

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 8 JULY 2020
VIA AUDIO/VISUAL LINK**

In Attendance

Presiding Member

Geoff Parsons (via audio/visual link)

Members

Ross Bateup (via audio/visual link)

Piers Brissenden (via audio/visual link)

David Brown (via audio/visual link)

John Kemp (via audio/visual link)

In Attendance

Deryn Atkinson

Sam Clements

Melanie Scott

Doug Samardzija

Karen Savage

Assessment Manager
Team Leader Statutory Planning
Senior Statutory Planner
Statutory Planner
Minute Secretary

1. Commencement

The meeting commenced at 6.30pm

2. Opening Statement

“We would like to acknowledge that the land we gather on today is the traditional lands of the Peramangk and Kurna peoples and that we respect their spiritual relationship with their Country. We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land and acknowledge that their cultural and heritage beliefs are still as important to those living today”.

3. Apologies/Leave of Absence

3.1 Apologies

Nil

3.2 Leave of Absence

Nil

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4. Previous Minutes

4.1 Meeting held 10 June 2020

The minutes were adopted by consensus of all members (16)

That the minutes of the meeting held on 10 June 2020 be confirmed as an accurate record of the proceedings of that meeting.

5. Delegation of Authority

Decisions of this Panel were determined under delegated authority as adopted by Council on 28 November 2017.

6. Presiding Member's Report

Nil

7. Declaration of Interest by Members of Panel

Nil

8. Matters Lying on the Table/Matters Deferred

8.1 Matters Lying on the Table

Nil

8.2 Matters Deferred

8.2.1 Development Application 19/1054/473 by Goodhouse Pty Ltd for two storey dwelling alterations & additions and deck (maximum height 3m) at 7 Beadnell Crescent, Bridgewater

Deferred from meeting 10 June 2020

"That a decision on the matter be deferred to enable the applicant to explore options for inclusion in the development proposal to ameliorate overlooking and impact on the privacy of the neighbouring property at 9 Beadnell Crescent, Bridgewater".

Refer to Item 9.3 of these Minutes.

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9. Development Assessment Applications

- 9.1 **Development Application 19/322/473 (19/C20/473) by John Ellery for staged application for demolition of existing dwelling, community title land division (1 into 9) and construction of three (3) two storey dwellings and a two storey residential flat building comprising six (6) dwellings, removal of five (5) regulated trees (Eucalyptus obliqua) & one (1) significant tree (Eucalyptus obliqua), retaining walls (maximum height 2.8m), combined fence & retaining walls (maximum height 4.7m), landscaping including replacement plantings & associated earthworks:**
Stage 1 – Demolition and tree removal
Stage 2 – Driveway construction and civil works
Stage 3 – Construction of dwellings on Lots 1, 2 & 3
Stage 4 – Construction of residential flat building (dwellings on Lots 4 to 9) and remainder of works at 20 Pomona Road, Stirling

| | |
|--------|---|
| 6:51pm | The meeting was adjourned for a short break |
|--------|---|

| | |
|--------|---------------------|
| 7:05pm | The meeting resumed |
|--------|---------------------|

9.1.1 Representations

| Name of Representor | Address of Representor | Nominated Speaker |
|---------------------------------|-------------------------------|---|
| Jonathan Giesecke & Jane Healey | 13 Alta Crescent, Stirling | Jonathan Giesecke via Audio/Visual Link |
| Brendon & Christine Coventry | 18 Pomona Road, Stirling | John Hill via Audio/Visual Link |

The applicant's representatives, Matt King and Philip Harnett (URPS), addressed the Panel via audio/visual link.

9.1.2 Decision of Panel

The following recommendation was adopted by consensus of all members (17)

The Council Assessment Panel considers that the proposal is at variance with a significant number of the relevant provisions of the Adelaide Hills Council Development Plan and the Council Assessment Panel REFUSES Development Plan Consent to Development Application 19/322/473 by John Ellery for staged application for demolition of existing dwelling and community title land division (1 into 9) and three (3) two storey dwellings and a two storey residential flat building comprising six (6) dwellings, removal of five (5) regulated trees (Eucalyptus obliqua) & one (1) significant tree (Eucalyptus obliqua), retaining walls (maximum height 2.8m), combined fence & retaining walls (maximum height 4.7m), landscaping

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including replacement plantings & associated earthworks: Stage 1 Demolition and tree removal, Stage 2 Driveway construction and Civil works, Stage 3 Construction of dwellings on Lots 1, 2 & 3, Stage 4 Construction of residential flat building (dwellings on Lots 4 to 9) at 20 Pomona Road Stirling for the following reasons:

(1) Proposal at Variance with the Development Plan

The proposal is at variance with the following provisions of the Adelaide Hills Council Development Plan:

Mixed Residential Zone

Objective 1 as the proposal does not offer a range of dwelling densities

Objective 2 as the chosen driveway location has an impact on the character of the area proposing removal of all the vegetation on the site.

Objective 5 as the proposal does not contribute to the character of the zone due to the bulk and scale of the proposal, maximum building height variances, the substantial alteration to the landform and significant removal of native vegetation, on a site where the desired character envisages transitional design that achieves a blended dwelling density form and also reflects the spacious landscaped appearance of adjoining residential areas.

Principles of Development Control 5 & 6 as the proposal does not address the qualitative requirements for the Zone

Principle of Development Control 9 as the proposal does not contribute to the desired streetscape with the proposed dwellings being a minimum of 3 metres above street level.

Principles of Development Control 11, 16 & 21 as the proposed buildings will dominate the landscape with their bulk and scale in an elevated position above street level noting the land is adjacent land in a different zone on two boundaries and the desire to have transitional design on a site which abuts land zoned for lower density.

Principle of Development Control 22 as the proposal does not offer any affordable housing.

Council Wide

Design and Appearance

Objective 1 as the proposal does not respond to and reinforce the positive aspects of the local environment and built form.

Principles of Development Control 1, 2, 7, 9, 13, 21 & 23 as the proposed buildings are of a bulk and scale that do not reflect the desired character of the locality. The scale of the proposed structures on or near the boundaries impact on the visual amenity of the area and adversely alters the character of neighbouring properties and the area. The amount of earthworks proposed does not minimize the alteration to existing land form and the development

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will be visible from the South Eastern Freeway. Lastly there is no pedestrian entry point to the proposal.

Energy Efficiency

Principles of Development Control 1 & 2 as the residential flat building living areas will have limited solar access and their outdoor areas will have almost no sunlight.

Principle of Development Control 3 as there is no capacity for photovoltaic cells or solar hot water on the proposed roof structures.

Hazards

Principle of Development Control 27 (g) as the proposal has not demonstrated management of overland water flows and if natural drainage lines will be impacted.

Land Division

Principles of Development Control 6 (d), (h) & (j) as the proposal does not protect existing vegetation or preserve significant trees.

Principles of Development Control 7 & 8 as the residential flat building has limited solar access and does not have open space with any access to natural sunlight making those lots unsuitable for their intended residential density .

Principle of Development Control 11 as the proposal does not minimise the need for earthworks, maintain natural drainage, removes all the native vegetation on the site and proposes large retaining structures in close proximity to boundaries.

Natural Resources

Objectives 1, 4, and 8 and Principles of Development Control 17, 37, 38, 39, 46 as the proposal does not preserve any of the native vegetation existing on the site, has not demonstrated that natural drainage systems will be maintained, there is no water reuse proposed as part of the design nor is there any proposal to protect the quality of water runoff from the site.

Objective 10 and Principle of Development Control 49 as there is extensive land modification proposed.

Orderly and Economic Development

Principles of Development Control 9 as the proposal does not sufficiently address the site location as a transition between two zones, nor the potential for suitable private open space due to noise and sunlight issues rendering the site unsuitable for the proposed residential density.

Regulated Trees

Objectives 1 & 2 as the proposal does not conserve regulated trees on the land and the trees contribute to the character and visual amenity of the local area.

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Principles of Development Control 1, 2 & 3 as the proposal does not minimise adverse impacts on the regulated trees on the land.

Residential Development

Objective 1 and Principles of Development Control 1 & 18 (g) as the proposal does not maximise solar orientation through the density of the proposed dwellings which results in full shade to the associated private open spaces of the six dwellings within the residential flat building in winter.

Principle of Development Control 4 as in context of the site and natural features the proposed landscaping does not achieve the same level of amenity and site enhancement as would a landscape design and development proposal that balances the retention of mature native vegetation with the introduction of additional plantings to complement existing and offset the removal of some native vegetation.

Siting and Visibility

Principle of Development Control 1 as the proposal does not minimise visual impact on the natural character of the area.

Principle of Development Control 2 as the proposal is not unobtrusive and proposes removal of all native vegetation on the site.

Principles of Development Control 4 & 6 as the proposal does not minimise earthworks or visual impact of the development in the locality.

Principle of Development Control 9 as the proposed driveway does not blend sympathetically with the landscape to minimise interference with natural vegetation.

Sloping Land

Objective 1 and Principle of Development Control 1 as the proposal is not considered to integrate sympathetically with the natural topography of the land with the need for substantial earthworks and retaining walls and the proposed driveway does not integrate sufficiently to with the natural topography of the land to avoid impact on street trees

Principle of Development Control 3 as the proposal is not designed to sufficiently minimise the visual impact, the bulk of the buildings and structures, minimise cut and fill, minimise the need for retaining walls and it has not been demonstrated that the proposal will protect the development from the impact of overland drainage flows.

- 9.2 **Development Application 20/321/473 by David Freschi for variation to Development Authorisation 17/262/473 to vary conditions 5 & 8 pertaining to capacity, number of functions and hours of operation, to include toilet block addition onto the cellar door, increase to area of deck & car park alterations at 159 Ridge Road, Ashton**

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9.2.1 **Representations**

| Name of Representor | Address of Representor | Nominated Speaker |
|-----------------------|------------------------|------------------------------------|
| Kym & Sophie Nitschke | 141 Ridge Road, Ashton | Peter Meline via Audio/Visual Link |

The applicant, David Freschi, addressed the Panel via audio/visual link.

9.2.2 **Decision of Panel**

The following recommendation was adopted by consensus of all members (18)

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 20/321/473 by David Freschi for variation to Development Authorisation 17/262/473 to vary conditions 5 & 8 pertaining to capacity, number of functions and hours of operation, to include toilet block addition onto the cellar door, increase to area of deck & car park alterations at 159 Ridge Road Ashton 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:

- Correspondence prepared by David Freschi of Casa Freschi received by Council 6 July 2020
- Amended site plan (sheet 5 of 5), part site plan (sheet 4), floor plan (sheet 1 of 5) & elevations (sheets 2 & 3 or 5) prepared by Crafers Building Design received by Council 6 July 2020

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

(2) Previous Plans & Details Still Apply

Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisation 473/262/17 continue to apply to this amended authorisation.

REASON: To ensure all valid conditions are complied with.

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(3) Overall Capacity

At any one time, the overall capacity of the cellar door shall be limited to a maximum of twenty five (25) persons only, with the exception of the six (6) events per calendar year where the capacity shall be limited to a maximum of seventy five (75) persons. This capacity restriction includes any associated outdoor areas.

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.

(4) Opening Hours - Cellar Door with Pre-Booked Events

The cellar door opening hours and the six (6) events per calendar year shall be restricted to the following:

Thursday to Monday only – 11.00am to 5.00pm

REASON: To ensure that neighbouring properties are not impacted negatively by this development.

(5) Overflow Car Parking

Overflow car parking associated with pre-booked events shall be kept to within the confines of the subject land. Any grassed areas designated for overflow car parking shall be kept to a maximum of 10cm in bushfire danger season.

REASON: To ensure car parking is accommodated for on-site and no traffic safety issues occur when pre-booked events are held.

(6) Stormwater Roof Runoff To Be Dealt With On-Site

All roof runoff generated by the development hereby approved shall be managed on-site to the management satisfaction of Council using design techniques such as:

- Rainwater tanks
- Grassed swales
- Stone filled trenches
- Small infiltration basins

Stormwater overflow shall be designed so as to not permit trespass into the effluent disposal area. Stormwater should be managed on site with no stormwater to trespass onto adjoining properties.

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

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(7) External Finishes

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

WALLS: Hebel Power-Panel rendered and painted Monument or similar

ROOF: Galvanised Iron (unpainted) to match the existing building

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

(8) Prior to Building Rules Consent Being Granted – Requirement For Car Park Civil Design

Prior to Building Rules Consent being granted a civil design of the proposed car park area shall be submitted to the Council for review and approval. The plan shall show the existing natural ground levels at least in 1m increments and the proposed car park finished surface levels, batters and/or retaining and surface water management details.

REASON: To ensure there is sufficient documentation on the extent of earthworks required for the car park area and to demonstrate it will comply with the Australian Standard AS 2890.1:2004.

NOTES

(1) Expiry Date of Variation

This development authorisation to vary the original authorisation is valid for a period not exceeding that of the original authorisation (6 June 2021). This time period may be further extended for a short 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 and will be required to be paid for both the original authorisation and the variation authorisation.

Please refer to page two (2) of this form (Notes for Applicant blue box) for information on changes to the planning system and potential changes to extensions of time requests.

(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.

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9.3 Development Application 19/1054/473 by Goodhouse Pty Ltd for two storey dwelling alterations & additions and deck (maximum height 3m) at 7 Beadnell Crescent, Bridgewater

9.3.1 Representations
Nil

Decision of Panel

The following recommendation was adopted by consensus of all members (19)

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 19/1054/473 by Goodhouse Pty Ltd for two storey dwelling alterations & additions, deck (maximum height 3m) at 7 Beadnell Crescent 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 prepared by Goodhouse, drawing number A1.0, dated 12/06/2020
- Amended existing house floor plan prepared by Goodhouse, drawing number A1.1, dated 10/12/2019 and date stamped by Council 12/06/2020
- Amended proposed ground floor plan prepared by Goodhouse, drawing number A1.2, dated 10/12/2019 and date stamped by Council 12/06/2020
- Amended upper level floor plan prepared by Goodhouse, drawing number A1.2.1, dated 10/12/2019 and date stamped by Council 12/06/2020
- Amended roof plan prepared by Goodhouse, drawing number A1.3 dated 10/12/2019 and date stamped by Council 12/06/2020
- Amended north and east elevation drawings prepared by Goodhouse, drawing number A2.0, dated 10/12/2019 and date stamped by Council 12/06/2020
- Amended south and west elevation drawings prepared by Goodhouse, drawing number A2.1, dated 10/12/2019 and date stamped by Council 12/06/2020

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

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(2) **Residential Lighting**

All external lighting shall be directed away from residential development and, shielded if necessary to prevent light spill causing nuisance to the occupiers of those residential properties.

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

(3) **External Finishes**

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

WALLS: Mixture of timber cladding and Hiland Tray cladding in Colorbond Monument or similar

ROOF: Hiland Tray cladding in Colorbond Monument 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.

(4) **Firefighting Water Supply - Mains Water Supply Available**

A supply of water independent of reticulated mains supply shall be available at all times for fire fighting purposes:

- A minimum supply of 2,000 (two thousand) litres of water shall be available for fighting purposes at all times, and
- The water supply shall be located such that it provides the required water; and
- The water supply shall be fitted with domestic fittings (standard household taps that enable an occupier to access a supply of water with domestic hoses or buckets for extinguishing minor fires), and
- The water supply outlet shall be located at least 400mm above ground level for a distance of 200mm either side of the outlet, and
- A water storage facility connected to mains water shall have an automatic float switch to maintain full capacity, and
- Where the water storage facility is an above-ground water tank, the tank (including any support structure) shall be constructed of non-combustible material.

REASON: To minimise the threat and impact of fire on life and property as your property is located in a MEDIUM Bushfire Prone Area.

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(5) Stormwater Overflow Directed To Water Course

All roof runoff generated by the development hereby approved shall be directed to a rainwater tank with overflow directed via a sealed system to the watercourse at the rear of the property to the satisfaction of Council within one month of the roof cladding being installed. Erosion protection shall be provided at the stormwater discharge point. All roof and hard paved water runoff shall be managed to prevent trespass onto adjoining properties.

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

(6) Upper Level Window Screening

The eastern facing upper level window of the dwelling shall be fitted with adjustable louvre screening comprising vertical slats 200mm wide and 200mm apart covering the full window to a height of 2.4m from the finished floor level of the upper level addition, and shall be limited to an opening angle of 65 degrees from the west to the east from the plane of the glazing. The screening shall be installed prior to occupation of the upper storey addition and maintained in good condition at all times.

REASON: Buildings should be designed to not cause potential for overlooking of adjoining properties.

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.

Please refer to page two (2) of this form (Notes for Applicant blue box) for information on changes to the planning system and potential changes to extensions of time requests.

(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.

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(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.

10. Policy Issues for Advice to Council

Question on Notice for staff from David Brown –

How would the development proposal for 20 Pomona Road be considered (both qualitative and quantitative provisions) under the new Planning & Design Code?

11. Other Business

- 11.1 Variation to Development Authorisation 17/986/473 (as varied by Development Authorisation 19/86/473) – request for variation to the timeframe in Conditions 24, 25 and 26 to comply with off-site works and the upgrade of the road verge with new footpath, tree planting and street furniture for the Woodside Supermarket at 23-29 Onkaparinga Valley Road and 3-5 Tiers Road, Woodside**

| | | |
|--------------|-------------------------|----------------|
| Moved | Ross Bateup | Carried |
| S/- | Piers Brissenden | (20) |

The Council Assessment Panel delegates authority to the Assessment Manager to determine the appropriate timeframe for conditions 24, 25 and 26 in negotiation with the Applicant and DPTI.

- 11.2** Request from John Kemp that when late items are e-mailed to CAP Members on the day of the meeting, for a text message to be sent or phone call made to advise that documentation has been e-mailed for review.
- 11.3** The Panel discussed the format of the reports and attachments and determined to continue with the current arrangements.
- 12. Order for Exclusion of the Public from the Meeting to debate Confidential Matters**
Nil
- 13. Confidential Item**
Nil

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- 14. Next Meeting**
The next ordinary Council Assessment Panel meeting will be held on Wednesday 12 August 2020.
- 15. Close meeting**
The meeting closed at 9.17pm.