

BAROSSA ASSESSMENT PANEL

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

Tuesday, 2 April 2019, commencing at 5:00 pm

Louis Monteduro
Assessment Manager



AGENDA

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

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

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1. WELCOME

2. ATTENDANCE

2.1 Present

2.2 Apologies

Richard Miller

2.3 Absent

3. CONFIRMATION OF MINUTES

Recommendation

That the minutes of the Development Assessment Panel meeting held on Tuesday 3 March 2019 be received and confirmed. Refer *Attachment 1*.

3 Attachment 1

BAROSSA ASSESSMENT PANEL

MINUTES OF THE FOURTEENTH MEETING OF THE BAROSSA ASSESSMENT PANEL held on

Tuesday, 5 March 2019 commencing at 5:00pm

in the Council Chambers, 43-51 Tanunda Road, Nuriootpa



The Barossa Council

MINUTES

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1. WELCOME

The Presiding Member welcomed everyone, and opened the meeting at 5:01pm.

2. ATTENDANCE

2.1 Present

Panel Members

Bruce Ballantyne

Rob Veitch

Deirdre Reiman

Grant Hewitt

Richard Miller

Council Staff

Louis Monteduro

Janine Lennon

Jake Boswell

Chris Kruger

Presiding Member

Member

Member

Member

Member

Assessment Manager

Senior Assessment Officer, Planning

Assessment Officer, Planning

Minute Secretary

2.2 Apologies

Nil.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: D Reiman

Seconded: R Veitch

That the minutes of the Barossa Assessment Panel meeting held on Tuesday 5 February 2019 be received and confirmed.

CARRIED

4. BUSINESS ARISING

Nil.

5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

Nil.

6. REPORTS - APPLICATIONS FOR DECISION

6.1 960/533/2018 (41 Randalls Road Flaxman Valley)

L and V Heath (Applicants) answered questions from the Panel.

Recommendation

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves:

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To GRANT Development Approval for Application No. 960/533/2018 by L and V Heath to undertake the addition of horse keeping activity (three horses) to an existing rural living property at 41 Randalls Road, Flaxman Valley (CT 6121/385) subject to the following conditions:

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed site plan and property management plan (as amended) accompanying Application No. 960/533/2018 except where varied by any condition(s) listed below.

Reason: To ensure that the proposal is constructed in accordance with the plans stamped as approved by the Planning Authority.

- (2) A maximum of three horses shall be kept on the land at any one time.

Reason: Not to exceed the approved number of horses on the site and to be consistent with the carry capacity of the land in terms of soil and water quality for the zone.

- (3) Vegetation buffers shall be planted within the next planting season following Development Approval, dead trees shall be replaced

and the buffers maintained in accordance with the approved site plan.

Reason: To improve the plant biodiversity and prevent soil erosion on the site.

- (4) All existing native trees on the site shall be retained and the health of the trees shall be maintained.

Reason: To prevent loss of biodiversity and habitat and retain the character of the locality.

- (5) Excess manure shall not stockpile on the site and shall be removed regularly.

Reason: To prevent odours and to maintain water quality.

- (6) Good pasture coverage shall be achieved on the site at all times.

Reason: To prevent soil degradation and maintain water quality.

- (7) The property management plan provided with the subject application shall be implemented.

Reason: To maintain soil and water quality and prevent weed infestation.

Panel Decision

Moved: R Miller

Seconded: D Reiman

That the recommendation be adopted.

CARRIED

7. APPLICATIONS TO PROCEED/NOT TO PROCEED TO ASSESSMENT

Nil.

8. REPORTS – DEFERRED APPLICATIONS FOR DECISION

8.1 960/425/2018 (1-15 Murray Street Nuriootpa)

Recommendation

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves:

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/425/2018 by The Community Co-Operative Store to undertake Installation of generator (retrospective) at 1-15 Murray Street, Nuriootpa (CT 6191/67) subject to the following conditions and advisory note:

Council Conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/425/2018 except where varied by any condition(s) listed below.

Reason: To ensure that the proposal is constructed in accordance with the plans stamped as approved by the Planning Authority.

- (2) Other than for maintenance and testing, the generator shall only be used as an auxiliary power source when power supply from the electricity network is unavailable, unless with the prior consent of Council.

Reason: To maintain amenity within the immediate locality.

- (3) The generator shall be maintained in good working order at all times, particularly the exhaust and vibration measures, and shall be maintained in accordance with the manufacturers recommended schedule.

Reason: To ensure that the development complies with best engineering practice.

- (4) Vibration dampers consistent with manufacturers recommendations be installed on the generator and maintained in a serviceable condition in accordance with manufacturer specifications.

Reason: To ensure the generator is operated and maintained in accordance with manufacturer requirements.

Advisory Note

- (1) The development shall be in accordance with the *Environment Protection Act 1993* (the EP Act), and by the *Environment Protection (Noise) Policy 2007* (Noise Policy).

Panel Decision

Moved: R Veitch

Seconded: D Reiman

That the recommendation be adopted.

CARRIED

9. REPORTS - PANEL UPDATES

9.1 SCAP Concurrence Matter

Recommendation

That the report be received.

Panel Decision

Moved: G Hewitt

Seconded: R Miller

That the recommendation be adopted.

CARRIED

10. REPORTS - OTHER BUSINESS

Nil.

11. REPORTS – CONFIDENTIAL

11.1 960/152/2018 (Lot 1 Wynns Road Flaxman Valley)

Reason for Confidentiality

It is recommended that the public be excluded from the meeting, as is necessary, in accordance with Section 13 of the *Planning, Development and Infrastructure (General) Regulations 2017* to receive, discuss or consider in confidence the following information or matters in relation to this item:
(viii) Legal advice

Recommendation

That:

- (1) Pursuant to Section 13 of the *Planning, Development and Infrastructure (General) Regulations 2017* the Barossa Assessment Panel orders that the public be excluded from the meeting with the exception of the

Assessment Manager, Assessment Officers and the Minute Secretary, on the basis that it will consider legal advice.

- (2) Accordingly, on this basis, the Barossa Assessment Panel is satisfied that the principle that meetings of the assessment panel should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

Panel Decision

Moved: R Miller

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

At 5:25pm the meeting moved into confidence.

At 5:37pm the confidential session ceased and the meeting reopened to the public.

Marcus Rolfe (URPS, on behalf of Applicant) Chris Timms and George Taylor (Treasury Wine Estates) answered questions from the Panel.

R Veitch left the meeting at 5:59pm.

Panel Decision

Moved: D Reiman

G Hewitt

That the Barossa Assessment Panel recommend to Council that it settles the requirements of its Reserved Matter in respect to Development Application 960/152/2018 and resolves as follows:

- (1) That the Statement of Intent be signed. The document is unsigned with blank spaces where the signature should be;
- (2) That the signed Statement of Intent be accompanied by a covering letter from Department for the Environment and Water, confirming that Treasury Wine Estates have consulted the Department for the Environment and Water on the matter of low flow devices and are exploring this option with them.

CARRIED

10. NEXT MEETING

Tuesday 2 April 2019 commencing at 5.00pm. R Miller has tendered his apology.

11. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 6:04pm.

Confirmed

Date: Chairman:

4. BUSINESS ARISING

5. DECLARATION OF INTEREST BY MEMBERS OF THE PANEL

The Minister's Assessment Panel Members – Code of Conduct requires that a member of an assessment panel who has a direct or indirect personal or pecuniary interest in a matter before the assessment panel (other than an indirect interest that exists in common with a substantial class of persons):

- a. must, as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the assessment panel; and
- b. must not take part in any hearings conducted by the assessment panel, or in any deliberations or decision of the assessment panel, on the matter and must be absent from the meeting when any deliberations are taking place or decision is being made.

A member of an assessment panel will be taken to have an interest in a matter if an associate of the member (within the meaning of section 3(7) of the PDI Act) has an interest in the matter.

Any member that considers that they have an interest must notify the Presiding Member and have it recorded in the minutes as to the nature and extent of the interest.

6. REPORTS – APPLICATIONS FOR DECISION

6.1 960/298/2018 (403 Jutland Road Springton)

APPLICATION DETAILS

PROPOSAL	Demolition of existing dwelling; and Construction of a single-storey, detached dwelling with porch and alfresco under main roof (Non-Complying)
APPLICANT	John Vyden
OWNER	Paul and Denise Davison
APPLICATION NO	960/298/2018
CERTIFICATE(S) OF TITLE	CT 6190/340
AREA	59.9ha
CURRENT USE	Primary Production
DEVELOPMENT PLAN VERSION	Consolidated - 11 August 2016
ZONE	Primary Production Zone
POLICY/PRECINCT AREA	Nil
OVERLAYS	Medium Bushfire Risk; Barossa Character Preservation District
APPLICATION TYPE	Non-Complying
CATEGORY OF DEVELOPMENT	Category 3
REFERRALS	Nil
PREVIOUS APPLICATIONS	Nil
ASSESSING OFFICER	Janine Lennon
RECOMMENDATION	That Development Plan Consent be GRANTED subject to the concurrence of the State Planning Commission

BACKGROUND

The application seeks Development Plan Consent for the demolition of existing dwelling; and construction of a single-storey, detached dwelling with porch and alfresco under main roof.

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

This application has been referred to the Barossa Assessment Panel for a decision for the following reason:

- (1) With respect to a non-complying application:
 - to seek concurrence from the State Planning Commission to grant consent other than which in the opinion of the sub-delegate is of a minor nature.

PUBLIC NOTIFICATION

The application is a Category 3 form of development pursuant to Section 38 and Schedule 9 of the *Development Act 1993* and Regulations 2008 and the Procedural Matters of the Primary Production Zone.

Representations: Nil representations were received.

SITE AND LOCALITY

The subject land consists of one allotment and is referred to as 403 Jutland Road, Springton.

The land is of an irregular shape and has an area of approximately 59.9 hectares. It is bordered on two sides by Jutland Road (to the south and south-east) and Shearers Road (to the north and north-west). The land has an existing access point from Jutland Road.

The site currently contains a dwelling, numerous farm buildings, scattered mature native vegetation and open pasture. The land consists of reasonably hilly terrain with a watercourse that traverses the northern portion of the property close to Shearers Road.

The locality is characterised as primary production area with undulating terrain characterised by 33 hectare allotments containing a dwelling and open pasture areas used primarily for grazing with some scattered pockets of vineyards and remnant native vegetation.

The site and immediate locality is a medium bushfire risk area.

The site is located within the Primary Production Zone, as shown in *Figure 1*.

The site is located within the Character Preservation District Overlay as shown in *Figure 2*.

The site is located within the Medium Bushfire Risk Overlay as shown in *Figure 3*.

An aerial view of the locality and site are shown in *Figure 4* and *Figure 5*.

Site photos are provided in *Figure 6* to *Figure 11*.

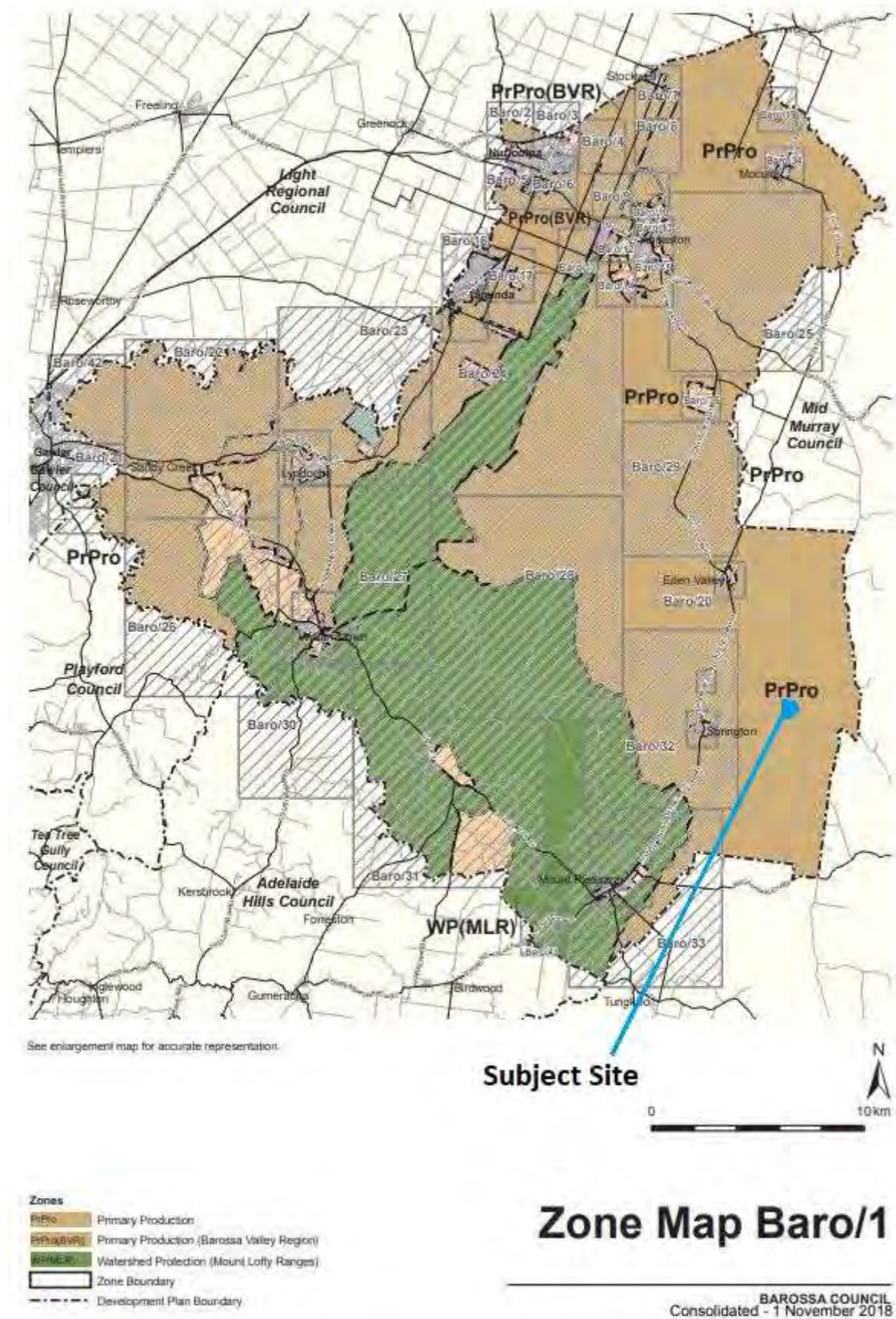


Figure 1: Zone Map

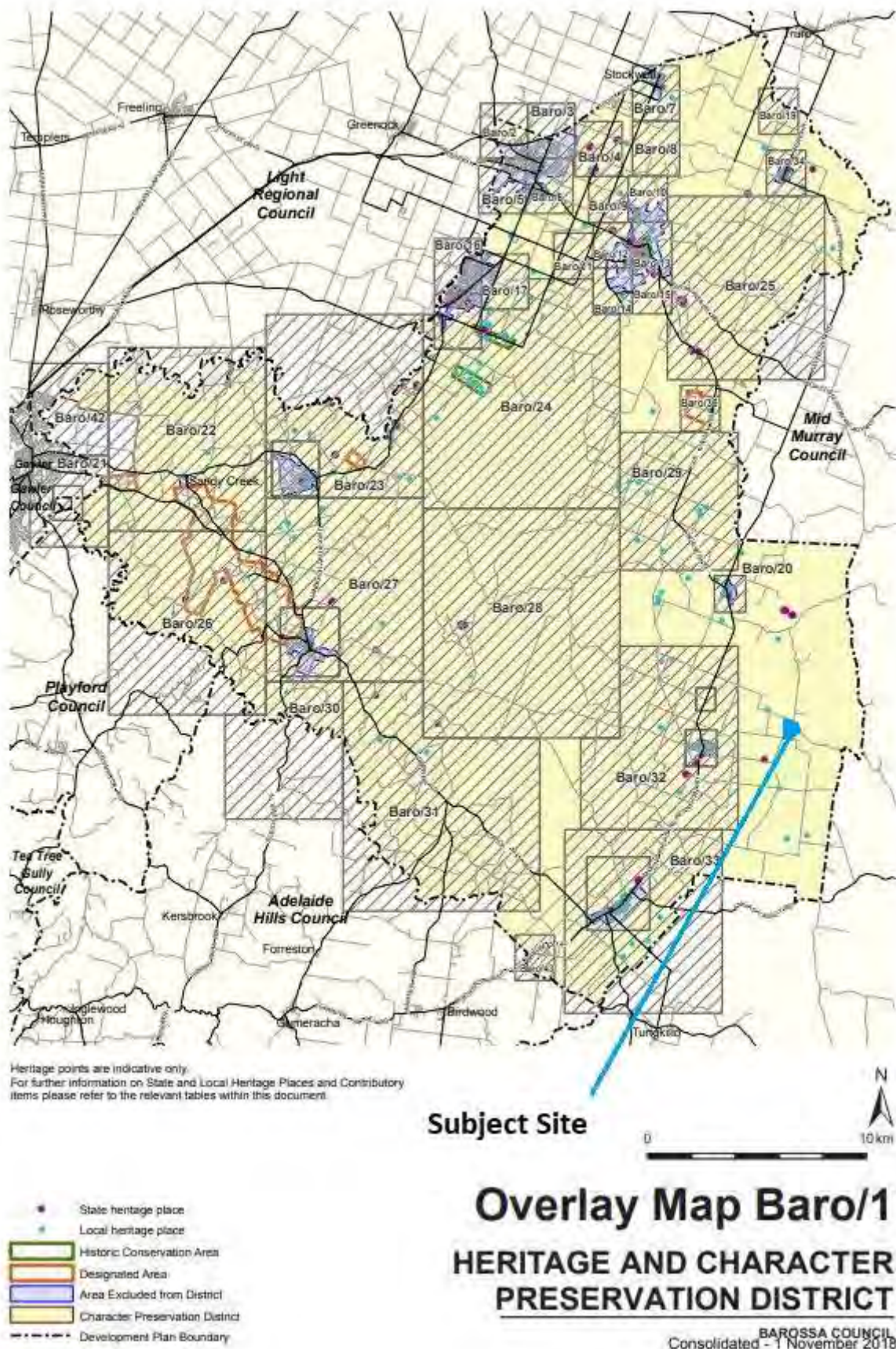


Figure 2: Character Preservation Overlay Map

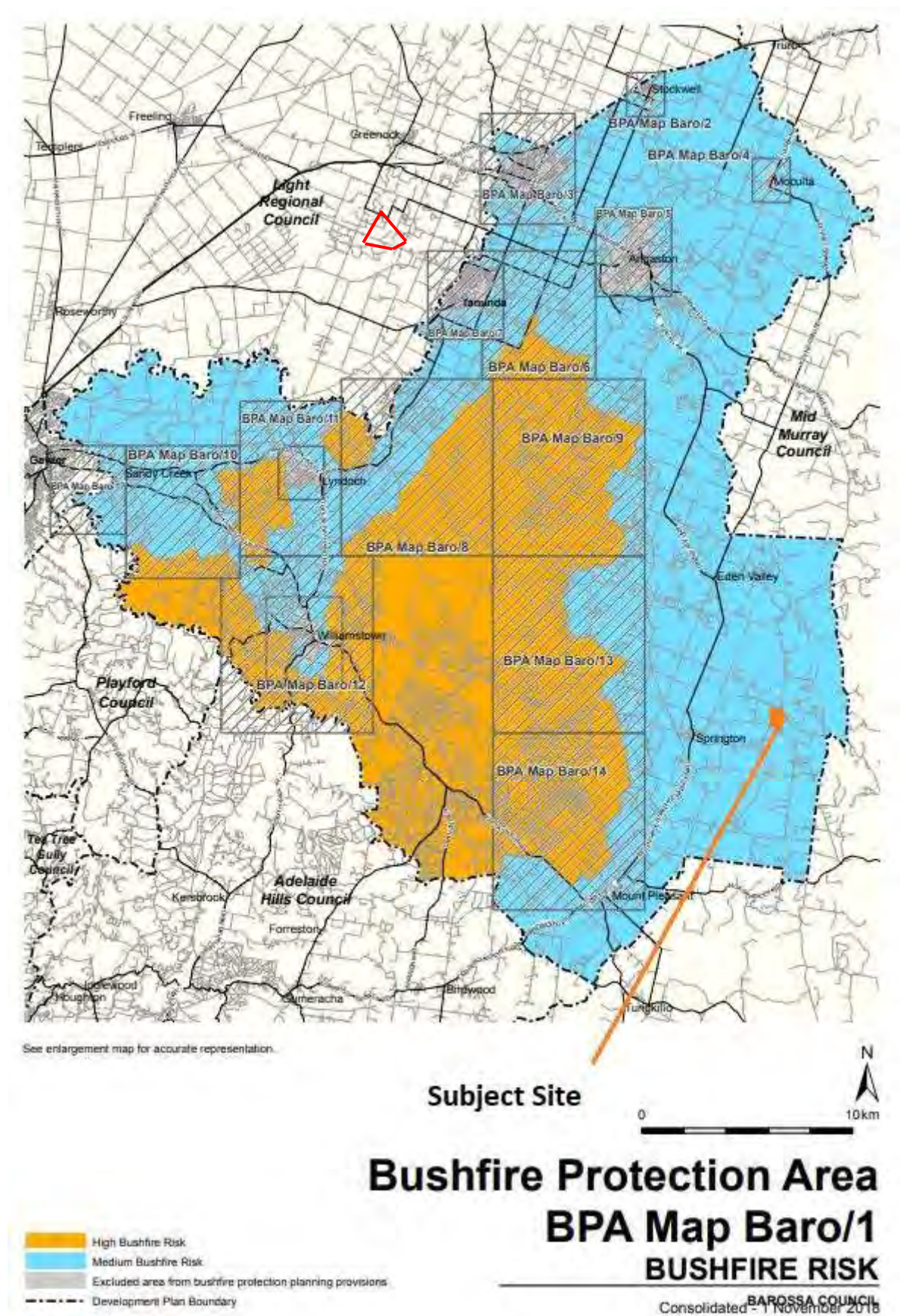


Figure 3: Bushfire Protection Area



Figure 4: Aerial – Locality



Figure 5: Aerial – Site (orange circle shows proposed dwelling location)



Figure 6: Site Photo



Figure 7: Site Photo



Figure 8: Site Photo



Figure 9: Site Photo



Figure 10: Site Photo



Figure 11: Site Photo

REFERRALS

Internal

The application was referred to:

Health Services	Application for the installation of a wastewater soakage system has been received and is undergoing assessment WWS/205/2018.
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NON-COMPLYING

The application is a non-complying form of development as the proposal does not satisfy the non-complying exemption list within the Primary Production Zone with regard to detached dwellings.

- (x) has a total window area facing east and west not exceeding 50 per cent of the total window area of the dwelling

The applicant has provided a Statement of Effect pursuant to Regulation 17 of the Development Regulations 2008, which forms *Attachment 2*. Should the Panel resolve to approve the application, the concurrence of the State Planning Assessment Commission is required. Alternatively, should the Panel refuse the application, no appeal rights are afforded to the applicant.

Administration resolved under delegation to proceed with an assessment of the proposal on 25 January 2019. The application is now presented to the Panel for a decision.

The reasons for proceeding with the assessment pursuant to Regulation 17(3)(b) of the Development Regulations include:

- (1) The proposal is considered to have some merit as it meets all the remaining criteria for a dwelling in the Primary Production Zone. The proposal is not considered to be seriously at variance with the Development Plan.

ASSESSMENT

Qualitative Criteria

The proposal is assessed for consistency with the qualitative requirements of the Development Plan as outlined below:

Overlay Section

Character Preservation District	The application proposes a dwelling that is outside a township, settlement or rural living areas. There is an existing dwelling on the site, the intent of this proposal is to replace that dwelling.
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Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the assessing officer has had regard to the objects of the Act and, in determining this application, whether it seeks to further the objects of the Act.

Bushfire Protection Area	The subject land is within a high bushfire risk area as shown on the Bushfire Protection Area BPA Maps - Bushfire Risk. The Minister's Code 2009 "Undertaking
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development in Bushfire Protection Areas" provides mandatory Bushfire Protection planning requirements as conditions of consent, should an application be granted consent. These conditions address vehicle access to the dwelling, access to a dedicated water supply, the water supply and vegetation within proximity to the dwelling. The proposed dwelling is sited on the flatter portion of allotment with a northerly or westerly aspect and set back at least 20 metres from existing hazardous vegetation. Bushfire Protection measures have been suitably demonstrated on the plans.

General Section

Design and Appearance
Building Setbacks from Road
Boundaries

Objectives 1 and 2
PDCs 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 14 and 16

The proposed dwelling is setback approximately 177 metres from the nearest road (Shearers Road).

The building is of a simple design with a black tiled roof and Kanmantoo bluestone walls that will blend with general landscape of grassland with mature native trees.

The intent of the design is to minimise visual dominance whilst capitalising on views of existing vistas, it is not in conflict to the intent of this principle.

All other Objectives and PDCs are deemed to comply.

Energy Efficiency
On-site Energy Generation

Objectives 1 and 2
PDCs 1, 2 and 3

The dwelling has been designed to include an internal living area oriented to the west, to take advantage of the views this is not ideal for energy efficiency within the building. The designer has attempted to ameliorate this concern by the use of a large verandah/alfresco area and it should be noted that all dwellings are now required to achieve 6 star energy rating.

All other Objectives and PDCs are deemed to comply.

Hazards
Bushfire

Objectives 1, 2, 5, 6 and 10
PDCs 1, 3, 7, 8, 9, 10, 11 and 12

The subject land is located in a medium bushfire risk area identified by the Development Plan. The proposal is able to meet the mandatory provisions for residential development in a medium bushfire area

with regard to access to dwelling, dedicated water supply, and vegetation management in accordance with the Minister's Code 2009 'Undertaking development in Bushfire Protection Areas' (as amended October 2012), [The Code] as published under Regulation 106 of the Development Regulations 2008, subject to conditions of consent.

Two, 5,000 litre rainwater tanks will be located near the dwelling and will be dedicated for firefighting purposes. The rainwater tanks are located adjacent fire access track with good vehicle accessibility.

All other Objectives and PDCs are deemed to comply.

Interface between Land Uses
Noise
Rural Interface

Objectives 1 and 2
PDCs 1, 2, 6, 7 and 10

The subject land is located in the Primary Production Zone and is surrounded by both residential and primary production uses, predominantly grazing.

The applicant is looking to demolish the existing dwelling and construct a new dwelling within 70 metres of the old. There is not expected to be any change in their land use interface.

All other Objectives and PDCs are deemed to comply.

Natural Resources
Water Sensitive Design
Water Catchment Areas
Biodiversity and Native
Vegetation
Soil Conservation

Objectives 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13
PDCs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 21, 25, 26, 27, 28, 29, 34, 37, 38, 39 and 40.

The site contains scattered remnant vegetation that extends throughout the wider locality contributing to the biodiversity and wildlife corridor within the region. The proposal will not require the notable removal of vegetation to meet the bushfire risk requirements – in that vegetation within a 20 metre radius of the dwelling should be removed. The vegetation immediately around the dwelling site is relatively sparse.

The slope of the land will require some excavation the cut and fill will be stabilised by use of batter.

All other Objectives and PDCs are deemed to comply.

Siting and Visibility

Objectives 1 and 2
PDCs 1, 2, 3, 4, 5, 6, 7 and 9

The proposed dwelling is set back 177 metres from the nearest road and whilst sparsely vegetated the contours of the site will result in virtually no views of the dwelling from Jutland Road and limited views from Shearers Road.

All other Objectives and PDCs are deemed to comply.

Sloping Land

Objectives 1
PDCs 1, 2, 3, 4, 5, 6 and 7

The proposed dwelling requires a maximum of 700mm cut and fill resulting in a combined cut and fill of 1.4 metres.

On balance the siting of the proposed dwelling is acceptable when considering the overall allotment with regard to vegetation, slope and visibility of the proposed dwelling. The subject site will require minimal disturbance to the vegetation and natural ground level as opposed to alternative locations on the allotment.

All other Objectives and PDCs are deemed to comply.

Transportation and Access Access

Objective 2
PDCs 22, 23, 24 and 29

The allotment has a current driveway access to Jutland Road that is constructed of road rubble. The driveway follows the natural contours of the land and provides all weather access to the existing outbuildings and is able to be extended to accommodate the proposed dwelling site.

All other Objectives and PDCs are deemed to comply.

Zone Section

Primary Production Zone

Objectives 1,3 and 5

All other Objectives are deemed to comply.

Desired Character

The zone comprises a pleasant rural character derived from the broadacre farming pattern and undulating, wooded pastures together with the isolated dwellings and scattered farm buildings. The landscape character generally consists of open, undulating terrain with sparsely scattered stands of native vegetation. There are pockets of the zone where steep slopes and stands of native vegetation are more predominant,

such as the upland areas of the Barossa Ranges. Development will recognise the limitations imposed by such characteristics and prevent the further erosion of soils, or removal of native vegetation. It is expected that development will be carefully designed and located to complement the open landscape character.

Other than within Precinct 4 Barossa Range, Precinct 6 Moculta and Precinct 7 Paper Town, there are opportunities for additional dwellings to be established within the zone, however only where it can be demonstrated that they do not conflict with the use of land for primary production purposes and maintain the open landscape character. Additional dwellings within Precinct 4 Barossa Range and Precinct 6 Moculta will be limited so as to maximise farm productivity and prevent incremental erosion of the existing landscape character. It is anticipated that buildings in the zone will be limited to single-storey in height, be designed and located so that they are not visible from public roads, particularly the Barossa Valley Highway, scenic or tourist routes, or from vistas within townships. Buildings will be designed to minimise the disturbance to the natural ground levels, utilising design techniques to reduce bulk and massing and be constructed using materials and finishes of a low reflective nature and subdued colour to match those found located within the landscape in order to be inconspicuous in appearance. Buildings will be designed and constructed with environmentally sustainable principles in mind, including passive solar techniques, use of renewable energy and harvesting of stormwater for re-use located within the dwelling and surrounds.

Pockets of native vegetation exist throughout the zone, however are isolated as a result of past clearing practices. It is expected that broadacre farming and horticultural land use will not take place on land containing stands of mature native vegetation. Development will result in the conservation of existing stands of native vegetation and increase the planting of locally indigenous vegetation in important locations, such as along watercourses. Development involving the construction of buildings or structures will include the planting of additional locally indigenous species to increase biodiversity and habitats for fauna, as well as screen the buildings and structures from views in the locality.

Desired Character	The proposal generally meets the intent of the desired character for the zone with regard to dwelling design and siting, external finishes, passive solar design principles and will not conflict with the use of land for primary production purposes.
Land Use	<p>PDCs 1, 2, 5 and 7</p> <p>The primary production land use will continue on the site. The proposal is to replace the existing dwelling.</p> <p>All other Objectives and PDCs are deemed to comply.</p>
Form and Character	<p>PDCs 10, 11, 12, 13, 14, 15 and 19</p> <p>The proposal does not meet all the listed criteria for a detached dwelling in the Zone but on balance is considered to be appropriately designed for the site. The dwelling is low profile and scale with external colours consisting of dark grey tones that are non-reflective and blend with the environment. The cut</p>

and fill is minimised. Whilst all passive solar design principles have not been met, the large verandah/alfresco area combine with the need for a six star energy rating should effectively ameliorate this shortfall. Overall the proposal meets the intent of the character of the Zone.

All other PDCs are deemed to comply.

CONCLUSION

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal on balance satisfies the relevant provisions of the Development Plan. The proposal is broadly consistent with the desired character of the zone and will not detrimentally impact upon the amenity of the adjoining properties of the locality.

Not seriously at variance

The proposed development is not seriously at variance with the Development Plan.

Development Plan Consent should be granted

When assessed against the relevant provisions of the Development Plan it is considered that the proposed development, on balance, warrants Development Plan Consent subject to conditions recommended below.

RECOMMENDATION

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves:

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the development proposal is not seriously at variance to The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/298/2018 by John Vyden to undertake the demolition of existing dwelling; and construction of a single-storey, detached dwelling with porch and alfresco under main roof at 403 Jutland Road, Springton (CT 6190/340) subject to the concurrence of the State Planning Commission, and subject to the following conditions and advisory notes:

Council conditions

- (1) The development shall be undertaken in accordance with the endorsed plans and documentation (as amended) accompanying Application No. 960/298/2018 except where varied by any condition(s) listed below.
 - Statement of Effect, prepared by Phil Harnett of URPS and dated 12 February 2019
 - Demolition Statement, prepared by Paul & Denise Davison and dated 2 August 2018
 - Site Plan, drawn by Vybuilt, Project Number 6093, Sheet 3 of 5, Version B
 - Floor Plan, drawn by Vybuilt, Project Number 6093, Sheet 4 of 5, Version B

- Elevation Plan, drawn by Vybuilt, Project Number 6093, Sheet 5 of 5, Version B
- Demolition Plan, drawn by Vybuilt, Project Number 6093, Sheet 3 of 5,
- Wastewater Plan, drawn by Triaxial Consulting, Drawing Number TX13296.00 H1.0, Issue B
- Civil Plan, drawn by Triaxial Consulting, Drawing Number TX13296.00 C1.0, Issue C
- Civil Plan, drawn by Triaxial Consulting, Drawing Number TX13296.00 C2.0, Issue A

Reason: To ensure that the proposal is constructed in accordance with the plans stamped as approved by the Planning Authority.

- (2) Prior to the issue of Development Approval a waste control system shall be approved pursuant to the South Australian Public Health Act 2011.

Reason: To ensure that the proposal is constructed in accordance with the requirements of the *South Australian Public Health Act 2011*.

- (3) The existing dwelling, approved for demolition as a part of this proposal, shall be decommissioned at the time of occupancy of the approved dwelling and demolished within three months of said occupancy.

Reason: To ensure that the proposal is used and maintained as approved by the Planning Authority.

- (4) The premises shall not be occupied or used for the approved purpose until all work has been completed in accordance with the approved application and the conditions of consent.

Reason: To ensure that the proposal is used, run and maintained as approved by the Planning Authority.

- (5) The external wall and roof colours shall be maintained as listed in the approved plans.

Reason: To ensure that the proposal is used, run and maintained as approved by the Planning Authority.

- (6) The existing landscaping shall be retained to screen the structure/development and shall be replaced if they die or become seriously diseased with other landscaping plant species of the same expected mature height and foliage cover.

Reason: To ensure that the proposal is used, run and maintained as approved by the Planning Authority.

- (7) All stormwater from buildings, paving and from areas that immediately surround the perimeter of the building shall be disposed of in a manner that does not result in entry of water into the building, or affect the stability of the building, or create an unhealthy or dangerous condition, or run onto or over land of an adjoining owner.

Storm water disposal systems must be completed by the completion of the construction of the building. During construction, adequate measures must

be taken to ensure the temporary disposal of surface or roof water does not affect neighbouring properties.

Reason: To ensure that the proposal is used, run and maintained as approved by the Planning Authority.

- (8) Any clearance, trimming or removal of any native vegetation outside of the designated building envelope, shall be undertaken only with written confirmation/permit by the Native Vegetation Council (or relevant authority).

Reason: To ensure that the proposal is used, run and maintained as approved by the Planning Authority.

- (9) The subject land is located within a Medium Bushfire Risk or within 500 metres of a High Bushfire Risk area.

A dedicated and independent water supply shall be available at all times for firefighting purposes which;

- (a) Is located adjacent to the building or in another convenient location on the allotment accessible to fire fighting vehicles (safe and convenient access shall be provided), and
- (b) Comprises a minimum of 2000 litres of water where the property is connected to mains water, or 5000 litres in any other case. (Any rainwater tank used for this purpose should be dedicated entirely for firefighting and shall be of non-combustible materials).

The provision of the dedicated water supply for firefighting purposes shall comply with the Ministers Specification SA 78 'Bushfire fighting equipment and water supply requirements in designated bushfire prone areas'.

Reason: To provide a 'measure of protection' from the approach, impact and passing of a bushfire.

- (10) Disturbed surfaces including any exposed batters as a result of excavation on the land shall be revegetated with indigenous species and stabilised within three months of the completion of the development, to the satisfaction of Council.

Reason: To stabilise the soil and reduce the potential for soil erosion as a result of excavation.

6.1 Attachment 1



DEVELOPMENT APPLICATION FORM

CONSENT TYPE APPLYING FOR (Please tick appropriate box)

- ☐ Development Plan Consent (Planning Only)
- ☐ Building Rules Consent (Building Only)
- ☐ Full Development Approval (Both Planning and Building Consent)

OFFICE USE ONLY

DEVELOPMENT NO.: 960/ _____

PROPERTY NO.: _____

VG NO.: _____

Please use BLOCK LETTERS and Black or Blue ink so that photocopies can be made of your application

APPLICANT: JOHN VITEN

Postal Address: 27A RANDALL RD, TUNKILL Post Code: 5236

Phone: _____ Mobile: 0437 719 526 Fax: _____

Email: john@vibuilt.com.au

OWNER: PAUL AND RENISE DAVISON

Postal Address: 403 JUTLAND RD, SPRINGTON Post Code: 5235

Phone: _____ Mobile: 0419 775 977 Fax: _____

Email: PDAVISON@pghorick.com.au

ARE YOU GOING TO BE AN OWNER BUILDER? YES/NO

BUILDER: VYBUILT PTY LTD

Postal Address: 2 LENTENARY AVE, NURIOOTPA Post Code: 5355

Phone: _____ Mobile: 0437 719 526 Fax: _____

Email: admin@vibuilt.com.au Builders Licence No.: BLD 276 493

Please refer to attached fact sheet "Important Information for Owners and Builders".

CONTACT PERSON FOR FURTHER INFORMATION: Name: JOHN VITEN

Phone: _____ Mobile: 0437 719 526 Fax: _____

Email: john@vibuilt.com.au

DESCRIPTION OF PROPOSED DEVELOPMENT: _____

NEW RESIDENTIAL BUILDING

EXISTING LAND USE: YES

AREA (m²) OF PROPOSED DEVELOPMENT: 328 m²

LOCATION OF PROPOSED DEVELOPMENT:

House No: 403 Street: JUTLAND RD Town: SPRINGTON

Lot No: _____ Section: _____ Hundred: _____

Certificate of Title(s): Volume: _____ Folio: _____

BUILDING RULES CLASSIFICATION SOUGHT: CLASS 1A Present Classification _____

If Class 5, 6, 7, 8 or 9 classification is sought, state the proposed number of employees: Male: _____ Female: _____

If Class 9a classification is sought, state the number of persons for whom accommodation is provided: _____

If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises: _____

DOES EITHER SCHEDULE 21 OR 22 OF THE DEVELOPMENT REGULATIONS 2008 APPLY? YES/NO

HAS THE CONSTRUCTION INDUSTRY TRAINING FUND ACT 1993 LEVY BEEN PAID? YES/NO

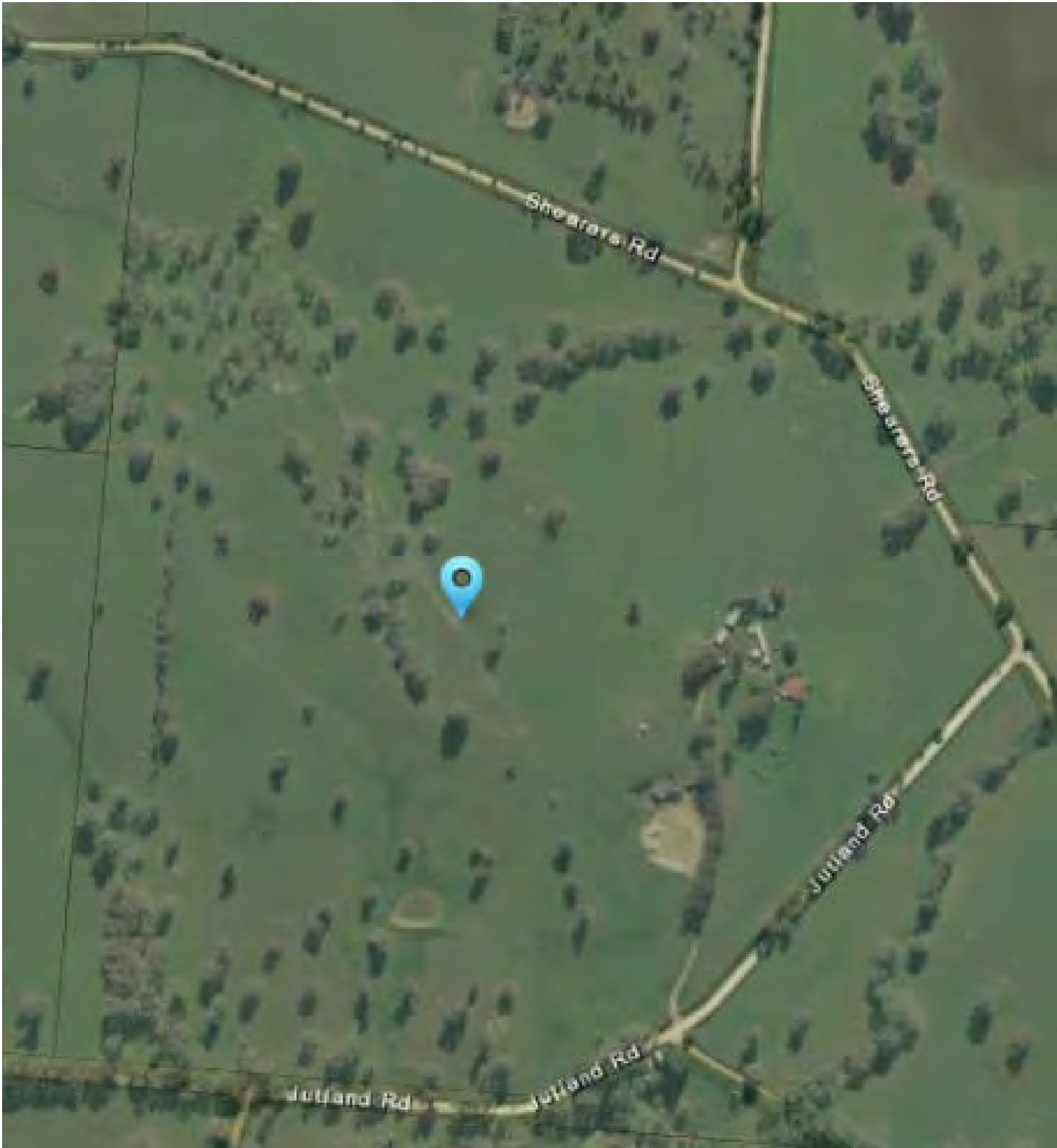
DEVELOPMENT COST (do not include any fit out costs): \$ 350,000

I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Regulations 2008 and where public notification is required may be made available on Council's website. Details provided by the applicant, written representations and other technical reports form part of the reports attached to Council's Development Assessment Panel agendas. The agenda, minutes and accompanying report is made available on Council's website.

SIGNED: [Signature] Dated: 1/6/2018

RECEIVED

04 June 2018
35



BLOCK OF LAND
APPROX 60HA

A	CHANGES TO DRIVEWAY, SITEPLAN, NOTED STORMWATER/WASTEWATER TO ENGINEERS DRAWING	06/11/18
B	ADDED KITCHEN WINDOW, DELETED ORIGINAL SEPTIC SYSTEM	14/11/18



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john@vybuilt.com.au M: 0437 719 526

jeremy@supremebuildingdesign.com.au M: 0423 496 623

CLIENT
Mr & Mrs

ADDRESS
403 Jutland Rd,
SPRINGTON

DATE
31/07/18

PROJECT NUMBER
6093

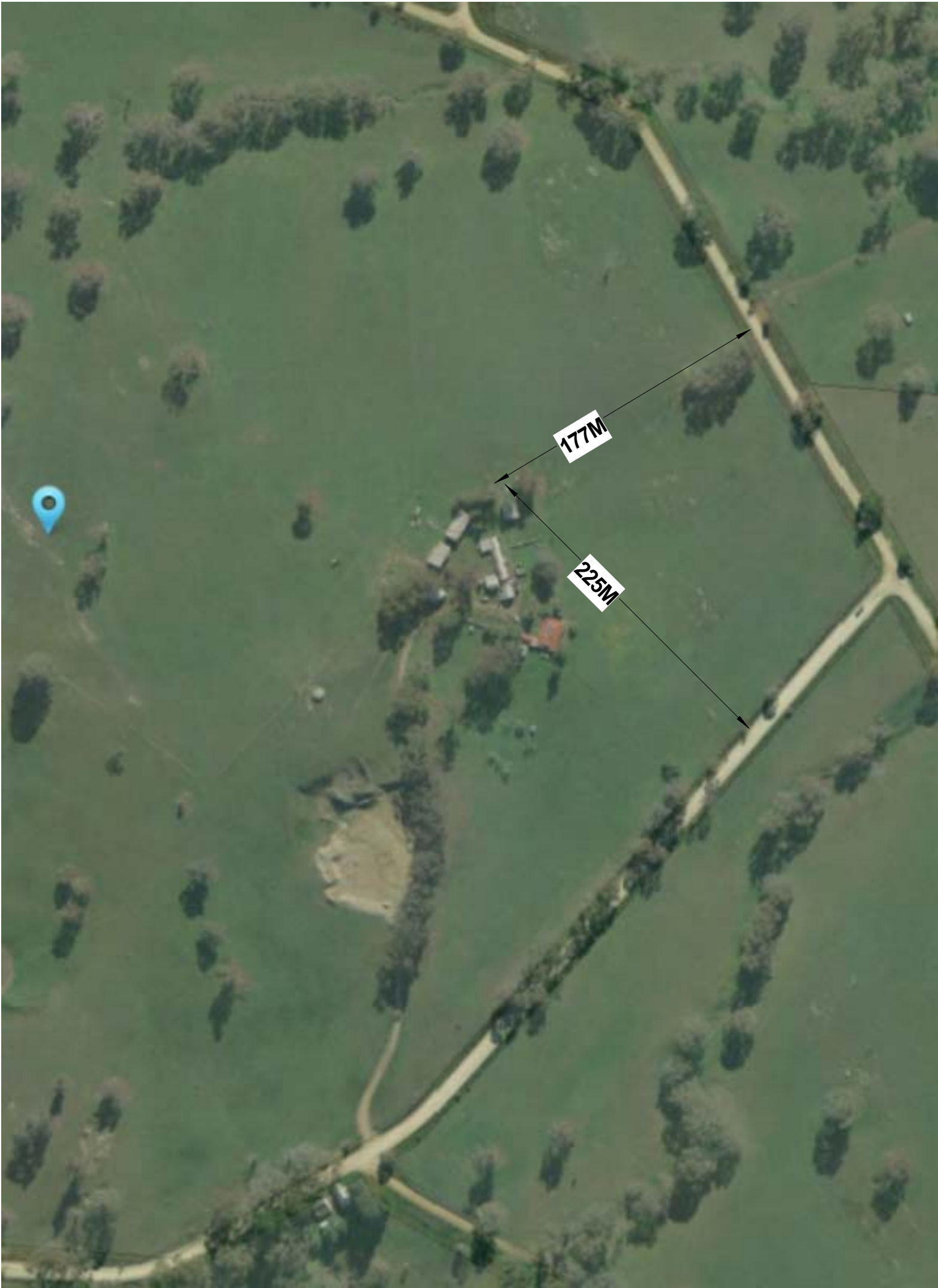
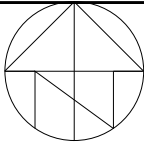
DRAWN
J.D

SHEET NO
1 OF 5

PLANNING CONSENT

CONSTRUCTION: DOUBLE BRICK

Contractors are to verify all dimensions and levels on the drawing before commencing any work. Any discrepancies or contradictions will be reported to the designer immediately. Figured dimensions will take preference to scale. These plans shall be read in conjunction with all other relevant documentation ie: specifications, schedules, consultants & authorities' reports etc.



LOCATION OF PROPOSED
HOUSE FROM BOUNDARY ROADS

A	CHANGES TO DRIVEWAY, SITEPLAN, NOTED STORMWATER/WASTEWATER TO ENGINEERS DRAWING	06/11/18
B	ADDED KITCHEN WINDOW, DELETED ORIGINAL SEPTIC SYSTEM	14/11/18



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CLIENT
Mr & Mrs

ADDRESS
403 Jutland Rd,
SPRINGTOWN

DATE
31/07/18

PROJECT NUMBER
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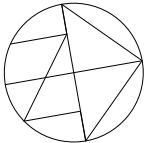
DRAWN
J.D

SHEET NO
2 OF 5

PLANNING CONSENT

CONSTRUCTION: DOUBLE BRICK

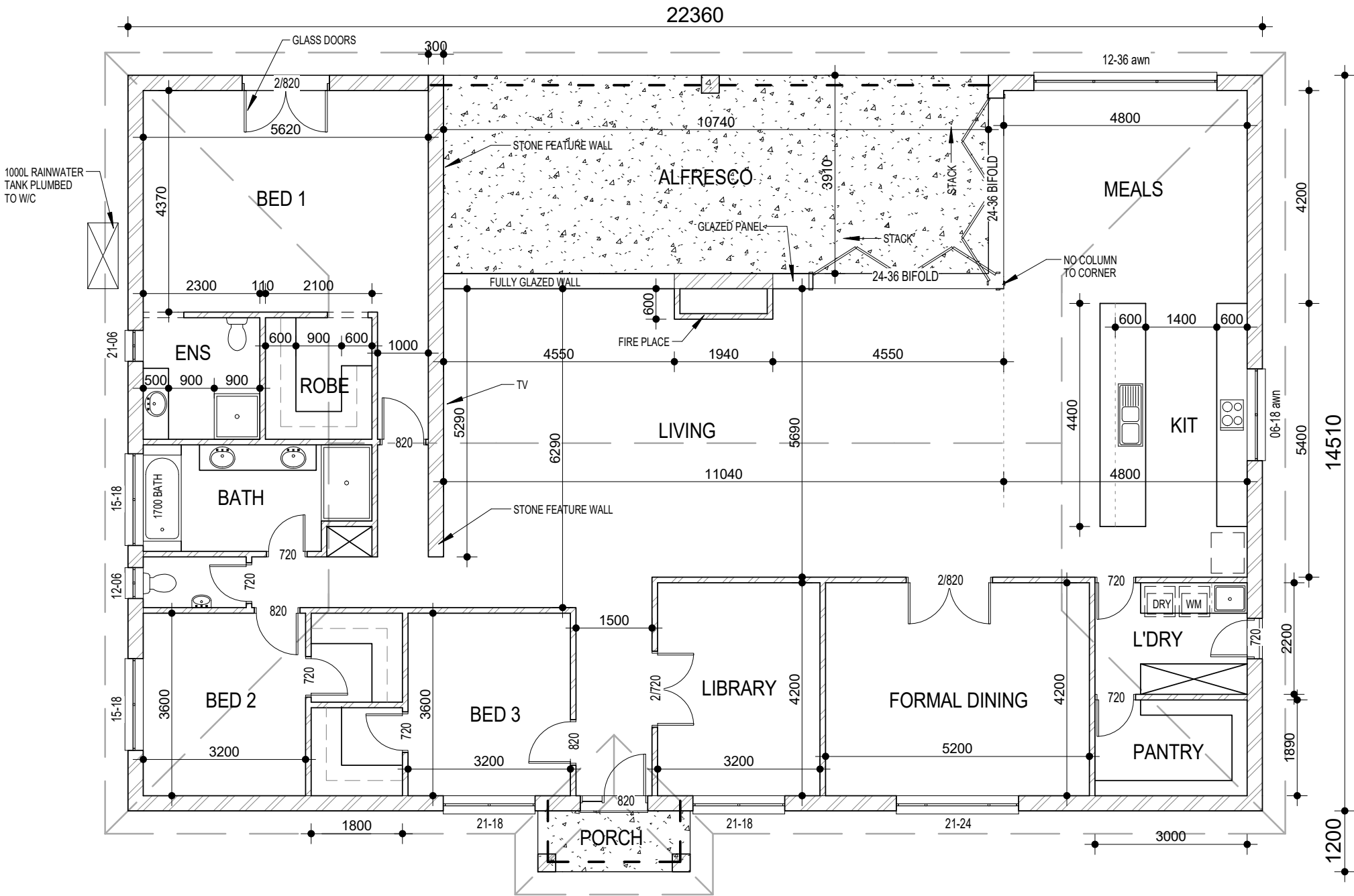
Contractors are to verify all dimensions and levels on the drawing before commencing any work. Any discrepancies or contradictions will be reported to the designer immediately. Figured dimensions will take preference to scale. These plans shall be read in conjunction with all other relevant documentation ie: specifications, schedules, consultants & authorities' reports etc.



A	CHANGES TO DRIVEWAY, SITEPLAN, NOTED STORMWATER/WASTEWATER TO ENGINEERS DRAWING	06/11/18
B	ADDED KITCHEN WINDOW, DELETED ORIGINAL SEPTIC SYSTEM	14/11/18

SITE PLAN 1:500

	© Copyright VYBUILT PTY LTD	CLIENT Mr & Mrs ADDRESS 403 Jutland Rd, SPRINGTON	DATE 31/07/18 PROJECT NUMBER 6093	DRAWN J.D SHEET NO 3 OF 5	PLANNING CONSENT
	mark@vybuilt.com.au M: 0422 087 424				CONSTRUCTION: DOUBLE BRICK
	john@vybuilt.com.au M: 0437 719 526 jeremy@supremebuildingdesign.com.au M: 0493 496 623				<small>Contractors are to verify all dimensions and levels on the drawing before commencing any work. Any discrepancies or contradictions will be reported to the designer immediately. Figured dimensions will take preference to scale. These plans shall be read in conjunction with all other relevant documentation ie: specifications, schedules, consultants & authorities' reports etc.</small>



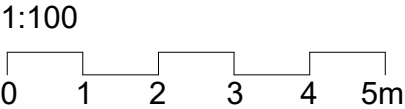
LIVING	282.45m ²
GARAGE	m ²
ALFRESCO	41.99m ²
PORCH	3.60m ²
<hr/>	
TOTAL	328.04m ²

- *TILED ROOF
- *DUTCH GABLES
- *27° PITCH
- *450 EAVES
- *TIMBER WINDOWS
- *SOLID BRICK STONE VENEER

ENERGY/INSULATION

- *HARDWOOD TIMBER DOOR & WINDOW FRAMES DOUBLE GLAZED WITH LOW E*
- *KOOLTHERM INSULATION TO WALL CAVITY*
- *R1.8 ANTICON BLANKET TO ROOF
- *R6.0 INSUALTION TO CEILINGS*

FLOOR PLAN



A	CHANGES TO DRIVEWAY, SITEPLAN, NOTED STORMWATER/WASTEWATER TO ENGINEERS DRAWING	06/11/18
B	ADDED KITCHEN WINDOW, DELETED ORIGINAL SEPTIC SYSTEM	14/11/18

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john@vybuilt.com.au M: 0437 719 526

jeremy@supremebuildingdesign.com.au M: 0433 496 627

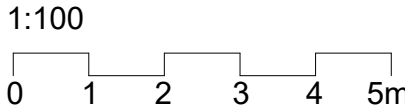
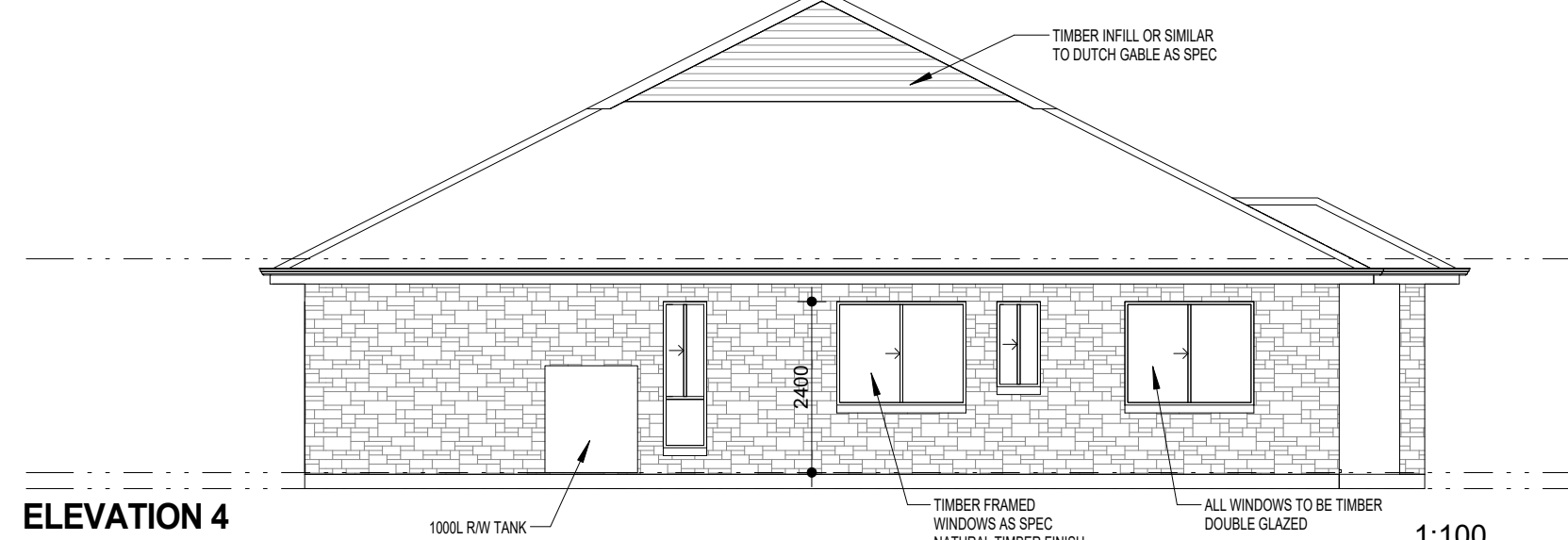
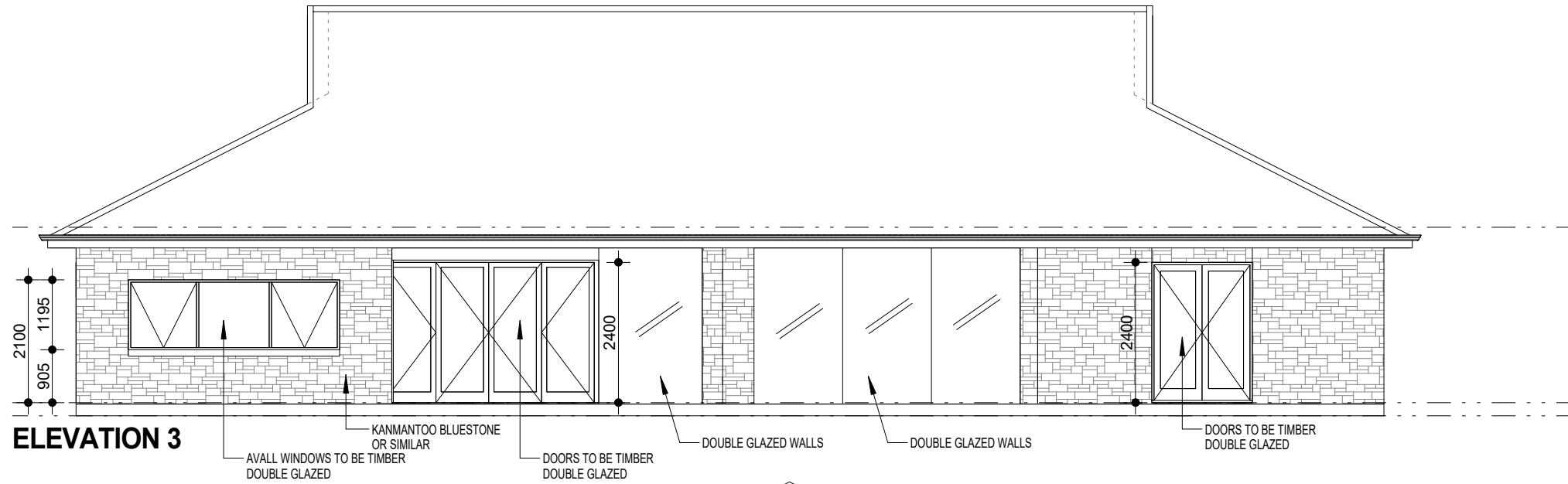
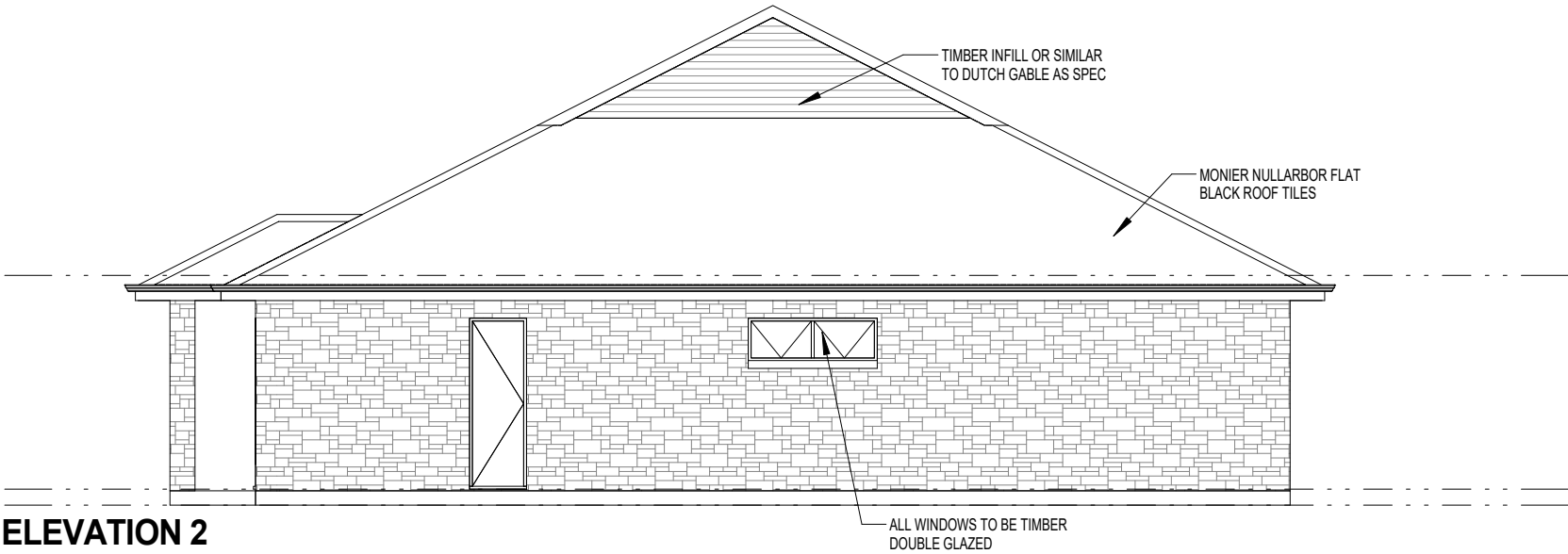
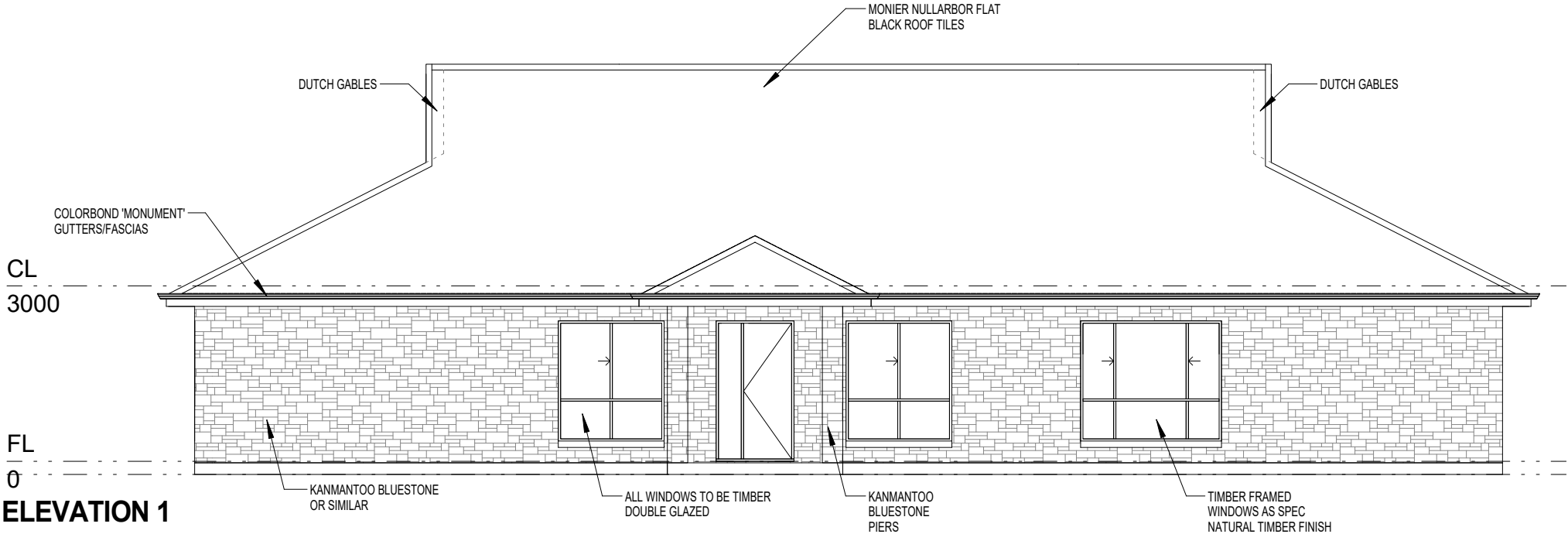
CLIENT
Mr & Mrs
ADDRESS
403 Jutland Rd,
SPRINGTON

DATE
31/07/18
PROJECT NUMBER
6093
DRAWN
J.D
SHEET NO
4 OF 5


PLANNING CONSENT
CONSTRUCTION: DOUBLE BRICK
Contractors are to verify all dimensions and levels on the drawing before commencing any work. Any discrepancies or contradictions will be reported to the designer immediately. Figured dimensions will take preference to scale. These plans shall be read in conjunction with all other relevant documentation ie: specifications, schedules, consultants & authorities' reports etc.

CONCRETE ROOF TILES ON 27° PITCH
450 EAVES

ALL GLAZING TO BE TIMBER FRAMED DOUBLE GLAZED



A	CHANGES TO DRIVEWAY, SITEPLAN, NOTED STORMWATER/WASTEWATER TO ENGINEERS DRAWING	06/11/18
B	ADDED KITCHEN WINDOW, DELETED ORIGINAL SEPTIC SYSTEM	14/11/18



VYBUILT

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john@vybuilt.com.au M: 0437 719 526

jeremy@supremebuildingdesign.com.au M: 0423 496 627

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Mr & Mrs
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403 Jutland Rd,
SPRINGTON

DATE
31/07/18
PROJECT NUMBER
6093

DRAWN
J.D
SHEET NO
5 OF 5

PLANNING CONSENT
CONSTRUCTION: DOUBLE BRICK

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WARNING:

BEWARE OF UNDERGROUND SERVICES. THE LOCATION OF SERVICES IF SHOWN, ARE INDICATIVE ONLY AND NO GUARANTEE IS GIVEN THAT ALL EXISTING SERVICES HAVE BEEN DOCUMENTED. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL EXISTING SERVICES WITHIN THE WORKS AFFECTED AREAS PRIOR TO ANY ON-SITE EXCAVATION.

NOTE:

BUILDER IS TO CHECK THERE IS ADEQUATE FALL TO SEWER PIPES PRIOR TO COMMENCING EARTHWORKS WITH PROPOSED BENCH LEVEL.

CONSTRUCTION OF THE PROPOSED SEWER LINE SHALL NOT COMMENCE UNTIL A CONNECTION POINT IS INSTALLED BY SA WATER.

THIS IS AN ENGINEERING SURVEY AND SHALL NOT BE TAKEN AS A
BOUNDARY IDENTIFICATION. THE BOUNDARY DATA SHOWN IS TO
BE TAKEN AS A GUIDE ONLY. TO BE CONFIRMED BY BUILDER PRIOR
TO CONSTRUCTION.

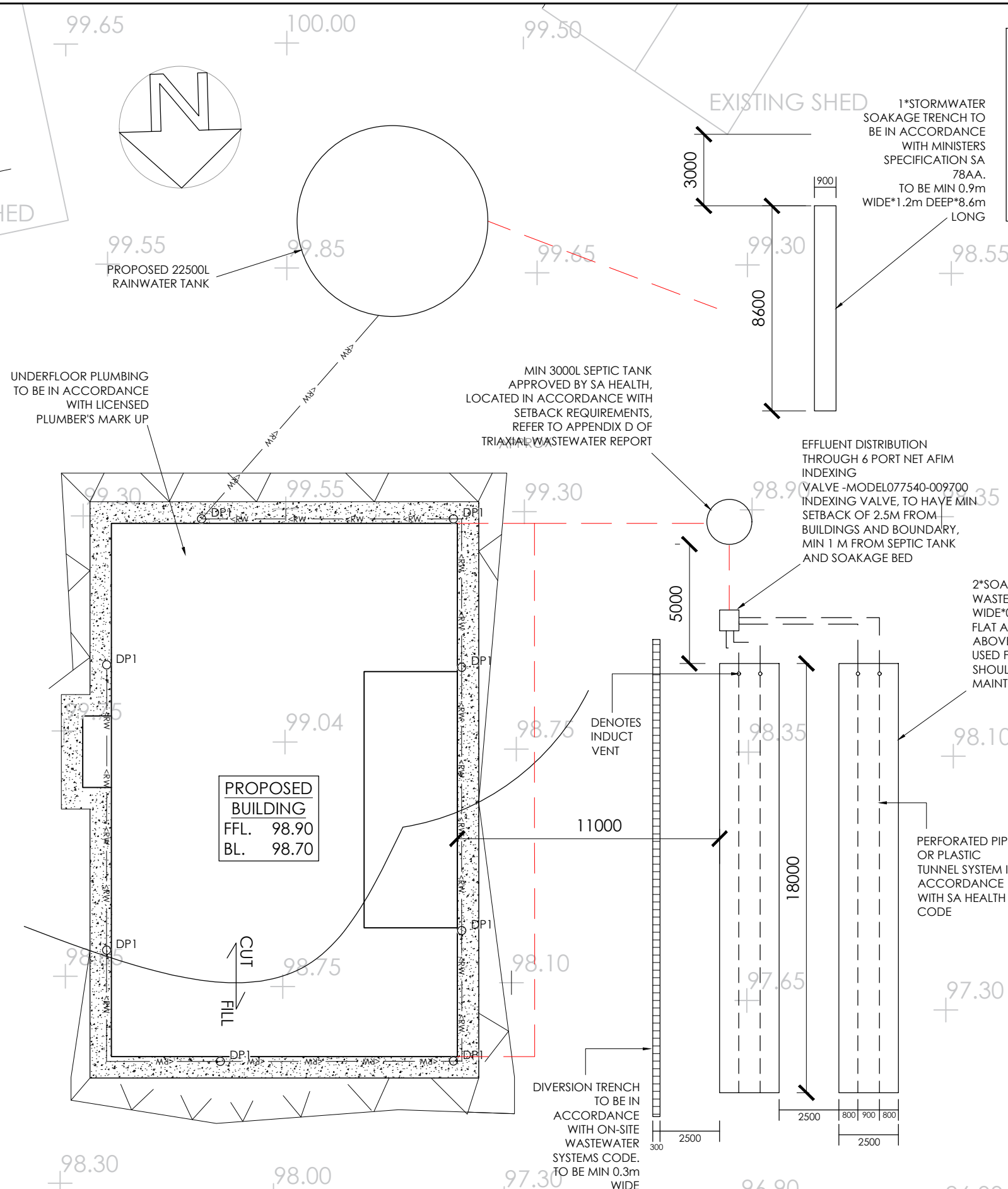
WASTEWATER NOTES

- | | |
|----|---|
| W1 | MINIMUM FALL TO ALL 100 DIAMETER DRAINS SHALL BE 1.65% UNLESS NOTED OTHERWISE. |
| W2 | TRENCH BACKFILL COMPACTION 98% MOD. |
| W3 | ALL HOUSE SEWER DRAIN CONNECTIONS TO BE 100 DIAMETER. |
| W4 | CONCRETE THRUST BLOCKS MAY BE REQUIRED FOR THE INSTALLATION OF WATER PIPE AS PER SA WATER REQUIREMENTS. |
| W5 | ALL DIMENSIONS SHOWN SHALL BE VERIFIED BY THE BUILDER ON SITE. ENGINEER'S DRAWINGS SHALL NOT BE SCALED FOR DIMENSIONS. ENGINEER'S DRAWINGS ISSUED IN ANY ELECTRONIC FORMAT MUST NOT BE USED FOR DIMENSIONAL SETOUT. REFER TO THE ARCHITECT'S DRAWINGS FOR ALL DIMENSIONAL SETOUT INFORMATION. |
| W6 | UNLESS NOTED OTHERWISE ALL LEVELS ARE IN METRES AND ALL DIMENSIONS ARE IN MILLIMETRES. |
| W7 | ALL WORKS SHALL BE UNDERTAKEN IN ACCORDANCE WITH ACCEPTABLE SAFETY STANDARDS & APPROPRIATE SAFETY SIGNS SHALL BE INSTALLED AT ALL TIMES DURING THE PROGRESS OF THE JOB. |
| W7 | ALL WORKS TO BE FULLY IN ACCORDANCE WITH AS 3500.2/3/4 AND COUNCIL REQUIREMENTS. |






GENERAL NOTES

- G1 THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL AND OTHER CONSULTANTS' DRAWINGS AND SPECIFICATIONS AND WITH SUCH OTHER WRITTEN INSTRUCTIONS AS MAY BE ISSUED DURING THE COURSE OF THE CONTRACT. ANY DISCREPANCY SHALL BE REFERRED TO THE ENGINEER BEFORE PROCEEDING WITH THE WORK.
- G2 ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE RELEVANT AND CURRENT STANDARDS AUSTRALIA CODES AND WITH THE BY-LAWS AND ORDINANCES OF THE RELEVANT BUILDING AUTHORITIES EXCEPT WHERE VARIED BY THE PROJECT SPECIFICATION.
- G3 ALL DIMENSIONS SHOWN SHALL BE VERIFIED BY THE BUILDER ON SITE. ENGINEER'S DRAWINGS SHALL NOT BE SCALED FOR DIMENSIONS. ENGINEER'S DRAWINGS ISSUED IN ANY ELECTRONIC FORMAT MUST NOT BE USED FOR DIMENSIONAL SETOUT. REFER TO THE ARCHITECT'S DRAWINGS FOR ALL DIMENSIONAL SETOUT INFORMATION.
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- G5 ALL WORKS SHALL BE UNDERTAKEN IN ACCORDANCE WITH ACCEPTABLE SAFETY STANDARDS & APPROPRIATE SAFETY SIGNS SHALL BE INSTALLED AT ALL TIMES DURING THE PROGRESS OF THE JOB.

Agenda - Barossa Assessment Panel - 2 April 2019



LEGEND

- | | |
|---|----------------------------------|
|  | - uPVC SEWER PIPE, SIZE AS NOTED |
|  | - RISER / DROPPER |
|  IO | - INSPECTION OPENING |
|  FT | - FLOOR WASTE TRAP |
|  ORG | - OVERFLOW RELIEF GULLY |

ALL WASTEWATER COMPONENTS TO BE
IN ACCORDANCE WITH THE NCC,
AS1547 & AS3500

SETBACK REQUIREMENTS	
ITEM	MINIMUM SETBACK
SEPTIC TANKS & SUMP PUMPS	2.5m FROM ANY BUILDING BOUNDARY AND LAND APPLICATION AREA
DISTRIBUTION SUMPS	1m FROM SEPTIC TANK AND LAND APPLICATION AREA 2.5m FROM BUILDINGS AND BOUNDARIES
SOAKAGE BED/ SOAKAGE TRENCHES	2.5m FROM SEPTIC TANKS, WASTEWATER TREATMENT SYSTEMS, PUMPS, PUMPS, ALLOTMENT BOUNDARIES SOAKAGE TRENCHES AND BEDS 3m DOWN SLOPE FROM BUILDING OR SWIMMING POOL 3m UP SLOPE FROM BUILDING OR SWIMMING POOL 50m FROM WELL BORE OR DAM LIKELY TO BE USED BY HUMAN OR DOMESTIC

2*SOAKAGE BEDS IN ACCORDANCE WITH WASTEWATER REPORT. TO BE MIN 4m WIDE*0.4m DEEP*12.5m LONG. MUST BE FLAT AND COVERED WITH GRASS. AREA ABOVE SOAKAGE BED SHOULD NOT BE USED FOR RECREATIONAL PURPOSES AND SHOULD ONLY BE WALKED OVER FOR MAINTENANCE PURPOSES

ISSUED FOR APPROVAL	29/10/18	B	SH
ISSUED FOR APPROVAL	23/10/18	A	SH
AMENDMENTS	DATE	ISSUE	BY
<hr/>			
STATUS			

ISSUED FOR APPROVAL



1300 874 294 | TRIAXIAL.COM.AU
SUITE 12, LEVEL 14, 327 PITT STREET, SYDNEY 2000
PO BOX A203, SYDNEY SOUTH, NSW 1235
SYDNEY | ADELAIDE | BAROSSA | DARWIN | MUDGEEOO

CLIENT
VYBUILT
0437 719 526

PROJECT
PROPOSED RESIDENCE
403 JUTLAND RD,
SPRINGTOWN SA

DESIGNED SH	DRAWN SH	DATE 23/10/18	SIZE A3	CAD REF TX13296.00
----------------	-------------	------------------	------------	-----------------------

DRAWING TITLE
WASTEWATER PLAN

DRAWING No TX13296.00 H141 ISSUE B

H141 ISSUE B

STORMWATER DRAINAGE NOTES

1. 40mm OF LAGGING IS REQUIRED TO ALL STORMWATER PIPES THAT PASS THROUGH FOOTINGS.
2. FLEXIBLE CONNECTIONS ARE TO BE PROVIDED TO THIS SITE - REF TO FOOTING DETAILS SHEETS.
3. SUITABLE VERTICAL EXPANSION JOINT IS TO BE PROVIDED TO DOWNPIPES AT PAVING LEVEL.
4. GRADE PAVING TO ALL SUMP LOCATIONS AT MIN 1.0%.
5. DURING CONSTRUCTION WATER RUN-OFF SHALL BE COLLECTED AND CHANNELED AWAY FROM BUILDING.
6. 450mm COVER TO STORMWATER PIPES IN VEHICLE AREAS WITHOUT PAVING AND 100mm COVER FROM UNDERSIDE OF PAVEMENTS .
7. SET-OUT OF BUILDING IS TO BE AS PER ARCH DRAWINGS.
8. STORMWATER SYSTEM AND ALL EXTERNAL PAVING AND RETAINING WALLS ARE TO BE COMPLETED BY OWNER UNLESS OTHERWISE SPEC IN THE BUILDING CONTRACT AND IS TO BE COMPLETED AS SOON AS THE BUILDING IS HANDED OVER TO THE OWNER.
9. RETAINING WALLS SHOWN APPROX. ONLY NOT TO BE USED FOR ESTIMATING PURPOSES.
10. REFER TO FOOTING DETAILS AND CONSTRUCTION REPORT FOR REQUIREMENTS OF ALL TRENCH EXCAVATIONS NEXT TO FOOTINGS.
11. TO BE IN ACC WITH AS/NZS 3500.3.

GENERAL NOTES

- G1 THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL AND OTHER CONSULTANTS' DRAWINGS AND SPECIFICATIONS AND WITH SUCH OTHER WRITTEN INSTRUCTIONS AS MAY BE ISSUED DURING THE COURSE OF THE CONTRACT. ANY DISCREPANCY SHALL BE REFERRED TO THE ENGINEER BEFORE PROCEEDING WITH THE WORK.
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- G3 ALL DIMENSIONS SHOWN SHALL BE VERIFIED BY THE BUILDER ON SITE. ENGINEER'S DRAWINGS SHALL NOT BE SCALED FOR DIMENSIONS. ENGINEER'S DRAWINGS ISSUED IN ANY ELECTRONIC FORMAT MUST NOT BE USED FOR DIMENSIONAL SETOUT. REFER TO THE ARCHITECT'S DRAWINGS FOR ALL DIMENSIONAL SETOUT INFORMATION.
- G4 UNLESS NOTED OTHERWISE ALL LEVELS ARE IN METRES AND ALL DIMENSIONS ARE IN MILLIMETRES.
- G5 ALL WORKS SHALL BE UNDERTAKEN IN ACCORDANCE WITH ACCEPTABLE SAFETY STANDARDS & APPROPRIATE SAFETY SIGNS SHALL BE INSTALLED AT ALL TIMES DURING THE PROGRESS OF THE JOB.

OVER FLOW TO BE DIRECTED TO STORM WATER TRENCH

NOTE:
WHERE TREES ARE TO BE REMOVED, ALL ORGANIC MATERIAL SHALL BE REMOVED AND REPLACED WITH COMPACTED FILL OF THE SAME SOIL PROPERTIES AS NATURAL GROUND. MOISTURE CONTENT OF NEW FILL TO BE NO LESS THAN EXISTING SITE SOIL.

LEGEND

- EXISTING SITE LEVELS AND DETAILS BASED ON BASIC SURVEY TO BE CONFIRMED BY BUILDER
- PAVING TO ARCH. REQUIREMENTS REFER TO FOOTING DETAILS FOR MIN. REQ.
 - DOWNPIPE 90 DIA. OR 150*50 MIN.
 - ROOFWATER LINE (SEALED SYSTEM PIPE)
 - STORMWATER PIPE 90 DIA. MIN 1:200 FALL
 - RAINWATER TANK

NOTE:
BUILDER IS TO CHECK THERE IS ADEQUATE FALL TO STORMWATER AND SEWER PIPES PRIOR TO COMMENCING EARTHWORKS WITH PROPOSED BENCH LEVEL.

THIS IS AN ENGINEERING SURVEY AND SHALL NOT BE TAKEN AS A BOUNDARY IDENTIFICATION. THE BOUNDARY DATA SHOWN IS TO BE TAKEN AS A GUIDE ONLY. TO BE CONFIRMED BY BUILDER PRIOR TO CONSTRUCTION.

WARNING:
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ISSUED FOR APPROVAL	20/07/18	C
ISSUED FOR APPROVAL	11/08/17	B
ISSUED FOR APPROVAL	10/08/17	A
AMENDMENTS	DATE	ISSUE BY
STATUS		

ISSUED FOR APPROVAL

TRIAxIAL CONSULTING

COMPLEX PROBLEMS
RESOLVED SIMPLY

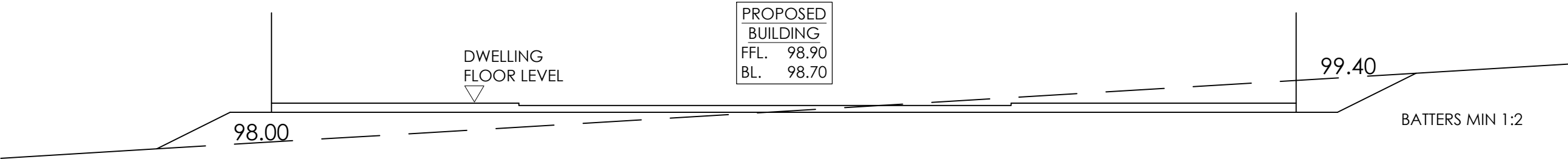
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PO BOX A203, SYDNEY SOUTH, NSW 1235
SYDNEY | ADELAIDE | BAROSSA | DARWIN | MUDGEE

CLIENT
VYBUILT
0437 719 526

PROJECT
PROPOSED RESIDENCE
403 JUTLAND RD,
SPRINGTOWN SA

DESIGNED DRAWN DATE SIZE CAD REF
A3 TX13296.00

DRAWING TITLE
CIVIL PLAN



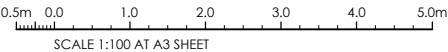
SECTION 1:100

A

C1.0

CIVIL PLAN

SCALE 1:100



ISSUED FOR APPROVAL	20/07/18	A	
AMENDMENTS	DATE	ISSUE	BY
STATUS			

ISSUED FOR APPROVAL



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PO BOX A203, SYDNEY SOUTH, NSW 1235
SYDNEY | ADELAIDE | BAROSSA | DARWIN | MUDGEE

CLIENT

VYBUILT

0437 719 526

PROJECT

PROPOSED RESIDENCE

403 JUTLAND RD,

SPRINGTOWN SA

DESIGNED	DRAWN	DATE	SIZE	CAD REF
			A3	TX13296.00

DRAWING TITLE

CIVIL SECTION

DRAWING No	43	ISSUE
TX13296.00	C2.0	A

403 Jutland Road

Springton

SA 5235

2nd August 2018

Demolition Statement

Dear Sir,

Please see the attached statement which is to be appended to DA 298.

Our intention with the development of the property contained in the DA is to build a new home on the site whilst still living in the old homestead. Once the new home is habitable it would be our intention to move in to the new home and begin demolition of the old homestead.

The estimated build time of the new home is 9-12 months, So once we have full development approval we will be commencing work on the our new home directly and would hence be able to estimate a firm demolition date of the existing homestead.

Yours faithfully

Paul & Denise Davison

The image shows two handwritten signatures in black ink. The top signature is a stylized 'PD' followed by the name 'Davison'. The bottom signature is a stylized 'PD' followed by the name 'Davison'.



DEMOLITION PLAN 1:500



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john@vybuilt.com.au M: 0437 719 526

jeremy@supremebuildingdesign.com.au

M: 0423 496 627

CLIENT

Mr & Mrs

ADDRESS

403 Judand Rd,
SPRINGTON

DATE

31/07/18

PROJECT NUMBER

6093

DRAWN

J.D.

SHEET NO

3 OF 5

PLANNING CONSENT

CONSTRUCTION: DOUBLE BRICK

Consent is to verify all dimensions and levels on the existing plans and drawings and to ensure that the construction is in accordance with the planning consent. It is the responsibility of the client to ensure that the construction is in accordance with the planning consent. The client is responsible for obtaining all necessary planning consent and for ensuring that the construction is in accordance with the planning consent.

6.1 Attachment 2



19ADL-0059
12 February 2019

Replacement Detached Dwelling **STATEMENT OF EFFECT**

403 Jutland Road, Springton
Development Application Number 960/298/2018



Statement of Effect

12 February 2019

Prepared by URPS

Prepared for John Vyden – Vybuilt Pty Ltd

Consultant Project Manager Matthew King, Director

Suite 12/154 Fullarton Road
(cnr Alexandra Ave)
Rose Park, SA 5067
Tel: (08) 8333 7999
Email: matthew@urps.com.au

URPS Ref 19ADL-0059

Document history and status

Revision	Date	Reviewed	Approved	Details
1	11/02/2019	MK	MK	General Review

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ABN 55 640 546 010

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1.0 Application overview

Replacement Detached Dwelling	
Property Location	403 (allotment 50) Jutland Road, Springton – CT 6190/340
Site Area	600,000 square metres (60 hectares)
Development Plan	The Barossa Council Development Plan (consolidated 1 November 2018)
Zone	Primary Production Zone
Policy Area	Not Applicable
Heritage	Not Applicable
Current Land Use	Farming/Residential
Description of Development	<p>The proposal is for:</p> <ul style="list-style-type: none">• Demolition of existing dwelling.• Construction of a single storey replacement detached dwelling with porch and alfresco under the main roof.
Assessment Pathway	Non-Complying
Public Notification	Category 3
Relevant Authority	The Barossa Council
Referrals	Not Applicable
Related Applications	Not Applicable
Contact Person	Phil Harnett, URPS, 8333 7999



2.0 Introduction

On behalf of the applicant (Mr John Vyden – Vybuilt Pty Ltd), URPS has been engaged to provide planning advice and assistance in relation to Development Application Number 960/298/2018.

The application involves demolition of the exiting detached dwelling and construction of a replacement dwelling. The proposal is classed as non-complying because it does not entirely satisfy the exceptions of the Zone.

The Council has resolved to proceed to assess the application and has requested a Statement of Effect.

This document forms the requested Statement of Effect and specifically addresses the following in accordance with Regulation 17(5) of the Development Regulations 2008.

- A description of the nature of the development and the nature of its locality.
- A statement as to the provisions of the Development Plan which are relevant to the assessment of the proposed development.
- An assessment of the extent to which the proposed development complies with the provisions of the Development Plan.
- An assessment of the expected social, economic and environmental effects of the development on its locality.
- Any other information specified by the relevant authority when it resolves to proceed with an assessment of the application (being information which the relevant authority reasonably requires in the circumstances of the particular case).

This report is prepared following our review of the following:

- The Barossa Council Development Plan (consolidated 1 November 2018).
- Certificate of Title - 6190/340.
- Sheet Numbers 1 to 5 dated 31/07/18, Revision B prepared by VYBuilt.
- Civil Plan prepared by Triaxial Consulting, Issue C.
- Civil Section prepared by Triaxial Consulting, Issue A.



3.0 Subject land and locality

The subject land is described as 403 (allotment 50) Jutland Road, Springton (CT 6190/340).

The land is an irregular shape with an approximate area of 600,000 square metres (60 hectares) and frontage to both Jutland and Shearers Road.

The land undulates throughout and currently comprises a detached dwelling with associated sheds, farm buildings, water tanks and established trees scattered throughout. The remainder of the land is used for farming purposes and comprises a watercourse and dam. No easements are situated on the land.

The locality is characterised by its open rural nature, farming land uses, undulating topography, scattered trees and occasional watercourses. Together, these present a scenic rural character.

A range of allotment sizes exist within the locality however allotments are generally large and used for farming, horticulture or other forms of primary production. The Springton township is approximately 3 kilometres south-west of the subject land.



4.0 Proposal

The proposal is for:

- Demolition of existing dwelling.
- Construction of a single storey replacement detached dwelling with porch and alfresco under the main roof.

More specifically, the dwelling will comprise 3 bedrooms, 2 bathrooms, open plan living, kitchen and meals areas, along with a formal dining area, home library and laundry space. The total area of the development will be 328.04 square metres.

The proposal will require approximately 500 millimetres of excavation and 900 millimetres of fill to provide a level platform for the proposal.



5.0 Procedural matters

The property is situated within:

- The Barossa Council Development Plan (consolidated 1 November 2018).
- Primary Production Zone - (the zone).
- Character Preservation District.

The land is not situated within a Policy Area or Precinct.

Dwellings are non-complying in the Zone unless exceptions are satisfied. An assessment of the proposal against the relevant exceptions forms **Table 1** below.

Relevant Exceptions	Comments	Satisfy?
No habitable dwelling exists on the same allotment.	A dwelling already exists on the property however its demolition forms part of the same development application.	Yes
No valid planning authorisation to erect a dwelling on the same allotment exists.	No valid planning authorisation for a dwelling on the allotment exists.	Yes
No other application for a development authorisation has been made and is not yet determined for a dwelling on the same allotment.	No other application for development authorisation has been made for a dwelling on the allotment.	Yes
The dwelling is not located in areas subject to inundation by a 1-in-100 year average return interval flood event.	The area of the proposed dwelling is not subject to inundation.	Yes
The dwelling is sited at least 25 metres from any watercourse.	The dwelling will be approximately 250 metres from the nearest watercourse.	Yes
The dwelling is sited at least 300 metres from an existing winery or 500 metres from an existing intensive animal keeping land use.	These uses do not exist adjacent the subject land. The dwelling will not be situated within 300 metres of a winery or 500 metres of an intensive animal keeping land use	Yes
The vertical distance between the top of any external wall and the finished ground level immediately below is less than 3 metres, other than gable ends where the distance is less than 5 metres.	External wall heights do not exceed 3 metres.	Yes



There are no floor levels directly above another.	The proposal does not include multiple levels.	Yes
The depth of excavation and/or filling of land is less than 1.5 metres.	The maximum excavation is 500 millimetres and the maximum fill is 900 millimetres	Yes
The development does not include the clearance of native vegetation.	The proposal does not include the clearance of native vegetation.	Yes
The dwelling contains a day living area incorporating at least one window that faces between 20 degrees east and 30 degrees west of true north.	The open plan living area/kitchen has a north facing window.	Yes
The dwelling contains doors between living areas and between a living area and other rooms and corridors.	The living room can be closed off from all other rooms using doors.	Yes
The dwelling has a total window area facing east and west not exceeding 50 percent of the total window area of the dwelling.	The orientation of the dwelling means that the majority of windows will face east and west.	No
External eaves or awnings of a minimum 450 millimetres in width is provided to west facing windows.	Proposed eaves are 450 millimetres.	Yes
Roof incorporates an area of at least 10 square metres that faces between 30 degrees west and 20 degrees east of true north and has a pitch greater than 18 degrees.	The proposed roof form provides more than 10 square metres and the roof pitch is 27 degrees.	Yes
At least 1,000 litres of stormwater from the roof is collected, stored and re-used.	A 1,000 litre water tank is proposed.	Yes



The dwelling is to be connected to an approved waste treatment system satisfying the following criteria:

- (A) no part of a septic tank effluent drainage field or any other wastewater disposal area (e.g. irrigation area) located within 50 metres of a watercourse.
- (B) no part of a septic tank effluent drainage field or any other wastewater disposal area (e.g. irrigation area) located in areas subject to inundation by a 1-in-100-year average return interval flood event.
- (C) does not have a wastewater disposal area located on any land with a slope greater than 20 per cent (1-in-5), or a depth to bedrock or seasonable or permanent water table less than 1.5 metres.
- (D) septic tank or any other wastewater treatment facility located on land likely to be inundated by a 1-in-10 year average return interval flood event.

A waste system application has been formally lodged with council however was not approved at the time of preparing this Statement of Effect.

Yes

Regardless, the proposed waste system will comply with these exceptions.

The proposal satisfies all non-complying exceptions apart from 1. The proposal has a total window area facing east and west exceeding 50 percent of the total window area of the dwelling.

Being non-complying, the proposal is a Category 3 form of development for public notification purposes.



6.0 Planning assessment

6.1 Planning Assessment

In our view, the most pertinent planning considerations are as follows:

- Character Preservation District.
- Land Use.
- Form and Character.
- Siting and Visibility.
- Bushfire.
- Waste.

6.2 Character Preservation District

Character Preservation District Overlay, Objective 1 states:

1 A district where:

- (a) scenic and rural landscapes are highly valued, retained and protected
- (b) development near entrances to towns and settlements does not diminish the rural setting, character and heritage values associated with those towns and settlements
- (c) the long-term use of land for primary production and associated value adding enterprises is assured and promoted
- (d) activities positively contribute to tourism
- (e) the heritage attributes of the district are preserved
- (f) buildings and structures complement the landscape.

Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012* it is appropriate to consider if the proposal furthers the objectives of the Act.

The objectives of the Act are:

- To recognise, protect and enhance the special character of the district whilst at the same time providing for the economic, social and physical wellbeing of the community.
- To ensure that the activities that are unacceptable in view of their adverse effects on the special character of the district are prevented from proceeding.
- To ensure that future development does not detract from the special character of the district.
- Otherwise to ensure the preservation of the special character of the district.

The following considerations are most relevant in relation to the proposal:

- The siting and appearance of the proposed development with respect to the “special character” of the district.
- The economic, social and physical outcomes of the proposed development.
- The impact of the use upon the “special character” of the district.

I note the following with respect to each consideration:



- The siting and appearance of the proposed dwelling is suitable regarding the “special character” of the district because the dwelling:
 - > Will replace the existing dwelling.
 - > Is clustered with other buildings on the site.
 - > Is single storey with materials that will blend with the natural tones of the landscape.
 - > Is partially screened by nearby established trees and will not require removal of trees.
 - > The ongoing use of the land and the locality for farming and primary production will not be compromised.
- The proposal will have a social benefit for the occupants in that it will facilitate the better enjoyment of the land and enhance the standard of living for its occupants.
- The proposal will have neutral physical outcomes given the dwelling will replace the existing dwelling to be demolished.
- The proposal will provide job opportunities during demolition and construction works, thus assisting the local economy.
- The proposal will not impact upon the efficiency of the land for farming and primary production purposes.

For the reasons explained above, the proposal will not have an impact upon the “special character” of the district.

6.3 Land Use

Principle 1 of the Zone states that the following forms of development are envisaged:

- Commercial forestry
- Dairy farming
- Farming
- Horticulture
- Tourist accommodation (including through the diversification of existing farming activities and conversion of farm buildings).

Given its appropriate siting the proposal does not prejudice the subject land, or any other allotments within the locality from conducting an envisaged use.

Principles 5 of the Zone states:

5 Buildings should primarily be limited to farm buildings, a detached dwelling associated with primary production on the allotment and residential outbuildings that are:

- (a) grouped together on the allotment and set back from allotment boundaries to minimise the visual impact of buildings on the landscape as viewed from public roads
- (b) screened from public roads and adjacent land by existing vegetation or landscaped buffers.



In accordance with Principle 5, the proposal:

- Is for a detached dwelling associated with primary production. With an area of 600,000 square metres, the remainder of the land will continue to be used for farming purposes with the proposed dwelling only consuming a very small portion of the allotment.
- Will be grouped with other buildings on the land and setback at least 180 metres from allotment boundaries.
- Will be screened by existing trees and buildings when viewed from particular directions.

Principles 7 of the Zone states:

7 A dwelling should only be developed if:

- (a) there is a demonstrated connection with farming or other primary production
- (b) the location of the dwelling will not inhibit the continuation of farming, other primary production or other development that is in keeping with the provisions of the zone
- (c) it is located more than 500 metres from an existing intensive animal keeping operation unless used in association with that activity
- (d) it does not result in more than one dwelling per allotment
- (e) it is designed and constructed utilising environmentally sustainable design principles.

In accordance with Principle 7, the proposal:

- Will provide an enhanced quality of living for those farming the subject land. Farming of the land will continue as it is currently.
- Will be grouped with other buildings on the land and setback at least 177 metres from allotment boundaries. As such, the proposal will not inhibit the continuation of development in accordance with the Zone.
- Will not be situated within 500 metres of an existing intensive animal keeping operation.
- Will not result in more than 1 dwelling on the land. The existing dwelling will be demolished within 3 months of the proposed dwelling be completed.
- As explained below, has been reasonably designed with environmentally sustainable design principles in mind.

The proposal satisfies the relevant land use provisions within the Zone.

6.4 Form and Character

The desired character of the zone indicates the following:

The zone comprises a pleasant rural character derived from the broadacre farming pattern and undulating, wooded pastures together with the isolated dwellings and scattered farm buildings. The landscape character generally consists of open, undulating terrain with sparsely scattered stands of native vegetation... Development will recognise the limitations imposed by such characteristics and prevent the further erosion of soils, or removal of native vegetation. It is expected that development will be carefully designed and located to complement the open landscape character.



The proposal satisfies the desired character of the Zone through its compliance with the following Principles.

Principle 11 of the Zone states:

11 Buildings should be unobtrusive in appearance, not detract from the open natural character of the zone and, in particular should:

- (a) be single storey
- (b) be of a low profile with roof lines that complement the natural form of the land
- (c) comprise variations in wall and roof lines and floor plans which complement the contours of the land so as to minimise the mass of the building
- (d) be sited on an excavated rather than a filled site in order to reduce the vertical profile of the building
- (e) incorporate large eaves, verandas and pergolas into designs to create shadowed areas which reduce the bulky appearance of buildings
- (f) utilise non-reflective materials and be finished in colours that blend with the natural environment
- (g) be screened by existing native vegetation when viewed from roads located within the zone or from townships.

In accordance with Principle 11, the proposal will:

- Be single storey.
- Have traditional roof lines that complement the locality and are reasonably low profile in the expansive context of the locality.
- Have a design that does not unreasonably disturb the contours of the land. This is because the maximum level of excavation is 500 millimetres and the maximum level of fill is 900 millimetres.
- Have walls and roof lines that comprise variations (windows, doors, alfresco, porch, dutch-gable roofing).
- Primarily be sited on an excavated site.
- Incorporate large eaves, a porch and alfresco to reduce overall bulk.
- Utilise non-reflective materials that will complement that natural environment.
- Be screened by existing vegetation from particular angles and be well setback from public roads, at least 177 metres.

Principle 12 of the Zone states:

12 Detached dwellings should:

- (a) not be located in areas subject to inundation by a 1-in-100 year average return interval flood event nor be sited on land fill which would interfere with the flow of such flood water
- (b) demonstrate access to a year-round water supply and a safe and efficient effluent disposal system which will not pollute watercourses or underground water resources or be a risk to health
- (c) cater for a safe, clean, tidy and unobtrusive area for the storage and disposal of refuse so that the desired natural character of the zone is not adversely affected
- (d) not create a potential demand for the provision of services at a cost to the community.



In accordance with Principle 12, the proposal will:

- Be detached and not located in areas subject to inundation.
- Have a year-round water supply, as per the existing dwelling.
- Be provided with a waste system that satisfies relevant legislation and will not pollute a watercourse. The dwelling will be approximately 250 metres from the nearest watercourse.
- Not create additional demand for services.

In addition, suitable storage space is available within existing sheds for the storage of any associated refuse.

Principle 13 of the Zone states:

13 Detached dwellings should be designed and constructed in the following manner:

- (a) have a floor plan design that
 - (i) locates a day living area incorporating at least one window that faces between 20° east and 30° west of true north
 - (ii) is appropriately zoned so that doors are placed between living areas and other rooms and corridors
- (b) have a total window area facing east and west that does not exceed 50 per cent of the total window area of the dwelling
- (c) provide external shading to west facing windows in the form of either eaves or awnings of at least 450 millimetres in width
- (d) provide external shading to north facing windows that allows winter sun to penetrate, but provides shade in summer
- (e) have a roof layout that incorporates an area of at least 10 square metres that faces 30° west and 20° east of true north and has a roof pitch of at least 18°
- (f) collects, stores and re-uses roof stormwater within and about the dwelling, provided water storage requirements for fire protection purposes are not compromised.

In accordance with Principle 13, the proposal will:

- Have a window between 20 degrees east and 30 degrees west of true north into the open plan kitchen and living area. This space will therefore receive direct sunlight during winter months.
- Have a living area that can be closed off from other rooms using doors.
- Have eaves of at least 450 millimetres to all sides, including west facing windows.
- Have a covered alfresco with a depth of 3.9 metres on the western side.
- Have a roof layout that allows a 10 square metres area facing between 20 degrees east and 30 degrees west of true north with a roof pitch of 27 degrees.
- Collect and re-use stormwater without compromising water storage for firefighting purposes.

The percentage of east and west facing windows is not considered fatal to the proposal, particularly given the dwelling will facilitate the better enjoyment of the land and its continued efficient operation for farming purposes in accordance with the objectives of the Zone.



Principle 14 of the Zone states:

- 14 Driveways and access tracks should follow the contours of the land to reduce their visual impact and erosion from water runoff and be surfaced with dark materials. Excavation and/or filling of land should be kept to a minimum to preserve the natural form of the land and native vegetation.**

The proposal will use the existing access track from Jutland Road and thus the existing driveway arrangement will not significantly change. The existing driveway is established and largely screened by vegetation.

To provide access to the proposed dwelling, the existing driveway will be extended by approximately 70 metres. The extended section will be situated between existing buildings and vegetation while also providing a suitable turn-around area for firefighting vehicles. The driveway extension will not consume land currently used for farming.

In accordance with Principle 14, the proposed driveway extension will:

- Generally, follows the contours of the land.
- Not result in undue erosion on the land.
- Require limited excavation and fill as the land for the proposed driveway already has a gradient that is suitable for vehicle passage.

Overall, the proposal reasonably satisfies the most pertinent provisions relating to form and character.

6.5 Siting and Visibility

General Section, Siting and Visibility Principle 3 states:

- 3 Buildings outside of urban areas and in undulating landscapes should be sited in unobtrusive locations and in particular should be:**
- (a) sited below the ridgeline
 - (b) sited within valleys or behind spurs
 - (c) sited in such a way as to not be visible against the skyline when viewed from public roads, and especially from the Mount Lofty Ranges Scenic Road as shown on Overlay Maps - Transport
 - (d) set well back from public roads, particularly when the allotment is on the high side of the road
 - (e) be located in a setting where landscape features such as trees, vegetation and landforms provide an enclosing space, setting or screen.

In accordance with Principle 3, the proposal will:

- Not be positioned on a ridgeline.
- Be sited within a valley.
- Not be visible against the skyline when viewed from public road.
- Be setback approximately 177 metres from the nearest public road.
- Be clustered with existing buildings on the land and screened by established vegetation when viewed from particular directions.

In addition, the proposal will replace the existing dwelling which will be demolished with the land returned to its natural state.



6.6 Bushfire

The subject land is situated within a 'Medium Bushfire Risk Area'.

General Section, Hazards Principle 8 states:

8 Development in a Bushfire Protection Area should be in accordance with those provisions of the Minister's Code: Undertaking development in Bushfire Protection Areas that are designated as mandatory for Development Plan Consent purposes.

In accordance with Principle 8, the proposal:

- Will not be sited in a location that would pose an unacceptable bushfire risk. The locality undulates however is not unsafely steep to be inaccessible by firefighters. In addition, the land is open and sparsely covered with vegetation, the proposal will not be positioned adjacent vegetation that would pose a high fire risk.
- Allow occupants and fire fighting vehicles to access and leave the subject land in a forward direction via a formed all-weather public road and driveway that is clearly identifiable and has a suitable vehicle turning area in accordance within the "Minister's Code".
- Includes provision of 2 x 5,000 litre water tanks (10,000 litres total) dedicated to firefighting purposes.
- Will have a hose which can reach all parts of the proposed dwelling.

The proposal satisfies bushfire safety guidelines with respect to the Development Plan and the 'Minister's Code: Undertaking development in Bushfire Protection Areas'.

6.7 Waste

General Section, Waste Principle 10 states:

10 Development that produces any sewage or effluent should be connected to a waste treatment system that complies with (or can comply with) the relevant public and environmental health legislation applying to that type of system.

A waste system application has been formally lodged with council however was not approved at the time of preparing this Statement of Effect. Given the proposed dwelling is going through the non-complying process, the associated waste system application is likely to be approved prior to Development Plan Consent being issued.

Regardless, the proposed dwelling will be connected to a waste system that complies with the relevant public and environmental health legislation applying to that type of system in accordance with Principle 10.



7.0 Social, economic and environmental effects

The proposal is considered to have positive social and economic impacts yet neutral environmental impacts, as follows:

7.1 Social

- It makes efficient use of the land in a manner that will enhance the enjoyment of the land for its owners and occupiers.
- It will enhance the standard of living for its occupants.

7.2 Economic

- The building work will marginally contribute to economic activity in the region by providing temporary employment opportunities during construction.
- The proposal will not impact upon existing agricultural or primary production activities that contribute to tourism and the local economy.

7.3 Environmental

- The proposal will not be situated in an area that is liable to inundation.
- The proposal has been designed and sited to preserve the natural character of the locality and maximise retention of existing vegetation.
- Waste will be managed in a responsible manner and in accordance with relevant legislation.
- The proposal will not increase noise levels throughout the locality and will comply with the Environment Protection (Noise) Policy 2007.



8.0 Conclusion

The proposal is subject to the non-complying assessment process despite replacing an existing dwelling situated on the subject land. This is because the majority of windows face east/west, much like the existing dwelling to be replaced.

We are of the opinion that the proposal has substantial planning merit to warrant Development Plan Consent, for the following reasons:

- The proposal will replace an existing dwelling on the land. The existing dwelling will be demolished within 3 months of the new dwelling being completed.
- The proposal will not jeopardise farming, primary production or other envisaged land uses on the subject land or within the locality.
- The proposal will facilitate the better enjoyment of the land along with its efficient farming.
- The proposal will be clustered with other existing buildings, well setback from public roads and screened when viewed from particular angles. The proposal is appropriately sited to retain the open rural character of the locality.
- The proposal is single storey with a traditional roof form and materials that complement the natural characteristics of the land. The proposal has a form and character that is appropriate.
- The proposal will satisfy all relevant guidelines relating to bushfire hazard.
- The proposal will not diminish the “special character” of the Character Preservation District.

For these reasons, the proposal has substantial planning merit and warrants Development Plan Consent.

Please call me if you have any questions on 8333 7999.

Yours sincerely

Phil Harnett
Associate

7. REPORTS – APPLICATIONS TO PROCEED/NOT TO PROCEED TO ASSESSMENT

7.1 960/132/2019 (960/D012/19) (19 Sunnydale Avenue Kalbeeba)

APPLICATION DETAILS

PROPOSAL	Torrens Title Land Division - Create three additional allotments
APPLICANT	Andrew Janicki
OWNER	Andrew Janicki
APPLICATION NO	960/132/2019
CERTIFICATE(S) OF TITLE	CT 5568/672
AREA	8,797sqm
CURRENT USE	Rural Living
DEVELOPMENT PLAN VERSION	Consolidated 1 November 2018
ZONE	Rural Living
POLICY/PRECINCT AREA	Precinct 26 – Kalbeeba West
OVERLAYS	Medium Bushfire Risk
APPLICATION TYPE	Non-Complying
CATEGORY OF DEVELOPMENT	Category 3
REFERRALS	SA Water and State CAP
PREVIOUS APPLICATIONS	960/204/2000 - Garage
ASSESSING OFFICER	Janine Lennon
RECOMMENDATION	That Development Plan Consent be REFUSED without proceeding to make an assessment

BACKGROUND

The subject site changed ownership in December 2018, there is no record of correspondence regarding the potential to subdivide this site prior to the receipt of this application.

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

This application has been referred to the Barossa Assessment Panel for a decision for the following reason:

(1) With respect to a non-complying application:

- In accordance with Section 39(4)(d) of the Development Act, to refuse consent, without proceeding to make an assessment of the application.

SITE AND LOCALITY

The site has a total area of approximately 0.88 hectares and generally rectangular in area with three road frontages. The site currently contains:

- A single-storey detached dwelling
- Two domestic outbuildings

- The main site/locality characteristics are:
 - 47 Rural living allotments
 - Single-storey detached dwellings
 - Large boundary setbacks
 - Open, rural style fencing
 - Extensive mature landscaping and vegetation
 - Low site coverage percentages
 - Of the 47 allotments, 42 are 0.45ha or greater
 - Five allotments are significantly smaller than the prevailing character in the locality being:
 - 6 Lawson Road – 3957sqm
 - 17 Sunnydale Avenue – 2026sqm
 - 126 Calton Road – 1190sqm
 - 27 Sunnydale Avenue – 2759sqm & 2360sqm

Whilst it is clear that there have been a small percentage (10%) of significantly smaller allotments created within the locality, at this stage those smaller allotments may be still considered an anomaly and not a contributing factor to the prevailing character of the locality.

An aerial view of the locality and site are shown in *Figure 1*. The locality is the area bound in orange.

The site is located within the Rural Living Zone, as shown in *Figure 2*.

The site is located within the Precinct 26 – Kalbeeba West as shown in *Figure 3*.

The site is located within the Medium Density Bushfire Overlay as shown in *Figure 4*.

An aerial view of the site is shown in *Figure 5*.

Site photos are provided in *Figure 6* to *Figure 10*.



Figure1: Aerial View

Opposite side of Sunnydale Avenue (west of the locality) is the suburb of Gawler East within Gawler Council and the Residential Zone, Policy Area 10 Wheatsheaf Residential Policy Area, which seeks minimum allotment sizes of 2000 sqm. To the south of the locality is the Residential (Gawler East) Zone, Mixed Use Policy Area 3 which is seeking mixed use with medium density residential development. Given that these two adjacent zones are residential and not rural living they have not been included in assessing the character of this rural living locality.

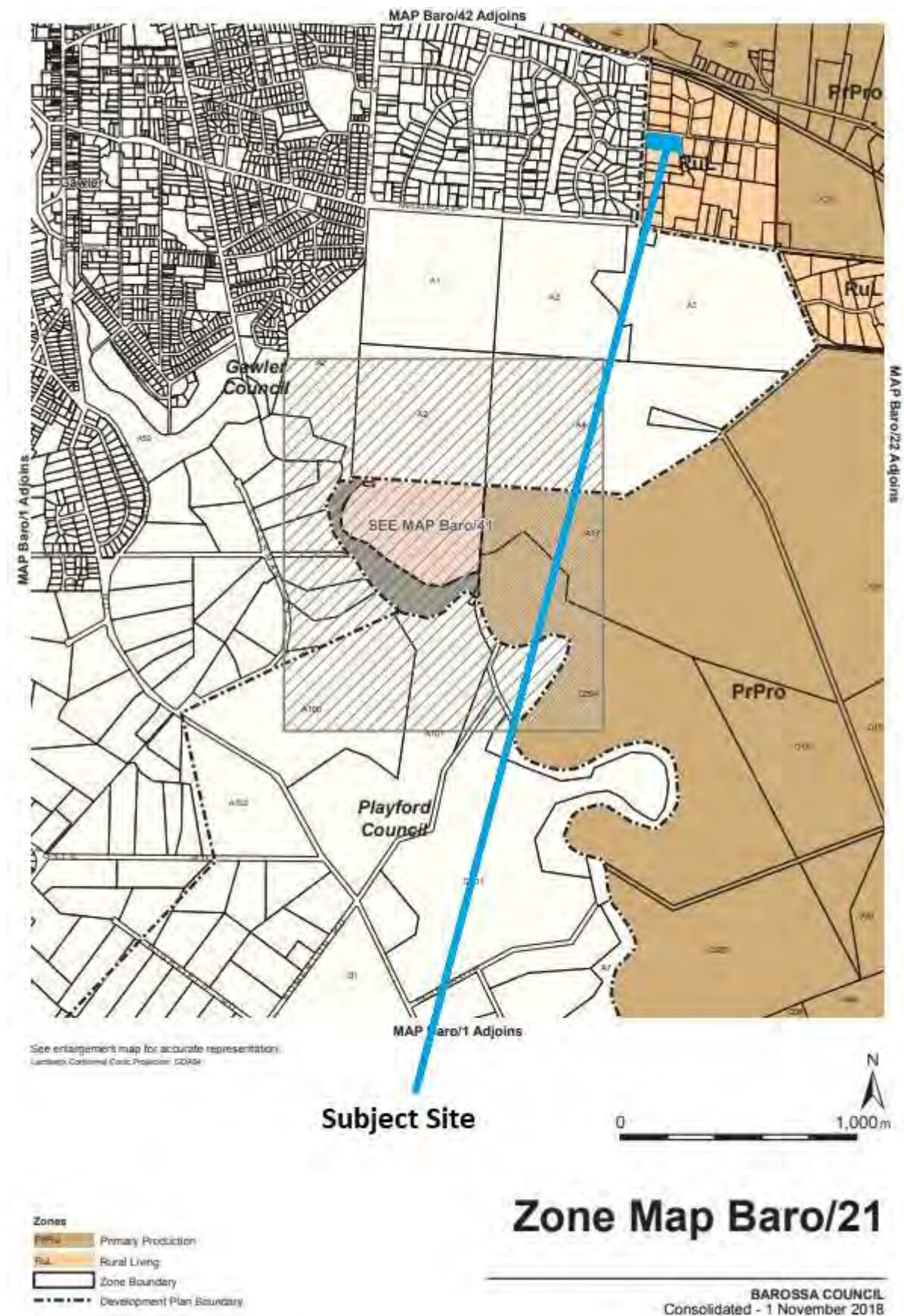


Figure 2: Zone Map



Figure 3: Precinct Map

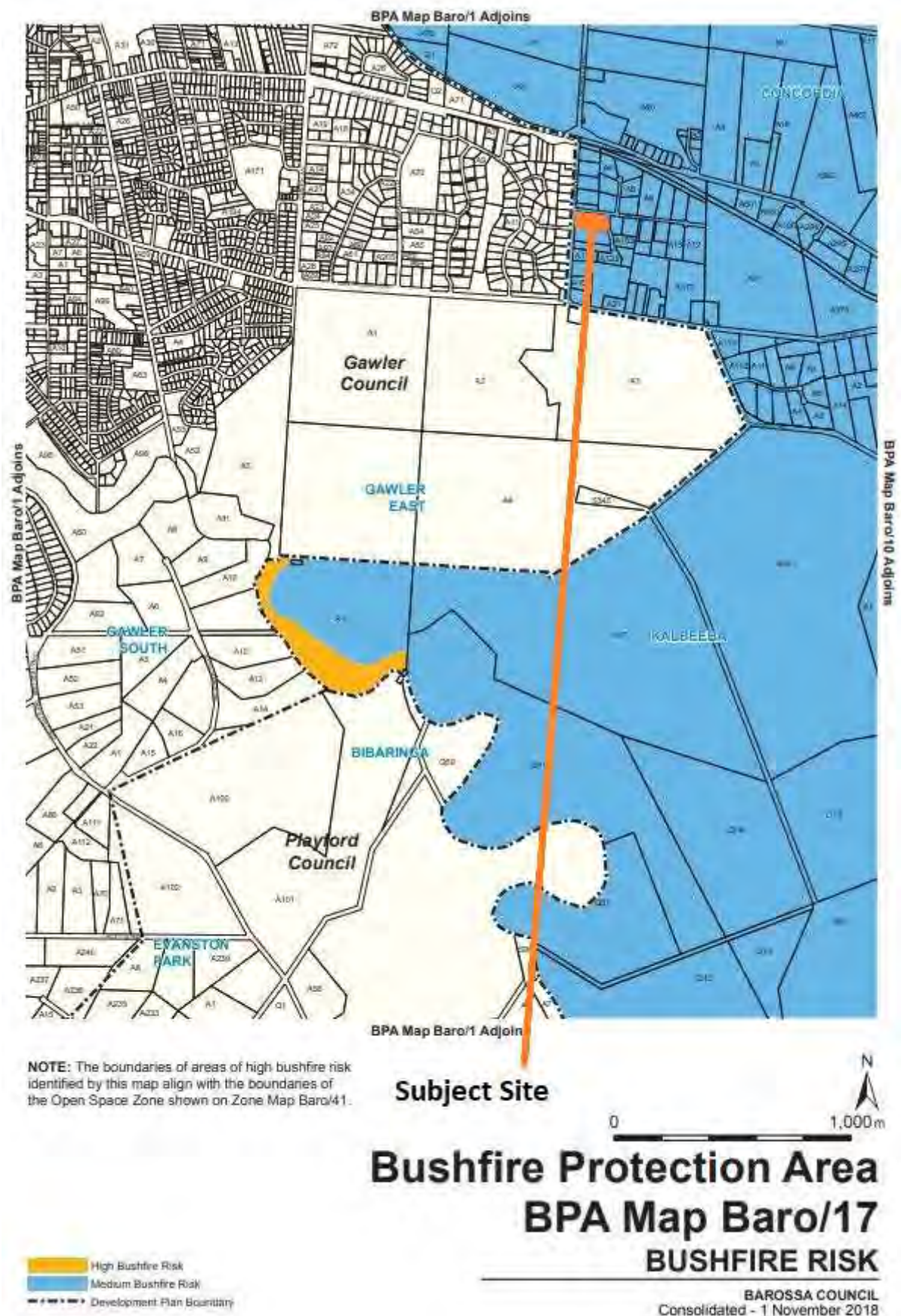


Figure 4: Overlay Map



Figure 5: Aerial – Site



Figure 6: Site Photo



Figure 7: Site Photo



Figure 8: Site Photo



Figure 9: Site Photo



Figure 10: Site Photo

NON-COMPLYING – PROCEED WITH ASSESSMENT

A person who applies for Development Plan Consent for a non-complying form of development must initially provide a brief statement in support of the application. After receipt of an application which relates to a non-complying form of development a relevant authority may:

- (a) refuse the application pursuant to Section 39(4) of the Act, or

(b) resolve to proceed with an assessment of the application.

If the relevant authority resolves not to proceed with an assessment, the application is refused without further assessment. If the relevant authority resolves to proceed with an assessment, a statement of effect will be requested and the application would be assessed via the non-complying process.

The application is a non-complying form of development, due to allotment sizes being less than the 0.5 hectare minimum for Rural Living Zone, Precinct 26 Kalbeeba West.

RELEVANT SECTIONS OF THE DEVELOPMENT PLAN

Zone Section

Rural Living Zone

Objectives 1 and 2

The Zone relevant Objectives seek:

- A zone consisting of large allotments, detached dwellings and rural activities that do not adversely impact the amenity of the locality.
- Development that contributes to the desired character of the zone.

Desired Character

It is envisaged that development in the zone will accommodate rural living activities on a range of allotment sizes, based on characteristics of the land, landscape appearance, siting and vegetation.

Development will maintain an open, semi-rural and rural character that contrasts with the built-up areas and rural land.

Irregular shaped allotments, including battle-axed allotments (particularly with lengthy driveways or shared access arrangements) will not be created.

Land division will create allotments of adequate size, dimension and shape that ensure dwellings are able to be located in unobtrusive locations, away from prominent sites and ridgetops, and where possible out of view of arterial roads and tourist routes.

Buildings will be obscured from view either by the natural form of the land, or otherwise screened with landscaping that provides a continuous belt of locally indigenous trees and shrubs to screen any exposed views of development. Development on barren sites will be screened by appropriate perimeter landscape plantings in addition to the screening of buildings.

Fencing that is open in nature and utilises wooden posts and wire reinforces the rural and semi-rural character and would be in keeping with those typically found located within the zone. Where fencing is required for the privacy of a dwelling or its associated private open space areas, fencing will be constructed of materials and colours that blend with the natural character of the locality, be unobtrusively located and screened with vegetation.

Land Use	PDC 2
	Development listed as non-complying is generally inappropriate.
Form & Character	PDC 6
	Development should not be undertaken unless it is consistent with the desired character for the zone.
Land Division	PDC 6
	Land division should only be undertaken where no additional allotment or allotments are created and the purpose of the plan of division is to provide for a minor re-adjustment of allotment boundaries in order to correct an anomaly in the placement of those boundaries with respect to the location of existing buildings and structures.
Precinct 26 – Kalbeeba West	PDC 26
	Land division should not result in allotments of less than 0.5 hectares.

DISCUSSION

The Development Plan states that development within the Rural Living Zone *will maintain an open, semi-rural and rural character that contrasts with the built-up areas and rural land*. Further the Development Plan states that *fencing that is open in nature and utilises wooden posts and wire reinforces the rural and semi-rural character and would be in keeping with those typically found located within the zone. Where fencing is required for the privacy of a dwelling or its associated private open space areas, fencing will be constructed of materials and colours that blend with the natural character of the locality, be unobtrusively located and screened with vegetation*. 19 Sunnydale Avenue as it is currently developed, maintains a semi-rural contrast between the Residential Zone on the western side of Sunnydale Avenue and also to the Primary Production Zone further to the east. The Development Plan makes it clear that the Rural Living Zone is not intended to blend with its adjoining zones and therefore taking on the characteristics of the Residential Zone to the west is not appropriate. It is notable that the existing allotment sizes within the Rural Living Zone are large enough that open style fencing has generally been maintained in accordance with the desired character whilst the smaller allotments across Sunnydale Avenue are much more likely to feature solid colorbond privacy fencing which is contrary to the Desired Character statement.

The relevant zone and precinct Principles do not support subdivision.

CONCLUSION

Not seriously at variance

The proposed development is not seriously at variance with the Development Plan.

Development Plan Consent should be refused

When undertaking a preliminary assessment of the proposal against the relevant provisions of the Development Plan, it is considered that the proposed development, does not show enough merit to proceed to a full assessment and therefore should be REFUSED without proceeding to make an assessment of the application pursuant to Section 39(4)(d) of the Development Act.

RECOMMENDATION

The Barossa Assessment Panel, having considered the application, resolves that the development proposal is REFUSED without proceeding to make an assessment of the application pursuant to Section 39(4)(d) of the Development Act for the following reasons:

(a) The proposed development is contrary to:

- Rural Living Zone Objectives 1 and 2; Desired Character; Principle of Development Control Form and Character 6

Reason: Land Division not consistent with the prevailing or desired character of the Zone.

- Rural Living Zone Principles of Development Control Land Use 2 and Land Division 6; Precinct Principle of Development Control 26

Reason: Land Division not consistent with the quantitative parameters sought for outbuildings in this Policy Area.

7.1 Attachment 1

Application Detail

		Hide All
General		Hide
Unique Id :	64390	
Development No :	960/D012/19	
Application Type :	Conventional Land Division	
Application Extent :	Provisional Development Plan Consent with Land Division Consent	
Land Use/Building Consent :	No	
Council Name :	The Barossa Council	
Agents Reference :	17862	
Short Reference :	Janicki 19 SunyKalbeeb	
Submitting Agents Name :	Hennig & Co. PTY	
Submitted By :	Hennig Administrator, Hennig & Co. PTY	
Application Status :	Lodged & Distributed (No Decision)	

Application Type Details : Conventional Land Division		Hide
Total Area of Land to be Divided :	8797 square metres	
Reserve Area :	0 square metres	
Number of existing allotments :	1	
Number of proposed allotments (excluding road and reserve) :	4	
Number of additional allotments :	3	

Applicant Details				Hide
Salutation	Name	Organisation Name	Address	
Mr	Andrew Janicki		C/- Hennig & Co Pty Ltd 275 Marion Road North Plympton 5037 South Australia AUSTRALIA	

Owner Details				Hide
Salutation	Name	Organisation Name	Address	
Mr	Andrew Janicki		C/- Hennig & Co Pty Ltd 275 Marion Road North Plympton 5037 South Australia AUSTRALIA	

Contact Details						Hide
Salutation	Name	Address	Telephone	Fax	Email	
Mr	Hennig Administrator	275 Marion Road North Plympton 5037 South Australia AUSTRALIA	Telephone 1 : 8297 0883 Telephone 2 :	Fax 1 : Fax 2 :	hennig@hennig.com.au	
			Mobile :			

Subject/Property Details		Hide
House No. :	19	
Lot No. :	106	
Street :	Sunydale Avenue	
Suburb/Town	Kalbeeba	
Hundred:	Barossa	
Reference Section:		

Title Reference and Plan Parcel
--

Title Code	Title Description	Volume	Folio	Plan Code	Plan Description	Plan No.	Parcel No.
CT	Certificate of Title	5568	672	D	Deposited Plan	49845	A 106

Other Details

[Hide](#)

Existing Use :	Residential
Description of Proposed Development :	1 into 4 Torrens Title Land Division.
Does either schedule 21 or 22 of the Development Regulations 1993 apply? :	No
Notes :	
Additional Information Requests :	
Additional Fees and Payments :	
Lodgement Date :	26 Feb 2019
Months for Development Approval Request :	12

Categorisation Details

[Hide](#)

Decision Authority :	Council
Application Classification :	Major
Kind of Development :	Merit
Notification Category :	Not Applicable
Zone :	Rural Living - Precinct 26
Development Plan Map No :	Baro/21
Allocated Planner :	Geoff Rangai
Categorisation Comments :	
Categorised By :	Geoff Rangai
Categorisation Date :	06 Mar 2019

Distribution Details

[Hide](#)

Referral Agency	Referred to Agent	First Accessed	Referral State	Due Date	Response
SA Water Corporation	06 Mar 2019	06 Mar 2019	Current	03 Apr 2019	Show
Development Assessment Commission	06 Mar 2019		Current	01 May 2019	Show
Decision Authority	Distributed for Decision	First Accessed	Decision State	Decision Issued	Response
The Barossa Council	06 Mar 2019	07 Mar 2019	Current		Show

Decision Details

[Hide](#)

There has not yet been a decision submitted for this application

Overturned Decision Details

[Hide](#)

There are no overturned decision details currently available for this application

Clock Stops (State Commission Assessment Panel only)

[Hide](#)

No clock stops have been set

Lodgement Fees

[Hide](#)

Fee Invoice No.	Fee Invoice Date	Invoice Description	Fee Status
60217	26 Feb 2019	New Application Invoice	Fees Paid
Fee Line	Type	Description	Total Fee (\$)
	Lodgement Fee (additional allotment)		214.00
	Land Division Fee (additional allotment)		161.00
	Land Division Fee (per Additional Allotment)		45.60
	Statement of Requirements Fee (additional allotment)		426.00
	Certificate of Approval Fee (additional allotments)		355.00
	DAC Consultation Report Fee (additional allotments)		213.00

Certificate of Approval (CoA) Details[Hide](#)

There are no Certificate of Approval (CoA) details currently associated with this application

Certificate of Approval (CoA) Clearance Requirements Details[Hide](#)

There are no clearance requests submitted for this application

Additional DA Fees[Hide](#)**Additional DA Fees - Paid**

Fee Desc	Fee Issue Date	Payment Date	Total Fee (\$) Incl. GST	Detail
No Fees have been paid yet				

Additional DA Fees - Outstanding

Fee Desc	Fee Issue Date		Total Fee (\$) Incl. GST
Land Division Non-Complying Admin Fee	06 Mar 2019		130.00
Non-complying Land Division Development Assessment Fee	06 Mar 2019		175.60

Additional CoA Fees[Hide](#)

There are currently no Certificate of Approval (CoA) fees generated for this application

Application Documents[Hide](#)

Document Title	Document Type	Version #	State	File Size (Kb)	Date Uploaded	Notes
17862 dap	Proposed Plan of Division	1	Uploaded	280.8700000	26 Feb 2019	Show
CT 5568_672	Certificate of Title/Lease	1	Uploaded	52.5900000	26 Feb 2019	Show
Lodgement Fee Receipt	Miscellaneous	1	Uploaded	29.3600000	26 Feb 2019	Show
Location Plan Enlgt.	Miscellaneous	1	Uploaded	87.7400000	27 Feb 2019	Show
Location Plan	Miscellaneous	1	Uploaded	230.5600000	27 Feb 2019	Show
SALIS Admin Interest (None)	Miscellaneous	1	Uploaded	14.3000000	27 Feb 2019	Show

Final Plan Documents for Certificate of Approval (CoA)[Hide](#)

There are no Final Plans for Certificate of Approval (CoA) currently associated with this application

Certified Certificate of Approval (CoA) Plan Documents[Hide](#)

There are no Certified Certificate of Approval (CoA) Plans currently associated with this application

Mode: ApplicationDisplay/Revision: 14

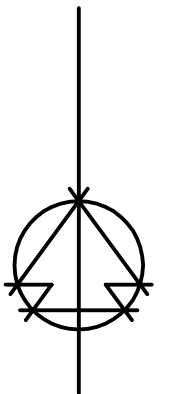
PLAN OF DIVISION FOR DEVELOPMENT APPROVAL
HUNDRED OF BAROSSA
ALLOTMENT 106 IN DP 49845
in the area named
KALBEEBA

Development No
The Barossa Council

Existing house & shed to remain

SCALE 0 10 20 30 40 50 METRES

CT 5568/672



Hennig & Co. Pty. Ltd.

Licensed Surveyors

275 Marion Road, North Plympton S.A. 5037

Ph: (08)82970883 Fax: (08)82971170

Email: hennig@hennig.com.au

Reference: 17862 Date: 14/1/19

Subject to Survey Approval



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 5568 Folio 672

Parent Title(s) CT 5162/60

Creating Dealing(s) RTU 8467711

Title Issued	26/08/1998	Edition	2	Edition Issued	31/12/2018
--------------	------------	---------	---	----------------	------------

Estate Type

FEE SIMPLE

Registered Proprietor

ANDREW DAVID JANICKI
OF PO BOX 1664 GAWLER SA 5118

Description of Land

ALLOTMENT 106 DEPOSITED PLAN 49845
IN THE AREA NAMED KALBEEBA
HUNDRED OF BAROSSA

Easements

NIL

Schedule of Dealings

NIL

Notations

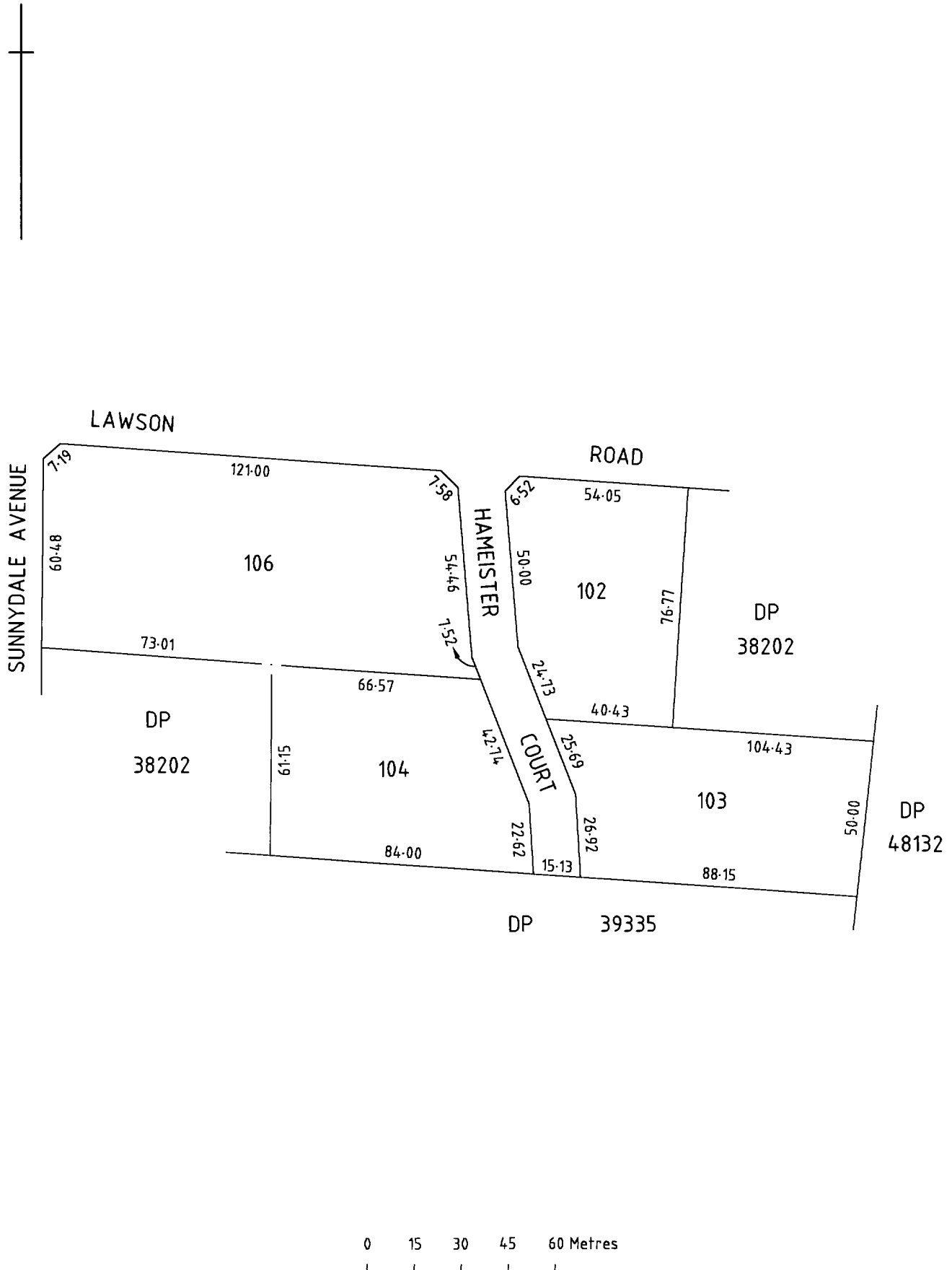
Dealings Affecting Title NIL

Priority Notices NIL

Notations on Plan NIL

Registrar-General's Notes NIL

Administrative Interests NIL



27 February 2019

Mr L Monteduro
Senior Manager – Planning Services
The Barossa Council
PO Box 867
NURIOOTPA SA 5355

Dear Louis

Land Division Lot106 Sunnydale Ave Kalbeeba – DA 960/D012/19

Stimson Consulting has been engaged by A Janicki (the land owner) who is seeking to undertake a land division at the above address. The non-complying development application has recently been lodged. This Statement of Support is lodged on behalf of the applicant to meet the requirements of Regulation 17(1) of the Development Regulations as the proposal is a non-complying form of development in the Rural Living Zone.

The Subject Land and Locality

The subject land is lot 106 in Deposited Plan 49845 and is located on the southeastern corner of Sunnydale Ave Rd and Lawson Rd Kalbeeba. The Certificate of Title is Volume 5568 Folio 672 – a copy is attached. The land is 8,797sqm in size, has a 60.48m frontage to Sunnydale Ave, a 121m frontage to Lawson Rd and a 61.98m frontage to Hameister Ct. There are no easements on the property. An aerial photo of the site with white lines showing the approximate property boundaries is shown below.



Vehicular access to the subject land is via Sunnydale Ave and Lawson Rd. The existing dwelling and shed are located in the southwestern part of the subject land. There is a grass tennis court in the central part of the subject land.

The land has slope from southeast to northwest.

Below and on the following page are photos of the subject land.



Looking east at existing southern driveway entrance from Sunnydale Ave



Looking east at existing middle driveway and dwelling from Sunnydale Ave



Looking southeast from corner of Lawson Rd and Sunnydale Ave at subject land

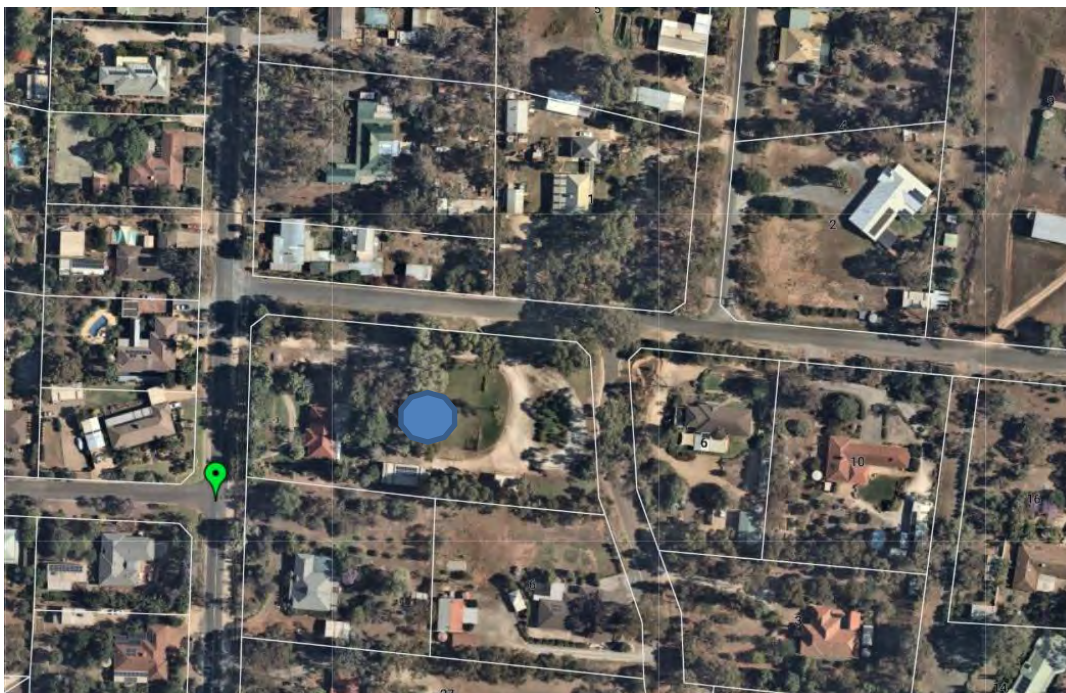


Looking southwest from intersection of Lawson Rd and Hameister Ct at subject land



Looking west from Hameister Ct

Aerial photo showing the immediate locality is below – the subject land has a blue dot.



The main land use in the locality are residential and small rural living properties with allotment sizes ranging from approximately 2,000sqm to 2.4ha. There are typically smaller (2000sqm) properties on the western side of Sunnydale Ave and larger properties to the north, south and east of the subject land. Further to the east (some 430m) is a cropping farm.

See photos of the locality below.



Looking north along Sunnydale Ave from the subject land



Looking west across Sunnydale Ave from subject land



Looking south along Sunnydale Ave from the subject land



Looking northeast at 17 Sunnydale Ave



Looking north from the middle section of Hameister Ct



Looking west at newly created allotment (27 59sqm) for sale in Hameister Ct

The Proposal

The proposal is to subdivide the subject land lot into four (4) lots numbered 36 – 39. Proposed lot 36 would be 2027sqm in size and would have a 22.91m frontage to Sunnydale Ave as well as a 67.61m frontage to Lawson Rd. Proposed lot 37 has the existing dwelling and shed, would be 2745sqm in size and would have a 37.57m frontage to Sunnydale Ave. Proposed lot 38 would be 2024sqm in size and have a 30.83m frontage to Lawson Ct. Proposed lot 39 would be 2001sqm in size and would have a 22.56m frontage to Lawson Rd as well as a 61.98m frontage to Hameister Ct.

A copy of the proposal is below.



It is not proposed to remove any trees on site as part of the land division.

Advice from D Snoswell (SA Water) is that there is a 300mm water main in Sunnydale Ave, and 100mm water mains in both Lawson Ct and Hameister Ct. They are available for connections.

Proposed allotments 36, 38 and 39 will have an envirocycle type waste water system installed. Proposed lot 37 already has an envirocycle system – its disposal area will need to be relocated as it is partly on proposed lot 36 at present.

SAPN have verbally advised that power connections are available to be made.

Stormwater will be able to be dealt with on site for each of the allotments.

Brief Assessment

The Rural Living Zone envisages through its Objectives and Desired Character statement it will accommodate detached dwellings on large allotments and rural living on a range of allotment sizes.

The proposal is considered to comply with the Desired Character statement and therefore with PDC 6 which states *"Development should not be undertaken unless it is consistent with the desired character for the zone."*

The proposal does not comply with PDC 26 (Kalbeeba West Precinct 26) which seeks allotments of not less than 0.5ha.

Lot sizes in the zone vary from 2000sqm for the lot on the northern side of Lawson Rd immediately opposite the subject land to 3.6ha for a lot at the eastern end of Calton Rd near the Balmoral Rd intersection. Many lots are around the 0.5ha in size. Council and SCAP have recently approved two allotments that are each approximately 2500sqm in size at 27 Sunnydale Ave which is 60m south of the subject land.

Council undertook the Kalbeeba Infill Investigations Study a couple of years ago. Ultimately Council adopted a 2000sqm minimum allotment size. The DPA was not supported by the Minister due to timing issues and DPTI advised that the policy changes should be pursued through changes to the upcoming Planning and Design Code. Council has adopted some standards for achieving desired development outcomes – these standards have no statutory effect in terms of the Development Plan policies.

There are no infrastructure issues with creating an additional three allotments.

Conclusion

It is considered the proposal is not seriously at variance with the Development Plan and should proceed to a full assessment through the Statement of Effect process.

On the basis the CAP decides to proceed to the assessment phase could you please advise the various application and public notification fees that are required.

A Statement of Effect will be prepared and submitted providing a detailed assessment against the Development Plan provisions.

Should you have any queries regarding the above please do not hesitate to contact me on 0402134568 or via email john@stimsonconsulting.net.au

Yours sincerely

STIMSON CONSULTING PTY LTD



JOHN STIMSON
Managing Director

Cc: Mr A. Janicki

Enc.

8. REPORTS – DEFERRED APPLICATIONS FOR DECISION

8.1 960/476/2018 (54 Carlisle Street, WILLIAMSTOWN)

APPLICATION DETAILS

PROPOSAL	Construction of a domestic outbuilding measuring 7.5m x 15m x 3.6m wall height
APPLICANT	Elise and Benjamin Nelson
OWNER	Elise and Benjamin Nelson
APPLICATION NO	960/476/2016
CERTIFICATE(S) OF TITLE	CT 6052/910
AREA	1611 sqm
CURRENT USE	Residential
DEVELOPMENT PLAN VERSION	Consolidated 16 August 2018
ZONE	Township Zone
POLICY/PRECINCT AREA	Residential Policy Area 7
OVERLAYS	Nil
APPLICATION TYPE	Merit
CATEGORY OF DEVELOPMENT	Category 2
REFERRALS	Nil
PREVIOUS APPLICATIONS	960/763/2008 and 960/83/2014
ASSESSING OFFICER	Janine Lennon
RECOMMENDATION	That Development Plan Consent be REFUSED

BACKGROUND

The proposal was presented to the 5 February 2019 Barossa Assessment Panel for a decision. After considering the supplied information, representor's concerns and the applicant's response the Panel determined to defer consideration of the item to enable the applicant to liaise further with Council officers in relation to height requirements of the building. Council officers put the following requests to the applicant:

- (1) Site Contour plan showing existing site levels and proposed floor level for the domestic outbuilding. It is noted that SAF Consulting Engineers had previously provided a contour plan for your property dated 18 January 2014, Drawing No C1/A 1312090, you may wish to get them to review and update.
- (2) Consider changing the floor level of the outbuilding and provide discussion and reasoning for your decision.
- (3) Consider changing wall heights of the outbuilding and provide discussion and reasoning for your decision.
- (4) Consider breaking up the bulk of the outbuilding by removing walls and or providing a changing (stepped) roof height and provide discussion and reasoning for your decision.

The applicant responded to the above points on 27 February 2019, the proposal is therefore now presented to the Panel for a decision.

Attachment 1 provides a copy of the additional information as requested by the Panel.

Attachment 2 provides a copy of all relevant plans.

Attachment 3 provides a copy of the report presented to the February 2019 Panel meeting.

An aerial view of the locality and site and the representors property are shown in Figure 1.



Figure 1: Aerial of Subject Site and **Representor's Property**

APPLICANT'S RESPONSE

As detailed in the background, the Panel determined to defer consideration of the item to enable the applicant to liaise further with Council officers in relation to height requirements of the building. The following details are the applicant's response (refer Attachment 1):

Proposed shed dimensions

Unchanged - 7.5m x 15m x 3.6m wall height

Ben and I have decided to submit this contour plan with our original application, with no changes to the size what so ever. We believe that, given the position of the shed site, the proposed shed will suit the surroundings. We also stick by our calculations that show a shed, with a lower wall height and higher pitch roof, would have a higher total height than our proposed shed. Finally, the shed site has been levelled to its current height to avoid any excess stormwater running into the neighbouring property, as requested by the neighbours at number 56.

Finished Floor Level

Due to lack of specification, the relative level for the shed was previously estimated to be 101.2, the applicant has now confirmed that the bench level will be 100.9, resulting in a finished floor level (FFL) of 101.0, 0.2m lower than the previous estimated floor level.

Existing Site Levels

An updated site level plan has revealed levels substantially the same to those attached to the previously submitted report, therefore as a result of the now specified finished floor level (FFL), the FFL for the proposed shed will be 0.7m higher than the FFL for the Representors' dwelling, and previously the difference was listed as 0.9m higher.

REPRESENTORS' CONCERNS

The representors primary living area and private open space, look out towards the east and therefore towards the proposed shed. **The representors' concerns are:**

- The overall size of the proposed shed, totalling some 112.5 sqm on a residential allotment
- The height of the proposed shed with a wall height of 3.6m which would then be over 4m in height at the peak of the roof
- The purpose of a shed this size, what would it be used for?
- The concern of vehicle traffic along the entire shared property boundary
- The concern of any future business operations being conducted out of the proposed shed
- The negative impact that the shed would have on our amenity and how that will impact upon our property value
- How will stormwater be managed?

DISCUSSION

Impact upon adjoining property

Whilst the outbuilding is proposed to be setback approximately 2.4m from the property boundary with 56 Carlisle Street, the height of the walls when combined with the higher ground level will result in the neighbours at 56 Carlisle Street viewing a 7.5m wide gable end with an apparent total height (to ridgeline) of approximately 5.2m. When viewed from the dwelling the outbuilding will have a high level of visibility approximately 2.9m above the top of the existing 'good neighbour' fence where currently the residents have a view of the hills to the northeast of Williamstown.

Size of building and Character of the locality

The proposed outbuilding is larger than the dimensions prescribed by the Development Plan and larger than all other outbuildings in the locality (refer table in *Attachment 3*) suggesting that it is not consistent with the small country township character of the Zone. With regard to the Zone requirements, the proposed outbuilding exceeds the maximum floor area parameter by 12.5%, and exceeds the maximum wall height from natural ground level by 21.1%. Minimum side and rear setbacks have been achieved.

CONCLUSION

Not seriously at variance

The proposed development is not seriously at variance with the Development Plan.

Development Plan Consent should be refused

When assessed against the relevant provisions of the Development Plan, it is considered that the proposed development, on balance, does not warrant the granting of Development Plan Consent and should be refused for the reasons given below.

RECOMMENDATION

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves:

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To REFUSE Development Plan Consent for Application No. 960/476/2018 by Elise and Benjamin Nelson to undertake Construction of a domestic outbuilding measuring 7.5m x 15m x 3.6m wall height at 54 Carlisle Street, Williamstown (CT 6052/910) for the following reasons:

The proposed development is contrary to:

- General Section, Siting and Visibility Module Principles of Development Control 4(a) and 5.

Reason: Outbuilding will interrupt landscape views.

- General Section, Design and Appearance Module Principles of Development Control 4(a) and 4(b)

Reason: Outbuilding will be highly visible from adjoining dwelling.

- Township Zone Objectives 2 and 5; Principle of Development Control 6

Reason: Outbuilding not consistent with the prevailing or desired small scale character of the Zone.

- Residential Policy Area 7 Objectives 2

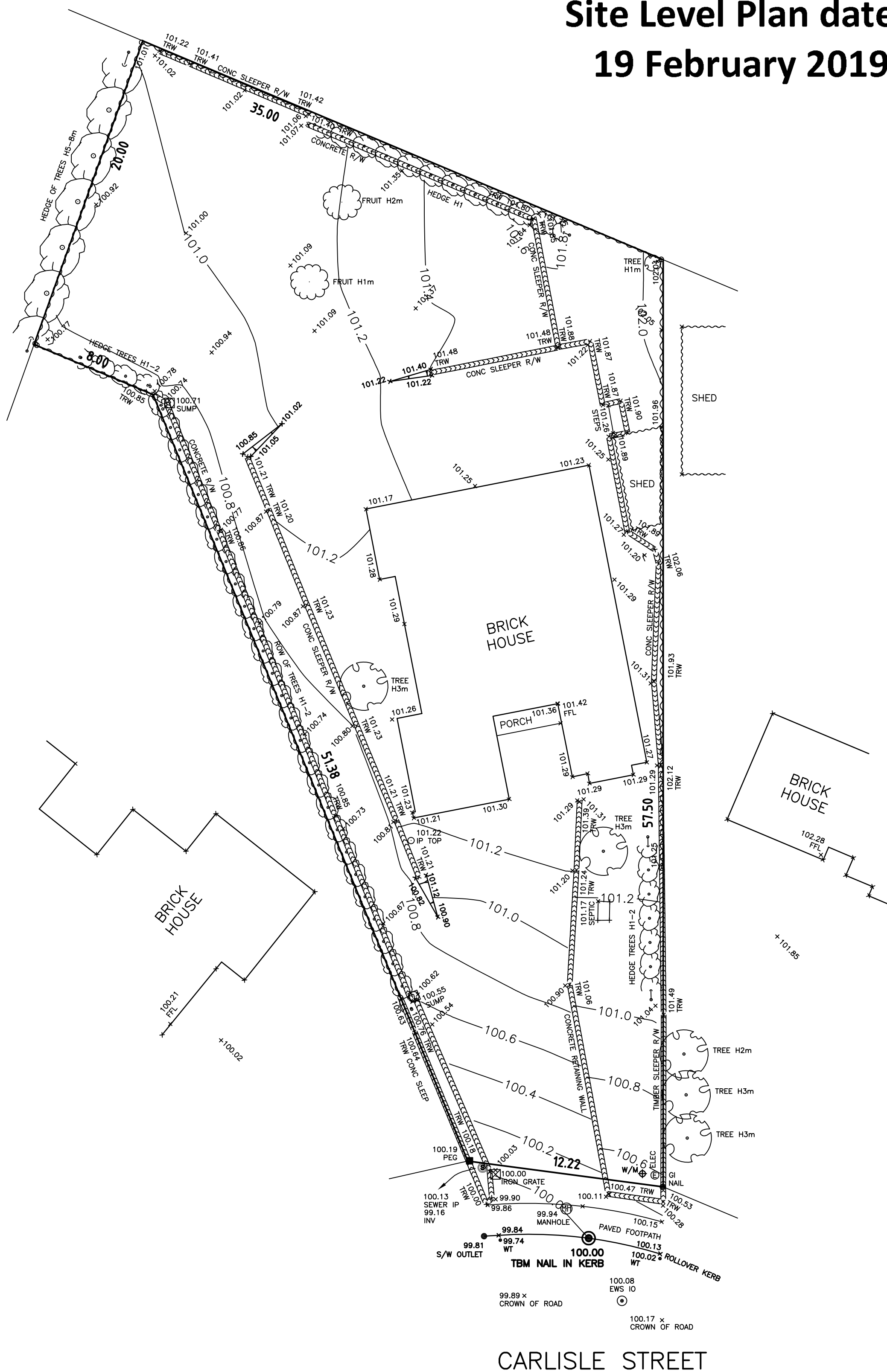
Reason: Outbuilding not consistent with the prevailing or desired small scale character of the Zone.

- Residential Policy Area 7 Principle of Development Control 6

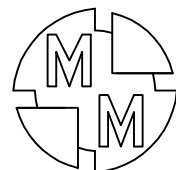
Reason: Outbuilding not consistent with the quantitative parameters sought for outbuildings in this Policy Area.

8.1 Attachment 1

Site Level Plan dated 19 February 2019



MATTSSON & MARTYN
SURVEYING & PLANNING CONSULTANTS



63 BEULAH ROAD, NORWOOD SA 5067
PHONE: (08)83369955 FAX: (08)83369966
EMAIL: admin@mmsurvey.com.au
WEBSITE: mattssonmartyn.com.au

CONTOUR SURVEY SITE DETAILS:
54 CARLISLE STREET
WILLIAMSTOWN

THIS IS NOT A BOUNDARY SURVEY, THEREFORE THE RELATIONSHIP BETWEEN OCCUPATION & THE PLOTTED BOUNDARY IS INDICATIVE ONLY. WHILE EVERY PRECAUTION IS TAKEN BY MATSSON & MARTYN TO ENSURE TREE POSITIONS & DIMENSIONS ARE SHOWN ACCURATELY, THESE MEASUREMENTS ARE ESTIMATES & SHOULD BE USED AS A GUIDE ONLY.

TREE DIMENSIONS ARE NOTED AS:

H: TREE HEIGHT	S: TREE CANOPY SPREAD
B: TRUNK DIAMETER	C: TRUNK CIRCUMFERENCE

PROJECT REF: 15588/02/19	DATE DRAWN: 19/02/19	DRAWN BY: SA	A2
--------------------------	----------------------	--------------	----

TBM: NAIL IN ROLLOVER KERB RL 100.00	CONTOUR INTERVAL: 0.200
--------------------------------------	-------------------------

● TEMPORARY BENCH MARK
 ┬ STOBIE
 ⊕ WATER METER
 (S) SEWER IP
 (E) ELECTRICITY
 □ CABLE PIT
 ● PIN/SPIKE/NAIL
 ■ PEG FOUND
 ⊗ PSM
 ⊗ GAS
 ~~~~~ GI FENCE  
 --- TF FENCE  
 ○○○○○○ BRUSH FENCE  
 ──── RETAINING WALL  
 0 2 4 6 8 10  
 SCALE: 1:200 m

**From:** Elise Nelson  
**Sent:** Monday, 25 February 2019 2:58 PM  
**To:** Janine Lennon  
**Subject:** Fwd: 960/476/2018 - 54 Carlisle Street Williamstown - advice of outcome of Barossa Assessment Panel meeting

[Next](#) [Previous](#)

Good afternoon Janine,

Please find attached the surveyors contour plan for our property at 54 Carlisle Street, Williamstown.

Ben and I have decided to submit this contour plan with our original application, with no changes to the size what so ever. We believe that, given the position of the shed site, the proposed shed will suit the surroundings. We also stick by our calculations that show a shed, with a lower wall height and higher pitch roof, would have a higher total height than our proposed shed. Finally, the shed site has been leveled to its current height to avoid any excess stormwater running into the neighbouring property, as requested by the neighbours at number 56.

Please let me know if you need any further information.

We look forward to hearing from you soon.

Kind regards, Elise Nelson

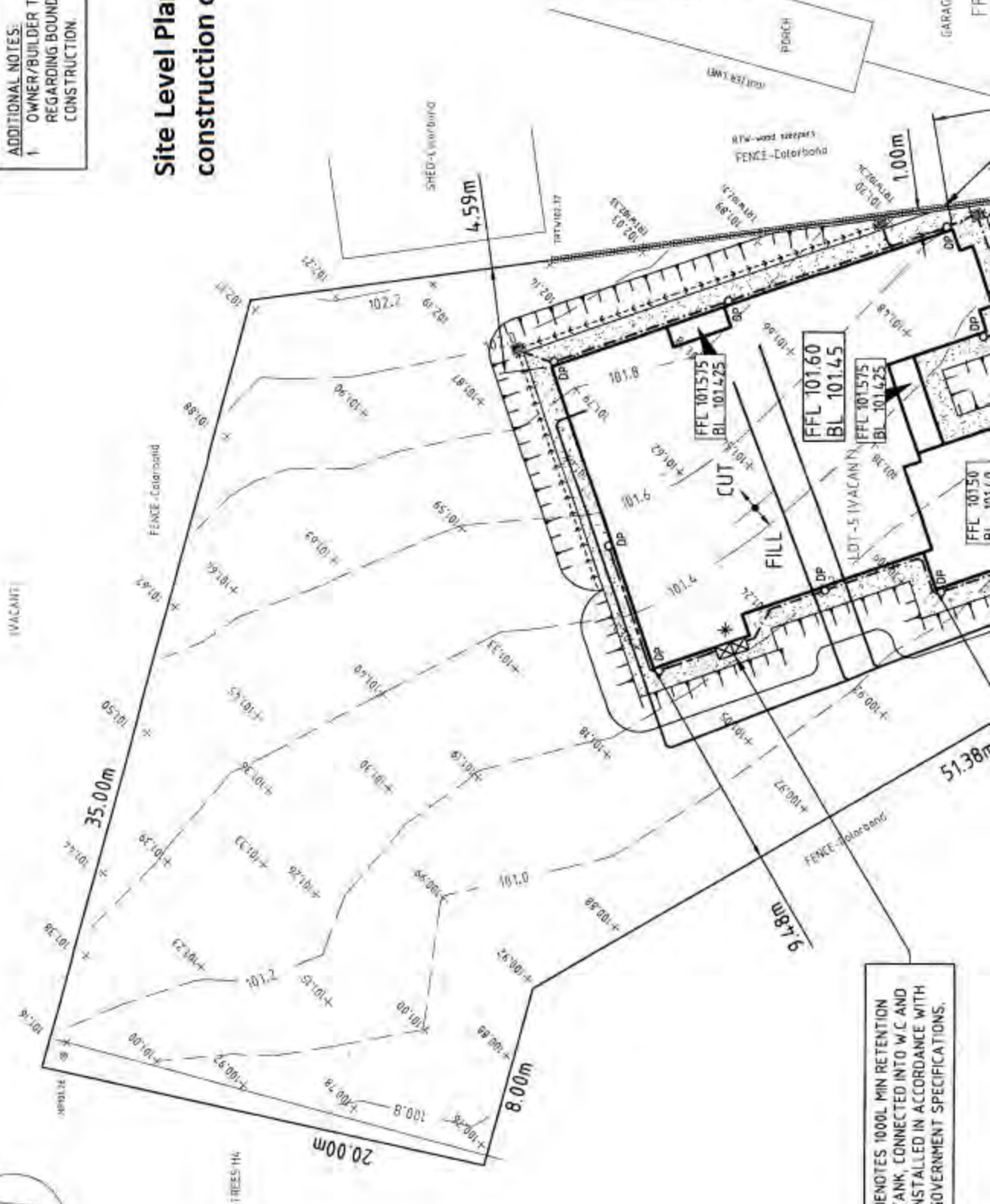
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1. OWNER/BUILDER TO CONFIRM ALL INFORMATION REGARDING BOUNDARIES AND SETBACKS PRIOR TO CONSTRUCTION.

Site Level Plan associated with the construction of the dwelling

**THE BAROSSA COUNCIL  
DEVELOPMENT  
PLAN CONSENT GRANTED**

Date 26/2/14 Authorised Officer M. J. Bennett



DENOTES 1000L MIN RETENTION TANK, CONNECTED INTO W/C AND INSTALLED IN ACCORDANCE WITH GOVERNMENT SPECIFICATIONS.



## 8.1 Attachment 2

# DEVELOPMENT APPLICATION FORM



## CONSENT TYPE APPLYING FOR (Please tick appropriate box)

- ☐ Development Plan Consent (Planning Only)
- ☐ Building Rules Consent (Building Only)
- ☒ Full Development Approval (Both Planning and Building Consent)

### OFFICE USE ONLY

DEVELOPMENT NO.: 960/ \_\_\_\_\_ / \_\_\_\_\_

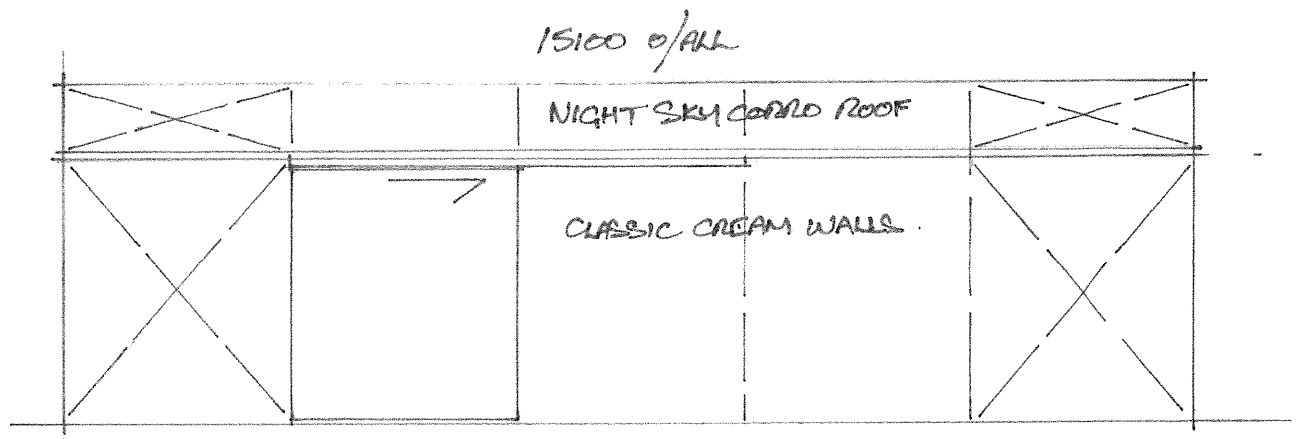
PROPERTY NO.: \_\_\_\_\_

VG NO.: \_\_\_\_\_

Please use BLOCK LETTERS and Black or Blue ink so that photocopies can be made of your application

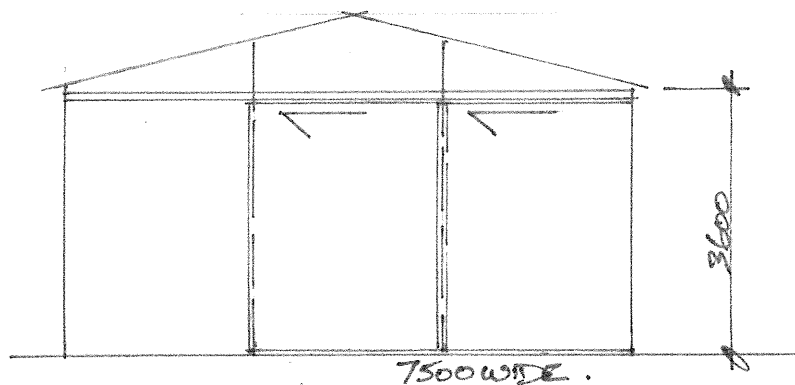
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>APPLICANT:</b> ELISE KATE NELSON + BENTAMIN DAVID NELSON<br>Postal Address: PO Box 954 WILLIAMSTOWN Post Code: 5351<br>Phone: _____ Mobile: 0401 448868 Fax: _____<br>Email: ELISEKATE17@GMAIL.COM                                                                                                                                                                                                                                                                                                                      |  |
| <b>OWNER:</b> ELISE KATE NELSON + BENTAMIN DAVID NELSON<br>Postal Address: PO Box 954 WILLIAMSTOWN Post Code: 5351<br>Phone: _____ Mobile: 0401 448868 Fax: _____<br>Email: ELISEKATE17@GMAIL.COM                                                                                                                                                                                                                                                                                                                          |  |
| ARE YOU GOING TO BE AN OWNER BUILDER? <input checked="" type="radio"/> YES/NO                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
| <b>BUILDER:</b> _____<br>Postal Address: _____ Post Code: _____<br>Phone: _____ Mobile: _____ Fax: _____<br>Email: _____ Builders Licence No.: _____<br>Please refer to <u>attached</u> fact sheet "Important Information for Owners and Builders".                                                                                                                                                                                                                                                                        |  |
| <b>CONTACT PERSON FOR FURTHER INFORMATION:</b> Name: ELISE NELSON<br>Phone: _____ Mobile: 0401 448868 Fax: _____<br>Email: _____                                                                                                                                                                                                                                                                                                                                                                                           |  |
| <b>DESCRIPTION OF PROPOSED DEVELOPMENT:</b> 7.5m x 15m SHED<br>WITH 3.6m WALL HEIGHT.<br><b>EXISTING LAND USE:</b> GRAVEL AREA ON RESIDENTIAL ALLOTMENT<br><b>AREA (m²) OF PROPOSED DEVELOPMENT:</b> 112.5m²                                                                                                                                                                                                                                                                                                               |  |
| <b>LOCATION OF PROPOSED DEVELOPMENT:</b><br>House No: 54 Street: CARLISLE ST. Town: WILLIAMSTOWN<br>Lot No: 5 Section: _____ Hundred: BAROSSA<br>Certificate of Title(s): Volume: 6052 Folio: 910                                                                                                                                                                                                                                                                                                                          |  |
| <b>BUILDING RULES CLASSIFICATION SOUGHT:</b> 10A Present Classification _____<br>If Class 5, 6, 7, 8 or 9 classification is sought, state the proposed number of employees: Male: _____ Female: _____<br>If Class 9a classification is sought, state the number of persons for whom accommodation is provided: _____<br>If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises: _____                                                                          |  |
| DOES EITHER SCHEDULE 21 OR 22 OF THE DEVELOPMENT REGULATIONS 1993 APPLY? YES/NO<br>HAS THE CONSTRUCTION INDUSTRY TRAINING FUND ACT 1993 LEVY BEEN PAID? YES/NO                                                                                                                                                                                                                                                                                                                                                             |  |
| <b>DEVELOPMENT COST</b> (do not include any fit out costs): \$ _____                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |
| I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Regulations 2008 and where public notification is required may be made available on Council's website. Details provided by the applicant, written representations and other technical reports form part of the reports attached to Council's Development Assessment Panel agendas. The agenda, minutes and accompanying report is made available on Council's website. |  |
| <b>SIGNED:</b> _____ <b>Dated:</b> 8/8/18                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |

SUB: BEN & ELISE NELSON.  
54 CARRISLE ST.



SIDE ELEVATION.

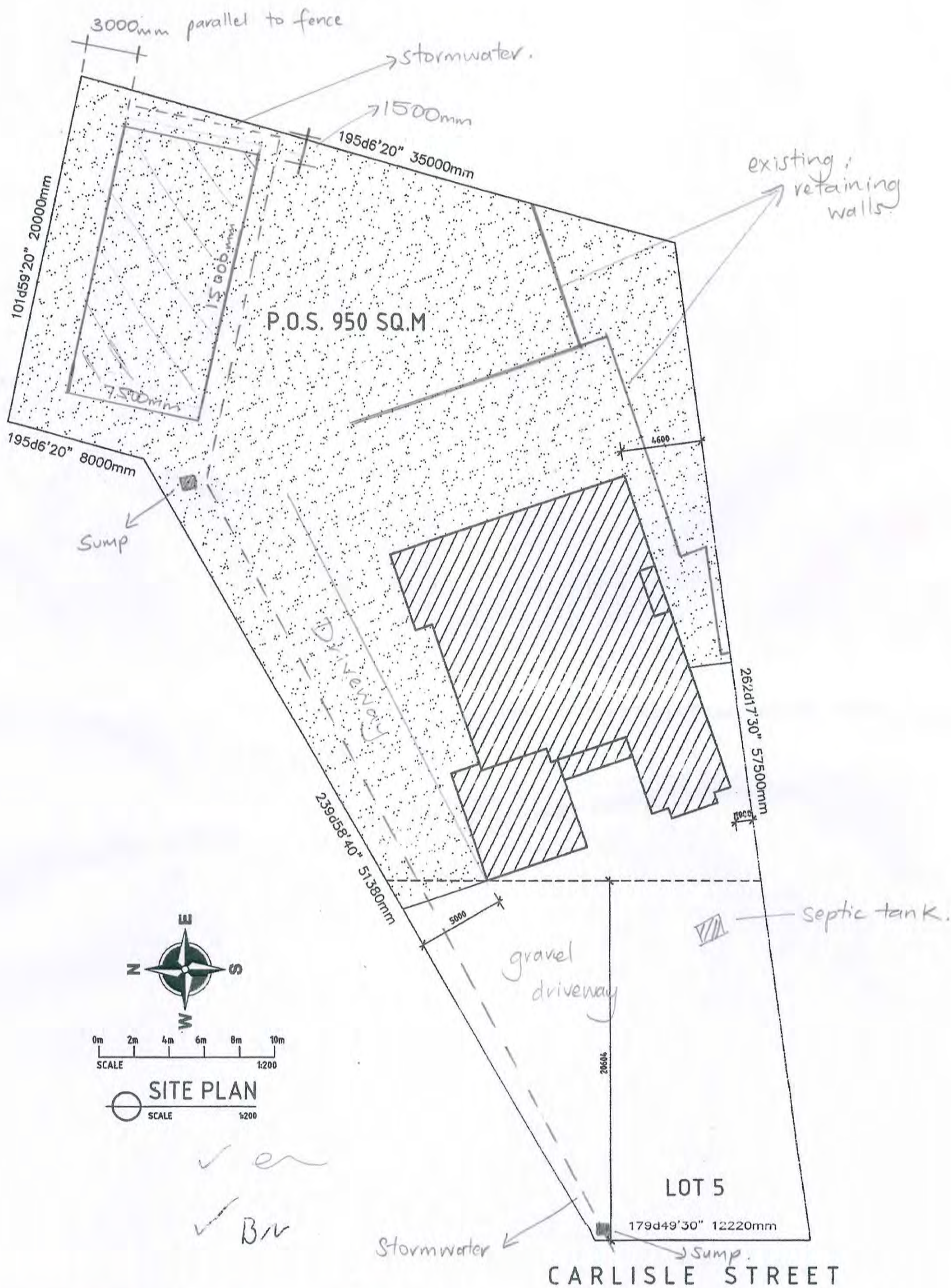
\* 7500 SPAN SHED TO BE BUILT TO 9000 SPAN CALCS 07S10



END ELEVATION.

Materials: Night Sky Corrugated Colorbond roof  
Classic Cream colorbond walls and doors





**Fairmont Homes**

*Built for life!*

**PROPOSED DWELLING FOR  
AT LOT NO.**

**E. & B. NELSON.  
30 CARLISLE STREET, WILLIAMSTOWN.**

Fairmont Homes Group Pty Ltd  
Ph (08) 8112 3112  
Fax: (08) 8212 9893  
Construction Fax: (08) 8212 9894  
Country FREE Call 1800 669 077

21-24 North Tce Adelaide 5000  
P O Box 179 Hindmarsh SA 5007  
fairmonthomes.com.au  
ABN 26 110 542 553

| AREAS SQM         |        |
|-------------------|--------|
| MAIN BUILDING     | 207.27 |
| VERANDAH          | 4.92   |
| PORCH             | 2.50   |
| GARAGES & CARPORT | 38.36  |
| TOTAL             | 251.05 |

| DRAWN   | GN       |
|---------|----------|
| DATE    | 31/10/13 |
| CHECKED |          |
| DATE    |          |
| COUNCIL |          |

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THESE DRAWINGS ARE SUBJECT TO COPYRIGHT.  
LEGAL ACTION WILL BE TAKEN AGAINST ANY  
INFRINGEMENT IN WHOLE OR PART UNLESS  
WRITTEN AUTHORITY IS GIVEN BY THE BUILDER.

OWNERS

PN06013-A







## 8.1 Attachment 3

## 6. REPORTS – APPLICATIONS FOR DECISION

### 6.1 960/476/2018 (54 Carlisle Street Williamstown)

Applicant: Elise and Benjamin Nelson  
Representors: Christopher and Nichola Richardson

#### APPLICATION DETAILS

|                          |                                                                                |
|--------------------------|--------------------------------------------------------------------------------|
| PROPOSAL                 | Construction of a domestic outbuilding measuring 7.5m x 15m x 3.6m wall height |
| APPLICANT                | Elise and Benjamin Nelson                                                      |
| OWNER                    | Elise and Benjamin Nelson                                                      |
| APPLICATION NO           | 960/476/2016                                                                   |
| CERTIFICATE(S) OF TITLE  | CT 6052/910                                                                    |
| AREA                     | 1611 sqm                                                                       |
| CURRENT USE              | Residential                                                                    |
| DEVELOPMENT PLAN VERSION | Consolidated 16 August 2018                                                    |
| ZONE                     | Township Zone                                                                  |
| POLICY/PRECINCT AREA     | Residential Policy Area 7                                                      |
| OVERLAYS                 | Nil                                                                            |
| APPLICATION TYPE         | Merit                                                                          |
| CATEGORY OF DEVELOPMENT  | Category 2                                                                     |
| REFERRALS                | Nil                                                                            |
| PREVIOUS APPLICATIONS    | 960/763/2008 & 960/83/2014                                                     |
| ASSESSING OFFICER        | Janine Lennon                                                                  |
| RECOMMENDATION           | That Development Plan Consent be REFUSED                                       |

#### BACKGROUND

The applicant has proposed to construct a domestic outbuilding of 112.5sqm in area, with 3.6m high walls, located 3.0m away from the rear property boundary, 1.5m from the eastern boundary and 2.4m from the western boundary, on up to 400mm of existing fill. The shed is proposed to store the owner's cars and a camper trailer.

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

This application has been referred to the Barossa Assessment Panel for a decision for the following reasons:

- (1) To refuse development plan consent, with respect to a merit application, other than where:
  - requested information has not been provided within legislative time frames.
  - no representations have been received as a result of category 2 or 3 public notification.



- (2) Where representations opposing a proposal have been received as a result of category 2 or 3 public notification and the representor has indicated a desire to be heard in support of a representation.

#### PUBLIC NOTIFICATION

The application is a Category 2 form of development pursuant to Section 38 and Schedule 9 of the *Development Act 1993* and Regulations 2008 and the Procedural Matters of the Township Zone.

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Representations:             | One representation was received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Persons wishing to be heard: | One representor identified that they wish to address the Panel: <ul style="list-style-type: none"><li>• Christopher &amp; Nichola Richardson</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Applicants                   | Elise and Benjamin Nelson wish to appear to respond to the representation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Summary of Representations:  | <p>The representor raised concerns regarding the following matters:</p> <ul style="list-style-type: none"><li>• Outbuilding – area</li><li>• Outbuilding - height</li><li>• Proposed use</li><li>• Impact of driveway along entirety of shared boundary</li><li>• Future use of the shed for business purposes</li><li>• Property values</li><li>• Stormwater run-off</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Applicant Response:          | <p>The applicant's response to the representation is summarised below:</p> <ul style="list-style-type: none"><li>• Size is to reduce inconvenience of needing to constantly move vehicles to reach other items</li><li>• Height is to allow applicant to install a hoist to work on cars above his head whilst standing, instead of lying on a trolley due to back injury</li><li>• 11° roof pitch will create a lesser overall height than the standard shed pitch of 13°</li><li>• Shed is for domestic storage only</li><li>• Vehicle movements will be less than current movements and Benjamin's work car will be parked in dwelling garage instead of backyard</li><li>• Do not plan to start their own business</li><li>• Have planted 19 trees along the boundary to protect views, keep garden nice and tidy unlike 56 Carlisle Street which negatively impacts upon the street due to its incomplete garden and muddy driveway</li><li>• All stormwater will be channelled to the street.</li></ul> |

An aerial view showing the representations properties is shown in *Figure 1*.



Figure 1: Aerial of Representations Properties

A copy of the representor concerns and the applicant's response is contained in Attachment 2.

#### SITE AND LOCALITY

The site is an allotment of 1611sqm and currently features a single-storey detached dwelling with double garage under main roof and a number of retaining walls. The site features a 1 in 20 slope with the lowest point of the land being adjacent the property boundary with 56 Carlisle Street. As per Figure 8 below, it is apparent that much of the outbuilding site has been filled to equal the higher level adjacent the north eastern boundary with a RL of approximately 101.2. The adjoining dwelling at 56 Carlisle Street has a FFL of 100.3, making it approximately 0.9m lower than the proposed outbuilding.

The locality is the result of a residential subdivision creating 43 allotments in 2008 all allotments have a detached dwelling constructed on them. A number of the allotments also feature domestic outbuildings but none as big as the proposed structure, their dimensions are as follows:

| Location           | Area     | Wall Height |
|--------------------|----------|-------------|
| 60 Carlisle Street | 33.5sqm  | 2.4m        |
| 52 Carlisle Street | 56sqm    | 3.0m        |
| 50 Carlisle Street | 90sqm    | 2.7m        |
| 44 Carlisle Street | 40.15sqm | 2.4m        |
| 38 Carlisle Street | 96.52sqm | 2.7m        |
| 36 Carlisle Street | 72sqm    | 2.7m        |
| 34 Carlisle Street | 72sqm    | 3.0m        |
| 32 Carlisle Street | 75.64sqm | 2.7m        |

|                    |          |      |
|--------------------|----------|------|
| 28 Carlisle Street | 35.4sqm  | 2.4m |
| 24 Carlisle Street | 21sqm    | 3.0m |
| 20 Carlisle Street | 90sqm    | 3.0m |
| 16 Carlisle Street | 37.8sqm  | 2.7m |
| 14 Carlisle Street | 56.1sqm  | 3.0m |
| 2 Marr Court       | 99.75sqm | 3.0m |
| 4 Marr Court       | 25sqm    | 2.4m |
| 3 Marr Court       | 75.64sqm | 2.7m |
| 1 Marr Court       | 84sqm    | 3.3m |
| 15 Carlisle Street | 38.5sqm  | 2.7m |
| 19 Carlisle Street | 74.4sqm  | 2.4m |
| 21 Carlisle Street | 94.24sqm | 3.0m |
| 27 Carlisle Street | 76sqm    | 2.4m |
| 31 Carlisle Street | 58sqm    | 3.0m |
| 35 Carlisle Street | 43.2sqm  | 2.4m |
| 37 Carlisle Street | 54sqm    | 2.4m |
| 41 Carlisle Street | 50sqm    | 2.7m |

The site is located within the Residential Zone, as shown in Figure 2.

The site is located within the Residential 7 Policy Area as shown in Figure 3.

An aerial view of the locality and site are shown in Figure 4 and Figure 5.

Site photos are provided in Figure 6 to Figure 8.

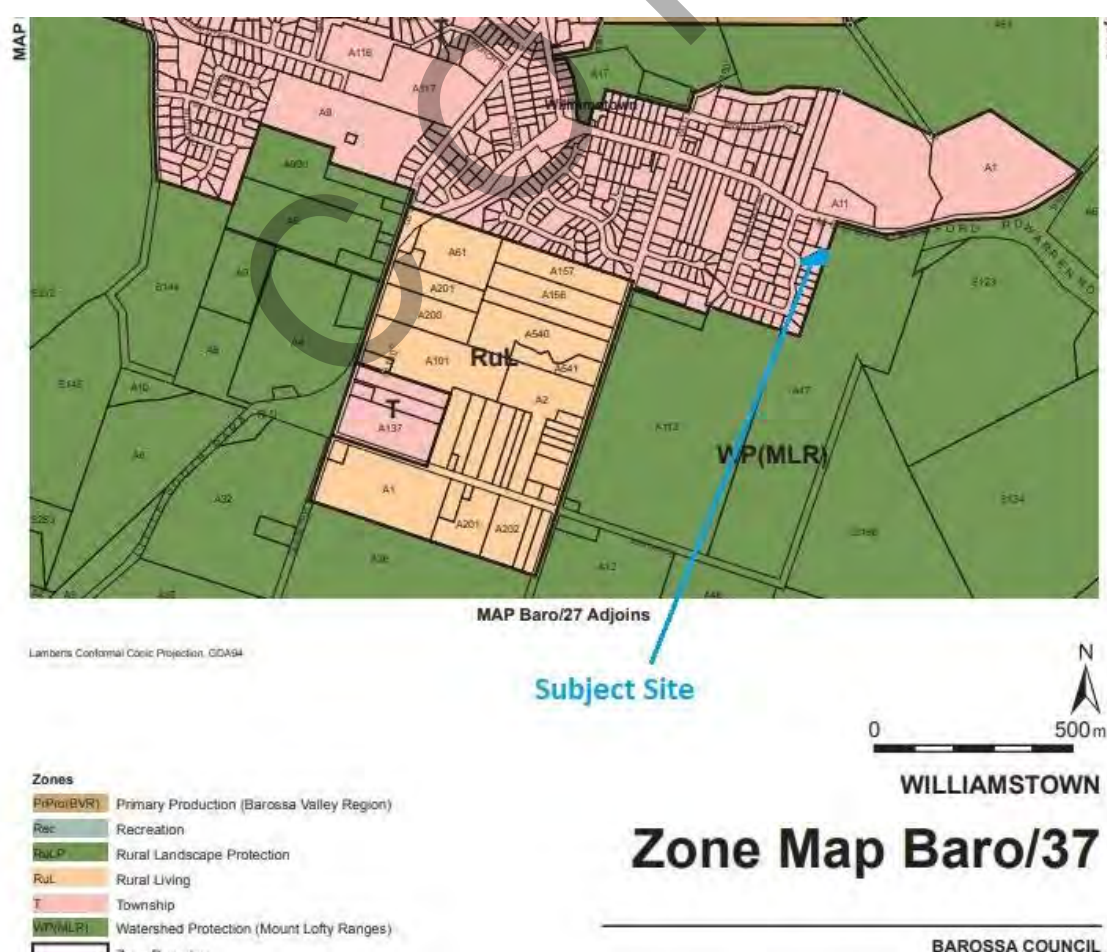


Figure 2: Zone Map



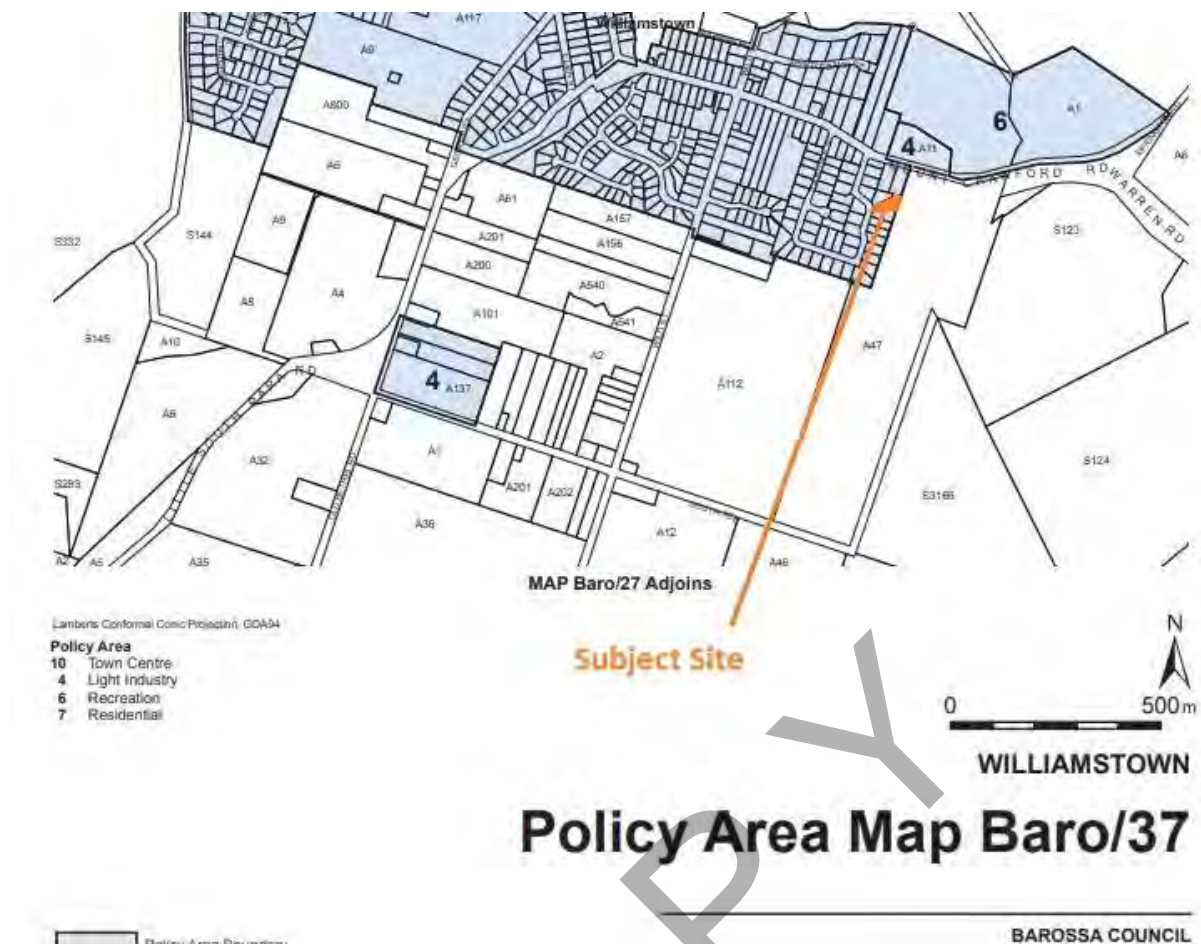


Figure 3: Policy Area Map



Figure 4: Aerial - Locality



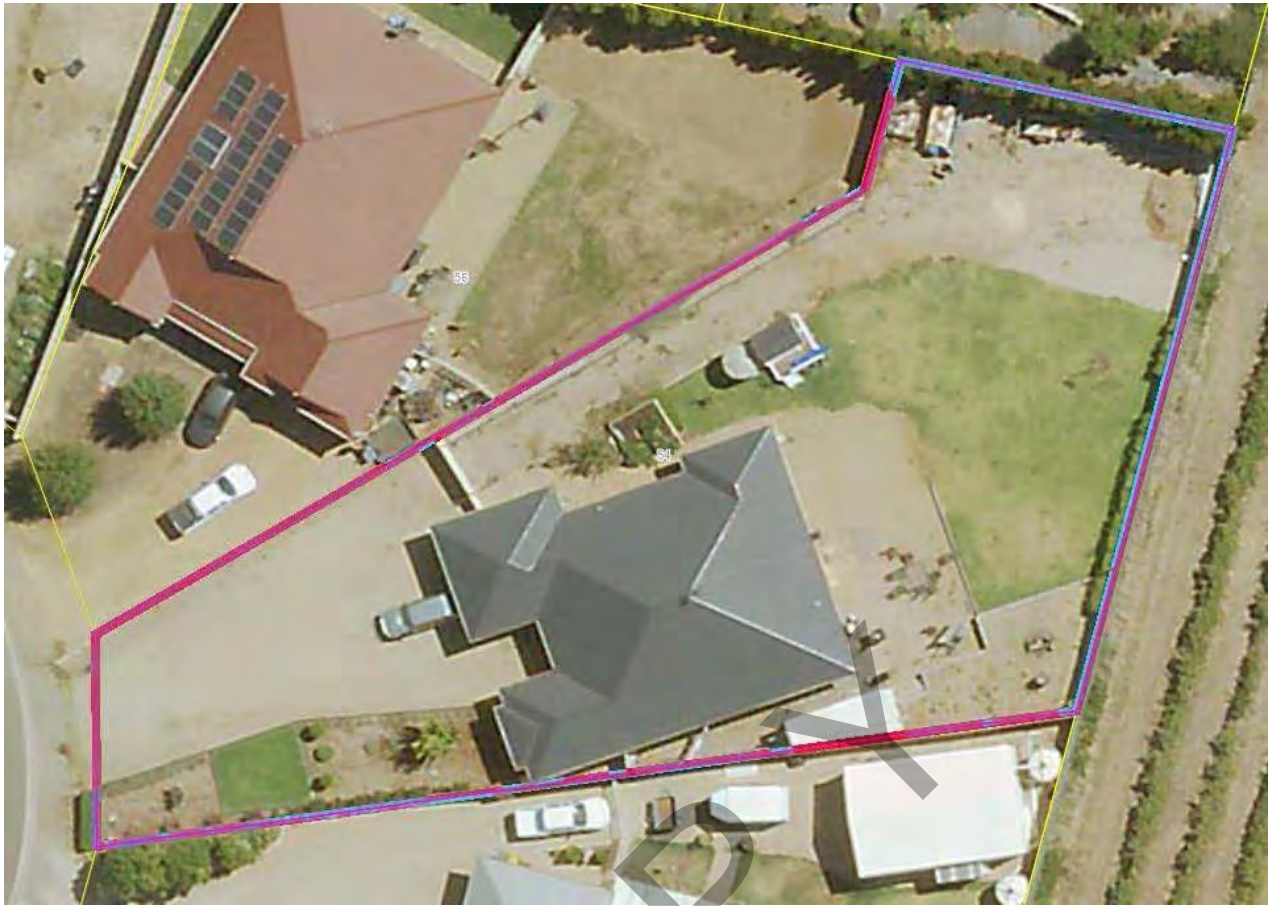


Figure 5: Aerial – Site



Figure 6: Site Photo





Figure 7: Site Photo



Figure 8: Site Photo

## REFERRALS

No referrals are required under Schedule 8 of the Development Regulations 2008.

## ASSESSMENT

### Quantitative Criteria

The proposal is assessed for consistency with the quantitative requirements of the Development Plan as outlined in the table below:

| DEVELOPMENT PLAN PROVISIONS                                                | STANDARD                                                                                | ASSESSMENT                                                                                                                                                                                                                       |
|----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PRIVATE OPEN SPACE<br>General Section<br>Residential Development<br>PDC 23 | 20%                                                                                     | 33%<br><br>Complies with standard:<br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> Partial                                                                                 |
| OUTBUILDINGS<br><br>Township Zone<br>Policy Area Residential - 7<br>PDC 6  | max height 3.0m<br>(above natural<br>ground level)<br><br>max area of 100m <sup>2</sup> | 3.6m, (approximately 4.1m above<br>natural ground level)<br><br>112.5m <sup>2</sup><br><br>Complies with standard:<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> Partial |

### Qualitative Criteria

The proposal is assessed for consistency with the qualitative requirements of the Development Plan as outlined below:

#### *General Section*

Design and  
Appearance

Objectives 1 and 2  
PDCs 4(a) and 5

- 4 Where a building is sited on or close to a side boundary, the side boundary wall should be sited and limited in length and height to minimise: (a) the visual impact of the building as viewed from adjoining properties
- 5 Building form should not unreasonably restrict existing views available from neighbouring properties and public spaces.

Whilst the outbuilding is proposed to be setback approximately 2.4m from the property boundary with 56 Carlisle Street, the height of the walls when combined with the higher ground level will result in the neighbours at 56 Carlisle Street viewing a 7.5m wide gable end with an apparent total height (to ridgeline) of approximately 5.7m.

When viewed from the dwelling the outbuilding will protrude approximately 3.0m above the top of the shed where currently the residents have a view of the hills to the northeast of Williamstown.

All other Objectives and PDCs are deemed to comply.

Residential  
Development  
Garages, Carports and  
Outbuildings  
Site Coverage  
Private Open Space

Objectives 1  
PDCs 12, 14, 20, 21, 23 and 24

All Objectives and PDCs are deemed to comply.

Siting and Visibility

Objectives 1 and 2  
PDCs 4(a)&(b)

4 Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:

(a) the profile of buildings should be low and the rooflines should complement the natural form of the land

(b) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land.

The proposed outbuilding will have a high level of visibility from the adjoining dwelling at 56 Carlisle Street as previously detailed under Design & Appearance.

All other Objectives and PDCs are deemed to comply.

Zone Section

Township Zone

Objectives 2 and 5

2 Residential development consistent with maintaining a small country township character.

The proposed outbuilding is larger than the dimensions prescribed by the Development Plan and larger than all other outbuildings in the locality suggesting that it is not consistent with the small country township character of the Zone.

All other Objectives are deemed to comply.

Desired Character

*Controlled and orderly development, restricted to defined township boundaries assists in the economic provision of public services, the creation of a pleasant living environment, and the retention of surrounding rural areas primarily for agriculture, recreation, and water and nature conservation. Development located within the zone*



will continue to provide a range of small-scale land uses to serve the day-to-day needs of the local population.

Development will maintain the attractive visual amenity of the approaches to townships. The existing character, as derived from the small-scale and residential style of buildings and pleasant open rural surrounds, will be retained.

Dwellings located within the townships are of a relatively low density typical of country settlements. It is expected that development will maintain the overall low scale, low density character. Development will reflect the prevailing generous front, side and rear boundary setbacks.

Development will result in the establishment of additional landscaping and vegetation where possible, as well as, retain existing vegetation, whether native or non-native, that makes a positive contribution to the character and amenity.

Similarly, vistas to the open landscape surrounding the townships are also important and development will seek to maintain these vistas.

|                   |                                                                                                                                                                                                                                                                             |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Desired Character | As previously detailed the proposed outbuilding is larger than the dimensions prescribed by the Development Plan and larger than all other outbuildings in the locality, suggesting that it is not consistent with the Desired small country township Character of the Zone |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|          |                          |
|----------|--------------------------|
| Land Use | PDCs 1                   |
|          | PDC is deemed to comply. |

|                    |                                                                                                         |
|--------------------|---------------------------------------------------------------------------------------------------------|
| Form and Character | PDCs 6                                                                                                  |
|                    | 6 Development should not be undertaken unless it is consistent with the desired character for the zone. |

All other PDCs are deemed to comply.

#### *Policy Area Section*

|                           |                    |
|---------------------------|--------------------|
| Residential Policy Area 7 | Objectives 1 and 2 |
|---------------------------|--------------------|

|   |                                                                           |
|---|---------------------------------------------------------------------------|
| 2 | Development that contributes to the desired character of the policy area. |
|---|---------------------------------------------------------------------------|

|                   |                                                                                                                                                                                 |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Desired Character | It is expected that development will be primarily for residential purposes at low densities consistent with the maintenance of a small country township character. Williamstown |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

The township is characterised by a relatively low density typical of country towns. Significant historic buildings, trees and creeks contribute to the attractive and varied country township character. Development will reflect the prevailing low density character of the township and retain the historic buildings, trees and creeks that contribute to the attractive character.

Desired Character As previously detailed the proposed outbuilding is larger than the dimensions prescribed by the Development Plan and larger than all other outbuildings in the locality suggesting that it is not consistent with the maintenance of the Desired small country township Character of the Zone

Land Use PDCs 1

PDC is deemed to comply.

Form and Character PDCs 2 and 6

Sheds, garages and similar outbuildings should be designed located within the following parameters:

| Parameter                                                    | Value                                                                                         |
|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| Maximum floor area                                           | 100 square metres                                                                             |
| Maximum wall height (from natural ground level)              | 3 metres                                                                                      |
| Minimum setback from side and rear boundaries                | 0.6 metres for wall heights up to 2.7 metres;<br>1.5 metres for wall heights over 2.7 metres. |
| Minimum setback from a public road or public open space area | No closer than any building on the site, or adjacent site.                                    |

The proposed outbuilding exceeds the maximum floor area parameter by 12.5%, and exceeds the maximum wall height from natural ground level by approximately 25%. Minimum side and rear setbacks have been achieved.

All other PDCs are deemed to comply.

## CONCLUSION

Not seriously at variance  
The proposed development is not seriously at variance with the Development Plan.

Development Plan Consent should be refused  
When assessed against the relevant provisions of the Development Plan, it is considered that the proposed development, on balance, does not warrant the granting of Development Plan Consent and should be refused for the reasons given below.

## RECOMMENDATION

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves:

- (a) Pursuant to Section 6(2) of the *Character Preservation (Barossa Valley) Act 2012*, the Barossa Assessment Panel has had regard to the objects of that Act and, in determining this application, seeks to further the objects of that Act.
- (b) That the proposed development is not seriously at variance with The Barossa Council Development Plan.

- (c) To REFUSE Development Plan Consent for Application No. 960/476/2018 by Elise and Benjamin Nelson to undertake Construction of a domestic outbuilding measuring 7.5m x 15m x 3.6m wall height at 54 Carlisle Street, Williamstown (CT 6052/910) for the following reasons:

The proposed development is contrary to:

- o General Section, Siting & Visibility Module Principles of Development Control 4(a) & 5.

Reason: Outbuilding will interrupt landscape views.

- o General Section, Design and Appearance Module Principles of Development Control 4(a) & 4(b)

Reason: Outbuilding will be highly visible from adjoining dwelling.

- o Township Zone Objectives 2 and 5 and Principle of Development Control 6

Reason: Outbuilding not consistent with the prevailing or desired small scale character of the Zone.

- o Residential Policy Area 7 Objectives 2

Reason: Outbuilding not consistent with the prevailing or desired small scale character of the Zone.

- o Residential Policy Area 7 and Principle of Development Control 6

Reason: Outbuilding not consistent with the quantitative parameters sought for outbuildings in this Policy Area.

COPY



**STATEMENT OF REPRESENTATION**  
Pursuant to Section 38 of the Development Act 1993

TO Chief Executive Officer  
The Barossa Council  
PO Box 867  
NURIOOTPA SA 5355



The Barossa Council

|                                                                                                                                      |                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>DEVELOPMENT No.</b>                                                                                                               | 960/476/2018<br>E K Nelson and B D Nelson                                                                                                                      |
| <b>Name of Person(s) making Representation</b>                                                                                       | CHRISTOPHER RICHARDSON / NICHOLA RICHARDSON                                                                                                                    |
| <b>Address</b>                                                                                                                       | POSTAL: PO BOX 836<br>WILLIAMSTOWN SA 5351<br>RESIDENTIAL:<br>56 CARLISLE ST WILLIAMSTOWN SA                                                                   |
| <b>Email Address</b>                                                                                                                 | chris.nicho@bigpond.com                                                                                                                                        |
| <b>Phone Number</b>                                                                                                                  | 0407 617 495 / 0434 676641                                                                                                                                     |
| <b>Nature of Interest Affected by Development</b><br>(eg adjoining resident, landowner nearby, on behalf of organization or company) | ADJOINING RESIDENT                                                                                                                                             |
| <b>Reasons for Representation</b>                                                                                                    | SIZE OF OUTBUILDING - HEIGHT +<br>PURPOSE OF USAGE - NOISE - TRAFFIC.<br>NEGATIVE IMPACT ON PROPERTY.<br>STORM WATER CATCHMENT - RUN OFF<br>AS ATTACHED LETTER |
| <b>My Representation would be Overcome by</b> (state action sought)                                                                  | SIZED SIZE<br>6.5m x 10m x 2.8m WITH HEIGHT.<br>(65 sqm)                                                                                                       |
| <b>You must indicate below if you wish to be heard by Council's Development Assessment Panel in respect to your representation :</b> |                                                                                                                                                                |
| I WISH TO BE HEARD IN RESPECT TO THIS REPRESENTATION   YES                                                                           |                                                                                                                                                                |
| I WILL BE REPRESENTED BY (if applicable): CHRIS + NIKI RICHARDSON.                                                                   |                                                                                                                                                                |

SIGNED

DATED

14/11/2018

The Barossa Council

RE: NOTICE OF APPLICATION FOR CATEGORY 2 DEVELOPMENT.

DEVELOPMENT NO. 960/476/2018

We would like to submit our objection to the construction of a domestic outbuilding measuring 7.5m x 15m x 3.6m wall height.

We believe that a shed that size is unsuitable and unreasonable for an urban residential estate.

The proposed shed appears to be 'warehouse' size, and more suitable to a rural property.

Our concerns are

- The overall size of the proposed shed, totalling some 112.5 square meters on a residential allotment
- The height of the proposed shed with a wall height of 3.6m which would then be over 4m in height at the peak of the roof.
- The purpose of a shed this size. What would it be used for?
- The concern of traffic of vehicles, large & small, along the entire boundary of the 2 adjoining properties with our property facing the direction of this traffic and proposed shed.
- The concerns of any future business operations conducted out of the proposed shed
- The negative impact this would have on the value of our property/ investment.
- We are concerned of the stormwater catchment and run off from such a large shed. Our property is neighbouring and on the low side with the natural fall of the ground being approx. 1m.

Our proposal to overcome this would be a shed size no larger than, 6.5m x 10m x 2.8m wall height (65sqm)

I wish to be heard in respect to this representation.

Kind Regards,

Christopher Richardson

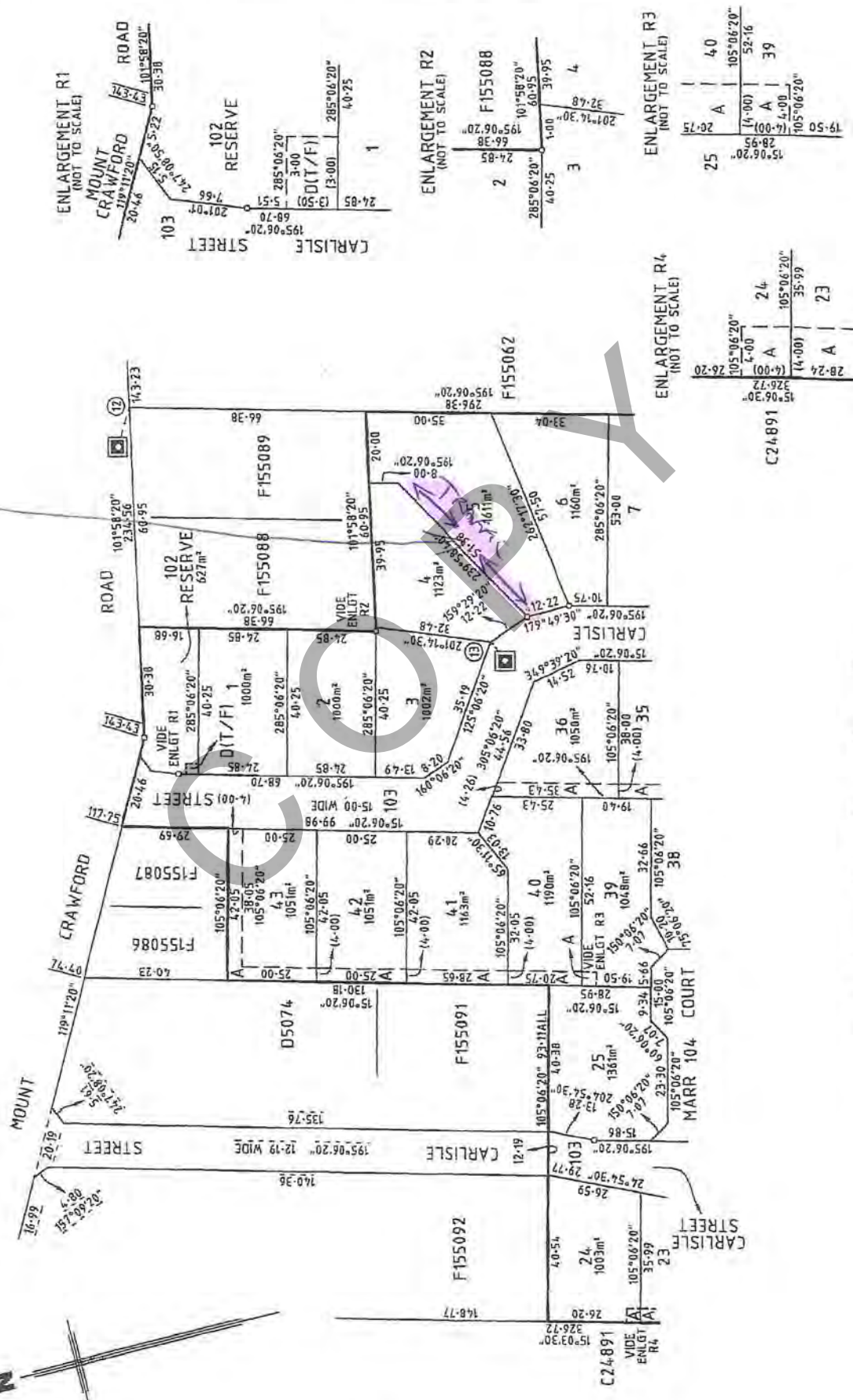
Nichola Richardson

56 Carlisle St

Williamstown. 5351



LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA  
 DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 6052 FOLIO 909  
 SEARCH DATE : 15/02/2010 TIME: 10:03:26



SURVEY INFORMATION IS DERIVED FROM DEPOSITED PLAN 82994

GENERAL NOTES

- WHERE BOUNDARY PEGS DO NOT EXIST ON THE OWNERS OWN LAND, THE OWNER SHALL PROVIDE FOR CHECK SURVEY AT THEIR EXPENSE PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
- ANY NECESSARY OR NOMINATED SPOONDRAINS, SUMPS, GRATED INLETS, GRATED BOX DRAINS, AGRICULTURAL DRAINS AND FINISHED SURFACE FALLS ARE TO BE PROVIDED BY THE OWNER TO ENSURE ALL SURFACE WATER IS COLLECTED AND DISCHARGED DIRECTLY TO THE STREET, U.M.O. WHERE SURFACE WATER CAN NOT BE DISCHARGED TO THE STREET OR A REAR OF ALLOTMENT STORMWATER CONNECTION POINT UNDER A GRADE, AN APPROPRIATE SUMP PUMP IS TO BE USED. (NOT SHOWN) SUMP DRAINS ARE TO BE PRECAST OR FORMED CONCRETE SET A MINIMUM 20mm DOWN BELOW ADJACENT PAVING LEVEL WITH THE INVERT OF THE DRAIN AT A MINIMUM GRADE OF 1:100.
- ROOF STORMWATER DRAIN PIPES ARE TO BE PROVIDED BY THE OWNER UNLESS NOTED OTHERWISE, PIPES ARE TO BE 90mm PVC WITH GLUED JOINTS LAID ON A MIN. GRADE OF 1:100 WITH SLIDING (UNGLUED) CONNECTION AT BASE OF DOWNPIPE. IN SEALED SYSTEMS PROVIDE PROPRIETARY FLEXIBLE CONNECTION AT BASE OF DOWNPIPE.
- BATTERS SHOWN ARE INDICATIVE ONLY AND MAY CHANGE DUE TO LOCAL VARIATIONS IN SITE LEVELS AND SOIL CONDITIONS. SIGNIFICANT RETAINING WALLS HAVE BEEN SHOWN, HOWEVER FURTHER RETAINING WALLS MAY BE REQUIRED DEPENDING ON FINAL BATTER SLOPES AND LANDSCAPING REQUIREMENTS. ALL RETAINING WALLS ARE TO BE PROVIDED BY THE OWNER.
- PERIMETER PAVING IN ACCORDANCE WITH THE DETAILS CONTAINED IN THE CONSTRUCTION FOOTING REPORT IS TO BE PROVIDED BY THE OWNER.

- LEGEND
- ===== GRATED BOX DRAIN
  - GRATED STORMWATER PIPE
  - SEALED STORMWATER PIPE
  - 90 Ø GRATED INLET
  - 300 SQ. GRATED INLET
  - DOWNPIPE
  - INSPECTION POINT
  - PAVING
  - SEWER DRAIN
  - SLOPING BATTERS AT 2H:1V U.N.O (REFER ALSO NOTE 4)

RETAINING WALL CONSTRUCTED BY OWNER. HEIGHT VARIES UP TO 0.4m APPROX.

1000 litre RAINWATER TANK. PLUMBED TO A TOILET. REFER BOXED NOTE.

DENSE SMALL PINES

39.95m

FFL 100.300

GARAGE (INCL. SLAB)

THE BAROSSA COUNCIL  
DEVELOPMENT  
PLAN CONSENT GRANTED

3/5/11 Date  
Authorised Officer

NOTE:  
A RAINWATER TANK (MIN. 1000 litre) IS TO BE PROVIDED COLLECTING A MIN. 50m<sup>2</sup> OF ROOF AREA (NOT SHOWN) AND PLUMBED TO A TOILET. TANK LOCATION AS SHOWN, OWNER MAY RELOCATE TO A PREFERRED LOCATION IN CONSULTATION WITH A MASTER PLUMBER.  
OWNER IS TO PROVIDE THE ABOVE AFTER HANDOVER IN ACCORDANCE WITH THE SOUTH AUSTRALIAN HOUSING CODE. NOTE: WHERE A RECYCLED WATER CONN. EXISTS A RAINWATER TANK IS NOT REQUIRED.

RETAINING WALL CONSTRUCTED BY OWNER. HEIGHT VARIES UP TO 0.4m APPROX.  
\* IT IS RECOMMENDED THAT CONSTRUCTION OF THIS RETAINING WALL BE DELAYED UNTIL THE ADJACENT ALLOTMENT IS DEVELOPED AS THIS HAS THE POTENTIAL TO SIGNIFICANTLY ALTER RETAINED SOIL HEIGHTS.

VACANT

100mm Ø SEWER DRAIN TO CECP POINT VIA SEPTIC TANK.

3000ltr SEPTIC TANK MINIMUM 2.5m FROM BOUNDARY & BUILDING.

DISCHARGE STORMWATER (INCL. RWT TANK OVERFLOW) TO STREET WATERTABLE UNDER A MIN. GRADE OF 1:100.

CARLISLE STREET

EXCESS SOIL TO BE STOCKPILED ON SITE IN AREA SHOWN

VACANT

DRIVEWAY AND CROSSOVER TO COUNCIL SPECIFICATIONS BY OWNER.

NOTE: THIS IS AN ENGINEERING DETAIL SURVEY. BOUNDARIES HAVE NOT BEEN CHECKED.

COUNCIL : BAROSSA COUNCIL

DATE SURVEYED : 18/3/2011

173 Fullarton Road  
Dulwich SA 5065  
P : 08 8431 4555  
F : 08 8431 4500  
CIVSTRUCT PTY LTD  
ABN : 49 112 016 467

Herriot  
CONSULTING

PREPARED FOR :- HICKINBOTHAM GROUP  
LOT 4 CARLISLE STREET  
WILLIAMSTOWN

SCALE 1:200  
DRAWN JR  
DESIGNED JR  
CHECKED AL

DATE BY

REVISION No.

DATE

DATE OF ISSUE  
MARCH 2011

SHEET 1 OF 1

FILE No. 1102-067

Rev.

SITEWORKS AND DRAINAGE PLAN

Agenda - Barossa Assessment Panel - 2 April 2019



Chief Executive Officer

The Barossa Council  
PO Box 867  
NURIOOTPA SA 5355

4 December 2018

**RE: Application for Category 2 Development – Dev No. 960/476/2018**

In response to the representation statement submitted by Christopher Richardson and Nichola Richardson from 56 Carlisle Street Williamstown on the 14<sup>th</sup> November 2018, we, the applicants, would like to submit our response to this statement.

We believe that a shed of 7.5m x 15m x 3.6m is suitable for such a property.

When originally purchasing this allotment we were drawn to its size and shape as it suited our goal to own a residential property that would meet the needs of our family and had storage potential (for safely storing our camper trailer and classic cars). The proposed shed will be used for the storage of Benjamin's car, due to its lack of use being that he has been provided a work car. This will then allow Benjamin to store his car out of the weather and remove it from its current position on our gravel driveway (out of sight from neighbours and passers-by).

Please see below where we have addressed the concerns of Christopher and Nichola:

- Overall size of the shed
  - The proposed shed has been designed to store a camper trailer and classic cars. With the shed being this size (112.5m<sup>2</sup>) we are able to position the vehicles in the best position, which will minimise the necessity to constantly move them when needing to reach other items. The Residential Zone prescribes outbuildings as acceptable up to 100m<sup>2</sup>, but does allow for some minor increases above this size, subject to undertaking the public notification.
- Height of 3.6m
  - The height of the proposed shed has been designed to potentially house a hoist for the classic cars. Due to Benjamin's back injury and surgery he is unable to maintain the vehicles whilst bending or laying on the floor, and the aid of a hoist would allow him to access the cars safely. We acknowledge that the Development Plan prescribes an outbuilding wall height of up to 3m, however the plan does not prescribe total building height. With this in mind a 3m wall with a roof pitch of approximately 22.5° has a total height of 4.875m, although a 3.6m wall with a roof pitch of approximately 11° has a total height of only 4.5375m. We have also pushed the proposed shed position as far away as possible from the boundary adjoining 56 Carlisle Street, and being that the property at 56 Carlisle Street does not abut the vineyard property, they do not have direct sight-lines that should prejudice building on our own land.
- Purpose of the shed
  - As stated above, the shed is to be used for domestic storage purposes only, and we acknowledge that a domestic shed is not permitted for commercial use.
- Traffic concern along the adjoining boundary
  - We can assure Christopher and Nichola that the traffic along the adjoining boundary will not be any greater than the traffic currently, and certainly do not

envisage any traffic outside of what would be typically incidental of a domestic shed. The “traffic” passing the boundary currently is at its maximum when Benjamin has to move the work car from the back yard. Being that the work car will not be stored in the shed, this will actually mean that traffic is minimised after construction of the shed.

- Concerns of future business operations
  - Due to Benjamin’s back injury and surgery it is not in the best interest of our family for him to begin his own business, as he will be working too hard and potentially do more damage to his back. We agree that businesses should not operate from domestic sheds, and hence acknowledge this outbuilding is not allowed to be used for commercial or business use.
- Negative impact on the neighbouring property
  - With the potential development in mind we have recently planted 19 Ornamental Capital Pear trees to help keep our property private from the neighbouring property, and to hide the shed from their sight. Also, in the past 3 years we have been at the property we have endeavoured to maintain our property to the highest possible standard. We have kept our gardens neat and established, and Benjamin takes pride in the appearance of our home and garden. With this being said, we would like to make mention of the front “garden” of the property at 56 Carlisle Street, as this could be seen to impact negatively on the neighbouring properties due to its incomplete nature and the mess left on the road from the muddy driveway.
- Stormwater catchment and run-off
  - As specified on the site plan within our application, it is shown that there are two sumps on the adjoining boundary to collect and excessive water. We will also be running 100mm stormwater pipe from the proposed shed to the street, as compared to the standard 90mm stormwater pipe, the 100mm pipe is designed to manage an increased flow of water. We do not foresee an excessive amount of stormwater or run-off, but with the installation of 100mm stormwater pipe, we will certainly be prepared for an excessive amount of water. The concrete kerbing/garden bed that is already running parallel to the boundary of the adjoining property also aids to stop any ground water from running into the lower adjoining property. As we have had a similar issue with water coming from our neighbouring property on the high side, we have been scrupulous to ensure this is not a problem for our neighbouring property on the low side.

In conclusion, our proposal is to leave the current Development Application (Dev No. 960/476/2018) as is.

I wish to be heard in respect to this representation and intend to appear before the panel. Please advise the meeting date, time and location.

Kind regards,

Elise and Benjamin Nelson

54 Carlisle Street

Williamstown SA 5351

## 9. REPORTS – PANEL UPDATES

### 9.1 STATE PLANNING COMMISSION CONCURRENCE APPLICATIONS

The following applications have received or are awaiting concurrence from the State Planning Commission.

| DA NUMBER    | APPLICANT             | ADDRESS                                | NATURE OF DEVELOPMENT                                                                                                                                       | DAC DECISION                                                   |
|--------------|-----------------------|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| 960/568/2018 | Angaston Bowling Club | Lot 21 Valley Road<br>Angaston         | Construction of Two bowling greens, clubhouse (community centre), shade structures, Six light towers, associated car parking, landscaping and entrance sign | Concurrence granted<br>8/3/2019<br>(5/2/2019 panel meeting)    |
| 960/583/2018 | Bryce Neyland         | Piece 31 Steingarten Road Rowland Flat | Increase size of Existing Dam from 37.4 ML to 150 ML, 6.0 m high dam walls and relocation of associated pump station                                        | Concurrence granted<br>25/02/2019)<br>(5/2/2019 panel meeting) |

#### RECOMMENDATION

That the report be received.

## 10. REPORTS – OTHER BUSINESS

Nil.



11.1 960/279/2017 (Lot 897 N Herbig Road Springton)

REASON FOR CONFIDENTIALITY

It is recommended that the public be excluded from the meeting, as is necessary, in accordance with Section 13 of the *Planning, Development and Infrastructure (General) Regulations 2017* to receive, discuss or consider in confidence the following information or matters in relation to this item:

- (i) legal advice;

RECOMMENDATION

That:

- (1) Pursuant to Regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017* the Barossa Assessment Panel orders that the public be excluded from the meeting with the exception of the Director, Development and Environmental Services, Assessment Manager, Assessment Officers and the Minute Secretary, on the basis that it will consider legal advice.
- (2) Accordingly, on this basis, the Barossa Assessment Panel is satisfied that the principle meetings of the assessment panel should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

## 12. NEXT MEETING

Tuesday 7 May 2019 commencing at 5.00 pm.

## 13. CLOSURE OF MEETING