

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

Present**Presiding Member**

Professor Stephen Hamnett

Members

Simon Bradley
Piers Brissenden
Linda Green
Rob McBryde

In Attendance

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

1. Commencement

The meeting commenced at 6.01pm

2. Apologies/Leave of Absence

2.1 Apologies
Nil

2.2 Leave of Absence
Nil

3. Previous Minutes

3.1 Meeting held 14 November 2018

The minutes were adopted by consensus of all members

(58)

That the minutes of the meeting held on 14 November 2018 be confirmed as an accurate record of the proceedings of that meeting.

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4. Delegation of Authority

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

5. Presiding Member's Report

Nil

6. Declaration of Interest by Members of Panel

Simon Bradley advised that he is known to the representor for Item 8.4, but does not believe he has a conflict of interest. Piers Brissenden advised he works in the same organisation as Ms Barnes, a representor for Item 8.2, but does not believe he has a conflict of interest.

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

8.1 Development Application 16/625/473 by Critical Path Pty Ltd for change of use from cold stores to light industry – micro-brewery (150kL per annum), micro-distillery (10kL per annum) and shop (sales & tasting outlet), including alterations and additions to the existing buildings, attached deck, verandah and screen (maximum height 2.4m), water storage tanks (5 x 24kL & 1 x 48kL), outbuilding (storage shed), verandah (gazebo), footbridge, masonry pillars (maximum height 2.2m), gates (maximum height 2.4m), associated car park, landscaping, retaining walls (maximum height 1.6m) & earthworks (non-complying) at 2329 Gorge Road, Cudlee Creek

8.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Ian & Susan Baines	6 Gould Place Cudlee Creek	Ian Baines
William & Margaret Duggan	2323 Gorge Road Cudlee Creek	Margaret Duggan
John Freeman	2302 Gorge Road Cudlee Creek	John Freeman

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The applicant's representatives, Steve O'Connor (Critical Path) and Peter Meline (Adelaide Hills Development Services), addressed the Panel.

8.1.2 Decision of Panel

The following was adopted by consensus of all members (59)

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 to Development Application 16/625/473 by Critical Path Pty Ltd for Change of use from cold stores to light industry - micro-brewery (150kL per annum), micro-distillery (10kL per annum), & shop (sales & tasting outlet), including alterations & additions to the existing buildings, attached deck, verandah & screen (maximum height 2.4m) water storage tanks (5 x 24kL & 1 x 48kL), outbuilding (storage shed), verandah (gazebo), footbridge, masonry pillars (maximum height of 2.2m), gates (maximum height 2.4m), associated car park, landscaping, retaining walls (maximum height 1.6m) & earthworks (non-complying) at 2329 Gorge Road Cudlee Creek 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:

- **Architectural Drawings prepared by Critical Path Pty Ltd**
 - **Locality Plan (DA.01, Rev 3) received 13 Feb 2018**
 - **Existing Site and Survey Plan (DA.02, REV 4) received 13 Feb 2018**
 - **Amended Site Plan (DA03, REV 12) received 30 Nov 2018**
 - **Front streetscape elevations (DA. 04, REV 7) received 13 Feb 2018**
 - **Micro-brewery floor plan (DA. 05, REV 7) received 13 Feb 2018**
 - **Micro-Distillery floor plan (DA.06, REV 6) received 13 Feb 2018**
 - **Shop floor plan (DA.07, REV 6) received 13 Feb 2018**
 - **Elevations (DA.08, REV 6) received 13 Feb 2018**
 - **Elevations (DA.09, REV 6) received 13 Feb 2018**
 - **Waste Treatment Schematic (DA.14, REV 7) received 13 Feb 2018**
 - **Waste Treatment Layout (DA.15, REV 4) received 13 Feb 2018**
 - **Brewing Process (DA.16) received 13 Feb 2018**
 - **Distilling Process (DA.17) received 13 Feb 2018**
 - **Plan & Elevations Garden Shed (DA.18) received 30 Nov 2018**
 - **Plan & Elevations Gazebo & Bridge (DA.19) received 30 Nov 2018**
- **Siteworks & Drainage Plan (CV01) prepared by Critical Path Pty Ltd received by Council 22 May 2018**

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- Civil Plan (CV02) prepared by Critical Path Pty Ltd received by Council 22 May 2018
- Drainage Area Plan (CV03) prepared by Critical Path Pty Ltd received by Council 29 May 2018

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

Access and DPTI Requirements

(2) Piped or Spoon Drain Rural Crossover - SD24

The vehicle access point(s) and cross over shall be constructed in accordance with Adelaide Hills Council standard engineering detail SD24 – piped entrance or with a concrete spoon drain as depicted on the approved plans prior to occupation/use of the development.

REASON: For safe and convenient movement of vehicles.

(3) DPTI Requirement - Largest Vehicle

The largest vehicle permitted on-site shall be a Medium-Rigid Vehicle (MRV) as defined in the AS2890.2.2002. Access for this class of vehicle shall only be permitted outside of peak times of operation of the shop component of the development.

REASON: For safe and convenient movement of vehicles.

(4) DPTI Requirement - Sealing Of Vehicle Access/Egress Points

The vehicle access cross-over shall be sealed in Hotmix bitumen, concrete or similar material, from the edge of the sealed carriageway of Gorge Road to a point at least 10 metres from the existing edge of the sealed carriageway.

NOTE: The access shall be constructed to ensure no construction materials are deposited onto the carriageway of Gorge Road.

REASON: To maintain safe and convenient movement of vehicles.

(5) DPTI Requirement - Car Parking & Traffic Flow Directional Signage

Directional signs indicating the location of car parking spaces and the desired flow of the traffic to, from and through the site shall be provided on the subject land and maintained in a clear and legible condition at all times.

REASON: To identify the location of off-street parking and ensure the free flow of traffic.

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(6) DPTI Requirement - Crossovers

The site shall be restricted to two vehicular access points - an ingress-only access located approximately 40 metres east of the Gorge Road and Cudlee Creek Road junction and an egress-only access located approximately 90 metres from the Gorge and Cudlee Creek Road junction.

REASON: To provide adequate, safe and efficient access to the development.

(7) Removal Of Redundant Crossovers

Any existing crossing places not providing vehicle access shall be considered redundant and shall be closed off.

REASON: To reduce interference with the free flow of traffic on adjoining roads.

(8) DPTI Requirement - Vehicle Movements

The paved turning and loading area adjacent to the shop and breezeway shall be constructed prior to the operation of the approved uses. All vehicles shall enter and exit the site in a forward direction.

REASON: To maintain safe and convenient movement of vehicles.

Lighting

(9) External 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.

(10) Car Park Lighting

Car parking lighting shall be restricted to low level lighting that is necessary for security and safety purposes only. The lighting shall not cause nuisance to adjacent properties to the reasonable satisfaction of Council.

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

(11) Hours of Use – Car park lighting

The lights herein approved shall not operate between 10pm and 7am the following day.

REASON: To ensure the residential amenity of the area is maintained.

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Odour

(12) Odour Control

Carbon vent filters shall be installed on any flue or vent at the time of installation, namely:

- “Hot Side” Venting including Kettle Boiling, Mash Tun and Lauter Tun
- Fermentation Vent Stream
- Waste Treatment Aerated Tank Vents

These filters shall utilise a combination of zeolites, oxidising agents and micro-porous, impregnated pelletised activated carbon media or similar to treat the vapour, odorous air or fumes to the satisfaction of Council.

REASON: To minimise amenity impacts (vapour, fumes or odour) to adjacent residential properties.

Noise Control

(13) Noise Control - Construction Requirements

Prior to operation of the approved development the following acoustic attenuation measures shall be completed:

a) Shop and Deck

- A barrier which is a minimum of 2.4m high shall be constructed for the extent shown as green in Appendix B of the Acoustic Report along the western side of the deck. The barrier can be constructed from 6mm thick fibre cement sheet or a material with the same or greater surface density. The barrier should seal airtight at all junctions, including at the ground
- All doors and openable windows to the outside, including the breezeway, shall incorporate acoustic seals that seal airtight when closed;
- All external glazing, including the breezeway, is to be a minimum 6.38mm thick laminated glass

b) New Mechanical Plant

- The new plantroom walls shall be constructed from 0.42mm BMT sheet metal, such as Colorbond, or material with the same or greater surface density. An airtight seal should be achieved at all junctions, including at the ground and existing structure
- Any ventilation openings shall be on the eastern wall of the plant room

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c) Brewery & Distillery Areas/Buildings

- All gaps and penetrations in the existing building shall be sealed airtight
- All doors to the breezeway shall incorporate acoustic seals that seal airtight when closed
- All glazing to the breezeway shall be constructed from a minimum 6.38mm thick laminated glass
- The new storage addition that adjoins the proposed micro-distillery shall be constructed from 0.42mm BMT sheet metal, such as Colorbond, or material with the same or greater surface density. An airtight seal should be achieved at all junctions, including at the ground and at the connection to the existing building

REASON: Buildings should be designed and altered to ensure noise impacts to adjoining properties is minimised.

(14) Noise Control- Operational Restrictions

The following operational restrictions shall be adhered to:

- There shall be no amplification of voices provided outside of the buildings
- All deliveries shall occur between the hours of 7am and 12pm (noon)
- All rubbish collection shall be restricted to between the hours of 9am and 7pm on a Sunday or public holiday and 7am to 7pm any other day
- The noise levels generated by the approved uses shall not exceed 47dB(A) between 7:00am and 10:00pm within the nearby dwellings

REASON: The business operations of the approved development are undertaken in accordance with the requirements of the approved Acoustic Report to ensure the amenity of the locality is maintained by minimising noise impacts.

(15) Noise Control- Music

- No music shall be played outside. Music shall only be played inside the shop building and in accordance with the following restrictions:
- When “background music” is played, it shall be at a level such that patrons are able to readily talk over the music without raising voices
- When amplified live acoustic music is played, all doors and openable windows to outside shall remain normally closed
- Speakers shall only be located inside the building
- Music noise generated from within the approved shop shall not exceed 47dB(A) between 7:00am and 10:00pm within the nearby dwellings

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REASON: The business operations of the approved development are undertaken in accordance with the requirements of the approved Acoustic Report to ensure the amenity of the locality is maintained by minimising noise impacts.

Appearance of Buildings

(16) External Finishes

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

Shop, Micro-brewery, micro-distillery and attached structures

WALLS: Red brick quoins and pillars or similar
Boral cultured stone cladding or similar
Natural timber with protective clear coat or similar
Existing besser block walls rendered in a natural tone

ROOF: Colorbond Windspray or similar

Tanks: Colorbond Windspray or similar

Gazebo

ROOF: Colorbond Windspray or similar

Fence Pillars: Red brick or similar

Outbuilding

WALLS: Boral cultured stone cladding or similar
ROOF: Colorbond Windspray or similar

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

Car park

(17) Gravel car parking Designed In Accordance With Australian Standard AS 2890.1:2004.

All car parking spaces, driveways and manoeuvring areas shall be designed, constructed, and delineated in accordance with Australian Standard AS 2890.1:2004. Delineation and directional signage or arrows shall be clearly visible and maintained in good condition at all times. Driveways, vehicle manoeuvring and parking areas shall be constructed of compacted gravel prior to the occupation of the approved uses and maintained in good condition at all times to the reasonable satisfaction of the Council.

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REASON: To provide adequate, safe and efficient off-street parking for users of the development.

(18) Landscaping Protection In Car parks

All landscaped areas and structures adjacent to driveways and parking areas shall be separated by a wheel stop device or similar prior to the occupation of the development. Such devices shall not impede the free movement of people with disabilities.

REASON: To protect the landscaping and adjacent structures from vehicular damage.

General Operational Restrictions

(19) Production Capacity of Micro-Brewery and Micro-Distillery

The micro-brewery shall only produce 150kL of beer per annum with the average production not exceeding 410L per day (577L p/day over 5 days). The micro-distillery shall only produce 10kL of spirits per annum. Both uses combined shall not involve the processing of more than 50 tonnes of barley malt per annum.

REASON: To ensure the development operates in accordance with the approval.

(20) Unloading And Storage Of Materials And Goods

All materials and goods shall at all times be loaded and unloaded within the confines of the paved area to the south of the shop and the adjacent breezeway area. Materials and goods shall not be stored on the land in areas delineated for use as car parking.

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

(21) Restriction On Display/Sale of Non-Beverage/Non-Food Items In Shop

A maximum area of 25m² shall be used for the display and sale of any non-beverage or non-food item within the shop (tasting outlet).

REASON: To ensure the tasting of beer and spirits and the retail sale of such are the predominant activities within the shop.

(22) Overall Capacity

At any one time, the overall capacity of the shop (tasting outlet) and associated licensed outdoor area shall be limited to a maximum of 50 persons. The overall premises shall have a maximum of 6 staff at any one time.

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REASON: To ensure that the proposed development is undertaken in accordance with the approved plans, neighbouring properties are not impacted on negatively by this development and the waste control system is adequate.

(23) Ancillary food

Meals may only be provided at pre-booked special events. Individual meals may not be offered to patrons at other times, with the exception of light snacks, pizza and/or tasting platters to accompany a beverage.

REASON: To ensure the development is consistent with the hereby approved application documents.

(24) Restriction On Number Of Special Events

The number of special events in a calendar year shall not exceed twelve (12). Such special events shall have a maximum capacity of 50 persons. Any increase in the number of special events, or the capacity, will require a separate development approval.

REASON: To ensure the proposed development is undertaken in accordance with the approved plans, that the special events are an ancillary activity and the waste control system is adequate.

(25) Hours Of Operation

The opening hours of the approved uses and activities shall be restricted to the following:

Shop and ancillary office:

Wednesday and Thursday - 11am to 6pm

Friday - 11am to 10pm

Saturday - 9am to 10pm

Sunday - 9am to 8pm

Public Holidays – 9am to 10pm

Micro-brewery and micro-distillery, and ancillary offices:

Monday to Friday - 7am to 6pm

REASON: To ensure the development operates in accordance with the approval.

Water Quality and EPA Requirements

(26) Installation of Wastewater Systems

The wastewater systems for both the production and general waste shall be installed prior to operation of the approved uses to the satisfaction of Council.

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REASON: Development should minimise the risk of pollution of water catchment areas.

(27) Sludge Removal

Any sludge shall be removed by an EPA licensed waste transporter and transported to a licensed waste depot.

REASON: Development should minimise the risk of pollution of water catchment areas.

(28) Wastewater Surplus

Any wastewater surplus to the needs of the brewery and distillery operations shall be removed by an EPA licensed waste transporter and transported to a licensed waste depot.

REASON: Development should minimise the risk of pollution of water catchment areas.

(29) Bunding of Micro Distillery, Micro-Brewery & Rhizopod Area

Prior to operation of the micro-brewery and micro-distillery a bund shall be constructed around the perimeter of these areas as well as the Rhizopod treatment area. These areas shall be banded with an impervious material and have a total storage capacity equivalent to at least 120% of the largest vessel or pod within the banded area.

Note: Refer to the EPA's Guideline of Bunding and Spill Management for further guidance [Http://www.epa.sa.gov.au/files/47717_guide_bunding.pdf](http://www.epa.sa.gov.au/files/47717_guide_bunding.pdf)

REASON: Development should minimise the risk of pollution of water catchment areas.

(30) Substances To Be Stored Within Banded Area

Any substances that, by their nature or amount, have the potential to cause environmental harm (including but not limited to the waste pre-treatment tanks and Rhizopods) shall be stored or located within an impervious banded area.

REASON: Development should minimise the risk of pollution of water catchment areas.

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(31) Visual And Audible Alarms

Visual and audible alarms shall be installed on the production wastewater treatment system, namely the wastewater, batch, treatment and balance tanks to provide warning against any overflow. Such alarms shall be set to activate simultaneously at the wastewater tanks and inside the micro-brewery and micro-distillery office.

REASON: Development should minimise the risk of pollution of water catchment areas.

Erosion Control

(32) 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.

Prior to Building Rules Consent

(33) Prior to Building Rules Consent Being Granted - Requirement for Soil Erosion And Drainage Management Plan (SEDMP)

Prior to Building Rules Consent being granted the applicant shall prepare and submit to Council a Soil Erosion and Drainage Management Plan (SEDMP) for the site for Council's approval. The SEDMP shall comprise:

- a major drainage plan
- a site plan
- supporting report
- calculations
- design sketches that detail erosion control methods and installation of sediment collection devices that will prevent:
 - a) soil moving off the site during periods of rainfall;
 - b) erosion and deposition of soil moving into the remaining native vegetation below the building site;
 - c) soil moving into watercourses during periods of rainfall; and
 - d) soil transfer onto roadways by vehicles and machinery.

The works contained in the approved SEDMP shall be implemented prior to construction commencing and maintained to the reasonable satisfaction of Council during the construction period.

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REASON: Development should prevent erosion and stormwater pollution before, during and after construction.

(34) Prior to Building Rules Consent Being Granted - Requirement For Landscaping Plan

Prior to Building Rules Consent being granted, a detailed landscaping plan of all proposed landscaped areas including the vegetated swale and bio-retention basin, shall be prepared by a suitably qualified professional to Council's satisfaction, and shall include a minimum of six indigenous replacement trees. Landscaping detailed in the plan shall be of suitable endemic species to the locality and suitable for a swale and basin. The landscaping shall be planted prior to occupation of the approved uses and maintained in good health and condition at all times. Any such vegetation shall be replaced if and when it dies or becomes seriously diseased, in the next planting season.

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.

Stormwater

(35) Stormwater Management

All stormwater and car park water runoff shall be managed in accordance with approved drainage area plan (CV03). All roof water shall be directed to the water storage tanks and the overall stormwater management and water quality treatment system, including sumps, vegetated swale and bio-retention basin, shall be installed within three (3) months of commencement of operations of the approved uses.

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

(36) Stormwater Water Quality

Upon installation all the sumps shall be fitted with a removable strainer to capture and retain pollutants. The vegetated swale and bio-retention basin shall be suitably planted in accordance with the approved landscape plan within three (3) months of commencement of operations of the approved uses.

REASON: Development should minimise the risk of pollution of water catchment areas.

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Solid Waste

(37) Removal Of Solid Waste

All solid waste including food, leaves, papers, cartons, boxes and scrap material of any kind shall be stored in a closed container or bin that has a close fitting lid. The containers/bins shall be stored in a screened area so that they are not visible to Gorge Road.

REASON: To maintain the amenity of the locality.

(38) Regular Removal Of Solid Waste From The Site

All waste shall be removed from the subject land at least once weekly. Collection of waste shall be carried out only between hours of 9am and 7pm on a Sunday or public holiday and 7am to 7pm any other day.

REASON: To maintain the amenity of the locality.

Fencing

(39) Requirement For Gates Or Doors To Be Within Boundary

Gates or doors shall not open beyond the boundary of the subject property.

REASON: To maintain pedestrian and vehicle safety.

NOTES

(1) Development Plan Consent

This Development Plan Consent 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 the appeal is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the Development Plan Consent, or a fresh development application will be required. The twelve (12) month period may be further extended by written request to, and approval by, Council. Application for an extension is subject to payment of the relevant fee.

(2) Signage Requires Separate Development Application

A separate development application is required for any signs or advertisements (including flags and bunting) associated with the development herein approved.

(3) Erosion Control During Construction

Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

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(4) Detailed Design Of Bio-Retention System

The applicant is reminded that the detailed design for the bio-retention basin should be undertaken in accordance with the Cooperative Research Centre for Water Sensitive Cities Adoption guidelines for stormwater bio-filtration systems (which can be found here at https://watersensitivecities.org.au/wp-content/uploads/2016/09/Adoption_Guidelines_for_Stormwater_Biofiltration_Systems.pdf) and that plants used in the swale and bio-retention basin are consistent with the recommendations in the Water Sensitive SA Raingarden Plant Guideline (which can be found here at https://www.watersensitivesa.com/wp-content/uploads/Raingarden-Plant-Fact-Sheet-v5_FINAL-Dec16.pdf)

(5) EPA Information Sheets

Any information sheets, guideline documents, codes of practice, technical bulletins, are referenced in this decision and can be accessed on the following web site:<http://www.epa.sa.gov.au/pub.html>

(6) 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.

(7) Department of Environment and Water (DEW) – Native Vegetation Council Note

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

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.

(8) Vegetation Removal

Vegetation shall not be removed from the site until the start of the building works is imminent and only the two trees indicated on the approved site plans.

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(9) Surveyed Boundaries

The onus of ensuring that any wall or fence or pillars are located in the approved position on the correct allotment is the responsibility of the land owner/applicant. This may necessitate a boundary survey being undertaken by a licensed land surveyor prior to the work commencing and when the wall is complete.

8.2 Development Application 18/401/473 (18/D23/473) by Neil Page for Land Division (1 into 2) (non-complying) at 25 Fern Hill Road, Bridgewater

8.2.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Darrell Stanbridge	32 Fern Hill Road Bridgewater	Darrell Stanbridge
Nicola Barnes & Paul Angas	23 Fern Hill Road Bridgewater	Nicola Barnes
Timothy Wallis	30 Fern Hill Road Bridgewater	Did not Attend

The applicant, Neil Page, and his representative, Peter Meline (Adelaide Hills Development Services), addressed the Panel.

8.2.2 Decision of Panel

The following was adopted by consensus of all members (60)

At the request of the applicant, the Council Assessment Panel DEFERS consideration of Development Application 18/401/473 (18/D23/473) by Neil Page for Land division (1 into 2) (non-complying) at 25 Fern Hill Road, Bridgewater SA 5155 to allow the applicant to consider alternative options, and public notification of an amended proposal to be undertaken.

8.3 Development Application 18/207/473 by Fitness Life Studios Pty Ltd for change of use from motor repair station to indoor recreation centre (fitness studio) and associated outdoor activity and car parking at 4/539 Mount Barker Road, Bridgewater

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8.3.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Margaret Parker	36 Wattle Tree Road Bridgewater	Margaret Parker

The applicant's representatives, Rowan Mumford (Fitness Life Studios) and Tim Beazley (Planning Chambers), addressed the Panel.

8.3.2 Decision of Panel

The following was adopted by consensus of all members (61)

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 18/207/473 by Fitness Life Studios Pty Ltd for Change of use from motor repair station to indoor recreation centre (fitness studio) and associated outdoor activity & car parking at 4/539 Mount Barker 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:

- **Amended planning assessment report prepared by Tim Beazley from Planning Chambers dated 2 May 2018 and date stamped 02/05/2018 by Council**
- **Amended site plan prepared by Planning Chambers dated 30 April 2018 and date stamped by Council 02/05/2018**
- **Amended floor plan prepared by Planning Chambers dated 30 April 2018 and date stamped by Council 02/05/2018**
- **E-mail correspondence from Tim Beazley dated 26 November 2018**

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

(2) Commercial Lighting

Flood lighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties.

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

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- (3) **Car Parking Designed In Accordance With Australian Standard AS 2890.1:2004.**
All car parking spaces, driveways and manoeuvring areas shall be designed, constructed and line-marked in accordance with Australian Standard AS 2890.1:2004. Line marking and directional arrows shall be clearly visible and maintained in good condition at all times. Driveways, vehicle manoeuvring and parking areas shall be constructed within 3 months of Development Approval and maintained in good condition at all times to the reasonable satisfaction of the Council.

REASON: To provide adequate, safe and efficient off-street parking for users of the development.

- (4) **Opening Hours**
The opening hours of the recreation centre (fitness studio) shall be 6am to 9pm Monday to Friday and 7am to 5pm on Saturday.

REASON: To ensure the development operates in accordance with the approval.

- (5) **Outdoor Activities**
No use of the outdoor activity area for training activities shall occur before 7am or after 7pm Monday to Friday, or after 5pm on a Saturday, and any fitness class commencing before 7am and after 7pm shall be limited to indoor classes only.

REASON: To maintain the amenity of the locality.

- (6) **Fitness Class Capacity**
At any one time, the maximum capacity of a fitness class shall not exceed 15 persons.

REASON: To ensure the proposed development is undertaken in accordance with the approved plans and to ensure neighbouring properties are not impacted on negatively by this development.

- (7) **Noise Levels**
- (a) No amplified music shall be played or microphones used for outdoor training activities.
 - (b) Amplified music shall only be used indoors, at which times the roller doors of the fitness studio shall be closed and the noise from the music shall not exceed 64dB(A).
 - (c) Additional sound limiting devices shall be installed to ensure music output does not exceed 64dB(A) when measured internally. The sound limiting device shall be installed within one (1) month of Development Approval.

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REASON: To ensure the amenity of the locality is maintained by minimising noise impacts.

(8) Noise Levels

The noise levels from the premises shall not exceed 52dB(A) during the day and 45dB(A) prior to 7am at the nearest dwelling, in accordance with the *Environment Protection (Noise) Policy 2007*.

REASON: To protect the amenity for adjacent residential development.

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.

8.4 Development Application 18/499/473 by Frost Protection Australia Pty Ltd for two frost fans (maximum height 13.3m) at 33 Harben Lane, Balhannah

8.4.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Mark Penney	206 Mattners Road Balhannah	Advised he was unable to attend and provided a supplementary submission

The applicant's representatives, Peter Bird (Casella Wines) and Jason Turner (Sonus), responded to a number of questions from panel members.

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8.4.2 Decision of Panel

The following recommendation was adopted by consensus of all members (62)

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 18/499/473 by Frost Protection Australia Pty Ltd for two frost fans (maximum height 13.3m) at 33 Harben Lane Balhannah 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 plans, received by Council 19 June 2018
- Elevation plan (sheet S.01), dated 19 July 2010 by Design Phase Ltd Consulting Engineers
- Foundation & baseplate details and hold down bolts plan (sheet S.02), dated 19 July 2010 by Design Phase Ltd Consulting Engineers
- Environmental Noise Assessment (ref. S4390C94), dated June 2018 by Sonus Consulting

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

(2) **Frost Fan Operation**

The frost fans shall be set with a fan 'start' temperature of not more than 1 degree Celsius and a fan 'stop' temperature of not more than 2 degrees Celsius.

REASON: To ensure the proposed development operation is limited to that which is necessary for efficient operation.

(3) **Noise Levels**

The frost fans shall not emit noise in excess of 55dB(A) at the nearest non-associated dwelling at any time, in accordance with the *Environment Protection (Noise) Policy 2007*.

REASON: To protect the amenity for adjacent residential development.

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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) EPA Environmental Duty

The land owner is reminded of their duty, that the operation of the frost fans shall be in accordance with the provisions of the Environment Protection (Noise) Policy 2007 relating to frost fans.

- 8.5 **Development Application 18/715/473 by KeyInvest Ltd for variation to development authorisation 473/649/17 – to vary roadway location and various amendments to approved dwellings (dwellings numbered 26-40), including a combined fence & retaining walls (maximum height 3.1m) associated with dwelling 27, and two dwellings amended from single to two storey (dwellings 34 & 35) at 18 Tolmer Road, Woodside**

8.5.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Daniel Becker	38 South Ridge Road Woodside	Did not Attend
Linde Herde	11 Gale Street Woodside	Did not Attend

The applicant's representatives, Martin Ward (KeyInvest) and David Barone (Jensen Plus), responded to a number of questions from panel members.

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8.5.2 Decision of Panel

The following recommendation was adopted by consensus of all members (63)

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 18/715/473 by Key Invest Ltd for Variation to development authorisation 473/649/17- to vary roadway location & various amendments to approved dwellings (dwellings numbered 26-40), including a combined fence & retaining walls (maximum height 3.1m) associated with dwelling 27 & two dwellings amended from single to two storey (dwellings 34 & 35) at 18 Tolmer Road Woodside 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:

- Planning report (4 pages) prepared by David Barone of Jensen Plus received by Council 31 Aug 2018
- Amended Roadworks & Drainage Plan (C401), Sewer & Water Layout Plans (C402), Road Sections (C403), Sewer Long sections (C405), Civil Details (C406) and Earthworks Plan (C407) prepared by FMG Engineering received by Council 25 Oct 2018
- Amended overall site plan (SK100, REV C) prepared by Walter Brooke & Associates Pty Ltd received by Council 25 Oct 2018
- Amended site plan and elevations (SK101, REV D) prepared by Walter Brooke & Associates Pty Ltd received by Council 25 Oct 2018
- Amended floor plans and elevations (SK102, REV D) prepared by Walter Brooke & Associates Pty Ltd received by Council 25 Oct 2018
- Amended floor plans and elevations (SK103, REV B) prepared by Walter Brooke & Associates Pty Ltd received by Council 25 Oct 2018
- Amended floor plans and elevations (SK104, REV C) prepared by Walter Brooke & Associates Pty Ltd received by Council 25 Oct 2018
- Part plan (SK105, REV A) prepared by Walter Brooke & Associates Pty Ltd received by Council 25 Oct 2018

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

(2) Previous Plans & Details Still Apply

Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisation 473/649/17 continue to apply to this authorisation.

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REASON: To ensure all valid conditions are complied with.

(3) Prior to Building Rules Consent Being Granted - Requirement For Landscaping Plan

Prior to Building Rules Consent being granted, an updated landscaping plan prepared by a suitably qualified professional, shall be prepared to Council's satisfaction. Landscaping detailed in the plan shall be of suitable endemic species to the locality and 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 if and when it dies or becomes seriously diseased in the next planting season.

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. To ensure replacement planting for the regulated trees to be removed occurs.

(4) Prior to Building Rules Consent Being Granted - Requirement To Update Underfloor Plumbing Layouts

Prior to Building Rules Consent being granted, updated underfloor plumbing layouts shall be provided for the varied dwellings. The information provided on these plans shall be to the satisfaction of the Council's Environmental Health Unit.

REASON: To ensure the underfloor plumbing works undertaken for each of the dwellings is authorised and for Council's records.

(5) Decking & Courtyard Screening

The decks and courtyard area of dwellings numbered 26 and 27 shall be fitted with fixed screening in the locations depicted on the side and rear elevations for units 26 and 27, Drawing SK104, Rev C prepared by Walter Brooke & Associates Pty Ltd dated 25 Oct 2018, to a minimum height of 1.5 metres above the deck floor level and finished ground level for the courtyard area. The screening shall be maintained in good condition at all times.

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

(6) Obscure Glazing To Windows

The upper level windows of the two storey dwellings (western and eastern side elevations only) 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 maintained in good condition at all times.

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

(7) External Materials And Finishes

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

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

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

NOTES

(1) Expiry Date Of Variation

This development authorisation to vary the original authorisation is valid for a period not exceeding that of the original authorisation (10 July 2019). This time period may be further extended by written request to, and approval by, Council prior to the approval lapsing. Application for an extension is subject to payment of the relevant fee and will be required to be paid for both the original authorisation and the variation authorisation.

(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) 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. Policy Issues for Advice to Council

Nil

10. Other Business

Marc Salver advised the Panel that advertising for the recruitment of Independent CAP Members for the new term of office would commence in January 2019.

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- 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 9 January 2019.
- 14. Close meeting**
The meeting closed at 8.52pm.