

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 11 MAY 2022
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

In Attendance

Presiding Member

Geoff Parsons

Members

Ross Bateup

David Brown

Paul Mickan

John Kemp

In Attendance

Melissa Bright

Deryn Atkinson

James Booker

Melanie Scott

Marc Salver

Karen Savage

Acting Director Development & Regulatory Services

Assessment Manager

Team Leader Statutory Planning

Senior Statutory Planner

Executive Strategic & Policy Planner

Minute Secretary

1. Commencement

The meeting commenced at 6.32pm

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 Meeting held 13 April 2022

The minutes were adopted by consensus of all members (19)

That the minutes of the meeting held on 13 April 2022 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 he has recently been engaged by The Barossa Council to undertake a planning project, to review policies which affect a small portion of the Adelaide Hills Council area, which includes the area south of Kersbrook which is within the Barossa Valley Character preservation district. As the application before the CAP is not within this area he does not believe he has any conflict of interest in this matter and will remain in the room and vote.

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 21015778 by ProHealthCare Stirling for alterations and additions to existing consulting rooms, car parking and landscaping at 104 Mount Barker Road, Stirling

Deferred from meeting 9 February 2022

“That a decision on the matter be deferred to enable the applicant to provide the following information:

- 1) *A site plan to scale that demonstrates all trees to be retained and removed, earthworks and a Tree Protection zone for Tree 18 based on arboricultural advice.*
- 2) *Clarification on the intensity of the use in relation to all the treatment and consulting rooms, and calculation of car parking provisions.*

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- 3) *Traffic engineering report assessing the safety of the proposed two-way access and impact on traffic flow, including information regarding the collection of waste, on Mount Barker Road*”.

7.2.2 Development Application 21031474 by 14 Johnston Pty Ltd for construction of a three-level childcare centre (pre-school) with ancillary car parking, outdoor play areas and landscaping at 14 Johnston Street, Stirling

Deferred from meeting 9 March 2022

“That a decision on the matter be deferred to enable the applicant to provide the following:

- 1) *An acoustic report prepared by a suitably qualified professional.*
- 2) *A review of the car parking design and its relationship with the intensity of the land use, in consideration of staff, parents and children, and visitors to the site.*
- 3) *Preparation and provision of a Waste Management Plan which considers storage capacity, location and collection times.*
- 4) *Consideration of built form in terms of overshadowing”.*

8. Development Assessment Applications – Development Act
Nil

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

9.1 Development Application 21041304 by R L Scott Estate for boundary realignment (4 lots into 4 lots) at 206 Prairie Road, Cudlee Creek

9.1.1 Representations
Nil

The applicants’ representative, Mark Kwiatkowski (Planning Consultant), was invited to answer questions from the Panel.

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9.1.2 Decision of Panel

The following was adopted by consensus of all members (20)

The Council Assessment Panel resolved that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 21041304 by R L Scott Estate for boundary realignment (4 lots into 4 lots) at 206 Prairie Road, Cudlee Creek SA 5232 is granted Planning Consent and Land Division Consent subject to the following conditions:

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
- 2) Any easement or right of way required for the electricity Infrastructure to be contained within Lot 33 shall be granted to the relevant Electricity Infrastructure Administrator.
- 3) New vehicle access point(s) and/or cross-overs shall be located a minimum of 500mm from any existing or proposed verge features (i.e. crossing places, trees, stormwater connections, lighting or stobie poles) and requires a separate approval under section 221 of the Local Government Act.

Land Division Consent

Conditions imposed by SPC Planning Services under Section 122 of the Act

A final plan complying with the requirements for plans 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 Planning Commission for Land Division Certificate purposes.

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ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
- 5) A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate:
 - a) until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b) if an appeal is commenced:
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

ADVISORY NOTES

Land Division Consent

- 1) Any future land use applications for sensitive type land uses, i.e., residential or other habitable uses, may necessarily be the subject of further Site Investigation processes in respect of site contamination.

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- 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**
Nil
- 13. Other Business**
- 13.1 Council Assessment Panel Terms of Reference adopted by Council – 26 April 2022**
- | | | |
|--------------|--------------------|----------------------------|
| Moved | Paul Mickan | Carried Unanimously |
| S/- | David Brown | (21) |
- That the Council Assessment Panel Terms of Reference as adopted by Council at its meeting of 26 April 2022 be received and noted.
- 13.2** This is David Brown’s last meeting as a member of the Council Assessment Panel. On behalf of the Panel, the Presiding Member thanked David for his invaluable contribution to the Panel over the last 3 years, and for his time and dedication which has been greatly appreciated.
- 13.3** On behalf of the Panel, the Presiding Member thanked Marc Salver, Director of Development & Regulatory Services, and wished him best wishes for the future on his return overseas. He acknowledged the outstanding contribution Marc has made to Planning in South Australia, which is to be commended, and his departure will be a massive loss to the Planning profession.
- 14. Order for Exclusion of the Public from the Meeting to debate Confidential Matters**
Nil
- 15. Confidential Item**
Nil

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- 16. Next Meeting**
The next ordinary Council Assessment Panel meeting will be held on Wednesday 8 June 2022.
- 17. Close meeting**
The meeting closed at 7.14pm.