



NOTICE OF SPECIAL COUNCIL MEETING

To: Mayor Jan-Claire Wisdom

Councillor Kirrilee Boyd
Councillor Adrian Cheater
Councillor Nathan Daniell
Councillor Pauline Gill
Councillor Chris Grant
Councillor Malcolm Herrmann
Councillor Lucy Huxter
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Louise Pascale
Councillor Melanie Selwood

Notice is hereby given pursuant to the provisions under Section 82 of the *Local Government Act 1999* that a Special meeting of the Council will be held on:

Tuesday 31 October 2023
7.10pm
63 Mount Barker Road Stirling

Business of the meeting:

1. Proposed Development of a Childcare Centre on Pomona Road, Stirling.

A copy of the Agenda for this meeting is supplied under Section 83 of the Act.

Meetings of the Council are open to the public and members of the community are welcome to attend. Public notice of the Agenda for this meeting is supplied under Section 84 of the Act.

Natalie Armstrong
A/Chief Executive Officer



AGENDA FOR SPECIAL COUNCIL MEETING

**Tuesday 31 October 2023
7.10pm
63 Mt Barker Road Stirling**

ORDER OF BUSINESS

1. COMMENCEMENT

2. OPENING STATEMENT

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kaurna people. They are Custodians of this ancient and beautiful land and so we pay our respects to Elders past, present and emerging. We will care for this country together by ensuring the decisions we make will be guided by the principle that we should never decrease our children's ability to live on this land.

3. APOLOGIES/LEAVE OF ABSENCE

3.1. Apology

3.2. Leave of Absence

Cr Chris Grant from 30 October 2023 to 10 November 2023 approved at Council 10 October 2023

3.3. Absent

4. DECLARATION OF INTEREST BY MEMBERS OF COUNCIL

5. PRESIDING MEMBER'S OPENING REMARKS

6. PUBLIC FORUM

7. BUSINESS OF THE MEETING

7.1 Proposed Development of a Childcare Centre on Pomona Road, Stirling

8. CONFIDENTIAL ITEM

Nil

9. CLOSE SPECIAL COUNCIL MEETING

**ADELAIDE HILLS COUNCIL
SPECIAL COUNCIL MEETING
Tuesday 31 October 2023
AGENDA BUSINESS ITEM**

Item: Motion on Notice

Originating from: Cr Adrian Cheater

Subject: Proposed Development of a Childcare Centre on Pomona Road, Stirling

I move that:

- 1. The Administration prepare and deliver a written submission for the proposed development at 52 Pomona Road Stirling SA 5152 (Application number 23020199).**
 - 2. The submission address the following aspects of the application:**
 - a. The applications ability to address PO1.1 of the Rural Neighbourhood Zone in the Planning and Design Code**
 - b. Outcomes of applications traffic study including the data collection dates**
 - c. Parking assessment, including consideration for staff parking and CFS access with vehicle obstructions**
 - d. Carrying capacity, safety and accessibility of existing pedestrian access**
 - e. The proposed vegetation removal**
 - f. The % of allotment to be occupied by the proposed structure**
 - g. Impacts on privacy to neighbouring properties**
 - h. The impacts to the existing heritage residential dwelling**
 - i. The environmental noise assessment**
 - j. Any additional items of concern at the discretion of the CEO**
 - 3. The draft submission be circulated via email to elected members no later than 15:00 on the 2nd of November 2023.**
 - 4. The Administration complete the submission before the closing date of 3rd of November 2023**
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1. BACKGROUND

Brown Falconer lodged a development application (PlanSA Application ID: 23020199) for 52 Pomona Road Stirling (CT5355/911) for a:

Change of use to child care centre including alterations and additions to a Local Heritage Place, deck, associated car parking, retaining walls and fencing.

The application is to be considered by the Council Assessment Panel against the relevant criteria. The Rural Neighbourhood Zone assesses applications for change of use under performance based outcomes which includes PO 1.1;

‘Predominantly residential development with complementary ancillary non-residential uses compatible with a spacious and peaceful lifestyle for individual households’

Although the Performance Feature/Deemed-to-satisfy of PO1.1 includes child care facility as an eligible option. The proposed change of use, coupled with the proposed development do not make clear the developments ability to be compatible with a “spacious and peaceful lifestyle for individual households”.

The proposed development has caused significant concerns from local residents and businesses on a variety of fronts especially when considering the scale of the proposed development and the well established character of Pomona Road.

When considering details of the public notification document there are aspects of concern which the Adelaide Hills Council is well positioned to address and scrutinise on behalf of the residents, businesses and visitors to the region. This could be considered a responsibility given the capacity, means and resources available to the council through its collection of rates.

Consideration when responding to this application can be given to the strategic goals of the Adelaide Hills Council alongside the performance measures of the code. This includes:

1. A Functional Built Environment
 - a. Our district is easily accessible for community, business and visitors
 - b. Preserve and enhance the unique character of the Hills for current and future generations
2. Community wellbeing
 - a. Celebrate our community’s unique culture the arts heritage and events
3. A Valued Natural Environment
 - a. Conserve and enhance the regional natural landscape character and amenity values of our region
4. A Progressive Organisation
 - a. We actively represent our community
 - b. We are accountable, informed and make decisions in the best interests of the whole community

The above mentioned goals from the AHC Strategic Plan 2020-2024 speak to potential doubts in the applications contribution to these goals, but are ultimately goals limited by the Planning and Design code.

In balance there are goals of the AHC which would provide a lens of support for the proposed development including:

1. Community Wellbeing
 - a. A community for everyone – that is inclusive, welcoming and accessible
 - b. A community that grows together
2. A Prosperous Economy
 - a. Support and grow our region’s existing and emerging industries
3. A Progressive Organisation
 - a. We actively represent our community

- b. We are accountable, informed and make decisions in the best interests of the whole community

The AHC could be considered to hold a responsibility to submit responses to applications which present community concern on addressing the appropriate assessment criteria. It also has a community expectation to leverage its capacity, capability and resources to ensure proposed developments are held accountable to the community expectation and outcomes to which the AHC is mandated to represent.

2. OFFICER'S RESPONSE – Terry Crackett, Position

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 1	A functional BUILT ENVIRONMENT
Objective B2	Preserve and enhance the unique character of the Hills for current and future generations
Priority B2.3	Proactively work with developers to ensure that built form complements or enhances existing local character whilst preserving the character and amenity of our towns, historic buildings and scenic environment
Goal 5	A Progressive ORGANISATION
Objective O4	We actively represent our community
Priority O4.3	Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region

➤ Legal Implications

The Development Application was assessed under the relevant provisions of the *Planning, Development and Infrastructure Act 2016 (PDI Act)*.

The AHC Council Assessment Panel (CAP) is the decision authority.

➤ Risk Management Implications

By providing a submission to CAP it will assist in mitigating the risk of:

Council Members not being representative of community sentiment regarding the potential character and amenity impact of developments occurring within the Council area leading to a loss of community confidence.

Inherent Risk	Residual Risk	Target Risk
High (4C)	Low (2D)	Low

➤ Financial and Resource Implications

Given the limited time to enable the provision of an independent assessment of the development proposal prior to the submission deadline, it has been necessary to seek initial external advice to enable consideration at the Special Meeting of Council. The cost of that advice is estimated to be approximately \$2,000 to \$3,000. Should Council wish to make a formal submission on the development the additional cost is estimated to be between \$7,000 and \$10,000.

➤ **Customer Service and Community/Cultural Implications**

Not applicable

➤ **Sustainability Implications**

Not directly applicable.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

External Agencies: Not Applicable

Community: Not Applicable

3. ANALYSIS

At this time there has not been any analysis undertaken in relation to this Motion on Notice. This analysis is currently being undertaken by Victoria Shute (Kelledy Jones Lawyers) and will be presented to the Special Meeting of Council on 31 October 2023.

4. APPENDICES

Nil