

BAROSSA ASSESSMENT PANEL

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

Tuesday, 7 May 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
2.3	Absent
3.	CONFIRMATION OF MINUTES

Recommendation

That the minutes of the Development Assessment Panel meeting held on Tuesday 2 April 2019 be received and confirmed. Refer *Attachment 1*.

3 Attachment 1

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
 - 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
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 - 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 Mavrinac 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 5:31pm 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:

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

6.1 960/217/2019 (54 Carlisle Street Williamstown)

APPLICATION DETAILS

PROPOSAL	Construction of a domestic outbuilding measuring 7.5m x 13.3m x 3.4m wall height
APPLICANT	Elise and Benjamin Nelson
OWNER	Elise and Benjamin Nelson
APPLICATION NO	960/217/2019
CERTIFICATE(S) OF TITLE	CT 6052/910
AREA	1611sqm
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 1
REFERRALS	Nil
PREVIOUS APPLICATIONS	960/763/2008; 960/83/2014 and 960/476/2018
ASSESSING OFFICER	Janine Lennon
RECOMMENDATION	That Development Plan Consent be REFUSED

BACKGROUND

The proposal is a new application for a domestic outbuilding on the site after the previous proposal was refused by the Panel.

Proposal 960/476/2018 being for "Construction of a domestic outbuilding measuring 7.5m x 15m x 3.6m wall height" 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 has 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, as per the following:

- 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.

The amended proposal was presented to the 2 April 2019 Panel meeting where the proposal was refused on the following grounds:

The proposed development was 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

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.

PROPOSAL

The applicant has proposed to construct a domestic outbuilding of 99.75sqm in area, with 3.4m high walls, located 3.0m away from rear property boundary, 1.5m from the eastern boundary and 4.2m from the western boundary, on up to 250mm of existing fill. The shed is proposed to store 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 reason:

- (1) Where in the opinion of the sub-delegate, it is appropriate to refer the application to the Barossa Assessment Panel.

PUBLIC NOTIFICATION

The application is a Category 1 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, therefore no public notification was undertaken.

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 101.0. 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*.

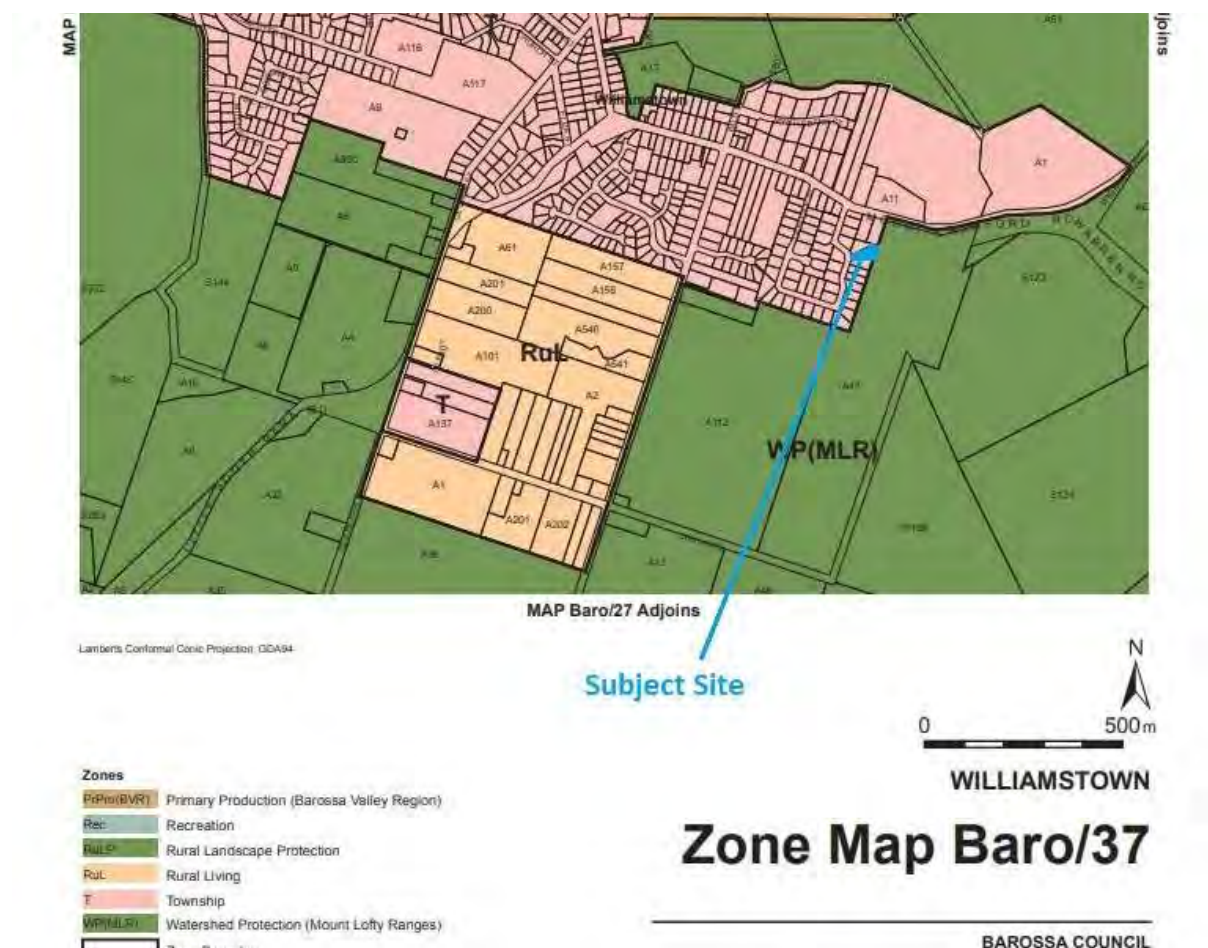


Figure 2: Zone Map

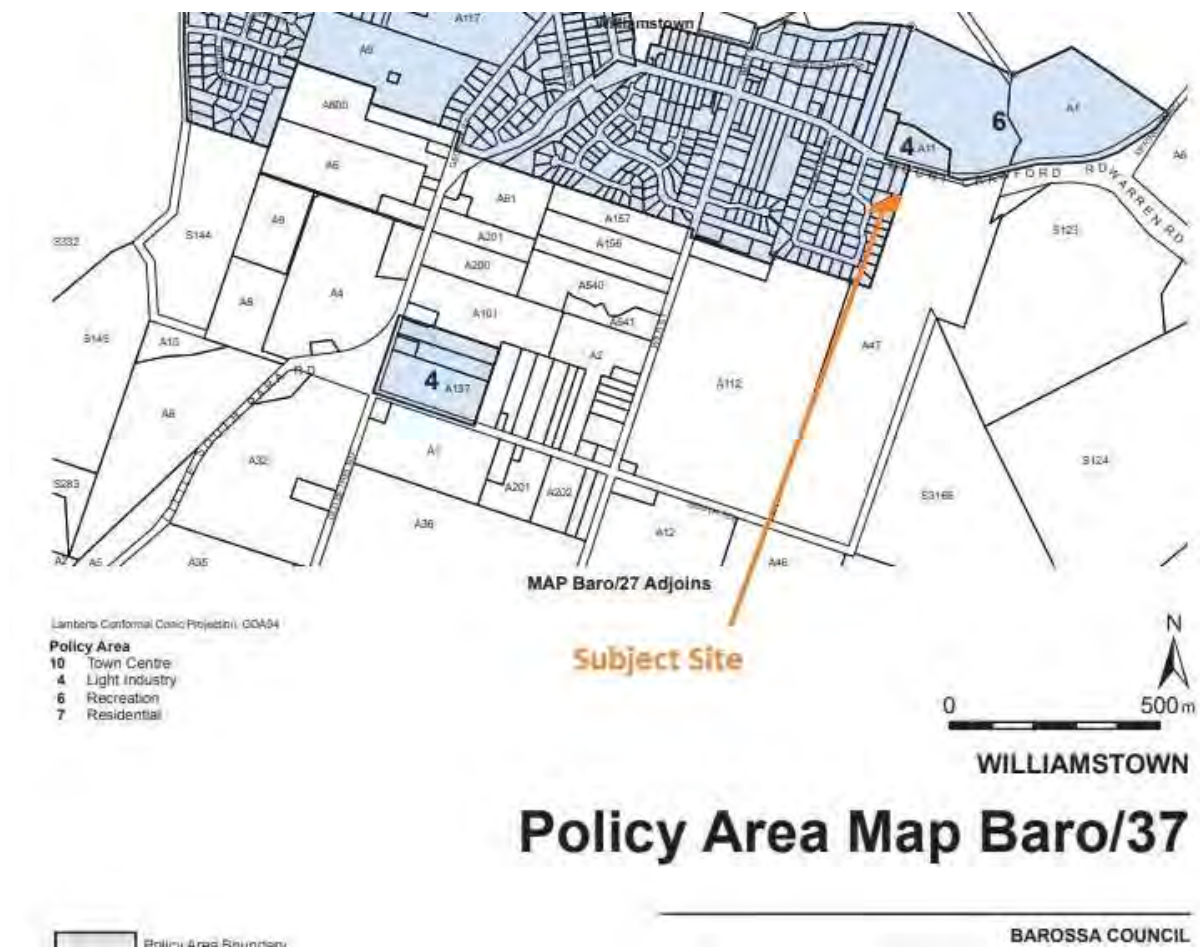


Figure 3: Policy Area Map



Figure 4: Aerial – Locality

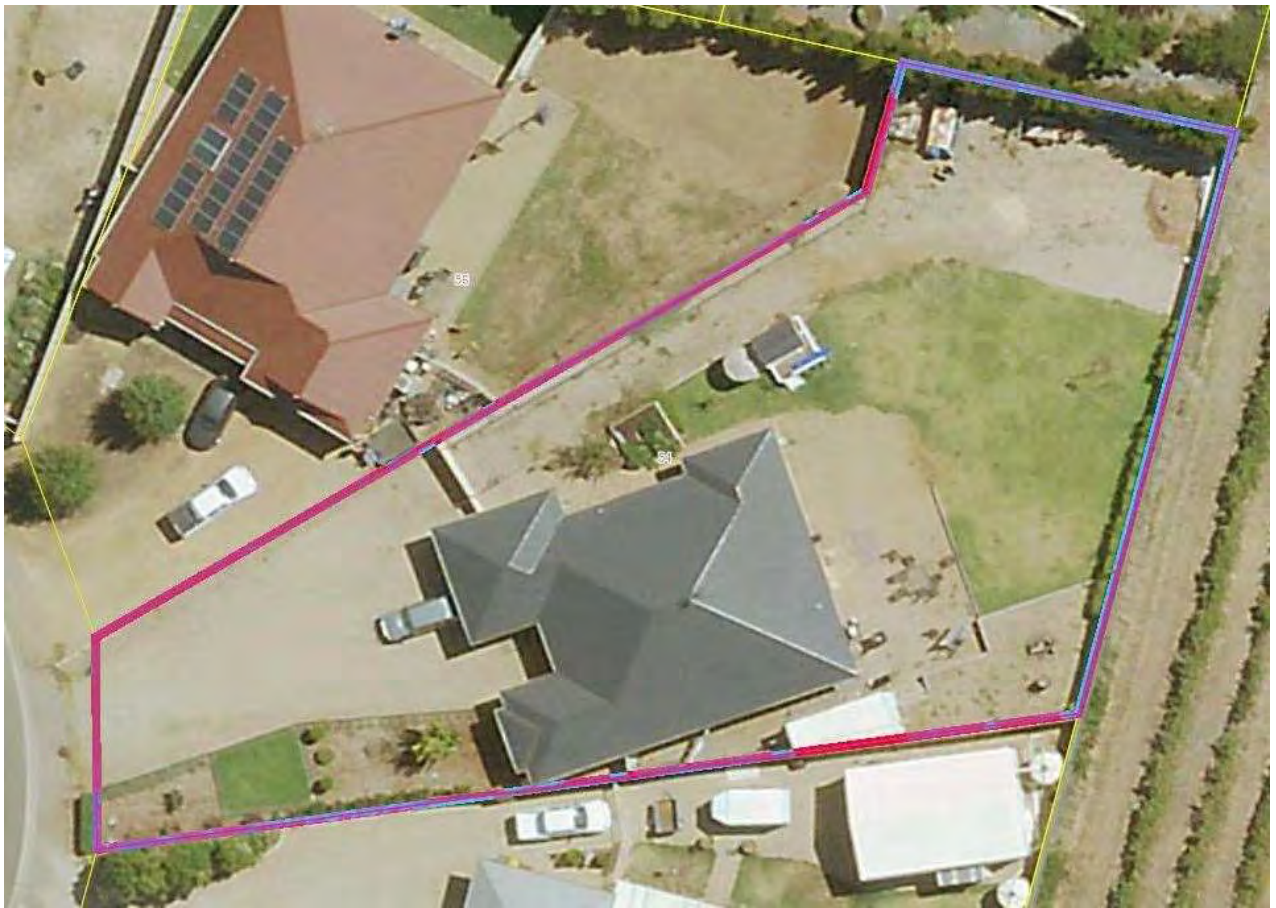


Figure 5: Aerial – Site



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 General Section Residential Development PDC 23	20%	33% Complies with standard: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Partial
OUTBUILDINGS Township Zone Policy Area Residential - 7 PDC 6	max height 3.0m (above natural ground level) max area of 100sqm	3.4m, (approximately 3.6m above natural ground level) Complies with standard: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Partial 99.75sqm Complies with standard: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <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), 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 4.2m 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 5.4m. When viewed from the dwelling the outbuilding will protrude approximately 2.5m above the top of the fence where currently the residents have a view of the hills to the northeast of Williamstown (compared to 1.7m if the structure met the Development Plan's parameters of 3.0m wall height above natural ground level with a 1.5m boundary setback). The proposed "classic cream" colouring of the shed will further exacerbate the visual impact created by the shed height.

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 and 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 maximum height dimension 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 maximum height 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 maximum height 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 2 and 6
Sheds, garages and similar outbuildings should be designed and 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; 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 achieves the maximum floor area parameter but exceeds the maximum wall height from natural ground level by approximately 17%. 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, the proposed shed will still become the largest shed in the locality. Equalling the largest floor area with the shed at 2 Marr Court and exceeding the wall height of the highest shed at 1 Marr Court (noting that the shed at 1 Marr Court has an excavated floor level). Whilst it is acknowledged that the latest proposal is an improvement on the previous iterations and the assessment is more finely balanced, 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. 960/217/2019 by Elise and Benjamin Nelson to undertake Construction of a domestic outbuilding measuring 7.5m x 13.3m x 3.4m 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 height parameter sought for outbuildings in this Policy Area.

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: ELISE KATE NELSON + BENJAMIN DAVID NELSON

Postal Address: PO Box 954 WILLIAMSTOWN Post Code: 5351

Phone: Mobile: 0401 448868 Fax:

Email: ELISEKATE17@GMAIL.COM

OWNER: ELISE KATE NELSON + BENJAMIN DAVID NELSON

Postal Address: PO Box 954 WILLIAMSTOWN Post Code: 5351

Phone: Mobile: 0401 448868 Fax:

Email: ELISEKATE17@GMAIL.COM

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

BUILDER:

Postal Address: Post Code:

Phone: Mobile: Fax:

Email: Builders Licence No.:

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

CONTACT PERSON FOR FURTHER INFORMATION: Name: ELISE NELSON

Phone: Mobile: 0401 448868 Fax:

Email:

DESCRIPTION OF PROPOSED DEVELOPMENT: 7.5m x 13.3m SHED.

WITH 3.4m WALL HEIGHT.

EXISTING LAND USE: GRAVEL AREA ON RESIDENTIAL ALLOTMENT

AREA (m²) OF PROPOSED DEVELOPMENT: 99.75m²

LOCATION OF PROPOSED DEVELOPMENT:

House No: 54 Street: CARLISLE ST. Town: WILLIAMSTOWN

Lot No: 5 Section: Hundred: BAROSSA

Certificate of Title(s): Volume: 6052 Folio: 910

BUILDING RULES CLASSIFICATION SOUGHT: 10A 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 1993 APPLY? YES/NO

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

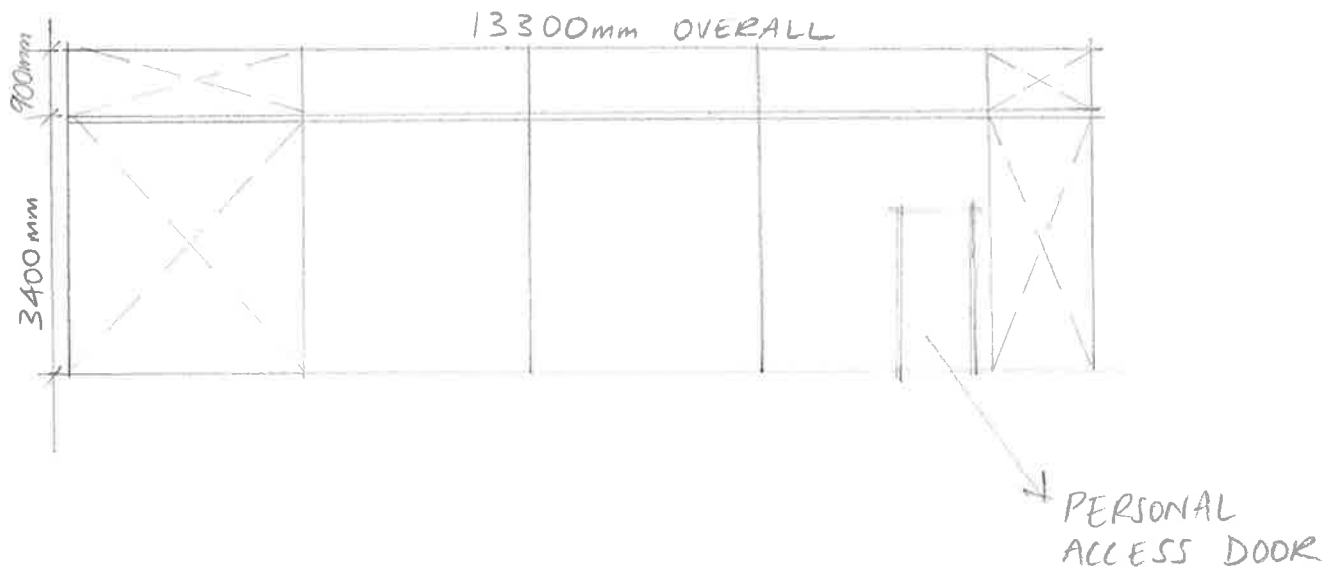
DEVELOPMENT COST (do not include any fit out costs): \$

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.

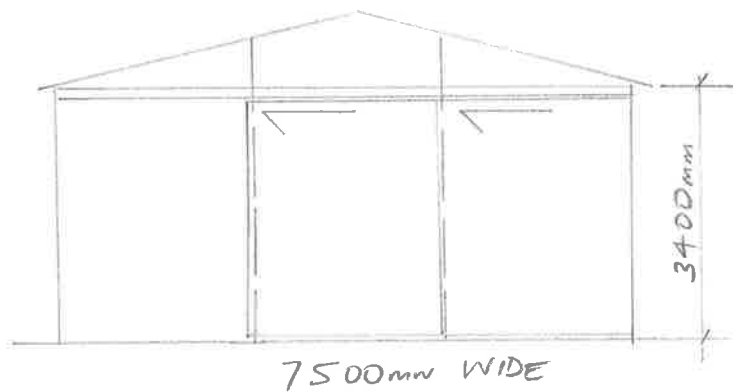
SIGNED: Dated: 11/4/2019

NELSON

54 CARLISLE ST, WILLIAMSTOWN



* 7500 STAINSHED TO BE BUILT TO 9000 STAIN CALCS 07510



END ELEVATION.

COLOURS:

ROOF - NIGHT SKY CORRO

WALLS + DOORS - CLASSIC CREAM

3000mm parallel to fence

stormwater.

71500mm

195d6'20" 35000mm

existing retaining walls

101d59'20" 20000mm

P.O.S. 950 S.Q.M

www.005L

195d6'20" 8000mm

Sump

4500

262d17'30" 57500mm

239d58'40" 51380mm

5000

19600

septic tank.

gravel driveway

driveway

20600

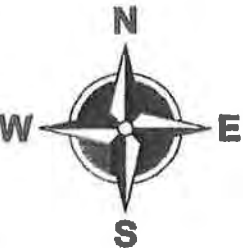
179d49'30" 12220mm

LOT 5

CARLISLE STREET

stormwater

Sump



0m 2m 4m 6m 8m 10m
SCALE
1:200

SITE PLAN



SCALE

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fairmonthomes.com.au
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Builders Licence No: 180013

PROPOSED DWELLING FOR
AT LOT NO.

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

AREAS SQM	DRAWN	GN
MAIN BUILDING	DATE	31/10/13
VERANDAH	CHECKED	
PORCH	DATE	
GARAGES & CARPORT	COUNCIL	
TOTAL		

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INFRINGEMENT IN WHOLE OR PART UNLESS
WRITTEN AUTHORITY IS GIVEN BY THE BUILDER.

OWNERS
PN06013-A

APPLICATION DETAILS

PROPOSAL	Construction of a domestic outbuilding - shed (measuring 9.5m x 8.0m x 3.6m wall height) and Swimming Pool with associated safety fencing
APPLICANT	Benjamin T Garden
OWNER	BT and CL Garden
APPLICATION NO	960/615/2018
CERTIFICATE(S) OF TITLE	CT 5857/281
AREA	830sqm approx.
CURRENT USE	Residential
DEVELOPMENT PLAN VERSION	Consolidated 11 August 2016
ZONE	Township
POLICY/PRECINCT AREA	7 – Residential
OVERLAYS	Character Preservation District (Township/Excluded)
APPLICATION TYPE	Merit
CATEGORY OF DEVELOPMENT	Category 1
REFERRALS	Nil
PREVIOUS APPLICATIONS	960/1110/2013 (Verandah attached)
ASSESSING OFFICER	Jake Boswell
RECOMMENDATION	That Development Plan Consent be GRANTED

BACKGROUND

This development application seeks retrospective development approval for both a domestic outbuilding (shed) and swimming pool with associated safety fencing. The swimming pool, safety fencing and domestic outbuilding have been constructed on the site, both in association with an existing dwelling. Council became aware of the structures being constructed without approval, although no complaints were raised against the structures. A development application was submitted to Council for assessment, seeking development approval, upon informing the landowner of the need to do so.

The swimming pool is an entirely new structure, erected predominately above ground and partially below ground. The domestic outbuilding had been constructed as a replacement of a cluster of connected, smaller outbuildings.

The domestic outbuilding that has been erected on the site stands at 9.5m x 8m x 3.8m, however this application seeks a reduction in overall wall height to 3.6m. The building will be setback 600mm from both the rear and northern side boundaries.

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) Where in the opinion of the sub-delegate, it is appropriate to refer the application to the Barossa Assessment Panel.

PUBLIC NOTIFICATION

The application is a Category 1 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.

Subsequently no public notification has been undertaken.

SITE AND LOCALITY

The site is an allotment of approximately 830sqm and currently features a single storey detached dwelling with associated domestic structures, including verandahs and a carport. The site contains frontage to a local road (Wild Street) and contains no native vegetation. The site slopes downward toward the rear of the site, such that the rear of the site is the lowest part of the land.

The locality predominately consists of residential land comprising single storey detached dwellings and associated domestic structures with varying allotment sizes. Adjacent the north of the subject site is a community title group dwelling (units) development, with all other adjacent allotments comprising land similar in size to that of the subject site. Approximately 100m north of the subject site is Mount Crawford Road, a secondary arterial road under the care and control of the State; approximately 200m south commences a Rural Living Zone.

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

The site is located within the Residential Policy Area as shown in *Figure 2*.

The site is located within the Character Preservation District 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 9*.

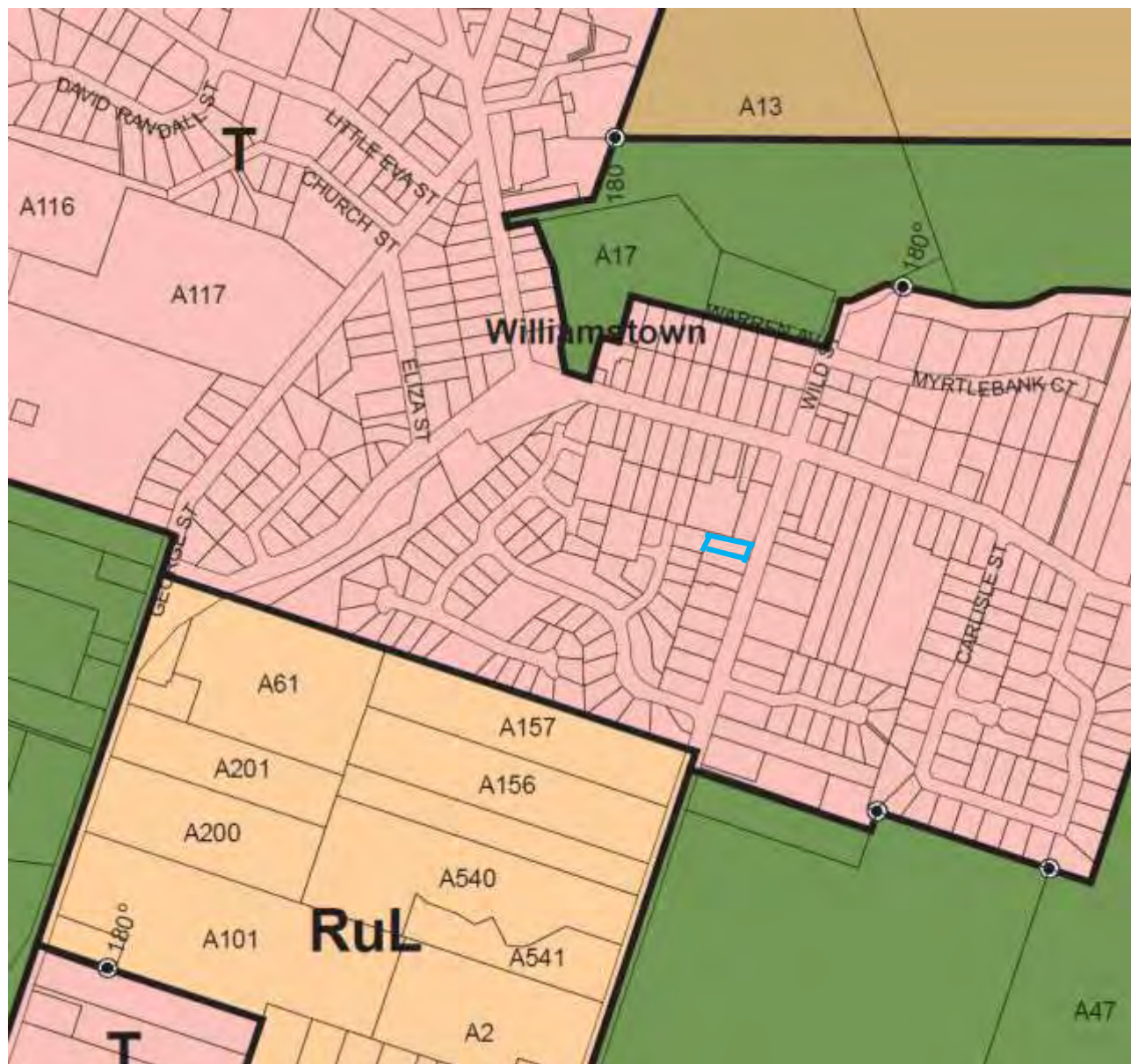


Figure 1: Zone Map

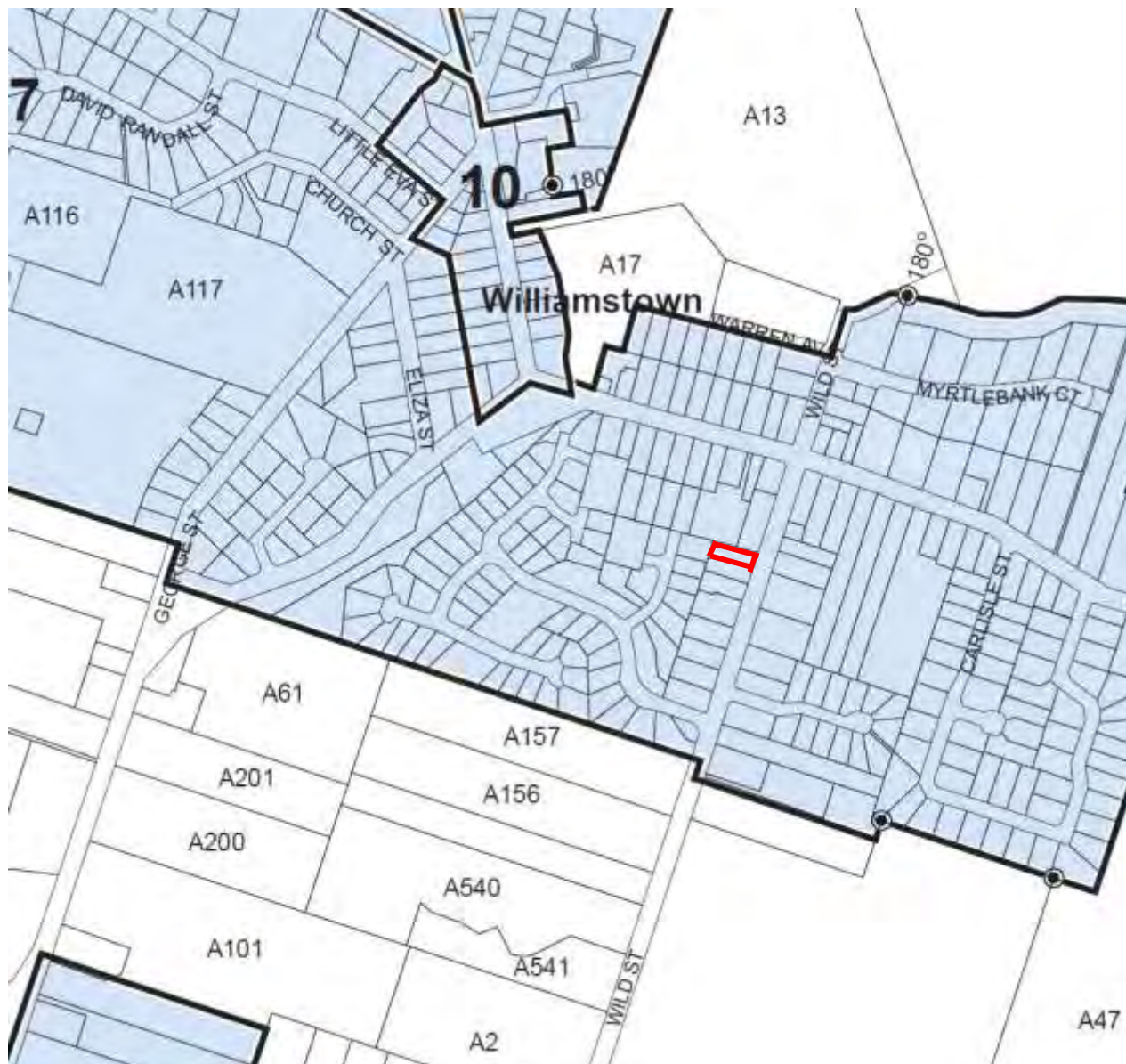


Figure 2: Policy Area Map

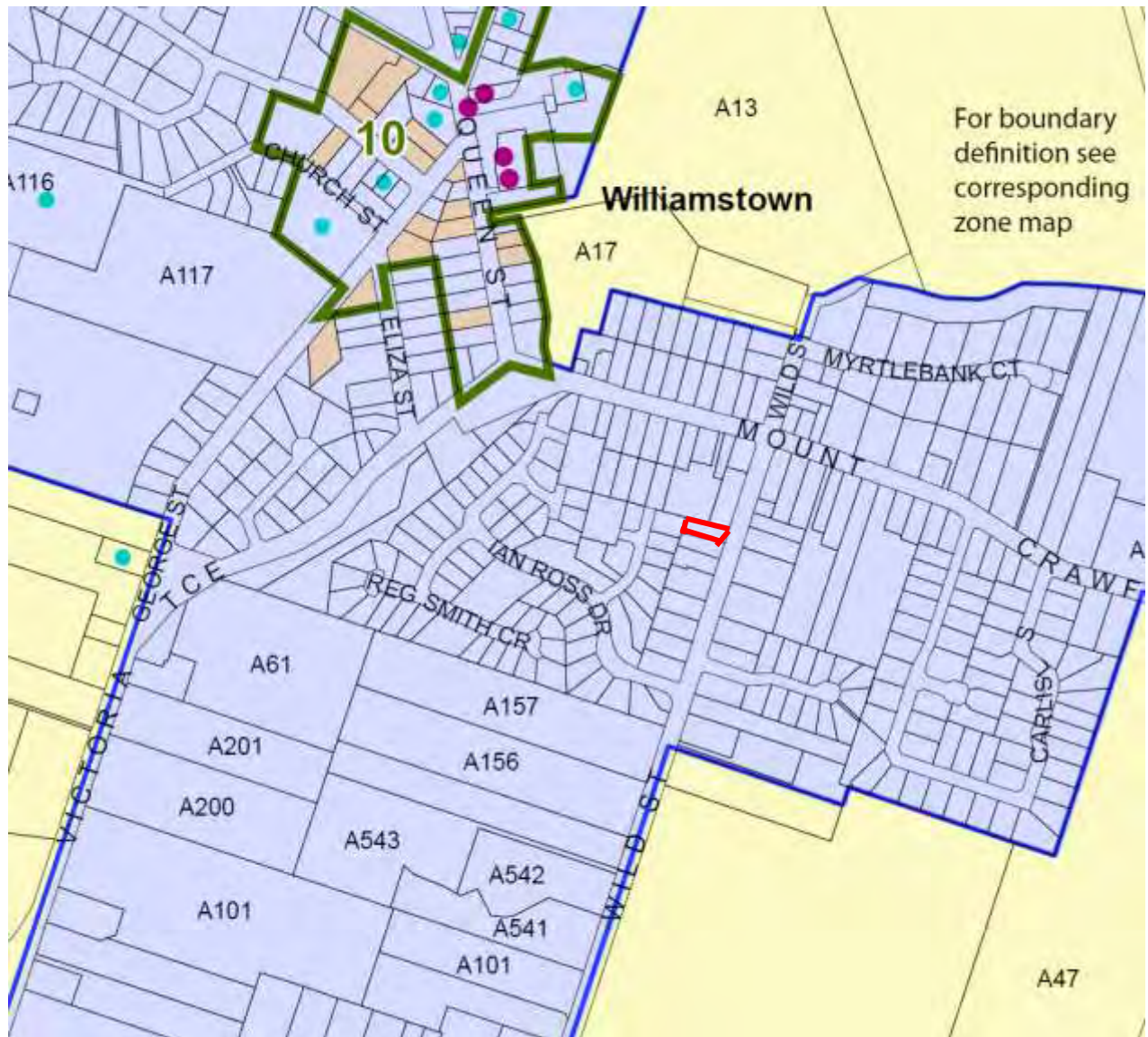


Figure 3: Overlay/Precinct Map



Figure 4: Aerial – Locality



Figure 5: Aerial – Site



Figure 6: Site Photo – Existing shed (at 3.8m walls)



Figure 7: Site Photo – Shed and Pool



Figure 8: Site Photo – Northern boundary setback



Figure 9: Site Photo – Western (rear) boundary setback

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
STREET SETBACK Township Zone Residential Policy Area – 7 PDC 6	No closer than any building on the site, or adjacent site	Complies with standard: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Partial
SIDE/REAR SETBACKS Township Zone Residential Policy Area – 7 PDC 6	Side 1.5m (for wall heights above 2.7m)	0.6m setback Complies with standard: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Partial
	Rear 1.5m (for wall heights above 2.7m)	0.6m setback Complies with standard: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Partial
OUTBUILDINGS Township Zone Residential Policy Area – 7 PDC 6	max height 3m above natural ground level max area of 100m ²	3.6m above natural ground level 76sqm Complies with standard: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Partial The proposed outbuilding contains a wall height that exceeds the prescribed maximum for this policy area, however is of a floor area that is 24% below the prescribed maximum.

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 subject land is located within the Township area as designated by the Character Preservation (Barossa Valley) Act 2012. The development will not be visible from any public space and will not impinge upon the existing character of the township.

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.

General Section

Design and Appearance

Objective 1 PDCs 1, 2, 4(a) and (b), and 5

The proposed domestic outbuilding is of a size that is larger than other similar buildings within the locality. Typically, domestic outbuildings in the locality comprise wall heights not exceeding 3m. This will therefore result in the proposed structure being one of the larger domestic outbuildings within the locality.

The building proposes to be sited 600mm from both the rear and northern side boundaries. While this is greater than the building it seeks to replace, it will result in a not-insignificant bulk when viewed from those same adjacent allotments. The building shall contain a relatively low roof pitch of approximately 12 degrees which does limit the overall height of the building in any case.

The length of the structure parallel to the northern side boundary is 9.5m. This is not an unreasonable length for a domestic outbuilding, with this length containing a static 3.6m height. The rear-parallel length is proposed at 8m, which is not an unreasonable length for this type of structure. This rear-length shall incorporate the gable-end, comprising a ridge height of approximately 4.5m above natural ground level.

Some overshadowing may occur to the western adjoining (rear) allotment, however this is unlikely to be unreasonable and shall allow for adequate sunlight to that land for considerable hours daily. Moreover, there is unlikely to be any unreasonable overshadowing occurring to the northern adjoining allotment, as that land is sited north of the subject site.

Further, while both the rear and northern-side adjoining allotments naturally can view over the subject land, as per typical domestic arrangements, there is no notable vistas which are restricted by the proposed development.

All other Objectives and PDCs are deemed to comply.

Residential Development Design and Appearance Garages, Carports and Outbuildings Swimming Pools and Outdoor Spas

Objective 1 PDCs 9, 12, 13, 14, 20, 21, and 42

The site shall not unreasonably restrict solar access to adjoining allotments. The rear-adjoining western land shall maintain sufficient winter light to open space and habitable rooms of the dwelling. The northern-side adjoining allotment is situated to the north and therefore shall not experience any unreasonable overshadowing nor restriction to winter light. The dwelling on the northern-adjoining site does not contain

any windows (habitable or otherwise) facing the development proposed herein.

The domestic outbuilding does not dominate the streetscape by virtue of not being visible from the streetscape.

The building is to be clad in Classic Cream, with Manor Red for the roofing and trimmings. These colours are relatively common in the locality and are unlikely to result in any unreasonable levels of glare.

The pump/filtration system associated with the swimming pool is located a minimum of 8m from the nearest dwelling. This is not uncommon within a residential context and there is unlikely to be an unreasonable noise impact resulting from this aspect of the development.

All other Objectives and PDCs are deemed to comply.

Siting and Visibility

Objective 2
PDCs 4(a) and (b)

The domestic outbuilding contains a relatively low roof pitch of approximately 12 degrees. However, the wall height of 3.6m will ensure this building remains visible to adjacent residences. Particularly, a 600mm setback will increase the bulk of this building from the rear and north-adjointing sites, such that it's visual dominance/bulk is not insignificant. The applicant was consulted in regards to further reducing the height or increasing the side setbacks, however as the structure is already existing elected to continue as proposed.

The building is sited with a floor level that is at natural ground level (consistent with adjoining site levels), therefore not artificially inflating any potential visual impact. It is also noted that the floor area of this building is not overly large within a domestic context, thus assisting to minimise the overall bulk of the building.

While the height is considerable, the appearance of the structure is consistent with typical domestic outbuildings and contains blank walls for all lengths with minimal articulation. A varied colour scheme between the roof and walls should add visual interest.

All other Objectives and PDCs are deemed to comply.

Zone Section

Township Zone

Objectives 2 and 5

Domestic outbuildings and swimming pools are typical structures within a residential context. The general nature of these proposed structures are not inconsistent with the objectives or desired 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

The development shall not be visible from any public space, and shall not impinge upon the general amenity of the township.

The desired character seeks generous side and rear setbacks. When viewed in the context of the locality, numerous domestic structures are located either on the boundary or with a 600mm setback. However, this development's height and setbacks do not conform to the Development Plan's quantitative provisions. While swimming pools and domestic outbuildings are generally contributory to a low density character, the development is not wholly consistent with the desired character of the Zone.

Land Use

PDCs 1 and 2

Domestic outbuildings in association with a dwelling are envisaged forms of development within the Zone. Domestic structures (which could reasonably incorporate a swimming pool) are also envisaged within the Zone. Neither components of development are non-complying within this Zone.

All other Objectives and PDCs are deemed to comply.

Form and Character	<p>PDC 6</p> <p>As discussed above, the development is not wholly consistent with the desired character statement, but does generally contribute to the desired character of the Zone.</p> <p>All other PDCs are deemed to comply.</p>
<i>Policy Area Section</i>	
Residential Policy Area 7	<p>Objectives 1 and 2</p> <p>The proposed development is not wholly consistent with the intent of the desired character of the policy area, and may impinge upon the low density nature of the policy area by virtue of the outbuilding height and boundary setbacks.</p> <p>All other PDCs are deemed to comply.</p>
Desired Character	<p>It is expected that development will be primarily for residential purposes at low densities consistent with the maintenance of a small country township character.</p> <p><u>Williamstown</u></p> <p>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.</p>
Land Use	<p>PDC 1</p> <p>Domestic outbuildings associated with a dwelling is envisaged in this policy area. Swimming pools are not a noted envisaged type of development, however are generally common within the locality.</p>
Form and Character	<p>PDCs 1, 5 and 6</p> <p>The nature of the development is generally consistent with the desired character for the policy area.</p> <p>Domestic outbuildings should be designed with a maximum floor area of 100sqm and contain a maximum wall height from natural ground level of 3m. Where wall heights exceed 2.7m, a 1.5m side and rear setback should be achieved.</p> <p>The development contains a floor area of 76sqm, subsequently 24% under the prescribed maximum. However, the domestic outbuilding is proposed with a wall height of 3.6m from natural ground level, and rear/side setbacks of</p>

0.6m. These quantitative provisions are therefore not achieved by the development.

CONCLUSION

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 proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To GRANT Development Plan Consent for Application No. 960/615/2018 by Benjamin T Garden to undertake Construction of a domestic outbuilding - shed (measuring 9.5m x 8.0m x 3.6m wall height) and Swimming Pool with associated safety fencing at 20 Wild Street, Williamstown (CT 5857/281) 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. 960/615/2018 including:
 - Block Plan, prepared by applicant, dated 1 November 2018
 - Elevations East and West, prepared by applicant, Amended dated 23 April 2019;
 - Elevations North and South, prepared by Applicant, Amended dated 23 April 2019;
 - Roof Beam Layout, prepared by Applicant, dated 1 November 2018

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

- (2) 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 fully installed at the completion of the construction of the building with adequate measures deployed during construction to ensure the temporary disposal of surface or roof water does not affect neighbouring properties, to the satisfaction of Council.

Reason: To ensure that stormwater is adequately managed at the site.

- (3) The domestic outbuilding (shed) herein approved shall not be used for human habitation or occupation, or industrial or commercial use, at any time.

Reason: To ensure that the building is not used for a purpose other than for which it is authorised.

- (4) The domestic outbuilding (shed) herein approved, shall only be used for domestic storage purposes at all times, to the reasonable satisfaction of Council.

Reason: To ensure that the building is not used for a purpose other than for which it is authorised.

- (5) Any noise generating activity undertaken at the site must be undertaken in accordance with the provisions of the Environment Protection (Noise) Policy 2007, and such that any resulting noise is not considered a nuisance, to the satisfaction of Council, including any pump/filtration infrastructure.

Reason: To ensure that the proposal is able to comply with the requirements of the Environment Protection (Noise) Policy 2007.

Advisory Notes

- (1) Any variation from the approved use or the approved application and the conditions of consent will require further application and approval from Council or other relevant planning authority. Approval of this application does not imply that future applications for variations will be approved. Any future application will be assessed by having regard to the relevant rules in force at the time it is lodged.
- (2) Any portion of Council's infrastructure damaged as a result of work undertaken within the development site or associated with the development shall be repaired/reinstated to Council's satisfaction at the developer's expense.

6.2 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: Benjamin Thomas Garden
 Postal Address: Po Box 16 Williamstown Post Code: 5351
 Phone: 08 8524 7034 Mobile: 0407 900 723 Fax: /
 Email: Bengun1@outlook.com

OWNER: Benjamin Thomas Garden
 Postal Address: Po Box 16 Williamstown Post Code: 5351
 Phone: 08 8524 7034 Mobile: 0407 900 723 Fax: /
 Email: Bengun1@outlook.com

ARE YOU GOING TO BE AN OWNER BUILDER? ☒ YES ☐ NO
RECEIVED

BUILDER: /
 Postal Address: / Post Code: /
 Phone: / Mobile: / Fax: /
 Email: / Builders Licence No.: /

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

CONTACT PERSON FOR FURTHER INFORMATION: Name: Ben Garden
 Phone: 08 8524 7034 Mobile: 0407 900 723 Fax: /
 Email: Bengun1@outlook.com

DESCRIPTION OF PROPOSED DEVELOPMENT: New Shed Plus Pool

EXISTING LAND USE: /

AREA (m²) OF PROPOSED DEVELOPMENT: 76 m²

LOCATION OF PROPOSED DEVELOPMENT:

House No: 20 Street: Wild Street Town: Williamstown

Lot No: / Section: / Hundred: /

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

BUILDING RULES CLASSIFICATION SOUGHT: / 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): \$ 6500

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: B. Garden Dated: 31/10/18

DEVELOPMENT REGULATIONS 2008**DECLARATION OF APPLICANT**
(Pursuant to Clause 2A(1) of Schedule 5)

TO: The Barossa Council
43-51 Tanunda Road
PO Box 867
NURIOOTPA SA 5355

OFFICE USE ONLY	
DEVELOPMENT NO.:	960/ _____ / _____
PROPERTY NO.:	_____

APPLICANT: <u>Benjamin Thomas Garden</u>			
Postal Address:	<u>Po Box 16 Williamstown</u>	Post Code:	<u>5351</u>
Phone:	<u>08 8524 7034</u>	Mobile:	<u>0407 900 723</u>
Fax:	_____		
Email:	<u>Bengun1@outlook.com</u>		

DATE OF APPLICATION: 31/10/18

LOCATION OF PROPOSED DEVELOPMENT:			
House No:	<u>20</u>	Street:	<u>Wild Street</u>
Town:	<u>Williamstown</u>		
Lot No:	_____	Section:	_____
Hundred:	_____		
Certificate of Title(s):	Volume: _____	Folio:	_____

NATURE OF PROPOSED DEVELOPMENT:	<u>New Shed Plus Pool</u>

I Ben Garden (insert name) being the applicant/a person acting on behalf of the applicant (delete the inapplicable statement) for the development described above declare that the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the Regulations prescribed for the purposes of Section 86 of the *Electricity Act 1996*. I make this declaration under Clause 2A(1) of Schedule 5 of the *Development Regulations 2008*.

Signed: Ben Garden Date of Declaration: 31/10/18



Title Register Search

LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

Annexure A
(2 pages)

REGISTER SEARCH OF CERTIFICATE OF TITLE * VOLUME 5857 FOLIO 281 *

COST : \$17.40 (GST exempt)

REGION : FAX 0885233516

AGENT : RALB BOX NO : 140

SEARCHED ON : 24/02/2009 AT : 15:56:13

PARENT TITLE : CT 4006/865

AUTHORITY : CONVERTED TITLE

DATE OF ISSUE : 18/10/2001

EDITION : 3

REGISTERED PROPRIETOR IN FEE SIMPLE

JODEE BERNADETTE DAWES OF PO BOX 817 WILLIAMSTOWN SA 5351

DESCRIPTION OF LAND

ALLOTMENT 169 FILED PLAN 5891
IN THE AREA NAMED WILLIAMSTOWN
HUNDRED OF BAROSSA

EASEMENTS

NIL

SCHEDULE OF ENDORSEMENTS

10950385 MORTGAGE TO ING BANK (AUSTRALIA) LTD.

NOTATIONS

DOCUMENTS AFFECTING THIS TITLE

NIL

REGISTRAR-GENERAL'S NOTES

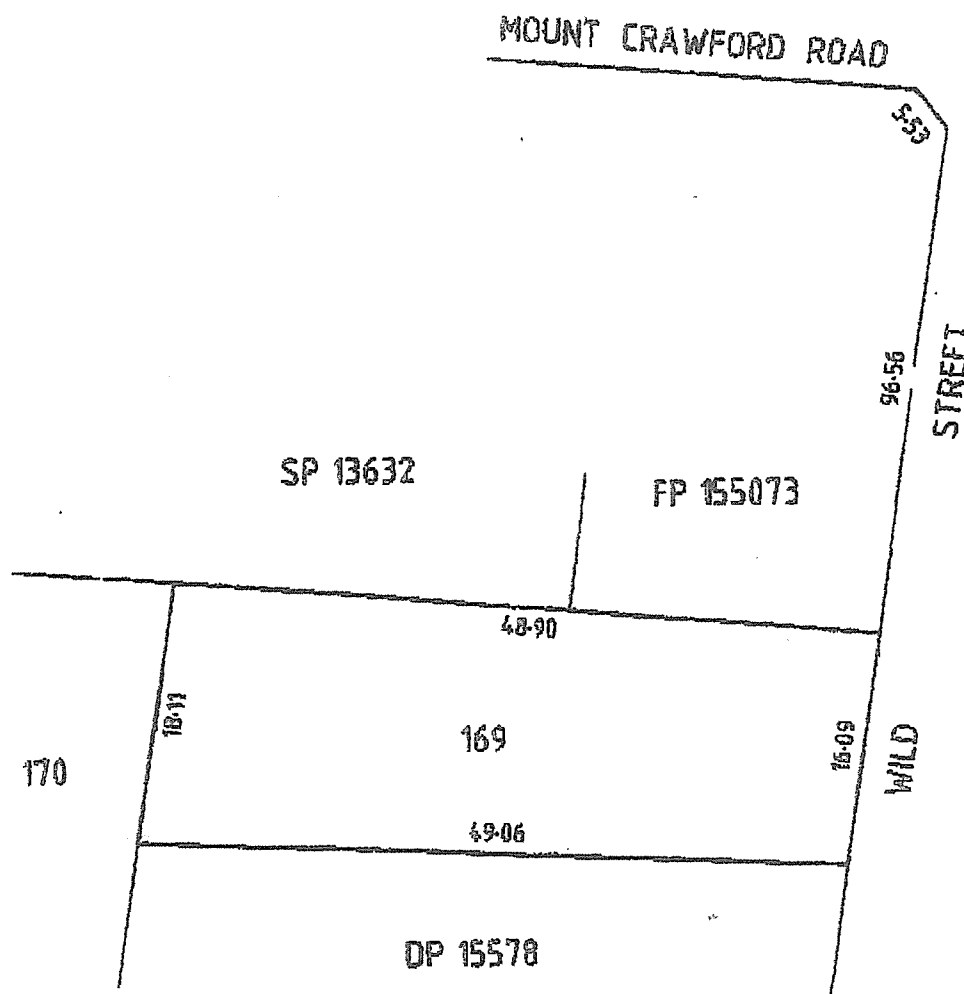
NIL



LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA

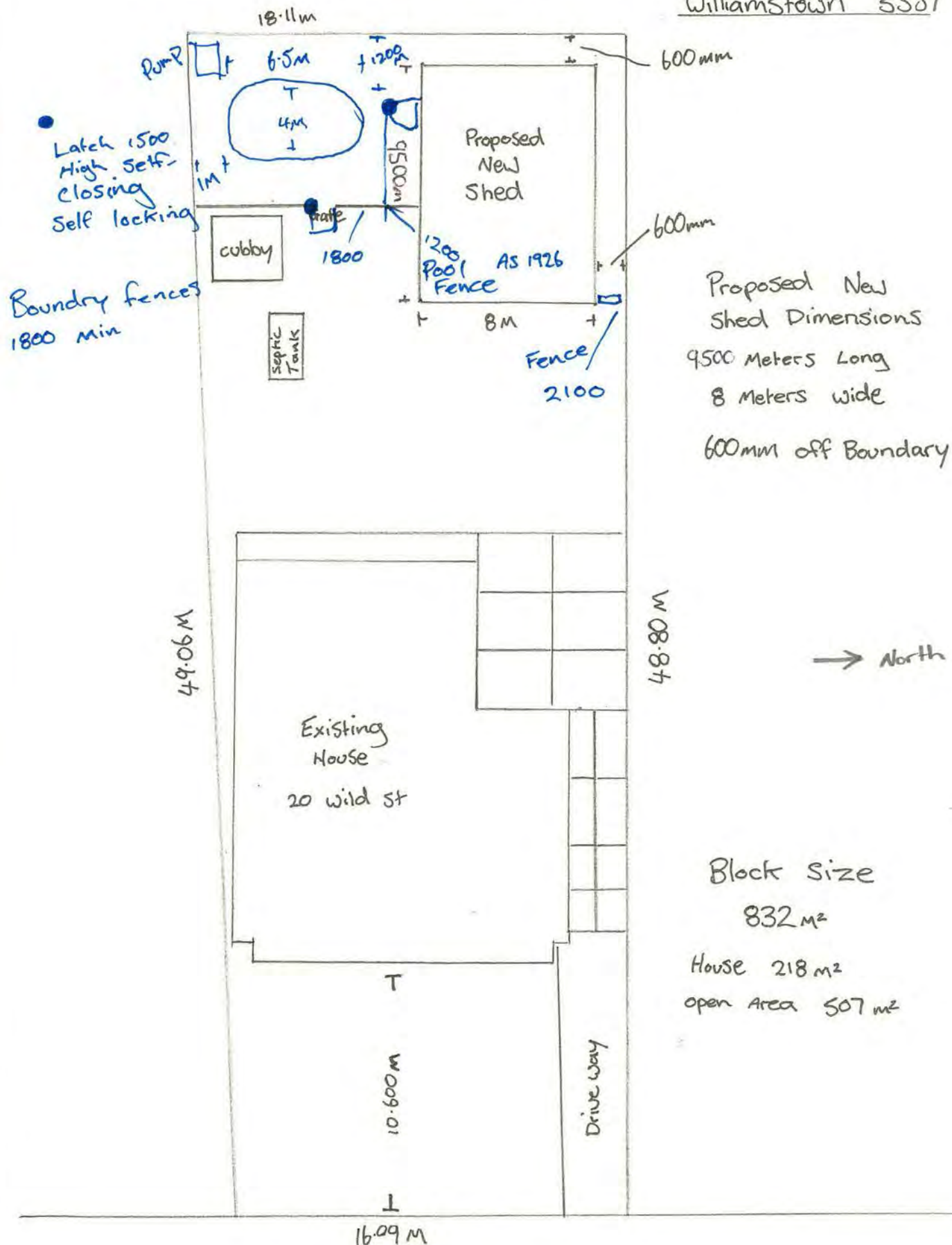
DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5857 FOLIO 281

SEARCH DATE: 24/02/2009 TIME: 15:56:13



Block Plan For Proposed Shed At 20 Wild ST

Williamstown 5351

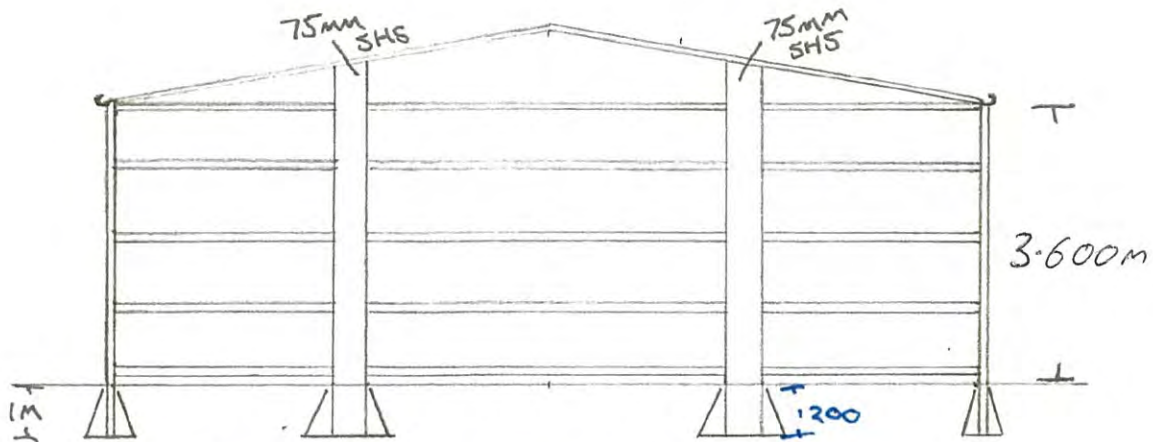


RECEIVED
23 April 2019
The Barossa Council

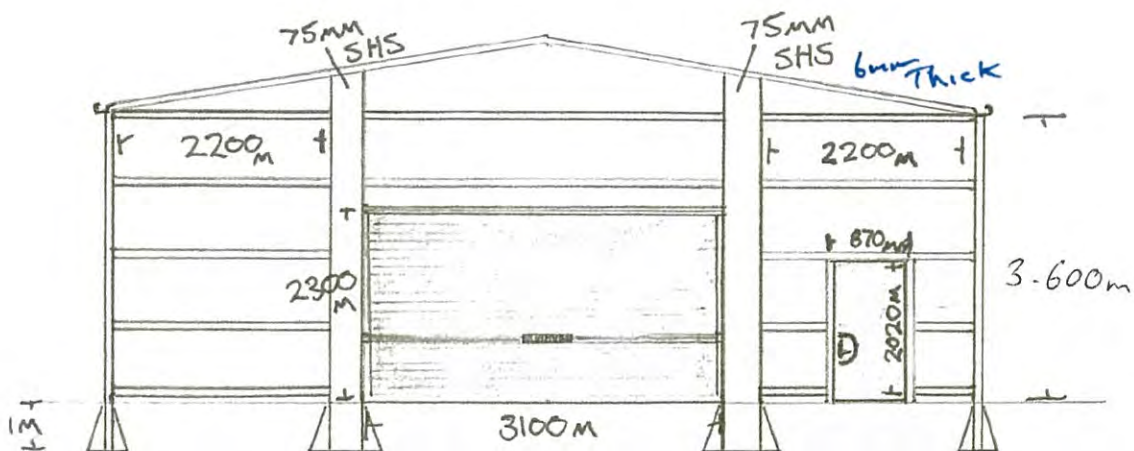
Elevations East An West

For Proposed shed & openings

20 Wild Street Williamstown 5351



Back Elevation Looking
East



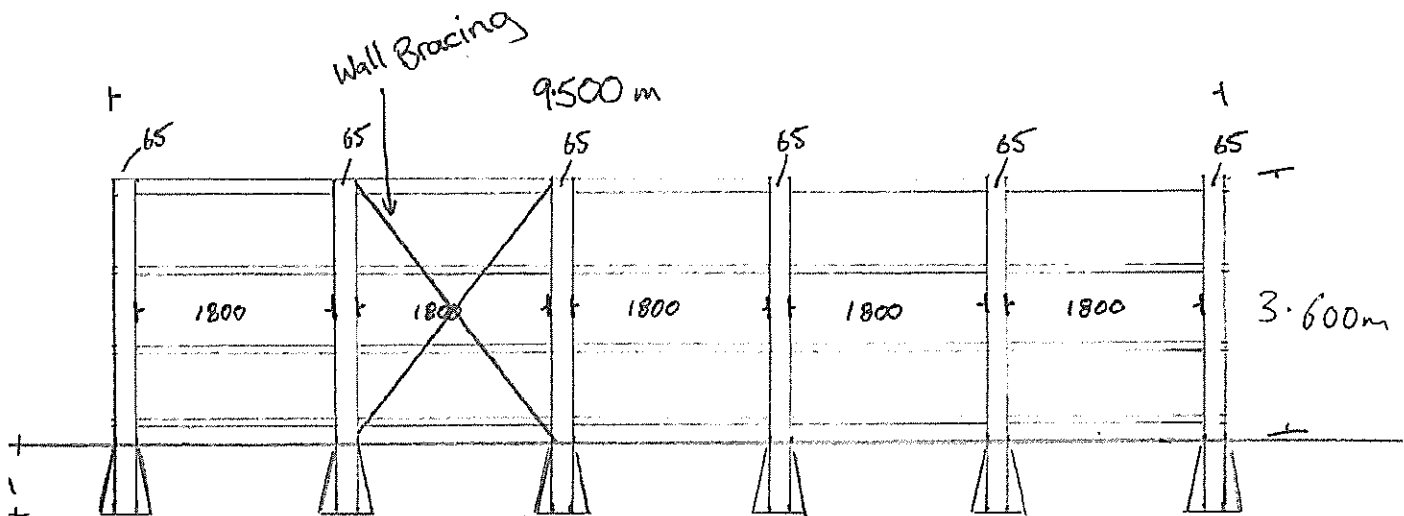
Front Elevation Looking
West

* All clad in Colorbond

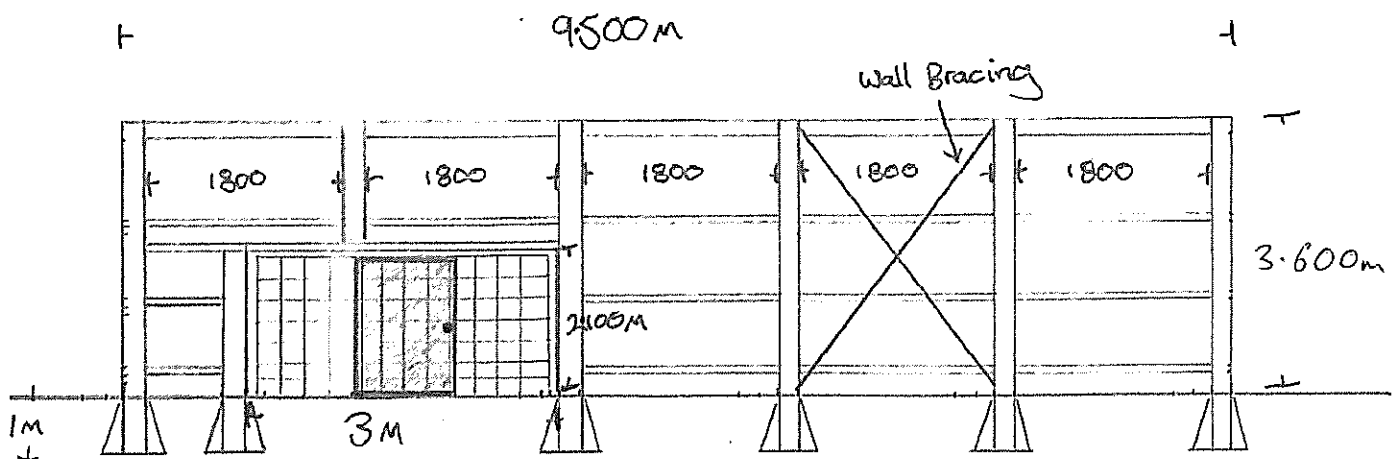
→ Walls Classic Cream; Roof + Trim Manor Red

RECEIVED
01 November 2018
The Barossa Council

Elevations North An South
For Proposed Shed & Openings
20 Wild Street Williamstown 5351



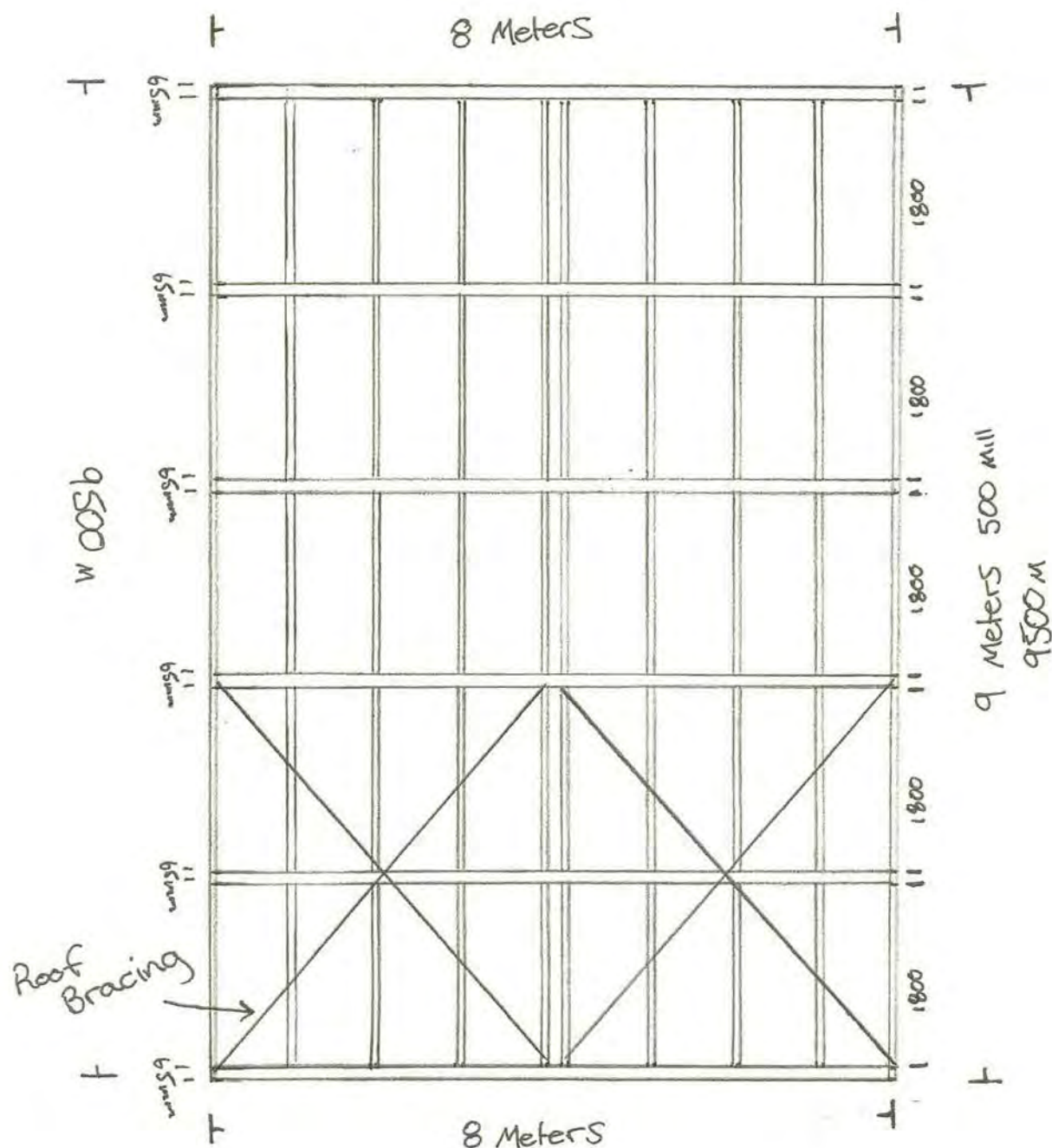
Side Elevation Looking South



Side Elevation Looking North

Roof Beam Layout For Proposed Shed

At 20 Wild Street Williamstown 5351



All Beams 150 c Section 1.9mm thick

→ North

All Bolts 12mm x 30mm B.8 Structural.

Brackets Are GPB And AC Plus

Stratco Apex Brackets.

17.75° Pitch

Footings 400/400 1M Deep

Agenda - Barossa Assessment Panel - 7 May 2019

RECEIVED
01 November 2018
The Barossa Council

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

Nil.

8. REPORTS – DEFERRED APPLICATIONS FOR DECISION

Nil.

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
960/298/2018	John Vyden	403 Jutland Road Springton	Demolition of existing dwelling; and Construction of a single-storey, detached dwelling with porch and alfresco under main roof	Awaiting SPC Concurrence (2/4/2019 panel meeting)

RECOMMENDATION

That the report be received.

10. REPORTS – OTHER BUSINESS

Nil.

11. REPORTS – CONFIDENTIAL

Nil.

12. NEXT MEETING

Tuesday 4 June 2019 commencing at 5.00 pm.

13. CLOSURE OF MEETING