. The new Disposal Field overlay the existing disposal field that did not comply with the previous approval.
5. The Distribution box and Aggregate from the existing field may be reused.

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



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



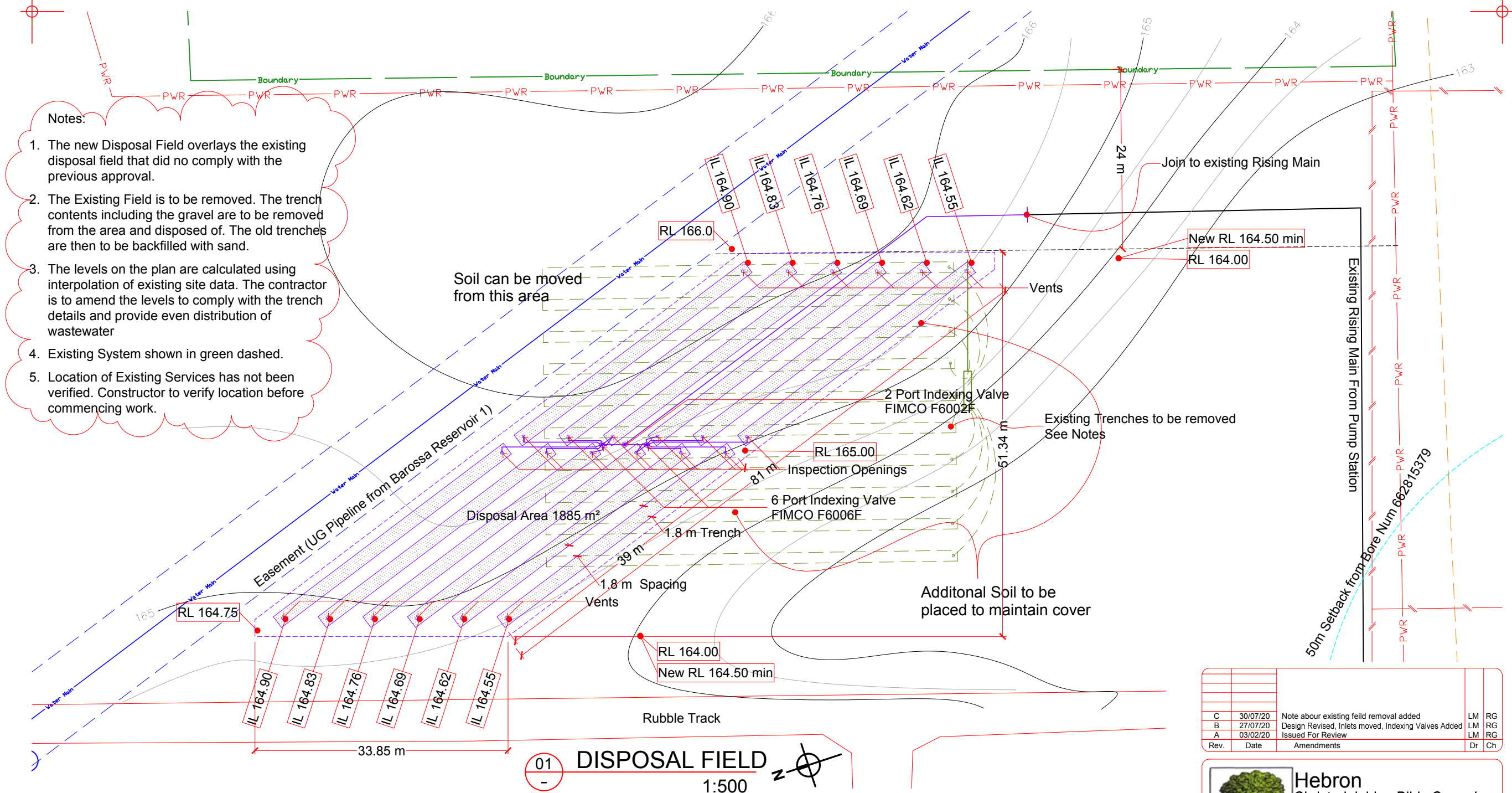
Factor UTB
SEPARATING WATER FROM WASTE
305A UNLEY ROAD, MALVERN SA AUSTRALIA 5061
Tel: +61 (08) 8271 6044, Email: Enquiries@factorutb.com.au

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

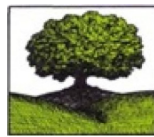
© Copyright - Factor UTB Pty Ltd, 2019 ABN 72 008 024 726

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

Drawing		Drawn	LM
Site Plan		Engineer	RG
Date: 21 Jan 2020	Job No. 191107	Dwg No. 01	Rev. B
Scale: 1:100 @ A3			



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



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

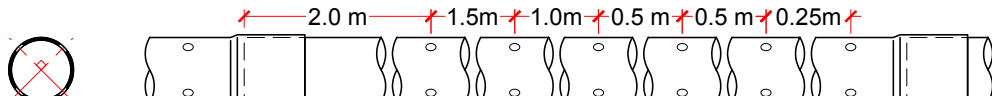
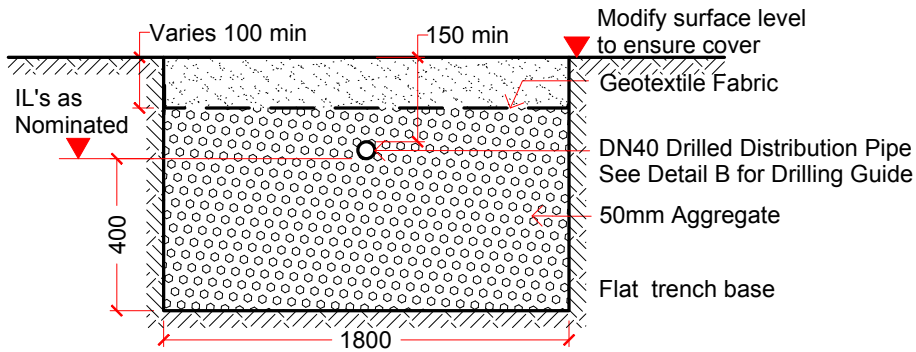


Do not scale drawing - all dimensions to be verified on site - if discrepancies occur, confirm dimensions and levels on site with engineer before commencing work.

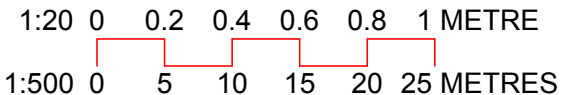
© Copyright - Factor UTB Pty Ltd, 2019 ABN 72 008 024 726

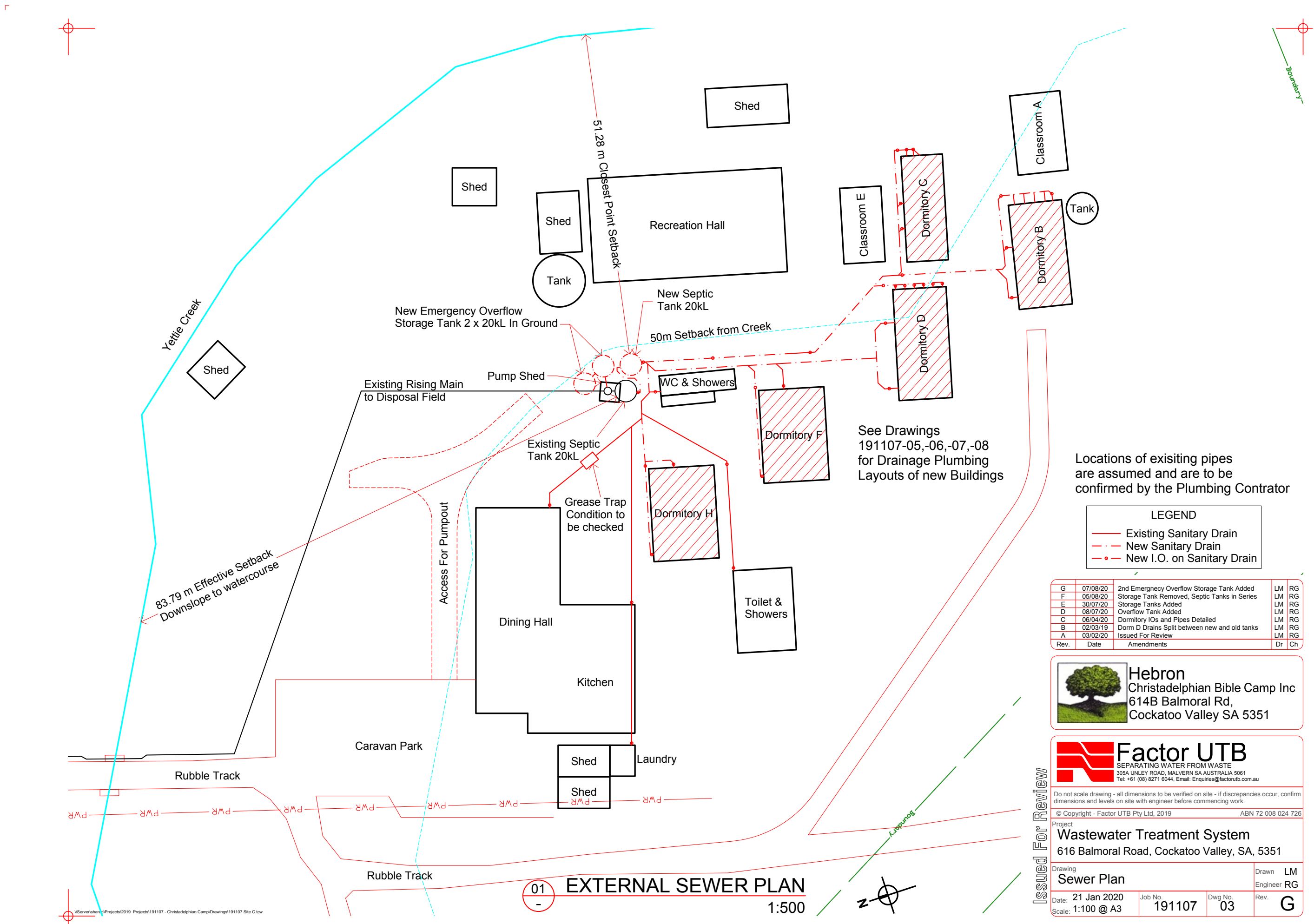
Project
Wastewater Treatment System
616 Balmoral Road, Cockatoo Valley, SA, 5351

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



B DRILLING GUIDE 1:5





Details of Representations

Application Summary

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

Representations

Representor 1 - Nanon Mijlic

Name	Nanon Mijlic
Address	48 GOLDFIELDS ROAD COCKATOO VALLEY SA, 5351 Australia
Submission Date	31/07/2023 10:16 AM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons Refer Attached	

Attached Documents

externalHebronBibleCamp-6122952.pdf

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

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

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

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

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

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

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

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

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

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

Thank you
Mrs Nanon Miojlic

Representations**Representor 2** - Vlora Dzeladini

Name	Vlora Dzeladini
Address	80 The Barracks COCKATOO VALLEY SA, 5351 Australia
Submission Date	08/08/2023 08:39 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons	

Attached Documents

Representations**Representor 3** - Leanne and Achim Urmersbach

Name	Leanne and Achim Urmersbach
Address	66 DAVIES ROAD SANDY CREEK SA, 5350 Australia
Submission Date	09/08/2023 08:55 AM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons Refer attached	

Attached Documents

externalProposedExpansionOfHebronChristadelphianCamp-LeanneUrmersbach-6193989.pdf

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

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

We are submitting a definite NO to the proposed expansion of the Hebron Bible Camp.

Our names are Leanne and Achim Urmersbach, our address is 66 Davies Road Sandy Creek SA 5350

Our personal views are that it will increase the traffic on Balmoral Road and with the speed limit of 80 it is already dangerous turning right from Davies Road onto Balmoral road travelling to Gawler.

Since we moved into our property in 2010 the increased traffic of cars and trucks has tripled as our road has been used as a cut through, being the only bitumen road to get to cockatoo valley General store, Lyndoch or back to Gawler. so more expansion of the camp means more people driving there from all around Adelaide.

We feel the Bible camp does not fit in with the country rural setting of the Barossa and any expansion has an environmental impact within the area with noise pollution, traffic pollution and wildlife impact.

An expansion of this sort should be on a much bigger acreage not on a small parcel of land that directly effects Barossa residents that want a peaceful country quiet lifestyle.

We feel that planning and building laws should not commence before a formal development approval has been given.

We also believe that all residents need to be kept fully informed about developments such as these on an ongoing basis.

We oppose the campsite getting bigger and bigger into the future, and we oppose that it changes from a campsite to a tourist accommodation facility.

Once again we OPPOSE the expansion or any changes to the current Bible Camp

Yours sincerely

Leanne and Achim Urmersbach

Sent from my iPad

Representations**Representor 4** - Matthew Lyon

Name	Matthew Lyon
Address	P.O.box 74 COCKATOO VALLEY SA, 5351 Australia
Submission Date	09/08/2023 09:44 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons The position the bible camp is in is not suitable for the amount of people they have there, they have on countless occasions disrupted the peace over the last 30 years.	

Attached Documents

Representations**Representor 5** - David Lyon

Name	David Lyon
Address	P.O.box 74 COCKATOO VALLEY SA, 5351 Australia
Submission Date	09/08/2023 09:49 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons The land is too small, and they have many neighbours in very close proximity to everything they do.	

Attached Documents

Representations**Representor 6** - Daniel and Nicole Emes

Name	Daniel and Nicole Emes
Address	44 GOLDFIELDS ROAD COCKATOO VALLEY SA, 5351 Australia
Submission Date	09/08/2023 01:12 PM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons As Attached	

Attached Documents

DanielAndNicoleEmes-HebronCamp614aBalmoralRoadCockatooValley-6198558.pdf
--

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

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

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

Dear Barossa Council/Development & planning/Assessment panel,

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

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

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

- The intentional, negligent and illegal use of Drones, also known as Remotely Piloted Aircraft (RPAs) or Unmanned Aerial Vehicles (UAVs) trespassing on our land. The use of these drones have interfered in our enjoyment of private land and breached our privacy by flying over/around our house, hovering by windows and the incessant chasing/harassing of valuable livestock.
- Disruptive and invasive noise pollution from: bonfires, football matches, loudspeakers, motorbikes, music, cars, burnouts and parties, this can occur all hours of the day and night.
- Unsafe practices when lighting bonfires, explosions and toxic fumes. I have video evidence of the most recent bonfire/explosion that occurred on the 8th July showing the distress caused to my livestock during a dangerous explosion. The windows on our house were impacted by this explosion to the point we were concerned that they would shatter. This explosion was recorded at 90dB on my toddlers baby monitor inside our home, approximately one hundred metres away.
- Persons trespassing on private property and in paddocks with livestock. Electric fencing has been erected on our boundary to discourage trespassing.

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

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

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

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

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

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

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

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

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

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

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

Kind regards,

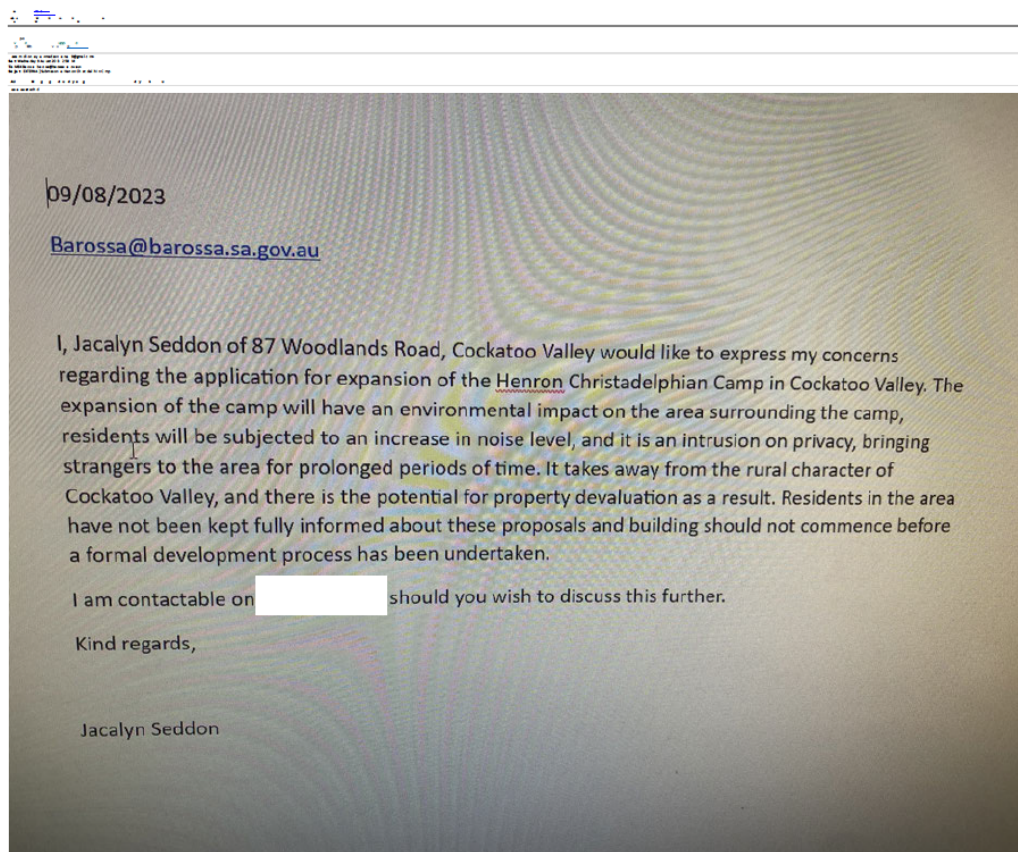
Daniel and Nicole Emes
44 Goldfields Road, Cockatoo Valley.

Representations**Representor 7** - Jacalyn Seddon

Name	Jacalyn Seddon
Address	87 WOODLANDS ROAD COCKATOO VALLEY SA, 5351 Australia
Submission Date	09/08/2023 01:59 PM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons Refer attached	

Attached Documents

JacalynSneddenSubmissionRe_HenronChristadelphianCamp-6199255.pdf



Representations**Representor 8** - Shelley Arnold

Name	Shelley Arnold
Address	PO Box 16, Cockatoo Valley, Cockatoo Valley COCKATOO VALLEY SA, 5351 Australia
Submission Date	09/08/2023 06:34 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons Our document outlining the reasons for this has been sent directly to the Barossa Council as I was unable to send it attached to this representation notification.	

Attached Documents

Representations**Representor 9** - Christopher Arnold

Name	Christopher Arnold
Address	PO Box 16, Cockatoo Valley, Cockatoo Valley COCKATOO VALLEY SA, 5351 Australia
Submission Date	09/08/2023 06:37 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons Document detailing the reasons for not supporting this development has been sent directly sent to the Barossa Council as we could not attach the file with this option	

Attached Documents

Representations**Representor 10** - Dianne Schaefer

Name	Dianne Schaefer
Address	58 Goldfields Rd., P.O. Box 47 Cockatoo Valley, P.O. Box 47 Cockatoo Valley COCKATOO VALLEY SA, 5351 Australia
Submission Date	09/08/2023 07:35 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

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

Attached Documents

Representations

Representor 11 - Nicole Emes

Name	Nicole Emes
Address	PO Box 264 COCKATOO VALLEY SA, 5351 Australia
Submission Date	09/08/2023 07:36 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons 2.2. Take all reasonable steps to provide accurate information to the community and the Council. 2.3. Take all reasonable steps to ensure that the community and the Council are not knowingly misled. If this approval is granted, the Barossa Council has completely disregarded its own 'Behavioural standards for council members'. This decision will prove detrimental in the valuation of properties affected, the families quality of life and will prove negligent to its ratepayers, community members and the entire township of Cockatoo Valley. If this planning approval is granted, I will also be forwarding my concerns to my local member of parliament, the Minister of Planning and local media outlets. Kind regards, Daniel and Nicole Emes 44 Goldfields Road, Cockatoo Valley	

Attached Documents

Representations

Representor 12 - Nanon Miojlic

Name	Nanon Miojlic
Address	PO BOX 197 WILLASTON SA, 5118 Australia
Submission Date	09/08/2023 07:51 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons My family have already experienced people on our property at night and this will add to the chance of more of this happening. Sadly as we can't get out there across the creek, we can't stop them and although we can't prove it, we know it is happening. We have seen people taking wood from our back paddock when they have had bonfires. We have experienced things exploding in their fires and scaring our dogs and horses let alone me and my family. We have not been able to make contact with them to discuss matters privately. We do not want our property devalued as we directly join them on the boundary fenceline.	

Attached Documents

Representations

Representor 13 - Jacalyn Seddon

Name	Jacalyn Seddon
Address	PO Box 215 WILLASTON SA, 5118 Australia
Submission Date	09/08/2023 07:56 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons	
The expansion of the camp will have an environmental impact on the area surrounding the camp, residents will be subjected to an increased noise level, and it is an intrusion on privacy, bringing strangers to the area for prolonged periods of time. It takes away from the rural character of Cockatoo Valley, and there is potential for property devaluation as a result. These works should not be permitted.	

Attached Documents

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

09/08/2023

Barossa@barossa.sa.gov.au

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

I am contactable on 0432 586 618 should you wish to discuss this further.

Kind regards,

Jacalyn Seddon

Representations**Representor 14** - Ric West

Name	Ric West
Address	18 florence street HAMLEY BRIDGE SA, 5412 Australia
Submission Date	09/08/2023 08:30 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons	
Lived next to it for a while and it was hell wouldn't recomend to anyone	

Attached Documents

Representations

Representor 15 - chris Walmsley

Name	chris Walmsley
Address	PO BOX 39 COCKATOO VALLEY SA, 5351 Australia
Submission Date	09/08/2023 09:19 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

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

Attached Documents

Representations

Representor 16 - Cameron Ainslie

Name	Cameron Ainslie
Address	PO Box 314 COCKATOO VALLEY SA, 5351 Australia
Submission Date	09/08/2023 09:29 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I support the development with some concerns

Reasons

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

Attached Documents

Representations

Representor 17 - Christopher and Shelley Arnold

Name	Christopher and Shelley Arnold
Address	18 GOLDFIELDS ROAD COCKATOO VALLEY SA, 5351 Australia
Submission Date	10/08/2023 08:34 AM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons Refer attached document	

Attached Documents

externalRepresentation-CjAndSpsArnold-HebronBibleCamp-6203650.pdf

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

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

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

DEVELOPMENT APPLICATION

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

REPRESENTATION AGAINST THIS DEVELOPMENT

Christopher John Arnold and Shelley PS Arnold

18, Goldfields Road, COCKATOO VALLEY. SA. 5351

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

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

THE PLANNING APPLICATION AND DEVELOPMENT PROCESS

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

1. **Development 960/592/2018** – the residents were not informed of this development and were given no opportunity to comment. In view of the problems associated with the site in the past and the number of new residents (ratepayers) in the area, we feel it was not appropriate to classify it as complying.
If the complying aspect was non-negotiable from a planning perspective, then why were residents not given some sort of information about what was happening on this property after the approval was given?
The Residents have been ignored in the Planning process up until this current application and we believe this is a huge mistake that has been made by the Barossa Council.
2. If this 2018 development application was similar to the one that was the subject of the Court hearing in 2016, we believe that a **set of conditions** should have been attached to this particular development. We believe they were not.
3. For whatever reason, apparently this development was not completed in the 3 year designated time frame.
However, some sort of **building work** has still been occurring on the property and with the Council's knowledge and there is now a new non-complying Development Application being considered.
Why is this one non-complying and the other one wasn't?

Is it true that the Council is just looking to rubber stamp this application to justify all the building that has taken place. That is the impression that has been given by one of your Council employees. We believe that building is not supposed to occur until full Planning Consent is given.

Can building take place in the Barossa area before Planning consent is given?

Are the correct Planning processes being followed by the Barossa Council?

Has an order to cease building on the Hebron Campsite been issued until Planning Consent has been given?

Once again, the Residents have been made to feel redundant in this matter.

4. Numerous phone calls have been made to the Planner by adjoining residents and I personally wrote a lengthy email outlining many queries about this Application. The resounding response by the Council could only be described as **evasive**. Some of our questions were answered in writing and in her final email, Janine Lennon suggested that I ask the balance of them in the representation.
The questions were planning related, clearly stated and should not have presented a problem. I am repeating them in this document.
In our opinion this has proved to be a very frustrating and inadequate form of communication with the Council (but recommended on the Plan SA website) and a relatively futile exercise. We believe that other residents have also felt poorly served by Barossa Council staff.
5. **Change of Land Use** – the property is to be named a **Tourist Accommodation Facility**. This is very different from the current name - Campsite. We believe this is a change of land use, which should require separate Planning Consent.
If the property is sold in the future, then those existing use rites go with the property and could have massive implications for the future of the area. We believe this should be clarified by the Council and all Cockatoo Valley residents should be given an open and honest direction on what the Barossa Council plans for the future of this property.
The lack of transparency in this whole Planning process is staggering.
6. **Change of Land Use** – on the plans a designated **Caravan Park** has been allocated.
Will caravans be permanently parked on the site?
Will there be people living permanently in those vans?
If the answer is yes to either of those questions, then we believe that the use of the land is being changed to a more permanent accommodation facility and separate Planning Consent and ratepayer input should occur.
7. **Expansion** – Judge Costello determined that 144 was the capacity for dormitory accommodation at the Campsite in his judgement in 2016 – existing use rights.
For many years the Development Plan for Precinct 22, Cockatoo Valley stated that ‘further expansion of existing recreation and accommodation facilities should not take place’. That was a direct referral to Hebron.
The proposed accommodation in this application **will increase the capacity to 154 persons**.
Is the Council comfortable with this expansion?
Is there a limit in the future to the number of people that can be accommodated in dormitories on the site?
Will more dormitories be allowed to be built?

Will they be complying or non-complying?

Will the development process at Hebron return to the haphazard and piecemeal approach that the Barossa Council took in the late eighties and there will be no limit to numbers?

So many questions – so little clarity.

8. **Expansion** – Your planner was not able to give me an answer when I asked about a possible increase in the floor area of the new buildings.
Will the buildings be larger than those approved in 2016? If yes, why weren't these figures given out in an easy to understand format in the Application for the residents to comment on.
Is the Council comfortable with an increase in building footprint in this tiny parcel of land?
Will the Council put a limit on the number and size of accommodation buildings in the future?
9. **Environmental Assessment** Another question that your planner was unable to answer. This is a relatively tiny parcel of land, bordered by a creek in a very rural/semi-rural area. Has a recent environmental impact study been done assessing the suitability of the positioning of the buildings and their many ensuites?
We believe that the residents have a right to know if there are any environmental implications with this development and the results should be made public.
Is the Council prepared to openly assure residents that this is a suitable development from an environmental perspective and will remain so going into the future?
10. **Change of plans** Another question left unanswered by your Planner. 'Can the Council guarantee, if Planning Consent is given, that the plans will not be altered by the applicant once construction commences?'
Obviously, construction has commenced, so that part was clarified.
We believe that this question is not unreasonable because a new set of plans were presented in Court by the Christiadelphian Bible Camp Inc in 2016, completely different to those that were submitted by them initially.
11. **People living on the site permanently** 'Going into the future will people, other than the caretaker/s, be legally allowed to live permanently on site'. An answer to that one would be most appreciated, as 'the change of land use' quandary could be very relevant if permanent residents were permitted on the site.
12. **The Classrooms being used for accommodation** In the last hearing, in the Hebron Campsite viewing, those involved witnessed large numbers of mattresses stacked up in the Classrooms. We were told that these are spares for when we have large numbers on site.
What is the Council's attitude to the housing of people in buildings not approved for accommodation? Janine was not able to clearly answer that question.

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

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

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

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

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

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

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

OUR PERSONAL CONCERNS FOR 18 GOLDFIELDS ROAD, COCKATOO VALLEY

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

1. **Noise and nuisance** – this is our main problem and always has been. We have learned to deal with it but certainly during sports events it is very noisy and the sound is amplified due to an amphitheatre effect in the local area. It makes our outdoor activities quite unpleasant. We do not want to see this property used more frequently by more people as the noise will just increase. Old argument, but still very relevant.
2. **Intrusion** – We have not had problems with trespassers, but a huge concern is the apparent use of DRONES by Hebron users lately. This is unacceptable on so many levels – intrusion, animal safety, personal safety etc etc. and will be a matter to be addressed by us when we get back to Australia, if it becomes a problem over our property.
3. **Upgraded Septic System** – apparently the Hebron Septic System has been upgraded/enlarged at the back of our property and we have been told that this has nothing to do with the Barossa Council. We will seek clarification on this, from both a development perspective and an environmental one, when we return to Australia, as apparently it is in the hands of Health SA. All a bit confusing and lacking transparency.
4. **Land Valuation** – a large Tourist Accommodation facility which creates noise and intrusion into the surrounding area must have a negative impact on the future land value of our property.

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

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

Signed,

Shelley PS Arnold

Christopher J Arnold

29th August 2023

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

RE: 614A Balmoral Road, Cockatoo Valley DA

Attn: Ms Janine Lennon

Dear Ms Lennon,

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

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

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

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

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

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

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

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

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

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

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

With thanks,

Kevin E. Casey

Director Kevin Casey Design

Daniel Evans

Secretary Hebron Bible Camp Inc

we design buildings, not just draw plans

studio + office: 25 pinnacle cres, flagstaff hill sa 5159 telephone: 0412 293 808

web site: www.kevincasey.design email: info@kevincasey.design abn 68 002 108 894

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Our Ref: MER-2021/0142
2023_067



Government of South Australia
Department for Energy and Mining

10 August 2023

Janine Lennon
The Barossa Council
PO Box 867
NURIOOTPA

Dear Janine

Development Application: 23015775

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

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

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

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

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

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

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

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

ENERGY RESOURCES DIVISION

Level 7, 11 Waymouth Street, Adelaide SA 5000 | GPO Box 320 Adelaide SA 5001 | DX452
Tel (+61) 8 8429 2470 ABN 83 768 683 934

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Our Ref: MER-2021/0142
2023_067



Government of South Australia
Department for Energy and Mining

- Safety: The safety risk will be adequately mitigated and/or managed. Although detailed engineering design relating to the construction of infrastructure in the vicinity of, or proposed to cross, the Pipeline (**Detailed Design**) have not been specified by the Applicant, each of these matters are capable of being designed and constructed in such a manner as to mitigate and manage potential safety risks – this is addressed in the conditions further below to ensure that this occurs.
- The Licensee will be able to continue to lawfully continue to operate the Pipeline in accordance with the PGE Act, PGE Regulations and AS 2885 (as required in Regulation 29 of the PGE Regulations).

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

Conditions:

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

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

Advisory notes:

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

1. The proposed development is within the vicinity of the Port Campbell to Adelaide Pipeline (PCA). The applicant is reminded that under section 93 of the Petroleum and Geothermal Energy Act 2000 (**PGE Act**), a person must not interfere with activities regulated under the PGE Act which are lawfully conducted under a licence.
2. The South Australian section of the PCA is licenced to SEA Gas. Direct contact with SEA Gas on this matter should be through Michael Jarosz on (08) 8236 6836 or via email at development.application@seagas.com.au.
3. From the information provided, DEM understands that there may be construction work (such road upgrade works, excavation or installation of above ground infrastructure/fencing) associated with this development in close proximity to the pipeline. DEM reminds the applicant of the requirement to undertake a Before You Dig Australia (BYDA) enquiry prior to commencement of activities. Through the BYDA process, the pipeline operator will confirm if the installation must be attended by a representative, and any other conditions for safe work near the pipeline.

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Government of South Australia

Department for Energy and Mining

4. The applicant is reminded that a Pipeline easement is contained within the vicinity of the application. The applicant must conduct activities pursuant to the conditions of the easement. In particular the Applicant must not undertake any of the following activities without the prior consent of SEA Gas:
- a. Excavate, dig, drill or change the contour of the easement land;
 - b. Construct or erect any building or other permanent structure on the easement land;
 - c. Plant or cultivate trees on the easement land; or
 - d. Conduct any activity which constitutes a nuisance or hindrance to the exercise by SEA Gas of its rights under the Grant of Easement

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

Yours sincerely,

A handwritten signature in black ink, appearing to read "M. Malavazos", enclosed within a circular stamp.

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

ENERGY RESOURCES DIVISION

Level 7, 11 Waymouth Street, Adelaide SA 5000 | GPO Box 320 Adelaide SA 5001 | DX452
Tel (+61) 8 8429 2470 ABN 83 768 683 934

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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 the subject to an appeal in the Environment Resource and Development Court.

DA NUMBER	APPLICANT	ADDRESS	NATURE OF DEVELOPMENT	POSITION
22034751	Xun Li	261 Rifle Range Road Bethany	The construction of eight buildings for the purposes of short-term tourist accommodation and associated car parking	Through the proceedings of the Appeal the number of buildings was reduced from eight to six to settle the appeal, subject to conditions. Attachment 1 contains the Order issued by the ERD Court dated the 8 November 2023.

RECOMMENDATION

That the report be received.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Environment Resources and Development Court - Court Order [!\[\]\(870f5d5e9c0d57485634be3ecf52f3ca_img.jpg\)](#) 

OFFICE USE ONLY

Case Number: ERD-23-000090

Date Filed: 08 November 2023

FDN: 10



ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA

No. 90 of 2023

BETWEEN

XUN LI
Appellant

and

THE BAROSSA COUNCIL – COUNCIL ASSESSMENT PANEL
Respondent

ORDER

Judicial Officer: Commissioner Ryan
Date of Order: 8 November 2023

BY CONSENT THE COURT ORDERS that:

1. The appeal is allowed.
2. Pursuant to section 102(3) of the *Planning, Development and Infrastructure Act 2016*, the following specified matter shall be reserved:
 - 2.1 the Appellant or the person(s) having the benefit of this consent shall submit an application pursuant to the provisions of the *South Australian Public Health Act 2011* and the *South Australian Public Health (Wastewater) Regulations 2013*, for the installation of an on-site wastewater system, which application must be approved by the relevant statutory authority, prior to the grant of development approval.
3. Planning consent is granted to Development Application No. 22034751 being an application for a development in the nature of the construction of six (6) buildings to be used for short-term tourist accommodation, associated car parking and landscaping (**Development**) at 261 Rifle Range Road, Bethany being the land more particularly comprised within Certificate of Title Register Book Volume 6117 Folio 263 (**Land**), subject to the following conditions:
 - 3.1 The Development shall be undertaken in accordance with the following revised plans:
 - 3.1.1. Location Plan, prepared by Yogo Design & Consulting Pty Ltd, Drawing No A001, Rev H, dated 7 August 2023;

- 3.1.2. Site Plan, prepared by Yogo Design & Consulting Pty Ltd, Drawing No A002, Rev J, dated 4 October 2023;
- 3.1.3. Floor Plan & Sections, prepared by Yogo Design & Consulting Pty Ltd, Drawing No A003, Rev H, dated 7 August 2023;
- 3.1.4. Sections, prepared by Yogo Design & Consulting Pty Ltd, Drawing No A004, Rev H, dated 7 August 2023;
- 3.1.5. Elevations, prepared by Yogo Design & Consulting Pty Ltd, Drawing No A005, Rev H, dated 7 August 2023;
- 3.1.6. Landscape Plan, prepared by Yogo Design & Consulting Pty Ltd, Drawing No A006, Rev H, dated 7 August 2023 (**Landscaping Plan**);
- 3.1.7. On-Site Wastewater Report, prepared by Intrax Housing, Project No 194587, Rev D, dated 25 September 2023;
- 3.1.8. Site & Drainage Plan, prepared by Intrax Housing, Project No 194587, Sheet No C01, Rev P4, dated 25 September 2023; and
- 3.1.9. Underfloor Plumbing Plan, prepared by Intrax Housing, Project No 194587, Sheet No C02, Rev P4, dated 25 September 2023,

(which plans and report are now marked
Exhibit A)

except where varied by any of the following additional conditions:

- 3.2. Prior to the commencement of use of the Development, the buildings authorised herein shall be connected to and thereafter shall remain connected to an approved operational on-site wastewater system, to the reasonable satisfaction of the Council.
- 3.3. All external building materials shall:
 - 3.3.1 be muted and non-reflective in nature;
 - 3.3.2 where metal cladding is used, it shall have a pre-colour treated finish; and
 - 3.3.3 be new materials and maintained thereafter, in good condition at all times to the reasonable satisfaction of the Council.
- 3.4 All stormwater runoff from buildings, paved areas and from areas that immediately surround the perimeter of the buildings shall be disposed of in a manner that is to the Council's reasonable satisfaction, and shall not, in particular:
 - 3.4.1 result in entry of water into any building;
 - 3.4.2 affect the stability of any building;
 - 3.4.3 create an unhealthy or dangerous condition, or
 - 3.4.4 run onto or over the land of any adjoining owner.
- 3.5 Stormwater disposal systems shall be fully installed and operational at the completion of the construction of the Development, with adequate measures deployed during the construction of the Development, to ensure that the temporary disposal of surface or roof water does not affect neighbouring properties, to the reasonable satisfaction of the Council.

- 3.6 Disturbed surfaces, including any exposed batters as a result of any excavation undertaken on the Land during the construction of the Development shall be revegetated and stabilised within three (3) months of the completion of the Development, to the reasonable satisfaction of the Council.
- 3.7 All external lighting shall comply with AS 4282:2019 *Outdoor Lighting Obtrusive Effects* so as to prevent any adverse effect on adjoining sensitive receivers.
- 3.8 Prior to the commencement of use of the Development, the landscaping works shown on the Landscaping Plan shall be established and thereafter shall be maintained to the reasonable satisfaction of the Council. Subject to condition 3.13, all existing trees shown hatched in green on the Landscaping Plan shall be retained on the Land and shall be maintained to the reasonable satisfaction of the Council. Any dead or diseased plants shall be replaced with the same or similar species forthwith or in any event prior to the next planting season, to the reasonable satisfaction of the Council.
- 3.9 Prior to the commencement of use of the Development:
- 3.9.1 all driveway access, internal roadways, car parking and vehicle manoeuvring areas identified on the approved plans, shall be constructed and finished with an all-weather surface in accordance with accepted engineering practice and shall comply with the requirements of AS 2890.1 *Parking facilities – Part 1: Off-street car parking*; and
- 3.9.2 an accessible carpark space (including shared area and pedestrian path to the approved buildings) shall be constructed and finished in bitumen, brick paving or concrete in accordance with AS 2890.6 *Parking facilities – Part 6: Off-street parking for people with disabilities*.
- 3.10 Any noise generating activity on the Land shall not cause an unreasonable nuisance to adjacent occupiers of land, in the reasonable opinion of the Council's authorised officers.

Country Fire Service (CFS) conditions

3.11 *Access to habitable buildings:*

3.11.1 access roads to the building sites shall:

- 3.11.1.1 be of all-weather construction;
- 3.11.1.2 have a minimum formed road surface width of 3 metres; and
- 3.11.1.3 allow large fire-fighting vehicles to enter and exit the Land in a forward direction.

3.11.2 private access roads on the Land shall have a minimum internal radius of 9.5 metres and/or an external radius of 12.5 metres, on all road bends.

3.11.3 private access roads on the Land shall have overhead clearances of not less than 4 metres horizontally and vertically, which distance shall be measured between the driveway surfaces and overhanging branches or other obstructions, including buildings and/or structures.

3.12 *Water supply and access:*

- 3.12.1 the water supply outlet shall be easily accessible and clearly identifiable from the access way and shall be no greater than 60 metres (path of travel) to the furthestmost point of the buildings, so as to enable firefighting services to reach all parts of the buildings with no more than two lengths of hose from any hardstand area.

- 3.12.2 the dedicated water supply and its location shall be identified on the Land with suitable signage (i.e., a blue sign with white lettering which reads; “FIRE WATER”).
- 3.12.3 any access road(s) providing access to the dedicated water supply shall be of all-weather construction and shall have a minimum formed road surface width of 3 metres.
- 3.12.4 provision shall be made adjacent to the dedicated water supply, for a nominally level hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes), which hardstand area shall be a distance equal to or less than 6 metres from the water supply outlet.
- 3.12.5 the outlet from the water storage supply shall be positioned so that the SA CFS appliance can easily connect to it, while rear facing (as the SA CFS appliance’s inlet is rear mounted).
- 3.12.6 a gravity fed water supply outlet may be remotely located from the above ground tank so as to provide adequate access.
- 3.12.7 all non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for firefighting) shall be buried below ground to a minimum depth of 300 mm with no non-metal parts above ground level.
- 3.12.8 all water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.

3.13 *Maintain an Asset Protection Zone (APZ) – vegetation management:*

- 3.13.1 Within 20 metres of any of the six proposed buildings on the Land (which area is identified as an Asset Protection Zone (**APZ**) which is delineated on the Landscaping Plan by way of circular dashed lines), vegetation shall be established and/or maintained as follows:
 - 3.13.1.1 any trees and understorey plants within an APZ shall be reduced in number as necessary, and thereafter, maintained, such that, when considered overall, a maximum foliage coverage of 30%, within an APZ, is attained. Careful selection of the vegetation will permit the ‘clumping’ of shrubs where desirable, for diversity, and privacy but the amount of vegetation within an APZ shall not (including any vegetation proposed to be planted on the Land as shown on the Landscaping Plan), exceed an overall maximum foliage coverage of 30%.
 - 3.13.1.2 trees and shrubs shall not be planted closer to any building(s) than a distance which is equivalent to their mature height.
 - 3.13.1.3 trees and shrubs shall not overhang the roofline of any building(s), touch walls, windows or other elements of any building(s).
 - 3.13.1.4 shrubs shall not be planted under trees and shall be separated, by at least 1.5 times their mature height, from the lowest branches of any tree(s).
 - 3.13.1.5 grasses within an APZ shall be reduced to a maximum height of 10 cm during the Fire Danger Season.
 - 3.13.1.6 no understorey vegetation (being any vegetation which is either a plant or a bush that is up to 2 metres in height) shall be established within 2 metres of any habitable building on the Land.

- 3.13.1.7 flammable objects such as plants, mulches and fences shall not be located adjacent to vulnerable parts of any building on the Land, such as windows, decks and eaves.
- 3.13.1.8 an APZ shall be maintained to be free of accumulated dead vegetation, including leaf litter at all times, to the satisfaction of the Council.



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DEPUTY REGISTRAR

9. REPORTS – OTHER BUSINESS

Nil.

10. REPORTS – CONFIDENTIAL

Nil.

11. NEXT MEETING

Wednesday 24 January 2024 commencing at 5.00 pm

12. CLOSURE OF MEETING

The Presiding Member will declare the meeting closed.