

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 20 DECEMBER 2023
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

In Attendance

Acting Presiding Member

Myles Somers

Members

Ross Bateup

Leith Mudge

In Attendance

Natalie Armstrong

Deryn Atkinson

James Booker

Mike O'Donnell

Karen Savage

Director Community & Development

Assessment Manager

Team Leader Statutory Planning

ICT Support Officer

Minute Secretary

1. Commencement

The meeting commenced at 6.30pm with the Assessment Manager chairing in the absence of the Presiding Member.

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

Paul Mickan

Geoff Parsons

3.2

Leave of Absence

Nil

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4. Call for Acting Presiding Member

The following was adopted by consensus of all members (25)

The Council Assessment Panel resolved that Myles Somers be appointed as the Acting Presiding Member for the duration of the meeting.

5. Previous Minutes

5.1 Meeting held 8 November 2023

The minutes were adopted by consensus of all members (26)

That the minutes of the meeting held on 8 November 2023 be confirmed as an accurate record of the proceedings of that meeting.

6. Presiding Member's Report

Nil

7. Declaration of Interest by Members of Panel

The Acting Presiding Member, Myles Somers, advised that in relation to Item 9.1 he has previously worked with Frank Brennan, the Applicant's Planning Consultant, but they do not have an on-going working relationship. He does not believe there is a conflict of interest and will remain in the meeting for the deliberations and vote on this matter.

8. Matters Lying on the Table/Matters Deferred

8.1 Matters Lying on the Table

Nil

8.2 Matters Deferred

Nil

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9. Development Assessment Applications – Planning, Development and Infrastructure Act

9.1 Development Application 23025290 by YES Group (SA) for variation to the site layout plan for the Solar Farm development in DA 473/530/20 [Solar Farm (4.98MW), comprising ground mounted solar arrays (maximum height 2.9m), battery storage containers (4MW), inverters, switchboards and associated decks, temporary site office, storage building & associated car parking, fencing (maximum height 2.3m), landscaping & signage] at Lot 16 Warren Road, Birdwood

9.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Matthew Sackey	31 Winton Road Birdwood	Matthew Sackey

The representor, Matthew Sackey, addressed the Panel, and answered questions from the Panel.

The applicant's representatives, Frank Brennan (Planning Consultant) via Zoom and Dale Calderbank (YES Group) in person, addressed the Panel, and answered questions from the Panel.

9.1.2 Decision of Panel

The following was adopted by consensus of all members (27)

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 23025290 by YES Group (SA) for variation to the site layout plan for the Solar Farm development in DA 473/530/20 [Solar Farm (4.98MW), comprising ground mounted solar arrays (maximum height 2.9m), battery storage containers (4MW), inverters, switchboards and associated decks, temporary site office, storage building & associated car parking, fencing (maximum height 2.3m), landscaping & signage] at Lot 16 Warren Road, Birdwood is GRANTED Planning Consent subject to the following reserved matter and conditions:**

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RESERVED MATTER

Pursuant to section 102 (3) of the *Planning, Development and Infrastructure Act of 2016*, the following matter shall be reserved for further assessment prior to the granting of Development Approval:

- 1) An amended detailed landscaping plan shall be prepared by a suitably qualified professional and submitted with further details regarding “Native Mix Type 2” plantings, as identified in the submitted landscaping plan. Such plantings shall extend for a width of 10m from the edge of the transmission easement in the south-east corner of the subject land to provide a continuous strip of landscaping from Torrens Valley Road to Warren Road.

Pursuant to Section 127(1) of the *Planning, Development and Infrastructure Act 2016*, the power to impose further conditions of consent in respect of the reserved matter above is delegated to the Assessment Manager.

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 buildings (temporary site office, battery storage, inverters and fencing) herein approved shall be as follows:

WALLS:	Colorbond Woodland Grey or similar
ROOF:	Colorbond Woodland Grey or similar
CHAIN MESH FENCE:	Black PVC or similar
- 3) A Construction Environmental Management Plan (CEMP) shall be submitted for approval by Council prior to the commencement of site works. The CEMP shall include specific management measures or plans for the following aspects:
 - Air quality and dust;
 - Traffic and access including, but not restricted to the impact of dust and noise on nearby residents, damage to the existing road and safety issues arising out of the construction of the development; and
 - Waste management

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- 4) An Operational Environmental Management Plan (OEMP) shall be submitted for approval by Council prior to the commencement of commercial operations. The OEMP shall include specific management measures or plans for the following environmental aspects:
 - Noise and vibration
 - Fire risk
 - Public safety
 - Storm water management
 - Vegetation management and irrigation
 - Emergency response planning
 - Complaints management
- 5) Exposed and/or cleared ground surfaces (as a result of construction activities) shall be reinstated and/or reseeded with appropriate ground cover as soon as practicable following substantial completion.
- 6) The operation of plant or equipment (approved herein) shall be designed and operated to comply with the *Environment Protection (Noise) Policy 2007*.
- 7) The portable toilet shall be removed from the site upon completion of the construction phase and prior to the commencement of the operational use of the development.
- 8) Within nine months of cessation of the solar farm use, the renewable energy infrastructure approved herein (including all arrays, associated equipment and structures, cabling, fencing, footings etc) shall be decommissioned and removed, with the land rehabilitated to its pre-development condition.
- 9) Landscaping and tree plantings proposed in the amended Landscape Plan and Planting Plan must be planted in the first spring after construction on the site commences. The landscaping must be regularly watered in the first three years or such other period (whether longer or shorter) until the vegetation is established and henceforth maintained, with any dead or dying plants to be removed and replaced, to the general satisfaction of Council.

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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).
- 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. The clearance of native vegetation includes the flooding of land, or any other act or activity that causes the killing or destruction of native vegetation, the severing of branches or any other substantial damage to native vegetation. For further information visit:
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.

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6) **Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.**

10. **Development Assessment Applications – Development Act**
Nil
11. **Development Assessment Applications – Review of Decisions of Assessment Manager**
Nil
12. **ERD Court Appeals**
Nil
13. **Policy Issues for Advice to Council**
There was discussion on Renewable Energy facilities on Primary Production land in the context of the quality of the land and soil for primary production. Further discussion flagged to consider possible policy recommendations when all Panel members are present.
14. **Other Business**
- 14.1 The Assessment Manager foreshadowed that, following recent Case Law around the assessment of Tourist Accommodation, a training session with Panel Members will be organised in the New Year to discuss the outcomes including the seriously at variance question. Ross Bateup requested some legal information regarding notes taken by Panel Members be included in the training. The date of the training will be advised in due course.
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 10 January 2024.
18. **Close meeting**
The meeting closed at 8.22pm.