

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 14 OCTOBER 2020
63 MOUNT BARKER ROAD, STIRLING**

In Attendance**Presiding Member**

Geoff Parsons

Members

Ross Bateup

David Brown

Paul Mickan

John Kemp

In Attendance

Marc Salver
Deryn Atkinson
Melanie Scott
Marie Molinaro
Vanessa Nixon
Karen Savage

Director Development & Regulatory Services
Assessment Manager
Acting Team Leader Statutory Planning
Statutory Planner
E-Development Officer
Minute Secretary

1. Commencement

The meeting commenced at 6.31pm.

2. Opening Statement

“We would like to acknowledge that the land we gather on today is the traditional lands of the Peramangk and Kaurna peoples and that we respect their spiritual relationship with their Country. We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land and acknowledge that their cultural and heritage beliefs are still as important to those living today”.

3. Apologies/Leave of Absence

3.1 Apologies
Nil

3.2 Leave of Absence
Nil

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4. Previous Minutes

4.1 Meeting held 12 August 2020

The minutes were adopted by consensus of all members (24)

That the minutes of the meeting held on 12 August 2020 be confirmed as an accurate record of the proceedings of that meeting.

5. Delegation of Authority

Decisions of this Panel were determined under delegated authority as adopted by Council on 28 November 2017.

6. Presiding Member's Report

Nil

7. Declaration of Interest by Members of Panel

John Kemp declared a perceived conflict of interest in relation to Item 9.2 as the proposed change of use was considered by the Adelaide Hills Council at its meeting on 25 August 2020, and as a Councillor John took part in the discussion at that meeting. Although it was not considered to be a pecuniary interest, John Kemp will not take part in the deliberations on Item 9.2.

The Presiding Member declared an interest, but not a conflict of interest, in relation to Item 9.2. One of the applicant's representatives, Melinda Rankin, is known to him in a professional capacity as they worked together previously. The Presiding Member will remain in the chamber when the item is deliberated.

8. Matters Lying on the Table/Matters Deferred

8.1 Matters Lying on the Table

Nil

8.2 Matters Deferred

Nil

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9. Development Assessment Applications

9.1 Development Application 20/581/473 (20/C24/473) by Neville Roberts for Community Division (1 into 4) and associated building works (non-complying) at 1-4/150 Mount Barker Road, Aldgate

9.1.1 Representations

Nil

The applicant, Neville Roberts, and his representative, Peter Meline (Planning Consultant), were invited to answer questions from the Panel.

9.1.2 Decision of Panel

The following recommendation was adopted by consensus of all members (25)

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 and Land Division Consent to Development Application 20/581/473 (20/C24/473) by Neville Roberts for Community Division (1 into 4) & associated building works (non-complying) at 1-4/150 Mount Barker Road, Aldgate subject to the following conditions:

Planning 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 plan of division (version 1D – map ref. 6627-3-B) by Olden & van Senden dated 17 September 2020

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

(2) Vehicle Movement

All vehicles must enter and exit Mount Barker Road in a forward direction.

REASON: DPTI condition for safe and convenient traffic movement.

(3) Access to Mount Barker Road

All vehicle access shall be gained via the common property (CP2) only. This driveway shall connect to Mount Barker Road via the existing shared crossover.

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REASON: To minimise the number of access points onto Mount Barker Road.

(4) Stormwater management

Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Mount Barker Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

REASON: To maintain traffic safety on Mount Barker Road.

(5) Maintenance of the sealed common driveway and car parking area

The surface treatment detail within the common driveway and car parking areas shall be maintained in good condition at all times. The common driveway shall be kept clear of obstructions at all times.

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

Planning Notes

(1) Development Plan Consent

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.

Council Land Division Statement of Requirements

(1) Prior to Section 51 Clearance – Requirement for Completion of Building Upgrades

Prior to Section 51 clearance the proposed building upgrades to install firewalls in the buildings shall be completed to Council satisfaction.

REASON: To ensure section 33(1)(c)(v) of the Development Act 1993 is met.

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Council Land Division Notes

(1) Council Rubbish Collection

The applicant is advised that Council rubbish and recycling trucks will not enter the subject land. All collections will be from the kerbside. The onus is therefore on future land owners/occupiers to ensure that refuse bins are placed in suitable locations on the road verge so as to not obstruct motorists or pedestrians.

SCAP Land Division Statement of Requirements

(1) Requirement For SA Water Provisions

The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0099055). SA Water advises that on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees. The developer must inform potential purchasers of the community lots in regards to the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

REASON: Statutory requirement in accordance with Section 33(1)(c) of the Development Act 1993.

(2) Requirement For Payment Into Planning & Development Fund

Payment of \$22,848.00 into the Planning and Development Fund (3 allotment/s @ \$7,616.00 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.

REASON: Statutory requirement in accordance with Section 50 and Regulation 56 of the Development Act 1993 and Regulations 2008.

(3) Requirement For Certified Survey Plan

A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

REASON: Statutory requirement in accordance with Section 51 of the Development Act 1993.

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SCAP Land Division Notes

Nil

6:51pm John Kemp withdrew from the meeting due to his declared conflict of interest

- 9.2 **Development Application 18/802/473 by Adelaide Hills Council for change of use of buildings numbered 12A-12B, 20A-20F & 21, and associated building alterations (internal fit-out) and car parking:**
Building 12A-12B – change of use from offices to offices and light industry (artist studios) with associated ancillary retail sales;
Building 20A-20F – change of use from offices and museum to light industry (artist studios), art gallery (x 2) with associated ancillary retail sales & special events (maximum 20 per year for 150 persons), and hall and associated special events (maximum 12 per year for 30 persons);
Building 21 – change of use from group of shops (markets) to light industry (artist studio), art gallery with associated special events (maximum 8 per year for 200 persons), museum and associated ancillary retail sales
 at 12A-12B/1 Lobethal Road, 20A-20F/1 Lobethal Road and 21/1 Lobethal Road, Lobethal

- 9.2.1 **Representations**
 Nil

- 9.2.2 **Decision of Panel**

The following recommendation was adopted by consensus of all members (26)

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 18/802/473 by Adelaide Hills Council for change of use of buildings numbered 12A-12B, 20A-20F & 21, and associated building alterations (internal fit-out) and car parking:
Building 12A-12B- change of use from offices to offices & light industry (artist studios) with associated ancillary retail sales;
Building 20A-20F- change of use from offices & museum to light industry (artist studios), art gallery (x 2) with associated ancillary retail sales & special events (maximum 20 per year for 150 persons), and hall and associated special events (maximum 12 per year for 30 persons);
Building 21- change of use from group of shops (markets) to light industry (artist studio), art gallery with associated special events (maximum 8 per year for 200 persons), museum and associated ancillary retail sales
 at 1 Lobethal Road, Lobethal 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:

- Site plan, received by Council 24 September 2018
- Amended proposed use floor plan (Rev. K) by Nielsen Architects, received by Council 23 September 2020

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

(2) **Hours of Operation**

The opening hours of Buildings 12, 20 & 21 shall be from 8:30am to 9:30pm Monday - Sunday, with the exception of special events in Buildings 20 & 21. Special events shall only occur within the following times:

Monday - Thursday, Sunday & public holidays: 8:30am - 10:30pm
Friday & Saturday: 8:30am - 11:00pm

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

(3) **Special Events**

The number of special events in a calendar year shall not exceed the following:

Building 20: 32
Building 21: 8

Special events shall not be held simultaneously in both buildings, and shall not exceed a maximum capacity of 200 persons.

REASON: To ensure the proposed development minimises amenity impacts on the locality, and that off-street parking is adequate.

(4) **Entertainment Noise Levels**

The noise from entertainment shall not exceed 55dB(A) between 8:30am and 10:00pm and 48dB(A) between 10:00pm and 11:00pm at nearby dwellings.

REASON: To maintain the amenity of the locality and to ensure compliance with Environmental Protection (Noise) Policy 2007.

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(5) Prior to Development Approval – Car-parking Spaces For Persons With A Disability

Prior to Development Approval being granted a detailed layout plan for accessible car-parking provision shall be provided to Council satisfaction. These parking spaces shall be completed within three (3) months of Development Approval, and thereafter maintained in good condition at all times.

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

(6) Prior to Building Rules Consent – Construction Details For Building Work For Buildings 20 & 21

Prior to Building Rules Consent being granted the following construction details shall be provided to the satisfaction of Council and the Department for Environment and Water (State Heritage Unit):

Building 20:

- Construction details associated with the lift installation
- Detailing associated with external opening to rear wall
- Proposed staircase and balustrade changes and room partition changes

Building 21:

- Documentation of proposed amenities – in plan and elevation, including details of proposed treatment of original walls, appearance of partition walls facing into the open space, height of amenities rooms and floor drainage

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) 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

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- (b) Building Rules documentation that differs from the planning documentation.
- (3) **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.
- (4) **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.

7:00pm John Kemp returned to the meeting
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10. Policy Issues for Advice to Council

- 10.1 Response to Question on Notice from David Brown raised – how would the development proposal for 20 Pomona Road, Stirling be considered (both qualitative and quantitative provisions) under the new Planning & Design Code?

Staff provided the Panel with a comprehensive response, including a summary of the overlays and provisions that would apply.

- 11. Other Business**
Nil

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

- 13. Confidential Item**
Nil

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14. Next Meeting

The next ordinary Council Assessment Panel meeting will be held on Wednesday 11 November 2020, with a Special meeting to be held on Wednesday 21 October 2020.

15. Close meeting

The meeting closed at 7.20pm.