

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 9 DECEMBER 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	Director Development & Regulatory Services
Deryn Atkinson	Assessment Manager
Vanessa Nixon	Team Leader Statutory Planning
Melanie Scott	Senior Statutory Planner
Sarah Davenport	Statutory Planner
Doug Samardzija	Statutory Planner
Karen Savage	Minute Secretary
Amelia De Ruvo	Observer

**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 Kaurna 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”.

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**3. Apologies/Leave of Absence**

3.1 Apologies  
Nil

3.2 Leave of Absence  
Nil

**4. Previous Minutes**

4.1 Meeting held 11 November 2020

**The minutes were adopted by consensus of all members** (31)

**That the minutes of the meeting held on 11 November 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.

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

8.1 Matters Lying on the Table  
Nil

8.2 Matters Deferred  
Nil

**9. Development Assessment Applications**

9.1 **Development Application 20/645/473 by Hamish Price for two storey detached dwelling, deck (maximum height 3.2m), 2 x water tanks (maximum 22,500L), outbuilding, retaining wall (maximum height 1m) & associated earthworks at 10A Pioneer Avenue, Lobethal**

**9.1.1 Representations**

<b>Name of Representer</b>	<b>Address of Representer</b>	<b>Nominated Speaker</b>
Suzanne Hughes	143 Main Street, Lobethal and 30-31 Pioneer Avenue Lobethal	Matt Hughes
Lynn Rawlings	10 Pioneer Avenue Lobethal	Did not Attend
Jeanne Lorraine	2/133 Main Street Lobethal	Did not Attend

The applicant, Hamish Price, and his representative, Philip Harnett (URPS), addressed the Panel.

**9.1.2 Decision of Panel**

**The following was adopted by consensus of all members (32)**

**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 20/645/473 by Hamish Price for two storey detached dwelling, deck (maximum height 3.2m), 2x water tanks (maximum 22,500L), outbuilding, retaining wall (maximum height 1m) & associated earthworks at 10A Pioneer Avenue, Lobethal subject to the following conditions:**

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(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:

- Location Plan, prepared by Hamish Price Architects, dated 28 September 2020, A-072-HOC-PL01, Revision E received by Council 28 September 2020
- Site Plan, prepared by Hamish Price Architects, dated 28 September 2020, A-072-HOC-PL02, Revision E received by Council 28 September 2020
- Proposed Lower Floor Plan, prepared by Hamish Price Architects, dated 28 September 2020, A-072-HOC-PL04, Revision E received by Council 28 September 2020
- Proposed Upper Floor Plan, prepared by Hamish Price Architects, dated 28 September 2020, A-072-HOC-PL05, Revision E received by Council 28 September 2020
- North and East Elevations, prepared by Hamish Price Architects, dated 28 September 2020, A-072-HOC-PL07, Revision E received by Council 28 September 2020
- South and West Elevations, prepared by Hamish Price Architects, dated 28 September 2020, A-072-HOC-PL08, Revision E received by Council 28 September 2020
- North and East Shed Elevations, prepared by Hamish Price Architects, dated 28 September 2020, A-072-HOC-PL09, Revision E received by Council 28 September 2020
- South and West Shed Elevations, prepared by Hamish Price Architects, dated 28 September 2020, A-072-HOC-PL10, Revision E received by Council 28 September 2020
- Correspondence from URPS, received 27 November 2020

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

(2) **Requirement For Retaining Wall To Be Constructed Prior To Works Commencing**

The retaining wall on the western side of the property, as described on the site plan stamped as part of this authorisation, shall be constructed prior to the commencement of the construction of the dwelling and retaining walls over one (1) metre in height will require Building Rules Consent.

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

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**(3) 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.*

**(4) 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.*

**(5) Prior to Building Rules Consent - Requirement For Stormwater Calculations and Final Stormwater Management and Drainage Plan**

Prior to Building Rules Consent being granted all hydrological and hydraulic stormwater calculations shall be provided together with the final stormwater management and drainage plan. Discharge of stormwater to Council easement pipe shall be designed at a maximum flow of 70 L/s in a 100 year ARI storm , 20 minute event. Storage for the 100 year storm event shall be provided to prevent overflows into adjoining properties.

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

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**(6) Access Requirements**

Private roads and access tracks shall provide safe and convenient access and egress for bushfire fighting vehicles as follows:

- Access to the site shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles.
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either –
  - i. A loop road around the building, OR
  - ii. A turning area with a minimum radius of 12.5 metres, OR
  - iii. A ‘T’ or ‘Y’ shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.
- Private access shall have minimum internal radii of 9.5 metres on all bends.
- Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.
- 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.
- The all-weather road shall be constructed such that it is protected from water erosion of the traffic surface. The road surface shall be profiled to manage storm water runoff to appropriate drains, at one or both sides of the traffic surface.
- The accumulated volumes of water shall be directed via:
  - i. open drains, OR
  - ii. culverts and pipes under the traffic surface, and / or away from same, without causing further soil erosion, silting of adjacent areas or water courses or instability of any embankment or cutting.
- Solid crossings over waterways shall be provided to withstand the weight of large bushfire appliances (GVM 21 tonnes).

*REASON: To provide safe access to properties in the event of a bushfire.*

**(7) Restriction on Use Of Outbuilding**

The approved outbuilding shall not be used for human habitation, commercial or industrial purposes. Any such activity may constitute a change in use and will require separate development approval.

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

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(8) **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.*

(9) **Requirement for Landscape Screening Strip to Be Planted**

A landscape screening strip consisting of *Leptospermum* plants spaced a maximum of 3 metres apart shall be established in the planting season following occupation along the western boundary of the subject land and southern side of the proposed shed, as shown on the Site Plan A-072-HOC-PL02 Rev E dated 28 September 2020. The vegetation must be maintained in good health and condition at all times with any dead or diseased plants being replaced in the next planting season.

*REASON: To minimise the visual impact of the development and ensure the survival and maintenance of the vegetation.*

(10) **Bushfire Conditions Completed Prior to Occupation**

The Bushfire Protection Conditions 3 and 8 shall be substantially completed prior to the occupation of the building and thereafter maintained in good condition.

*REASON: To minimise the threat and impact of bushfires on life and property.*

(11) **External Finishes**

The external finishes to the building herein approved shall be in accordance with the External finished schedule prepared by Hamish Price Architects, Revision E.

*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) **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.

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- (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) **Sewer Connection**  
The dwelling shall be connected to SA Water mains sewer supply in accordance with the approval granted by SA Water. All work shall be to the satisfaction of SA Water.
- (4) **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.
- (5) **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.

9.2 **Development Application 20/1091/473 (20/D49/473) by Access SDM Pty Ltd for Land Division – boundary realignment (3 into 3) at 758 Swamp Road, Lot 11 Swamp Road and Lot 12 Swamp Road, Lenswood**

9.2.1 **Representations**  
Nil

9.2.2 **Decision of Panel**

**The following recommendation was adopted by consensus of all members (33)**

The Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent and Land Division Consent to Development Application 20/1091/473 (20/D049/473) by Access SDM Pty Ltd for Land division - boundary realignment (3 into 3) at 758 Swamp Road, Lenswood, Lot 11 Swamp Road, Lenswood and Lot 12 Swamp Road, Lenswood subject to the following conditions:



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**(1) Development In Accordance With The Plans**

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

- Plan of division prepared by Access SDM, drawing number 5492LD01, revision A dated 19/08/20
- Amended aerial plan of division prepared by Access SDM, drawing number 5492LD01, revision A dated 19/08/2020

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

**NOTES**

**(1) Development Plan Consent**

This Development Plan Consent (DPC) is valid for a period of twelve (12) months commencing from the date of the decision (or if an appeal has been commenced the date on which it is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the DPC, or a fresh development application will be required. The twelve (12) month time period may be further extended by Council agreement following written request and payment of the relevant fee.

**(2) Department of Environment and Water (DEW) - Native Vegetation Council**

The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. 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) Property Identifiers**

The property identifiers for these properties are now:

Allotment 14 (house & sheds): 761 Swamp Road, Lenswood

Allotment 15: 758 Swamp Road, Lenswood

Allotment 16: Vacant with the number to be allocated upon request

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**Council Land Division Statement of Requirements**

- (1) **Prior To Section 51 Clearance- Survey Plan Showing Boundary Location**  
Prior to Section 51 clearance a final survey plan shall be provided to Council to demonstrate that new boundaries are placed at least 5m from remnant vegetation.

*REASON: Protect native vegetation from clearance for a new fence line.*

**SCAP Land Division Statement of 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.*

- 9.3 **Development Application 20/333/473 by Clayton Church Homes Inc for redevelopment of existing aged care facility comprising two storey building, 8 x water storage tanks, car parking & associated earthworks (non-complying) (SCAP relevant authority) at 1142 & 1144 Greenhill Road, Uraidla**

- 9.3.1 **Representations**  
Nil

The applicant's representatives, Daniel McKenna (MasterPlan) and Mario Dreosti (Brown Falconer), were invited to answer questions from the Panel.

- 9.3.2 **Decision of Panel**

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

- (1) **The Council Assessment Panel has considered the proposal, and based on the information available considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, but it is at variance with the provisions in relation to the protection of the Watershed, Hazards, Residential Development and Supportive Accommodation and Housing for Aged Persons/People with Disabilities. The Council Assessment Panel advises the State Commission Assessment Panel that it should NOT GRANT Development Plan Consent to Development**

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Application 20/333/473 by Clayton Church Homes Inc for redevelopment of existing aged care facility comprising two storey building, 8 x water storage tanks, car parking & associated earthworks (non-complying) at 1142 & 1144 Greenhill Road Uraidla unless the following matters have been adequately addressed:

- a) Access to and from the site and traffic management with review and consolidation of the service access on the northern side to create greater separation from the northern boundary
  - b) Provision of additional visitor parking CBushfire risk and life safety (including any vegetation management agreement made with neighbouring property owners)
  - c) Onsite wastewater disposal and watershed protection
  - d) Stormwater management
  - e) Waste collection
  - f) Landscaping to create effective screening for visual amenity and taking into account the fire risk
  - g) Water supply
- (2) That in the event that the State Commission Assessment Panel grants Planning Consent to the proposal, that the following conditions be included in the Consent:
- That the following documents be provided for Council approval prior to Building Rules Consent being issued:
- i. Soil Erosion and Drainage Management Plan SDEMP
  - ii. Construction and Environmental Management Plan (CEMP)
  - iii. Stormwater Management Plan and Civil Works Plans
  - iv. Designs for Bunding of the Wastewater Holding Tanks and Alarm Warning System; and
  - v. Wastewater Management arrangements with East Waste or private contractors.
- (3) Pump out records for the wastewater collection be provided to Council every six months.

*REASON: To ensure that the wastewater is being managed and disposed of to a licensed wastewater facility.*

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

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**11. Other Business**

- 11.1 The Assessment Manager advised the Panel that a report is being considered by Council on 15 December seeking extension of the appointment of the CAP members for a further 12 months until 31 May 2022, given the delay in the implementation of the PDI Act.

**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 13 January 2021.

**15. Close meeting**

The meeting closed at 8.11pm.