

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 21 OCTOBER 2020
SPRINGHEAD LUTHERAN CHURCH HALL, 280 SPRINGHEAD ROAD, MOUNT TORRENS**

In Attendance**Presiding Member**

Geoff Parsons

Members

Ross Bateup

David Brown

John Kemp

In Attendance

Marc Salver
Deryn Atkinson
Melanie Scott
Karen Savage
Nikki Batten

Director Development & Regulatory Services
Assessment Manager
Acting Team Leader Statutory Planning
Minute Secretary
COVID Marshall

1. Commencement

The meeting commenced at 6.34pm

2. Opening Statement

“We would like to acknowledge that the land we gather on today is the traditional lands of the Peramangk and Kurna 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
Paul Mickan

3.2 Leave of Absence
Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 21 OCTOBER 2020
SPRINGHEAD LUTHERAN CHURCH HALL, 280 SPRINGHEAD ROAD, MOUNT TORRENS**

4. Previous Minutes

4.1 Meeting held 14 October 2020

The minutes were adopted by consensus of all members (27)

That the minutes of the meeting held on 14 October 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

The Presiding Member declared an interest, but not a conflict of interest, in relation to Item 9.1. He advised that the organisation he works for has made a decision on a development application for which Tetris Energy was also the applicant. The Presiding Member further advised that one of the third party representors is represented by Planning Studio, with whom his organisation has a contract to provide planning services. The Presiding Member will remain in the meeting and will vote on the matter, as the declaration is not considered a conflict.

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

9.1 **Development Application 20/530/473 by Tetris Energy Pty Ltd for solar farm (4.98MW), comprising ground mounted solar arrays (maximum height 2.9m), battery storage containers (4MW), inverters, temporary site office, storage building and associated car parking, fencing (maximum height 2.3m) and signage (non-complying) at the intersection of Warren Road and Torrens Valley Road, Birdwood**

ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 21 OCTOBER 2020
SPRINGHEAD LUTHERAN CHURCH HALL, 280 SPRINGHEAD ROAD, MOUNT TORRENS

9.1.1 **Representations**

Name of Representor	Address of Representor	Nominated Speaker
Jim Rathjen	36 Archer Road, Birdwood	Personally
John Keep	231 McVitties Road, Birdwood	Apology
Paul Laister	5 Topham Lane, Birdwood	Personally
Bianca Laister	5 Topham Lane, Birdwood	Personally
Kathryn Hodgson	8 Church Street, Birdwood	Bianca Laister
Geoff Hodgson	8 Church Street, Birdwood	Bianca Laister
Arnold Neyman	PO Box 220, Port Augusta	Bianca Laister
Wendy Mallett	6 Blumel Road, Birdwood	Bianca Laister
Margaret Applebee	4 Church Street, Birdwood	Bianca Laister
Malcolm Applebee	4 Church Street, Birdwood	Bianca Laister
Adam & Diane Levy	254 Winton Road Forreston	Personally
G L & E F Pienaar	56 Shannon Street Birdwood	Apology
Matthew & Haze Sackey	31 Winton Road, Birdwood	Personally
Jess Micklethwait	910 Torrens Valley Road, Birdwood	Personally
Adrian & Ann Beacham	1783 Warren Road Birdwood	Apology
Karen Russell	13 Lange Crescent Birdwood	Did Not Attend
Garry North	1977 Warren Road Birdwood	Personally
Pastor David Kuss	Birdwood Lutheran Church 2017 Warren Road Birdwood	Apology
Caralyn Marsland	811B Torrens Valley Road Birdwood	Personally
Anthony Le Ray	1030 Torrens Valley Road Birdwood	Personally
Eboni Ashby	1030 Torrens Valley Road Birdwood	Anthony Le Ray
David Lewis	1 Theel Avenue, Birdwood	Did Not Attend
Liesa Lombard	30 Shannon Street Birdwood	Matthew Lombard
Matthew Lombard	29 Shannon Street Birdwood	Personally
Christine Shanahan	811C Torrens Valley Road Birdwood	Apology
Kristine Hefford (Keogh)	5 Church Street, Birdwood	Apology

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 21 OCTOBER 2020
SPRINGHEAD LUTHERAN CHURCH HALL, 280 SPRINGHEAD ROAD, MOUNT TORRENS**

The applicant's representative, Frank Boland (Tetris Energy), addressed the Panel.

9.1.2 Decision of Panel

The following recommendation was adopted by consensus of all members (28)

The Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent to Development Application 20/530/473 by Tetris Energy Pty Ltd for Solar farm (4.98MW), comprising ground mounted solar arrays (maximum height 2.9m), battery storage containers (4MW), inverters, temporary site office, storage building & associated car parking, fencing (maximum height 2.3m) & signage (non-complying) at Lot 16 Torrens Valley Road Birdwood 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:

- Planning Issue Arkgroup Drawings A-090720 01 of 02 & 02 of 02 date stamped by Council 15 September 2020
- Tracker & PCU Elevation Drawing PS118584-CIV-0002 revision A dated 27 March 2020 prepared by WSP and date stamped by Council Amended 14 September 2020
- Birdwood Solar Farm Amended Landscaping Plan prepared by Tetris Energy dated 14 September 2020 and date stamped by Council Amended 14 September 2020
- PV Solar Overall Layout Plan revision 3 dated 28 September 2020 and date stamped by Council 29 September 2020

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

(2) External Finishes

The external finishes to the buildings (temporary site office, battery storage and inverters) herein approved shall be as follows:

WALLS: Colorbond Woodland Grey or similar
ROOF: Colorbond Woodland Grey or similar

REASON: The external materials of buildings should have surfaces which are of a low light-reflective nature and blend with the natural rural landscape and minimise visual intrusion.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 21 OCTOBER 2020
SPRINGHEAD LUTHERAN CHURCH HALL, 280 SPRINGHEAD ROAD, MOUNT TORRENS**

(3) Construction Environmental Management Plan (CEMP)

A Construction Environmental Management Plan (CEMP) shall be submitted for approval by Council prior to the commencement of site works. The CEMP shall include specific management measures or plans for the following aspects:

- Air quality and dust
- Traffic and access
- Waste management

REASON: To minimise environmental impacts.

(4) Operational Environmental Management Plan (OEMP)

An Operational Environmental Management Plan (OEMP) shall be submitted for approval by Council prior to the commencement of commercial operations. The OEMP shall include specific management measures or plans for the following environmental aspects:

- Noise and vibration
- Fire risk
- Public safety
- Emergency response planning
- Complaints management

REASON: To minimise environmental impacts.

(5) Rehabilitation of Construction Area

Exposed and/or cleared ground surfaces (as a result of construction activities) shall be reinstated and/or reseeded with appropriate ground cover as soon as practicable following substantial completion.

REASON: To limit wind and water borne erosion.

(6) The operation of plant or equipment (approved herein) shall be designed and operated to comply with the *Environment Protection (Noise) Policy 2007*.

REASON: To ensure that no demonstrable nuisance or loss of amenity is caused to any person beyond the site.

(7) The portable toilet shall be removed from the site upon completion of the construction phase and prior to the commencement of the operational use of the development.

REASON: To ensure all waste water is managed appropriately on site.

ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 21 OCTOBER 2020
SPRINGHEAD LUTHERAN CHURCH HALL, 280 SPRINGHEAD ROAD, MOUNT TORRENS

(8) Landscaping and Tree Planting

Landscaping and tree planting proposed must be planted in the first spring after construction on the site commences and regularly watered in the first year to allow landscaping to become established and henceforth maintained appropriately, with any dead or dying plants to be removed and replaced, to the satisfaction of Council.

REASON: To preserve the amenity of the locality.

(9) Prior to Building Rules Consent - Access

Prior to Building Rules Consent being obtained, the engineering detail for the proposed new access to Winton Road, including access dimensions, gradients and interface with Winton Road and stormwater management shall be submitted to and, approved by Council. The Design shall demonstrate consideration of existing stormwater flows past the access point, and include management of these flows, as well as any flows generated by the new access itself.

REASON: To ensure safe and convenient all-weather access.

(10) Prior to Building Rules Consent – Provision of Stormwater Management Plan

Prior to Building Rules Consent being obtained, a detailed stormwater management plan for the site shall be submitted to, and approved by Council. The works required by this Stormwater Management Plan shall be constructed, completed and operational within 1 month of the installation of the solar array, to the satisfaction of Council.

REASON: To ensure that stormwater does not adversely affect any adjoining property, the River Torrens or a public road.

(11) Land Rehabilitation/Decommissioning

Within nine months of cessation of the solar farm use, the renewable energy infrastructure approved herein (including all arrays, associated equipment and structures, cabling, fencing, footings etc) shall be decommissioned and removed, with the land rehabilitated to its pre-development condition.

REASON: To ensure that the cost of land rehabilitation is borne by the applicant and preserve the viability of the land for primary production purposes.

ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 21 OCTOBER 2020
SPRINGHEAD LUTHERAN CHURCH HALL, 280 SPRINGHEAD ROAD, MOUNT TORRENS

NOTES

(1) Development Plan Consent

This Development Plan Consent 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 the appeal is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the Development Plan Consent, or a fresh development application will be required. The twelve (12) month period may be further extended by written request to, and approval by, Council. Application for an extension is subject to 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.

The applicant is reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm. This includes taking all reasonable and practicable measures to minimise the potential for pollution from sediment and waste generated on-site during construction. Further guidance can be sought from the EPA's *Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry* and the *EPA Handbook for Pollution Avoidance on Commercial and Residential Building Sites* (http://www.epa.sa.gov.au/files/47790_bccop1.pdf).

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

ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 21 OCTOBER 2020
SPRINGHEAD LUTHERAN CHURCH HALL, 280 SPRINGHEAD ROAD, MOUNT TORRENS

- (5) **Department of Environment and Water (DEW) - Native Vegetation Council**
The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. 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

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.

10. **Policy Issues for Advice to Council**
Question on Notice from David Brown:
How would the development proposal for the solar farm in Birdwood be considered under the new Planning & Design Code?
11. **Other Business**
Nil
12. **Order for Exclusion of the Public from the Meeting to debate Confidential Matters**
Nil
13. **Confidential Item**
Nil
14. **Next Meeting**
The next ordinary Council Assessment Panel meeting will be held on Wednesday 11 November 2020.
15. **Close meeting**
The meeting closed at 9.07pm.