

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, 6 August 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 July 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 24012554 - Lot 76 Lindsay Park Road Moculta, 598 Moculta Road Moculta and Lot 281 Moculta Road Moculta

APPLICANT:	Ian Mason from Frost Boss on behalf of the Applicant Treasury Wine Estates Vintners
REPRESENTORS:	Rob Morgan Brian Lee

APPLICATION DETAILS

PROPOSAL	Installation and operation of two (2) FrostBoss C49 and two (2) FrostBoss C59 frost fans with Perkins engine
APPLICANT	Treasury Wine Estates Vintners
OWNER	Treasury Wine Estates Vintners
APPLICATION NO	24012554
CERTIFICATE(S) OF TITLE	CT 5131/274, CT 6104/48, CT 6104/49 and CT 5279/98
AREA	213.85 hectares (approximately)
CURRENT USE	Horticulture
PLANNING AND DESIGN CODE VERSION	Version 2024.8 – 9 May 2024
PLANNING AND DESIGN CODE EXTRACT LINK	Relevant Code Extract
ZONE	Rural Zone
OVERLAYS	Character Preservation District (Not In Township) Hazards (Bushfire - Medium Risk) (Medium) Heritage Adjacency 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 Required
REFERRALS	Nil
PREVIOUS APPLICATIONS	Lot 76 Lindsay Park Road Moculta 960/5/2018 – Change of Use Agriculture to Viticulture 960/638/2018 – Construction of a 130ML off stream dam (2.3ha surface area, maximum levy height of 7.8m above existing ground level) and pump shed

	(measuring 6.0m x 7.0m x 3.0m wall height) in association with viticulture <u>598 Moculta Road Moculta</u> 960/674/2013 – Farm Building (Horticulture) 960/889/2013 – Change of Use to Vineyard 960/570/2016 – Farm Building 960/395/2017 – Amenities Building in association with Vineyard 23029261 – Conventional Land Division – Boundary Re-Alignment (2 into 2)
ASSESSING OFFICER	Tom Marshall
RECOMMENDATION	That Planning Consent be GRANTED subject to Conditions

INTRODUCTION

The applicant is seeking approval for the *"Installation and operation of two (2) FrostBoss C49 and two (2) FrostBoss C59 frost fans with Perkins engine"* on land comprising four separate allotments as follows:

- Lot 76 Lindsay Park Road, Moculta
- 598 (Lot 683) Moculta Road, Moculta
- 598 (Lot 684) Moculta Road, Moculta
- Lot 281 Moculta Road, Moculta

The proposed development was subject to Performance Assessment and public notification in accordance with Section 107 of the *Planning, Development and Infrastructure Act 2016*.

Six representations were received throughout the public notification period, all in objection, with two representors wishing to be heard.

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

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

No statutory referrals were applicable.

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

The proposal consists of four frost fans all with boundary setbacks exceeding 100 metres (to non-associated properties) and is supported by an Environmental Noise Assessment to consider the cumulative noise impact on surrounding sensitive receivers.

The slimline design of the proposed frost fans and the natural topography of the land, satisfactorily limits visual impact in this rural locality, insofar as frost fans are a common form of structure utilised as a frost mitigating measure. The applicant has shown, with expert input, that the anticipated noise level of the frost fans when in operation, will

not exceed the quantitative noise levels for nearby dwellings as set out in the *Environment Protection (Commercial and Industrial Noise) Policy 2023*. Compliance with this policy is considered sufficient to demonstrate that noise levels should not unreasonably impact non-associated sensitive receivers in the wider locality.

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

SITE AND LOCALITY

The subject site comprises four allotments within the same ownership. The site is bound by Gruenberg Road to the south, Lindsay Park Road to the east, Shannon Road to the north, Moculta Road and Bastion Hill Road to the west with an intersecting road between the allotments of Moculta Road (refer **Figure 3**).

The subject site comprises an irregular overall shape with a land area of approximately 213.85 hectares located approximately 1.2 kilometres west of the Moculta township.

The site is predominantly used for viticulture (vineyard) purposes with two existing dams and dissecting watercourse on the property. The site contains scattered mature native vegetation that the existing vineyards avoid. Existing farm buildings are located to the south of the southern most dam close to an adjoining property. The property is almost entirely occupied by vineyards with no existing dwellings or frost fans.

The site is generally surrounded by broad acre farming and low intensity agriculture on large allotments in addition to various scattered dwellings and tourist accommodation buildings surrounding the site (as identified within the Environmental Noise Assessment provided).

Figure 1 below provides a zone map.



Figure 1: Zoning Map

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

Figure 4 provides a location point legend for the site photos provided in **Figure 5** to **Figure 11**.



Figure 2 – Aerial – Locality



Figure 3: Aerial Site

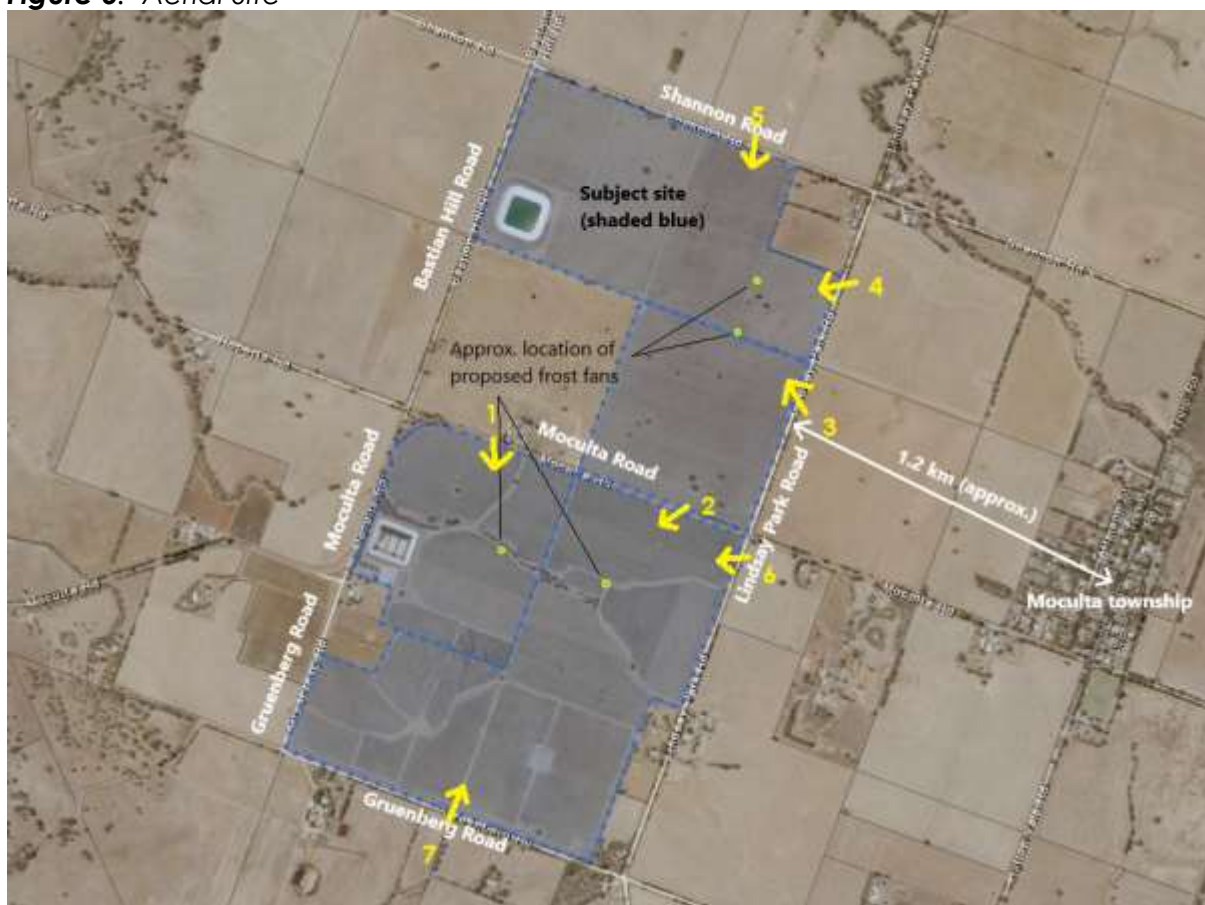


Figure 4: - Location Point Legend for Site Photos (Figure 5 to Figure 11)



Figure 5: No 1 on Legend - Moculta Road looking south



Figure 6: No 2 on Legend - Moculta Road looking south-west



Figure 7: No 3 on Legend - Lindsay Park Road looking north-west



Figure 8: No 4 on Legend - Lindsay Park Road looking west



Figure 9: No 5 on Legend - Shannon Road looking south (limited visibility of any proposed frost fan)



Figure 10: No 6 on Legend - Lindsay Park Road facing west



Figure 11: No 7 on Legend - Gruenberg Road looking north (development site not visible)

PROPOSAL

The application seeks approval for the installation of four (4) frost fans (consisting of 2 x C49 and 2 x C59 Frost Boss fans) on the subject site.

The C49 frost fans comprise a metal tower 10.38 metres in height and 0.435 metres in diameter, with a four-blade fan rotating on a tilted axis mounted at the top of the tower. Each blade has a radius of 2.75 metres. The overall maximum height of the fan from ground level to tip of propeller is 13.45 metres.

The C59 frost fans comprise a metal tower 10.38 metres in height and 0.435 metres in diameter, with a five-blade fan rotating on a tilted axis mounted at the top of the tower. Each blade has a radius of 2.8 metres. The overall maximum height of the fan from ground level to tip of propeller is 13.5 metres.

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

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

The frost fans are powered by a Perkins diesel engine enclosed within a noise attenuated enclosure at the base of the tower.

The frost fans are intended to provide effective permanent protection against cold injury and frost damage to existing vines during night-time periods of temperatures around 1.5 degrees or less (typically on still nights). The frost fans are located on the

subject site taking into account landform, direction of cold nocturnal drift and other internal wind shelter effects.

The proposed frost fans have the following approximate allotment boundary setbacks:

- MOC01 C59 – North 320 metres, east 126 metres, south 345 metres and west 447 metres
- MOC02 C49 – North 298 metres, east 361 metres, south 860 metres and west 210 metres
- MOC04 C49 – North 573 metres, east 256 metres, south 2 metres and west 892 metres
- MOC05 C59 – North 107 metres, east 256 metres, south 182 metres and west 887 metres

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

The proposed development does not have an applicable Accepted, Deemed to Satisfy or Restricted Pathway in accordance with Table 1, 2 and 4 of the Rural Zone. The application is also not identified within 'Table 3 – Applicable Policies for Performance Assessed Development' within the Rural Zone so the application is determined to be 'All Other Code Assessed Development' in accordance with Part 1 – Rules of Interpretation of the Planning and Design Code (Version 2024.8).

PUBLIC NOTIFICATION

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

A summary of the public notification process is contained below:

Representations: Six representations were received in objection to the proposal during the public notification period as follows:

- Rob Morgan
- LJ and FL Koch
- Bunyara Pastoral Company Pty Ltd
- Barossa Ridge Estates Pty Ltd
- FL Koch
- Brian Lee

No late representations were received.

Person wishing to be heard: Of the six representations received, two representors wish to be heard as follows:

- Rob Morgan (property address not provided)
- Brian Lee of 787 Lindsay Park Road, Moculta

Applicant

The applicant, Treasury Wine Estates Vintners, wishes to appear to respond to the representations.

Time period for Public Consultation 30 May 2024 – 20 June 2024

An aerial view showing the representors' properties is contained in **Figure 12**.

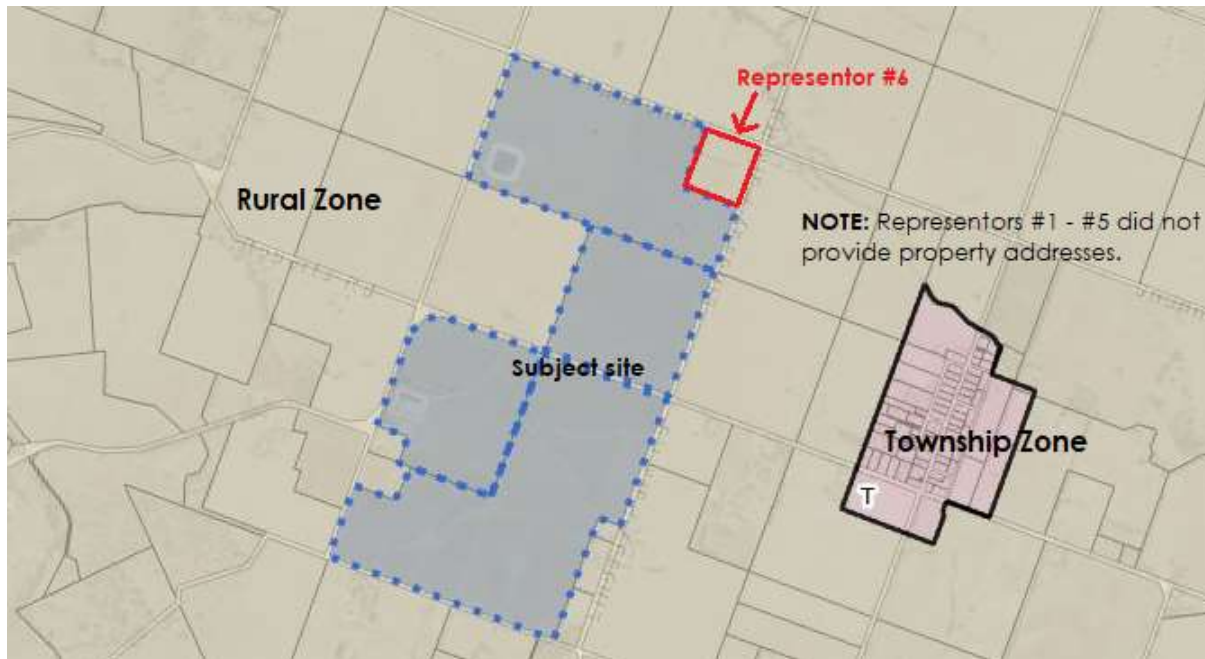


Figure 12: Representor Locations

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

Summary of Representations**Representor/s**

Representor #1

- Existing noise issues from the site.
- Health impacts to people and livestock.

Applicant's Response

- Fans are expected to only run 30-45 hours per year during September – November.
- TWE have suffered significant crop losses. 65.6 tonnes lost to frost damage in Vintage 24.
- FrostBoss have installed over 8500 frost fans around the world with no reported health or livestock issues. A large proportion of fans are positioned in proximity to livestock including horse studs. The engine start up is gradual and relatable to the same noise as a vehicle driving past.

Representor #2

- Noise impact to guests of our accommodation.
- Assessment provided determines the cumulative noise from the frost control fans can achieve the allowable noise level of the Environmental Protection (Commercial and Industrial Noise) Policy 2023 at the closest sensitive receivers.

Representor #3

- Noise impacts to the adjoining landowners and residents at night.
- Assessment provided determines the cumulative noise from the frost control fans can achieve the allowable noise level of the Environmental Protection (Commercial and Industrial Noise) Policy 2023 at the closest sensitive receivers.

Representor #4

- Noise impacts to neighbouring residents with concern to their health and welfare due to poor sleep.
- Assessment provided determines the cumulative noise from the frost control fans can achieve the allowable noise level of the Environmental Protection (Commercial and Industrial Noise) Policy 2023 at the closest sensitive receivers.

Representor #5

- Noise impacts impacting sleep. Can already hear an existing frost fan approximately 1 km away that causes impacts to sleep.
- Greater impacts resulting from noise to health and safety of people and animals.
- Frost fans will impact future potential to construct a dwelling on our property.
- Assessment provided determines the cumulative noise from the frost control fans can achieve the allowable noise level of the Environmental Protection (Commercial and Industrial Noise) Policy 2023 at the closest sensitive receivers.
- FrostBoss have installed over 8500 frost fans around the world with no reported health or livestock issues. A large proportion of fans are positioned in proximity to livestock including horse studs. The engine start up is gradual and relatable to the same noise as a vehicle driving past.
- Impacts on Moculta township within Environmental Noise Assessment provided.
- The expected still conditions during a frost event calculated within the Environmental Noise Assessment.

Representor #6

- Noise impacts from pulse and constant noises. Methodology of Environmental Noise Assessment not clear so do not agree with the noise levels determined.
- Environmental Noise Assessment does not cater for topographical or field assessment of current noise conditions. The noise impacts could promote a funnel effect down the hill impacting more on sensitive receivers.
- Impacts to existing and ongoing BnB operations.
- Consideration of further monitoring of the vineyards in lieu of installing the fans.
- Management and operation times of the fans.
- All four fans considered within the Environmental Noise Assessment.
- Assessment provided determines the cumulative noise from the frost control fans can achieve the allowable noise level of the Environmental Protection (Commercial and Industrial Noise) Policy 2023 at the closest sensitive receivers.
- Echo Acoustics findings have proven to be 100% accurate in all post installation tests conducted. 3 LAeq db(A) is not insignificant and can be accurately modelled.
- Mandated noise levels can be enforced by an authorised officer under the Environment Protection Act including Council or EPA officers.
- The Environmental Noise Assessment takes a worst case scenario with the topographical influences and the elevated nature of the frost fans considered.
- Previous two seasons have been particularly mild due to La Nina. This is not a long term effect and the effects and previous damage within the vineyard has shown frost damage is a considerable and ongoing concern. Vintage 24, 65.6 tonnes of fruit lost to frost damage.
- Machines are auto start/stop and their length of operation is determined by the temperature at vine height. This ensures the fans are only operating when the temperature is within the danger zone, eliminating unnecessary run time.
- Australian Frost Fans will conduct annual servicing during business hours to ensure the fans maintain peak performance.

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, Version 2024.8 dated 9 May 2024.

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.

An Environmental Noise Assessment has been provided by Echo Acoustic Consulting. The report has assessed the predicted cumulative noise emissions of the frost fans when measured from the closest non associated dwellings (sensitive receivers). The frost fans result in predicted noise levels, when measured from the surrounding (non-associated) dwellings of up to a maximum of 52 dB(A) (to the nearest non-associated dwelling). These noise levels are below the minimum thresholds contained in the *Environment Protection (Commercial and Industrial) Noise Policy 2023* based on the zoning applicable to the locality.

The existing viticultural activity is an envisaged use in the Zone. The proposed frost fan is designed to prevent crop loss through frost damage and support ongoing business advancement and viability. Built form and visual impact is considered to be acceptable. The applicant has satisfactorily addressed noise and amenity concerns. The proposal is therefore not considered to be Seriously at Variance with the provisions of the Planning and Design Code.

Character Preservation (Barossa Valley) Act 2012

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

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

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

Assessment

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

Land Use

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

Rural Zone Performance Outcome 1.1 speaks of supporting the productive value of rural land. The envisaged land uses for the zone includes horticulture, winery and farming. The subject site has an existing horticulture (viticulture) use with change of use approvals granted in 2013 (for the two southernmost allotments) and 2018 (for the two northernmost allotments). The frost fans are ancillary to the established use of the

land and intended to reduce crop damage loss and therefore support the ongoing viability and sustainability of this primary production site.

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

Built form and character

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

The proposal is for a total of four (4) frost fans consisting of two (2) C49 and two (2) C59 model frost fans all comprising a structure with the following features:

- A concrete foundation pad and post baseplate
- Engine cabinet located at ground level
- 10.38 metres high tower
- Gearbox and a 4-blade or 5-blade propeller fan with a 5.5 metre or 5.6 metre wide diameter

The top of the main tower/column stands at a height of 10.38 metres with the overall height of the fan to tip of propeller being 13.45 metres and 13.5 metres (the C49 and C59 models respectively).

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

The proposed frost fans are sited with large setbacks to all road boundaries with no fan within 250 metres of a public road.

The proposed frost fans have the following approximate allotment boundary setbacks:

- MOC01 C59 – North 320 metres, east 126 metres, south 345 metres and west 447 metres
- MOC02 C49 – North 298 metres, east 361 metres, south 860 metres and west 210 metres
- MOC04 C49 – North 573 metres, east 256 metres, south 2 metres (adjoining land within same ownership) and west 892 metres
- MOC05 C59 – North 107 metres, east 256 metres, 182 metres and west 887 metres

The subject site gently slopes away towards existing watercourses with the proposed fans to be located generally along the lower portions of land or where frost has been observed to occur. The frost fans will be mostly visible from the Moculta Road and Lindsay Park Road streetscapes. The visual impact of these fans are not considered to result in an unreasonable impact given the proposed frost fans are not generally a dominant visual element due to their slender built form and large boundary setbacks. The visual impact of a frost fan is considered to be reasonable given the necessity for such a form of development to occur by protecting the economic and primary production potential of the existing and ongoing viticultural land use.

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

Whilst it will be a visual feature in the landscape, frost fans are a common element in the Barossa landscape where the visual appearance of these structures are not considered to be visually obtrusive and their existence has a clear and important function which is considered an important offset consideration in this assessment.

Character Preservation Overlay

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

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>

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

The site is located within rural land approximately 1.2 kilometres west of the Moculta township that is primarily used for viticulture. Local character is defined predominantly by farming activities interspersed with agricultural buildings, dams, some dwellings and a bed and breakfast. Frost fans are an increasing common visual element within the rural parts of the Barossa Valley and have typically been assessed by Councils within the district as an acceptable addition to the existing landscape.

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

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

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

Heritage Adjacency Overlay

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

encroach on or unduly impact on the setting of the Place.	
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There is a Local Heritage listed building at 787 Lindsay Park Road, Moculta at the corner of Shannon Road. The heritage listing is for the "Farmhouse and Log Farm Buildings" that are approximately 380 metres from the nearest proposed frost fan.

The proposed frost fan will not dominate, encroach or unduly impact on the Local Heritage Place due to the large separation distance, as per **Figure 13**.

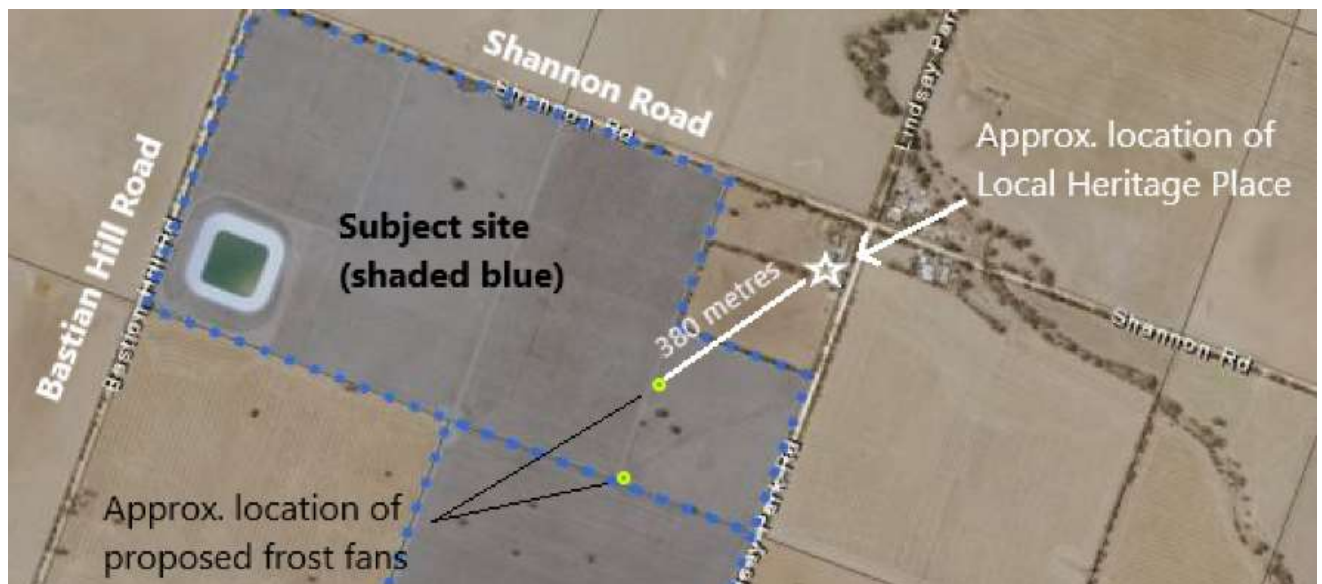


Figure 13: Aerial View showing the location of the Local Heritage Place in the context of the proposed frost fans

Clearance from Overhead Powerlines

General Development Policies	
Clearance from Overhead Powerlines	
Desired Outcomes	
DO1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
Relevant Performance Outcomes/Designated Performance Features	
PO 1.1 Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.	DTS/DPF 1.1 One of the following is satisfied: a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996 b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.

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

Interface between Land Uses

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

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

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

The applicant has engaged Echo Acoustic Consulting to undertake an Environmental Noise Assessment of the proposed frost fans to predict cumulative noise levels and assess against criterion established under the *Environment Protection (Commercial and Industrial) Noise Policy 2023*. This Policy document has been prepared by the EPA and sets out specifically the noise control provisions applicable to frost fans. The parent legislation for this Policy is the *Environment Protection Act 1993* which incorporates a requirement to ensure the acoustic amenity of a locality is not unreasonably interfered with. The Policy provides specific allowable noise levels for frost control fan operation that is based on a balance between protecting primary production through the effective use of frost control fans and minimising the noise impact on neighbouring properties. There are other stipulated operational requirements which should be addressed in a noise assessment such as limiting fan dimensions and operating speed to that reasonably required for its effective operation.

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

An additional EPA document, the ‘*EPA Evaluation Distances for Effective Air Quality and Noise Management 2016*’ identifies an evaluation distance of 2,000 metres for a frost fan from a sensitive receiver. This is a recommended evaluation distance to help guide the potential radius of sensitive receivers for a proposed development and is not considered absolute criteria. The guide states that “*If a proponent wishes to reduce the distance, the EPA will request the proponent to demonstrate that adverse impacts are reduced to acceptable levels (or below).*” That is part of the purpose of the Environmental Noise Assessment report to demonstrate impact and recommend any mitigation measures and to show (or otherwise) compliance with the *Environment Protection (Commercial and Industrial) Noise Policy 2023*. Compliance with the Policy is generally required to be demonstrated where a frost fan is proposed within the 2,000 metre evaluation distance in order to allow reduced separation to sensitive receivers. This is a typical assessment process for frost fans in the Rural Zone.

In their assessment, Echo Acoustic Consulting identify that the applicant will operate the Frost Boss C49 fan at an engine speed of 1,750 rpm which corresponds to fan speed operating at 418 rpm with the Frost Boss C59 fan operating at an engine speed of 1,800 rpm which corresponds to fan speed operating at 365 rpm. The report further notes that:

- Noise modelling which accounts for the propagation in noise during the specific meteorological conditions that occur during frost conditions.
- Two new Frost Boss C49 and two new Frost Boss C59 frost control fans being operated with no other existing fans on the premises.

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

- (1) The frost control fans must not be operated except during a period when frost occurs or is reasonably likely to occur, or as necessary for maintenance work and maintenance work must not be carried out on the fans except between 7.00 am and 10.00 pm on the same day.
- (2) The frost control fans must not exceed an equivalent noise level LAeq, of 55 dB(A) when measured over the full rotation of the frost control fans about the tower at any neighbouring dwellings not associated with the installation which exists in the Rural Zone (or similar) at the time of approval. Where an equivalent noise level LAeq, of 55 dB(A) is exceeded, then the operation of the fan must be modified to achieve that external noise level, or it must be shown that an equivalent noise level LAeq full rotation of 35 dB(A) is achieved in the habitable rooms of that dwelling not associated with the installation.
- (3) The frost control fans must not exceed an equivalent noise level LAeq, of 45 dB(A) when measured over the full rotation of the frost control fans about the tower at any neighbouring dwellings not associated with the installation which exists in the Township Zone (or similar) at the time of approval. Where an equivalent noise level LAeq, of 45 dB(A) is exceeded, then the operation of the fan must be modified to achieve that external noise level, or it must be shown that an equivalent noise level LAeq full rotation of 25 dB(A) is achieved in the habitable rooms of that dwelling not associated with the installation.

These suggested conditions align with allowable noise levels in Part 6, Section 21 (6) of the Policy. They have been integrated, where appropriate, in recommended Conditions of Consent.

Echo Acoustic Consultants identify the closest dwellings from the proposed frost fan where noise measurements have been undertaken and assessed. The location of each property is shown in Figure 1 of the Environmental Noise Assessment report and included below in **Figure 14**. All these dwellings are located in the Rural Zone.

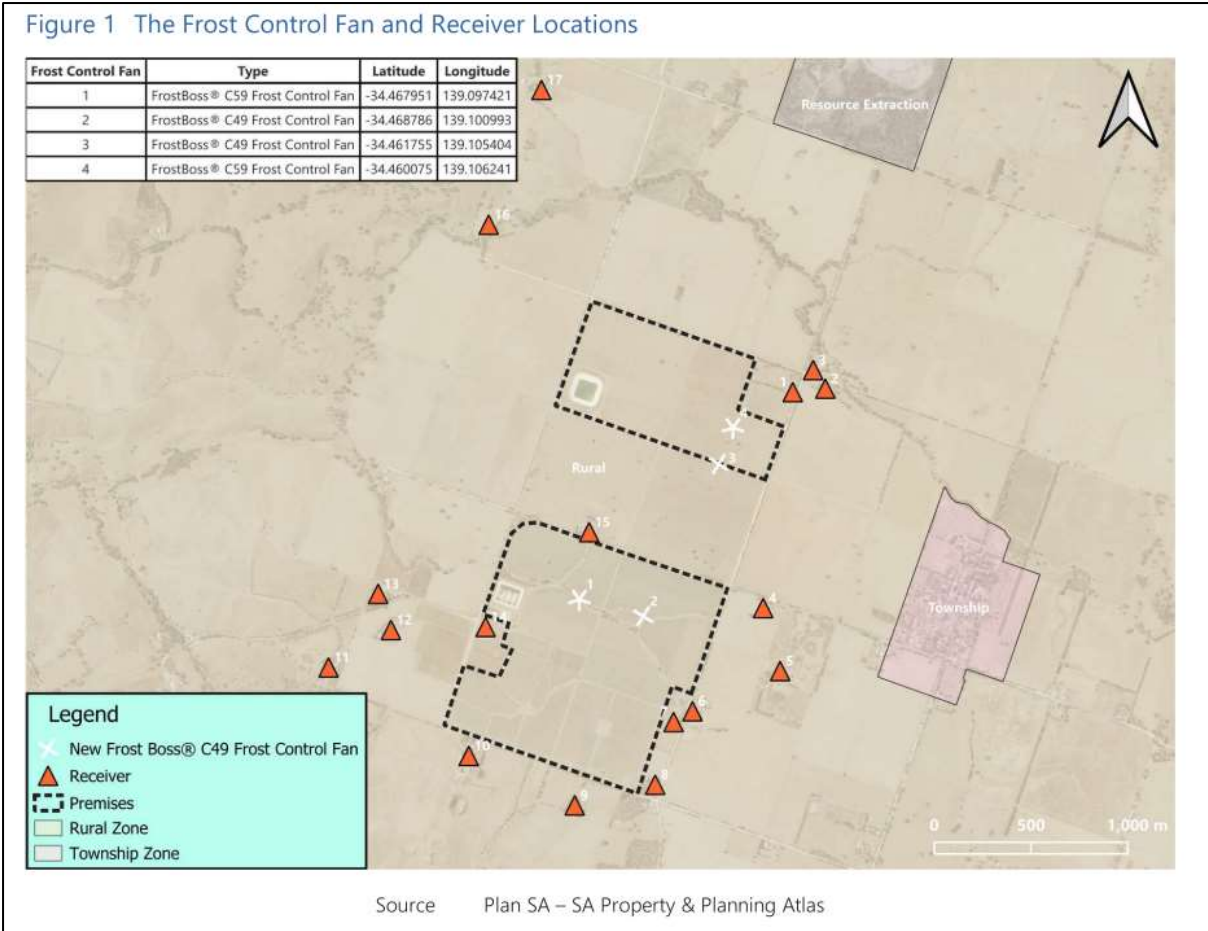


Figure 14: Extract from Environmental Noise Assessment Report of sensitive receivers considered

The predicted noise levels (2 x C49 and 2 x C59 fans) operating at normal speed for the identified sensitive receivers are shown below in **Figure 15**.

Table 1 Predicted Noise Levels at Receivers

Receiver	Allowable Noise Level <i>L_{Aeq}</i> full rotation (dB(A))	Predicted Noise Level <i>L_{Aeq}</i> full rotation (dB(A))	Compliance
1	55	52	Yes
2	55	49	Yes
3	55	49	Yes
4	55	49	Yes
5	55	47	Yes
6	55	49	Yes
7	55	49	Yes
8	55	45	Yes
9	55	44	Yes
10	55	43	Yes
11	55	40	Yes
12	55	43	Yes
13	55	43	Yes
14	55	48	Yes
15	55	53	Yes
16	55	40	Yes
17	55	37	Yes
Township	45	43 or less	Yes

With reference to Table 1, the cumulative noise from the two new FrostBoss® C49 frost control fans and two new FrostBoss® C59 frost control fans will comply with the allowable noise levels of the Policy at the closest receivers.

Figure 15: Extract from Environmental Noise Assessment Report of sensitive receiver applicable noise levels

Namely, the indicated most impacted sensitive receivers are 1 and 15 as they have noise levels predicted at 52-53 dB(A). Receiver 1 is sited 360 metres from the nearest proposed (C59) frost fan with receiver 15 sited 340 metres from the nearest proposed (C59) frost fan.

The predicted cumulative noise levels (ie, generated by all frost fans on the site) for these dwellings therefore fall below the criterion of 55 dB(A) for the Rural Zone. While the *Environment Protection (Commercial and Industrial) Noise Policy 2023* applies a higher allowable noise level for the Rural Zone, accepting the primary intent of the zone to support ongoing, viable agricultural operations.

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

Overall, the Environmental Noise Assessment Report utilises accepted calculation methodology and the conclusions drawn are reasonable. Based on this report, the proposal is considered to achieve the *Environment Protection (Commercial and Industrial) Noise Policy 2023* criteria and therefore Performance Outcome 4.1 and DPF 4.1 is satisfied.

It should also be acknowledged that the primary intent of the Rural Zone is for support and protection of farming, horticulture and similar activities. In acknowledging amenity issues, residents should have some expectation of noise, odour or other amenity (obviously within any set guidelines/parameters) impacts. This is supported in the approach previously adopted by the Environment, Resources and Development (ERD) Court. In *Takhar v District Council of Light* (1994), the Court stated the following:

“Those who choose to live outside of the more settled areas, and thus closer to farming activities, have to be prepared to accept some “strange” odours and noises which are to be experienced in farming areas. That is the price that they might have to pay for escaping from the effects of the urban lifestyle”.

Transport, access and parking

General Development Policies	
Transport, Access and Parking	
Desired Outcomes	
DO1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Relevant Performance Outcomes/Designated Performance Features	
Vehicle Access	
PO 3.1 Safe and convenient access minimises impact or interruption on the operation of public roads.	DTS/DPF 3.1 The access is: a) provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land • or b) not located within six metres of an intersection of two or more roads or a pedestrian activated crossing.
Vehicle parking areas	
PO 6.1 Vehicle parking areas are sited and designed to minimise impact on the operation of public roads by avoiding the use of public roads when moving from one part of a parking area to another.	DTS/DPF 6.1 Movement between vehicle parking areas within the site can occur without the need to use a public road.
PO 6.2 Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced, and the like.	DTS/DPF 6.2 None are applicable.
PO 6.3 Vehicle parking areas are designed to provide opportunity for integration and shared use of adjacent car parking areas to reduce the total extent of vehicle parking areas and access points.	DTS/DPF 6.3 None are applicable.

There will be occasional servicing needs for the fan. There are internal driveways running through the site that provides access to the position of the proposed frost fans. There is a cleared pathway with sufficient width to allow parking and entry/exit in a forward direction. This is also likely to be used for any servicing of the existing frost fan. Relevant Performance Outcomes are considered to be met.

Other Overlays

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

Hazards (Bushfire – Medium Risk) Overlay

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

Hazards (Flooding - Evidence Required) Overlay

The frost fans has a minimal footprint and will not contribute to any flooding impacts within the locality.

Limited Land Division Overlay

No division of land is proposed as part of this application.

Native Vegetation Overlay

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

Prescribed Water Resources Area Overlay

The frost fans will be associated with an established vineyard area and will not impact on water use within the prescribed area nor will the proposed fans impact on the flow paths of the existing watercourses.

Water Protection Area Overlay

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

Water Resources Overlay

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

CONCLUSION

The proposal comprises the *'Installation and operation of two (2) FrostBoss C49 and two (2) FrostBoss C59 frost fans with Perkins engine'*. The application was subject to 'Performance Assessment' and public notification in accordance with Section 107 of the *Planning, Development and Infrastructure Act 2016* with six representations received.

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

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

The primary assessment issues relate to visual impact and noise emission. It is considered that the frost fans will have an acceptable visual impact taking into account their height, slender frame, setbacks and clearly expressed functional form. Frost fans are another built element in the Barossa Valley landscape and while they will be visible their visual impact is not considered to sufficiently detract on the landscape and related special character of the area.

The applicant has shown with expert input that the anticipated noise level of the frost fans (cumulative of all proposed frost fans) when in operation, will not exceed the quantitative noise levels for nearby dwellings (receivers) as set out in the *Environment Protection (Commercial and Industrial) Noise Policy 2023*. Compliance with this State Government set policy is considered sufficient to demonstrate that noise levels should not unreasonably impact the amenity of adjacent residential land uses.

Assessment has identified that the proposed development is reasonably consistent with the Desired Outcome and Performance Outcomes of the Rural Zone and other relevant provisions of the Planning and Design Code, such that Planning Consent is warranted, subject to 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 potential impacts on the character values of the district, but is worthy of further consideration.

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. 24012554 by Treasury Wine Estates Vintners to undertake the 'Installation and operation of two (2) FrostBoss C49 and two (2) FrostBoss C59 frost fans with Perkins engine' at Lot 76 Moculta Road, Moculta (CT 5131/) subject to the following conditions and advisory notes:

Council Conditions

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

- Environmental Noise Assessment by Echo Consulting, reference no. 23-40-1, dated 22 April 2024.
 - Structural Drawings for Frost Fans C49 by Design Phase, project no. 1951, sheets 000, S.01 and S.02, issue 1, dated 25/06/2021.
 - Structural Drawings for Frost Fans C59 by Design Phase, project no. 1951, sheets 000, S.01 and S.02, issue 1, dated 01/03/2019.
- (2) The frost fan must be operated in accordance with the provisions of the *Environment Protection (Commercial and Industrial) Noise Policy 2023* relating to frost fans, as amended or superseded from time to time.
- (3) An annual report shall be prepared detailing the prevailing ambient temperature, times and duration the frost fan was in use as well as setting out any maintenance, repairs, modification or other service. The report(s) shall be provided to the Relevant Authority on request and shall be prepared at least once each calendar year.
- (4) No audible alarm to signal frost malfunction shall be installed. A limiting switch may be installed that immediately turns the frost fan off during a malfunction and includes an effective operator warning system that can be remotely monitored, to the satisfaction of the Relevant Authority. A person capable of managing the use and function of the approved frost fan shall be available to attend promptly, to the reasonable satisfaction of the Relevant Authority, at the vineyard site, at all times during operations.
- (5) The frost fans shall be maintained at all times in good repair and condition, in accordance with the manufacturer's specifications. Maintenance, repair, modification work or other service on the frost fan shall only be carried out between 7.00 am and 10.00 pm. A log of all such work shall be kept and produced to the Relevant Authority upon request.
- (6) The frost fans shall be set with a fan 'start' temperature of 1°C and a fan 'stop' temperature of 3°C.
- (7) The operating motor speed for the Frost Boss C49 frost fans must be mechanically limited to a maximum of 1750 rpm and the fan speed must not exceed a maximum of 418 rpm.
- (8) The operating motor speed for the Frost Boss C59 frost fans must be mechanically limited to a maximum of 1800 rpm and the fan speed must not exceed a maximum of 365 rpm.

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 | Response to Representations ↓  |

Development Locations

Location 1

Location reference

LOT 76 LINDSAY PARK RD MOCULTA SA 5353

Title Ref

CT 5131/274

Plan Parcel

D22588 AL76

Additional Location Information**Council**

THE BAROSSA COUNCIL

Location 2

Location reference

598 MOCULTA RD MOCULTA SA 5353

Title Ref

CT 6104/48

Plan Parcel

D90394 AL683

Additional Location Information**Council**

THE BAROSSA COUNCIL

Location 3

Location reference

598 MOCULTA RD MOCULTA SA 5353

Title Ref

CT 6104/49

Plan Parcel

D90394 AL684

Additional Location Information**Council**

THE BAROSSA COUNCIL

Zone Overlays

Zones

- Rural

Sub-zones

(None)

Overlays

- Character Preservation District
- Hazards (Bushfire - Medium Risk)

- Heritage Adjacency
- Hazards (Flooding - Evidence Required)
- Limited Land Division
- Native Vegetation
- Prescribed Water Resources Area
- Water Protection Area
- Water Resources

Variations

- Minimum Site Area (Minimum site area is 32 ha)
- Minimum Dwelling Allotment Size (Minimum dwelling allotment size is 60 ha)

Application Contacts

Applicant(s)

Stakeholder info

Treasury Wine Estates Vintners
Level 8 161 Collins Street
South Melbourne
SA
3000
apinvoice.anz@tweglobal.com

Contact

Stakeholder info

Australian Frost Fans Pty Ltd
268 TWARTZ ROAD
GAWLER BELT
SA
5118
Tel. +6468798312
aussieconsents@frostboss.com

Invoice Contact

Stakeholder info

Australian Frost Fans Pty Ltd
268 TWARTZ ROAD
GAWLER BELT
SA
5118
Tel. +6468798312
aussieconsents@frostboss.com

Builder

Stakeholder info

Australian Frost Fans Pty Ltd
268 TWARTZ ROAD
GAWLER BELT
SA
5118
Tel. +6468798312
aussieconsents@frostboss.com

Land owners

Stakeholder info

Treasury Wine Estates Vintners
Level 8 161 Collins Street
South Melbourne
SA
3000
apinvoice.anz@tweglobal.com

Nature Of Development

Nature of development

Installation and operation of 2x C49 and 2x C59 FrostBoss frost fans with Perkins engines.

Development Details

Current Use

Viticulture

Proposed Use

Viticulture

Development Cost

\$299,200.00

Proposed Development Details

Installation and operation of 2x C49 and 2x C59 FrostBoss frost fans with Perkins engines.

Element Details

You have selected the following elements

Other - Rural - \$299,200.00

- Frost fan for frost protection of crops.

Septic/Sewer information submitted by applicant

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

No

Certificate of Title information submitted by applicant

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

No

Consent Details

Consent list:

- Planning Consent
- Building Consent

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

No

Planning Consent

Apply Now?

Yes

Who should assess your planning consent?

Assessment panel/Assessment manager at The Barossa Council

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

Relevant Authority

Building Consent

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

No

Apply Now?

Yes

Who should assess your building consent?

The Barossa Council

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

No

Has a builder been engaged for the proposed development?

Yes

Is the development being constructed by an Owner Builder?

No

Consent Order

Recommended order of consent assessments

1. Planning Consent
2. Building Consent

Do you have a pre-lodgement agreement?

No

Declarations

Electricity Declaration

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

Native Vegetation Declaration

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

Submission Declaration

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

Documents

Document	Document Type	Date Created
TWE Moculta Environmental Noise Assessment.pdf	Technical Report - Acoustic	2 May 2024 10:03 AM
Structural Calculations - C49 FrostBoss Frost Fan Design Phase Limited.pdf	Engineering Structural	2 May 2024 10:03 AM
C59 - Structural calculations the same as C49 - DPL.pdf	Engineering Structural	2 May 2024 10:03 AM

TWE Moculta CT5131 274 revised site plan.pdf	Certificate of Title	2 May 2024 10:03 AM
TWE Moculta CT 6104 48 revised site plan.pdf	Certificate of Title	2 May 2024 10:03 AM
TWE Moculta CT 6104 49 revised site plan.pdf	Certificate of Title	2 May 2024 10:03 AM
TWE Moculta CT5131 274 revised site plan.pdf	Location Plan	2 May 2024 10:03 AM
TWE Moculta CT 6104 48 revised site plan.pdf	Location Plan	2 May 2024 10:03 AM
TWE Moculta CT 6104 49 revised site plan.pdf	Location Plan	2 May 2024 10:03 AM
CITB Levy Notice March 2024.pdf	CITB Payment Reference	2 May 2024 10:03 AM
Structural Drawings - C49 FrostBoss Frost Fans - Design Phase Limited.pdf	Engineering Structural	2 May 2024 10:03 AM
Structural Drawings - C59 FrostBoss Frost Fans - Design Phase Limited.pdf	Engineering Structural	2 May 2024 10:03 AM
Statement of Support and Effect - TWE Moculta 2 024.pdf	Further Information	2 May 2024 10:03 AM

Application Created User and Date/Time

Created User

aussie.consent

Created Date/Time

2 May 2024 10:03 AM





598 Moculta Road and Lot 76 Lindsay Road, Moculta

Environmental Noise Assessment

22 April 2024

Reference ID: 23-40-1



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Abbreviations

Code	<i>Planning and Design Code</i> Version 2024.7 dated 18 April 2024, PlanSA.
dB	Decibel
dB(A)	Decibel in <i>A-weighting</i>
DO	Desired Outcome of the Code
DTS / DPF	Deemed-to-Satisfy Criteria / Designated Performance Feature of the Code
EP Act	<i>Environment Protection Act 1993</i>
EPA	South Australian Environment Protection Authority
<i>L_{Aeq period}</i>	<i>Equivalent noise level</i> over a specific period in <i>A-weighting</i>
PO	Performance Outcome of the Code
Policy	The <i>Environment Protection (Commercial and Industrial Noise) Policy 2023</i>
Premises	The land on which the frost control fan is installed
Receiver	A <i>sensitive receiver</i> where noise impacts are considered. In this assessment, the <i>receivers</i> are the <i>residential</i> dwellings identified in Figure 1
rpm	Revolutions per minute

Glossary

A-weighting	A mathematical adjustment to the measured noise levels to represent the human response to sound. An <i>A-weighted noise level</i> is presented as dB(A).
Decibel	The logarithmic unit of measurement to define the magnitude of a fluctuating air pressure wave. Used as the unit for <i>sound</i> or <i>noise level</i> .
Equivalent noise level	The <i>noise level</i> which is equivalent to a noise level which varies over time. The descriptor is L_{Aeq} and it is the A-weighted <i>source noise level (continuous)</i> referenced in the Policy. The L_{Aeq} is also referenced as an average noise level for simplicity
Frost control fan	Fan that operates during frost conditions that are used to mitigate the detrimental impacts of frosts on agricultural crops. Frost control fans are the subject of this environmental noise assessment
Noise	An interchangeable term with sound but which is most often described as <i>unwanted sound</i>
Sensitive receiver	The same meaning as under <i>Part 8 Administrative Terms and Definitions</i> of the Code. Defined as: a. any use for residential purposes or land zoned primarily for residential purposes; b. child care facility; c. educational facility; d. hospital; e. supported accommodation; f. tourist accommodation.
Sound	An activity or operation which generates a fluctuating air pressure wave. The ear drum can perceive both the frequency (pitch) and the magnitude (loudness) of the fluctuations to convert those waves to sound
Sound power level	The amount of sound energy an activity produces for a given operation. The sound power level is a constant value for a given activity. The sound power level is analogous to the power rating on a light globe (which remains constant), whereas the lighting level in a space (<i>sound pressure level</i> in this analogy) will be influenced by the distance from the globe, shielding and different locations within the space
Sound pressure level	The magnitude of sound (or noise) at a position. The sound pressure level can vary according to location relative to the noise source, and operational, meteorological and topographical influences. The terms <i>Sound Pressure Level</i> and <i>Noise Level</i> are used interchangeably in this assessment

Background

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

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

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

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

The *Environment Protection (Commercial and Industrial Noise) Policy 2023* (the **Policy**) provides specific allowable noise levels for frost control fan operation that are based on a balance between protecting primary production in a *Rural Zone* through the effective use of frost control fans and minimising the impact on surrounding sensitive receivers.

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

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

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

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

This assessment considers two new FrostBoss® C49 frost control fans and two new FrostBoss® C59 frost control fans at 598 Moculta Road and Lot 76 Lindsay Road, Moculta, in the Barossa Council. There are no existing frost control fans at the premises.



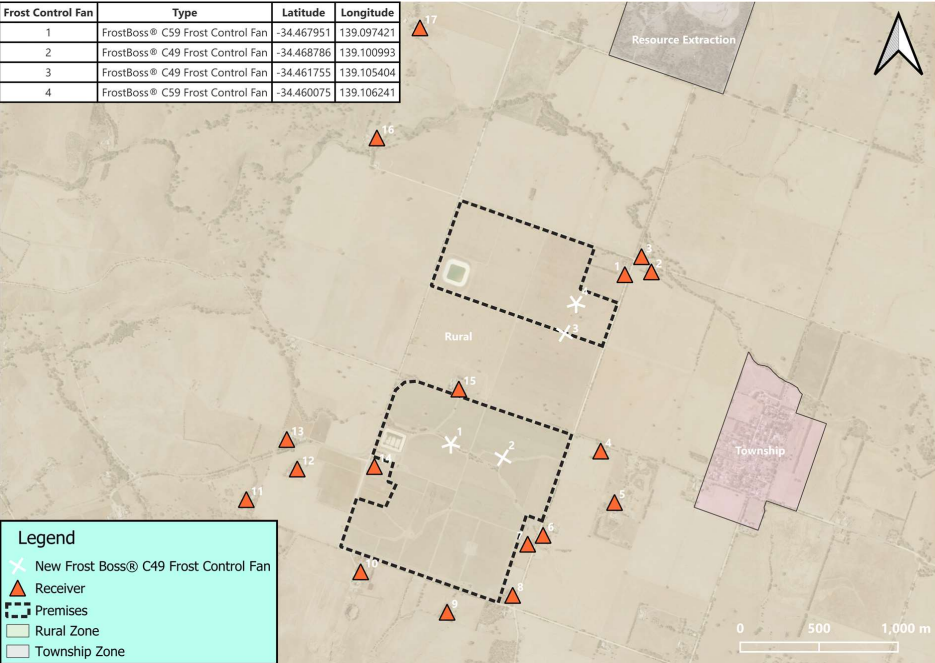
Introduction

This assessment considers the noise associated with two new FrostBoss® C49 frost control fans and two new FrostBoss® C59 frost control fans (with a diesel engine and four or five fixed pitch fan blades) at 598 Moculta Road and Lot 76 Lindsay Road, Moculta in the Barossa Council. There are no existing frost control fans at the premises.

The noise has been predicted to the surrounding existing neighbouring dwellings (**receivers**) based on noise measurements previously made of the operation of a FrostBoss® C49 frost control fan and a FrostBoss® C59 frost control fan in frost conditions.

The location of the frost control fans (including coordinates), the closest receivers, and the land on which the frost control fan is installed (**premises**) are shown in Figure 1 below.

Figure 1 The Frost Control Fan and Receiver Locations



Source Plan SA – SA Property & Planning Atlas

This assessment has considered the cumulative noise from the frost control fans on two adjacent premises operating simultaneously. Where the cumulative noise from the frost control fans on both premises achieves the allowable noise levels, the noise from each premises will also satisfy the allowable noise levels.



Assessment Criteria

The Code

The frost control fans and the closest receivers are in a *Rural Zone* within the *Planning and Design Code Version 2024.7 dated 18 April 2024* (the **Code**). There is also a *Township Zone* to the east of the frost control fans.

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

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

Desired Outcome DO 1

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

Performance Outcome PO 1.2

Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is *designed to minimise adverse impacts*.

Performance Outcome PO 2.1

Non-residential development *does not unreasonably impact the amenity* of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:

- a) the nature of the development
- b) measures to mitigate off-site impacts
- c) the extent to which the development is desired in the zone
- d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.

Performance Outcome PO 4.1

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

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

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



The Policy

Interface between Land Uses DTS / DPF 4.1 references the relevant *Environment Protection (Noise) Policy* criteria. The relevant policy is the *Environment Protection (Commercial and Industrial Noise) Policy 2023* (the **Policy**).

The Policy was developed under the *Environment Protection Act 1993* (the **EP Act**). The EP Act incorporates a requirement to ensure the acoustic *amenity of a locality is not unreasonably interfered with*. Part 6 of the Policy provides specific allowable noise levels for frost control fan operation that are based on a balance between protecting primary production through the effective use of frost control fans and minimising the impact on surrounding sensitive receivers.

With the EP Act and *Interface between land uses PO 4.1* being consistent with the intent of the other relevant Code provisions listed above; compliance with the Policy is considered to satisfy all other *Desired Outcomes* and *Performance Outcomes* relevant to this assessment.

Part 6 of the Policy establishes an allowable noise level within both a habitable room (with windows closed), and an external location outside a habitable room. Where the external allowable noise levels are achieved, then noise from the frost control fan installation is not considered excessive. Where the external allowable noise levels are not achieved, then the habitable room becomes the location for the assessment.

This assessment has been made against the external allowable noise levels of the Policy that apply to frost control fans.

The allowable noise level varies depending on the land use zoning in which the receivers are located. For a location *in a zone where Residential or Rural Living is principally promoted*, the allowable noise level at a receiver is an equivalent noise level (L_{Aeq}) of 45 dB(A). For all other zones the allowable noise level at a receiver is an L_{Aeq} of 55 dB(A).

In this circumstance, an L_{Aeq} of 55 dB(A) applies at the receivers in the *Rural Zone*, and an L_{Aeq} of 45 dB(A) applies at the receivers in the *Township Zone*. The allowable noise levels are to be achieved from all frost control fans on the premises operating at the same time. This assessment conservatively considers the cumulative effect of all frost control fans at both premises operating together, being two new FrostBoss® C49 frost control fans and two new FrostBoss® C59 frost control fans.

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



Assessment

The Policy

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

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

- an *L_{Aeq full rotation}* of 55 dB(A) at 240 metres in frost conditions for the operation of the FrostBoss® C49 frost control fan at a fan speed of 418 revolutions per minute (**rpm**) correlating to an engine drive speed of 1750rpm, as summarised in the *Hegley Acoustic Consultants – Frost Boss C49 Frost Fan Field Testing Noise Report, dated September 2010*¹
- an *L_{Aeq full rotation}* of 55 dB(A) at 180 metres in frost conditions for the operation of the FrostBoss® C59 frost control fan at a fan speed of 365rpm correlating to an engine drive speed of 1800rpm, as summarised in the *Hegley Acoustic Consultants – Frost Boss C59 Frost Fan Field Test Assessment of Noise Report No. 15136, dated August 2015*
- noise modelling which accounts for the propagation in noise during the specific meteorological conditions that occur during frost conditions
- two new FrostBoss® C49 frost control fans and two new FrostBoss® C59 frost control fans being operated at the premises with frost control fan coordinates as detailed in Figure 1
- the closest receivers and *Township Zone* as depicted in Figure 1

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



Table 1 Predicted Noise Levels at Receivers

Receiver	Allowable Noise Level <i>L_{Aeq} full rotation (dB(A))</i>	Predicted Noise Level <i>L_{Aeq} full rotation (dB(A))</i>	Compliance
1	55	52	Yes
2	55	49	Yes
3	55	49	Yes
4	55	49	Yes
5	55	47	Yes
6	55	49	Yes
7	55	49	Yes
8	55	45	Yes
9	55	44	Yes
10	55	43	Yes
11	55	40	Yes
12	55	43	Yes
13	55	43	Yes
14	55	48	Yes
15	55	53	Yes
16	55	40	Yes
17	55	37	Yes
Township	45	43 or less	Yes

With reference to Table 1, the cumulative noise from the two new FrostBoss® C49 frost control fans and two new FrostBoss® C59 frost control fans will comply with the allowable noise levels of the Policy at the closest receivers.

Conclusion

This environmental noise assessment considers the noise from two new FrostBoss® C49 frost control fans and two new FrostBoss® C59 frost control fans at 598 Moculta Road and Lot 76 Lindsay Road, Moculta.

The assessment predicts the noise level at receivers from a frost control fan installation based on established input data and compares that noise level against the specific requirements of *Part 6 of the Environment Protection (Commercial and Industrial Noise) Policy 2023*.

The assessment determines that the cumulative noise from the operation of the frost control fans can achieve the allowable noise level of the *Environment Protection (Commercial and Industrial Noise) Policy 2023* at the closest receivers.

In complying with the *Environment Protection (Commercial and Industrial Noise) Policy 2023*, the frost control fan installation will satisfy the relevant *Planning and Design Code* provisions.

The following conditions of operation will ensure consistency with this assessment and the mandatory provisions in the *Environment Protection (Commercial and Industrial Noise) Policy 2023*:

1. *The frost control fans must not be operated except during a period when frost occurs or is reasonably likely to occur, or as necessary for maintenance work and maintenance work must not be carried out on the frost control fans except between 7.00 a.m. and 10.00 p.m. on the same day*
2. *The frost control fans must not exceed an equivalent noise level L_{Aeq} of 55 dB(A) when measured over the full rotation of the frost control fans about the tower at any neighbouring dwellings not associated with the installation which exists in the Rural Zone (or similar) at the time of approval. Where an equivalent noise level, $L_{Aeq \text{ full rotation}}$ of 55 dB(A) is exceeded, then the operation of the frost control fans must be modified to achieve that external noise level, or it must be shown that an equivalent noise level, $L_{Aeq \text{ full rotation}}$ of 35 dB(A) is achieved in the habitable rooms of that dwelling not associated with the installation.*
3. *The frost control fans must not exceed an equivalent noise level L_{Aeq} of 45 dB(A) when measured over the full rotation of the frost control fans about the tower at any neighbouring dwellings not associated with the installation which exists in the Township Zone (or similar) at the time of approval. Where an equivalent noise level, $L_{Aeq \text{ full rotation}}$ of 45 dB(A) is exceeded, then the operation of the frost control fans must be modified to achieve that external noise level, or it must be shown that an equivalent noise level, $L_{Aeq \text{ full rotation}}$ of 25 dB(A) is achieved in the habitable rooms of that dwelling not associated with the installation.*



References

Hegley Acoustic Consultants – Frost Boss C49 Frost Fan Field Testing Noise Report, dated September 2010

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

Planning and Design Code Version 2024.7 dated 18 April 2024, PlanSA

South Australian "Environment Protection Act 1993

South Australian "Environment Protection (Commercial and Industrial Noise) Policy 2023"

South Australian "Guidelines for the Use of the Environment Protection (Commercial and Industrial Noise) Policy 2023", 2023



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Author Details:

Author	Mathew Ward
Mobile	0413 018 332
Email	MathewWard@echoacoustics.com.au

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DOCUMENT: STRUCTURAL DESIGN CALCULATIONS

PROJECT: NZ FROST FANS

FrostBoss A24 & C49
Standard Design

PREPARED FOR: NZ FROST FANS

PREPARED BY: Kelvin Landon

DOCUMENT HISTORY:

Date:	Author:	Issue/Revision:	Notes:
20 July 2010	KPL	Building Consent A	n/a

	CLIENT: NZ Frost Fans	Date Jul-10
	PROJECT: Frostboss Series Structural Design.	PAGE No. 1 of 8
	ELEMENT: Intro/Loads	Task No. 1071 ENGINEER: KPL

PHILOSPHY

The following calculations are to theoretically prove the structural suitability of the standard NZ Frost Fans Frostboss design. This design has been used by NZ Frost Fans for more than 15 years and is based on a similar industry standard historically used by many manufacturers worldwide.

The standard design used for the A24 &C49 is used internationally by Frost Boss. The following calculations check the structures compliance with the New Zealand and Australian loading standard. This a joint standard which is comparable to all acknowledged international loading standard.

The critical loading case is the machine thrust . Maximum Thrust is established at maximum engine power so cannot be theoretically exceeded. Therefore ultimate limit state load factoring utilised following is considered a conservative approach.

STRUCTURAL CALCULATIONS

Loadings Standard applied:
ASNZ1170,

Materials Codes applied:
NZS3404:1997 Steel structures standard
NZS3101 Concrete structures standard
AS1250 SAA Steel Structures Code
AS3600 Concrete Structures

STRUCTURE SUMMARY:

Single cantilever CHS column supported by a mass concrete foundation
Engine at base and fan atop of column
Min 50 kPa allowable bearing required under foundation.
Flat topography only considered.

LOAD SUMMARY

DEAD			
	Unit Mass		
Fan & Gearbox	4 kN/assembly	1 unit	4.00 kN
Column	0,8 kN/m	10.4 m.	8.32 kN
		2.44 m.	
		2.44 m.	
		0.94 m.	
Foundation	24 kN/m ³	5.60 m. ³	134.3 kN
Total Mass			146.6 kN

Snow: Snow and ice loadings have not been considered.

	CLIENT: NZ Frost Fans	TASK No. Jul-10								
	PROJECT: Frostboss Series Structural Design.	PAGE No. 2 of 8								
	ELEMENT: Wind Loading	ENGINEER: KPL								
WIND										
Wind Regions:	A1 - A7, W & B									
Terrain Category:	2 <i>Water surfaces, open terrain, grassland with few scattered obstructions having heights generally from 1.5m. To 10m.</i>									
Topography:	Flat <i>Any extreme terrain features will require specific design to confirm the wind loading is below critical. The calculations following are under maximum wind loadings for flat topography.</i>									
Risk Factor:	1									
Cyclonic regions have not been considered in this study										
Design Wind Pressure										
$p = (0.5 \cdot r_{air}) [V_{des,q}]^2 C_{fig} C_{dyn}$										
$V_{des,q}$ = Max value dependent on building orientation to wind of V_{sitrb}										
Therefore										
$V_{des,q} = V_{sitrb}$ <i>Symmetric structure therefore orientation not significant</i>										
$= V_R M_d (M_{z,cat} M_s M_t)$										
Establish critical wind loading location										
<table><tr><td>New Zealand</td><td>Australia (Zone B)</td></tr><tr><td>$V_R = 45 \text{ m/s}$</td><td>$V_R = 57 \text{ m/s}$</td></tr><tr><td>$M_t = 1.35$</td><td>$M_t = 1.0$</td></tr><tr><td>60.75 m/s</td><td>57 m/s</td></tr></table>			New Zealand	Australia (Zone B)	$V_R = 45 \text{ m/s}$	$V_R = 57 \text{ m/s}$	$M_t = 1.35$	$M_t = 1.0$	60.75 m/s	57 m/s
New Zealand	Australia (Zone B)									
$V_R = 45 \text{ m/s}$	$V_R = 57 \text{ m/s}$									
$M_t = 1.35$	$M_t = 1.0$									
60.75 m/s	57 m/s									
Therefore take New Zealand as critical wind loading										
$V_R = 45$										
$M_d = 1$										
Terrain category 2										
$Z = 10 \text{ m.}$										
$M_{z,cat} = 1.0$										
$M_s = 1.0$										
$M_t = 1.35$										
$V_{des,q} = V_R M_d (M_{z,cat} M_s M_t)$										
$V_{des,q} = 60.75 \text{ m/s}$										
Column Loading										
$C_{fig} = K_{ar} K_i C_d$										
$l/b = 10500/508$										
$= 20.1$										
$K_{ar} = 0.87$										
$K_i = 1$										
$b_q = 0.508 \text{ m.}$										
$V_{des,q} = 60.75 \text{ m/s}$										
$b V_{des,q} = 30.9 \text{ m}^2/\text{sec}$										
$h_r = 0.15$ <i>Galvanised steel</i>										
$d = 508 \text{ mm}$										
$h_r/d = 0.0003$										
$C_d = 1.6 + 0.105 \cdot \log_e(h_r/d)$										
$\log_e(h_r/d) = -8.1276014$										
$C_d = 0.75$										

	CLIENT: NZ Frost Fans	TASK No. Jul-10															
	PROJECT: Frostboss Series Structural Design.	PAGE No. 3 of 8															
		TASK No. 1071															
	ELEMENT: Wind loading	ENGINEER: KPL															
$C_{fig} = K_{ar}K_iC_d$ $C_{fig} = 0.65$ $p = (0.5 \cdot \rho_{air}) [V_{des,q}]^2 C_{fig} C_{dyn}$ $\rho_{air} \quad 1.2$ $C_{fig} \quad 0.65$ $C_{dyn} \quad 1.0$ $p = 1.44 \quad \text{kPa}$ $A_{z \text{ col}} =$ 10.40 m. 0.51 m. 5.28 m² $F_{d \text{ col}} =$ p 1.44 x A_z 5.28 $F_{d \text{ col}} = 7.60 \text{ kN}$ Fan Loading $C_{fig} = K_{ar}K_iC_d$ $K_{ar} = 0.7$ $K_i = 1$ $C_{d \text{ Fan}} = 0.50 - \text{Fan blade}$ $C_{fig} = 0.35$ $p = (0.5 \cdot \rho_{air}) [V_{des,q}]^2 C_{fig} C_{dyn}$ $\rho_{air} \quad 1.2$ $C_{fig} \quad 0.35$ $C_{dyn} \quad 1.0$ $p = 0.78 \quad \text{kPa}$ $A_{z \text{ Fan}} =$ length 2.8 m width 0.3 m no. Of blades 4 3.36 m² $F_{d \text{ fan}} =$ p 0.78 x A_z 3.36 $F_{d \text{ Fan}} = 2.60 \text{ kN}$ <table><tr><th>Force</th><th>Lever Arm</th><th></th></tr><tr><td>kN</td><td>m.</td><td>kNm</td></tr><tr><td>7.60</td><td>5.20</td><td>39.5</td></tr><tr><td>2.60</td><td>10.40</td><td>27.1</td></tr><tr><td colspan="2"></td><td>66.6 kNm</td></tr></table> $M^*_{wind} = 66.60 \text{ kNm}$ Conservative as fan will rotate under wind loading to minimise load on column $F_{d \text{ co}} \quad 7.60 \quad \text{kN}$ $F_{d \text{ Fan}} = 2.60 \quad \text{kN}$ $M^*_{wi} \quad 66.60 \quad \text{kNm}$			Force	Lever Arm		kN	m.	kNm	7.60	5.20	39.5	2.60	10.40	27.1			66.6 kNm
Force	Lever Arm																
kN	m.	kNm															
7.60	5.20	39.5															
2.60	10.40	27.1															
		66.6 kNm															

	CLIENT: NZ Frost Fans	TASK No. Jul-10
	PROJECT: Frostboss Series Structural Design.	PAGE No. 4 of 8
	ELEMENT: Earthquake load	ENGINEER: KPL

EARTHQUAKE
 Assume: (Conservative assumptions to cover all locations considered)

Deep/Soft Soil Type E
 Period 0.4 secs
 Ductility = 1.25

Spectral Shape Factor $C_h(T) = 3.00$
 Hazard Factor $Z = 0.6$ *Extreme value*
 Return Period Factor $R = 0.5$
 Near Fault $N(T,D) = 1.0$ *As ductility = 1.25*

$C(T) = C_h(T) Z R N(T,D)$
 $C(T) = 0.9$

Spectral Shape Factor $C_d(T_1)$

$$C_d(T_1) = \frac{C(T_1) S_p}{K_\mu}$$

Structural Performance Factor

$$S_p = 1.3 - 0.3(\mu)$$

$$S_p = 1.3 - 0.3(1.25)$$

$S_p = 0.925$

$$K_\mu = \frac{(\mu-1)T_1 + 1}{0.7}$$

$K_\mu = 1.14$

$$C_d(T_1) = \frac{C(T_1) S_p}{K_\mu}$$

$C(T) = 0.9$
 $S_p = 0.925$
 $K_\mu = 1.14$

$$C_d(T_1) = \frac{0.9 \times 0.925}{1.145}$$

$$C_d(T_1) = \frac{0.8325}{1.14}$$

$C_d(T_1) = 0.73$

	Mass/m. kN/m	Height m.	Lever Arm m.	$C_d(T_1)$	$M^*_{EQ} =$ kNm
Col Mass	0.8	10.4	5.2	0.73	31.58
Fan Mass	3	1	10.4	0.73	22.78

$M^*_{EQ \text{ Total}} = 54.36 \text{ kNm}$ **$M^*_{EQ} = 54.36 \text{ kNm}$**

 DESIGNPhase Ltd. CONSULTING ENGINEERS	CLIENT: NZ Frost Fans PROJECT: Frostboss Series Structural Design. ELEMENT: Thrust loading	TASK No. Jul-10 PAGE No. 5 of 8 TASK No. 1071 ENGINEER: KPL									
THRUST (Fan reaction) Thrust 7 kN ULS Factor 1.4 Factored Thrust 9.8 kN Height 10.5 m. M* 102.9 kNm STRUCTURAL CHECK Factored loads Wind M* = 66.6 kNm Earthquake M* = 54.4 kNm Thrust M* = 102.9 kNm Critical Moment M*_{crit(thrust)} = 102.9 kNm Column Design <table border="0"> <tr> <td>Dead</td><td>Fan&Gearbox</td><td>4 kN</td></tr> <tr> <td></td><td>Column</td><td>8.3 kN</td></tr> <tr> <td></td><td></td><td><u>12.3 kN</u></td></tr> </table> N* = 12.3 kN M* = 102.9 kNm OK See Memdes Output on following page 508mm CHS x 6.4 mm CHS OK Provide 508mm x 6.4mm CHS		Dead	Fan&Gearbox	4 kN		Column	8.3 kN			<u>12.3 kN</u>	M*_{crit(thrust)} = 102.9 kNm
Dead	Fan&Gearbox	4 kN									
	Column	8.3 kN									
		<u>12.3 kN</u>									

MemDes Calculations @ 11:02 on 15/07/2010 by KPL

Project : NZ Frost Fans
Descriptn : Frostboss Column Design

Section : 508x 6.4 CSWP Grade 250

Check of Section Category Requirements

NOTE : Designer to ensure that Clause 12.8.3.3 is complied with ***

**** MAJOR axis bending ****

Major Axis Bending

Design Action $M_x^* = 103.0$ kNm

$$\alpha_m = 1.81$$

$$\alpha_s = 1.03$$

$\alpha_m \alpha_s \geq 1.0$, => Segment Fully Restrained

$$M_{bx} = M_{sx} = 364.67 \text{ kNm}$$

$$\text{Major axis capacity Ratio} = M_x^* / \phi M_{bx} \\ = 0.31, \quad \text{--- OK ---}$$

Shear Calculations (Unstiffened Web)

Design Action $V_x^* = 0.0$ kN

Nominal Shear Yield capacity $V_w = 907.7$ kN

$$\alpha_v = 1.12 \geq 1.0 \Rightarrow \text{full web shear capacity}$$

$$V_u = V_w = 907.7 \text{ kN}$$

$$\text{Shear capacity ratio} = V_x^* / \phi V_u \\ = 0.00, \quad \text{--- OK ---}$$

Axial Calculations

Design Action $N_d = 12.0$ kN [Comp], $Le_{Ax} = 10.50$ m, $Le_{Ay} = 10.50$ m
= 2521.3 kN

Major axis buckling : Minor axis buckling : Minimum Capac. $N_{cmin} = 2183.1$

$$\text{Axial buckling capac. Ratio} = N_d / \phi N_{cmin} \\ = 0.006, \quad \text{--- OK ---}$$

Combined Actions Checks

Loading PASSES Cl 8.1.4, => Combined Actions Checks are not required

===== SUMMARY =====

**** U.L.S. Capacity Check Passed, Load Cap. Ratio = 0.31 --- OK ---

MemDes v 2.1 : Calculations for New Zealand Steel

Project : NZ Frost Fans
Descriptn : Frostboss Column Design

at 11:02:15 a.m. on 15/07/2010, Page 1
by KPL

 DESIGNPhase Ltd. CONSULTING ENGINEERS	CLIENT: NZ Frost Fans	TASK No. Jul-10
	PROJECT: Frostboss Series Structural Design.	PAGE No. 7 of 8
		TASK No. 1071
	ELEMENT: Intro/Loads	ENGINEER: KPL
FOUNDATION		
Fan & Post = 10 KN $M^* = 102.9 \text{ kNm}$ $N^* = 147 \text{ kN}$		
Bearing Pressure		
PAD	Length	2.44 m
	Breadth	2.44 m.
	Depth	0.94 m.
	Density	24 kN/m ³
<u>Mass</u>		134.31322 kN
<u>Mass of col</u>		12 kN
		146.31322 kN
Bearing eccentricity		
e =		
$M^* =$		102.90 kNm.
M_{sls}		73.50
$N^* =$		146.31 kN
e =		0.50 m.
2.44	x	0.33
	=	0.8 m
<u>Bearing Area</u>		
	2.44m.	
	0.80m.	
		146.3 kN
bearing width =	$\frac{146.3 \text{ kN}}{((2.44/2)-0.50)*2}$	
	=	1.38 m
	147/1.38x2.4	
	44.18 kPa	OK
bearing OK		
FOUNDATION CONCRETE		
$f_c =$	20 Mpa	
Allowable bearing strength		
	$0.85 * (f_c^{0.5})$	
	= 3.8MPa	
Axial Stress =		
	$147 \text{ kN} / ((l^2/3) * 940 \text{ mm})$	
	=	0.23 Mpa
0.23	<	3.8 Shear OK

	CLIENT: NZ Frost Fans PROJECT: Frostboss Series Structural Design. ELEMENT: Intro/Loads	TASK No. Jul-10 PAGE No. 8 of 8 TASK No. 1071 ENGINEER: KPL
Check Bending in slab Concrete to resist tension Check OK? Bending Stress = $M^*/Z/f = 110.3 \times 1000000 / (0.6 \times 2000 \times 1100 \times 1100 / 6) = 0.46 \text{ MPa}$ $M^*/Z/\text{Factor}$ $M^* = 103 \text{ kNm}$ $Z = bd^2/6$ $bd^2/6 = 2400 \times 940^2 / 6 = 353440000$ Stress = 0.485702429 Mpa Allowable bending stress = $f_c = 20 \text{ Mpa}$ $f_c^{0.5} = 4.47$ $0.3 \times f_c^{0.5} = 1.34 \text{ Mpa}$ $1.34 > 0.49 \text{ OK}$ Check Hold-down Bolts Max Base moment = 103 kN $N \times \text{bolt} = 103 \text{ kNm} / 0.435 \text{ m} = 237 \text{ kN}$ $118.3908046 \text{ per bolt}$ Bolt dia. 38 mm $f_t = 300 \text{ Mpa}$ $A_{\text{bolt}} = 1134.11 \text{ mm}^2$ $\phi N_{t_{\text{bolt}}} = 306211 \text{ N}$ 306 kN Bolts OK		



Design Phase Limited
Consulting Civil & Structural Engineers
PO Box 8136
Havelock North 4157
Ph.06 8775110

Steve Haslett
New Zealand Frost Fans Ltd
1429 Omaha Road
Hastings
New Zealand

Dear Steve

Re: C59 Frost Fans

Design Phase Ltd (DPL) has been engaged to review the support column and foundations for the C59 fan.

DPL has been advised by NZ Frost Fans fan performance and thrust for the C59 is identical to the C49 fan.
The C49 column and foundation are therefore considered suitable for the C59 fan.

Considering the above,

All C49 documentation, drawings and calculations prepared by Design Phase Limited are also applicable to the C59 fan.

Yours sincerely,



Kelvin Landon
PRINCIPAL ENGINEER
BE(Hons) MIPENZ CPeng IntPE
Design Phase Limited















ABN 39 817 133 546
phone 08 8172 9500
78 Richmond Road, Keswick SA 5035
e-mail citb@citb.org.au

www.citb.org.au

AUSTRALIAN FROST FANS PTY LTD
1429 Omaha Road, 1429 Omaha Road Omaha
Hastings SA 4175

LEVY NOTICE

ABN 39 817 133 546

Notice Number: 654073-1

Project ID: 654073

Payment Reference Number: PR224769

Customer Number: 448062

Customer ABN: 72636725721

15 March 2024

Re: Construction Industry Training Fund Levy

Project ID	Address	Project Name / Identifier	Levy Amount
654073	6558 Riddoch Highway Allendale East SA 5291	TWE Padthaway	\$5,215.00

Project Description

Installation and operation of thirty-one (31) C49 frost fans and one (1) C59 frost fan with Perkins Engines.

Total Levy Amount Due

\$5,215.00

Please note: The actual levy amount payable is exempt from GST under Section 81-5 of A New Tax System (Goods and Services Tax Act) 1999. Tax invoices will not be issued as there is no entitlement to input tax credits arising from payment of the levy.

PAYMENT OPTIONS

CITB Website	citb.org.au / I need to pay a levy / Pay an existing levy notice by Visa or MasterCard		
	Biller Code: 322420 Ref: 2247690		
Telephone & Internet Banking - BPAY® Contact your bank or financial institution to make this payment from your cheque, savings, debit or transaction account. more info: www.bpay.com.au			
Funds Transfer	Commonwealth Bank, Gouger Street, Adelaide BSB 065 005 Account No. 180912 Payment Reference Number: PR224769		
Cheque	Construction Industry Training Board, 78 Richmond Road, Keswick SA 5035 Payment Reference Number: PR224769		

TERMS 14 DAYS FROM DATE OF LEVY NOTICE

THANK YOU FOR YOUR CONTRIBUTION TO THE SA CONSTRUCTION INDUSTRY
 If you have recently paid levy notices, please ignore these items. If you have not paid them, please urgently attend to this matter

The Construction Industry Training Board (CITB) was created at the request of the SA building and construction industry and is established by an Act of Parliament known as The Construction Industry Training Fund Act 1993.

In accordance with the Act, the operations of the CITB are funded by a levy of 0.25% on SA building and construction work over \$40,000.

The Levy is invested into the SA building and construction industry through financial apprentice support, up-skilling of construction workers and research to support industry. This creates and maintains a highly skilled workforce promoting high standards of health and safety and fosters a training culture of life long learning.

Structural Drawings for Frost Fans C49

NO.	DATE	DESCRIPTION
1	25/06/2021	ISSUE

Drawing Index

S - Series

Sheet No.	Sheet Name	Issue Date	Rev. No.
S.01	C49 Tower Elevations	25/06/2021	1
S.02	C49 Foundation & Baseplate Details	25/06/2021	1

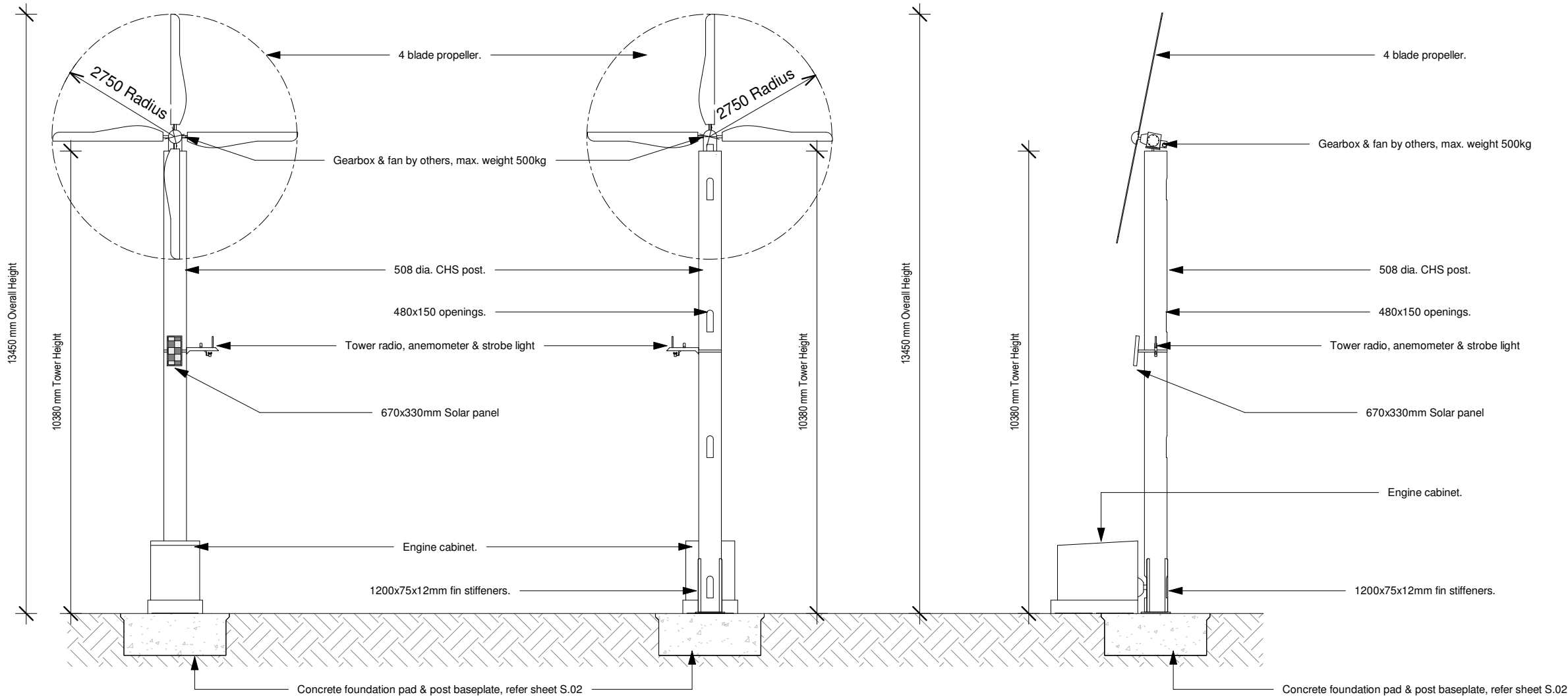


PH: 06 878 5130
114 QUEEN STREET EAST, HASTINGS

PROJECT TITLE
Frost Boss C49
PROJECT ADDRESS
1429 Omahu Road, Twyford
CLIENT NAME
Frstot Fans
SHEET NAME
Cover Page

DATE 25/06/2021
DRAWN BY KB
PROJECT NO. 1951
SHEET NO. 000

NO.	DATE	DESCRIPTION
1	25/06/2021	ISSUE



1 C49 Frost Fans
1: 100 @ A3



PH: 06 878 5130
114 QUEEN STREET EAST, HASTINGS

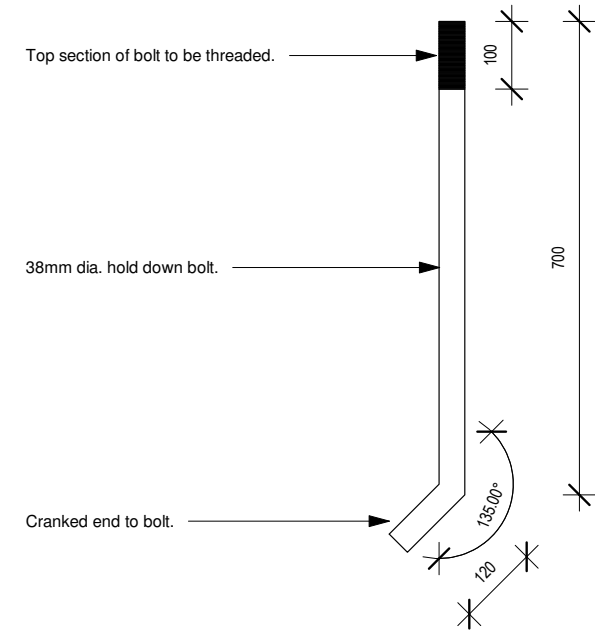
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Frost Boss C49
PROJECT ADDRESS
1429 Omahu Road, Twyford
CLIENT NAME
Frstot Fans

SHEET NAME
C49 Tower Elevations

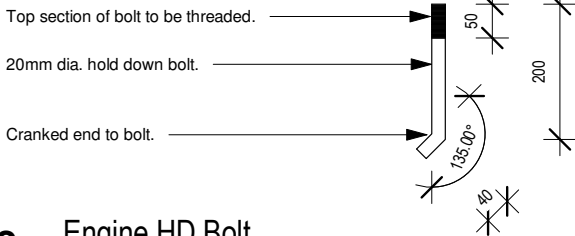
DATE 25/06/2021
DRAWN BY KB

PROJECT NO. 1951
SHEET NO. S.01

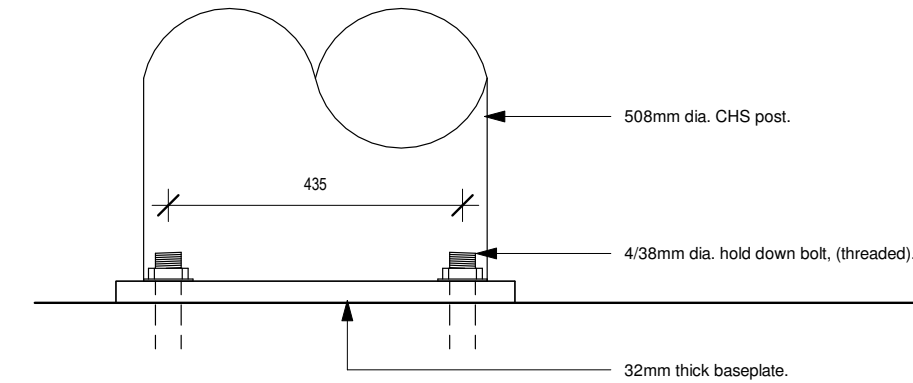
NO.	DATE	DESCRIPTION
1	25/06/2021	ISSUE



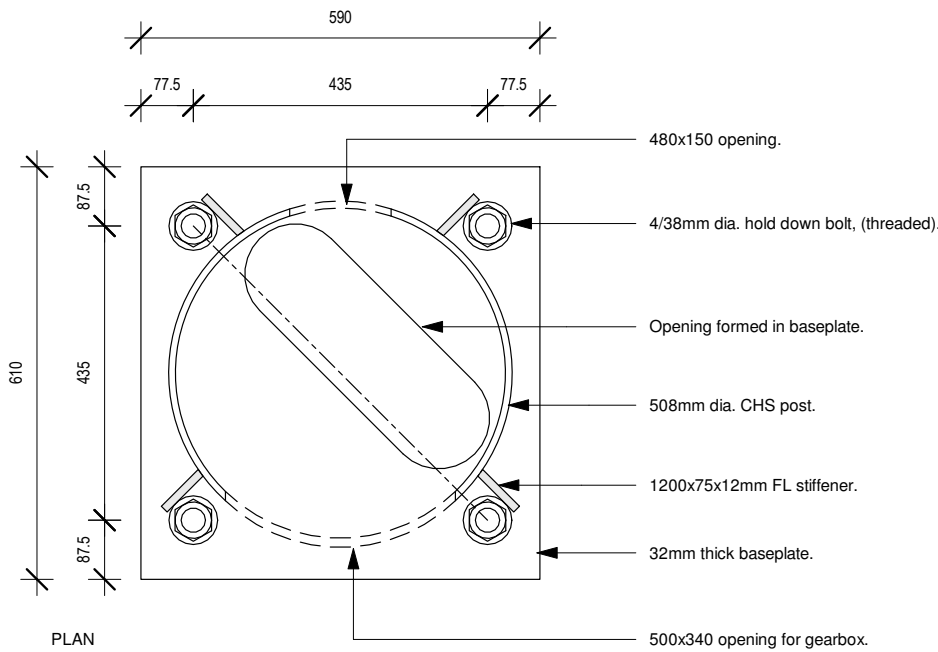
1 Tower HD Bolt
1 : 10 @ A3



2 Engine HD Bolt
1 : 10 @ A3

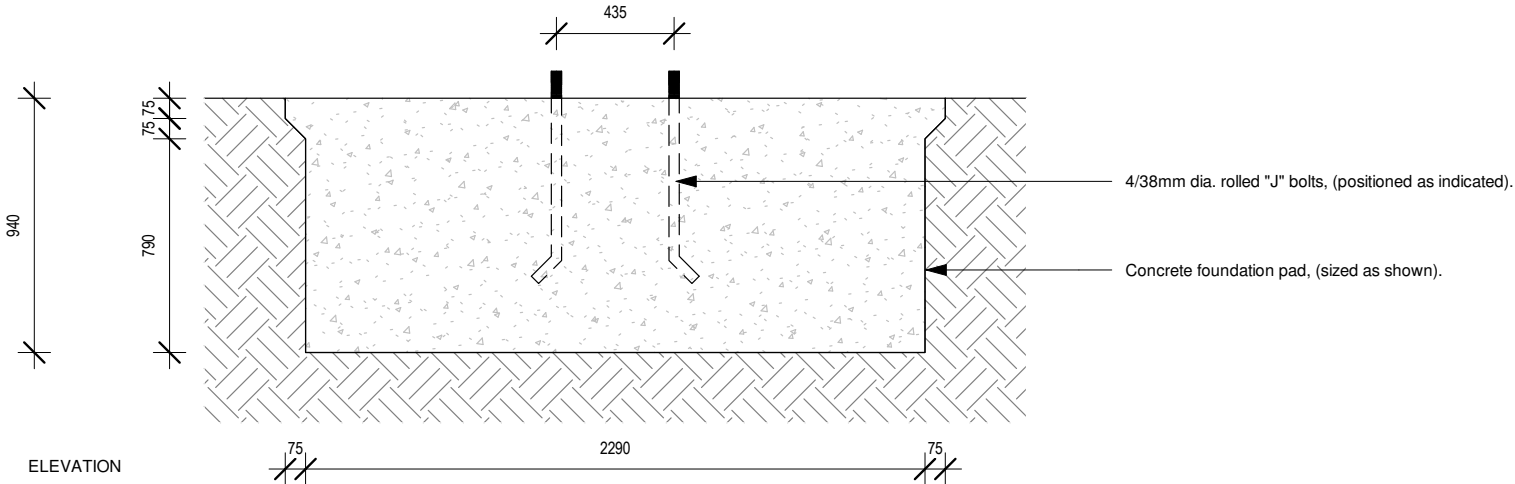


ELEVATION

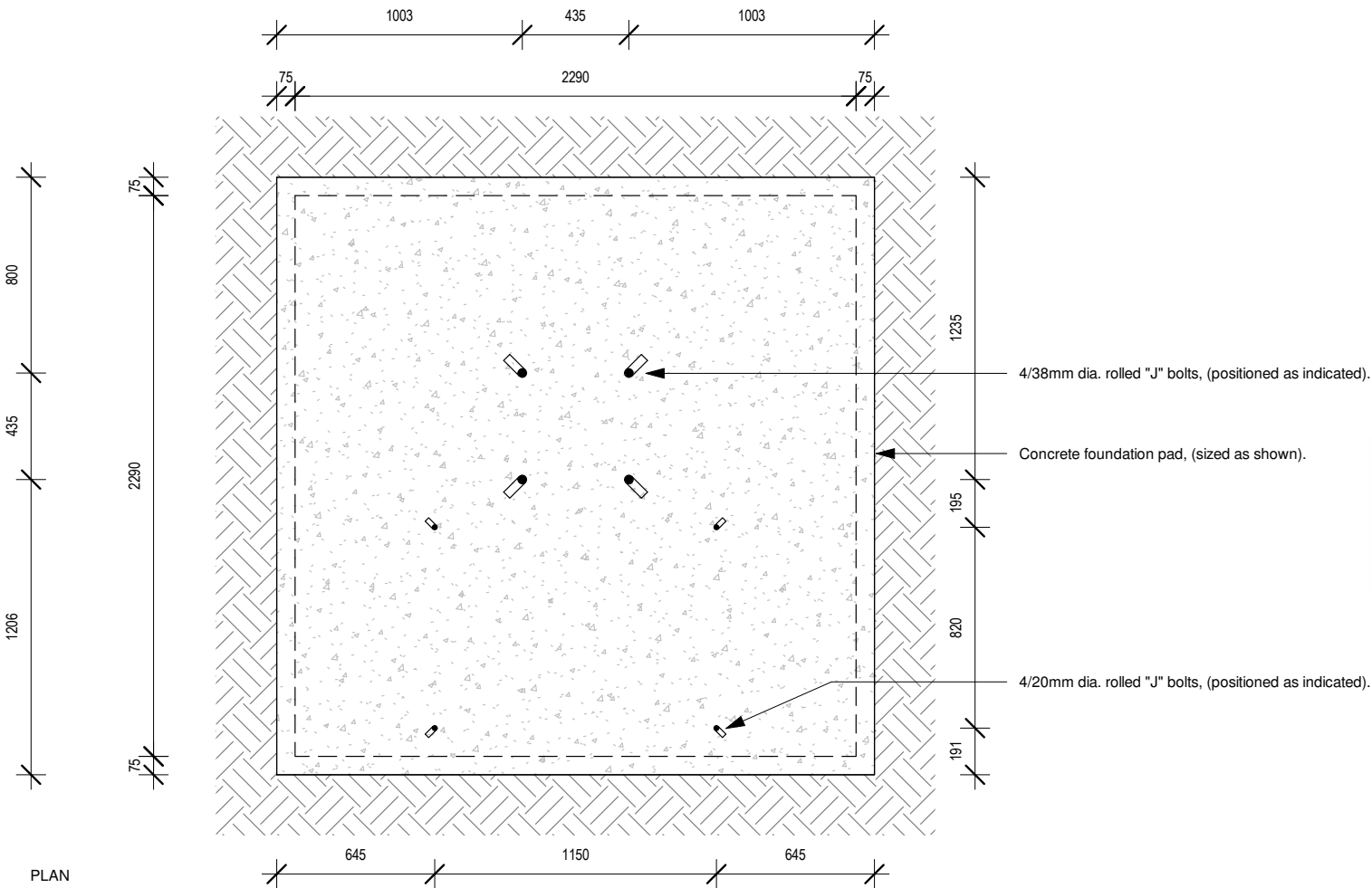


PLAN

3 Tower Baseplate
1 : 10 @ A3



ELEVATION



PLAN

4 Tower Foundation
1 : 25 @ A3



PH: 06 878 5130
114 QUEEN STREET EAST, HASTINGS

PROJECT TITLE
Frost Boss C49
PROJECT ADDRESS
1429 Omaha Road, Twyford
CLIENT NAME
Frstot Fans

SHEET NAME
C49 Foundation & Baseplate Details

DATE
25/06/2021
DRAWN BY
KB

PROJECT NO.
1951
SHEET NO.
S.02

Structural Drawings for Frost Fans C59

NO.	DATE	DESCRIPTION
1	01/03/2019	ISSUE

Drawing Index

S - Series

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

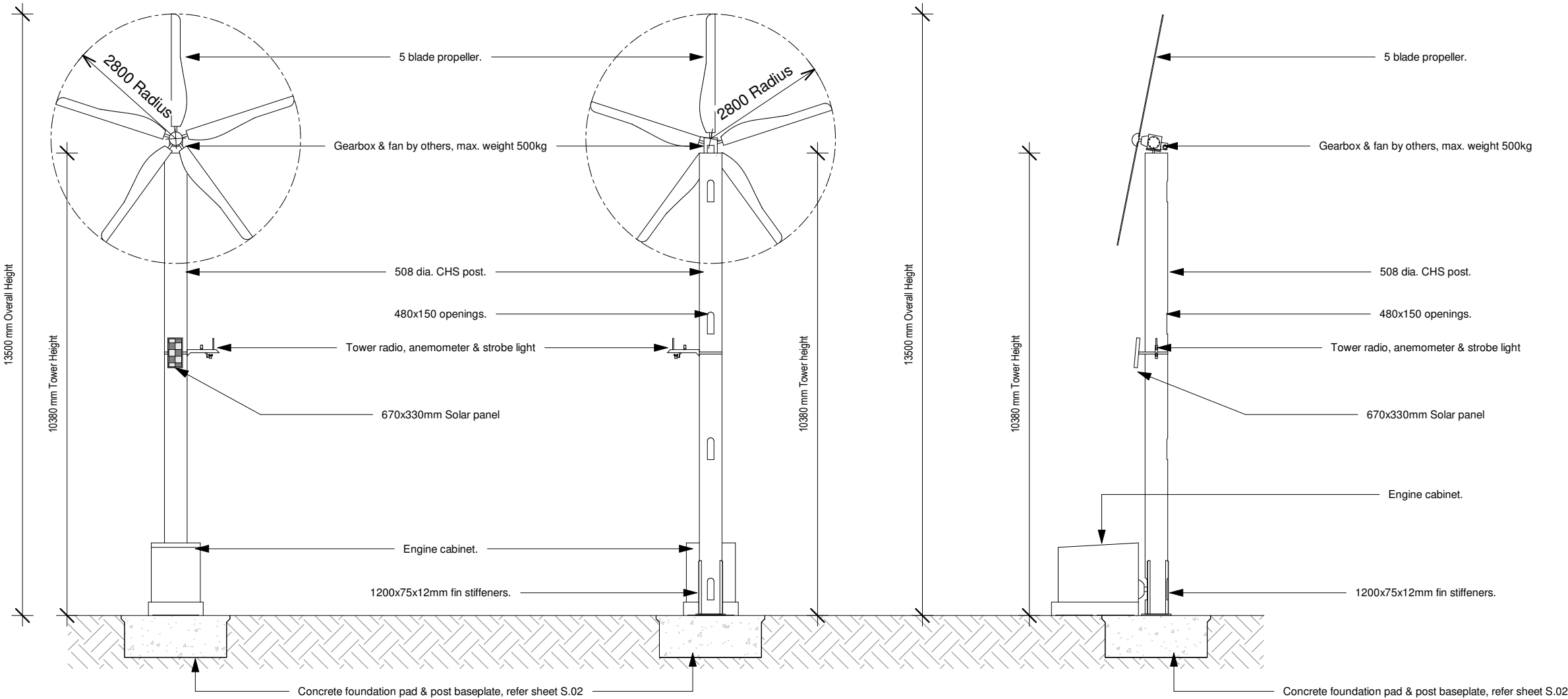


PH: 06 878 5130
114 QUEEN STREET EAST, HASTINGS

PROJECT TITLE
Frost Boss C59
PROJECT ADDRESS
1429 Omahu Road, Twyford
CLIENT NAME
Frstot Fans
SHEET NAME
Cover Page

DATE	01/03/2019
DRAWN BY	KB
PROJECT NO.	SHEET NO.
1951	000

NO.	DATE	DESCRIPTION
1	01/03/2019	ISSUE



1 C59 Frost Fans
1:100 @ A3

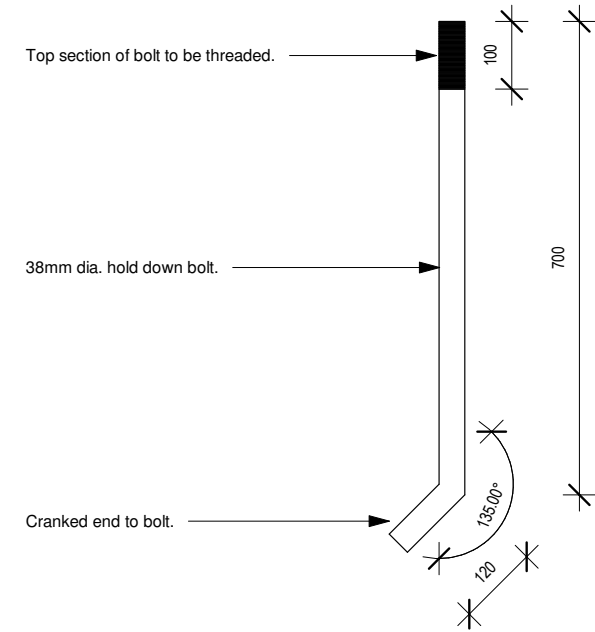


PH: 06 878 5130
114 QUEEN STREET EAST, HASTINGS

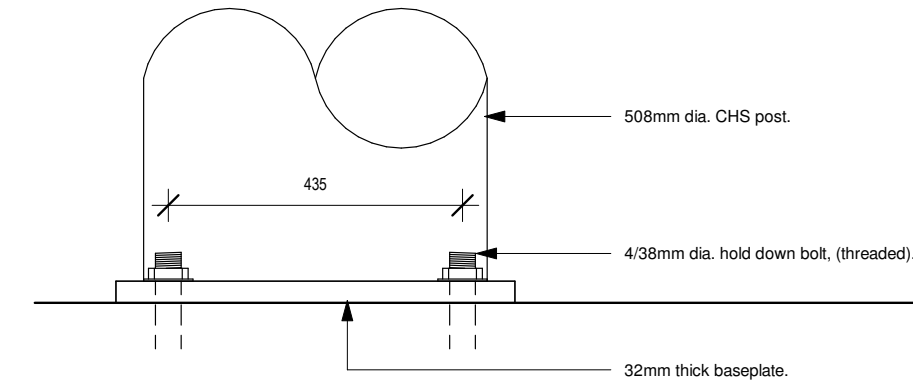
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Frost Boss C59
PROJECT ADDRESS
1429 Omahu Road, Twyford
CLIENT NAME
Frstot Fans
SHEET NAME
C59 Tower Elevations

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

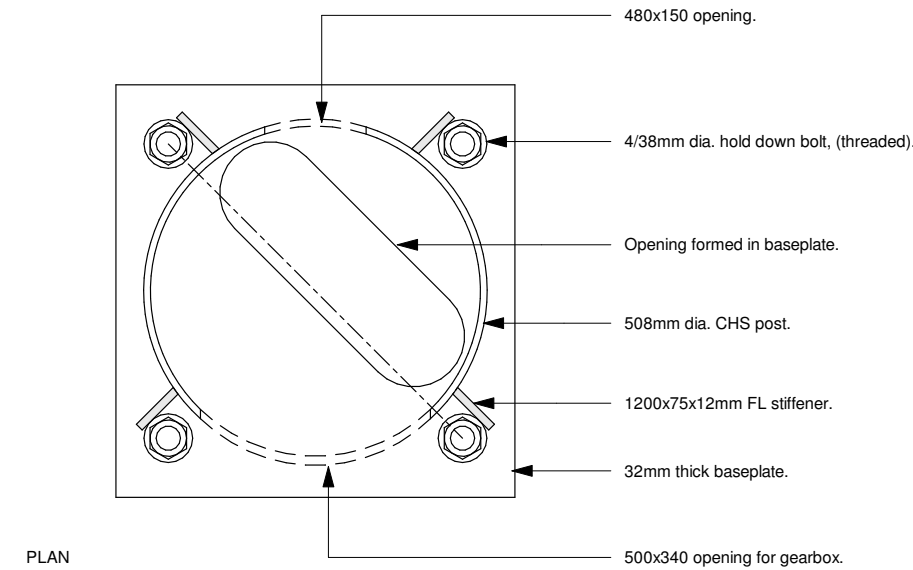
NO.	DATE	DESCRIPTION
1	01/03/2019	ISSUE



1 Tower HD Bolt
1 : 10 @ A3

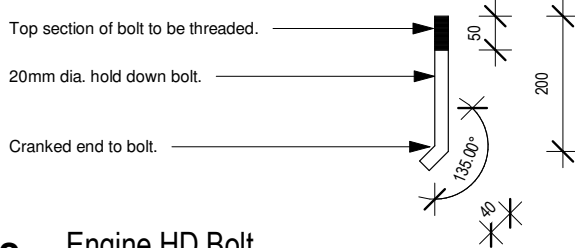


ELEVATION

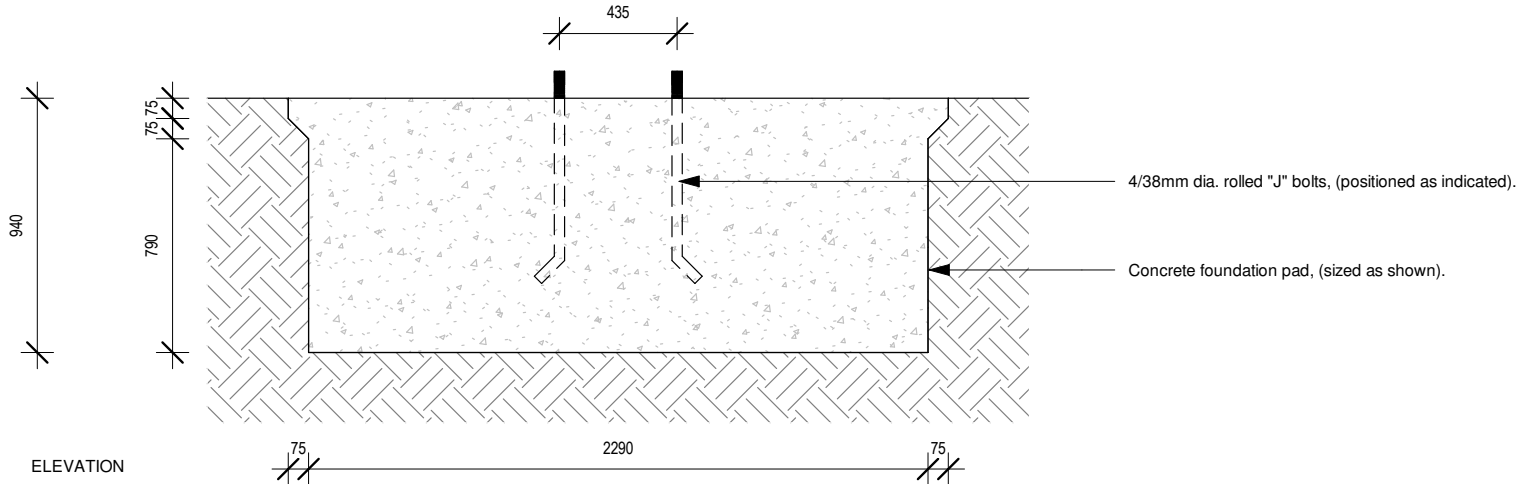


PLAN

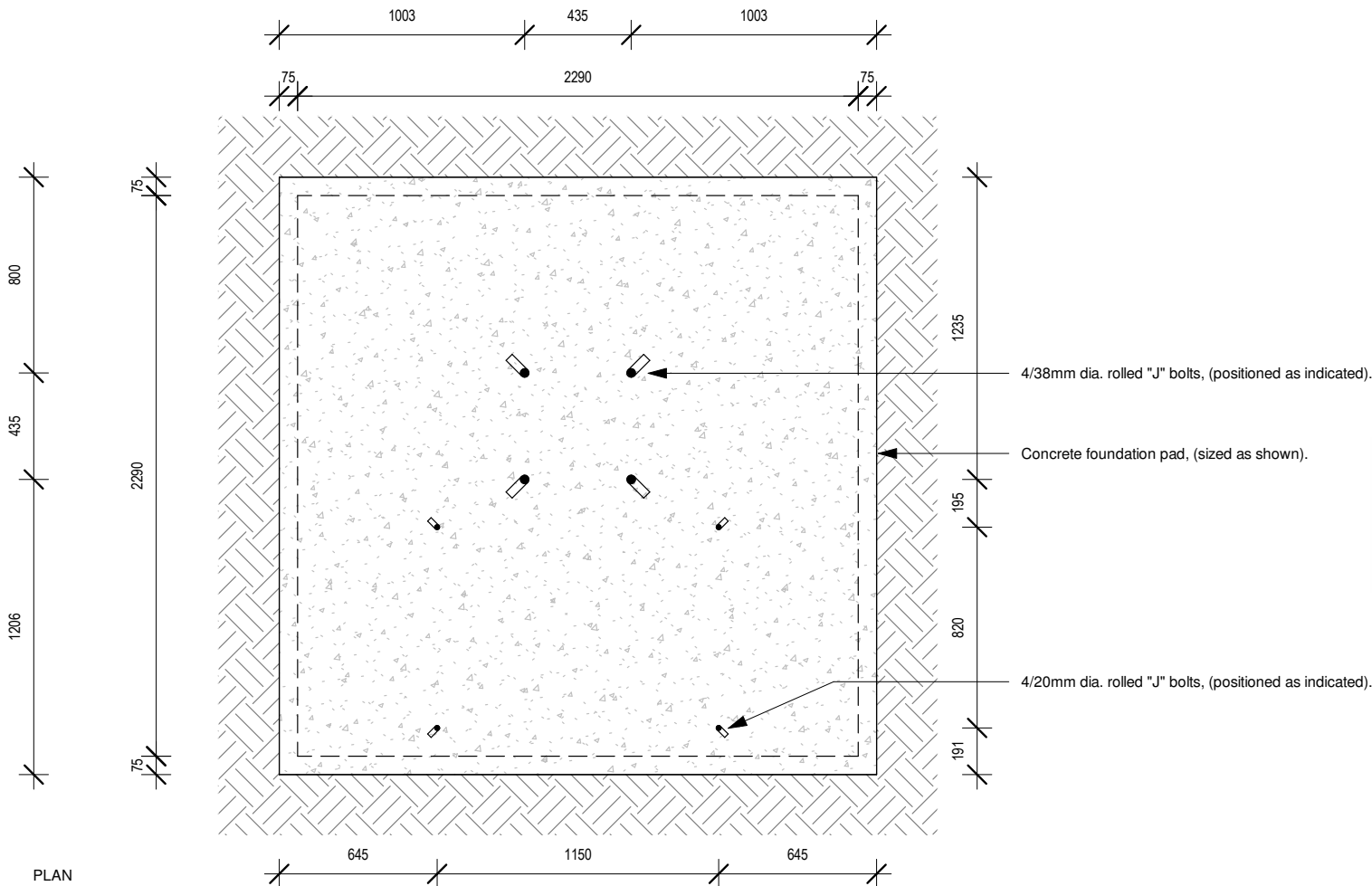
3 Tower Baseplate
1 : 10 @ A3



2 Engine HD Bolt
1 : 10 @ A3



ELEVATION



PLAN

4 Tower Foundation
1 : 25 @ A3



PH: 06 878 5130
114 QUEEN STREET EAST, HASTINGS

PROJECT TITLE
Frost Boss C59
PROJECT ADDRESS
1429 Omaha Road, Twyford
CLIENT NAME
Frstot Fans

SHEET NAME
C59 Foundation & Baseplate Details

DATE
01/03/2019
DRAWN BY
KB

PROJECT NO.
1951
SHEET NO.
S.02

STATEMENT OF SUPPORT AND EFFECTS.
Assessment of Environmental Effects
On the Use of the Frost Boss C49 and C59 Frost Fan
For the Protection of Crops

Treasury Wine Estates
97 Sturt Highway
Nuriootpa SA 5355

CT number 5131/274 Lot 76 Lindsay Park Rd Moculta
 6104/48 598 Moculta Rd Moculta
 6104/49 598 Moculta Rd Moculta



1. **Introduction:**

1.1 Treasury Wine Estates submits the following Statement of Support and Effects on the Environment in respect to an application for a Resource Consent for the installation of 2 FrostBoss® C49 frost fans and 2 x C59 frost fans at the above address'.

1.2 The proposed installation is designed to provide effective permanent protection against cold injury and frost damage to the vineyard.

1.3 The proposed Frost Fan blade is considered within the industry to be the best available in terms of technology and design in the context of performance, effectiveness and noise minimization.

1.4 It is anticipated that the frost fan will only be used on an occasional or infrequent basis. **However, actual usage will be dictated by the weather**; namely the occurrence of crop threatening frost events taking place at a time when buds and fruit are susceptible to cold injury or frost damage. FrostBoss® machines in the area average approx. 30 to 45 hours of run time per annum.

1.5 The intended months of operation are September through to November; but crop threatening frost and cold air events can occur at any time. Usage will be restricted to nights when the ambient temperature reaches a critical level..

1.5.1 In practice, the wind machine will start automatically when temperatures fall to an appropriate critical level. Generally, these low temperatures are reached in the early hours of the morning. Temperatures start to rise again just after sun rise, and the machines will automatically shut off when the measured temperature at the affected crop position reaches +2°C above the start temperature. Estimated start temperature to avoid crop damage will be 1.0° and stop temperature will be 3.0°.

1.5.2 Temperatures and machines performance within the vineyard will be closely monitored electronically/remotely on 'frost risk nights' by the manager / owner.

1.5.3 In addition to these events, it will also be necessary to run the frost fan at least once a month for maintenance reasons. This will be carried out during normal daylight hours.

1.6 The map below shows the optimum placement position for the proposed frost fans and takes into consideration the following 'placement' factors:

- To provide frost protection to the frost susceptible blocks
- The predominant direction of the cold nocturnal (nighttime) drift
- The size and shape of the block in relation to the nocturnal drift direction
- The topography of the block and in particular features that have the potential to stall or dam the cold air flowing through the vineyard,

The placement option selected focuses on retarding the development of frost within the vineyard.





2 Background:

2.1 Recent experience suggests that the need for permanent frost protection is now required for this vineyard. In particular, the occurrence and frequency of crop threatening frost events appears to be increasing through spring.

2.2 The primary concern has been the increasingly unpredictable nature of the weather; in particular, the increasing frequency and severity of frost events throughout the region.

2.3 The use of frost fans for the frost protection of vineyards is **a well recognised and well accepted farming practice**. The frost fan draws down warm air from the inversion, mixing it with the cold air that is already flowing through the field, thereby lifting ambient temperatures within the field and preventing cold injury damage and frost damage to the crop.

2.4 Careful consideration has been given to the many and varied alternative methods of frost protection, but the frost fan offers the best overall solution for this site. Should this application fail the vineyard will be protected by the next best option which could be use of a helicopter flying repeatedly over the property.

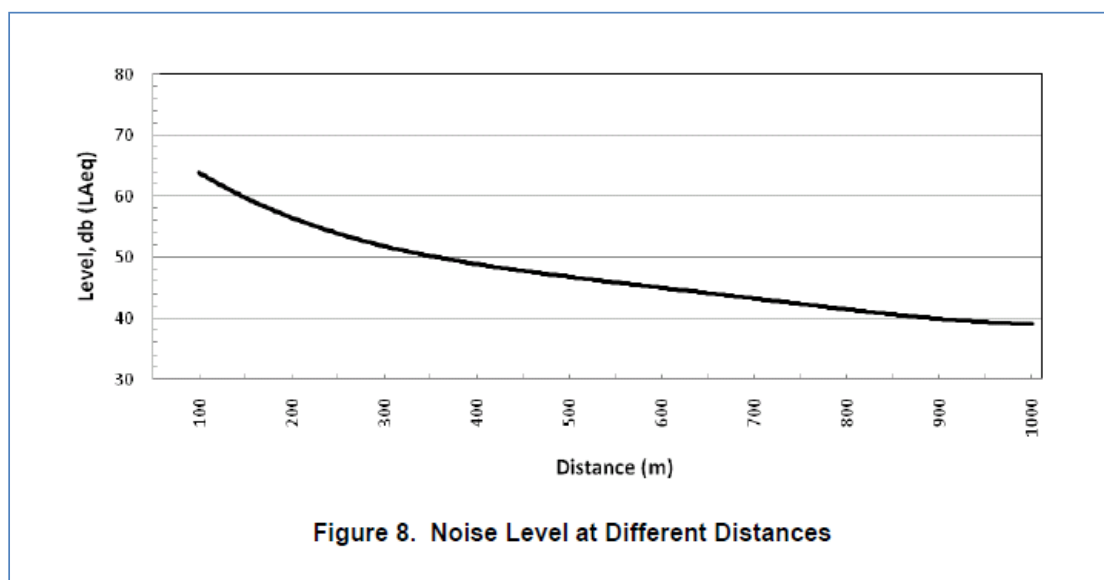
3 Assessment of Effects:

3.1 **Physical effects:** The frost fan consists of a tower 10.5 metres in height and 0.5 metres in diameter, and a 5.5 metre diameter 4-blade fan. The overall height to the top of the fan tip is 13.3 metres. The unit is powered by a Perkins diesel engine which is housed in a noise attenuated lockable enclosure which sits at the bottom of the tower. The fan rotates around the tower every 6mins 40 seconds.

3.2 **Landscape effects:** The fan assembly and upper portion of the towers will be visible from a distance, but less so up close. Similarly, from the surrounding properties but the frost fan is generally hidden behind the external or internal trees. The visual impact will be minimal as the galvanized tower and the painted composite blades are a grey colour that blends with the colour of the sky. In many cases the roadside trees provide natural screening.

3.3 **Noise effects: C49** Recent independent noise testing showed the noise level of the Frost Boss C49 Frost Fan, when run at its designed maximum operating engine speed of 1800 rpm, (fan speed of 418rpm) was to be 64 LeAq at 100 metres, 51 dBA LeAq at 300 metres. (See Hegley Acoustic Consultants report dated April 2016 attached). See attached graph for FrostBoss C49.

Noise effects: C59 Recent independent noise testing showed the noise level of the Frost Boss C59 Frost Fan, when run at its designed maximum operating engine speed of 1800 rpm, (fan speed of 365pm) was to be 55 LeAq at 180 metres, 50 dBA LeAq at 300 metres. (See Hegley Acoustic Consultants report dated April 2016 attached).



The major source of noise from a frost fans is from the fan, followed by the engine, and then the gearboxes and other rotating machinery (radiator fan, turbo charger, alternator, etc). The noise from the fan is the product of the blade efficiency (the shape and the length) and the speed of rotation.

As previously mentioned the fans would run approx. 40 hours per annum between September through November. Using monitored fan run times from similar sized vineyards the longest duration of continuous operation would be 8 hours with most 2-5 hours in duration..

3.4 Lessening the Environmental Effects:

Ways to mitigate the environmental effects of the noise are:

- That the hours of operation be restricted to the times when the danger of frost damage is imminent or for maintenance purposes.
- That the frost fans shall be operated in such a manner to start when the air temperature on the orchard drops to the critical crop temperature or below
- The FrostBoss C49 frost fan shall be run at a maximum engine speed of 1760rpm
- The frost fans shall be maintained annually in accordance with the manufacturer's specifications. (see section 4)
- Operation of the frost fans for maintenance purposes shall take place only between the hours of 8am and 5pm on weekdays or for emergency maintenance at other times.
- Installation of C49 (Composite) blades

3.5 Effect on Livestock. Livestock is generally not affected by noise that they are accustomed to. Sheep, cattle, horses and pigs are usually very docile and in practice do not get unsettled by noise from Frost Fans or sources that they have heard before; tractors, trucks, trains etc. (Effects of Aircraft Noise and Sonic Booms on Domestic Animals and Wildlife. NERC 88/29 AFESC TR88.14 June 1988 Engineering Services Centre US Airforce.

3.6 Effect on neighboring properties (with regard to temperature).

The frost fans have no climactic or effect on temperatures outside their effective radius. They do no “dam up” or “push” cold air, their effect is to simply bring warmer inversion air from the inversion layer to crop level by forced convection, which is carried across the vineyard by the naturally occurring nocturnal drift. A frost fan CAN NOT make a neighboring or adjoining property colder.

3.7 Frost Fan Specs:

Frost Fan Specs

- Frost Fan Model: Frost Boss C49/ C59 Diesel Frost Fan
 - Engine specifications Perkins 6 cylinder Diesel powered;
 - Engine casing N.Z. Frost Fans noise attenuated factory Cabinet
 - Gear Box Ratios Top Box Amarillo ratio 1.6364:1
Bottom Box Amarillo ratio 2.563:1
Overall ratio of 4.194
 - Operating Engine RPM 1750 (C49) 1800 (C59)
 - Tower height 10.5m
 - Blade RPM 418 (C49) 365 (C59)
 - Blade Length and Type C49/C59 FrostBoss Blade – 5.5m diameter – fixed pitch
- Manufactured in composite materials by NZ Frost Fans

4 Machine Maintenance

4.1 The frost fan will be serviced annually. Unlike a vehicle, it is the lack of use that can cause the problems. The preventative maintenance is imperative to maintain reliability and longevity of the frost fan so that it is ready to perform when needed. The maintenance program is carried out by experienced FrostBoss staff and involved in this annual maintenance and safety check is:

- A thorough general check over & adjustment where necessary
- Grease the universal joints, inspect the hanger bearings, adjust the slew & check the blades for deterioration
- Oil & grease the drive shaft joints inside the tower

- Change the engine oil & engine filter. Change the fuel filter
- Remove the air filter inspect & clean it
- Check the belts, hoses, light units, flapper & exhaust systems & all connections
- Examine cabinet door fastenings & hinges, remove spiders and spray down
- Check condition of radiator coolant and gearbox oil
- Check throttle connections & adjustments
- Check start function & test
- Check tower hold down bolts & tighten if necessary
- Test run the frost fan
- Check fuel level & report to owner if fuel is low
- Inspect area surrounding frost fan for tree growth near the blades & safe access to site

5 Operational Requirements for Frost Fans

- The hours of operation are restricted to times when danger of frost damage is imminent or for maintenance purposes. The frost fan shall only be operated for frost protection and when the air temperature on the vineyard drops to a critical level for the trees (measured at 1.0 meters above ground level)
- The frost fans will cease operation when the air temperature reaches +2°C above the start temperature.
- Frost Boss machines are fitted with an anemometer to prevent the machines operating when wind speeds exceed 10kph.
- The thermometer used to determine the temperature shall be in calibrated by a suitably qualified AFF technician in order to ensure that it accurately measures temperature.
- The frost fan shall be run at a maximum engine speed of 1820rpm
- Operation of the machines for maintenance purposes shall take place only between the hours of 0800am and 05.00pm on weekdays. Test operations outside these hours may take place only for noise monitoring with Council's approval or for emergency
- The frost fan shall be remote electronically monitored at all times
- The frost fans shall be maintained annually in accordance with the manufacturer's specifications and service records shall be made available to council upon request
- The frost fans shall only be operated for protection of crops from bud burst each Spring.
- The vineyard manager or a person appropriately trained to manage frost risk by the use of frost fans shall always be present on the vineyard while any frost fan is operating on this vineyard

Details of Representations

Application Summary

Application ID	24012554
Proposal	Installation and operation of two (2) FrostBoss C49 and two (2) FrostBoss C59 frost fans with Perkins engine
Location	598 MOCULTA RD MOCULTA SA 5353, LOT 281 MOCULTA RD MOCULTA SA 5353, LOT 76 LINDSAY PARK RD MOCULTA SA 5353

Representations

Representor 1 - Rob Morgan

Name	Rob Morgan
Address	
Submission Date	18/06/2024 06:05 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 I do not think this should go ahead my reason being are. (1). When I bought this place about 8yrs ago it was a quite place to live. Tve would only run there generator dining the day light hrs but them a new manager come an it run day and night. I talked to him about sound proofing it,so they put up bales of straw witch did very little regarding the noise. Now there's another new manager an there is constant noise most days an nights an now tve wants to put four helicopter (frost fans) around my house witch will run all hrs of the night there fore know more sleep at night. My house has been here many many years before any vine yard has. Why do they need the fans now an not in the past. (2)would like to know if tve done any research to any possible health issues to people an live stock around theses fans. I have two horses,want happens when the fans start up an they spoke my horses an put them though a fence. What them.	

Attached Documents

Representations**Representor 2** - IJ and FL Koch

Name	IJ and FL Koch
Address	
Submission Date	20/06/2024 08:20 AM
Submission Source	Over Counter
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

IjAndFlKochRepresentationDa24012554-8464347.pdf

REPRESENTATION ON APPLICATION*Planning, Development and Infrastructure Act 2016*

Applicant: Treasury Wine Estate Vintners

Development Number: 24012554

Nature of Development: Installation and operation of 2 Frost Boss C49 and 2 Frost Boss C59 frost fans with Perkins Engine

Zone/Sub-zone/Overlay: Rural

Subject Land: Lot 76 Lindsay Park Road Moculta, SA, 5353; 598 Moculta Road, Moculta SA 5353; Lot 281 Moculta, Moculta SA 5353.

Contact Officer: Australian Frost Fans PTY LTD

Phone Number: +6468798312

Close Date: 20/06/2024

My name*: IJ and FL Koch

My phone number:

My postal address*:

My email:

** Indicates mandatory information*

My position is: ☐ I support the development

☐ I support the development with some concerns (detail below)

☒ I oppose the development

The specific reasons I believe that consent should be granted/refused are:

The level of noise of the frost fans and generators will have a negative effect on the sleep quality of the guests at our accommodation at night.

RECEIVED

17 JUN 2024

THE BAROSSA COUNCIL

[attach additional pages as needed]

Government of South Australia
Department for Trade
and Investment

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why consent should be granted or refused; and
- comment only on the performance-based elements (or aspects) of the proposal, which does not include the:
 - [Click here to enter text.](#) *[list any accepted or deemed-to-satisfy elements of the development].*

I: ☐ wish to be heard in support of my submission*
☒ do not wish to be heard in support of my submission

By: ☐ appearing personally
☐ being represented by the following person: [Click here to enter text.](#)

**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*

Signature:



Date: 10/06/24

Return Address:



Email: [Click here to enter text.](#) *[relevant authority email address]* or

Complete online submission: plan.sa.gov.au/have_your_say/notified_developments

Representations

Representor 3 - Bunyara Pastoral Company Pty Ltd

Name	Bunyara Pastoral Company Pty Ltd
Address	
Submission Date	20/06/2024 08:23 AM
Submission Source	Over Counter
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

BunyaraPastoralCompanyPtyLtd-RepresentationDa24012554-8464367.pdf

REPRESENTATION ON APPLICATION*Planning, Development and Infrastructure Act 2016*

Applicant: Treasury Wine Estate Vintners

Development Number: 24012554

Nature of Development: Installation and operation of 2 Frost Boss C49 and 2 Frost Boss C59 frost fans with Perkins Engine

Zone/Sub-zone/Overlay: Rural

Subject Land: Lot 76 Lindsay Park Road Moculta, SA, 5353; 598 Moculta Road, Moculta SA 5353; Lot 281 Moculta, Moculta SA 5353.

Contact Officer: Australian Frost Fans PTY LTD

Phone Number: +6468798312

Close Date: 20/06/2024

My name*: Bunyara Pastoral Company PTY LTD

My phone number:

My postal address*:

My email:

** Indicates mandatory information*

My position is: ☐ I support the development

☐ I support the development with some concerns (detail below)

☒ I oppose the development

The specific reasons I believe that consent should be granted/refused are:

Level of noise the adjoining landowners and residents will experience at night from the frost fans and the generators.

RECEIVED

17 JUN 2024

THE BAROSSA COUNCIL*[attach additional pages as needed]***Government of South Australia**Department for Trade
and Investment

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why consent should be granted or refused; and
- comment only on the performance-based elements (or aspects) of the proposal, which does not include the:
 - [Click here to enter text.](#) *[list any accepted or deemed-to-satisfy elements of the development]*.

I:	☐ wish to be heard in support of my submission*
	☒ do not wish to be heard in support of my submission
By:	☐ appearing personally
	☐ being represented by the following person: Click here to enter text.

*You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission

Signature: Bunyara Pastoral Company PTY LTD

Date: 10/06/24

Return Address: [REDACTED]

Email: [Click here to enter text.](#) *[relevant authority email address]* or

Complete online submission: plan.sa.gov.au/have_your_say/notified_developments

Representations

Representor 4 - Barossa Ridge Estates Pty Ltd

Name	Barossa Ridge Estates Pty Ltd
Address	
Submission Date	20/06/2024 08:25 AM
Submission Source	Over Counter
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

BarossaRidgeEstatesPtyLtd-RepresentationDa24012554-8464392.pdf
--

REPRESENTATION ON APPLICATION*Planning, Development and Infrastructure Act 2016*

Applicant: Treasury Wine Estate Vintners

Development Number: 24012554

Nature of Development: Installation and operation of 2 Frost Boss C49 and 2 Frost Boss C59 frost fans with Perkins Engine

Zone/Sub-zone/Overlay: Rural

Subject Land: Lot 76 Lindsay Park Road Moculta, SA, 5353; 598 Moculta Road, Moculta SA 5353; Lot 281 Moculta, Moculta SA 5353.

Contact Officer: Australian Frost Fans PTY LTD

Phone Number: +6468798312

Close Date: 20/06/2024

My name*: Barossa Ridge Estates PTY LTD

My phone number:

My postal address*:

My email:

** Indicates mandatory information*

My position is: ☐ I support the development
☐ I support the development with some concerns (detail below)
☒ I oppose the development

The specific reasons I believe that consent should be granted/refused are:

The frost fans and generators will impact the neighbouring residents of the development. Concern is for their health and welfare mainly due to poor sleep quality because of the noise of frost fans and generators at night. Our company cares and values the welfare of the residents, we share our community with.

RECEIVED

17 JUN 2024

THE BAROSSA COUNCIL*[attach additional pages as needed]*

Government of South Australia
Department for Trade
and Investment

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why consent should be granted or refused; and
- comment only on the performance-based elements (or aspects) of the proposal, which does not include the:
 - [Click here to enter text.](#) *[list any accepted or deemed-to-satisfy elements of the development]*.

I:	☐ wish to be heard in support of my submission*
	☒ do not wish to be heard in support of my submission
By:	☐ appearing personally
	☐ being represented by the following person: Click here to enter text.

**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*

Signature: Barossa Ridge Estates PTY LTD

Date: 12/06/2024

Return Address:

Email: [Click here to enter text.](#) *[relevant authority email address]* or

Complete online submission: plan.sa.gov.au/have_your_say/notified_developments

Representations

Representor 5 - FL Koch

Name	FL Koch
Address	
Submission Date	20/06/2024 08:27 AM
Submission Source	Over Counter
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

FLKoch-RepresentationDa24012554-8464405.pdf

REPRESENTATION ON APPLICATION*Planning, Development and Infrastructure Act 2016*

Applicant: Treasury Wine Estate Vintners

Development Number: 24012554

Nature of Development: Installation and operation of 2 Frost Boss C49 and 2 Frost Boss C59 frost fans with Perkins Engine

Zone/Sub-zone/Overlay: Rural

Subject Land: Lot 76 Lindsay Park Road Moculta, SA, 5353; 598 Moculta Road, Moculta SA 5353; Lot 281 Moculta, Moculta SA 5353.

Contact Officer: Australian Frost Fans PTY LTD

Phone Number: +6468798312

Close Date: 20/06/2024

My name*: FL Koch

My phone number: [REDACTED]

My postal address*: [REDACTED]

My email:

** Indicates mandatory information*

- My position is:
- ☐ I support the development
 - ☐ I support the development with some concerns (detail below)
 - ☒ I oppose the development

The specific reasons I believe that consent should be granted/refused are:

I live approximately one kilometre from an existing frost fan. It causes me distress at night. I can hear the frost fan start, often after midnight, and continue to after dawn. I cannot sleep properly despite having quite a soundproof home, the noise of the frost fan permeates the building. This affects my productivity and safety during the day because I am extremely tired due to the lack of sleep. Sound travels further on still frosty nights so I don't agree with the report provided on sound because there is no information provided regarding the actual effects of frost fan noise on people, let alone animals (no actual first-hand communication with people affected by frost fan noise in the report). More people would actually be affected by the noise at night from the frost fans and generators than those pointed out in the report, including those living in the township of Moculta.

I also wish to build a house on my property sometime in the future and this development will affect where I build this so I want to be financially compensated.

RECEIVED

17 JUN 2024

THE BAROSSA COUNCIL

[attach additional pages as needed]

Government of South Australia
Department for Trade
and Investment

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why consent should be granted or refused; and
- comment only on the performance-based elements (or aspects) of the proposal, which does not include the:
 - [Click here to enter text.](#) *[list any accepted or deemed-to-satisfy elements of the development]*.

I:	☐ wish to be heard in support of my submission*
	☒ do not wish to be heard in support of my submission
By:	☐ appearing personally
	☐ being represented by the following person: Click here to enter text.

**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*

Signature:



Date: 16/06/24

Return Address:

[REDACTED]

Email: [Click here to enter text.](#) *[relevant authority email address]* or

Complete online submission: plan.sa.gov.au/have_your_say/notified_developments

Representations

Representor 6 - Brian Lee

Name	Brian Lee
Address	
Submission Date	20/06/2024 11:00 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 submission	

Attached Documents

Representation-on-applicationBrianLee-8467438.pdf

REPRESENTATION ON APPLICATION

Planning, Development and Infrastructure Act 2016

Applicant:	Treasury Wine Estates Vintners
Development Number:	24012554P
Nature of Development:	Installation and operation of 2x C49 and 2x C59 FrostBoss frost fans with Perkins engines.
Zone/Sub-zone/Overlay:	Rural Character Preservation District • Hazards (Bushfire - Medium Risk) • Heritage Adjacency • Hazards (Flooding - Evidence Required) • Limited Land Division • Native Vegetation • Prescribed Water Resources Area • Water Protection Area • Water Resources
Subject Land:	LOT 76 LINDSAY PARK RD MOCULTA SA 5353 CT 5131/274 D22588 AL76
Contact Officer:	Australian Frost Fans Pty Ltd 268 TWARTZ ROAD GAWLER BELT SA 5118
Phone Number:	+6468798312
Close Date:	20 June 2024

My name*: Brian Lee	My phone number: [REDACTED]
My postal address*: [REDACTED]	My email: [REDACTED]

* Indicates mandatory information

My position is:	☐ I support the development ☐ I support the development with some concerns (detail below) ☒ I oppose the development
-----------------	--



Government of South Australia
Department for Trade
and Investment

The specific reasons I believe that consent should be granted/refused are:

See attached

[attach additional pages as needed]

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why consent should be granted or refused; and
- comment only on the performance-based elements (or aspects) of the proposal, which does not include the:
 - [Click here to enter text.](#) *[list any accepted or deemed-to-satisfy elements of the development].*

I: ☒ wish to be heard in support of my submission*
☐ do not wish to be heard in support of my submission

By: ☒ appearing personally
☐ being represented by the following person: [Click here to enter text.](#)

**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*

Signature: Brian Lee

Date: 20 June 2024

Return Address [REDACTED] *[relevant authority postal address]* or

Email: [REDACTED] *[relevant authority email address]* or

Complete online submission: plan.sa.gov.au/have_your_say/notified_developments

Submission opposing Application 24012554P

Application 24012554P seeks approval for the installation of 1 X C 49 and 1 x C59 Frost Boss frost fans with Perkins engines on an adjacent property at Lot 76 Lindsay Park Road, Moculta. The additional fans being installed on Moculta Road are not considered in this submission. The submission is opposed to the application and seeks to provide clarification for that determination for the following reasons:

- The location and proximity of the Frost fans is close to our primary place of residence at 787 Lindsay Park Road, Moculta plotted as Sensitive receiver 1. The proposed locations of the fans are 350 metres approx. (MOC 05 Fan C 59) and 370 Metres approx. (MOC 04 Fan C 49) respectively from our family home's rear door. (The plot positions within the report Figure 1 are incorrect as Fan 3 and Fan 4 coordinates are incorrectly labelled with the fan coordinates incorrectly plotted as Fan 3 should read Fan 4 and vice versa). The potential impact on our lives is significant with the Frost fans capable of commencing operation at any time and disturbing the family home and disrupting the current ambience of the location through sound wave pulses and constant noise. The operation of the machines as per the application is within the highest bands of allowable decibel range at nominated 55 LAeq db(A) as per the provided Environmental Noise assessment. The data suggests that the allowable decibel level average of up to 55 LAeq db(A) is acceptable at rural zone and allowable to the sensitive receivers 1, 2 and 3 within the effected impact zone. The predicted noise level at Sensitive receiver 1 is 52 LAeq db(A) but how this level assessment is achieved is not provided and the ability for an analyst to determine a difference of 3 LAeq db(A) is extremely difficult to achieve without an in-field assessment and therefore the findings are challenged. As a result, the determinations of the noise assessment is not considered valid and is therefore not supported.
- The environmental noise assessment does not provide any topographical or in field assessment of the current noise conditions in the area. The cumulative effect of two fans operating simultaneously is mentioned within the assessment but without a defined in-field assessment that cannot be done until installation of the fans its findings are challenged. Essentially should the findings be incorrect once the fans are installed there is no recourse once the considerable expense of installation has been conducted. The elevated position of the Frost fans is of concern as it is predicted that the installation will amplify the sound waves and provide the ability for the sound to reverberate across the terrain as the topography

of the area promotes a funnel effect down the hill towards Duck Pond Creek directly into the impact zone of the Sensitive receivers 1, 2, 3 as per Figure 1.

- The submission impacts our 1858 Barossa Accommodation AirBNB business located on the property which has been in operation for several years with the heritage house the closest dwelling to the frost fans. Aside from our family home impact, it is of significant concern to us as business owners that guests will be directly impacted by the operation of the frost fans.
- The vineyard has been in operation for several years as the vine development has taken a minimum of three years to return a yield since planting. Although the previous seasons have been affected by frost that phenomena may not occur again for several years. As residents of the area, we can attest firsthand that the occurrence of frost is not common during spring season. Therefore, it is recommended that further monitoring be considered in lieu of installing the fans and thereby reaching a commitment of no return.
- The current rotational basis of vineyard management by the applicant does not offer a direct point of contact to address any concerns or immediate rectification of any issues encountered. The remote management of the fans will not provide an ability for the sensitive receiver 1,2,3 residents to seek rectification or shut down of the fans once the engines have been started without direct communications with the 'on-call' operator. The machines require an operator in attendance to turn on and off and therefore may be running for longer than necessary impacting the residents longer than warranted. Rotational crew management of the vineyard by the applicant has posed other issues that have impacted our property including litter from vine stem protectors and verge management (long grass) and as a result there are concerns that the management of the fans and their maintenance will be sporadic as there is no constant on site presence.

The impacts of the installation of the frost fans are of significant concern for us personally as a family and from our accommodation business perspective. Whilst the applicant's intended strategy is appreciated and we wish to continue a cordial working relationship the applicant, the proximity of the fans and their potential impact on our family home is significant, as a result the application is not supported.

Brian Lee BM, MOHS

Fellow of AIHS

**Application ID 24012554**

Installation of 2 x C49 FrostBoss® and 2 x C59 FrostBoss® frost fans with Perkins Engines

598 Moculta Rd Moculta SA 5353

Lot 281 Moculta Rd Moculta SA 5353

Lot 76 Lindsay Park Rd Moculta SA 5353

Response to Representations**Representor 1**

- The frost fans are expected to only run 30-45 hours per year during September through November.
- TWE have suffered significant crop losses – Vintage 24 – lost 65.6 tonnes to frost damage.
- FrostBoss® have installed over 8500 frost fans around the world and there have been no reported health or livestock issues. A large proportion of fans are positioned in close proximity to livestock including horse studs. The engine starts and idles before engine revolutions engage the clutch to commence the fan rotation. This happens gradually until operating speed is reached. Livestock generally pay no attention, and the operation is no more disconcerting than a vehicle driving past. All engines are enclosed in a noise attenuated cabinet.

Representor 2

- The assessment determines that the cumulative noise from the operation of the frost control fans can achieve the allowable noise level of the Environment Protection (Commercial and Industrial Noise) Policy 2023 at the closest receivers.

Representor 3

- The assessment determines that the cumulative noise from the operation of the frost control fans can achieve the allowable noise level of the Environment Protection (Commercial and Industrial Noise) Policy 2023 at the closest receivers.

Representor 4

- The assessment determines that the cumulative noise from the operation of the frost control fans can achieve the allowable noise level of the Environment Protection (Commercial and Industrial Noise) Policy 2023 at the closest receivers.

Representor 5

- The assessment determines that the cumulative noise from the operation of the frost control fans can achieve the allowable noise level of the Environment Protection (Commercial and Industrial Noise) Policy 2023 at the closest receivers.
- Australian Frost Fans have installed over 8500 frost fans around the world and there have been no reported health or livestock issues. A large proportion of fans are positioned in close proximity to livestock including horse studs. The engine starts and idles before engine revolutions engage the clutch to commence the fan rotation. This happens gradually until operating speed is reached. Livestock generally pay no attention, and the operation is no more disconcerting than a vehicle driving past.
- The effects on the township of Moculta were documented and assessed in the Echo Environmental Noise Assessment.
- The expected still conditions during a frost event were calculated in the Environmental Noise Assessment.

Representor 6

- All four fans in the application were considered and assessed in the Echo Acoustics Environmental Noise Assessment.
- The assessment determines that the cumulative noise from the operation of the frost control fans can achieve the allowable noise level of the Environment Protection (Commercial and Industrial Noise) Policy 2023 at the closest receivers.
- Echo Acoustics findings have proven to be accurate in 100% of all post installation tests conducted. 3 LAeq db(A) is not insignificant and can be accurately modelled.
- The mandated noise levels can be enforced by an authorised officer under the EP Act which includes Council or EPA officers.
- The environmental noise assessment takes a worst case scenario with the topographical influences and the elevated nature of the frost fans is considered.
- The previous two seasons have been particularly mild, due to LaNina. This is not a long term effect and previous damage within the vineyard has shown frost damage is a considerable and ongoing concern. Vintage 24, 65.6 tonnes of fruit lost to frost damage.
- The machines are auto start/ auto stop and their length of operation is determined by the actual temperature at vine height. This ensures the frost fans are only operating when the temperature is within the danger zone. This also eliminates any unnecessary run time.
- Australian Frost Fans will conduct annual servicing during business hours to ensure the fans maintain peak performance.

6.2 24003640 - Lot 634 Elizabeth Street Tanunda

APPLICANT:	Nick Wilson of Masterplan on behalf of Bartsch Builders Pty Ltd
REPRESENTORS:	Ivan Feaviour Marco Cirillo and Annika Lehmann

APPLICATION DETAILS

PROPOSAL	Construction of a store building (measuring 8.3m x 12m x 3.6m wall height)
APPLICANT	Bartsch Builders Pty Ltd
APPLICATION NO	24003640
CERTIFICATE(S) OF TITLE	CT 6287/27
AREA	10,297 sqm
CURRENT USE	Vacant
PLANNING AND DEVELOPMENT CODE VERSION	Version 2024.5 – 14 March 2024
PLANNING AND DESIGN CODE EXTRACT LINK	Relevant Code Extract
ZONE	Rural Living Zone Rural Neighbourhood Zone
OVERLAYS	Character Preservation District (Township) Hazards (Flooding) Hazards (Bushfire - Urban Interface) 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 – Sign on land
REFERRALS	Nil
PREVIOUS APPLICATIONS	Nil
ASSESSING OFFICER	Tom Marshall
RECOMMENDATION	That Planning Consent be GRANTED subject to conditions

INTRODUCTION

The application is seeking approval to construct a storage (store) building on the land to facilitate the storage of domestic goods.

The subject land is located within both the Rural Living and Rural Neighbourhood Zone where the proposed development is occurring on the portion of land identified within

the Rural Neighbourhood Zone only. A 'store' use does not have an applicable Accepted, Deemed to Satisfy or Restricted Pathway. The application is therefore subject to Performance Assessed – Code Assessed and public notification in accordance with Section 107 of the *Planning, Development and Infrastructure Act 2016*.

Three representations were received during the public notification period, all in objection, with two wishing to be heard.

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

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

The land use definition of this proposal was discussed at the early stages of this application due to the proposed building seeking to be used in association with a dwelling on an adjoining property (ie, shares the same boundary). Notwithstanding, the proposal was not considered to satisfy the definition of an 'outbuilding' as defined within Part 7 of the Planning and Design Code as insufficient evidence was provided in opinion of staff to demonstrate the proposed building is "*...ancillary and subordinate to the main building (ie, dwelling) and has a use and function which relates to the main building*" on the 'site'. As a result, the most appropriate land use classification was determined to be a 'store' as per Part 7 of the Planning and Design Code.

The proposed 'store' use is not explicitly identified within the Rural Neighbourhood Zone as an anticipated form of development. As a result, consideration of this proposal is largely focussed on the merits of the proposal and the overall intent of the zone to ensure the proposed land use is compatible for the subject site and maintains the rural amenity. While the building is not explicitly an outbuilding, provisions within the Rural Neighbourhood Zone which are relevant to outbuildings have been considered in the assessment.

On balance, the application is recommended for grant of Planning Consent, subject to Conditions of Consent.

SITE AND LOCALITY

The subject site consists of the land contained within Lot 634 Elizabeth Street, Tanunda and includes a four metre wide right of way over the adjoining land at 10 Langmeil Road Tanunda, that facilitates vehicle access to Langmeil Road to avoid flood impacted land at the Elizabeth Street frontage of the property. An existing small shelter structure is the only built form existing on the site.

The property is irregular in shape with a total site area of approximately 10,298 sqm and has frontage to Elizabeth Street only, with a right of way benefitting the land to provide access to Langmeil Road.

The subject site is located at the edge of the Tanunda township intersected by both the Rural Living and Rural Neighbourhood Zones and is bound by the North Para River to the west, Elizabeth Street to the south-west, eight residential properties adjacent the south to east boundaries and large rural-residential property to the north (17,707

sqm approx.). The site also interfaces with the Rural Zone to the west and Established Neighbourhood Zone to the south-west.

The development site has a gradual slope, sloping from east to west towards the North Para River with the lower portion of the allotment (western half) subject to flood inundation (flood impacted areas can be seen within **Figure 2**).

Figure 1 below provides a Zone map.

Figure 2 below shows the flood impacted area for the site.

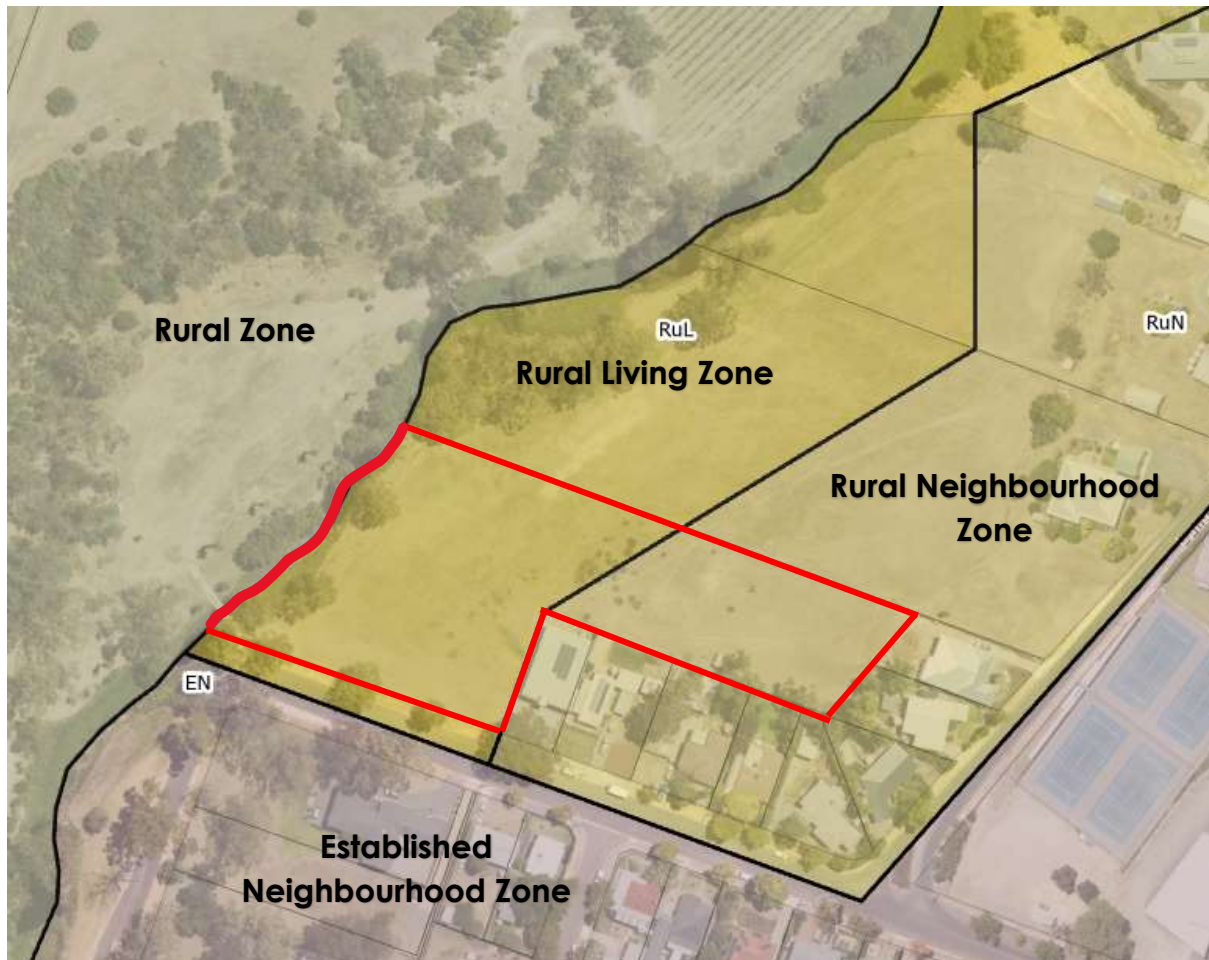


Figure1: Zone Map



Figure 2: Flood Impacted area

An aerial view of the site and locality are contained in **Figure 3** and **Figure 4**.

Site photos are provided in **Figure 5** to **Figure 10**.



Figure 3: Aerial of subject site



Figure 4: Locality of subject site



Figure 5: Site photo – Proposed building site facing north



Figure 6: Site photo – Proposed building site facing north-east



Figure 7: Site photo – Proposed building site facing east



Figure 8: Site photo – Proposed building site facing south



Figure 9: Site photo – Proposed building site facing west



Figure 10: Site photo – Proposed building site facing north-west

PROPOSAL

The proposal seeks the construction of a storage (store) building for the storage of domestic items and vehicles (such as a caravan, vehicle, tractor and mower to maintain the land and other personal domestic items).

The application is not proposed to consist of any commercial or industrial uses and will not involve the need for any signage or staffing.

The proposed storage building is sited in the south-western portion of the subject site and maintains a four metre setback from the adjoining south-western property boundary and a minimum three metre setback to the adjoining eastern property boundary. The building has dimensions of 8.3 metres width, 12 metres length, 3.6 metres wall height and five metres total height, which equates to a total floor area of 99.6 sqm.

The building is proposed to be clad in custom orb corrugated profile with a "Woodland Grey" colour finish.

The proposed building site shows the need for up to 800 mm of cut at the high end and up to 400 mm of fill at the low end to ensure a level building pad along with additional compacted gravel areas in front of the proposed building doors, to allow for vehicle access and manoeuvrability. The proposal also includes the use of compacted gravel within the right of way to be used for access to the proposed development. This access is registered on the Certificate of Title and is in place to ensure this property has a formal road access located outside of a flood impacted area (noting that the Elizabeth Street frontage is flood impacted).

A key consideration for this site is that the subject land does not contain an existing dwelling nor is it demonstrated to function as a site with an adjoining property. As a

result, the 'store' use is subject to assessment against the provisions and intent of the Rural Neighbourhood Zone.

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

APPLICATION TYPE

The development site is located wholly within the Rural Neighbourhood Zone portion of the subject site as identified through the online SA Property and Planning Atlas mapping system.

The proposed land use in nature of a 'store' does not have an applicable Accepted, Deemed to Satisfy or Restricted Pathway in accordance with Table 1, 2 and 4 of the Rural Neighbourhood Zone. The application is also not identified within 'Table 3 – Applicable Policies for Performance Assessed Development' within the Rural Neighbourhood Zone, such that the application is determined to be '*All Other Code Assessed Development*' in accordance with Part 1 – Rules of Interpretation of the Planning and Design Code (Version 2024.5).

PUBLIC NOTIFICATION

The application was subject to public notification as a 'store' and is not identified as an excluded form of development in accordance with 'Table 5 – Procedural Matters – Notification' of the Rural Neighbourhood Zone.

The table below provides details of the public notification process:

Representations: Three representations in objection to the proposal were received during the public notification period as follows:

- Maria Knott
- Ivan Feaviour
- Marco Cirillo and Annika Lehmann

No late representations were received.

Person wishing to be heard: Of the three representations received, two wish to be heard as follows:

- Ivan Feaviour
- Marco Cirillo and Annika Lehmann

Applicant Nick Wilson of MasterPlan on behalf of Bartsch Builders Pty Ltd (the Applicant) wishes to appear to respond to representations.

Time period for Public Consultation 15 May 2024 – 5 June 2024

An aerial view showing the representors' properties is contained in **Figure 10**.



Figure 10 – Representor locations

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

Summary of Representations

Representor/s

Representor #1

- **Location of building** – Should be located behind the home of the person submitting the application and not block views from other properties.
- **Tree health** – Future health of the tree next to the proposed building including impacts to tree roots.

Applicant's Response

- Location has been determined to meet the needs of the applicant without compromising the usability of the land.
- The Regulated and Significant Tree Overlay does not apply over the land. Historical imagery indicates the adjacent vegetation is planted and therefore not classified as native vegetation under the Native Vegetation Act 1991.

Representor #2

- **Floor area** – Floor area exceeds 120 sqm as outlined in guidelines for residential ancillary buildings. Could potentially lead to overdevelopment of the site.
- Floor area has been reduced from 134.94 sqm to 99.6 sqm.

- **Native vegetation** – Impact on existing gum tree that may be remnant native vegetation. The proposal could encroach into the tree protection zone, potentially harming the tree and increasing risk of limb drop.
- **Colour and overshadowing** – Visual impact due to its size and dark 'Woodland Grey' colouring for the cladding. Size could cause overshadowing to the adjoining backyards restricting enjoyment of the local environment by residents.
- **Character Preservation** – Impacts in relation to Character Preservation, the proposal could negatively contribute to the existing character of the community.
- **Noise** – Construction and use of the building could cause increased noise levels. This could disturb the peace and quiet of the existing neighbourhood and negatively impact on quality of life for the residents.
- **Wildlife** – Impacts to local wildlife through potential damage to the existing gum tree and alterations to topography alterations.
- **Property values** – Negative impact on property values. Had the understanding that the land was unable to be developed when purchasing their property.
- The Regulated and Significant Tree Overlay does not apply over the land. Historical imagery indicate the adjacent vegetation is planted and therefore not classified as native vegetation under the Native Vegetation Act 1991.
- Southern boundary setback has been increased from 3 metres to 4 metres.
- Proposal is sited within proximity to other built form, vegetation and is of a building height that does not exceed the ridgeline of the adjacent dwellings.
- No comments.
- Historical imagery indicate the adjacent vegetation is planted and therefore not classified as native vegetation under the Native Vegetation Act 1991. No additional comments to wildlife.
- No comments.

Representor #3

- **Bulk and mass** – Oversized floor area exceeding 120 sqm at 135 sqm and exceeds the 5 metre maximum building height at 5.55 metres for the roof ridge. Suggesting the store be sited in a different location to minimise visual disturbance to adjoining properties.
- Floor area has been reduced from 134.94 sqm to 99.6 sqm and roof ridge height has been reduced from 5.55 metres to 5 metres. Location has been determined to meet the needs of the applicant without compromising the usability of the land.

- **Environment impacts** – Environmental impact resulting from increase stormwater runoff, habitat disruption for wildlife, negative urban heat effects from the dark colour of the shed and the oversized dimensions. Overshadowing will result where a shadow model should be carried out to determine impacts to adjoining properties.
- **Noise** – Noise from activities within the shed (machinery, building, recreational cars and caravans). This could disturb the peace of the neighbourhood.
- **Native vegetation** – Impact to native tree (eucalyptus pauciflora) protection and structural root zone. The siting of the shed is within 10 metres of the tree and could cause stress to the tree restricting water, light and tunnelled winds. The shed could impact on the health of the tree.
- **Maintenance** – Maintenance of building could be a safety hazard or fire risk and associated access from emergency vehicles.
- **Fencing** – Uncertainty over the fence line being on the actual allotment boundary.
- **CWMS infrastructure** – Sewage (CWMS) lines run along the boundary within Lot 634, the proposed shed could cause serious implications to the sewage lines.
- **Mental health** – Mental health impacts due to reduction of natural light, overshadowing and obstruction of views.
- Southern boundary setback has been increased from 3 metres to 4 metres. No further comments.
- No comments.
- The Regulated and Significant Tree Overlay does not apply over the land. Historical imagery indicate the adjacent vegetation is planted and therefore not classified as native vegetation under the Native Vegetation Act 1991.
- No comments.
- No comments.
- No comments.
- Each adjoining property maintains their amenity through the design and siting of their own dwellings, outlook to their own open space and landscaping within their own properties. The proposal will not limit access to natural light or ventilation to these properties. Whilst existing views over the property are presently enjoyed, it is an unrealistic and unreasonable expectation that the

subject land remain undeveloped or be constrained in its development.

- **Property values** – Bought property with the understanding the site could not be developed. This shed will reduce property values and compromise on privacy.
- No comments.

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

REFERRALS

External

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

Internal

No internal referrals were undertaken.

ASSESSMENT

Please refer to the following link, the Planning and Design Code extract for this proposal, dated 14 March 2024, Version 2024.5:

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.

The proposal is for a storage building on a currently vacant allotment. A store is not explicitly identified as an anticipated form of development although the Rural Neighbourhood Zone does seek for large outbuildings and non-residential development when ancillary to residential development. The storage building proposed seeks to operate and function to the same extent of a typical outbuilding as its purpose is to store domestic and land maintenance items only. Given the land size and rural-residential nature of the subject site, the proposal is considered to be of an intensity and built form consistent with the intent of the Rural Neighbourhood Zone, overlays and general provisions. Therefore, this application 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.

The proposal seeks construction of a building that is of a size, scale, material and finish consistent to a typical outbuilding. The siting is also clustered to the adjoining properties to ensure the building is clustered to existing built form.

The proposal will have minimal impact on the streetscape of the locality and will have minimal impacts to the character of the township given the limited visibility of the proposal.

The scale of this application will largely maintain the natural and semi-rural appearance of the site, ultimately achieving the intent of the *Character Preservation (Barossa Valley) Act 2012*.

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 Neighbourhood Zone	
Desired Outcomes	
DO 1	Housing on large allotments in a spacious rural setting, often together with large outbuildings. Easy access and parking for cars. Considerable space for trees and other vegetation around buildings, as well as on-site wastewater treatment where necessary. Limited goods, services and facilities that enhance rather than compromise rural residential amenity.
Relevant Performance Outcomes/Designated Performance Features	
Land use and Intensity	
PO 1.1 Predominantly residential development with complementary ancillary non-residential uses compatible with a spacious and peaceful lifestyle for individual households.	DTS/DPF 1.1 Development comprises one or more of the following: (a) Ancillary accommodation (b) Child care facility (c) Consulting room (d) Detached dwelling (e) Office (f) Outbuilding (g) Recreation area (h) Shop
PO 1.3 Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.	DTS/DPF 1.3 None are applicable.
PO 1.4 Non-residential development located and designed to improve community accessibility to services, primarily in the form of: (a) small-scale commercial uses such as offices, shops and consulting rooms (b) community services such as educational facilities, community centres, places of (c) worship, child care facilities and other health and welfare services (d) services and facilities ancillary to the function or operation of supported	DTS/DPF 1.4 None are applicable.

- | | |
|---|--|
| (e) accommodation or retirement facilities
(f) open space and recreation facilities. | |
|---|--|

The subject site does not contain any existing residential land use nor is it proposed within this application. Performance Outcome 1.1 seeks non-residential development to be ancillary to residential development in a manner that is complementary and compatible with maintaining the rural setting of the locality. Whilst the proposed development does not include any element specifically relating to a residential land use, the proposal seeks to effectively operate as an outbuilding by being primarily used for storage of domestic goods and items to service an adjoining dwelling and to maintain the large open land area of the subject site. Whilst it is noted that this application does not demonstrate a connection to the adjoining dwelling, it is important to note the extent and scale of the intended use will be consistent with the scale and intensity of a typical domestic outbuilding within the Zone.

Given the intended use of the proposed store building as detailed above, it is considered likely the proposal will maintain the general intent of Desired Outcome 1 by giving the appearance of a large outbuilding whilst maintaining the surrounding rural-residential amenity of the area.

The proposed building is sited in a location that will have little to no visual impact to the surrounding streetscape character. Instead, the visual impacts of the proposal will be entirely from adjoining properties that adjoin the subject site. The proposal has considered the applicable outbuilding provisions for the subject site as the proposal is sought to practically function in this capacity. The intent of Performance Outcome 1.3 is to maintain the residential character and amenity of the neighbourhood for non-residential development whereby the proposal maintains suitable separation from allotment boundaries (three metres and four metres respectively) with a wall height below the envisaged maximum for an outbuilding on the site of four metres (proposed at 3.6 metres). Ultimately, it is considered that the proposal is generally consistent with Performance Outcome 1.3 with consideration to the desire for large outbuildings within the zone as identified within Desired Outcome 1. The fact this is a store building rather than an outbuilding is considered to be relevant but not detrimental when considering the residential character and amenity of the surrounding locality.

The proposal does not seek to be utilised for any commercial or industrial purposes with only storage of domestic and land maintenance related items to occur. Whilst the proposal is a form of non-residential use, the intent and function as indicated by the applicant is for the building to function as an outbuilding to an adjacent dwelling. As a result, the proposal does not seek any commercial or industrial storage business activities and will only function for typical residential use without being ancillary to an existing residential land use on the site. With this in mind, Performance Outcome 1.4 is not considered to be applicable when considering the specifics of this proposal.

Scale and Form of Development

Rural Neighbourhood Zone	
Ancillary Buildings and Structures	
PO 7.1 <i>Residential ancillary buildings and structures are sited and designed to not detract from the streetscape or appearance of buildings on the site or neighbouring properties.</i>	DTS/DPF 7.1 Ancillary buildings and structures: (a) are ancillary to a dwelling erected on the site

	(b) are ancillary to a dwelling erected on the site (i) 100 sqm on sites less than 2000 sqm (ii) 120 sqm on sites 2000 sqm or more (c) are ancillary to a dwelling erected on the site (i) in front of any part of the building line of the dwelling to which it is ancillary (ii) within 2 metres of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads) (iii) within 2 metres of a side boundary (d) in the case of a garage or carport, have a primary street setback that is at least as far back as the dwelling (e) in the case of a garage or carport, do not exceed 10 metre or 50% of the site frontage (whichever is the lesser) when facing a primary street or secondary street (f) have a wall height or post height not exceeding 4 metres above natural ground level (and not including a gable end) (g) have a roof height where no part of the roof is more than 5 metres above the natural ground level (h) if clad in sheet metal, are pre-colour treated or painted in a non-reflective colour (i) retains a total area of soft landscaping in accordance with (i) or (ii), whichever is less: (i) a total area as determined by the following table: <table border="1"> <thead> <tr> <th>Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m²)</th><th>Minimum percentage of site</th></tr> </thead> <tbody> <tr> <td><150</td><td>10%</td></tr> <tr> <td>150-200</td><td>15%</td></tr> <tr> <td>201-450</td><td>20%</td></tr> <tr> <td>>450</td><td>25%</td></tr> </tbody> </table> (ii) the amount of existing soft landscaping prior to the development occurring.	Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site	<150	10%	150-200	15%	201-450	20%	>450	25%
Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site										
<150	10%										
150-200	15%										
201-450	20%										
>450	25%										

It is important to understand that this proposal is not an ancillary building or structure, however, the provisions within Performance Outcome 7.1 and DTS/DPF 7.1 set out the anticipated form of development that states what is generally accepted to be consistent and complementary to the rural-residential amenity within the zone. Given the building is of a residential scale, Performance Outcome 7.1 is considered to be relevant to the assessment.

Details of the proposal are as follows:

- Floor area – 99.6 sqm
- Wall height – 3.6 metres
- Roof ridge height – 5 metres
- South side boundary setback – 4 metres
- East side boundary setback – 3 metres
- External cladding – Colorbond Woodland Grey

The proposal satisfies all of the criteria identified within DTS/DPF 7.1 and thus will present to a similar form and scale of a typical outbuilding anticipated within the Zone.

The size and siting of the proposal is unlikely to result in unreasonable impact to the streetscape or adjoining properties given the proposed height and boundary setbacks. Overall, the proposal satisfies Performance Outcome 7.1.

Character Preservation Overlay

Character Preservation District Overlay (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	
Land Use and Intensity	
PO 1.2 Residential development located in townships to reinforce settlement patterns within the district and support the continuation of primary production on land outside townships.	DTS/DPF 1.2 Residential development located within designated township areas of the Character Preservation District Overlay.
Built Form and Character	
PO 2.1 Development occurring at the edge of townships is sympathetic to the rural landscape and reinforces a clear transition between townships and rural landscape through measures including: (a) being of a low scale (b) orientating residential development towards the rural area (c) ensuring visual separation from the rural area through landscaping and road reserves.	DTS/DPF 2.1 None are applicable.
Earthworks	
PO 4.1 Excavation and filling of land is limited to that associated with: (a) minimising the visual impact of buildings or structures or (b) construction of water storage facilities.	DTS/DPF 4.1 Excavation and/or filling of land is: (a) no greater than 1.5 metres from natural ground level (b) only undertaken in order to reduce the visual impact of buildings or structures or to construct water storage facilities.

The subject site is located within the township area but does interface with the rural area to the west (western side of North Para river).

The proposal is sited away from the rural area interface and is sited close to existing residential properties, thereby promoting a visual separation from the rural area and as such satisfying Performance Outcome 2.1.

The design elements and siting of the proposal is considered to be consistent with Performance Outcome 2.2 as the proposal is generally consistent with the intended built form character of the locality given the siting, size and external colours.

Cut and fill earthworks will not exceed 1.5 metres in either extent. Approximately 400 mm - 500 mm of fill and 700 mm – 800 mm cut earthworks are proposed, consistent with the intent of Performance Outcome 2.2.

Flood Hazard

Hazards (Flooding – Evidence Required) Overlay	
Desired Outcomes	
DO 1	<i>Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.</i>
Relevant Performance Outcomes/Designated Performance Features	
Flood Resilience	
PO 1.1 <i>Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.</i>	DTS/DPF 1.1 <i>Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished floor level at least 300 mm above:</i> <i>(a) the highest point of top of kerb of the primary street</i> <i>or</i> <i>(b) the highest point of top of kerb of the primary street</i>
Environmental Protection	
PO 2.1 <i>Buildings and structures used either partly or wholly to contain or store hazardous materials are designed to prevent spills or leaks leaving the confines of the building.</i>	DTS/DPF 2.1 <i>Development does not involve the storage of hazardous materials.</i>

The siting of the proposed building is at the higher portion of the land, above the extent of the Hazards (Flooding) Overlay and where appropriate stormwater drainage can be implemented to appropriately direct water away from the proposed building towards the watercourse. The subject site is of a size and topography such that stormwater can be managed without impacting on the proposed building or adjoining properties.

The proposal does not seek to store any hazardous materials.

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 (b) a report prepared in accordance with Regulation 18(2)(a) of the Native Vegetation Regulations 2017 that establishes that the clearance is categorised as 'Level 1 clearance'.

The native vegetation declaration has been provided in relation to this application, consistent with DTS/DPF 1.1.

A representor has identified concerns in relation to the proximity of the building to existing trees on adjacent land. The applicant advises that such trees were planted and therefore not constituted as Native Vegetation Act 1991.

General ProvisionsClearance 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 electricity declaration has been provided in relation to this application. No powerlines are observed within proximity to the proposed development site. As such, Performance Outcome 1.1 is satisfied.

Design

<i>Design</i>	
Desired Outcomes	
DO 1	Development is: (a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area (b) durable - fit for purpose, adaptable and long lasting (c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors (d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.
Relevant Performance Outcomes/Designated Performance Features	
All development	
External Appearance	
PO 1.5 The negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and screening them from public view (such as fencing, landscaping and built form) taking into account the form of development contemplated in the relevant zone.	DTS/DPF 1.5 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.
Earthworks and sloping land	
PO 8.2 Driveways and access tracks are designed and constructed to allow safe and convenient access on sloping land (with a gradient exceeding 1 in 8).	DTS/DPF 8.2 Driveways and access tracks on sloping land (with a gradient exceeding 1 in 8) satisfy (a) and (b): (a) do not have a gradient exceeding 25% (1-in-4) at any point along the driveway (b) are constructed with an all-weather trafficable surface.

The proposal is for a storage building with no formal outdoor storage proposed, such that the site should maintain the same appearance and with proposed landscaping along the allotment boundaries to provide a more pleasant visual interface.

No existing on-site waste management system exists. It is noted there is a CWMS infrastructure straddling the allotment boundary within the site of Lot 634. Whilst this infrastructure exists, the proposed boundary setbacks of three metres and four metres are adequate to avoid damage to the CWMS infrastructure. It should be noted that the CWMS infrastructure is not identified via formal easement.

The driveway is considered to be of suitable gradient and location given the right of way registered upon the land to facilitate suitable vehicle access to and from the site. The driveway will consist of an all-weather surface material and is suitable for the intended use.

Interface between Land Uses

Interface between Land Uses					
Desired Outcomes					
DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.				
Relevant Performance Outcomes/Designated Performance Features					
General Land Use Compatibility					
PO 1.2 Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.	DTS/DPF 1.2 None are applicable.				
Hours of Operation					
PO 2.1 Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to: (a) the nature of the development	DTS/DPF 2.1 Development operating within the following hours: <table border="1"> <thead> <tr> <th>Class of Development</th><th>Hours of Operation</th></tr> </thead> <tbody> <tr> <td>Consulting Room</td><td>7.00 am to 9.00 pm, Monday to Friday 8.00 am to 5.00 pm, Saturday</td></tr> </tbody> </table>	Class of Development	Hours of Operation	Consulting Room	7.00 am to 9.00 pm, Monday to Friday 8.00 am to 5.00 pm, Saturday
Class of Development	Hours of Operation				
Consulting Room	7.00 am to 9.00 pm, Monday to Friday 8.00 am to 5.00 pm, Saturday				

(b) measures to mitigate off-site impacts (c) the extent to which the development is desired in the zone (d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.	Office Shop, other than any one or combination of the following: 1. restaurant 2. cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture (a) Zone	7.00 am to 9.00 pm, Monday to Friday 8.00 am to 5.00 pm, Saturday 7.00 am to 9.00pm, Monday to Friday 8.00 am to 5.00 pm, Saturday and Sunday
Overshadowing		
PO 3.2 Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in: (a) a neighbourhood type zone is minimised to maintain access to direct winter sunlight (b) other zones is managed to enable access to direct winter sunlight.	DTS/DPF 3.2 Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following: (a) for ground level private open space, the smaller of the following: a. half the existing ground level open space (b) or b. 35 sqm of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres) (b) for ground level communal open space, at least half of the existing ground level open space.	
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 (Commercial and Industrial Noise) Policy criteria.	
Light Spill		
PO 6.1 External lighting is positioned and designed to not cause unreasonable light spill impact on adjacent sensitive receivers (or lawfully approved sensitive receivers).	DTS/DPF 6.1 None are applicable.	

The proposal will interface with adjoining residential properties but is presented at a size, scale and siting consistent with large outbuildings that are anticipated within the Zone. With consideration to the low intensity use, height and boundary setbacks proposed, the overall impact of the proposal is not likely to result in any adverse impacts to the adjoining properties.

This application is not proposing any specific hours of operation given the intended nature of the building use being that of a typical outbuilding and expected use to not differ from that of a residential outbuilding. Based on the information and details informing this application, a specified set of hours of operation is not considered to be required for this application.

The overshadowing potential of the proposed development is considered to be minimal, having regard to the proposed four metre setback to the southern allotment boundary. Extent of overshadow cast at the Winter Solstice is not anticipated to be to an unreasonable degree, noting the large areas of private open space of the adjoining properties that will remain unaffected, ultimately satisfying Performance Outcome 3.2. It is also noted that existing vegetation already provides for an extent of shadowing to the adjoining properties.

The intended noise generated from the proposed development is expected to be similar to general residential noise common in relation to activities within outbuildings such as vehicle movements and general machinery to maintain the land (mower/slasher etc.). The proposal does not seek any additional use beyond the general storage of domestic items. It is therefore concluded that the proposal will not generate any unreasonable noise impacts to the surrounding locality, as desired by Performance Outcome 4.1.

The proposal does not include any external lighting (as confirmed by the applicant). Should security lighting be installed in future, such can be accommodated in a way that does not result in light spill to adjacent land, subject to Condition that external lighting be in accordance with Australian Standard 4282:2019.

Site Contamination

Site Contamination	
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 satisfies (a), (b), (c) or (d): (a) does not involve a change in the use of land (b) involves a change in the use of land that does not constitute a change to a more sensitive use (c) involves a change in the use of land to a more sensitive use on land at which site contamination is unlikely to exist (as demonstrated in a site contamination declaration form) (d) involves a change in the use of land to a more sensitive use on land at which site contamination exists, or may exist (as demonstrated in a site contamination declaration form), and satisfies both of the following:

	(i) a site contamination audit report has been prepared under Part 10A of the Environment Protection Act 1993 in relation to the land within the previous 5 years which states that- A. site contamination does not exist (or no longer exists) at the land or B. the land is suitable for the proposed use or range of uses (without the need for any further remediation) or C. where remediation is, or remains, necessary for the proposed use (or range of uses), remediation work has been carried out or will be carried out (and the applicant has provided a written undertaking that the remediation works will be implemented in association with the development) and (ii) no other class 1 activity or class 2 activity has taken place at the land since the preparation of the site contamination audit report (as demonstrated in a site contamination declaration form).
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The subject site was created for a residential purpose and has not had any identified use since this time. The land appears to have been used for passive grazing of the land for maintenance purposes and is not considered to be a specified land use. As such, the proposal is not considered to constitute a more sensitive use.

Transport, Access and Parking

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	
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 (c) or (b) not located within 6m of an intersection of two or more roads or a pedestrian activated crossing.
PO 3.2 Development incorporating vehicular access ramps ensures vehicles can enter and exit a site safely and without creating a	DTS/DPF 3.2 None are applicable.

hazard to pedestrians and other vehicular traffic.	
PO 3.3 Access points are sited and designed to accommodate the type and volume of traffic likely to be generated by the development or land use.	DTS/DPF 3.3 None are applicable.
PO 3.4 Access points are sited and designed to minimise any adverse impacts on neighbouring properties.	DTS/DPF 3.4 None are applicable.
PO 3.5 Access points are located so as not to interfere with street trees, existing street furniture (including directional signs, lighting, seating and weather shelters) or infrastructure services to maintain the appearance of the streetscape, preserve local amenity and minimise disruption to utility infrastructure assets.	DTS/DPF 3.5 Vehicle access to designated car parking spaces satisfy (a) or (b): (a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land (b) where newly proposed, is set back: (i) 0.5 metres or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner (ii) 2 metres or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance (iii) 6 metres or more from the tangent point of an intersection of two or more roads (iv) outside of the marked lines or infrastructure dedicating a pedestrian crossing.

The driveway will require upgrading of the crossover to the street as the right of way is currently utilised through an informal crossover to Langmeil Road. No impacts to any street infrastructure or trees will occur due to the access point being previously identified as a suitable location for the right of way.

The location and siting of the proposed access point is considered to be appropriate for the proposal as it is a suitable size and gradient to accommodate typical domestic vehicles with all vehicles accessing the site being able to manoeuvre and enter and exit the site in a forward direction at all times.

Other Overlays

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

Hazards (Bushfire - Urban Interface) Overlay

Does not relate to the proposed use.

Hazards (Flooding) Overlay

The proposal is wholly outside of spatial extent of overlay.

Prescribed Water Resources Area Overlay

No water taking requirements for the proposed development.

Water Protection Area Overlay

The proposal is not of a land use and/or scale to impact on water supply.

Water Resources Overlay

Not spatially impacted by overlay.

CONCLUSION

The proposal comprises the construction of a store building (measuring 8.3 metres x 12 metres x 3.6 metre wall height) to be used to store domestic and land maintenance related goods and items.

The application was subject to a 'Performance Assessed' assessment and was subject to public notification in accordance with Section 107 of the *Planning, Development and Infrastructure Act 2016* with three representations received.

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

With consideration to the overall amenity and character of the subject site, the land use is considered to be acceptable on-balance with consideration to the intent of the Rural Neighbourhood Zone.

The primacy concerns identified within the application is the land use appropriateness. The building dimensions and bulk and scale has been reviewed following the public notification process (refer **Attachment 3**) to align more accurately to the provisions identified for an outbuilding, such that the building has an acceptable level of impact upon the locality.

Whilst a store use is not explicitly listed as an anticipated form of development within the Rural Neighbourhood Zone, the overall land use and built form is seen to be generally consistent and comparable to an outbuilding, noting the proposal seeks the storage of domestic and land maintenance goods and items only.

This assessment has identified the proposed development is reasonably consistent with the identified provisions of the *Planning and Design Code* and warrants the granting of Planning Consent, subject to 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. 24003640 by Bartsch Builders Pty Ltd to undertake the "Construction of a store building (measuring 8.3 metres x 12 metres x 3.6 metre wall height)" at (CT 6287/27) subject to the following reserved matters, conditions and advisory notes:

- (1) The development shall be undertaken in accordance with the plans and documentation (as amended) accompanying the application, unless varied by the following conditions.
 - Block Plan by Bartsch Builders, Job no. KITE, Sheet no. BB001, revision E, dated 19/06/2024.
 - Site Plan by Bartsch Builders, Job no. KITE, Sheet no. BB002, revision E, dated 19/06/2024.
 - Floor and Elevation Plan by Bartsch Builders, Job no. KITE, Sheet no. BB101, revision E, dated 19/06/2024.
- (2) The store building herein approval shall be used for storage of domestic and land maintenance related items/goods/equipment with no human habitation, commercial or industrial activities to be undertaken at any time, to the reasonable satisfaction of the Relevant Authority.
- (3) The landscaping depicted on the approved Landscaping - Site Enlargement Plan by MasterPlan (dated April 2024) shall be established within 3 months from commencement of use and shall be maintained and nurtured at all times thereafter, with any diseased or dying plants replaced in a timely manner.
- (4) Prior to use of the building herein approved, the access driveway between the property boundary and the kerb line must be constructed in accordance with the Council's Standards and Requirements for the Design, Construction and Development of Infrastructure Assets. The driveway must be sealed with an approved durable material such as concrete, bricks, pavers or asphalt and match into existing footpath and road verge levels, to the satisfaction of Council.
- (5) All external building materials shall be:
 - (a) in accordance with the approved plans; and
 - (b) new materials and maintained in good condition at all times.
- (6) 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.

- (7) 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.
- (8) 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.

Advisory Notes

- (1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- (2) This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
- (3) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
- (4) Any variation of this approved development and/or the conditions of consent will require a separate request and approval by the relevant authority. Approval of this application does not necessarily imply that future requests for variations would be approved. Any future request will be assessed by having regard to the relevant rules and requirements in force at the time any request is lodged.
- (5) The adjoining owner should be advised of the proposed work on the boundary and issues such as access to perform work, removal of fences, finished levels and retaining walls should be resolved before building work commences. This approval does not create an automatic right to access neighbouring land.
- (6) Excavations on or near the boundary may require the giving of notification to the neighbour pursuant to sec 139 of the *Planning, Development and Infrastructure Act 2016*.

It is recommended that where mechanical equipment is proposed to be used to construct retaining walls, and where the dwelling may impede access for that equipment, the retaining walls be constructed prior to preparing the footings.

- (7) 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.

- (8) 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.
- (9) 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.
- (10) 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.
- (11) 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.

- (12) 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. Further enquiries should be directed to the Works and Engineering team on 8563 8444.
- (13) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the Environment Protection (Commercial and Industrial) Noise Policy 2023, 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 Documentation [↓](#) 
- Attachment 2 Representations Received [↓](#) 
- Attachment 3 Applicants Response to Representations [↓](#) 

Development Locations

Location 1

Location reference

LOT 634 ELIZABETH ST TANUNDA SA 5352

Title Ref

CT 6287/27

Plan Parcel

F172085 AL634

Additional Location Information**Council**

THE BAROSSA COUNCIL

Zone Overlays

Zones

- Rural Living
- Rural Neighbourhood

Sub-zones

(None)

Overlays

- Character Preservation District
- Hazards (Flooding)
- Hazards (Bushfire - Urban Interface)
- 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 2,000 sqm)
- Maximum Building Height (Levels) (Maximum building height is 1 level)

Application Contacts

Applicant(s)

Stakeholder info

Bartsch Builders Pty Ltd
29 MAGNOLIA STREET
TANUNDA
SA
5352
Tel. 0422771061
kristie@bartschbuilders.com.au

Contact

Stakeholder info

Mrs Kristie Bartsch
Tel. 0422771061

kristie@bartschbuilders.com.au

Invoice Contact

Stakeholder info

Bartsch Builders Pty Ltd
29 MAGNOLIA STREET
TANUNDA
SA
5352
Tel. 0422771061
kristie@bartschbuilders.com.au

Land owners

Stakeholder info

Mrs Peta Kite



Nature Of Development

Nature of development

New Store Shed

Development Details

Current Use

Residential Land

Proposed Use

Store

Development Cost

\$50,000.00

Proposed Development Details

New Store Shed

Element Details

You have selected the following elements

Shed - \$50,000.00

Septic/Sewer information submitted by applicant

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

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
----------	---------------	--------------

20240122000757_Register_Search_Plus.pdf	Certificate of Title	12 Feb 2024 12:16 PM
KITE J&P - PLANNING APPLICATION DRAWINGS 08- 02- 24.pdf	Floor Plans	12 Feb 2024 12:16 PM

Application Created User and Date/Time

Created User
kristie.bartsch

Created Date/Time
12 Feb 2024 12:16 PM



Product Register Search Plus
(CT 6287/27)
Date/Time 22/01/2024 09:08AM
Customer Reference KITE
Order ID 20240122000757



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 6287 Folio 27

Parent Title(s) CT 6287/24
Creating Dealing(s) TG 14048341
Title Issued 01/07/2023 Edition 2 Edition Issued 18/01/2024

Estate Type

FEE SIMPLE

Registered Proprietor

PETA MAREE KITE
OF 6 LANGMEIL ROAD TANUNDA SA 5352

Description of Land

ALLOTMENT 634 FILED PLAN 172085
IN THE AREA NAMED TANUNDA
HUNDRED OF MOOROOROO

Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED B ON F258630 FOR DRAINAGE PURPOSES (TG 14048341)
SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED E ON F258630
TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED A ON F258630 (TG 14048340)

Schedule of Dealings

NIL

Notations

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



30 April 2024

The Barossa Council
43 – 51 Tanunda Road,
NURIOTPA SA 5355

Attention: Mr. Thomas Marshall – Senior Assessment Officer

Dear Tom

**Re: Application ID: 24003640
Domestic Storage Building on Lot 634 Elizabeth Street, Tanunda
Response to Request for Information**

MasterPlan write on behalf of the applicant, Bartsch Builders Pty Ltd (our client), in response to the matters raised in the Barossa Council's (the Council) Request for Information (RFI) letter dated 11 April 2024. This letter together with the following attachment, forms our response to the RFI:

- Updated Plan Set, prepared by Bartsch Builders.
- Landscape Concept, prepared by MasterPlan.

We respond hereunder to each of the matters raised.

Use of the Building

The Council have sought clarification on the use of the proposed building. The request in relation to this issue is in four parts, as follows:

- (a) *Details pertaining to the intended purpose of the building including confirmation of what is intended to be stored within the proposed building and how it is anticipated to be used; and*
- (b) *Confirm the expected timeframes where loading and unloading from the site (of any goods stored) will occur. This is to ensure the surrounding residential properties are not negatively impacted by the use of the proposed storage building; and*
- (c) *Provide justification for the proposed size and scale of the proposed building in relation to its intended purpose (i.e., why the proposed size is required); and*
- (d) *Confirm the largest vehicle size to access the proposed building.*



33 Carrington Street
Adelaide SA 5000
(08) 8193 5600
www.masterplan.com.au

Offices in SA | NT | QLD
ISO 90012015 Certified
ABN 30 007 755 277
plan@masterplan.com.au

53887LET01



Firstly, it is imperative to recognise that the proposed building is intended for domestic storage purposes and is directly associated with the adjacent dwelling at 6 Langmeil Road, Tanunda.

The Council has taken the position that the land use definition of an outbuilding does not apply because the building is not situated on the same allotment as the associated dwelling. Consequently, the Council has classified the land use as a store. Although the applicant disagrees with this determination, they are willing to proceed with the assessment on a without-prejudice basis.

Despite the Council's decision to process the application as a store, it does not alter the applicant's intentions for the building, which is solely for additional storage of their personal vehicles and possessions. The proposed building is entirely non-commercial or business-related. Several of the Council's requests appear to treat the proposal as if it were for a commercial building. Factors such as exterior lighting, hours of use, and loading and unloading are atypical considerations for a domestic structure.

While this response does not seek to challenge the land use definition selected by the Council, it aims to highlight the challenging position in which the application finds itself. By categorising the building as a commercial-type facility, the Council is necessitating an assessment based on a worst-case scenario and overlooking the applicant's genuine intentions, which are far from commercial in nature.

If the building must be classified as a store, it is unquestionably a domestic one. Therefore, we respectfully urge the Council to approach the assessment pragmatically and to appreciate that, while it may be categorised as a store, its primary purpose is undeniably domestic in nature.

Item A – Confirmation of Items to be Stored.

The building will store items owned by and for the personal use of the occupants of the associated dwelling at 6 Langmeil Road, Tanunda. Specifically, they seek to store the following items within the building:

- Offroad Caravan – 6.4 metres in length with a 3.5-metre height.
- Offroad 4WD vehicle.
- Small Tractor and Slasher – for the management of the property use.
- Additional storage of personal belongings and chattels to supplement storage within the residence.

As previously discussed, the building will also allow for the better management and maintenance of the large allotment on which it is located. The tractor and slasher storage will ensure that the applicant can manage grass on the property.

***Item B – Hours for Loading and Unloading***

Firstly, storage is itself an inert activity which does not typically involve regular loading and unloading of goods, unlike what would be experienced with a use such as a warehouse. The building is for the storage of personal property and vehicles – in this sense, there will be no unloading and loading of goods.

Secondly, as discussed above, it is not relevant or reasonable to dictate the hours that the landowners come and go from this building in the same manner that such restrictions would not be placed on a domestic shed.

Item C – Justification for Size

The building has been sized to accommodate the items identified above. The building height of 3.6 metres (wall height) has been selected to accommodate the clearance of the Offroad Caravan. For visual reference, an updated floor plan has been prepared depicting the dimensioned vehicles within the building to demonstrate the reasoning behind the proposed footprint.

Item D – Confirmation of Largest Vehicle

An offroad caravan trailer is the largest item that will be stored within the building. The largest vehicle accessing the building is a 4WD, which on occasion will be towing the caravan.

Landscaping

A landscape concept plan is enclosed with this correspondence. The landscaping approach will utilise Sweet Viburnum hedge species interspersed with Westringia shrubs. Sweet Viburnum hedging has been selected as it is a suitable species which will grow in low-light conditions to a sufficient height to screen the proposed building and can tolerate the limited space between the proposed building and the fence line. As depicted in the concept, landscaping is proposed along the building's interface with the neighbouring properties.

External Lighting

No external lighting is proposed.

Driveway

The updated plan set **enclosed** with this letter provides the requested information in respect to the driveway/access design. As annotated, the driveway will be of a compacted gravel surface. The extent of the driveway and manoeuvring areas is depicted in these plans. The maximum gradient is 1:26.



We note that there is no kerb or gutter infrastructure present on Langmeil Road. We also note that unsealed crossovers are common within the locality when associated with a domestic function. Nevertheless, the applicant agrees to seal the crossover to Langmeil Road to the Council's satisfaction. This is also now reflected within the updated plans.

Closure

We trust that the information provided within this letter and the accompanying updated plans and landscape concept provide the information necessary for the Council to proceed with their assessment.

It is of particular importance that despite the land use determination by the Council, the assessment of this application recognises the domestic nature of the activity intended to be conducted by the applicant in this circumstance.

If any further clarification on the above information is required, please contact the undersigned on 0404 993 117 or via email at nickw@masterplan.com.au.

Yours sincerely

Nick Wilson
MasterPlan SA Pty Ltd

enc: As listed.
cc: Bartsch Builders.

PROPOSED STORE FOR J & P KITE
AT LOT 634 ELIZABETH STREET, TANUNDA

ISSUED FOR:
DEVELOPMENT APPLICATION (PLANNING) - 08/02/2024

DRAWING LIST

DWG No.	DRAWING CONTENT
BB000	DRAWING LIST
BB001	BLOCK PLAN
BB002	SITE PLAN
BB101	FLOOR PLAN & ELEVATIONS



OFFICE DETAILS
3/29 MAGNOLIA STREET, TANUNDA SA 5352
Phone: (08) 8563 3293 Fax: (08) 8563 2090
Email: admin@bartschbuilders.com.au

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NOTES
BUSHFIRE PROTECTION:
SITE LOCATION: SITE IS LOCATED WITHIN A TOWNSHIP AREA THAT IS IDENTIFIED BY THE PLAN SA PLANNING & DESIGN CODE AS BEING "URBAN INTERFACE"
BUILDING CONSTRUCTION REQUIREMENTS: NOT APPLICABLE TO THIS PROJECT

CONTRACT APPROVAL
AS PER CONDITIONS OF CONTRACT, THESE DRAWINGS ARE A REPRESENTATION OF WHAT IS TO BE BUILT AND ITEMS NOT SHOWN ON THIS DOCUMENT OR IN SPECIFICATION ARE DEEMED NOT TO BE PART OF THE CONTRACT.

I/WE APPROVE THESE DRAWINGS CORRECT AS PER CONTRACT

SIGNATURE DATE

SIGNATURE DATE

CLIENT NAME

J & P KITE

SITE

LOT 634 ELIZABETH STREET
TANUNDA

BUILDING TYPE

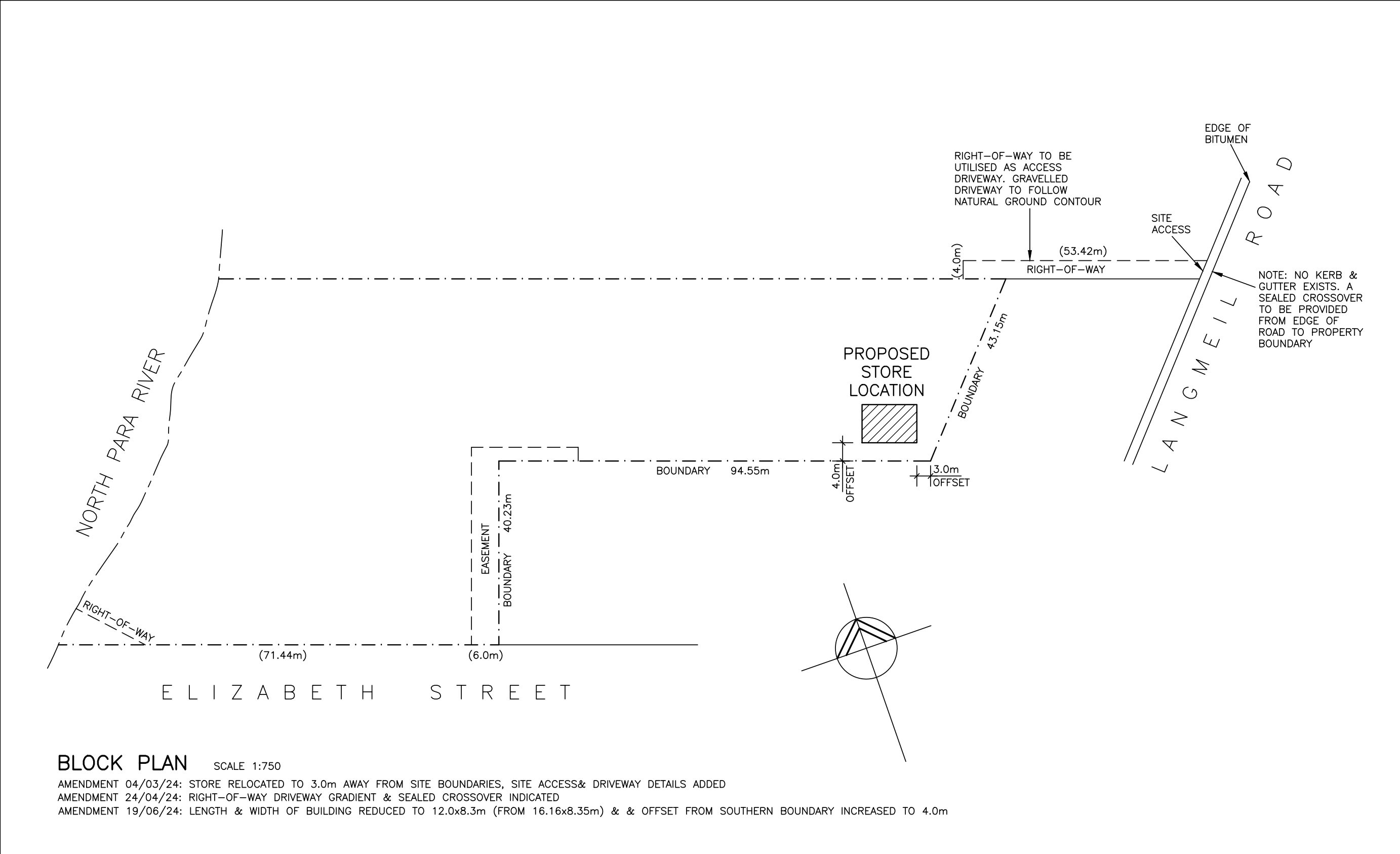
STORE

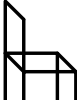
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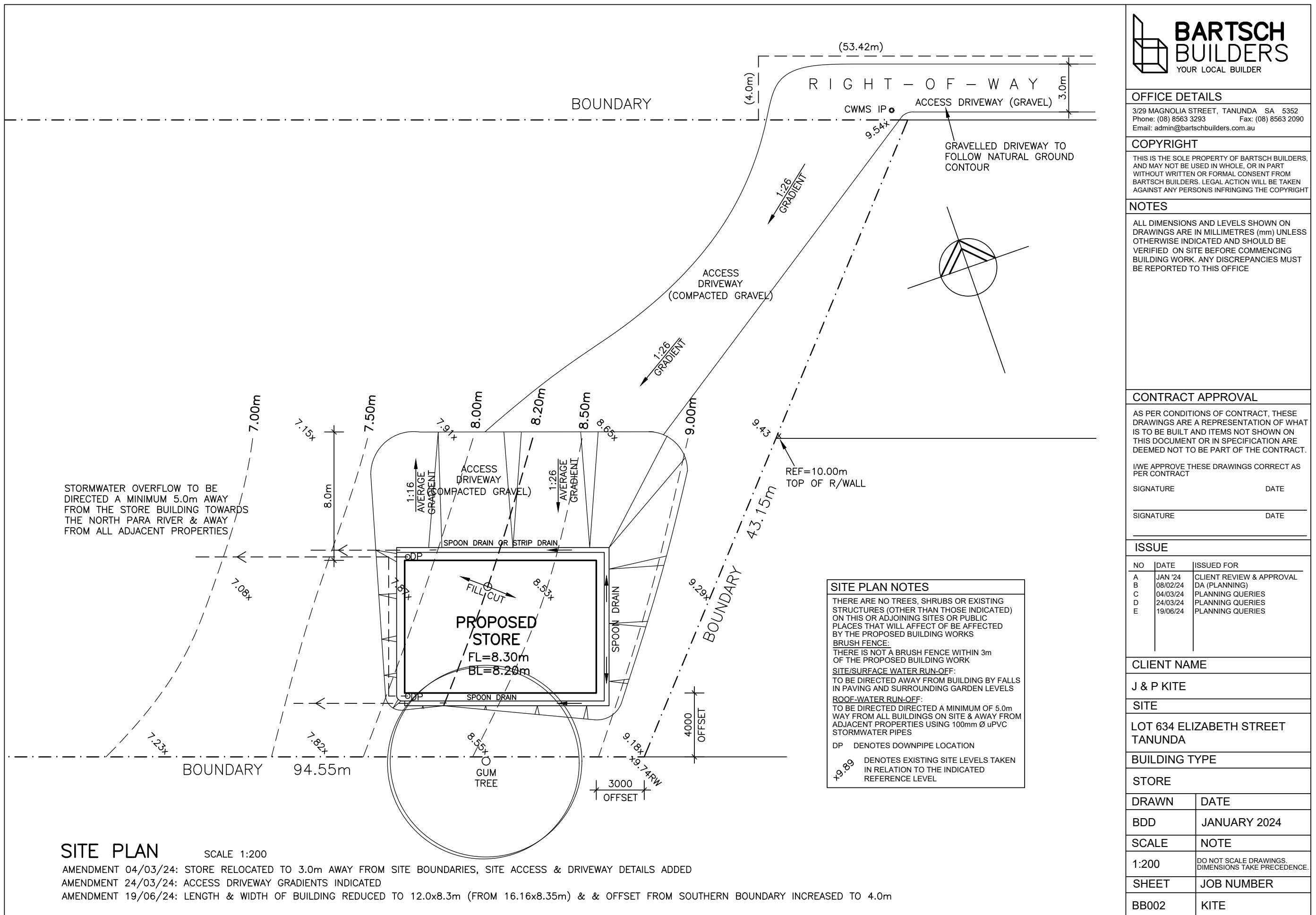
BDD JANUARY 2024

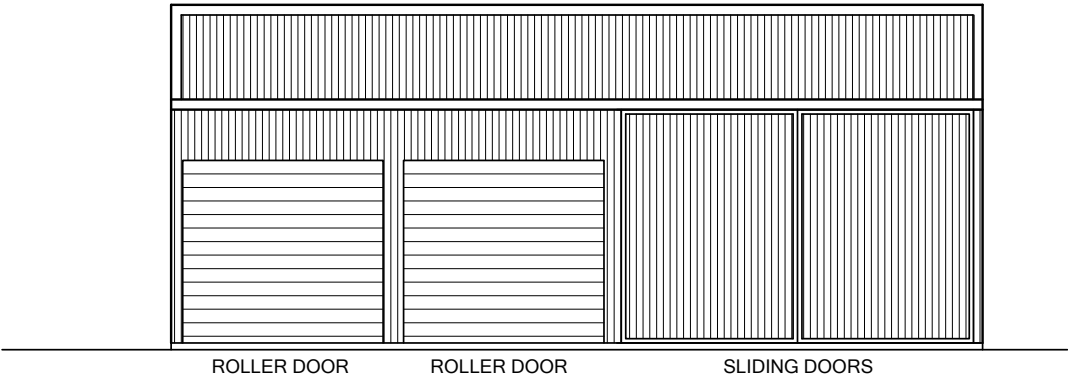
SHEET JOB NUMBER

BB000 KITE

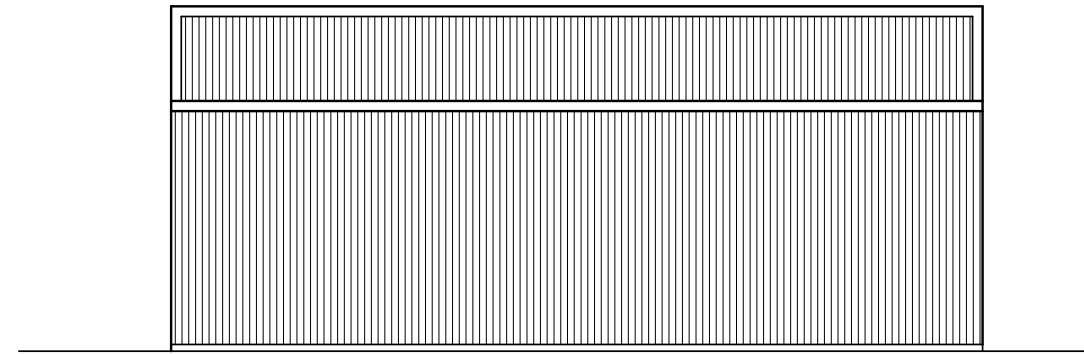


 BARTSCH BUILDERS YOUR LOCAL BUILDER 3/29 MAGNOLIA STREET, TANUNDA, SA 5352 Email: admin@bartschbuilders.com.au PH: (08) 8563 3293 FAX: (08) 8563 2090	COPYRIGHT THIS IS THE SOLE PROPERTY OF BARTSCH BUILDERS, AND MAY NOT BE USED IN WHOLE, OR IN PART WITHOUT WRITTEN OR FORMAL CONSENT FROM BARTSCH BUILDERS. LEGAL ACTION WILL BE TAKEN AGAINST ANY PERSON/S INFRINGING THE COPYRIGHT NOTES ALL DIMENSIONS AND LEVELS SHOWN ON DRAWINGS ARE IN MILLIMETRES (mm) UNLESS OTHERWISE INDICATED AND SHOULD BE VERIFIED ON SITE BEFORE COMMENCING BUILDING WORK. ANY DISCREPANCIES MUST BE REPORTED TO THIS OFFICE	CONTRACT APPROVAL AS PER CONDITIONS OF CONTRACT, THESE DRAWINGS ARE A REPRESENTATION OF WHAT IS TO BE BUILT AND ITEMS NOT SHOWN ON THIS DOCUMENT OR IN SPECIFICATION ARE DEEMED NOT TO BE PART OF THE CONTRACT. I/WE APPROVE THESE DRAWINGS CORRECT AS PER CONTRACT SIGNATUREDATE SIGNATUREDATE	AMENDMENTS <table><thead><tr><th>NO</th><th>DATE</th><th>ISSUED FOR</th></tr></thead><tbody><tr><td>A</td><td>JAN '24</td><td>CLIENT REVIEW & APPROVAL</td></tr><tr><td>B</td><td>08/02/24</td><td>DA (PLANNING)</td></tr><tr><td>C</td><td>04/03/24</td><td>PLANNING QUERIES</td></tr><tr><td>D</td><td>24/04/24</td><td>PLANNING QUERIES</td></tr><tr><td>E</td><td>19/06/24</td><td>PLANNING QUERIES</td></tr></tbody></table>	NO	DATE	ISSUED FOR	A	JAN '24	CLIENT REVIEW & APPROVAL	B	08/02/24	DA (PLANNING)	C	04/03/24	PLANNING QUERIES	D	24/04/24	PLANNING QUERIES	E	19/06/24	PLANNING QUERIES	CLIENT J & P KITE SITE LOT 634 ELIZABETH STREET TANUNDA BUILDING TYPE STORE	DRAWN BDD SCALE 1:750 SHEET BB001	DATE JANUARY 2024 NOTE DO NOT SCALE DRAWINGS. DIMENSIONS TAKE PRECEDENCE JOB NUMBER KITE
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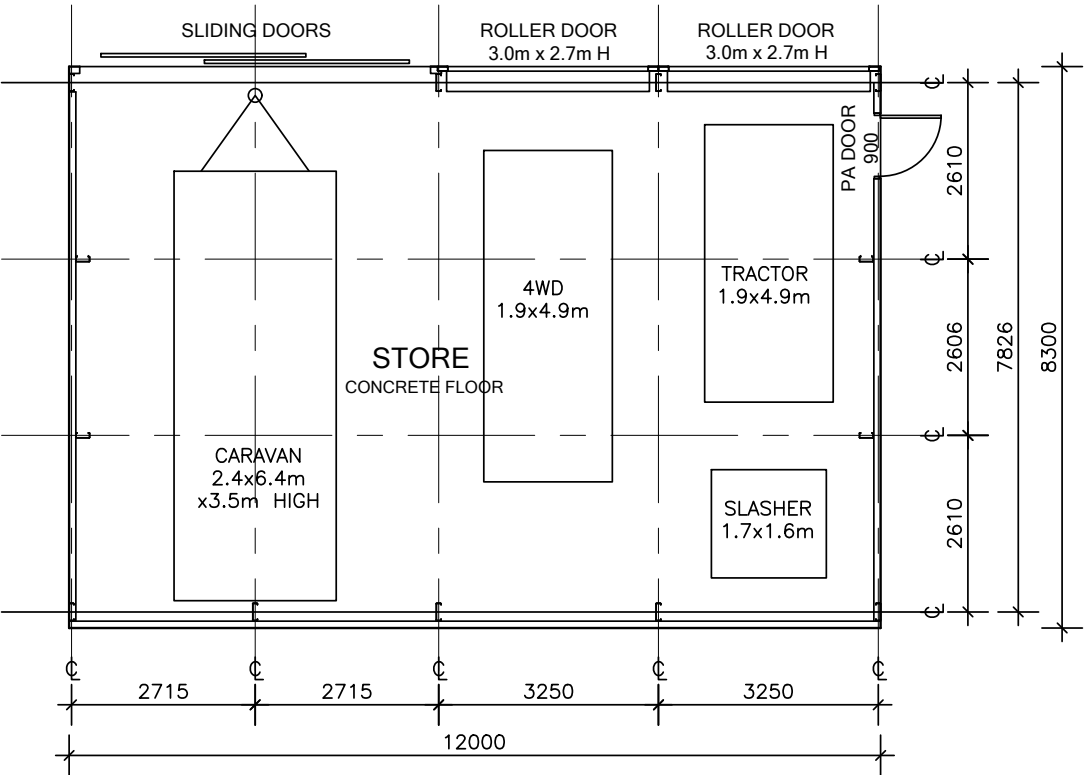




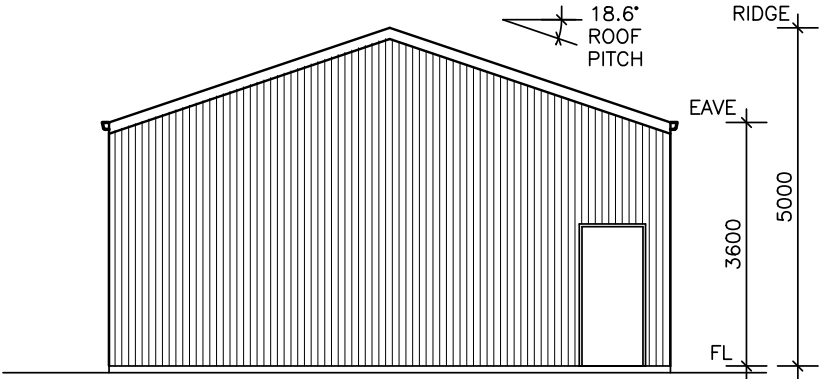
NORTH ELEVATION SCALE 1:100



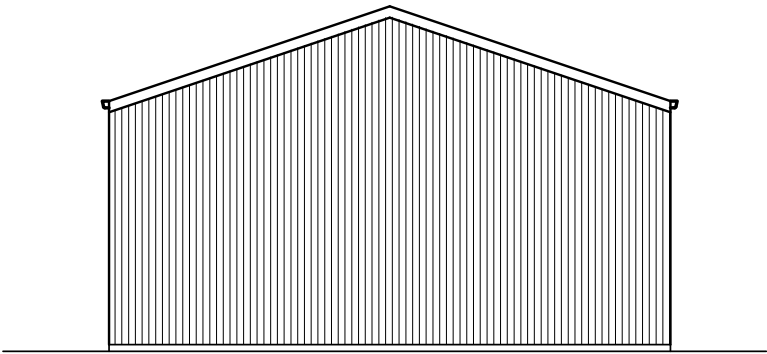
SOUTH ELEVATION SCALE 1:100



FLOOR PLAN SCALE 1:100
AMENDMENT 24/04/24: USE OF BUILDING INDICATED
AMENDMENT 19/06/24: LENGTH & WIDTH OF BUILDING REDUCED TO 12.0x8.3m (FROM 16.16x8.35m)

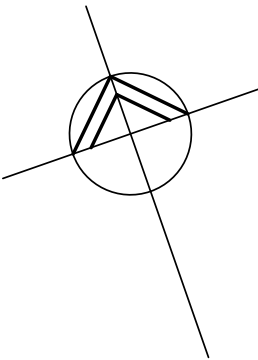


EAST ELEVATION SCALE 1:100
AMENDMENT 19/06/24: ROOF HEIGHT REDUCED TO 5.0m



WEST ELEVATION SCALE 1:100

EXTERNAL COLOURS & FINISHES	
ROOF SHEETING: CUSTOM ORB ROOF SHEETING IN "WOODLAND GREY" COLORBOND FINISH	
GUTTERS & BARGES: SELECTED METAL GUTTERS & METAL BARGES TO BE PROVIDED IN "WOODLAND GREY" COLORBOND FINISH	
EXTERNAL WALL FINISHES: CUSTOM ORB WALL CLADDING (VERTICAL) IN "WOODLAND GREY" COLORBOND FINISH	
PA DOOR FINISHES: METAL PA DOOR IN A "WOODLAND GREY" COLORBOND FINISH	
ROLLER DOORS & SLIDING DOORS: ROLLER DOORS & SLIDING DOORS IN A "WOODLAND GREY" COLORBOND FINISH	



OFFICE DETAILS
3/29 MAGNOLIA STREET, TANUNDA SA 5352
Phone: (08) 8563 3293 Fax: (08) 8563 2090
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NOTES
ALL DIMENSIONS AND LEVELS SHOWN ON DRAWINGS ARE IN MILLIMETRES (mm) UNLESS OTHERWISE INDICATED AND SHOULD BE VERIFIED ON SITE BEFORE COMMENCING BUILDING WORK. ANY DISCREPANCIES MUST BE REPORTED TO THIS OFFICE

AREAS:	m ²
STORE	99.60
TOTAL	99.60

CONTRACT APPROVAL
AS PER CONDITIONS OF CONTRACT, THESE DRAWINGS ARE A REPRESENTATION OF WHAT IS TO BE BUILT AND ITEMS NOT SHOWN ON THIS DOCUMENT OR IN SPECIFICATION ARE DEEMED NOT TO BE PART OF THE CONTRACT.

I/WE APPROVE THESE DRAWINGS CORRECT AS PER CONTRACT
SIGNATURE DATE
SIGNATURE DATE

ISSUE		
NO	DATE	ISSUED FOR
A	JAN '24	CLIENT REVIEW & APPROVAL
B	08/02/24	DA (PLANNING)
D	24/04/24	PLANNING QUERIES
E	19/06/24	PLANNING QUERIES

CLIENT NAME	
J & P KITE	
SITE	
LOT 634 ELIZABETH STREET TANUNDA	
BUILDING TYPE	
STORE	
DRAWN	DATE
BDD	JANUARY 2024
SCALE	NOTE
1:100	DO NOT SCALE DRAWINGS. DIMENSIONS TAKE PRECEDENCE.
SHEET	JOB NUMBER
BB101	KITE

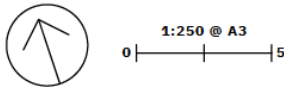


SITE ENLARGEMENT PLAN

Landscaping

Lot 634 Elizabeth Street
TANUNDA

for Bartsch Builders



Details of Representations

Application Summary

Application ID	24003640
Proposal	Construction of a store building (measuring 8.35m x 16.16m x 3.6m wall height)
Location	LOT 634 ELIZABETH ST TANUNDA SA 5352

Representations

Representor 1 - Maria Knott

Name	Maria Knott
Address	
Submission Date	27/05/2024 07:13 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 I believe the preposed store is in the wrong position, it should be straight behind the home of the person submitting this request. With that it would not block the view of the homes with in which the preposed plan of build is to take place. I believe it is unreasonable to expect three other homes to have their pre existing views of many years to be shut out with a store, while the preposed plan is to keep a nice view for themselves. It is all well and good to request to have a store built but not at the expense of the neighbours. I believe that part of the desire to live in these homes is the natural view that comes with the backyard. My other concern is the future health of the tree that already exists right next to the preposed store. It should be carefully considered as to weather the tree roots may be harmed during the build process.	

Attached Documents

Representations

Representor 2 - Ivan Feaviour

Name	Ivan Feaviour
Address	
Submission Date	03/06/2024 08:45 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 Please see attached representations as a separate file.	

Attached Documents

2024-06-03-PlanSA-Submission,-Lot-634-Elizabeth-Street,-Tanunda-Ivan-Feaviour-1371732.pdf

REPRESENTATION ON APPLICATION

Planning, Development and Infrastructure Act 2016

Applicant: BARTSCH BUILDERS PTY LTD

Development Number: 24006340

Nature of Development: NEW STORE SHED

Zone/Sub-zone/Overlay: Zones • Rural Living • Rural Neighbourhood Sub-zones (None) Overlays • Character Preservation District • Hazards (Flooding) • Hazards (Bushfire - Urban Interface) • 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 2,000 sqm) • Maximum Building Height (Levels) (Maximum building height is 1 level)

Subject Land: LOT 634 ELIZABETH STREET TANUNDA 5352.
CERTIFICATE OF TITLE 6287 FOLIO 27 (PARENT TITLE 6287/24) PLAN PARCEL F172085 AL634

My name: IVAN FEAVIOUR My phone number: [REDACTED]

My postal address: [REDACTED]

I am writing to express my objections to the proposed development at 6 Langmeil Road, Lot 634 Elizabeth Street, Tanunda 5352. The development, which is being assessed as a 'store' rather than a shed (outbuilding), includes a building with a wall height of 3.6m, an overall height to roof ridge of 5.55m, and a total floor area of 135m². It is set back from the northern property boundary by 3m and includes landscaping in the form of hedging and shrubs.

My objections are based on the following reasons:

1. ****Exceeds Maximum Floor Area****: The proposed development exceeds the maximum floor area of 120m² for sites of 2000m² or more as outlined in the guidelines for residential ancillary buildings. This could potentially lead to overdevelopment of the site and negatively impact the character of the area.
2. ****Potential Impact on Trees****: The proposed development could potentially impact a gum tree at the rear of one the properties. Although we understand this tree is not protected under the Planning, Development and Infrastructure Act, it may be remnant native vegetation and could potentially be protected under the Native Vegetation Act. The proposed building could encroach into the tree's protection zone, potentially causing harm to the tree and increasing the risk of limb drop.

3. **Visual Amenity and Overshadowing**: The proposed development could potentially have a significant visual impact due to its size and the dark 'woodland grey' colour of the wall and roof sheeting. It could also potentially cause overshadowing, particularly in winter, affecting the amenity of the backyard. This will affect the character of the neighbourhood and the enjoyment of the local environment by residents and our visitors.

4. **Community Character**: While the proposed development is largely in keeping with the Character Preservation District overlay, it is important to ensure that any development is sympathetic to the rural landscape and in keeping with the character of the area in terms of form, scale, siting, and design. The development could potentially change the character of the community, particularly if it is significantly larger or different in style than the surrounding residential homes and buildings.

5. **Noise Pollution**: The construction and use of the building could potentially increase noise levels in the area, particularly if it is used for activities that generate a lot of noise. This could disturb the peace and quiet of the neighbourhood and negatively impact the quality of life for residents.

6. **Impact on Local Wildlife**: The development could potentially disrupt local wildlife, particularly if it impacts native gum tree or other natural features. This could have a negative impact on local biodiversity.

7. **Drainage and Flooding**: The development could potentially affect local drainage patterns and increase the risk of flooding, particularly if it involves the removal of changes to the natural topography.

8. **Property Values**: The development could potentially negatively impact affect property values given it will change the character within the neighbourhood. On purchase of the property, we had understood there was to be no building on this land due to it being zoned as non-residential (farming/grazing land only), we believe this was in some way connected to the proximity of the flooding plain in this area.

If my objections to the development application in its current form are rejected, I ask that as an alternative proposition the size and location of the proposed store is reassessed given the proximity to my residence. In its current proposed location, it will negatively impact the utilisation of my own property for me and my family. The proposed store position is immediately at the rear of my property, it will greatly diminish the amount of natural light and warmth available for my vegetable plots which are an important aspect to my health, well-being and lifestyle. My family currently take pleasure and enjoy interacting with the sheep that come right up to our boundary fence line, we would lose this alongside our uninterrupted views across to the North Para River. This area is used to relax and meditate to help maintain mine and my families mental health. This will not be possible should the store be built where it is currently proposed. Moving the proposed site to the northern boundary of the owner's property would have lessened impact on me and my personal environment.

I urge PlanSA to consider these objections and the potential negative impacts of this development on the local environment and community. I believe that planning consent for this development should be refused or at best reconsidered in terms of the store location.

Thank you for your consideration.

Ivan Feaviour

Representations**Representor 3** - Marco Cirillo and Annika Lehmann

Name	Marco Cirillo and Annika Lehmann
Address	
Submission Date	04/06/2024 08:40 AM
Submission Source	Over Counter
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons Refer Attachments	

Attached Documents

Submission-Da24003640-CiriloAndALehmann-8335896.pdf
Appendix2ToSubmission-Da24003640-CiriloAndALehmann-8339787.pdf

REPRESENTATION ON APPLICATION

Planning, Development and Infrastructure Act 2016

Applicant:	M F Cirilo and A L Lehmann
Development Number:	24003640
Nature of Development:	Construction of a store building
Zone/Sub-zone/Overlay:	Barossa Regional Council
Subject Land:	Lot 634 Elizabeth Street, Tanunda, SA 5352
Contact Officer:	Click here to enter text.
Phone Number:	0408803447
Close Date:	04/06/2024

My name*: Marco Cirillo & Annika Lehmann	My phone number: [REDACTED]
My postal address*: [REDACTED]	My email: [REDACTED]

* Indicates mandatory information

My position is:

☐ I support the development

☐ I support the development with some concerns (detail below)

☒ I oppose the development

The specific reasons I believe that consent should be granted/refused are:

We are writing to express our strong objection to the proposed construction of a storage shed adjacent to our property at 13 Elizabeth Street, Tanunda. The implications of this project extend beyond mere disruption; they threaten the fundamental aspects of our quality of life, safety, and property value. Whilst we do not want the residents of 6 Langmeil Road to be unable to have a personal storage facility, we would like to see the size of this development reduced and/or moved to a more suitable location on Lot 634 Elizabeth Street, Tanunda. We request you to consider the following points before proceeding with this development:

Oversized Application: The size and placement of the proposed shed will undoubtedly block natural light and airflow to our property, adversely affecting the ambiance of our outdoor spaces and potentially harming vegetation. The plans submitted by Bartch Builders indicate the following measurements: (measuring 8.35m x 16.16m x 3.6m wall height). This is inconsistent with the plans that state the building measures 16.16m x 8.38m. The measurements result a total floor area of 135m². This far beyond the maximum floor area of 120m² (on sites of 2000m² or more) floor area for a standard 'store shed'. The building has a wall height of 3.6m and an overall height to roof ridge of 5.55m. This is also in excessive of the 5m pitch roof height of standard store sheds. We would encourage the applicants to move the proposed 'store shed' to a more suitable location on Lot 634 Elizabeth Street. We have included three suggested options in which this shed could be placed, resulting in minimal disturbance. (Please see appendices) The current proposed developments presence would disrupt the visual harmony of our neighbourhood. Its size, design, and placement are incongruent with the surrounding architecture and landscaping, creating an eyesore that diminishes the overall appeal of the area. We do not wish to have



Government of South Australia
Department for Trade
and Investment

an oversized structure on the boundary of our property.

Negative Environmental Impact & Light, Noise and Airflow Pollution: The construction materials and design of the proposed shed raise concerns about their environmental impact, including increased stormwater runoff, habitat disruptions for wildlife, and negative urban effects due to the shed's dark colours and oversized dimensions, as stated above. Such environmental degradation goes against the principles of sustainable development and should not be overlooked in the approval process. The dark colour will cause excessive heat radiation in the summer months, which can kill vegetation and inhibit the local wildlife population. The applicant has stated that Sweet Viburnum hedging has been selected to be planted between the 'store shed' and our fence line. The applications submitted by Mr. Nick Wilson of MasterPlan SA Pty Ltd has admitted there will be "low-light conditions" because of the structure. Mr. Wildon has also admitted to "limited space between the proposed building and the fence line", in the concept. This will compete with the existing flora of the neighbouring homes. Additionally, the intended use of the shed for noisy mechanical activities, such as building and recreational cars and caravans, poses a disturbance to the peace and quiet of our neighbourhood, particularly given its proximity to our home and outdoor living areas. We request formal physical shadow and model forecasting carried out from our backyard before the application is approved.

Threat to Native Tree: Our property is home to a magnificent native Ghost-Gum tree (*Eucalyptus pauciflora*) with a base diameter far beyond 1 meter. Buildings should be kept out of a tree's 'tree protection zone' and certainly out of its 'structural root zone'. A tree of this size would typically require a TPZ (tree protection zone) of 10m minimum radius from trunk. The proposed 'store shed' would impede the root zone of the tree, causing stress from lack of water, light, and volatile tunnelled winds. The tree is clearly visible from the site plan drawn by Bartch Builders. This could endanger the health and stability of the tree, leading to limb drop (in which it is prone to) or even the potential collapse of the tree itself, posing a significant risk to lives and property in the vicinity. The tree protection zone will be greater than 3m from the trunk and so the proposed building will be encroaching into this zone.

Safety Hazards and Regulatory Concerns: The proposed storage shed, if left unmaintained, could pose safety hazards, structural collapse, or fire risk. Its proximity to property lines also increases the risk of property damage in severe weather conditions and will be problematical for emergency services to gain access to. Moreover, there are concerns regarding the legality of the fence between our properties, which may violate setback distances and height restrictions, necessitating further scrutiny before proceeding with the project. The sewage systems for the adjoining properties of Lot 634 Elizabeth Street runs behind the fence line in a westerly direction. This proposed shed could cause serious implications to these sewage/waste pipes.

Mental Health Grounds: If this application is approved, the severe mental health implications this will project on Ms. Annika Lehmann, a resident of 13 Elizabeth Street, who has a recorded medical history of debilitating mental health issues. The construction of the storage shed, which would block natural light, overshadowing and obstruct views, could exacerbate her conditions, leading to potential relapses or even suicidal ideation. Natural light plays a crucial role in managing depressive tendencies, and any obstruction to it could have devastating consequences for Ms. Lehmann's mental health.

When 13 Elizabeth Street Tanunda was purchased in October 2011, we did so under the intelligence that the neighbouring property to the North would "never be developed upon." We invested considerable resources in enhancing our property, including the construction of a deck to enjoy the unobstructed vista. The proposed storage shed will obstruct this view, significantly depreciating our property value and diminishing our quality of life. Moreover, the shed's placement compromises our privacy, especially for our young daughters, whose bedrooms face directly towards it. Their sense of security and privacy will be compromised, affecting their well-being and daily activities. They should not feel that their privacy is compromised for the sake of a 'store shed' in this location.

Considering these significant concerns, we urge you to reconsider the proposed construction of the storage shed adjacent to our property. The potential consequences of this project on our property value, privacy, mental health, environmental sustainability, and the safety of our community are too immense to be ignored. We ask that the consideration is made in the welfare of residents and the integrity of our

neighbourhood over the interests of a single development project.

Thank you for your attention regarding our application. We trust that you will give these objections the serious consideration they deserve and take appropriate action to address them.

Sincerely,

Marco Cirillo & Annika Lehmann

Please see appendices – Alternative 'Store Shed' locations and summary.

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why consent should be granted or refused; and
- comment only on the performance-based elements (or aspects) of the proposal, which does not include the:

I: ☒ wish to be heard in support of my submission*
☐ do not wish to be heard in support of my submission

By: ☒ appearing personally
☐ being represented by the following person: [Click here to enter text.](#)

**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*

Signature:

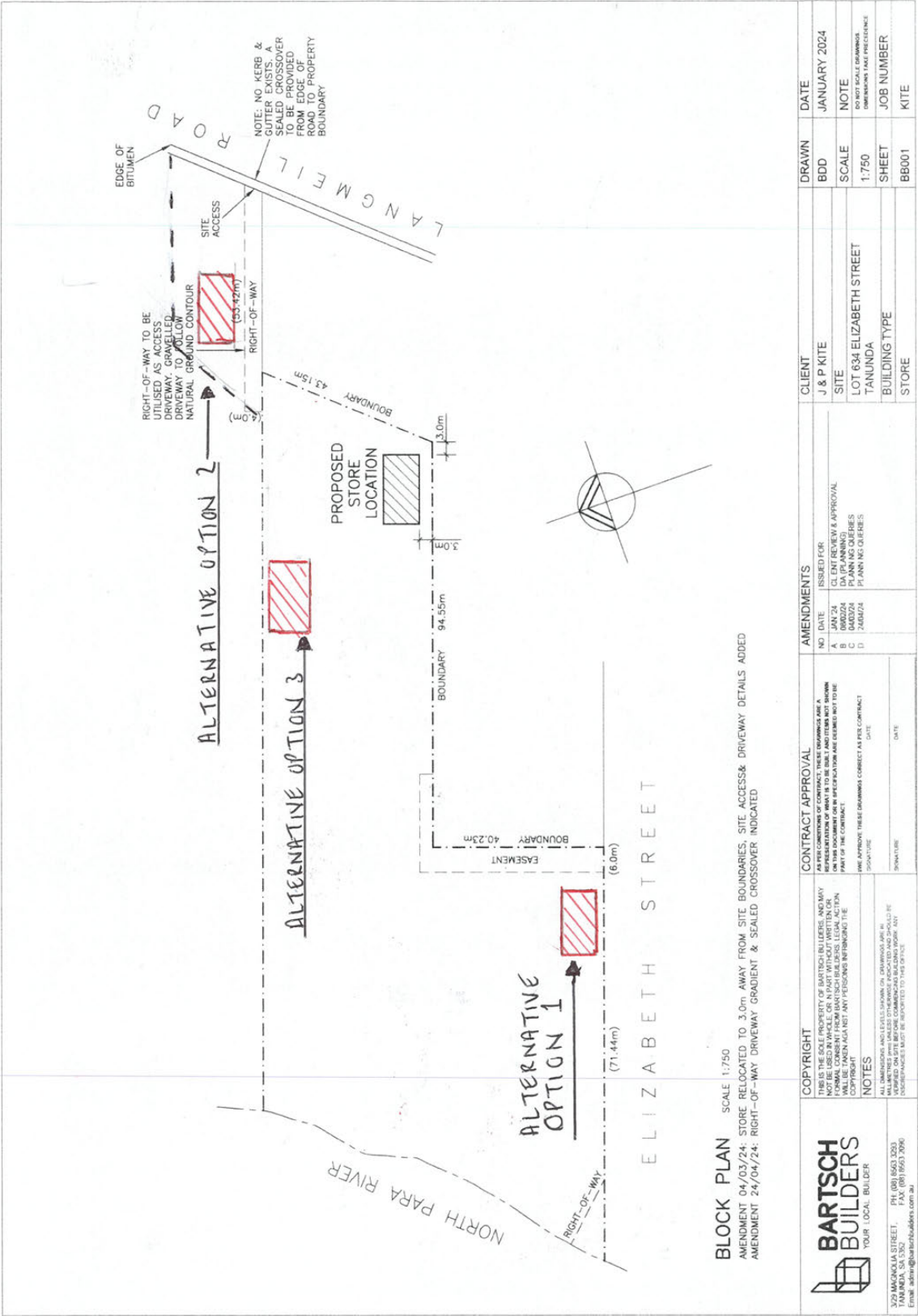


Date: 03 June 2024

Return Address: [REDACTED]

Email: [REDACTED]

Complete online submission: plan.sa.gov.au/have_your_say/notified_developments



Appendix 1: Application 24003640 – Lot 634 Elizabeth Street Tanunda SA 5352 – Store Shed Application

Applicants: M F Cirillo and A L Lehmann

Alternative Locations for 'Store Shed':

Option 1:

Situated at the westernmost end of Elizabeth Street in Tanunda, accessible from Elizabeth Street. The proposed store shed will harmonize with the streetscape of adjacent properties at 11, 13, 15, 17 & 19, 21 Elizabeth Street. Positioned above the 100-year flood zone, this location offers easy access while minimizing disruption to wildlife, ground development, and erosion.

Option 2:

Redraw the boundaries of Lot 634 to incorporate the original owners and those of 10/12 and 6 Langmeil Street. The store shed could be situated along the frontage of Langmeil Road, north of the current dwelling at 6 Langmeil Road. This relocation ensures convenient access for shed owners while mitigating noise and environmental pollution in the proposed location.

Option 3:

Relocate the store shed to the northern boundary of Lot 634 Elizabeth Street. This placement facilitates access for owners of 6 Langmeil Road without encroaching on neighbouring developments or causing adverse effects on properties. Positioned away from residential areas on Elizabeth Street and Langmeil Street, this option minimises fire hazards and facilitates emergency service access. Owners can easily maintain and clean debris around the building in this location, minimising risk of fire and negative environmental effects.

Appendix 2: Application 24003640 – Lot 634 Elizabeth Street Tanunda SA 5352 – Store Shed Application

Applicants: M F Cirillo and A L Lehmann

Imposed image of proposed 'Store Shed Application

We enlisted the assistance of a Barossa-based architect who provided the scale and dimensions of the proposed Store Shed. This was imposed into an image taken from 13 Elizabeth Street.

Please note how badly this will affect our property. The negative environmental impacts. The fire and danger that it could cause. It could have a negative impact on the local environment. Additionally, if the shed obstructs natural drainage patterns or disrupts local ecosystems, it could further harm the environment. The presence of a large, enclosed structure like a storage shed on your property boundary could indeed create a sense of confinement or oppression, particularly if it obstructs views or blocks natural light.

In areas prone to wildfires, having combustible structures near your home can significantly increase the risk of fire damage.

We strongly request that the owners of 6 Langemeil Road consider these potential negative impacts. And therefore, to reassess the proposed location and design of the storage shed

Kind regards,

Marco Cirillo and Annika Lehmann







2 July 2024

The Barossa Council
43-51 Tanunda Road,
Nurioopta SA 5355

Attention: Mr. Thomas Marshall
Our Ref: 53887

Dear Tom

**Response to Representations – Development Application 24003640
at Lot 634 Elizabeth Street, Tanunda**

On behalf of Batsch Builders Pty Ltd ('our client' or 'the applicant'), we refer to the representations received in respect to the above-mentioned development application involving a proposed storage building for domestic items and vehicles associated with the existing dwelling at 6 Langmeil Road.

Having reviewed the documentation forwarded by Council following the public notification period of the proposed development, we note that three (3) valid representations were received. All three (3) of the representations do not support the development, and two (2) representors indicate that they wish to be heard. The representors comprise:

- Maria Knott – [REDACTED]
- Ivan Feaviour – [REDACTED]
- Mario Cirillo and Annika Lehmann – [REDACTED]

The representations raised similar issues in respect to the proposal. This response has considered the issues raised and provides a response to those matters which are considered relevant to the assessment of the application. The issues are summarised as follows:

- Visual impact;
- Loss of views; and
- Impact on vegetation.

33 Carrington Street
Adelaide SA 5000
(08) 8193 5600
www.masterplan.com.au

Offices in SA | NT | QLD
ISO 9001:2015 Certified
ABN 30 007 755 277
plan@masterplan.com.au



In response to the representations, amended plans have been prepared and are **enclosed** with this correspondence. The amendments include an increase in setback to the southern boundary from 3.0 metres to 4.0 metres, a reduction in the building's footprint from 134.94 square metres to 99.60 square metres, and a reduced overall building height from 5.55 metres to 5.0 metres.

We respond to the issues raised under the headings **below**.

Visual Impact

The representors raised concerns regarding the potential visual impact of the proposed shed on the character of the locality, highlighting its form, scale, siting and design.

Storage buildings are a common feature in the locality, and the design and materiality of the proposed building accords with the relevant provisions of the Planning and Design Code. Notwithstanding, the concerns regarding the form and scale are acknowledged and the amended plans (**enclosed**) reflect a reduction in footprint, overall height and increased setbacks.

Overlay, the proposed shed is sited in proximity to other built form (including the landowner's dwelling it is associated with at 6 Langmeil Road), vegetation and is of a building height that does not exceed the ridgeline of the adjacent dwellings. As such, the proposed shed will have minimal visual presence from Elizabeth Street and Langmeil Street, and thus it is not expected to impact on character as viewed from publicly accessible vantage points.

Loss of Views

Concerns regarding the potential obstruction of views were raised by all three (3) representors in relation to the location and scale of the proposed building. We note that two (2) of the representors reside at 11 Elizabeth Street and 13 Elizabeth Street, which directly adjoin the development site to the south. The land at 42 Elizabeth Street will be unaffected in this respect.

We note that the proposal has been amended to reflect a reduced footprint and building height, and an increased setback from the southern boundary (see **enclosed**). Whilst the proposal has been classified as a 'Store', the design has been amended to comply with the provisions of PO/DPF 7.1 of the Zone, which pertain to Ancillary Buildings and Structures, but nevertheless provide relevant design and siting guidance.



With respect to the location of the building, this has been determined by the applicant to meet their required needs and to not compromise the useability of the land. Although the concerns of the representors are acknowledged, the assessment of the application is limited to the controls of the Planning and Design Code, which as per the **enclosed** plans, the proposed building complies with. The adjoining landowners cannot reasonably expect to constrain the development of the subject allotment beyond what is contemplated by the relevant planning controls.

We note that the Planning and Design Code policy does not specifically seek to protect views. The policies within the Planning and Design Code seek to ensure that new development is designed and sited in such a way that the “*amenity*” of adjoining properties is protected – whether the amenity of a property extends to views from one parcel of private land into another is contested. To the contrary, typically planning policy seeks to limit the opportunity for views into other land in order to safeguard the reasonable expectation for privacy between land parcels.

Generally, when considering amenity effects, the appropriate test is whether the potential disruption to amenity is deemed to be “*unreasonable*” or not. Amenity encompasses various factors, such as internal building design, outlook, access to open space, privacy, and natural light and ventilation. Taking a holistic view of the Representors properties, it seems highly improbable that the effect the proposed built form may have on their views would be such a significant imposition that it could undermine all the elements contributing to their overall amenity to extent that could be deemed unreasonable.

Each of the representor’s properties maintain amenity through the design and siting of their own dwellings, outlook to their own open space, and landscaping within their own properties. The proposed development will not limit access to natural light or ventilation for these properties or effect the sense of spaciousness afforded by their own property layout.

Whilst we appreciate that views over the subject land may be an element they presently enjoy, it is an unrealistic and unreasonable expectation that the subject land should remain undeveloped, or be constrained in its development, in order to maintain this existing interface over land that they have no control over or interest in.

The development has been designed in accordance with guiding design and siting policy of the Zone. We therefore consider it an implausible proposition that the development of the land in accordance with the policy can justifiably be characterised as having a “*unreasonable*” effect on their amenity.

Impact on Vegetation

All three (3) representors raised concerns about the potential impact of the proposed building on vegetation, particularly on the tree located at the rear of the property at 13 Elizabeth Street.



We note in the first instance, that the Regulated and Significant Tree Overlay does not apply over the land. Furthermore, regarding the tree's potential status as Native, we have obtained historical aerial imagery (see **Figure 1** and **Figure 2**) that indicates adjacent vegetation is planted and therefore not classified as native vegetation under the *Native Vegetation Act 1991*.



Figure 1: Historical Aerial Imagery January 1949.



Figure 2: Historical Aerial Imagery December 1986

Notwithstanding the tree's status, we consider the likelihood for the health of the tree to be affected is suitably minimised by the appropriate separation of the built form from the adjacent vegetation by some 4.0 metres.

**Closing**

Having regard to the existing character of the site and locality, the proposed development and relevant provisions of the Planning and Design Code, the proposal is considered to be an appropriate development of the subject site that warrants the granting of Planning Consent.

The concerns expressed by the representors have been acknowledged and the proposal has been amended to minimise the potential effect on adjoining land. On balance, it is considered that the proposal will not unreasonably impact the representors' properties, or the locality more generally.

We are of the view that the response herein, suitably responds to and/or resolves the stated concerns.

It is noted that two (2) of the representors wish to be heard at the Council Assessment Panel (CAP) meeting. Accordingly, please confirm the date and time that the application will be considered by the CAP at the earliest opportunity.

Yours sincerely

Nick Wilson
MasterPlan SA Pty Ltd

enc: Amended Plans and Elevations.

PROPOSED STORE FOR J & P KITE
AT LOT 634 ELIZABETH STREET, TANUNDA

ISSUED FOR:
DEVELOPMENT APPLICATION (PLANNING) - 08/02/2024

DRAWING LIST

DWG No.	DRAWING CONTENT
BB000	DRAWING LIST
BB001	BLOCK PLAN
BB002	SITE PLAN
BB101	FLOOR PLAN & ELEVATIONS



OFFICE DETAILS
3/29 MAGNOLIA STREET, TANUNDA SA 5352
Phone: (08) 8563 3293 Fax: (08) 8563 2090
Email: admin@bartschbuilders.com.au

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NOTES
BUSHFIRE PROTECTION:
SITE LOCATION: SITE IS LOCATED WITHIN A TOWNSHIP AREA THAT IS IDENTIFIED BY THE PLAN SA PLANNING & DESIGN CODE AS BEING "URBAN INTERFACE"
BUILDING CONSTRUCTION REQUIREMENTS: NOT APPLICABLE TO THIS PROJECT

CONTRACT APPROVAL
AS PER CONDITIONS OF CONTRACT, THESE DRAWINGS ARE A REPRESENTATION OF WHAT IS TO BE BUILT AND ITEMS NOT SHOWN ON THIS DOCUMENT OR IN SPECIFICATION ARE DEEMED NOT TO BE PART OF THE CONTRACT.

I/WE APPROVE THESE DRAWINGS CORRECT AS PER CONTRACT

SIGNATURE DATE

SIGNATURE DATE

CLIENT NAME

J & P KITE

SITE

LOT 634 ELIZABETH STREET
TANUNDA

BUILDING TYPE

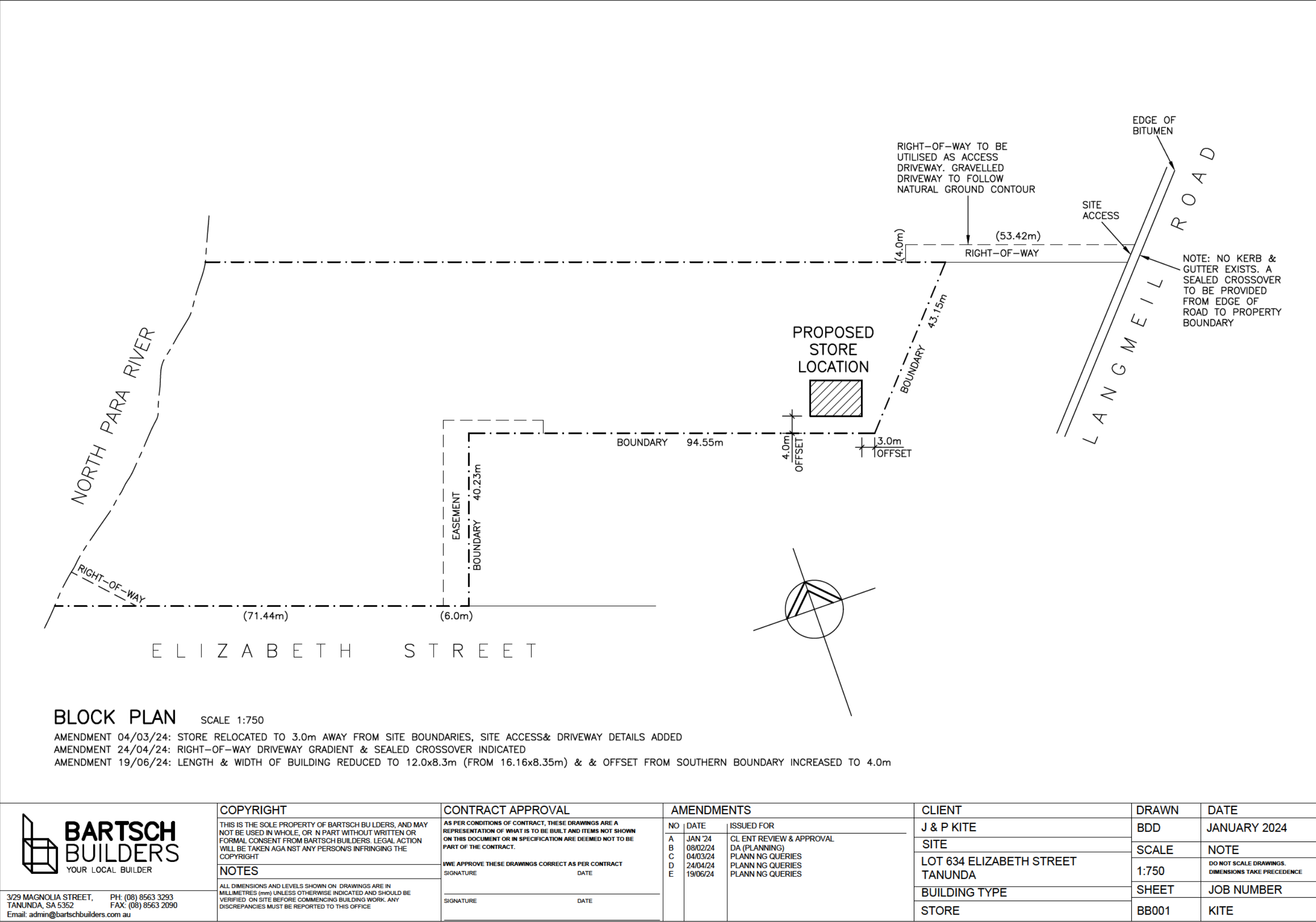
STORE

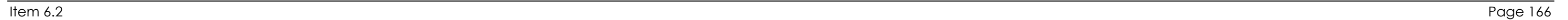
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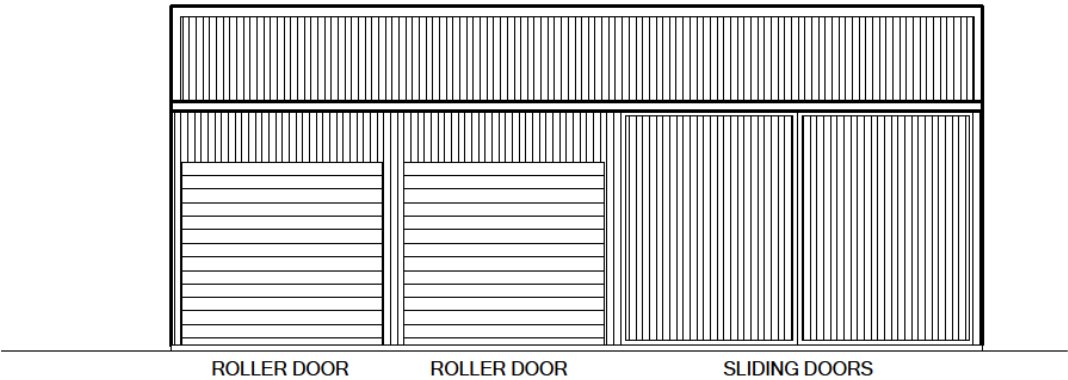
BDD JANUARY 2024

SHEET JOB NUMBER

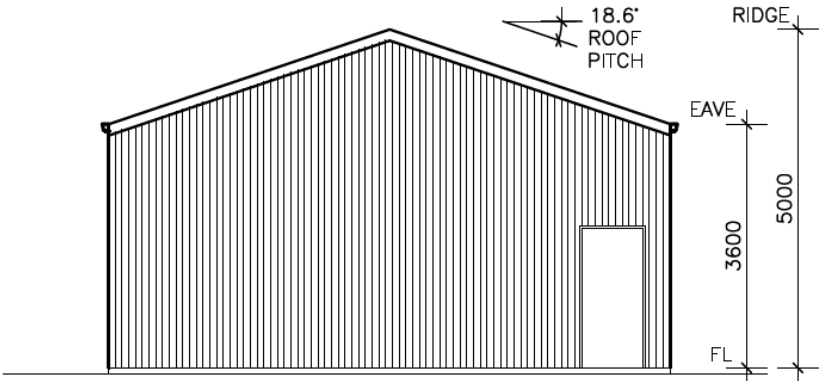
BB000 KITE



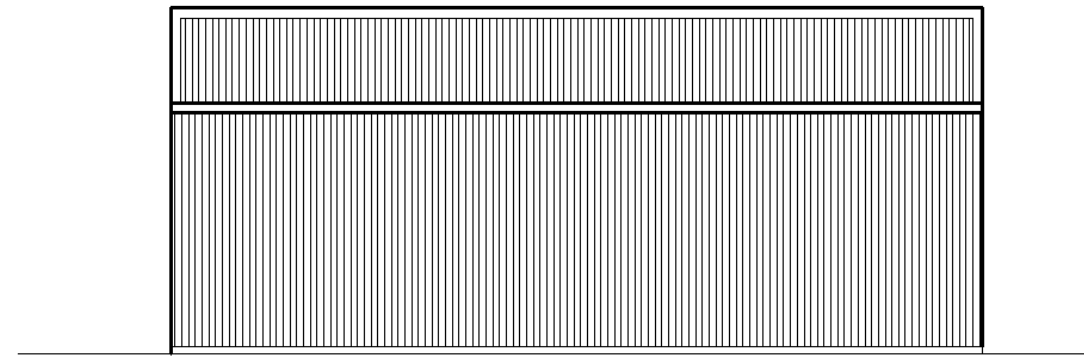




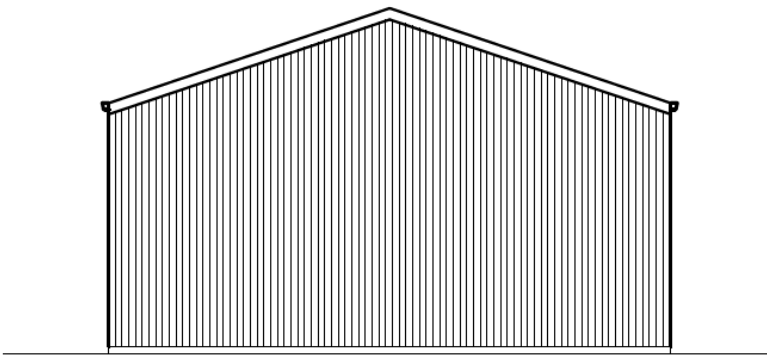
NORTH ELEVATION SCALE 1:100



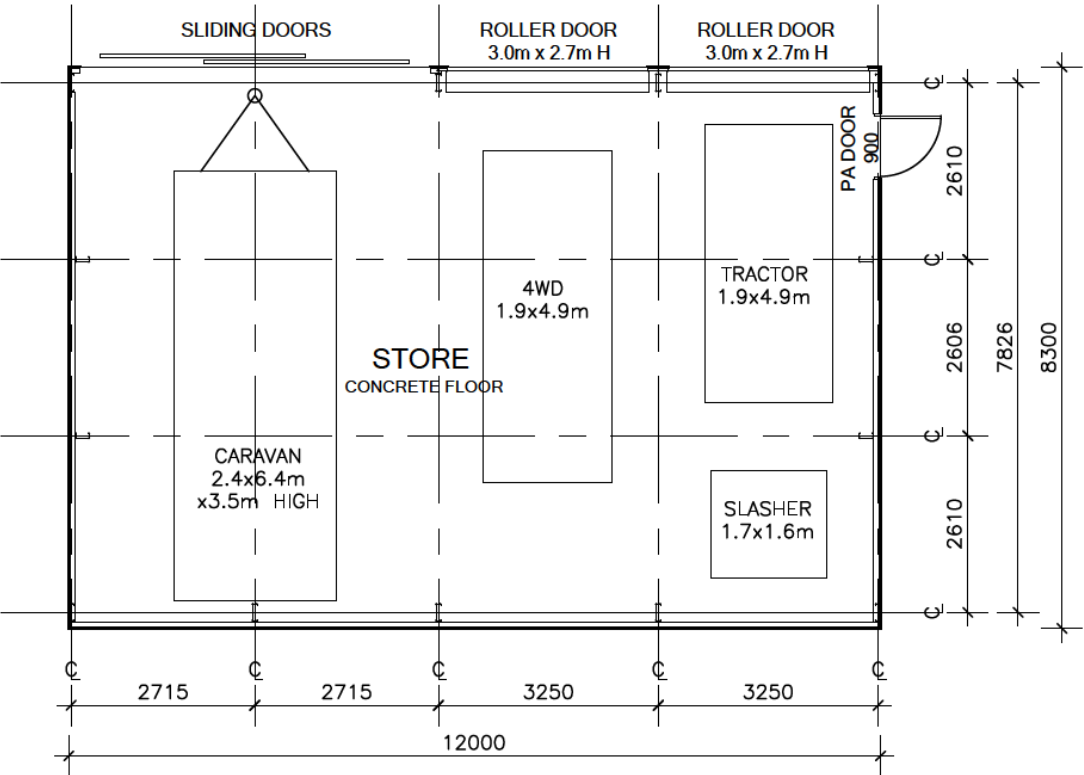
EAST ELEVATION SCALE 1:100
AMENDMENT 19/06/24: ROOF HEIGHT REDUCED TO 5.0m



SOUTH ELEVATION SCALE 1:100

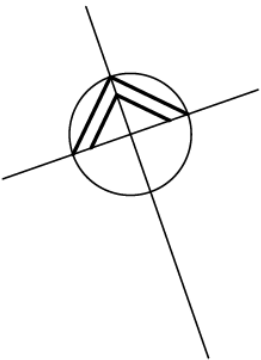


WEST ELEVATION SCALE 1:100



FLOOR PLAN SCALE 1:100
AMENDMENT 24/04/24: USE OF BUILDING INDICATED
AMENDMENT 19/06/24: LENGTH & WIDTH OF BUILDING REDUCED TO 12.0x8.3m (FROM 16.16x8.35m)

EXTERNAL COLOURS & FINISHES	
ROOF SHEETING: CUSTOM ORB ROOF SHEETING IN "WOODLAND GREY" COLORBOND FINISH	
GUTTERS & BARGES: SELECTED METAL GUTTERS & METAL BARGES TO BE PROVIDED IN "WOODLAND GREY" COLORBOND FINISH	
EXTERNAL WALL FINISHES: CUSTOM ORB WALL CLADDING (VERTICAL) IN "WOODLAND GREY" COLORBOND FINISH	
PA DOOR FINISHES: METAL PA DOOR IN A "WOODLAND GREY" COLORBOND FINISH	
ROLLER DOORS & SLIDING DOORS: ROLLER DOORS & SLIDING DOORS IN A "WOODLAND GREY" COLORBOND FINISH	



OFFICE DETAILS
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NOTES
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AREAS:	m ²
STORE	99.60
TOTAL	99.60

CONTRACT APPROVAL
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I/WE APPROVE THESE DRAWINGS CORRECT AS PER CONTRACT
SIGNATURE DATE
SIGNATURE DATE

ISSUE		
NO	DATE	ISSUED FOR
A	JAN '24	CLIENT REVIEW & APPROVAL
B	08/02/24	DA (PLANNING)
D	24/04/24	PLANNING QUERIES
E	19/06/24	PLANNING QUERIES

CLIENT NAME	
J & P KITE	
SITE	
LOT 634 ELIZABETH STREET TANUNDA	
BUILDING TYPE	
STORE	
DRAWN	DATE
BDD	JANUARY 2024
SCALE	NOTE
1:100	DO NOT SCALE DRAWINGS. DIMENSIONS TAKE PRECEDENCE.
SHEET	JOB NUMBER
BB101	KITE

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's Quarterly Report- April 2024 to June 2024

BACKGROUND

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

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

This report provides a quarterly report for the period April to June 2024.

REPORT

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

The delegations provide for:

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

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

	Number
Planning Applications Lodged	177
Planning Applications determined (excluding Private Certification)	129
Notified Applications	19
Determined Planning Consents by Relevant Authority (excluding Private Certification):	
• BAP	3
• Assessment Manager (AM)	118
• AM for BAP	8

The number of development applications that were notified during this period was 19. 118 development applications were determined by the Assessment Manager. Three (3) development applications were determined by the Panel and eight (8) 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 23033051 – 3C Murray Street Tanunda

Construction of a single storey group dwelling, combined fence and retaining wall structure (exceeding 2.1 metres in height) and partial demolition of the existing outbuilding

Representations – One (nil required to be heard)

Decision – Planning Consent Granted 7 May 2024 subject to conditions

Development Application 23035936 – 41 Murray Street Angaston

Alterations and additions to existing Local Heritage Place Hotel (Brauhaus) comprising bottle shop extension (including roofline extension over drive through; new walk-in cool room and keg storage; new storage area; new roof mounted plant store) and installation of roof mounted solar photovoltaic panels

Representations – One (nil required to be heard)

Decision – Planning Consent Granted 19 June 2024 subject to conditions

Development Application 23037010 – 14 Maria Street Tanunda

Building additions and alterations to an existing education facility involving the demolition of an existing ancillary building, construction of a verandah (canopy), installation of various fencing and altered carparking area and kiss and drop lane

Representations – Two (nil required to be heard)

Decision – Planning Consent Granted 3 May 2024 subject to conditions

Development Application 23038061 – 102 Stott Highway Angaston

Alterations & additions to a State Heritage Place and conversion to tourist accommodation; Alterations and additions include demolition of garage, alteration to internal floor plan, two dwelling additions in the form of two additional bathrooms, alterations to the external walls

Representations – Nil

Decision – Planning Consent Granted 2 April 2024 subject to conditions

Development Application 24000639 – 6 Wilberth Street Tanunda

Expansion to an existing shed used for storage in association with on-site business

Representations – Nil

Decision – Planning Consent Granted 1 April 2024 subject to conditions

Development Application 24002732 – 13 Heuzenroeder Road Tanunda

Change of use from dwelling to shared use comprising tourist accommodation and dwelling

Representations – Nil

Decision – Planning Consent Granted 17 April 2024 subject to condition

Development Application 24002907 – 177 Cockatoo Lane Sandy Creek

Variation of Development Application 22037411 - Alteration of Shed 16 by (i) replacement of the existing structure with a new structure, (ii) widening of the approved shed to 16.18m in width (increase of 3.93m), (iii) increasing the wall height to 3m from 2.38m and (iv) increasing overall height by 1.2m; Alteration of Shed 17 by (i) replacement of the existing structure with a new structure, (ii) widening of the approved shed to 16.2m in width (increase of 480mm), (iii) increasing the wall height to 3m from 1.863m and (iv) increasing the overall height by 1.2m

Representations – Nil

Decision – Planning Consent Granted 4 April 2024 subject to condition

Development Application 24008136 – Lot 93 Melrose Street Mount Pleasant

Installation of 4 replacement lighting towers (25m high)

Representations – NIL

Decision – Planning Consent Granted 15 May 2024 subject to condition

Deemed Consents

No deemed consent notices have been received for this period.

CONCLUSION

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

RECOMMENDATION

That the report be received.

10. REPORTS – CONFIDENTIAL

Nil.

11. NEXT MEETING

Tuesday 3 September 2024 commencing at 5.00 pm

12. CLOSURE OF MEETING

The Presiding Member will declare the meeting closed.