

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 9 AUGUST 2023
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

In Attendance

Presiding Member

Geoff Parsons

Members

Ross Bateup
Paul Mickan – via Zoom
Myles Somers
Leith Mudge

In Attendance

Deryn Atkinson
James Booker
Tom Portas
Karen Savage

Assessment Manager
Team Leader Statutory Planning
Systems Analyst, Information Systems
Minute Secretary

1. Commencement

The meeting commenced at 6.30pm

2. Opening Statement

“Council acknowledges that we meet on the traditional lands and waters of the Peramangk and 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 Special Meeting held 26 July 2023

The minutes were adopted by consensus of all members (13)

That the minutes of the special meeting held on 26 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

Leith Mudge advised that, in relation to Item 8.1, as this is an application from a Council employee there could be a perceived conflict of interest. Whilst he is aware of the name of the person and has had some association in the past, he has not had any discussions on this matter, and there is no pecuniary interest. He will therefore remain in the room for the deliberations and vote.

Myles Somers advised that, in relation to Item 9.1, URPS is involved in this development application and undertakes work for his employer, Coorong District Council. He has no involvement with any people in URPS regarding this development and does not believe there is a conflict of interest. He will remain in the room for the deliberations and vote.

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 23008954 by Construction Services Australia for a single storey detached dwelling at 6 Onkaparinga Street, Lobethal

8.1.1 Representations
N/A

8.1.2 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 23008954 by Construction Services Australia for a single storey detached dwelling at 6 Onkaparinga Street, Lobethal is granted Planning Consent subject to the following conditions:**

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.**
- 2) The external finishes to the dwelling herein approved shall be as follows:
WALLS: PGH bricks in 'Oyster' with render in Colorbond 'Gully' or similar
ROOF: Colorbond 'Monument' or similar**
- 3) The driveway cross-over shall be a maximum of 4m wide, and shall be constructed in accordance with Council Standard SD13. Joins between new concrete works and bitumen are to be sealed to avoid seepage.**

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- 4) The existing driveway cross-over shall be closed and reinstated in accordance with Council Standard Detail Drawing SD01 within three (3) months of the completion of building work.
- 5) Prior to commencement of work, 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 construction.
- 6) All exposed excavations and fill as shown on the siteworks and drainage plan shall be:
 - rounded off and battered to match and blend with the natural contours of the land;
 - covered with approximately 100mm of topsoil; and
 - seeded to avoid erosion and visual concerns.

All works must be completed prior to occupation of the approved development to the reasonable satisfaction of Council.

- 7) All roof runoff generated by the development hereby approved shall be directed to a rainwater tank with overflow to the street (via a pump if necessary) or a Council drainage easement to the satisfaction of Council within one month of the roof cladding being installed. All roof and hard surface 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) A supply of water independent of reticulated mains supply shall be available at all times for fire-fighting purposes:
 - a minimum supply of 2,000 (two thousand) litres of water shall be available for fire-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
 - where the water storage facility is an above-ground water tank, the tank (including any support structure) shall be constructed of non-combustible material.

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ADVISORY NOTES

General Notes

- 1) **No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.**
- 2) **Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.**
- 3) **This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.**
- 4) **Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).**

Planning Notes

- 1) **The applicant is reminded of their general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes, or may cause, environmental harm.**
- 2) **Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.**
- 3) **The onus of ensuring that any development 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 building work is complete.**

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- 4) The granting of this consent does not remove the need for the beneficiary of this consent to obtain all other consents which may be required by any other legislation.

The Applicant's attention is particularly drawn to the requirements of the Fences Act 1975 regarding notification of any neighbours affected by new boundary development or boundary fencing. Further information is available in the 'Fences and the Law' booklet available through the Legal Services Commission.

9. Major Development Project – State Assessment

9.1 Development Application 21/444/473 (Council Reference) by The Mount Lofty Golf Estate Pty Ltd for redevelopment of the Stirling Golf Club, which includes:

- a) the construction of tourist accommodation in a new hotel building and private retreats (pods);
- b) new clubhouse facility and pro-shop, administration areas and change rooms;
- c) retention and improvements to the 18-hole golf course;
- d) conservation works and adaptive reuse of a local heritage place to accommodate a multi-purpose café, retail and function space;
- e) car parking in the order of 200 spaces in two parking areas;
- f) tree removal (including native vegetation) and associated landscaping; and
- g) sub-division of the one allotment into 3 allotments

at 35 Golflinks Road, Stirling – Deryn Atkinson/James Booker

9.1.1 Representations

N/A

9.1.2 Decision of Panel

The following was adopted by consensus of all members

(15)

The Council Assessment Panel resolved:

- 1) That the Council staff report be received and noted; and
- 2) That a letter be prepared and submitted to the Minister for Planning outlining the significant concerns expressed by the Panel in relation to the development, with the letter to be reviewed by all Panel members and signed by the Presiding Member.

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10. **Development Assessment Applications – Review of Decisions of Assessment Manager**
Nil
11. **ERD Court Appeals**
Nil
12. **Delegations Review of Powers & Functions of Council Assessment Panel (CAP) as a Relevant Authority under the *Planning, Development and Infrastructure Act 2016* & Regulations – Instrument C**
- Moved Paul Mickan
S/- Myles Somers
- Carried Unanimously
(16)
- 1) That, having considered a review of the Council Assessment Panel Delegations as presented, the Council Assessment Panel hereby revokes all previous delegations to the Assessment Manager and Council (Elected Body) for powers and functions under Instrument C of the *Planning, Development and Infrastructure Act 2016* and General Regulations 2017.
 - 2) In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016*, the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (Instrument C) (Attachment 1 of the Report dated 9 August 2023) are hereby delegated this 9th day of August 2023 to the Assessment Manager and the Administration subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
 - 3) Such powers and functions of Instrument C may be further delegated by the Assessment Manager in accordance with Section 100(2) (c) of the *Planning, Development and Infrastructure Act 2016* as the Assessment Manager sees fit, unless otherwise indicated herein, or in the Schedule of Conditions in the proposed Instrument of Delegation.
 - 4) That the Assessment Manager be authorised to make any formatting, nomenclature or other minor changes to Instrument C during the period of currency.
13. **Policy Issues for Advice to Council**
Nil

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14. Other Business

- 14.1 The Assessment Manager advised that a MON was raised at last night's Council meeting noting and supporting the decision of the Panel in relation to the proposed development at 160 Longwood Road, Heathfield.
- 14.2 The Assessment Manager foreshadowed a change to the Policy for Council Assessment Panel Review of Decisions of the Assessment Manager. The Assessment Manager will circulate the updated Policy to Panel members for review before it is considered at a Council meeting in September.

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

Nil

16. Confidential Item

Nil

17. Next Meeting

The next ordinary Council Assessment Panel meeting will be held on Wednesday 13 September 2023.

18. Close meeting

The meeting closed at 8.13pm.