

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 11 NOVEMBER 2020  
63 MOUNT BARKER ROAD, STIRLING**

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**In Attendance**

**Presiding Member**

Geoff Parsons

**Members**

Ross Bateup

David Brown

Paul Mickan

John Kemp

**In Attendance**

Marc Salver  
Deryn Atkinson  
Melanie Scott  
Karen Savage

Director Development & Regulatory Services  
Assessment Manager  
Senior Statutory Planner  
Minute Secretary

**1. Commencement**

The meeting commenced at 6.30pm

**2. Opening Statement**

"We would like to acknowledge that the land we gather on today is the traditional lands of the Peramangk and Kurna peoples and that we respect their spiritual relationship with their Country. We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land and acknowledge that their cultural and heritage beliefs are still as important to those living today".

**3. Apologies/Leave of Absence**

3.1 Apologies  
Nil

3.2 Leave of Absence  
Nil

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**4. Previous Minutes**

4.1 Special Meeting held 21 October 2020

**The minutes were adopted by consensus of all members** (29)

**That the minutes of the special meeting held on 21 October 2020 be confirmed as an accurate record of the proceedings of that meeting.**

**5. Delegation of Authority**

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

**6. Presiding Member's Report**

Nil

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

Paul Mickan declared an interest, but not a conflict of interest, in relation to Item 9.1. He advised that he has previously worked with Phil Harnett, who is representing URPS on behalf of the applicant, at The Barossa Council, and occasionally meets with him on a social basis. However, he does not believe that there is any conflict and will remain in the meeting.

David Brown also declared an interest, but not a conflict of interest, in relation to Item 9.1. The applicant's representative, URPS, has recently been engaged by his employer, the City of Unley, to provide planning advice on a project. However, he does not believe that there is any conflict and will remain in the meeting.

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

8.1 Matters Lying on the Table  
Nil

8.2 Matters Deferred  
Nil

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**9. Development Assessment Applications**

**9.1 Development Application 19/322/473 (19/C20/473) by John Ellery – amended proposal as Planning Appeal Compromise:**

Staged application for demolition of existing dwelling, community title land division (1 into 8) and construction of three (3) two storey dwellings and a two storey residential flat building comprising five (5) dwellings, removal of five (5) regulated trees (*Eucalyptus obliqua*), retaining walls (maximum height 2.8m), combined fence & retaining walls (maximum height 4.6m), landscaping including replacement plantings & associated earthworks:

Stage 1 – Demolition and tree removal

Stage 2 – Driveway construction and civil works

Stage 3 – Construction of dwellings on Lots 1, 2 & 3

Stage 4 – Construction of residential flat building (dwellings on Lots 4 to 8) and remainder of works at 20 Pomona Road, Stirling

**9.1.1 Representations**

Nil

**9.1.2 Decision of Panel**

Moved Ross Bateup  
S/- Paul Mickan

Carried  
(30)

- A. The Council Assessment Panel considers that the compromise proposal (AMENDED) is NOT seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and SUPPORTS an Order being issued to GRANT Development Plan Consent to Development Application 19/322/473 by John Ellery for Staged application for demolition of existing dwelling, community title land division (1 into 8) and construction of three (3) two storey dwellings & a two storey residential flat building comprising five(5) dwellings, removal of five (5) regulated trees (*Eucalyptus obliqua*), retaining walls (maximum height 2.8m), combined fence & retaining walls (maximum height 4.6m), landscaping including replacement plantings & associated earthworks:**
- Stage 1 - Demolition and tree removal
- Stage 2 - Driveway construction and civil works
- Stage 3 - Construction of dwellings on lots 1, 2 & 3
- Stage 4 - Construction of residential flat building (dwellings on lots 4 to 8) and remainder of works at 20 Pomona Road Stirling subject to the following conditions:

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**Planning Conditions**

**(1) Development Plan Consent**

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 plans from Alexander Brown Architects as follows :  
Drawing 18-015.PL02 Rev L Allotment subdivision plan dated 14 October 2020  
Drawing 18-15.PL03 Rev L Site Plan dated 23 October 2020  
Drawing 18-15.PL04 Rev G Individual Floorplans Lots 01-03 dated 09 October 2020  
Drawing 18-15.PL05 Rev H Individual Floorplans Lots 04-08 dated 09 October 2020  
Drawing 18-15.PL06 Rev H Elevations dated 09 October 2020  
Drawing 18-15.PL07 Rev I Elevations dated 14 October 2020  
Drawing 18-15.PL08 Rev G Elevations dated 14 October 2020
- Arborman Tree Solutions Report dated 08 October 2020
- Amended Civil and Earthworks plan from KP Squared Project number 181116 drawing C2 issue H dated 5 November 2020, as further amended by conditions

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

**(2) No tree removal until Development Approval issued**

This Consent Notification is for Development Plan Consent only and Development Approval is still required.

**You must not remove any trees included in this consent nor commence any site works, building work or change the use of the land until you have also received notification of a Development Approval. A separate 221 application for tree removal in the road verge is required.**

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

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**(3) External Finishes**

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

Roof: Revolution Roofing True Oak Super 5 and Flashing cladding in Colorbond "Shale Grey"

Walls: James Hardie Scuo Axon Cladding painted in Colorbond "Monument" Austral Bricks in "Hawthorn"

CFC Sheets painted Colorbond "Monument" and "Shale Grey"

*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.*

**(4) Firefighting Water Supply - Mains Water Supply Available**

A supply of water independent of reticulated mains supply shall be available at all times for fire- fighting purposes:

- a minimum supply of 2,000 (two thousand) litres of water shall be available for fighting purposes at all times; and
- the water supply shall be located such that it provides the required water; and
- the water supply shall be fitted with domestic fittings (standard household taps that enable an occupier to access a supply of water with domestic hoses or buckets for extinguishing minor fires); and
- the water supply outlet shall be located at least 400mm above ground level for a distance of 200mm either side of the outlet; and
- a water storage facility connected to mains water shall have an automatic float switch to maintain full capacity; and
- where the water storage facility is an above-ground water tank, the tank (including any support structure) shall be constructed of non-combustible material.

*REASON: To minimise the threat and impact of fire on life and property as your property is located in a MEDIUM Bushfire Prone Area.*

**(5) Residential 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.*

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**(6) Prior to Building Rules Consent Being Granted for any stage of works - Requirement For Stormwater Management Plan, Stormwater Calculations and an amended Civil and Earthworks plan**

1. Prior to Building Rules Consent being granted for any stage of works all hydrological and hydraulic stormwater calculations shall be submitted to Council for approval together with the final drainage plan. The final civil and earthworks plan must reflect the TPZ for tree 56 and in particular propose a permeable surface for the driveways where they are in the TPZ of Tree 56. In addition the proposed Civil and Earthworks plan must reflect the proposed underground detention tanks being located outside the TPZ;
2. Discharge of stormwater to the Council easement pipe shall be at a maximum flow of 70 L/s in a 100 year ARI storm, 20 minute event. Storage for a 100 year storm event shall be provided to prevent overflows into adjoining properties; and
3. A stormwater management plan for the site considering existing stormwater overland flow paths from neighbouring properties shall be submitted to Council for approval. The stormwater management plan shall demonstrate how existing stormwater overflow paths will be managed for the development to minimise the risk to infrastructure and the development in a major storm event.

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

- (7) Prior to Building Rules Consent Being Granted for any stage of works - Requirement for Soil Erosion And Drainage Management Plan (SEDMP)**
- Prior to Building Rules Consent being granted for any stage of works 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 and deposition of soil moving into the remaining native vegetation; and
  - c) soil transfer onto roadways by vehicles and machinery.

The works contained in the approved SEDMP shall be implemented prior to demolition and 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.*

**(8) Protection Of Trees**

The works in relation to trees 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 the demolition and any building works on the site.

*REASON: To protect the regulated/significant tree from the impact of the development.*

**(9) Tree Protection Zone**

A tree protection zone (TPZ) around the 'significant' tree to be retained (trees 56, tree 100 and the Council trees 29, 30, 31, 32, 33 & 34 on Pomona Road) is required. The protection zone is to encompass the structural root zone of the tree and should be determined by the project arborist. During construction each TPZ shall be fenced with 2.0 metre high chain mesh material with posts at 3 metre intervals and incorporate on the east and south sides a clearly legible sign displaying the words "Tree Protection Zone". The following restrictions apply to each tree protection zone:

- a) No machine excavation is permitted unless under the supervision and direction of the Project Arborist.
- b) If any major roots (roots with a diameter greater than 25mm) are found outside the TPZ during construction the project arborist shall be contacted immediately to assess the situation.
- c) The works adjacent to trees 56, 100 and the Council trees 29, 30, 31, 32, 33 & 34 on Pomona Road) are to be undertaken under the supervision of the project arborist.
- d) A layer of organic mulch to a depth of 100mm shall be placed over all root systems so as to assist with moisture retention and to reduce the impact of compaction.
- e) No material, equipment or temporary buildings shall be placed within any TPZ.
- f) No items shall be attached to each tree including temporary service wires, nails, screws or any other fixing device.
- g) Supplementary watering shall be provided to the trees through any dry periods during and after the construction process. Each tree is to be provided with a circular dripper system comprising 19mm polypipe, 4 litre per hour drippers spaced every 2 metres.
- h) No other works can occur within a TPZ without the consent of Council's Arborist (for street trees) or the Project Arborist during the life of the retained trees.

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- i) Any services such as stormwater, sewer and electrical that enter the TPZ are to be excavated using non-destructive methods such as Hydro vac® hand digging or directional boring systems. This work is to be supervised by a project arborist. If any tree roots are discovered at this time, the project arborist is to assess and address accordingly.
- j) The common driveway in the TPZ of tree 56 must be covered in a permeable surface to ensure ongoing access to water for the tree.

*REASON: To protect the 'regulated' tree/s from the impact of the development.*

**(10) Timeframe for Landscaping to be Planted**

Landscaping detailed in the amended Alexander Brown Architects drawing numbers 18-015.PL03 Rev K shall be planted in the planting season following installation of the infrastructure 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.*

**(11) Construction of Crossover**

The new driveway crossover shall be constructed prior to occupation of any dwelling and shall be sealed in bitumen, pavers, concrete or similar, and the existing redundant crossover replaced with kerb, all to the reasonable satisfaction of Council.

*REASON: To maintain safe and convenient movement of vehicles.*

**(12) Entry/Exit of Vehicles**

Prior to the occupation of any dwelling, the driveway with turning head as depicted on the KP Squared Civil and Earthworks plan Rev H dated 5 November 2020 (as further amended by conditions), shall be constructed to the reasonable satisfaction of Council. All vehicles shall enter and exit in a forward direction.

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

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**Land Division Conditions**

**Council Requirement**

- (1) **Prior to Section 51 Clearance – Stormwater Infrastructure To Be Installed**  
Prior to Section 51 Clearance, the proposed stormwater infrastructure required by the final approved drainage and stormwater management plan referred to in Condition 6 of this approval shall be installed.

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

**SCAP Requirements**

- (2) The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. (SA Water H0084684).

SA Water Corporation further advise that the developer should inform potential purchasers of the community lots in regards to the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at FULL cost to the owner/applicant.

SA Water also advise that for further processing of this application by SA Water, to establish the full requirements and costs of this development, the developer will need to advise SA Water of their preferred servicing option. Information of our servicing options can be found at:  
<http://www.sawater.com.au/SAWater/DevelopersBuilders/ServicesForDevelopers/CustomersConnectionsCentre.htm>  
For further information or queries please contact SA Water Land Developments on 74241119.

- (3) Payment of \$50771.00 into the Planning and Development Fund (7 allotment/s @ \$7253 /allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.
- (4) 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.

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**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) Native Vegetation Council Requirements**

The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. For further information visit: [www.environment.sa.gov.au/Conservation/Native\\_Vegetation/Managing\\_native\\_vegetation](http://www.environment.sa.gov.au/Conservation/Native_Vegetation/Managing_native_vegetation)

Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8303 9777. This must be sought prior to Full Development Approval being granted by Council.

**(3) The Developer is required to maximise the notice given to Council and residents of any works affecting traffic flows on Pomona Road and in any event must give more than four weeks' notice. A separate 221 application for works in the road verge is required to be submitted and approved by Council prior to the commencement of such works.**

**(4) Council Rubbish Collection**

The applicant is advised that Council rubbish and recycling trucks will enter the subject land. The onus is therefore on future landowners/occupiers to ensure that the access is maintained and refuse bins are placed in suitable locations on the internal road so as to not obstruct the proposal turnaround.

**(5) Property Identifiers**

The property identifiers for this property are now:

Proposed L3 - 1/20 Pomona Road  
Proposed L2 - 2/20 Pomona Road  
Proposed L1 - 3/20 Pomona Road  
Proposed L8 - 4/20 Pomona Road  
Proposed L7 - 5/20 Pomona Road  
Proposed L6 - 6/20 Pomona Road  
Proposed L5 - 7/20 Pomona Road  
Proposed L4 - 8/20 Pomona Road

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(6) A Section 221 application and approval will be required for the proposed tree removal (trees 15, 16, 20, 21, 27, 28, 35 & 36).

B. The Assessment Manager is granted delegation to make changes to condition wording as considered necessary in finalising the Court Order.

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

10.1 Response to Question on Notice raised by David Brown – how would the development proposal for the solar farm in Birdwood be considered under the new Planning & Design Code?

Staff provided the Panel with a verbal response of the provisions that would apply under the new Planning & Design Code. The proposal would be performance assessed and publicly notified and it is noted that ground mounted solar facilities are envisaged in the Code.

**11. Other Business**

Nil

**12. Order for Exclusion of the Public from the Meeting to debate Confidential Matters**

Nil

**13. Confidential Item**

Nil

**14. Next Meeting**

The next ordinary Council Assessment Panel meeting will be held on Wednesday 9 December 2020.

**15. Close meeting**

The meeting closed at 7.30pm.