

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 FEBRUARY 2021
63 MOUNT BARKER ROAD, STIRLING**

In Attendance

Presiding Member

Geoff Parsons

Members

Ross Bateup

David Brown

Paul Mickan

John Kemp

In Attendance

Marc Salver
Deryn Atkinson
Vanessa Nixon
Ashleigh Gade
Steven Watson
Karen Savage

Director Development & Regulatory Services
Assessment Manager
Team Leader Statutory Planning
Statutory Planner
Governance & Risk Coordinator
Minute Secretary

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

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4. Previous Minutes

4.1 Meeting held 13 January 2021

The minutes were adopted by consensus of all members (4)

That the minutes of the meeting held on 13 January 2021 be confirmed as an accurate record of the proceedings of that meeting, noting the administrative amendment for Item 9.1 in regard to Note (1) such that Development Plan Consent is valid for a period of twelve (12) months commencing from the date of the decision, and not twenty-four (24) months.

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

Nil

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 20/894/473 by Damian Schultz for demolition of existing dwelling and outbuilding & construction of replacement two storey detached dwelling, deck (maximum height 2.95m), retaining walls (maximum height 1.6m), fencing & associated earthworks (non-complying) at 33 Yanagin Road, Greenhill**

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9.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Matt & Kylie Johns	31 Yanagin Road Greenhill	Matt & Kylie Johns

The applicant, Damian Schultz, and his representative, Brenton Burman (Planning Consultant), addressed the Panel.

9.1.2 Decision of Panel

Moved Ross Bateup **Carried**
S/- David Brown **(5)**

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 20/894/473 by Damian Schultz for Demolition of existing dwelling and outbuilding & construction of replacement two storey detached dwelling, deck (maximum height 2.95m), retaining walls (maximum height 1.6m), fencing & associated earthworks (non-complying) at 33 Yanagin Road Greenhill 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:

- Existing Site Plan prepared by Damian Schultz Sheet 001 Revision B dated 1 November 2020 and received by Council 2 November 2020
- Demolition Plan prepared by Damian Schultz Sheet 002 Revision B dated 1 November 2020 and received by Council 2 November 2020
- Proposed Site Plan prepared by Damian Schultz Sheet 003 Revision B dated 1 November 2020 and received by Council 2 November 2020
- Proposed Landscape Plan prepared by Damian Schultz Sheet 004 Revision C dated 26 January 2021 and received by Council 26 January 2021
- Ground Floor Plan prepared by Damian Schultz Sheet 005 Revision A dated 9 July 2020 and received by Council 2 November 2020
- First Floor Plan prepared by Damian Schultz Sheet 006 Revision A dated 9 July 2020 and received by Council 2 November 2020
- Roof Plan prepared by Damian Schultz Sheet 007 Revision B dated 1 November 2020 and received by Council 2 November 2020
- North/South Elevations prepared by Damian Schultz Sheet 008 Revision A dated 9 July 2020 and received by Council 2 November 2020
- East/West Elevations prepared by Damian Schultz Sheet 009 Revision B dated 1 November 2020 and received by Council 2 November 2020

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- Planning Submission dated 19 August 2020 and received by Council 2 November 2020
- Planning Statement prepared by Brenton Burman dated 24 August 2020 and received by Council 31 August 2020

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

(2) Prior to Building Rules Consent Being Granted – Requirement for Stormwater Calculations

Prior to Building Rules Consent being granted all hydrological and hydraulic stormwater calculations shall be provided together with the final drainage plan for approval by the Council. All roof runoff to be directed to the existing 80,000 L rainwater tank. A portion of the tank is to be set aside for stormwater detention, and the discharge from the tank is to be limited to pre-development flows.

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

(3) Rural Verge Access Points – SD24

The vehicle access point(s) and cross over shall be constructed in accordance with Adelaide Hills Council standard engineering detail SD24 – piped entrance and installed within 3 months of occupation of the development.

REASON: For safe and convenient movement of vehicles and for efficient drainage of stormwater within the road verge.

(4) External Finishes

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

WALLS: Colorbond Standing Seam Cladding in Monument, Rendered Brickwork in Grey, or similar

ROOF: Colorbond Standing Seam Roof Sheeting in Monument 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.

(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) **Privacy Screening**

Prior to occupation of the approved development, the western upper level windows of the dwelling shall be fitted with fixed louvre screening as shown on East/West Elevations - West Façade to a minimum height of 1.7m above the finished floor level. The screening shall be fixed in such a way that it prevents direct overlooking into neighbouring habitable room windows or private open space. 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.

(7) **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.

(8) **CFS Access Requirements**

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

- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- The 'T' shaped turning area, (utilising the public road) shall be a minimum formed length of 11 metres with minimum internal radii of 9.5 metres on bends, including bends connecting private access to public roads.
- 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.
- Driveway should be at right angle to the road (must meet minimum internal radii 9.5m).
- Turning radii cannot be obstructed (fence, retaining walls, vegetation, power poles etc).
- Understorey vegetation either side of the access road shall be reduced to a maximum height of 10cm for a distance of 3 metres. Mature trees within this fuel reduced zone may remain.

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

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(9) CFS Water Supply

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

- A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes.
- The minimum requirement of 22,000 litres may be combined with domestic use, providing the outlet for domestic use is located above the 22,000 litres of dedicated fire water supply in order for it to remain as a dedicated supply.
- The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a compliant SA CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times.
- The water storage facility (and any support structure) shall be constructed of non-combustible material.
- The dedicated fire-fighting water supply shall be pressurised by a pump that has:
 - i. a minimum inlet diameter of 38mm AND
 - ii. is powered by a petrol or diesel engine with a power rating of at least 3.7kW (thp) OR
 - iii. a pumping system that operates independently of mains electricity and is capable of pressuring the water for fire-fighting purposes.
- The dedicated fire-fighting water supply pump shall be located at or adjacent to the dwelling to ensure occupants safety when operating the pump during a bushfire. An “Operations Instruction Procedure” shall be located with the pump control panel.
- The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.
- All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (i.e. at opposite ends of the dwelling).
- All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.

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- All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
- All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and maximum length of 36 metres.
- All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
- All fire-fighting hoses shall be readily available at all times.

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

(10) CFS Access to Dedicated Water Supply

Access to a dedicated and accessible water supply shall be made available at all times for fire-fighting. SA CFS has no objection to the existing water supply being utilised as the dedicated supply, providing an outlet can be positioned to comply with the following conditions:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way and at a distance of no greater than 30 metres from the proposed dwelling.
- The dedicated water supply and its location should be identified with suitable signage (i.e. blue sign with white lettering "FIRE WATER").
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent to the water supply for a flat hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- SA CFS appliance inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.
- A gravity fed water supply outlet may be remotely located from the tank to provide adequate access.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.

REASON: To provide safe access to water supply in the event of a bushfire.

(11) CFS Vegetation/Landscaping Zone

Landscaping shall include bushfire protection features which will prevent or inhibit the spread of bushfire and minimise the risk of life and/or damage to buildings and property:

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- A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the dwelling (or to the property boundaries – whichever comes first) as follows:
 - i. The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.
 - ii. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
 - iii. Trees and shrubs shall not be planted closer to the buildings than the distance equivalent to their mature height.
 - iv. Trees and shrubs shall not overhang the roofline of the building, touch walls, windows or other elements of the building.
 - v. Shrubs shall not be planted under trees and shall be separated by at least 1.5 times their mature height.
 - vi. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
 - vii. No understorey vegetation shall be established within 1 metre of the dwelling (understorey is defined as plants and bushes up to 2 metres in height).
 - viii. Flammable objects such as plants, mulches and fences shall not be located adjacent to vulnerable parts of the building such as windows, decks and eaves.
 - ix. The VMZ shall be maintained to be free of accumulated dead vegetation.

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

(12) CFS Conditions To Be Completed Prior To Occupation

The Country Fire Service (CFS) Bushfire Protection Conditions 8 through 11 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.

(13) Timeframe for Landscaping to be planted

Landscaping detailed on the Proposed Landscape Plan shall be planted in the planting season following occupation and maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.

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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.

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) CFS Bushfire Attack Level

Compliance with the fire protection requirements is not a guarantee the dwelling will not burn, but its intent is to provide a “measure of protection” from the approach, impact and passing of a bushfire.

The Bushfire hazard for the area has been assessed as BAL 29.

The buildings shall incorporate the construction requirements for buildings in Bushfire Prone areas in accordance with the Building Code of Australia Standard AS3959 “Construction of buildings in bushfire prone areas”.

(4) 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. The clearance of native vegetation includes the flooding of land, or any other act or activity that causes the killing or destruction of native vegetation, the severing of branches or any other substantial damage to native vegetation. 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.

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- (5) **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.
- (6) **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 Delegations Review of Powers & Functions of Council Assessment Panel (CAP) as a Relevant Authority under the Planning, Development and Infrastructure Act 2016 & Regulations – Instrument C

Moved Paul Mickan Carried Unanimously
S/- John Kemp (6)

1. That, having considered a review of the Council Assessment Panel Delegations as presented, the Council Assessment Panel hereby revokes its previous delegations to the Assessment Manager and Council (Elected Body) for powers and functions under Instrument C of the Planning, Development and Infrastructure Act 2016 and Regulations.
2. 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 statutory instruments made thereunder contained in the proposed Instrument of Delegation (Instrument C) (Attachment 1 of the Report dated 10 February 2021) hereby delegated this 10th day of February 2021 to the Assessment Manager and Council (Elected Body) subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
3. Such powers and functions of Instrument C may be further delegated by the Assessment Manager and Council (Elected Body) in accordance with Section 100(2) (c) of the Planning, Development and Infrastructure Act 2016 as the Assessment Manager and Council (Elected Body) sees fit, unless otherwise indicated herein, or in the Schedule of Conditions in the proposed Instrument of Delegation.

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- 4. A review of Instrument C Delegations be undertaken at the six month interval after the implementation of the new Planning & Design Code, together with an analysis report of the Development Applications received.**
- 10.2 The Assessment Manager provided an update on the Fiora Land Division application, advising that SCAP had granted Development Approval to the application and changed the proposed Note regarding the new allotment not being used for residential development to a Condition, as recommended by the Panel.
- 10.3 The Assessment Manager provided the Panel with information on upcoming LGA briefing for Panel Members and upcoming training for professional development.
- 11. Policy Issues for Advice to Council**
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 10 March 2021.
- 15. Close meeting**
The meeting closed at 7.58pm.