

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 13 JANUARY 2021
63 MOUNT BARKER ROAD, STIRLING**

In Attendance

Presiding Member

Geoff Parsons

Members

Ross Bateup

David Brown

Paul Mickan

John Kemp

In Attendance

Deryn Atkinson

Vanessa Nixon

Sarah Davenport

Karen Savage

Ashleigh Gade

Assessment Manager
Team Leader Statutory Planning
Statutory Planner
Minute Secretary
Observer

1. Commencement

The meeting commenced at 6.30pm.

2. Opening Statement

“Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kurna people. We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land. Together we will care for this country for the generations to come”.

3. Apologies/Leave of Absence

3.1 Apologies

Nil

3.2 Leave of Absence

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 13 JANUARY 2021
63 MOUNT BARKER ROAD, STIRLING**

4. Previous Minutes

4.1 Meeting held 9 December 2020

The minutes were adopted by consensus of all members (1)

That the minutes of the meeting held on 9 December 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 been engaged by his employer, the City of Unley, to provide planning advice on a project which has now concluded. 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

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 13 JANUARY 2021
63 MOUNT BARKER ROAD, STIRLING**

9. Development Assessment Applications

9.1 Development Application 20/725/473 by Rivergum Homes Pty Ltd for two storey detached dwelling, deck (maximum height 2.4m), retaining walls (maximum height 1m) & associated earthworks at 8 Itawara Place, Bridgewater

9.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Michael McGuire	31 First Avenue Bridgewater	Did Not Attend

The applicant's representatives, Philip Harnett (URPS) and Joshua & Danielle Nottle (landowners), were invited to answer questions from the Panel.

9.1.2 Decision of Panel

The following recommendation was adopted by consensus of all members (2)

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 20/725/473 by Rivergum Homes Pty Ltd for two storey detached dwelling, deck (maximum height 2.4m), retaining walls (maximum height 1m) & associated earthworks at 8 Itawara Place Bridgewater subject to the following conditions:

(1) Development In Accordance With The Plans

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

- Site Plan, prepared by Rivergum Homes, issue 3, sheet 2 of 9 received by Council 17 July 2020
- Siteworks Civil Plan, prepared by RCI Consulting, Issue B, sheet 1 of 1, dated 31 August 2020, and On-site Retention of Stormwater Details received by Council 21 December 2020
- Lower Floor Plan, prepared by Rivergum Homes, issue 3, sheet 3 of 9 received by Council 17 July 2020
- Upper Floor Plan, prepared by Rivergum Homes, issue 3, sheet 4 of 9 received by Council 17 July 2020
- Elevations, prepared by Rivergum Homes, issue 3, sheet 5 of 9 received by Council 17 July 2020
- Colours and Materials Schedule prepared by Rivergum Homes, received by Council 17 July 2020

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 13 JANUARY 2021
63 MOUNT BARKER ROAD, STIRLING**

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

(2) External Finishes

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

WALLS: Greyology 2 or similar

ROOF: Gull Grey or similar

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

(3) 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.

(4) Decking/Balcony Screening

The front balcony of the dwelling shall be fitted with fixed screening prior to occupation as shown on Elevation Plan 2 and 4, prepared by Rivergum Homes, received by Council 17 July 2020 to a minimum height of 1.5 metres above balcony floor level. The screening shall be maintained in good condition at all times.

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

(5) Obscure Glazing To Windows

The south eastern upper level windows of the dwelling shall be glazed with fixed obscure glass to a minimum height of 1.5 metres above finished floor level. The glazing in these windows shall be maintained in good condition at all times.

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

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 13 JANUARY 2021
63 MOUNT BARKER ROAD, STIRLING**

(6) Fire-fighting 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.

(7) Stormwater Management

(i) All roof runoff and surface run-off generated by the development hereby approved shall be managed on-site in accordance with the civil design to prevent trespass onto adjoining properties and to the satisfaction of Council.

(ii) The stormwater management system shall be constructed and connected to the approved soakage trench (including overflow from rainwater tanks) within one month of occupation of the dwelling.

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

(8) 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.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 13 JANUARY 2021
63 MOUNT BARKER ROAD, STIRLING**

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) **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) **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.
- (4) **Sewer Connection**
The dwelling shall be connected to SA Water mains sewer supply. All work shall be to the satisfaction of SA Water.
- (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.

10. Other Business

- 10.1 **New Provisions for Delegation of Powers & Functions of Council Assessment Panel (CAP) as a Relevant Authority under the Planning, Development and Infrastructure Act 2016 & Regulations – additional delegations to Instrument C**

Moved Paul Mickan
S/- Ross Bateup

Carried Unanimously
(3)

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 13 JANUARY 2021
63 MOUNT BARKER ROAD, STIRLING**

1. In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016, the powers and functions under the Planning, Development and Infrastructure Act 2016 and Regulations made thereunder contained in the proposed New Provisions of the Instrument of Delegation under the Planning, Development and Infrastructure Act 2016 and Regulations – Powers of an Assessment Panel (Instrument C) (Version 2 as attached) and entitled New Provisions are hereby delegated by the Council Assessment Panel on this 13th day of January 2021 to the Assessment Manager subject to the conditions and/or limitations specified in the proposed Instrument of Delegation; and
 2. Such powers and functions may be further delegated by the Assessment Manager in accordance with Section 100(2) (c) of the Planning, Development and Infrastructure Act 2016 as the Assessment Manager sees fit, unless otherwise indicated in the proposed instrument of Delegation.
-
11. **Policy Issues for Advice to Council**
Nil
 12. **Other Business**
Nil
 13. **Order for Exclusion of the Public from the Meeting to debate Confidential Matters**
Nil
 14. **Confidential Item**
Nil
 15. **Next Meeting**
The next ordinary Council Assessment Panel meeting will be held on Wednesday 10 February 2021.
 16. **Close meeting**
The meeting closed at 8.00pm.

Adelaide Hills Council

RelianSys® Delegations - Export of Updates by Register - Complete

Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)

Note - Exported provisions are separated by category into NEW and then CHANGED and then DELETED.

13 January 2021

NEW Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
386155	Planning and Design Code	PD Code	48. Procedural Matter 48.1 The power pursuant to and in accordance with the Planning and Design Code (the PD Code) to form the opinion development is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development and therefore is excluded from the operation of Sections 107(3) and (4) of the PDI Act.	Assessment Manager	Nil
386156	Planning and Design Code	PD Code	49. Procedural Referrals 49.1 The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature and would not warrant a referral when considering the purpose of the referral.	Assessment Manager	Nil
386157	Planning and Design Code	PD Code	49. Procedural Referrals 49.2 The power pursuant to and in accordance with the PD Code to form the opinion and deem: 49.2.1 alteration to an existing access or public road junction; 49.2.2 development that changes the nature of vehicular movements or increases the number or frequency of movements through an existing access, to be minor.	Assessment Manager	Nil
386158	Planning and Design Code	PD Code	49. Procedural Referrals 49.3 The power pursuant to and in accordance with the PD Code to form the opinion an alteration or extension of an existing dwelling is minor.	Assessment Manager	Nil
386159	Planning and Design Code	PD Code	49. Procedural Referrals 49.4 The power pursuant to and in accordance with the PD Code to form the opinion development is minor in nature or like for like maintenance and would not warrant a referral when considering the purpose of the referral.	Assessment Manager	Nil

Adelaide Hills Council

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
386160	Planning and Design Code	Part 9.4	50. Referral Body: Minister Responsible for the Administration of the Aquaculture Act 2001 50.1 The power pursuant to and in accordance with Part 9.4 of the PD Code to form the opinion that aquaculture development which involves an alteration to an existing or approved development is minor in nature.	Assessment Manager	Nil
386161	State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019	cl6(4)	51. Responsibility to Undertake Notification 51.1 The power pursuant to clause 6(4) of the State Planning Commission Practice Direction 3 (Notification of Performance Assessed Development Applications) 2019 (PD3), should the applicant request the relevant authority to place the notice on the land and pay the relevant fee, to (either personally or by engagement of a contractor) give notice of the application to members of the public by notice placed on the relevant land in accordance with Section 107(3)(a)(ii) of the PDI Act.	Assessment Manager	Nil
386162	State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019	cl8	52. Preparing for Notification 52.1 The power pursuant to clause 8 of PD3, if the applicant has confirmed they accept responsibility to place a notice on the land as per clause 6(3)(a) of PD3, to, at least 4 business days prior to the commencement of the notification period: 52.1.1 give notice of the anticipated commencement date and of the notification period to the applicant; and 52.1.2 provide the applicant with a copy of the content of the notice to be placed on the relevant land in PDF format; and 52.1.3 advise the applicant of the position and number of notice(s) to be erected on the land in accordance with clause 10 of PD3.	Assessment Manager	Nil

Adelaide Hills Council

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
386163	State Planning Commission Practice Direction - 3 (Notification of Performance Assessed Development Applications) 2019	cl10(2)	53. Notice on Land 53.1 The power pursuant to clause 10(2) of PD3, in relation to clause 10(2) of PD3, to determine the most appropriate position for the notice on the land in order to provide for maximum visibility from a public road, and in cases where the relevant land has more than 1 frontage to a public road, to determine that more than 1 notice must be erected on each of the public road frontages to ensure that notice of the development is reasonably apparent to members of the public.	Assessment Manager	Nil
386164	State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019	cl4(6)	54. Qualifications and Experience of Additional members 54.1 The power pursuant to clause 4(6) of the State Planning Commission Practice Direction (Appointment of Additional Members to Assessment Panel) 2019 (PD5) where the delegate forms the view that additional expert advice is required for an application which requires assessment of a matter listed in Column 1 of PD5, to engage an additional assessment panel member provided that person maintains both the minimum experience detailed in Column 2 of PD5, as well as the minimum qualification listed in Column 3 of PD5.	Assessment Manager, Director Development and Regulatory Services	With the concurrence of the Presiding Member of CAP
386165	State Planning Commission Practice Direction (Appointment of Additional	cl4(7)	54. Qualifications and Experience of Additional members 54.2 The power pursuant to clause 4(7) of PD5 to be satisfied of the minimum experience and qualifications of an additional assessment panel member.	Assessment Manager, Director Development and Regulatory Services	With the concurrence of the Presiding Member of CAP

Adelaide Hills Council

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
	Members to Assessment Panel) 2019				
386166	State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019	cl5(1)	55. Scheme Provisions 55.1 The power pursuant to clause 5(1) of the State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019 (PD6), to in undertaking a planning assessment or imposing controls, including through the imposition of conditions of planning consent, ensure that such assessment or controls do not conflict or duplicate matters dealt with or addressed under licencing or regulatory regimens under another Act.	Assessment Manager	Nil
386167	State Planning Commission Practice Direction (Scheme to Avoid Conflicting Regimens) 2019	cl5(3)	55. Scheme Provisions 55.2 The power pursuant to clause 5(3) of PD6 to, where the delegate is uncertain whether a matter conflicts with, or duplicates a matter dealt with under a licencing or regulatory regime under another Act, to seek the advice of that authority or agency.	Assessment Manager	Nil