

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 9 NOVEMBER 2022
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

In Attendance**Presiding Member**

Geoff Parsons

Members

Ross Bateup

Paul Mickan

Myles Somers

John Kemp

In Attendance

Natalie Armstrong

Deryn Atkinson

James Booker

Doug Samardzija

Sebastien Paraskevopoulos

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 14 September 2022

The minutes were adopted by consensus of all members (42)

That the minutes of the meeting held on 14 September 2022 be confirmed as an accurate record of the proceedings of that meeting.

5. Presiding Member's Report

Nil

6. Declaration of Interest by Members of Panel

Paul Mickan advised that, in relation to Item 8.1, he is connected with the applicant's Planning Consultant, Emma Barnes, via social media. He has not connected with Emma in recent times, and has not discussed this application nor any other application with her. Accordingly, he does not believe he has a conflict of interest in this matter and will remain in the meeting for that item.

7. Matters Lying on the Table/Matters Deferred

7.1 Matters Lying on the Table
Nil

7.2 Matters Deferred
Nil

8. Development Assessment Applications – Planning, Development and Infrastructure Act

8.1 **Development Application 22002690 by Anthony Rinaldi for two storey detached dwelling, swimming pool and associated safety barriers, retaining walls (maximum height 1.4m) and removal of a significant tree (*Populus deltoids* – Cottonwood) at Lot 720 (16A) White Avenue, Crafers**

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8.1.1 Representations

Name of Representer	Address of Representer	Nominated Speaker
Dr Peter & Mary Clements	23 Glenside Road, Crafers	Hon Justice Richard Hardy
Hon Justice Richard Hardy (retired) & Susan Hardy	27 Glenside Road, Crafers	Hon Justice Richard Hardy

The applicant, Anthony Rinaldi, and his representative, Emma Barnes (Planning Studio), addressed the Panel.

8.1.2 Decision of Panel

Moved Ross Bateup **Carried**
S/- Paul Mickan **(43)**

The Council Assessment Panel resolved that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 22002690 by Anthony Rinaldi for two storey detached dwelling, swimming pool and associated safety barriers, retaining walls (maximum height 1.4m) and removal of a significant tree (*Populus deltoids* – Cottonwood) at Lot 720 (16A) White Avenue, Crafers is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.
- 2) 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.

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- 3) All external materials and finishes shall be of subdued colours which blend with the natural features of the landscape and are of a low-light reflective nature

NOTE: browns, greys, greens and beige are suitable and galvanised iron and zincalume are not suitable

- 4) 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.
- 5) A supply of water independent of reticulated mains supply shall be available at all times for fire-fighting purposes and shall comprise:
- a minimum supply of 2,000 (two thousand) litres of 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; and
 - the overflow shall be connected to the stormwater management system; and
 - the water supply should be installed prior to occupation of the dwelling.
- 6) Stormwater management shall be undertaken in accordance with the stormwater management plan and calculations prepared by MQZ Consulting Engineers and approved by Adelaide Hills Council prior to the occupation of the dwelling:
- All stormwater from roof, paving and driveway areas shall be directed to an underground detention tank with a minimum capacity of 22,500 L.
 - Pump discharge from the tank shall be directed to the winter creek at a maximum rate of 7.5 L/sec
 - Dual pump system is to be installed in case of pump failure.

All stormwater infrastructure shall be installed 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.

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- 7) The vehicle access point(s) and cross-over shall be constructed at a maximum width of 4 metres. Access point must be constructed to Council Standards ensuring compliance with the following:
 - Inverts and crossovers may not be constructed within one metre of stobie poles
 - Maximum driveway gradient of 1:4
 - Driveway to be surfaced with all-weather material and ensure there is no material drag out onto the carriageway
 - Newly constructed access must not alter road stormwater flow or path.
- 8) Payment of an amount calculated in accordance with the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* be made into the Adelaide Hills Council Urban Tree Fund in lieu of planting 3 replacement trees. Payment must be made prior to the undertaking of development on the land.
- 9) The west facing and east facing upper level windows of the dwelling shall be glazed with fixed obscure glass to a minimum height of 1.5 metres above finished floor level. The glazing in these windows shall be installed prior to occupation of the dwelling and maintained in good condition at all times to the reasonable satisfaction of the Relevant Authority.
- 10) The balcony of the dwelling shall be fitted with fixed screening as shown on the elevation drawings to a minimum height of 1.5 metres above the balcony floor level. The screening shall be installed prior to the occupation of the dwelling and maintained in good condition at all times to the reasonable satisfaction of the Relevant Authority.
- 11) Landscaping detailed on the site plan drawing number SK04 dated 27/10/2022 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.

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

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- 2) **Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.**
- 3) **This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.**
- 4) **Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).**

8.2 **Development Application 22019350 by Ron Danvers for alterations and additions to State Heritage Place (dwelling – former Coach House) including partial demolition, ancillary accommodation with associated garage, pergola, water tanks, retaining walls and masonry fence at 19 Laurel Road, Stirling**

8.2.1 **Representations**

Name of Representor	Address of Representor	Nominated Speaker
Gavin Carney & Brooke Hall-Carney	36 Ayers Hill Road Stirling	David Hutchison Access Planning

The landowner, Dr Jeffrey Jenkinson, and the applicant, Professor Ron Danvers (Danvers Studio – Architects), addressed the Panel.

8.2.2 **Decision of Panel**

Moved Ross Bateup **Carried**
S/- Paul Mickan **(44)**

The Council Assessment Panel resolved that:

- 1) **Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and**

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- 2) Development Application Number 22019350 by Ron Danvers for alterations and additions to State Heritage Place (dwelling – former Coach House) including partial demolition, ancillary accommodation with associated garage, pergola, water tanks, retaining walls and masonry fence at 19 Laurel Road, Stirling is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below:
- 2) The external finishes to the ancillary accommodation building herein approved shall be as follows:

WALLS:	Sandstone render or similar
ROOF:	Colorbond 'Woodland Grey' or similar
- 3) 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.
- 4) Prior to Building Consent being granted all hydrological and hydraulic stormwater calculations shall be provided together with the final stormwater management plan to the reasonable satisfaction of Council.

All roof run-off generated by the development hereby approved shall be directed within one month of the roof cladding being installed to the existing stormwater management system on-site to the satisfaction of Council. Stormwater shall be managed on site with no stormwater to trespass onto adjoining properties.

- 5) A supply of water independent of reticulated mains supply shall be available at all times for firefighting purposes and shall comprise:
 - a minimum supply of 2,000 litres of 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

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- 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; and
 - the overflow shall be connected to the existing stormwater management system prior to the occupation of the ancillary building.
- 6) 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.
- 7) Accommodation of persons within the ancillary accommodation building shall be genuinely ancillary to the use of the existing dwelling.

The person(s) having the benefit of this consent shall refrain from permitting the ancillary accommodation being used for the purposes of a self-contained unit, or any form of accommodation on a commercial or fee paying basis.

This shall include the following:

- i. Only a single point of connection for services such as electricity, water and sewer may be installed on the land to service the dwelling and ancillary accommodation.
 - ii. Only one electricity meter and one water meter may be installed on the land to service the dwelling and ancillary accommodation.
- 8) The existing hedging along the north and west boundaries of the subject land shall be extended as per amended drawings A12S, A13R, A14H, and A16G from *Danvers.Studio - architects*, received by Council on 13 October 2022. This shall be established prior to occupation and maintained in good health and condition at all times with any dead or diseased plants being replaced in the next planting season.

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

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- 2) **Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.**
- 3) **This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.**
- 4) **Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).**

State Heritage Notes

- 1) **Please note the following requirements of the Heritage Places Act 1993:**
 - a) **If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.**
 - b) **Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works. For further information, contact the Department for Environment and Water.**
- 2) **Please note the following requirements of the Aboriginal Heritage Act 1988:**
 - a) **If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the Aboriginal Heritage Act 1988.**

9. **Development Assessment Applications – Development Act**
Nil

10. **Development Assessment Applications – Review of Decisions of Assessment Manager**
Nil

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- 11. ERD Court Appeals**
The Assessment Manager provided the Panel with a verbal update on current ERD Court Appeals.
- 12. Policy Issues for Advice to Council**
Nil
- 13. Other Business**
- 13.1 The Presiding Member wished Cr John Kemp good luck with the upcoming Local Government elections, and took the opportunity to thank him for his service to the Panel over a significant period of time. The Panel and, similarly, the community have valued his contribution.
- 14. Order for Exclusion of the Public from the Meeting to debate Confidential Matters**
Nil
- 15. Confidential Item**
Nil
- 16. Next Meeting**
The next ordinary Council Assessment Panel meeting will be held on Wednesday 14 December 2022.
- 17. Close meeting**
The meeting closed at 8.42pm.