

CAP MEETING – 13 MARCH 2024
ITEM 8.3

DEVELOPMENT NO.:	23024780
APPLICANT:	Apex Home Improvements
ADDRESS:	126 TREGARTHEN RD ASHTON, SA 5137
NATURE OF DEVELOPMENT:	Winery building and verandah
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Productive Rural Landscape Zone <p>Overlays:</p> <ul style="list-style-type: none"> • Environment and Food Production Area • Hazards (Bushfire - Medium Risk) • Heritage Adjacency • Hazards (Flooding - Evidence Required) • Limited Land Division • Mount Lofty Ranges Water Supply Catchment (Area 1) • Native Vegetation • Prescribed Water Resources Area <p>Technical Numeric Variation</p> <ul style="list-style-type: none"> • N/A
LODGEMENT DATE:	10 October 2023
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2023.13
CATEGORY OF DEVELOPMENT:	Code Assessed – Performance Assessed
NOTIFICATION:	Yes 8 January 2024 – 29 January 2024
RECOMMENDING OFFICER:	Sebastien Paraskevopoulos Statutory Planner
REFERRALS STATUTORY:	Environment Protection Authority
REFERRALS NON-STATUTORY:	Nil

CONTENTS:

ATTACHMENT 1:	Application Documents	ATTACHMENT 5:	Response to Representations
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DETAILED DESCRIPTION OF PROPOSAL:

The application proposes the construction of a shed with an attached verandah and associated earthworks. The intended purpose of the building would be to increase storage capacity and efficiency in association with the existing winery on site. There is no associated increase to the tonnes of grapes processed per annum, inclusion of bottling or other activities in this application.

The proposed shed has a total floor area of 297.8m², with the attached verandah adding an additional 50.1 m² to the combined size of the structure. The maximum building height is 5.17m to the roof peak, with 4m high walls. The verandah is in the form of a 'lean-to', with a post height of 3.7m. The roof of the buildings will be clad with corrugated iron in Colorbond 'Manor Red', with the walls of the shed to be clad with 'Lo-Rib' steel in Colorbond 'Woodland Grey'.

The proposal is located in the northeast corner of the subject land, in proximity of the existing winery and cellar door complex. It has setbacks of 5m to the north boundary and 3.6m to the nearest east boundary. It would be sited behind the front building lines of the existing cellar door and winery buildings in relation to Tregarthen Road and is approximately 120m from the primary street frontage.

Excavation up to 1.65m in depth to the northeast of the building envelope is anticipated to achieve a level site area, with minor fill required to the opposite corner to provide an even transition to the internal driveway which runs adjacent the proposed building.

BACKGROUND:

The subject land is home to the Ashton Hills Vineyard, which was established in 1982. The estate processed approximately 20 tonnes of grapes annually up until 2022, when the most recent Development Approval was granted to increase this amount to 120 tonnes. All land use applications on record relate to the viticulture and winery uses conducted on the subject land.

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
23/02/2022	20/1178/473 (Transitional DA 22002142)	Variation to Development Authorisation 20/663/473 to change the use of the Horticultural Building to a Winery together with the change of use of existing sheds to a Winery (120 tonne crush), retaining walls 1.35m & associated earthworks
02/08/2021	20/663/473	Horticultural building in association with existing vineyard, retaining wall (max height 1.3m) and associated earthworks
21/09/2018	18/748/473	Conversion of portion of winery building into sanitary facilities
02/11/2020	17/70/473	Deck addition to existing cellar door (maximum 720mm height)
22/07/2015	15/424/473	Boundary realignment (2 into 2)

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SUBJECT LAND & LOCALITY:

Location reference: 126 Tregarthen Road, Ashton

Title ref.: 6164/803 **Plan Parcel:** DP:111019

Site Description:

The subject land resembles a rectangular shape with an upper northeast corner cut off. It has a total site area of 4.47ha, and a frontage along Tregarthen Road of approximately 234m, which extends to the rear boundary to a for a distance of 212m.

There are three primary buildings present on the site. They include the cellar door, the main winery building, and an associated barrel storage shed. These buildings are grouped in direct proximity of each other to the north of the land.

The slope of the land is of a consistent gradient across the full extent of the site, descending northeast to southwest by approximately 1-in-10 across the proposed building footprint.

There are many trees on the subject land, including several where the proposed building would be sited. None of these trees are protected, however, as the Regulated and Significant Tree Overlay is not applicable, while historic aerial mapping indicates that indigenous native vegetation has long been removed.

The land is not serviced by SA Water or any sewerage infrastructure. Wastewater generated by the winery is directed to an on-site self-bunded holding tank with a capacity of 7000L.

Locality

The locality is characterised by primary production land uses, predominantly in the form of horticulture on moderate to large allotments up to ten hectares in size. Rural living activities where allotments are smaller are also present in the locality. Buildings are unobtrusively located and well set back from the roadside, which contributes to a scenically attractive rural character.

There is one local heritage listed house in the locality, approximately 130m north of the subject land, at 147 Tregarthen Road.

The subject land is identified on **Attachment 2 – Subject Land Map**. The zoning is shown in **Attachment 3 – Zoning Map**.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Winery building (shed): Code Assessed - Performance Assessed
Verandah: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
The Planning and Design Code provides no 'Accepted' or 'Deemed to Satisfy' pathway for the above elements –nor are they categorised as 'Restricted' under Table 4 of the zone. Therefore, as per sections 105 (b) and 107 of the Planning Development & Infrastructure Act 2016, the development is categorised as Code Assessed – Performance Assessed.

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PUBLIC NOTIFICATION

- **REASON**

Winery development is not excluded under Table 5 - Procedural Matters (PM) – Notification of the Productive Rural Landscape Zone.

Public Notification period – 8 January to 29 January 2024

- **LIST OF REPRESENTATIONS**

One (1) representation in support of the development (with some concerns) was received during the public notification period.

Representor Name	Representor's Property Address	Wishes to be heard (Y/N)	Nominated Speaker (if relevant)
CDN Thomas	154 Tregarthen Road, Ashton	Yes	

- **SUMMARY**

The issues in the representation can be summarised as follows:

- Concern with operators' compliance with previous development authorisations
- Amenity impacts associated with the winery (including smell and noise)
- Size of proposal and concern that unapproved uses (i.e. increased crush or on-site bottling) will be undertaken
- Scepticism of location of existing barrel storage shed and proposal's 5m set-back to north boundary

A copy of the representation is included as **Attachment 4 – Representations** and the applicant's response is provided in **Attachment 5 – Response to Representations**.

AGENCY REFERRALS

- Environment Protection Authority (EPA)

The proposal was referred as per Part 9.1 (Food production and animal and plant product processing - Wineries or Distilleries) of the Planning and Design Code.

As part of their assessment, the EPA investigated potential impacts which could arise from the proposal in relation to noise, water quality, wastewater, stormwater, and waste management. While these matters were considered, the authority confirmed that they are ultimately managed via their existing license conditions as part of previous development application number 20/1178/473.

Ultimately, their referral advice concluded that risk of environmental impacts arising from the proposed development is acceptable.

No further conditions were directed, although two notes were recommended (refer recommended notes 7 and 8).

A copy of the referral advice is included as **Attachment 6 – Referral Response**.

INTERNAL REFERRALS

Nil

PLANNING ASSESSMENT

Desired outcomes

Desired outcomes are policies designed to aid the interpretation of performance outcomes by setting a general policy agenda for a zone, subzone, overlay or general development policies module. Where a relevant authority is uncertain as to whether or how a performance outcome applies to a development, the desired outcome(s) may inform its consideration of the relevance and application of a performance outcome, or assist in assessing the merits of the development against the applicable performance outcomes collectively.

Performance outcomes

Performance outcomes are policies designed to facilitate assessment according to specified factors, including land use, site dimensions and land division, built form, character and hazard risk minimisation.

Designated performance features

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.

A detailed assessment of the application has taken place against the relevant provisions of the Planning and Design Code (P & D Code) and this is provided below under a series of headings. A Policy Enquiry extract containing the relevant provisions of the P & D Code is contained in **Attachment 7 – Relevant P & D Code Policies**.

Productive Rural Landscape Zone

Desired Outcomes	
DO1	A diverse range of land uses at an appropriate scale and intensity that capitalise on the region's proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape.
DO2	A zone that promotes agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity.
DO3	Create local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO 1.1 & DPF 1.1 PO 2.1 & DPF 2.1, PO 2.2 & DPF 2.2, PO 4.1 & DPF 4.1, PO 4.2, PO 4.3 & DPF 4.3, PO 11.1	

The proposed use of the building in association with the existing winery on site directly satisfies DPF 1.1 (w) and is considered to accord with the associated PO, as well as DO 2 of the Zone itself.

While the slope of the proposed site area is no greater than 10% (1-in-10), excavation of the land would exceed 1.5m from natural ground level, which is advised by DPF 2.2 (b). It is observed that the earthworks are internal to the site, facing the proposed shed and would not be visible from the roadside. Further, the majority of the excavation would

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be less than 1.5m deep, with the portion beyond this at a maximum variance of just 15cm. As such, the associated earthworks are considered to meet PO 2.2.

While PO 4.1 is understood to be intended for *new* rural industry activities, it is acknowledged that the proposal would remain in accordance with the related DPF criteria and the PO itself.

The proposal represents an expansion to the existing storage capabilities of the current winery, with a primary goal to be to realise greater efficiency in this land use. Amenity impacts additional to the current practices of the winery, such as noise, smell, and waste management are understood to be limited to what is existing and have satisfied the EPA. It would also not incorporate the sourcing of additional commodities for processing. This abides with PO 4.2.

The proposal is sited well away from Tregarthen Road behind the existing cellar door and winery buildings. This location, combined with the topography of the locality and vegetation on the road verge and private property, would result in extremely limited public vantages of the building –if any at all. Conversely, the building is proposed in closer proximity to the north and east site boundaries. This presents potential visual amenity impacts, with the length of the shed 3.6m from the east boundary and its width 5m from the north boundary. These reduced setbacks are mitigated by several factors, however. Residential densities in the locality are very low, and the nearest sensitive receiver (a dwelling at neighbouring 36C Jennings Drive) is approximately 88m away from the proposed site area. All other neighbouring habitable dwellings are well over 100m away. The visual extent of the building viewed from private land would be broken-up and partially obscured by existing mature vegetation primarily on neighbouring allotments to its north and northeast, while its profile would also be reduced from these vantages due to a benched level 1.65m below the natural ground. It is recognised that the proposal is not the first among the existing winery buildings to be sited with such setbacks, and it is acknowledged that clustering the proposal with these buildings provides its own value, by ensuring that the majority of the allotment remains open in appearance. Based on these considerations, the proposal is considered to generally accord with relevant POs 4.3 and 11.1.

OVERLAYS

Environment and Food Production Area

Desired Outcomes	
DO 1	Protection of valuable rural, landscape, environmental and food production areas from urban encroachment.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
N/A	

This overlay concerns urban encroachment and seeks to ensure land division is undertaken in accordance with Section 7 of the *Planning, Development and Infrastructure Act 2016*. This is not applicable to the proposal.

Hazards (Bushfire - High Risk)

Desired Outcomes	
DO 1	Development, including land division is sited and designed to minimise the threat and impact of bushfires on life and property with regard to the following risks: <ul style="list-style-type: none">(a) potential for uncontrolled bushfire events taking into account the increased frequency and intensity of bushfires as a result of climate change(b) high levels and exposure to ember attack(c) impact from burning debris(d) radiant heat

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	(e) likelihood and direct exposure to flames from a fire front.
DO 2	Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from areas of unacceptable bushfire risk.
DO 3	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1; PO 2.1; PO 3.1; PO 3.2 & DPF 3.2; PO 6.1 & DPF 6.1; PO 6.2 & DPF 6.2; PO 6.3;	

The proposal would not introduce any new residential or habitable land uses, the nature of which are currently absent on the site. The building is not considered to be located in an area which could pose an abnormally high bushfire risk, while the design of the building would not be prone to trapping flammable debris. Relevant PO 2.1 and 3.1 are satisfied.

There is no expectation under the Overlay that access for CFS fire-fighting personnel is required for non-habitable buildings. As such, PO 6.1, 6.2, and 6.3 are not applicable.

Hazards (Flooding - Evidence Required)

Desired Outcomes	
DO 1	Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1 & DPF 1.1, PO 2.1 & DPF 2.1	

There is no flood mapping on or in proximity of the subject land, nor the greater locality.

Limited Land Division

Desired Outcomes	
DO 1	The long term use of land for primary production is maintained by minimising fragmentation through division of land.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
N/A	

This overlay pertains to land division and is not applicable to the proposal.

Heritage Adjacency Overlay

Desired Outcomes	
DO 1	Development adjacent to State and Local Heritage Places maintains the heritage and cultural values of those Places.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1	

There is one local heritage listed house in the locality, approximately 130m north of the subject land, at 147 Tregarthen Road. The proposal is detached from the context of this historic home, according with PO 1.1.

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Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay

Desired Outcomes	
DO 1	Safeguard Greater Adelaide's public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from primary reservoirs or diversion weir catchments from the Mount Lofty Ranges.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1; PO 2.1 & DPF 2.1; PO 2.2 & DPF 2.2; PO 2.3 & DPF 2.3; PO 2.4 & DPF 2.4; PO 3.1; PO 3.2; PO 3.3; PO 3.9 & DPF 3.9; PO 4.1	

As the proposal is intended to accommodate wine storage tanks, the slab has been designed to incorporate a fall capable of accounting for 120% of the largest tank volume. Any spills would be directed to the current wastewater system of a 7000L bunded tank via a strip drain in the shed. This method and design are to the satisfaction of the EPA, and as such, are considered to be compliant with relevant POs 2.1, 2.3, and 2.4 under the 'Wastewater' section of this Overlay.

Roof stormwater would be directed from the roof and captured via an existing rainwater tank for later use. While stormwater trespass into neighbouring land would be unlikely as the site is not upslope from the two neighbouring properties, the satisfactory management of overflow from the tank has been included as a recommended condition (refer recommended condition 4). Although the proposed earthworks exceed 750mm in height and are at variance with DPF 3.9, these will be appropriately battered so that stormwater quality is not detrimentally impacted.

Overall, the proposal would not result in a detrimental effect on the quality of water which drains from the site.

Native Vegetation

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, ecosystems services, carbon storage and amenity values.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1 & DPF 1.1; PO 1.2; PO 1.4	

The proposal incorporates the removal of several trees of native Australian species. The applicant sought advice from a qualified arborist, who identified the trees as being planted and as such not classified as "Native Vegetation" under the *Native Vegetation Act 1991*. This determination is supported by historic aerial mapping which indicates that *indigenous* native vegetation has been cleared and replaced. The applicant has submitted a Native Vegetation Declaration, which complies with DTS/DPF 1.1.

Prescribed Water Resources Area

Desired Outcomes	
DO 1	Sustainable water use in prescribed water resources areas maintains the health and natural flow paths of surface water, watercourses and wells.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1 & DPF 1.1; PO 1.2;	

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The proposal would not result in the taking of additional water, which aligns with PO 1.1. Nor is it contrary to PO 1.2, which pertains to development involved in collecting or diverting surface water which flows over land.

GENERAL DEVELOPMENT POLICIES

Beverage Production in Rural Areas

Desired Outcomes	
DO 1	Mitigation of potential amenity and environmental impacts of value-adding beverage production facilities such as wineries, distilleries, cideries and breweries.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1; PO 1.2; PO 1.3; PO 1.4 & DPF 1.4; PO 1.5 & DPF 1.5; PO 2.1 & DPF 2.1; PO 2.2; PO 2.3; PO 2.4; PO 3.1; PO 3.2 & DPF 3.2; PO 3.3	

This policy suite is primarily oriented in aiding the assessment of *new* beverage production activities or the expansion of the processing capacity of such uses. There is no proposed increase to the weight of grapes crushed per annum with regard to the proposal, nor the introduction of any new production methods (i.e., on-site bottling). The wastewater management system and ongoing hard waste management procedures, authorised by the EPA as part of Development Application 20/1178/473, would remain fit for purpose. The proposal accords with the applicable Performance Outcomes.

Clearance from Overhead Powerlines

Desired Outcomes	
DO1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1 & DPF 1.1	

A declaration was made by the applicant upon submission of the application that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. On this basis the proposal is in accordance with the above provisions.

Design

Desired Outcomes	
DO1	Development is: (a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing 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.

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Performance Outcome (PO) and Designated Performance Feature (DPF) criteria

PO 1.5; PO 6.1 & DPF 6.1; PO 7.2; PO 7.4; PO 7.5; PO 7.6; PO 7.7; PO 8.1 & DPF 8.1
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In accordance with the intent of PO 1.5, the proposal increases the general storage capabilities of the winery, mitigating the potential negative visual impact of items currently stored outdoors.

The remaining applicable Performance Outcomes of this policy suite refer to new on-site waste systems and dedicated vehicle parking areas. These are not related to the nature of the proposal.

Infrastructure and Renewable Energy Facilities

Desired Outcomes

DO 1

Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.

Performance Outcome (PO) and Designated Performance Feature (DPF) criteria

PO 11.1 & DPF 11.1; PO 12.1 & DPF 12.1; PO 12.2 & DPF 12.2
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The subject land has access to bore water and multiple water storage tanks, as SA Water does not supply the area. The proposal would not generate additional wastewater, with the EPA not requiring any alterations or addition to the existing wastewater management system. No Performance Outcomes are conflicted with.

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.
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Performance Outcome (PO) and Designated Performance Feature (DPF) criteria

PO 4.1 & DPF 4.1; PO 4.2, PO 4.5; PO 4.6 & DPF 4.6; PO 5.1; PO 5.2; PO 6.1
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The proposal would not introduce any new noise sources to the winery, nor relocate any existing noisy equipment. There are no proposed changes to the operation of the existing cellar door, either.

The proposal would have a neutral effect upon air quality in the locale, while potential light spill impacts could be addressed as a condition of approval (refer recommended condition 5). The proposal, which does not present an intensification of the existing, approved uses, is not at variance with any applicable PO of this policy suite.

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.
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Performance Outcome (PO) and Designated Performance Feature (DPF) criteria

PO 1.4 & DPF 1.4; PO 3.1 & DPF 3.1; PO 3.5 & DPF 3.5; PO 5.1 & DPF 5.1; PO 6.1 & DPF 6.1; PO 6.6 & DPF 6.6; PO 10.1 & DPF 10.1
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The proposal does not incorporate any new driveway crossovers to Tregarthen Road, with the development capable of being accessed via a lawfully existing main access point. Owing to the nature of the proposal it would be unlikely for there to be an increase to onsite carparking, although, there would be more than sufficient space for a small increase if needed (while wineries are not specified under Table 1 – General Off-Street Car Parking Requirements, a similarly-themed 'store' would require only 0.5 spaces per 100sqm of total floor area). Overall, there are no variances had by the proposed development against any relevant PO of this policy suite.

CONSIDERATION OF SERIOUSLY AT VARIANCE

The proposal is not considered to be seriously at variance with the provisions of the Planning & Design Code.

Beverage production in the form of wineries is envisaged in the Productive Rural Landscape Zone, with the proposal not increasing the grape processing amount or introducing bottling or any new production method to the enterprise as approved. Although the proposed site area of the building is in proximity of the north and east boundaries, it is mitigated by several factors. It would be clustered with the existing cellar door and winery buildings, sensitive receivers are located well away, and its visual profile would be broken-up and partially obscured owing to surrounding mature vegetation and the proposed level of excavation. Views of the proposal from any public vantage would also be very limited. The proposal generally accords with all applicable Overlay policies, the most imperative being the Hazards (Bushfire – High Risk), Mount Lofty Ranges Water Supply Catchment (Area 1), and Native Vegetation. While a noticeable selection of the General Development Policies are oriented to guiding the establishment of *new* wineries under the Code, the proposal is not considered to be seriously at variance with any policy suite.

CONCLUSION

The proposal is for the construction of a shed with an attached verandah, for the purposes of increasing storage capacity and efficiency in association with the existing winery of the Ashton Hills Vineyard. The subject land is within the Productive Rural Landscape Zone, amongst primary production land uses mostly in the form of horticulture, and low-density rural living.

The application does not propose an intensification of the existing winery use, as there is no associated increase to the tonnes of grapes processed per annum, nor the inclusion of bottling or any other new production activity. The proposal would increase the storage capacity of the winery and enhance the visual appearance of the land by relocating items currently stored outside indoors. The EPA are satisfied that the constraints of the previous approval for the winery expansion remain applicable to this proposal and did not recommend any additional conditions as part of their positive referral response.

The proposal is not considered to be seriously at variance with any of the applicable policies of the Planning & Design Code, adequately addressing all relevant Zone, Overlays, and General Development provisions.

Standard conditions controlling the proposal's external appearance, stormwater management, erosion control during construction, and light spill are recommended. Matters pertaining to the winery's waste management procedures, processing capacity, hours of operation, and more were conditioned in previous Development Approval 20-1178/473.

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RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 23024780 by Apex Home Improvements for a Winery building and verandah at 126 Tregarthen Road, Ashton is GRANTED Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.
- 2) The external finishes to the building herein approved shall be as follows:

WALLS: Colorbond 'Woodland Grey' or similar

ROOF: Colorbond 'Manor Red' or similar

- 3) Prior to commencement of work, straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during construction.
- 4) All roof runoff generated by the development hereby approved shall be directed to a rainwater tank with overflow managed on-site to the satisfaction of Council within one month of the roof cladding being installed using design techniques such as:
 - Grassed swales
 - Stone filled trenches
 - Small infiltration basins

All stormwater including hard surface runoff shall be managed on site with no stormwater to trespass onto adjoining properties.

- 5) Flood lighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties.

ADVISORY NOTES

Planning 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.

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- 2) **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.**
- 3) **This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.**
- 4) **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).**
- 5) **Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.**
- 6) **The onus of ensuring that any development is located in the approved position on the correct allotment is the responsibility of the landowner/applicant. This may necessitate a boundary survey being undertaken by a licensed land surveyor prior to the work commencing and when building work is complete.**

EPA Notes

- 7) **The applicant is reminded of their general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes, or may cause, environmental harm.**
- 8) **More information about the Environmental Protection Act and policies can be found at: www.epa.sa.gov.au**

OFFICER MAKING RECOMMENDATION

Name: Sebastien Paraskevopoulos
Title: Statutory Planner

REAL PROPERTY ACT, 1886



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 6164 Folio 803

Parent Title(s) CT 5871/660, CT 5906/183

Creating Dealing(s) RTC 12408933

Title Issued 30/10/2015 Edition 2 Edition Issued 01/02/2016

Estate Type

FEE SIMPLE

Registered Proprietor

AH VINEYARDS PTY. LTD. (ACN: 604 922 634)
OF PO BOX 145 MCLAREN VALE SA 5171

Description of Land

ALLOTMENT 10 DEPOSITED PLAN 111019
IN THE AREA NAMED ASHTON
HUNDRED OF ONKAPARINGA

Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED C ON D111019 FOR WATER SUPPLY PURPOSES (RTC 12408933)

SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED A ON D111019

SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED D ON D111019 (RTC 12408933)


SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED G ON D111019 (RTC 12408933)

Schedule of Dealings

NIL

Notations

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

PURPOSE:	DIVISION	AREA NAME:	ASHTON	APPROVED:	JOHN VERDUYN 28/09/2015	 D111019 SHEET 1 OF 4 49262_text_01_v06_Version_6
MAP REF:	6628/43/Q	COUNCIL:	ADELAIDE HILLS COUNCIL	DEPOSITED:	MARK MCNEIL 21/10/2015	
LAST PLAN:		DEVELOPMENT NO:	473/D018/15/001/42706			

AGENT DETAILS:	FYFE PTY LTD LEVEL 3, 80 FLINDERS STREET ADELAIDE SA 5000 PH: 82019600 FAX: 82019650	SURVEYORS CERTIFICATION:	I Perry Mark Phillips , a licensed surveyor do hereby certify - 1) That this plan has been made from surveys carried out by me or under my personal supervision and in accordance with the Survey Act 1992. 2) That the field work was completed on the 4th day of August 2015 28th day of September 2015 Perry Phillips Licensed Surveyor
AGENT CODE:	ALRF		
REFERENCE:	27275/1/5 DC1-R2		

SUBJECT TITLE DETAILS:

PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER
CT	5906	183		ALLOTMENT(S)	41	F	129795 ONKAPARINGA		
CT	5871	660		ALLOTMENT(S)	400	F	31969 ONKAPARINGA		

OTHER TITLES AFFECTED:

EASEMENT DETAILS:

STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXTINGUISH	CT 5859/534.CT 5906 /184	SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY	F		400 IN F31969 NOW CONTAINED IN 10	
EXTINGUISH	100 & 107 IN D19125	SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY	B IN D19125		400 IN F31969 NOW CONTAINED IN 10	
EXISTING	10	SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY	A			
EXISTING	11	SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY	E			
EXISTING		SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY	F		11	
EXISTING		SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY	B IN D19125		11	



D111019

SHEET 2 OF 4

49262_text_01_v06_Version_6

EASEMENT DETAILS:

STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
NEW	10	SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY	G		11	
NEW	10	SHORT	EASEMENT(S)	C	FOR WATER SUPPLY PURPOSES	11	
NEW	10	SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY	D		11	

ANNOTATIONS: NO OCCUPATION ON SUBJECT LAND BOUNDARIES UNLESS SHOWN OTHERWISE

D111019

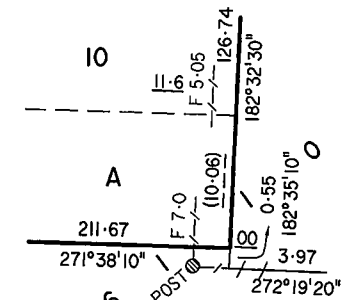
SHEET 3 OF 4

49262_pland_1_V02_Version_6

BEARING DATUM: MGA 94 ZONE 54
DERIVATION: 6628/52434 TO 6628/20951

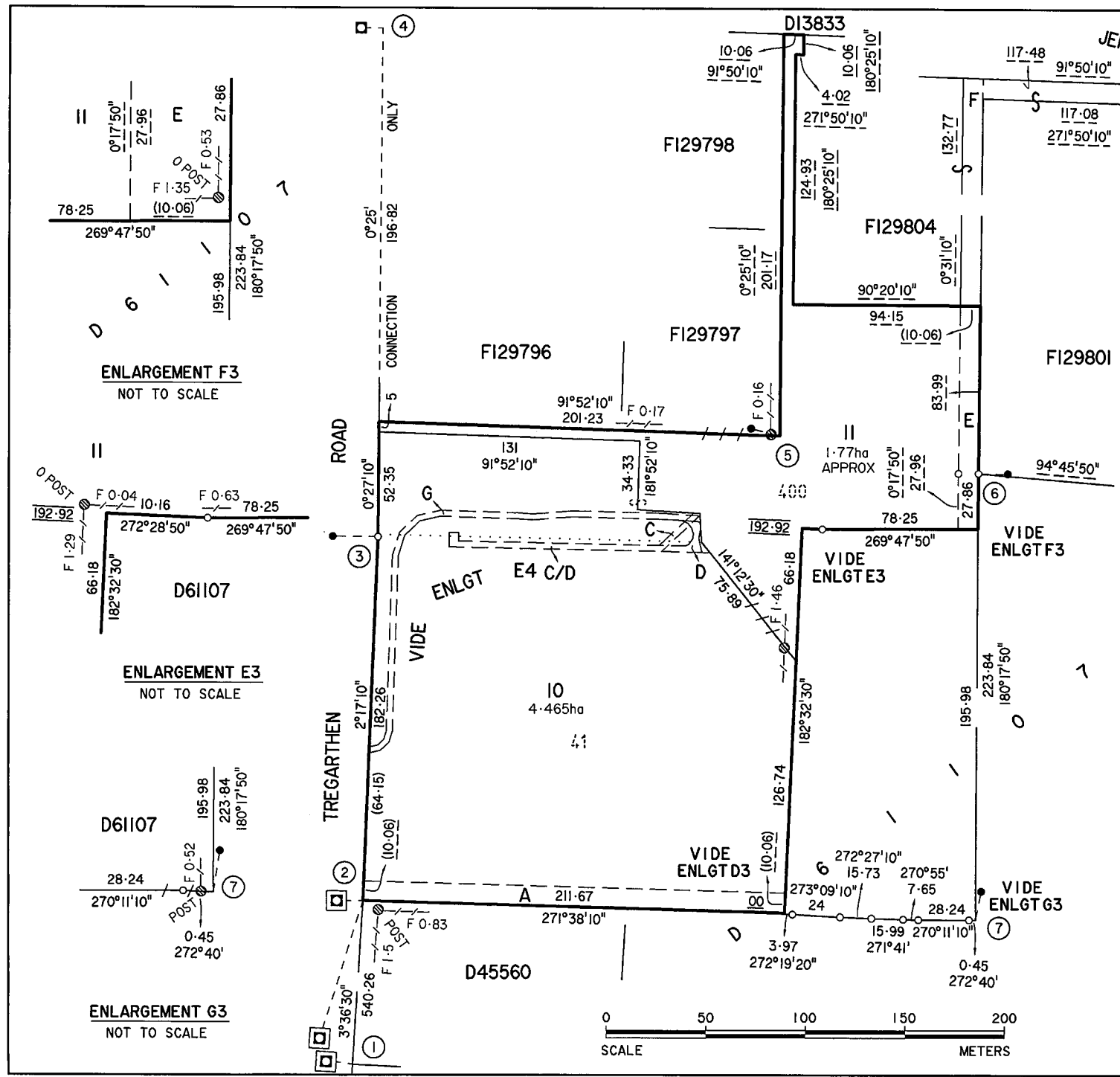
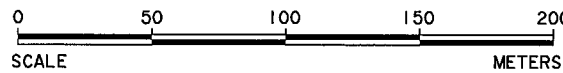
TOTAL AREA:

REFERENCE MARKS				
CNR	BEARING	FROM	DIST	PM NUMBER
1	93°45'	PM FD	0-6	6628/20951
2	91°37'	PM FD	0-6	6628/52434
3	17°27'20"	PM FD	72-25	6628/2394
4	91°25'	MP FD	20-73	
5	90°25'	PM FD	2-18	6628/36821
6	274°47'	MP FD	1-65	
7	180°20'	MP FD	1-66	



ENLARGEMENT D3
NOT TO SCALE

FYFE PTY LTD
SURVEYORS and ENGINEERS
80 FLINDERS STREET ADELAIDE SA 5000
PHONE (08) 8201 9600 FAX (08) 8201 9660
www.fyfe.com.au ABN 57 008 116 130
Reference 27275/1/4 Dwg No. 27275DC1-r2
QA REV 2 DATE 21-09-2015 DR KGH SVY GWB



ENLARGEMENT F3
NOT TO SCALE

ENLARGEMENT E3
NOT TO SCALE

D61107

ENLARGEMENT G3
NOT TO SCALE

D45560

1.77ha APPROX

10
4.465ha

TREGARTHEN ROAD

JENNINGS DR

D13833

D61107

VIDE ENLGT F3

VIDE ENLGT E3

VIDE ENLGT D3

VIDE ENLGT G3

ENLGT E4 C/D

F129798

F129804

F129796

F129797

F129801

D45560

VIDE

ROAD

④

③

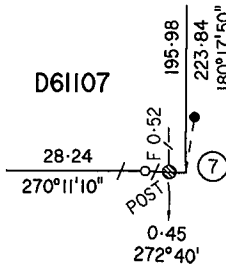
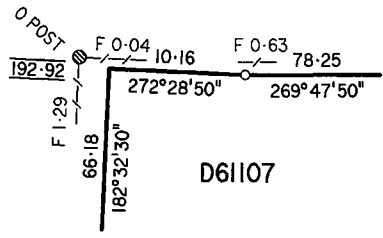
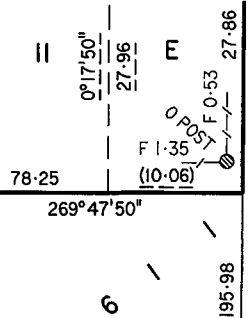
②

①

⑤

⑥

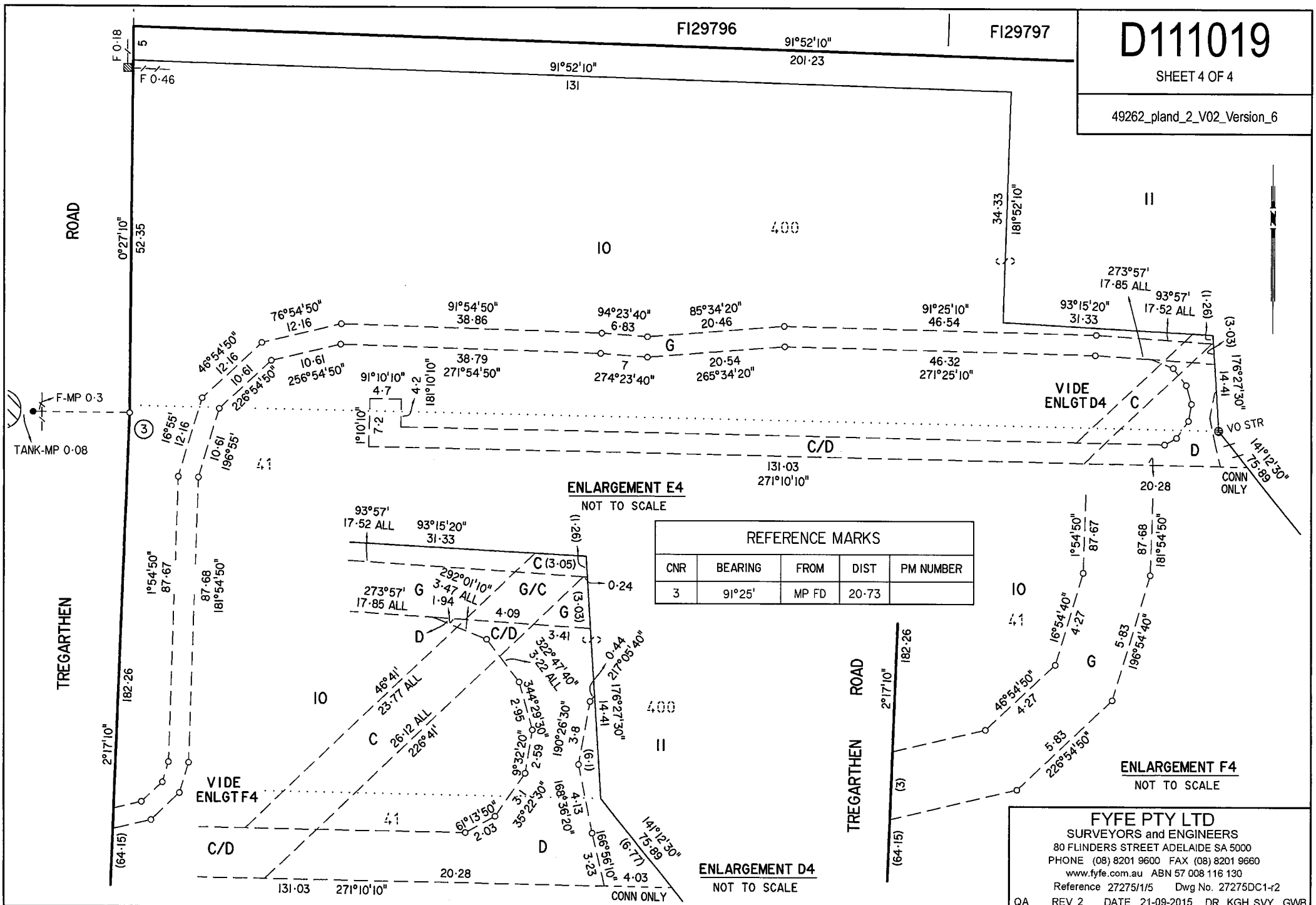
⑦



D111019

SHEET 4 OF 4

49262_pland_2_V02_Version_6



ENLARGEMENT E4
NOT TO SCALE

REFERENCE MARKS				
CNR	BEARING	FROM	DIST	PM NUMBER
3	91°25'	MP FD	20.73	

ENLARGEMENT F4
NOT TO SCALE

ENLARGEMENT D4
NOT TO SCALE

FYFE PTY LTD
SURVEYORS and ENGINEERS
80 FLINDERS STREET ADELAIDE SA 5000
PHONE (08) 8201 9600 FAX (08) 8201 9660
www.fyfe.com.au ABN 57 008 116 130
Reference 27275/1/5 Dwg No. 27275DC1+2
QA REV 2 DATE 21-09-2015 DR KGH SVY GWB

SAPPA Report

The SA Property and Planning Atlas is available on the Plan SA website: <https://sappa.plan.sa.gov.au>

Date created:
August 11, 2023



Government
of South Australia

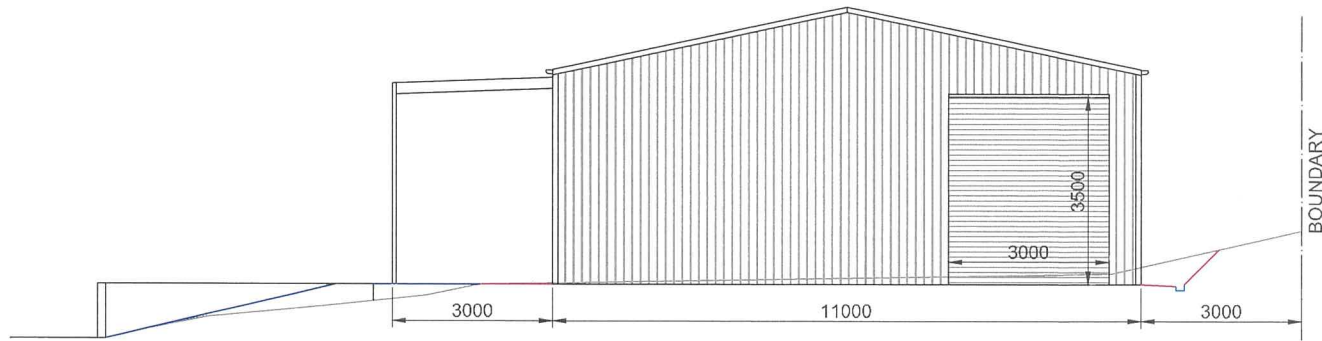
Land Services Group

ADELAIDE HILLS COUNCIL
RECEIVED 07/09/2023

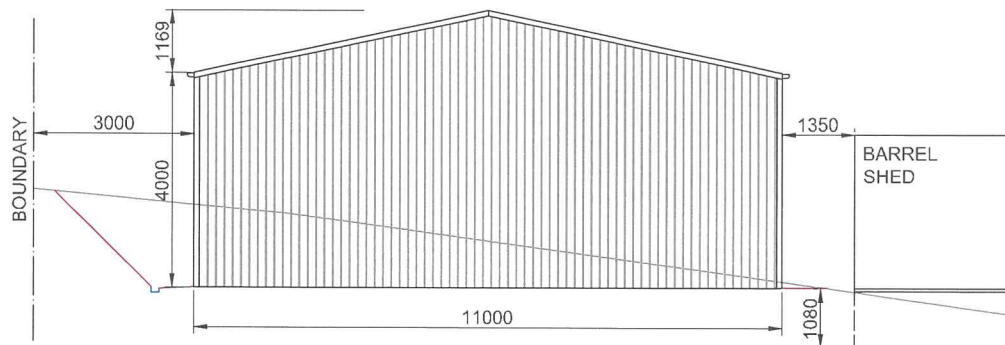
Disclaimer: The information provided above, is not represented to be accurate, current or complete at the time of printing this report. The Government of South Australia accepts no liability for the use of this data, or any reliance placed on it.



ADELAIDE HILLS COUNCIL
RECEIVED 28/11/2023

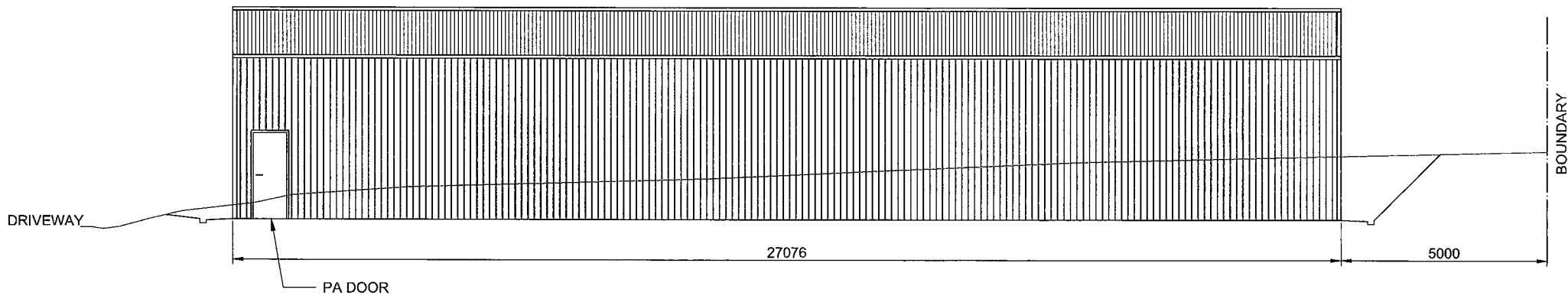


ELEVATION A
SOUTH WALL

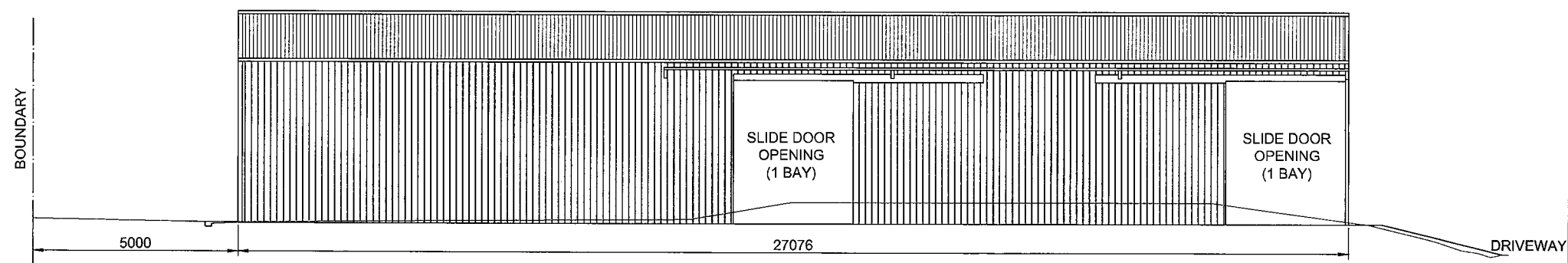


ELEVATION B
NORTH WALL

**ADELAIDE HILLS COUNCIL
RECEIVED 28/11/2023**

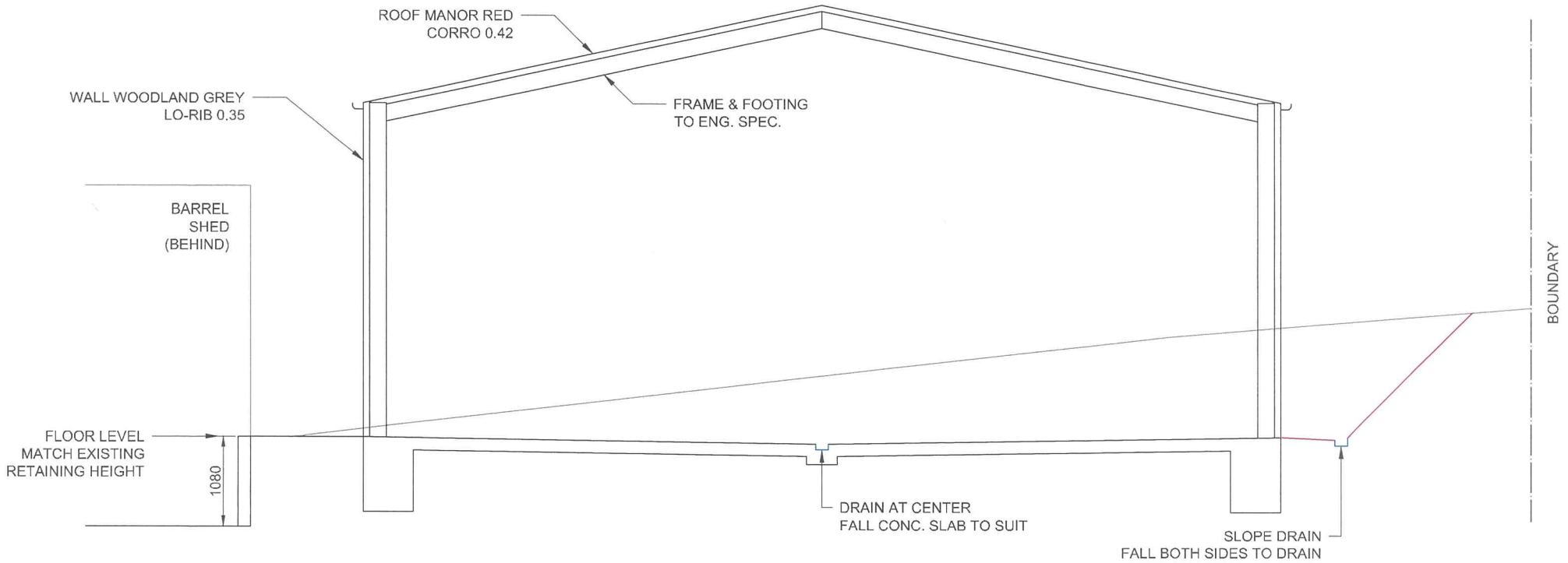


ELEVATION C
EAST WALL



ELEVATION D
WEST WALL

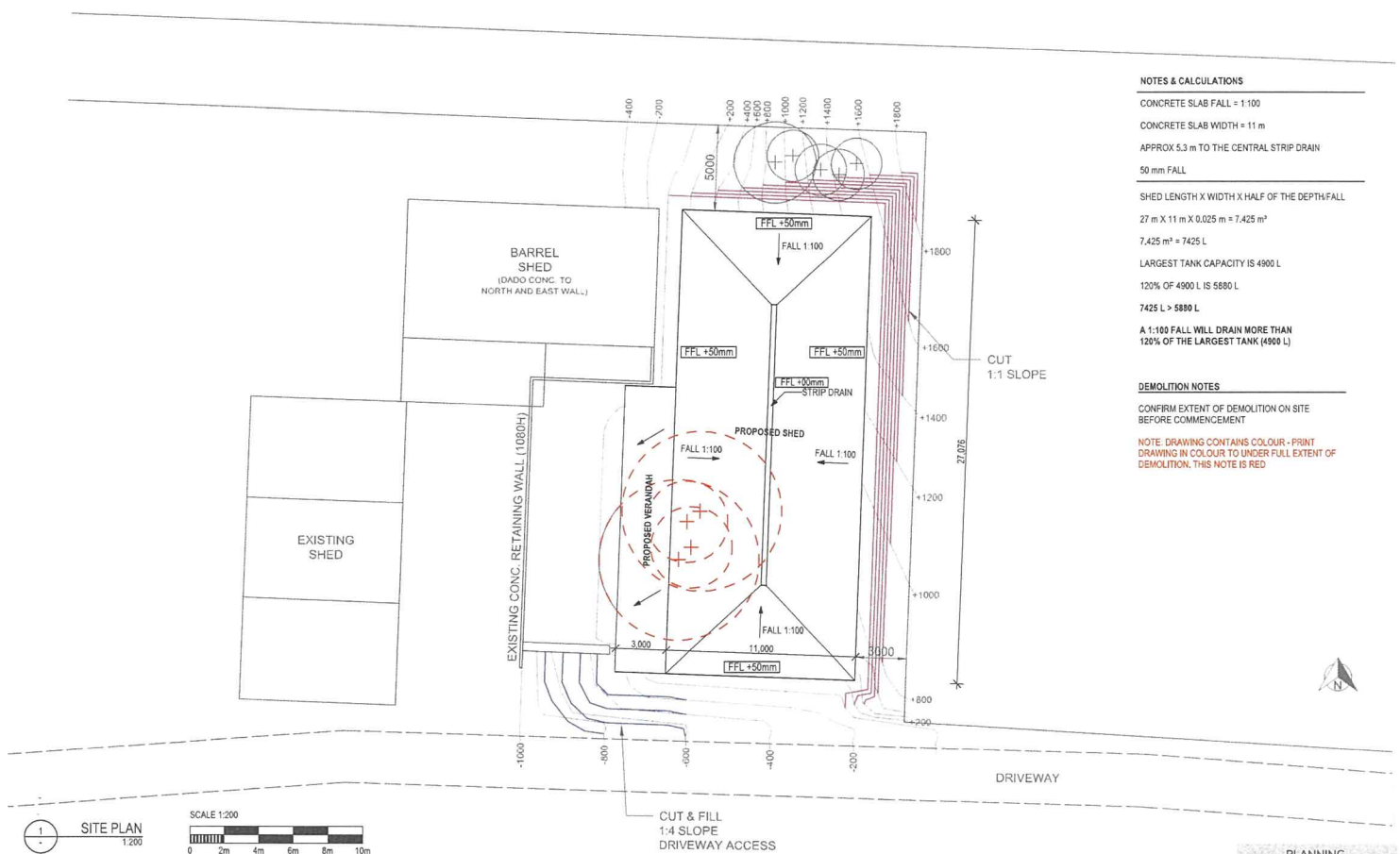
ADELAIDE HILLS COUNCIL
RECEIVED 28/11/2023



SECTION 1
FRAME

ADELAIDE HILLS COUNCIL
RECEIVED 28/11/2023

 <p>40 RAGLAN AVE, EDWARDSTOWN SA 5039 T: (08) 8297 9577 W: apexhi.com.au</p>	<p>ADDRESS: 126 TREGARTHEN RD, ASHTON 5137</p>	<p>PROJECT: SHED 2607 - ASHTON HILLS WINES</p>	<p>TITLE: FRAME SECTION</p>	<table border="1"> <tr> <td>SCALE: 1:50 A3</td> <td>DATE: 28/11/2023 A.1</td> <td>DESIGN: DA PAGE: 5</td> </tr> </table>	SCALE: 1:50 A3	DATE: 28/11/2023 A.1	DESIGN: DA PAGE: 5
SCALE: 1:50 A3	DATE: 28/11/2023 A.1	DESIGN: DA PAGE: 5					



NOTES & CALCULATIONS

CONCRETE SLAB FALL = 1:100
 CONCRETE SLAB WIDTH = 11 m
 APPROX 5.3 m TO THE CENTRAL STRIP DRAIN
 50 mm FALL

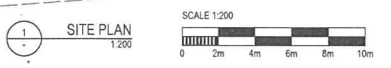
SHED LENGTH X WIDTH X HALF OF THE DEPTH FALL
 27 m X 11 m X 0.025 m = 7.425 m³
 7.425 m³ = 7425 L
 LARGEST TANK CAPACITY IS 4900 L
 120% OF 4900 L IS 5880 L
 7425 L > 5880 L

A 1:100 FALL WILL DRAIN MORE THAN
 120% OF THE LARGEST TANK (4900 L)

DEMOLITION NOTES

CONFIRM EXTENT OF DEMOLITION ON SITE
 BEFORE COMMENCEMENT

NOTE: DRAWING CONTAINS COLOUR - PRINT
 DRAWING IN COLOUR TO UNDER FULL EXTENT OF
 DEMOLITION. THIS NOTE IS RED



Studio S2 Architects Pty Ltd 127 St King William Rd Adelaide SA 5014 08 8333 5432 www.studio-s2.com.au		Rev. No. Date Description 1 16/12/2023 PLANNING 01,02		Rev. No. Date Description		Rev. No. Date Description		Rev. No. Date Description	
GENERAL NOTES 1. All dimensions are in millimetres unless otherwise stated. 2. The contractor shall be responsible for obtaining all necessary permits and approvals. 3. The contractor shall be responsible for ensuring that all work is completed in accordance with the approved plans and specifications. 4. The contractor shall be responsible for ensuring that all work is completed in accordance with the approved plans and specifications.		PROJECT ASHTON HILLS WINERY 226 TREGARTHEN RD ASHTON SA 5137 ASHTON HILLS VINEYARD		DRAWING TITLE SITE PLAN		SCALE 1:200		DATE 15/12/2023	
STUDIO S2 ARCHITECTS		PROJECT NO. 23020-S011		DRAWING NO. 01		SHEET NO. 01		REVISION 01	

**ADELAIDE HILLS COUNCIL
 RECEIVED 02/01/2024**

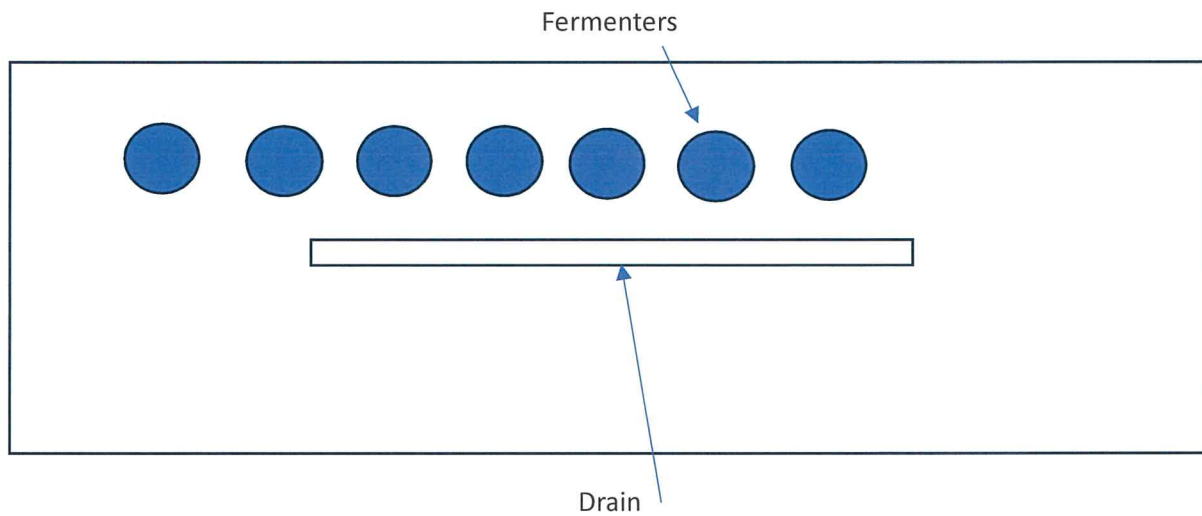
To whom it may concern,

I am writing regarding the proposed shed at Ashton Hills Vineyard, 126 Tregarthen Road, Ashton.

Intended Use:

The shed will be used as winery cellar to increase efficiency. There will be **no** increase to the current tonnes processed or operational hours. There will be **no** requirement for larger vessels and the fall in the slab will accommodate 120% of our largest vessel.

Floor plan:



Stormwater Management:

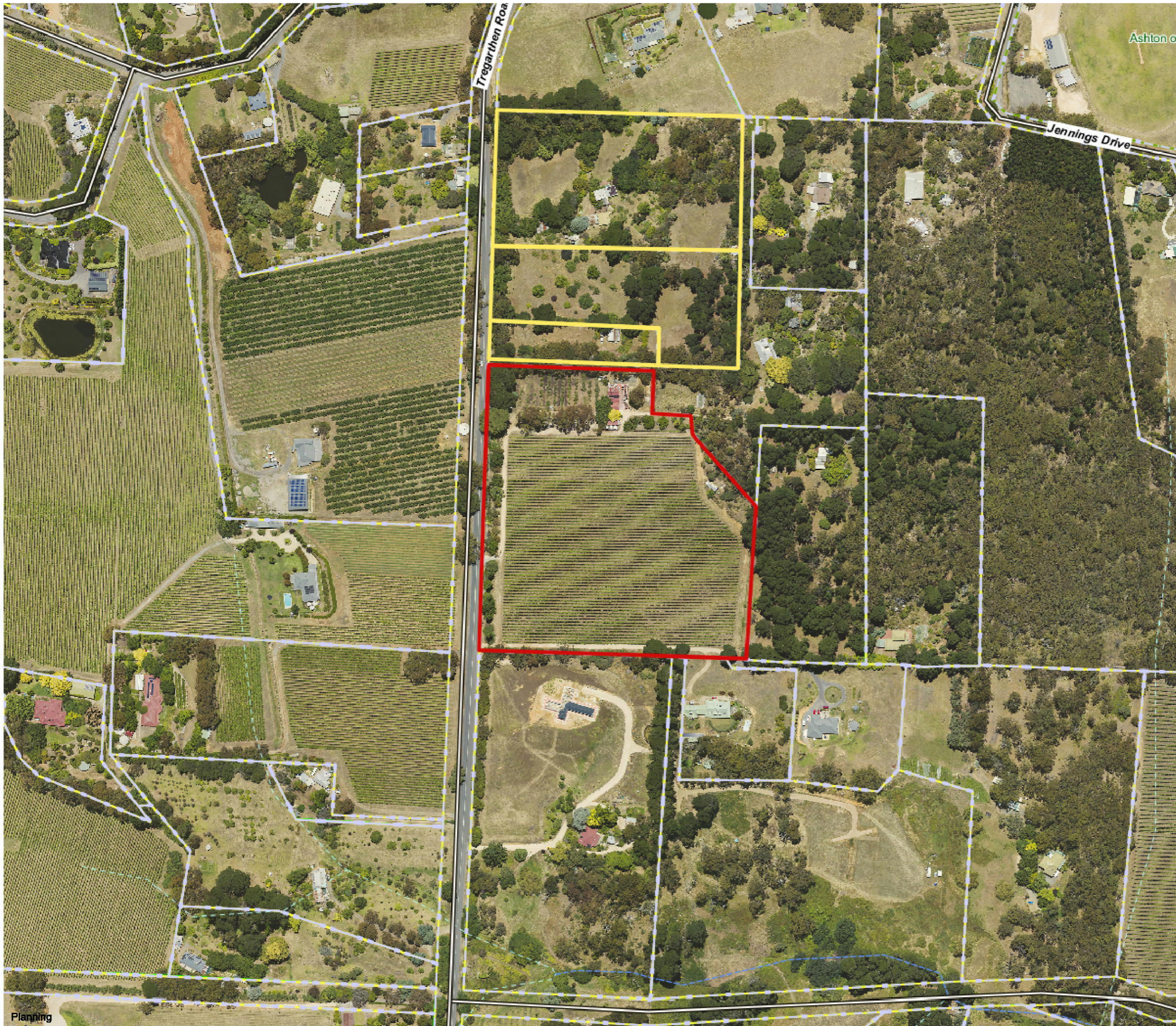
Drainage will be directed to our current wastewater system of 7000L bunded tank.

Native Trees:



See report.

Kind Regards,

Liam Van Pelt



Annotations

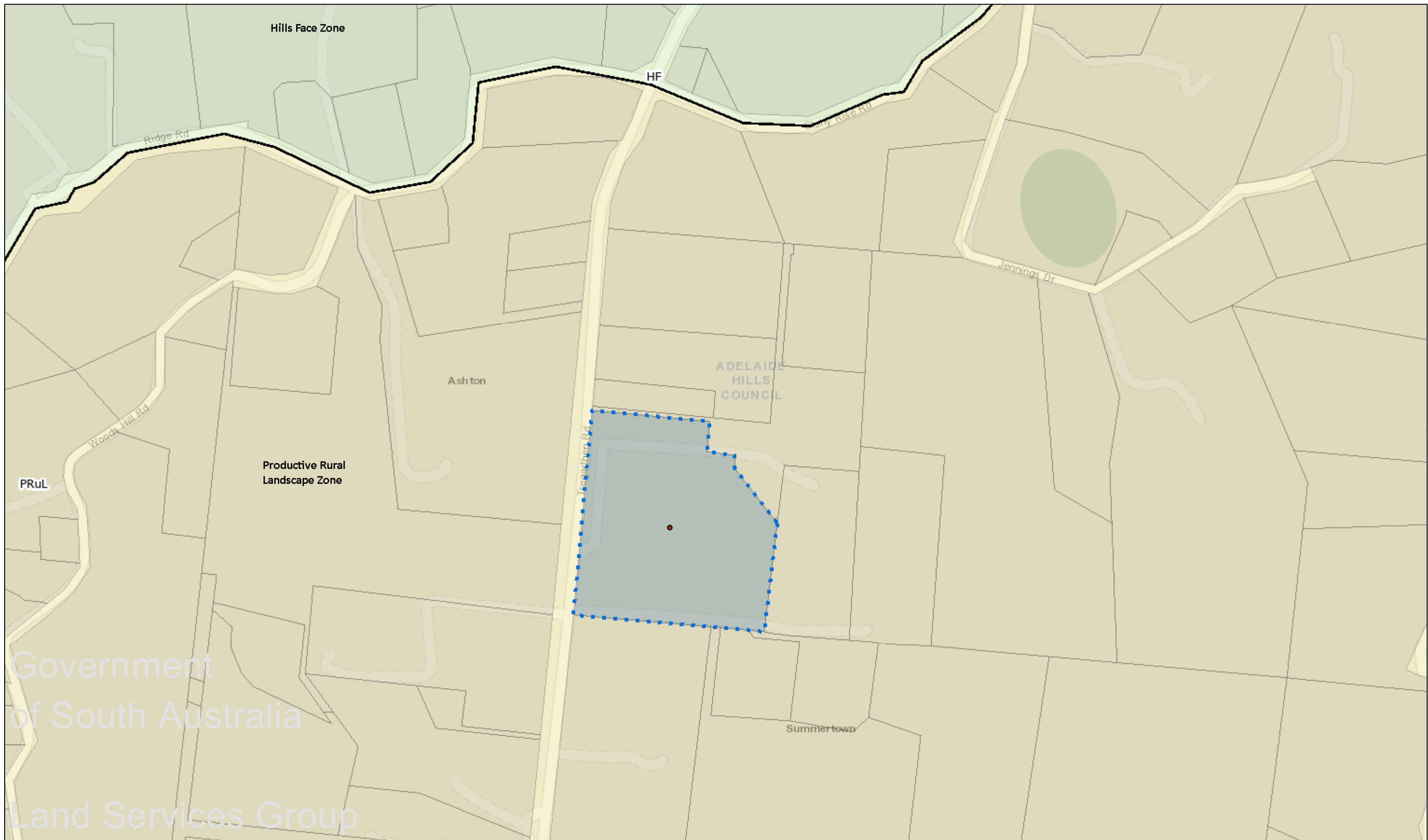
-  Representor
-  Subject Land

SAPPA Report

Date created:
March 4, 2024

The SA Property and Planning Atlas is available on the Plan SA website: <https://sappa.plan.sa.gov.au>

Zoning Map



Government
of South Australia

Land Services Group

Disclaimer: The information provided above, is not represented to be accurate, current or complete at the time of printing this report. The Government of South Australia accepts no liability for the use of this data, or any reliance placed on it.

Details of Representations

Application Summary

Application ID	23024780
Proposal	Winery building and verandah
Location	126 TREGARTHEN RD ASHTON SA 5137

Representations

Representor 1 - CDN Thomas

Name	CDN Thomas
Address	154 TREGARTHEN ROAD ASHTON SA, 5137 Australia
Submission Date	30/01/2024 09:40 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 support the development with some concerns

Reasons

As per attached document received via email 29/1/24 @ 9:40pm

Attached Documents

Representation-on-application-performance-assessed-development-version-2-7399801.pdf

REPRESENTATION ON APPLICATION – PERFORMANCE ASSESSED DEVELOPMENT

Planning, Development and Infrastructure Act 2016

Development Number:	23024780 <i>[development application number]</i>
Nature of Development:	Winery Building and Verandah <i>[development description of performance assessed elements]</i>
Zone/Sub-zone/Overlay:	Click here to enter text. <i>[zone/sub-zone/overlay of subject land]</i>
Subject Land:	126 Tregarthen Rd Ashton SA 5137 <i>[street number, street name, suburb, postcode]</i> <i>[lot number, plan number, certificate of title number, volume & folio]</i>
Contact Officer:	Sebastien Paraskevopoulos <i>[relevant authority name]</i>
Phone Number:	08 8408 0569 <i>[authority phone]</i>
Close Date:	29/01/2024 <i>[closing date for submissions]</i>

My name*: CDN Thomas	My phone number:
My postal address*: 154 Tregarthen Rd., Ashton SA 5137	My email:

* Indicates mandatory information

My position is:	<input type="checkbox"/> I support the development
	<input checked="" type="checkbox"/> I support the development with some concerns (detail below)
	<input type="checkbox"/> I oppose the development



Government of South Australia

Department for Trade
and Investment

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

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 planning consent should be granted or refused; and
- comment only on the performance-based elements of the proposal, which does not include the:
 - [Click here to enter text.](#) [list any accepted or deemed-to-satisfy elements of the development].

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

By: appearing personally
 being represented by the following person: If I cannot then NR Thomas

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

Signature:



Date: Jan 29 2024

Return Address: [Click here to enter text.](#) [relevant authority postal address] or

Email: cdn.thomas@yahoo.com [relevant authority email address] or

Complete online submission:

plan.sa.gov.au/have_your_say/notified_developments/current_notified_developments

NOTE 1 – Personal Response

This document is to provide a personal response to the Applicants submittal, the Councils' directives and our observed outcomes of this process.

NOTE 2 – Council

The Council has made many representations to what can/cannot occur on Applicants property. However it is impossible to know whether applicant is operating according to its submittal as the council has not provided data, measurement, tracking document, independent review etc., to be able to compare and comment on.

NOTE 3 – Neighbors

We have lived here for 60 years in harmony with our neighbors; with many we played football, went to scouts, church and battled bushfires. Our community and our relations are important to us. I will rebuild the house directly adjacent the Applicants enterprise (10m away). I am commercially oriented and wish the best for the applicant. I also look toward no degradation or diminishment of enjoyment of our property as a result of Applicants enterprise. The questions and requests below go a long way toward understanding the current situation and build trust in a mutual future.

NOTE 4 - Observations

1. **SMELL** – each of the surrounding neighbors has mentioned the smell emanating from the winery
 - a. The bio pile per exhibit is close to the boundary
 - b. On occasion what looks like waste water has been spread on orchard
2. **SIZE** – the virtual doubling of footprint to increase efficiency seems to place this more on an industrial and retail basis than anticipated in the zoning and permit application.
 - a. As a business owner/operator it's a very large size & \$'s to put through the same amount unless there is another future in mind (bottling, retail, increased throughput)
 - b. Without measurement (e.g. throughput, bio sampling, traffic etc) the Council is unable to verify whether Applicant has/has not met the original conditions and therefore likely to in future.
3. **BOUNDARY** – initial observation by the Council Statutory Planner appears to indicate incorrect building placement per exhibit
 - a. Measurement to adjacent property (strip of land to Tregarthen Rd) 2.3m not 5m
 - b. No survey has been provided to demonstrate current set back is correct and therefore new building setback will be correct.
4. **NOISE** – operational restrictions are 9am-7pm; however on many occasions:
 - a. Reverse squawkers of trucks and forklifts late into the evenings
 - b. Truck / forklift movements / activity at late evenings nearing 11pm / midnight.

SUMMARY

1. We request per the Council representative, a copy from the applicant of the *'Winery Wastewater Management and Environmental Monitoring Program'* prepared by the Environmental Engineer and provided counsel as part of applicants' submittal.
2. We request the Counsel corroborate items approved by the Counsel in the Applicants initial submittal have been completed: i.e. due diligence that applicant has completed requirements (set backs, lighting, noise, smell, hours of operation, tonnage of through put etc.)
3. We request Council provide evidence that their stipulation of bio pile sampling twice per year which was the basis of points 4 and 5 in the development plan, has been fulfilled. Note: per counsel *"the quality of the bio pile should be being sampled and analysed at least twice a year and reported to the EPA for nutrients and carbon"*
4. We request Council have bio pile moved from the orchard and placed at a spot no less than 250m from any adjoining boundary (the property has much space and can accommodate)
5. We request the counsel provide evidence that the Barrel Shed was constructed in accordance to the plans and not within the 5m of the boundary as per initially evidenced by Sebastien Paraskevopoulos.

EXHIBIT 1

DEVELOPMENT PLAN CONDITIONS RELATING TO DEVELOPMENT APPLICATION No. 20/1178/473

2. Commercial Lighting

Flood lighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties.

REASON: Lighting shall not detrimentally affect the amenity of the locality.

3. Winery Bunding

- The winery building must be installed with an impervious flooring material and internally bunded, with drainage to the wastewater management system.
- Winery activities, including crushing, barrel washing, marc bins, storage and unloading of wine and solid waste must be carried out on an impervious area that drains to the wastewater management system.
- Prior to the operation of the winery, bunding to all designated winery buildings, wastewater tanks and loading areas must be installed and connected to the wastewater management system.

REASON: To ensure water quality impacts are minimised.

6. EPA Bunding and Spill Management

Any substances that by their nature or amount have the potential to cause environmental harm must be stored within an impervious bund with a net capacity of at least 120% of the largest vessel within the bunded area.

Note: Refer to the EPA Guideline Bunding and spill management for further guidance
http://www.epa.sa.gov.au/files/47717_guide_bunding.pdf. Page 4 of 5

REASON: To ensure water quality impacts are minimised.

7. Winery Operations

Bottling of wine must not occur on-site.

REASON: To ensure the development operates in accordance with the approval.

8. Crush Capacity

The total quantity of grapes crushed must not exceed 120 tonnes per annum. Any increase to the crush capacity (tonnage per annum) will require separate Development Approval.

REASON: To ensure development is undertaken in accordance with the approved plans.

9. EPA Winery Wastewater Holding Tank

The winery wastewater tanks shall be bunded with an impervious material and have a total storage capacity equivalent to at least 120% of the largest container within the bunded area.

- The winery wastewater management system must be installed prior to the operation of the winery.
- Alarms shall be installed in the wastewater tank to provide warning against any overflow.

- The contents of the holding tank must be collected by an EPA licensed waste transporter on a regular basis and disposed of to a facility licensed by the EPA to receive such waste.

REASON: To ensure water quality impacts are minimised, and the winery/trade waste control system does not fail.

10. EPA Visual And Audible Alarms

Visual and audible alarms shall be installed in the wastewater tanks to provide warning against any overflow.

Such alarms shall be set to activate simultaneously at the wastewater tanks and inside the winery office.

REASON: Development should minimise the risk of pollution of water catchment areas.

11. Hours of Operation

The operating hours of the winery (including associated deliveries) shall be between the hours of 9:00am and 7:00pm.

REASON: To ensure the development operates in accordance with the approval

12. Previous Plans & Details Still Apply

Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisation 20/663/473 continue to apply to this amended authorisation.

REASON: To ensure all valid conditions are complied with.

EXHIBIT 2 – Tree Chopping has already begun prior to Permit Approval



EXHIBIT 3 – Bio pile In Orchard adjacent property

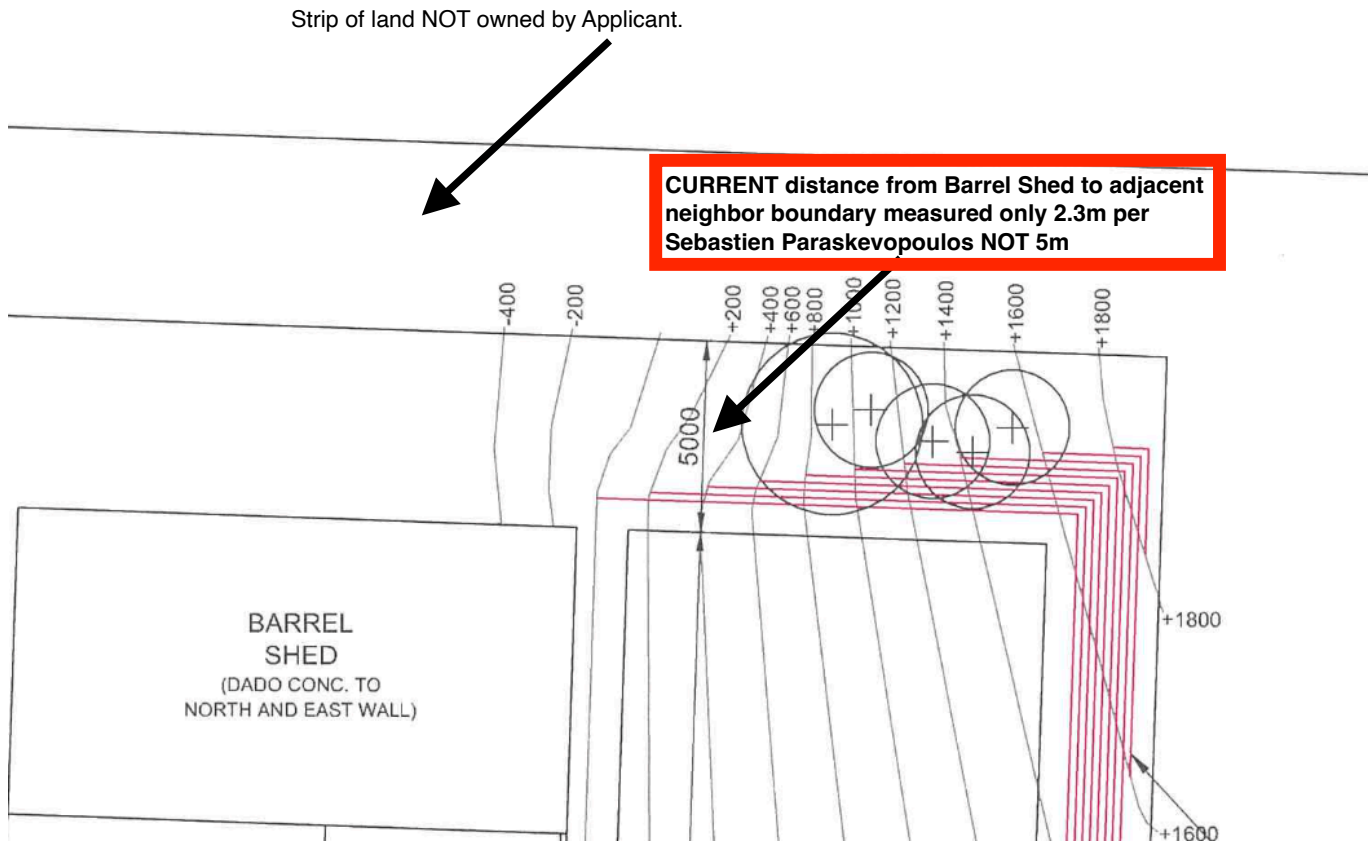


Exhibit 4

“Allotment Boundaries

If the development herein approved involves work on the boundary the onus of ensuring development is in the approved position on the correct allotment is the responsibility of the land owner/applicant. This may necessitate a survey being carried out by a licensed land surveyor prior to the work commencing”

Ref: FOR DEVELOPMENT APPLICATION LODGED 16 November 2020
Development Number 20/1178/473



REQUIREMENT

1. Counsel request Applicant to have the boundary surveyed
2. Counsel to ascertain whether prior building was placed correctly per survey
3. Counsel to determine how neighbors are compensated if building position is incorrect.
4. Counsel to inspect and ensure new building is at least 5m per code.

APEX HOME IMPROVEMENTS

40 Raglan Avenue
Edwardstown SA 5039
PHONE: 08 8297 9577 Fax: 08 8293 8056
WEBSITE: www.apexhomeimprovements.com.au
www.apexsteel.com.au



LISA AKERS – 0408 707 789
Email: lakers@basicsteel.com.au

8th February 2024

Adelaide Hills Council
PO Box 44
WOODSIDE SA 5244

Reference Id – 23024780 – 126 Tregarthen Road, Ashton

Hi

Please find our clients response to the submissions that arose from Public notification.

If you have any questions please feel free to contact me

Kind regards

Lisa Akers
Manager

**ASHTON HILLS VINEYARD
RESPONSE TO CDN THOMAS**

NOTE 1 – Personal Response

No comment required.

NOTE 2 – Council

Our company fully understands its environmental requirements summarised in our EPA licence (attached for convenience) and is confident that all of them are complied with, given that we successfully passed the last EPA site visit/audit.

NOTE 3 - Neighbors

Our company, RG & RT Trott, trading as Wirra Wirra Vineyards, was founded in 1894.

Our commitment to the environment can be traced back to the early 1980 with Wirra Wirra's second founder, Greg Trott, who was outspoken on the issues of water management, land conservation and chemical use back in the days when the term "environmental" was associated with tree hugging and tie-dye. Since 2005 we have had a dedicated Environmental Coordinator onsite, managing the challenges of numerous projects geared to make us a cleaner and more environmentally efficient winery.

In the South Australian wine industry, to this day, we are regarded as one of the leaders in environmental management and have done many improvements to the property, contributing to a better environment, and involving many community groups, from local governments (Council, NRM Board, PIRSA, GISA, SAWIA, etc...) to not for profit organisations (Conservation Volunteer Australia, Trees For Life, Biodiversity McLaren Vale).

Some of our achievements include:

- Certified biodynamic vineyards since 2013 & certified organic.
- Winery certified Sustainable Winegrowing Australia (SWA) since 2017, which is an internationally recognised environmental certification.
- Vineyards certified SWA since 2020.
- We have planted over 5200 natives on the property over the last 14 years.
- 3 energy audits & installation of 400 solar panels on our roof.
- Since 2005, we have always had a good relationship with the EPA, working alongside on many improvement projects.

We acquired Ashton Hills in 2015 and have since then managed it the same way we have been managing Wirra Wirra Vineyards: with respect to the law, the environment we live in, the local and wider community, including the traditional landowners.

Since acquiring Ashton Hills, here are some of the key improvements that have been implemented on the site:

- Planted many natives on the property with the help of the EcoVineyards Project.

- Not only the vineyard but also the winery are now certified “Sustainable Winegrowing Australia (Since January 2023).
- We continue to run the vineyard organically with minimal chemical inputs.
- We have created and implemented a Reconciliation Action Plan for the entire business (Wirra Wirra Vineyards & Ashton Hills Vineyard).
- We have measured our carbon footprint (including both sites Wirra & Ashton) and have a long-term strategy to significantly reduce our carbon emissions.

We note that CDN Thomas intends to rebuild their house directly adjacent to our property (10 meters away) and we too look toward no degradation or diminishment of enjoyment of our property, nor degradation of the environment as a result of this house being rebuilt.

We also look forward to building a successful mutual future.

NOTE 4 - Observations

1. **SMELL** – applicant is unaware of any complaints of a smell emanating from winery.
 - a. The bio-pile witnessed by CDN Thomas is chipped tree mulch from recent tree removal which has little to no aroma. As per CDN Thomas’ concerns previously, all grape marc is now transported off site multiple times per vintage to minimize off aromas.
 - b. During periods of winery inactivity (eg: outside of vintage during winter) groundwater is diverted from wastewater tank, and onto orchard. When **ANY** winery operations are undertaken, all catchment is diverted back to wastewater tank.
2. **SIZE** – footprint increase is to increase efficiency and safety of people and property. It will ensure we have room to safely process fruit, increase wine quality, as well as significantly reduce environmental risks.
 - a. It is only to ensure that the volume of fruit that we are licensed to process can be done in a safe and efficient manner, while ensuring no harm to the environment.
 - b. All throughput volumes are recorded and open for audit, and all future throughput volumes will continue to be recorded as per law. Bio sampling not required as no bio-pile exists (grape marc is transported off-site by a licensed third-party multiple times per vintage to minimize off aromas).
3. **BOUNDARY** – all current and proposed buildings are placed correctly as per survey of property 30.07.2020.
 - a. Measurement to adjacent property (strip of land to Tregarthen Rd) is 5.270m (see attached plan).
 - b. See attached property survey which shows correct setback from boundary.
4. **NOISE** – operational restrictions are adhered to. Any operations outside of these hours are due to unforeseen circumstances.
 - a. Any operations after 1900 are minimal and only occur during harvest period.
 - b. Only operations occurring near 2300 would be due to a transport company delivering picking bins during harvest period and would be absolutely minimal.

SUMMARY

1. 'Winery Wastewater Management and Environmental Monitoring Program' has already been approved by council within our winery license application, also approved. Attached is a copy of our EPA license.
2. Requirements completed.
3. Bio-pile sampling not required as no bio-pile exists. Grape marc is transported off site multiple times during harvest period. Current "bio-pile" observed by CDN Thomas is fresh tree mulch and has little to no smell.
4. See attached drawing, spatially impossible as property is too small to put anything 250m from a boundary.
5. Barrel shed was constructed according to correct boundaries, see attached survey plan.

EXHIBIT 1

2. Commercial Lighting

Flood lighting only for security and safety purposes. Will not interfere with adjacent properties.

3. Winery Bunding

All winery activities to be carried out in areas that drain to wastewater management system.

6. EPA Bunding and Spill Management

Winery wastewater tank more than covers 120% of the largest vessel. Fall in slab of proposed shed accounts for 120% of largest vessel negating need for bunding.

7. Winery Operations

Bottling occurs off site.

8. Crush Capacity

Total quantity of grapes crushed will not exceed 120T per annum.

9. EPA Winery Wastewater Holding Tank

Already approved by council in last shed application. The bunded wastewater tank is more than 120% of largest vessel and fitted with appropriate alarms. Contents collected by approved waste company and disposed of at approved waste facility.

10. EPA Visual & Audible Alarms

Visual and audible alarms already fitted to approved existing wastewater tank.

11. Hours of Operation

Operating hours of winery (including deliveries) shall be between 0900 – 1900. Hours of operation during the harvest period may extend outside of these hours slightly, but will be minimal.

12. Previous Plans & Details Still Apply

We fully understand this development condition #12 & continue to comply with it.

EXHIBIT 2 – Tree Removal

See attached email dated 02/11/2023 from Sebastien Paraskevopoulos giving permission for tree removal prior to Permit Approval.

EXHIBIT 3 – Bio-pile

As per CDN Thomas' concerns previously, all grape marc is now transported off site multiple times per vintage to minimize off aromas. Current "bio-pile" witnessed by CDN Thomas is chipped tree mulch from recent tree removal which has little to no aroma.

EXHIBIT 4 – Allotment Boundaries

Survey carried out by applicant 30.07.2020 attached. All previous and proposed buildings are 5m from boundary as per code.

Adelaide Hills Council follow-up after site inspection RE: DA 3024780 at 126 Tregarthen Road, Ashton



Sebastien Paraskevopoulos <sparaskevopoulos@ahc.sa.gov.au>

To Liam Van Pelt



Thu 2/11/2023 4:18 PM

You forwarded this message on 2/11/2023 8:43 PM.

[Click here to download pictures.](#) To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

Hi Liam,

Thank you for welcoming me on site yesterday afternoon.

Since my visit, I have had the opportunity to further review your development application, and have just sent a letter requesting additional information via PlansA to the primary contact, Apex Home Improvements. This is in addition to a separate letter from the EPA, which was also sent via PlansA on Tuesday. Once I am satisfied the requests in my letter have been met, I will be able to publicly notify the application for the statutory 15 business days.

On the other note, I am satisfied that those trees we discussed yesterday (trees 1-4 in your arborist report) are *not* protected and would be eligible for removal for when you see fit. While the trees are native species, your arborist David Mably confirmed in his report that they were planted, and would therefore be unprotected under the Native Veg Act. Additionally, regulated and significant trees rules do not apply to the property either.

If you have any questions regarding any of the above, please feel welcome to follow them up with me.

Best regards,

Sebastien Paraskevopoulos
Statutory Planner
Adelaide Hills Council

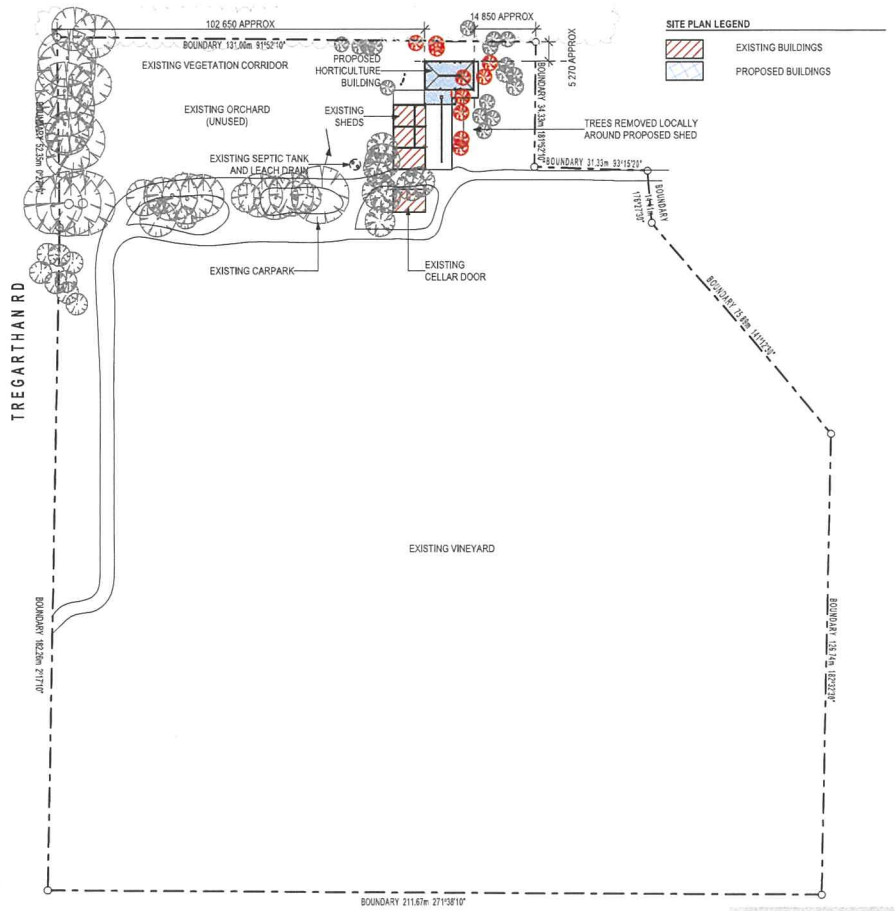
p 08 8408 0569
e sparaskevopoulos@ahc.sa.gov.au
w ahc.sa.gov.au

ASHTON HILLS VINEYARD HORTICULTURE BUILDING

126 TREGARTHEN RD ASHTON SA 5137

PLANNING APPLICATION

NO.	DRAWING NAME
SD11	SITE PLAN
SD21	GROUND FLOOR
SD22	ROOF PLAN
SD31	ELEVATIONS
SD32	ELEVATIONS



01 SITE PLAN 1:1000

PLANNING APPLICATION

Studio S2 Architects Pty Ltd
 126 Tregarten Rd, Ashton SA 5137
 Ph: 08 8321 1111
 Email: studio@s2.com.au
 www.studio-s2.com.au



Rev	Date	Description
A	20/06/2020	PLANNING APPLICATION
B	07/07/2020	GRANT APPLICATION
C	09/08/2020	PLANNING APPLICATION

Rev	Date	Description

Rev	Date	Description

Rev	Date	Description



PROJECT: ASHTON HILLS VINEYARD HORTICULTURE BUILDING
 SITE ADDRESS: 126 TREGARTHEN RD ASHTON SA 5137
 CLIENT: ASHTON HILLS VINEYARD

DRAWING TITLE: SITE PLAN

SCALE	DATE	REVISIONS
1:1000	20/06/2020	12
DRAWING NO:	20008-SD/1	VERSION:
		C

FEATURES & CONTOUR SURVEY PLAN

No 126
TREGARTHEN ROAD
ASHTON
CT 5164/803



OLDEN & van SENDEN PTY. LTD.		ABN 47 004 133 599
SURVEYING & PLANNING CONSULTANTS		ACORN ROAD, 19
PLAN No 14608 D	ISSUED: 30.07.2020	VERSION: V0
3/42 MT BARKER ROAD	II CHAPEL STREET	CLIENT: ASHTON WINERY ARCHITECTS
STIRLING, S.A. 5152	STRATHALBYN	HEIGHT DATUM: APPROX AHD
PH 08 83766699	SA 5955	SCALE: 1:200 on A1
EMAIL: olden@oldensurveys.com.au	M. 0417878471	DATE OF SURVEY: 30.7.2020
		CONTOUR INTERVAL: MAJOR 1.00m
		MINOR 0.20m



A10 D111019

A11 D111019

APPROX
MGA



South Australia

Licence No. 51613

AH VINEYARDS PTY LTD

ISSUED:
26 Aug 2022

EXPIRY:
31 Jul 2027

ACN:
604 922 634

Environmental Authorisation
under Part 6 of the
*Environment Protection
Act 1993*

**South Australian
Environment
Protection Authority**
GPO Box 2607
Adelaide SA 5001
Tel: 08 8204 2004



Environment Protection Authority



LICENCE NUMBER 51613

LICENSEE DETAILS

Licence Holder: AH VINEYARDS PTY LTD
ACN: 604 922 634
Registered Address: McMurtrie Road,
MCLAREN VALE SA 5171

LICENSED ACTIVITIES

The Licensee is authorised to undertake, at the location(s) shown above, the following prescribed activities of environmental significance under Schedule 1 Part A of the Act, subject to the conditions in this Licence.

6(11)(b) Wineries or distilleries (in the Mount Lofty Ranges Water Protection Area)

TERMS OF LICENCE

Commencement Date: 26 Aug 2022
Expiry Date: 31 Jul 2027

PREMISES ADDRESS

126 Tregarthen Road, ASHTON SA 5137

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Licence Explanatory Notes – Do Not Form Part of the Licence

Compliance with this licence

The EPA seeks to ensure that all reasonable and practicable measures are taken to protect, restore and enhance the quality of the environment according to the principles of ecologically sustainable development. To achieve this objective, the EPA uses a number of regulatory decision making principles and actions outlined in the 'Compliance and enforcement regulatory options and tools' document available on the EPA website.

Notification – serious or material environmental harm caused or threatened

If serious or material environmental harm from pollution is caused or threatened in the course of an activity, the licence holder must, as soon as reasonably practicable after becoming aware of the harm or threatened harm, notify the EPA (preferably on EPA emergency phone number 1800 100 833) of the harm or threatened harm, its nature, the circumstances in which it occurred and the action taken to deal with it in accordance with section 83 of the [Environment Protection Act 1993](#) (the Act). In the event that the primary emergency phone number is out of order, the licence holder should phone (08) 8204 2004.

Variations, transfers and surrender of a licence

The EPA may impose or vary the conditions of a licence by notice in writing to the licence holder in accordance with sections 45 and 46 of the Act. Public notice may be required where the variation of licence conditions results in a relaxation of the requirements imposed for the protection or restoration of the environment and results in an adverse effect on any adjoining land or its amenity.

If a licence holder wishes to vary the conditions of a licence, transfer a licence to another entity, or surrender a licence, the licence holder must submit an application to the EPA in accordance with the applicable provisions of the Act (sections 45, 49 and 56, respectively). A licence remains in effect and in its original form until such time as any proposed variation, application for surrender, or transfer has been made and approved in writing by the EPA.

Suspension or cancellation of a licence

The EPA may suspend or cancel a licence by notice in writing to the licence holder in accordance with section 55 of the Act if satisfied the licence holder has either obtained the licence improperly, contravened a requirement under the Act or if the holder is a body corporate, a director of the body corporate has been guilty of misconduct of a prescribed kind (whether in this State or elsewhere).

Responsibilities under Environment Protection legislation

In addition to the conditions of any licence, a licence holder must comply with their obligations under all State and Federal legislation (as amended from time to time) including: the [Environment Protection Act 1993](#); the [Environment Protection Regulations 2009](#); all Environment Protection Policies made under the [Environment Protection Act 1993](#); and any National Environment Protection Measures not operating as an Environment Protection Policy under the [Environment Protection Act 1993](#)

Public Register Information

The EPA maintains and makes available a Public Register of details related to its determinations and other information it considers appropriate (i.e. excluding trade processes or financial information) in accordance with section 109 of the Act. These details include, but are not limited to:

- licensing and beverage container applications and approvals
- enforcement actions
- site contamination
- serious or material environmental harm caused or threatened in the course of an activity
- environment improvement programmes and environment performance agreements
- environment assessment reports; results of testing, monitoring or evaluation required by a licence
- EPA advice or direction regarding development approvals referred to the EPA by a planning authority

Definitions

Unless the contrary intention appears, terms used in this licence that are defined in the Act (including any regulations or environment protection policies made pursuant to the Act) have the respective meanings assigned to those terms by the Act.

THE ACT: The *Environment Protection Act 1993*

PREMISES: The whole of the land comprised in Titles Register - Certificate of Title, Crown Lease and Crown Record.

CT6164/803

/

AUTHORISATION FEE PAYMENT DATE: means the anniversary of the grant or renewal of this authorisation.

CONTAMINATED STORMWATER: is as defined in the Environment Protection (Water Quality) Policy 2015.

ENVIRONMENTAL HARM: means the same as is defined in section 5 of the Environment Protection Act 1993.

LEACHATE: means a liquid that has percolated through and/or been generated by decomposition of waste material. It includes water that comes into contact with waste and is potentially contaminated by nutrients, metals, salts and other soluble or suspended components and/or products of decomposition of the waste.

STORMWATER: is as defined in the Environment Protection (Water Quality) Policy 2015.

WASTE: means -

1. As defined under the Environment Protection Act 1993,

1(a) any discarded, dumped, rejected, abandoned, unwanted or surplus matter, whether or not intended for sale or for purification or resource recovery by a separate operation from that which produced the matter; or

1(b) any matter declared by regulation to be waste for the purposes of this Act (following consultation by the Minister on the regulation with prescribed bodies in accordance with the regulations); or

1(c) any matter declared by an environment protection policy to be waste for the purposes of this Act,

whether or not of value.

2. However, waste does not include—

2(a) an approved recovered resource whilst it is being dealt with in accordance with the declaration of that resource—see section 4A; or

2(b) anything declared by regulation or an environment protection policy not to be waste for the purposes of this Act,

even though the resource or the thing so declared might otherwise, but for the declaration, fall within the definition of waste in subsection (1).

WASTEWATER: as defined in the Environment Protection (Water Quality) Policy 2015.

WASTEWATER MANAGEMENT SYSTEM: as defined in the Environment Protection (Water Quality) Policy 2015.

WATERS: is as defined in the Environment Protection (Water Quality) Policy 2015.

Acronyms

EPA: means Environment Protection Authority

Conditions of Licence

The Licensee is authorised to conduct the prescribed activities as described in this Licence at the Premises nominated, subject to the following conditions:

1 CONTROL OF EMISSIONS

1.1 DUST PREVENTION (S - 7)

The Licensee must take all reasonable and practicable measures to prevent dust from leaving the Premises.

1.2 NOISE PREVENTION (S - 136)

The Licensee must take all reasonable and practicable measures to prevent noise from leaving the Premises.

1.3 ODOUR PREVENTION (S - 10)

The Licensee must take all reasonable and practicable measures to prevent odour from leaving the Premises.

1.4 STORMWATER (S - 15)

The Licensee must:

- 1.4.1 take all reasonable and practicable measures to prevent contamination of stormwater at the Premises; and
- 1.4.2 implement appropriate contingency measures to contain any contaminated stormwater at the Premises unless and until the contaminated stormwater is treated to remove the contamination, or is disposed of at an appropriately licensed facility.

1.5 WASTEWATER (S - 18)

The Licensee must take all reasonable and practicable measures to prevent wastewater or contaminated stormwater from discharging onto land and/or into waters.

2 WASTE MANAGEMENT

2.1 DISPOSAL OF FILTER MEDIA PROHIBITED (S - 202)

The Licensee must not dispose of marc, lees, spent diatomaceous earth, retentate or any other filter media at the Premises.

2.2 STORAGE OF WINE WASTE (S - 52)

The licensee must ensure that:

- 2.2.1 marc, lees, diatomaceous earth and sludge from the wine making process are stored appropriately on an area with an impervious base so as to prevent harm to soil or groundwater; and
- 2.2.2 any leachate from the above is contained and directed to the wastewater management system.

2.3 WASTEWATER MANAGEMENT (S - 53)

The Licensee must direct all wastewater to the wastewater management system.

3 OPERATIONAL MANAGEMENT

3.1 BUNDING (S - 5)

The licensee must ensure that all chemicals or chemical products are stored, loaded or unloaded in an appropriately bunded area.

NOTES

The EPA will assess the appropriateness of any bund against the EPA's 'Bunding and Spill Management Guidelines'.

3.2 COMPLAINTS REGISTER (S - 1)

The Licensee must:

- 3.2.1 prepare and maintain a register of all complaints concerning environmental issues.

- 3.2.2 ensure the register includes:
- a the date and time that the complaint was made;
 - b details of the complaint including the likely cause of events giving rise to the complaint;
 - c the contact details of the complainant (if permitted by the complainant); and
 - d details of any action taken in response to the complaint by the Licensee.

3.3 NO OVERFLOW OR ESCAPE (S - 201)

The Licensee must ensure that effluent or any spilled product does not overflow or escape from drains, pipes, sumps, tanks or other similar infrastructure onto surrounding land or into any watercourse, or into drains which do not drain to the wastewater management system.

3.4 WASTEWATER MANAGEMENT SYSTEM (S - 54)

The Licensee must ensure that:

- 3.4.1 the Premises incorporates a wastewater management system; and
- 3.4.2 the system is effectively operating in respect of any wastewater generated at the Premises while the Premises are being used for the licensed activity.

4 ADMINISTRATION

4.1 ANNUAL RETURN AND PAYMENT OF ANNUAL FEES (A - 4)

For the purposes of section 48(2)(a) of the Act, the date in each year for the lodgement of the Annual Return is no later than 90 days before the anniversary of the grant or renewal of the Licence; and

- 4.1.1 For the purposes of section 48(2)(b) of the Act, the date in each year for the payment of Annual Authorisation Fee is the anniversary of the grant of the Licence.

4.2 APPROVAL OF OPERATING PROCESSES (A - 6)

The Licensee must not undertake changes to operating processes conducted pursuant to the Licence at the Premises without written approval from the EPA, where such changes:

- 4.2.1 have the potential to increase emissions or alter the nature of pollutants or waste currently generated by, or from the licensed activity; or
- 4.2.2 have the potential to increase the risk of environmental harm; or

4.2.3 would relocate the point of discharge of pollution or waste at the Premises.

4.3 APPROVAL OF WORKS (A - 5)

The Licensee must not construct or alter a building or structure, or install or alter any plant or equipment, for use of an activity undertaken pursuant to the Licence at the Premises without written approval from the EPA, where such changes:

- 4.3.1 have the potential to increase the emissions or alter the nature of pollutants or waste currently generated by, or from the licensed activity; or
- 4.3.2 have the potential to increase the risk of environmental harm; or
- 4.3.3 would relocate the point of discharge of pollution or waste at the Premises.

4.4 CHANGE OF LICENSEE DETAILS (A - 3)

If the Licensee's name or postal address (or both) changes, the Licensee must inform the EPA within 28 days of the change occurring.

4.5 LICENCE RENEWAL (A - 2)

For the purposes of section 43(3) of the Act, an application for Renewal of the Licence must be made no later than 90 days before the expiry date of the Licence.

4.6 OBLIGATIONS TO EMPLOYEES, AGENTS AND CONTRACTORS (A - 1)

The Licensee must ensure that every employee, agent or contractor responsible for undertaking any activity regulated by the Licence, is informed as to the conditions of the Licence.

Attachments

There are no documents attached to this licence.



Environment Protection Authority
GPO Box 2607 Adelaide SA 5001
211 Victoria Square Adelaide SA 5000
T (08) 8204 2004
Country areas 1800 623 445

OFFICIAL

EPA Reference: PDI 742

24 January 2024

Adelaide Hills Council
63 Mount Barker Road
Stirling SA

Sparaskevopoulos@ahc.sa.gov.au

Dear Sebastien Paraskevopoulos

EPA Development Application Referral Response

Development Application Number	23024780
Applicant	Apex Home Improvements
Location	126 Tregarthen Road, Ashton
Proposal	Winery building and verandah

This application was referred to the Environment Protection Authority (EPA) by the Adelaide Hills Council in accordance with section 122 of the *Planning, Development and Infrastructure Act 2016*. The following response is provided in accordance with section 122(5)(b)(ii) of the Planning, Development and Infrastructure Act.

The EPA assessment criteria are outlined in section 57 of the *Environment Protection Act 1993* and include the objects of the Environment Protection Act, the general environmental duty, relevant environment protection policies and the waste strategy for the State.

Advice in this letter includes consideration of the location with respect to existing land uses and is aimed at protecting the environment and avoiding potential adverse impacts upon the locality.

PROPOSAL

This development application proposes adding a winery building (shed) and verandah to the existing Ashton Hills Winery located at 126 Tregarthen road, Ashton. The proposed new winery storage shed has

storage tanks comprising 2 x 5,500 litre 1 x 2,200 litre and 12 x 1,500 litre tanks, with a total storage of 25,800 litres.

As this winery already exists other environmental aspects such as noise and air quality were considered as part of the previous development application and are managed via existing licence conditions. Wastewater is discussed in this assessment to ensure that the new winery shed is sufficiently bunded.

ENVIRONMENTAL ASSESSMENT

Wastewater

The environmental issue of concern is the risk of spills and subsequent contamination of the surrounding environment via stormwater and runoff.

The proposed bunding is appropriate, as the fall in the slab would account for 120% of the largest tank volume, with any liquid to drain to a strip drain in shed. This drainage would be directed to the current wastewater system of 7000 L bunded tank. This is acceptable to the EPA.

CONCLUSION

Provided the proposed winery expansion is constructed as proposed, the EPA considers the risk of environmental impacts arising from the proposed development to be acceptable.

DIRECTION

Although no conditions are directed, the following notes provide important information for the benefit of the applicant and are therefore requested to be included in any approval:

- The applicant/owner/operator are 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 activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.
- More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au .

If you have any questions about this response, please contact Niall Stephen on 8204 2078 Niall.stephen@sa.gov.au .

Yours faithfully

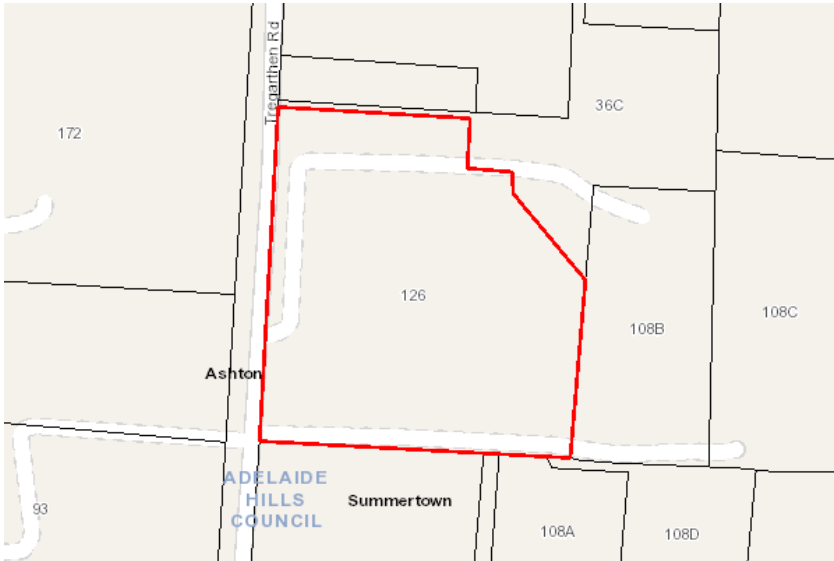
Hayley Riggs
Delegate
ENVIRONMENT PROTECTION AUTHORITY

126 TREGARTHEN RD ASHTON SA 5137

Address:

Click to view a detailed interactive [SAILIS](#) in SAILIS

To view a detailed interactive property map in SAPPA click on the map below



Property Zoning Details

- Zone** Productive Rural Landscape
- Overlay**
 - Environment and Food Production Area
 - Hazards (Bushfire - High Risk)
 - Heritage Adjacency
 - Hazards (Flooding - Evidence Required)
 - Limited Land Division
 - Mount Lofty Ranges Water Supply Catchment (Area 1)
 - Native Vegetation
 - Prescribed Water Resources Area

Selected Development(s)

Winery

This development may be subject to multiple assessment pathways. Please review the document below to determine which pathway may be applicable based on the proposed development compliances to standards. If no assessment pathway is shown this mean the proposed development will default to performance assessed. Please contact your local council in this instance. Refer to Part 1 - Rules of Interpretation - Determination of Classes of Development

Winery - Code Assessed - Performance Assessed

Part 2 - Zones and Sub Zones

Productive Rural Landscape Zone

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	A diverse range of land uses at an appropriate scale and intensity that capitalise on the region's proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape.

DO 2	A zone that promotes agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity.
DO 3	Create local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
<p>PO 1.1</p> <p>The productive value of rural land for a range of primary production and horticultural activities and associated value adding of primary produce (such as beverage production), retailing and tourism is supported, protected and maintained. The proliferation of land uses that may be sensitive to those activities is avoided.</p>	<p>DTS/DPF 1.1</p> <p>Development comprises one or more of the following:</p> <ul style="list-style-type: none"> (a) Advertisement (b) Agricultural building (c) Brewery (d) Carport (e) Cidery (f) Commercial forestry (g) Distillery (h) Dwelling (i) Dwelling addition (j) Farming (k) Function venue (l) Horse keeping (m) Horticulture (n) Industry (o) Low intensity animal husbandry (p) Outbuilding (q) Shop (r) Small-scale ground mounted solar power facility (s) Tourist accommodation (t) Transport distribution (u) Verandah (v) Warehouse (w) Winery (x) Workers' accommodation
Siting and Design	
<p>PO 2.1</p> <p>Development is provided with suitable vehicle access.</p>	<p>DTS/DPF 2.1</p> <p>Development is serviced by an all-weather trafficable public road.</p>
<p>PO 2.2</p> <p>Buildings are generally located on flat land to minimise cut and fill and the associated visual impacts.</p>	<p>DTS/DPF 2.2</p> <p>Buildings:</p> <ul style="list-style-type: none"> (a) are located on a site with a slope not greater than 10% (1-in-10) (b) do not result excavation and/or filling of land that is greater than 1.5m from natural ground level.
Rural Industry	

<p>PO 4.1</p> <p>Small-scale industry (including beverage production and washing, processing, bottling and packaging activities), storage, warehousing, produce grading and packing, transport distribution or similar activities provide opportunities for diversification and value adding to locally sourced primary production activities.</p>	<p>DTS/DPF 4.1</p> <p>Industries, storage, warehousing, produce grading and packing and transport distribution activities and similar activities (or any combination thereof):</p> <ul style="list-style-type: none"> (a) are directly related and ancillary to a primary production use on the same or adjoining allotment (b) are located on an allotment not less than 2ha in area (c) have a total floor area not exceeding 350m².
<p>PO 4.2</p> <p>Expansion of established small-scale or new large scale industry (including beverage production and washing, processing, bottling and packaging activities), storage, warehousing, produce grading and packing, transport distribution or similar activities:</p> <ul style="list-style-type: none"> (a) are commensurate with the allotment on which it is situated to mitigate adverse impacts on the amenity of land in other ownership and the character of locality (b) realise efficiencies in primary production related storage, sorting, packaging, manufacturing and the like (c) primarily involve primary production commodities sourced from the same allotment and/or surrounding rural areas. 	<p>DTS/DPF 4.2</p> <p>None are applicable.</p>
<p>PO 4.3</p> <p>Industry, storage, warehousing, transport distribution or similar activities are sited, designed and of a scale that maintains rural function and character in a manner that respects landscape amenity.</p>	<p>DTS/DPF 4.3</p> <p>Buildings and associated activities:</p> <ul style="list-style-type: none"> (a) are setback at least 50m from all road and allotment boundaries (b) are not sited within 100m of a sensitive receiver in other ownership (c) have a building height not greater than 10m above natural ground level (d) incorporate the loading and unloading of vehicles within the confines of the allotment.
<p>Built Form and Character</p>	
<p>PO 11.1</p> <p>Large buildings designed and sited to reduce impacts on scenic and rural vistas by:</p> <ul style="list-style-type: none"> (a) having substantial setbacks from boundaries and adjacent public roads (b) using low reflective materials and finishes that blend with the surrounding landscape (c) being located below ridgelines. 	<p>DTS/DPF 11.1</p> <p>None are applicable.</p>

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

Notification tables exclude the classes of development listed in Column A from notification provided that they do not fall within a corresponding exclusion prescribed in Column B.

Where a development or an element of a development falls within more than one class of development listed in Column A, it will be excluded from notification if it is excluded (in its entirety) under any of those classes of development. It need not be excluded under all applicable classes of development.

Where a development involves multiple performance assessed elements, all performance assessed elements will require notification (regardless of whether one or more elements are excluded in the applicable notification table) unless every performance assessed element of the application is

excluded in the applicable notification table, in which case the application will not require notification.

A relevant authority may determine that a variation to 1 or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.

Class of Development (Column A)	Exceptions (Column B)
1. Development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. Any development involving any of the following (or of any combination of any of the following): <ul style="list-style-type: none"> (a) advertisement (b) agricultural building (c) air handling unit, air conditioning system or exhaust fan (d) ancillary accommodation (e) carport (f) deck (g) fence (h) dwelling (i) dwelling addition (j) farming (k) horse keeping (l) internal building work (m) land division (n) outbuilding (o) pergola (p) private bushfire shelter (q) protective tree netting structure (r) replacement building (s) retaining wall (t) solar photovoltaic panels (roof mounted) (u) shade sail (v) swimming pool or spa pool and associated swimming pool safety features (w) temporary accommodation in an area affected by bushfire (x) tree damaging activity (y) verandah (z) water tank. 	None specified.
3. Any development involving any of the following (or of any combination of any of the following): <ul style="list-style-type: none"> (a) industry (b) store (c) warehouse. 	Except development that does not satisfy any of the following: <ul style="list-style-type: none"> 1. Productive Rural Landscape Zone DTS/DPF 4.1 2. Productive Rural Landscape Zone DTS/DPF 4.3.
4. Demolition.	Except any of the following: <ul style="list-style-type: none"> 1. the demolition (or partial demolition) of a State or Local Heritage Place (other than an excluded building) 2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an excluded building).
5. Function venue within The Cedars Subzone.	None specified.
6. Function venue.	Except function venue that does not satisfy Productive Rural Landscape Zone DTS/DPF 6.6.
7. Horticulture.	Except horticulture that does not satisfy any of the following:

	<ol style="list-style-type: none"> 1. Productive Rural Landscape Zone DTS/DPF 3.1(d) 2. Productive Rural Landscape Zone DTS/DPF 3.1(e).
8. Railway line.	Except where located outside of a rail corridor or rail reserve.
9. Shop within The Cedars Subzone.	None specified.
10. Shop.	<p>Except shop that does not satisfy any of the following:</p> <ol style="list-style-type: none"> 1. Productive Rural Landscape Zone DTS/DPF 6.1 2. Productive Rural Landscape Zone DTS/DPF 6.2.
11. Tourist accommodation within The Cedars Subzone.	None specified.
12. Tourist accommodation.	<p>Except tourist accommodation that does not to satisfy any of the following:</p> <ol style="list-style-type: none"> 1. Productive Rural Landscape Zone DTS/DPF 6.3 2. Productive Rural Landscape Zone DTS/DPF 6.4.

Placement of Notices - Exemptions for Performance Assessed Development

Pursuant to regulation 47(6)(c) of the Planning, Development and Infrastructure (General) Regulations 2017, the requirement to place a notice on the relevant land under section 107(3)(a)(ii) of the *Planning, Development and Infrastructure Act 2016* does not apply in the Productive Rural Landscape Zone.

Placement of Notices - Exemptions for Restricted Development

Pursuant to regulation 47(6)(c) of the Planning, Development and Infrastructure (General) Regulations 2017, the requirement to place a notice on the relevant land under section 110(2)(a)(iv) of the *Planning, Development and Infrastructure Act 2016* does not apply in the Productive Rural Landscape Zone.

Part 3 - Overlays

Hazards (Bushfire - High Risk) Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	<p>Development, including land division is sited and designed to minimise the threat and impact of bushfires on life and property with regard to the following risks:</p> <ol style="list-style-type: none"> (a) potential for uncontrolled bushfire events taking into account the increased frequency and intensity of bushfires as a result of climate change (b) high levels and exposure to ember attack (c) impact from burning debris (d) radiant heat (e) likelihood and direct exposure to flames from a fire front.
DO 2	Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away

	from areas of unacceptable bushfire risk.
DO 3	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use	
<p>PO 1.1</p> <p>Development that significantly increases the potential for fire outbreak as a result of the spontaneous combustion of materials, spark generation or through the magnification and reflection of light is not located in areas of unacceptable bushfire risk.</p>	<p>DTS/DPF 1.1</p> <p>None are applicable.</p>
Siting	
<p>PO 2.1</p> <p>Buildings and structures are located away from areas that pose an unacceptable bushfire risk as a result of vegetation cover and type, and terrain.</p>	<p>DTS/DPF 2.1</p> <p>None are applicable.</p>
Built Form	
<p>PO 3.1</p> <p>Buildings and structures are designed and configured to reduce the impact of bushfire through using designs that reduce the potential for trapping burning debris against or underneath the building or structure, or between the ground and building floor level in the case of transportable buildings and buildings on stilts.</p>	<p>DTS/DPF 3.1</p> <p>None are applicable.</p>
<p>PO 3.2</p> <p>Extensions to buildings, outbuildings and other ancillary structures are sited and constructed using materials to minimise the threat of fire spread to residential and tourist accommodation (including boarding houses, hostels, dormitory style accommodation, student accommodation and Workers' accommodation) in the event of bushfire.</p>	<p>DTS/DPF 3.2</p> <p>Outbuildings and other ancillary structures are sited no closer than 6m from the habitable building.</p>
Vehicle Access –Roads, Driveways and Fire Tracks	
<p>PO 6.1</p> <p>Roads are designed and constructed to facilitate the safe and effective:</p> <ul style="list-style-type: none"> (a) access, operation and evacuation of fire-fighting vehicles and emergency personnel (b) evacuation of residents, occupants and visitors. 	<p>DTS/DPF 6.1</p> <p>Roads:</p> <ul style="list-style-type: none"> (a) are constructed with a formed, all-weather surface (b) have a gradient of not more than 16 degrees (1-in-3.5) at any point along the road (c) have a cross fall of not more than 6 degrees (1-in-9.5) at any point along the road (d) have a minimum formed road width of 6m (e) provide overhead clearance of not less than 4.0m between the road surface and overhanging branches or other obstructions including buildings and/or structures (Figure 1)

	<ul style="list-style-type: none"> (f) allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around road curves by constructing the curves with a minimum external radius of 12.5m (Figure 2) (g) incorporating cul-de-sac endings or dead end roads are provided within an alternative evacuation route and do not exceed 200m in length and the end of the road has either: <ul style="list-style-type: none"> (i) a turning area with a minimum formed surface radius of 12.5m (Figure 3) or (ii) a 'T' or 'Y' shaped turning area with a minimum formed surface length of 11m and minimum internal radii of 9.5m (Figure 4) (h) incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.
<p>PO 6.2</p> <p>Access to habitable buildings is designed and constructed to facilitate the safe and effective:</p> <ul style="list-style-type: none"> (a) use, operation and evacuation of fire-fighting and emergency personnel (b) evacuation of residents, occupants and visitors. 	<p>DTS/DPF 6.2</p> <p>Access is in accordance with (a) or (b):</p> <ul style="list-style-type: none"> (a) a clear and unobstructed vehicle or pedestrian pathway of not greater than 60 metres in length is available between the most distant part of the habitable building and the nearest part of a formed public access road (b) driveways: <ul style="list-style-type: none"> (i) do not exceed 600m in length (ii) are constructed with a formed, all-weather surface (iii) are connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than 7 degrees (1-in-8) (iv) have a gradient of not more than 16 degrees (1-in-3.5) at any point along the driveway (v) have a crossfall of not more than 6 degrees (1-in-9.5) at any point along the driveway (vi) have a minimum formed width of 3m (4m where the gradient of the driveway is steeper than 12 degrees (1-in-4.5)) plus 0.5 metres clearance either side of the driveway from overhanging branches or other obstructions, including buildings and/or structures (Figure 1) (vii) incorporate passing bays with a minimum width of 6m and length of 17m every 200m (Figure 5) (viii) provide overhead clearance of not less than 4.0m between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures (Figure 1) (ix) allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around driveway curves by constructing the curves with a minimum external radius of 12.5m (Figure 2) (x) allow fire-fighting vehicles to safely enter and exit an allotment in a forward direction by using a 'U' shaped drive through design or by incorporating at the end of the driveway either: <ul style="list-style-type: none"> A. a loop road around the building or B. a turning area with a minimum radius of 12.5m (Figure 3) or C. a 'T' or 'Y' shaped turning area with a minimum formed length of 11m and minimum internal radii of 9.5m (Figure 4) (xi) incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.
<p>PO 6.3</p> <p>Development does not rely on fire tracks as means of evacuation or access for fire-fighting purposes unless there are no safe alternatives available.</p>	<p>DTS/DPF 6.3</p> <p>None are applicable.</p>

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
			Development

<p>Except if a relevant certificate accompanies the application for planning consent in respect of the development, any of the following classes of development (including alterations and additions which increase the floor area of such buildings by 10% or more):</p> <ul style="list-style-type: none"> (a) land division creating one or more additional allotments (b) dwelling (c) ancillary accommodation (d) residential flat building (e) tourist accommodation (f) boarding home (g) dormitory style accommodation (h) workers' accommodation (i) student accommodation (j) child care facility (k) educational facility (l) retirement village (m) supported accommodation (n) residential park (o) hospital (p) camp ground. 	<p>South Australian Country Fire Service.</p>	<p>To provide expert assessment and direction to the relevant authority on the potential impacts of bushfire on the development.</p>	<p>of a class to which Schedule 9 clause 3 item 2 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.</p>
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Figures and Diagrams

Fire Appliance Clearances

Figure 1 - Overhead and Side Clearances

MINIMUM 4 METRES OVERHEAD CLEARANCE

CLEARANCE

4 METRES

0.5m

CARRIAGEWAY WIDTH

0.5m

A MINIMUM 0.5 METRES CLEARANCE IS TO BE PROVIDED ON EACH SIDE OF CARRIAGEWAY / DRIVEWAY

(3m Minimum for Driveways)
(6m Minimum for Roads)

Roads and Driveway Design

Figure 2 - Road and Driveway Curves

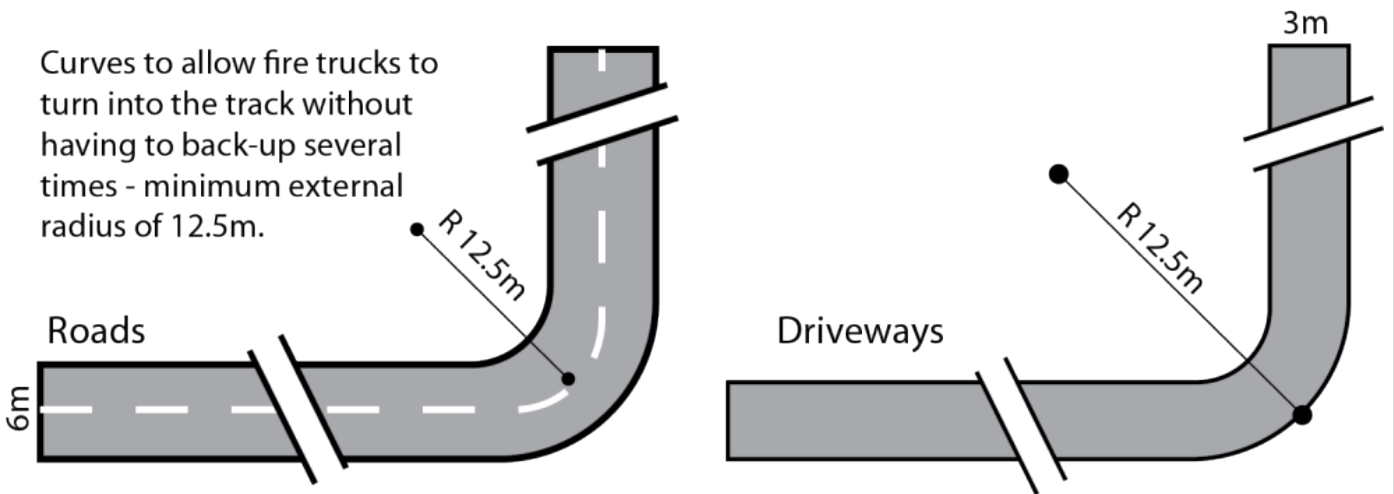


Figure 3 - Full Circle Turning Area

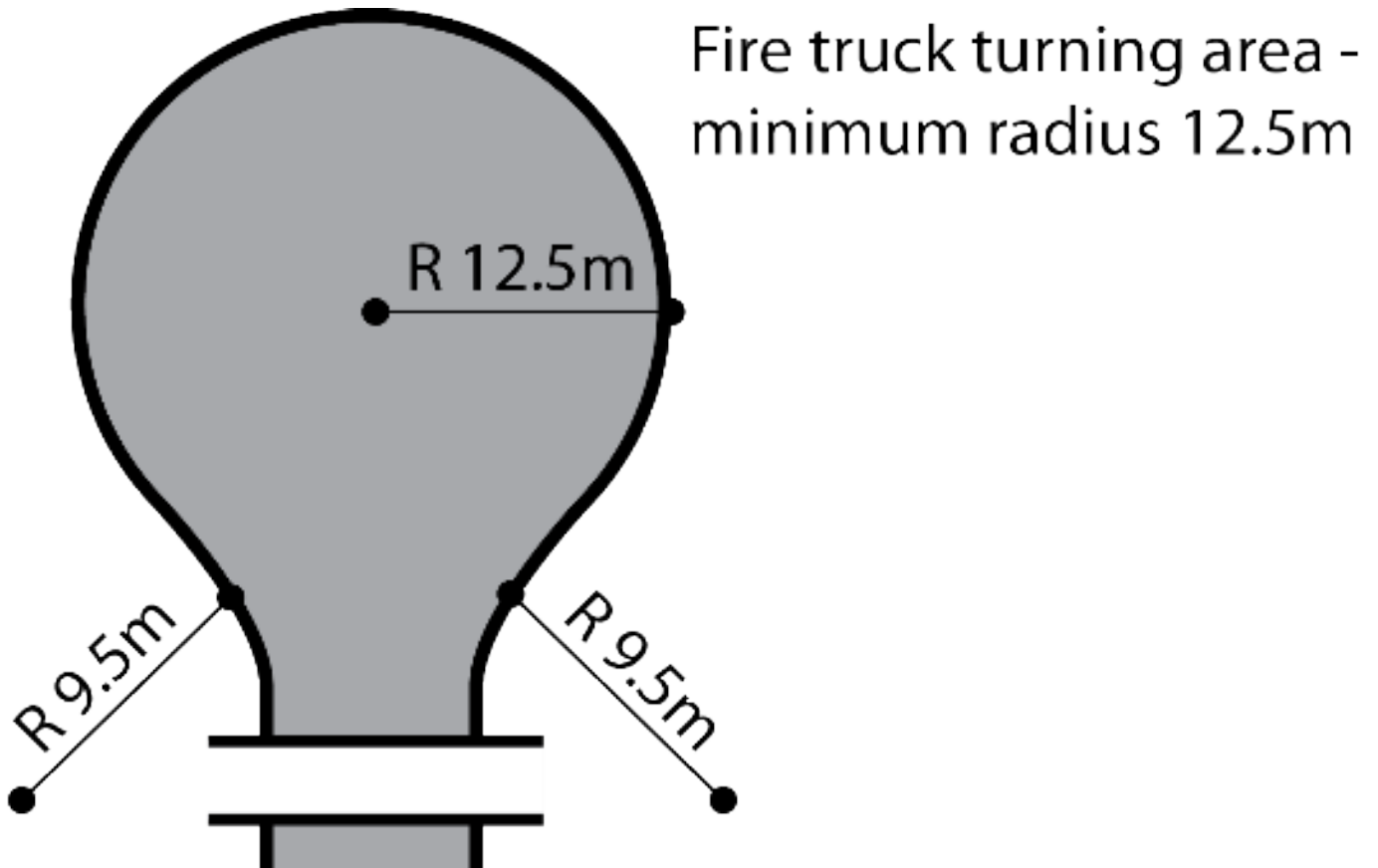
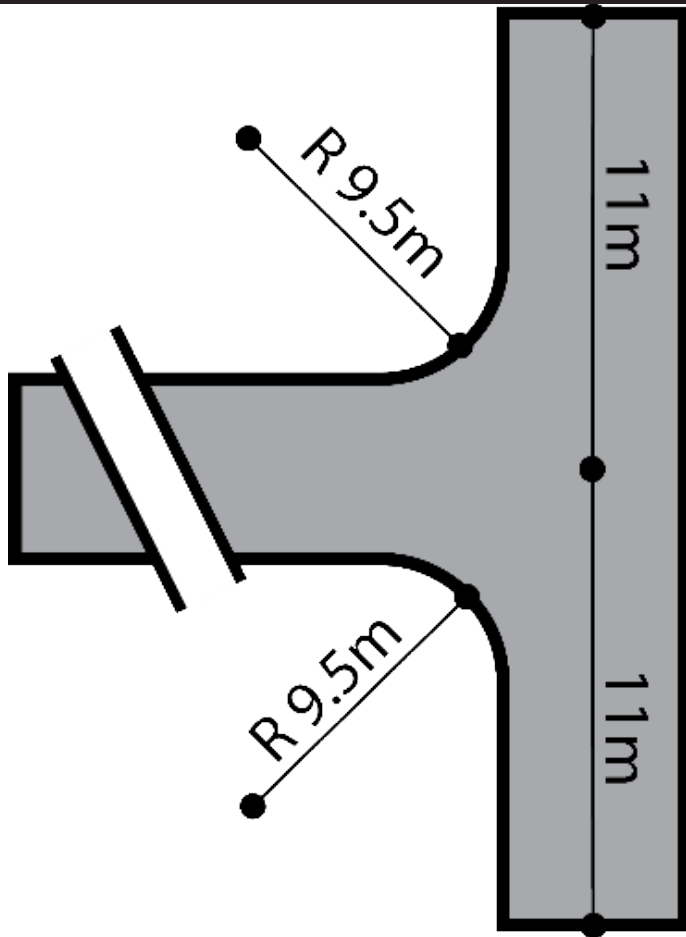
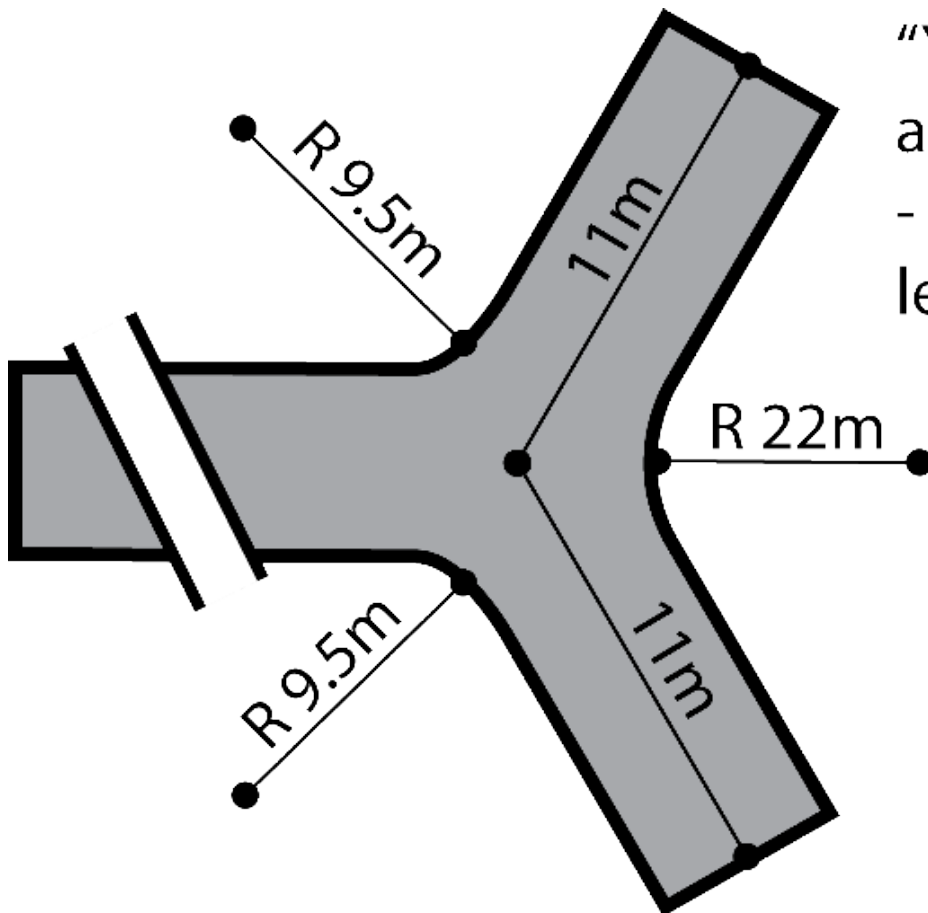


Figure 4 - 'T' or 'Y' Shaped Turning Head



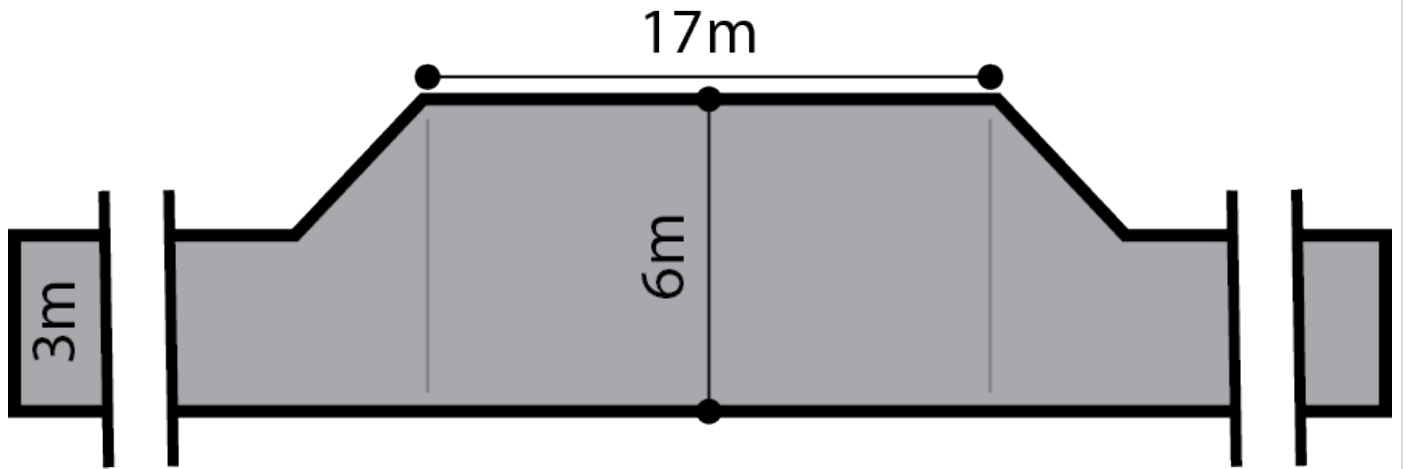
“T” shaped turning area for fire trucks to reverse into so they can turn around
- minimum length 11m.



“Y” shaped turn around area
- minimum length 11 metres.

Figure 5 - Driveway Passing Bays

Passing bay for fire trucks - minimum width 6 metres, minimum length 17 metres.



Hazards (Flooding - Evidence Required) Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Flood Resilience	
<p>PO 1.1</p> <p>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.</p>	<p>DTS/DPF 1.1</p> <p>Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished floor level at least 300mm above:</p> <ul style="list-style-type: none"> (a) the highest point of top of kerb of the primary street or (b) the highest point of natural ground level at the primary street boundary where there is no kerb
Environmental Protection	
<p>PO 2.1</p> <p>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.</p>	<p>DTS/DPF 2.1</p> <p>Development does not involve the storage of hazardous materials.</p>

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

Heritage Adjacency Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Development adjacent to State and Local Heritage Places maintains the heritage and cultural values of those Places.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Built Form	
<p>PO 1.1</p> <p>Development adjacent to a State or Local Heritage Place does not dominate, encroach on or unduly impact on the setting of the Place.</p>	<p>DTS/DPF 1.1</p> <p>None are applicable.</p>

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Development which in the opinion of the relevant authority materially affects the context within which the State Heritage Place is situated.	Minister responsible for the administration of the <i>Heritage Places Act 1993</i> .	To provide expert assessment and direction to the relevant authority on the potential impacts of development adjacent State Heritage Places.	Development of a class to which Schedule 9 clause 3 item 17 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Safeguard Greater Adelaide's public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from primary reservoirs or diversion weir catchments from the Mount Lofty Ranges.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Water Quality	
<p>PO 1.1</p> <p>Development results in a neutral or beneficial effect on the quality of water draining from the site to maintain and enhance the role of the catchment as a water supply.</p>	<p>DTS/DPF 1.1</p> <p>None are applicable.</p>
Wastewater	
<p>PO 2.1</p> <p>Development that generates trade or industrial wastewater is designed to ensure wastewater disposal avoids adverse impacts on the quality of water draining into primary public water supply reservoirs and weirs.</p>	<p>DTS/DPF 2.1</p> <p>Development that generates trade or industrial wastewater is connected to a:</p> <ul style="list-style-type: none"> (a) sewer or community wastewater management system with sufficient hydraulic and treatment capacity to accept the inflow, or (b) wastewater holding tank which has storage capacity of more than four days total flow during peak operations and is contained within an impervious, bunded area with a total liquid holding capacity of more than 120 percent of the total holding tank capacity, prior to transporting for off-site disposal.
<p>PO 2.2</p> <p>Development that generates human wastewater, including alterations and additions, are established at an intensity and in a manner to minimise potential adverse impact on water quality within primary reservoir and weir catchment areas.</p>	<p>DTS/DPF 2.2</p> <p>Development, including alterations and additions, in combination with existing built form and activities within an allotment:</p> <ul style="list-style-type: none"> (a) does not generate a combined total of more than 900 litres of wastewater per day, and (b) will be connected to the same on-site wastewater system that is compliant with relevant South Australian standards <p>or is otherwise connected to a sewerage or community wastewater management system.</p>
<p>PO 2.3</p> <p>Wastewater management systems result in a neutral or beneficial effect on the quality of water draining from the site.</p>	<p>DTS/DPF 2.3</p> <p>Development results in:</p> <ul style="list-style-type: none"> (a) a building or land use that is currently connected to an existing on-site wastewater system that is non-compliant with relevant South Australian standards being connected to a new or upgraded system that complies with such standards or (a) an existing on-site wastewater system being decommissioned and wastewater being disposed of to a sewer or community wastewater management system that complies with relevant South Australian standards.

<p>PO 2.4</p> <p>Surface and groundwater protected from wastewater discharge pollution.</p>	<p>DTS/DPF 2.4</p> <p>All components of an effluent disposal area are:</p> <ul style="list-style-type: none"> (a) set back 50 metres or more from a watercourse (b) set back 100 metres or more from a public water supply reservoir (c) located on land with a slope no greater than 1-in-5 (20%) (d) located on land with 1.2m or more depth to bedrock or a seasonal or permanent water table (e) above the 10% AEP flood level.
<p>Stormwater</p>	
<p>PO 3.1</p> <p>Post-development peak stormwater discharge quantities and rates do not exceed pre-development quantities and rates to maintain water quality leaving the site.</p>	<p>DTS/DPF 3.1</p> <p>None are applicable.</p>
<p>PO 3.2</p> <p>Stormwater run-off from areas not likely to be subject to pollution diverted away from areas that could cause pollution.</p>	<p>DTS/DPF 3.2</p> <p>None are applicable.</p>
<p>PO 3.3</p> <p>Polluted stormwater is treated prior to discharge from the site.</p>	<p>DTS/DPF 3.3</p> <p>None are applicable.</p>
<p>PO 3.9</p> <p>Stormwater from excavated and filled areas is managed to protect water quality.</p>	<p>DTS/DPF 3.9</p> <p>Excavation and/or filling satisfy all the following:</p> <ul style="list-style-type: none"> (a) is located 50m or more from watercourses (b) is located 100m or more from public water supply reservoirs and diversion weirs (c) does not involve excavation exceeding a vertical height of 0.75m (d) does not involve filling exceeding a vertical height of 0.75m (e) does not involve a total combined excavation and filling vertical height of 1.5m.
<p>Landscapes and Natural Features</p>	
<p>PO 4.1</p> <p>Development minimises the need to modify landscapes and natural features.</p>	<p>DTS/DPF 4.1</p> <p>None are applicable.</p>

Procedural Matters (PM)

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Any of the following classes of development that are not connected (or not proposed to be connected) to a	Environment Protection Authority.	To provide expert technical assessment and direction to the	Development of a class to

<p>community wastewater management system or sewerage infrastructure:</p> <ul style="list-style-type: none"> (a) land division creating one or more additional allotments, either partly or wholly within the area of the overlay (b) function venue with more than 75 seats for customer dining purposes (c) restaurant with more than 40 seats for customer dining purposes (d) restaurant with more than 30 seats for customer dining purposes in association with a cellar door (e) dwelling where a habitable dwelling or tourist accommodation or workers' accommodation already exists on the same allotment (including where a valid planning authorisation exists to erect a dwelling or tourist accommodation or workers' accommodation on the same allotment), except where the existing habitable dwelling or tourist accommodation or workers' accommodation on the same allotment is proposed to be demolished and the existing on-site wastewater system is proposed to be decommissioned (f) tourist accommodation where a habitable dwelling or tourist accommodation or workers' accommodation already exists on the same allotment (including where a valid planning authorisation exists to erect a habitable dwelling or tourist accommodation or workers' accommodation on the same allotment), except where the existing habitable dwelling or tourist accommodation or workers' accommodation on the same allotment is proposed to be demolished and the existing on-site wastewater system is proposed to be decommissioned (g) workers' accommodation where a habitable dwelling or tourist accommodation or workers' accommodation already exists on the same allotment (including where a valid planning authorisation exists to erect a habitable dwelling or tourist accommodation or workers' accommodation on the same allotment), except where the existing habitable dwelling or tourist accommodation or workers' accommodation on the same allotment is proposed to be demolished and the existing on-site wastewater system is proposed to be decommissioned (h) any other development that generates human wastewater from a peak loading capacity of more than 40 persons (or more than 6,000 litres/day). 		<p>relevant authority on whether a proposed development will have a neutral or beneficial impact on water quality.</p>	<p>which Schedule 9 clause 3 item 9 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.</p>
<p>Composting works (excluding a prescribed approved activity) - being a depot, facility or works with the capacity to treat, during a 12 month period more than 200 tonnes of organic waste or matter (EPA Licence)</p>			
<p>Wastewater treatment works - being sewage treatment works, a community wastewater management system, winery wastewater treatment works or any other wastewater treatment works with the capacity to treat, during a 12 month period more than 2.5 ML of wastewater (EPA Licence required at more than 5ML)</p>			
<p>Feedlots - being carrying on an operation for holding in confined yard or area and feeding principally by mechanical means or by hand not less than an average of 200 cattle (EPA Licence) or 1,600 sheep or goats per day over any period of 12 months, but excluding any such operation carried on at an abattoir, slaughterhouse or saleyard or for the purpose only of drought or other emergency feeding</p>			
<p>Piggeries - being the conduct of a piggery (being premises having confined or roofed structures for keeping pigs) with a capacity of 130 or more standard pig units (EPA Licence required at 650 or more standard pig units)</p>			

Dairies - carrying on of a dairy with a total processing capacity exceeding 100 milking animals at any one time.			
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Native Vegetation Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
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.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Environmental Protection	
<p>PO 1.1</p> <p>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.</p>	<p>DTS/DPF 1.1</p> <p>An application is accompanied by:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) in connection with a relevant access point and / or driveway (ii) within 10m of a building (other than a residential building or tourist accommodation) (iii) within 20m of a dwelling or addition to an existing dwelling for fire prevention and control (iv) 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 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'.
<p>PO 1.2</p> <p>Native vegetation clearance in association with development avoids the following:</p> <ul style="list-style-type: none"> (a) significant wildlife habitat and movement corridors (b) rare, vulnerable or endangered plants species (c) native vegetation that is significant because it is located in an area which has been extensively cleared (d) native vegetation that is growing in, or in association with, a wetland environment. 	<p>DTS/DPF 1.2</p> <p>None are applicable.</p>
<p>PO 1.4</p> <p>Development restores and enhances biodiversity and habitat values</p>	<p>DTS/DPF 1.4</p> <p>None are applicable.</p>

through revegetation using locally indigenous plant species.	
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Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Development that is the subject of a report prepared in accordance with Regulation 18(2)(a) of the <i>Native Vegetation Regulations 2017</i> that categorises the clearance, or potential clearance, as 'Level 3 clearance' or 'Level 4 clearance'.	Native Vegetation Council	To provide expert assessment and direction to the relevant authority on the potential impacts of development on native vegetation.	Development of a class to which Schedule 9 clause 3 item 11 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

Prescribed Water Resources Area Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Sustainable water use in prescribed water resources areas maintains the health and natural flow paths of surface water, watercourses and wells.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<p>PO 1.1</p> <p>All development, but in particular development involving any of the following:</p> <ul style="list-style-type: none"> (a) horticulture (b) activities requiring irrigation (c) aquaculture (d) industry (e) intensive animal husbandry (f) commercial forestry <p>has a lawful, sustainable and reliable water supply that does not place</p>	<p>DTS/DPF 1.1</p> <p>Development satisfies either of the following:</p> <ul style="list-style-type: none"> (a) the applicant has a current water licence in which sufficient spare capacity exists to accommodate the water needs of the proposed use or (b) the proposal does not involve the taking of water for which a licence would be required under the <i>Landscape South Australia Act 2019</i>.

undue strain on water resources in prescribed water resource areas.	
PO 1.2 Development comprising the erection, construction, modification, enlargement or removal of a dam, wall or other structure that will collect or divert surface water flowing over land is undertaken in a manner that maintains the quality and quantity of flows required to meet the needs of the environment as well as downstream users.	DTS/DPF 1.2 None are applicable.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Development that comprises the erection, construction, modification, enlargement or removal of a dam, wall or other structure that will collect or divert, or collects or diverts surface water flowing over land.	Relevant authority under the <i>Landscape South Australia Act 2019</i> that would, if it were not for the operation of section 106(1)(e) of that Act, have the authority under that Act to grant or refuse a permit to undertake the subject development.	To provide expert assessment and direction to the relevant authority on potential impacts from development on the health, sustainability and/or natural flow paths of water resources in accordance with the provisions of the relevant water allocation plan or regional landscape plan or equivalent.	Development of a class to which Schedule 9 clause 3 item 12 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.
Any of the following classes of development that require or may require water to be taken in addition to any allocation that has already been granted under the <i>Landscape South Australia Act 2019</i> : (a) horticulture (b) activities requiring irrigation (c) aquaculture (d) industry (e) intensive animal husbandry (f) commercial forestry	The Chief Executive of the Department of the Minister responsible for the administration of the <i>Landscape South Australia Act 2019</i> .	To provide expert technical assessment and direction to the relevant authority on the taking of water to ensure development is undertaken sustainably and maintains the health and natural flow paths of water resources.	Development of a class to which Schedule 9 clause 3 item 13 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.
Commercial forestry that requires a forest water licence under Part 8 Division 6 of the <i>Landscape South Australia Act 2019</i> .			

Part 4 - General Development Policies

Beverage Production in Rural Areas

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Mitigation of potential amenity and environmental impacts of value-adding beverage production facilities such as wineries, distilleries, cideries and breweries.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Odour and Noise	
<p>PO 1.1</p> <p>Beverage production activities are designed and sited to minimise odour impacts on rural amenity.</p>	<p>DTS/DPF 1.1</p> <p>None are applicable.</p>
<p>PO 1.2</p> <p>Beverage production activities are designed and sited to minimise noise impacts on sensitive receivers.</p>	<p>DTS/DPF 1.2</p> <p>None are applicable.</p>
<p>PO 1.3</p> <p>Fermentation, distillation, manufacturing, storage, packaging and bottling activities occur within enclosed buildings to improve the visual appearance within a locality and manage noise associated with these activities.</p>	<p>DTS/DPF 1.3</p> <p>None are applicable.</p>
<p>PO 1.4</p> <p>Breweries are designed to minimise odours emitted during boiling and fermentation stages of production.</p>	<p>DTS/DPF 1.4</p> <p>Brew kettles are fitted with a vapour condenser.</p>
<p>PO 1.5</p> <p>Beverage production solid wastes are stored in a manner that minimises odour impacts on sensitive receivers in other ownership.</p>	<p>DTS/DPF 1.5</p> <p>Solid waste from beverage production is collected and stored in sealed containers and removed from the site within 48 hours.</p>
Water Quality	
<p>PO 2.1</p> <p>Beverage production wastewater management systems (including wastewater irrigation) are set back from watercourses to minimise adverse impacts on water resources.</p>	<p>DTS/DPF 2.1</p> <p>Wastewater management systems are set back 50m or more from the banks of watercourses and bores.</p>
<p>PO 2.2</p> <p>The storage or disposal of chemicals or hazardous substances is undertaken in a manner to prevent pollution of water resources.</p>	<p>DTS/DPF 2.2</p> <p>None are applicable.</p>

<p>PO 2.3</p> <p>Stormwater runoff from areas that may cause contamination due to beverage production activities (including vehicle movements and machinery operations) is drained to an onsite stormwater treatment system to manage potential environmental impacts.</p>	<p>DTS/DPF 2.3</p> <p>None are applicable.</p>
<p>PO 2.4</p> <p>Stormwater runoff from areas unlikely to cause contamination by beverage production and associated activities (such as roof catchments and clean hard-paved surfaces) is diverted away from beverage production areas and wastewater management systems.</p>	<p>DTS/DPF 2.4</p> <p>None are applicable.</p>
<p>Wastewater Irrigation</p>	
<p>PO 3.1</p> <p>Beverage production wastewater irrigation systems are designed and located to not contaminate soil and surface and ground water resources or damage crops.</p>	<p>DTS/DPF 3.1</p> <p>None are applicable.</p>
<p>PO 3.2</p> <p>Beverage production wastewater irrigation systems are designed and located to minimise impact on amenity and avoid spray drift onto adjoining land.</p>	<p>DTS/DPF 3.2</p> <p>Beverage production wastewater is not irrigated within 50m of any dwelling in other ownership.</p>
<p>PO 3.3</p> <p>Beverage production wastewater is not irrigated onto areas that pose an undue risk to the environment or amenity such as:</p> <ul style="list-style-type: none"> (a) waterlogged areas (b) land within 50m of a creek, swamp or domestic or stock water bore (c) land subject to flooding (d) steeply sloping land (e) rocky or highly permeable soil overlaying an unconfined aquifer. 	<p>DTS/DPF 3.3</p> <p>None are applicable.</p>

Clearance from Overhead Powerlines

Assessment Provisions (AP)

Desired Outcome (DO)

<p style="text-align: center;">Desired Outcome</p>	
<p>DO 1</p>	<p>Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.</p>

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

<p style="text-align: center;">Performance Outcome</p>	<p style="text-align: center;">Deemed-to-Satisfy Criteria / Designated Performance Feature</p>

<p>PO 1.1</p> <p>Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.</p>	<p>DTS/DPF 1.1</p> <p>One of the following is satisfied:</p> <ul style="list-style-type: none"> (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 <i>Electricity Act 1996</i> (b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.
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Design

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
<p>DO 1</p>	<p>Development is:</p> <ul style="list-style-type: none"> (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.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
All development	
External Appearance	
<p>PO 1.5</p> <p>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.</p>	<p>DTS/DPF 1.5</p> <p>None are applicable.</p>
On-site Waste Treatment Systems	
<p>PO 6.1</p> <p>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.</p>	<p>DTS/DPF 6.1</p> <p>Effluent disposal drainage areas do not:</p> <ul style="list-style-type: none"> (a) encroach within an area used as private open space or result in less private open space than that specified in Design Table 1 - Private Open Space (b) use an area also used as a driveway (c) encroach within an area used for on-site car parking or result in less on-site car parking than that specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.
Carparking Appearance	

<p>PO 7.2</p> <p>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.</p>	<p>DTS/DPF 7.2</p> <p>None are applicable.</p>
<p>PO 7.4</p> <p>Street level vehicle parking areas incorporate tree planting to provide shade and reduce solar heat absorption and reflection.</p>	<p>DTS/DPF 7.4</p> <p>None are applicable.</p>
<p>PO 7.5</p> <p>Street level parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places.</p>	<p>DTS/DPF 7.5</p> <p>None are applicable.</p>
<p>PO 7.6</p> <p>Vehicle parking areas and associated driveways are landscaped to provide shade and positively contribute to amenity.</p>	<p>DTS/DPF 7.6</p> <p>None are applicable.</p>
<p>PO 7.7</p> <p>Vehicle parking areas and access ways incorporate integrated stormwater management techniques such as permeable or porous surfaces, infiltration systems, drainage swales or rain gardens that integrate with soft landscaping.</p>	<p>DTS/DPF 7.7</p> <p>None are applicable.</p>
<p>Earthworks and sloping land</p>	
<p>PO 8.1</p> <p>Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.</p>	<p>DTS/DPF 8.1</p> <p>Development does not involve any of the following:</p> <ul style="list-style-type: none"> (a) excavation exceeding a vertical height of 1m (b) filling exceeding a vertical height of 1m (c) a total combined excavation and filling vertical height of 2m or more.

Infrastructure and Renewable Energy Facilities

Assessment Provisions (AP)

Desired Outcome (DO)

<p style="text-align: center;">Desired Outcome</p>	
<p>DO 1</p>	<p>Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.</p>

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Water Supply	
<p>PO 11.1</p> <p>Development is connected to an appropriate water supply to meet the ongoing requirements of the intended use.</p>	<p>DTS/DPF 11.1</p> <p>Development is connected, or will be connected, to a reticulated water scheme or mains water supply with the capacity to meet the on-going requirements of the development.</p>
Wastewater Services	
<p>PO 12.1</p> <p>Development is connected to an approved common wastewater disposal service with the capacity to meet the requirements of the intended use. Where this is not available an appropriate on-site service is provided to meet the ongoing requirements of the intended use in accordance with the following:</p> <ul style="list-style-type: none"> (a) it is wholly located and contained within the allotment of the development it will service (b) in areas where there is a high risk of contamination of surface, ground, or marine water resources from on-site disposal of liquid wastes, disposal systems are included to minimise the risk of pollution to those water resources (c) septic tank effluent drainage fields and other wastewater disposal areas are located away from watercourses and flood prone, sloping, saline or poorly drained land to minimise environmental harm. 	<p>DTS/DPF 12.1</p> <p>Development is connected, or will be connected, to an approved common wastewater disposal service with the capacity to meet the requirements of the development. Where this is not available it is instead capable of being serviced by an on-site waste water treatment system in accordance with the following:</p> <ul style="list-style-type: none"> (a) the system is wholly located and contained within the allotment of development it will service; and (b) the system will comply with the requirements of the South Australian Public Health Act 2011.
<p>PO 12.2</p> <p>Effluent drainage fields and other wastewater disposal areas are maintained to ensure the effective operation of waste systems and minimise risks to human health and the environment.</p>	<p>DTS/DPF 12.2</p> <p>Development is not built on, or encroaches within, an area that is, or will be, required for a sewerage system or waste control system.</p>

Interface between Land Uses

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Activities Generating Noise or Vibration	
<p>PO 4.1</p>	<p>DTS/DPF 4.1</p>

<p>Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).</p>	<p>Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.</p>				
<p>PO 4.2</p> <p>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:</p> <ul style="list-style-type: none"> (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. 	<p>DTS/DPF 4.2</p> <p>None are applicable.</p>				
<p>PO 4.5</p> <p>Outdoor areas associated with licensed premises (such as beer gardens or dining areas) are designed and/or sited to not cause unreasonable noise impact on existing adjacent sensitive receivers (or lawfully approved sensitive receivers).</p>	<p>DTS/DPF 4.5</p> <p>None are applicable.</p>				
<p>PO 4.6</p> <p>Development incorporating music achieves suitable acoustic amenity when measured at the boundary of an adjacent sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers.</p>	<p>DTS/DPF 4.6</p> <p>Development incorporating music includes noise attenuation measures that will achieve the following noise levels:</p> <table border="1" data-bbox="831 1249 1485 1518"> <thead> <tr> <th data-bbox="831 1249 1098 1339">Assessment location</th> <th data-bbox="1098 1249 1485 1339">Music noise level</th> </tr> </thead> <tbody> <tr> <td data-bbox="831 1339 1098 1518">Externally at the nearest existing or envisaged noise sensitive location</td> <td data-bbox="1098 1339 1485 1518">Less than 8dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum ($LOCT_{10,15} < LOCT_{90,15} + 8dB$)</td> </tr> </tbody> </table>	Assessment location	Music noise level	Externally at the nearest existing or envisaged noise sensitive location	Less than 8dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum ($LOCT_{10,15} < LOCT_{90,15} + 8dB$)
Assessment location	Music noise level				
Externally at the nearest existing or envisaged noise sensitive location	Less than 8dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum ($LOCT_{10,15} < LOCT_{90,15} + 8dB$)				
<p>Air Quality</p>					
<p>PO 5.1</p> <p>Development with the potential to emit harmful or nuisance-generating air pollution incorporates air pollution control measures to prevent harm to human health or unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) within the locality and zones primarily intended to accommodate sensitive receivers.</p>	<p>DTS/DPF 5.1</p> <p>None are applicable.</p>				
<p>PO 5.2</p> <p>Development that includes chimneys or exhaust flues (including cafes, restaurants and fast food outlets) is designed to minimise nuisance or adverse health impacts to sensitive receivers (or lawfully approved sensitive receivers) by:</p>	<p>DTS/DPF 5.2</p> <p>None are applicable.</p>				

<p>(a) incorporating appropriate treatment technology before exhaust emissions are released</p> <p>(b) locating and designing chimneys or exhaust flues to maximise the dispersion of exhaust emissions, taking into account the location of sensitive receivers.</p>	
<p>Light Spill</p>	
<p>PO 6.1</p> <p>External lighting is positioned and designed to not cause unreasonable light spill impact on adjacent sensitive receivers (or lawfully approved sensitive receivers).</p>	<p>DTS/DPF 6.1</p> <p>None are applicable.</p>

Transport, Access and Parking

Assessment Provisions (AP)

Desired Outcome (DO)

<p style="text-align: center;">Desired Outcome</p>	
<p>DO 1</p>	<p>A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.</p>

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

<p style="text-align: center;">Performance Outcome</p>	<p style="text-align: center;">Deemed-to-Satisfy Criteria / Designated Performance Feature</p>
<p>Movement Systems</p>	
<p>PO 1.4</p> <p>Development is sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths.</p>	<p>DTS/DPF 1.4</p> <p>All vehicle manoeuvring occurs onsite.</p>
<p>Vehicle Access</p>	
<p>PO 3.1</p> <p>Safe and convenient access minimises impact or interruption on the operation of public roads.</p>	<p>DTS/DPF 3.1</p> <p>The access is:</p> <ul style="list-style-type: none"> (a) provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land or (b) not located within 6m of an intersection of 2 or more roads or a pedestrian activated crossing.
<p>PO 3.5</p> <p>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.</p>	<p>DTS/DPF 3.5</p> <p>Vehicle access to designated car parking spaces satisfy (a) or (b):</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) 0.5m or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent

	<p>is provided from the asset owner</p> <ul style="list-style-type: none"> (ii) 2m 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) 6m or more from the tangent point of an intersection of 2 or more roads outside of the marked lines or infrastructure dedicating a pedestrian crossing. (iv)
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Vehicle Parking Rates

<p>PO 5.1</p> <p>Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:</p> <ul style="list-style-type: none"> (a) availability of on-street car parking (b) shared use of other parking areas (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared (d) the adaptive reuse of a State or Local Heritage Place. 	<p>DTS/DPF 5.1</p> <p>Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:</p> <ul style="list-style-type: none"> (a) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas if the development is a class of development listed in Table 2 and the site is in a Designated Area (b) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements where (a) does not apply (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.
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Vehicle Parking Areas

<p>PO 6.1</p> <p>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.</p>	<p>DTS/DPF 6.1</p> <p>Movement between vehicle parking areas within the site can occur without the need to use a public road.</p>
<p>PO 6.6</p> <p>Loading areas and designated parking spaces for service vehicles are provided within the boundary of the site.</p>	<p>DTS/DPF 6.6</p> <p>Loading areas and designated parking spaces are wholly located within the site.</p>

Corner Cut-Offs

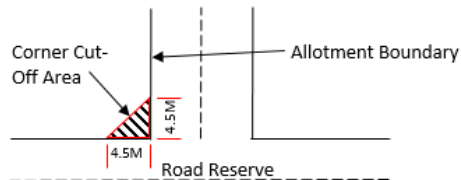
<p>PO 10.1</p> <p>Development is located and designed to ensure drivers can safely turn into and out of public road junctions.</p>	<p>DTS/DPF 10.1</p> <p>Development does not involve building work, or building work is located wholly outside the land shown as Corner Cut-Off Area in the following diagram:</p> 
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Table 1 - General Off-Street Car Parking Requirements

Class of Development	Car Parking Rate (unless varied by Table 2 onwards)
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Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.	
Industry/Employment Uses	
Fuel depot	1.5 spaces per 100m2 total floor area 1 spaces per 100m2 of outdoor area used for fuel depot activity purposes.
Industry	1.5 spaces per 100m2 of total floor area.
Store	0.5 spaces per 100m2 of total floor area.
Timber yard	1.5 spaces per 100m2 of total floor area 1 space per 100m2 of outdoor area used for display purposes.
Warehouse	0.5 spaces per 100m2 total floor area.

Table 2 - Off-Street Car Parking Requirements in Designated Areas

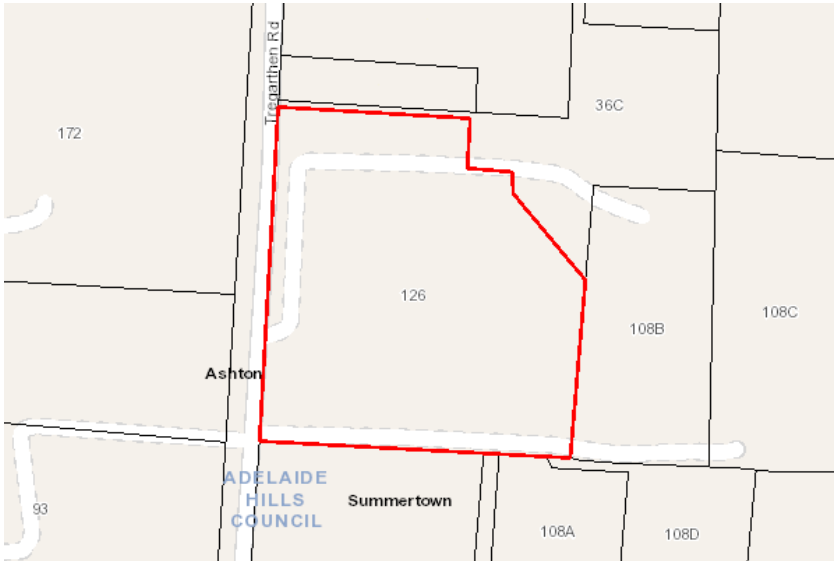
Class of Development	Car Parking Rate		Designated Areas
	Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.		
	Minimum number of spaces	Maximum number of spaces	
Non-residential development			
Non-residential development excluding tourist accommodation	3 spaces per 100m2 of gross leasable floor area.	5 spaces per 100m2 of gross leasable floor area.	City Living Zone Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone (except for Bowden)

126 TREGARTHEN RD ASHTON SA 5137

Address:

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To view a detailed interactive property map in SAPPA click on the map below



Property Zoning Details

- Zone** Productive Rural Landscape
- Overlay**
 - Environment and Food Production Area
 - Hazards (Bushfire - High Risk)
 - Heritage Adjacency
 - Hazards (Flooding - Evidence Required)
 - Limited Land Division
 - Mount Lofty Ranges Water Supply Catchment (Area 1)
 - Native Vegetation
 - Prescribed Water Resources Area

Selected Development(s)

Verandah

This development may be subject to multiple assessment pathways. Please review the document below to determine which pathway may be applicable based on the proposed development compliances to standards. If no assessment pathway is shown this mean the proposed development will default to performance assessed. Please contact your local council in this instance. Refer to Part 1 - Rules of Interpretation - Determination of Classes of Development

Verandah - Code Assessed - Performance Assessed

Part 2 - Zones and Sub Zones

Productive Rural Landscape Zone

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	A diverse range of land uses at an appropriate scale and intensity that capitalise on the region's proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape.

DO 2	A zone that promotes agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity.
DO 3	Create local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
<p>PO 1.1</p> <p>The productive value of rural land for a range of primary production and horticultural activities and associated value adding of primary produce (such as beverage production), retailing and tourism is supported, protected and maintained. The proliferation of land uses that may be sensitive to those activities is avoided.</p>	<p>DTS/DPF 1.1</p> <p>Development comprises one or more of the following:</p> <ul style="list-style-type: none"> (a) Advertisement (b) Agricultural building (c) Brewery (d) Carport (e) Cidery (f) Commercial forestry (g) Distillery (h) Dwelling (i) Dwelling addition (j) Farming (k) Function venue (l) Horse keeping (m) Horticulture (n) Industry (o) Low intensity animal husbandry (p) Outbuilding (q) Shop (r) Small-scale ground mounted solar power facility (s) Tourist accommodation (t) Transport distribution (u) Verandah (v) Warehouse (w) Winery (x) Workers' accommodation
Siting and Design	
<p>PO 2.2</p> <p>Buildings are generally located on flat land to minimise cut and fill and the associated visual impacts.</p>	<p>DTS/DPF 2.2</p> <p>Buildings:</p> <ul style="list-style-type: none"> (a) are located on a site with a slope not greater than 10% (1-in-10) (b) do not result excavation and/or filling of land that is greater than 1.5m from natural ground level.
Built Form and Character	
<p>PO 11.1</p> <p>Large buildings designed and sited to reduce impacts on scenic and rural vistas by:</p> <ul style="list-style-type: none"> (a) having substantial setbacks from boundaries and adjacent public roads 	<p>DTS/DPF 11.1</p> <p>None are applicable.</p>

<p>(b) using low reflective materials and finishes that blend with the surrounding landscape</p> <p>(c) being located below ridgelines.</p>	
<p>Outbuildings, Carports and Verandahs</p>	
<p>PO 14.2</p> <p>Carports and verandahs are sited, designed and of a scale to maintain a pleasant natural and rural character and amenity.</p>	<p>DTS/DPF 14.2</p> <p>Carports and verandahs:</p> <p>(a) are set back from the primary street at least as far back as the building to which it is ancillary</p> <p>(b) have a total floor area that does not exceed 80m²</p> <p>(c) have a post height that does not exceed 3m measured from natural ground level (not including a gable end)</p> <p>(d) have a total roof height that does not exceed 5m measured from natural ground level</p> <p>(e) if clad in sheet metal, the cladding is pre-colour treated or painted in a non-reflective colour.</p>

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

Notification tables exclude the classes of development listed in Column A from notification provided that they do not fall within a corresponding exclusion prescribed in Column B.

Where a development or an element of a development falls within more than one class of development listed in Column A, it will be excluded from notification if it is excluded (in its entirety) under any of those classes of development. It need not be excluded under all applicable classes of development.

Where a development involves multiple performance assessed elements, all performance assessed elements will require notification (regardless of whether one or more elements are excluded in the applicable notification table) unless every performance assessed element of the application is excluded in the applicable notification table, in which case the application will not require notification.

A relevant authority may determine that a variation to 1 or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.

Class of Development (Column A)	Exceptions (Column B)
<p>1. Development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.</p>	<p>None specified.</p>
<p>2. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> (a) advertisement (b) agricultural building (c) air handling unit, air conditioning system or exhaust fan (d) ancillary accommodation (e) carport (f) deck (g) fence (h) dwelling (i) dwelling addition (j) farming (k) horse keeping (l) internal building work (m) land division 	<p>None specified.</p>

<ul style="list-style-type: none"> (n) outbuilding (o) pergola (p) private bushfire shelter (q) protective tree netting structure (r) replacement building (s) retaining wall (t) solar photovoltaic panels (roof mounted) (u) shade sail (v) swimming pool or spa pool and associated swimming pool safety features (w) temporary accommodation in an area affected by bushfire (x) tree damaging activity (y) verandah (z) water tank. 	
<p>3. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> (a) industry (b) store (c) warehouse. 	<p>Except development that does not satisfy any of the following:</p> <ol style="list-style-type: none"> 1. Productive Rural Landscape Zone DTS/DPF 4.1 2. Productive Rural Landscape Zone DTS/DPF 4.3.
<p>4. Demolition.</p>	<p>Except any of the following:</p> <ol style="list-style-type: none"> 1. the demolition (or partial demolition) of a State or Local Heritage Place (other than an excluded building) 2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an excluded building).
<p>5. Function venue within The Cedars Subzone.</p>	<p>None specified.</p>
<p>6. Function venue.</p>	<p>Except function venue that does not satisfy Productive Rural Landscape Zone DTS/DPF 6.6.</p>
<p>7. Horticulture.</p>	<p>Except horticulture that does not satisfy any of the following:</p> <ol style="list-style-type: none"> 1. Productive Rural Landscape Zone DTS/DPF 3.1(d) 2. Productive Rural Landscape Zone DTS/DPF 3.1(e).
<p>8. Railway line.</p>	<p>Except where located outside of a rail corridor or rail reserve.</p>
<p>9. Shop within The Cedars Subzone.</p>	<p>None specified.</p>
<p>10. Shop.</p>	<p>Except shop that does not satisfy any of the following:</p> <ol style="list-style-type: none"> 1. Productive Rural Landscape Zone DTS/DPF 6.1 2. Productive Rural Landscape Zone DTS/DPF 6.2.
<p>11. Tourist accommodation within The Cedars Subzone.</p>	<p>None specified.</p>
<p>12. Tourist accommodation.</p>	<p>Except tourist accommodation that does not to satisfy any of the following:</p> <ol style="list-style-type: none"> 1. Productive Rural Landscape Zone DTS/DPF 6.3 2. Productive Rural Landscape Zone DTS/DPF 6.4.

Pursuant to regulation 47(6)(c) of the Planning, Development and Infrastructure (General) Regulations 2017, the requirement to place a notice on the relevant land under section 107(3)(a)(ii) of the *Planning, Development and Infrastructure Act 2016* does not apply in the Productive Rural Landscape Zone.

Placement of Notices - Exemptions for Restricted Development

Pursuant to regulation 47(6)(c) of the Planning, Development and Infrastructure (General) Regulations 2017, the requirement to place a notice on the relevant land under section 110(2)(a)(iv) of the *Planning, Development and Infrastructure Act 2016* does not apply in the Productive Rural Landscape Zone.

Part 3 - Overlays

Hazards (Bushfire - High Risk) Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	<p>Development, including land division is sited and designed to minimise the threat and impact of bushfires on life and property with regard to the following risks:</p> <ul style="list-style-type: none"> (a) potential for uncontrolled bushfire events taking into account the increased frequency and intensity of bushfires as a result of climate change (b) high levels and exposure to ember attack (c) impact from burning debris (d) radiant heat (e) likelihood and direct exposure to flames from a fire front.
DO 2	Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from areas of unacceptable bushfire risk.
DO 3	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use	
<p>PO 1.1</p> <p>Development that significantly increases the potential for fire outbreak as a result of the spontaneous combustion of materials, spark generation or through the magnification and reflection of light is not located in areas of unacceptable bushfire risk.</p>	<p>DTS/DPF 1.1</p> <p>None are applicable.</p>
Siting	
<p>PO 2.1</p> <p>Buildings and structures are located away from areas that pose an</p>	<p>DTS/DPF 2.1</p> <p>None are applicable.</p>

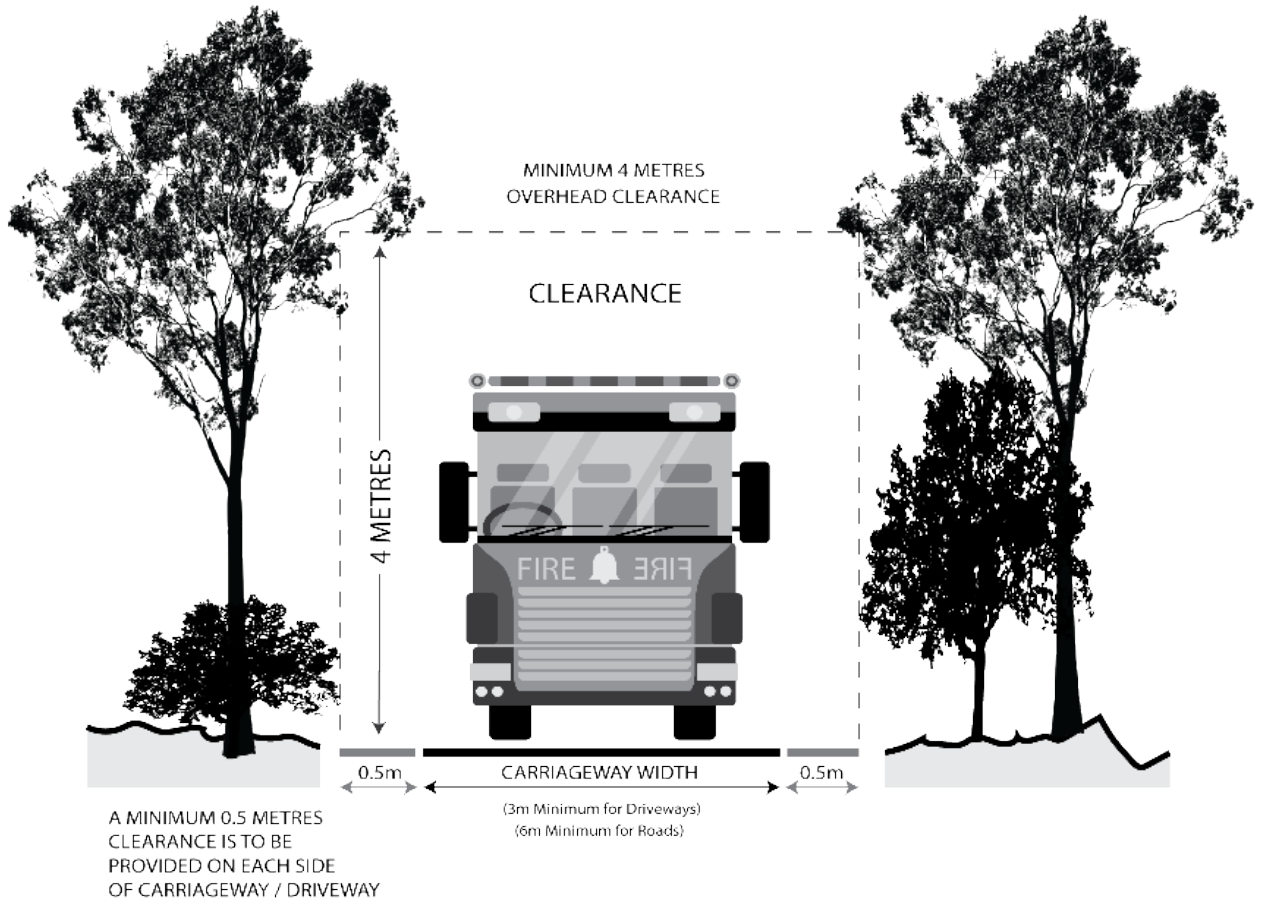
<p>unacceptable bushfire risk as a result of vegetation cover and type, and terrain.</p>	
<p>Built Form</p>	
<p>PO 3.1</p> <p>Buildings and structures are designed and configured to reduce the impact of bushfire through using designs that reduce the potential for trapping burning debris against or underneath the building or structure, or between the ground and building floor level in the case of transportable buildings and buildings on stilts.</p>	<p>DTS/DPF 3.1</p> <p>None are applicable.</p>
<p>PO 3.2</p> <p>Extensions to buildings, outbuildings and other ancillary structures are sited and constructed using materials to minimise the threat of fire spread to residential and tourist accommodation (including boarding houses, hostels, dormitory style accommodation, student accommodation and Workers' accommodation) in the event of bushfire.</p>	<p>DTS/DPF 3.2</p> <p>Outbuildings and other ancillary structures are sited no closer than 6m from the habitable building.</p>
<p>Vehicle Access –Roads, Driveways and Fire Tracks</p>	
<p>PO 6.2</p> <p>Access to habitable buildings is designed and constructed to facilitate the safe and effective:</p> <p>(a) use, operation and evacuation of fire-fighting and emergency personnel</p> <p>(b) evacuation of residents, occupants and visitors.</p>	<p>DTS/DPF 6.2</p> <p>Access is in accordance with (a) or (b):</p> <p>(a) a clear and unobstructed vehicle or pedestrian pathway of not greater than 60 metres in length is available between the most distant part of the habitable building and the nearest part of a formed public access road</p> <p>(b) driveways:</p> <ul style="list-style-type: none"> (i) do not exceed 600m in length (ii) are constructed with a formed, all-weather surface (iii) are connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than 7 degrees (1-in-8) (iv) have a gradient of not more than 16 degrees (1-in-3.5) at any point along the driveway (v) have a crossfall of not more than 6 degrees (1-in-9.5) at any point along the driveway (vi) have a minimum formed width of 3m (4m where the gradient of the driveway is steeper than 12 degrees (1-in-4.5)) plus 0.5 metres clearance either side of the driveway from overhanging branches or other obstructions, including buildings and/or structures (Figure 1) (vii) incorporate passing bays with a minimum width of 6m and length of 17m every 200m (Figure 5) (viii) provide overhead clearance of not less than 4.0m between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures (Figure 1) (ix) allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around driveway curves by constructing the curves with a minimum external radius of 12.5m (Figure 2) (x) allow fire-fighting vehicles to safely enter and exit an allotment in a forward direction by using a 'U' shaped drive through design or by incorporating at the end of the driveway either: <ul style="list-style-type: none"> A. a loop road around the building or B. a turning area with a minimum radius of 12.5m (Figure 3) or C. a 'T' or 'Y' shaped turning area with a minimum formed length of 11m and minimum internal radii of 9.5m (Figure 4) (xi) incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
<p>Except if a relevant certificate accompanies the application for planning consent in respect of the development, any of the following classes of development (including alterations and additions which increase the floor area of such buildings by 10% or more):</p> <ul style="list-style-type: none"> (a) land division creating one or more additional allotments (b) dwelling (c) ancillary accommodation (d) residential flat building (e) tourist accommodation (f) boarding home (g) dormitory style accommodation (h) workers' accommodation (i) student accommodation (j) child care facility (k) educational facility (l) retirement village (m) supported accommodation (n) residential park (o) hospital (p) camp ground. 	<p>South Australian Country Fire Service.</p>	<p>To provide expert assessment and direction to the relevant authority on the potential impacts of bushfire on the development.</p>	<p>Development of a class to which Schedule 9 clause 3 item 2 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.</p>

Figures and Diagrams

<p>Fire Appliance Clearances</p>
<p>Figure 1 - Overhead and Side Clearances</p>



Roads and Driveway Design

Figure 2 - Road and Driveway Curves

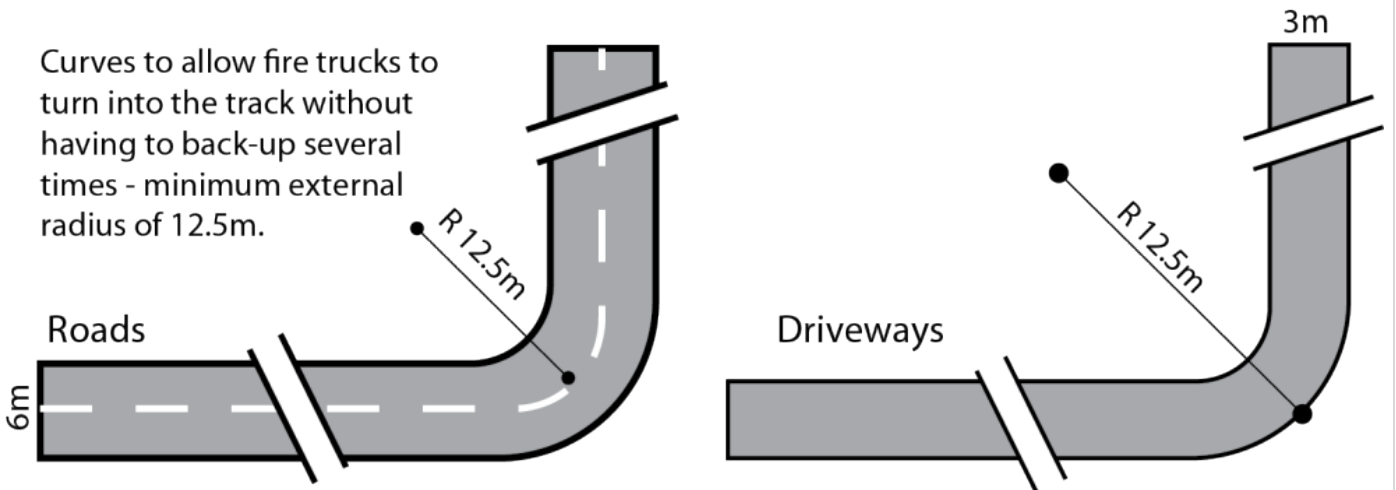


Figure 3 - Full Circle Turning Area

Fire truck turning area - minimum radius 12.5m

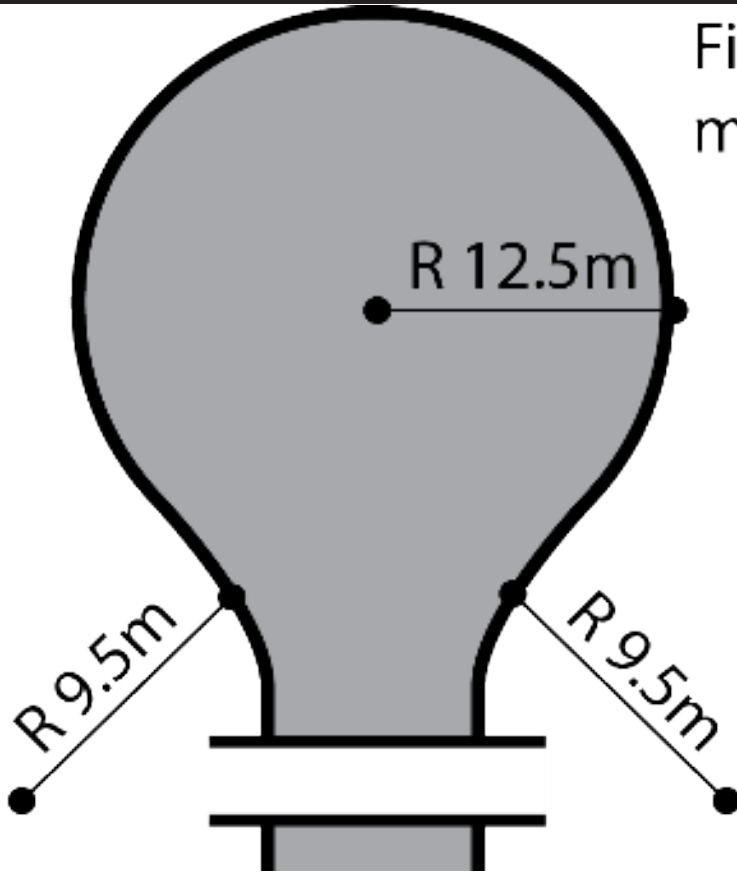
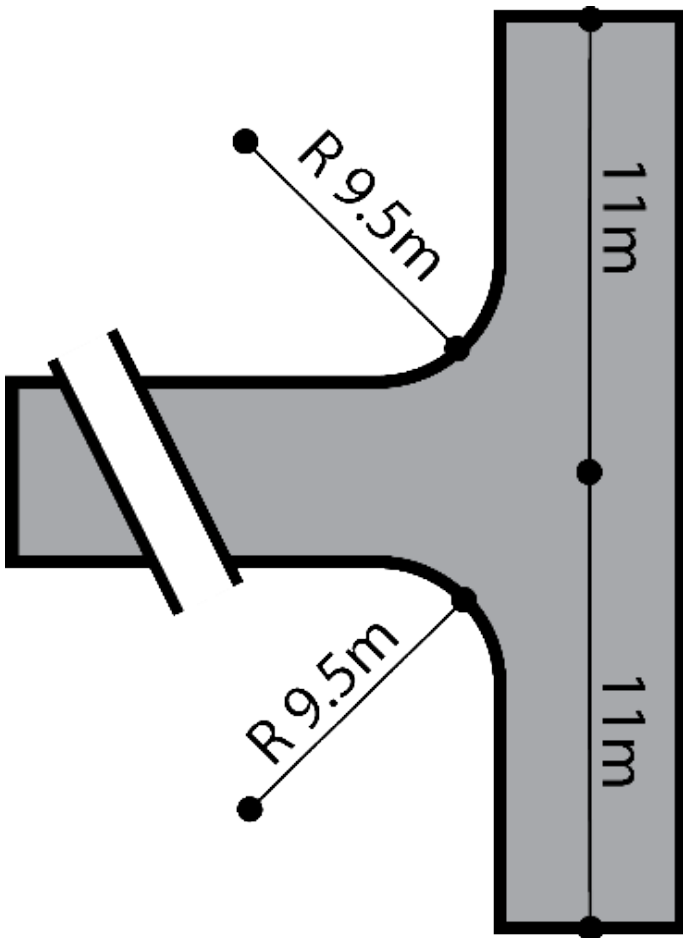


Figure 4 - 'T' or 'Y' Shaped Turning Head



"T" shaped turning area for fire trucks to reverse into so they can turn around - minimum length 11m.

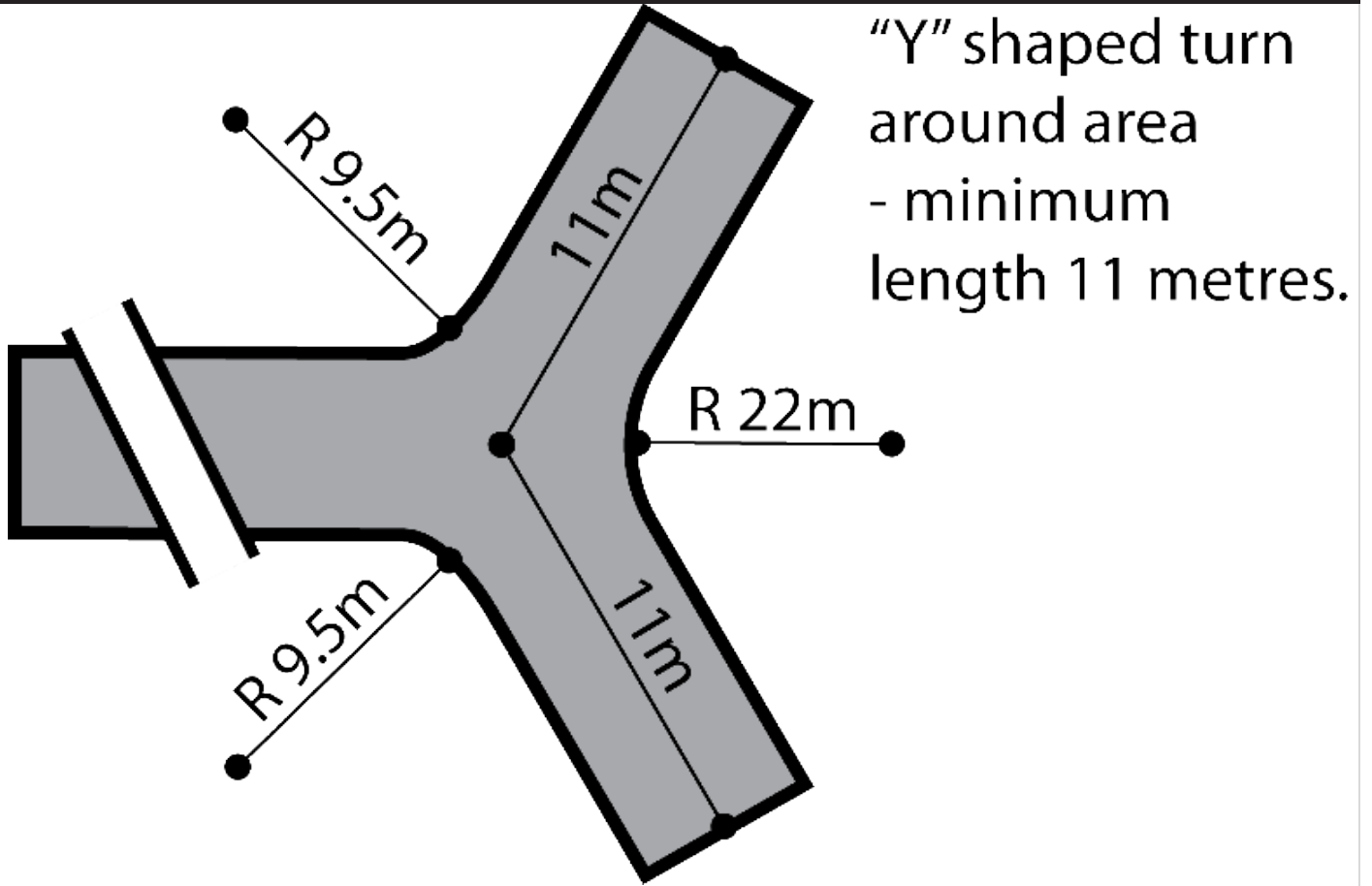
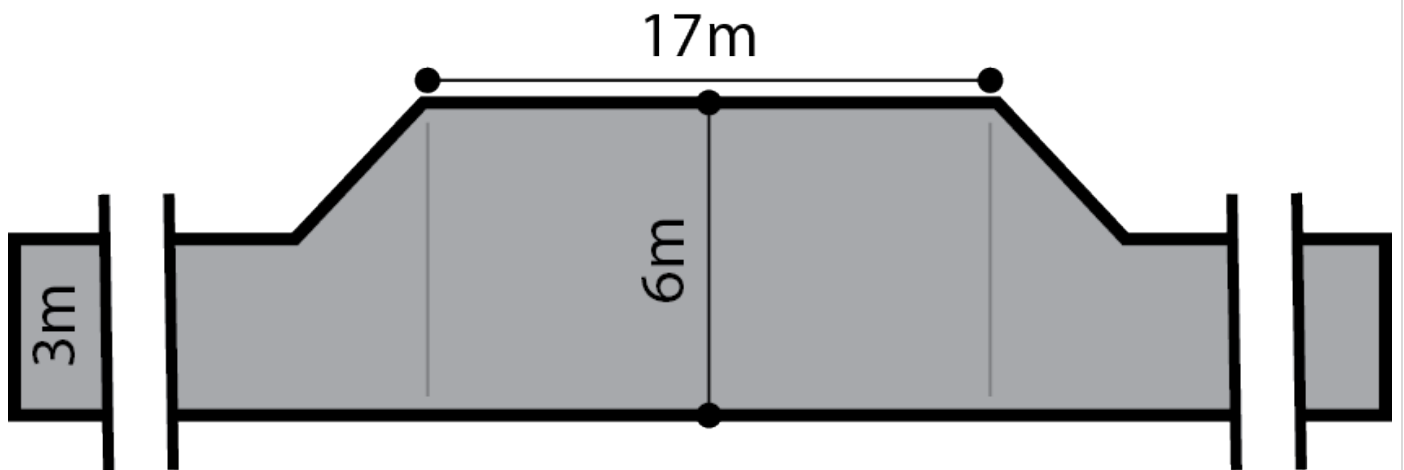


Figure 5 - Driveway Passing Bays

Passing bay for fire trucks - minimum width 6 metres, minimum length 17 metres.



Heritage Adjacency Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome

DO 1	Development adjacent to State and Local Heritage Places maintains the heritage and cultural values of those Places.
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Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<small>Built Form</small>	
PO 1.1 Development adjacent to a State or Local Heritage Place does not dominate, encroach on or unduly impact on the setting of the Place.	DTS/DPF 1.1 None are applicable.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Development which in the opinion of the relevant authority materially affects the context within which the State Heritage Place is situated.	Minister responsible for the administration of the <i>Heritage Places Act 1993</i> .	To provide expert assessment and direction to the relevant authority on the potential impacts of development adjacent State Heritage Places.	Development of a class to which Schedule 9 clause 3 item 17 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome

DO 1	Safeguard Greater Adelaide's public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from primary reservoirs or diversion weir catchments from the Mount Lofty Ranges.
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Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Water Quality	
<p>PO 1.1</p> <p>Development results in a neutral or beneficial effect on the quality of water draining from the site to maintain and enhance the role of the catchment as a water supply.</p>	<p>DTS/DPF 1.1</p> <p>None are applicable.</p>
Stormwater	
<p>PO 3.1</p> <p>Post-development peak stormwater discharge quantities and rates do not exceed pre-development quantities and rates to maintain water quality leaving the site.</p>	<p>DTS/DPF 3.1</p> <p>None are applicable.</p>
<p>PO 3.2</p> <p>Stormwater run-off from areas not likely to be subject to pollution diverted away from areas that could cause pollution.</p>	<p>DTS/DPF 3.2</p> <p>None are applicable.</p>
<p>PO 3.3</p> <p>Polluted stormwater is treated prior to discharge from the site.</p>	<p>DTS/DPF 3.3</p> <p>None are applicable.</p>
<p>PO 3.4</p> <p>Stormwater from carports, verandahs, outbuildings and agricultural buildings captured to protect water quality.</p>	<p>DTS/DPF 3.4</p> <p>Development includes:</p> <ul style="list-style-type: none"> (a) rainwater tanks with a minimum capacity of 1,000L connected to carports, verandahs and outbuildings or (b) rainwater tanks with a minimum capacity of 4,500L connected to agricultural buildings exceeding 100m².
<p>PO 3.9</p> <p>Stormwater from excavated and filled areas is managed to protect water quality.</p>	<p>DTS/DPF 3.9</p> <p>Excavation and/or filling satisfy all the following:</p> <ul style="list-style-type: none"> (a) is located 50m or more from watercourses (b) is located 100m or more from public water supply reservoirs and diversion weirs (c) does not involve excavation exceeding a vertical height of 0.75m (d) does not involve filling exceeding a vertical height of 0.75m (e) does not involve a total combined excavation and filling vertical height of 1.5m.
Landscapes and Natural Features	
<p>PO 4.1</p> <p>Development minimises the need to modify landscapes and natural features.</p>	<p>DTS/DPF 4.1</p> <p>None are applicable.</p>

Procedural Matters (PM)

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
<p>Any of the following classes of development that are not connected (or not proposed to be connected) to a community wastewater management system or sewerage infrastructure:</p> <ul style="list-style-type: none"> (a) land division creating one or more additional allotments, either partly or wholly within the area of the overlay (b) function venue with more than 75 seats for customer dining purposes (c) restaurant with more than 40 seats for customer dining purposes (d) restaurant with more than 30 seats for customer dining purposes in association with a cellar door (e) dwelling where a habitable dwelling or tourist accommodation or workers' accommodation already exists on the same allotment (including where a valid planning authorisation exists to erect a dwelling or tourist accommodation or workers' accommodation on the same allotment), except where the existing habitable dwelling or tourist accommodation or workers' accommodation on the same allotment is proposed to be demolished and the existing on-site wastewater system is proposed to be decommissioned (f) tourist accommodation where a habitable dwelling or tourist accommodation or workers' accommodation already exists on the same allotment (including where a valid planning authorisation exists to erect a habitable dwelling or tourist accommodation or workers' accommodation on the same allotment), except where the existing habitable dwelling or tourist accommodation or workers' accommodation on the same allotment is proposed to be demolished and the existing on-site wastewater system is proposed to be decommissioned (g) workers' accommodation where a habitable dwelling or tourist accommodation or workers' accommodation already exists on the same allotment (including where a valid planning authorisation exists to erect a habitable dwelling or tourist accommodation or workers' accommodation on the same allotment), except where the existing habitable dwelling or tourist accommodation or workers' accommodation on the same allotment is proposed to be demolished and the existing on-site wastewater system is proposed to be decommissioned (h) any other development that generates human wastewater from a peak loading capacity of more than 40 persons (or more than 6,000 litres/day). 	<p>Environment Protection Authority.</p>	<p>To provide expert technical assessment and direction to the relevant authority on whether a proposed development will have a neutral or beneficial impact on water quality.</p>	<p>Development of a class to which Schedule 9 clause 3 item 9 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.</p>
<p>Composting works (excluding a prescribed approved activity) - being a depot, facility or works with the capacity to treat, during a 12 month period more than 200 tonnes of organic waste or matter (EPA Licence)</p>			
<p>Wastewater treatment works - being sewage treatment works, a community wastewater management system, winery wastewater treatment works or any other wastewater treatment works with the capacity to treat, during a 12 month period more than 2.5 ML of wastewater (EPA Licence required at more than 5ML)</p>			
<p>Feedlots - being carrying on an operation for holding in confined yard or area and feeding principally by mechanical means or by hand not less than an average of 200 cattle (EPA Licence) or 1,600 sheep or goats per day over any period of 12 months, but excluding any such operation carried on at an abattoir, slaughterhouse or saleyard or for the purpose only of drought or other emergency feeding</p>			

<p>Piggeries - being the conduct of a piggery (being premises having confined or roofed structures for keeping pigs) with a capacity of 130 or more standard pig units (EPA Licence required at 650 or more standard pig units)</p>			
<p>Dairies - carrying on of a dairy with a total processing capacity exceeding 100 milking animals at any one time.</p>			

Native Vegetation Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	<p>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.</p>

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Environmental Protection	
<p>PO 1.1</p> <p>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.</p>	<p>DTS/DPF 1.1</p> <p>An application is accompanied by:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) in connection with a relevant access point and / or driveway (ii) within 10m of a building (other than a residential building or tourist accommodation) (iii) within 20m of a dwelling or addition to an existing dwelling for fire prevention and control (iv) 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 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'.
<p>PO 1.2</p> <p>Native vegetation clearance in association with development avoids the following:</p> <ul style="list-style-type: none"> (a) significant wildlife habitat and movement corridors (b) rare, vulnerable or endangered plants species (c) native vegetation that is significant because it is located in an area which has 	<p>DTS/DPF 1.2</p> <p>None are applicable.</p>

<p>been extensively cleared</p> <p>(d) native vegetation that is growing in, or in association with, a wetland environment.</p>	
<p>PO 1.4</p> <p>Development restores and enhances biodiversity and habitat values through revegetation using locally indigenous plant species.</p>	<p>DTS/DPF 1.4</p> <p>None are applicable.</p>

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Development that is the subject of a report prepared in accordance with Regulation 18(2)(a) of the <i>Native Vegetation Regulations 2017</i> that categorises the clearance, or potential clearance, as 'Level 3 clearance' or 'Level 4 clearance'.	Native Vegetation Council	To provide expert assessment and direction to the relevant authority on the potential impacts of development on native vegetation.	Development of a class to which Schedule 9 clause 3 item 11 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

Part 4 - General Development Policies

Clearance from Overhead Powerlines

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<p>PO 1.1</p> <p>Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.</p>	<p>DTS/DPF 1.1</p> <p>One of the following is satisfied:</p>

	<p>(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 <i>Electricity Act 1996</i></p> <p>(b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.</p>
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Design

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	<p>Development is:</p> <p>(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</p> <p>(b) durable - fit for purpose, adaptable and long lasting</p> <p>(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</p> <p>(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.</p>

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
All development	
Earthworks and sloping land	
<p>PO 8.1</p> <p>Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.</p>	<p>DTS/DPF 8.1</p> <p>Development does not involve any of the following:</p> <p>(a) excavation exceeding a vertical height of 1m</p> <p>(b) filling exceeding a vertical height of 1m</p> <p>(c) a total combined excavation and filling vertical height of 2m or more.</p>

Infrastructure and Renewable Energy Facilities

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	<p>Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.</p>

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<small>Wastewater Services</small>	
PO 12.2 Effluent drainage fields and other wastewater disposal areas are maintained to ensure the effective operation of waste systems and minimise risks to human health and the environment.	DTS/DPF 12.2 Development is not built on, or encroaches within, an area that is, or will be, required for a sewerage system or waste control system.