

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 12 JUNE 2019
63 MOUNT BARKER ROAD, STIRLING**

Present**Presiding Member**

Geoff Parsons

Members

Ross Bateup

Piers Brissenden

David Brown

Linda Green

In Attendance

Deryn Atkinson

Acting Director Development & Regulatory Services
and Assessment Manager

Melanie Scott

Senior Statutory Planner

Doug Samardzija

Statutory Planner

Marie Molinaro

Statutory Planner

Damon Huntley

Statutory Planner

Karen Savage

Minute Secretary

1. Commencement

The meeting commenced at 6.05pm

2. Apologies/Leave of Absence

2.1 Apologies

Nil

2.2 Leave of Absence

Nil

3. Previous Minutes

3.1 Meeting held 8 May 2019

The minutes were adopted by consensus of all members**(22)**

That the minutes of the meeting held on 8 May 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

Piers Brissenden declared an interest in Item 9.1 as the property has been the subject of work with the Central Hills region of the NRM, where he was formerly District Manager. However, he has no pecuniary interest or conflict in this item.

The Presiding Member advised that the Planning Consultants for Item 9.2 have been engaged by his organisation to prepare a report on an unrelated matter. He does not believe this to be a conflict of interest.

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 13/30/473 by Mark Musolino for filling of land to a maximum depth of 6.2 metres (non-complying) at 24 & 28 Emmett Road, Crafers West

Deferred from meeting 8 May 2019

"At the request of Council staff, that a decision on the matter be deferred to enable Council administration to repeat the public notification process in order to comply with the requirements of Regulation 22(5) of Development Regulations 2008."

Staff provided the Panel with an update on this item.

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8. Staff Report

8.1 Review of the Council Assessment Panel (CAP) Operating and Meeting Procedures

The following recommendation was adopted by consensus of all members (23)

That pursuant to Section 83 of the *Planning Development and Infrastructure Act 2016* and the *Planning, Development and Infrastructure (General) (Assessment Panels) Variation Regulations 2017, Regulation 18* the Council Assessment Panel adopts the Operating and Meeting Procedures as detailed in Attachment 2 of this report.

9. Development Assessment Applications

9.1 Development Application 18/668/473 by Shu-Mu Tseng for a change of use of existing grazing land to include horticulture comprising a tree and flower plantation (8 hectares) at Lot 17 Mount Barker Road, Bridgewater

9.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Marguerite Hann-Syme	23 Oratava Avenue Bridgewater	Marguerite Hann-Syme
Stephanie Jephson	86 Orontes Avenue Bridgewater	Marguerite Hann-Syme
C A Clark & J M Gardner	82 Orontes Avenue Bridgewater	Marguerite Hann-Syme
Sam Lang & Margie Bok	86 Osterley Avenue Bridgewater	Sam Lang & Margie Bok
Chris Grant Natural Heritage Manager, National Trust of SA	631 Glynburn Road Beaumont 5066 Engelbrook Reserve	Chris Grant
Julie Kaye Clark	75 Orontes Avenue Bridgewater	John Hill Stirling District Residents Association (SDRA)
Bronwyn Duncan	84 Orontes Avenue Bridgewater	John Hill Stirling District Residents Association (SDRA)
Mark Christian & Linda MacQueen	3 Orvieto Street Bridgewater	John Hill Stirling District Residents Association (SDRA)

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The applicant's representatives, Jessica Li and Nigel Chapman (Farm Manager), addressed the Panel.

9.1.2 Decision of Panel

The following was adopted by consensus of all members (24)

The Council Assessment Panel DEFERS consideration of Development Application 18/668/473 by Shu-Mu Tseng for a change of use of existing grazing land to include horticulture comprising a tree and flower plantation (8 hectares) at Lot 17 Mount Barker Road, Bridgewater to enable further discussion between the applicant and Council staff regarding:

- **Buffer Distances;**
- **Plant Species;**
- **External Professional Input; and**
- **CFS Advice**

And the preparation of a detailed landscape plan by a qualified Landscape Designer with planting allocations, buffers, plant species and plant numbers.

9.2 Development Application 19/245/473 by Hills Christian Community School for staged expansion to existing community facility, namely change of use of existing residential property & primary school to educational establishment (pre-school, primary & secondary school):

Stage 1: Demolition of existing dwelling & ancillary structures (Lot 51) and construction of two single storey secondary school buildings, water storage tanks, staff car park, associated retaining walls and earthworks

Stage 2: Extension of public roadway (Sandow Lane), internal driveway (ring road) and associated retaining wall & earthworks

at 10, 14, 16, 17 and 24 Onkaparinga Valley Road and Lot 4 Sandow Road, Verdun

9.2.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Mark Baryczka & Vanessa Clarke	18 Onkaparinga Valley Road, Verdun	Did Not Attend

The applicant's representatives, Julie Lewis (URPS) and Melissa Mellen (MFY), were invited to address the Panel and answer questions from the Panel.

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9.2.2 Decision of Panel

The following recommendation was adopted by consensus of all members (25)

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 19/245/473 by Hills Christian Community School Inc for a staged expansion to an existing community facility, namely change of use of existing residential property & primary school to an educational establishment (pre-school, primary & secondary school):

Stage 1: Demolition of existing dwelling & ancillary structures (lot 51) & construction of two single storey secondary school buildings, water storage tanks, car park, associated retaining walls & earthworks

Stage 2: Extension of public roadway (Sandow Lane), internal driveway (ring road) & associated retaining wall & earthworks at 10, 14, 16, 17 and 24 Onkaparinga Valley Road, Lot 4 Sandow Road & Sandow Road Verdun subject to the following conditions:

(1) Reserved Matter

The Council Development Assessment Panel requires the following matter which is reserved pursuant to Section 33(3) of the Development Act 1993 to be addressed to the reasonable satisfaction of Council staff:

- In accordance with HCCS correspondence dated 21 May 2019, a copy of a lease agreement for no less than 3 years (the term within which the development must be substantially completed) be executed with the Verdun Hall Committee (or other site where applicable) and be submitted to the Council for its records.

NOTE: Council reserves the right to attach further conditions in relation to this.

REASON: To minimise disruption to the amenity of the local residents and for safe and convenient movement of vehicles.

(2) 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:

- Drawings from Phillips/Pilkington Architects project number 18564 drawing numbers SK01, SK02, SK03, SK04, SK05, SK06, SK07, SK08, SK09, SK10, SK11, SK12 & SK13 issue DA01 & SK01 issue P5 reflecting stage 1
- Drawings from Phillips/Pilkington Architects project number 18564 drawing numbers SK02 issue P5 being the Stormwater management

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concept plan from Combe Pearson Reynolds 1801-c-SK01, SK02 & SK03 – Rev A dated 18 March 2019

- Drawings from Phillips/Pilkington Architects project number 18564 drawing numbers A150, A151 & A152 issue P12 – Landscape Plan, Planting Schedule and Landscape materials

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

Traffic & Car Parking

(3) Prior to Building Rules Consent- Provision of Interim Traffic and Parking Management Plan

Prior to Building Rules Consent for the applicable stage, the applicant shall submit an Interim Traffic and Parking Management Plan to the satisfaction and approval of the Commission of Highways and Council for the management of displaced off-site set-down / pick up and/or overflow on-street primary school staff parking for the duration of the construction period for both stage 1 and stage 2.

These activities shall be undertaken in accordance with the approved Traffic and Parking Management Plan.

REASON: To minimise disruption to the amenity of the local residents and for safe and convenient movement of vehicles.

(4) Prior to Occupation of Stage 1

Prior to occupation of the stage 1 buildings, the detailed drawings for Stage 2 (ring road) shall be lodged and approved by the Council.

REASON: To ensure the proposal is undertaken in accordance with plans.

(5) Construction of The Ring Road- Stage 2

The ring road shall be constructed and operational to the reasonable satisfaction of Council within 15 months of the development approval of Stage 1.

REASON: To ensure the proposed ring road is constructed within a reasonable timeframe in order to minimise vehicle queuing and traffic congestion issues on Onkaparinga Valley Road and surrounding roads.

(6) Extra Bus Service - Ring Road Construction

The educational establishment shall provide an additional private bus service up until the ring road has been constructed and is operational to the reasonable satisfaction of Council.

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REASON: To minimise vehicle queuing and traffic congestion issues on Onkaparinga Valley Road and surrounding roads.

(7) Surfacing of The Ring Road

The proposed ring road will be surfaced with asphalt, line marked and sign posted to the satisfaction of Council.

REASON: To ensure the proposal is undertaken in accordance with plans.

(8) Student Numbers Cap For Secondary School- Ring Road Completion

The secondary school shall be limited to a maximum of 110 students until such time as the ring road is completed and operational to the reasonable satisfaction of Council.

REASON: To minimise vehicle queuing and traffic congestion issues on Onkaparinga Valley Road and surrounding roads.

(9) Off-site works

The off-site works offered in the letter from the Hills Christian Community School dated 23 May 2019, the traffic reports prepared by MFY consultants dated 8 May 2019 and March 2019, and depicted on the drawings from Phillips/Pilkington Architects project number 18564 drawing numbers SK02 issue P5 being the Stormwater management concept plan from Combe Pearson Reynolds 1801-c-SK02 – Rev A dated 18 March 2019, all shall be constructed/installed to the reasonable satisfaction of the Council prior to the use of the proposed ring road including the works to Sandow Road, namely:

- Making of an unmade portion of Sandow Road
- Modifications to the parking and line marking in Sandow Road
- Relocation of drains and CWMS infrastructure in Sandow Road
- Barrier kerbing and or balustrading
- Associated earthworks and retaining walls

NOTE: A permit under Section 221 of the Local Government Act 1999 is required to be issued for all the works within the Council's road reserve (excluding the new driveway crossovers) and a bond or other suitable financial guarantee shall be entered into to cover the cost of these works, project management and any damage to existing public infrastructure that may arise from the proposed development.

REASON: To ensure the off-site works agreed to be undertaken prior to operation of the approved development. To ensure traffic and pedestrian safety is not compromised and is improved by the proposed development.

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(10) Bitumen 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 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. Driveways, vehicle manoeuvring and parking areas shall be constructed of bitumen or brick paved prior to occupation 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.

DPTI – Traffic

(11) Vehicles Entering and Exiting the Site

All vehicles shall enter and exit the site in forward direction.

REASON: For safe and efficient movement of all transport modes.

(12) Access Into the Site

All access to the site shall be in general accordance with Phillip/Pilkington Architect Drawing Register & Location Plan, Projection No./Drawing No. 18564-SK01, Revision DA01 dated 20/03/2019.

REASON: For safe and efficient movement of all transport modes.

(13) New Crossover Sightlines

The proposed exit point to Onkaparinga Valley Road shall be designed as shown in Projection No./Drawing No. 18564-SK04 dated 20/03/2019 and be signed appropriately. Furthermore, sightlines at this access point shall meet Safe Intersection Sight Distance requirements in accordance with the AustRoads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections. Vegetation trimming/removal shall be undertaken on an as needs basis to ensure this requirement is achieved.

REASON: For safe and efficient movement of all transport modes.

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(14) New Crossover Construction- Onkaparinga Valley Road

Following completion of the ring road, the proposed crossovers to the new secondary school car park area shall be exit only. These proposed exit points to Onkaparinga Valley Road shall be sealed from the edge of the seal on Onkaparinga Valley Road to a point no less than 6 metres into the site. Any obsolete crossover/s on Onkaparinga Valley Road shall be closed and reinstated to the Council's kerb and gutter standard at the applicants expense prior to operation of the development.

REASON: For safe and efficient movement of all transport modes.

Landscaping

(15) Timeframe For Landscaping To Be Planted

Landscaping detailed in drawings from Phillips/Pilkington Architects project number 18564 drawing number A150 & A151 issue P12 – Landscape Plan & Planting Schedule shall be planted in the planting season following occupation of stage 1 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.

Erosion Control & Stormwater Management

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

Prior to Building Rules Consent being granted for each stage of the proposal 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.

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(17) Stormwater Management

All stormwater from roof and hard surfaces is to be directed to the proposed detention tanks and/or the detention basin and swales within three (3) months of the roof or surface installation. All stormwater shall be managed on-site in accordance with the Stormwater Management Concept Plans (180564- SK02) prepared by CPR Consulting Engineers.

All stormwater associated with the proposed extension of Sandow Road and the ring road shall be installed within three (3) months of the road surface being laid.

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

Capacity

(18) Student Numbers Cap For Whole Educational Establishment

Following the completion of the development (both stages) the educational establishment shall have an overall maximum of 606 students and each tier shall limited to the following:

Early learning centre - 30 students (Development authorisation 473/734/08)
Primary school - 434 students
Secondary school - 142 students

REASON: To ensure the capacity of the car park, septic tank and Council infrastructure is not exceeded by incremental expansion of the educational establishment and to minimise vehicle queuing and traffic congestion issues on Onkaparinga Valley Road and surrounding road.

(19) Requirement For Septic Tank To Be Installed

The hydraulic services (22,000L septic tank, grease arrestor, settling pit, neutralising pit) shall be installed and connected to the Council CWMS infrastructure prior to occupation of the stage 1 buildings, and shall have a trafficable lid/s if within a vehicle trafficked area.

REASON: To ensure the efficient management of wastewater and that the development does not cause adverse water quality impacts.

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Building Appearance

(20) External Finishes

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

WALLS:	Smooth vertical and horizontal cladding in Dulux Smooth Coffee, Stone River or similar
ROOF:	Colorbond Gully 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.

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) Department of Environment and Water (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

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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 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.

8:40pm	The meeting was adjourned for a short break
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8:50pm	The meeting resumed
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- 9.3 **Development Application 18/898/473 by Visionstream Australia Pty Ltd for telecommunications facility, comprising a monopole (maximum height 29.9m including antennae), associated equipment shelter (maximum height 3.4m), security fencing (maximum height 1.8m), associated landscaping & earthworks at 6 Bridge Street, Balhannah**

9.3.1 **Representations**

Name of Representor	Address of Representor	Nominated Speaker
Stephen J Thiele	98 Onkaparinga Valley Road, Balhannah	Did Not Attend
Vickie Tyrer	8 Bridge Street Balhannah	Vickie Tyrer

The applicant's representative, Daniel Hay, addressed the Panel and answered questions from the Panel.

9.3.2 **Decision of Panel**

The following 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 18/898/473 by Visionstream Australia Pty Ltd for Telecommunications facility, comprising a monopole (maximum height 29.9m including antennae), associated equipment shelter (maximum height 3.4m), security fencing (maximum height 1.8m), associated landscaping & earthworks at 6 Bridge Street Balhannah subject to the following conditions:

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(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 locality plan prepared by Visionstream, drawing number S107603 sheet S1, dated 19/08/18 and date stamped by Council 08/05/2019
- Amended site layout plan prepared by Visionstream, drawing number S107603 sheet S1-1, dated 19/08/18 and date stamped by Council 08/05/2019
- Amended antenna layout plan prepared by Visionstream, drawing number S107603 sheet S1-2, dated 19/08/18 and date stamped by Council 08/05/2019
- Amended south east elevation drawing prepared by Visionstream, drawing number S107603 sheet S3, dated 19/08/18 and date stamped by Council 08/05/2019
- Amended configuration table prepared by Visionstream, drawing number S107603 sheet S3-1, dated 19/08/18 and date stamped by Council 08/05/2019

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

(2) External Finishes

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

Monopole: Galvanized steel or similar

Equipment shelter and fencing: Colorbond Pale Eucalypt 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.

(3) 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 amenity of the locality.

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- (4) **Prior to Development Approval a Final Landscaping Plan shall be provided**
Prior to Development Approval a final detailed Landscaping Plan shall be provided to the satisfaction of the Assessment Manager, with enhanced plantings along the north-western boundary of the subject land and the north-western boundary of the equipment enclosure. Plantings shall be of a semi-mature nature and established within (1) one month of construction of the development. Such plantings shall be maintained in good health and condition at all times with any dead or diseased plantings being replaced in the next planting season.

REASON: To minimise the visual impact of the development and ensure the survival and maintenance of the vegetation.

- (5) **Prior to Development Approval a Construction Management Plan shall be provided**
Prior to Development Approval a Construction Management Plan shall be provided to the satisfaction of the Assessment Manager, including construction commencement times, vehicle access and parking.

REASON: To minimise the impact on the amenity of the adjoining property during 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) **Responsibility In Relation To Flooding**
The applicant is reminded that Adelaide Hills Council accepts no responsibility for damage to, or loss of property, as a result of flooding. It is the applicant's responsibility to ensure that all appropriate steps are undertaken to minimise the potential damage to property as a result of flooding.
- (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.

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- (4) **Environmental Management of Dewatering During Construction Activities**
Underground waters may be contaminated by a wide range of pollutants. Dewatering these contaminated waters and then discharging them to surface waters, such as inland and marine waters or a stormwater system, may result in environmental harm. Therefore, prior to any dewatering activities (where earthworks will intersect groundwater), a desktop risk assessment should be carried out to highlight potential environmental risks. As a minimum this will identify groundwater prohibition areas (GPA), known site contamination and existing potentially contaminating activities (PCAs) at the site and land directly adjacent the site. PCAs are defined in the Environment Protection Regulations 2009 under Schedule 3.

For further information refer to EPA Guideline for Environmental Management of Dewatering During Construction Activities.

- (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) **Department of Environment and Water (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.

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- 9.4 **Development Application 17/532/473 by Philip and Ruth Thompson for change of use to include horse keeping (maximum of 14 horses), including conversion of farm building to horse keeping building (stables) & change of use to also include intensive animal keeping (maximum of 14 dogs for temporary period coinciding with the current ownership of the land), and conversion of domestic outbuildings to kennels (non-complying) at 42 Kenton Hill Road, Gumeracha**

9.4.1 **Representations**

Name of Representor	Address of Representor	Nominated Speaker
Glen Swaby	15 Ivan Drive Gumeracha	Glen Swaby

The applicant's representative, Phillip Brunning, addressed the Panel and answered questions from the Panel.

9.4.2 **Decision of Panel**

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

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 to Development Application 17/532/473 by Philip and Ruth Thompson for Change of use to include horse keeping (maximum of 14 horses), including conversion of farm building to horse keeping building (stables) & change of use to also include intensive animal keeping (maximum of 14 dogs for temporary period coinciding with the current ownership of the land), and conversion of domestic outbuildings to kennels (non-complying) at 42 Kenton Hill Road Gumeracha 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 (page 1 of 4) by JWB Drafting & Design, dated 20 January 2019
- Amended partial site plan (page 2 of 4) by JWB Drafting & Design, dated 20 January 2019
- Amended floor plan (plan view stables) (page 3 of 4) by JWB Drafting & Design, dated 20 January 2019
- Amended floor plan (plan view dog facilities) (page 4 of 4) by JWB Drafting & Design, dated 20 January 2019

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

(2) Maximum Number of Dogs

No more than 14 dogs shall be kept on the subject land. Dogs shall only be kept which belong to the owners/occupiers of the land, with the exception of a dog brought to the site temporarily for breeding purposes.

NOTE: Any increase in the number of dogs kept, or change in land ownership, or change to the keeping of dogs for boarding purposes (or similar) on the subject land will require a separate development approval.

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

(3) Temporary approval for dog keeping

The intensive animal (dog keeping) approval is only valid for a period coinciding with the current ownership of the land.

NOTE: If the ownership of the land is transferred a separate development application will be required for intensive animal keeping (dog keeping).

REASON: To ensure the proposed development does not detrimentally affect the amenity of the locality.

(4) Noise Levels

Noise impact on nearby residences is to be managed and limited in accordance with the Environment Protection (Noise) Policy 2007. Specifically, fixed machinery noise shall not exceed 52dB(A) between 7:00am and 10:00pm and 45dB(A) between 10:00pm and 7:00am.

NOTE: Dog barking noise nuisance will be managed separately in accordance with the Dog & Cat Management Act (1995).

REASON: To maintain the amenity of the locality.

(5) Maintenance of Dog Keeping Buildings and Surrounding areas

An impervious receptacle with a closed fitting lid shall be provided adjacent to the kennel buildings for the temporary storage of faeces or other wastes generated by the dog keeping. Faeces shall be collected daily and placed in the receptacle. The collected wastes shall be removed at least once in every week, and then disposed of off-site.

Water from the maintenance and cleaning of the proposed dog kennel buildings shall be directed to a grassed swale (or similar).

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REASON: To ensure no adverse impacts on water quality, and the amenity of the locality is maintained.

(6) Maximum Number of Horses

No more than 14 horses shall be kept on the subject land. The horses shall be contained at all times within fenced paddock areas as indicated on the approved site plan (page 1 of 4 by JWB Drafting & Design) and the horse-keeping building.

NOTE: Any increase to the number of horses kept on the land will require a separate development approval.

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

(7) Maintenance of Stables and Surrounding Areas

Manure from stables and exercise areas shall be stored in the location as shown on site plans (pages 3 & 4 by JWB Drafting). Manure shall either be stored undercover on an impervious surface protected from stormwater intrusion, or in impervious containers prior to disposal from the property. This does not, however, preclude use of the manure for domestic purposes on the property.

Water from the wash down area shall be directed to a soakage pit, as indicated on site plan (page 3 by JWB Drafting).

REASON: To ensure good land management practises, minimise odour and to ensure no adverse impacts on the water quality of any watercourse.

(8) Maintenance of Horse Keeping Paddocks

- i. The horses shall be confined to sections of the horse paddock areas on a rotation basis such that ground cover may regenerate in the unused sections. Where ground cover does not regenerate, the earth shall be covered with suitable material so as to prevent erosion and reduce dust nuisance; and
- ii. Horses shall not be grazed when paddocks are waterlogged, or when excessive soil pugging is caused. 70 % vegetation cover of 4-5cms in height shall be maintained in horse paddocks and paddocks rested until grass growth is 12cms high

REASON: Development should be undertaken to prevent erosion.

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(9) Lighting

Any flood lighting for the proposed horse keeping and dog keeping buildings and also including the horse exercise areas shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties.

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

NOTES

(1) Development Plan Consent

This Development Plan Consent 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 the appeal is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the Development Plan Consent, or a fresh development application will be required. The twelve (12) month period may be further extended by written request to, and approval by, Council. Application for an extension is subject to payment of the relevant fee.

(2) Separate Dog Registration Required

This consent does not convey separate dog registration approval for the keeping of dogs on the land, pursuant to the Dog & Cat Management Act (1995). For further information visit:

<http://www.ahc.sa.gov.au/Resident/pets-animals/dogs#registration>

(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) EPA Information Sheets

Any information sheets, guideline documents, codes of practice, technical bulletins, are referenced in this decision can be accessed on the following web site: <http://www.epa.sa.gov.au>

(5) Department of Environment and Water (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:

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[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.

9.5 Development Application 19/44/473 by Lennane Orchards for environmental cover (5.8 hectares) associated with existing horticulture at 814B & 814D Montacute Road, Montacute

9.5.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Bronte Earl & Josephine Dowsett	844 Montacute Road Montacute	Bronte Earl
Bill Spragg	136 Corkscrew Road Montacute	Nathan Daniell
Ian Greene	819B Montacute Road Montacute	Lynne Greene

The applicant's representatives, Angela Davison (Town Planning HQ Pty Ltd), David Leonard and James Grigson, addressed the Panel and answered questions from the Panel.

9.5.2 Decision of Panel

Moved Linda Green **Carried**
S/- Ross Bateup **(28)**

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 19/44/473 by Lennane Orchards for environmental covers (horticultural netting) over 5.8 Hectares of land associated with existing horticulture at 814B & 814D Montacute Road Montacute 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:

- Letter dated 31 January 2019 from G2 Netting Systems
- Email correspondence from G2 Netting Systems dated 13 & 15 February 2019

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- Structural Images Plan (Sheet No. 106 Rev. A) prepared by G2 Netting Systems received by Council on 1 February 2019
- Amended Overshadowing Plan (Sheet No. 105 Rev. A) prepared by G2 Netting Systems received by Council on 1 February 2019
- Amended Elevations Plan (Sheet No. 104 Rev. A) prepared by G2 Netting Systems received by Council on 1 February 2019
- Amended Existing Site Plan (Drawing No. P002 Rev. A) prepared by Town Planning HQ received by Council on 3 May 2019
- Amended Locality Plan (Drawing No. P001 Rev. A) prepared by Town Planning HQ received by Council on 3 May 2019
- Amended Proposed Site Plan & Landscape Plan (Drawing No. P003 Rev. A) prepared by Town Planning HQ received by Council on 3 May 2019
- Amended Elevations Plan (Drawing No. P004 Rev. A) prepared by Town Planning HQ received by Council on 3 May 2019
- Amended Elevations Plan (Drawing No. P005 Rev. A) prepared by Town Planning HQ received by Council on 3 May 2019

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

(2) Landscaping To Be Planted

The proposed landscaping shall be established on the site in accordance with the Proposed Landscape Plan (Drawing No. P003 Rev. A) prepared by Town Planning HQ received by Council on 3 May 2019 and shall be planted in the planting season following completion of the approved development and maintained in good health and condition at all times thereafter. Any such vegetation shall be replaced if 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.

(3) Removal of Leaves and Debris from Netting

Leaves and other debris shall be removed from the canopy roof of the netting structure as soon as practicable.

REASON: To minimise the threat and impact of bushfires on property and life.

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(4) External Finishes

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

WALL NET: Black or similar
ROOF NET: White or similar

NOTE: At such time that the roof netting is to be replaced the netting colour is to be reviewed by Council and the applicant shall liaise with Council at that time.

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

(5) Setback of Netting to Native Vegetation

Where the netting structure is located adjacent an area of native vegetation (fuel load), provision shall be made to allow bushfire fighting personnel and equipment to travel beneath or adjacent the structure, with the space being a minimum width of 3m (or 4 metres on stepper terrain) and with a minimum vertical clearance of at least 4 metres.

***REASON:** To provide safe access around properties in the event of a bushfire.*

(6) Posts/Anchors Near Watercourses

No posts or anchors shall be located within the banks of any watercourse.

If this occurs, a 'water affecting activity' permit under the Natural Resources Management Act 2004 may be required from the Adelaide and Mount Lofty Rangers Natural Resource Management Board. For further information visit www.amlrnrm.gov.au

***REASON:** To maintain and enhance the natural environment and protect the environment from intrusive development.*

(7) Replacement of Damaged Netting

Torn or dislodged netting shall be removed or replaced as soon as practicable.

***REASON:** To maintain and enhance the visual amenity of the locality in which the netting structure is located.*

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NOTES

- (1) **Requirement for Additional Nets**
If additional nets are to be put on the sides of the netting structure(s) which are not shown on the approved plans, a further development application will be required.

- (2) **Development within Allotment Boundaries**
All of the development herein (including anchor points) shall be located within the specified boundaries of the subject land. 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) **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.

- (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) **Department of Environment and Water (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

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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.

10. Policy Issues for Advice to Council

The following matters are recommended to be considered and explored with DPTI staff in discussion on the preparation of the Planning & Design Code:

- 1) The definition of a scenic route and their extent within the Adelaide Hills Council Development Plan, and
- 2) Policy to address the visual impact of environmental netting structures in the Hills Face Zone and other circumstances where planning consent is required for these structures.

11. Other Business

Nil

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

Nil

13. Confidential Item

Nil

14. Next Meeting

The next ordinary Council Assessment Panel meeting will be held on Wednesday 10 July 2019.

15. Close meeting

The meeting closed at 11.20pm.