

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 13 MARCH 2019  
63 MOUNT BARKER ROAD, STIRLING**

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**Present****Presiding Member**

Professor Stephen Hamnett

**Members**

Simon Bradley

Leith Mudge

**In Attendance**

Marc Salver

Deryn Atkinson

Sam Clements

Marie Molinaro

Karen Savage

Director Development & Regulatory Services

Assessment Manager

Team Leader Statutory Planning

Statutory Planner

Minute Secretary

**1. Commencement**

The meeting commenced at 6.30pm

**2. Apologies/Leave of Absence****2.1 Apologies**

Rob McBryde, Piers Brissenden and Linda Green

**2.2 Leave of Absence**

Simon Bradley will be an apology for the 10 April 2019 meeting.

**3. Previous Minutes****3.1 Meeting held 13 February 2019**

**The minutes were adopted by consensus of all members**

**(6)**

**That the minutes of the meeting held on 13 February 2019 be confirmed as an accurate record of the proceedings of that meeting.**

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 13 MARCH 2019  
63 MOUNT BARKER ROAD, STIRLING**

---

**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**

Nil

**7. Matters Lying on the Table/Matters Deferred**

**7.1 Matters Lying on the Table**

Nil

**7.2 Matters Deferred**

**7.2.1 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**

Deferred from meeting 12 December 2018

*"At the request of the applicant, that a decision on the matter be deferred to allow the applicant to consider alternative options, and public notification of an amended proposal to be undertaken."*

Staff provided the Panel with an update on this matter.

**8. Development Assessment Applications**

**8.1 Development Application 16/773/473 (16/D37/473) by Kenton Valley Pty Ltd for Land Division (1 into 15), regulated tree removal (two *Eucalyptus camaldulensis* var. *camaldulensis*), filling of land within a flood plain, associated roadway, bulk earthworks & retaining walls (SCAP relevant authority) at 14 Kenton Valley Road, Lobethal**

**8.1.1 Representations**

Nil

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 13 MARCH 2019  
63 MOUNT BARKER ROAD, STIRLING**

---

8.1.2 Decision of Panel

The following recommendation was adopted by consensus of all members (7)

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 advise the State Commission Assessment Panel that it has no objection to the proposal in Development Application 16/773/473 (16/D037/473) by Kenton Valley Pty Ltd for Land division (1 into 15), significant tree removal (Two *Eucalyptus camaldulensis* var. *camaldulensis*), filling of land within a flood plain, associated roadway, bulk earthworks & retaining walls at 14 Kenton Valley Road, Lobethal, subject to the following comments being addressed and the following conditions being included on any consent:

- The concept plan for the filling within and adjacent to the flood plain indicates an area to be filled to 433.19m AHD which is to be battered down to a low retaining wall. The height of the retaining wall has not been detailed and should be confirmed to ensure Building Rules Consent is not required for this element of the development
- An amended tree management plan shall be supplied to ensure the trenching and pipeline is outside of the reduced tree protection zone (allowance for the 10% encroachment) of 9.3m for Tree 1. Alternatively, this can be conditioned (see recommended planning condition 2

Planning Conditions

(1) Development In Accordance With The Plans

The development herein approved shall be undertaken in accordance with the following Land Division plan, details and written submissions accompanying the application, unless varied by a separate condition:

- Land division plan prepared by Richard Retallack, drawing 07 Sheet 1 of 1 dated 4 March 2019
- Tree Survey Report prepared by Environments by Design dated February 2019
- Flooding Assessment Report dated 21 December 2018 prepared by Dean Nobbs of DBN Consulting Engineers

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

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 13 MARCH 2019  
63 MOUNT BARKER ROAD, STIRLING**

---

**(2) Amended Tree Management Plan**

An amended tree management plan shall be submitted to and approved by Council prior to construction to ensure the trenching and drainage pipeline is outside of the reduced tree protection zone of 9.3m for Tree 1.

*REASON: To protect the significant trees from the impact of the development.*

**(3) Requirement for Services to be Underground**

All physical infrastructure services, including electricity and telecommunication services are to be provided underground.

*REASON: To improve the character and amenity of the locality.*

**(4) Street Lighting**

Street and public area lighting shall comply in all respects with the Lighting Code AS1158 and the style and type of lighting shall be selected and constructed to the reasonable satisfaction of Council and ETSA.

*REASON: To ensure the roadways within the development are appropriately lit.*

**(5) Construction Work**

Site work and building work shall be carried out only between the hours of 7.00am to 5.00pm Monday to Saturday. No works are permitted on Sundays other than those necessary for dust control, emergency works or works that cannot be carried out at any other time without causing unnecessary disruption, as may be approved by Council on written application as per EPA requirements for work of this nature.

*REASON: To ensure the amenity of the locality is not impacted upon during construction.*

**(6) New Crossovers**

Entrances to the proposed roadway shall be designed and constructed to the reasonable satisfaction of the Council.

*REASON: For safe and convenient movement of people and goods.*

**(7) Design of Roads and Other Infrastructure**

The detailed design of all footpaths, roads, verges and other public areas must comply with the Australian Standards, Council's Standards and the Disability Discrimination Act.

*REASON: For safe and convenient movement of people and goods.*

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 13 MARCH 2019  
63 MOUNT BARKER ROAD, STIRLING**

---

**(8) Design of Stormwater Infrastructure**

All major and minor drainage systems including the rear of allotment drainage shall be designed in accordance with the Council's Standards and Requirements for Land Development. The stormwater management system should ensure that post-development flows do not exceed pre-development flows for 1 in 100 ARI and stormwater is discharged without jeopardising the safety and integrity of Kenton Valley Road. All drainage designs shall be approved by Council prior to construction commencing.

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

**(9) Stormwater Treatment is to Comply with the EPA Water Quality Targets**

Stormwater discharge from the site shall meet the following EPA water quality targets:

- 90% reduction in litter/gross pollutants
- 45% reduction in average annual total nitrogen
- 60% reduction in average annual total phosphorous, and
- 80% reduction in average annual total suspended solids

A water quality model shall be provided to the Council as part of the civil design documentation to prove that these targets have been achieved by the stormwater treatment/management design.

*REASON: To ensure pollution from the proposed development to the receiving waters is minimised.*

**(10) Pedestrian Footpaths**

A concrete footpath of at least 1.5m in width shall be provided along at least one side of the proposed roadway for its full length.

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

**(11) Requirement for Stormwater Drainage Easements**

Allotments 12 and 13 do not have the ability to discharge stormwater direct to the street water table via gravity, and shall be provided with a private drainage easement for the installation and maintenance of stormwater infrastructure.

All stormwater infrastructure on allotments 1-7 and 18 shall be contained within Council drainage easements. The drainage easement on allotments 2-5 should be at least 1.5m to the south of the drainage pipeline alignment to provide adequate protection.

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 13 MARCH 2019  
63 MOUNT BARKER ROAD, STIRLING**

---

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

**(12) Tree Protection Zone Fencing to be Established**

Prior to any civil works or earthworks commencing on-site, tree protection zone (TPZ) fencing for all Regulated trees shall be erected in accordance with the Tree Survey Report prepared by Environments by Design dated February 2019 to the satisfaction of Council. The TPZ fencing shall remain in place for the duration of the civil works. The perimeter of the TPZ shall be protected by the erection of a secure fence and shall:

- (a) consist of a 2.0 metre high solid, chain mesh, steel or similar fabrication with posts at 3m intervals; and
- (b) incorporate on all sides a clearly legible sign displaying the words "Tree Protection Zone."

*REASON: To protect the Regulated trees from the impact of the development.*

**(13) DPTI requirement- Access to Proposed Allotment 1**

All access to/from Allotment 1 shall be gained via the new internal road only. To prevent conflicting vehicular movements in the vicinity of the new road junction, and to ensure that the requirements of AS/NZS 2890.1:2004, Fig. 3.1 'Prohibited Locations of Access Driveways' are met, the new road access from/to Allotment 1 shall be located adjacent the boundary of adjoining Allotment 2.

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

**(14) CEMP and SEDMP**

Prior to construction commencing, a Construction Environment Management Plan (CEMP) including a Soil, Erosion and Drainage Management Plan (SEDMP) must be prepared and submitted to Council. The CEMP and SEDMP shall be implemented prior to construction commencing to prevent soil sediment and pollutants leaving the site or entering watercourses during development of the site. NOTE: The *EPA Guideline Construction environmental management plans (CEMP) and Code of Practice for the building and construction industry* provides useful information on the preparation of CEMPs and SEDMPs.

**(15) Finished Surface Level For Allotments 1 & 2**

Proposed allotments 1 and 2 shall be filled to achieve a finished surface level of 433.70mAHD within the area indicated in the Flooding Assessment Report dated 21 December 2018 prepared by Dean Nobbs of DBN Consulting Engineers.

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 13 MARCH 2019  
63 MOUNT BARKER ROAD, STIRLING**

---

***REASON:** To ensure future built form achieves sufficient freeboard above the 1 in 100 flood level and therefore to minimise the potential of flooding risk to proposed allotments 1 and 2.*

**Planning Notes**

**(1) Land Division Development Approval**

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.

**Council Land Division Conditions**

**(1) Amended Land Division Plan**

Prior to Section 51 Clearance, the final land division plan shall provide a 0.1m 'no access' reserve strip along the entire Kenton Valley Road frontage of Allotment 1.

***REASON:** DPTI requirement to minimise the number of access points onto arterial roads for safe and convenient movement of vehicles.*

**(2) DPTI requirement- Design of Road Junction**

Prior to Section 51 Clearance, the new road junction shall be designed and constructed to the satisfaction of DPTI, with all costs (including design, construction, project management and roadside drainage requirements) to be borne by the applicant. To facilitate easy left-turn movements into and out of the new road, the junction shall be sealed in bitumen and the shoulders on Kenton Valley Road sealed for a distance of approximately 10 metres from the junction. The radii of the junction corners shall ensure that the largest vehicle expected to use the road can turn left into and out of the junction without crossing the centre line of either road.

The applicant shall contact DPTI's A/Project Liaison Engineer, Traffic Operations, Mrs Christina Canatselis on telephone (08) 8226 8262 or via email [christina.canatselis@sa.gov.au](mailto:christina.canatselis@sa.gov.au) for design approval and to discuss any technical issues regarding these works.

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

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 13 MARCH 2019  
63 MOUNT BARKER ROAD, STIRLING**

---

**(3) CFS Access Requirements- Public Roads**

Prior to Section 51 Clearance, public roads created by a land division to and from the proposed allotments shall be in accordance with the Minister's Code: Undertaking Development in Bushfire Protection Areas (Minister's Code) Part 2.2.2.

- Provide for a mainly continuous street pattern serving new allotments that eliminates the use of cul-de-sac or dead end roads. Where this is not practicable such roads should not exceed 200m in length and the end of the road should have either:
  - a turning area with a minimum formed surface radius of 12.5m (refer to The Code Figure 1); or
  - a 'T' or 'Y' shaped turning area with a minimum formed surface length of 11m and minimum internal radii of 9.5m (refer to The Code Figures 1 and 2)
- All public roads shall be of all-weather construction with a minimum-formed road surface width of 6 metres, and shall have minimum internal radii of 9.5 metres on all bends.
- The gradient of the access road shall not exceed 16 degrees (29%), in steep terrain the construction of the public road or driveway shall be a sealed surface.

*REASON: To ensure safe access and egress from the site in a bushfire event.*

**(4) Stormwater Management Design**

Prior to Section 51 Clearance, a detailed final stormwater management plan shall be provided to and approved by Council, including:

- Full stormwater network design and treatment train
- Landscaping plans for swales and sedimentation/detention basins
- Detailed basin and swale designs
- Stormwater calculations
- Geometric drainage set-out plan
- Drainage longitudinal sections
- Drainage cross sections
- Hydrological studies for upstream and downstream of the proposed site
- Hydrological and water quality modelling
- Rear of allotment drainage (sealed system)
- Any other relevant plans, reports or calculations

*REASON: To ensure stormwater is appropriately detained on-site and water quality objectives are achieved. The stormwater management infrastructure is to be approved prior to construction.*



**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 13 MARCH 2019  
63 MOUNT BARKER ROAD, STIRLING**

---

**(5) Designs of Civil Works**

Prior to Section 51 Clearance, detailed designs and specifications, prepared by a professional engineer, for all civil works relating to roads, which may include:

- Swept path diagrams/plans (rubbish trucks)
- Detailed turning head plans
- Geometric road setout plan
- Pavement treatment plan
- Pavement calculations Road longitudinal sections
- Road cross sections
- Intersection treatment works and design contour plans
- Traffic control plan/s (line-marking and signage). Note that a plan that shows the no stopping anytime zones is required
- On-street parking plan
- Construction details
- Construction specifications
- Staging plan
- General construction plan
- Final surface contours plan
- Cut and fill/bulk earthworks plans
- Geotechnical documentation (confirm compliance with AS2879-1998- Residential Services Footing Code)
- Waste management (garbage collection) plan
- Street name signs
- Any other relevant plans, reports or calculations

Road designs including structural road design and all traffic control devices shall be in accordance with Council Standards. No work (including any civil engineering works) is to commence prior to the receipt of written approval from Council. All costs for the design of all civil infrastructure shall be borne by the owner/applicant.

*REASON: For safe and convenient movement of people and vehicles, and safe and efficient management of stormwater.*

**(6) Final Landscape Plan**

Prior to Section 51 Clearance, a detailed final landscaping plan shall be submitted to Council for approval including tree planting within road reserves and landscaping within the watercourse and retention of the regulated/significant trees in and adjacent to the watercourse. Such landscaping shall be undertaken to the satisfaction of Council and shall not be undertaken without the prior written approval of Council. The owner/applicant shall be responsible for maintenance of the landscaping for a minimum period of 12 months following agreement to practical completion by Council.

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 13 MARCH 2019  
63 MOUNT BARKER ROAD, STIRLING**

---

*REASON: To improve the appearance and character and amenity of the locality.*

**(7) Reinstatement of Excavations**

Prior to Section 51 Clearance, (if practical completion of construction works has been achieved) all trenches or excavation are to be reinstated to the satisfaction of Council. All excavation, trenching of underground services and reinstatement in existing road pavements and verge areas shall be done to satisfaction of Council.

*REASON: To ensure no safety hazards are created.*

**(8) Street Lighting**

Prior to Section 51 Clearance, street and public lighting shall be installed (or bonded) and shall comply in all respect with the Lighting Code AS 1158. The style and type of lighting is to be approved by both Council and ETSA.

*REASON: To ensure safety and security within the land division.*

**(9) Fire Fighting Water Supply**

Prior to Section 51 Clearance, the owner/applicant shall provide confirmation to Council that an appropriate water supply and fire plug/hydrant system of adequate capacity (to be used for fire and other emergencies) has been installed in the approved roadway to the appropriate SA Water Standards.

*REASON: To ensure there is access to an adequate water supply for building fires or bushfires.*

**(10) Construction of All Works/Infrastructure**

Prior to Section 51 Clearance, all approved works and infrastructure required by the design plans stamped approved by Council for construction shall be constructed (or bonded) for the relevant stage to the satisfaction of the Council.

All costs for the construction of all approved infrastructure shall be borne by the owner/applicant. Following agreement by Council that Practical Completion has been achieved the developer shall be responsible for all maintenance for a period of 12 months or such other period of time as agreed.

*REASON: For safe and convenient movement of people and vehicles, and safe and efficient management of stormwater.*

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 13 MARCH 2019  
63 MOUNT BARKER ROAD, STIRLING**

---

**(11) As-Built Drawings Supplied to Council**

As-built" drawings of the approved and installed infrastructure shall be submitted to the Council along with certification from a professional engineer that the works for that stage have been completed in accordance with the approved design.

*REASON: To ensure the civil works are undertaken in accordance with the approved designs.*

**(12) Asset Register**

Prior to Section 51 Clearance, an asset register of the infrastructure constructed shall be provided to the Council's satisfaction in digital format.

*REASON: To ensure Council has an asset register of all infrastructure constructed.*

**Council Land Division Notes**

**(1) Land Division Development Approval**

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.

**(2) Approved Plans From Service Authorities**

The approved plans of all service authorities (street lighting, electricity, SA Water, NBN) should be provided to Council for its records.

**(3) Land Division Conditions- Completion of Public Infrastructure**

Section 51 clearance will not be issued until all the conditions of the Land Division Approval have been satisfied. To allow for Section 51 clearance prior to the completion of public infrastructure the Developer may enter into a bond agreement with Council for the full cost of the infrastructure works and project management fees. Another bond is required to cover the 12 month defects liability period.

The Developer is required to maintain the road, drainage and reserve infrastructure works for a 12 month defect liability period from the date of Practical Completion or the date of rectification if the defect item is considered major by Council, unless otherwise specified in the Infrastructure Agreement to be entered into with the Council.

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 13 MARCH 2019  
63 MOUNT BARKER ROAD, STIRLING**

---

**(4) Construction Hold Points**

Council is required to inspect the construction works at key hold points and the applicant shall provide an "Inspection Test Plans" (ITP) prior to commencement of any work. Hold points are to be signed off by Council before proceeding to next level of the construction works.

**8.2 Development Application 15/36/473 (15/D1/473) by Susan Merrett for amended Land Division – boundary realignment (2 allotments into 2 allotments) (SCAP relevant authority) at 136 Valley Road, Montacute**

**8.2.1 Representations**

Nil

**8.2.2 Decision of Panel**

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

The Council Development Assessment Panel considers that the proposal is at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and it is recommended that Council should advise the State Commission Assessment Panel that it DOES NOT SUPPORT the amended proposed boundary realignment in Development Application 15/36/473 (15/D001/473) by S Merrett for Land division - boundary realignment (2 allotments into 2 allotments) at Lots 28 and 44 Valley Road, Montacute for the following reasons:

- The proposal is inconsistent with Watershed (Primary Production) Zone PDC 20 as it is not considered to be a minor readjustment of boundaries. The proposal does not correct an anomaly, and the readjustment will not improve management of the land for conservation or primary production purposes.
- The proposal is inconsistent with Council Wide Objective 1 & PDC 2 as the allotment arrangement comprising pieces 102\* and 103\* separated by an unmade road is not an orderly form of development and relies on a right of way for access for management.
- The proposal is inconsistent with Watershed (Primary Production) Zone PDCs 33 & 34 and Council Wide Objective 79 as it will result in a part allotment created over an area of native vegetation.

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

Nil

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 13 MARCH 2019  
63 MOUNT BARKER ROAD, STIRLING**

---

**10. Other Business**

Marc Salver advised the Panel that the recruitment process for CAP Members is underway with interviews scheduled over the next two weeks.

**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 April 2019.

**14. Close meeting**

The meeting closed at 7.05pm.