

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

In Attendance**Presiding Member**

Geoff Parsons

Members

Ross Bateup

David Brown

Paul Mickan

John Kemp

In Attendance

Melissa Bright

Deryn Atkinson

Doug Samardzija

Karen Savage

Acting Director Development & Regulatory Services

Assessment Manager

Statutory Planner

Minute Secretary

1. Commencement

The meeting commenced at 6.33pm

2. 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”.

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 10 NOVEMBER 2021
63 MOUNT BARKER ROAD, STIRLING**

4. Previous Minutes

4.1 Meeting held 13 October 2021

The minutes were adopted by consensus of all members (53)

That the minutes of the meeting held on 13 October 2021 be confirmed as an accurate record of the proceedings of that meeting.

5. Presiding Member's Report

Nil

6. Declaration of Interest by Members of Panel

Nil

7. Matters Lying on the Table/Matters Deferred

7.1 Matters Lying on the Table

Nil

7.2 Matters Deferred

Nil

8. Development Assessment Applications – Development Act

Nil

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

9.1 **Development Application 21020989 by Rob Mitchell for two storey detached dwelling, combined fence and retaining walls and swimming pool at 8 Buchanan Drive, Woodforde**

9.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Sui Hei Lui	80 The Strand Mawson Lakes	Did Not Attend
Louise Pascale	4/29 Norton Summit Road, Woodforde	Did Not Attend

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

9.1.2 Decision of Panel

The following was adopted by consensus of all members (54)

The Council Assessment Panel resolved that:

- (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 application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- (2) Development Application Number 21020989 by Rob Mitchell for two storey detached dwelling combined fence and retaining walls and swimming pool at 8 Buchanan Drive, Woodforde is GRANTED Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

- (1) Development in Accordance with Approved 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).
- (2) Stormwater Overflow Directed to Street
All roof run-off generated by the development hereby approved shall be directed to a rainwater tank with overflow to the street within one month of the roof cladding being installed. All roof and hard paved water run-off shall be managed to prevent trespass onto adjoining properties.
- (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.
- (4) External Finishes
The external finishes to the building herein approved shall be as follows:
WALLS: Painted Render finish in 'Colorbond Surfemist', Face Brick 'PGH Matterhorn', Stonework or similar

ROOF: Colorbond Custom Orb in 'Surfmist' or similar

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

(5) Treatment to Windows

The upper level windows on the eastern and southern elevations, as shown on Elevations DA07 prepared by The Design Place Adelaide, Revision A dated 23 July 2021, shall be glazed with fixed obscure glass to a minimum height of 1.5 metres above finished floor level, except where windows have a sill height of not less than 1.5m above finished floor level. The glazing in these windows shall be maintained in good condition at all times.

The upper level windows on the western elevation, as shown on Elevations DA06 prepared by The Design Place Adelaide, Revision A dated 23 July 2021, shall be fixed with shrouding and louvres in accordance with the stamped approved plans and consistent with the sightlines demonstrated on the Overlooking Diagram DA10 prepared by The Design Place Adelaide, Revision A dated 23 July 2021, to the reasonable satisfaction of Council.

(6) Erosion Control – Straw Bales

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.

(7) Development in Accordance with Arborist Recommendations

The applicant shall undertake the development in accordance with the recommendations contained within the Arborist's Report prepared by Project Green Pty Ltd and submitted as part of this application.

(8) Establishment of Tree Protection Zone

A tree protection zone (TPZ) shall be established around the portion of the TPZ for the Significant Tree that affects the subject site. The protection zone is to encompass the structural root zone of the tree and shall be determined by the project arborist. During construction each TPZ shall be fenced with 2.0 metre high chain mesh material with posts at 3 metre intervals and incorporate a clearly legible sign displaying the words "Tree Protection Zone". The following restrictions apply to the tree protection zone:

- a) No machine excavation is permitted.
- b) If any major roots (roots with a diameter greater than 25mm) are found outside the TPZ during construction the project arborist shall be contacted immediately to assess the situation.
- c) No material, equipment or temporary buildings shall be placed within any TPZ.
- d) No items shall be attached to each tree including temporary service wires, nails, screws or any other fixing device.

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

- e) Supplementary watering shall be provided to the trees through any dry periods during and after the construction process. Each tree is to be provided with a circular dripper system comprising 19mm polypipe, 4 litre per hour drippers spaced every 2 metres.
 - f) Only landscaping, permeable paving or rubble paths shall occur in the TPZ, and only when all construction of the proposed dwelling has been completed. The area within each TPZ shall be retained at natural ground level and no additional soil or fill shall be placed within the zone
 - g) Only hand digging is permitted at all times.
 - h) Any services such as stormwater, sewer and electrical that enter the TPZ are to be excavated using non-destructive methods such as Hydro vac® or directional boring systems. This work is to be supervised by the project arborist. If any tree roots are discovered at this time, the project arborist is to assess and address accordingly.
- (9) **Urban Tree Canopy Overlay – Tree Planting**
Landscaping detailed on the Site Plan DA01 prepared by The Design Place Adelaide, Revision A dated 23 July 2021, shall be planted within 12 months of occupation of the dwelling or the in the planting season following occupation, whichever comes first. Any such vegetation shall be replaced in the next planting season if and when it dies or, becomes seriously diseased.

ADVISORY NOTES

- (1) This Planning Consent 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 Planning Consent.

- (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.

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

9.2 **Development Application 21019844 by Bird in Hand Winery for variation to Development Authorisation 18/828/473 – to increase the floor area and the height of the cellar door, restaurant and function facility, and internal alteration at 150 Pfeiffer Road, Woodside**

9.2.1 **Representations**
None to be heard

9.2.2 **Decision of Panel**

The following was adopted by consensus of all members (55)

The Council Assessment Panel resolved that:

- (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 application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- (2) Development Application Number 21019844 by Bird in Hand Winery for variation to Development Authorisation 18/828/473 – to increase the floor area and the height of the cellar door, restaurant and function facility, and internal alteration at 150 Pfeiffer Road, Woodside is GRANTED Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

- (1) **Development in Accordance with Approved 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).
- (2) **Conditions, Plans and Details relating to Development Authorisation 18/828/473**
Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisation 18/828/473 (as amended by ERD Court Order dated 21 August 2020) continue to apply to this amended authorisation.

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

ADVISORY NOTES

General Notes

- (1) 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.
- (2) 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.
- (3) A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate:
 - a) until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b) if an appeal is commenced:
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

Planning Consent

This Planning Consent 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.

10. **Development Assessment Applications – Review of Decisions of Assessment Manager**
Nil
11. **ERD Court Appeals**
The Assessment Manager provided the Panel with a verbal update on current ERD Court Appeals.
12. **Policy Issues for Advice to Council**
Nil

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

13. Other Business

- 13.1 John Kemp suggested a minor administrative change to the format of the Staff Reports for applications being assessed under the PDI Act, to include reference to Certificate of Title, which was agreed to by the Panel and will be implemented by administration.

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 8 December 2021.

17. Close meeting

The meeting closed at 7.24pm.