

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 8 MAY 2019  
63 MOUNT BARKER ROAD, STIRLING**

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**Present****Presiding Member**

Professor Stephen Hamnett

**Members**

Simon Bradley  
Piers Brissenden  
Rob McBryde  
Leith Mudge

**In Attendance**

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

**1. Commencement**

The meeting commenced at 6.32pm

**2. Apologies/Leave of Absence**

2.1 Apologies  
Linda Green

2.2 Leave of Absence  
Nil

**3. Previous Minutes**

3.1 Meeting held 10 April 2019

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

**(14)**

**That the minutes of the meeting held on 10 April 2019 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**

As this was the final meeting of the current Panel, with a new Panel taking over at the June meeting, the Presiding Member presented a report on the work of the current Panel. A document relating to the 2017/18 Financial Year and the 10 months to April 2019 was distributed to the Panel members, and this will be included in the meeting minutes. The Presiding Member made special mention of the very small number of deferred matters and of Panel decisions which had been appealed against and the high number of Panel decisions aligned with staff recommendations.

**Moved Rob McBryde  
S/- Simon Bradley**

**Carried Unanimously  
(15)**

**That the Presiding Member's report be noted, and the statistics included in the minutes of the meeting for information to Council.**

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

In relation to Item 8.5, Simon Bradley advised that the Planning Consultants, URPS, are currently engaged on a professional basis through his employment, but he did not deem this to be 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

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**8. Development Assessment Applications**

**8.1 Development Application 13/30/473 by Mark Musolino for filling of land to a maximum depth of 6.2 metres (non-complying) at 24 & 28 Emmett Road, Crafers West**

**8.1.1 Representations**

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
Jan Tomlinson	24 Emmett Road Crafers West	Did Not Attend
Donald Simmons & Virginia Bullock	32 Emmett Road Crafers West	Did Not Attend

**8.1.2 Decision of Panel**

**The following recommendation was adopted by consensus of all members (16)**

**At the request of Council staff, the Council Assessment Panel DEFERS consideration of Development Application 13/30/473 for filling of land to a maximum depth of 6.2 metres (non-complying) at 24 & 28 Emmett Road, Crafers West to enable Council administration to repeat the public notification process in order to comply with the requirements of Regulation 22(5) of Development Regulations 2008.**

**8.2 Development Application 18/498/473 by Frost Protection Australia Pty Ltd for Frost Fan (maximum height 13.3m) at 106 Buckleys Road, Lobethal**

**8.2.1 Representations**

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
Russell Miatke & Meredith Dickson	99 Buckleys Road Lobethal	Did Not Attend
Randal Tomich	1403 Onkaparinga Valley Road, Woodside	Janet Hind and Jeff Smith (Planning Chambers)

The applicant's representatives, Peter Bird (Casella Wines) and Ben Daking (Frost Protection Australia Pty Ltd), addressed the Panel and answered questions from the Panel.

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8.2.2 Decision of Panel

The following recommendation was adopted by consensus of all members (17)

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 18/498/473 by Frost Protection Australia Pty Ltd for Frost Fan (maximum height 13.3m) at 106 Buckleys Road Lobethal 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, received by Council 10 September 2018
- Amended elevation plan (sheet S.01 dated 19 July 2010), received 30 November 2018, 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. S4390C95), 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 fan shall be set with a fan 'start' temperature of 1 degree Celsius and a fan 'stop' temperature of 2 degrees Celsius.

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

(3) Frost Fan Operation

The frost fan shall not be operated when the natural wind speed is greater than 8 kilometres per hour.

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

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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 fan shall be in accordance with the provisions of the Environment Protection (Noise) Policy 2007 relating to frost fans.

- 8.3 **Development Application 19/272/473 by Nielsen Architects for staged construction of a supermarket (shop), signage, solar panels, fencing, car parking, site works/retaining walls, landscaping and removal of 1 x regulated tree:**  
**Stage 1 – bulk earthworks (retaining and excavation) and site preparation (including tree removal);**  
**Stage 2 – balance of remaining works (building construction, car park, stormwater, fencing and landscaping) (SCAP relevant authority) at 3 & 5 Pomona Road, Stirling**

**8.3.1 Representations**

Nil

The applicant's representatives, Rebecca Thomas (Ekistics Planning) and Paul Morris (GTA), were invited to answer questions from the Panel.

**8.3.2 Decision of Panel**

<b>Moved</b>	<b>Simon Bradley</b>	<b>Carried</b>
<b>S/-</b>	<b>Piers Brissenden</b>	<b>(18)</b>

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 advises the SCAP that it SUPPORTS Development Plan Consent being GRANTED to Development Application 19/272/473 by Nielsen Architects for Staged construction of a supermarket (shop), signage, solar panels, fencing, car parking, site works/retaining walls, landscaping & removal of 1 x regulated tree (SCAP relevant authority) at 3 & 5 Pomona Road Stirling, subject to the following Council comments, conditions the SCAP may impose and the following additional Council requested conditions:

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**Comments**

- (1) An amended stormwater management plan should be provided that implements at least some Water Sensitive Urban Design (WSUD) techniques. Noting that the watercourse through the site is to be piped and no buffer provided (previous authorisation), and in this proposed development water quality is to be addressed via mechanical measures contrary to PDC 8 of the Stirling Fringe Policy Area, Council requests that other WSUD techniques are considered in the stormwater management plan. As there is a requirement for the landscaped areas to be appropriately maintained in good health and condition (recommended condition 10), irrigation of these areas is essential. It is requested that at least retention tanks for the collection of roof water for re-use are included in the stormwater management plan (Council Wide, Natural Resources, PDCs 8, 10 and 17) and for toilets.
- (2) The desired character statement of the District Centre Zone is unequivocal with regards to signage (advertising) stating that “signs should not be directly illuminated except via dim external lighting” and “internally illuminated signs are not appropriate in the Zone.” It is therefore requested that the signage is amended from light boxes to dim externally illuminated signage. If the SCAP is not inclined to require this amendment, limiting the illumination hours or reduced illumination for certain hours to minimise amenity impacts may also be acceptable compromises for light box signage. If the light box signage is retained, condition 5 is recommended.
- (3) The landscaping plan is further developed to detail the size of the trees at planting and consideration of where mature plantings would be of greatest visual benefit (i.e. the car park area). Given the nature of the locality, and size and location of the proposed car park, some semi-mature or mature trees are considered necessary to offset the vast hardscape car park area. Condition 9 is recommended as a minimum requirement.

**Conditions**

- (1) **Rubbish Collection**  
The hours of rubbish collection from the site shall be restricted to the hours of Division 3 of the Environment Protection (Noise) Policy 2007, i.e., only between the hours of 9:00am and 7:00pm on a Sunday or public holiday, and 7:00am and 7:00pm on any other day.

***REASON: To protect the amenity of the area.***

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**(2) Prior to Building Rules Consent Being Granted - Requirement For Water Quality Model**

Prior to Building Rules Consent being granted, a detailed water quality model (e.g. MUSIC model) shall be provided to demonstrate that the proposed stormwater treatment measures (gross pollutant traps) will meet the following targets to the reasonable satisfaction of Council:

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

*REASON: To ensure the development does not cause adverse water quality impacts.*

**(3) Car Park Lighting**

Any car parking lighting herein approved shall not operate between 10:00pm and 7:00am the following day.

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

**(4) Commercial Lighting**

Any lighting on the building, including the canopies necessary for safety and/or security purposes shall be directed away from adjacent residential properties to prevent light spill nuisance.

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

**(5) Illuminated Signs**

The proposed light box plinth signs shall not operate between 10:00pm and 7:00am the following day. Dimmers shall be installed on the signage to reduce the level of illumination to 75 percent after 7:00pm.

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

**(6) Opening Hours**

The opening hours of the use herein approved shall be:

7:00am to 10:00pm 7 days per week

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

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**(7) Deliveries**

- a) Delivery vehicles accessing the site shall be restricted to vehicles of a maximum length of 19m.
- b) The 19m vehicles shall have a down swept (low level discharge) exhaust system and attenuated compressed air release.
- c) There shall be a maximum of two 19m semi-trailer vehicle deliveries within a 24 hour period.

*REASON: To ensure the development operates in accordance with the approval and does not detrimentally affect the amenity of the locality.*

**(8) Noise Attenuation Measures**

All roof mounted mechanical equipment is to be installed within the designated roof area (north-west corner of the building) behind the building parapet (concrete construction to the west and louvres to the north) as documented in the Nielsen Architects plan DA03.1

The store's refrigeration units are able to be operated at all times during the day and night. Air conditioning, fans and the compactor must not be operated before 7:00am or after 10:00pm on any day.

*REASON: To protect the amenity of the area.*

**(9) Requirement for mature plantings**

A percentage (minimum 20%) of the trees proposed in the landscaped areas shall be planted as semi-mature, specifically a minimum height of 2 metres at the time of planting.

*REASON: To maintain and enhance the visual amenity of the locality in which the subject land is situated.*

**(10) Timeframe For Landscaping To Be Planted**

Landscaping detailed in plans from Outerspace drawing numbers OS520\_CP01 Rev C and CP02 Rev C shall be planted, mulched and irrigation installed prior to 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. All the landscaped areas shall be irrigated to the reasonable satisfaction of the Council.

*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.*



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**(11) Protection Of Trees**

The works in relation to the tree(s), outlined in the Arborist's Report prepared by Arborman Tree Solutions and submitted as part of this application as a strategy for management of the tree(s), are to be undertaken simultaneously with any building works on the site.

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

**(12) Tree Protection Zone**

A tree protection zone around the trees in the area protected by the LMA over the land (trees 1, 2, 3, 4, 6, 7, 9, 10, 11 & 13) and tree 43 to be retained, is required. The protection zone of each tree is to be determined by an Arborist. During construction each tree protection zone is to be fenced with 1.8 metre high chain mesh material with posts at 3 metre intervals and must incorporate clearly legible signs displaying the words "Tree Protection Zone". The fences are to be installed prior to the commencement of any development. The following restrictions apply to each tree protection zone:

- a) No destructive excavation is recommended within the area of the proposed development for Tree 11 to determine appropriate management for any roots that may be identified.
- b) No storage of material, equipment or temporary building is permitted within the cordoned off TPZ's.
- c) Nothing is to be attached to the trees, including temporary service wires, nails screws, signs or any other fixing devices.
- d) The cordoned off area of each TPZ shall have mulch installed and additional water applied during the development phase. This is to reduce any potential shock or decline to the trees that may occur due to the minor changes in their environment.
- e) All trees that are to remain within the site shall have Maintenance Pruning as per Australian Standard AS4970-2009 *Pruning of amenity trees*.
- f) Only landscaping can occur in the tree protection zone, and only when all construction of the proposed development has been completed. The area within each zone shall be retained at natural ground level and no additional soil or fill shall be placed within the zone.
- g) No other works can occur within the tree protection zone without the consent of Council's Arborist during the life of the retained trees.
- h) A project arborist shall be appointed to assist in the ongoing management and protection of the trees to be retained and the name and contact details of the appointed person shall be provided to Council prior to commencement of development.

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

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**(13) 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 site plan and 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;
- 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.

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

**(14) Off-site works**

The off-site works as offered in the planning statement prepared by Ekistics dated 13 March 2018, the traffic report prepared by GTA consultants dated 11 February 2019, and depicted on the plan titled 'site works plan-external' drawing no. DA02.4 prepared by Nielsen Architects dated Feb 2019, all shall be constructed/installed prior to occupation of the proposed development, namely:

- The widening of the carriageway of Pomona Road
- Modifications to the island (of the roundabout),
- Removal of kerb-side car parks and the redundant crossover
- New crossover for adjacent property 1 Pomona Road
- Barrier kerbing
- Concrete footpath (1.5m in width) for the extent depicted
- Pram ramp
- Landscaping on Pomona Road

**NOTE:** A permit under Section 221 of the Local Government Act 1999 is required to be issued for all the works within the Council's road reserve (excluding the new driveway crossovers) and a bond or other suitable financial guarantee shall be entered into to cover the cost of these works, project management and any damage to existing public infrastructure that may arise from the proposed development.

*REASON: To ensure the off-site works agreed to be undertaken prior to operation of the approved development. To ensure traffic and pedestrian safety is not compromised and is improved by the proposed development.*

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**NOTES****(1) 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.

**(2) 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.

**(3) 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.

**(4) 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.

8.4 **Development Application 19/82/473 (19/D5/473) by Stephen Silver & Olivia Burke for Land Division – boundary realignment (2 into 2) (non-complying) at 115 & 117 Woodland Way, Teringie**

**8.4.1 Representations**

Nil

**8.4.2 Decision of Panel**

**The following recommendation was adopted by consensus of all members (19)**

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 19/82/473 (19/D005/473) by Stephen Silver & Olivia Burke for Land division - boundary realignment (2 into 2) at 115 and 117 Woodland Way, Teringie SA 5072 subject to the following conditions:

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**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:

- Plan of division prepared by Alexander Symonds Consulting Surveyors, reference A010118, drawing number A010118(PROP(A), revision A, dated 22/01/2019
- Access arrangements plan date stamped by Council 29/03/2019
- Statement of support prepared by Stephen Silver and Olivia Burke dated 26 March 2019 and date stamped by Council 29/03/2019

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

**Planning Notes**

Nil

**Council Land Division Requirements**

Nil

**Council Land Division 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.

**SCAP Land Division Requirements**

**(1) 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.*

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8.5 **Development Application 18/673/473 by Charlene Ackland for change of use to include intensive animal keeping (maximum of 10 British Bulldogs) and conversion of domestic outbuilding to kennels & associated building alterations (non-complying) at 193 Murphy Road, Paracombe**

8.5.1 **Representations**  
Nil

8.5.2 **Decision of Panel**

**The following recommendation was adopted by consensus of all members (20)**

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 18/673/473 by Charlene Ackland for Change of use to include intensive animal keeping (maximum of 10 British Bulldogs) & conversion of domestic outbuilding to kennels & associated building alterations (non-complying) at 193 Murphy Road, Paracombe 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 site plan (ref. 18ADL-0269, revision 4) by URPS, received by Council 13 February 2019
- Amended kennel elevations (ref. 18ADL-0269, revision 1) by URPS, received by Council 13 April 2019
- Amended floor plans (ref. 18-ADL0269, revision 2) by URPS, received by Council 13 April 2019
- Environmental Noise Assessment Report (ref. S5848C1) by Sonus, received by Council 6 February 2019
- Amended statement of effect (revision 4) by URPS, received by Council 13 February 2019

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

**(2) Dog Breed and Maximum Number**

No more than 10 dogs of the British Bulldog breed shall be kept on the subject land at any time. Dogs shall only be kept which belong to the owners/occupier of the land, with the exception of a dog brought to the site temporarily for breeding purposes.

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**NOTE:** Any increase in the number of dogs kept, or change in dog breed, or change to the keeping of dogs on a temporary basis as a boarding kennel (or similar) on the subject land, will require a separate development approval.

**REASON:** *To ensure the proposed development is undertaken in accordance with the approved details and to minimise the impact on nearby residents.*

**(3) Noise Levels**

Noise impact on nearby residences is to be managed and limited in accordance with the Environment Protection (Noise) Policy 2007. Specifically, fixed machinery noise shall not exceed 52dB(A) between 7:00am and 10:00pm and 45dB(A) between 10:00pm and 7:00am.

**NOTE:** Dog barking noise nuisance will be managed separately in accordance with the Dog & Cat Management Act (1995).

**REASON:** *To maintain the amenity of the locality.*

**(4) Removal Of Existing Dog Kennels Structure**

The existing dog kennels structure, located between the proposed dog kennels building and the dwelling on the subject land shall be removed within three (3) months of the dogs being kept in the proposed dog kennel structure.

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

**(5) Dog Kennel Flooring**

The existing concrete flooring shall be maintained in good condition at all times.

**REASON:** *EPA condition.*

**(6) Waste Storage**

An impervious receptacle with a closed fitting lid shall be provided on-site for the temporary storage of faeces or other wastes generated by the dog keeping. Faeces shall be collected daily and placed in the receptacle. The collected wastes shall be removed at least once in every week, and then disposed of off-site. The waste receptacle shall be located in a screened area not visible from Murphy Road.

**REASON:** *To ensure no adverse impacts on water quality, and the amenity of the locality is maintained.*

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- (7) **Water Washdown Management**  
Water from the maintenance and cleaning of the proposed dog kennel building shall be directed to the swale as shown on the approved site plan. The swale shall be constructed prior to the occupation of the kennels.

*REASON: To ensure no adverse impacts on water quality.*

- (8) **Maintenance of Exercise Yard Surface Lighting**  
The exercise yard areas associated with the dog keeping shall be maintained in a satisfactory condition at all times, and managed to ensure that the grass coverage is maintained at all times to the reasonable satisfaction of Council.

*REASON: Development should be undertaken to prevent erosion.*

- (9) **External Finishes**  
The external finishes of the additions to the proposed dog kennel building shall be of materials and colours to match or complement those of the existing building to the reasonable satisfaction of Council.

The only exception being the fencing around the kennel building and the exercise yards, which shall be chain mesh

*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.*

- (10) **Lighting**  
Any flood lighting for the proposed dog kennel and exercise yards 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.*

**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.

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**(2) Works Near Boundary**

The development herein approved involves work within close proximity to the boundary. The onus of ensuring development is in the approved position on the correct allotment is the responsibility of the land owner/applicant.

**(3) Separate Dog Registration Required**

This consent does not convey separate dog registration approval for the keeping of dogs on the land, pursuant to the Dog & Cat Management Act (1995). For further information visit:  
<http://www.ahc.sa.gov.au/Resident/pets-animals/dogs#registration>

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

Nil

**10. Other Business**

**10.1 Variation to Development Authorisation 16/972 – request for extension of approval and variation to conditions for 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**

**(21)**

The Council Assessment Panel agrees to a final extension of time to comply with, and vary conditions of Development Application 16/972 in accordance with the request submitted to Council on 1 May 2019, for a period of six months for Conditions 3 & 9 and seven months for Condition 8 (13 August 2019 and 13 September 2019 respectively). Failure to complete the development by the revised completion date may result in Council taking renewed enforcement action.

**10.2 As this was the last meeting of the current Panel, the Presiding Member stated he wished to thank the members of the Panel for the civil, serious and collegial way that they had conducted themselves at the meetings, and extended his thanks also to previous members, Kathryn Bellette and John Kemp. The Presiding Member also again thanked Council staff for the high quality of the materials provided to the Panel. In his opinion, it was hard to believe that there is a Panel better served than this one with regard to the professional advice and support that it receives from staff. He expressed his sincere gratitude for having been given the opportunity of being Presiding Member of the Panel for the last two years and his genuine disappointment that personal circumstances had prevented him from seeking a further term.**

Rob McBryde added that these sentiments were shared by all members of the Panel, and they really appreciated the assistance of staff and the Chairmanship of Stephen Hamnett.



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- 10.3 Marc Salver, on behalf of the CEO, Council and staff, thanked the Panel for their service over their term, and said the Council was extremely pleased to have had a person of Stephen Hamnett's calibre as Presiding Member of the 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 Council Assessment Panel meeting will be held on Wednesday 12 June 2019.
- 14. Close meeting**  
The meeting closed at 9.30pm.

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
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**Development Applications Considered by Council's Assessment Panel**

The following table summarises the decisions of CAP and provides a comparison for the past 4 Financial Years (only 10 months for 2018/19):

<b>CAP STATISTICS</b>	<b>15/16</b>	<b>16/17</b>	<b>17/18</b>	<b>18/19 10 months</b>
<b>Number of Applications Considered</b>	49	33	35	32
<b>Number of Applications Considered Twice</b>	9	6	0	3
<b>Total Number of Decisions</b>	<b>58</b>	<b>39</b>	<b>35</b>	<b>35</b>
<b>Number of Decisions in Line with Staff Recommendations, including Applications considered twice</b>	44 (75.9%)	34 (87.2%)	34 (97.1%)	31 (88.6%)
<b>Number of Decisions Against Staff Recommendations</b>	6 (10.3%)	1 (2.6%)	0 (0%)	1 (2.8%)
<b>Number of Decisions Deferred</b>	8 (13.8%)	4 (10.2%)	1 (2.9%)	3 (8.6%)

8 (25%) of the applications considered by the Panel were non-complying, and to date SCAP has concurred with 6 of the decisions of the CAP which required their concurrence. The remaining two applications are still awaiting decisions from SCAP.

**Breakdown of Applications (2018/19)**

Land Divisions (includes boundary realignments and one with the removal of trees)	13
New Dwellings	4
Dwelling Additions & Alterations	2
Filling & Excavation of Land	1
Demolition & Construction of Horticultural Building	1
Mixed Use Development – Cellar Door/Special Events and Shop, Office & Residential Flat Buildings	2
Frost Fans	1
Light Poles – Bowling Green	1
Variations to existing Approvals	3
Change of Use – Cellar Doors, Micro-Brewery & Fitness Studio	4

**Appeal Statistics - CAP**

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In total 5 appeals were dealt with in the 2018/19 Financial Year. Of these 5 appeals, 3 were carried over from the previous year (against Section 84 Enforcement Notices).

One appeal was lodged in the 2018/19 FY which was against a decision of CAP. The only other appeal for the Council was one against a Section 84 Enforcement Notice.

**Appeal Statistics (excluding Section 84/85 Notices)**

<b>Result</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19 10 months</b>
Appeals withdrawn	4 (33.35%)	3 (42.8%)	0 (0%)	0
Appeals dismissed	1 (8.3%)	1 (14.3%)	0 (0%)	0
Appeals upheld (in favour of Appellant)		1 (14.3%)	2 (100%)	1 (100%)
Appeals where compromise reached		1 (14.3%)	0 (0%)	0
Appeals resolved at compulsory conference	2 (16.75%)	0 (0%)	0 (0%)	0
Full Appeals lost	1 (8.3%)	0 (0%)	0 (0%)	0
Full Appeals where Council's decision was upheld	1 (8.3%)	0 (0%)	0 (0%)	0
Appeals not determined/ongoing within the financial year	3 (25%)	1 (14.3%)	0 (0%)	0
<b>TOTALS</b>	<b>12</b>	<b>7</b>	<b>2</b>	<b>1</b>

Although the Appeal was upheld in favour of the Appellant and the ERD Court quashed the Development Plan Consent issued by Council, this was due to the applicant withdrawing the Development Application.

There were two appeals in 2017/18 relating to decisions of CAP, one involving a decision by the former Panel.