

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
THURSDAY 30 JUNE 2022
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

In Attendance

Presiding Member

Geoff Parsons

Members

Ross Bateup
Paul Mickan
Myles Somers
John Kemp

In Attendance

Melissa Bright	Acting Director Development & Regulatory Services
Deryn Atkinson	Assessment Manager
James Booker	Team Leader Statutory Planning
Melanie Scott	Senior Statutory Planner
Sarah Kimber	Team Leader Administration
Karen Savage	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

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
THURSDAY 30 JUNE 2022
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

4. Previous Minutes

4.1 Meeting held 8 June 2022

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

That the minutes of the meeting held on 8 June 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.

The Presiding Member and Myles Somers advised that, in relation to Item 9.1, the organisations they work for have a contract with URPS to provide planning assessment services. This is a professional relationship only and will not influence their views one way or the other in respect of the development and they 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 21031474 by 14 JOHNSTON PTY LTD 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:

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
THURSDAY 30 JUNE 2022
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

- 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”.*

Refer to Item 9.1 of the Minutes

8. Development Assessment Applications – Development Act
Nil

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

9.1 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

9.1.1 Representations

Representations heard previously at CAP meeting held on 9 March 2022.

The applicants’ representatives, Matthew King (URPS), Phil Weaver (Phil Weaver & Associates), Frank Siow (Frank Siow & Associates) and Joel Phillips (Colby Phillips) were invited to answer questions from the Panel.

9.1.2 Decision of Panel

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

The Council Assessment Panel resolved that:

1) Having:

- i) **received a deemed consent notice dated 21 June 2022 in relation to 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; and**

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
THURSDAY 30 JUNE 2022
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

- ii) undertaken an assessment of Development Application 21031474 (including its subsequent amendments and additional information/documentation) against the Planning and Design code

an application be made to the Environment, Resources and Development Court for an order quashing the Deemed Planning Consent.

- 2) The reasons the Council Assessment Panel considers that Development Application 21031474 should have been refused Planning Consent include the following:

The proposed development is at variance with the following Planning & Development Code Assessment Provisions (AP) , Desired Outcomes (DO) and Performance Outcome (PO/Designated Performance Feature (DPF) Values:

Design

All Development – External Appearance	
PO 1.2	Where zero or minor setbacks are desirable, development provides shelter over footpaths (in the form of verandahs, awnings, canopies and the like, with adequate lighting) to positively contribute to the walkability, comfort and safety of the public realm.

- The proposed footpath indent for waste pick up will not create a safe and walkable public realm space.

Transport, Access and Parking

Desired Outcomes	
DO1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Movement Systems	
PO 1.2	Development is designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive receivers.
PO 1.4	Development is sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
THURSDAY 30 JUNE 2022
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

Sightlines	
PO 2.1	<u>Sightlines at intersections, pedestrian and cycle crossings, and crossovers to allotments for motorists, cyclists and pedestrians are maintained or enhanced to ensure safety for all road users and pedestrians.</u>
Vehicle Parking Areas	
PO 6.6	<u>Loading areas and designated parking spaces for service vehicles are provided within the boundary of the site.</u>

- The proposed waste pick up on Johnston Street is not considered safe, efficient or convenient in terms of general road users.
- The proposed waste pick up will increase the number of large vehicle movements on a largely residential street.
- The proposed waste pick up will interrupt the operation of and queuing on Johnston Street and will impact on pedestrian paths.
- The proposed waste pick up will interfere with sight lines on Johnston Street and will not maintain or enhance safety for all road users and pedestrians on Johnston Street.
- The proposal does not provide loading areas and parking spaces for service (waste) vehicles within the boundary of the site.

Interface Between Land Uses

Desired Outcome	
DO 1	<u>Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.</u>

- The proposal will impact on adjacent residential properties adversely with the proposed private kerbside waste pickup.

Design in Urban Areas

Site Facilities / Waste Storage (excluding low rise residential development)	
PO 11.1	<u>Development provides a dedicated area for on-site collection and sorting of recyclable materials and refuse, green organic waste and wash bay facilities for the ongoing maintenance of bins that is adequate in size considering the number and nature of the activities they will serve and the frequency of collection.</u>

- The proposal does not have a dedicated area for onsite collection of waste.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
THURSDAY 30 JUNE 2022
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

Zone

Suburban Main Street Zone					
PO 3.11	<p>Building height consistent with the form expressed in any relevant Maximum Building Height (Levels) Technical and Numeric Variation and Maximum Building Height (Metres) Technical and Numeric Variation, and otherwise low-to-medium rise, where the height is commensurate with the development site's frontage and depth as well as the main street width, to complement the main street character.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Maximum Building Height (Metres)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Maximum building height is 10m</td> </tr> <tr> <th style="text-align: center;">Maximum Building Height (Levels)</th> </tr> <tr> <td style="text-align: center;">Maximum building height is 2 levels</td> </tr> </tbody> </table>	Maximum Building Height (Metres)	Maximum building height is 10m	Maximum Building Height (Levels)	Maximum building height is 2 levels
Maximum Building Height (Metres)					
Maximum building height is 10m					
Maximum Building Height (Levels)					
Maximum building height is 2 levels					

- The proposed building exceeds the maximum building height by one level and is greater than 10metres in height.

AND:

- 3) The Assessment Manager is directed to engage Council's lawyers to make an application under Section 125(6) of the *Planning, Development and Infrastructure Act 2016* to the Environment, Resources & Development Court.

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

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
THURSDAY 30 JUNE 2022
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

- 14. Confidential Item**
Nil
- 15. Next Meeting**
The next ordinary Council Assessment Panel meeting will be held on Wednesday 10 August 2022.
- 16. Close meeting**
The meeting closed at 7.44pm.