

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 OCTOBER 2018
63 MOUNT BARKER ROAD, STIRLING**

Present**Presiding Member**

Professor Stephen Hamnett

Members

Simon Bradley
Piers Brissenden
Linda Green
Rob McBryde

In Attendance

Marc Salver	Director Development & Regulatory Services
Deryn Atkinson	Assessment Manager
Sam Clements	Team Leader Statutory Planning
Doug Samardzija	Statutory Planner
Marie Molinaro	Statutory Planner
Susan Hadley	Statutory Planner
Lanie Merchant	Minute Secretary

1. Commencement

The meeting commenced at 6.00pm

2. Apologies/Leave of Absence

2.1 Apologies
Nil

2.2 Leave of Absence
Nil

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3. Previous Minutes

3.1 Meeting held 12 September 2018

The minutes were adopted by consensus of all members (40)

That the minutes of the meeting held on 12 September 2018 be confirmed as an accurate record of the proceedings of that meeting.

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

Simon Bradley declared a connection through his employment with the companies who had prepared reports associated with Item 8.4. (Tonkin Consulting, Alexander Symonds and URPS Consulting). Simon Bradley also declared that he was an occasional bowler at the Uraidla Bowling Club as the applicant for Item 8.7, but not a member of the Bowling Club. Simon deemed that no conflict of interest exists in either of these matters.

Stephen Hamnett declared a connection through his former University SA employment and current status as an Emeritus Professor with Professor Biggs, a representor for Item 8.1. However, Stephen deemed no conflict of interest existed as he has minimal contact with Professor Biggs and they are scarcely acquainted.

7. Matters Lying on the Table/Matters Deferred

7.1 Matters Lying on the Table

Nil

7.2 Matters Deferred

Nil

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8. Development Assessment Applications

- 8.1 Development Application 17/710/473 by Service Stream Ltd for telecommunications facility, comprising a lattice tower (maximum height 53.95m, including antennae), associated equipment shelter (maximum height 2.75m), security fencing (maximum height 2.4m), retaining walls (maximum height 6m) & associated earthworks (non-complying) at 1293 Montacute Road, Cherryville**

8.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Bill Spragg	136 Corkscrew Road Montacute	Personally
Simon Biggs	45 Cherryville Road Cherryville	Dr Susan Hawksley
Evelyn & John Orr	2 Church Road Cherryville	John Orr
Jenifer Watson & Oliver Klein	478 Marble Hill Road Cherryville	Jenifer Watson & Oliver Klein
Suzie Maguire	1291 Montacute Road Cherryville	Simon Riddle
Michael & Jodie Quandt	13 Fernhurst Road Cherryville	Jodie Quandt
John Rogers	17 Cherryville Road Cherryville	Personally
Lynda Menashe	14 Moores Road Montacute	Personally

The applicant's representatives, Graeme Lane (Service Stream Planning Consultant), Craig Schmidt and Adam Frick addressed the Panel.

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8.1.2 Decision of Panel

The following recommendation was adopted by consensus of all members (41)

That a decision on Development Application 17/710/473 by Service Stream Ltd for Telecommunications facility, comprising a lattice tower (maximum height 53.95m, including antennae), associated equipment shelter (maximum height 2.75m), security fencing (maximum height 2.4m), retaining walls (maximum height 6m) & associated earthworks (non-complying) at 1293 Montacute Road Cherryville be DEFERRED to allow the applicant to consider alternative locations and alternative structures for the telecommunications facility.

- 8.2 Development Application 18/310/473 by Stephen Hooper for mixed use development comprising a cellar door sales outlet (75 person capacity) including ancillary special events (maximum of 10 per calendar year) and winery (50 tonne crush per annum) consisting of two winery buildings with an attached canopy, in association with existing vineyard, water storage tanks (3 x 22,500 litre), car park, retaining wall (maximum height 750mm) & earthworks at 11 Woodlands Road, Kenton Valley**

8.2.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Ben & Jayne Freeman (not adjacent and not notified)	54 Woodlands Road Kenton Valley	Did not attend
Craig John Seidel	16 Woodlands Road Kenton Valley	Diane Seidel
Donna Bartsch	149 Woodlands Road Kenton Valley	Personally
Steve Steggles	82 Woodlands Road Kenton Valley	Personally

The applicant and his representatives, Matthew Field (PAD Studio) and Tom Wilson (Cirqa), addressed the Panel.

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8.2.2 Decision of Panel

Moved	Simon Bradley	Carried
S/-	Rob McBryde	(42)

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 18/310/473 by Stephen Hooper for Mixed use development comprising a cellar door (75 person capacity), including ancillary special events (maximum of 10 per calendar year), winery (50 tonne crush per annum) consisting of two winery buildings with an attached canopy, in association with existing vineyard, water storage tanks (3 x 22,500 litre), car park, retaining wall (maximum height 750mm) and earthworks at 11 Woodlands Road Kenton Valley 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:

- Plans prepared by Skein Architects for Nova Vita Wines (Project No 18001-NOVA) received by Council 26 September 2018:
- Location Plan(Dwg No SK00 Rev 3, dated September 2018)
- Site Plan(Dwg No SK01 Rev 3, dated September 2018)
- Cellar Door Ground Floor Plan & Shed Ground Floor Plan(Dwg No SK02 Rev 3, dated September 2018)
- Roof Plan(Dwg No SK03 Rev 3, dated September 2018)
- Elevation Plans (Dwg No SK04 Rev 32, dated May ~~September~~ 2018)
- Landscape Site Sections Plan (Dwg No SK05 Rev 2, dated May 2018)
- Concept Design Plans and Information (May 2018 Rev C) received by Council 26 September 2018
- Civil & Stormwater Management Plans prepared by Triaxial Consulting (TX13121.00- C1.0 Drawing Index & General Notes Rev B, TX13121.00- C2.1 Existing Site Plan Sheet 1 Rev A, TX13121.00- C2.2 Existing Site Plan Sheet 2 Rev A, TX13121.00-C3.0 Sheet 0 Rev B, TX13121.00 – C3.1-Sheet 1 Rev D, TX13121.00- C3.2 Rev A Sheet 2 and TX13121.00- C4.0 Rev A Civil Details) all received by Council 10 October 2018.

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

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(2) Prior to Building Rules Consent Being Granted - Requirement For Landscaping Plan

Prior to Building Rules Consent being granted, a detailed landscaping plan prepared by a suitably qualified professional, shall be prepared to Council's satisfaction. Landscaping detailed in the plan shall be of suitable species.

REASON: *To maintain and enhance the visual amenity of the locality in which the subject land is situated. To soften the appearance of the metallic reddish-brown cellar door building, the car park, battered slopes and generally the site of the development.*

(3) Timeframe For Landscaping To Be Planted

Landscaping detailed in the Landscaping Plan required by Condition 2 shall be planted in the planting season following occupation of the development and maintained in good health and condition at all times . Any such vegetation shall be replaced if and when it dies or becomes seriously diseased in the next planting season.

REASON: *To maintain and enhance the visual amenity of the locality in which the subject land is situated and ensure the survival and maintenance of the vegetation*

(4) External Finishes

The external finishes to the building herein approved shall be as follows:

Winery Buildings:

Walls: Colorbond Woodland Grey or similar

Roof: Colorbond Woodland Grey or similar

Cellar door:

Walls & Roof: Colorbond Metallic Aries or similar

Water storage tanks: Colorbond Woodland Grey or similar

REASON: *The external materials of buildings should have surfaces which are of a low light-reflective nature and blend with the natural rural landscape and minimise visual intrusion.*

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(5) Restriction On Number Of Special Events

The number of special events held in a calendar year shall not exceed ten (10). A register shall be kept of all special events held and made available to the Council on request.

Note that any increase in the number of functions will require a separate development approval.

REASON: To ensure the proposed development is undertaken in accordance with the approved plans, to minimise the development's impact on residential amenity and to ensure that water quality impacts are minimised.

(6) Restriction On Entertainment

Entertainment (live or amplified) associated with special events shall be restricted to within the cellar door building after 7.00pm.

REASON: To minimise the amenity impacts resulting from noise to dwellings—within the locality.

(7) Restriction of Capacity of the Cellar Door & Special Events

The Cellar Door and the associated special events shall have a maximum capacity of 75 persons.

Note that any increase in the capacity of the cellar door or special events will require a separate development approval.

REASON: To ensure the proposed development is undertaken in accordance with the approved plans and to ensure the capacity of the of waste control system and car park areas is not exceeded.

(8) Ancillary Food at the Cellar Door & Special Events

Food may be provided at pre-booked special events. Individual meals may not be offered to patrons at other times, with the exception of light snacks, wood fired pizza and platters.

REASON: To ensure the development is consistent with the hereby approved application documents.

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(9) Opening Hours

The hours of operation shall be:

- Cellar door - Thursday to Sunday 11.00am to 5.00pm
- Special events - Thursday to Saturday 11.00am to 12.00am and Sundays 11.00am to 10.00pm
- Winery - Monday to Friday 7.30am to 5.00pm, and during vintage 7.30am to 7.30pm (any day of the week)

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

(10) 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.*

(11) Noise Protection

Noise within the habitable rooms (windows closed) of the adjacent-dwellings shall not exceed 57 dB(A) between the 'day' hours of 10am to 10pm and 50 dB(A) between the 'night' hours of 10.00pm to 12.00am (midnight).

REASON: *Noise emission that results from the development should not detrimentally affect the amenity of the adjacent dwellings and be in accordance with the Environment Protection (Noise) Policy 2007.*

(12) Car Parking Designed In Accordance With Australian Standard AS 2890.1:2004.

All car parking spaces, driveways and manoeuvring areas shall be designed, constructed, and line-marked or delineated in accordance with Australian Standard AS 2890.1:2004. Line marking or 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 or a similar all-weather surface prior to occupation of the Cellar Door and shall be 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.*

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(13) Car Parking and Manoeuvring Area and Drainage

The car parking and manoeuvring area of service vehicles shall be constructed in accordance with the updated civil plans referred to in Condition 1. The car park surface shall be graded to ensure surface water drains to the grated sumps.

The sumps, pipework, swale and other stormwater infrastructure of surface water management system shall be installed within one (1) month of the car park surface being installed.

REASON: *To ensure stormwater runoff is appropriately managed and water quality is maintained.*

(14) EPA Holding Tank Requirements

- The winery holding tank must be a minimum capacity of 9000L and wastewater grade product
- The holding tank must be situated to enable pump out vehicle ease of access and connection to the tank
- The holding tank must be fitted with an audible and visual alarm with muting facility in a conspicuous position at the site to warn that the holding tank requires pumping out within 24 hours
- The contents of the holding tank must be collected by a licensed wastewater transporter under the Environment Protection Act 1993 and disposed of at a waste disposal facility in accordance with the waste transporter's license conditions

REASON: *To ensure the winery/trade waste control system does not fail and to ensure water quality impacts are minimised.*

(15) Installation of Waste Control System

The trade and domestic waste control systems shall be installed prior to occupation and operation of the both the winery and cellar door.

REASON: *To ensure the waste control system does not fail and water quality impacts are minimised.*

(16) Winery Bund

Prior to the commencement of the winery operations, the bunds, drains, sumps and pipework must be constructed/installed and connected up to the winery holding tank.

REASON: *To ensure the proposed development does not detrimentally impact the environment.*

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(17) Capacity of Bund

The winery buildings shall be bunded with an impervious material that has a total storage capacity equivalent to at least 120% of the largest container within the bunded areas.

REASON: *Development should minimise the risk of pollution of water catchment areas*

(18) 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.

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

(19) Unloading And Storage Of Materials And Goods

All materials and goods for the winery shall at all times be unloaded and loaded under the winery building canopy. All materials and goods for the cellar door 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.*

(20) Storage And Removal Of Solid Waste

All waste shall be stored in a secure and screened location to not be highly visible from Woodlands Road. All general waste shall be collected at least weekly.

REASON: *To maintain the amenity of the locality and minimise water quality impacts from solid waste.*

(21) Winery Waste- Marc & Grape Stalks

Marc and grape stalks shall be stored in sealed containers or on an impervious surface within the winery building with drainage into the waste control system until completely drained and dried out. Once dried out, this solid waste may be spread over the vineyard or in the case of the stalks may be used as stock feed.

REASON: *To reduce the risk of off-site odour and maintain the amenity of the locality.*

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(22) Treatment To Excavations And Fill

All exposed excavations and fill as shown on the approved civil plan shall be:

- a) rounded off and battered to match and blend with the natural contours of the land;
- b) covered with approximately 100mm of topsoil;
- c) seeded to avoid erosion and visual concerns ; and
- d) screened with trees, shrubs and ground covers

prior to occupation of the approved development to the reasonable satisfaction of Council.

REASON: To maintain the visual amenity of the locality in which the subject land is located.

(23) Soil Erosion Control

Prior to construction of the approved development straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during periods of rainfall.

REASON: Development should prevent erosion and stormwater pollution before, during and after construction.

(24) Prior to Building Rules Consent Being Granted - Requirement for Soil Erosion And Drainage Management Plan (SEDMP)

Prior to Building Rules Consent being granted the applicant shall prepare and submit to Council a Soil Erosion and Drainage Management Plan (SEDMP) for the site for Council's approval. The SEDMP shall comprise:

- a major drainage plan
- a site plan
- supporting report
- calculations
- design sketches that detail erosion control methods and the installation of sediment collection devices that will prevent:
 - a) soil moving off the site during periods of rainfall erosion and deposition of soil moving into the remaining native vegetation below the house site;
 - b) soil moving into watercourses during periods of rainfall; and
 - c) soil transfer onto roadways by vehicles and machinery

The works contained in the approved SEDMP shall be implemented prior to construction commencing and maintained to the reasonable satisfaction of Council during the construction period.

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REASON: *Development should prevent erosion and stormwater pollution before, during and after construction.*

(25) 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 and in accordance with the approved civil and stormwater plans prepared by Triaxial Consulting.

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

(26) Rural Verge Access Points - SD24

The vehicle access point(s) and cross over shall be constructed in accordance with Adelaide Hills Council standard engineering detail SD24 – piped entrance or as surfaced crossover with a drainage depression to the satisfaction of Council prior to occupation/use of the development.

REASON: *For safe and convenient movement of vehicles and for efficient drainage of stormwater within the road verge.*

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) Erosion Control During Construction

Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

(3) 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.

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(4) DEW Native Vegetation Council

The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. The clearance of native vegetation includes the flooding of land, or any other act or activity that causes the killing or destruction of native vegetation, the severing of branches or any other substantial damage to native vegetation. For further information visit:

[www.environment.sa.gov.au/Conservation/Native_Vegetation/
Managing_native_vegetation](http://www.environment.sa.gov.au/Conservation/Native_Vegetation/Managing_native_vegetation)

Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8303 9777. This must be sought prior to Full Development Approval being granted by Council.

(5) Works On Boundary

The development herein approved involves work near the boundary. The onus of ensuring development is in the approved position on the correct allotment is the responsibility of the land owner/applicant. This may necessitate a survey being carried out by a licensed land surveyor prior to the work commencing.

(6) Compliance with Food Act SA 2001

This approval under the Development Act 1993 does not in any way imply compliance with the Food Act SA 2001 and/or Food Safety Standards. It is the responsibility of the owner or other person operating the food business from the building to ensure compliance with the relevant legislation before opening the food business on the site.

(7) Food Handling Notification

Food business notification must be provided prior to commencing any food (or consumable product) handling activities. This may be provided on-line at www.fbn.sa.gov.au or by obtaining a notification form from Adelaide Hills Council.

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8.3 Development Application 18/6/473 by Shire Homes for a two storey dwelling, attached deck (maximum height 2.4m), carport (freestanding) & associated earthworks at 4/11 Junction Road, Balhannah

8.3.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Adelaide Hills Council	13 Junction Road Balhannah	Natalie Westover
Dorothy Stone	1/13 Junction Road Balhannah	Natalie Westover
Margaret Jackson	2/13 Junction Road Balhannah	Natalie Westover
Dawn Bradbrook	3/13 Junction Road Balhannah	Natalie Westover
Barbara Hughes	4/13 Junction Road Balhannah	Natalie Westover
Jean Barnes	5/13 Junction Road Balhannah	Natalie Westover
James Hasketh	6/13 Junction Road Balhannah	Natalie Westover

The applicant and landowner's representative, Graham Seppelt, and Shane Williams, Director of Shire Homes, addressed the Panel and requested the decision on this application be deferred as per the written request of Shire Homes.

8.3.2 Decision of Panel

The following recommendation was adopted by consensus of all members (43)

That a decision on Development Application 18/6/473 by Shire Homes for a Two storey dwelling, attached deck (maximum height 2.4m), carport (freestanding) & associated earthworks at 4/11 Junction Road Balhannah be DEFERRED to allow the applicant to consider possible amendments to the design of the proposal in relation to the boundary encroachment identified, overshadowing and overlooking impacts on the adjoining properties to the south.

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9.29pm The meeting was adjourned for a short break

9.38pm The meeting resumed

8.4 Development Application 17/1126/473 by David Beltrame for filling and excavation of land, construction of gabion retaining walls (maximum height of 6m) and associated landscaping at 26 Waverley Ridge Road, Crafers West

8.4.1 Representations

Name of Representer	Address of Representer	Nominated Speaker
Michael & Nancy Detmold	9 Atkinson Road Crafers West	Peter Detmold
Peter Weir & Julie Connor	32 Waverley Ridge Road Crafers West	Peter Detmold

The applicant and his representative, Kieron Barnes from Ekistics, addressed the Panel.

8.4.2 Decision of Panel

The following recommendation was adopted by consensus of all members (44)

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 17/1126/473 by David Beltrame for Filling and excavation of land, construction of gabion retaining walls (maximum height of 6m) and associated landscaping at 26 Waverley Ridge Road Crafers West subject to the following conditions:

(1) Development In Accordance With the Plans / Written Submissions

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:

- **Detail & Level Survey Detail Plan by Alexander Symonds, drawing no. A046313 DET Rev (0)**
- **Detail & Level Survey Detail Plan by Alexander Symonds, drawing no. A046313 DETAIL Rev (G) dated 23.05.2013**
- **Figures 1 & 2 2018-09-04.DWG, REV 8 by Tonkins Consulting, dated 7 September 2018**
- **Landscape concept design, Revision A dated 10 September 2018**

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- Report on the "Preliminary Stability Assessment" prepared by Tonkin Consulting and dated 24 May 2016
- Report on "Assessment of Existing Gabion Wall" prepared by Tonkin Consulting and dated 16 August 2016

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

(2) Timeframe For Reducing Fill Batters

The reduction to the fill batters as detailed in Figures 1 & 2 2018-09-04.DWG, revision 8 by Tonkin Consulting, dated 7 September 2018 shall be completed in the next available season following Development Approval to the reasonable satisfaction of Council.

REASON: *To maintain and enhance the visual amenity of the locality in which the subject land is situated.*

(3) Prior to Building Rules Consent Being Granted – Requirement for Landscaping Plan

Prior to Building Rules Consent being granted, a detailed landscaping plan for screening of the gabion wall and exposed areas of fill shall be prepared by a suitably qualified professional, to Council's reasonable satisfaction. Landscaping detailed in the plan shall be of suitable endemic species to the locality.

REASON: *To maintain and enhance the visual amenity of the locality in which the subject land is situated and to ensure the survival and maintenance of the vegetation.*

(4) Timeframe For Landscaping To Be Planted

Landscaping detailed in the new landscaping plan referred to in condition 3 shall be planted in the next available planting season following the reduction in the filling on the land. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.

REASON: *To maintain and enhance the visual amenity of the locality in which the subject land is situate. and ensure the survival and maintenance of the vegetation.*

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(5) Prior to Building Rules Consent Being Granted - Requirement for Soil Erosion And Drainage Management Plan (SEDMP)

Prior to Building Rules Consent being granted the applicant shall prepare and submit to Council a Soil Erosion and Drainage Management Plan (SEDMP) for the site for Council's approval. The SEDMP shall comprise:

- a major drainage plan
- a site plan
- supporting report
- calculations
- design sketches that detail erosion control methods and installation of sediment collection devices that will prevent:
 - a. soil moving off the site during periods of rainfall; site;
 - b. erosion and deposition of soil moving into the dam below the benched area;
 - c. soil moving into watercourses during periods of rainfall; and
 - d. soil transfer onto roadways by vehicles and machinery

The works contained in the approved SEDMP shall be implemented prior to alterations of the batters commencing and shall be maintained to the reasonable satisfaction of Council until the alterations are complete.

REASON: Development should prevent erosion and stormwater pollution before, during and after construction.

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) Structural Adequacy Assessment of the Existing Gabion Structure by an Independent Technical Expert

As part of the Building Rules Assessment pursuant to Regulation 88 of the Development Regulations 2008 a structural adequacy assessment shall be conducted on the existing gabion structure by an independent technical expert which reviews and verifies the assumptions contained within Tonkin Consulting's "Preliminary Stability Assessment" and "Assessment of the Existing Gabion Wall" Reports dated 24 May 2016 and 16 August 2016 respectively. A further geo technical report shall be provided to assist the approving authority in their assessment.

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- (3) **Erosion Control During Construction**
Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.
- (4) **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.
- (5) **DEW Native Vegetation Council**
The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. The clearance of native vegetation includes the flooding of land, or any other act or activity that causes the killing or destruction of native vegetation, the severing of branches or any other substantial damage to native vegetation. For further information visit:
www.environment.sa.gov.au/Conservation/Native_Vegetation/Managing_native_vegetation

Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8303 9777. This must be sought prior to Full Development Approval being granted by Council.

8.5 Development Application 18/332/473 by Briony Rogers for two storey dwelling alterations and additions, decks (maximum height 5.7m), landscaping & associated earthworks at 24 Edgeware Road, Aldgate

8.5.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Sandra Goslin	22 Edgeware Road Aldgate	Did not attend

The applicant was invited to answer questions from the Panel.

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8.5.2 Decision of Panel

The following recommendation was adopted by consensus of all members (45)

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 18/332/473 by Briony Rogers for Two storey dwelling alterations & additions, decks (maximum height 5.7m) & associated earthworks at 24 Edgeware Road Aldgate 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 plans (dated 04/09/2018, sheet numbers 1-9) prepared by CLB Design:
 - Cover
 - Site Survey
 - Existing site/Floor plan and Elevations
 - Site Layout
 - Proposed Elevations East & West
 - Proposed Elevations North & South
 - Ground Floor Plan View
 - Upper Floor Plan View
- Contour survey site detail plan prepared by Mattsson & Martyn dated received 26/04/18
- Landscape plan dated received 10/09/18

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

(2) Timeframe For Landscaping To Be Planted

Landscaping detailed in plan dated received by Council 10/09/18 shall be planted in the planting season following occupation and maintained in good health and condition at all times. Any such vegetation shall be replaced if and when it dies or becomes seriously diseased in the next planting season.

REASON: *To maintain and enhance the visual amenity of the locality in which the subject land is situated and ensure the survival and maintenance of the vegetation and comply with the requirements of Section 42(4) of the Development Act 1993.*

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(3) Retention Of Screening Trees

The screen of trees and shrubs as shown on the landscape plan dated received 10/09/18 referred to in Condition 1, shall be retained and maintained in good health and condition at all times with any dead or diseased plants being replaced if and when it dies or becomes seriously diseased in the next planting season.

REASON: *To maintain and enhance the visual amenity of the locality in which the subject land is situated.*

(4) Firefighting Water Supply - Mains Water Supply Available

A supply of water independent of reticulated mains supply shall be available at all times for fire fighting purposes:

- a minimum supply of 2,000 (two thousand) litres of water shall be available for fighting purposes at all times; and
- the water supply shall be located such that it provides the required water; and
- the water supply shall be fitted with domestic fittings (standard household taps that enable an occupier to access a supply of water with domestic hoses or buckets for extinguishing minor fires); and
- the water supply outlet shall be located at least 400mm above ground level for a distance of 200mm either side of the outlet; and
- a water storage facility connected to mains water shall have an automatic float switch to maintain full capacity; and
- where the water storage facility is an above-ground water tank, the tank (including any support structure) shall be constructed of non-combustible material.

REASON: *To minimise the threat and impact of fire on life and property as your property is located in a MEDIUM Bushfire Prone Area.*

(5) Vehicle Turning Area

A vehicle turning area shall be provided within the surveyed property boundaries, to facilitate the forward entry and exit of vehicles to and from the land. This turning area shall be substantially completed prior to occupation of the development.

REASON: *To reduce interference with the free flow of traffic on adjoining roads.*

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(6) Residential Lighting

All external lighting shall be directed away from residential development and, shielded if necessary to prevent light spill causing nuisance to the occupiers of those residential properties.

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

(7) External Finishes

The external finishes to the building herein approved shall be as follows:

Walls: Texture coat in Solver® Magnolia or similar

Roof: Basalt Colorbond® or similar

REASON: The external materials of buildings should have surfaces which are of a low light-reflective nature and blend with the natural rural landscape and minimise visual intrusion.

(8) Obscure Glazing To Windows

The north & south facing upper level windows of the craft room and sunroom shall be glazed with fixed obscure glass to a minimum height of 1.5 metres above finished floor level. The glazing in these windows shall be maintained in good condition at all times.

REASON: Buildings should be designed to not cause potential for overlooking of adjoining properties.

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

All roof runoff generated by the development hereby approved shall be managed on-site and connected to the existing stormwater system to the reasonable satisfaction of Council, 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.

(10) Soil Erosion Control

Prior to construction of the approved development straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during periods of rainfall.

REASON: Development should prevent erosion and stormwater pollution before, during and after construction.

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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) Erosion Control During Construction

Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

(3) 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.

(4) DEW Native Vegetation Council

The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. The clearance of native vegetation includes the flooding of land, or any other act or activity that causes the killing or destruction of native vegetation, the severing of branches or any other substantial damage to native vegetation. For further information visit:

[www.environment.sa.gov.au/Conservation/Native_Vegetation/
Managing_native_vegetation](http://www.environment.sa.gov.au/Conservation/Native_Vegetation/Managing_native_vegetation)

Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8303 9777. This must be sought prior to Full Development Approval being granted by Council.

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8.6 Development Application 18/168/473 (18/D12/473) by Thomas Playford for land division (boundary realignment 2 into 2) (non-complying) at 467A & 467B Old Norton Summit Road, Norton Summit

8.6.1 Representations
Nil

8.6.2 Decision of Panel

The following recommendation was adopted by consensus of all members (46)

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 seeks the CONCURRENCE of the State Commission Assessment Panel to GRANT Development Plan Consent and Land Division Consent to Development Application 18/168/473 (18/D12/473) by Thomas Playford for Land division (boundary realignment) (Non Complying) at 467A and 467B Old Norton Summit Road, Norton Summit subject to the following conditions:

Planning 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:

- Plan of division prepared by Olden & van Senden Pty Ltd (Ref 4383da V1, dated 15/2/2018)
- Access Location Plan provided by Thomas Playford (Ref 4383da V2 Access Rd dated 11/7/2018)

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

Department of Planning Transport and Infrastructure conditions

- (2) The allotments yielded from this plan of division shall have a single, shared vehicular access only to/from Old Norton Summit Road.**
- (3) All vehicles shall enter and exit Old Norton Summit Road in a forward direction.**
- (4) Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the adjacent road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.**

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Planning Notes

(1) Land Division Development Approval Expiry

This development approval is valid for a period of three (3) years from the date of the decision notification. This time period may be further extended beyond the 3 year period by written request to, and approval by, Council prior to the approval lapsing. Application for an extension is subject to payment of the relevant fee. Please note that in all circumstances a fresh development application will be required if the above conditions cannot be met within the respective time frames.

Council Land Division Statement of Requirements

Nil

Council Land Division Notes

(1) Property Identifiers

The property identifiers for this property are now:

Proposed Pieces 50 & 51 – remain 467A Old Norton Summit Road

Proposed Lot 52 – remains 467B Old Norton Summit Road

SCAP Land Division Statement of Requirements

(1) Requirement For Certified Survey Plan

A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

REASON: Statutory requirement in accordance with Section 51 of the Development Act 1993.

SCAP Land Division Notes

Nil

- 8.7 **Development Application 18/319/473 by Uraidla Bowling Club Inc for removal of two existing light poles and construction of four (4) light poles (maximum height 9.5m) in association with existing bowling green at 1188 Greenhill Road, Uraidla**

8.7.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Mark Stevenson	96 Swamp Road, Uraidla	Did not attend

The applicant's representatives, Richard Crabb and Malcolm Storey, were invited to answer questions from the Panel.

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8.7.2 Decision of Panel

The following recommendation was adopted by consensus of all members (47)

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 18/319/473 by Uraidla Bowling Club Inc. for Removal of two existing light poles & construction of four (4) light poles (maximum height 9.5m) in association with existing bowling green at 1188 Greenhill Road Uraidla 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 site plan date stamped by Council 19/07/18
- Amended LUX plan date stamped as Council 19/07/2018
- Amended report prepared by Malcolm Story date stamped by Council 24/09/2018
- Elevation drawings date stamped as received by Council 19 April 2018
- Flood light fitting date stamped as received by Council 19 April 2018
- E-mail correspondence with Malcolm Story date 24 September 2018

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

(2) Adherence to EPA Noise Guidelines

Noise levels emanating from the property shall not exceed the guidelines set in the Environmental Protection (Noise) Policy 2007, or its legislated equivalent, at any given time.

REASON: To ensure that residential amenity in the locality is not adversely impacted.

(3) Hours of Use - Light Poles

The lights herein approved shall not operate between 10pm and 7am Monday through to Sunday.

REASON: To ensure the residential amenity of the area is maintained.

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- (4) **Lights Installed In Accordance With Australian Standard AS 2560.2.8—2007**
The lights shall be installed and angled in accordance with Australian Standard AS 2560.2.8—2007 Sports Lighting Part 2.8: Specific applications—Outdoor bowling greens. The lights shall be maintained in good condition at all times.

Light spill shall not exceed 12 LUX at any point or, an average of 10 LUX at a point 1.5m above ground level at a distance of 3m from the property boundary or the nearest window, whichever is the closer, on the neighbouring property in order to comply with the Australian Standard.

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

NOTES

- (1) **Neighbour Consultation During Light Installation**
It is recommended that residents of the dwelling in close proximity to the site be consulted during the installation/testing of the lights regarding the angle to ensure that light spill impacts can be minimised on neighbouring dwellings.
- (2) **Works Within Close Proximity to Boundary**
The development herein approved involves work within close proximity to the boundary. The onus of ensuring development is in the approved position on the correct allotment is the responsibility of the land owner/applicant. This may necessitate a survey being carried out by a licensed land surveyor prior to the work commencing.
- (3) **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.
- (4) **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.
- (5) **Erosion Control During Construction**
Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

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- 8.8 **Development Application 18/606/473 by The Manor BR Pty Ltd for change of use to include cellar door (40 persons capacity) at 762 Lobethal Road, Basket Range**

8.8.1 **Representations**

Name of Representor	Address of Representor	Nominated Speaker
Eberhard Frank	12 Hunters Road Basket Range	Personally

The applicant's representative, Marcus Dewar, addressed the Panel.

8.8.2 **Decision of Panel**

The following recommendation was adopted by consensus of all members (48)

The Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, DELEGATES to staff to grant Development Plan Consent to Development Application 18/606/473 by The Manor BR Pty Ltd for Change of use to include cellar door (40 persons capacity) at 762 Lobethal Road Basket Range subject to waste system approval being obtained and 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 proposal letter prepared by Marcus Dewar dated 24 September 2018 and date stamped by Council 24/09/18
- Full site plan prepared by Raven Design Concepts, drawing number PD-01, dated 21/08/18 and date stamped as received by Council 21/08/2018
- Close up site plan prepared by Raven Design Concepts, drawing number PD-02, dated 21/08/18 and date stamped as received by Council 21/08/2018
- Floor plan prepared by Raven Design Concepts, drawing number PD-03, dated 21/08/18 and date stamped as received by Council 21/08/2018

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

(2) **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.

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

(3) Overall Capacity

At any one time, the capacity of the cellar door and associated outdoor licensed area shall be limited to a maximum of 40 persons and the overall capacity of the licensed premises at any one time shall not exceed the capacity of the on-site waste system

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.*

(4) Entertainment

Entertainment in the form of a range of music shall be contained within the cellar door building during operating hours of the cellar door to maintain the amenity of the rural area to the reasonable satisfaction of Council.

REASON: *To maintain and enhance the rural amenity of the locality.*

(5) Noise Levels

The noise from the cellar door shall not exceed 57dB(A) between 10am and 10pm within nearby dwellings.

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

(6) Opening Hours Cellar Door

The opening hours of the cellar door sales shall be between 10:00am and 5:00pm Monday to Sunday.

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

(7) Sale of Wine Restricted to Licensee's Own Product And Product from the Mount Lofty Ranges Region

The sale of wine is limited to that which is the licensee's own product or product from the Mount Lofty Ranges Region.

REASON: *To ensure the tasting and retail sale of Mount Lofty Ranges Region wine are the predominant activities of the cellar door.*

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NOTES

(1) Development Approval Expiry

This development approval is valid for a period of twelve months commencing from the date of the decision notification. However if the development hereby approved is substantially commenced within the twelve (12) month period then it shall be completed within three (3) years of the date of such notification. This time period may be further extended beyond the 3 year period by written request to, and approval by, Council prior to the approval lapsing. Application for an extension is subject to payment of the relevant fee. Please note that in all circumstances a fresh development application will be required if the above conditions cannot be met within the respective time frames.

(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.

- 8.9 **Development Application 15/1007/473 (15/D49/473) by Woodforde JV Pty Ltd for land division (2 into 281) in four stages with associated roads and other civil infrastructure and creation of reserves (SCAP relevant authority).**

Variation Description: Variation to Development Authorisation 15/D49/473 to realign MacIntosh Crescent and to reconfigure approved allotments and increase the number of additional allotments overall from 281 to 296, namely to reconfigure approved allotments 203 to 208 and to increase the number of allotments on the southern side of Abercrombie Avenue from 4 to 8 allotments (Lots 901 to 904) (Stage 2B) and reconfigure approved Lots 209 to 219 and increase the number of allotments in the southern section of MacIntosh Crescent from 11 to 22 allotments (Lots 818 to 828) (Stage 3A) at 23 – 63 Glen Stuart Road, Woodforde

- 8.9.1 **Representations**
Nil

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8.9.2 Decision of Panel

The following recommendation was adopted by consensus of all members (49)

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 advise the State Commission Assessment Panel that it has no objection to the variation proposal in the amended plan of division dated 14 September 2018 in Development Application 15/1007/473 (15/D049/473) by Woodforde Pty Ltd for Land Division (2 into 281) in four stages with associated roads and other civil infrastructure and creation of reserves (SCAP the relevant authority) - described as: Variation to development authorisation 473/D049/15 - to realign MacIntosh Crescent & to reconfigure approved allotments & increase the number of additional allotments overall from 281 to 296, namely to reconfigure approved allotments 203 to 208 and to increase the number of allotments on southern side of Abercrombie Avenue from 4 to 8 allotments (lots 901 to 904) (Stage 2B) & to reconfigure approved allotments 209 to 219 & increase the number of allotments in the southern section of MacIntosh Crescent from 11 to 22 allotments (lots 818 to 828) (Stage 3A), subject to the following comments:

- (1) As highlighted in the planning submissions on the original land division and in three residential flat building proposals within the sub-division, these residential flat buildings are critical to achieving the net densities desired by the Policy Area. A planning statement should be provided that details how these densities are now going to be achieved.
- (2) In line with the above, a statement should be provided to detail how housing diversity is still going to be achieved. In particular, how is the 15 percent affordable housing target going to be achieved within the subdivision.
- (3) It should be proven that larger allotment sizes along Abercrombie Avenue are not required. Concept dwelling designs, including civil plans detailing earthworks should be provided for allotments 203 to 206 and 901 to 904 to demonstrate consistency with the pertinent provisions. In particular:
 - How will major earthworks and retaining walls be avoided?
 - Are the future dwellings likely to be split-level?
 - Provide a profile of the interface between allotments 904 and 207 and allotments 202 and 203. Consideration should be given to widening these allotments so a 1m side setback can be achieved.
- (4) Further details should be provided to prove that 'boundary build' dwellings on allotments 826 to 828 will have sufficient access to sunlight, in particular the private open space and rooms to the rear.

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- (5) Prior to determination of the variation by SCAP, a revised stormwater master plan for the whole land division and engineering calculations shall be provided to confirm the stormwater management design (post development to match predevelopment flows) has adequate capacity to accommodate the additional allotments in Stage 2B to the satisfaction of Council and SCAP
- (6) The applicant shall confirm that revised engineering designs will be submitted for Council engineering approval for Stage 2B prior to civil works associated with the variation commencing.
- (7) A condition should be included in any consent granted to the variation that requires the created allotments within Stage 3A (lots 209 to 219 and 818 to 828) to share vehicle crossovers to minimise the visual impact of multiple crossovers on the streetscape.

9. Policy Issues for Advice to Council

The Panel requests that Council staff give consideration to the review of scenic routes listed in the Development Plan and possibly include Scenic Route 51.

10. Other Business

Acknowledgement of Linda Green's contribution to the Council Assessment Panel - forthcoming Council elections

10.1 The Panel expressed their thanks to Linda Green for her membership on the Council Assessment Panel and her contributions to date.

Moved Stephen Hamnett
S/- Simon Bradley

Carried
(50)

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 14 November 2018.

14. Close meeting

The meeting closed at 11.50pm.