

**ADELAIDE HILLS COUNCIL  
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
WEDNESDAY 10 JULY 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

**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 Kaurna 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**

<b>Name of Representor</b>	<b>Address of Representor</b>	<b>Nominated Speaker</b>
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:**

**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**

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---

- 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.
- 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

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ZOOM VIRTUAL MEETING ROOM**

---

**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
- Team Leader Administration, Sarah Kimber
- Minute Secretary, Karen Savage

be excluded from attendance at the meeting for Agenda Item 12.1 (Compromise Proposal – Development Application 23020199) to be debated in confidence.

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

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63 MOUNT BARKER ROAD, STIRLING  
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ZOOM VIRTUAL MEETING ROOM**

---

**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**

**12.1.1 Representations**

Representations heard previously at CAP meeting held on 6 March 2024.

**12.1.2 Decision of Panel**

<b>Moved</b>	<b>Myles Somers</b>	<b>Carried</b>
<b>S/-</b>	<b>Ross Bateup</b>	<b>(30)</b>

**The Council Assessment Panel resolved:**

- 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) That the Compromise Proposal for 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 ACCEPTED and an order be sought from the Environment, Resources and Development Court granting Planning Consent subject to the reserved matters and conditions below; and**
- 3) That delegation is given to the Assessment Manager to negotiate the final form and wording of an order from the Environment, Resources and Development Court to resolve the appeal; and**
- 4) The Minutes shall remain confidential until final determination of the ERD Court proceedings, including any subsequent appeal proceedings.**

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WEDNESDAY 10 JULY 2024  
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---

**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 and impose any additional conditions as may be required:

- 1) Proposed erosion control methods and sediment collection devices to prevent soil and silt moving off site during construction and to prevent soil transfer onto roadways by vehicles and machinery.

To satisfy this reserved matter, the applicant should provide a detailed Soil, Erosion and Drainage Management Plan (SEDMP) for construction of the childcare facility, which contains a site plan, sketches and details of the proposed erosion control methods and sediment collection devices.

- 2) Identification of suitable tree protection zones, and measures to minimise impact of the development (including earthworks and service connections) in relation to any trees situated on adjoining properties and Council land, including the existing street hedging, which may be impacted by the proposed development.

To satisfy this reserved matter, the applicant should provide a Tree Management Plan prepared by a suitably qualified arborist, which identifies such trees, zones and measures.

**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 childcare facility shall be 118 children at any one time.
- 3) The hours of operation of the childcare facility, including deliveries (but excluding waste collection) shall be 6:30am to 6:30pm, Monday to Friday.

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

---

- 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 3605 DA04, Rev. 6 last dated 25/06/2024) prepared by Brown Falconer. External contractors accessing the site for waste collection shall be provided with access to the 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 on Saturday, or before 7:00am or after 7:00pm Monday to Friday. Waste shall not be collected on Sundays or public holidays.
- 6) Plant equipment of the childcare facility shall only be located within the service yard area shown on the approved first floor plan (drawing 3605 DA04 Rev. 6 last dated 25/06/2024) 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 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.
- 9) The cross-over, kerb and footpath alterations, shall be constructed in accordance with Council Standard Detail Drawing SD15 with the maximum width of 6m across the Council verge and in accordance with the approved site plan (drawing 3605 DA04 Rev. 6 last dated 25/06/2024) prepared by Brown Falconer and the approved stormwater management plan (drawing 230049-C-SK02, Rev. E dated 31/10/2023) prepared by CPR Engineers prior to the occupation of the childcare facility.
- 10) All car parking spaces, driveways and manoeuvring areas shall be designed, constructed and line-marked in accordance with Australian Standard AS2890.1:2004. Line marking and directional arrows shall be clearly visible and maintained in good condition at all times. Driveways, vehicle manoeuvring and parking areas shall be constructed of concrete prior to occupation and maintained in good condition at all times to the reasonable satisfaction of the Council.
- 11) Any existing crossing places not providing vehicle access shall be considered redundant and shall be closed off prior to occupation of the childcare facility.



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MINUTES OF COUNCIL ASSESSMENT PANEL MEETING  
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63 MOUNT BARKER ROAD, STIRLING  
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ZOOM VIRTUAL MEETING ROOM**

---

- 12) The proposed noise attenuation measures in the Stirling Childcare Centre Environmental Noise Assessment S7765C7 January 2024 prepared by Sonus Pty Ltd and addendum report Stirling Childcare Centre Environmental Noise Assessment S7765C9 May 2024 prepared by Sonus Pty Ltd, for the outdoor play areas, car park area and mechanical plant of the childcare facility shall be implemented prior to operation of the facility and to the reasonable satisfaction of Council.
- 13) Materials and goods shall not be stored on the land in areas delineated for use as vehicle parking.
- 14) The external finishes to the childcare facility shall be as follows:
- Two storey building:
- Walls: Weatherboard cladding in 'White', Axon cladding in 'Colorbond – Woodland Grey', Rendered Hebel Panel in 'Dulux – Tranquil Retreat', Timber battens in 'Natural' or 'Colorbond – Woodland Grey'
- Roof: Colorbond sheeting in 'Shale Grey'
- Fencing: Colorbond fence in 'Woodland Grey', Timber picket fence in 'White'
- 15) 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 23049-C-SK02, Rev. E dated 31/10/2023) 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. All surface water from carparking or hardstand areas shall be directed to a gross pollutant trap (GPT) capable of removing oils, silts, greases, and gross pollutants to Council and EPA satisfaction prior to discharge to Council's stormwater system or street water table.
- 16) Landscaping detailed in the landscaping plan shall be planted within the next available planting season following construction of the childcare 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.

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

---

**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