

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 24 SEPTEMBER 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

In Attendance

Presiding Member

Geoff Parsons

Members

Ross Bateup
Tim Pride
Myles Somers
Leith Mudge

In Attendance

Rebecca Shepherd	Acting Director Community & Development
Deryn Atkinson	Assessment Manager
Sebastien Paraskevopoulos	Acting Team Leader Statutory Planning
Doug Samardzija	Senior Statutory Planner
Tom Portas	ICT Support Officer
Jess Tonkin	Minute Secretary
Sarah Kimber	Minute Secretary

1. Commencement

The meeting commenced at 6:30pm

2. Opening Statement

“Council acknowledges that we meet on the traditional Country of the Peramangk and Kaurna people. We pay our respects to Ancestors and Elders past and present as the Custodians of this ancient and beautiful land”.

3. Apologies/Leave of Absence

3.1 Apologies
Nil

3.2 Leave of Absence
Paul Mickan

4. Previous Minutes

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4.1 Meeting held 10 September 2025

The minutes were adopted by consensus of all members (24)

That the minutes of the meeting held on 10 September be confirmed as an accurate record of the proceedings of that meeting with a minor amendment to Condition 11 (Civil Plan date & reference) for DA 25012307 at 747 Swamp Road, Lenswood.

5. Presiding Member's Report
Nil

6. Declaration of Interest by Members of Panel

Leith Mudge advised that in relation to Item 8.1 - 38 Mount Barker Road Stirling, three of the representors, Brett Matthews, Simon Jones and Nathanael Rowett are known to him. As a local councillor he has become acquainted with Brett Matthews, Simon Jones and Nathanael Rowett through events of the Stirling Business Association. As these are only professional acquaintances and he has never discussed this development proposal with them, he advised he will remain in the room for the deliberations and vote on this matter.

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 Number 25017305 by Wakefield Properties No. 5 Pty Ltd for the shopping centre complex and associated retail building, advertising signs, shade sails, fencing and retaining walls, and associated car parking, loading area and landscaping at 10 Martha Street, 10 to 14 Johnston Street, Shop 8-10 28 Mount Barker Road, 32 Mount Barker Road and 38 Mount Barker Road, Stirling

8.1.1 Representations

Name of Representer	Address of Representer	Nominated Speaker
Anton Johnson	219 Old Mount Barker Road, Aldgate	Anton Johnson
Stephen Way	5 Pine Street, Stirling	Stephen Way
Graham Potter	31 Ethal Street, Stirling	Did not attend
Ross and Janet Sands	31 Milan Terrace, Stirling	Janet Sands
Victoria Sands Kwong	12 Paratoo Road, Aldgate	David Kwong
Anna Sarre	11 Druid Avenue, Stirling	Anna Sarre
Jenifer Cleland	1 Glenside Road, Crafers	Leslie Cleland
Marie Harman	17/19 Johnston Street, Stirling	Marie Herman
Francesca Turner	P.O. Box 1048, Stirling	Francesca Turner
Rory Martin	63 Cricklewood Road, Aldgate	Advised not able to attend
Marcella Moukachar	18 Need Street, Enfield	Did not attend
Brett Matthews	32 Sturt Valley Road, Stirling	Did not attend
Brian Baldwin	2 Oakbank Road, Stirling	Brian Baldwin

The applicant's representatives Jason Cattonar (Future Urban) and Michael Gillett (Leyton Funds) addressed the Panel and answered questions from the Panel.

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8.1.2 Decision of Panel

The following was adopted by consensus of all members (25)

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 25017305 by Wakefield Properties No. 5 Pty Ltd for the shopping centre complex and associated retail building, advertising signs, shade sails, fencing and retaining walls, and associated car parking, loading area and landscaping at 10 Martha Street, 10 to 14 Johnston Street, Shop 8-10 28 Mount Barker Road, 32 Mount Barker Road and 38 Mount Barker Road, Stirling is GRANTED Planning Consent subject to the following conditions and reserved matters:

RESERVED MATTERS

Pursuant to section 102 (3) (a) of the Planning, Development and Infrastructure Act of 2016, the following matters shall be reserved for further assessment prior to the granting of Development Approval. The Assessment Manager is delegated to undertake this further assessment:

- 1) A Construction Environment Management Plan (CEMP) shall be prepared to address construction sequencing, construction material deliveries, material and soil storage, tree protection zone installation and monitoring/maintenance of controls for the duration of the construction in accordance with current industry standards and submitted to Council for approval. The industry standards include the EPA publications "Handbook for Pollution Avoidance on Commercial and Residential Building Sites – Second Edition" and, where applicable, "Environmental Management of On-site Remediation" – to minimise environmental harm and disturbance during construction.
- 2) A Soil Erosion and Drainage Management Plan (SEDMP) shall be prepared for the site and submitted for Council's approval. The SEDMP shall comprise a site plan and design sketches that detail erosion control methods and installation of sediment collection devices that will prevent:
 - soil moving off the site during periods of rainfall; and

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- soil transfer onto roadways by vehicles and machinery.
- 3) An updated stormwater report/calculations and plan demonstrating that the maximum flow from the development into Council's stormwater system will not be more than 140 litres per second shall be prepared. This limit is needed to protect Council's downstream stormwater pipes and to reduce any negative impacts on the existing system.
 - 4) A detailed landscaping plan shall be prepared, which documents the type and species of plants, locations of plantings, number of plants, plant spacings and maturity of plants at the time of planting. The plan shall also identify the planting location of twenty (20) replacement tree plantings for trees removed as part of separate development authorisations for Regulated and Significant tree removal.

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 1, 2, 3 and 4 above is delegated to the Assessment Manager.

Pursuant to section 102 (3)(c) of the Planning, Development and Infrastructure Act of 2016, the following matters shall be reserved for further assessment prior to the granting of Development Approval.

- 1) The applicant must obtain relevant authorisations from the Council under the Local Government Act, for undertaking development (being verge) on Local Government land, on terms acceptable to the Council.

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) All materials and goods shall be loaded and unloaded within the confines of the subject land at all times. Materials and goods shall be stored on the land in a tidy manner and shall not be located in areas delineated for use as car parking.
- 3) All solid waste including food, leaves, paper, cartons, and other material of any kind shall be stored in closed containers having a close-fitting lid with containers stored in a screened location and in a manner which mitigates the occurrence of offensive odours emanating from the site or attraction of animals

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or insects to the stored waste. Waste shall not be stored on the land in areas delineated for use as car parking.

- 4) All waste shall be removed from the subject land at least once a week. Collection of waste shall be carried out only between the hours of 7:00am and 7:00pm Monday to Friday.
- 5) Deliveries to the site shall occur between the hours of 5:00am and 9:00pm Monday to Saturday, and 6:00am to 7:00pm on Sundays and Public Holidays.
- 6) The development shall be undertaken in accordance with the acoustic recommendations contained in the Environmental Noise Assessment report (ADL0118) prepared by ADP Consulting: Engineering and dated 01 September 2025. More specifically, the Applicant or the person having benefit of this Consent shall ensure the following:
 - Operation noise levels from the premises must not exceed the noise levels as determined by *Environment Protection (Noise) Policy 2023*.
 - Plant and equipment are selected and, installed with the recommended noise mitigation treatments, in accordance with Table 1 of the ADP Consulting Engineering Report dated 01 September 2025
 - Loading dock operation noise shall be controlled using a 5.0-metre noise barrier installed to southwest boundary of the site as stipulated in the Environmental Noise Assessment report (ADL0118) prepared by ADP Consulting: Engineering and dated 01 September 2025 and through implementation of best practice loading dock operation, including turning off engines when not in use, minimisation of time spent in reverse, signage alerting operators to nearby residences and loading/unloading only in the enclosed designated area.
 - Limit allowable waste collection times in accordance with *Local Nuisance and Litter Control Act 2016*.
- 7) Prior to the use of the loading dock, the noise barrier along the southwest boundary shall be installed as stipulated in the Environmental Noise Assessment report (ADL0118) prepared by ADP Consulting: Engineering and dated 08 June 2025. The noise barrier shall be maintained in good condition at all times.
- 8) Prior to occupation, the northwest plant area and condenser deck area shall be fitted with open type screening to the perimeter of the plant platform. The screen to north and west of the platform shall comprise solid-type screening to at least the height of the plant as stipulated in the Environmental Noise Assessment report (ADL0118) prepared by ADP Consulting: Engineering and

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dated 08 June 2025. The screening shall be maintained in good condition at all times.

- 9) Upon completion of the acoustic works and prior to use of any of the herein approved retail or office tenancies, a report is to be provided to the satisfaction of the Assessment Manager prepared by a suitably qualified acoustic engineer confirming that the recommendations detailed in the Stirling Village Town Planning Report Acoustics; prepared by ADP Consultants – Dated 1 September 2025 have been complied with.
- 10) All car parking spaces, driveways and manoeuvring areas shall be designed, constructed, and line-marked in accordance with Australian Standard AS 2890.1:2004, sound engineering practice, and to Council's satisfaction prior to occupation. Line marking and directional arrows shall be clearly visible and maintained in good condition at all times. Driveways, vehicle manoeuvring and parking areas shall be constructed of bitumen/concrete prior to occupation and maintained in good condition at all times to the reasonable satisfaction of the Council.
- 11) Temporary Stormwater Management Plan (TSMP):
 - During construction the Temporary Stormwater Management Plan (TSMP) prepared by FMG (05/06/2024), incorporating FMG advice dated 10/04/2025 shall be implemented and maintained.
 - Any modifications to the TSMP during construction must be reviewed and signed off by the Applicant's Stormwater Consultant prior to implementation of the modification.
 - Appropriate detention capacity must be maintained at all times, with discharge restricted to pre-development rates as per the FMG report.
- 12) The internally illuminated signage shall not be illuminated between the hours of midnight and 5am the following day.

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- 13) A tree protection zone (TPZ) around each regulated and significant tree on the subject land or adjacent road reserve is required where works have the potential to impact the tree. The size of the protection zone for each tree shall be determined by the project arborist. During construction each TPZ shall be fenced with 2.0 metre high chain mesh material with posts at 3 metre intervals and incorporate on the east and south sides a clearly legible sign displaying the words "Tree Protection Zone". The following restrictions apply to each tree protection zone:
- No machine excavation is permitted.
 - If any major roots (roots with a diameter greater than 25mm) are found outside the TPZ during construction the project arborist shall be contacted immediately to assess the situation.
 - The works adjacent to regulated and significant trees is to be supervised by the project arborist.
 - A layer of organic mulch to a depth of 100mm shall be placed over all root systems so as to assist with moisture retention and to reduce the impact of compaction
 - No material, equipment or temporary buildings shall be placed within any TPZ.
 - No items shall be attached to each tree including temporary service wires, nails, screws or any other fixing device.
 - Supplementary watering shall be provided to the trees through any dry periods during and after the construction process. Each tree is to be provided with a circular dripper system comprising 19mm polypipe, 4 litre per hour drippers spaced every 2 metres.
 - No works including the installation of essential services shall occur within a TPZ without the consent of Council's Arborist and the project arborist.
 - Only hand digging is permitted at all times.
 - Any services such as stormwater, sewer and electrical that enter the TPZ are to be excavated using non-destructive methods such as Hydro vac® or directional boring systems. This work is to be supervised by the project arborist. If any tree roots are discovered at this time, the project arborist is to assess and address accordingly.

Conditions imposed by Commissioner of Highways under Section 122 of the Act

- 14) The illuminated signage shall be permitted to use LED lighting for internal illumination of a light box only.
- 15) The illuminated signage shall be limited to a low level of illumination so as to minimise distraction to motorists ($\leq 150\text{cd/m}^2$).

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- 16) The signage shall not contain any element that flashes, scrolls, moves or changes, or imitates a traffic control device.

- 17) All access to/from the development shall be gained in accordance with the Overall Plan – Level 1 produced by NH Architecture, Project No. 240017, Drawing No. NH-A-TP-110-002, Rev 4, Dated 23.07. 2025 and Overall Plan – Lower Ground produced by NH Architecture, Project No. 240017, Drawing No. NH-A-TP-110-000, Rev 5, Dated 23.07. 2025. The entry and exit points shall be suitably signed and line-marked to reinforce the desired traffic flow.

- 18) The Mt Barker Road access and all associated roadworks shall be designed and constructed in accordance with Austroads Guidelines and Australian Standards and to DIT' s satisfaction, with all associated (including project management and any necessary road lighting and drainage upgrades) costs to be borne by the applicant. All works shall be completed prior to operation of the development.

- Note: Prior to undertaking detailed design of any road treatments, the applicant shall contact Mr Narendra Patel, Senior Network Integrity Engineer, Network Management Services on telephone (08) 7133 3208, mobile 0400 436 745 or via email: narendra.patel@sa.gov.au to progress this. The applicant shall enter into a Developer Agreement with DIT to undertake and complete this work.

- 19) All vehicles shall enter and exit Mt Barker Road in a forward direction.

- 20) The largest vehicle permitted to access the on-site car parking via the Mt Barker Road access shall be restricted to a 6.4m Small Rigid Vehicle.

- 21) All off-street car parking shall be designed in accordance with *AS/NZS 2890.1:2004* and *AS/NZS 2890.6:2022*.

- 22) The redundant crossover on Mt Barker Road shall be closed and reinstated to Council' s kerb and gutter standards at the applicant' s expense prior to the operation of this development.

- 23) 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.

- 24) Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent road network. Any alterations to the

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road drainage infrastructure required to facilitate this shall be at the applicant's cost.

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) This consent is strictly limited to works on the subject land. This consent does not permit any alteration to road verge and stormwater infrastructure. Works including tree pruning/removal, earthworks, kerbing, stormwater infrastructure, storage of material or any alteration to the verge or a reserve requires a separate approval under Section 221 of the *Local Government Act 1999*. For more information regarding this process please visit:
<https://www.ahc.sa.gov.au/development/roads-and-construction/authorisation-to-alter-a-public-road>

9. **Development Assessment Applications – Development Act**
Nil

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

11. ERD Court Appeals
Nil

12. Policy Issues for Advice to Council
Nil

13. Other Business

13.1 There will not be an ordinary CAP meeting on 8 October however there will be a Special CAP meeting to be held on Wednesday 15 October – venue to be confirmed.

13.2 Leith advised that he will not be available for the 15 October Meeting.

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

15. Confidential Item
Nil

16. Next Meeting
The next Council Assessment Panel meeting will be a Special CAP Meeting to be held on Wednesday 15 October 2025.

17. Close meeting
The meeting closed at 9:34pm on 24 September 2025.