

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 14 SEPTEMBER 2022  
63 MOUNT BARKER ROAD, STIRLING  
AND  
ZOOM VIRTUAL MEETING ROOM**

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**In Attendance****Presiding Member**

Geoff Parsons

**Members**

Ross Bateup  
Paul Mickan  
Myles Somers  
John Kemp

**In Attendance**

Natalie Armstrong	Director Development & Regulatory Services
Deryn Atkinson	Assessment Manager
James Booker	Team Leader Statutory Planning
Doug Samardzija	Senior Statutory Planner
Melanie Scott	Senior Statutory Planner
Tom Portas	Systems Analyst
Karen Savage	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 The Presiding Member thanked Myles Somers for standing in as Presiding Member at the last meeting.

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3.2 Apologies  
Nil

3.3 Leave of Absence  
Nil

**4. Previous Minutes**

4.1 Meeting held 10 August 2022

**The minutes were adopted by consensus of all members** (34)

**That the minutes of the meeting held on 10 August 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 is still 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.

Additionally, Paul further advised that, in relation to Item 8.3, he is connected with the applicant's Planning Consultant, Emma Barnes, via social media. He has not been in touch with Emma for some time, and has not discussed this application nor any other application with her. Accordingly, he does not believe he has a conflict of interest in this matter and will remain in the room and vote.

The Presiding Member advised that, in relation to Items 8.3 and 11.1, the organisation he works for has contracts with Planning Studio and URPS respectively to provide planning assessment services. However, these are professional relationships and will not impair his ability to remain impartial. He will remain in the room and vote in respect of these matters.

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**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 21008654 by Phillips/Pilkington Architects for two storey community facility, including function hall (200 person capacity), verandah, associated car parking, landscaping and earthworks at 1377 Lower North East Road, Houghton**

**Deferred from meeting 10 August 2022**

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

- 1) *Further acoustic professional advice to confirm modelling of patron noise includes both patrons on the terrace (balcony) & patrons within the building with doors & windows open when music is not played.*
- 2) *And validate that the modelling of background noise has considered noise readings taken as close as practicable to the elevation of the sensitive receiver premises.*

Refer to Item 8.1 of these Minutes (35)

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

8.1 **Development Application 21008654 by Phillips/Pilkington Architects for two storey community facility, including function hall (200 person capacity), verandah, associated car parking, landscaping and earthworks at 1377 Lower North East Road, Houghton and remainder of works at 20 Pomona Road, Stirling**

**8.1.1 Representations**

Representations heard previously at CAP meeting held on 10 August 2022.

The applicant's representatives, Ivailo Dimitrov (Acoustic Engineer) and Matt Thomas (Houghton Soldiers Park), were invited to answer questions from the Panel.

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8.1.2 Decision of Panel

The following was adopted by consensus of all members (35)

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 21008654 by Phillips/Pilkington Architects for two storey community facility, including function hall (200 person capacity), verandah, associated car parking, landscaping and earthworks at 1377 Lower North East Road, Houghton is GRANTED Planning Consent subject to the following conditions:

**PLANNING CONSENT**

**CONDITIONS**

- 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) 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.
- 3) All external materials and finishes shall be of subdued colours which blend with the natural features of the landscape and are of a low-light reflective nature.

**NOTE: browns, greys, greens and beige are suitable and galvanised iron and zinalume are not suitable.**

- 4) All car parking spaces, driveways and manoeuvring areas shall be designed, constructed, and delineated in accordance with Australian Standard AS 2890.1:2004. Delineation and directional arrows shall be clearly visible and maintained in good condition at all times.

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Driveways, vehicle manoeuvring and parking areas shall be constructed of compacted gravel prior to occupation and maintained in good condition at all times to the reasonable satisfaction of the Council

- 5) All materials and goods 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.
- 6) At any one time, the overall capacity of the community facility shall be limited to a maximum of 200 persons. This includes any associated outdoor areas for liquor licensing purposes.
- 7) The opening hours of the community facility shall be the following:

Monday to Thursday:	11:00am to 10:00pm
Friday and Saturday:	10:00am to 12:00am
Sunday:	9:00am to 3:00pm
- 8) Entertainment in the form of a range of music shall be contained within the building during the operating hours of the community facility. Windows and doors of the building shall be kept closed during times when music is played.
- 9) Prior to occupation, the sound system shall be tuned and commissioned by an acoustic engineer in accordance with the recommendations from the Bestec Acoustic Services 100% Design Report dated 31 August 2022. When the nominated noise levels are achieved, the sound limiter and main amplifier should be locked by the acoustic engineer to prevent the settings being adjusted by staff or performers.
- 10) Prior to music being played and during the music amplification, sound pressure levels from all speakers shall be measured at 1m from the speakers to ensure that amplification does not exceed the recommended levels of the Bestec Acoustic Services 100% Design Report. Records of the readings shall be maintained and available for inspection by the Council upon request.
- 11) All performers shall only use the sound system and amplifier provided by the function centre. No other sound systems and amplifiers are permitted to be used unless tuned and commissioned by an acoustic engineer prior to use in order to comply with the recommendations from Bestec Acoustic Services 100% Design Report dated 31 August 2022.
- 12) A maximum of four (4) speakers shall be used at any one time.

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- 13) Prior to Building Consent being issued, all noise management construction recommendations from the Bestec Acoustic Services 100% Design Report dated 31 August 2022 shall be included in the final building design plans, submitted for Building Consent.
- 14) Prior to occupation of the approved building, the noise management construction recommendations from the Bestec Acoustic Services 100% Design Report dated 31 August 2022 shall be implemented to the reasonable satisfaction of Council staff.
- 15) Prior to 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.
- 16) Landscaping, detailed in plans prepared by Outer Space and stamped as part of this planning consent shall be planted in the planting season following occupation of the approved building 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.
- 17) The works in relation to the protection of trees outlined in the Arborist's Report prepared by Project Green and submitted as part of this application as a strategy for management of the trees are to be undertaken simultaneously with the commencement of building works on the site.
- 18) Prior to occupation of the approved building, all surface water from carparking or hardstand areas shall be directed to a proprietary pollutant treatment device capable of removing oils, silts, greases, and gross pollutants prior to discharge to Council's and the EPA's reasonable satisfaction.
- 19) All stormwater from the building is to be directed into the existing underground stormwater infrastructure within one month of roof cladding being installed.
- 20) All waste shall be removed from the subject land at least once weekly. Collection of waste shall be carried out only between the hours of 7.00am and 5.00pm on any day.
- 21) The number of functions in a calendar year not associated with community or sporting events shall not exceed 12 per year. A record of all events shall be maintained and available for inspection by the Council on request.

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Such functions shall have a maximum capacity of 200. Any increase in the number of functions/capacity will require separate development approval.

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

- 22) No irrigation of the oval with treated wastewater is to occur.
- 23) All bores located on site must be decommissioned prior to the commissioning of the wastewater system.
- 24) The wastewater system must be fitted with an audible and visual alarm to alert a person of responsibility of any and all faults.
- 25) The detailed design of the stormwater management system must incorporate the outcomes modelled in the concept design outlined in the 'Houghton Memorial Oval Stormwater Management Plan' prepared by Tonkin Consulting and dated 17 April 2018.

**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).

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- 5) The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. For further information visit: [www.environment.sa.gov.au/Conservation/Native\\_Vegetation/Managing\\_native\\_vegetation](http://www.environment.sa.gov.au/Conservation/Native_Vegetation/Managing_native_vegetation)

Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8303 9777. This must be sought prior to Full Development Approval being granted by Council.

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

- 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) The EPA recommends that management processes and responsibilities for the operation and management of the wastewater treatment system and irrigation area are documented in an operational management plan.
- 8) Further information and resources on managing construction activities to minimise impacts to water quality can be found on the EPA website [Building & construction | EPA](#). In particular, the Code of practice for the building and construction industry lists the circumstances in which a soil erosion drainage management plan should be prepared.
- 9) More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: [www.epa.sa.gov.au](http://www.epa.sa.gov.au)



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**8.2 Development Application 22006231 by Beyond Ink for change in use from shop to indoor recreation facility at 41 Avenue Road, Stirling**

**8.2.1 Representations**

<b>Name of Representer</b>	<b>Address of Representer</b>	<b>Nominated Speaker</b>
Nicholas Stephenson	PO Box 83, Stirling	Richard Wundke
Matthew O'Callaghan on behalf of Joan O'Callaghan	PO Box 1277, Mylor 50 Avenue Road, Stirling	Matthew O'Callaghan via Zoom Webinar

The applicant's representatives, Sonia Gallarello and Jordana Ashcroft (Beyond Ink) and Kim Cambridge, addressed the Panel.

**8.2.2 Decision of Panel**

**The following was adopted by consensus of all members (36)**

**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 22006231 by Beyond Ink for change in use from shop to indoor recreation facility at 41 Avenue Road, Stirling is GRANTED Planning Consent subject to the following conditions:**

**PLANNING CONSENT**

**CONDITIONS**

- 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 opening hours of the indoor recreation facility shall be:**

<b>Monday to Friday</b>	<b>6.00am – 11.30am and 4.30pm – 8.30pm</b>
<b>Saturday and Sunday</b>	<b>9.00am to Noon</b>

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- 3) At any one time, the overall capacity of the indoor recreation facility shall be limited to a maximum of 12 participants and 2 staff and class times must have a minimum separation of 15 minutes between finishing time and commencement of the next class.
- 4) Music shall only be played within the indoor recreation facility when classes are operating and doors and windows are closed. The noise from the music shall not exceed:
  - Day-time (07:00 to 20:00): 57dBA
  - Night-time (20:00 to 07:00): 50dBA

When assessed externally at the nearest existing noise sensitive location.

#### 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).

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- 8.3 **Development Application 22011328 by Simon Winter for change of use from residential to include service trade premises (plant sales in an outdoor setting) at 11 Rugby Road, Aldgate**

8.3.1 **Representations**

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
Rick Harper	20 Rugby Road, Aldgate	Rick Harper

The applicant's representatives, Emma Barnes (Planning Studio) and Anji Brennan, addressed the Panel.

8.3.2 **Decision of Panel**

**The following was adopted by consensus of all members** (37)

**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 22011328 by Simon Winter for change of use from residential to include service trade premises (plant sales in an outdoor setting) at 11 Rugby Road, Aldgate is GRANTED Planning Consent subject to the following conditions:

**PLANNING CONSENT**

**CONDITIONS**

- 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 opening hours of the facility shall be (as proposed):
  - 10:00am to 3:00pm Tuesday to Friday
  - 10:00am to 4:00pm Saturday
  - 11:00am to 4:00pm Sunday; and
  - Closed on Mondays

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- 3) Deliveries to / from the site shall occur within the existing, adjacent Loading Zone on Strathalbyn Road during the prescribed hours established for the Loading Zone. No deliveries shall occur to the Rugby Road access.

*Note: this consent does not include the commercial movement of vehicles to / from the site via the Strathalbyn Road site frontage or contemplate the use of the crossover for commercial deliveries.*

*Alteration of such use would require further application to Council and referral to the Office of the Minister for Highways in respect of vehicular access to State-maintained Strathalbyn Road.*

- 4) Landscaping detailed in site plan by Planning Studio (*Magnolia grandiflora* 'sweet and neat' as the evergreen screen shown on plan) shall be planted in the planting season following Development Approval 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.
- 5) All materials stored within the site in the areas marked for display and sale shall be kept in a tidy manner at all times. No materials related to the plant sales in an outdoor setting shall be stored outside the area delineated for the activity on the approved site plan.
- 6) There shall be no plant propagation for commercial purposes undertaken on-site.
- 7) Any change to include the sale of products beyond garden plants will require a separate application to Council.

#### 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.

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- 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).

8:37pm	The meeting was adjourned for a short break
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8:47pm	The meeting resumed
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**9. Development Assessment Applications – Planning, Development and Infrastructure Act**

- 9.1 Development Application 19/532/473 by GE Hughes Construction Co for variation to Development Authorisation 19/532/473 to vary truck wash location, combined fence and retaining wall height (maximum 4.4m), retaining walls height (maximum height 2m) and retaining wall location and associated earthworks at 4 Brettig Road, Lobethal.**

**Original Proposal: Change of use to include a transport depot and extend an existing vehicle hardstand, retaining walls, combined fence and retaining wall (maximum height 4.15 metres), 2 x 28,000 litre fuel storage pods, storage building, outbuilding for truck wash equipment, 2 x 20,000 litre water tanks and associated earthworks at 4 Brettig Road, Lobethal**

**9.1.1 Representations**  
Nil

The Council Assessment Panel agreed to the request from the applicant's representative, Duane Hughes, to address the Panel.

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9.1.2 **Decision of Panel**

The following was adopted by consensus of all members (38)

The Council Assessment Panel considers that Variation Number 2 to vary Development Plan Consent 19/532/473 to vary truck wash location, combined fence and retaining wall height (maximum 4.4m), retaining walls height (maximum height 2m) and retaining wall location and associated earthworks is minor in nature and unlikely to unreasonably impact on the neighbouring properties and approves the variation under Regulation 65 of the Planning, Development and Infrastructure (General) Regulations 2017 at 4 Brettig Road Lobethal subject to amendment to the following condition:

1) Development In Accordance With The Plans

The development herein approved shall be undertaken in accordance with the following plans, details and written submissions accompanying the application, unless varied by a separate condition:

- Designing Places Architects plans:
- dated 11 August 2022, WD01, WD01a, WD02 & WD02a, WD03, WD04
- dated 19 April 2021 PA02B, PA05 & PA06
- DBN Consulting Engineers Stormwater management plan dated 30 April 2021 revision 3D, Figure 01 A dated 13 August 2019, Figure 02 A dated 26 July 2020, Figure 03 E dated 26 August 2020, Appendices B and C dated 17 July 2020
- A-FLO Equipment Sheets 1 and 2 Rev 01 and Sheet 1 Rev 0.1 date stamped by Council 27 November 2019

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

Nil

11. **ERD Court Appeals**

11.1 **Compromise Proposal for 14 Johnston Street, Stirling – DA 21031474**

The applicant's representative, Simon Channon (URPS), was invited to answer questions from the Panel.

Moved John Kemp  
S/-

Lost  
(39)

The motion was Lost for want of a seconder.

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The Council Assessment Panel do not accept the compromise proposal that was put forward as it would be contrary to Transport, Access and Parking –Movement Systems PO 1.2, and Design in Urban Areas – Site Facilities / Waste Storage PO 11.2.

<b>Moved</b>	Myles Somers	<b>Carried</b>
<b>S/-</b>	Ross Bateup	<b>(40)</b>

The Council Assessment Panel resolved that:

- 1) Pursuant to Section 125 (4)(b) 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) The Amended Proposal received 1 September 2022 for 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 is SUPPORTED and
- 3) An order is sought from the ERD Court granting Planning Consent subject to the conditions below; and
- 4) Delegation is given to the Assessment Manager to negotiate the final condition wording for a Court order to settle the appeal.

**CONDITIONS**

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below:
  - Amended plans from Gardiner Architects Job number 202015 Drawing number TP.00 Rev D, TP.02, TP.03 Rev D, TP.04 Rev D, TP.05 Rev D, TP.06 Rev D, TP.07 Rev D , TP.08 Rev D, TP.09 Rev D, TP.10 Rev D, TP.11 Rev D, and TP.20 Rev D all dated 30 August 2022
  - Amended Waste Management Report from Colby Phillips dated 31 August 2022
  - Environment Noise Assessment Report from Echo Acoustic Consulting dated 6 April 2022
  - Stormwater Management Plan Report prepared by Drew Rudd Engineers' dated 3 March 2021

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- 2) External lighting shall in designed to conform with *AS4289: - Obtrusive Effects of Outdoor Lighting* and be restricted to that necessary for safe access & egress and security purposes only and shall be directed and shielded and fitted with honeycomb diffusers in such a manner to reduced glare and direct light so as to not cause nuisance to adjacent properties.
- 3) All lighting shall be connected to a timer and be switched on no earlier than 6am and switched off by no later than 7.00pm.
- 4) All car parking spaces, driveways and manoeuvring areas shall be constructed and line-marked in accordance with AS 2890.1:2004. Line marking and directional arrows shall be clearly visible and maintained in good condition at all times. Excluded parking areas such as the turn-around bay shall be marked with diagonal yellow bars in accordance with Part 11 of *AS 1742 Manual of uniform traffic control devices*.
- 5) Alterations to the Johnston Street footpath and kerb shall be undertaken to the reasonable satisfaction of Council, and footpath paving materials shall match the existing footpath paving.
- 6) All materials and goods 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.
- 7) All solid waste of any kind shall be stored in closed containers having a close-fitting lid with containers stored in a concealed location and in a manner which mitigates the occurrence of offensive odours emanating from the site or attraction of animals or insects to the stored waste. Waste shall not be stored on the land in areas delineated for use as car parking.
- 8) Waste collection shall be managed on-site in accordance with the Waste Management Plan, prepared by Colby Phillips Advisory, dated 31 August 2022. On-site waste shall be collected only between 9am and 3pm Monday to Friday.
- 9) The opening hours of the facility shall be 6:30am to 6:30pm Monday to Friday, and remain closed on Saturdays, Sundays and Public Holidays.



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- 10) Prior to Building Consent being issued, all noise management construction recommendations from the Echo Acoustic Consulting Report (the Report) dated 6 April 2022 shall be included in the final building design plans submitted for Building Consent as follows:
- The fences in Figure 2 of the Report depicted as blue are a minimum of 2.4m in height when measured above the Outdoor Play Area 1 ground level and fences depicted as red are a minimum of 1.8m in height when measured above the Outdoor Play Area 1 ground level.
  - The fences depicted in Figure 2 of the Report shall be constructed from sheet steel with a base material thickness (BMT) of 0.42mm, or an alternative material with the same or greater surface density. The fences should be sealed airtight at all junctions, including with the building, the ground floor wall and at the overlap of sheets.
  - The extent of the balustrade depicted as yellow in Figure 3 of the Report shall be a minimum of 2.1m in height when measured above the deck.
  - The extent of the balustrade depicted as orange in Figure 3 and Figure 4 of the Report shall be a minimum of 1.8m in height when measured above the deck.
  - The balustrade material shall be of material with a surface density equal to or greater than sheet steel with a 0.42mm BMT, including glass or Perspex. The balustrade should be sealed airtight at all junctions, including with the deck and at the overlap of sheets.
  - The access to Play Area 2 and Play Area 4 shall incorporate a 1.8m high solid external gate of the same material specification as the balustrade. The gate shall incorporate a frame and rubber contact at all sides and a drop-down seal at the base to provide an airtight seal when closed.
  - Any shade sail used in the play areas shall be constructed from an acoustically transparent material such as “open weave” shade cloth or similar rather than waterproof PVC.
  - Acoustic absorption shall be provided to the soffit of the slab above the Play Area 1 for the extent shown as purple in Figure 3 of the Report and in accordance with Figure 5 of the Report by directly fixing material such as 25mm thick *Pyrotek* “*Reapor*” panels.
- 11) Prior to occupation of the approved building, the noise management construction recommendations from the Echo Acoustic Consulting Report dated 6 April 2022 shall be implemented to the reasonable satisfaction of Council staff.
- 12) The applicant shall prepare and implement a Noise Management Plan for the facility which includes the following measures:
1. Closing doors and windows in rooms when music is being played.
  2. Ensuring outdoor play spaces are not used before 7.00am.
  3. Not introducing surfaces or equipment which regularly elevate children above the fence height.

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4. Not having equipment or surfaces intended for impact outside.
5. Not having musical instruments outside.
6. Maintaining play equipment such that noise which could be reduced by maintenance is not generated.
7. Utilising gates and doors with soft close mechanisms.
8. Maintaining a method for neighbours to contact the facility and communicating this to neighbours in writing.
9. Ensuring crying or distressed children are taken inside the centre and comforted.
10. Monitoring the behaviour of children by trained childcare staff.
11. Ensuring carers and staff control the level of their voice while outside.

This plan and associated records shall be maintained and be made available to Council upon request.

- 13) All roof runoff and runoff from the car-park shall be managed on-site in accordance with the approved Stormwater Management Plan Report prepared by Drew Rudd Engineers' dated 3 March 2021 and Email from Jon Rudd dated 7 October 2021 to the reasonable satisfaction of Council.

**Note:** There is an existing stormwater 150mm pipe that crosses the front of the property, no alterations are to be made to this. If damaged report to the Council immediately.

- 14) Prior to the commencement of the development herein approved tree protection measures shall be implemented in accordance with the detail contained in the Tertiary Tree Consulting Pty Ltd Addendum Report dated 26 August 2021 (the report) for the purposes of protection of the regulated trees, for and during the construction phase. Note the tree is on neighbouring land, but the following applies to those parts of the TPZ on the subject land. In particular:
  1. **Site Meeting:** A site meeting must occur between the minimum AQF level 5 Project Arborist and the builder addressing the tree protection plan before site works commence inclusive of demolition works (AS4970-2009).
  2. **Tree Watering:** The TPZ is to be irrigated and kept moist for 4 weeks before site works commence and is to continue throughout the length of the project (AS4970-2009).
  3. **Tree Nutrition:** Before site works commence and to enhance and facilitate new tree root growth, the TPZ is to be inoculated with QuadShot organic biological stimulant and Trichoderma harzianum. These measures will increase tree health and new fine feeder root growth. This must be undertaken by the minimum AQF level 5 Project Arborist. This must be certified by the Project Arborist with the certification submitted to the local council (Handreck and Black 2010).

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4. **Mulching The TPZ:** Before site works commence and to enhance and facilitate tree health through nutrient cycling, within the TPZ area, the TPZ must have a layer of properly composted mulch complying with AS4454 covering it to a depth of between 50-100 mm only. Mulch choices include but are not limited to Jeffreys Biomatt and Jeffreys Recover. No machinery is permitted within the TPZ to complete this task. The minimum AQF level 5 Project Arborist must certify the choice of mulch. The minimum AQF level 5 Project Arborist must certify the mulch is correctly installed with the certification submitted to the local council (AS4970-2009).
5. **TPZ Fencing:** A two-metre-tall temporary chain mesh tree protection fence must be installed in the location as drawn in appendix 5 complying with AS4687 and AS4970-2009. This will protect the TPZ/SRZ and vascular tissue while allowing the works to proceed. Signage identifying the TPZ must be attached to the TPZ fencing complying with AS4970-2009 and AS1319. The tree protection fencing must be installed prior to the commencement of any site works including demolition works. This fence must not be moved without consulting the minimum AQF level 5 Project Arborist (Refer the Tree Protection Plan appendix 5 in this report for further information). The minimum AQF level 5 Project Arborist must certify in writing the tree protection measures are correctly installed with certification documents submitted to the local council. This fence can be moved in consultation with the minimum AQF level 5 Project Arborist at the point of footing construction. (AS4970-2009).
6. **Machinery Access:** Machinery access is only permitted within the tree protection zone including the building and carpark footing footprint area under the direct supervision of the minimum AQF level 5 Project Arborist. Suitable ground protection such as rumble boards must first be laid to spread the load and stop soil compaction. The rumble boards must be approved in writing by the Project Arborist. The works within the TPZ must be directly supervised by the Project Arborist with certification documentation submitted to the local council (AS4970-2009). This may be required for works such as digging the elevator shaft and the bored piers.
7. **Grade Changes (Footing):** Except for the pier and elevator shaft locations. Within the area for the building and carpark footing, the soil within the TPZ must remain undisturbed with no grade change.
8. **Elevator Shaft:** Refer the machinery access section 6 above for further instructions. These works must occur under the direct supervision of the minimum AQF level 5 Project Arborist with certification submitted to the local council.
9. **Bored Pier Footings:** Within the TPZ the footings must be pier and beam. The beam sections must be installed above the existing grade with an air gap. This means the only impact for the footing will be the footprint of each pier only keeping the impact low and acceptable. All pier trench works must be bored. Refer the machinery access section above for further instructions. This must occur

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under the direct supervision of the minimum AQF level 5 Project Arborist with certification submitted to the local council (AS4970-2009). Some fine feeder roots will be lost during these works. Trees replace fine feeder roots every week to six months depending on thickness (Hirons and Thomas 2018), therefore, will have no deleterious impact on the TPZ as the tree will quickly replace/regenerate these roots.

10. **Supplementary Irrigation:** A supplementary irrigation system must be installed under the proposed footing within the TPZ to ensure water continues to be delivered to the roots within this part of the TPZ. This must be a dripper system laid on the existing grade, so no excavation is required. (Roberts et al., 2018).
11. **Service Installation:** Services must either be hung/fixed to the underside of the beam sections of the footing, or service trenches must be excavated with a hydrovac to ensure tree roots >40mm diameter are not damaged. Exposed tree roots are to be kept moist and the trench must be backfilled in a timeframe specified by the minimum AQF level 5 Project Arborist which will be determined by the weather at the time of works and the roots found during this process. This must occur under the direct supervision of the minimum AQF level 5 Project Arborist with certification submitted to the local council (Roberts et al., 2018; AS4970-2009). Some fine feeder roots will be lost during hydrovac works. Trees replace fine feeder roots every week to six months depending on thickness (Hirons and Thomas 2018), therefore, will have no deleterious impact on the TPZ as the tree will quickly replace/regenerate these roots.
12. **Further Tree Protections:** Unless specifically specified within section 4 of the report, the following activities a-n inclusive are not permissible within any Tree Protection Zone and form part of the tree protection plan for the nominated trees to be retained:
  - a. Machine excavation including trenching.
  - b. Excavation for silt fencing.
  - c. Cultivation.
  - d. Storage of materials.
  - e. Preparation of chemicals including cement products.
  - f. Parking of vehicles or plant.
  - g. Refueling.
  - h. Dumping of waste.
  - i. Washing and cleaning of equipment.
  - j. Placement/storage of fill.
  - k. Lighting of fires.
  - l. Soil level alterations.
  - m. Temporary or permanent installation of utilities and signs.
  - n. Physical damage to the tree including attaching anything to the tree. (AS4970-2009).

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15) Landscaping detailed on plans TP.05 Rev D, TP.08 Rev D and TP.09 Rev D dated 30 August 2022 and the planting of the green roof as shown in TP.07 Rev D shall be planted prior to the occupation of the building herein approved. Landscaping shall thereafter be maintained in good health and condition at all times. Any landscaping that dies or becomes seriously diseased shall be replaced in the next available planting season.

16) Prior to Building Consent a Construction Erosion Management Plan (CEMP) including a Traffic Management Plan for construction shall be prepared and submitted to Council for approval.

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

Nil

**13. Other Business**

**13.1 Review of Council Assessment Panel (CAP) Operating and Meeting Procedures**

The Panel had a detailed discussion regarding representors being allowed a further opportunity to address the CAP after the applicant's response to the Panel. The Panel determined that the current practice should remain as defined in 5.6.10 of the draft Operating and Meeting Procedures.

<b>Moved</b>	<b>Paul Mickan</b>	<b>Carried Unanimously</b>
<b>S/-</b>	<b>Ross Bateup</b>	<b>(41)</b>

1) That the Council Assessment Panel revokes the Operating and Meeting Procedures adopted on 10 March 2021, and adopts the revised Operating and Meeting Procedures dated 14 September 2022 as detailed in Attachment 1 of this report, with amendment to Clause 8.

2) Delegation is provided to the Assessment Manager to make any legislative, formatting or nomenclature changes to the Operating and Meeting Procedures.

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- 13.2 Memo of Variation to Previous CAP Decision – Development Application 22026980 – 1 Lobethal Road, Lobethal (Fabrik) – sent by the Assessment Manager on 31 August 2022

The Assessment Manager asked for confirmation that the Members had received this memo and were satisfied that the variation was minor and should be dealt with by staff. The Panel Members confirmed this to be the case.

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 12 October 2022.

17. **Close meeting**  
The meeting closed at 10.11pm.