

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 13 NOVEMBER 2019
63 MOUNT BARKER ROAD, STIRLING**

Present**Presiding Member**

Geoff Parsons

Members

Ross Bateup

Piers Brissenden

David Brown

Linda Green

In Attendance

Marc Salver

Deryn Atkinson

Sam Clements

Sarah Davenport

Karen Savage

Director Development & Regulatory Services

Assessment Manager

Team Leader Statutory Planning

Statutory Planner

Minute Secretary

Commencement

The meeting commenced at 6.31pm

Apologies/Leave of Absence

2.1 Apologies

Nil

2.2 Leave of Absence

Nil

Previous Minutes

3.1 Meeting held 9 October 2019

The minutes were adopted by consensus of all members**(45)****That the minutes of the meeting held on 9 October 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

David Brown advised that some of the professional advisors for the applicant in Item 8.1, Sonus and MasterPlan, are known to him in a professional capacity. This was noted as an interest but not as a conflict.

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".*

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8. Development Assessment Applications

8.1 Development Application 19/120/473 by Stanley Bridge Freehold Pty Ltd for change of use from light industry and retail showroom to restaurant (40 seats), associated building alterations and additions, attached deck, car parking, landscaping, retaining walls (maximum height 600mm) and earthworks (non-complying) at 34 Onkaparinga Valley Road, Verdun

8.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Peter Drake	38 Onkaparinga Valley Road, Verdun	Peter Meline Adelaide Hills Development Services and Peter Drake

The applicant's representatives, Greg Vincent (MasterPlan) and Carlo Panozzo (Architect), addressed the Panel.

8.1.2 Decision of Panel

Moved Ross Bateup **Carried**
S/- Piers Brissenden **(46)**

The Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and seeks the CONCURRENCE of the State Commission Assessment Panel to GRANT Development Plan Consent to Development Application 19/120/473 by Stanley Bridge Freehold Pty Ltd for Change of use from light industry & retail showroom to restaurant (40 seats), associated building alterations and additions, attached deck, car parking, landscaping, retaining walls (maximum height 600mm) and earthworks (non-complying) at 34 Onkaparinga Valley Road Verdun 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:

- Proposed Elevations, Folland Panozzo Architects, drawing number DA P03, Revision C, dated 31 May 2019
- Proposed Site/ Floor Plan, prepared by Folland Panozzo Architects, drawing number DA P02, Revision E, dated 17 October 2019

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- Site Plan - Flood Plain Location Folland Panozzo Architects, drawing number DA P04, Revision C, dated 31 May 2019
- Civil Plan, prepared by TMK Consulting Engineers, dated 26 June 2019, drawing number 1906034-C1/PB
- Truck Manoeuvre Plan, prepared by Folland Panozzo Architects, drawing number DA P05, Revision D, dated 26 July 2019
- Licenced Area Plan, prepared by Folland Panozzo Architects, drawing number LLC01, Revision A, dated 30 October 2019
- Email correspondence sent 30 October 2019, from Carlo Panozzo
- Arboricultural Impact Assessment and Development Impact Report, prepared by Arborman Tree Solutions, dated 20 February 2019
- Environmental Noise Assessment, prepared by Sonus, reference number S6243C3, October 2019 revision

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

(2) Appearance of Buildings

Walls:	Western Red Cedar Timber and Galvanised Iron
Roof:	Galvanised custom orb
Existing Timber:	Charcoal paint

REASON: The external materials of buildings should have surfaces which blend with the natural rural landscape and minimise visual intrusion.

General Operational Restrictions

(3) Hours of Operation

The opening hours of the restaurant shall be:

7:00am to 10:00pm Sunday to Thursday

7:00am to 12:00am (midnight) Friday and Saturday

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

(4) Capacity of Restaurant

At any one time, the overall capacity of the restaurant/café shall be limited to a maximum of 40 patrons.

REASON: To ensure the proposed development is undertaken in accordance with the approved plans, to ensure that neighbouring properties are not impacted on negatively by this development and to ensure the waste control system is adequate.

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(5) **Hours of Delivery & Waste Collection and Vehicle Size**

- a) All deliveries and waste collection for the premises shall occur between the hours of 7:00am and 8:30am, and
- b) All vehicles accessing the site for deliveries and waste collection shall be limited to those no longer than 9m in length.

REASON: To ensure the safe convenient movement of vehicles to and within the site and to minimise off site amenity impacts from delivery and waste collection vehicles.

Noise Control

(6) **Outdoor Patron Areas**

Use of outdoor deck shall be limited to 20 patrons at any one time between the hours of 7:00am to 10:00pm, in accordance with the recommendation of the Environment Noise Assessment report prepared by Sonus.

REASON: To ensure the amenity within the locality is maintained.

(7) **Music and Live Music**

- a) Entertainment in the form of live music shall not be provided on the premises, and
- b) Other forms of music shall only be played through the restaurant sound system and be limited to internal areas only.

REASON: To maintain the rural amenity of the locality.

(8) **Noise Limitation**

Music noise from the restaurant shall not exceed 43dB(A) within the hours of operation, measured from the closest residence, to the reasonable satisfaction of Council.

REASON: To ensure the amenity within the locality is maintained.

(9) **Acoustic Treatments**

Prior to occupation of the approved development the following acoustic attenuation measures shall be completed:

a) **Restaurant and Deck**

- Installation of a single layer of 10mm thick standard plasterboard to the inner face of all “galvanised Custom Orb” building elements (roof/ceiling or wall)
- Installation of insulation with a thickness being not less than 75mm and 14kg/m³ density within all “galvanised Custom Orb” building elements (roof/ceiling or wall)

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- Glazing which is not less than 6.38mm in thickness and is airtight when closed
- Installation of a self-closing device on the door to the outdoor deck
- The deck shall be occupied by no more than 20 patrons

b) **Mechanical Plant**

- Locate the mechanical plant on the western side of the restaurant
- Construct a solid barrier which blocks the line of sight to nearby residences. The barrier should be constructed as a minimum up to the height of the mechanical plant and from solid material such as sheet steel
- Install acoustic absorption material to the mechanical plant side of the barrier, for the full height. The absorption material should be installed in accordance with the diagram

The acoustic treatments, as stipulated in the Environmental Noise Assessment report prepared by Sonus, shall be installed to the reasonable satisfaction of Council. Treatments must be maintained in good condition at all times.

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

Landscaping and Vegetation

(10) Timeframe For Landscaping To Be Planted

Landscaping, detailed in Proposed Site/ Floor Plan, prepared by Folland Panozzo Architects, drawing number DAP02, Revision E, dated 17 October 2019 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.

(11) Fencing within TPZ

A protective fence must be erected around the TPZ as defined within Arboricultural Impact Assessment and Development Impact Report, prepared by Arborman Tree Solutions, dated 20 February 2019. The fencing must comply with the specifications designated within the report and be installed prior to commencement of works, to the satisfaction of Council.

REASON: To comply with the recommendations of the Arborist Report.

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(12) Storage within the TPZ

No material, equipment or temporary building is permitted within the cordoned off TPZ, as defined within the Arboricultural Impact Assessment and Development Impact Report, prepared by Arborman Tree Solutions, dated 20 February 2019.

REASON: To comply with the recommendations of the Arborist Report.

(13) No Items to be Fixed to the Tree

Nothing is to be attached to the tree, including temporary service wires, nails, screws, signs or any other fixing device.

REASON: To comply with the recommendations of the Arborist Report.

(14) Maintenance of TPZ

The cordoned off area of the TPZ should have mulch installed and additional water applied during the development phase.

REASON: To avoid decline of the tree.

Stormwater

(15) Stormwater Management

All stormwater and car park water runoff is to be managed in accordance with approved drainage area plan Civil Plan, prepared by TMK Consulting Engineers, dated June 2019, drawing number 1906034-C1/PB. All roof water shall be directed to the detention tank and the overall stormwater management and water quality treatment system, including sumps and reno mattress, shall be installed within three (3) months of commencement of operations of the approved uses.

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

(16) Prior to Building Rules Consent - Stormwater Water Quality

Prior to the issue of building rules consent, the applicant shall have lodged and approved, to the satisfaction of Council, an amended civil plan demonstrating additional stormwater treatment measures which will remove oils, silts and greases in addition to the gross pollutants. Upon installation all the sumps shall be fitted with a removable strainer to capture and retain pollutants. The measures are to be installed to the reasonable satisfaction of Council within three (3) months of the car park's construction.

The sumps and pollution traps shall be maintained at all times to the reasonable satisfaction of Council.

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

Erosion Control

(17) 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.

Car Parking

(18) Car Parking Spaces For Persons With A Disability

One (1) parking space in the car park shall be designated as a space for people with a disability and designed in accordance with Australian Standard 2890.1:2004.

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

(19) Bitumen/brick paved car parking Designed In Accordance With Australian Standard AS 2890.1:2004.

a) 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.

b) 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.

Lighting

(20) Commercial Lighting

Prior to occupation, low level car park lighting shall be installed for pedestrian safety and security purposes and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties.

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REASON: To ensure lighting will not detrimentally affect the amenity of the locality.

DPTI Conditions

- (21) All vehicles shall enter and exit the site in a forward direction.
- (22) The access to Onkaparinga Valley Road shall be constructed in accordance with Folland Panozzo Architects, Proposed Site Plan, Job No 2017 1724, DA P02, Revision E, dated 17 October 2019. The access shall be suitably flared for the largest vehicle expected to service the site.
- (23) The access shall be sealed from the edge of the carriageway to the property boundary to minimise deterioration to the road edge, prevent dust and stones from entering the carriageway and ensure all weather traction
- (24) Longitudinal drainage along Onkaparinga Valley road shall be maintained adjacent and across the access in order to minimise the potential for flooding adjacent the arterial road. Appropriately designed infrastructure shall be installed to achieve this. All costs associated with any upgrade/alterations shall be borne by the applicant.
- (25) All off street parking shall be designed in accordance with AS/NZS 2890.1.2004 AND AS/NZS 2890.6.2009.
- (26) The internal manoeuvring areas for commercial vehicles shall be designed in accordance with AS2890.2.2018.
- (27) The applicant shall ensure that all stormwater generated by the proposal is appropriately collected and disposed of without entering or jeopardising the safety of the adjacent arterial road network.

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.

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(2) Works On Boundary

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

(3) Erosion Control During Construction

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

(4) EPA Environmental Duty

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

(5) 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)

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) 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.

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(7) Compliance with Food Act SA 2001

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

(8) Food Handling Notification

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

(9) 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.

(10) Pollution Filter Maintenance

It is noted that the manufacturer of the pollution filtration system recommends that the system be cleaned every six (6) months for optimum function. The applicant is advised that maintenance should be undertaken in accordance with the manufacturer's advice.

9. Policy Issues for Advice to Council

David Brown raised the question of CAP Members being briefed on the new Planning & Design Code. Marc Salver advised that an out of session briefing would be arranged for Panel members, following Council's submission to DPTI at the end of February 2020.

10. Other Business

10.1 Date of January 2020 CAP Meeting

Moved Linda Green

S/- Piers Brissenden

Carried

(47)

That the date of the January 2020 meeting be moved to Wednesday 15 January 2020.

10.2 PDI Act Training

Deryn advised the Panel that it is the intention of the LGA to provide specialised training for CAP Members, the details of which will be provided to Panel members once known.

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- 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 11 December 2019.
- 14. Close meeting**
The meeting closed at 8.13pm.