

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 JANUARY 2018
36 NAIRNE ROAD, WOODSIDE**

Present**Presiding Member**

Professor Stephen Hamnett

Members

Simon Bradley
Piers Brissenden
Linda Green
Rob McBryde

In Attendance

John McArthur
Deryn Atkinson
Sam Clements
Jonathan Luke
Doug Samardzija
Melanie Scott
Karen Savage

Acting Director Strategy & Development
Assessment Manager
Team Leader Statutory Planning
Senior Statutory Planner
Statutory Planner
Statutory Planner
Minute Secretary

1. Commencement

The meeting commenced at 6.01pm

2. Apologies/Leave of Absence

2.1 Apologies
Nil

2.2 Leave of Absence
Nil

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3. Previous Minutes

3.1 Meeting held 13 December 2017

**Moved Rob McBryde
S/- Linda Green**

**Carried
(1)**

That the minutes of the meeting held on 13 December 2017 be confirmed as an accurate record of the proceedings of that meeting.

4. Delegation of Authority

Decisions of this Panel were determined under delegated authority as adopted by Council on 26 September 2017.

5. Presiding Member's Report

Nil

6. Declaration of Interest by Members of Panel

The Presiding Member, in regard to Items 8.3 and 8.4 on the agenda for 37 Onkaparinga Valley Road, Balhannah, advised that in the course of his former employment as a Permanent Commissioner of the Environment, Resources and Development Court, he had been involved in the confidential compulsory conference process which resulted in the Court making orders granting approval to some aspects of the currently approved development at the site. Whilst there is no pecuniary or personal interest in the proposed developments, the Presiding Member will withdraw from the Panel when these items are discussed. This will require the Panel to elect an Acting Presiding Member to take the chair for Items 8.3 and 8.4.

Linda Green advised that she was involved in the Council meeting decision regarding the variation to the Land Management Agreement for 5 Pomona Road, Stirling, being considered as part of the Confidential Item 12.1. As this decision did not pre-determine the outcome of this proposed development she therefore did not believe she has a conflict of interest and advised she would stay in the Chamber, as occurred when the Panel considered the matter originally on 7 March 2017.

Simon Bradley advised that through his employment Tonkin Consulting have been engaged on a number of projects and in relation to Item 8.1, he is Chairman of Play Australia – SA Branch. These were not deemed to be conflicts of interest.

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6.1 Appointment of Acting Presiding Member for Items 8.3 and 8.4

Moved	Linda Green	Carried Unanimously
S/-	Simon Bradley	(2)

That Rob McBryde be appointed as the Acting Presiding Member for Items 8.3 and 8.4.

7. Matters Lying on the Table/Matters Deferred

7.1 Matters Lying on the Table
Nil

7.2 Matters Deferred

7.2.1 Development Application 16/946/473 by Mataan Dunning for two storey detached dwelling, decks (maximum height 3.3m), 2 x 22,000 litre water storage tanks, 1.8m fence on top of existing retaining wall (maximum combined height 4.1m) and associated earthworks at 1A Atkinson Road, Crafers West

Deferred from meeting 7 November 2017

“That a decision on the matter be deferred to allow the applicant to provide more definitive data and overshadowing diagrams for the 21 June solstice and either the spring or autumn equinox at 3:00pm, using independent expert data sets from Geosciences Australia (Department of Industry, Innovation and Science).”

Staff provided the Panel with an update on the deferred item.

8. Development Assessment Applications

8.1 Development Application 17/489/473 by Bush Play for change of use from primary production to include recreation facility – nature play area and associated car parking (non-complying) at 145 Pedare Park Road and 338 Burns Road, Woodside

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8.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Sam & Louise Roesler	26A Pedare Park Road Woodside	Did not wish to address the Panel
Dymphna Sprod	340 Tiers Road, Woodside	Personally
Rosemary & Barry Kennedy	102 Pedare Park Road Woodside	Rosemary Kennedy

The applicant's representatives, Catherine McEwen (Landowner) and Julie Lewis (URPS), addressed the Panel.

8.1.2 Decision of Panel

The following was adopted by consensus of all members (3)

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 seeks the CONCURRENCE of the State Commission Assessment Panel to GRANT Development Plan Consent to Development Application 17/489/473 by Bush Play for Change of use from primary production to include recreation facility - nature play area & associated car parking (non-complying) at 145 Pedare Park Road and 338 Burns Road Woodside 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:

- **Statement of effect prepared by URPS dated September 2017 and stamped as received by Council 20/09/2017**
- **Site plan prepared by URPS dated 26/05/17 and stamped as received by Council 07/06/2017**
- **Zone 12 enlargement plan and car parking area received as part of statement of effect, dated 19/09/17 and stamped as received by Council 20/09/2017**
- **Response letter to representation prepared by URPS dated 30 November 2017 and stamped as received by Council 30/11/2017**
- **Enlargement plan and handbook example date stamped as received by Council 5/12/2107**
- **E-mail correspondence with Julie Lewis from URPS dated 02 January 2017**

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

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(2) Prior To Commencement- Septic Tank Pumped

Prior to commencement of the approved development, the existing septic tank shall be pumped out and a receipt provided to the Environmental Health Unit of Council as evidence this has occurred.

REASON: Development should minimise the risk of pollution to water catchment areas.

(3) Septic Tank Pump Out

The septic tank shall be pumped out a minimum of every two years and a receipt shall be provided to the Environmental Health Unit of Council as evidence this has occurred.

REASON: Development should minimise the risk of pollution to water catchment areas.

(4) Bus Limit

Buses entering the property shall be no bigger than a mini bus with a maximum weight not exceeding 10 tonnes fully laden.

REASON: To ensure safe and convenient movement of vehicles.

(5) Overall Capacity

The capacity of each session shall be limited to a maximum of 30 persons including children and adults. In the event that a school booking is taken which exceeds 30 persons then only one (1) session shall be held that day and the maximum overall capacity of the group shall not exceed 70 persons including children and adults.

REASON: To ensure the proposed development is undertaken in accordance with the approved plans, to ensure that neighbouring properties are not impacted on negatively by this development and to ensure the waste control system is adequate.

(6) Maintenance Of Right Of Way

The right of way used to facilitate access to the site and the car parking area shall be maintained as all-weather access in good condition at all times by the applicant, to the reasonable satisfaction of Council.

REASON: For safe and convenient movement of vehicles.

(7) Passing Bay

A passing bay to facilitate two way vehicle movements in the right of way, as indicated on the enlargement plan, shall be installed by the applicant prior to commencement of the development.

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REASON: *For safe and convenient movement of vehicles.*

(8) Nature Play Access

Nature Play participants shall only access the site via an existing entry point from Pedare Park Road. Access from Burns Road shall remain as private access only and shall not be used by participants of Nature Play.

REASON: *For safe and convenient movement of vehicles.*

(9) Car parking Designed In Accordance With Australian Standard AS 2890.1:2004

The upgrade to the car park access, all car parking spaces, driveways and manoeuvring areas shall be designed, constructed with grass reinforcement mesh and delineated in accordance with Australian Standard AS 2890.1:2004. Delineation and directional arrows or signs shall be clearly visible and maintained in good condition at all times. Driveways, vehicle manoeuvring and parking areas shall be constructed prior to the commencement of the development and maintained in good condition at all times to the reasonable satisfaction of the Council.

REASON: *To provide adequate, safe and efficient off-street parking for users of the development.*

(10) Opening Hours

The Nature Play shall operate a maximum of 3 days a week ranging from Monday to Friday excluding public holidays. Each of the days shall be limited to maximum of two sessions a day in the following hours:

Session One: 9:45am to 11:45am

Session Two: 12:30pm to 2:30pm

The Nature Play shall only operate during school terms.

A register shall be kept of all bookings held each calendar year and made available to Council on request.

REASON: *To ensure the development operates in accordance with the approval.*

(11) Removal Of Solid Waste

All solid waste including food, papers, cartons, boxes and scrap material of any kind shall be taken off the site by the participants and disposed of accordingly.

REASON: *To maintain the amenity of the locality.*

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(12) Prior To Commencement – Requirement For Heads Of Agreement To Be Entered Into

Prior to commencement of the approved use a Heads of Agreement shall be entered into with the owner of 338 Burns Road, Woodside, and submitted to Council, in order for Area 6 as identified on the site plan to be used as part of the Nature Play development.

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

NOTES

(1) Development Approval Expiry

This development approval is valid for a period of twelve months commencing from the date of the decision notification. However if the development hereby approved is substantially commenced within the twelve (12) month period then it shall be completed within three (3) years of the date of such notification. This time period may be further extended beyond the 3 year period 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. Please note that in all circumstances a fresh development application will be required if the above conditions cannot be met within the respective time frames.

(2) 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.

(3) EPA Information Sheets

Any information sheets, guideline documents, codes of practice, technical bulletins, are referenced in this decision can be accessed on the following web site: <http://www.epa.sa.gov.au/pub.html>

8.2 Development Application 17/396/473 by O’Leary Walker Wines for building alterations and additions, conversion of storage and production areas to restaurant (72 seat capacity) and increase on-site car parking at 18 Oakwood Road, Oakbank

8.2.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Geoff Ridings	11 Oakwood Road Oakbank	Personally

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The applicant's representatives, David O'Leary and Catherine Sinnott, addressed the Panel.

8.2.2 Decision of Panel

The following recommendation was adopted by consensus of all members (4)

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 17/396/473 by O'Leary Walker Wines for Building alterations and additions, conversion of storage and production areas to restaurant (72 seat capacity) and increase on-site car parking at 18 Oakwood Road Oakbank 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 Stormwater Management Plan (Drawing No. A012, Rev. A) prepared by Nielsen Architects and dated 08/09/17
- Existing Site Plan (Drawing No. PA011, Rev. A) prepared by Nielsen Architects and dated 28/06/17
- Site Plan Phase 2 (Drawing No. PA101, Rev B) prepared by Nielsen Architects and dated 28/06/17
- Existing Floor Plans (Drawing No. PA200, Rev. A) prepared by Nielsen Architects and dated 28/06/17
- Existing Restaurant Ground Floor Plan (Drawing No. PA210, Rev. A) prepared by Nielsen Architects and dated 18/04/17
- Proposed Restaurant Ground Floor Plan (Drawing No. PA211, Rev. A) prepared by Nielsen Architects and dated 20/03/17
- Existing Amenities Plan (Drawing No. PA212) prepared by Nielsen Architects and dated 09/05/17
- Existing Brewing Shed Floor Plan (Drawing No. PA220, Rev. A) prepared by Nielsen Architects and dated 18/04/17
- Proposed Pizzeria Floor Plan (Drawing No. PA221, Rev. A) prepared by Nielsen Architects and dated 20/03/17
- Proposed Restaurant East Elevations (Drawing No. PA310, Rev. A) prepared by Nielsen Architects and dated 18/04/17
- Proposed Restaurant North Elevations (Drawing No. PA311, Rev. A) prepared by Nielsen Architects and dated 18/04/17
- Proposed Pizzeria West Elevations (Drawing No. PA320, Rev. A) prepared by Nielsen Architects and dated 19/04/17

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- Proposed Pizzeria East Elevations (Drawing No. PA321, Rev. A) prepared by Nielsen Architects and dated 21/04/17
- Proposed Pizzeria South Elevations (Drawing No. PA322, Rev. A) prepared by Nielsen Architects and dated 21/04/17
- Proposed Restaurant Sections (Drawing No. PA410, Rev. A) prepared by Nielsen Architects and dated 27/04/17
- Proposed Pizzeria Sections (Drawing No. PA420, Rev. A) prepared by Nielsen Architects and dated 09/05/17
- Levee Survey Plan (Job Ref. 18417) prepared by Allsurv Engineering Surveys Pty Ltd dated 15/08/17
- Letter prepared by Nielsen Architects dated 28 June 2017
- Letter prepared by Nielsen Architects dated 21 August 2017

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

(2) Reserve Matter - Department of Environment, Water and Natural Resources - State Heritage Unit

The Department of Environment, Water and Natural Resources - State Heritage Unit requires the following matter to be reserved pursuant to Section 33(3) of the Development Act 1993 and addressed to the reasonable satisfaction of Council in consultation with the Department of Environment, Water and Natural Resources.

Final details regarding approval to remove the existing western sliding door to the proposed pizzeria shed to be resolved, as the door may be able to be retained in an open position, to the satisfaction of Council in consultation with the Department of Environment, Water and Natural Resources.

REASON: Retention of significant historic building fabric where possible on site is recommended.

(3) 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.

REASON: Lighting shall not detrimentally affect the amenity of the locality.

(4) Operating Hours

The operating hours of the restaurant shall be between 10.00am and 10.00pm Sunday to Thursday and between 10.00am and 11.00pm Friday and Saturday.

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REASON: *To ensure the development operates in accordance with the approval and there is minimal disturbance to surrounding properties.*

(5) Capacity of Restaurant

At any one time, the overall capacity of the restaurant shall be limited to a maximum of 72 persons.

REASON: *To ensure the proposed development is undertaken in accordance with the approval.*

(6) Restriction on Entertainment

No live or amplified music shall be played within the licensed premises at any time. Other entertainment shall be restricted to indoor areas and doors/windows kept closed for the duration of the entertainment.

REASON: *To minimise the amenity impacts resulting from noise on the locality.*

(7) Restriction on Number of Functions

The number of functions in a calendar year shall not exceed 15. Such functions shall have a maximum capacity of 72 people. Any increase in the number of functions/capacity will require separate development approval.

REASON: *To ensure the proposed development is undertaken in accordance with the approved plans and to ensure the waste control system is adequate.*

(8) Restriction on Overall Capacity of Licensed Premises

At any one time, the overall capacity of the licensed premise shall be limited to a maximum of 150 persons.

REASON: *Due to on-site car parking facilities.*

(9) Solid Waste Management

All solid 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. All waste shall be removed from the subject land at least once weekly. Collection of waste shall be carried out only between the hours of 7.00am and 6.00pm Monday to Saturday.

REASON: *To maintain the amenity of the locality.*

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(10) Vehicle Access and Car Parking

All car parking spaces, driveways and manoeuvring areas shall be designed, constructed and delineated in accordance with Australian Standard AS 2890.1:2004. Bay delineation 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 use of the restaurants and maintained in good condition at all times to the reasonable satisfaction of the Council.

REASON: *To provide adequate, safe and efficient off-street parking for users of the development.*

(11) Gross Pollutant Trap

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

The Gross Pollutant Trap shall be cleaned out every calendar year to the reasonable satisfaction of Council.

REASON: *To maintain the amenity of the locality and minimise water quality impacts from the development.*

(12) Unloading and Storage of Materials and Goods

All materials, goods and refuse shall at all times be loaded and unloaded within the confines of the subject land. Deliveries vehicles shall only access the site between the hours of 8.00am and 6.00pm on any day. Materials and goods shall not be stored on the land in areas delineated for use as car parking.

REASON: *To provide safe and efficient movement of people and goods.*

(13) Noise Protection

Noise within the habitable rooms (windows closed) of the adjacent residential properties shall not exceed 52 dB(A) between the 'day' hours of 7.00am to 10.00pm and 45 dB(A) between the 'night' hours of 10.00pm to 11.00pm.

REASON: *Noise emission that results from the development should not detrimentally affect the amenity of the adjacent residential properties and be in accordance with the Environment Protection (Noise) Policy 2007.*

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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) 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.

(3) State Heritage Unit

Any changes to the proposal as assessed by the State Heritage Unit may give rise to heritage impacts requiring further consultation with the Department of Environment, Water and Natural Resources, or an additional referral to the Minister for Sustainability, Environment and Conservation. Such changes would include for example:

- a) an application to vary the Development Plan Consent, or
- b) Building Rules documentation that differs from the planning documentation

(4) Requirements Under the Heritage Places Act

Please note the following requirements under the *Heritage Places Act 1993*:

- a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
- b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

(5) Requirements Under the Aboriginal Heritage Act

Please note the following requirements of the *Aboriginal Heritage Act 1988*:

- a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

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- (6) **Sewer Connection**
The restaurant shall be connected to SA Water mains sewer supply. All work shall be to the satisfaction of SA Water.
- (7) **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.
- (8) **Responsibility In Relation To Flooding**
The applicant is reminded that Adelaide Hills Council accepts no responsibility for damage to, or loss of property, as a result of flooding. It is the applicant's responsibility to ensure that all appropriate steps are undertaken to minimise the potential damage to property as a result of flooding.
- (9) **Compliance with Food Act SA 2001**
This approval under the Development Act 1993 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 or other person operating the food business from the building to ensure compliance with the relevant legislation before opening the food business on the site.
- (10) **Food Handling 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.

7:40pm	Professor Stephen Hamnett, Presiding Member, withdrew from the meeting due to his declaration of interest and Rob McBryde, Acting Presiding Member, assumed the chair for Items 8.3 and 8.4
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- 8.3 **Development Application 17/279/473 by Woolcock Construction Pty Ltd for variation 18 to DA 11/1091/473 to add 12 new staff car parks at rear of Trade Centre which includes a combined fence and retaining wall (maximum height 3.9m) in the flood zone, stacked parking in front of Building 6, relocation of Mitre 10 bin store, modification of unloading area restrictions, modification of access restrictions on northern driveway to allow all vehicles with a right turn only on exit and inclusion of fitness studio (450m²) in the list of approved uses for Building 10 and creation of two additional tenancies in Building 10 at 37 Onkaparinga Valley Road, Balhannah**

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8.3.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Kellie & Robert Bucco	11 Sunningdale Court Balhannah	Kellie Bucco

The following representors were called, but were not at the meeting:

Name of Representor	Address of Representor	Nominated Speaker
Gino Iuliano & Cindy Paardekooper	10 Sunningdale Court Balhannah	Personally
Balhannah Cold Stores Pty Ltd	37 Onkaparinga Valley Road, Balhannah	TBA
Scott Wood & Karen Fraser	7 Wicks Close Balhannah	Scott Wood

The applicant's representatives, Eric Lampard (Woolcock Construction) and John Vickers (Balcos), addressed the Panel.

8.3.2 Decision of Panel

The following was adopted by consensus of all members (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 17/279/473 by Woolcock Construction Pty Ltd for Variation 18 to DA 11/1091/473 to add 12 new staff car parks at rear of Trade Centre which includes a combined fence and retaining wall (maximum height 3.9m) in the flood zone, stacked parking in front of building 6, relocation of Mitre 10 bin store, modification of unloading area restrictions, modification of access restrictions on northern driveway to allow all vehicles with a right turn only on exit and inclusion of fitness studio (450m²) in the list of approved uses for Building 10 plus creation of two additional tenancies in Building 10 at 37 Onkaparinga Valley Road Balhannah 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 site and floor plan from Woolcock Construction sheet 1 of 1 drawing number WC-BALCOS-DP-V18-01 revision number C1.18.4 dated 28 December 2017**

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- Elevation plan from Woolcock Construction sheet 1 of 1 drawing number WC-BALCOS-ELEV-V18-02, C1.18-3 dated 11 November 2017

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

(2) Previous Plans & Details Still Apply

Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisation 11/1091/473 continue to apply to this amended authorisation.

REASON: *To ensure all valid conditions are complied with.*

(3) Fitness Studio Hours - Building 10

One tenancy in Building 10 to a maximum floor area of 450m² is approved for operation of a fitness studio on a twenty-four hour basis with no amplified music.

REASON: *To maintain the amenity of the locality.*

(4) Boom Gate – Staff Car Parking Area

The boom gate in association with the staff car parking at the rear of Building 1 must be completed within three months of Development Approval.

REASON: *To maintain the amenity of the locality.*

(5) Right Turn Only Signage – Northern Driveway

Right turn only signage shall be installed at both the entry and exit points of the northern driveway prior to the change of use to the northern driveway.

REASON: *To ensure the safe and efficient movement of people and goods exiting the site and to ensure that all proposed plans are complied with.*

(6) Loading & Unloading Area between Buildings 6 & 10

The previously approved loading and unloading area between Building 6 and Building 10 has been amended from 27.5m from the northern boundary to 19m from the northern boundary.

REASON: *To ensure the safe and efficient movement of people and goods exiting the site and to ensure that all proposed plans are complied with.*

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(7) Prior to Building Rules Consent Being Granted - Requirement for Stormwater Calculations and Final Drainage Plan

Prior to Building Rules Consent being granted all hydrological and hydraulic stormwater calculations shall be provided together with the final drainage plan for the new staff car park. Discharge of stormwater and surface water flows shall be designed to prevent overflows into adjoining properties and associated damage to existing roads and access tracks.

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

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) Expiry Date Of Variation

This development authorisation to vary the original authorisation is valid for a period not exceeding that of the original authorisation i.e. 18 September 2019. 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.

(3) 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.

(4) 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.

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(5) DEWNR 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.

(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.

8.4 **Development Application 17/691/473 by Mr Bradley David Bown for change of use from service trade premises to include light industry (micro-brewery) and associated shop (tasting area) within Tenancy 2E (Building 10), including outdoor seating area at 2/37 Onkaparinga Valley Road, Balhannah**

8.4.1 **Representations**

Nil

8.4.2 **Decision of Panel**

The following recommendation was adopted by consensus of all members (6)

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 17/691/473 by Bradley David Bown for Change of use from service trade premises to include light industry (micro-brewery) & associated shop (tasting area) within Tenancy 2E (Building 10), including outdoor seating area at 2/37 Onkaparinga Valley Road Balhannah subject to the following conditions:

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(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 proposal report prepared by Brad Bown of Left Barrel Brewing received by Council 29 Sept 2017
- Amended floor plan (Rev. 6) received by Council 03 Oct 2017
- Overall floor plan of Building 10 (Dwg no: WC-1583-01FP) prepared by Woolcock Group received by Council 04 Oct 2017
- Site plan (Dwg no:WG-BALCOS-DP-V17) prepared by Woolcock Group received by Council 03 Oct 2017
- Licensed Areas Plan received by Council 7 Nov 2017
- Response to representations prepared by Brad Bown of Left Barrel Brewing received by Council 3 Nov 2017

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

(2) Hours of Loading Bay

Use of the loading bay in the north-eastern driveway must only be used during the following times:

Monday to Friday 7.00am to 6.00pm

Any forklift noise arising during the loading and unloading of goods at the loading bay shall comply with the indication noise levels provided by Clause 20 of the Environment Protection (Noise) Policy 2007 when measured and adjusted in accordance with the Policy at the adjacent residential properties.

REASON: *To minimise amenity impacts (noise) to adjacent residential properties.*

(3) Use of Loading Bay and North-Eastern Driveway

The north-eastern driveway (including the area under the acoustic canopy) must not be used for any purpose other than vehicle movement and loading and unloading directly to vehicles in the loading bay.

REASON: *To minimise amenity impacts (noise) to adjacent residential properties.*

(4) Use of North-Eastern Driveway

The north-eastern driveway must not be used by vehicles other than:

- Commercial vehicles loading or unloading directly to the loading bay in the driveway

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REASON: *For safe and convenient movement of people and goods.*

(5) Customer Pick-Ups

Customer pick-ups must occur from the front entrance to Building 10 but may occur in the loading bay where use of any forklift or lifting equipment is required or where an item sold from the premises cannot be safely carried by one person through the front entrance.

REASON: *For safe and convenient movement of people and goods.*

(6) Vehicle Engines Turned Off in Loading Bay

Prior to commencement of the proposed development, a sign must be erected in the north-eastern driveway at the point prior to the loading and unloading bay (in a position and of size which meets the reasonable satisfaction of Council which reads as following: "ALL ENGINES MUST BE TURNED OFF DURING LOADING AND UNLOADING.")

REASON: *To minimise amenity impacts (noise) to adjacent residential properties.*

(7) Waste Storage

The occupants of Building 10 may only store domestic sized 'wheelie bins' adjacent the rear (north western) wall of that building. Any large commercial or industrial bins may not be stored within 27.5 metres of the north-eastern boundary of the subject land.

REASON: *To minimise amenity impacts (visual and odour) to adjacent residential properties.*

(8) Refrigeration Unit

The refrigeration unit for the cool room shall be located within the building. If a backup generator is used this shall also be located within the building and operated only when the roller door is completely closed.

NOTE: An exhaust flue within the roof would need to be provided to vent (exhaust fumes from the generator) to the outside area.

REASON: *To minimise amenity impacts (noise) to adjacent residential properties.*

(9) Vent Filters

Vent filters shall be installed on any flue or vent at the time of installation. These filters shall utilise a combination of zeolites, oxidising agents and micro-porous, impregnated pelletised activated carbon media or similar to treat the vapour, odorous air or fumes to the satisfaction of Council.

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REASON: *To minimise amenity impacts (vapour, fumes or odour) to adjacent residential properties.*

(10) Production Capacity

The production capacity of the micro-brewery shall be restricted to 30,000 litres of beer production per annum.

REASON: *To ensure the development is undertaken in accordance with the approved plans and documentation.*

(11) Hours of Operation

The hours of operation for the micro-brewery shall be:

Monday to Friday 7.30am to 6.00pm (excluding the fermentation process)

The hours of operation for the shop (tap/tasting room and outside area) shall be:

Monday to Friday 10.00am to 9.00pm

Saturday 10.00am to 9.00pm

Sunday 12.00pm to 5.00pm

The hours of operation for the twelve (12) functions or special events per calendar year shall be:

Monday to Sunday 10.00am to 10.00pm

REASON: *To minimise amenity impacts (noise) to adjacent residential properties.*

(12) Service Vehicles and Forklift Operations

No service/delivery vehicles shall enter the site and no forklifts shall be used other than between:

Monday to Friday 7.00am to 6.00pm

REASON: *To minimise amenity impacts (noise) to adjacent residential properties.*

(13) Outside of Hours of Operation

Any staff that visit the site outside the micro-brewery hours of operation shall use the front entrance to Building 10.

REASON: *To minimise amenity impacts (noise) to adjacent residential properties.*

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(14) Functions or Special Events

A maximum of twelve (12) functions shall be held per calendar year.

A register shall be kept of all events/functions held and made available to the Council on request.

Note that any increase in the number of functions will require a separate development approval.

REASON: To minimise amenity impacts (noise) to adjacent residential properties.

(15) Capacity of Shop and Functions

The overall maximum capacity (inside and outside) of the licensed premises shall be 75 persons.

REASON: To ensure there is sufficient car parking provided on-site.

(16) Restriction on Entertainment for Function

Entertainment shall be restricted to functions only and shall be acoustic or pre-recorded music only. Entertainment shall only be within the tap/tasting room and the tenancy front door and the roller door shall be kept closed for the duration of the entertainment.

REASON: To minimise amenity impacts (noise) to adjacent residential properties.

(17) Noise Attenuation

Noise within the habitable rooms (windows closed) of the adjacent residential properties shall not exceed 47 dB(A) between the 'day' hours of 7.00am to 10.00pm.

REASON: Noise emission that results from the development should not detrimentally affect the amenity of the adjacent residential properties and be in accordance with the Environment Protection (Noise) Policy 2007.

(18) Buses/Tour Groups

No vehicle larger than a commuter/mini-bus (5.3m in length) shall enter the car park area.

REASON: For safe and convenient movement of people and goods, and to ensure no loss of parking due to large vehicles (i.e. buses) occupying multiple car parks.

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(19) Wet Area Construction

The Wet Area within the proposed micro-brewery shall be bunded to achieve a holding capacity of at least 120% of the total holding waste tank capacity. The bunds, floor drain and grated sump and 2000L waste tank as depicted on the amended floor plan received by Council 03 Oct 2017 shall be installed prior to any brewery operations/processes occurring within the building.

REASON: *To ensure wastewater is appropriately managed and no water quality impacts result.*

(20) Trade Waste Discharge

The trade waste shall be discharged to the SA Water sewer main in accordance with the approval granted by SA Water (ref no: 666364). All works shall be undertaken to the satisfaction of SA Water.

REASON: *To ensure wastewater is appropriately managed and no water quality impacts result.*

(21) Air-conditioning plant

Air-conditioning plant and equipment associated with the subject tenancy must be positioned on the roof and, in any case, must be acoustically shielded in accordance with recommendations from an acoustic engineer to ensure that noise emissions do not exceed the indicative noise levels provided by Clause 20 of the Environment Protection (Noise) Policy 2007 when measured and adjusted in accordance with the Policy.

REASON: *Noise emission that results from the development should not detrimentally affect the amenity of the adjacent residential properties and be in accordance with the Environment Protection (Noise) Policy 2007.*

(22) Waste Management

Spent grains shall be stored in sealed vermin proof containers until taken off the site.

REASON: *To ensure the amenity of the locality is maintained.*

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.

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(2) 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.

8:57pm Professor Stephen Hamnett returned to the meeting and assumed the chair as Presiding Member

8.5 Development Application 17/649/473 by KeyInvest Ltd for expansion of existing retirement village (Stage 4), including the construction of 15 dwellings (6 two storey and 9 single storey), associated retaining walls (maximum height 2.1m), internal driveway and removal of 1 regulated tree (*Eucalyptus camaldulensis*) and 1 significant tree (*Eucalyptus camaldulensis*) and associated earthworks at 18 Tolmer Road, Woodside

8.5.1 Representations

Nil

8.5.2 Decision of Panel

The following was adopted by consensus of all members (7)

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 17/649/473 by KeyInvest Ltd for Expansion of existing retirement village, including the construction of 15 dwellings (6 two storey & 9 single storey), associated retaining walls (maximum height 2.1m), internal driveway & removal of 1 regulated tree (*Eucalyptus camaldulensis*) and 1 significant tree (*Eucalyptus camaldulensis*) and associated earthworks at 18 Tolmer Road Woodside 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:

- Plans from Walter Brooke Architect job number 04-4104F SK100, SK101 Revision & SK102 Revision A dated 19 July 2017,
- Landscape Concept Plan from Jensen Plus dated July 2017
- Plans from FMG Engineering Job number S02104-239912 drawing number C001 , C002, C003A, C004, C005 & C006 Revision A

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- Tree reports from Adelaide Tree Surgery dated 2 June 2017, 26 June 2017 and 22 July 2017

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

(2) Protection of Trees

The works in relation to the trees outlined in the Arborist's Reports prepared by Adelaide Tree Surgery and submitted as part of this application as a strategy for management of the trees are to be undertaken simultaneously with any building works on the site.

REASON: *To protect the regulated/significant tree from the impact of the development.*

(3) Tree Protection Zone

A tree protection zone (TPZ) around each of the trees 6, 8, 10, 11, 27 and 32 to be retained is required to be established prior to the commencement of any work. The protection zone is to encompass the structural root zone of the tree and should be determined by the project arborist. During construction each tree protection zone is to be fenced with 2.0 metre high chain mesh material with posts at 3 metre intervals and incorporate on the east and south sides a clearly legible sign displaying the words "Tree Protection Zone". The following restrictions apply to each 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 tree protection zone during construction the project Arborist shall be contacted immediately to assess the situation.
- c) The works adjacent to trees 10, 11, 27 and 32 are to be supervised by the project Arborist.
- d) As Tree 11 has a large TPZ, the open area at the front of Unit 40 shall remain at natural ground level.
- e) 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.
- f) No material, equipment or temporary buildings shall be placed within any TPZ.
- g) No items shall be attached to each tree including temporary service wires, nails, screws or any other fixing device.
- h) 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.

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- i) Only landscaping can occur in the TPZ, and only when all construction of the proposed dwellings 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.
- j) No other works can occur within a TPZ without the consent of Council's Arborist during the life of the retained trees.
- k) Only hand digging is permitted at all times.
- l) 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.

REASON: *To protect the 'regulated' tree/s from the impact of the development.*

(4) Tree Pruning Standards

Any pruning that is to be undertaken, as recommended for trees 6, 8, 10, 11 and 27 shall be done in consultation with a qualified Arborist and in accordance with the Australian Standard AS 4373-2007 "Pruning of Amenity Trees".

REASON: *To ensure no tree damaging activity is administered to the tree during pruning works.*

(5) Timeframe for Landscaping to be Planted

Landscaping, including five (5) replacement trees detailed in the plan "Landscape Concept Plan" from Jensen Plus dated July 2017, shall be planted in the planting season following occupation of the new dwellings and maintained in good health and condition at all times. Any such vegetation shall be replaced if and when it dies or becomes seriously diseased in the next planting season.

REASON: *To maintain and enhance the visual amenity of the locality in which the subject land is situated, to ensure the survival and maintenance of the vegetation and comply with the requirements of Section 42(4) of the Development Act 1993.*

(6) 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.

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REASON: *Development should prevent erosion and stormwater pollution before, during and after construction.*

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(1) Development Plan Consent Expiry

This Development Plan consent (DPC) is valid for a period of twelve (12) months commencing from the date of the decision (or if an appeal has been commenced the date on which it is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the DPC, or a fresh development application will be required. The twelve (12) month time period may be further extended by Council agreement following written request and payment of the relevant fee.

(2) Erosion Control During Construction

Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

(3) EPA Environmental Duty

The applicant is reminded of his/her general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes, or may cause, environmental harm.

(4) 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.

(5) Native Vegetation Council Requirements

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.

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9. **Policy Issues for Advice to Council**
Nil

10. **Other Business**

10.1 **Variation to Development Authorisations 10/65/473, 14/178/473, 14/724/473 and 16/392/473 – to vary location of overflow car park for periodic special events to solely Lot 22 (121) Pfeiffer Road, Woodside**

The following was adopted by consensus of all members (8)

The Council Assessment Panel delegates authority to staff to determine Development Application 16/930/473 – variation to Development Authorisations 10/65/473, 14/178/473, 14/724/473 and 16/392/473 to vary location of overflow car park for Bird in Hand periodic special events to solely Lot 22 (121) Pfeiffer Road, Woodside.

9:20pm	The meeting was adjourned for a short break
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9:26pm	The meeting resumed
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11. **Order for Exclusion of the Public from the Meeting to debate Confidential Matters**

The following was adopted by consensus of all members (9)

Pursuant to Regulation 13(2)(a)(vii) and (ix) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the Council Assessment Panel orders that all members of the public, except:

- Presiding Member, Professor Stephen Hamnett
- Independent Member, Simon Bradley
- Independent Member, Piers Brissenden
- Independent Member, Linda Green
- Independent Member, Rob McBryde
- Assessment Manager, Deryn Atkinson
- Team Leader Statutory Planning, Sam Clements
- Senior Statutory Planner, Jonathan Luke
- Statutory Planner, Melanie Scott
- Minute Secretary, Karen Savage

be excluded from attendance at the meeting for Agenda Item 12.1 (Compromise Proposal – Development Application 16/463/473) in confidence.

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The Council Assessment Panel is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable the Panel to consider the report at the meeting on the following grounds:

- vii. Matters that should be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty; and
- ix. Information relating to actual litigation

Accordingly, on this basis the principle that meetings of the Council Assessment Panel should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

9:33pm	The Panel went into 'closed' session in order to allow for discussion and determination of the matter
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12. Confidential Item

- 12.1 **Compromise Proposal – Development Application 16/463/473 by Wallbridge & Gilbert for stormwater infrastructure (culvert) and filling of land (900m³) in a flood plain including road and drainage works on Council road reserve and associated landscaping at 3 & 5 & 8 Pomona Road, Stirling - CONFIDENTIAL ITEM**

13. Next Meeting

The next ordinary Development Assessment Panel meeting will be held on Wednesday 14 February 2018.

14. Close meeting

The meeting closed at 9.46pm.