

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 11 December 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 8 January 2025]

In Attendance

Presiding Member

Geoff Parsons

Members

Ross Bateup
Paul Mickan
Myles Somers
Leith Mudge

In Attendance

Jess Charlton	Director Community & Development
Deryn Atkinson	Assessment Manager
James Booker	Team Leader Statutory Planning
Doug Samardzija	Senior Statutory Planner
Blake O'Neil	Senior Statutory Planner
Tim Mason	Statutory Planner
Mike O'Donnell	ICT Support Officer
Sarah Kimber	Minute Secretary

1. Commencement

The meeting commenced at 6:30pm

2. Opening Statement

"Council acknowledges that we meet on the traditional Country of the Peramangk and Kaurna people. We pay our respects to Ancestors and Elders past and present as the Custodians of this ancient and beautiful land".

3. Apologies/Leave of Absence

3.1 Apologies
Nil

3.2 Leave of Absence
Nil

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4. Previous Minutes

4.1 Meeting held 4 December 2024

The minutes were adopted by consensus of all members (43)

That the minutes of the meeting held on 4 December 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 23022828 by Mark Kwiatkowski & Jamie Smith for change of land use to include private depot for parking of 3x trucks exceeding 3 tonne tare weight & construction of retaining walls at 86 Gillman Road, Oakbank

8.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Michael and Maureen Gannon	83 Gillman Road, Oakbank	Peter Meline
David and Joanne Garner	63 Gillman Road, Oakbank	Peter Meline
Matthew and Lucy Lawson	60 Gillman Road, Oakbank	Peter Meline
Luciano Agustino and Natalie Stanco	68 Gillman Road, Oakbank	Peter Meline
Elizabeth Keogh	42 Gillman Road, Oakbank	Peter Meline

The applicant, Mark Kwiatkowski, addressed the Panel and answered questions from the Panel.

8.1.2 Decision of Panel

The following was adopted by consensus of all members (44)

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 23022828 by Mark Kwiatkowski & Jamie Smith for change of land use to include private depot for parking of 3x trucks exceeding 3 tonne tare weight & construction of retaining walls at 86 Gillman Road, Oakbank 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) A maximum of three (3) trucks associated with the approved use shall be kept on site at any one time, with two trucks associated with the depot and one associated with horse keeping.
- 3) All equipment, machinery and vehicle parking associated with the depot shall only be stored and parked in the building and the nominated hardstand area on the site plan prepared by Quartz Building Design, revision A, dated 02 August 2024. All materials stored within the hardstand area shall be stored in a tidy manner to the reasonable satisfaction of Council
- 4) No mechanical maintenance, vehicle refuelling, vehicle servicing or, washing of machinery and equipment associated with the approved use shall occur on site.
- 5) No bulk storage of chemicals, oils or lubricants associated with the approved use is to occur on-site.
- 6) Operating days and hours of the depot shall be Monday to Friday 6:30am to 5:00pm. Movement of trucks and heavy vehicles associated with the depot use shall be limited to these hours of operation.
- 7) Trucks and heavy vehicles must not be started earlier than 6:30am.
- 8) Trucks and heavy vehicles associated with the civil business must be reverse parked so they can leave in a forward direction prior to 7am.
- 9) Access to the property shall be upgraded in accordance with the following requirements and maintained at all times to the reasonable satisfaction of Council:

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- Bitumen seal shall be laid for a distance of 10 metres from the Gillman Rd carriageway edge to inside the property boundary. Construction shall include 100mm of compacted rubble base and 40mm AC10 bitumen.
 - Left-hand side access entry must be widened to 3m. Newly widened crossover is not to restrict *or alter* existing roadside stormwater flows
 - Driveway to be constructed in accordance with Council Standard Detail drawing for Piped Entrance for rural verge crossover
- 10) All external lighting associated with the depot 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.
- 11) All stormwater infrastructure including a gross pollutant trap shall be installed within 3 months of Development Approval being granted. All roof run-off generated by the development hereby approved shall be managed on-site to the satisfaction of Council using design techniques such as:
- Rainwater tanks
 - Grassed swales
 - Stone filled trenches
 - Small infiltration basins

Stormwater overflow management shall be designed so as to not permit trespass into the effluent disposal area. Stormwater should be managed on site with no stormwater to trespass onto adjoining properties.

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).

8.2 Development Application Number 24021301 by Designing Places for the Expansion of existing transport depot into South-East corner of allotment, associated semi-permeable rubble hardstand and stormwater control, retaining walls, combined retaining wall and fencing and culvert at 4 Brettig Road, Lobethal

8.2.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Leanne Noske	Unit 5/6 Euston Avenue, Highgate	Self

The Applicant's Representative, Duane Hughes, addressed the Panel and answered questions from the Panel

8.2.1 Decision of Panel

The following was adopted by consensus of all members (45)

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 24021301 by Designing Places for the Expansion of existing transport depot into South-East corner of allotment, associated semi-permeable rubble hardstand and stormwater control, retaining walls, combined retaining wall and fencing and culvert at 4 Brettig Road, Lobethal 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) No mechanical maintenance, vehicle refueling, vehicle servicing or, washing of machinery and equipment associated with the approved use shall occur on the land subject to this approval.
- 3) A total of 50 heavy vehicles to be parked on the site at any time of which a maximum of 30 heavy vehicles located in the on the subject land in this application.
- 4) No bulk storage of chemicals, oils or lubricants associated with the approved use is to occur on the land subject to this approval.
- 5) Operating days and hours of the depot shall be Monday to Friday 4:30am to 8:00pm. Movement of trucks and heavy vehicles associated with the approved use shall be limited to these hours of operation.
- 6) All vehicle movements associated with the depot use are to only occur through the existing access point shown on the approved site plan.
- 7) The screen of trees on the eastern boundary, as shown on site plan PA02 prepared by Designing Places dated 11 July 2024, shall be planted to a minimum height of 1m with a dense screen of shrubs and trees along the eastern and southern boundaries of the subject land. Landscaping shall be established in the next planting season after the civil works are complete (whichever comes first) and maintained in good health and condition at all times with any dead or diseased plants being replaced in the next planting season.

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- 8) All stormwater from the development site shall be managed in accordance with the approved stormwater management report prepared by DBN Consulting Engineers Pty Ltd dated 12 July 2024 and stormwater management plan (Drawing PA05 dated 11 July 2024) prepared by Designing Places. The stormwater management system shall be installed and operational prior to commencement of the approved development.
- 9) Fencing shown on site plan PA 02 dated 11 July 2024 prepared by Designing Places shall be installed prior to commencement of the approved development.
- 10) All external lighting on the subject land shall be designed and constructed to conform to Australian Standard AS/NZS 4282-1997, and shall be directed away from adjacent residential properties to prevent light spill nuisance.
- 11) 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.

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).
- 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 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.

8.3 Development Application 24022394 by Certified Planning and Development for filling of land (46.231m³) & tree damaging activity to Significant Tree (*Eucalyptus viminalis subsp. cygnetensis* (Rough-barked Manna Gum) - at 30 Teringie Drive, Teringie

8.3.1 Representations

Name of Representer	Address of Representer	Nominated Speaker
Grace Barbaro	117 Woodland Way, Teringie	Did not attend

The applicant's representative, Darren Smith (Zaina Stacey) and the Owner, Scott Davies, were invited to answer questions from the Panel

8.3.1 Decision of Panel

The following was adopted by consensus of all members (46)

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 24022394 by Certified Planning and Development for filling of land (46.231m³) & tree damaging activity to Significant Tree (*Eucalyptus viminalis subsp. cygnetensis* (Rough-barked Manna Gum) - at 30 Teringie Drive, Teringie is GRANTED Development Approval 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) All exposed excavations and fill shall be:
- rounded off and battered to match and blend with the natural contours of the land;
 - covered with approximately 100mm of topsoil;
 - seeded to avoid erosion and visual concerns; and
 - screened with trees, shrubs and ground covers
- All works must be completed within 3 months of the approved development to the reasonable satisfaction of Council.
- 3) The tree management works in relation to the *Eucalyptus viminalis subsp. cygnetensis* (Rough-barked Manna Gum) tree outlined in the Arborist's Report prepared by Old Growth Arboriculture dated 10 September 2024 and submitted as a strategy for management of the significant tree are to be undertaken simultaneously with any works on the site. The works are to be completed within 3 months of Development Approval date.
- 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.

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).

8.4 **Development Application 24017988 by Tom Walker and Dragi Stojanov for a Store at 32 Devils Gully Road, Kersbrook**

8.4.1 **Representations**

N/A

The applicants, Tom Walker & Dragi Stojanov and the applicant's representative, Peter Meline, were invited to answer questions from the Panel.

8.4.2 **Decision of Panel**

Moved Leith Mudge
S/- Myles Somers

Carried
(47)

The Council Assessment Panel resolved that:

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- 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 24017988 by Tom Walker and Dragi Stojanov for a Store at 32 Devils Gully Road, Kersbrook is REFUSED Planning Consent subject for the following reasons:

Productive Rural Landscape Zone

Performance Outcome 4.1:

The proposal is not considered to constitute value adding development in association with existing primary production, nor is it directly related or ancillary to primary production. It is considered to be contrary to Performance Outcome 4.1

Overlays

Character Preservation District

Performance Outcome 3.5:

Development is proposed to be located outside an existing cluster of buildings on the allotment, creating fragmented pockets of development on the subject land as to be contrary to Character Preservation District Overlay Performance Outcome 3.5.

Native Vegetation

Performance Outcome 1.1:

The proposal requires the clearance of existing vegetation that is unwarranted and contrary to Native Vegetation Overlay Performance Outcome 1.1 when considering the proposal is too large relative to the provisions of the associated Zone and is not considered to be reasonable development.

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General Development Policies

Design

Performance Outcome 8.1:

The proposal requires earthworks to facilitate development that are contrary to General Development Design Performance Outcome 8.1.

9. **Development Assessment Applications – Development Act**
Nil

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

11. **ERD Court Appeals**
Deryn provided a verbal update on the ongoing PC Infrastructure (OTR) Appeal at 160 Longwood Road, Heathfield.

12. **Policy Issues for Advice to Council**
 - Myles raised the proposal by the State Planning Commission to initiate an amendment to the Planning & Design Code – Tourism Development Code Amendment with a focus on the wine regions
 - Leith raised concern on the lack of policy regarding Native Vegetation and conservation in the PRL Zone

13. **Other Business**
 - Myles requested an update on the Mount Lofty Golf Club application and staff provided an update
 - Presiding Member congratulated Jess Charlton on gaining the permanent position of Director Community & Development
 - Presiding Member thanked the Panel for their input and the staff for their support over the year

14. **Order for Exclusion of the Public from the Meeting to debate Confidential Matters**
Nil

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- 15. Confidential Item**
Nil
- 16. Next Meeting**
The next ordinary Council Assessment Panel meeting will be held on Wednesday 8 January 2025.
- 17. Close meeting**
The meeting closed at 9:27pm on 11 December 2024.