

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

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**Present****Presiding Member**

Geoff Parsons

**Members**

Ross Bateup

Piers Brissenden

David Brown

Linda Green

**In Attendance**

Marc Salver

Director Development &amp; Regulatory Services

Deryn Atkinson

Assessment Manager

Sam Clements

Team Leader Statutory Planning

Melanie Scott

Senior Statutory Planner

Doug Samardzija

Statutory Planner

Sarah Davenport

Statutory Planner

Karen Savage

Minute Secretary

**1. Commencement**

The meeting commenced at 6.31pm

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

Nil

**2.2 Leave of Absence**

Nil

**3. Previous Minutes****3.1 Meeting held 12 June 2019****The minutes were adopted by consensus of all members****(29)**

**That the minutes of the meeting held on 12 June 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 relating to agenda items 8.1 and 8.2:

Item 8.1 – Emmett Road, Crafers West

- He has previously associated with one of the representors, Ms Yvonne Gove located at 36 Emmett Road, in relation to an NRM matter on her property and one of the other representor's property at 32 Emmett Road, referenced in Ms Gove's submission of 25 June 2019; and
- In the course of his current work, he has on occasions associated with James Levinson from Botten Levinson Lawyers, who is the firm acting for the applicant, Mr Mark Musolino, of 28 Emmett Road

Item 8.2 – Smokes Hill Road, Summertown

- Both he and the applicant, Ms Caroline Croser-Barlow, were at one time employed by the same organisation; and
- During the course of his work, he has on occasions engaged URPS, nominated speaker for one of the representors, to undertake certain planning activities

Piers does not believe these strictly professional relationships represent a conflict of interest in relation to his role on the Council Assessment Panel and will remain in the meeting during consideration of these matters.

The Presiding Member declared an interest relating to agenda Item 8.2 for Smokes Hill Road, Summertown as his employer (Rural City of Murray Bridge):

- has a current contract with URPS to deliver a Land Scoping Study and he has intermittent contact with URPS with regard to that; and
- currently engages Planning Studio to manage the assessment of two major land division applications within the Murray Bridge area, and to project manage the relationship with the developer

Whilst he considers these associations reflect an interest, he does not believe they constitute a conflict of interest and will remain in the meeting during consideration of these matters and vote accordingly.

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**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.”*

Refer to Item 8.1 of these Minutes

**7.2.2 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**

Deferred from meeting 12 June 2019

*“That a decision on the matter be deferred 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”.*

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**8. Development Assessment Applications**

**8.1 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 & 32 Emmett Road, Crafers West**

**8.1.1 Representations**

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
Jan Tomlinson	24 Emmett Road Crafers West	Did Not Attend
Donald Simmons & Virginia Bullock	32 Emmett Road Crafers West	Graham Burns, MasterPlan and Stuart Henry SC

The applicant's representative, James Levinson (Botten Levinson), addressed the Panel.

7:35pm The meeting was adjourned for a short break
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7:45pm The meeting resumed
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**8.1.2 Decision of Panel**

**The following was adopted by consensus of all members (30)**

**The Council Assessment Panel DEFERS consideration of 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 & 32 Emmett Road Crafers West to enable the applicant to:**

- **Provide clean fill certificates or undertake soil samples, surface and ground water testing and analysis by a suitably experienced and qualified site contamination consultant to provide evidence that the fill placed on the site is not contaminated and suitable for a private open space area associated with a dwelling, and that there is no risk of pollution to surface or underground waters.**
- **Provide clarification of the pre 2010 land form, the existing land form with the fill in situ and the final form of the land proposed following the landscaping shown in the landscape concept plan.**

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- 8.2 **Development Application 17/937/473 by Caroline Croser-Barlow & Sam Barlow for change of use to include store (commercial storage) – domestic outbuilding to store, farm building to include store & outdoor storage area (non-complying) at 24 Smokes Hill Road, Summertown**

8.2.1 **Representations**

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
Genevieve Theseira-Haese & Martin Haese	94 Bonython Road Summertown	Did Not Attend

The applicant, Caroline Croser-Barlow, and her representative, Emma Barnes (Planning Studio), were invited to answer questions from the Panel.

8.2.2 **Decision of Panel**

**The following recommendation was adopted by consensus of all members (31)**

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 17/937/473 by Caroline Croser-Barlow & Sam Barlow for Change of use to include store (commercial storage) - domestic outbuilding to store, farm building to include store & outdoor storage area (non-complying) at 24 Smokes Hill Road Summertown 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:

- Full site plan date stamped by Council 08/03/2019
- Farm building floor plan and outdoor storage area plan date stamped by Council 12/03/2019
- Amended outbuilding floor plan date stamped by Council 03/07/2019
- E-mail correspondence with Emma Barnes from Planning Studio dated 8 March 2019
- Response to representation letter prepared by Emma Barnes from Planning Studio dated 5 June 2019 and date stamped by Council 06/06/2019
- E-mail correspondence with Emma Barnes from Planning Studio dated 27/06/2019

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

**(2) Commercial Lighting**

Flood lighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties.

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

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

All materials and goods shall at all times be loaded and unloaded within the confines of the subject land. Materials and goods shall not be stored on the land outside the areas delineated for storage on site plan date stamped by Council 08/03/2019.

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

**(4) Nature Of Storage**

Storage of equipment and vehicles shall only be in association with the use and operations of Steve Little Plumbing and shall not include any other form of storage.

Septic tanks stored on site shall only be new empty tanks and shall not include storage of any decommissioned tanks.

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

**(5) Outdoor Storage**

Outdoor storage are shall only be used for the storage of septic tanks. The outdoor storage area shall be limited to maximum of 100m<sup>2</sup> and shall only include the area in front of the farm building which is encircled by the driveway. The maximum number of septic tanks stored in the outdoor area at any one time shall not exceed ten (10).

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

**(6) Timeframe For The Use Of Land**

The herein approved change of use of land to include store (commercial storage), is only for the duration of use by Steve Little Plumbing. Upon cessation of the use by Steve Little Plumbing, the subject buildings and land shall revert back to the previous land use of farming, outbuilding and farm building, unless altered by separation development approval.

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*REASON: To maintain the amenity of the locality.*

**(7) Requirement For Screening Strip**

Landscaping consisting of densely planted semi mature native vegetation shall be established for a width of 20 metres for the full length of the outdoor storage area as depicted on the site plan within one (1) month of Development Approval. The plants shall be maintained in good health and condition at all times with any dead or diseased plants being replaced in the next planting season.

*REASON: To minimise the visual impact of the development from Bonython Road and ensure the maintenance of the vegetation for the duration of the approved use.*

**(8) Employees Entering And Existing The Site**

Employees shall only enter the site between 7.00am and 5.00pm Monday to Friday.

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

**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) 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.

**(3) 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/pub.html>

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**(4) Signage Requires Separate Development Application**

A separate development application is required for any signs or advertisements (including flags and bunting) associated with the development herein approved.

**8.3 Development Application 19/240/473 (19/D17/473) by Mark & Felicity Donald for boundary realignment (2 into 2) (non-complying) at 728A & 724 Montacute Road, Montacute**

**8.3.1 Representations**  
Nil

**8.3.2 Decision of Panel**

**The following recommendation was adopted by consensus of all members (32)**

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 19/240/473 (19/D017/473) by Mark & Felicity Donald for Boundary realignment (2 into 2) at 728A and 724 Montacute Road, Montacute subject to the following conditions:

**Planning Conditions**

**(1) 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 John C Bested & Associates, reference 19905, drawing no 19905-DIV, version 1 received by SCAP 12 March 2019

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

**Planning Notes**

**(1) 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.**



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Schedule 1 of the *Native Vegetation Regulations 2017* exempts the requirement to seek approval for clearance of vegetation, where the clearance strip measures no greater than 5 metres in width and is for the purposes of establishing a fence. Should fencing be established at a later date, it is advised that the landowner liaise with the Native Vegetation Council to negotiate a location which will be sympathetic to remnant vegetation on the land.

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.

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)

**Council Land Division Requirements**

Nil

**Council Land Division 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.

**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.***

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

That the matter of all Land Divisions being non-complying development in the Hills Face Zone be explored with DPTI in the drafting of the Planning & Design Code.

**10. Other Business**

10.1 The Panel provided feedback on Staff Reports and whilst, in general, the reports are considered to be detailed and balanced it was requested that the trigger for non-complying development be emphasised.

10.2 The Assessment Manager provided the Panel with a summary of the main points from the DPTI update on the Planning Reform held on 4 July 2019 at the LGA.

**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 Council Assessment Panel meeting will be held on Wednesday 14 August 2019.

**14. Close meeting**

The meeting closed at 8.40pm.