

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 9 OCTOBER 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

Doug Samardzija

Sebastien Paraskevopoulos

Tim Mason

Mike O'Donnell

Sarah Kimber

Assessment Manager
Acting Team Leader Statutory Planning
Statutory Planner
Statutory Planner
ICT Support Officer
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
Nil

4. Previous Minutes

4.1 Meeting held 14 August 2024

The minutes were adopted by consensus of all members

(36)

That the minutes of the meeting held on 14 August 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

The following Conflict of Interest Statement was provided by Cr Leith Mudge:

"With regard to Item 8.1 - 108 Longwood Road, Heathfield, this item relates to the construction of a store building for the storage of equipment and vehicles associated with an existing tree removal business: SA Tree Services. My niece's partner operates a tree removal business that could be considered to be in competition with this business as it services the same area. This could lead to a perception that I have a conflict of interest or bias on this matter, however I have never discussed this matter or this business with my niece's partner or any of his employees and bring an open mind to this application. I therefore consider that I have no conflict on this matter. I will therefore remain in the meeting and consider this application".

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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 Number 24011855 by David Ellis for a Store building for the storage of equipment and vehicles including the parking of a truck and trailer exceeding 3000kg in weight at 108 Longwood Road, Heathfield**

8.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Chris and Caroline Newton	106 Longwood Road, Heathfield	Did not attend – Apology provided

The applicant and his representative, Peter Meline, were invited to answer questions from the Panel.

8.1.2 Decision of Panel

The following was adopted by consensus of all members (37)

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 24011855 David Ellis for a Store building for the storage of equipment and vehicles including the parking of a truck and trailer exceeding 3000kg in weight at 108 Longwood Road, Heathfield 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 'Woodland Grey' or similar
- 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 managed as shown on the site plan by Design Vision Consulting (received by Council 23 July 2024) within one month of the roof cladding being installed.
- 5) All external lighting associated with the store use shall be restricted to that necessity for security purposes only and shall be directed away from residential development and, shielded if necessary to prevent light spill causing nuisance to the occupiers of nearby residential properties.
- 6) No washing of machinery and equipment associated with the tree service business shall occur on site
- 7) Bulk storage of chemicals, oils and lubricants shall not be undertaken on-site and oil/fluid replacement for vehicles and machinery shall be undertaken off-site only.

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- 8) **Operating hours shall be Monday to Saturday 7:00am to 5:00pm. Movement of trucks and heavy vehicles (including employee vehicles) associated with the tree service business shall be limited to these hours of operation. Vehicles must not be started earlier than 7:00am.**

- 9) **A maximum of one (1) truck, one (1) woodchipper, one (1) stump grinder, one (1) mini-excavator and two (2) trailers associated with the tree service business shall be kept on the site at any one time.**

- 10) **All vehicles and equipment shall be parked or stored in the approved store building.**

- 11) **No mulch or timber from the tree service business shall be stockpiled on the site to the reasonable satisfaction of Council.**

- 12) **Use of the woodchipper, chainsaws and other equipment associated with the tree service business shall not occur on-site.**

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.**

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- 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) This consent is strictly limited to works on the subject land. This consent does not permit any alteration to road verge. Works including tree pruning/removal, earthworks, kerbing, storage of material or any alteration to the verge or a reserve requires a separate approval under Section 221 of the Local Government Act 1999. For more information regarding this process please visit: <https://www.ahc.sa.gov.au/development/roads-and-construction/authorisation-to-alter-a-public-road>

- 6) 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.

8.2 Development Application Number 24031535 by Development Holdings Pty Ltd for the variation to Development Application 23018174 - Addition of fire access track and alterations to retaining walls, staircase fencing, carpark, vegetation clearance, deck, building height and form, and internal alterations at 35 Paratoo Road Stirling

8.2.1 Representations
N/A

8.2.2 Decision of Panel

The following was adopted by consensus of all members

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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 24031535 by Development Holdings Pty Ltd for the variation to Development Application 23018174 - Addition of fire access track and alterations to retaining walls, staircase fencing, carpark, vegetation clearance, deck, building height and form, and internal alterations at 35 Paratoo Road Stirling 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 (if any).
- 2) All solid waste shall be stored in closed containers with close fitting lids in the enclosed bin area shown on the approved site plan (202400038, Drawing A101 Rev. P11 dated 26/09/2024) prepared by On Architecture Pty Ltd. 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.

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- 3) The cross-over & kerb and footpath alterations, vehicle-parking spaces, driveways and manoeuvring areas shall be constructed in accordance with the approved site plan (202400038 Drawing A101, Rev. P11 dated 26/09/2024) prepared by On Architecture Pty Ltd and the approved stormwater drainage plan (drawing 220216-C201, Rev D dated 26/09/2024) 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.
- 4) Plant equipment of the child care facility shall only be located within service yard area shown on the approved ground floor plan (202400038 drawing 207, Rev P6 dated 26/09/2024) prepared by On Architecture.
- 5) 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 D dated 26/09/2024) prepared by CPR Engineers.
- 6) The works in relation to the trees, outlined in the Arboricultural Impact Assessment and Tree Protection Assessment Plan prepared by Ecological Tree Consulting and submitted as part of this application as a strategy for management of the trees are to be undertaken simultaneously with any building works on the site under the direction of the project arborist.
- 7) Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisation 23018174 continue to apply to this amended authorisation.

ADVISORY NOTES

General 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.**
- 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
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**

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13. Other Business

13.1 Cr Leith Mudge advised that he will be an apology for the meeting on 13 November 2024.

13.2 Cr Leith Mudge requested an update on the Bushfire Code Amendment
Staff Response - Staff understand that the Code Amendment is proposed to be finalised by the end of 2024.

13.3 Questions Without Notice:

Ross Bateup asked a question in relation to tree canopy calculation – is it based on tree height?

Cr Leith requested an update on the Mount Lofty Golf Club application?

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 November 2024.

17. Close meeting

The meeting closed at 7.35pm.