

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 11 JULY 2018
63 MOUNT BARKER ROAD, STIRLING**

Present**Presiding Member**

Professor Stephen Hamnett

Members

Simon Bradley
Piers Brissenden
Rob McBryde
John Kemp

In Attendance

Marc Salver
Deryn Atkinson
Sam Clements
Karen Savage

Director Strategy & Development
Assessment Manager
Team Leader Statutory Planner
Minute Secretary

Commencement

The meeting commenced at 6.30pm

Apologies/Leave of Absence

2.1 Apologies
Linda Green

2.2 Leave of Absence
Stephen Hamnett advised that he will be absent for the September meeting

Previous Minutes

3.1 Meeting held 13 June 2018

The minutes were adopted by consensus of all members (25)

That the minutes of the meeting held on 13 June 2018 be confirmed as an accurate record of the proceedings of that meeting.

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4. Delegation of Authority

Decisions of this Panel were determined under delegated authority as adopted by Council on 26 September 2017.

5. Presiding Member's Report

Nil

6. Declaration of Interest by Members of Panel

In relation to Item 8.1, Piers Brissenden advised that in his role as District Manager for the *AMLR NRM* Board, he has previously had interactions with both Mr Sweeney and Mr Thompson in relation to a Natural Resource Management matter in 2016. However, this has no direct influence on the Item to be considered, and would not affect his decision making in this regard.

7. Matters Lying on the Table/Matters Deferred

7.1 Matters Lying on the Table

Nil

7.2 Matters Deferred

Nil

8. Development Assessment Applications

8.1 Development Application 17/951/473 by Danny Holland for change of use of cellar door to include restaurant (75 seats), ancillary special events (maximum 12 per year), associated building alterations and additions, including extension to deck and verandah, additional car parking, associated earthworks, retaining walls, landscaping and signage at 166 Harris Road, Lenswood

8.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Todd & Nikola Thompson	190 Harris Road Lenswood	Personally

The applicant, Danny Holland, and his representative, Peter Meline (Peter Meline & Associates), and the landowners, Sharon and Gary Sweeney, addressed the Panel.

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8.1.2 Decision of Panel

The following recommendation was adopted by consensus of all members (26)

The Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent to Development Application 17/951/473 by Danny Holland for Change of use of cellar door to include restaurant (75 seats), ancillary special events (maximum 12 per calendar year), associated building alterations and additions, including extension to deck and verandah, additional car parking, associated earthworks, retaining walls, landscaping and signage at 166 Harris Road Lenswood subject to the following conditions:

(1) Development In Accordance With The Plans

The development herein approved shall be undertaken in accordance with the following plans, details and written submissions accompanying the application, unless varied by a separate condition:

- Amended submission dated 28/6/2018 by Peter Meline & Associates
- Plans prepared by Holland Building Solutions (Drawing Nos 1 to 6 Dated October 2017) received by Council 6/03/2018
- Amended floor plan prepared by Holland Building Solutions (Drawing No 5 Dated February 2018) received by Council 23 April 2018
- Amended site plan prepared by Holland Building Solutions (Drawing No 4 Dated February 2018) received by Council 28 June 2018
- Stormwater Management Plan and Details prepared by Lelio Bibbo Pty Ltd (Ref No 180475, Dated 22.06.18) dated received by Council 28/06/2018
- Amended wastewater report prepared by Ron Selth & Associates Consulting Engineers (Date amended 9/05/18, Job Number W2057) dated received by Council 28/06/2018

REASON: *To ensure the proposed development is undertaken in accordance with the approved plans.*

(2) Commercial Lighting

Flood lighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties prior to operation of the approved restaurant to the reasonable satisfaction of the Council.

REASON: *Lighting shall not detrimentally affect the amenity of the locality.*

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(3) External Finishes To Match Existing Building

External finishes shall be of materials and colours to match or complement those of the existing (building) to the reasonable satisfaction of Council.

REASON: To maintain and enhance the visual amenity of the locality.

(4) Gravel Carparking Designed In Accordance With Australian Standard AS 2890.1:2004

All car parking spaces, driveways and manoeuvring areas shall be designed, constructed, and delineated in accordance with Australian Standard AS 2890.1:2004. Delineation and directional arrows shall be clearly visible and maintained in good condition at all times. Driveways, vehicle manoeuvring and parking areas shall be constructed of compacted gravel prior to operation of the approved restaurant and maintained in good condition at all times to the reasonable satisfaction of the Council.

REASON: To provide adequate, safe and efficient off-street parking for users of the development.

(5) Unloading And Storage Of Materials And Goods

All materials and goods shall at all times be loaded and unloaded within the confines of the subject land. Materials and goods shall not be stored on the land in areas delineated for use as car parking.

REASON: To provide safe and efficient movement of people and goods.

(6) Car Parking Directional Signage

Directional signs indicating the location of car parking spaces shall be provided on the subject land and maintained in a clear and legible condition at all times.

REASON: To identify the location of off-street parking and ensure the free flow of traffic.

(7) Entertainment

Entertainment in the form of a range of acoustic music shall predominantly be contained within the restaurant and cellar door building. Any outdoor entertainment associated with the restaurant, cellar door and special events shall be limited to between 10.00am and 5.00pm on any day.

REASON: To maintain the rural amenity of the locality.

(8) Restriction on Where Special events Are Held

Special events are to be restricted to the cellar door, restaurant, deck and the lawn areas as depicted on plans prepared by Holland Building Solutions, date stamped as received by Council on 06/03/2018.

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REASON: *To ensure the proposed development is undertaken in accordance with the approved plans and to minimise amenity impacts on the locality.*

(9) Entertainment Noise Levels

Noise levels generated by the development shall not exceed 57dB(A) between 10.00am and 10.00pm and 50dB(A) from 10.00pm and 12.00am (midnight) within habitable rooms of nearby dwellings.

REASON: *To maintain the amenity of the locality and to ensure compliance with Environmental Protection (Noise) Policy 2007.*

(10) Restriction On Number Of Special Events

The number of special events as described in the submission by Peter Meline shall not exceed 12 per calendar year. Any increase in the number of special events or their capacity will require separate development approval.

REASON: *To ensure the proposed development is undertaken in accordance with the approved plans and to ensure the waste control system is adequate.*

(11) Operating Hours for Special Events

Special events shall not commence before 10:00am and all patrons and staff must be off-site by 12.00 midnight.

REASON: *To ensure the development operates in accordance with the approval.*

(12) Opening Hours Cellar Door

The opening hours of the cellar door shall be:
10:00am to 6:00pm Monday to Sunday

REASON: *To ensure the development operates in accordance with the approval.*

(13) Opening Hours Restaurant

The opening hours of the restaurant shall be:
10:00am to 11:00pm Sunday to Thursday
10:00am to 12.00 midnight Friday and Saturday

REASON: *To ensure the development operates in accordance with the approval.*

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(14) Overall Capacity

- a) Dining shall be limited to a maximum capacity of 75 persons on the allotment at any one time.
- b) The cellar door shall be limited to a maximum capacity of 25 persons at any one time.
- c) The capacity of the 12 special events in any area involving the consumption of a meal (dining) shall be limited to a maximum of 75 persons at any one time.
- d) The capacity of the 12 special events in any area involving the serving of light snacks or appetizers only, shall be limited to a maximum of 100 persons at any one time.
- e) The overall capacity for the licenced premises shall be a maximum of 100 persons at any one time.

Any increase in capacity will require separate development approval.

REASON: To ensure the proposed development is undertaken in accordance with the approved plans, to ensure that neighbouring properties are not impacted on negatively by this development and to ensure the waste control system is adequate.

(15) Restriction On Display/Sale Non-Beverage/Food Items

A maximum area of 25m² shall be used for the display and sale of any non-beverage or non-food item within the cellar door.

REASON: To ensure the tasting of wine and retail sale of wine are the predominant activities of the cellar door

(16) Stormwater Roof Runoff To Be Dealt With On-Site

All roof runoff generated by the development hereby approved shall be managed on-site to the satisfaction of Council using design techniques such as:

- Rainwater tanks
- Grassed swales
- Stone filled trenches
- Small infiltration basins

Stormwater overflow management shall be designed so as to not permit trespass into the effluent disposal area. Stormwater shall be managed on site with no stormwater to trespass onto adjoining properties.

REASON: To minimise erosion, protect the environment and to ensure no ponding of stormwater resulting from development occurs on adjacent sites.

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(17) Installation of Waste Control System

The new waste control system shall be installed as approved within three (3) months from the date of Development Plan Consent.

REASON: To ensure the on-site waste control system caters for the increased capacity and potential water quality impacts within the Watershed are reduced.

(18) Removal Of Solid Waste

All solid waste including food, leaves, papers, cartons, boxes and scrap material of any kind shall be stored in a closed container having a close fitting lid. The container shall be stored in a screened area so that it is not visible within the public realm.

REASON: To maintain the amenity of the locality.

(19) Regular Removal Of Solid Waste From The Site

All waste shall be removed from the subject land at least once weekly. Collection of waste shall be carried out only between the hours of 8:00am and 5:00pm on any day.

REASON: To maintain the amenity of the locality.

NOTES**(1) Development Plan Consent Expiry**

This Development Plan consent (DPC) is valid for a period of twelve (12) months commencing from the date of the decision (or if an appeal has been commenced the date on which it is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the DPC, or a fresh development application will be required. The twelve (12) month time period may be further extended by Council agreement following written request and payment of the relevant fee.

(2) EPA Environmental Duty

The applicant is reminded of his/her general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes, or may cause, environmental harm.

9. Policy Issues for Advice to Council

Nil

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10. Other Business

- 10.1 **Minor Variations to Development Authorisation 16/447/473 – Tourist accommodation facility comprised of 2 separate self-contained villas, masonry walls (maximum height 900mm), landscaping & associated earthworks (non-complying) at Piece 9 Leslie Road, Lenswood**

The following was adopted by consensus of all members (27)

The variation to Development Application 16/447/473 submitted to Council on 28 June 2018 be considered and determined by staff, and is not required to be submitted to the Council Assessment Panel.

10.2 **Update on Planning Reforms and Accredited Professionals Scheme**

Staff provided an updated on the Planning Reforms and Accredited Professionals Scheme.

11. Order for Exclusion of the Public from the Meeting to debate Confidential Matters

Nil

12. Confidential Item

Nil

13. Next Meeting

The next ordinary Development Assessment Panel meeting will be held on Wednesday 8 August 2018.

14. Close meeting

The meeting closed at 7.35pm.