

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 8 SEPTEMBER 2021
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

In Attendance**Presiding Member**

Geoff Parsons

Members

Ross Bateup

David Brown

Paul Mickan

John Kemp

In Attendance

Melissa Bright

Deryn Atkinson

Vanessa Nixon

Melanie Scott

Damon Huntley

Karen Savage

Acting Director Development & Regulatory Services

Assessment Manager

Team Leader Statutory Planning

Senior Statutory Planner

Statutory Planner

Minute Secretary

Commencement

The meeting commenced at 6.00pm

Opening Statement

“Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kaurna 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”.

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Apologies/Leave of Absence

- 3.1 Apologies
Nil
- 3.2 Leave of Absence
Nil

Previous Minutes

- 4.1 Meeting held 11 August 2021

The minutes were adopted by consensus of all members (44)

That the minutes of the meeting held on 11 August 2021 be confirmed as an accurate record of the proceedings of that meeting.

Presiding Member's Report

Nil

Declaration of Interest by Members of Panel

Nil

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 – Development Act

8.1 Development Application 21/201/473 by Wicks Estate Wines Pty Ltd for alterations and additions to existing winery, comprising cellar door sales outlet, restaurant and function centre (maximum capacity 400 persons), offices, car parking, advertising signage, fencing, landscaping & associated earthworks (non-complying) at 29 Riverview Road, Woodside

8.1.1 Representations

There were four representations received for the proposal, and the following representors were heard:

Name of Representor	Address of Representor	Nominated Speaker
Scott & Kay Anderson	79 Nairne Road Woodside	Via audio/visual link

The applicant's representatives, Richard Dwyer (Ekistics) and Simon Wicks, addressed the Panel.

8.1.2 Decision of Panel

The following was adopted by consensus of all members (45)

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 21/201/473 by Wicks Estate Wines Pty Ltd for alterations & additions to existing winery, comprising cellar door sales outlet, restaurant & function centre (maximum capacity 400 persons), offices, car parking, advertising signage, fencing, landscaping & associated earthworks (non complying) at 29 Riverview Road, Woodside subject to the following conditions:

(1) Development In Accordance With The Plans

The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any):

- Plans from JBG Architects project number 1906
- Perspective & Block Plan Drawing A000 Issue H, Site Plan Drawing A001 Issue H & Floor Plan Level 1 Drawing A101 Issue H
- Floor Plan Ground Drawing A100 Issue E, Perspectives Exterior Drawings A901 Issue E & A902 Issue E & Perspectives Interior Drawing A911 Issue E
- Elevations Drawing A201 Issue I

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- Sections Drawings A301 Issue F & A302 Issue F
- Ekistics letter dated 11 June 2021
- Sonus Environmental Noise Assessment dated October 2020 referenced S6544C3
- TMK Engineers Stormwater Management Plan & Waste Water Management Report dated 15 February 2021
- TMK Engineers Hydraulic Services – Overall Site Plan Drawing 1910192-H1/PC dated 03 June 2021

(2) Noise Management

Noise management shall be in accordance with the Sonus Environmental Noise Assessment dated October 2020 referenced S6544C3. In particular:

Construction:

- a) The cellar door, restaurant and function areas shall be constructed from materials which achieve the following minimum acoustic ratings:
- Walls: Rw+Ctr 43;
 - Roof/ceiling: Rw+Ctr 49; and
 - Windows: Rw+Ctr 37

Noise Generating Activities:

- b) Patrons and entertainment/music shall not be permitted within the licensed outdoor area beyond 10:00pm, unless they are leaving the site (walking to the car park or an awaiting coach).
- c) Buses/coaches shall only access the public car park between 9:00am and 10:00pm. After 10:00pm all buses/coaches accessing the site shall use the turning area to the north of the winery building after 10:00pm, not the public car park area.

Low Level Music:

- d) While doors and windows into the building remain open, music inside shall be restricted to a maximum of 76dbA.
- e) Music in the outdoor areas shall be limited to an unamplified soloist or music played through speakers at a “background level”.
- f) Music shall be limited to the terrace/pergola on the north and east faces of the building north of ‘Lounge 2’ and ‘Bar’/‘Bar Seating’ areas as shown on the approved floor plan- ground presentation (Plan A100 revision E).

High Level Function Music:

- g) All doors directly to outside from the function space (such as to the “Terrace”) shall remain closed at any time when a level of music greater than 76dbA is played.
- h) At times when the level of music is greater than 76dbA within the function space access into and out of the building shall be limited to an airlock

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entry/exit which incorporates doors fitted with self-closing mechanisms so that one door remains closed at all times.

- i) At times when the level of music is greater than 76dbA within the cellar door, restaurant or function areas, no music shall be played in the outdoor areas.

(3) Commercial Access Points

The vehicle access point(s) and cross-over shall be constructed at a maximum width of 9 metres (for semi ridged vehicles) or 12 metres (HRV) with splays. Any existing crossing places not providing vehicle access shall be considered redundant and shall be closed off to the reasonable satisfaction of Council.

(4) Sealing Of Vehicle Access

The vehicle access point and cross-over shall be sealed in Hotmix bitumen, concrete, brick paving or similar material, from the edge of the sealed carriageway of Riverview Road to the property boundary.

NOTE: The access shall be constructed to ensure no construction materials are deposited onto the carriageway of Riverview Road.

(5) Commercial Lighting

Flood lighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties.

(6) External Finishes

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

WALLS: Colorbond Woodland Grey or similar, stone and timber features

ROOF: Colorbond Woodland Grey or similar

(7) Restriction On Display/Sale Non-Beverage/Food Items

A maximum area of 25m² shall be used for the display and sale of any non-beverage or non-food item within the approved development.

(8) Hours of Operation

The hours of operation of the cellar door, restaurant and functions shall be:

9.00am to 10.00pm Sunday to Thursday

9.00am to Midnight Friday and Saturday

(9) Capacity of Restaurant

At any one time, the overall capacity of the restaurant shall be limited to a maximum of 200 persons.

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(10) Capacity of Cellar Door & Restaurant/Function Uses

The licensed premises overall capacity shall be restricted to a maximum of 400 persons at any one time on the site. This includes any associated or licensed outdoor areas.

(11) Number of Functions

The number of functions/special events shall be restricted to the following:

- Two functions per week of up to 200 persons
- Six functions per calendar year, and a maximum of 1 per month, of up to 400 persons

(12) Car Parking Directional Signage

Directional signs indicating the location of car parking spaces shall be provided on the subject land and maintained in a clear and legible condition at all times.

(13) Carparking Stormwater Runoff – Commercial

All surface water from carparking or hardstand areas shall be directed to a proprietary pollutant treatment device capable of removing oils, silts, greases, and gross pollutants to Council and EPA satisfaction prior to discharge to Council stormwater system or street water table.

(14) Car Parking Designed In Accordance With Australian Standard AS 2890.1:2004.

All car parking spaces, driveways and manoeuvring areas shall be designed, constructed, drained and line-marked in accordance with Australian Standard AS 2890.1:2004. Line marking and directional arrows shall be clearly visible and maintained in good condition at all times. Driveways, vehicle manoeuvring and parking areas shall be constructed of compacted gravel prior to commencement of the use and maintained in good condition at all times to the reasonable satisfaction of the Council.

(15) Landscaping Protection In Carparks

All landscaped areas and structures adjacent to driveways and parking areas shall be separated by a wheel stop device prior to the occupation of the development. Such devices shall not impede the free movement of people with a disability.

(16) Timeframe for Landscaping to be Planted

Landscaping detailed in car park and for the trellis screen 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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(17) Removal Of Putrescible Waste

All putrescible waste including food, leaves, papers, cartons, boxes and scrap material of any kind shall be stored in a closed container having a close fitting lid. The container shall be stored in a screened area so that it is not visible from the Amy Gillett Bikeway.

(18) Regular Removal Of Putrescible Waste From The Site

All waste shall be removed from the subject land at least once weekly. Collection of waste shall be carried out only between hours of 9am and 7pm on a Sunday or public holiday and 7am to 7pm any other day.

(19) Overflow From Rainwater Tanks

To prevent erosion, overflow from rainwater tanks shall be managed on-site to the satisfaction of Council, using design techniques such as:

- grassed swales
- stone-filled trenches
- small infiltration basins

(20) Prior to Building Consent Being Granted – Requirement for Landscaping Plan

Prior to Building Consent being granted, a detailed landscaping plan prepared by a suitably qualified professional, shall be prepared to Council's satisfaction. Landscaping detailed in the plan shall be of suitable endemic species to the locality and shall be planted prior to occupation and maintained in good health and condition at all times. Landscaping in the plan should include car parking areas and also consider the existing landscaping on the western site boundary and maintenance of that aspect.

ENVIRONMENT PROTECTION AUTHORITY CONDITIONS OF CONSENT

(21) The wastewater treatment system must be established in accordance with the report titled "Stormwater & Wastewater Management Report Wicks Estate Winery, River View Road, Woodside" dated 11 February 2021 by TMK Consulting Engineers prior to occupation of the cellar door, restaurant and events occurring onsite in the function centre.

(22) The stormwater management and treatment system must be established in accordance with the report titled "Stormwater & Wastewater Management Report Wicks Estate Winery, River View Road, Woodside" dated 11 February 2021 by TMK Consulting Engineers prior to occupation of the new buildings and new car parking areas associated with the proposal.

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COUNCIL NOTES

(1) Development Plan Consent Expiry

The Development Plan Consent is valid for a period of twenty four (24) months commencing from the date of the decision. In either case - if an appeal has been commenced the date on which the appeal is determined.

Building Rules Consent must be applied for prior to the expiry of the DPC, or afresh development application will be required. The 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) Food Business Notification

Food business notification must be provided prior to commencing any food (or consumable product) handling activities. This may be provided on-line at www.fbn.sa.gov.au or by obtaining a notification form from Adelaide Hills Council.

(4) Compliance with Food Act SA 2001

This approval under the Planning, Development and Infrastructure Act 2016 does not in any way imply compliance with the Food Act SA 2001 and/or Food Safety Standards. It is the responsibility of the owner of other person operating the food business from the building to ensure compliance with the relevant legislation before opening the food business on the site.

ENVIRONMENT PROTECTION AUTHORITY ADVISORY NOTES

- (5)** The applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable 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)** The applicant is reminded of the relevant provisions of the Environment Protection (Water Quality) Policy 2015 including the requirement to take all reasonable and practicable measures to prevent or minimise environmental harm and the pollution of waters. The Environment Protection (Water Quality) Policy can be found at:

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- (7) EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site:
<http://www.epa.sa.gov.au>

8.2 **Development Application 20/1175/473 by Scott Hruska for demolition of an existing outbuilding, single storey tourist accommodation unit, water storage tank (22,000 litres) and associated earthworks and landscaping (non-complying) at 27 Onkaparinga Valley Road, Verdun**

8.2.1 **Representations**

There were three representations received for the proposal, and the following representor was heard:

Name of Representor	Address of Representor	Nominated Speaker
Lucy Cranendonk	19 Grivell Road, Verdun	Michael Cranendonk

The applicant, Scott Hruska, addressed the Panel.

8.2.2 **Decision of Panel**

The following was adopted by consensus of all members (46)

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 20/1175/473 by Scott Hruska for demolition of an existing outbuilding, single storey tourist accommodation unit, water storage tank (22,000 litres) & associated earthworks (non complying) at 27 Onkaparinga Valley Road Verdun 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 Location Plan drawn by MK Drawing No. A.01.1 dated 20 January 2020 (received by Council dated 16 June 2021);
- Amended Existing Site Plan drawn by MK Drawing No. A.01.2 dated 20 January 2020 (received by Council dated 16 June 2021);
- Amended Demolition Plan drawn by MK Drawing No. A.01.3 dated 20 January 2020 (received by Council dated 16 June 2021);

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- Amended Proposed Site Plan drawn by MK Drawing No. A.01.4 dated 20 January 2020 (received by Council dated 16 June 2021);
- Amended Roof Plan drawn by MK Drawing No. A.01.5 dated 20 January 2020 (received by Council dated 16 June 2021);
- Amended Ground Floor Plan drawn by MK Drawing No. A.01.6 (received by Council dated 16 June 2021);
- Amended Elevations - North & South drawn by MK Drawing No. A.01.7 dated 20 January 2020 (received by Council dated 16 June 2021);
- Amended Elevations - East & West drawn by MK Drawing No. A.01.8 dated 20 January 2020 (received by Council dated 16 June 2021), and;
- Amended Statement of Effect prepared by Ben Green of Ben Green & Associates received by Council dated 16 June 2021.

(2) External Materials and Finishes

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

WALLS: Colorbond Trimdek - Basalt or similar

ROOF: Colorbond Trimdek - Basalt or similar

(3) 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.

(4) Prior to Building Consent Being Granted – Requirement for Landscaping Plan

Prior to Building Consent being granted, a detailed landscaping plan prepared by a suitably qualified professional, shall be prepared to Council's satisfaction. Landscaping detailed in the plan shall be of suitable endemic species to the locality and shall be planted prior to occupation and maintained in good health and condition at all times. Landscaping in the plan should include boundary landscaping to screen the development from the neighbouring property at 19 Grivell Road, Verdun.

(5) Timeframe For Landscaping To Be Planted

Landscaping 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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(6) CFS Access Requirements

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.3.1 describes the mandatory provision that 'Private' roads and driveways to buildings shall provide safe and convenient access/egress for large bushfire fighting vehicles, where the furthest point to the building from the nearest public road is more than 30 metres:

- Access to the building sites 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.

(7) CFS Water Supply

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.4.1 prescribes the mandatory provision of a dedicated and accessible water supply to be made available at all times for fire-fighting.

Minister's Specification SA78 provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with Minister's Specification SA78:

- A minimum supply of 22,000 litres of water for each building 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.

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- The water storage facility (and any support structure) shall be constructed of noncombustible 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 (5hp), OR
 - iii. A pumping system that operates independently of mains electricity and is capable of pressurising 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.
- 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 a 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.

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(8) CFS Access To Dedicated Water Supply

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.4.1 requires a dedicated and accessible water supply to be made available at all times for fire-fighting:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way.
- 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's 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.

(9) CFS Vegetation

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.5 mandates that landscaping shall include Bushfire Protection features that will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings and property.

- A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the buildings (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 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.

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- iii. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
- iv. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the buildings.
- v. Shrubs must not be planted under trees or must be separated by at least 1.5 times their mature height from the trees' lowest branches.
- 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 buildings (understorey is defined as plants and bushes up to 2 metres in height).
- viii. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the buildings such as windows, decks and eaves.
- ix. The VMZ shall be maintained to be free of accumulated dead vegetation.

(10) CFS Conditions To Be Completed Prior To Occupation

The Country Fire Service (CFS) Bushfire Protection Conditions (four (4) conditions) shall be substantially completed prior to the occupation of the building and thereafter maintained in good condition.

(11) 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.

(12) Stormwater Roof Runoff To Be Dealt With On-Site

All roof runoff generated by the development hereby approved shall be managed on-site to the satisfaction of Council using design techniques such as:

- Rainwater Tanks
- Grassed swales
- Stone filled trenches
- Small infiltration basins

Stormwater overflow management shall be designed so as to not permit trespass into the effluent disposal area. Stormwater should be managed on site with no stormwater to trespass onto adjoining properties.

(13) Maximum Number of Guests for Tourist Accommodation

The tourist accommodation unit shall accommodate a maximum of two (2) guests at any given time.

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(14) Tourist Accommodation

The person(s) having the benefit of this consent shall refrain from permitting the use of the building (or any part thereof) for provision long term accommodation or as a separate dwelling. The tourist accommodation unit shall be used and operated on a short term rental arrangement with a maximum stay of 14 days.

A logbook shall be kept of all occupancies for each calendar year and made available for inspection by the Council upon request.

NOTES

(1) Development Plan Consent

This Development Plan Consent (DPC) is valid for a period of twenty-four (24) months commencing from the date of the decision.

Building Consent must be applied for prior to the expiry of the DPC and lodged through the PlanSA portal unless a private certifier was engaged prior to 19 March 2021.

Further details in relation to the Planning Reforms can be found:

https://www.saplanningportal.sa.gov.au/planning_reforms

(2) Water Storage Tanks

A water storage tank (and any supporting structure) which:

- a) is not part of a roof drainage system; or
- b) has a total floor area exceeding ten (10) square metres; or
- c) is not wholly above ground; or
- d) has a part higher than four (4) metres above the natural surface of the ground, will require Council approval.

(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) 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.

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- (5) **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

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.

- (6) **Bushfire Survival Plan – Tourist Accommodation**
A BUSHFIRE SURVIVAL PLAN (BSP) shall be displayed in the accommodation. This BSP shall be designed specifically for the purpose of any guests that may be in residence during a bushfire event, especially during the Fire Danger Season:
- This BSP should give clear directions to persons that may be unfamiliar with the area/locality and unfamiliar with what protective actions they may need to take to protect their lives during a bushfire event, including when to take such protective actions.
 - The BSP should address the possibility that the owners may not be present at the time of the bushfire event.
 - The BSP should not expect guests to be involved in fire-fighting operations.
 - The SA CFS 'Bushfire Safety and Survival for Business and Organisations' document (refer to CFS website) should be utilised as a basis for information and the drafting of the (GUEST) BSP.
 - The applicant should consider reducing operating hours and restrictions on days of elevated bushfire danger, or bushfire events in the broader vicinity.
- (7) **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 12.5.

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".

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9. Development Assessment Applications – Planning, Development and Infrastructure Act

9.1 Development Application 21009810 by Angela Davison for variation to Development Authorisation 19/44/473 – to vary conditions of Development Plan Consent 1 and 3 (Revised Landscaping Plan) at 814B & 814D Montacute Road, Montacute

9.1.1 Representations
Not Applicable

9.1.2 Decision of Panel

The following was adopted by consensus of all members (47)

- (1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the Council Assessment Panel considers that the application is NOT seriously at variance with the provisions of the Planning and Design Code; and**
- (2) GRANTS Planning Consent to Development Application Number 21009810, by Angela Davison for variation to Development Authorisation 19/44/473 – to vary conditions of Development Plan Consent 1 and 3 (Revised Landscaping Plan) at 814B and 814D Montacute Road, Montacute subject to the following conditions:**

Planning Consent

- (1) Development in Accordance with Stamped 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:
 - Cover Letter prepared Angela Davison of Town Planning HQ dated 13 May 2021
 - Attachment 1 - Proposed Site Plan with Landscaping drawn by IR of Town Planning HQ Drawing P103 Sheet 03 of 05 Rev B dated 10 March 2021.

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- (2) **Timeframe for Landscaping to be Planted**
Landscaping shall be established on the site in accordance with the proposed Site Plan with Landscaping in the next planting season (May to September inclusive) following approval. The landscaping shall thereafter be maintained in good health and condition at all times with any dying or dead vegetation being replaced with the same or similar species of plant as soon as reasonably practical if during a planting season (May to September inclusive) or, at the commencement of the next planting season.
- (3) Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisation 19/44/473 continue to apply to this amended authorisation.

ADVISORY NOTES

- (1) This development authorisation to vary the original authorisation is valid for a period not exceeding that of the original authorisation (i.e. 22 May 2023). This time period may be further extended 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 and will be required to be paid for both the original authorisation and the variation authorisation.
- (2) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- (3) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

10. Development Assessment Applications – Review of Decisions of Assessment Manager
Nil

11. ERD Court Appeals
The Assessment Manager provided the Panel with an update on current ERD Court Appeals.

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- 12. Policy Issues for Advice to Council**
Nil

13. Other Business

- 13.1 The Assessment Manager raised the need for a Special Meeting of the Panel, and it was agreed that this will be held on Wednesday 22 September 2021 commencing at 7.00pm.

- 13.2 Discussion was held regarding administrative changes suggested at the previous meeting, and it was agreed that a sentence be included in the Order of Business and the Minutes confirming the number of representations received, with representors wishing to be heard/or heard included as a separate Table.

- 14. Order for Exclusion of the Public from the Meeting to debate Confidential Matters**
Nil

- 15. Confidential Item**
Nil

- 16. Next Meeting**
The next ordinary Council Assessment Panel meeting will be held on Wednesday 13 October 2021, with a Special Meeting to be held on 22 September 2021.

- 17. Close meeting**
The meeting closed at 7.59pm.