

ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 8 January 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM

[Please Note: These minutes are unconfirmed until 12 February 2025]

In Attendance

Presiding Member

Geoff Parsons

Members

Ross Bateup

Paul Mickan

Myles Somers

Leith Mudge

In Attendance

Jess Charlton

Deryn Atkinson

James Booker

Doug Samardzija

Chandhini Kumar

Mike O'Donnell

Sarah Kimber

Director Community & Development

Assessment Manager

Team Leader Statutory Planning

Senior 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 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 11 December 2024

The minutes were adopted by consensus of all members (1)

That the minutes of the meeting held on 11 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 Number 24008556 by Quartz Building Design for tourist accommodation at 15 Hughes Place, Lobethal

8.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Roland Temesi & Racheal Thomas-Temesi	PO Box 241, Woodside	Roland Temesi
Leeanne Noske	Unit 5, 6 Euston Avenue, Highgate	Leeanne Noske

The applicant's representative, Phil Harnett and the landowner, Jason King, addressed the Panel and answered questions from the Panel.

8.1.2 Decision of Panel

The following was adopted by consensus of all members (2)

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 24008556 by Quartz Building Design for tourist accommodation at 15 Hughes Place, Lobethal is GRANTED Planning Consent subject to the following conditions:**

CONDITIONS

Planning Consent

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- 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 applicant/owner shall maintain the car parking and the driveway areas in good condition to provide safe vehicle navigation at all times to the reasonable satisfaction of Council.
- 3) The person(s) having the benefit of this consent shall refrain from permitting the use of the buildings (or any part thereof) for provision long term accommodation or as separate dwellings. The tourist accommodation shall be used and operated on a short term rental arrangement with a maximum of a ninety day stay per occupancy.

A logbook shall be kept of all occupancies for each calendar year and made available for inspection by the Council upon request.

- 4) The maximum combined capacity of the tourist accommodation shall be four (4) persons at any one time.
- 5) The tourist accommodation approved herein and any associated activities shall be managed and conducted at all times in a manner as to cause no undue nuisance or adverse effect to any neighbouring landowners or to other land uses within the locality.
- 6) All external lighting associated with the tourist accommodation 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.
- 7) 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.
- 8) All roof runoff generated by the development hereby approved shall be managed on-site to the satisfaction of Council within one month of the roof cladding being installed using design techniques such as:
 - Rainwater tanks

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- 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. All stormwater including hard surface runoff shall be managed on site with no stormwater to trespass onto adjoining properties.

- 9) Access to habitable buildings where the distance from the public road to the building is greater than 60 m shall be designed and constructed to facilitate the safe and effective:

access, operation and evacuation of fire-fighting vehicles and emergency personnel evacuation of residents, occupants and visitors.

Driveways shall be:

- no greater than 600m in length
- constructed with a formed, all-weather surface
- connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than 7 degrees (1-in-8)
- a gradient of not more than 16 degrees (1-in-3.5) at any point along the driveway
- crossfall of not more than 6 degrees (1-in-9.5) at any point along the driveway
- a minimum formed width of 3m (4m where the gradient of the driveway is steeper than 12 degrees (1-in-4.5)) plus 0.5 metres clearance either side of the driveway from overhanging branches or other obstructions, including buildings and/or structures
- incorporate passing bays with a minimum width of 6m and length of 17m every 200m
- provide overhead clearance of not less than 4.0m between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures
- allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around driveway curves by constructing the curves with a minimum external radius of 12.5m
- allow fire-fighting vehicles to safely enter and exit an allotment in a forward direction by using a 'U' shaped drive through design or by incorporating at the end of the driveway either:
 - a) a loop road around the building OR

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- b) a turning area with a minimum radius of 12.5m OR
- c) a 'T' or 'Y' shaped turning area with a minimum formed length of 11m and minimum internal radii of 9.5m (Figure 4)
- incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.

Conditions imposed by Native Vegetation Council under Section 122 of the Act

- 10) Native Vegetation and trees retained in close proximity to the construction activity zone are to be protected with barriers (i.e. fencing or flagging) in accordance with the Australian Standard for Protection of Trees on Development Sites AS 4970-2009
- 11) Stockpiled materials, including cleared vegetation and excavated soil is not to be placed under native trees or on top of native understorey outside the approved area
- 12) Construction vehicles, equipment or materials are not to be stored or placed on top of native vegetation outside the approved clearance area
- 13) Pruning is to be conducted in accordance with the Australian Standard for Pruning Amenity Trees (AS4373-2007). Branches or limbs are to be cut cleanly back to the nearest fork.

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).

Advisory Notes imposed by Native Vegetation Council under Section 122 of the Act

- 5) The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the *Native Vegetation Act 1991* as set out in Decision Notification 2024/3126/473.

8.2 Development Application Number 24040887 by Scott Butler for variation to DA 23034228 realignment of retaining walls and, increase in height of retaining walls, realignment of tennis court area as well as relocation of tennis court lights and fence at 47 Lesley Crescent, Crafers

8.2.1 Representations
N/A

The Applicant's Representative, Helen Morriss and the landowner, Scott Hunter, addressed the Panel and answered questions from the Panel

8.2.1 Decision of Panel

The following was adopted by consensus of all members (3)

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 24040887 by Scott Butler for variation to DA 23034228 realignment of retaining walls and, increase in height of retaining walls, realignment of tennis court area as well as relocation of tennis court lights and fence at 47 Lesley Crescent, Crafers 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) Prior to undertaking any earthworks or construction within the Tree Protection Zone (TPZ) of trees 1, 2 or 3 the Revised Tree Management Plan contained in the Revised Tree Report prepared by Comphort Technical Services and received on 8 January 2025 must be implemented. The TPZ and Tree Management Plan must be maintained for the duration of the construction of the dwelling and associated structures.
- 3) Landscaping, as detailed in the Landscaping Plan V6 prepared by Dan Davis of Ellava Garden Consultancy & Design dated 2 January 2025, shall be planted in the planting season following occupation and, maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if it dies or, becomes seriously diseased.
- 4) Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisation 23034228 continue to apply to this amended authorisation.

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.

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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**
Nil
12. **Policy Issues for Advice to Council**
Nil
13. **Other Business**
Nil
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 12 February 2025.
- 17. Close meeting**
The meeting closed at 8:03pm on 8 January 2025.