

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

[Please Note: These minutes are unconfirmed until 14 August 2024]

In Attendance

Presiding Member

Geoff Parsons

Members

Ross Bateup

Paul Mickan

Myles Somers

In Attendance

Deryn Atkinson

James Booker

Doug Samardzija

Ashleigh Gade

Blake O'Neil

Mike O'Donnell

Sarah Kimber

Karen Savage

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

1. Commencement

The meeting commenced at 6.30pm

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
Cr Leith Mudge

4. Previous Minutes

4.1 Special Meeting held 19 June 2024

The minutes were adopted by consensus of all members (27)

That the minutes of the Special meeting held on 19 June 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
Nil

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 23028717 by Jamie Burt for privacy screen at 7 Yappo Road, Aldgate

8.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Dr Fiona Kerr	5 Yappo Road, Aldgate	Dr Fiona Kerr

The representor, Dr Fiona Kerr, also answered questions from the Panel.

The landowner, Ms Bron McNab, addressed the Panel, and answered questions from the Panel.

8.1.2 Decision of Panel

The following was adopted by consensus of all members (28)

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 23028717 by Jamie Burt for privacy screen at 7 Yappo Road, Aldgate is GRANTED Planning Consent subject to the following conditions:**

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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 structure herein approved shall be as follows:
SCREEN: Natural timber finish or similar
POSTS: Natural timber finish or similar
- 3) Landscaping consisting of shrubs, vines and creepers shall be planted on both sides of the screen for the full length of the screen, within (3) three months of development approval. All plants shall be maintained in good health and condition at all times with any dead or diseased plants being replaced in the next planting season.

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.

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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).

9. Development Assessment Applications – Development Act
Nil

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

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

The following was adopted by consensus of all members (29)

That pursuant to Regulation 13(2)(a) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the Council Assessment Panel orders that all members of the public, except:

- Presiding Member, Geoff Parsons
- Independent Member, Ross Bateup
- Independent Member, Paul Mickan
- Independent Member, Myles Somers
- Assessment Manager, Deryn Atkinson
- Team Leader Statutory Planning, James Booker
- Senior Statutory Planner, Doug Samardzija
- Senior Statutory Planner, Ashleigh Gade
- Senior Statutory Planner, Blake O’Neil
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be excluded from attendance at the meeting for Agenda Item 12.1 (Compromise Proposal – Development Application 23020199) to be debated in confidence.

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The Council Assessment Panel is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable the Panel to consider the report at the meeting on the following grounds:

- vii. Matters that should be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty; and
- ix. Information relating to actual litigation, or litigation that the assessment panel believes on reasonable grounds will take place

Accordingly, on this basis the principle that meetings of the Council Assessment Panel should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

7:12pm The Panel went into 'closed' session in order to allow for discussion and determination of the matter in confidence

12. ERD Court Appeals

- 12.1 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 (Amended Proposal) at 52 Pomona Road, Stirling – IN CONFIDENCE

The following was adopted by consensus of all members

(31)

That the meeting be resumed in 'open' session.

8:14pm The Panel resumed 'open' session

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- 13. Confidential Item**
No further item.
- 14. Policy Issues for Advice to Council**
Nil
- 15. Other Business**
- 15.1 Paul Mickan advised that he will be an apology for the meeting on 11 September 2024.
- 16. Next Meeting**
The next ordinary Council Assessment Panel meeting will be held on Wednesday 14 August 2024.
- 17. Close meeting**
The meeting closed at 8.19pm