

BAROSSA ASSESSMENT PANEL

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

Tuesday, 2 April 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	Presiding Member
Rob Veitch	Member
Deirdre Reiman	Member
Grant Hewitt	Member
Russell Johnstone	Deputy Member

Council Staff

Gary Mavrinac	Director, Development and Environmental Services
Louis Monteduro	Assessment Manager
Janine Lennon	Senior Assessment Officer, Planning
Jake Boswell	Assessment Officer, Planning
Steve Kaesler	Manager, Engineering Services
Chris Kruger	Minute Secretary

2.2 Apologies

Richard Miller.

2.3 Absent

Nil.

3. CONFIRMATION OF MINUTES

Moved: G Hewitt

Seconded: D Reiman

That the minutes of the Barossa Assessment Panel meeting held on 5 March 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

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

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.

Panel Decision

Moved: D Reiman

Seconded: G Hewitt

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
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 - 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 area.

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

- (b) 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 5000 litres of water (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.

CARRIED

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

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

Andrew Janicki (Applicant an Owner) answered questions from the Panel.

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.

Panel Decision

Moved: G Hewitt

Seconded: R Veitch

That the Barossa Assessment Panel defer considerations of application 960/132/2019 to enable the applicant to liaise further with Council officers in relation to the number of allotments.

CARRIED

8. REPORTS – DEFERRED APPLICATIONS FOR DECISION

8.1 960/476/2018 (54 Carlisle Street Williamstown)

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.

Panel Decision

Moved: R Veitch

Seconded: R Johnstone

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 unduly 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.

CARRIED

9. REPORTS - PANEL UPDATES

9.1 State Planning Commission Concurrence Matter

Recommendation

That the report be received.

Panel Decision

Moved: R Johnstone

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

10. REPORTS - OTHER BUSINESS

ERD Court Appeals and Enforcement Matters

L Monteduro provided a verbal update in relation to current Enforcement matters.

Accredited Professionals Scheme

G Mavrinc advised the Panel that the Accredited Professionals Scheme of the PDI Act became operational on 1 April 2019.

Panel Members were advised to seek clarity in relation to the required accreditation level from the Planning Portal. It is envisaged that there will be a two year transition period.

The Planning Portal can be accessed at:

https://www.saplanningportal.sa.gov.au/planning_reforms/new_planning_tools/accredited_professionals_scheme

11. REPORTS – CONFIDENTIAL

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:

- (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, Planning, Manager, Engineering Services 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: D Reiman

Seconded: R Veitch

That the recommendation be adopted.

CARRIED

At 5:22pm the meeting moved into confidence.

The Panel discussed legal advice pertaining to the application. As no decision was made in confidence, no minutes were recorded.

At 5:31 pm the confidential session ceased and the meeting reopened to the public.

Moved: R Veitch

Seconded: G Hewitt

That the Barossa Assessment Panel has considered *Confidential Item 11.1 Lot 897 N Herbig Road Springton* in relation to Development Application 960/279/2017 and resolves as follows:

- (1) Determine whether it wishes to direct questions or seek further clarification from the applicants (excluding matters raised in confidence), and/or;
- (2) 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. 960/279/2017 by JBG Architects to undertake a Detached Dwelling with verandahs under main roof and Domestic Outbuilding (shed) at Allot 897 N Herbig Road, Springton (CT 5641/642) for the following reasons:

The proposed development is contrary to:

- General Section (Hazards) Objective 5

Reason: The current state of the proposed access road (N Herbig Road) is not considered suitable for all-weather, safe and convenient use for Residential purposes.

- General Section (Hazards) Principles of Development Control 1, 7, 8 and 9(a)(b)(c)

Reason: The current state of the proposed access road (N Herbig Road) is not considered suitable for all-weather, safe and convenient use for Residential purposes.

- General Section (Transportation and Access) Objective 1

Reason: The current state of the proposed access road (N Herbig Road) is not considered suitable for all-weather, safe and convenient use for Residential purposes.

- General Section (Transportation and Access) Principle of Development Control 22

Reason: The current state of the proposed access road (N Herbig Road) is not considered suitable for all-weather, safe and convenient use for Residential purposes.

- (3) Pursuant to Regulation 14 (4) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the Barossa Assessment Panel resolves to exclude from the minutes and from the version of the agenda report made available to the public the information dealt with on a confidential basis by the Barossa Assessment Panel.

CARRIED

12. NEXT MEETING

Tuesday 5 May 2019 commencing at 5.00pm.

13. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 5:36pm.

Confirmed

Date: Chairman: