

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 9 OCTOBER 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

Deryn Atkinson

Sam Clements

Marie Molinaro

Karen Savage

Director Development &amp; Regulatory Services

Assessment Manager

Team Leader Statutory Planning

Statutory Planner

Minute Secretary

**1. Commencement**

The meeting commenced at 6.30pm

**2. Apologies/Leave of Absence**

## 2.1 Apologies

Nil

## 2.2 Leave of Absence

Nil

**3. Previous Minutes**

## 3.1 Meeting held 14 August 2019

**The minutes were adopted by consensus of all members****(41)**

**That the minutes of the meeting held on 14 August 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 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."*

Deferred from meeting 10 July 2019

*"That a decision on the matter be deferred 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".*

Staff provided the Panel with an update on this item.

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**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”.*

Refer to Item 8.1 of these minutes

**7.2.3 Development Application 19/404/473 by Dan Edwards for two (2) frost fans associated with horticulture (maximum height 13.7m) at Lot 19 Forreston Road, Forreston**

Deferred from meeting 14 August 2019

*“That a decision on the matter be deferred to enable the applicant to review the assessment and weather data that the Acoustic Report is based upon, and for the Council to engage an Acoustic Engineer to undertake a peer review of the revised or original Noise Assessment Report”.*

Refer to Item 8.2 of these minutes

**8. Development Assessment Applications**

**8.1 Development Application 18/668/473 by Shu-Mu Tseng for change of use of grazing to include horticulture – tree and flower plantation (8 hectares/21.7 acres) at Lot 17 Mount Barker Road, Bridgewater**

**8.1.1 Representations**

Nil

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8.1.2 Decision of Panel

The following recommendation was adopted by consensus of all members (42)

The Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent to Development Application 18/668/473 by Shu-Mu Tseng for change of use of grazing to include horticulture - tree and flower plantation (8 hectares/21.7 acres) at Lot 17 Mount Barker Road Bridgewater 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 (sheet 1 of 3) by Coromandel Native Nursery, dated 18 September 2019
- Amended landscaping plan (sheet 2 of 3) by Coromandel Native Nursery, dated 18 September 2019
- Irrigation plan (sheet 3 of 3) by Coromandel Native Nursery, dated 18 September 2019
- Farm management plan document, received by Council 2 September 2019

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

(2) Bushfire Protection – Buffer Zone

A fuel reduced buffer zone of at least 50 metres wide shall be established and maintained between the proposed tree and shrub plantings and the boundary of adjacent residential properties as identified on the landscaping plan dated 18 September 2019. The buffer zone shall comprise grassland or similar vegetation and be cleared of obstructions to allow mechanical slashing. The vegetation shall be slashed to a height no greater than 10cms prior to the declared Fire Danger Season each year and maintained to the reasonable satisfaction of the Council for the duration of the Fire Danger Season.

*REASON: To minimise the bushfire risk to property and public safety.*

(3) Bushfire Protection – Plantation Area and Surrounds

Grasses in and around the proposed plantation shall be slashed to a height no greater than 10 cms prior to the declared Fire Danger Season each year and maintained to prevent pest and weed infestation and to minimise the risk of bushfire, to the reasonable satisfaction of Council.

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*REASON: To minimise the bushfire risk to property and public safety and to prevent pest and weed infestation.*

**NOTES**

**(1) Chemical Spraying**

The applicant is reminded that chemical use must at all times be strictly undertaken in accordance with the *Agricultural and Veterinary Chemical (Control of Use) Act 2002 and Regulations 2004*.

**(2) Development Approval Expiry**

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

**(3) Erosion Control During Construction**

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

**(4) EPA Environmental Duty**

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

**(5) 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](http://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.

- (6) The applicant is reminded of their duty to act reasonably in relation to the management of natural resources within the State, in accordance with Section 9 of the *Natural Resources Management Act 2004*.
- (7) The development approval does not include the taking of any water from the Western Mount Lofty Ranges Prescribed Water Resources Area and its application to land in addition to that currently authorised under the *Natural Resources Management Act 2004*.
- (8) Should it be intended to change any aspect of the current authorisation, the applicant should contact the Department for Environment and Water (DEW) to ascertain relevant requirements under the *Natural Resources Management Act 2004* and to determine appropriate water licensing arrangements. For information regarding water licensing contact DEW Water Licensing Branch on telephone (08) 8463 6876 or visit:  
<http://www.environment.sa.gov.au/licences-and-permits/water-licence-and-permit-forms/adelaide-and-mount-lofty-ranges-water-licences-and-permits>.
- (9) Section 144 of the *Natural Resources Management Act 2004* requires the occupier of the land on which a well is situated to ensure that the well (including the casing, lining and screen of the well and any mechanism used to cap the well) is properly maintained. A permit is required from the Department for Environment and Water (DEW) for any work to be carried out on a well or for new wells to be drilled. Information on specific wells can be obtained from [www.waterconnect.sa.gov.au](http://www.waterconnect.sa.gov.au). For information regarding permit applications contact DEW on telephone (08) 8735 1134 or visit:  
<http://www.environment.sa.gov.au/topics/water/water-licences-and-permits/well-drilling>.
- (10) SA CFS recommends access to a dedicated fire-fighting water supply be provided at the entrance to the subject site in a concrete or metal tank with fire authority access. SA CFS is happy to provide further details regarding dedicated fire-fighting water supply, access to fire authority and a suitable location.
- (11) Managed bees are considered livestock and as such all persons keeping bees are by law required to register as a beekeeper and comply with the SA Apiary code of conduct – fines for non-compliance apply.

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**Registration as an Apiarist/Bee Keeper:**

Person(s) keeping bee hives are requested to have a Certificate of Registration from the Department of Primary Industries and Resources SA (PIRSA) as a registered Apiarist. For more information on the keeping of bees contact the South Australian Biosecurity Apiary unit – 820777902 or 82077975 or visit: [http://www.pir.sa.gov.au/biosecurity/animal\\_health/bees](http://www.pir.sa.gov.au/biosecurity/animal_health/bees)

Unregistered persons keeping bees and unmanaged hives put our state at risk of bee diseases. Fines may apply for not registering your bees.

**8.2 Development Application 19/404/473 by Dan Edwards for two (2) frost fans associated with horticulture (maximum height 13.7m) at Lot 19 Forreston Road, Forreston**

**8.2.1 Representations**

Nil

Additional information from Andrew Tilley & Michelle Sanders was presented to the Council Assessment Panel as per their request, and a copy provided to the applicant. The information was accepted by CAP.

**8.2.2 Decision of Panel**

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

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 19/404/473 by Dan Edwards for two (2) frost fans associated with horticulture (maximum height 13.7m) at Lot 19 Forreston Road Forreston 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, received by Council 9 October 2019
- Amended elevation plan, received 7 June 2019
- Orchard Rite product information brochure, received by Council 22 May 2019
- Environmental Noise Assessments (ref. Rp 001 20190372) by Marshall Day Acoustics, dated 13 May 2019 and 20 August 2019

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

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**(2) Frost Fan Operation**

The frost fans shall be set with a fan 'start' temperature of 1 degree Celsius and a fan 'stop' temperature of 2 degrees Celsius, except for daytime maintenance purposes (maximum 2 times per year).

*REASON: To ensure the proposed development operation is limited to that which is necessary for efficient operation.*

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

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

**(2) EPA Environmental Duty**

The land owner is reminded of their duty, that the operation of the frost fan shall be in accordance with the provisions of the Environment Protection (Noise) Policy 2007 relating to frost fans.

9. Policy Issues for Advice to Council  
Nil

10. Other Business

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

Moved Piers Brissenden  
S/- David Brown

Carried  
(44)

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 amended.

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



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- 12. Confidential Item**  
Nil
- 13. Next Meeting**  
The next ordinary Council Assessment Panel meeting will be held on Wednesday 13 November 2019.
- 14. Close meeting**  
The meeting closed at 7.25pm.