

BAROSSA ASSESSMENT PANEL

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

Tuesday, 7 May 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 5:00pm.

2. ATTENDANCE

2.1 Present

Panel Members

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|------------------|------------------|
| Bruce Ballantyne | Presiding Member |
| Rob Veitch | Member |
| Grant Hewitt | Member |
| Deirdre Reiman | Member |
| Richard Miller | Member |

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|-----------------|--------------------|
| Louis Monteduro | Assessment Manager |
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Council Staff

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|----------------|--|
| Gary Mavrincac | Director, Development and Environmental Services |
| Janine Lennon | Senior Assessment Officer, Planning |
| Chris Kruger | Minute Secretary |

2.2 Apologies

Nil.

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 Tuesday 2 April 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

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

Benjamin Nelson (Applicant and owner) answered questions from the Panel.

Recommendation

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

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

Panel Decision

Moved: R Miller

Seconded: G Hewitt

That the recommendation be adopted.

CARRIED

6.2 960/615/2018 (20 Wild Street Williamstown)

Benjamin Garden (Applicant and owner) answered questions from the Panel.

Recommendation

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

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

Panel Decision

Moved: R Miller

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 proposed development is not seriously at variance with The Barossa Council Development Plan.
- (c) To REFUSE Development Plan Consent for Application No. 960/615/2018 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) for the following reasons:

The proposed development is contrary to:

- Township Zone Objectives 2 & 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 or setback parameters sought for outbuildings in this Policy Area.

CARRIED

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

Nil.

8. REPORTS – DEFERRED APPLICATIONS FOR DECISION

Nil.

9. REPORTS - PANEL UPDATES

9.1 SCAP Concurrence Matter

Recommendation

That the report be received.

Panel Decision

Moved: D Reiman

Seconded: R Miller

That the recommendation be adopted.

CARRIED

10. REPORTS - OTHER BUSINESS

Barossa Assessment Panel appointments

A report will be presented to the 21 May 2019 Council meeting, recommending that Council appoint the members of the current Barossa Assessment Panel for the period of 1 July 2019 – 30 June 2020, pending Expressions of Interest to be called for future membership in line with the Accredited Professionals Scheme.

Apologies for July 2019 Barossa Assessment Panel

B Ballantyne and L Monteduro tendered apologies for the July 2019 meeting.

11. REPORTS – CONFIDENTIAL

Nil.

12. NEXT MEETING

Tuesday 4 June 2019 commencing at 5.00pm.

13. CLOSURE OF MEETING

The Presiding Member declared the meeting closed at 5:31pm.

Confirmed

Date: Chairman: