

NOTICE OF MEETING

Notice is hereby given in accordance with
Section 83 of the *Planning, Development and Infrastructure Act 2016*,

Council Assessment Panel Meeting **of the**



will be held in

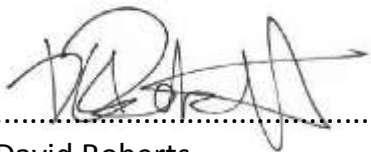
by electronic means

Public access to the meeting will be via

<https://www.youtube.com/channel/UctMO9nfkK2HBYiFxWe4APYQ>

on

Friday 17 December 2021
at 2:30pm

A handwritten signature in black ink, appearing to read "David Roberts", is written over a horizontal dotted line.

David Roberts

ASSESSMENT MANAGER

In light of the ongoing COVID-19 public health emergency, and social distancing requirements, **public access to the meeting will be facilitated via live stream on Council's YouTube channel <https://www.youtube.com/channel/UctMO9nfkK2HBYiFxWe4APYQ>**. A Zoom link will be provided to representors and applicants presenting to the Panel.

AGENDA

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Number

1 ATTENDANCE RECORD

1.1 Present

1.2 Apologies

1.3 Not Present/Leave of Absence

2 MINUTES

3 DECLARATION OF INTEREST

4 REPORTS FOR DECISION

5 REPORTS FOR INFORMATION

6 REVIEW OF ASSESSMENT MANAGER DECISION

Determine whether to uphold or overturn a decision of the Assessment Manager

6.1 21023790 – C Houston – Domestic Outbuilding – 4 Honeysuckle Drive Two Wells – CT 6241/706 **3**

6.2 21014664 – D & J Stuart – Domestic Outbuilding – 2 Honeysuckle Drive Two Wells – CT 6241/710 **15**

7 Other Business

8 CONFIDENTIAL ITEMS

9 NEXT MEETING

Wednesday 2 February 2022 at 5:30pm

10 CLOSURE

C Houston	
Review of Decision of Assessment Manager to Refuse planning consent	
Application Number	21023790
Applicant	C Houston
Development Proposal	Construction of a domestic outbuilding (shed)
Subject Land	4 Honeysuckle Drive Two Wells (CT6241/706)

CONTEXT

A new role of the Assessment Panel under the PDI Act 2016 that came into operation on 19 March 2021 is to hear appeals against certain decisions made by the Assessment Manager.

Section 203 of the PDI Act provides that the Panel may determine its own procedures in relation to an application for review of an Assessment Manager decision. Refer

The following Applicant has exercised their rights pursuant to section 202(1)(b)(i)A of the *Planning, Development and Infrastructure Act 2016* (“the PDI Act”) to apply to the Council Assessment Panel (“the CAP”) for review of a prescribed matter. In this instance, the prescribed matter is a decision to refuse to grant planning consent to the proposed development as described below.

- C Houston –4 Honeysuckle Drive, Two Wells SA 5501 – Construction of a domestic outbuilding shed (7.6m x 12..2 m x wall height 3.0m) (DA 21023790)

Accordingly, please find **enclosed** two applications for review that have been submitted in the prescribed form pursuant to section 203(1) of the *Planning, Development and Infrastructure Act 2016*.

Decision Review Request

The following legislation is applicable:

Where an applicant wishes to challenge a decision on a “prescribed matter” made on a development application made by the Assessment Manager (or his or her delegate), Section 202 (1)(b)(i)(A) permits the applicant to apply to the CAP to review the decision.

A **prescribed matter** is defined under section 201 of the PDI as follows:

Prescribed matter, in relation to an application for a development authorisation, means –

- (a) any assessment, request, decision, direction or act of a relevant authority under this Act that is relevant to any aspect of the determination of the application; or
- (b) a decision to refuse to grant the authorisation; or
- (c) the imposition of conditions in relation to the authorisation; or
- (d) subject to any exclusion prescribed by the regulations, any other assessment, request, decision, direction or act of a relevant authority under this Act in relation to the authorisation.

Meeting Procedures

Item 1.10 of the Council Assessment Panel Meeting Procedures (“the Procedures”) provides that *the Presiding Member, or two or more CAP Members, may by delivering a written request to the Assessment Manager require a special meeting of the CAP to be held. The written request must be accompanied by the agenda for the special meeting.*

Item 1.11 of the Procedures provide that *on receipt of a request pursuant to clause 1.10, the Assessment Manager must determine the date, time and place of the special meeting and give notice to all CAP members at least 4 hours before the commencement of the special meeting.*

Options Available to the CAP on Review of the Prescribed Matter

Pursuant to section 203(4) of the PDI Act, the CAP can either affirm, vary or set aside and substitute its own decision in regards to the decision being reviewed.

The CAP must now review the decision made by the Assessment Manager on the documents provided as Annexures to this report, being:

[insert documents] Assessment report prepared by Miss Tran recommending REFUSAL

To assist the CAP, I have provided recommendations for each possible decision that the CAP may wish to make on review

RECOMMENDATION

1. Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of Development Application Number 21023790 against the Planning and Design Code, the application IS seriously at variance with the provisions of the Planning and Design Code. The application is, therefore, refused.

RECOMMENDATION

2. Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of Development Application Number 21023790 against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code.
3. Pursuant to Section 203(3) of the *Planning, Development and Infrastructure Act 2016*, the Council Assessment Panel having considered documents, written submissions, reports, plans, specifications or other documents lodged with, or received by, the Assessment Manager in relation to the matter and any other relevant material requested resolves that -

Option 1

Pursuant to Section 203(4)(a) of the *Planning, Development and Infrastructure Act 2016*, that the decision being reviewed is affirmed and planning consent is refused for Development Application Number 210237904 by C Houston – Construction of a domestic outbuilding shed (7.6m x 12.2 m x wall height 3.0m) at 4 Honeysuckle Drive, Two Wells SA 5501 for the following reasons:

The proposed development is contrary to the following provisions of the Design Code.

Master Planned Township Zone – (Ancillary Structures and Buildings) PO 17.1 and DTS/DPF 17.1

Reason: *The proposed development will detract from the streetscape or appearance of buildings on the site or neighbouring properties.*

General Development Policies – Design – DO 1

Reason: *The proposed development is not contextual and will not positively contribute to the character of the immediate area.*

General Development Policies – Design – (Ancillary Development) PO 13.1 and DTS/DPF 13.1

Reason: *The proposed development will detract from the streetscape or appearance of buildings on the site or neighbouring properties.*

Option 2

Pursuant to Section 203(4)(b) the *Planning, Development and Infrastructure Act 2016* that the decision being reviewed is to be varied as followed:

INSERT DETAILS OF THE VARIED DECISION

Option 3

Pursuant to Section 203(4)(c) of the *Planning, Development and Infrastructure Act 2016* that the decision being reviewed is set aside and the following decision is to be substituted:

INSERT DETAILS OF THE DECISION

Delegates Report recommending refusal for 21023790 C Houston

Application Number	21023790
Applicant	C Houston
Development Proposal	Construction of a domestic outbuilding (shed)
Subject Land	4 Honeysuckle Drive Two Wells (CT6241/706)
Zone	Master Planned Township
Subzone	Emerging Township Activity Centre
Assessment Path	Performance Assessed
Public Notification	Not required
Representation(s)	N/A
External Referrals	Nil
Lodgement Date	13 October 2021
Code Version	23 September 2021
Assessing Officer	Nikki Tran
Recommendation	Planning Consent be REFUSED

BACKGROUND

An application was lodged in August 2021 for the construction of a domestic outbuilding. Upon commencement of the assessment, the applicant was advised that the proposal exceeded the provisions for outbuildings in the Master Planned Township zone and was offered the opportunity to alter the proposal. The applicant reduced the wall height to meet the wall height provisions and increased the setback distances to be further away from the side and rear boundary. The applicant has decided not to reduce the floor area any further and agreed to put the application to the Council Assessment Panel for a decision.

PROPOSAL

The proposal seeks to construct a domestic outbuilding (shed) on the north-western corner of the subject land.

The proposed development will be 12.2m wide and 7.6m deep (92.7m²) and will have a wall height of 3m and an overall roof height of 3.9m. The proposed development will be set back 1m from the western side boundary and 2m from the rear boundary, and will be finished in Colorbond® monument.

The full set of plans, documents and supporting information lodged with Council is contained within Attachment 1.

SITE AND LOCALITY

The subject land is formally described as Lot 73, 4 Honeysuckle Drive Two Wells and on Certificate of Title Volume 6241 Folio 709. There are no easements of rights of way registered on the Title.

Delegates Report recommending refusal for 21023790 C Houston

The subject land is rectangular in shape with a frontage of 20m and a depth of 45m. In total, the site comprises of 900 m² in area. The land is occupied by a single storey detached dwelling with a double garage and double-length driveway on eastern side of the allotment. The land is located on the northern side of Honeysuckle Drive which is directly opposite a recreational open space area and drainage reserve. The land appears to be relatively flat with no existing vegetation or trees.

The locality is comprised of residential land uses, including new single storey housing stock with a generally low rise scale in a developing section of the Eden Estate. To the east of Honeysuckle Drive, properties fronting Almond Boulevard (zoned Rural Living) exhibit larger allotments and are predominantly vacant at present.

The broader locality is again of a low density residential character with a high prevalence of single storey detached dwellings.

Aerial imagery of the subject land is shown below.



EXTERNAL REFERRALS

Nil.

INTERNAL REFERRALS

Nil.

ASSESSMENT

With the recent introduction of the Planning & Design Code (the Code) on 19 March 2021, the assessment section of this report is structured in a way that reflects the new hierarchy of policies in the Code. In general, the hierarchy of policies flows in descending order (highest to lowest) as follows: Technical Numeric Variations, Overlays, Subzone (if applicable), Zone and General Development Policies.

The Code is set out with a policy library and structure that is a substantial departure from the old structure in Development Plans. Each specific Overlay, Subzone, Zone and General Development sections include 1 or more Desired Outcome (DO) policies. The DO policies set the higher level strategic goals. They are similar to Desired Character Statements in the former Development Plan zones but are very brief (1-2 sentences) and are found in every section.

The specific policies in each section are referred to as Performance Outcome (PO) policies. These policies are similar to the broad Objectives found in Development Plans. With each PO policy comes a corresponding set of 'Deemed-to-Satisfy' (DTS) and 'Designated Performance Feature' (DPF) criteria which help guide the assessment of proposals and assist in providing some quantitative guidance. This is similar to Principles of Development Control found in Development Plans.

Technical Numeric Variations (TNVs)

- Concept Plan (Concept Plan 99 - Two Wells)

The TNV has no role to play in the assessment of outbuildings in this instance.

Overlays

- Affordable Housing
- Hazards (Bushfire - Urban Interface)
- Hazards (Flooding - General)
- Native Vegetation
- Prescribed Wells Area

While the subject land is located within the Hazards (Flooding – General) Overlay, the land division which created the Estate has been engineered to mitigate the flooding on these created allotments so a hydrological report was not required or requested.

The remaining overlays have no role to play for the assessment of outbuildings in this instance.

Emerging Township Activity Centre Subzone

This subzone is silent on outbuildings.

Master Planned Township Zone

The zone envisages the development and expansion of an existing township with a mix of residential and compatible recreational, community and other related activities that complement the established township development pattern. The proposal for a domestic outbuilding are anticipated and consistent with the desired outcomes of the zone.

1) Ancillary Structures and Buildings - PO 17.1 and DTS/DPF 17.1

This provision seeks that residential ancillary buildings should be sited and designed to not detract from the streetscape or appearance of buildings on the site or neighbouring properties. The guidance provided via the associated Designated Performance Feature (DPF) nominates:

- Floor areas not exceeding 60m²
- Wall heights not exceeding 3m above natural ground level
- Roof heights no more than 5m above natural ground level

The proposal features a total floor area of 92.7m², which exceeds the DTS requirement by 54.5%. The proposal features a wall height of 3m and roof height of 3.9m which satisfy the DTS requirements.

The primary concern of the proposed development is the large floor area and its impact on the streetscape and appearance of the locality and adjoining allotments. The proposal will span across half of the 23m wide allotment, and will be of a scale that will impact the character of the locality.

While the proposal will meet the DTS criteria for the wall and overall height, the significant floor area will dominate outlooks from the dwelling and private open space areas, impact upon the amenity of the occupants of adjoining properties and will not be complementary to already approved outbuildings within the locality.

Consideration has been given to the approved outbuildings in the immediate locality and particularly on neighbouring allotments. One approved outbuilding exists on the neighbouring property to the west – 6 Honeysuckle Drive – with a floor area of 72m² and a wall height of 3m. This proposal was supported on balance due to the 3m wall height combined with floor area that, while exceeding the parameters of the zone, is much more consistent with the DTS criteria (only 20% above the criteria).

2) Ancillary Structures and Buildings - PO 17.2 and DTS/DPF 17.2

The proposal satisfies the following Performance Outcome 17.2 in that the proposal does not impede on the private open space area or functionality.

General Development Policies - Design

Desired Outcome - DO 1

The desired outcome seeks that development should be contextual by considering, recognising and carefully responding to surroundings or the built environment and positively contribute to the character of the immediate area.

The proposal has a floor area of 92.7m² which would be the largest within the locality by a significant degree. While the proposed wall height meets the DTS criteria of 3m, this wall height combined with the significant floor area will result in the structure being a dominant feature on the allotment which will not contribute positively in any way to the immediate area. The proposal is not consistent with this desired outcome.

Ancillary Development - PO 13.1 and DTS/DPF 13.1

These parameters mirror the planning provisions of the Ancillary Structures and Buildings module of the Master Planned Township Zone. Therefore as discussed above, the proposal does not satisfy these provisions.

Massing - PO 15.1 and DTS/DPF 15.1

This provision is relevant as the proposed outbuilding is considered to be a large building due to its size. The provision is not considered satisfied as the proposal features no solution to reduce the visual mass of the proposed building from adjoining allotments, and is considered to be of such a scale that it will be an overbearing visual structure.

SUMMARY

The proposed development does not reflect the intent of the zone, will detract from the immediate locality and impact upon the amenity of the neighbouring dwellings by straying too far from the suggested floor area within the Master Planned Township zone. While the proposal meets the quantitative parameters relating to wall and overall height, it significantly exceeds the quantitative parameter of floor area by 54.5%. The wall and overall heights combined with the significant floor area is considered to create unreasonable impact through visual bulk and massing and does not address the applicable design provisions of the Code.

Accordingly on balance, I have concluded the proposal does not have sufficient merit and cannot be justified as representing a satisfactory planning outcome in the context of the subject land and the locality, and is at variance with the desired character of the zone. Refusal to grant Development Plan Consent is therefore recommended.

RECOMMENDATION

1. Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of Development Application Number 21023790 against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 21023790 by C Houston for the construction of a domestic outbuilding (shed) at Lot 7, 4 Honeysuckle Drive Two Wells is REFUSED Planning Consent, pursuant to Section 102(a)(i) of the *Planning, Development and Infrastructure Act 2016* for the following reasons:

Master Planned Township Zone – (Ancillary Structures and Buildings) PO 17.1 and DTS/DPF 17.1

Reason: *The proposed development will detract from the streetscape or appearance of buildings on the site or neighbouring properties.*

General Development Policies – Design – DO 1

Reason: *The proposed development is not contextual and will not positively contribute to the character of the immediate area.*

General Development Policies – Design – (Ancillary Development) PO 13.1 and DTS/DPF 13.1

Reason: *The proposed development will detract from the streetscape or appearance of buildings on the site or neighbouring properties.*

APPLICATION TO ASSESSMENT PANEL ¹

Decision Review Request

Prescribed form pursuant to section 203(1) for review of a decision of an Assessment Manager under section 202(1)(b)(i)A of the *Planning, Development and Infrastructure Act 2016* (Act)

Applicant details:	Name: Cody Houston Phone: 0411307637 Email: cody-182@hotmail.com Postal address: 41 Aurelia Drive, North Haven 5018
Development Application Number:	21023790
Subject Land:	4 Honeysuckle Drive, Two Wells 5501
Date of decision of the Assessment Manager:	2/12/2021
Decision (prescribed matter²) for review by Assessment Panel:	Application refused.
Reason for review:	<i>I have reduced the shed size twice. 3.6m height down to 3.3m after George said he would personally support the application with the reduced size. Then reduced again from 3.3m to 3.0m after Nikki said she would personally support the application with the reduced size. I originally proposed the shed to be placed 600mm off back and side boundaries, I have now amended that to 1m off the side and 2m off the rear boundary. I have carefully considered placement of the shed to reduce visual impact and shadows to neighbours. Shed will not be visible at all from the street. All neighbours have given their blessing for the size and placement of shed. There are other much larger sheds on the same size blocks in the estate. I feel I have been very flexible up until this point, and have been misled and given false hope on several occasions.</i>
Do you wish to be heard by the Assessment Panel?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date:	3/12/2021
Signature:	<input checked="" type="checkbox"/> <i>If being lodged electronically please tick to indicate agreement to this declaration.</i>

¹ This application must be made through the relevant facility on the SA planning portal. To the extent that the SA planning portal does not have the necessary facilities to lodge this form, the application may be lodged—

- (i) by email, using the main email address of the relevant assessment panel; or
- (ii) by delivering the application to the principal office or address of the relevant assessment panel.

² **Prescribed matter**, in relation to an application for a development authorisation, means—

- (a) any assessment, request, decision, direction or act of the Assessment Manager under the Act that is relevant to any aspect of the determination of the application; or
- (b) a decision to refuse to grant the authorisation; or
- (c) the imposition of conditions in relation to the authorisation; or
- (d) subject to any exclusion prescribed by the regulations, any other assessment, request, decision, direction or act of the assessment manager under the Act in relation to the authorisation.

This form constitutes the form of an application to an assessment panel under section 202(1)(b)(i)A of the *Planning, Development and Infrastructure Act 2016*, determined by the Minister for Planning and Local Government, pursuant to regulation 116 of the Planning, Development and Infrastructure (General) Regulations 2017. Last amended: 31 July 2020



AMENDED ELEVATIONS 02/11/2021
 12.2m x 7.6m
 3.0m WALL HEIGHT

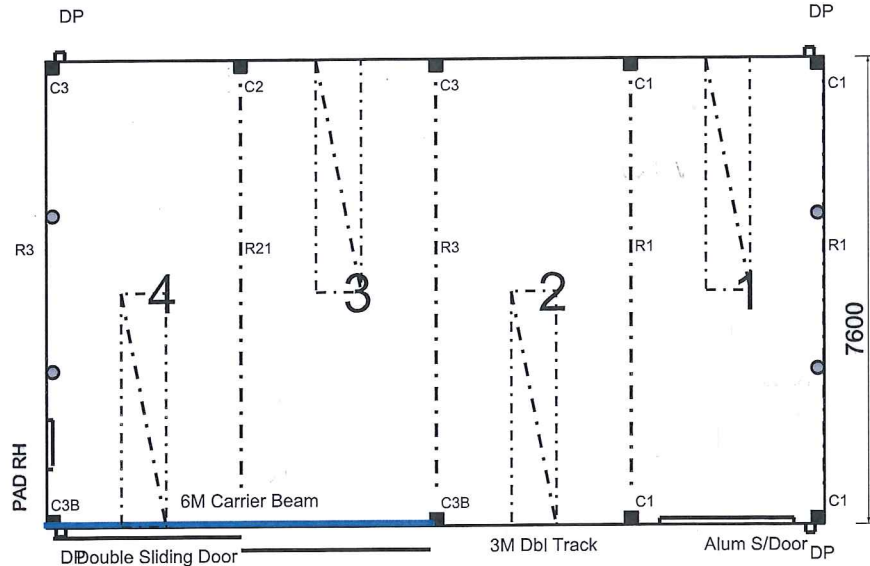
Proposed Project for Mr Cody Houston

Postal Address	Site Address	Thursday	Date Prepared -	Thursday, 12 Aug 2021
			Prepared by -	Nick Amato
			Order # -	
			Quote Ref # -	
			Scale -	1:100

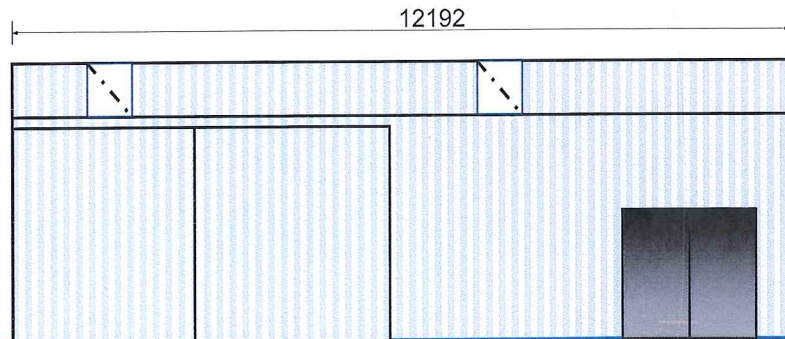
OLYMPIC
 INDUSTRIES
 Para Hills West,
 PO Box 46 Para Hills
 S.A. 5096
 Ph (08) 8349 5744
 Fax (08) 8349 4222

COLOUR CHART

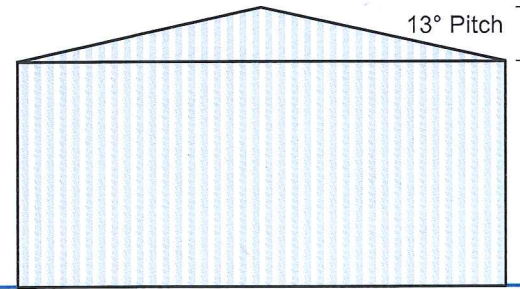
ROOF COLOUR - Monument +
 RIDGE COLOUR - Monument +
 WALL COLOUR - Monument +



- SIDE COLUMNS
- GABLE END COLUMNS



LEFT HAND SIDE



FRONT

Review of Decision of Assessment Manager to Refuse planning consent	
Application Number	21014664
Applicant	Dale Stuart & Jessica Stuart
Development Proposal	Construction of domestic outbuilding (7.6m x 12.1m x 3.3m)
Subject Land	2 Honeysuckle Drive Two Wells (CT6241/710)
Subzone	

CONTEXT

A new role of the Assessment Panel under the PDI Act 2016 that came into operation on 19 March 2021 is to hear appeals against certain decisions made by the Assessment Manager.

Section 203 of the PDI Act provides that the Panel may determine its own procedures in relation to an application for review of an Assessment Manager decision. Refer

Background

The following Applicants have exercised their rights pursuant to section 202(1)(b)(i)A of the *Planning, Development and Infrastructure Act 2016* (“the PDI Act”) to apply to the Council Assessment Panel (“the CAP”) for review of a prescribed matter. In this instance, the prescribed matter is a decision to refuse to grant planning consent to the proposed development as described below.

- Mr Dale Stuart & Jessica Stuart – Lot 74, 2 Honeysuckle Drive, Two Wells SA 5501 – Construction of a domestic outbuilding (9.1m x 12.1m x 3.3m) (DA 21014664)

Accordingly, please find **attached** application for review that have been submitted in the prescribed form pursuant to section 203(1) of the *Planning, Development and Infrastructure Act 2016*.

Decision Review Request

The following legislation is applicable:

Where an applicant wishes to challenge a decision on a “prescribed matter” made on a development application made by the Assessment Manager (or his or her delegate), Section 202 (1)(b)(i)(A) permits the applicant to apply to the CAP to review the decision.

A **prescribed matter** is defined under section 201 of the PDI as follows:

Prescribed matter, in relation to an application for a development authorisation, means –

- (a) any assessment, request, decision, direction or act of a relevant authority under this Act that is relevant to any aspect of the determination of the application; or
- (b) a decision to refuse to grant the authorisation; or
- (c) the imposition of conditions in relation to the authorisation; or
- (d) subject to any exclusion prescribed by the regulations, any other assessment, request, decision, direction or act of a relevant authority under this Act in relation to the authorisation.

Meeting Procedures

Item 1.10 of the Council Assessment Panel Meeting Procedures (“the Procedures”) provides that *the Presiding Member, or two or more CAP Members, may by delivering a written request to the Assessment Manager require a special meeting of the CAP to be held. The written request must be accompanied by the agenda for the special meeting.*

Item 1.11 of the Procedures provide that *on receipt of a request pursuant to clause 1.10, the Assessment Manager must determine the date, time and place of the special meeting and give notice to all CAP members at least 4 hours before the commencement of the special meeting.*

Options Available to the CAP on Review of the Prescribed Matter

Pursuant to section 203(4) of the PDI Act, the CAP can either affirm, vary or set aside and substitute its own decision in regards to the decision being reviewed.

The CAP must now review the decision made by the Assessment Manager on the documents provided as Attachments to this report, being:

Attachment A Application for review

Attachment B Assessment report prepared by Mr Jacks recommending REFUSAL

Attachment C Plans submitted

To assist the CAP, I have provided recommendations for each possible decision that the CAP may wish to make on review

RECOMMENDATION

1. Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of Development Application Number 21014664 against the Planning and Design Code, the application IS seriously at variance with the provisions of the Planning and Design Code. The application is, therefore, refused.

RECOMMENDATION

2. Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of Development Application Number 21014664 against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code.
3. Pursuant to Section 203(3) of the *Planning, Development and Infrastructure Act 2016*, the Council Assessment Panel having considered documents, written submissions, reports, plans, specifications or other documents lodged with, or received by, the Assessment Manager in relation to the matter and any other relevant material requested resolves that -

Option 1 Affirmed

Pursuant to Section 203(4)(a) of the *Planning, Development and Infrastructure Act 2016*, that the decision being reviewed is affirmed and planning consent is refused for Development Application Number 21029374 by Dale Stuart & Jessica Stuart for the construction of domestic outbuilding (9.1m x 12.1m x 3.3m) at Lot 74, 2 Honeysuckle Drive, Two Wells for the following reasons:

The proposed development is contrary to the following provisions of the Design Code.

Master Planned Township Zone – (Ancillary Structures and Buildings) PO 17.1 and DTS/DPF 17.1.

Reason: The proposed development will detract from the streetscape or appearance of buildings on the site or neighbouring properties.

Master Planned Township Zone – (Ancillary Structures and Buildings) PO 17.1 and DTS/DPF 17.1.

Reason: The proposed development will detract from the streetscape or appearance of buildings on the site or neighbouring properties.

Option 2 Varied

Pursuant to Section 203(4)(b) the *Planning, Development and Infrastructure Act 2016* that the decision being reviewed is to be varied as followed:

INSERT DETAILS OF THE VARIED DECISION

Option 3 Set aside

Pursuant to Section 203(4)(c) of the *Planning, Development and Infrastructure Act 2016* that the decision being reviewed is set aside and the following decision is to be substituted:

INSERT DETAILS OF THE DECISION

Delegates report recommending Refusal

Application Number	21014664
Applicant	Dale Stuart & Jessica Stuart
Development Proposal	Construction of domestic outbuilding (7.6m x 12.1m x 3.3m)
Subject Land	2 Honeysuckle Drive Two Wells (CT6241/710)
Zone	Master Planned Township
Subzone	Emerging Township Activity Centre
Assessment Path	Performance Assessed
Public Notification	Not required
Representation(s)	N/A
External Referrals	Nil
Lodgement Date	14 June 2021
Code Version	3 June 2021
Assessing Officer	George Jacks
Recommendation	Planning Consent be REFUSED

This application has been placed on hold since June this year while discussion has occurred with the applicant regarding reducing the size of the proposed outbuilding and while the applicant has entered into discussion with the State Planning Commission (SPC) regarding a potential Code amendment for the zone to increase the quantitative parameters for outbuildings. SPC has concluded that any Code amendment would need to be a local amendment led by Council or the individual. Council has expressed that we would not be prepared to undertake an amendment as we feel the current parameters reasonably reflect appropriately scaled residential outbuildings. The applicant has since reduced the parameters of the proposal from the original parameters of 9.1m wide and 12m deep (109.20m²) with a wall height of 3.6m.

Further correspondence has occurred with the applicant advising that the proposal is still not supportable in its current form. The applicant has advised that they are not prepared to reduce the size of the outbuilding any further. The applicant has requested that a letter be included to support their proposal.

PROPOSAL

The proposal seeks to construct a domestic outbuilding on the north-western corner of the subject land.

The outbuilding will be 7.6m wide and 12.1m deep (91.96m²) and will have a wall height of 3.3m and a total building height of 4.04m. It will be set back 1m from the northern side boundary and 1.5m from the western rear boundary and will be finished in woodland grey.

The full set of plans, documents and supporting information lodged with Council is contained within **Attachment 1**.

SITE AND LOCALITY

The subject land is formally described as Lot 74, 2 Honeysuckle Drive Two Wells and on Certificate of Title Volume 6241 Folio 710. There are no easements or rights of way registered on the Title.

The subject land is rectangular shaped allotment on the northern side of Honeysuckle Drive. It is a corner block which has a frontage to Honeysuckle Drive of 21m and secondary frontage to Almond Boulevard of 42m. A single storey dwelling currently occupies the land.

The locality comprises of similarly sized residential allotments which contain single storey detached dwellings within the developing Eden Estate. The emerging character of the Estate is defined as low density, single storey housing.

The subject land has a direct interface with the Rural Living zone on the eastern side of Almond Boulevard. These allotments are significantly larger and are predominately vacant at present.

Aerial imagery of the subject land is shown below.

Figure 1: Subject land – as at 19 October 2021



EXTERNAL REFERRALS

Nil.

INTERNAL REFERRALS

Nil.

ASSESSMENT

With the recent introduction of the Planning & Design Code (the Code) on 19 March 2021, the assessment section of this report is structured in a way that reflects the new hierarchy of policies in the Code. In general, the hierarchy of policies flows in descending order (highest to lowest) as follows: Technical Numeric Variations, Overlays, Subzone (if applicable), Zone and General Development Policies.

The Code is set out with a policy library and structure that is a substantial departure from the old structure in Development Plans. Each specific Overlay, Subzone, Zone and General Development sections include 1 or more Desired Outcome (DO) policies. The DO policies set the higher level strategic goals. They are similar to Desired Character Statements in the former Development Plan zones but are very brief (1-2 sentences) and are found in every section.

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Technical Numeric Variations (TNVs)

- Concept Plan (Concept Plan 99 - Two Wells)

The TNV has no role to play in the assessment of outbuildings in this instance.

Overlays

- Affordable Housing
- Hazards (Bushfire - Urban Interface)
- Hazards (Flooding - General)
- Native Vegetation
- Prescribed Wells Area

While the subject land is located within the Hazards (Flooding – General) Overlay, the land division which created the Estate has been engineered to mitigate the flooding on these created allotments so a hydrological report was not required or requested.

The remaining overlays have no role to play for the assessment of outbuildings in this instance.

Emerging Township Activity Centre Subzone

This subzone is silent on outbuildings.

Master Planned Township Zone

The zone envisages the development and expansion of an existing township with a mix of residential and compatible recreational, community and other related activities that complement the established

township development pattern. The proposal for a domestic outbuilding is anticipated and consistent with the desired outcomes of the zone.

1) Ancillary Structures and Buildings - PO 17.1 and DTS/DPF 17.1

This provision seeks that residential ancillary buildings be sited and designed to not detract from the streetscape or appearance of buildings on the site or neighbouring properties. The guidance provided via the associated Designated Performance Feature (DPF) nominates:

- Floor areas not exceeding 60m²
- Wall heights not exceeding 3m above natural ground level
- Roof heights no more than 5m above natural ground level

The proposal features a floor area of 91.96m² which exceeds the suggested figure by 54%. It also features a wall height of 3.3m which exceeds the suggested figure by 10%. The roof height satisfies the desired 5m maximum.

The qualitative performance outcomes focus on whether the proposal does or doesn't detract from the streetscape or the appearance of buildings both on the subject site or neighbouring land.

The proposed height will result in the outbuilding being somewhat visible from the public realm as the roof height will exceed that of the existing dwelling on the land (which features wall heights of 2.7m above natural ground level).

The outbuilding will be highly visible from all surrounding allotments and Almond Boulevard. The outbuilding will span across half of the 24m wide allotment directly impacting upon the amenity of the occupants of neighbouring land. Whilst the proposed setback is 1.5m from the western boundary and 1m from the northern boundary, the visual bulk is considered unreasonable and will dominate outlooks from dwellings and private open space areas.

There are currently no existing outbuildings on surrounding allotments. There is a similarly sized outbuilding proposed and currently under assessment on the allotment directly to the west (4 Honeysuckle Drive Two Wells).

The proposed outbuilding does not meet two of the three suggested numerical parameters and offers little justification as to the notable departure from them.

1) Ancillary Structures and Buildings - PO 17.2 and DTS/DPF 17.2

The proposal satisfies the following Performance Outcome 17.2 in that the proposal does not impede on the private open space area or functionality as there will exist >60m² of private open space behind the building line of the dwelling.

General Development Policies - Design

Desired Outcome - DO 1

The desired outcome talks about development being contextual by recognising and carefully responding to surroundings or the built environment and positively contribute to the character of the immediate area. The proposal does not address this desired outcome. With a wall height of 3.3m,

which exceeds that of all surrounding dwellings (mostly 2.7m) the outbuilding will be a dominant feature and will not contribute positively to the immediate area.

Ancillary Development - PO 13.1 and DTS/DPF 13.1

These parameters mirror the quantitative planning provisions of the Ancillary Structures and Buildings module of the Master Planned Township Zone. Therefore as discussed above, the proposal does not satisfy these provisions.

Massing - PO 15.1 and DTS/DPF 15.1

This provision is relevant as the proposed outbuilding is considered to be a large building due to its size and height. The provision is not considered to be satisfied as the proposal features no solution to reduce the visual mass of the proposed building from adjoining allotments, and is considered to be of such a scale that it will be an overbearing visual structure when viewed from adjoining land.

SUMMARY

The proposed outbuilding does not reflect the intent of the zone, will detract from the immediate locality and impact upon the amenity of the neighbouring dwellings by significantly exceeding the suggested quantitative size and wall height parameters of the Master Planned Township zone. It is considered to create unreasonable impacts through visual bulk and massing and does not address the applicable design provisions of the Code.

Accordingly on balance, I have concluded the proposal does not have sufficient merit and cannot be justified as representing a satisfactory planning outcome in the context of the subject land and the locality, and is at variance with the desired character of the zone. Refusal to grant Development Plan Consent is therefore recommended by the delegate

1. The Assessment Manager / or delegate pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of Development Application Number 21014664 against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code.

1. The Assessment Manager / or delegate has REFUSED Planning Consent, Number 21029374 by Dale Stuart & Jessica Stuart for the construction of domestic outbuilding (9.1m x 12.1m x 3.3m) at Lot 74, 2 Honeysuckle Drive, Two Wells, pursuant to Section 102(a)(i) of the *Planning, Development and Infrastructure Act 2016* for the following reasons:

APPLICATION TO ASSESSMENT PANEL ¹

Decision Review Request

Prescribed form pursuant to section 203(1) for review of a decision of an Assessment Manager under section 202(1)(b)(i)A of the *Planning, Development and Infrastructure Act 2016 (Act)*

Applicant details:	Name: Dale and Jessica Stuart Phone: 0413732213 Email: jess.dawson4@hotmail.com Postal address: PO BOX 1336 TWO WELLS 5501
Development Application Number:	ID 21014664
Subject Land:	2 Honeysuckle Drive TWO WELLS 5501
Date of decision of the Assessment Manager:	2/12/2021
Decision (prescribed matter²) for review by Assessment Panel:	
Reason for review:	Our application for construction of domestic outbuilding was refused under delegation by Council's Assessment Manager.
Do you wish to be heard by the Assessment Panel?	<input checked="" type="checkbox"/> Yes if required <input type="checkbox"/> No
Date:	02/12/2021
Signature:	<input checked="" type="checkbox"/> <i>If being lodged electronically please tick to indicate agreement to this declaration.</i>

¹ This application must be made through the relevant facility on the SA planning portal. To the extent that the SA planning portal does not have the necessary facilities to lodge this form, the application may be lodged—

- (i) by email, using the main email address of the relevant assessment panel; or
- (ii) by delivering the application to the principal office or address of the relevant assessment panel.

² **Prescribed matter**, in relation to an application for a development authorisation, means—

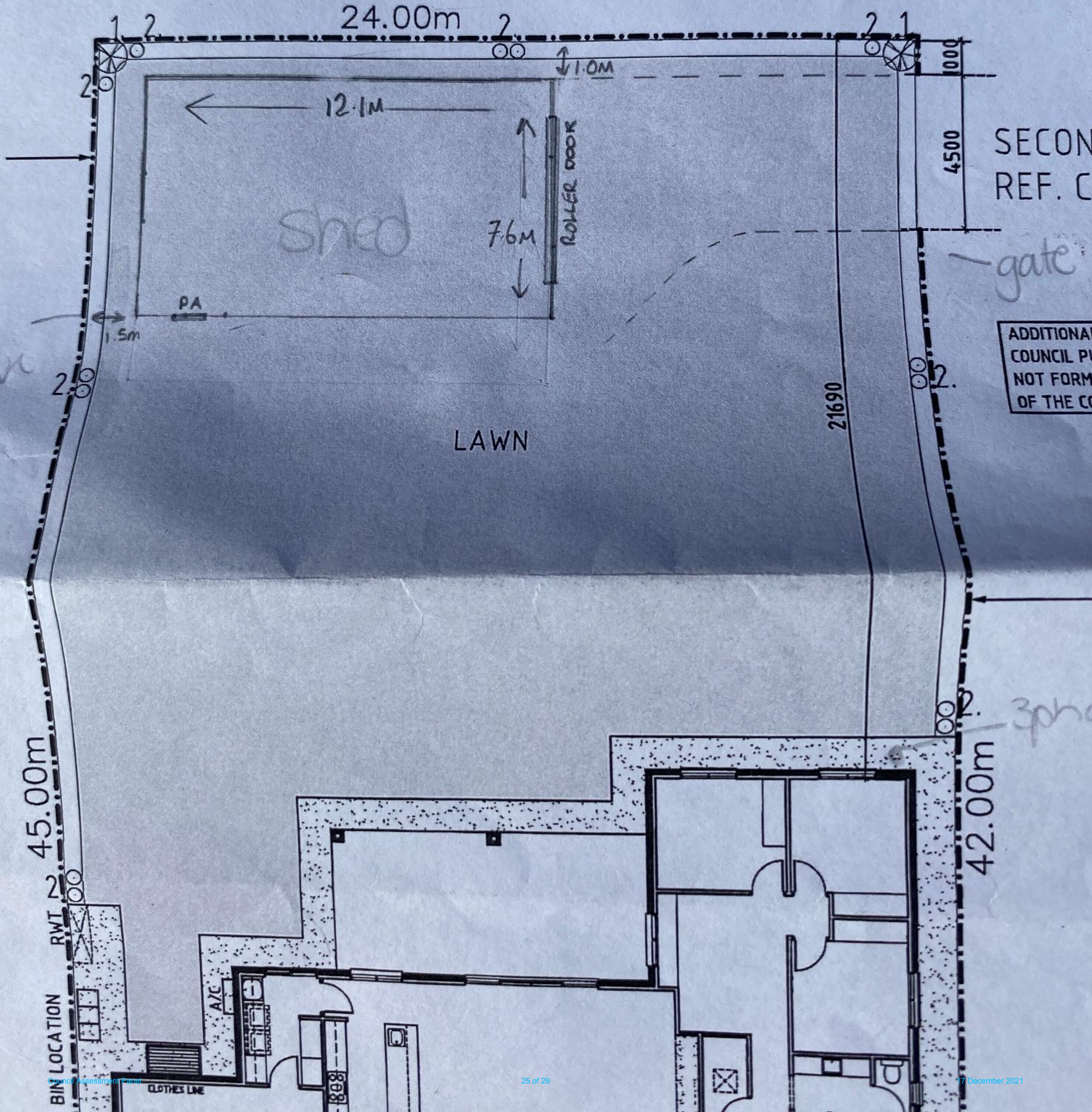
- (a) any assessment, request, decision, direction or act of the Assessment Manager under the Act that is relevant to any aspect of the determination of the application; or
- (b) a decision to refuse to grant the authorisation; or
- (c) the imposition of conditions in relation to the authorisation; or
- (d) subject to any exclusion prescribed by the regulations, any other assessment, request, decision, direction or act of the assessment manager under the Act in relation to the authorisation.



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993

LAND 1075 s
ROOF AREA
POS 624 sq/
PAVING 123

MAX 2000MM HIGH NEW COLORBOND



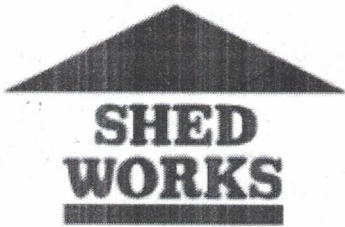
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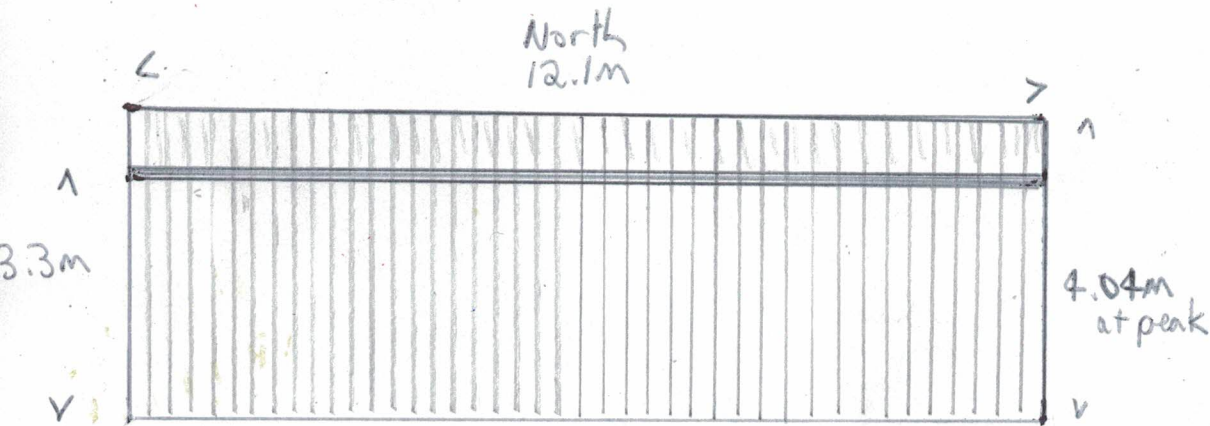
COUNCIL SPECIFICATIONS



MANUFACTURED BY SHEDWORKS (Maverick Steel Pty Ltd)
 ABN: 68 058 431 851
 P: 08 8447 1777 F: 08 8447 1700
 CONTACT: Scott Henderson-Wilson
 EMAIL: mavericksteel@gmail.com

PROPOSED GARAGE FOR

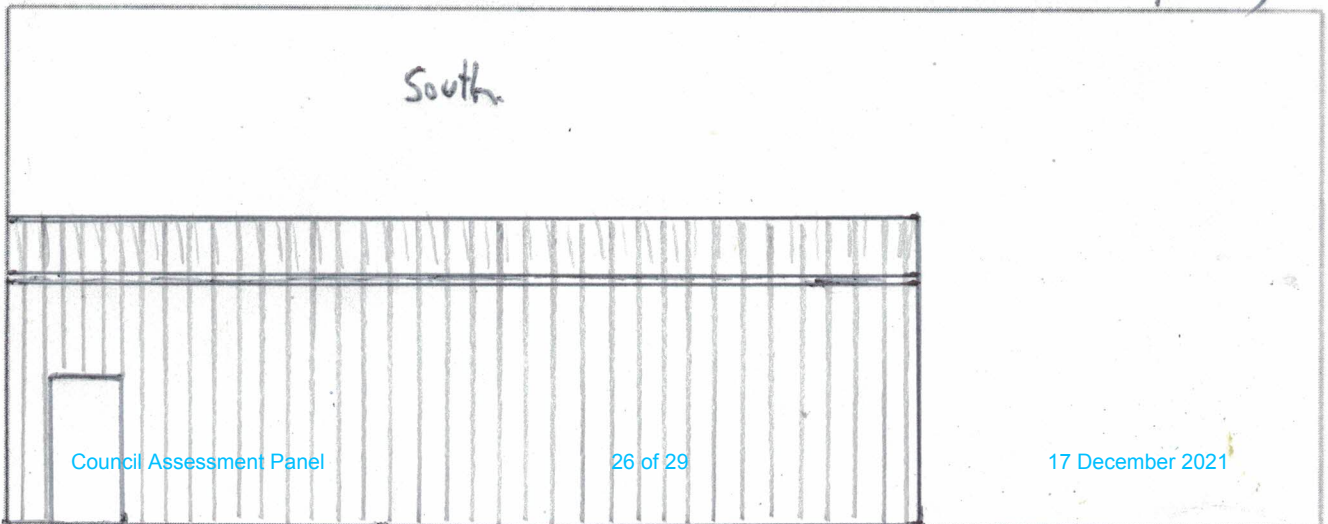
NAME: Dele and Jessica Stuart
 ADDRESS: 74 Honeysuckle Dr
Two Wells S.A.
 PHONE: 0413 732 213
jess_dawson 4@hotmail.com



DETAILS

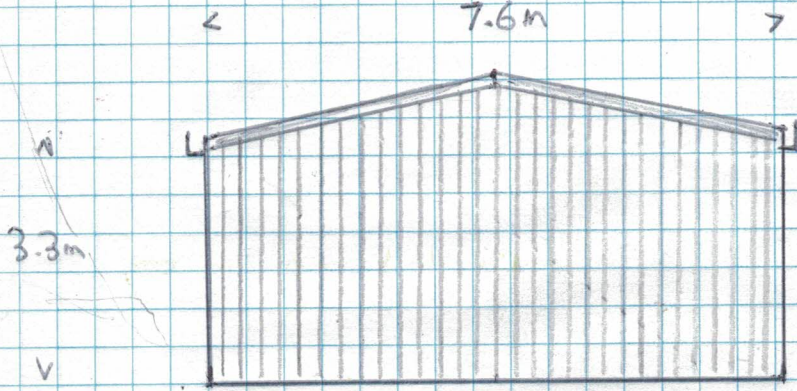
ROOF PITCH: 11.5°
 GUTTERS: 115 Quad
 FOOTINGS WITH 100M SLAB / F72 MESH DEEP: 850 WIDE: 600
 ROOF 47 CORRO Woodland Grey
 WALLS 39 Dsided Woodland Grey (MAVCLAD)
 TRUSSES } C20015 n 3033 cires
 COLUMNS }
 PURLINS ROOF: C7510 WALL: C7510
 MAX: 1200 INTERMEDIATE
 900 END SPAN

~~BLOCK PLAN SHOWING SHED AND BOUNDRIES~~ (Refer client's plans)

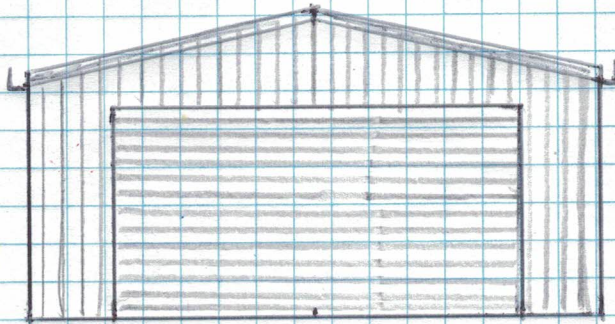


west 2 of 2

Jessica & Dale
Stuart
Council Spec
sheet
2 of 2



EAST



George Jacks

From: Jess Dawson <jess.dawson4@hotmail.com>
Sent: Friday, 22 October 2021 11:29 AM
To: George Jacks
Subject: Re: 21014664 - Shed application

****CAUTION:** This email is from a person outside of Adelaide Plains Council. Do not click on links or open attachments - unless you recognise the sender and know the content is safe**

Hi George ,

When we first rang and spoke with Scott regarding shed & second cross over and received our red for this we were told that the shed size 15x9 was ok.and the reason you bought into the area,was because you could have larger sheds,so you could store undercover caravans,and boats etc.

At this time we were told not new rules were coming into play we had this all approved within our loan.

As time went on I went to apply and was told it was only changed 2 weeks prior new rules and to go through plan sa then if needing to dispute to take it up with plan sa . I then waited 7 months for a response from plan sa to be told they will not do a state wide amendment we would need to contact local council to enquire if this is something you would consider. After speaking with you and holding a meeting with your other colleagues you mentioned local council would not be entering into any local amendments at this point in time. You can understand our upset and frustration we then discussed the fact the company we were ordering our shed through had this exact same size we had applied for 12.1x7.6 x3.3 approved so thought okay this will be favourable and spoke about setbacks ect. I understand you are only one person and have shared this ride with us to some extent . In order for us to get engineering to proceed with council application I've had to pay \$1500 to the shed company as deposit to now be told we have to wait longer . I am due to have my second baby in February and honestly I'm at the end of my rope with all of this as our shed materials are in stock to be put up dec and concrete poured for January to get all our items out of our storage unit.

Is it possible we are able to attend or have this letter read out to the council members to plead our case ? We have second cross over approved spoken with neighbours done the setbacks reduced size and shed height. I feel we have been extremely understanding and adaptable to everything along this bumpy road. This is our forever family home we require this shed for hoist as my husband is a mechanic also garden storage plus general storage as we have children ect we are not allowed to park caravans or boats out the front and require this storage.

Regards Jess

Sent from my iPhone

On 22 Oct 2021, at 9:59 am, George Jacks <GJacks@apc.sa.gov.au> wrote:

Hi Jessica,

We have had a further discussion regarding your proposal for a 91.9m² outbuilding with a 3.3m wall height. We feel that the wall height combined with the floor area will not result in positive outcomes for the locality and will create unreasonable visual bulk and overshadowing impacts within the residential area. The relevant planning policies for sheds within the zone are maximums of 60m² and 3m wall heights.

We acknowledge that there have been some large sheds approved within the estate. There are some less desirable examples of development that have resulted in complaints from the community and a loss of amenity value for surrounding land owners. Precedence plays no role in development

assessment and case law provides some guidance on this, but we do accept that there are some examples of sub-standard established built form in the area that may be taken into account as part of a locality analysis.

As a result of this and the large number of similar sized sheds that we have received, we are planning to put them to the next available Council Assessment Panel (CAP) for decision which is likely be held in the first week of December. The CAP consists of 4 independent members and one elected member. A balanced report will be provided to the 5 member panel and they will determine whether these larger outbuildings can be supported or not. As a result of the next available meeting being in December we suggest placing the application on hold so the assessment timeframe doesn't elapse before the meeting.

George Jacks | **Planning Officer**

Development and Community | P: (08) 8527 0200 | E: gjacks@apc.sa.gov.au

PO Box 18, Mallala SA 5502 | www.apc.sa.gov.au

<image001.jpg>

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