

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 13 SEPTEMBER 2023
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 11 October 2023]

In Attendance

Presiding Member

Geoff Parsons

Members

Ross Bateup

Paul Mickan

Myles Somers

Leith Mudge

In Attendance

Natalie Armstrong

Deryn Atkinson

James Booker

Melanie Scott

Marie Molinaro

Mike O'Donnell

Sarah Kimber

Director Development & Regulatory Services

Assessment Manager

Team Leader Statutory Planning

Senior Statutory Planner

Acting Senior Statutory Planner

ICT Support Officer

Minute Secretary

1. Commencement

The meeting commenced at 6:30pm

2. Opening Statement

"Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kaurna 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".

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3. Apologies/Leave of Absence

3.1 Apologies
Nil

3.2 Leave of Absence
Nil

4. Previous Minutes

4.1 Meeting held 9 August 2023

The minutes were adopted by consensus of all members (17)

That the minutes of the meeting held on 9 August 2023 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
Nil

7. Matters Lying on the Table/Matters Deferred

7.1 Matters Lying on the Table
Nil

7.2 Matters Deferred
Nil

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

- 8.1 Development Application 22018960 by Angela Lo-Faro for the creation of 11 camping sites (tourist accommodation – caravan and tourist park), installation of RV dump point and the extension of the outdoor liquor license area associated with existing hotel, post, wire and rail fencing, sign and stable restoration including re-roofing:**
Stage 1: Operation of 11 camping sites (tourist accommodation – caravan and tourist park) and liquor licence amendment
Stage 2: Installation of the RV dump point
Stage 3: Balance of the works to State Heritage place – signage, fencing and stable restoration works at 1 Townsend Street, Mount Torrens

8.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Andrea Borrett	1 Springhead Road Mount Torrens	Andrea Borrett Did Not Attend – provided written statement
Vanessa Peters	PO Box 7, Mount Torrens	Did Not Attend
Alice Pym	84 Pym Road, Rockleigh	Did Not Attend

The applicant addressed the Panel, and answered questions from the Panel.

8.1.2 Decision of Panel

The following was adopted by consensus of all members (18)

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 22018960 by Angela Lo-Faro for the creation of 11 camping sites (tourist accommodation – caravan and tourist park), installation of RV dump point and the extension of the outdoor liquor license**

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area associated with existing hotel, post, wire and rail fencing, sign and stable restoration including re-roofing:

Stage 1: Operation of 11 camping sites (tourist accommodation – caravan and tourist park) and liquor licence amendment

Stage 2: Installation of the RV dump point

Stage 3: Balance of the works to State Heritage place – signage, fencing and stable restoration works at 1 Townsend Street, Mount Torrens is granted

Planning Consent subject to the following conditions and reserved matters:

RESERVED MATTERS

- 1) Pursuant to section 102 (3) of the Planning, Development and Infrastructure Act of 2016, the following matter(s) shall be reserved for further assessment prior to the granting of Development Approval for Stage 3 and the Assessment Manager is delegated to undertake this further assessment:
 1. Proposed stable restoration - detailed drawings of the works shall be provided to the satisfaction of the Assessment Manager in consultation with State Heritage.
 2. The height and schedule of colours and materials of the proposed fencing shall be provided to the satisfaction of the Assessment Manager in consultation with State Heritage.
 3. Confirmation of changes to the site levels, lighting infrastructure and signage shall be provided to the satisfaction of the Assessment Manager in consultation with State Heritage.
- 2) Pursuant to Section 127(1) of the *Planning, Development and Infrastructure Act 2016*, the power to impose further conditions of consent in respect of the reserved matters above is delegated to the Assessment Manager.

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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.**
- 2) The 11 camping sites shall be used and operated on a short term stay basis with a maximum stay of seven (7) nights per vehicle in any 30 day period.**
- 3) A logbook shall be kept of all occupancies for each calendar year and made available for inspection by the Council, upon request.**
- 4) Persons with the benefit of this consent shall ensure the camping sites are only used by fully self-contained vehicles and caravans with built-in grey/black water systems and bathrooms. No power or water connections shall be installed to the camping sites without separate approval from the Council.**
- 5) Vehicle arrival and departure to the camp site shall only occur during 6am -9pm seven days a week.**
- 6) Prior to the commencement of the camp site operation the proposed access shall be constructed in accordance with Council Engineering Standard Drawing Number 20 Piped Entrance and in accordance with DIT conditions 16 to 22 below, including compacted quarry rubble to the proposed access.**
- 7) Prior to commencement of the camp site operation, the individual camping bays must be delineated and the delineation marking must be maintained to a visible standard, all to the reasonable satisfaction of Council.**
- 8) No camp/comfort fires shall be permitted.**
- 9) No generators shall be used before 7:00am or after 9:00pm.**
- 10) Prior to use of the RV Dump Point it shall be connected to a grease trap and the Common Waste Water Management System (CWMS) of Mount Torrens to the reasonable satisfaction of Council.**
- 11) All waste shall be removed from the subject land at least once weekly.**

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- 12) Prior to commencement of the camp site operation a tree protection zone (TPZ) of 15 metres shall be installed and maintained around the significant oak tree (the Tree) on the land and a sign shall be installed with the following advice:
- a) No machine excavation is permitted within Tree Protection Zone (TPZ).
 - b) Only hand digging is permitted at all times.
 - c) If any major roots (roots with a diameter greater than 25mm) are found outside the TPZ during construction on the site (fence posts, RV dump point installation etc) advice of a qualified arborist shall be obtained before work continues.
 - d) No material, equipment or temporary buildings shall be placed within the TPZ.
 - e) No items shall be attached to the Tree including temporary service wires, nails, screws or any other fixing device.
 - f) No works including additional landscaping, permeable paving or rubble paths shall occur in the TPZ. The area within the TPZ shall be retained at natural ground level and no additional soil or fill shall be placed within the zone
 - g) Any services such as stormwater, sewer, electrical and building fire safety water infrastructure that are proposed in the TPZ must be excavated using non-destructive methods such as Hydro vac® or directional boring systems. This work is to be supervised by a qualified arborist.
- 13) At any one time, the overall licence capacity of the hotel shall be limited to a maximum of 145 persons, and the rear outdoor beer garden is limited to a maximum of 56 persons.
- 14) The operating hours of the rear outdoor beer garden shall be 8:00am to 9:00pm Monday to Sunday.
As an annual special event, the rear outdoor beer garden shall only operate from 8:00am to 1:00am (the following day) on New Year's Eve.
- 15) Music and entertainment shall be contained within the building during the operating hours of the hotel. Any proposed outdoor music or entertainment associated with the outdoor beer garden would require a separate development application.

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DIT Conditions

- 16) All access to/from the development shall be gained in accordance with the site plan with file name SitePlansAsAt22March2023-51080842 uploaded to the portal on 27 March 2023 except that the driveway crossover shall be located within the existing gap in the edge line and measure 12m wide where it meets Onkaparinga Valley Road and 9m wide at the property boundary to accommodate simultaneous two-way movements.
- 17) The driveway shall be located a minimum of 1 metre from DIT's Advance Direction sign located along the western side of the proposed driveway.
- 18) The access point shall consist of a suitably compacted material, in order to maximise traction for vehicles exiting the site and minimise debris being dragged onto the carriageway.
- 19) All vehicles shall enter and exit the site in a forward direction. All on-site vehicle manoeuvring areas shall remain clear of any impediments.
- 20) Stormwater run-off shall be collected on-site and discharged without impacting the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.
- 21) Longitudinal drainage along Onkaparinga Valley Road shall be maintained (including any required trafficable headwalls) adjacent and across the access in order to minimise the impact on the integrity and safety of the adjacent road network. All costs associated with any upgrade/alterations shall be borne by the applicant.
- 22) Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.
- 23) Any floodlighting associated with the site shall be positioned and/or shielded so as to not produce glare or create a distraction for passing road users on the abutting roads.

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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 Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.**
- 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) The applicant/owner/operator are 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 activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.**
- 6) More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au**

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State Heritage Notes

7) 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) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

8) Please note the following requirements of 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 must cease and the SA Heritage Council must 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. For further information, contact the Department for Environment and Water.

- 8.2 **Development Application 23008597 by Adam Johnson for carport addition to each tourist accommodation unit and variation to Development Authorisation 19/1064/473 to remove Condition 5 and connect tourist accommodation units to an on-site wastewater system with additional changes to the design and orientation of the tourist accommodation units at 11 Onkaparinga Valley Road, Balhannah**

- 8.2.1 **Representations**
N/A

- 8.2.2 **Decision of Panel**

The following was adopted by consensus of all members **(19)**

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

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- 2) Development Application Number 23008597 by Adam Johnson for carport addition to each tourist accommodation unit and variation to Development Authorisation 19/1064/473 to remove Condition 5 and connect tourist accommodation units to an on-site wastewater system with additional changes to the design and orientation of the tourist accommodation units at 11 Onkaparinga Valley Road, Balhannah is granted Planning 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) Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisation 19/1064/473 continue to apply to this amended authorisation.
- 3) Prior to occupation of the two tourist accommodation units on the land, the existing on-site wastewater system servicing the dwelling on the land shall be de-commissioned.

Conditions imposed by Environment Protection Authority under Section 122 of the Act

- 4) Prior to occupation of the two tourist accommodation units on the land, the associated wastewater system and wastewater disposal area must be installed and made operational, as per the details contained within the revised Wastewater Engineers Report prepared by Land Energy Pty Ltd, dated 28 June 2023.

ADVISORY NOTES

Planning Consent

- 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

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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) Building Consent must be obtained prior to expiration of the Planning Consent, which is 13 April 2024.
- 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).

Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act

- 5) The applicant is advised that during the proposed earthworks, measures to manage soil erosion and the drainage of stormwater should be implemented to ensure that soil and sediment do not pass beyond the bounds of the subject site.
- 6) The applicant/owner/operator are 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 activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.
- 7) More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au

9. Development Assessment Applications – Development Act
Nil

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

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- 11. ERD Court Appeals**
Nil
- 12. Policy Issues for Advice to Council**
Nil
- 13. Other Business**
Nil
- 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 11 October 2023.
- 17. Close meeting**
The meeting closed at 7:43pm.