

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 AUGUST 2022
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

In Attendance

Acting Presiding Member

Myles Somers - refer Minute (29)

Members

Ross Bateup
Paul Mickan
Myles Somers
John Kemp

In Attendance

Natalie Westover	Director Development & Regulatory Services
Deryn Atkinson	Assessment Manager
Doug Samardzija	Acting Team Leader Statutory Planning
Sebastien Paraskevopoulos	Statutory Planner
Sarah Kimber	Team Leader Administration
Melanie Scott	Senior Statutory Planner

1. Commencement

The meeting commenced at 6:30pm. In the absence of the Presiding Member, the Assessment Manager – Deryn Atkinson opened the meeting.

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
Geoff Parsons

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3.2 Leave of Absence
Nil

4. Call for Acting Presiding Member

The following was adopted by consensus of all members (29)

The Council Assessment Panel resolved that Myles Somers be appointed as the Acting Presiding Member for the duration of the meeting.

5. Previous Minutes

5.1 Special Meeting held 30 June 2022

The minutes were adopted by consensus of all members (30)

That the minutes of the special meeting held on 30 June 2022 be confirmed as an accurate record of the proceedings of that meeting.

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 – Development Act

Nil

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

10.1 Development Application 21008654 by Phillips/Pilkington Architects for two storey community facility, including function hall (200 person capacity), verandah, associated car parking, landscaping and earthworks at 1377 Lower North East Road, Houghton

10.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
William & Rosalie Caire	67 Amberdale Road Houghton	Kirsty Stringer via Zoom Webinar
James & Sharon Freeman	78 Amberdale Road Houghton	Kirsty Stringer via Zoom Webinar
Isla & Colin Maclean	82 Amberdale Road Houghton	Colin Maclean via Zoom Webinar
Jura-May Maclean	82 Amberdale Road Houghton	Colin Maclean via Zoom Webinar
Brett & Caroline Saltmarsh	PO Box 35, Houghton	Kirsty Stringer via Zoom Webinar
Travis & Kirsty Stringer	74 Amberdale Road Houghton	Kirsty Stringer via Zoom Webinar
Felicity Young	1344 Lower North East Road, Houghton	Via Zoom Webinar
Robert Garrett & Nathan Noble	79 Amberdale Road Houghton	Did not attend

The applicant's representatives, Michael Pilkington (Phillips/Pilkington Architects) and Matt Thomas (Houghton Soldiers Park Memorial Building Committee) addressed the Panel.

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10.1.2 Decision of Panel

The following was adopted by consensus of all members (31)

The Council Assessment Panel DEFERS consideration of Development Application Number 21008654 by Phillips/Pilkington Architects for two storey community facility, including function hall (200 person capacity), verandah, associated car parking, landscaping and earthworks at 1377 Lower North East Road, Houghton to enable the applicant to provide the following:

- 1) Further acoustic professional advice to confirm modelling of patron noise includes both patrons on the terrace (balcony) and patrons within the building with doors and windows open, when music is not played.
- 2) And validate that the modelling of background noise has considered noise readings taken as close as practicable to the elevation of the sensitive receiver premises.

10.2 Development Application 22005412 by Future Urban Pty Ltd for construction of a childcare centre with associated non-illuminated advertising displays (x2), retaining walls (3.3m maximum height), combined retaining wall and fencing (5.7m height), removal of native vegetation, associated car parking and landscaping at 23 Morella Grove, Bridgewater

10.2.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Anne Fowler & James Plummer	4 Trenouth Street Bridgewater	James Plummer
Teresa Yeing	1 Shannon Road Bridgewater	Teresa Yeing
Katarina Khabbaz	PO Box 1523, Nairne	Did not attend
Lindsay Hope	34 Morella Grove Bridgewater	Lindsay Hope
Sam Wakefield	40 Morella Grove Bridgewater	Sam Wakefield
Chris & Gail Wakefield	36 Morella Grove Bridgewater	Chris Wakefield
Bridgewater Primary School Governing Council	Morella Grove Bridgewater	Carly Young

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The applicant's representatives, Marc Duncan (Future Urban) and Ben Wilson (Cirqa), addressed the Panel.

10.2.2 Decision of Panel

Moved Ross Bateup
S/- Myles Somers (32)

Carried on the casting vote of the Acting Presiding Member.

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 22005412 by Future Urban Pty Ltd for construction of a childcare centre with associated non-illuminated advertising displays (x2), retaining walls (3.3m maximum height), combined retaining wall and fencing (5.7m height), removal of native vegetation, associated car parking and landscaping at 23 Morella Grove, Bridgewater is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.
- 2) External lighting shall be restricted to that necessary for safe access & egress and security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties, consistent with the Applicant's advice that:
 - The proposed lighting will be consistent with AS4289: - Obtrusive Effects of Outdoor Lighting
 - All lighting will be connected to a timer and will be switched off in the evening by no later than 20:00hrs.

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- The lighting layout will be designed to ensure that no external light fittings impact neighbouring properties through use of honeycomb diffusers to direct light and reduce glare while retaining adequate lighting levels
- 3) All car parking spaces, driveways and manoeuvring areas shall be constructed and line-marked in accordance with AS 2890.1:2004. Line marking and directional arrows shall be clearly visible and maintained in good condition at all times. Excluded parking areas such as the disabled access car parking and turn around bay shall be marked with diagonal yellow bars in accordance with Part 11 of *AS 1742 Manual of uniform traffic control devices*.
- 4) The opening hours of the facility shall be 6:30am to 18:30 Monday to Friday, and remain closed on Saturdays, Sundays and Public Holidays.
- 5) The proposed noise attenuation measures on both the ground floor and first floor detailed within the Sonus Noise Assessment Report "Bridgewater Childcare Centre Environmental Noise Assessment S7125C3 December 2021" shall be implemented prior to operation of the use.
- 6) Landscaping detailed on the approved landscaping plan shall be planted in the next available planting season following the completion of building work. Landscaping shall thereafter be maintained in good health and condition at all times. Any landscaping that dies or becomes seriously diseased shall be replaced in the next available planting season.
- 7) Stormwater Roof Runoff & Car-Park Runoff
 - a) All roof runoff and runoff from the car-park shall be managed on-site in accordance with the approved stormwater / civil plan to the reasonable satisfaction of Council.
 - b) All roof runoff generated by the development hereby approved shall be directed to the stormwater management system within one month of the roof cladding being installed.
- 8) All solid waste of any kind shall be stored in closed containers having a close-fitting lid with containers stored in a concealed location and in a manner which does mitigate the occurrence of offensive odours emanating from the site or attraction of animals or insects to the stored waste. Waste shall not be stored on the land in areas delineated for use as car parking. The collection of waste shall be undertaken in accordance with the EPA Noise Policy to ensure minimum disturbance to occupiers of adjoining land.

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- 9) The external finishes to the building herein approved shall be as follows:
WALLS: James Hardie Linear Weatherboard Cladding in Dulux Surfemist or similar
ROOF: Colorbond Surfemist or similar
FENCING: Colorbond Good Neighbour Fencing in Monument or similar
- 10) Prior to Building Consent being granted a Construction Environmental Management Plan (CEMP) shall be submitted for approval by Council. The CEMP shall include specific management measures or plans for the following aspects:
- Air quality and dust
 - Traffic and access
 - Waste management

Conditions imposed by the South Australian Country Fire Service under Section 122 of the Act

BUSHFIRE PROTECTION MEASURE AND SITING

- 11) 'The Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Objective 2.1, 4.2, 4.3) details the mandatory requirements for buildings and structures to be located away from areas that pose an unacceptable bushfire risk in order to provide sufficient defensible space for occupants and fire fighters; ensure radiant heat levels at the buildings are minimised in line with the assessed bushfire attack level & construction level; whilst maintaining reduced fuel loads and ensuring it can be maintained in perpetuity by the occupants.

To address PO 2.1, SA CFS deems that all bushfire protection measures must be implemented in order for the SA CFS to support the proposed development.

This includes:

- The building will be constructed to the assessed Bushfire Attack Level (BAL) in accordance with AS3959, BAL 19 requirements.
- Ancillary structures and other combustibles are adequately separated from the building in accordance with AS3959; s 3.2.3 Adjacent structures on the subject allotment.
- A non-combustible pathway be installed directly adjacent the building and no less than 1.5 metres wide around the perimeter of the building,

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including access gate(s) to allow continuous travel around the building;
and

- Provision of a static dedicated bushfire water supply of 10,000L with associated pipes, fittings, pump, and fire hose reel in accordance with MBS008; accessible to the fire authority via an unobstructed fire authority outlet (please refer to WATER SUPPLY & ACCESS (to dedicated water supply)).

SITING

‘The Planning and Design Code’ Hazards (Bushfire – High Risk) Overlay (Performance Outcome 3.2) details the mandatory requirements for extensions to buildings, outbuildings and other ancillary structures are sited and constructed using materials to minimise the threat of fire spread to residential and tourist accommodation (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers’ accommodation) in the event of bushfire.

- Outbuildings and other ancillary structures shall comply with AS3959 section 3.2.3 for adjacent structures.

ACCESS TO HABITABLE BUILDING

- 12) ‘The Planning and Design Code’ Hazards (Bushfire – High Risk) Overlay (Performance Objective 6.2) details the mandatory requirements for ‘Private’ roads and driveways to facilitate safe and effective use, operation and evacuation for firefighting and emergency personnel and evacuation of residents, occupants and visitors where required. These requirements apply when the furthest point of the building is more than 60m from the nearest public road.

SA CFS notes the proposed development is sited less than 60 metres from the public road and has no objection to utilising the existing perimeter roads and proposed driveway to access the facility.

WATER SUPPLY & ACCESS (to dedicated water supply)

- 13) Ministerial Building Standard MBS008 “Designated bushfire prone areas - additional requirements” 2020, as published under the Planning, Development and Infrastructure Act 2016, 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 MBS008.

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‘The Planning and Design Code’ Hazards (Bushfire – High Risk) Overlay (Performance Objective 4.3) details the mandatory requirements for the site to provide a dedicated hardstand area in a location that allows fire fighting vehicles to safely access the dedicated water supply.

SA CFS has no objection to the proposed location for the dedicated water supply as detailed on drawings named Proposed Ground Floor Plan and Proposed First Floor Plan, dated at last revision 31/05/2022, providing the fire authority outlets (Taps for Fire Water) are positioned to comply with the following conditions and will not be obstructed by objects such as parked cars/landscaping/ fencing etc.:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way and is no greater than 60m path of travel to the furthest point of the building, to enable fire services to reach all parts of the building with no more than two lengths of hose from the hardstand area.**
- 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 the water supply for a nominally level 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 above ground 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.**

Please note that where the water supply is an above-ground water tank, the tank (including any support structure) must be constructed of non-combustible material, such as concrete or metal.

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MAINTAIN AN ASSET PROTECTION ZONE (APZ) - VEGETATION MANAGEMENT

- 14) 'The Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Objective 4.2) details the mandatory requirements to establish and maintain an asset protection zone. As such, landscaping shall include bushfire protection features that will prevent or inhibit the spread of bushfires and minimise the risk to life and/or damage to buildings and property and maintain a fuel reduced zone for safe movement of occupants and fire fighters:
- **Vegetation management shall be established and maintained within 20 metres of the habitable building (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 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 building.**
 - v. **Shrubs must not be planted under trees and 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 2 metres of the habitable building (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 building such as windows, decks and eaves.**
 - ix. **The VMZ shall be maintained to be free of accumulated dead vegetation.**

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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) **This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.**
- 4) **Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).**
- 5) **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).**

Advisory Notes imposed by Native Vegetation Council

- 6) **The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the Native Vegetation Act 1991 as set out in Decision Notification 2022/3063/473**

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Advisory Notes imposed by the South Australian Country Fire Service Under Section 122 of the Act

BUILDING CONSIDERATIONS

- 7) **Ministerial Building Standard MBS008 “Designated bushfire prone areas - additional requirements” 2020, as published under the Planning, Development and Infrastructure Act 2016 applies to this site.**

Please refer to the National Construction Code (NCC), relevant standards and state provisions for construction requirements and performance provisions.

A site Bushfire Attack Level (BAL) assessment was conducted in accordance with the NCC and Australian Standard™3959 (AS3959) “Construction of Buildings in Bushfire Prone Areas”.

Category of Bushfire Attack Level:

Childcare Centre: BAL 19

Equipment Store located less than 6 metres from Childcare Centre: Separation for adjacent structures in accordance with AS3959 (section 3.2.3) will need to be applied to satisfy PO 3.2.

SA CFS, as the referral agency, reserves the right to request additional information and provide further comment in regards to the ‘Building Rules Consent’ phase of the development approval process in relation to the fire and life safety provisions within the proposed building, under the Planning Development and Infrastructure Act and Regulations, in particular but not limited to Regulation 45 and 103.

This report is considered relevant at the date of assessment with respect to the elevations detailed on the Proposed Ground Floor Plan and Proposed First Floor Plan, dated 31/05/2022 and shall not be considered as SA CFS endorsement of any subsequent development.

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BUSHFIRE SURVIVAL PLAN

- 8) SA CFS further recommends the following condition:
The applicant prepare and display a BUSHFIRE SURVIVAL PLAN (BSP) designed specifically for the purpose of any staff, children or visitors that may be present during a bushfire event, especially during the Fire Danger Season.

The SA CFS 'Bushfire Safety Guide for Business' document (refer to SA CFS website) should be utilised as a basis for information and the drafting of the BSP along with industry body guidelines and recommendations.

The applicant should consider reducing operating hours and restrictions on days of heightened bushfire danger and/or bushfire events and consider including any alterations to services offered due to actual or predicted conditions during the Fire Danger Season.

- 10.3 Development Application 21027366 by Ben Pitman for three storey detached dwelling and tree damaging activity (removal of one regulated tree) at 44 Avenue Road, Stirling

10.3.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Adam Ordelman	46 Avenue Road, Stirling	Adam Ordelman

The applicant, Ben Pittman, addressed the Panel via zoom webinar.

10.3.2 Decision of Panel

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

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 21027366 by Benjamin Pitman and Jasmine Placentino, for three storey detached dwelling and tree damaging activity (removal of one regulated tree) at 44 Avenue Road, Stirling is granted Planning Consent subject to the following conditions:

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CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below:
- 2) The external finishes to the building herein approved shall be as follows:
WALLS: Krause 'Grey Ghost' bricks and light sand render or similar
ROOF: Concrete or similar
- 3) The vehicle access point and cross over shall be constructed in accordance with Adelaide Hills Council standard engineering detail SD13 - residential vehicular crossing paved for sealed road with kerb and SD16 – allowable crossover locations, within 3 months of occupation/use of the development.
- 4) 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.
- 5) All roof runoff generated by the development hereby approved shall be directed to a rainwater tank with overflow to the street or a Council drainage easement (via a pump if necessary) in accordance with engineering detail SD25 within one month of the roof cladding being installed. All roof and hard paved water runoff shall be managed to prevent trespass onto adjoining properties and into the effluent disposal area where an on-site waste control system exists.
- 6) A supply of water independent of reticulated mains supply shall be available at all times for firefighting purposes and shall
 - Have a minimum supply of 2,000 (two thousand) litres of water;
 - Be located such that it provides the required water;
 - Be constructed of non-combustible material where an above ground tank
 - 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);
 - Have an outlet located at least 400mm above ground level with no obstructions for a distance of 200mm either side of the outlet; and
 - Have an automatic float switch to maintain full capacity where Mains Water is available.

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- 7) 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.
- 8) Landscaping, including 2 (two) replacement trees detailed in the '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.

The replacement trees cannot be planted within 10 m of an existing dwelling or an existing in-ground swimming pool.

- 9) Prior to Work Commencing on-site, a tree protection zone (TPZ) shall be established around the 'significant' Himalayan Cedar tree to be retained, and the two 'regulated' street trees. The protection zone is to encompass the structural root zone of the tree and should be determined by a project arborist and:
- a) 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".
- b) The following restrictions apply to each tree protection zone:
- i. No machine excavation is permitted.
 - ii. 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.
 - iii. The works adjacent to the trees are to be supervised by a project arborist.
 - iv. A layer of organic mulch to a depth of 100mm shall be placed over all root systems so as to assist with moisture retention and to reduce the impact of compaction.
 - v. No material, equipment or temporary buildings shall be placed within any TPZ.
 - vi. No items shall be attached to each tree including temporary service wires, nails, screws or any other fixing device.
 - vii. 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

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- 19mm polypipe, 4 litre per hour drippers spaced every 2 metres.
 - viii. 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 a project arborist. If any tree roots are discovered at this time, the project arborist is to assess and address accordingly.
 - ix. No other works can occur within a TPZ without the consent of Council's Arborist during the life of the retained trees.
 - x. Only hand digging is permitted in the TPZ at all times.
 - c) To mitigate the impact on the streets tree adjacent the front boundary, the following measures shall be followed:
 - i. All excavation for underground service trenching within the TPZ is to be conducted using tree-sensitive techniques such as HydroVac under consultation with an appointed project arborist.
 - ii. A rollover type kerb shall be used to avoid excavation for the kerb.
 - iii. Driveway construction within the TPZ shall be above the existing grade using permeable paving
 - iv. Vehicles, machinery, materials or soils shall not be placed within the verge area of the TPZ during development.
- 10) This Consent Notification is for Planning Consent only and Building Consent and Development is still required. Trees included in this consent must not be removed until notification of Development Approval is received.

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.

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- 3) This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
- 5) 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).

- 11. **Development Assessment Applications – Review of Decisions of Assessment Manager**
Nil
- 12. **ERD Court Appeals**
The Assessment Manager provided the Panel with a verbal update on current ERD Court Appeals.
- 13. **Policy Issues for Advice to Council**
Nil
- 14. **Other Business**
 - 14.1 The Assessment Manager advised the Panel that there will be a LGA governance training session on 19 August 2022 for CAP Members.

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- 15. Order for Exclusion of the Public from the Meeting to debate Confidential Matters**
Nil
- 16. Confidential Item**
Nil
- 17. Next Meeting**
The next ordinary Council Assessment Panel meeting will be held on Wednesday 14 September 2022.
- 18. Close meeting**
The meeting closed at 10.23pm.