

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 6 MARCH 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

In Attendance**Presiding Member**

Geoff Parsons

Members

Ross Bateup
Paul Mickan
Myles Somers
Leith Mudge

In Attendance

Deryn Atkinson
James Booker
Darren Smith
Mike O'Donnell
Karen Savage

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

1. Commencement

The meeting commenced at 6.00pm

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

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 6 MARCH 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

4. Previous Minutes

4.1 Meeting held 10 January 2024

The minutes were adopted by consensus of all members (3)

That the minutes of the meeting held on 10 January 2024 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

Cr Leith Mudge advised that, in relation to Item 8.1, four (4) of the representors on the list are known to him and he has had previous associations with them:

Iain Hay – they both served on Council's Sustainability Advisory Group for several years until the end of 2022. They were acquaintances at the time, but he has not had a conversation with Iain since then and they have never discussed nor had any communication over this application.

John Hill – they have had several discussions over the years regarding general issues in the Council area in John's capacity as the head of the Stirling District Residents Association. They have never discussed nor had any communication over this particular application.

Geoff Purdie – they both served on Council's Audit Committee for several years during the previous Council term. They were acquaintances at the time, but he has not had a conversation with Geoff since and they have never discussed nor had any communication over this application.

Vanessa Geerts – Vanessa is a former employee with Council with whom he had irregular contact with on matters related to community engagement. They have never discussed nor had any communication over this application.

As he has no pecuniary interest and has not had any conversations or contact with these representors about this application, which might lead to a perception of bias, Leith advised he will remain in the meeting when this application is considered.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 6 MARCH 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

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 23020199 by Development Holdings Pty Ltd for change of use to childcare centre including alterations and additions to a Local Heritage Place, deck, retaining walls and fencing with associated car parking and landscaping at 52 Pomona Road, Stirling**

8.1.1 Representations

| Name of Representor | Address of Representor | Nominated Speaker |
|----------------------------|---------------------------------|--------------------------|
| Phillip Brunning | 27 Halifax Street, Adelaide | Phillip Brunning |
| Jonathan Ashby | 13 Duncraig Lane, Stirling | Jonathan Ashby |
| Hazel Ashby | 2/86 Queen Street, Norwood | Jonathan Ashby |
| Kristen Beltrame | 50 Pomona Road, Stirling | Kristen Beltrame |
| Nathan Brown | 28 Merrion Terrace, Stirling | Did not Attend |
| Robert Bullock | 8 Fowler Street, Woodside | Did not Attend |
| Jane Chapman | PO Box 440, Stirling | Jane Chapman |
| Leong Charlesworth | 22 Snows Road, Aldgate | Leong Charlesworth |
| Hayley Conolly | 13 Duncraig Lane, Stirling | Did not Attend |
| Helen & Greg Favretto | 30 Main Avenue, Frewville | Greg Favretto |
| Marion Favretto | 14 Duncraig Lane, Stirling | Greg Favretto |
| Michael French | PO Box 291, Crafers | Michael French |
| Vanessa & Jason Geerts | 46 Pomona Road, Stirling | Vanessa Geerts |

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 6 MARCH 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

| | | |
|----------------|-------------------------------------|-------------------------|
| Richard Gunner | 104 Old Mount Barker Road, Stirling | Richard Gunner |
| Iain Hay | 80 Old Mount Barker Road, Stirling | Did not Attend |
| John Hill | 118 Piccadilly Road, Crafers | John Hill |
| Chloe McLeod | 28 Merrion Terrace, Stirling | Did not Attend |
| Stephen Morton | 3 Vista Terrace, Stirling | Stephen Morton via Zoom |
| Sameer Pandey | 10 Bradshaw Avenue, Crafers | Did not Attend |
| Darren Peisley | 9 Duncraig Lane, Stirling | Amanda Peisley |
| Amanda Peisley | 9 Duncraig Lane, Stirling | Amanda Peisley |
| Laura Prest | 56 Pomona Road, Stirling | Thomas Prest |
| Thomas Prest | 56 Pomona Road, Stirling | Thomas Prest |

The following representors also answered questions from the Panel following their representation:

Phillip Brunning
Jonathan Ashby
Kristen Beltrame
Greg Favretto
Vanessa Geerts
Amanda Peisley
Thomas Prest

The applicant's representatives, James Rhodes (Ekistics Planning and Design) and Ben Wilson (CIRQA), addressed the Panel, and answered questions from the Panel.

8:37pm The meeting was adjourned for a short break

8:43pm The meeting resumed

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 6 MARCH 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

8.1.2 Decision of Panel

| | | |
|--------------|-------------|----------------|
| Moved | Paul Mickan | Carried |
| S/- | Leith Mudge | (4) |

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 23020199 by Development Holdings Pty Ltd for change of use to childcare centre including alterations and additions to a Local Heritage Place, deck, retaining walls and fencing with associated car parking and landscaping at 52 Pomona Road, Stirling is REFUSED Planning Consent for the following reasons:

Rural Neighbourhood Zone

Performance Outcome 1.1

The proposal is not considered to be a complementary 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 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.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 6 MARCH 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

Design

Performance Outcome 8.1

The proposal does not minimise the need for earthworks and disturbs the natural topography of the site.

Performance Outcome 9.1

The proposed collective number of fences and their height unreasonably impacts upon the visual amenity of adjoining properties.

- 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**
- 12.1 There was discussion about the level of community consultation for development applications. Public Notification is dictated by legislation, rather than policy. It was noted there may be actions that come out of the Expert Panel Review that address public consultation and appeal rights.
- 12.2 The Panel discussed the provisions of the Code regarding guidance on the appropriate size and scale of childcare facilities and asked that Council gives consideration to having discussions with PlanSA on additional policy to provide clarity on the appropriate scale of childcare facilities for Neighbourhood type zones, and associated car parking requirements.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 6 MARCH 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

- 13. Other Business**
Nil
- 14. Order for Exclusion of the Public from the Meeting to debate Confidential Matters**
Nil
- 15. Confidential Item**
Nil
- 16. Next Meeting**
The next ordinary Council Assessment Panel meeting will be held on Wednesday 13 March 2024.
- 17. Close meeting**
The meeting closed at 10.08pm.