

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2019
63 MOUNT BARKER ROAD, STIRLING**

Present**Presiding Member**

Professor Stephen Hamnett

Members

Piers Brissenden

Linda Green

Rob McBryde

In Attendance

Marc Salver

Sam Clements

Melanie Scott

Doug Samardzija

Karen Savage

Darren Smith

Director Development & Regulatory Services

Acting Manager Development Services

Acting Team Leader Statutory Planner

Statutory Planner

Minute Secretary

Observer

1. Commencement

The meeting commenced at 6.31pm

2. Apologies/Leave of Absence**2.1 Apologies**

Simon Bradley

2.2 Leave of Absence

Nil

3. Previous Minutes**3.1 Meeting held 13 March 2019**

The minutes were adopted by consensus of all members

(9)

That the minutes of the meeting held on 13 March 2019 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 28 November 2017.

5. Presiding Member's Report

Nil

6. Declaration of Interest by Members of Panel

Nil

7. Matters Lying on the Table/Matters Deferred

7.1 Matters Lying on the Table

Nil

7.2 Matters Deferred

7.2.1 Development Application 18/401/473 (18/D23/473) by Neil Page for Land Division (1 into 2) (non-complying) at 25 Fern Hill Road, Bridgewater

Deferred from meeting 12 December 2018

"At the request of the applicant, that a decision on the matter be deferred to allow the applicant to consider alternative options, and public notification of an amended proposal to be undertaken."

Refer to Item 8.2 of these Minutes

8. Development Assessment Applications

8.1 Development Application 18/760/473 by Nikolas Carsiotis for two storey mixed use development incorporating shop, office, residential flat building (8 dwellings), undercroft car parking, retaining walls (maximum height 1.2m), fence (maximum height 3.4m), associated landscaping & earthworks, and demolition of existing dwelling and outbuildings at 14 Johnston Street, Stirling

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8.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Janet Sands	16 Johnston Street Stirling	Janet Sands
Ben & Karen Anthonysz	29 Milan Terrace Stirling	Ben Anthonysz
Greg & Inca Pearce	2 Oakbank Street Stirling	Greg Pearce

The applicant's representatives, Ben Seamark (independent Arborist) and Garth Heynen (Heynen Planning Consultants), addressed the Panel.

8.1.2 Decision of Panel

The following recommendation was adopted by consensus of all members (10)

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 18/760/473 by Nikolas Carsiotis for Two storey mixed use development incorporating shop, office, residential flat building (8 dwellings), undercroft car parking, retaining walls (maximum height 1.2m), fence (maximum height 3.4m), associated landscaping & earthworks, & demolition of existing dwelling & outbuildings at 14 Johnston Street Stirling 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:

Drawing Title	Prepared By	Drawing Number	Revision	Received by Council
Index plan	Nicholas Carsiotis	DA.00	B	13/03/2019
Survey Plan	Nicholas Carsiotis	DA.01.02	B	13/03/2019
Demolition Plan	Nicholas Carsiotis	DA.02	B	13/03/2019
Satellite View	Nicholas Carsiotis	DA.01.01	B	13/03/2019
Earthworks Plan	Nicholas Carsiotis	DA.03	B	13/03/2019
Undercroft car park	Nicholas Carsiotis	DA.04	B	13/03/2019
Level 1 plan	Nicholas Carsiotis	DA.05	B	13/03/2019
Level 2 plan	Nicholas Carsiotis	DA.06	B	13/03/2019
Level 1 SW plan	Nicholas Carsiotis	DA.05.01	B	13/03/2019
Elevation drawings	Nicholas Carsiotis	DA.07.00	B	13/03/2019

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Elevation drawing 10m marker	Nicholas Carsiotis	DA.07.01	B	13/03/2019
Sun study diagram	Nicholas Carsiotis	DA.08	B	13/03/2019
Section drawing	Nicholas Carsiotis	DA.09	B	13/03/2109
Boundary junction	Nicholas Carsiotis	DA.09.01	B	13/03/2019
Section drawing 16 Junction	Nicholas Carsiotis	DA.09.02	B	13/03/2019
Privacy screen	Nicholas Carsiotis	DA.10	B	13/03/2019
Tree to building	Nicholas Carsiotis	DA.T.00	B	13/03/2019
Landscaping plan level 1	Nicholas Carsiotis	DA.11	B	13/03/2109
Landscaping plan level 2	Nicholas Carsiotis	DA.12	B	13/03/2019
Tree study plan	Nicholas Carsiotis	DA.12	B	13/03/2109
Dimensioned elevation drawings	Nicholas Carsiotis	DA.07.03	B	21/03/2019
Letter	Nicholas Carsiotis	-	-	17/03/2019
Arborist Report	Ben Seamark	-	-	13/03/2019

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

(2) Vehicle Access Point Line Of Sight

The vehicle access point and cross-over shall be kept free of any obstructions that may obscure the line of sight of a driver e.g. vegetation, letterboxes, fences.

REASON: For safe and convenient movement of vehicles.

(3) Illuminated Signs

The illuminated signs shall not be of a light intensity so as to cause nuisance to adjacent properties.

REASON: Advertisements shall not detrimentally affect the amenity of the locality.

(4) Lighting Hours

The lighting for the signs shall be switched off at midnight of each day and shall not be switched on before sunrise of the following day.

REASON: Advertisements shall not detrimentally affect the amenity of the locality.

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(5) **Signage Kept In Good Repair**

The signs shall at all times be kept in good repair and condition.

REASON: Advertisements shall not detrimentally affect the amenity of the locality.

(6) **External Finishes**

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

WALLS: Masonry Wall Stone Faced, and glass brick windows or similar
Timber louvered privacy screens, Aluminium privacy screens in charcoal

ROOF: Terracotta tiled roof 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.

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

All car parking spaces, driveways and manoeuvring areas shall be designed, constructed, drained and line-marked in accordance with Australian Standard AS 2890.1:2004. Line marking and directional arrows shall be clearly visible and maintained in good condition at all times.

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

(8) **Unloading And Storage Of Materials And Goods**

All materials and goods associated with the commercial uses shall at all times be loaded and unloaded within the designated delivery and storage area as depicted on the approved plan DA.04. 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.

(9) **Waste Bin Storage**

All waste bins shall only be stored in the designated waste collection/bin storage areas as depicted on approved plan DA.04.

REASON: To ensure the proposed development is undertaken in accordance with the approved plans and to maintain the amenity of the locality.

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(10) 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.

(11) 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.

(12) Opening Hours

The opening hours of the shop and office shall be 8am to 5pm on Monday to Sunday.

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

(13) Timeframe For Landscaping To Be Planted

Landscaping, including replacement trees detailed in plans DA.11 and DA.12 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 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 situated and ensure the survival and maintenance of the vegetation.

(14) Prior to Building Rules Consent Being Granted - Requirement For Stormwater Calculations

Prior to Building Rules Consent being granted, a final stormwater plan and associated calculations shall be provided to Council for review and approval.

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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(15) 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 site plan and 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;
- b. erosion and deposition of soil moving into the remaining native vegetation; 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.

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

(16) Stormwater Overflow Directed To Street

All roof runoff generated by the development hereby approved shall be directed to a rainwater tank with overflow to the street to the satisfaction of Council within one month of the roof cladding being installed. All roof and hard paved water runoff shall be managed to prevent 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.

(17) Tree Protection Zones

A tree protection zone (TPZ) around each tree as identified in the Arborist report is required. The protection zone is to encompass the structural root zone of the tree and shall be determined by the project arborist. During construction each TPZ shall be fenced with 2.0 metre high chain mesh material with posts at 3 metre intervals and incorporate on the east and south sides a clearly legible sign displaying the words "Tree Protection Zone". The following restrictions apply to each tree protection zone:

- a) No machine excavation is permitted.
- b) If any major roots (roots with a diameter greater than 25mm) are found outside the TPZ during construction the project arborist shall be contacted immediately to assess the situation.
- c) The works adjacent to the trees as identified in the report are to be supervised by the project arborist.

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- d) A layer of organic mulch to a depth of 100mm shall be placed over all root systems so as to assist with moisture retention and to reduce the impact of compaction
- e) No material, equipment or temporary buildings shall be placed within any TPZ.
- f) No items shall be attached to each tree including temporary service wires, nails, screws or any other fixing device.
- g) Supplementary watering shall be provided to the trees through any dry periods during and after the construction process. Each tree is to be provided with a circular dripper system comprising 19mm polypipe, 4 litre per hour drippers spaced every 2 metres.
- h) No other works shall occur within a TPZ without the consent of an Arborist during the life of the retained trees.
- i) Any services such as stormwater, sewer and electrical that enter the TPZ are to be excavated using non-destructive methods such as Hydro vac[®] or directional boring systems. This work is to be supervised by the project arborist. If any tree roots are discovered at this time, the project arborist is to assess and address accordingly.

REASON: To protect the tree/s from the impact of the development.

(18) Footing Design for Protection Of Trees

The footing design for the proposed development along the south-west boundary (near tree 5), the rear north boundary (trees 3 and 4) and side north-east boundary (tree 2) of the allotment shall be a suspended slab design with supplementary irrigation as outlined in the Arborist's Report prepared by Tree Inspection Services and submitted as a strategy for management of the tree(s) and as identified on the approved plan DA.04.

REASON: To protect the regulated and native tree/s from impact of the development.

NOTES

(1) Works On Boundary

The development herein approved involves work on 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.

(2) Sewer Connection

The dwelling shall be connected to SA Water mains sewer supply in accordance with the approval granted by SA Water. All work shall be to the satisfaction of SA Water.

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- (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) **Footpath and Kerb Alterations**
The footpath and kerb alterations shall be reinstated in a manner so as to ensure no road water runoff enters the crossover point and to the satisfaction of Council in order to prevent scouring or flooding on the footpath or road verge area.
- (5) **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.
- (6) **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.

8.2 **Development Application 18/401/473 (18/D23/473) by Neil Page for Land Division (1 into 2) (non-complying) at 25 Fern Hill Road, Bridgewater**

8.2.1 **Representations**

Name of Representor	Address of Representor	Nominated Speaker
Darrell & Bianca Stanbridge	32 Fern Hill Road Bridgewater	Darrell Stanbridge
Nicola Barnes & Paul Angas	23 Fern Hill Road Bridgewater	Nicola Barnes
Zeke Scott	21 Fern Hill Road Bridgewater	Rob Young
Timothy Wallis	30 Fern Hill Road Bridgewater	Nicola Barnes

The applicant, Neil Page, addressed the Panel.

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8.2.2 Decision of Panel

Moved	Linda Green	Carried
S/-	Rob McBryde	(11)

- A. 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 18/401/473 (18/D23/473) by Neil Page for Land division (1 into 2) (non-complying) at 25 Fern Hill Road, Bridgewater SA 5155 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:

- Amended plans from Alexander Symonds Surveying Ref A023618.0000 Drawing number A023618PROP(C) Revision C dated 18 December 2018 sheets 1 & 2

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

COUNCIL NOTES

(1) Land Division Development Approval

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.

(2) Council Rubbish Collection

The applicant is advised that Council rubbish and recycling trucks will not enter the subject land. All collections will be from the kerbside. The onus is therefore on future landowners/occupiers to ensure that refuse bins are placed in suitable locations on the road verge so as to not obstruct motorists or pedestrians.

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(3) Property Identifiers

The property identifiers for this property are now:

Proposed Lot 391 – 34 Fern Hill Road

Proposed Lot 392 – 25 Fern Hill Road

Council Land Division Statement of Requirements

(1) Prior to Section 51 Clearance – Design of Crossover

Prior to Section 51 Clearance the applicant shall submit to Council and have approved a crossover design which achieves a gradient less than 1 in 4.

REASON: To maintain safe and convenient movement of vehicles.

(2) Prior to Section 51 Clearance – Construction of Crossover

Prior to Section 51 Clearance, the crossover approved in land condition 1 shall be constructed and sealed in Hotmix bitumen, concrete, brick paving or similar material, from the edge of the sealed carriageway of Fern Hill Road to the property boundary and maintained to the satisfaction of Council at all times.

NOTE: The access shall be constructed to ensure no construction materials are deposited onto the carriageway of Fern Hill Road.

REASON: To maintain safe and convenient movement of vehicles.

Council Land Division Notes

(1) Nil

SCAP Land Division Statement of Requirements

(1) SA Water Requirements

The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0071861).

The internal drains shall be altered to the satisfaction of the SA Water Corporation.

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

(2) Final 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 Planning Commission for Land Division Certificate purposes.

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On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

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

(3) Payment into the Planning and Development Fund

Payment of \$6830 into the Planning and Development Fund (1 allotment/s @ \$6830/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.

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

SCAP Land Division Notes

(1) Nil

- B. That the CAP recommends to the Council that Land Management Agreement 6756212 be rescinded from Certificate of Title 5094/149 known as 25 Fern Hill Road, Bridgewater, with all costs associated with this rescission to be borne by the applicant.**

8.3 Development Application 18/515/473 by Guiseppe Ceravolo for demolition of existing buildings and construction of horticultural building, water storage tank (22,500L) & associated earthworks at 172 Woods Hill Road, Ashton

8.3.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Julie & Sandy Quigley	170 Woods Hill Road Ashton	Greg Vincent MasterPlan

The applicant, Guiseppe Ceravolo, addressed the Panel.

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8.3.2 Decision of Panel

The following was adopted by consensus of all members (12)

That subject to an agreed position of the proposed horticultural building being determined between the applicant and the representor, 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 delegates the decision to GRANT Development Plan Consent to Development Application 18/515/473 by Guisepppe Ceravolo for Demolition of existing buildings & construction of horticultural building, water storage tank (22,500L) & associated earthworks at 172 Woods Hill Road Ashton to the Assessment Manager, 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 proposed site plan and floor plan and elevations from Zummo Design revision A09 dated 8 April 2019 (to be updated once an agreed position has been determined)
- Siteworks and drainage plan from Herriot Consulting Civil & Structural Engineers file number C1808-004 sheet C1 revision A

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

(2) 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.

(3) External Finishes

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

WALLS:	Colorbond Woodland Grey or similar
ROOF:	Colorbond Woodland Grey or similar
TANK:	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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(4) 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.

(5) 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.

(6) Stormwater Hardstand Runoff to Be Dealt With On Site

It is the owner's responsibility to ensure that stormwater from all paving areas of the site at 172 Woods Hill Road, Ashton is disposed of in such a manner that it does not result in the entry of water into any buildings, affect the stability of any building, cause erosion or affect adjoining landowners.

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

(7) Treatment To Excavations And Fill

All exposed excavations and fill as shown on the siteworks and drainage plan from Herriot Consulting Civil & Structural Engineers file number C1808-004 sheet C1 revision A 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; and
- c) seeded to avoid erosion and visual concerns

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

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

NOTES

- (1) **Development Plan Consent Expiry**
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- (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) **Use Of Building**
Should the building be used for retail sales, staff facilities, cold room facilities, washing, grading, processing and packing or storage of product then a separate application will need to be lodged with Council for change of use.

9. **Policy Issues for Advice to Council**
Nil

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10. Other Business

- 10.1 Variation to Development Authorisations 15/698/473 & 17/759/473 – to vary Villa 1 to increase the building area and replace this villa with common guest facilities, including decks & swimming pool (14 villas to accommodate 28 persons) and alterations, associated earthworks and car park at 74 Mount Lofty Summit Road and 1 Mawson Drive, Crafers**

The following was adopted by consensus of all members (13)

The variation to Development Applications 15/698/473 and 17/759/473 submitted to Council on 26 March 2019 (19/256) be considered and determined by staff, and is not required to be submitted to the Council Assessment Panel.

- 10.2 Marc Salver and Sam Clements advised the Panel that the Accredited Professionals Scheme of the PDI Act became operational on 1 April 2019, but this does not affect the current Council Assessment Panel Members.**

- 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 May 2019.

- 14. Close meeting**
The meeting closed at 9.48pm.