

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 12 SEPTEMBER 2018  
63 MOUNT BARKER ROAD, STIRLING**

---

**Present****Acting Presiding Member**

Rob McBryde

**Members**

Simon Bradley  
Piers Brissenden  
Linda Green

**In Attendance**

Marc Salver	Director Development & Regulatory Services
Deryn Atkinson	Assessment Manager
Sam Clements	Team Leader Statutory Planning
Doug Samardzija	Statutory Planner
Marie Molinaro	Statutory Planner
Karen Savage	Minute Secretary

**1. Commencement**

The meeting commenced at 6.32pm

The Assessment Manager opened the meeting and called for nominations for an Acting Presiding Member in the absence of the Presiding Member.

**1.1 Appointment of Acting Presiding Member**

<b>Moved</b>	<b>Piers Brissenden</b>	<b>Carried Unanimously</b>
<b>S/-</b>	<b>Simon Bradley</b>	<b>(32)</b>

**That Rob McBryde be appointed as Acting Presiding Member for this meeting.**

**2. Apologies/Leave of Absence****2.1 Apologies**  
Nil**2.2 Leave of Absence**  
Stephen Hamnett

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 12 SEPTEMBER 2018  
63 MOUNT BARKER ROAD, STIRLING**

---

**3. Previous Minutes**

3.1 Meeting held 8 August 2018

**The minutes were adopted by consensus of all members (33)**

**That the minutes of the meeting held on 8 August 2018 be confirmed as an accurate record of the proceedings of that meeting.**

**4. Delegation of Authority**

Decisions of this Panel were determined under delegated authority as adopted by Council on 26 September 2017.

**5. Presiding Member's Report**

Nil

**6. Declaration of Interest by Members of Panel**

Linda Green declared a conflict of interest for Items 8.2 and 8.4 in her Councillor role. Linda advised she has spoken with the developer associated with Item 8.2, in relation to the removal of trees at Springhead Road, Mount Torrens, and is the Chair of the AHBTC Advisory Committee that considered the matter in Item 8.4. She advised that she would be absenting herself from the meeting for these items.

**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 12 SEPTEMBER 2018  
63 MOUNT BARKER ROAD, STIRLING**

---

**8. Development Assessment Applications**

**8.1 Development Application 15/359/473 by M B Johns & K M Paschke for replacement of water storage tank roof to create deck area, including associated balustrading at 31 Yanagin Road, Greenhill**

**8.1.1 Representations**

<b>Name of Representer</b>	<b>Address of Representer</b>	<b>Nominated Speaker</b>
Damien & Sally Schultz	33 Yanagin Road Greenhill	Did not attend personally but submitted an e-mail

The representors' e-mail was displayed publicly and noted by the Panel.

The applicants, Matthew and Kylie Johns, addressed the Panel.

**8.1.2 Decision of Panel**

**The following recommendation was adopted by consensus of all members (34)**

**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 15/359/473 by M B Johns & K M Paschke for Replacement of water storage tank roof to create deck area, including associated balustrading at 31 Yanagin Road Greenhill 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:**

- **Site plan date stamped by Adelaide Hills Council 04 May 2015**
- **Site plan date stamped by Adelaide Hills Council 05/10/2017**
- **North and west elevation drawings date stamped by Adelaide Hills Council 05/10/2017**

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

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 12 SEPTEMBER 2018  
63 MOUNT BARKER ROAD, STIRLING**

---

**(2) Residential Lighting**

All external lighting shall be directed away from adjoining 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.*

**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.

**(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) DEWNR 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.

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 12 SEPTEMBER 2018  
63 MOUNT BARKER ROAD, STIRLING**

---

7:01pm Linda Green withdrew from the meeting due to her declared conflict of interest

- 8.2 **Development Application 18/702/473 by Ms Michele Edwards for variation to previous Development Authorisation 11/D38/473 to remove two additional significant trees (1 x *Eucalyptus camaldulensis* and 1 x *Eucalyptus viminalis*) (SCAP decision)**

Variation as part of Land Division to create 43 allotments from one allotment, undertaken in five stages, and the removal of six (6) regulated trees (5 x *Eucalyptus camaldulensis* – river red gum and 1 x *Eucalyptus leucoxylon* – SA blue gum) (SCAP decision) – *varied by amended plan 16 June 2017 to provide additional Council reserve area and minor changes to Allotments 18, 19 and 20 at Piece 52 Springhead Road (formerly 42 Springhead Road), Mount Torrens*

8.2.1 **Representations**

Nil

8.2.2 **Decision of Panel**

**The following recommendation was adopted by consensus of all members (35)**

1. **The Council Assessment Panel considers that the proposal is at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and advises SCAP that it does not support the proposal in its current form.**
2. **Should SCAP approve the removal of Trees 28 and 34:**
  - a) **CAP seeks three (3) replacement trees of the same species for each tree to be removed as a condition of consent; and**
  - b) **CAP agrees to the deletion of Trees 28 and 34 from the Draft LMA for Stage 2 associated with Development Application 473/D38/11.**

7:36pm Linda Green returned to the meeting

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 12 SEPTEMBER 2018  
63 MOUNT BARKER ROAD, STIRLING**

---

**8.3 Development Application 17/972/473 (17/D47/473) by Shirley Tucker for Land Division (1 into 2) (non-complying) at 4 Spring Street, Kersbrook**

**8.3.1 Representations**  
Nil

**8.3.2 Decision of Panel**

**The following recommendation was adopted by consensus of all members (36)**

The Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and seeks the CONCURRENCE of the State Commission Assessment Panel to GRANT Development Plan Consent and Land Division Consent to Development Application 17/972/473 by Shirley Tucker for Land division (1 into 2) (Non-Complying) at 4 Spring Street Kersbrook 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:

- Amended land division plan prepared by Hennig & Co. Pty. Ltd. received by Council 21 June 2018

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

**Planning Notes**

**(1) Responsibility In Relation To Flooding**

The applicant is reminded that Adelaide Hills Council accepts no responsibility for damage to, or loss of property, as a result of flooding. It is the applicant's responsibility to ensure that all appropriate steps are undertaken to minimise the potential damage to property as a result of flooding.

**Council Land Division Requirements**

**(1) Prior to Section 51 Clearance - Requirement For Demolition Application In Accordance With Building Code Of Australia**

Prior to Section 51 clearance of the division approved herein, a separate development application for the demolition of the outbuildings (including slab) and telecommunications (radio) tower shall be lodged and approved by Council.

**REASON:** *To ensure safe demolition in accordance with the Building Code of Australia.*

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 12 SEPTEMBER 2018  
63 MOUNT BARKER ROAD, STIRLING**

---

**(2) Prior to Section 51 Clearance - Requirement For Demolition Works to be undertaken**

Prior to Section 51 clearance of the division approved herein, the demolition of the outbuildings (sheds) and telecommunications tower (once authorised) shall be undertaken to the satisfaction of Council.

**REASON:** *To ensure that land use conflicts do not occur as a result of the land division.*

**(3) Prior to Section 51 Clearance – Requirement for Stormwater To Be Diverted**  
Prior to Section 51 clearance to the division approved herein, any stormwater directed over the approved boundaries or infrastructure, such as pipework crossing allotment boundaries, shall be redirected to the satisfaction of the Council.

**REASON:** *To ensure that no trespass of stormwater or infrastructure results from the proposed the land division without providing drainage easements.*

**(4) Prior to Section 51 Clearance - Requirement For Connection to Community Waste Management Scheme CWMS**

Prior to Section 51 clearance, proposed Lot 16 is to be connected to the Community Wastewater Management Scheme to the satisfaction of Council. A separate application is required to be submitted and approved by Council.

**REASON:** *To ensure development is connected to the common effluent system.*

**(5) Prior to Section 51 Clearance - Requirement For Community Waste Management Scheme Payment – CWMS**

Prior to Section 51 clearance, the applicant shall pay Adelaide Hills Council \$4,068.00 per each additional allotment to provide for the upgrading of the Community Wastewater Management Scheme to accommodate the increased effluent load resulting from the land division.

**REASON:** *To ensure development is connected to the common effluent system.*

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 12 SEPTEMBER 2018  
63 MOUNT BARKER ROAD, STIRLING**

---

**(6) Prior to Section 51 Clearance - Construction of Rural Verge Piped Access Points - SD24**

Prior to Section 51 clearance, the vehicle access point(s) and cross-over for proposed Lot 15 shall be constructed in accordance with Adelaide Hills Council standard engineering detail SD24 – piped entrance.

*REASON: For safe and convenient movement of vehicles and for efficient drainage of stormwater within the road verge.*

**(7) Prior to Section 51 Clearance - Construction of Driveway and Parking Area**

Prior to Section 51 clearance, a driveway and parking area that is surfaced with a suitable all weather material shall be constructed to the satisfaction of Council.

*REASON: To ensure adequate on-site car parking is provided for proposed allotment 15.*

**(8) Prior to Section 51 Clearance - Installation of Trafficable Lid on Septic Tank**

Prior to Section 51 clearance, a trafficable lid shall be installed over the top of the existing septic tank on proposed allotment 15.

*REASON: To ensure the parking and manoeuvring of vehicles in close proximity to the existing septic tank does not cause damage to this system and result in water quality impacts.*

**SCAP Land Division Requirements**

**(1) Requirement For Payment Into Planning & Development Fund**

Payment of \$6830 into the Planning and Development fund (1 allotment @ \$6830/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person by cheque or card, at Level 5, 50 Flinders Street, Adelaide.

*REASON: Statutory requirement in accordance with Section 50 and Regulation 56 of the Development Act 1993 and Regulations 2008.*

**(2) 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.*



**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 12 SEPTEMBER 2018  
63 MOUNT BARKER ROAD, STIRLING**

---

**(3) Requirement For SA Water Provisions**

The financial requirements of the SA Water Corporation shall be met for the provision of water supply (SA Water H0065884). An investigation will be carried out to determine if the connection/s to the development will be costed as standard or non-standard.

*REASON: Statutory requirement in accordance with Section 33 (1) (c) of the Development Act 1993.*

**(4) Requirement For SA Water Internal Piping Alterations**

On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries to the satisfaction of the SA Water Corporation.

*REASON: Statutory requirement in accordance with Section 33 (1) (c) of the Development Act 1993.*

**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.

7:55pm Linda Green withdrew from the meeting due to her declared conflict of interest
---

**8.4 Development Application 17/4/473 (16/C50/473) by Adelaide Hills Council for Community Title Land Division (6 allotments into 4), including reserve allotments and common property at 1-22/1 Lobethal Road, 3A/3-2/5A Main Street and 6 Mill Road, Lobethal**

**8.4.1 Representations**

Nil

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 12 SEPTEMBER 2018  
63 MOUNT BARKER ROAD, STIRLING**

---

8.4.2 Decision of Panel

The following recommendation was adopted by consensus of all members (37)

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 17/4/473 (16/C50/473) by Adelaide Hills Council for Community title land division (6 allotments into 4), including reserve allotments and common property at 1-22/1 Lobethal Road, , 3A/3-2/5A Main Street and 6 Mill Road, Lobethal 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:

- Amended plan of Division (Ref. GB2199/PL7597, Drawing No. GB2199DA CP1), Sheets 1-4 of 4 by Bartlett Drafting & Design dated 23 July 2018.

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

(2) Maintenance of the sealed common driveway and car parking area

The surface treatment detail and line-marking within the common driveway and car parking area shall be maintained in good condition at all times. The common driveway and car parking area shall be kept clear of obstructions at all time.

*REASON: To provide adequate, safe and efficient movement of people and goods.*

(3) Vehicle Movement

All vehicles shall enter and exit Lobethal Road and Main Street in a forward direction.

*REASON: For safe and convenient traffic movement.*

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 12 SEPTEMBER 2018  
63 MOUNT BARKER ROAD, STIRLING**

---

**Planning Notes**

**(1) Development Plan Consent**

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.

**Council Land Division Statement of Requirements**

Nil

**Council Land Division Notes**

Nil

**SCAP Land Division Statement of Requirements**

- (1) 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.**

**SCAP Land Division Notes**

Nil

8:02pm Linda Green returned to the meeting
--

- 9. Policy Issues for Advice to Council**  
Nil

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 12 SEPTEMBER 2018  
63 MOUNT BARKER ROAD, STIRLING**

---

**10. Other Business**

- 10.1 **Minor Variation to Development Authorisation 16/972/473 – Expansion (27 additional car parks) to existing car parking area in association with existing restaurant and cellar door at 15 Onkaparinga Valley Road, Verdun**

**The following was adopted by consensus of all members (38)**

The variation to Development Application 16/972/473 submitted to Council on 12 September 2018 be considered and determined by staff, and is not required to be submitted to the Council Assessment Panel.

- 10.2 **Minor Variation to Development Authorisation 17/759/473 – Variation to Development Authorisation 15/698/473 to increase the number of tourist accommodation building villas to 15 to accommodate a maximum of 30 persons at any one time & variations to the building materials, associated earthworks & car park area and to undertake the development in two stages: Stage 1: Site works and footing construction and Stage 2: Balance of the development at 72 & 74 Mount Lofty Summit Road, Crafers**

**The following was adopted by consensus of all members (39)**

The variation to Development Application 17/759/473 (original Development Authorisation 15/698/473) submitted to Council on 6 September 2018 (amended plan submitted on 10 September 2018) be considered and determined by staff, and is not required to be submitted to the Council Assessment Panel.

- 11. Order for Exclusion of the Public from the Meeting to debate Confidential Matters**  
Nil

- 12. Confidential Item**  
Nil

- 13. Next Meeting**  
The next ordinary Development Assessment Panel meeting will be held on Wednesday 10 October 2018.

- 14. Close meeting**  
The meeting closed at 8.17pm.