

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 10 MARCH 2021  
63 MOUNT BARKER ROAD, STIRLING**

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**In Attendance**

**Presiding Member**

Geoff Parsons

**Members**

Ross Bateup

David Brown

Paul Mickan

John Kemp

**In Attendance**

Marc Salver

Deryn Atkinson

Vanessa Nixon

Melanie Scott

Ashleigh Gade

Karen Savage

Director Development & Regulatory Services

Assessment Manager

Team Leader Statutory Planning

Senior Statutory Planner

Statutory Planner

Minute Secretary

**1. Commencement**

The meeting commenced at 6.31pm.

**2. Opening Statement**

“Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kurna people. We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land. Together we will care for this country for the generations to come”.

**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 February 2021

**The minutes were adopted by consensus of all members** (7)

**That the minutes of the meeting held on 10 February 2021 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

Nil

**9. Development Assessment Applications**

9.1 **Development Application 19/210/473 by John Nitschke for change of use from store to include light industry (manufacturing) and building alterations and additions to create 7 separate tenancies, associated car parking, landscaping & earthworks and 3 x 144,000 litre water tanks in addition to the existing farming use (non-complying) at 359 Nairne Road, Woodside**

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**9.1.1 Representations**

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
Shane & Bronwyn Skinner	25 Wuttke Road Woodside	Did Not Attend
James Price & Dee-Anne Hunt	353 Nairne Road Woodside	Greg Vincent MasterPlan

The applicant's representatives, Pip Metljak (Botten Levinson Lawyers) and Peter Meline (Adelaide Hills Development Services), addressed the Panel.

**9.1.2 Decision of Panel**

**The following was adopted by consensus of all members (8)**

**The Council Assessment Panel DEFERS consideration of Application 19/210/473 by John Nitschke for a change of use from store to include industry (manufacturing) including building alterations & additions & car parking (non-complying) at 359 Nairne Road Woodside to seek the following further information:**

- (1) The nature and extent of alteration of existing use rights;**
- (2) Details of all vehicle movement manoeuvring, and number of anticipated vehicle movements in association with the storage and light industry uses;**
- (3) Details of unloading areas, location and dimensions of external storage of shipping containers and waste storage; and**
- (4) The provision of accurate floor and elevation plans detailing all new and existing openings to the building, including access to and within Store 3 and the south-eastern corner in general.**

**9.2 Development Application 20/1049/473 by Lloyd Building Solutions Pty Ltd for single storey split level detached dwelling, deck (maximum height 2.6m), retaining walls (maximum height 1m), domestic outbuilding – garage and associated earthworks at 34 Fern Hill Road, Bridgewater**

**9.2.1 Representations**

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
Paul Angas & Nicola Barnes	23 Fern Hill Road Bridgewater	Did Not Attend

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Darrell & Bianca Stanbridge	32 Fern Hill Road Bridgewater	Did Not Attend
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The applicant's representative, Ian Lloyd, was invited to answer questions from the Panel.

9.2.2 **Decision of Panel**

**The following was adopted by consensus of all members** (9)

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 20/1049/473 by Lloyd Building Solutions Pty Ltd for Single storey split level detached dwelling, deck (maximum height 2.6m), retaining walls (maximum height 1m), domestic outbuilding - garage & associated earthworks at 34 Fern Hill 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:

- Civil Stormwater Management Plan Revision 2 prepared by Tesseract International dated 21 January 2021 and received by Council 21 January 2021.
- Site Plan Sheet No .2, Issue A prepared by Lloyd Building Solutions dated 11 February 2021 and received by Council 11 February 2021.
- Floor Plan Sheet No. 3 prepared by Lloyd Building Solutions dated 26 November 2020 and received by Council 26 November 2020.
- North East, South-West and South East Elevation Sheet No. 3 prepared by Lloyd Building Solutions dated 26 November 2020 and received by Council 26 November 2020.
- North West Elevation, Garage Elevations and Garage Floor Plan Sheet No. 5 prepared by Lloyd Building Solutions dated 26 November 2020 and received by Council 26 November 2020.
- External Colour Scheme prepared by Lloyd Building Solutions dated 5 November 2020 and received by Council 5 November 2020.
- Civil Calculations 20-453 prepared by Tesseract International dated 21 January 2021 and received by Council 21 January 2021.

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

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**(2) Stormwater Overflow Directed to Street**

All roof runoff generated by the development hereby approved shall be directed to a rainwater tank with overflow to the street in accordance with the Stormwater Management Plan and Civil Calculations prepared by Tesseract International dated 21 January 2021 and to the satisfaction of Council, within one month of the roof cladding being installed.

All roof and hard paved water runoff shall be managed to prevent trespass onto adjoining properties and into the effluent disposal area where an on-site waste control system exists. Overflow from rainwater tanks is to be directed to the street in accordance with Stormwater Management Plan and Civil Calculations prepared by Tesseract International dated 21 January 2021 to the satisfaction of Council.

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

**(3) 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.*

**(4) External Finishes**

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

DWELLING WALLS:           Colorbond 'Night Sky' or similar  
DWELLING ROOF:           Colorbond 'Night Sky' or similar

GARAGE ROOF & WALLS:       Colorbond 'Night Sky' or similar  
GARAGE DOOR:             Gliderol 'Tuscan Merbau' panels or similar

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

**(5) Timeframe for Landscaping to be Planted**

Landscaping detailed on the Site Plan Sheet No. 2 Issue A prepared by Lloyd Building Solutions dated 11 February 2021 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.

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*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.*

**(6) Treatment to Excavations and Fill**

All exposed excavations and fill as shown on the Site Plan Sheet No. 2 Issue A prepared by Lloyd Building Solutions dated 11 February 2021 shall be:

- (a) rounded off and bettered to match and blend with the natural contours of the land;
- (b) covered with approximately 100mm of topsoil;
- (c) seeded to avoid erosion and visual concerns; and
- (d) screened with trees, shrubs and ground covers prior to occupation of the approved development to the reasonable satisfaction of Council.

*REASON: To maintain the visual amenity of the locality in which the subject land is located.*

**(7) Access Requirements**

Private roads and access tracks shall provide safe and convenient access and egress for bushfire fighting vehicles as follows:

- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- The 'T'-shaped turning area, utilizing the public road, shall be a minimum formed length of 11 metres with minimum internal radii of 9.5 metres on bends, including bends connecting private access to public roads.
- Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.
- Entry and exit angles to the driveway shall be designed to accommodate safe travel for large fire-fighting vehicles with a long wheel base (length 8.3 metres).
- The gradient of the access road shall not exceed 16 degrees (29%), in steep terrain the construction of the public road or driveway shall be a sealed surface.

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

**(8) 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

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- 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 the property is located in a Medium Bushfire Prone Area.*

**(9) 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.*

**(10) Restriction on Use of Outbuilding**

The outbuilding (garage) shall not be used for human habitation, commercial or industrial purposes. Any such activity may constitute a change in use and will require separate development approval.

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

**(11) Residential Access Point – SD13**

The vehicle access point and cross over shall be constructed in accordance with Adelaide Hills Council standard engineering detail SD13 – residential vehicular crossing paved for sealed road with kerb and SD19 – allowable crossover locations, within 3 months of occupation/use of the development.

*REASON: For safe and convenient movement of vehicles.*

**NOTES**

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

This Development Plan Consent is valid for a period of twelve (12) months commencing from the date of the decision or where an appeal has been commenced the date on which the appeal is determined In the Environment, Development and Resources (ERD) Court.

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- (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](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.
- (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.

9.3 **Development Application 20/443/473 (20/D18/473) by Sharyn Stone for Land Division – boundary realignment (3 into 3) at 663, 665 & 671A Swamp Road, Lenswood**

9.3.1 **Representations**  
Nil

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9.3.2 Decision of Panel

The following was adopted by consensus of all members (10)

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 and Land Division Consent to Development Application 20/443/473 (473/ D018/20) by Sharyn Stone for Land division - Boundary realignment (3 into 3) at 663 Swamp Road, 665 Swamp Road, and 671A Swamp Road, Lenswood, subject to the following conditions:

Planning 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:

- Plan of Division (Boundary Realignment) prepared by Olden & van Senden, Version 4, dated 20 October 2020.

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

Planning 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.

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.

Council Land Division Statement of Requirements

Nil

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**Council Land Division Notes**

Nil

**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.*

**SCAP Land Division Notes**

Nil

**10. Other Business**

**10.1 Draft Council Agenda Format under the PDI Act**

<b>Moved</b>	<b>Ross Bateup</b>	<b>Carried Unanimously</b>
<b>S/-</b>	<b>Paul Mickan</b>	<b>(11)</b>

**That:**

- 1. The report be received and noted**
- 2. The amended Agenda layout for Order of Business contained in Appendix 1 be adopted for meetings after 19 March 2021; and**
- 3. The Assessment Manager be permitted to make changes to the Agenda format as may be necessary from time to time.**

**10.2 Amendment to Council Assessment Panel (CAP) Operating and Meeting Procedures**

<b>Moved</b>	<b>David Brown</b>	<b>Carried Unanimously</b>
<b>S/-</b>	<b>Ross Bateup</b>	<b>(12)</b>

**That the Council Assessment Panel adopts the revised Operating and Meeting Procedures as detailed in Appendix 1 of this report, to replace the Operating and Meeting Procedures adopted on 10 June 2020.**

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- 10.3 David Brown brought to the attention of the Panel that some CAPs are proposing to consider all publicly notified development applications, rather than only those with opposing representations. No change to delegations was proposed as a result of this information.
- 11. Policy Issues for Advice to Council**  
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 14 April 2021.
- 15. Close meeting**  
The meeting closed at 8.27pm.