

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 13 MARCH 2024  
63 MOUNT BARKER ROAD, STIRLING  
AND  
ZOOM VIRTUAL MEETING ROOM**

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**In Attendance**

**Presiding Member**

Geoff Parsons

**Members**

Ross Bateup

Paul Mickan

Myles Somers

Leith Mudge

**In Attendance**

Natalie Armstrong

Deryn Atkinson

Doug Samardzija

Melanie Scott

Sebastien Paraskevopoulos

Tom Portas

Karen Savage

Director Community & Development

Assessment Manager

Senior Statutory Planner

Senior Statutory Planner

Statutory Planner

Systems Analyst, Information Systems

Minute Secretary

**1. Commencement**

The meeting commenced at 6.32pm

**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”.

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**3. Apologies/Leave of Absence**

3.1 Apologies  
Nil

3.2 Leave of Absence  
Nil

**4. Previous Minutes**

4.1 Special Meeting held 6 March 2024

**The minutes were adopted by consensus of all members** (5)

**That the minutes of the Special meeting held on 6 March 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**

Leith Mudge advised that, in relation to Item 8.4, 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, he does not believe they have met and he has not had any discussions on this matter. Whilst there may be a perception of bias, he does not believe this to be the case and will remain in the room for the deliberations and vote on this matter.

**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 23034228 by Scott Butler for single storey detached dwelling, in-ground swimming pool with associated safety barriers, tennis court with 4 x light poles, combined fence & retaining walls, retaining walls & 2 x water storage tanks at 47 Lesley Crescent, Crafers**

**8.1.1 Representations**

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
Michael Bush	23 Old Mount Barker Road, Crafers	Michael Bush
Trudy Gore	43 Lesley Crescent, Crafers	Did not Speak
Jane & John van Mierle	6 Millar Avenue, Crafers	John van Mierle
Tim Kaethner	27 Old Mount Barker Road, Crafers	Tim Kaethner
Paul Angus	25 Old Mount Barker Road, Crafers	Paul Angus
Valerie Potts	1 Tyalla Court, Crafers	Valerie Potts

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

John van Mierle  
Tim Kaethner  
Paul Angus  
Valerie Potts

The applicant's representative, Corey Polyak (URPS), addressed the Panel, and answered questions from the Panel.

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8.1.2 Decision of Panel

<b>Moved</b>	<b>Leith Mudge</b>	<b>Carried</b>
<b>S/-</b>	<b>Paul Mickan</b>	<b>(6)</b>

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 23034228 by Scott Butler for single storey detached dwelling, in-ground swimming pool with associated safety barriers, tennis court with 4 x light poles, combined fence & retaining walls, retaining walls & 2 x water storage tanks at 47 Lesley Crescent, Crafers is REFUSED Planning Consent for the following reasons:

**Rural Neighbourhood Zone**

**Performance Outcome 3.1**

The proposed building setback from the primary street boundary is not consistent with the existing streetscape.

**Performance Outcome 5.1**

The proposed development will not be setback from side boundaries sufficiently to minimise impacts on adjoining properties and the trees located on 25 Old Mount Barker Road, Crafers.

**Performance Outcome 7.1**

The siting and design of the proposed residential ancillary structure (tennis court) will detract from neighbouring properties.

**General Development Policies**

**Design**

**Performance Outcome 8.1**

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

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**Performance Outcome 14.1**

The proposed triple garage is not designed to avoid detracton from the streetscape.

**Performance Outcome 15.1**

The proposed development will have a visual mass that does not reduce when viewed from adjoining allotments.

- 8.2 **Development Application 22040143 by Nicholas Lea for Intensive Animal Husbandry – the keeping of 3000 laying chickens in 5 mobile chicken enclosures and change of use to two existing outbuildings to an agriculture building (packing shed) and poultry shed at 28 Tembys Road, Norton Summit**

8.2.1 **Representations**

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
Rino & Katarzyna Rosa	39 Tembys Road Norton Summit	Adam Williams MasterPlan and Rino Rosa
Michael & Venessa Scane	41 Tembys Road Norton Summit	Adam Williams MasterPlan
Laszlo Snr & Laszlo Bilki	199 Marble Hill Road Norton Summit	Adam Williams MasterPlan

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

Adam Williams, MasterPlan  
Venessa Scane  
Rino Rosa

The applicant and landowners, Nicholas Lea and Helena Lea, addressed the Panel, and answered questions from the Panel.

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8.2.2 Decision of Panel

<b>Moved</b>	<b>Ross Bateup</b>	<b>Carried</b>
<b>S/-</b>	<b>Paul Mickan</b>	<b>(7)</b>

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 22040143 by Nicholas Lea for Intensive Animal Husbandry – the keeping of 3000 laying chickens in 5 mobile chicken enclosures and change of use to two existing outbuildings to an agriculture building (packing shed) and poultry shed at 28 Tembys Road, Norton Summit 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 development shall achieve the criteria of the Environment Protection (Commercial and Industrial Noise) Policy 2023 in relation to noise at all times.
- 3) The free-range chicken farm shall not exceed a maximum capacity of 3000 chickens at any given time.
- 4) All deceased birds must be disposed of into sealed bin(s) immediately upon discovery and composting bins removed from the subject land as soon as practical except during the summer months when the composting bins shall be removed from the land fortnightly. This composting of mortalities must be maintained in a neat, clean and good condition at all times to the reasonable satisfaction of Council.
- 5) Any bunding must be constructed in accordance with the standards outlined in the Egg Industry Environmental Guidelines, Edition II | May 2018 and in accordance with the EPA requirements.

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- 6) All free-range areas must be setback a minimum separation distance of 10 metres from any watercourse on the subject land, and 90 metres from any sensitive receiver.
- 7) All free-range areas and associated fencing, storage/industry shedding, inclusive of water storage tanks, amenities block, and feed silo must be maintained in good condition and repair at all times to the reasonable satisfaction of Council.
- 8) The packing shed operating hours shall not exceed the hours of 6:00am to 8:00pm.
- 9) All deliveries to and from the site in relation to the approved use must be during 7:00am – 7:00pm Monday to Saturday and 9:00am to 7:00pm Sundays and Public Holidays.
- 10) The mobile roosting vans and feeders must be cleaned regularly to prevent accumulation of waste and the creation of unsanitary conditions to the satisfaction of Council's Environmental Health Team and the EPA.
- 11) All materials, chicken feed, manure and other associated goods shall at all times be loaded and unloaded within the confines of the subject land and the permitted road rent area. Materials and goods shall not be stored on the land in areas delineated for use as car parking.
- 12) Collection of chicken waste by a licenced contractor must be undertaken from within the confines of the subject land. Waste bins shall be kept out of view from public areas and maintained with a lid to prevent access by vermin. Composting bins to be removed from the subject land as soon as practical to the reasonable satisfaction of Council.
- 13) No poultry manure should be stored or stockpiled on the property at any time and manure shall be removed once a week from the mobile chicken enclosure parking bays to the reasonable satisfaction of Council. Manure shall be processed back to the land through the manure spreader (mascerator) and garden beds, except during summer months when manure shall be collected and deposited into the composting bin, and removed from the land in accordance with Condition 4.

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**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.**
- 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) Allotment boundaries will not be certified by the Authority. The onus of ensuring that the buildings are sited as illustrated on the approved plans is the responsibility of the owner. This may necessitate a survey being carried out by a licensed land surveyor.**
- 6) The applicant is reminded of their obligations under the Local Nuisance and Litter Control Act 2016 and the Environment Protection Act 1993, in regard to the appropriate management of environmental impacts and matters of local nuisance.**

10:14pm The meeting was adjourned for a short break

10:19pm The meeting resumed



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**8.3 Development Application 23024780 by Apex Home Improvements for Winery building and verandah at 126 Tregarthen Road, Ashton**

**8.3.1 Representations**

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
C Duncan Thomas	154 Tregarthen Road Ashton	Did not Attend

The Panel acknowledged receipt of the staff e-mail response to questions posed by Duncan Thomas.

**8.3.2 Decision of Panel**

**The following was adopted by consensus of all members (8)**

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 23024780 by Apex Home Improvements for Winery building and verandah at 126 Tregarthen Road, Ashton 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 building herein approved shall be as follows:**

**WALLS: Colorbond 'Woodland Grey' or similar**  
**ROOF: Colorbond 'Manor Red' or similar**

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- 3) 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.
- 4) All roof runoff generated by the development hereby approved shall be directed to a rainwater tank with overflow managed on-site to the satisfaction of Council within one month of the roof cladding being installed using design techniques such as:
- Grassed swales
  - Stone filled trenches
  - Small infiltration basins
- All stormwater including hard surface runoff shall be managed on site with no stormwater to trespass onto adjoining properties.
- 5) Flood lighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties.

#### ADVISORY NOTES

##### Planning 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.

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- 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) Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.
- 6) The onus of ensuring that any development is located in the approved position on the correct allotment is the responsibility of the landowner/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.

**EPA Notes**

- 7) 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.
- 8) More information about the Environmental Protection Act and policies can be found at: [www.epa.sa.gov.au](http://www.epa.sa.gov.au)

**8.4 Development Application 23037445 by Fairmont Homes for single storey detached dwelling and combined fence and retaining walls at 53 Moffett Street, Woodside**

**8.4.1 Representations**

N/A

**8.4.2 Decision of Panel**

**The following was adopted by consensus of all members**

**(9)**

**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

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- 2) Development Application Number 23037445 by Fairmont Homes for single storey detached dwelling and combined fence and retaining walls at 53 Moffett Street, Woodside 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: Austral Bricks' Urban One 'Seed' with render in Colorbond 'Surfmist'  
ROOF: Colorbond 'Bluegum' 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 crack sealed to avoid seepage.
- 4) 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.
- 5) 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.
- 6) 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

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- 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.

**ADVISORY NOTES**

**Planning Notes**

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

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- 7) The onus of ensuring that any development is located in the approved position on the correct allotment is the responsibility of the landowner/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.
- 8) The Applicant's attention is 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. **Development Assessment Applications – Development Act**  
Nil

10. **Development Assessment Applications – Review of Decisions of Assessment Manager**  
Nil

11. **ERD Court Appeals**  
The Assessment Manager provided the Panel with a verbal update on current ERD Court Appeals.

12. **Policy Issues for Advice to Council**

12.1 The Panel discussed the review of the regulated tree exclusion within 20m of an existing dwelling proposed in the Bushfire Hazards Overlay Code Amendment. This is regularly encountered as a challenge by the Panel and the Panel supports the review of this exclusion as part of the Code Amendment.

13. **Other Business**

13.1 **Terms of Reference**

Moved Ross Bateup  
S/- Leith Mudge

Carried Unanimously  
(10)

**That the Council Assessment Panel Terms of Reference as adopted by Council at its meeting of 27 February 2024 be received and noted.**

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- 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 10 April 2024.
- 17. Close meeting**  
The meeting closed at 10.51pm.