

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 JANUARY 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

In Attendance

Presiding Member

Geoff Parsons

Members

Ross Bateup
Myles Somers
Leith Mudge

In Attendance

Deryn Atkinson
James Booker
Marie Molinaro
Mike O'Donnell
Karen Savage

Assessment Manager
Team Leader Statutory Planning
Senior Statutory Planner
ICT Support Officer
Minute Secretary

1. Commencement

The meeting commenced at 6.31pm

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

3.2 Leave of Absence
Nil

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4. Previous Minutes

4.1 Special Meeting held 20 December 2023

The minutes were adopted by consensus of all members (1)

That the minutes of the special meeting held on 20 December 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

Nil

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 23018174 by Development Holdings Pty Ltd for two storey child care facility with attached signage, retaining walls, combined fence and retaining walls, decking and associated car parking at 35 Paratoo Road, Stirling**

8.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Nicola Hastings	140 Old Mount Barker Road, Aldgate	Nicola Hastings
Tony Lockwood	142 Old Mount Barker Road, Aldgate	Tony Lockwood

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The representors Nicola Hastings and Tony Lockwood addressed the Panel, and Nicola Hastings answered questions from the Panel.

The applicant's representatives, Rob Gagetti (ekistics), Ben Wilson (CIRQA) and Chris Turnbull (Sonus), addressed the Panel and answered questions from the Panel.

8.1.2 Decision of Panel

The following was adopted by consensus of all members (2)

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 23018174 by Development Holdings Pty Ltd for two storey child care facility with attached signage, retaining walls, combined fence and retaining walls, decking and associated car parking at 35 Paratoo Road, Stirling is GRANTED Planning Consent subject to the following reserved matters and conditions:**

RESERVED MATTERS

Pursuant to section 102 (3) of the Planning, Development and Infrastructure Act of 2016, the following matters shall be reserved for further assessment prior to the granting of Development Approval. The Assessment Manager is delegated to undertake this further assessment:

- 1) A detailed landscaping plan shall be prepared by a suitably qualified person and submitted with further details regarding plant species, locations, plant numbers and plant spacing, irrigation and mulching detail.**
- 2) A detailed soil, erosion and drainage management plan (SEDMP) shall be provided for construction of the child care facility. The SEDMP shall comprise a site plan and design sketches that detail erosion control methods and installation of sediment collection devices that will prevent soil moving off site during construction and soil transfer onto roadways by vehicles and machinery.**

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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 maximum capacity of the child care facility shall be 128 children at any one time.
- 3) The hours of operation of the child care facility, including deliveries (but excluding waste collection) shall be 6:30am to 6:30pm, Monday to Friday.
- 4) All solid waste shall be stored in closed containers with close fitting lids in the enclosed bin area shown on the approved site plan (drawing DA04, Rev. 2 dated 24/05/2023) prepared by Brown Falconer. External contractors accessing the site for waste collection shall be provided with access to enclosed bin area to ensure waste is not stored in the car park area for collection.
- 5) The collection of waste shall not occur before 9:00am or after 7:00pm Saturday, or before 7:00am or after 7:00pm Monday to Friday. Waste shall not be collected on Sunday or public holidays.
- 6) Plant equipment of the child care facility shall only be located within the service yard area shown on the approved ground floor plan (drawing DA05, Rev. 2 dated May 2023) prepared by Brown Falconer.
- 7) External lighting shall be installed in accordance with the approved lighting plans by TMK engineers; and once installed shielded if necessary in such a manner so as to not cause unreasonable nuisance to adjoining and adjacent residential properties.
- 8) External lighting shall be not be switched on before 6:30am Monday to Friday; and all external lighting shall be switched off no later than 6:30pm Monday to Friday.

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9) The cross-over & kerb and footpath alterations, vehicle-parking spaces, driveways and manoeuvring areas shall be constructed in accordance with the approved site plan (drawing DA04, Rev. 2 dated 24/05/2023) prepared by Brown Falconer and the approved stormwater management plan (drawing 220216-C201, Rev. C dated June 2023) prepared by CPR Engineers prior to the occupation of the child care facility. Clear visible line marking of vehicle parking spaces shall be completed prior to the occupation of the child care facility. The car park and line-marking shall thereafter be maintained in good condition at all times.

10) Finished levels must match the existing footpath levels to ensure that there are no steps, depressions or other tripping hazards within the pedestrian walkway. If levels cannot not be matched the footpath alongside the crossover must be ramped at a slope no steeper than 1:20. Ramping of the footpath must also be approved by Council Engineering.

If the drop-off from the footpath is greater than 400mm high fencing and a handrail will need to be provided for safety, to the satisfaction of Council Engineering.

11) Materials and goods shall not be stored on the land in areas delineated for use as vehicle parking.

12) The external finishes to the child care facility shall be as follows:

Two storey building:

Walls: White weatherboard cladding, rendered beige hebel panels & timber panelling.

Roof: Colorbond sheeting in a white colour tone.

Fencing: Open style white timber picket fencing to the play area street facing elevation and Colorbond 'Monument' to the remainder of the play area fencing.

Retaining

Walls: Street facing retaining walls supporting the car park shall be of Bluestone construction.

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- 13) Landscaping accepted in the detailed landscaping plan shall be planted within the next available planting season following occupation of the child care facility. Such landscaping shall be maintained in good health and condition at all times, including through the installation of irrigation and mulching. Any such landscaping shall be replaced in the next planting season if and or when it dies or becomes seriously diseased.
- 14) All roof run-off from the building and run-off from the outdoor play areas and car park shall be managed in accordance with the approved stormwater management plan (drawing 220216-C201, Rev. C dated June 2023) prepared by CPR Engineers. All roof run-off generated by the development shall be directed to the stormwater management system within one (1) month of the roof cladding being installed.
- 15) Prior to construction of the approved development, straw bales or other soil erosion control methods as accepted in the soil, erosion and drainage management plan shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during construction.
- 16) In accordance with the recommendation of the CIRQA Traffic Engineer Report, a Give Way Signs and line marking shall be installed at the Paratoo Road/Old Mount Barker Road intersection and St Margaret Drive/Old Mount Barker Road intersection prior to occupation of the child care facility. All costs associated with this shall be borne by the applicant. The final position of the traffic signage and line marking shall be to the satisfaction of Council Engineering.

Conditions imposed by Native Vegetation Council under Section 122 of the Act

- 17) Prior to any clearance of native vegetation, the Native Vegetation Council must provide written confirmation that the Significant Environmental Benefit requirements under the *Native Vegetation Act 1991* have been satisfied.

ADVISORY NOTES

Planning Consent

- 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.

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- 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) **It is recommended that the operator of the child care facility prepare and display a Bushfire Survival Plan (BSP) designed specifically for the purpose of staff, children or visitors that may be present during a bushfire event, especially during the Fire Danger Season.**

The SA CFS ‘Bushfire Safety Guide for Business’ document should be utilised as a basis for information and the drafting of the BSP, along with industry body guidelines and recommendations.

- 6) **The operator of the child care facility should consider reducing operating hours and including other restrictions on days of heightened bushfire danger and/or bushfire events and consider including any alterations to services offered due to actual or predicted conditions during the Fire Danger Season.**
- 7) **It is the responsibility of the child care facility operator to ensure compliance with the relevant food safety legislation before operating. Food business notification must be provided to commencing any food (or consumable product) handling activities. This may be provided on-line at www.fbn.sa.gov.au or by obtaining a notification form from Council Environmental Health.**
- 8) **The onus of ensuring that the development is located in the approved position on the correct allotment is the responsibility of the applicant/developer. This may necessitate a boundary survey being undertaken by a licensed surveyor prior to the work commencing and when building work is complete.**

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Advisory Note imposed by Native Vegetation Council under Section 122 of the Act

9) The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the *Native Vegetation Act 1991* as set out in Decision Notification 2023/3272/473.

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

The Panel discussed the following Policy issues:

- Lack of Policy for Solar Farms; and
- The 20m blanket clearance of regulated trees around existing dwellings in Bushfire prone areas.

The Council Assessment Panel to keep a watching brief on both issues.

13. Other Business

The Assessment Manager advised that advertising for Independent Membership of CAP will be commencing in February, as membership of the current CAP Panel expires on 31 May 2024. All current Panel Members were invited to reapply.

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

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- 15. Confidential Item**
Nil
- 16. Next Meeting**
The next ordinary Council Assessment Panel meeting will be held on Wednesday 14 February 2024.
- 17. Close meeting**
The meeting closed at 8.34pm.