

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 13 OCTOBER 2021
63 MOUNT BARKER ROAD, STIRLING**

In Attendance**Presiding Member**

Geoff Parsons

Members

Ross Bateup

David Brown

Paul Mickan

John Kemp

In Attendance

Melissa Bright

Deryn Atkinson

Vanessa Nixon

Marie Molinaro

Karen Savage

Acting Director Development & Regulatory Services

Assessment Manager

Team Leader Statutory Planning

Statutory Planner

Minute Secretary

1. Commencement

The meeting commenced at 6.31pm

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**

Nil

3.2 Leave of Absence

Nil

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4. Previous Minutes

4.1 Special Meeting held 22 September 2021

The minutes were adopted by consensus of all members (50)

That the minutes of the special meeting held on 22 September 2021 be confirmed as an accurate record of the proceedings of that meeting.

5. Presiding Member's Report

Nil

6. Declaration of Interest by Members of Panel

Paul Mickan advised that in relation to Item 8.1, he assessed an application for R Ceravolo & Co Pty Ltd as a Planner for Adelaide Hills Council in 2006. He confirmed that he has had no contact with the landowner or applicant since that time and does not believe there is a conflict and will remain in the meeting and vote.

7. Matters Lying on the Table/Matters Deferred

7.1 Matters Lying on the Table

Nil

7.2 Matters Deferred

Nil

8. Development Assessment Applications – Development Act

8.1 Development Application 21/113/473 by R Ceravolo & Co Pty Ltd for change of use of existing horticulture building to house a wastewater treatment plant at 376A & 376B Lobethal Road, Ashton

8.1.1 Representations

There were two representations received for the proposal, and the following representor wished to be heard but did not attend:

Name of Representor	Address of Representor	Nominated Speaker
Simon Gray	142 Collins Road, Ashton	Did Not Attend

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The applicant's representatives, Ben Schnell (Ekistics) and Joseph Ceravolo, were invited to answer questions from the Panel.

8.1.2 Decision of Panel

The following was adopted by consensus of all members (51)

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 21/113/473 by R Ceravolo & Co Pty Ltd for Change of use of existing horticulture building to house a wastewater treatment plant at 376A & 376B Lobethal Road Ashton 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:

- **Locality plan (ref. 2241/04/19 wd 1) by Zummo Design, received by Council 2 February 2021**
- **Proposed site plan (ref. 2241/04/19 wd2) by Zummo Design, received by Council 2 February 2021**
- **Plant-room layout, drainage & dimensions, bunded floor slab layout, aeration dam & bunded pad configuration and elevations plans (drawings 11492.E.4, 11492.L.5 & 11492.L.2) by Land Energy Environmental Science & Engineering, received by Council 2 February 2021**

(2) Construction of Impervious Base

Prior to operation of the new wastewater treatment plant, an impervious base must be constructed between the new wastewater treatment plant and the wastewater lagoon.

(3) Construction of Bunding

Prior to operation of the new wastewater treatment plant, the bunding must be constructed and in place (being a spill containment system constructed of impervious material, with a net capacity of at least 120% of the volume of the largest container/wastewater able to be processed). Note further guidance refer to the EPA Guideline Bunding and Spill Management (2016)

https://www.epa.sa.gov.au/files/47717_guide_bunding.pdf

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- (4) **Noise**
Noise resulting from the approved development must not exceed:
- a) 47dB(A) between the hours of 7am and 10pm when measured and adjusted at any neighbouring dwelling in accordance with the relevant environment protection noise policy.
 - b) 40dB(A) between the hours of 10pm and 7am when measured and adjusted at any neighbouring dwelling in accordance with the relevant environment protection noise policy.

NOTES

- (1) **Development Plan Consent Expiry**
This Development Plan Consent (DPC) is valid for a period of twenty-four (24) months commencing from the date of the decision.

Building Consent must be applied for prior to the expiry of the DPC and lodged through the PlanSA portal unless a private certifier was engaged prior to 19 March 2021.

Further details in relation to the Planning Reforms can be found https://www.saplanningportal.sa.gov.au/planning_reforms

- (2) **EPA Environmental Duty**
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 construction, do not pollute the environment in a way which causes or may cause environmental harm.
- (3) **EPA Licence**
An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Authority before acting on this approval to ascertain if there are any changes to current licencing requirements.
- (4) **Aerator Operation**
Wherever practicable, the aerator should be run during the day time periods to reduce night time operations, to achieve compliance with the *Environment Protection (Noise) Policy 2007*.

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(5) **Wastewater Treatment Building**

Wherever practicable, the doors to the wastewater treatment plant shed should be shut during operations to achieve compliance with the *Environment Protection (Noise) Policy 2007*.

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

10. **Development Assessment Applications – Review of Decisions of Assessment Manager**
Nil

11. **ERD Court Appeals**

The Assessment Manager provided the Panel with a verbal update on current ERD Court Appeals.

12. **Policy Issues for Advice to Council**

CAP Review of Decisions of Assessment Manager Policy

David Brown highlighted recent LGA sector discussion in regard to when an Assessment Manager is acting as a delegate of CAP, decisions are still effectively CAP decisions. Thus the option for an applicant to have a review of a decision by CAP in this circumstance is not possible. Something to consider when delegations are reviewed.

13. **Other Business**

13.1	Moved	Paul Mickan	Carried
	S/-	David Brown	(52)

The Panel acknowledged that this is Vanessa Nixon's last day with Council, and thanked her for her service over the years to the Panel which has always been greatly appreciated.

Vanessa thanked the Panel for their comments and wished it to be acknowledged that the current Council Assessment Panel is one of the most well run Panels she has had the opportunity to work with in her career.

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- 14. Order for Exclusion of the Public from the Meeting to debate Confidential Matters**
Nil
- 15. Confidential Item**
Nil
- 16. Next Meeting**
The next ordinary Council Assessment Panel meeting will be held on Wednesday 10 November 2021.
- 17. Close meeting**
The meeting closed at 7.02pm.