

BAROSSA ASSESSMENT PANEL

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

Tuesday, 7 May 2024, 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 2 April 2024 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 24003132 - Lot 14 Woodlands Road Cockatoo Valley

APPLICANT:	Nick Simos from SA Urban and Regional Planning on behalf of the Applicant Stefano Barilla
REPRESENTORS:	Charles Teusner

APPLICATION DETAILS

PROPOSAL	Change of use of portion of land from farming to Horticulture – Olive Orchard
APPLICANT	Stefano Barilla
OWNER	Stefano Barilla
APPLICATION NO	24003132
CERTIFICATE(S) OF TITLE	CT 5995/563
AREA	40 hectares
CURRENT USE	Vacant
PLANNING AND DEVELOPMENT CODE VERSION	Version 2024.2 – 8 February 2024
PLANNING AND DESIGN CODE EXTRACT LINK	Relevant Code Extract
ZONE	Rural
OVERLAYS	Character Preservation District Hazards (Bushfire – Medium Risk) Hazards (Flooding – Evidence Required) Native Vegetation Prescribed Water Resources Area Water Resources
APPLICATION TYPE	Performance Assessed
PUBLIC NOTIFICATION	Notified – No Sign
REFERRALS	Nil
PREVIOUS APPLICATIONS	960/13/2007 – Torrens Title Land Division – Create two additional allotments
ASSESSING OFFICER	Calvin Bacher
RECOMMENDATION	That Planning Consent be GRANTED subject to Conditions

INTRODUCTION

The site owner seeks retrospective Development Approval for the ‘Change of use of portion of land from farming to horticulture - olive orchard’ at Allotment 14 Woodlands Road, Cockatoo Valley SA 5351.

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 two (2) representations were received.

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

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

No statutory referrals were applicable.

The site is in a Rural Zone where primary horticulture (including olive growing) is an envisaged use.

The proposed olive orchard is to be established to the rear (northern) portion of the allotment where the elevations plateau. The proposed olive grove will be planted eight metres from the northern boundary and ten metres from the western and eastern boundaries.

Two representors have expressed concerns regarding the inadequate setback of the planted trees to the boundaries that will prejudice existing spraying operations of their adjacent farming land.

The Rural Zone seeks that horticulture avoids adverse interface conflicts with other land uses. The related DPF states that a 10m headland should be provided to a boundary. It is acknowledged there is a shortfall in setback of two metres and while such departure exists, it is concluded that the shortfall is negligible and the proposal would not result in adverse interface conflicts with the existing farming uses.

It is to be noted that if the proposal was at ten metre setback, the application is a form of Deemed to Satisfy development that must be approved. It is concluded that the two metre shortfall would not result in a substantially different outcome to that which is proposed under the application presented before the Panel.

While the Planning and Design Code does seek that existing land uses are protected from land use conflict, the neighbours ultimately have an obligation to ensure their spraying does not adversely impact adjacent land. The eight metre setback afforded by the plantings to the northern boundary does provide a setback to the boundaries that avoids adverse interface conflict.

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

SITE AND LOCALITY

The site for the proposed olive orchard is an irregular shaped allotment with a frontage and access to Woodlands Road. The proposed olive orchard is approximately 600

metres from the Woodlands Road access. The site has a total area of approximately 40 hectares.

The site was historically used for farming (cropping and grazing) with cropping limited to the northern portion of the allotment due to hilly elevations. The site contains few ancillary agricultural structures.

The site is generally surrounded by broad acre farming and low intensity agriculture on large allotments to the east, north and west and rural-living allotments to the east and south-east. Land is undulating thus providing limited vistas, generally of open fields interspersed with native trees and shrubs. Dwellings within the Rural and Rural Living Zone are visible from the olive orchard site however are not within close proximity.

The site is traversed by several watercourses, however, none of the watercourses are located within 50m of the proposed olive grove.

The closest non-associated dwellings are all located in excess of 550 metres from the proposed olive orchard and generally not within sightlines from the property.

The nearest township is Sandy Creek which is located approximately 1.4 kilometres north from the subject site.

Figure 1 below provides a Zone map and details of the locality of the site.

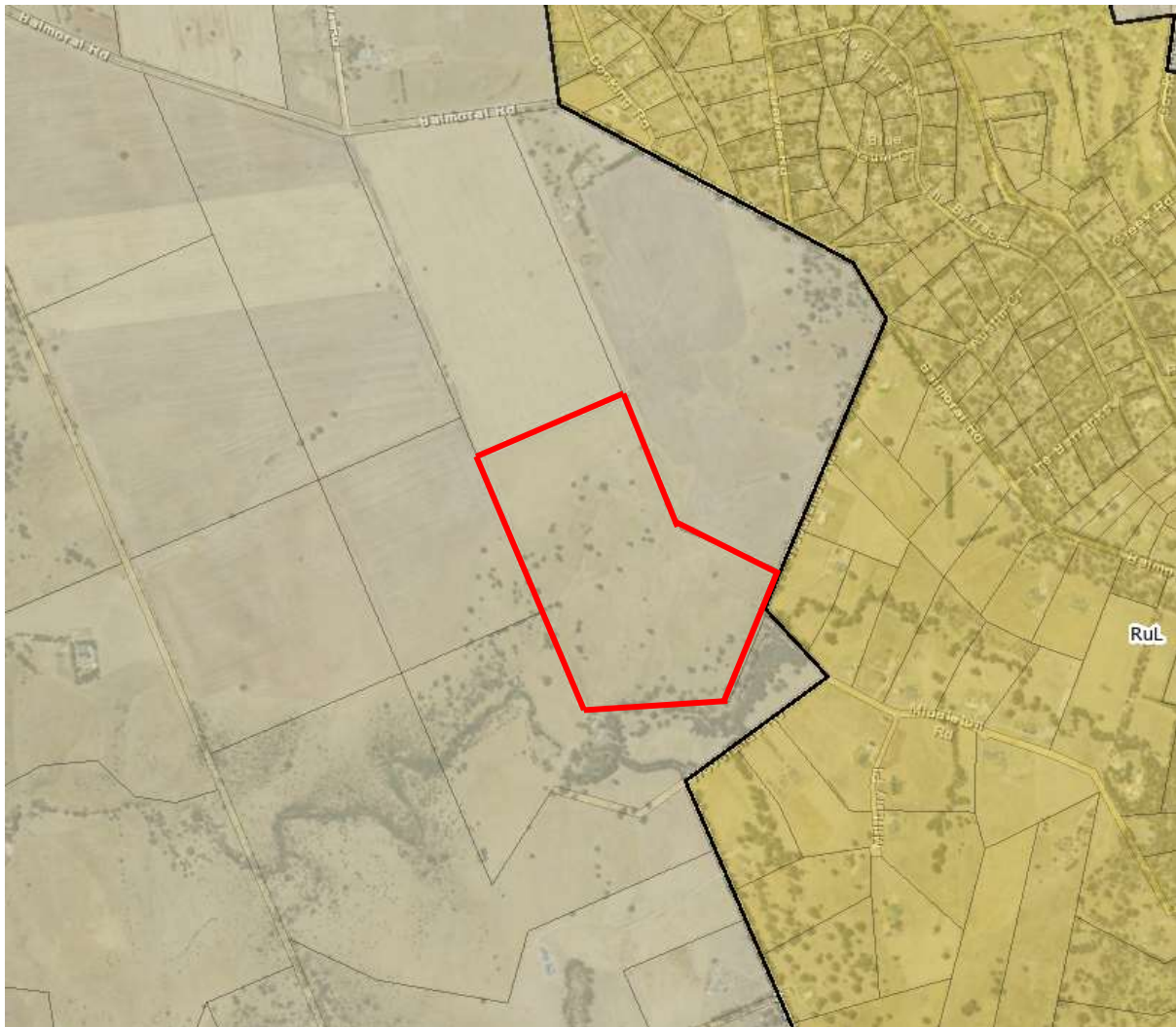


Figure 1: Zone Map – subject site within the Rural Zone

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

Site photos are provided in **Figure 4** and **Figure 7**.

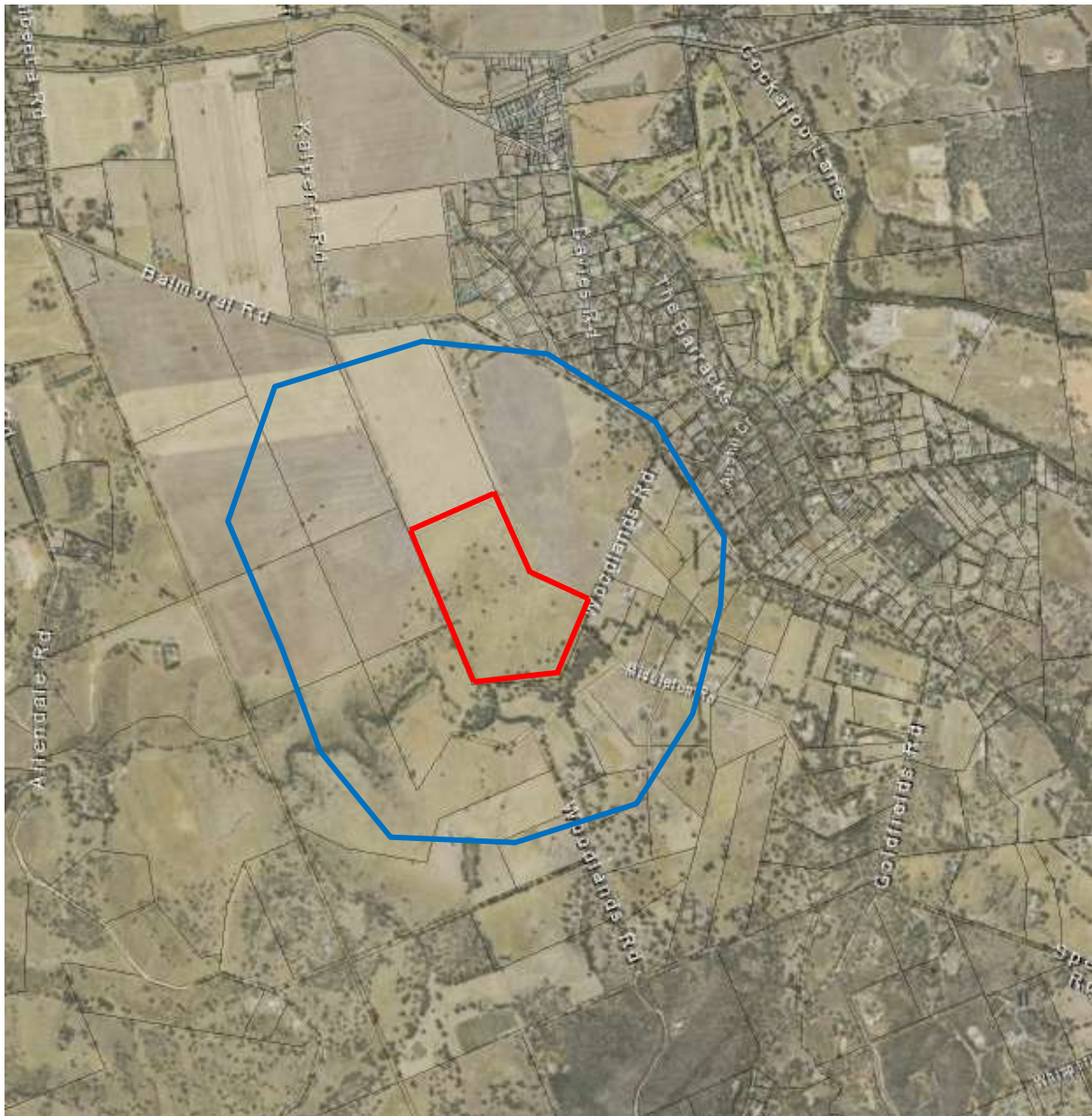


Figure 2: Aerial - Locality – subject site marked in red, locality marked in blue



Figure 3: Aerial – Site



Figure 4: Looking north-west from Woodlands Road towards access driveway and olive orchard. The proposed orchard is not visible from Woodlands Road



Figure 5: North-eastern rear corner of site looking south-east toward Woodland Road



Figure 6: North-western rear corner looking east



Figure 7: North-western rear corner looking north toward adjacent property

PROPOSAL

The application seeks development approval for the establishment of an olive orchard on portion of the subject site consisting of 880 trees.

The first row provides an eight metre headland to the rear boundary and a ten metre headland to the side boundaries.

Mature age trees have been transplanted for the purpose of producing commercial quantities of olives.

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

APPLICATION TYPE

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

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

PUBLIC NOTIFICATION

The application was subject to public notification in accordance with Table 5 – Procedural Matters – Notification of the Rural Zone. The proposed development is listed in Table 5 but is not excluded from public notification because the proposal does not satisfy DTS/DPF 3.1(e).

<i>Class of Development (Column A)</i>	<i>Exceptions (Column B)</i>
6. Horticulture	i. Except horticulture that does not satisfy any of the following: ii. iii. Rural Zone DTS/DPF 3.1(d) iv. Rural Zone DTS/DPF 3.1(e) v. Rural Zone DTS/DPF 3.1(f) vi.

The table below provides details of the public notification process:

Representations:	Two representations were received as follows: - Charles Teusner - Hunter Martin
Person wishing to be heard:	No late representations were received. Of the two representations received, one wishes to be heard as follows:
Applicant	Charles Teusner Nick Simos from SA Urban and Regional Planning on behalf of the Applicant, Stefano Barilla, shall appear to respond to the representations.
Time period for Public Consultation	12 March 2024 to 3 April 2024

The table below summarises the contents of the representations and the applicant's responses.

Summary of representations:

Representor/s

Charles Teusner

Applicant Response:

- | | |
|---|--|
| <ul style="list-style-type: none"> • The trees are planted 7.5 metres -7.8 metres from the boundary, not eight metres as per the proposed site plan. When reaching maturity, the trees will likely encroach to a distance less than 6m, on assumption of only a four metre diameter canopy. • We farm 220 ha of adjoining land which is reliable and productive land. The land produces 1,000 tonnes of cereal (wheat/barley) and 500-1,000 tonnes of legume (peas, chickpea, beans, lentils) on an average year. The olive trees are located to the south and east of our land and will result in conflict with our spraying regime. The only time we can spray with any certainty and safety will be with a south/south east and east/south-east wind, which occurs roughly 10% of the time on average during the year. A missed spray window caused by weather and/or interface risks may result in a delay of seeding which may result in reduced yield and inability to control weeds. • The farm applies best practice spraying techniques, however, this approach does not mitigate need to avoid spraying during unfavourable weather conditions (ie. wind direction). • The planting of olive trees has not led to any change or better management of weeds at the site. • Olive trees are an introduced species and do not provide biodiversity benefit to the region. Olive trees may attract birds and wild deer, however, the animals are capable of spreading olive seeds far distances. | <ul style="list-style-type: none"> • The olive ground is an anticipated land use and provides a continuation of the existing interface between the two properties that is both expected and reasonable. • Horticulture is an anticipated use in this zone. The type of plantings is not a limiting factor to the assessment of the land use. • Attached to the submission is copy of letter of support from adjoining landowners of the reduced setback, which is evidence in the area, and support for improved management of spray practice from adjoining land owners. • Pest control falls outside the remit of the Planning, Development & Infrastructure Act 2016. • Further letters of support accompany the submission. |
|---|--|

- *Interface concerns with established primary production within locality (farming) such as spray drift and weed management.*

Hunter Martin

- *Our paddock is located to the west of the subject development and is farmed under a share farming arrangement. The land is already subject to interface concern with rural living land to the east and north-east. The plantation will further enclose our boundaries, thus making best practice farming difficult. The risk of spray drift or burning is on the farmer, but any potential yield loss due to a missed spray opportunity will directly affect land income. Further sensitive interfaces will prejudice the ability to farm the land to its full capacity. If the land is not sprayed, this will reduce the yield of the land and increase prevalence of pest species.*

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

REFERRALS

External

Pursuant to Schedule 9 of the *Planning, Development and Infrastructure (General Regulations 2017* and Part 9 of the Planning and Design Code, the application was not subject to any referrals.

Internal

There were no internal referrals undertaken for this application.

ASSESSMENT

Please refer to the following link, the Planning and Design Code extract for this proposal, dated 8 February 2024, Version 2024.2.

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 Panel determine that the proposed development is not Seriously at Variance with the relevant provisions of the Planning and Design Code.

Horticulture is an envisaged land use within the Rural Zone supporting the continuation of primary production and value adding activities. While the proposal is at variance with some of the DPF's contained in the Planning and Design Code, it is considered the proposal is not Seriously at Variance with the Planning and Design Code.

Character Preservation (Barossa Valley) Act 2012

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

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

Horticulture is an envisaged land use within the Rural Zone. The proposed development will maintain the rural and natural landscape and visual amenity of the district. While not viticulture, olive trees are a complementary form of horticultural land use in the Zone and are considered to fit broadly within character value (d).

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

Assessment

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

Land Use

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

	i) Dwelling j) Dwelling addition k) Farming l) Horse keeping m) Horticulture n) Industry o) Intensive animal husbandry p) Low intensity animal husbandry q) Outbuilding r) Renewable energy facility s) Shop t) Small-scale ground mounted solar power facility u) Stock slaughter works v) Tourist accommodation w) Transport distribution x) Verandah y) Warehouse z) Winery aa) Workers' accommodation
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Rural Zone Performance Outcome 1.1 speaks of supporting the productive value of rural land. DTS/DPF 1.1 expressly contemplates horticulture. Planting of olives is a form of 'horticulture' within the definition contained in Part 7 of the Planning and Design Code. It is therefore considered that the proposal for horticulture on the site will maintain the productive value of rural land for primary production activities, pursuant to Performance Outcome 1.1.

Siting and Design

Horticulture	
PO 3.1 <i>Horticulture is located and conducted on land that has the physical capability of supporting the activity and in a sustainable manner that:</i> <i>Enhances the productivity of the land for the growing of food and produce in a sustainable manner</i> <i>Avoids adverse interface conflicts with other land uses</i> <i>Utilises sound environmental practices to mitigate negative impacts on natural resources and water quality</i> <i>Is sympathetic to surrounding rural landscape character and amenity where horticulture is proposed to be carried out in enclosed buildings such as greenhouses.</i>	DTS/DPF 3.1 <i>Horticultural activities:</i> <i>Are conducted on an allotment with an area of at least 1ha</i> <i>Are sited on land with a slope not greater than 10% (1-in-10)</i> <i>Are not conducted within 50 metres of a watercourse or native vegetation</i> <i>Are not conducted within 100 metres of a sensitive receiver in other ownership</i> <i>Provide for a headland area between plantings and property boundaries of at least 10 metres in width</i> <i>Where carried out in an enclosed building such as a greenhouse, the building has a total floor area not greater than 250 sqm</i> <i>Where in the form of olive growing are not located within 500 metres of a conservation or national park</i>

The proposal is considered to satisfy all parts of DTS/DPF 3.1 quoted above, with exemption of part (e) as follows:

- The allotment is approximately 40 hectares

- The olive grove is to occur on the plateau of land with a slope not greater than 10%
- The olive orchard is to be sited greater than 50 metres from several watercourses on the land and stands of vegetation within the site
- The area for horticultural activities does not have a sensitive receiver within 100 metres
- The proposal does not include any enclosed building/s
- The olive farming activities will not occur within 500 metres of a conservation or national park

Part (e) states that a ten metre headland should be provided to a boundary. It is acknowledged there is a shortfall in setback of two metres and while such departure exists, it is concluded that the shortfall is negligible and the proposal would not result in adverse interface conflicts with the existing farming uses.

While the Planning and Design Code does seek that existing land uses are protected from land use conflict, the neighbours ultimately have an obligation to ensure their spraying does not adversely impact adjacent land. The eight metre setback afforded by the plantings to the northern boundary does provide a setback to the boundaries that avoids adverse interface conflict.

To expect that a ten metre setback be achieved, it would also not be unreasonable for the cropping activity on the adjacent land to be brought in from the fence-line (presently nil or near nil setback to for example, two metre setback).

Overall, it is considered that the proposal supports the primary production use of the land and will have an acceptable level of amenity and visual impact in the locality.

Prescribed Water Resources Area Overlay

Character Preservation District Overlay	
Desired Outcomes	
DO1	<i>Sustainable water use in prescribed water resources areas maintains the health and natural flow paths of surface water, watercourses and wells.</i>
Performance Outcomes and DTS Criteria / DPF	
PO 1.1 <i>All development but in particular development involving any of the following:</i> <i>horticulture</i> <i>activities requiring irrigation</i> <i>aquaculture</i> <i>industry</i> <i>intensive animal husbandry</i> <i>commercial forestry</i> <i>Has a lawful, sustainable and reliable water supply that does not place undue strain on water resources in prescribed water resource areas.</i>	DTS/DPF 1.1 <i>Development satisfies either of the following:</i> <i>the applicant has a current water licence in which sufficient spare capacity exists to accommodate the water needs of the proposed use</i> or <i>the proposal does not involve the taking of water for which a licence would be required under the Landscape South Australia Act 2019.</i>

The proposed development will not impede upon natural flow paths of surface water, watercourses and wells, noting that negligible earthworks are required to establish and maintain the olive grove. The applicant has provided evidence of water supply

via carting required water to the site, such that additional source of irrigation water is not required for the olive grove.

Character Preservation Overlay

Character Preservation District Overlay	
Desired Outcomes	
DO1	Recognise, protect and enhance the special character of Character Preservation Districts.
DO2	The long term use of land outside of townships for primary production and associated value adding enterprises is assured and promoted.
Relevant Performance Outcomes/Designated Performance Features	
Built Form and Character	
PO 2.2 Development contributes to and maintains the historic identity and character of townships through appropriate: g) form h) scale i) siting j) design k) landscaping	DTS/DPF 2.2 None are applicable.
Built Form and Character in the Rural Areas	
PO 3.1 Preservation of existing natural features including topography, watercourses and mature trees.	DTS/DPF 3.1 None are applicable.

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

Horticulture is an envisaged land use within the Rural Zone. The proposed development will maintain the rural and natural landscape and visual amenity of the district. While not viticulture, olive trees are a complementary form of horticultural land use in the Zone and are considered to fit broadly within character value (d).

Clearance from Overhead Powerlines

General Development Policies	
Clearance from Overhead Powerlines	
Desired Outcomes	
DO1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
Relevant Performance Outcomes/Designated Performance Features	
PO 1.1 Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.	DTS/DPF 1.1 One of the following is satisfied: a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996

	b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.
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DTS/DPF 1.1 clause has been met and therefore the related Performance Outcome 1.1 will be achieved.

Interface between Land Uses

General Development Policies	
Interface between Land Uses	
Desired Outcomes	
DO1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
General Land Use Compatibility	
PO 1.2 Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.	DTS/DPF 1.2 None are applicable.
Activities Generating Noise or Vibration	
PO 4.1 Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).	DTS/DPF 4.1 Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.
PO 4.2 Areas for the on-site manoeuvring of service and delivery vehicles, plant and equipment, outdoor work spaces (and the like) are designed and sited to not unreasonably impact the amenity of adjacent sensitive receivers (or lawfully approved sensitive receivers) and zones primarily intended to accommodate sensitive receivers due to noise and vibration by adopting techniques including: a) locating openings of buildings and associated services away from the interface with the adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers. b) when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers. c) housing plant and equipment within an enclosed structure or acoustic enclosure.	DTS/DPF 4.2 None are applicable.

d) <i>providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.</i>	
Air Quality	
PO 5.1 <i>Development with the potential to emit harmful or nuisance-generating air pollution incorporates air pollution control measures to prevent harm to human health or unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) within the locality and zones primarily intended to accommodate sensitive receivers.</i>	DTS/DPF 5.1 <i>None are applicable.</i>

Other than the setback from adjacent farming land, which is discussed earlier, the proposed development is setback from nearby Rural Living Zone and sensitive receivers within adjoining allotments. The closest non-associated dwellings are all located in excess of 550 metres from the proposed olive orchard and generally not within sightlines from the property. All associated activities with the management of the olive orchard are anticipated to occur within close proximity to the plantings on the plateau of the site which is predominantly a rural locality.

Other Overlays

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

Hazards (Bushfire – Medium Risk) Overlay

The olive orchard will be located within the allotment which is accessible via existing vehicle access. There are no habitable buildings on-site.

Hazards (Flooding - Evidence Required) Overlay

There are no water courses that traverse the land where the olive orchard is proposed.

Native Vegetation Overlay

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

Water Resources Overlay

The proposed horticultural activities will not result in increased surface water run-off or deposition of material in any watercourses.

CONCLUSION

The proposal comprises 'Change of use of portion of land from farming to horticulture - olive orchard'. The application was subject to 'Performance Assessment' and public notification. The application was notified in accordance with Section 107 of the *Planning, Development and Infrastructure Act 2016* with two representations received.

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

The nature of the proposal is acceptable olive orchard which is intended to support the primary production activities of the locality. Horticulture is an envisaged land use in the Rural Zone.

The primary assessment issues relate to the proposed 8m setback from the northern boundary (headland). The two representors have expressed concerns regarding the inadequate setback of the planted trees to the boundaries that will prejudice existing spraying operations of their adjacent farming land.

The Rural Zone seeks that horticulture avoids adverse interface conflicts with other land uses. The related DPF states that a ten metre headland should be provided to a boundary. It is acknowledged there is a shortfall in setback of two metres and while such departure exists, it is concluded that the shortfall is negligible and the proposal would not result in adverse interface conflicts with the existing farming uses.

It is to be noted that if the proposal was at ten metre setback, the application is a form of Deemed to Satisfy development that must be approved. It is concluded that the two metre shortfall would not result in a substantially different outcome to that which is proposed under the application presented before the Panel.

While the Planning and Design Code does seek that existing land uses are protected from land use conflict, the neighbours ultimately have an obligation to ensure their spraying does not adversely impact adjacent land. The eight metre setback afforded by the plantings to the northern boundary does provide a setback to the boundaries that avoids adverse interface conflict.

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

RECOMMENDATION 1

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. 24003132 by Mr Stefano Barilla to undertake Change of use to horticulture – olive orchard at Lot 14 Woodlands Rd, Cockatoo Valley (CT 5995/563) subject to the following conditions and advisory notes:

- (1) The development shall be undertaken in accordance with the following endorsed plans and documentation accompanying the application, except where varied by the conditions listed below:
 - Site Plan, 23 January 2024, Drawing No. A
 - Covering Letter, SA Urban & Regional Planning, 2 February 2024
 - Response to Representations, SA Urban & Regional Planning, 17 April 2024

Advisory Notes

- (1) Any portion of Council's infrastructure damaged as a result of work undertaken within the development site or associated with the development shall be repaired/reinstated to Council's satisfaction at the developer's expense.
- (2) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by the relevant authority. Approval of this application does not necessarily imply that future requests for variations would be approved. Any future request will be assessed by having regard to the relevant rules and requirements in force at the time any request is lodged.
- (3) The adjoining owners should be advised of the proposed work on the boundary and matters such as access to perform work, removal of fences, finished levels and retaining walls should be resolved before building work commences. This approval does not create an automatic right to access neighbouring land.
- (4) Any works associated with the development such as tree planting, tree removal, footpath renewal or construction of new vehicle entrances proposed to be undertaken within the road reserve (ie the road carriageway, verge or footpath area) requires an independent approval from Council pursuant to the *Local Government Act 1999*. Further enquiries should be directed to the Works and Engineering team on 8563 8444.
- (5) The applicant is reminded of its general environmental duty, as required by Section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that the activities on the whole site including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- (6) 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.
- (7) 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.

- (8) 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.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Application and Associated Documentation [↓](#) 
Attachment 2 Representations Received [↓](#) 
Attachment 3 Applicants Response to Representations [↓](#) 

Development Locations

Location 1

Location reference

LOT 14 WOODLANDS RD COCKATOO VALLEY SA 5351

Title Ref

CT 5995/563

Plan Parcel

D74512 AL14

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)
- Native Vegetation
- Prescribed Water Resources Area
- Water Resources

Variations

- Minimum Site Area (Minimum site area is 40 ha)
- Minimum Dwelling Allotment Size (Minimum dwelling allotment size is 32 ha)

Application Contacts

Applicant(s)

Stakeholder info

Mr Stefano Barilla

[REDACTED]

Contact

Stakeholder info

Mr Nick Simos

[REDACTED]

Invoice Contact

Stakeholder info

Mr Stefano Barilla

[REDACTED]

Land owners

Stakeholder info

Mr Stefano Barilla

[REDACTED]

Nature Of Development

Nature of development

Change of land use to horticulture (olive orchard)

Development Details

Current Use

sheep grazing

Proposed Use

Sheep grazing & horticulture (olive orchard)

Development Cost

\$100,000.00

Proposed Development Details

Change of land use to horticulture (olive orchard)

Element Details

You have selected the following elements

Change of use - \$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?

Unsure

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
FDAF.pdf	All application documentation	7 Feb 2024 10:49 AM

Application Created User and Date/Time

Created User

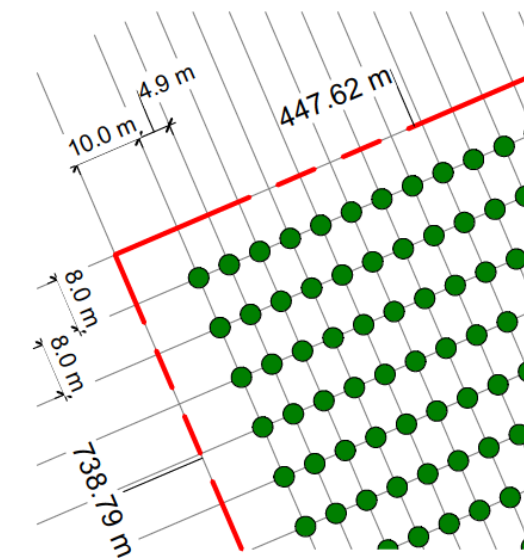
epr.simonsic@sa.gov.au

Created Date/Time

7 Feb 2024 10:49 AM



Site
1 : 5000



Site - Detail Plan

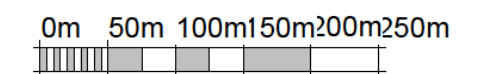
1 : 1000

LEGEND

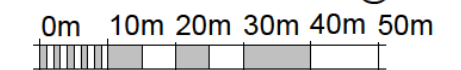
REPRESENTS OLIVE TREE
LOCATION
(NOTE 88 TREES PER ROW)
TOTAL 880 TREES

NOTES

1. CONCEPT LAYOUT SHOWN SITE BOUNDARY
INDICATIVE



VISUAL SCALE 1:5000 @ A3



VISUAL SCALE 1:1000 @ A3

No.	Amendment	Date
A	Site Layout	23.01.24

Barilla Olive Tree Layout

LOT 14 WOODLANDS ROAD,
COCKATOO VALLEY SA



DRAWING - SITE PLAN

Project Number	BA2402	Revision :
Date	23.01.24	A100
Drawn by	MB	
Checked by	SB	Scale @AAs indicated

**SA URBAN AND REGIONAL
PLANNING**

ACN43 600 857 154
PO Box 601
HENLEY BEACH SA 5022
Mobile 0411 096 597
nick@saurp.com.au



2 February 2024

Attention: Isabelle Zmuda
The Barossa Council
PO Box 867
Nuriootpa SA 5355

Dear Madam/Sir,

**RE: DEVELOPMENT APPLICATION
SA Urban and Regional Planning
LOT 14 WOODLANDS ROAD, COCKATOO VALLEY, SOUTH AUSTRALIA, 5351
Retrospective Development: Change of land use to horticulture (olive orchard)
Zone: Rural Zone**

Thank you for your letter dated 10 January 2024 which identifies that the recently planted olive trees represents a change of land use. The landowner was unaware that the planting of these trees would trigger a change in land use. Although, it is understood that horticulture is an envisaged use in the Rural Zone and that a Deemed to Satisfy pathway exists for this land use.

I note that the proposal would likely have been a deemed to satisfy application should the setback have been 10 metres from all site boundaries. The orchard has been established within 8.0 metres of the rear northern boundary. This is also a trigger for public notification as per Table 5: 6. Horticulture DTS/DPF 3.1(e), which my client accepts.

I am of the view that the proposal meets performance outcome 3.1 related to horticulture, which provides as follows:

Horticulture is located and conducted on land that has the physical capability of supporting the activity and in a sustainable manner that:

- a) enhances the productivity of the land for the growing of food and produce in a sustainable manner*
- b) avoids adverse interface conflicts with other land uses*
- c) utilises sound environmental practices to mitigate negative impacts on natural resources and water quality*
- d) is sympathetic to surrounding rural landscape character and amenity where horticulture is proposed to be carried out in enclosed buildings such as such as greenhouses.*

SA URBAN AND REGIONAL PLANNING

ACN43 600 857 154
PO Box 601
HENLEY BEACH SA 5022
Mobile 0411 096 597
nick@saurp.com.au



However, my client has provided some additional information to help provide context and support for the proposal as it has been developed:

1. Planted East to West due to limited available safe flat land and for head lands, functional use also of light penetration and air ventilation into trees.
2. Starting row Planted 8 metres from fence with 10 metre headlands does not impose on any neighboring agriculture.
3. It is a managed Olive Grove and Harvested from well experienced Grove owners to supply the Australian Markets.
4. Minimal tractor/machinery noise used and not imposing.
5. Increases support for local businesses and employment.
6. Organically grown, no nonorganic sprays or herbicides are ever used by Barilla Olive Oil.
7. Olive Trees provide Biodiversity by way of refuge for groups of plant species, ants, birds, and bees.
8. Soil is managed more intensely therefore assisting better control of Wild Artichokes, Obnoxious weeds from fire danger (see attached letter dated 1 June 2023 from Northern and Yorke Landscape Board).
9. Olive Trees will assist carbon footprint by absorbing a lot of greenhouse gas emissions produced in the country.
10. Having clay soil the Olive Trees do not require a lot of water once established, at present we are Water carting watering in. (see attached invoice from Andy's water)
11. Further details available on their website www.barillaoliveoil.com

The landowner intends to continue to run sheep on this site to control weed growth and fertilise the ground.

All documentation has been provided in line with Schedule 8 of the *Planning, Development and Infrastructure Regulations 2017*. However, should you have any questions concerning this application, please do not hesitate in contacting me via phone on 0411 096 597 or email: nick@saurp.com.au

My client and I look forward to a favourable outcome to this application and working with the Barossa Council to achieve a development outcome that reflects the desired outcomes of the Rural Zone and meets my client business needs.

Kind Regards

A handwritten signature in black ink, appearing to read 'Nick Simos'.

Nick Simos
Principal Planner
Accredited Professional Planning (APP 20190058)
Bachelor of Urban & Regional Planning
Honours, MPIA

Details of Representations

Application Summary

Application ID	24003132
Proposal	Change of use to horticulture - olive orchard
Location	LOT 14 WOODLANDS RD COCKATOO VALLEY SA 5351

Representations

Representor 1 - Charles Teusner

Name	Charles Teusner
Address	
Submission Date	02/04/2024 08:13 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 Attached	

Attached Documents

olives-1352967.pdf
Clean-paddock-vs-olives-2-1352968.jpeg
Clean-paddock-vs-olives-1352969.jpeg
Wind-rose-1352970.jpg
Weeds-in-olives-1352971.jpeg

Thank you for the opportunity to comment and oppose on Application ID 24003132.

I/We oppose the land use change in the strongest possible terms. Note 'proposed development', in blatant disregard of the Development regulations and adjoining land holders. The application is made in retrospect after being forced to.

The site plan suggests the nearest trees are 8m from the northern boundary however, it appears even at 'stump' stage, the nearest trees are 7.5 - 7.8m from the North boundary. If the already executed planting is allowed to mature, these trees will likely encroach to a distance less than 6m on the assumption of only a 4m diameter canopy.

The land owner states he was 'unaware' that the planting of the olive trees would trigger a change of land use. I find this extremely difficult to accept. Nonetheless, ignorance is not an excuse. It very much looks like act and ask for forgiveness later.

Comments on outcome 3.1

Avoids adverse interface conflicts with other land uses:

- The adjoining land has had its present land use for approx. 170 years. We farm 220ha of the adjoining land which is our most reliable and productive land on the farm. As we farm to the North and West of the planted olive trees, the only time we can spray with any certainty and safety in relation to the introduced olive trees are with a SSE to ESE wind. This occurs roughly 10% of the time on average during the year. This is demonstrated by the five year wind rose graph attached. This means that on average, there will only be an opportunity to spray once every ten days. It must be then considered that on the rare opportunity there is a positive wind away from the olive trees, the wind may be too strong, it may be raining or as many SE winds seem to be in the area, at night. The risk of spray inversion layers is more likely between sunset and sunrise putting at risk a far greater area than immediate boundaries. Effectively reducing the safe spraying days to one to three days a month on average is a significant interface conflict between land uses.

The farm already uses best practices when it comes to spraying including, section control, auto height, allowing to boom to track far closer to the ground to reduce drift, compliant nozzles, speed and droplet size control against sensitive interfaces and low drift/low odor chemicals (often more expensive) however, all of this does not mitigate that every spray label, a legal document, mentions the avoidance of unfavourable weather conditions (wind direction).

Comments on additional information:

2, Oppose this point in the strongest manner with the previously mentioned.

7, To claim planting an introduced species, also considered a weed in the region adds to biodiversity and any benefit is questionable. A brief search on the internet will demonstrate the issues surrounding the species, hence why it is considered a pest.

The current landowner has a terrible record for controlling weeds such as artichokes, saffron thistle, melons and others. The artichoke density can be seen from google earth and personal pictures through the fence, all attached. This land was well controlled for these weeds under previous owners. The planting of the olive trees has not led to any change or better management of these weeds.

Birds such as starlings and crested pigeons are attracted to olive trees however these birds are capable of spreading olive seeds far distances. Olive plantations are also a good habitat for wild deer which are common in the area and well known for the spreading of seeds.

The land owner intends to continue running sheep. Sheep do not eat the pest weeds mentioned, in fact they eat the weeds and grasses that are in competition of these pest weeds. Less competition allows the pest weeds to flourish and spread,

Sheep also do not add any fertiliser (Phosphorous, Nitrogen, sulphur, Zinc etc) to the ground . Sheep eat grasses and the natural removal of wool and meat and basic energy needs to stay alive actually depletes any natural fertility if no fertiliser is added to replace the nutrients required.

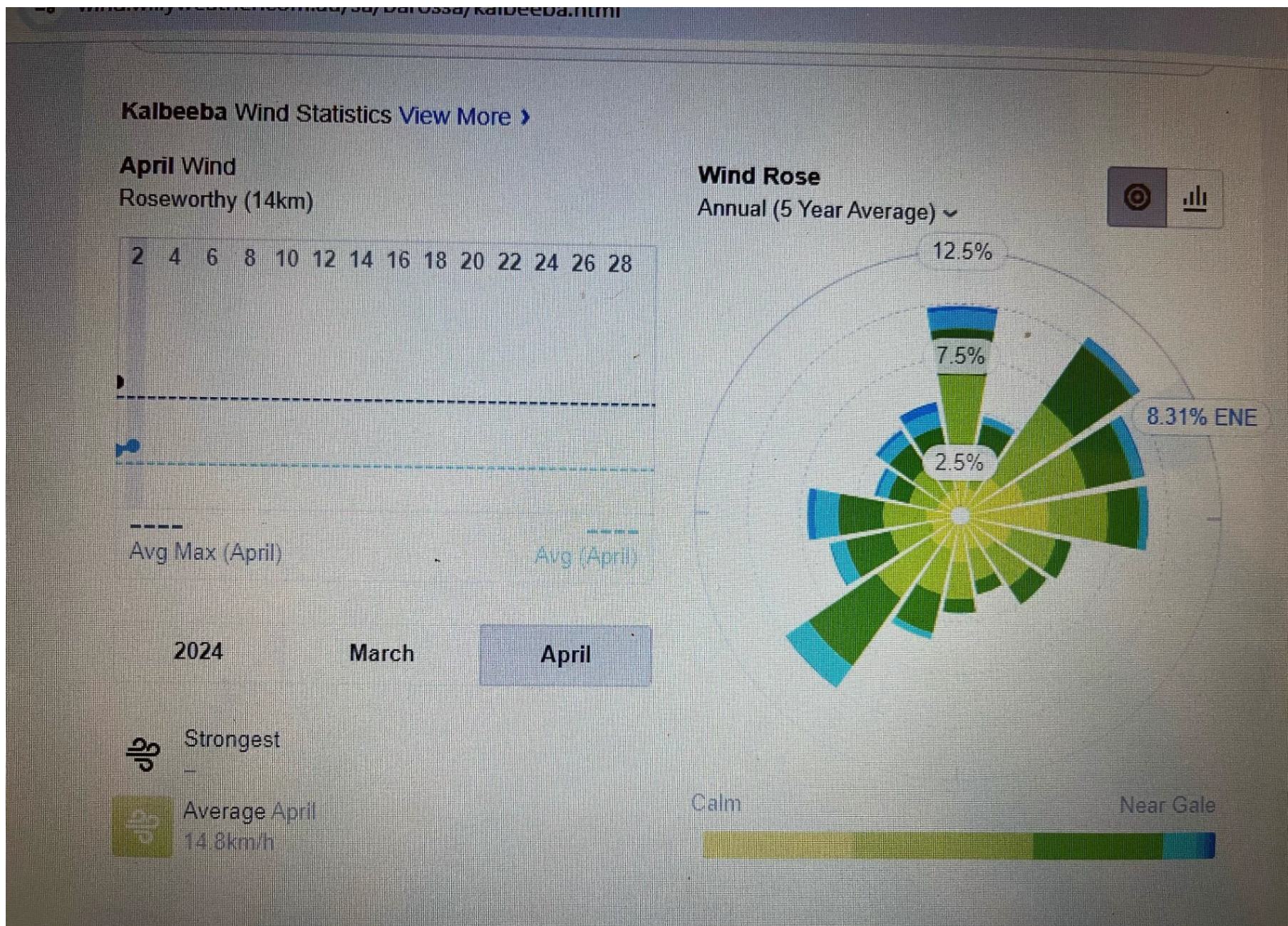
Our adjoining 220ha we farm produces 1000 tonnes of cereal (wheat/barely) and 500-1000 tonnes of legume (peas, chickpea, beans, lentils) on an average year. A missed spray window caused by weather and/or interface risks could result in a delay of seeding for weeks or an application miss altogether as weed and crop maturity can have major impacts on spray efficacy. It is not unrealistic to suggest a delayed or missed spray window could cost 1-2t/ha which materialists into a \$160,000 loss (wheat at \$400p/t). Yield penalties may also result if on the rare year burning cannot occur which may delay seeding or hamper our own ability to control resistant weeds.

If a change in land use that reduces the ability of an already existing interface to farm in best practice and the real potential for significant monetary loss does not constitute a conflict in land uses, we do not know what would.

We would be very keen for the opportunity to present and flesh these concerns out further in person. Thank you again for the opportunity to be heard.









Representations

Representor 2 - Hunter Martin

Name	Hunter Martin
Address	
Submission Date	03/04/2024 09:19 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

Thank you for the opportunity to respond to the planting of the olives trees directly neighbouring our paddock to the west. Our farming ground is currently under a share farming arrangement and has been for many years. Our paddock already has an interface concern with rural living to the east and North East and it is our fear that this plantation will further enclose our boundaries making best practice farming nearly impossible. Although the risk of spray drift or burning is on the farmer not ourselves, any potential yield loss due to a missed spray opportunity has a direct impact on our income. However, our main concern is that in the on the very likely scenario the current farmer ceases to operate in the area once the Concordia development occurs, is the ability to find an alternative farmer to take on the job. We are on the very end of any perceived broadacre farming area which means distance is already a concern for most 'nearby' farmers, adding the legal risk of another sensitive interface will simply turn off any possible suiters. Even if it can be navigated without damage, farmers will not want to travel from Roseworthy or Freeling to Sandy creek to spray, only to find the wind has changed or in slightly the wrong direction that the job cannot be performed. We cannot not undertake the farming ourselves as this has been a long standing agreement and we do not own the appropriate equipment and economies of scale would prevent considering doing so. Due to the points mentioned above, if in the event the family decided to sell the property, this plantation will likely reduce the value of the land as it removes an entire group of buyers, the farmer. If the land is not farmed in any capacity, the land will be quickly overrun with pest weeds which is not only not profitable, but it would also result in a significant cost for high contract spray rates on all likelihood the council would come to us to control weeds. In our opinion, the stress and potential financial loss on the existing land uses, broadacre farming, far outweighs any gain from a small olive tree plantation which I stress, is considered a pest/weed in the area. Thank you again for the opportunity to voice our concern.

Attached Documents

**SA URBAN AND REGIONAL
PLANNING**

ACN43 600 857 154
PO Box 601
HENLEY BEACH SA 5022
Mobile 0411 096 597
nick@saurp.com.au



17 April 2024

Attention: Calvin Bacher
The Barossa Council
PO Box 867
Nuriootpa SA 5355

Dear Calvin,

RE: DEVELOPMENT APPLICATION
SA Urban and Regional Planning
LOT 14 WOODLANDS ROAD, COCKATOO VALLEY, SOUTH AUSTRALIA, 5351
Retrospective Development: Change of land use to horticulture (olive orchard)
Zone: Rural Zone

Thank you for providing copies of the statement of representation received during public notification. 2 representations we received in total. To summarise, representors raised the following concerns:

- Interface conflict, particularly with spray drift.

Non-related planning matters:

- Horticultural crop
- Weed mitigation

The following provides response to the representations received as it relates to the Code policy and in the context of the locality.

Interface

The proposed development seeks a performance assessed development of an otherwise deemed-to-satisfy development for horticulture. In this instance, it is sought that the plantings occur closer to the site boundary than 10 metres. It is sought that this be 8 metres, the rationale for this includes utilising safe, flat lands better suited to growing the olives and ability to maintain head lands that are still functional.

The proposed development will not impact the neighbouring farms ability to function with its current land use. It is noted that spray drift concerns are highlighted by the representors, however, they are reminded of their obligations to minimise chemical spray drift and should be looking at ways to mitigate spray drift. PIRSA identifies the following planning tips, which irrespective of the development application under assessment should form part of their best practice farming:

- Be considerate of legitimate local agricultural production practices (including chemical use).
- Be considerate to the location of sensitive areas.
- Avoid situating dwellings on property boundaries.
- Vegetative buffers can reduce the impact of spray drift on neighbouring houses and enterprises. Suggested plant species include Sheoaks, Casuarinas, Tea Trees and Banksias

**SA URBAN AND REGIONAL
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nick@saurp.com.au



The olive orchard is an anticipated land use, it provides a continuation of the existing interface between the two properties that is both expected and reasonable.

Please see attached letter of support for my client's development (Appendix One), which highlights adjoining landowners support of the reduced setback which is evident in the area and a call for improved management of spray practice from adjoining land owners.

Non-related planning matters.

Horticulture is an anticipated use in this Zone, the type of plantings is not a limiting factor to the assessment of the land use.

The way pest control is undertaken falls outside the remit of the PDI Act. The information provided in the application does not trigger additional development considerations.

A number of letters have been provided in support, but pertain to pest control etc, these are attached for your review under Appendix two.

Conclusion

The proposed development **does** provide sufficient merit to warrant a favourable outcome for a performance assessed assessment. On balance, the development exhibits suitable merit when assessed against the relevant Desired Outcomes, Performance Outcomes, and applicable Designated Performance Features to such a degree that it warrants Planning Consent.

All documentation has been provided in line with Schedule 8 of the *Planning, Development and Infrastructure Regulations 2017*. However, should you have any questions concerning this application, please do not hesitate in contacting me via phone on 0411 096 597 or email: nick@saurp.com.au

My client and I look forward to a favourable outcome to this application and working with the Barossa Council to achieve a development outcome that reflects the Rural Zone without impacting on neighbouring lands.

Kind Regards

A handwritten signature in black ink, appearing to read "Nick Simos", written over a horizontal line.

Nick Simos
Principal Planner
Accredited Professional Planning (APP 20190058)
Bachelor of Urban & Regional Planning
Honours, MPIA

Appendix One: Letters of Support of Planning Related Matters

Colin KERRER.
[REDACTED]

I HAVE KNOWN STEVE BARILLA FOR A NUMBER OF YEARS
REGARDING HIS OLIVE TREE ORCHARD AT WOODLANDS RD,
I HAVE NO OBJECTION TO THIS VENTURE, KNOWING HIS
INTENT IS TO GROW AND CARE FOR THESE TREES IN A
PROFESSIONAL MANNER.

I UNDERSTAND THESE TREES ARE PLANTED 8 METRES
FROM A NEIGHBORING BOUNDARY. THIS IS FAR FROM THE NEIGHBOR
PLANTING HIS CROP LESS THAN A METRE FROM THE SAID BOUNDARY
SPRAYING CHEMICALS AND LETTING THEM DRIFT ONTO
NEIGHBORING LAND IS AN OFFENSE
THIS DISPUTE ~~CAN~~ CAN BE SOLVED WITH A COMMON SENSE
APPROACH.

Appendix Two: Letters of Support- Non-planning Related Matters

Alan Harris,

[REDACTED]

[REDACTED] [REDACTED]

4th April, 2024

Mr. Nick Simos

SA Urban and Regional Planning.

Re development application 24003132 Lot 14, Woodlands Road, Cockatoo Valley

Steve Barilla has requested I address an issue regarding the control spraying for the above mentioned property

I have been agisting sheep on this property for approximately 7-8 years and part of the agreement was for an annual spraying of the weeds namely the Wild Artichoke (*Cynara cardunculus*).

This has been carried out on an annual basis for that period and continues to be done with spot spraying at other times of the year. One cluster as recent as 2 weeks ago, the photo with the sprayer shows the weed in early stages of wilting.

Artichokes are best sprayed when at the rosette stage in late winter to spring and this is when I have carried out the spraying on this property.

Attached please find photos taken today showing the plants as having been sprayed.

Regards,

Alan Harris

[REDACTED]









Nick Simos - SA Urban and Regional Planning

From: Steve Barilla [REDACTED]
Sent: Wednesday, 3 April 2024 4:30 PM
To: Nick Simos - SA Urban and Regional Planning
Subject: Re Olive Tree Application

Hi Nick,

From this morning's emails attachments from neighbour advising my disregard in controlling Wild Artichokes please find attached below confirmation I do care and make every effort to control unwanted weeds seriously in my property, eg. letter sent to Northern & Yorke Landscape Board. Further to this I have had the land leased for about 7 years to Mr Allan Harris from Tarlee who continues to have his sheep graze in my land to control weed growth especially in the undulated areas, he makes every effort to control the spread of Wild Artichokes in order his sheep do not catch it on their wool coats. Allan Harris has advised he will send a letter to confirm this also which I will send once received tomorrow or later today with pictures of the controls he takes.

I take note the land my neighbour owns is only 40 hectares purchased the same time as myself in 2007 which is 17 years and not 170 years as he has inferred, I believe he also leases other land close by, he has had sheep, cattle, and plants cereal crops.

However, from his notes I can appreciate my neighbour is now being personal whom does not like adjacent change, likes to control, appears very unneighbourly and is behaving like a bully.

Again, I stress that we are not imposing or making any problems to any adjoining neighbours in planting our managed Olive Trees in the limited area we have on our own horticultural property.

There are a number of Olive Groves in the Barossa Valley (e.g. Maggie Beers Farm, Rosedale Park, Tathra Homestead, Vasse Virgin at Seppeltsfield, and Torzi Matthews etc) who have been around for many years and would not appreciate the comments our neighbour has exclaimed.

I would be very pleased to answer any questions personally if required.

Regards

Steve Barilla
[REDACTED]
[REDACTED]
[REDACTED]

From: Kakoschke, Emily (LandscapeSA [REDACTED])
Sent: Friday, June 9, 2023 5:14 PM
To: Steve Barilla [REDACTED]
Subject: RE: Wild Artichoke Assistance Required

OFFICIAL

Hi Steve

Thank you for your email. I will follow up on this report and keep you updated.

Kind regards

Emily Kakoschke
Landscape Officer

Northern and Yorke Landscape Board
Caring for our region's land, water and nature
P (08) 8841 3444 | M 0437 673 621
Unit 1 - 4 Seventh Street, South Gawler SA
[Website](#) | [Facebook](#) | [Subscribe](#)

Working Hours

MON	TUE	WED	THU	FRI
✓	✓	✓	✓	✓



From: Steve Barilla [REDACTED]
Sent: Friday, 9 June 2023 8:50 AM
To: Kakoschke, Emily (LandscapeSA) [REDACTED]
Subject: FW: Wild Artichoke Assistance Required

You don't often get email from [REDACTED] [Learn why this is important](#)

Hi Emily,
Thank you for your email address, I had forwarded my email to NY earlier but thought to reach out to you from your letter sent out to me.
Re below:-

Regards
Steve Barilla

From: Steve Barilla
Sent: Thursday, June 8, 2023 5:41 PM
To: ny.landscapeboard@sa.gov.au
Subject: Wild Artichoke Assistance Required

Dear Emily Kaakoschke Landscape Officer,

We own Lot 14 Woodlands Rd, Cockatoo Valley, S.A. having sheep on the property and for many years we have done our best to control and to eradicate the Wild Artichoke pest plant on our property.

As you can appreciate this plant/weed can only be controlled if the neighboring properties do the same also as the seed is spread by wind from a dried out Wild Artichoke.

Unfortunately for many years this has been a major problem being ignored by our adjacent neighbor/s on the corner of Woodlands and Balmoral Rd.

We ask for a measured plan and communication be put into place for the control of this terrible weed to assist our neighbor for we can not control it without their input or efforts.

We are more than happy to assist entry for our neighbor if they would like to enter our property to assist controlling the problem.

I have attached a picture of the infested problem neighbouring our western fence lines that we face every year and request if you can address it asap.

We look forward in hearing from you soon

Regards
Steve Barilla
[REDACTED]

To: Calvin Bacher
Assessment Officer – Planning
Barossa Council
CBacher@barossa.sa.gov.au

Subject: SAURP 24/756 RE: Development application - 24003132: Lot
14 Woodlands Rd Cockatoo Valley

Dear Calvin

As a way of introduction, my name is Tom Kelly. From 1999 – 2021 my working career was one of being employed as the Chief Executive Officer of the Peter Kittle Motor Company (PKMC) and a business partner with Peter Kittle. During this time Peter and myself worked with our Indigenous Shareholders and built the PKMC increasing the turnover from \$45M per annum to over \$700M per annum. From 52 employees to over 700 throughout SA and Victoria. *(having recently sold all NT Operations)*. Y2021 – Y2023 I was employed as the GM for Bamaga Enterprises Ltd (BEL) – QLD and today act as a consultant for BEL, mainly with Native Title work.

I also live on Balmoral Road – Cockatoo Valley where I have resided with our family for the past 15 Years.

Since relocating from Alice Springs in 2009, I have known Steve Barilla on a personal, community and professional level. Today Steve is an active member of the Gawler Rotary and is well known in the Community as the Past President and Community Activity Coordinator of the Gawler Rotary. Steve ran successful businesses including Office National in Gawler and a National Award-Winning Olive Oil Operation. Steve also assists other Olive Farming Operations through harvesting and offering advice on how to maximise crops with the most environmentally friendly practices. Steve also donates his time in training inmates on growing and harvesting olives in order to provide useful skills once they return into the Community.

Throughout the Barossa we have a mixed variety of land usages including:

- Native Reserves for Bushwalking
- Cycle Paths for the Community
- Reservoirs for kayaking fishing
- Grape Crops for Wineries
- Lavendar Farms – Retail and Community
- Cereal Crops for Food Production
- Sheep Breeding for wool and food
- Horse Activities – Community
- Residential and Commercial Buildings
- Barossa Based - Olive Tree Plantations (*neighbouring land used for wineries, cropping, sheep, other*)
 - o Barossa Gold – 262 Woodlands Terrace, Cockatoo Valley
 - o Tathra Homestead – Fords 5373
 - o Maggie Beers - Nurioopta

- *And now the proposed Environmentally Friendly Barilla Olive Tree Plantation for Olive Oil*

Farming land is being sold to developers to provide housing due to the growth of the Barossa population. And with this population growth we need to build businesses in the Barossa that will benefit the Barossa Community. Businesses that can:

- provide trade skills for our younger people
- increase demand for products and services provided by existing Barossa businesses
- provide additional revenue to the Barossa Council to assist with the increasing infrastructure costs for Council responsibilities
- promote the Barossa Region as a location to invest for future commercial operations

I have visited the land on which Steve Barilla is proposing to establish an Olive Operation. From Woodlands Road, the Olive Trees plantation cannot be seen. The public would not be aware of the existence of Olive Trees on this location.

When you go online to the *Olive Industry Network* site, Barilla Olive Oil is noted with:

- Organically Grown
- Award Winning – Organic/Biodynamic Olive Oil
- Extra Virgin Olive Oil – *is the least processed and the greenest option because there is no heating or chemicals used in extracting the oil.*

Steve Barilla's proposed Olive Tree Plantation and Olive Oil Business would complement existing Olive Tree Plantations located nearby and in the Barossa Region. This proposal will also offer employment opportunities and build the reputation and goodwill of the Barossa Region to attract other environmentally friendly businesses.

As a neighbour of Steve Barilla, we support this proposed development.

Thomas Kelly

Tom Kelly

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Monday, April 8, 2024 11:07 AM
To: 'CBacher@barossa.sa.gov.au' <CBacher@barossa.sa.gov.au>
Subject: FW: SAURP 24/756 RE: Development application - 24003132: Lot 14 Woodlands Rd Cockatoo Valley

Dear Calvin

I am a resident of Sandy Creek approx.. 5 minutes driving from the Development site.

I support the proposal to grow olive trees and harvest olives to process olive oil in commercial quantities.

This is a diversification from the traditional broad acre farming and sustains an industry which is declining on the Adelaide Plains due to encroachment of development.

We have broadacre farming on our western boundary where a previous sharefarmer had little concern for us

when he regularly oversprayed our land, neglected to provide firebreaks and ignored the wind direction when burning stubble.

I know that the developer has many years experience in the Olive industry and will manage the plantation in a sustainable manner with due respect to the neighbouring properties.

Kind regards,
Wayne.

WAYNE MURPHY
B.Tech., M.I.E.(Aust.), C.P.Eng.,N.E.R., C.C.P.
CONSULTING ENGINEER
BUILDING CERTIFIER and SUPERVISOR
Reg. APB20190027
[REDACTED]

██████████

From: Steve Barilla ██████████
Sent: Thursday, April 4, 2024 7:54 AM
To: 'MURPHY Wayne' ██████████
Subject: FW: SAURP 24/756 RE: Development application - 24003132: Lot 14 Woodlands Rd Cockatoo Valley

Hi Wayne,

I am writing to some of the neighbours around my property and Cockatoo Valley in response to one of my neighbours objections in planting Olive Trees to be commercially managed on my property. As you can appreciate we do not feel we are imposing on any surrounding agricultural businesses in any negative way only positive by bringing further horticultural investment into the area and employment and supporting the local community. I have attached the concerns my northern neighbour has exclaimed to demonstrate our disappointment and disagreement from his comments.

We are writing to you if you can write a letter addressed to Calvin Bacher at the Barossa Council supporting our Olive Oil business in a positive way and a brief character reference etc.

Please give me a call if you would like to go over the above.

Regards

Steve Barilla

██████████
██████████
██████████

From: Calvin Bacher <CBacher@barossa.sa.gov.au>
Sent: Wednesday, April 3, 2024 9:36 AM
To: Nick Simos - SA Urban and Regional Planning <nick@saurp.com.au>
Cc: Steve Barilla ██████████
Subject: RE: SAURP 24/756 RE: Development application - 24003132: Lot 14 Woodlands Rd Cockatoo Valley

■

Hi Nick,

Docs attached from the one rep received to date.

I would ask that the response to reps be provided by Wednesday 17th.

Regards,

Calvin Bacher
Assessment Officer – Planning
E: CBacher@barossa.sa.gov.au | T: 08 8563 8338

From: Nick Simos - SA Urban and Regional Planning <nick@saurp.com.au>
Sent: Wednesday, April 3, 2024 9:05 AM
To: Calvin Bacher <CBacher@barossa.sa.gov.au>
Cc: Steve Barilla
Subject: [EXTERNAL] SAURP 24/756 RE: Development application - 24003132: Lot 14 Woodlands Rd Cockatoo Valley

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

Hi Calvin,

Could you please confirm when we will receive the representation of our response?

Also could you please provide the deadline for the response to the representations of the next BAP meeting?

Kind Regards

Nick Simos

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SA URBAN AND REGIONAL PLANNING**Private Certifier Planning (PCP 006)****Bachelor of Urban & Regional Planning BURP, Honours, MPA**

Mobile: 0411 096 597

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PO Box 601 Henley Beach SA 5022



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From: Calvin Bacher <CBacher@barossa.sa.gov.au>**Sent:** Wednesday, April 3, 2024 8:52 AM**To:** Nick Simos - SA Urban and Regional Planning <nick@saurp.com.au>**Cc:** Steve Barilla**Subject:** Development application - 24003132: Lot 14 Woodlands Rd Cockatoo Valley

Hi Nick,

The public notification period for Development Application 24003132 – Lot 14 Woodlands Road, Cockatoo Valley is due to close after today.

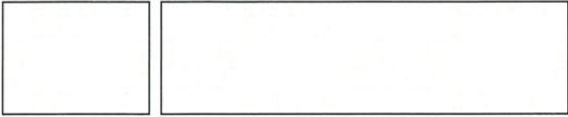
I would encourage a response to the representation received (and any others if received today) be considered as this can impact which upcoming BAP meeting it is presented to.

I wanted to flag that I will be out of office Thurs/Fri this week and back Monday 8th if you or Steve have any further questions.

Kind Regards,

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Calvin Bacher
Assessment Officer – Planning
E: CBacher@barossa.sa.gov.au | T: 08 8563 8338



43-51 Tanunda Road | PO Box 867 NURIOOTPA SA 5355
www.barossa.sa.gov.au | T: 08 8563 8444



We acknowledge the Ngadjuri, Peramangk and Kaurna people and their ancestral connection to land and pay respects to Elders past, present and emerging.

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Nick Simos - SA Urban and Regional Planning

From: Steve Barilla: [REDACTED]
Sent: Thursday, 4 April 2024 10:55 AM
To: Nick Simos - SA Urban and Regional Planning
Subject: Northern Neighbours Land
Attachments: 20240404_094931.jpg; 20240404_094910.jpg; 20240404_094245.jpg; 20240404_094239.jpg; 20240404_094237.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

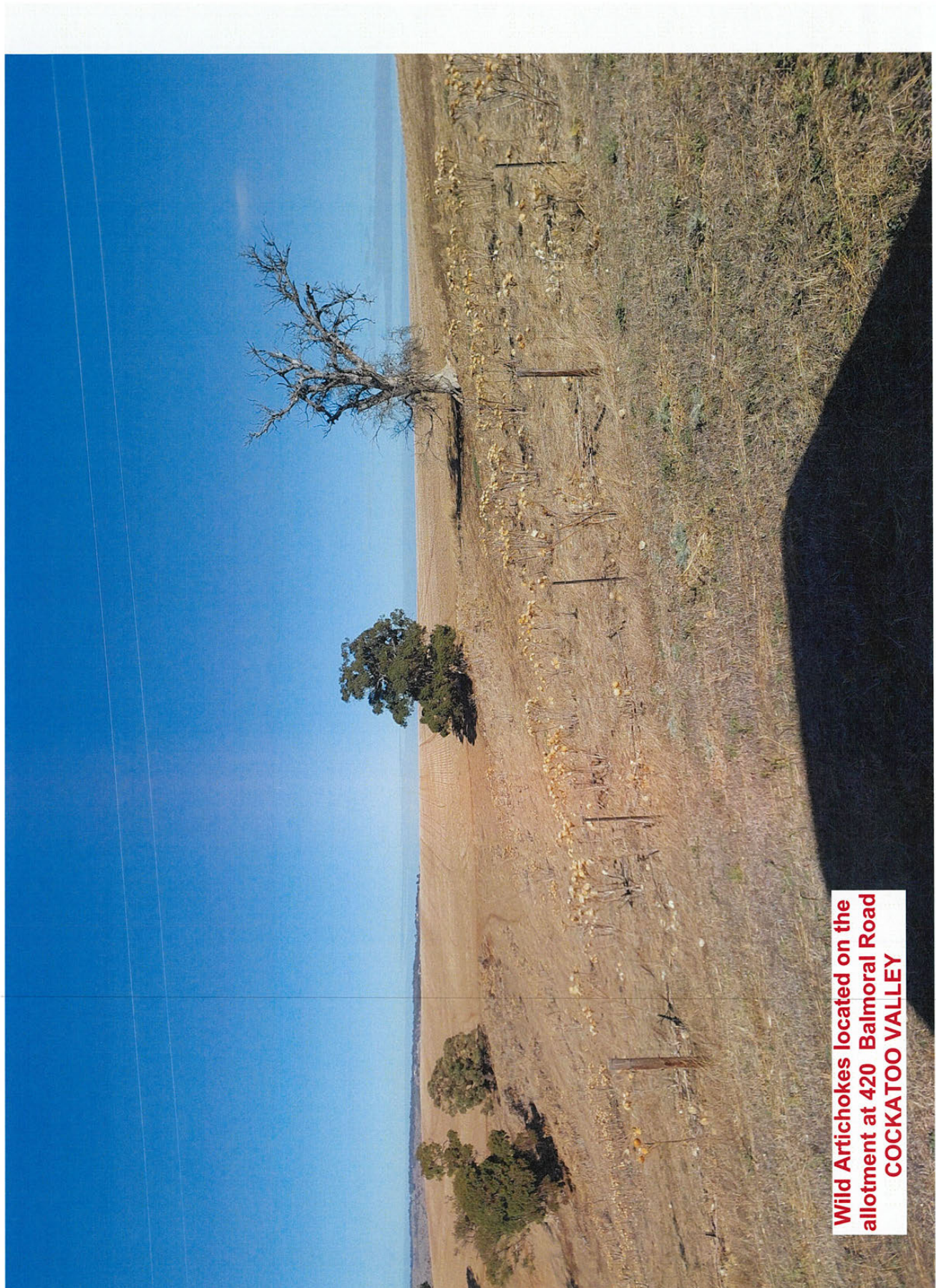
Hi Nick,

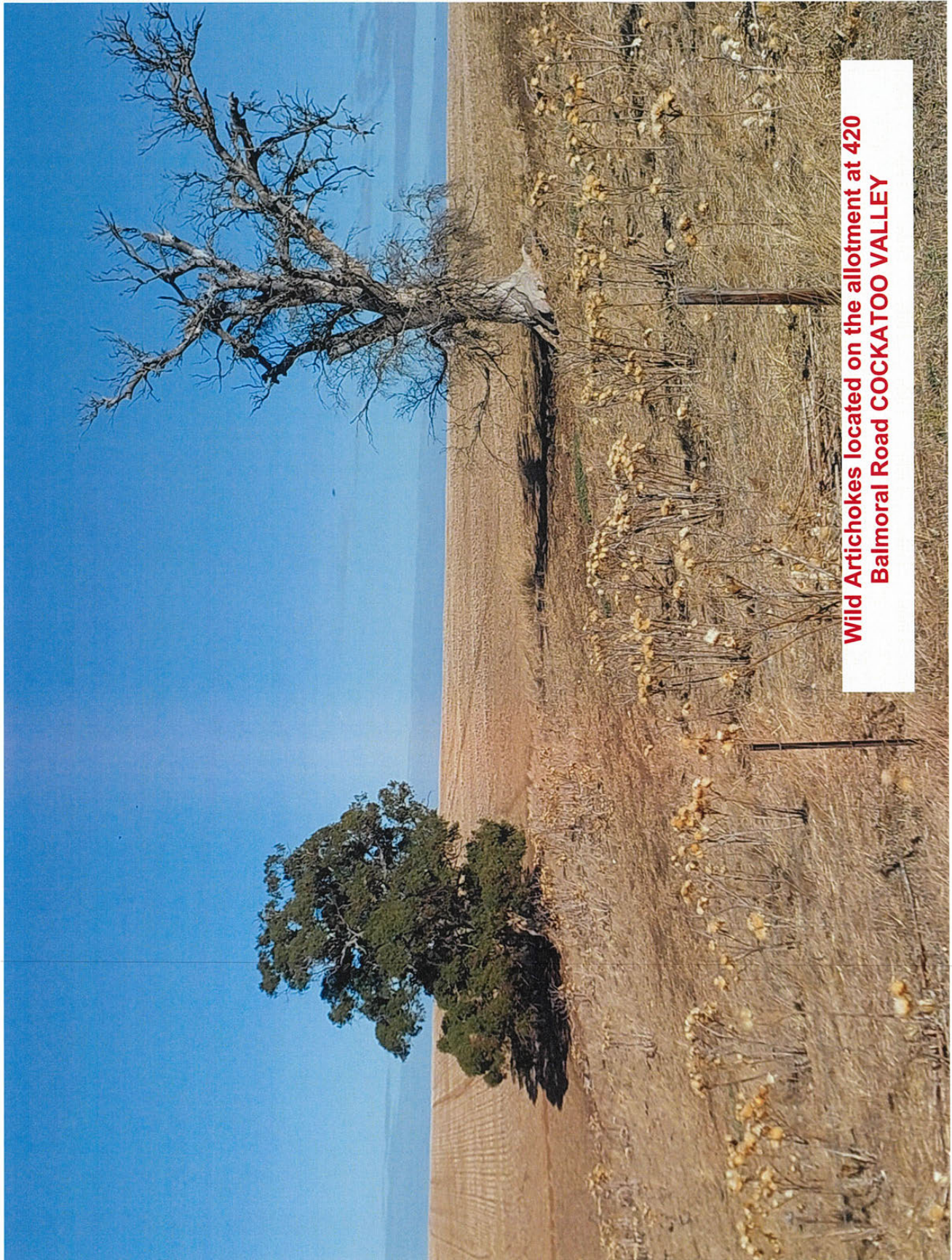
Please find attached further pictures taken today as requested in support of hypocrisy regarding my northern neighbours objection.

- 1. Existing Olive Trees along his fence line along Balmoral Road, Cockatoo Valley
- 2. Wild Artichokes ready to seed in property he is leasing that will spread into my adjacent land.

I welcome anyone concerned to receive confirmation of the above, please include in reply to his objection.

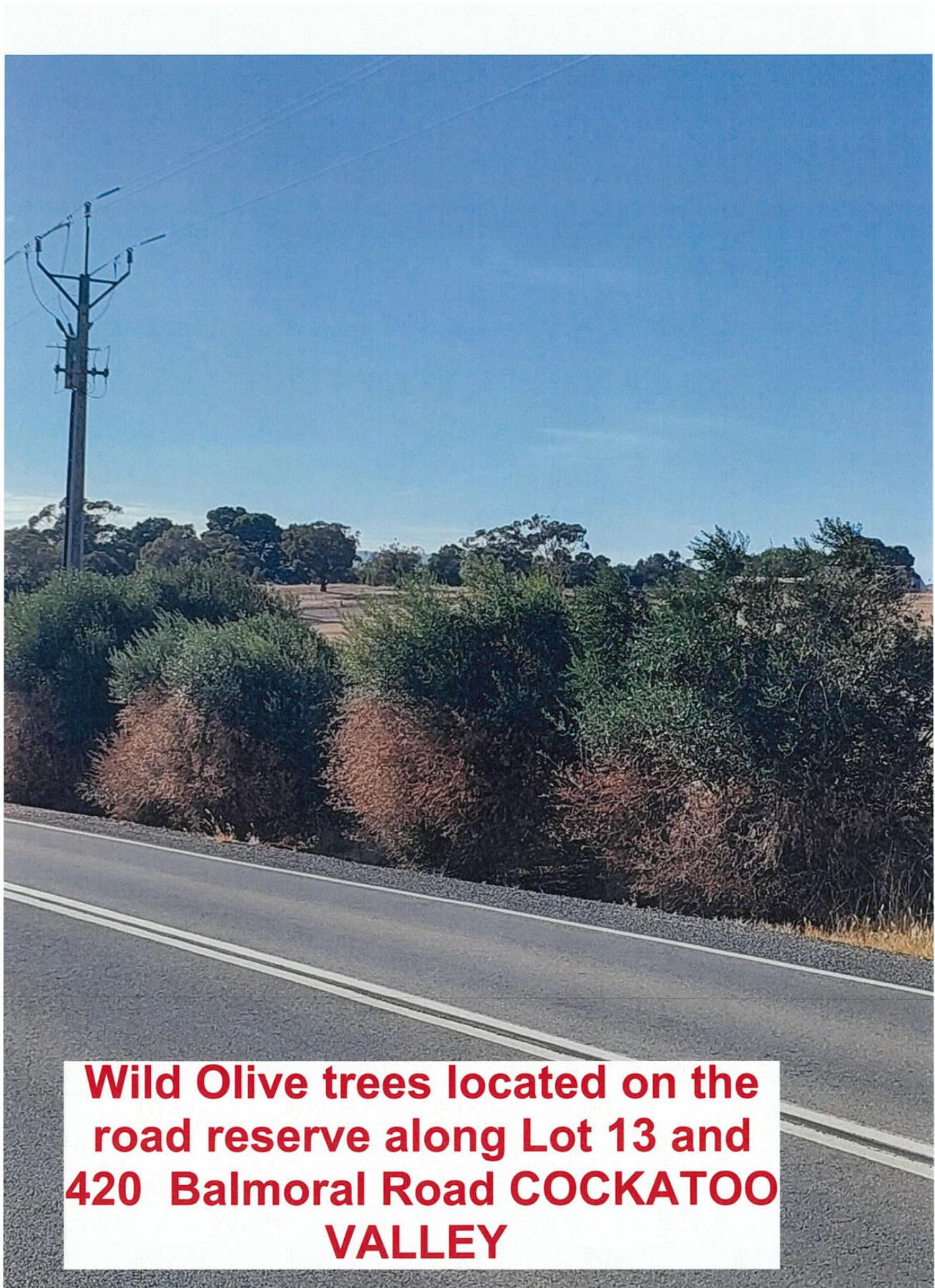
Regards
Steve Barilla
Barilla Olive Oil







Wild Olive trees located on the road reserve along Lot 13 and 420 Balmoral Road COCKATOO VALLEY





Wild Olive trees located on the road reserve along Lot 13 and 420 Balmoral Road COCKATOO VALLEY

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

Nil.

8. REPORTS – PANEL UPDATES

Nil.

9. REPORTS – OTHER BUSINESS

9.1 Assessment Manager Quarterly Report - January 2024 to March 2024

INTRODUCTION

Clause 18 of the Barossa Assessment Panel Operating and Meeting Procedures requires the Assessment Manager to prepare a quarterly report on:

- The development applications determined under delegated authority of the Barossa Assessment Panel for the previous period
- A report at the next meeting of the Panel for any development application delegated by the Panel where a deemed consent notice has been received.

This report provides a quarterly report for the period January 2024 to March 2024.

DISCUSSION

The Panel is assigned as a relevant authority, in its own right, under the *Planning, Development and Infrastructure Act 2016*. In the exercise of its duties, the Panel delegated to the Assessment Manager specific duties and powers on its behalf. Delegations enhance decision making processes and allow nominated matters to be resolved efficiently and effectively without the need for the Panel's consideration.

The delegations provide for:

- Administrative matters to assist in the timely processing of applications such as verifying development applications, undertaking statutory referrals and public notification.
- Determining prescribed development applications.

The planning applications received by The Barossa Council for the period are summarised in the table below.

	Number
Planning Applications Lodged	147
Planning Applications determined (excluding Private Certification)	107
Notified Applications	16
Determined Planning Consents by Relevant Authority (excluding Private Certification):	
• BAP	6
• Assessment Manager (AM)	94
• AM for BAP	7

The number of development applications that were notified during this period was 16. 94 development applications were determined by the Assessment Manager. Six (6) development applications were determined by the Panel and seven (7) development applications were determined by the Assessment Manager under delegation of the Panel.

There are no outstanding development applications subject to decision under the repealed *Development Act 1993* (prior to 19 March 2021).

Development Applications Assessed under Delegated Authority of BAP by the Assessment Manager

The development applications considered by the Assessment Manager under Delegated Authority of the Panel are summarised below:

Development Application 23010603 – 19-27 Tolley Road Nuriootpa

Expansion of an existing store in association with an existing dwelling; locating of 50 shipping containers for commercial storage of domestic type items, with additional utilisation of existing storage sheds for storage of items including storage of recreation vehicles (maximum vehicle size not exceeding MRV); Including operation of a furniture removals business including the parking of 3 trucks (maximum vehicle size not exceeding MRC)

Representations – Two (nil requested to be heard)

Decision – Planning Consent Granted 1 February 2024 subject to conditions

Development Application 23020099 – 197 Murray Street Tanunda

Construction of a store, secure yard and associated parking in association with existing joinery business

Representations – Nil

Decision - Planning Consent Granted 20 February 2024 subject to conditions

Development Application 23020967 – 119 Yaldara Drive Lyndoch

Construction of two stores in association with existing winery, cellar door and restaurant: Wine storage shed 1 - measuring 11.0m x 6.1m x 3.048m wall height Wine storage shed 2 - measuring 40.0m x 10.0m x 4.0m wall height

Representations – Nil

Decision – Planning Consent Granted 5 February 2024 subject to conditions

Development Application 23028853 – 14 Gransbury Court Angaston

Construction of a two-storey detached dwelling with single garage under main roof; two decks; retaining walls up to 1.2m high on boundary

Representations – Nil

Decision – Planning Consent Granted 5 January 2024 subject to conditions

Development Application 23029013 – 208 Lyndoch Valley Road Lyndoch

Demolition of existing transportable classrooms and construction of replacement classroom (comprising two general learning areas and breakout space) with associated verandahs and decking and ancillary plant storage area

Representations – Nil

Decision – Planning Consent Granted 7 February 2024 subject to conditions

Development Application 23029985 – 3052B Sturt Highway Stockwell

Construction of building to be used for Light Industry (workshop) measuring 28.5m x 15.4m x 8.0m wall height; and Construction of Store in association with existing Light Industry measuring 25.5m x 15.4m x 3.9m wall height

Representations – Nil

Decision – Planning Consent Granted 1 February 2024 subject to conditions

Development Application 23035275 – 4 Murray Street Angaston

Change of Use from Dwelling to Tourist Accommodation and from Outbuilding (measuring 2.3m x 3m) to Office

Representations – Nil

Decision – Planning Consent Granted 8 February 2024 subject to conditions

Deemed Consents

No deemed consent notices have been received for this period.

CONCLUSION

The Assessment Manager's Quarterly Report for the period January 2024 to March 2024 be received and noted.

RECOMMENDATION

That the report be received.

10. REPORTS – CONFIDENTIAL

Nil.

11. NEXT MEETING

Tuesday 4 June 2024 commencing at 5.00 pm

12. CLOSURE OF MEETING

The Presiding Member will declare the meeting closed.