

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

In Attendance

Presiding Member

Geoff Parsons

Members

Paul Mickan
Myles Somers
Leith Mudge

In Attendance

Natalie Armstrong
James Booker
Doug Samardzija
Darren Smith
Tom Portas
Karen Savage

Director Community & Development
Acting Manager Development Services
Acting Team Leader Statutory Planning
Statutory Planner
Systems Analyst, Information Systems
Minute Secretary

1. Commencement

The meeting commenced at 6.30pm

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
Ross Bateup

3.2 Leave of Absence
Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

4. Previous Minutes

4.1 Meeting held 13 March 2024

The minutes were adopted by consensus of all members (11)

That the minutes of the meeting held on 13 March 2024 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

Leith Mudge advised that, in relation to Item 8.4, as this is an application from a Council employee there could be a perceived conflict of interest. Whilst he knows the applicant and has corresponded with her on Council matters previously, he has not had any discussions on this matter. Whilst there may be a perception of bias, he does not believe this to be the case and will remain in the room for the deliberations and vote on this matter.

Paul Mickan advised an interest in Item 8.2. One of the representors (Carmel Simpson) is the mother of his son's partner, and he knows Carmel and her husband very well. Whilst they have not discussed the application at any time, he considers that given his relationship with them he has an interest in this matter and will withdraw from the meeting when this item is being deliberated.

7. Matters Lying on the Table/Matters Deferred

7.1 Matters Lying on the Table
Nil

7.2 Matters Deferred
Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

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

8.1 Development Application 23015113 by Michele Ronan for change of use from dwelling to tourist accommodation and variation to Development Approval 18/481/473 to remove Condition 4 at 151 Stock Road, Mylor

8.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Craig Lock	169 Stock Road, Mylor	Craig Lock via Zoom
Mattis Vanzati	2A Bandicoot Lane, Mylor	Mattis Vanzati via Zoom
Matthew Thomas	149 Stock Road, Mylor	Matthew Thomas via Zoom

The following representors who addressed the Panel, also answered questions from the Panel:

Craig Lock
Matthew Thomas

The applicant's representative, Emma Herriman (Herriman Legal), addressed the Panel, following which the applicant, Michele Ronan, and her representatives, Emma Herriman and Peter Meline (Adelaide Hills Development Services), answered questions from the Panel.

8.1.2 Decision of Panel

The following was adopted by consensus of all members (12)

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 23015113 by Michele Ronan for change of use from dwelling to tourist accommodation and variation to Development Approval 18/481/473 to remove Condition 4 at 151 Stock Road, Mylor is GRANTED Planning Consent subject to the following conditions:**

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

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 applicant, owner and/or other person(s) making use of the subject land shall maintain the site in good condition at all times, including all buildings and structures, car parking areas, driveways and landscaping, and ensure that all activities on the site are in accordance with the approved documentation to the reasonable satisfaction of Council.
- 3) The use of the tourist accommodation approved herein approved shall be restricted to tourist accommodation only with no permanent residential use being permitted at any time.
- 4) The accommodation shall be occupied for no more than 110 days per calendar year with a log of all visitors to the accommodation to be kept and made available to Council upon request.
- 5) The tourist accommodation approved herein and any associated activities shall be managed and conducted at all times in a manner as to cause no undue nuisance or adverse effect to any neighbouring landowners or to other land uses within the locality.
- 6) All external lighting associated with the tourist accommodation use shall be restricted to that necessary for security purposes only and shall be directed away from residential development and, shielded if necessary to prevent light spill causing nuisance to the occupiers of nearby residential properties.
- 7) All stormwater infrastructure shall be installed within 3 months of Development Approval being granted. All roof run-off generated by the development hereby approved shall be managed on-site to the satisfaction of Council using design techniques such as:
 - Rainwater tanks
 - Grassed swales
 - Stone filled trenches
 - Small infiltration basins

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

Stormwater overflow management 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.

Conditions imposed by the Environment Protection Authority under Section 122 of the Act

- 8) The on-site wastewater system must be installed in accordance with the Site and Soil Assessment Report prepared by Seed Enterprises, dated 6 October 2023, which includes the following:
- a) Installation of an Ozzi Kleen RP10A+ system;
 - b) Construction of a 312m² irrigation area, to be located more than 50m from the nearest watercourse, dam or bore, more than 1.2m from the seasonal groundwater table, on a slope less than 20% and not in the 10% AEP flood zone;
 - c) Vegetating the irrigation area with rye grass and regularly mowing the grass to ensure optimal growth rates and therefore nutrient uptake; and
 - d) Bunding to direct surface runoff away from the irrigation area and creating a bund downhill to prevent any run-off, from over-irrigation, moving off site.

Conditions imposed by South Australian Country Fire Service under Section 122 of the Act

- 9) The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 3.2) details the mandatory requirements for extensions to buildings, outbuildings and other ancillary structures are sited and constructed using materials to minimise the threat of fire spread to residential and tourist accommodation (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) in the event of bushfire.
- Outbuildings and other ancillary structures shall be sited no closer than 6m from the habitable building, unless built to relevant building standards for associated structures in Bushfire Prone Areas. This includes future structures which may or may not require planning and/or building consent including (but not limited to) garden sheds, cubby houses and animal shelters.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

10) ACCESS TO HABITABLE BUILDING

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 6.2) details the mandatory requirements for 'Private' roads and driveways to facilitate safe and effective use, operation and evacuation for firefighting and emergency personnel and evacuation of residents, occupants and visitors where required. These requirements apply when the furthest point of the building is more than 60m from the nearest public road.

SA CFS has no objection to utilising the existing access driveway as detailed on drawing named SITE PLAN dated at last revision 19/09/2023 and upgraded, where necessary, to comply with the following conditions:

- The driveway shall be connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than 7 degrees (1-in-8).
- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles, to within 60m of the furthest point of the building. Where the gradient of the driveway is steeper than 12 degrees (1-in-4.5) the minimum formed road surface shall be 4 metres.
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either –
 1. A loop road around the building, OR
 2. A turning area with a minimum radius of 12.5 metres, OR
 3. A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres (for each 'leg') and minimum internal radii of 9.5 metres OR
 4. A 'U' shaped 'drive-through' option.
- Private access shall have minimum internal radii of 9.5 metres on all bends.
- Private access shall provide overhead clearances of not less than 4.0m horizontally and vertically between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures.
- Vegetation to be established along the access road shall be carefully selected and designed in accordance with the following:
 1. No understorey vegetation shall be established either side of the access road (understorey is defined as plants and bushes up to 2 metres in height).
 2. Grasses shall be reduced to a maximum height of 10cm for a distance of 3 metres (or to the property boundary, whichever comes first).

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

3. Mature trees with a single stem habit, are permitted within this fuel reduced zone, providing they are maintained to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.

- The all-weather road shall incorporate passing bays. The combined width of the passing bay and access track shall be 6 metres, and a minimum formed length of 17 metres. The passing bays should be constructed at 200 metre intervals along the road or driveway.
- The gradient of the access road shall not exceed 16 degrees (1-in-3.5) at any point along the driveway. In steep terrain exceeding 10 degrees (1-in-5.5) the surface should be sealed.
- The cross fall of the driveway shall be not more than 6 degrees (1-in-9.5) at any point along the driveway. In steep terrain roads shall be widened and appropriate guard rails and visibility markers should be installed on sides where a steep downslope is present.
- The all weather road is to be constructed such that it is protected from water erosion of the traffic surface. The road surface shall be profiled to manage storm water run off to appropriate drains, at one or both sides of the traffic surface. The accumulated volumes of water shall be directed via:
 1. Open drains; or
 2. Culverts and pipes under the traffic surface, and / or away from same, without causing further soil erosion, silting of adjacent areas or water courses or instability of any embankment or cutting.

11) WATER SUPPLY & ACCESS (to dedicated water supply)

Ministerial Building Standard MBS008 “Designated bushfire prone areas - additional requirements” 2020, as published under the Planning, Development and Infrastructure Act 2016, provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe work and fire-fighting hose(s) in accordance with MBS008.

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 4.3) details the mandatory requirements for the site to provide a dedicated hardstand area in a location that allows fire fighting vehicles to safely access the dedicated water supply.

Where a water storage facility is required to have a fire authority fitting, the following will apply:

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

SA CFS has no objection to the location of the existing dedicated water supply as detailed on drawing named SITE PLAN dated at last revision 19/09/2023, providing the outlet is positioned remotely to comply with the following conditions:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way and is no greater than 60m path of travel to the furthestmost point of the building, to enable fire services to reach all parts of the building with no more than two lengths of hose from the hardstand area.
- The dedicated water supply and its location should be identified with suitable signage (i.e. blue sign with white lettering "FIRE WATER").
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent the water supply for a nominally level hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- SA CFS appliance's inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.
- A gravity fed water supply outlet may be remotely located from the above ground tank to provide adequate access.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.
- The minimum water supply required may be combined with domestic use, providing the outlet for domestic use is located above the dedicated fire water supply (in order for it to remain as a dedicated supply).

12) MAINTAIN AN ASSET PROTECTION ZONE (APZ) - VEGETATION MANAGEMENT

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 4.2) details the mandatory requirements to establish and maintain an asset protection zone. As such, landscaping shall include bushfire protection features that will prevent or inhibit the spread of bushfires and minimise the risk to life and/or damage to buildings and property and maintain a fuel reduced zone for safe movement of occupants and fire fighters.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

An APZ shall be implemented and maintained in line with the vegetation management conditions below

- Vegetation management shall be established and maintained within 20 metres of the habitable building (or to the property boundaries – whichever comes first) as follows:
 1. The number of trees and understorey plants existing and to be established within the APZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the ‘clumping’ of shrubs where desirable, for diversity, and privacy and yet achieve the ‘overall maximum coverage of 30%’.
 2. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
 3. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
 4. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
 5. Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height from the trees’ lowest branches.
 6. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season. 7. No understorey vegetation shall be established within 2 metres of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).
 7. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves.
 8. The APZ shall be maintained to be free of accumulated dead vegetation.
- A single row of trees or shrubs are permitted closer to the building than their mature height for screening purposes, providing they are not connected to other hazardous vegetation, are not within close proximity of timber building elements, windows and doors and do not touch or overhang any part of the building. Screening plants should have low flammability characteristics, be kept in optimum health, pruned regularly and any dead vegetation removed.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

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.**
- 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).**

Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act Advisory

- 5) **The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.**
- 6) **More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au**

Advisory Notes imposed by South Australian Country Fire Service under Section 122 of the Act

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

7) BUILDING CONSIDERATIONS

Ministerial Building Standard MBS008 “Designated bushfire prone areas - additional requirements” 2020, as published under the Planning, Development and Infrastructure Act 2016 applies to this site.

Please refer to the National Construction Code (NCC), relevant standards and state provisions for construction requirements and performance provisions.

A site Bushfire Attack Level (BAL) assessment was conducted in accordance with the NCC and Australian Standard™3959 (AS3959) “Construction of Buildings in Bushfire Prone Areas”.

Category of Bushfire Attack Level: BAL 19

This BAL rating is conditional upon the establishment and maintenance of a 20 metre Asset Protection Zone, in accordance with the Asset Protection Zone – Vegetation Management condition of consent placed on the planning consent with the same application reference.

This result is considered relevant at the date of assessment with respect to the elevations detailed on proposed Site Plan, dated 19/09/2023 and shall not be considered as SA CFS endorsement of any subsequent development.

7:38pm Paul Mickan withdrew from the meeting due to his declared interest

8.2 Development Application 22042859 by Van Nguyen for three storey detached dwelling, deck, swimming pool and associated safety barriers, and retaining walls at 3 Spring Gully Road, Rostrevor

8.2.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Dorothy Driver	2 Spring Gully Road Rostrevor	Dorothy Driver via Zoom
Heath Perry	5 Spring Gully Road Rostrevor	Heath and Anna Perry
Samantha Constantinou	1 Spring Gully Road Rostrevor	Dimitri (James) Constantinou via Zoom

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

The following representors who addressed the Panel, also answered questions from the Panel:

Heath and Anna Perry
James Constantinou

The applicant's representative, Damien Chwalisz (Architect), addressed the Panel, and answered questions from the Panel.

The Panel agreed to accept additional Plans submitted by the applicant's representative to provide additional context to the size and visual impact of the building.

8.2.2 Decision of Panel

The following was adopted by consensus of all members (13)

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 22042859 by Van Nguyen for three storey detached dwelling, deck, swimming pool and associated safety barriers, and retaining walls at 3 Spring Gully Road, Rostrevor is GRANTED Planning Consent subject to the following reserved matters and conditions:

RESERVED MATTERS:

Pursuant to section 102 (3) of the Planning, Development and Infrastructure Act of 2016, the following matters shall be reserved for further assessment prior to the granting of Development Approval. The Assessment Manager is delegated to undertake this further assessment:

- 1) A detailed landscaping plan shall be prepared by a suitably qualified person and submitted with further details regarding plant species, locations, plant numbers and plant spacing, irrigation to the front of the allotment adjacent the proposed swimming pool.
- 2) A detailed plan shall be provided showing the finish of the proposed retaining wall including materials and colours.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

Pursuant to Section 127(1) of the *Planning, Development and Infrastructure Act 2016*, the power to impose further conditions of consent in respect of the reserved matter above is delegated to the Assessment Manager.

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 roof run-off generated by the development hereby approved shall be directed to a rainwater tank with overflow to the street (via a pump if necessary) or a Council drainage easement to the satisfaction of Council within one month of the roof cladding being installed.
- 3) 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.
- 4) New vehicle access point(s) and/or cross-overs shall be located a minimum of 500mm from any existing or proposed verge features (i.e. crossing places, trees, stormwater connections, lighting or stobie poles).
- 5) The Western elevation 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 of these windows shall be installed prior to occupation and be maintained in good condition at all times.
- 6) The deck of the dwelling shall be fitted with fixed screening as shown on the Western, Northern and Southern elevation to a minimum height of 1.7 metres above the deck floor level and shall have a maximum 25% transparency/opening. The screening shall be installed prior to occupation and be maintained in good condition at all times.
- 7) All exposed excavations and fill as shown on site plan shall be:
 - rounded off and battered to match and blend with the natural contours of the land;
 - covered with approximately 100mm of topsoil;
 - seeded to avoid erosion and visual concerns; and

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

- screened with trees, shrubs and ground covers.

All works must be completed prior to occupation of the approved development to the reasonable satisfaction of Council.

- 8) Prior to commencement of work, 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 construction.
- 9) The works in relation to the tree(s), outlined in the Arborist's Report and Tree Protection Plan (TPP) prepared by Treesolve Arboricultural Consultancy and submitted as part of this application as a strategy for management of the tree(s) are to be undertaken simultaneously with any building works on the site. A project Arborist shall supervise all works to ensure compliance with the submitted TPP.

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.
- 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).

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

- 5) 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. For further information please refer to the Native Vegetation Council website.

Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council on 8303 9777.

8:40pm Paul Mickan returned to the meeting
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- 8.3 **Development Application 23037924 by Woodforde JV Stage 3A Pty Ltd for variation to Development Application 21/327/473: reduce the height of the residential flat building, reduce the number of dwellings within the residential flat building, reduce the number of parking spaces for vehicles and bicycles, alteration to the external design and internal layout, alteration to the swimming pool layout and car parking layout, adjust the siting of the building and remove the gym, kiosk and office at Lot 228 MacIntosh Crescent, Woodforde**

8.3.1 **Representations**
Nil

The applicant's representatives, Fabian Barone (Future Urban) and Craig McRostie (Kite Projects), were invited to answer questions from the Panel.

8.3.2 **Decision of Panel**

The following was adopted by consensus of all members (14)

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

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

- 2) Development Application Number 23037924 by Woodforde JV Stage 3A Pty Ltd for variation to Development Application 21/327/473: reduce the height of the residential flat building, reduce the number of dwellings within the residential flat building, reduce the number of parking spaces for vehicles and bicycles, alteration to the external design and internal layout, alteration to the swimming pool layout and car parking layout, adjust the siting of the building and remove the gym, kiosk and office at Lot 228 MacIntosh Crescent, Woodforde is **GRANTED** Planning Consent subject to the following reserved matters and conditions:

RESERVED MATTERS:

Pursuant to section 102 (3) of the Planning, Development and Infrastructure Act of 2016, the following matters shall be reserved for further assessment prior to the granting of Development Approval. The Assessment Manager is delegated to undertake this further assessment:

- 1) A detailed landscaping plan shall be prepared by a suitably qualified professional and submitted with further details regarding plant species and plant locations including additional screening to the front of the building. Plant species detailed in the landscaping plan shall be selected from the Council's Native Habitat Landscaping and Gardening Guide or Native Habitat Gardening Guide for Low Flammability Gardens. The guides can be downloaded from Council's website: Native Gardens at Home • Adelaide Hills Council (ahc.sa.gov.au).
- 2) All hydrological and hydraulic stormwater calculations shall be provided together with the final stormwater management drainage plan to the reasonable satisfaction of Council.
- 3) A Construction Environment Management Plan (CEMP) shall be prepared in accordance with current industry standards and submitted to Council. The industry standards include the EPA publications "Handbook for Pollution Avoidance on Commercial and Residential Building Sites – Second Edition" and, where applicable, "Environmental Management of On-site Remediation" – to minimise environmental harm and disturbance during construction. The plan shall be implemented prior to the commencement of construction.

Pursuant to Section 127(1) of the *Planning, Development and Infrastructure Act 2016*, the power to impose further conditions of consent in respect of the reserved matter above is delegated to the Assessment Manager.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

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 building herein approved shall be in accordance with the Materials and Finishes Plan prepared by Enzo Caroscio Architecture dated 15/12/2023.
- 3) Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.
- 4) Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisation 21/327/473 continue to apply to this amended authorisation.

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.
- 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.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

- 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).

8.4 **Development Application 23037375 by Jessica Sharkie for tourist accommodation comprising three (3) freestanding, self-contained pods at 13 Narcoonah Road, Birdwood**

8.4.1 **Representations**
N/A

The applicant, Jessica Sharkie, was invited to answer questions from the Panel.

8.4.2 **Decision of Panel**

The following was adopted by consensus of all members (15)

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 23037375 by Jessica Sharkie for tourist accommodation comprising three (3) freestanding, self-contained pods at 13 Narcoonah Road, Birdwood 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.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

- 2) The applicant, owner and/or other person(s) making use of the subject land shall maintain the site in good condition at all times, including all buildings and structures, car parking areas, driveways and landscaping, and ensure that all activities on the site are in accordance with the approved documentation to the reasonable satisfaction of Council.
- 3) The use of the buildings herein approved shall be restricted to tourist accommodation only with no permanent residential use being permitted at any time with a maximum stay of 90 consecutive days. A log of all visitors to the accommodation to be kept and made available to Council upon request.
- 4) The tourist accommodation approved herein and any associated activities shall be managed and conducted at all times in a manner as to cause no undue nuisance or adverse effect to any neighbouring landowners or to other land uses within the locality.
- 5) All external lighting associated with the depot use shall be restricted to that necessity for security purposes only and shall be directed away from residential development and, shielded if necessary to prevent light spill causing nuisance to the occupiers of nearby residential properties.
- 6) All stormwater infrastructure shall be installed within 3 months of Development Approval being granted. All roof run-off generated by the development hereby approved shall be managed on-site to the satisfaction of Council using design techniques such as:
 - Rainwater tanks
 - Grassed swales
 - Stone filled trenches
 - Small infiltration basins

Stormwater overflow management 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.

Conditions imposed by the Environment Protection Authority under Section 122 of the Act

- 7) The on-site wastewater system must be established in accordance with the *Site and soil report for three short-term tourist accommodation pods* (Reference Number; BD111223; 11 December 2023) was prepared by Kamran Mangi, Consulting Engineer.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

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.
- 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.
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- 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).

Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act Advisory

- 5) The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.
- 6) More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au

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

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

- 10. Development Assessment Applications – Review of Decisions of Assessment Manager**
Nil
- 11. ERD Court Appeals**
The Acting Manager Development Services provided the Panel with a verbal update on current ERD Court Appeals.
- 12. Policy Issues for Advice to Council**
- 12.1 The Panel discussed the Mount Lofty Ranges Planners Group as being a potential forum to discuss the Planning and Design Code’s limited referral triggers to PIRSA. The Panel and other Panels within the region have had recent applications which would benefit from the guidance of PIRSA, however the ability to undertake a formal referral is currently unavailable in most circumstances. The Panel requested that any updates on this matter be brought back to the Panel for discussion.
- 13. Other Business**
- 13.1 The Presiding Member advised the Panel that this is Natalie Armstrong’s last meeting with the Council Assessment Panel as she is leaving the Council. The Panel conveyed their sadness at the unfortunate news of Natalie’s departure and thanked her for her support and guidance over the journey which has been very much appreciated by all the Panel members who have valued the opportunity to work with her.
- 13.2 At the request of the Panel, the Acting Manager Development Services and Director Community and Development provided an update on the Mount Lofty Golf Resort development.
- 14. Order for Exclusion of the Public from the Meeting to debate Confidential Matters**
Nil
- 15. Confidential Item**
Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

- 16. Next Meeting**
The next ordinary Council Assessment Panel meeting will be held on Wednesday 8 May 2024.
- 17. Close meeting**
The meeting closed at 9.16pm.