

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL SPECIAL MEETING  
WEDNESDAY 26 JULY 2023  
THE VILLAGE WELL, 54 STRATHALBYN ROAD, ALDGATE  
AND LIVESTREAM**

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**In Attendance**

**Presiding Member**

Geoff Parsons

**Members**

Ross Bateup

Paul Mickan

Myles Somers

Leith Mudge

**In Attendance**

Natalie Armstrong

Deryn Atkinson

James Booker

Marie Molinaro

Tom Portas

Ashleigh Gade

Jessica Tonkin

Tim Mason

Karen Savage

Director Development & Regulatory Services

Assessment Manager

Team Leader Statutory Planning

Acting Senior Statutory Planner

Systems Analyst, Information Systems

Statutory Planner

Development Support Officer

Statutory Planning Cadet

Minute Secretary

**1. Commencement**

The meeting commenced at 5.03pm

**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”.

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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 12 July 2023

**The minutes were adopted by consensus of all members** (11)

**That the minutes of the meeting held on 12 July 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**

The following Conflict of Interest Statement was provided by Cr Leith Mudge:

"I wish to address the matter of a perception that some may hold that I have a conflict of interest in relation to Item 8.1 for the development application for 160 Longwood Road, Heathfield.

I am the Elected Member representative on this Council Assessment Panel and a local Councillor for the Ranges Ward in which this proposed development would be located. I represent on Council both the owner of the subject land and the surrounding residents and ratepayers.

It could be perceived that I have a conflict of interest between my role of representing the interests of these communities and that of an impartial decision maker on this development application. However, there are a number of factors and measures that I have taken to mitigate this.

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From the time that this development application was first muted until now I have been bound by the Code of Conduct for Council Assessment Panel members as a Member of the Panel and previously as a Deputy Member. The code is provided under the *Planning, Development and Infrastructure Act 2016* (the PDI Act) and specifically prohibits me from:

- a. Engaging in consultation outside of the Panel process with any party on a proposed development application that is likely to be heard by the panel;
- b. Giving advice to an applicant or other third party on a development application after it has been lodged outside of a Panel meeting;
- c. Speaking at a public meeting for or against a proposal where the purpose of the meeting is to discuss either a proposed development or a development application unless required by the Act;
- d. Expressing an opinion on a development application or a proposed development outside of a panel meeting; and
- e. Engaging in any other act or omission which may give rise to a reasonable presumption that I have prejudged a development proposal or application.

I have taken this responsibility very seriously and thank members of the public for their understanding in not approaching me or attempting to engage with me on this matter, and for those that inadvertently attempted to engage for their understanding of my polite refusal to discuss.

As a local Councillor it is understandable that a number of the representors on this matter are known to me and some I would class as acquaintances. However, having surveyed the list of representors, I can say that none of them are family members, friends, or business associates and consistent with my duties under the Code of Conduct I have never discussed this application with any of them. I therefore believe that I have been able to maintain my independence on this matter.

I want to address two particular representors:

- One being Victoria Shute representing the Adelaide Hills Council and the submission that she has made on behalf of Council, and the consultations she has made with the Elected Members to form this submission. Whenever this matter was discussed in Council workshops or decisions made in Council meetings on this submission, I absented myself under the Code of Conduct provisions. The first time I ever read any version of this submission was reading the agenda items in preparation for this meeting, and the first time I will have heard from Ms Shute on this issue will be when she speaks to the submission tonight.

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- One of our other Councillors, Chris Grant, has chosen to make a written and oral submission. While I have served on the Council with Cr Grant for almost five years now, I have never discussed this application with him and was not aware of his opinions on this matter until I read his submission as part of the agenda items in preparation for this meeting.

Given these measures and the fact that the Code of Conduct requires me to put aside any biases and be an impartial decision maker, I believe that I have been able to maintain my independence on this matter and based on my belief that I have no actual conflict, I will participate in the meeting and discussion of the item”.

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

7.1 Matters Lying on the Table

Nil

7.2 Matters Deferred

Nil

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

**8.1 Development Application 21031284 by PC Infrastructure Pty Ltd for 24 hour retail fuel outlet with associated canopy, car cleaning & dog wash facilities, 70,000L underground fuel storage tank, pylon advertising sign (maximum height 7m), combined fence & retaining wall (maximum height 6m), internal acoustic fencing (maximum height 3m), retaining walls (maximum height 3.25m), car parking & landscaping at 160 Longwood Road, Heathfield**

**8.1.1 Representations**

The following representors addressed the Panel as indicated, and answered questions from the Panel:

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
Adelaide Hills Council	Mount Barker Road, Stirling	Victoria Shute Kelledy Jones
Yazan Akeel	5 Scott Creek Road, Heathfield	Did Not Attend
Peter & Elaine Anderson	41 Sheoak Road, Crafers West	Did Not Attend
Catherine Baylis	169 Longwood Road, Heathfield	Did Not Attend
Jamie Booth	32 Heather Road, Stirling	Did Not Attend

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Kevin Brogan	PO Box 677, Mylor	Kevin Brogan
Gerard Faber	16 Kiaka Lane, Scott Creek	Did Not Attend
Phillipa Fox	17 Walker Avenue, Heathfield	Did Not Attend
Glenice & Don Gare	15 Victoria Street, Hahndorf	Did Not Attend
Justin Gare	8 Brick Kiln Road, Heathfield	Justin Gare
Chris Grant	88 Mawson Road, Forest Range	Chris Grant
Mark Harrington	PO Box 63, Hahndorf	Did Not Attend
Rhys Harrington Downie	35 Heathfield Road, Heathfield	Rhys Harrington Downie
Sallie Harrington Downie	35 Heathfield Road, Heathfield	Did Not Attend
Mark Hergott	164 Longwood Road, Heathfield	George Hergott
John Hill	118 Piccadilly Road, Crafers	John Hill
Corin Kersten	PO Box 113, Upper Sturt	Did Not Attend
Bill Kierns	3 Scott Creek Road, Heathfield	Bill Kierns
Jordan Kierns	29 Leader Street, Rosewater	Did Not Attend
Graeme Laheen	4 Scott Creek Road, Heathfield	Graeme Laheen
Sarah Matthews	43 Walker Avenue, Heathfield	Sarah Matthews
Graham Nathan	17 Learmonth Court, Ironbank	Justin Gare
Sally Owen	11 Erica Road, Heathfield	Sally Owen
Dr Jasmin Packer	17 Learmonth Court, Ironbank	Justin Gare
Roy Page	99 Longwood Road, Heathfield	Did Not Attend – former Principal of Heathfield High School
George Petrakis	158 Longwood Road, Heathfield	George Petrakis
Kristin Phillips	8 Brick Kiln Road, Heathfield	Kristin Phillips
Byron Riessen	91 Longwood Road, Heathfield	Did Not Attend
Heathfield High School Governing Council	99 Longwood Road, Heathfield	Danielle Grant-Cross
Allye Sinclair	PO Box 113, Upper Sturt	Did Not Attend
Ruth Taylor-Hull	118A Longwood Road, Heathfield	Ruth Taylor-Hull

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Daniel Trotta	156 Longwood Road, Heathfield	Irena Trotta
Irena Trotta	156 Longwood Road, Heathfield	Irena Trotta
Robert Tuddenham	2 Silverwood Drive, Heathfield	Robert Tuddenham (Bob)
Maya Ueda	Erica Road, Heathfield	Did Not Attend
Cing Wardleworth	16 Walker Avenue, Heathfield	Did Not Attend
Maxine Wilson	9 Keithley Road, Heathfield	Did Not Attend

7:52pm The meeting was adjourned for a short break

8:04pm The meeting resumed

The applicant's representatives, Tim Beazley (Peregrine Corporation), Chris Turnbull (Sonus) and Ian Bishop (formerly with Stantec), addressed the Panel and answered questions from the Panel.

#### 8.1.2 Decision of Panel

**Moved** Leith Mudge **Carried**  
**S/-** Ross Bateup **(12)**

**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 seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 21031284 by PC Infrastructure Pty Ltd for 24 hour retail fuel outlet with associated canopy, car cleaning & dog wash facilities, 70,000L underground fuel storage tank, pylon advertising sign (maximum height 7m), combined fence & retaining wall (maximum height 6m), internal acoustic fencing (maximum height 3m), retaining walls (maximum height 3.25m), car parking & landscaping at 160 Longwood Road, Heathfield is REFUSED Planning Consent for the following reasons:

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**Rural Neighbourhood Zone**

**Desired Outcome 1:**

The proposal is for a commercial development that is not considered to enhance rural residential amenity.

**Performance Outcome 1.1:**

The proposal is not considered to be a complementary ancillary non-residential use and it is not compatible with a spacious and peaceful lifestyle.

**Performance Outcome 1.2:**

The proposal is not considered to be of a scale and type that maintains residential amenity.

**Performance Outcome 1.3:**

The proposal is not considered to be sited and designed to complement the residential character and amenity of the neighbourhood.

**Performance Outcome 1.4:**

The proposal is not for any of the listed anticipated non-residential development types in the Zone.

**Performance Outcome 3.1:**

The setback of the proposed control/shop building to Longwood Road is not consistent with the existing streetscape on the southern side of Longwood Road.

**Performance Outcome 4.1:**

The setback of the automatic car wash building to the Scott Creek Road boundary does not maintain a pattern of separation between building walls and public thoroughfares.

**Performance Outcome 5.1:**

The setback of the shop/control building to the western side boundary is not considered to minimise impacts on the adjoining residential property.

**Adelaide Hills Subzone**

**Desired Outcome 1 and Performance Outcome 1.1:**

The proposal is not for additional residential or tourist accommodation. It is not considered to embrace the values of retaining mature vegetation particularly as it relates to roadside vegetation. The proposal is not for an accommodation option, and it is not considered to complement residential character.

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**Overlays**

**Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay**

**Performance Outcome 4.1:**

The proposal is not considered to minimise the need to modify landscapes and natural features with regard to the filling of land and road verge vegetation modification.

**General Development Policies**

**Advertisements**

**Desired Outcome 1:**

The proposed freestanding pylon advertisement is not considered to be appropriate to the residential context of the locality and former freestanding sign on the land.

**Design**

**Desired Outcome DO1:**

The proposal is not considered to be contextual as the building design and siting does not respond well to the slope of the land or character of the immediate area.

**Performance Outcome 3.1:**

The proposal does not incorporate soft landscaping and tree planting that enhances the appearance of land and streetscapes.

**Performance Outcome 3.2:**

The proposal does not maximise the use of locally indigenous plant species in soft landscaping and tree planting.

**Performance Outcome 8:1:**

The proposal does not minimise the need for filling of land so as to limit disturbance to natural topography.



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**Performance Outcome 9.1:**

The fill concrete sleeper retaining walls on the Scott Creek Road boundary are considered to impact on visual amenity from the public realm. The fill concrete sleeper retaining walls on the western side and rear boundaries are considered to impact the amenity of the adjoining residential land. Additionally, the proposed fencing height will unreasonably impact upon the visual amenity of the locality.

**Performance Outcome 9.2:**

The fill retaining walls on the Scott Creek Road boundary are not landscaped on the low side.

**Interface Between Land Uses**

**Desired Outcome 1:**

The proposal is not considered to be located and designed to mitigate adverse effects on neighbouring and proximate land uses. A retail fuel outlet is not a desired type of land use in the Rural Neighbourhood Zone.

**Performance Outcome 1.2:**

The proposal is not considered to be designed to minimise adverse impacts. Waste storage and the fuel re-filling location is proposed adjacent to an adjoining residential use. The proposal includes 3m high internal Colorbond fencing and a maximum 6m high combined fence & retaining wall structure along the shared boundaries with adjoining residential sites.

**Performance Outcome 2.1:**

The proposal is for a non-residential development type with unlimited hours of operation adjoining existing residential uses in a Zone that is primarily intended to be for residential development. Commercial non-residential development in the Zone is intended to be complementary uses such as tourist accommodation and small-scale shops, offices and consulting rooms.

**Transport, Access and Parking**

**Desired Outcome 1:**

The proposal does not contribute to a safe transport system. Minimum driver sightlines are not achievable at all access points, an access point to Longwood Road is within a prohibited access zone per AS/NZS2890.1:2004 and the design/location of the fuel pumps presents a potential crash risk.

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**Performance Outcome 2.1:**

The sightlines at all crossovers cannot be maintained or enhanced to ensure safety for all road users.

**Performance Outcome 3.1:**

An access point to Longwood Road is not safe and convenient as it is within a prohibited access zone per AS/NZS2890.1:2004.

**Performance Outcome 3.9:**

The proposal is not designed to ensure vehicle circulation between the control/shop building and car wash and dog wash activity areas occurs within the site without the need to use public roads.

9.     **Development Assessment Applications – Development Act**  
Nil
  
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**  
Nil
  
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 9 August 2023.

**17. Close meeting**

The meeting closed at 10.06pm.