

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 9 MARCH 2022  
63 MOUNT BARKER ROAD, STIRLING  
AND  
ZOOM VIRTUAL MEETING ROOM**

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**In Attendance**

**Presiding Member**

Geoff Parsons

**Members**

Ross Bateup

David Brown

Paul Mickan

John Kemp

**In Attendance**

Melissa Bright	Acting Director Development & Regulatory Services
James Booker	Team Leader Statutory Planning
Melanie Scott	Senior Statutory Planner
Ashleigh Gade	Statutory Planner
Aaron Wilksch	Planning Consultant
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

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**4. Previous Minutes**

4.1 Meeting held 9 February 2022

**The minutes were adopted by consensus of all members (10)**

**That the minutes of the meeting held on 9 February 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 none of the applications before the CAP are within this area he does not believe he has any conflict of interest in these matters and will remain in the room and vote.

The Presiding Member also advised that, in relation to Item 9.1, the organisation he works for has a contract with URPS to deliver planning assessment services. This is a professional relationship and will not impair his ability to remain impartial, and he will remain in the meeting and vote in respect of that item.

**7. Matters Lying on the Table/Matters Deferred**

7.1 Matters Lying on the Table

Nil

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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.*
- 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 21035577 by Adelaide Hills Council for demolition of Buildings 12A & 12B, alterations and additions to Building 14 which will include a change of use to the existing offices to include accommodation (artist short term accommodation), a new bridge to Building 20 and a ground floor addition (community facility including a shop, office and amenities); and construction of a small plant and equipment compound behind Building 20 at Buildings 10-22E / 1 Lobethal Road, Lobethal**

Deferred from meeting 9 February 2022

*“That a decision on the matter be deferred to allow for further processing of the Application”.*

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

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**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**

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
Simon Dwyer	12 Oakbank Street Stirling	Did not Attend
Noel Kassebaum	4 Oakbank Street Stirling	Dr Don Wallis
Evan Boland	10 Oakbank Street Stirling	Did not Attend
Brian & Glenys Baldwin	2 Oakbank Street Stirling	Brian & Glenys Baldwin
Michael French	PO Box 291 Crafers	Michael French
Victoria Sands Kwong	12 Paratoo Road Aldgate	David Kwong
Ross & Janet Sands	16 Johnston Street & 31 Milan Terrace Stirling	Janet Sands
Eamonn Ansell	12 Johnston Street & 28 Mount Barker Road Stirling	Did not Speak
Dr Don Wallis	PO Box 95 Stirling	Dr Don Wallis

The applicants' representatives, Matthew King (URPS) and Phil Weaver (Phil Weaver & Associates) addressed the Panel.

9:00pm The meeting was adjourned

9:22pm The meeting resumed

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9.1.2 **Decision of Panel**

Moved	John Kemp	Lost
S/-	Paul Mickan	(11)

The Council Assessment Panel REFUSES Development Application Number 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 as the proposal is considered to be at variance with the following Performance Outcomes of the Planning and Design Code:

Part 4 General Development Policies  
Design

- PO 26.5 – the proposal does not adequately have provision for waste collection

Part 4 General Development Policies  
Transport, Access and Parking  
Vehicle Parking Rates

- PO 5.1 – the proposal does not provide sufficient on-site parking

Suburban Main Street Zone  
Building Height and Setbacks

- PO 3.1 – the proposal exceeds the envisaged building height and levels

Moved	Ross Bateup	Carried
S/-	David Brown	(12)

The Council Assessment Panel DEFERS consideration of Development Application Number 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 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.

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- 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.

9.2 Development Application 21030645 by Linda Guan for two storey detached dwelling, indoor swimming pool, retaining walls and fencing at 6 Coach-House Drive, Teringie

9.2.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Raymond Tham	4 Coach-House Drive Teringie	Raymond Tham

9.2.2 Decision of Panel

**The following was adopted by consensus of all members** (13)

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 21030645 by Linda Guan for two storey detached dwelling, indoor swimming pool, retaining walls and fencing at 6 Coach-House Drive, Teringie is GRANTED Planning Consent subject to the following conditions:

**CONDITIONS**

**Planning Consent**

- 1) **Development In Accordance with Approved Plans**  
The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

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- 2) **Prior to Building Rules Consent – Requirement for Stormwater Calculations**  
Prior to Building Consent being granted a final Stormwater Management Plan and all associated hydrological and hydraulic stormwater calculations shall be provided to the reasonable satisfaction of Council staff.
  
- 3) **External Finishes**  
The external finishes to the building herein approved shall be as follows:  
  
WALLS: Paint-Finish Render in 'White' and 'Dark Tonal', Austral Metallix Brick in 'Zinc', Stone, or similar  
ROOF: Colorbond 'Shale Grey' or similar
  
- 4) **Residential Lighting**  
All external lighting shall be directed away from residential development and, shielded if necessary to prevent light spill causing nuisance to the occupiers of those residential properties.
  
- 5) **Sill Heights for Windows**  
The upper level windows on the southern elevation of the dwelling shall have a minimum sill height of 2.0 metres above finished floor level as shown on Elevation (Drawing No. A A006) prepared by SOKO Design Studio Revision 2 dated 27 October 2021.
  
- 6) **Balcony Screening**  
The balcony on the southern elevation of the dwelling shall have fixed screening as shown on Elevation (Drawing No. A006) prepared by SOKO Design Studio Revision 2 dated 27 October 2021 to a minimum height of 1.7m above the balcony floor level. The screening shall be installed prior to occupation and maintained in good condition at all times.
  
- 7) **Erosion Control – Provision of Drainage Channels**  
Drainage channels are to be provided above and below the cut and fill area to minimise water entry.
  
- 8) **Erosion Control – Straw Bales**  
Prior to commencement of construction of the approved development straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during periods of rainfall.

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- 9) **Timeframe for Landscaping to be Planted**  
The landscaping detailed on the Landscaping Plan (Drawing No. A009) prepared by SOKO Design Studio Revision 2 dated 27 October 2021 shall be planted in the planting season following occupation of the dwelling and maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.

**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**



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- ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

- 6) Building Consent must be applied for and granted prior to the expiry of the Planning Consent.

9.3 Development Application 21021753 by Lou Fantasia Planning Pty Ltd for residential flat building comprising three (3) dwellings, commercial shop tenancy, associated car parking and associated landscaping at Flats 1-3, 79 Onkaparinga Valley Road, Woodside

9.3.1 Representations

None to be heard

9.3.2 Decision of Panel

The following was adopted by consensus of all members (14)

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 21021753 by Lou Fantasia Planning Pty Ltd for residential flat building comprising three (3) dwellings, commercial shop tenancy, associated car parking and associated landscaping at Flats 1-3, 79 Onkaparinga Valley Road, Woodside is GRANTED Planning Consent subject to the following conditions:

**CONDITIONS**

**Planning Consent**

- 1) Development in Accordance With Approved Plans  
The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

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- 2) **Commercial Lighting**  
Flood lighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties.
- 3) **External Finishes**  
The external finishes to the buildings herein approved shall be as follows:
- Commercial Building:
- WALLS: Mixture of Scyon Linea Painted Lexicon and Sandstone Wall cladding or similar  
ROOF: Colorbond Shale Grey or similar
- Residential Flat Building (comprising 3 dwellings):
- WALLS: Mixture of Brick in Austral Chapel Red and Scyon Linea Painted Lexicon or similar  
ROOF: Colorbond Shale Grey or similar
- 4) **Unloading And Storage Of Materials And Goods**  
All materials and goods associated with the commercial use shall at all times be loaded and unloaded within the confines of the subject land. Materials and goods shall not be stored on the land in areas delineated for use as car parking.
- 5) **Opening Hours**  
The opening hours of the shop shall be 9:00am to 5:30pm - Monday to Sunday.
- 6) **Firefighting Water Supply- Mains Water Supply Available**  
A supply of water independent of reticulated mains supply shall be available for each of the dwelling at all times for fire-fighting purposes as follows:
- a minimum supply of 2,000 (two thousand) litres of water shall be available for fighting purposes at all times; and
  - the water supply shall be located such that it provides the required water; and
  - the water supply shall be fitted with domestic fittings (standard household taps that enable an occupier to access a supply of water with domestic hoses or buckets for extinguishing minor fires); and
  - the water supply outlet shall be located at least 400mm above ground level for a distance of 200mm either side of the outlet; and
  - a water storage facility connected to mains water shall have an automatic float switch to maintain full capacity; and

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- where the water storage facility is an above-ground water tank, the tank (including any support structure) shall be constructed of non-combustible material.

**7) Stormwater Overflow Directed To Street**

Stormwater management shall be undertaken in accordance with the stormwater management plan and calculations prepared by Jack Adcock Consulting Pty Ltd, project number JAC200769-DRG-C002, issue D dated 27/10/2021 and stormwater calculation dated 27 October 2021.

All roof run-off generated by the development hereby approved shall be directed to a rainwater tank with overflow to the street to the satisfaction of Council within one month of the roof cladding being installed. All roof and hard paved water runoff shall be managed to prevent trespass onto adjoining properties and into the effluent disposal area where an on-site waste control system exists.

**8) Car Parking Designed In Accordance With Australian Standard AS 2890.1:2004**

All car parking spaces, driveways and manoeuvring areas shall be designed, constructed, drained and line-marked in accordance with Australian Standard AS 2890.1:2004. 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 prior to occupation and maintained in good condition at all times to the reasonable satisfaction of the Council.

One (1) car parking space in the car park shall be designated as spaces for people with a disability and designed in accordance with Australian Standard 2890.1:2004.

**9) Residential Access Points**

The residential vehicle access point(s) and cross over shall be constructed in accordance with Adelaide Hills Council standard engineering detail SD13 – residential vehicular crossing concrete for sealed road with kerb and SD16 – allowable crossover locations, within 3 months of occupation/use of the development.

**10) Commercial Access Points**

The commercial vehicle access point and cross over shall be constructed in accordance with Adelaide Hills Council standard engineering detail SD16 – commercial industrial vehicular crossing concrete for sealed road with kerb and SD16 – allowable crossover locations, prior to occupation/use of the development.

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- 11) **Landscaping Protection In Car Parks**  
All landscaped areas and structures adjacent to driveways and parking areas shall be separated by a wheel stop device prior to the occupation of the development. Such devices shall not impede the free movement of people with disabilities.
- 12) **Timeframe For Landscaping To Be Planted**  
Landscaping, detailed on the site and floor plan prepared by Nielsen Architects drawing number PA101 revision D shall be planted in the planting season following occupation and maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.
- Conditions imposed by Commissioner of Highways under Section 122 of the Act
- 13) **Vehicle Access Points**  
Vehicular access location and configuration to serve the site shall be in accordance with the Site Plan by Nielsen Architects (Drawing No. DA101, dated 3 February 2021).
- 14) **Stormwater Run-off**  
Stormwater run-off shall be collected on-site and discharged without impacting the integrity and safety of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

**ADVISORY NOTES**

- 1) **Planning Consent Expiry**  
This Planning Consent 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.

- 2) **Erosion Control - During Construction**  
Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

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**3) Surveyed Boundaries**

The onus of ensuring that any wall or fence is located in the approved position on the correct allotment is the responsibility of the land owner/applicant. This may necessitate a boundary survey being undertaken by a licensed land surveyor prior to the work commencing and when the wall is complete.

Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act

**4) Signage**

It is recommended that the proposed signage is consistent with DIT's publication '*Advertising Signs: Assessment Guidelines for Road Safety*'.

**General Notes**

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- 2) 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.
- 3) 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).
- 4) 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.
- 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:

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- 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).

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

**11. ERD Court Appeals**  
Nil

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

12.1 It was suggested by the Panel that Council give consideration to undertaking a Stirling Traffic MasterPlan to better understand the traffic issues. Mel Bright undertook to have a conversation with the CEO and Engineering staff, and provide a response at a future meeting.

12.2 Paul Mickan suggested that Council seek clarification from PlanSA regarding the difference between the car parking rates of Childcare Centres and Pre-Schools in the Planning and Design Code. James Booker advised that this query had already been raised with PlanSA and staff are awaiting a response. Staff will report back to CAP once this response has been received.

**13. Other Business**

13.1 Following a question from John Kemp, James Booker provided an update on the proposed development at 160 Longwood Road, Heathfield for a retail fuel outlet.

13.2 The Panel were asked to consider their preferred style of Officer's report (templates slightly different for each item) and provide their feedback at the next meeting.

**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 13 April 2022.
- 17. Close meeting**  
The meeting closed at 10.31pm.