

MINUTES

of the

**Council Assessment Panel Meeting
of the**



**Adelaide
Plains
Council**

Pursuant to the provisions of Section 83 of the
Planning, Development and Infrastructure Act 2016

**Two Wells Council Chamber
65 Old Port Wakefield Road
Two Wells**

on

Wednesday 2 August 2023 at 5:30pm

The Chairperson formally declared the meeting open at 5.30pm

1 ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges that we meet on the traditional country of the Kurna people of the Adelaide Plains and pays respect to elders past, present and emerging. We recognise and respect their cultural heritage, beliefs and relationship with the land and we acknowledge that they are of continuing importance to the Kurna people living today.

2 ATTENDANCE RECORD

2.1 Present:

| | |
|-------------------------------------|---------------------------------------|
| Chairperson | Nathan Cunningham <i>via Zoom</i> |
| Independent Member | Ian O'Loan |
| Independent Member | Susan Giles |
| Independent Member | Paul Mickan <i>via Zoom</i> |
| Council Member | Margherita Panella <i>via Zoom</i> |
| Also in Attendance: | |
| Manager Development Assessment | Mr Josh Banks |
| Senior Planning Officer | Mr George Jacks |
| Minute Taker/Administration Officer | Ms Amy Fagan |

Apologies:

Independent Member Aaron Curtis

3 Minutes

3.1 CONFIRMATION OF MINUTES – COUNCIL ASSESSMENT PANEL – 7 JUNE 2023

RESOLUTION

Moved: Paul Mickan

Seconded: Susan Giles

“that the minutes of the Council Assessment Panel Meeting held on Wednesday 7 June 2023, be accepted as read and confirmed.”

CARRIED

4 DECLARATION OF MEMBERS' INTEREST

Nil

5 REPORTS FOR DECISION

5.1 23011536 50 Roberts Road Lewiston Change of use of an existing barn building (class 7 building) to a place of worship (class 9b building) and construction of amenities building (retrospective)

Mr Henri Mueller on behalf of the representors Kerry Bolland and Robert Bolland, addressed the panel.

Kylie Evans (the applicant) addressed the panel in response to the representors.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolves that:

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

Development Application Number 23011536 by Kylie Evans for the change of use of an existing barn building (class 7 building) to a place of worship (class 9b building) and construction of amenities building (retrospective) at 50 Roberts Road Lewiston is GRANTED Planning Consent, pursuant to Section 102(a)(i) of the *Planning, Development and Infrastructure Act 2016*, subject to the following conditions:

1. The operating hours of the approved development must not exceed:
9:00am - 7:00pm Sunday
2. The maximum number of people attending the use must not exceed 120.

3. The amenities block shall be connected to an approved wastewater disposal system to the satisfaction of Council's Environmental Health Officer prior to use of the place of worship.
4. All individual car parking spaces shown on the site plan shall be identified through line-marking, paving or other suitable methods so that each space is clearly delineated at all times to the reasonable satisfaction of Council.
5. All trafficable surfaces including car parking areas must be maintained at all times to the reasonable satisfaction of Council.

DECISION

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

Development Application Number 23011536 by Kylie Evans for the change of use of an existing barn building (class 7 building) to a place of worship (class 9b building) and construction of amenities building (retrospective) at 50 Roberts Road Lewiston is REFUSED Planning Consent, pursuant to Section 102(a)(i) of the *Planning, Development and Infrastructure Act 2016*, for the following reasons:

Rural Horticulture Zone - DO 1

Reason: The proposed development is not agriculture or horticulture nor an associated value-adding enterprise or activity.

Rural Horticulture Zone - DO 2

Reason: The proposed development is not an appropriate land use that services or supports horticulture.

Rural Horticulture Zone – DO 3

Reason: The proposed development does not manage interface conflict between horticulture and other land uses.

Rural Horticulture Zone - PO 1.1

Reason: The proposed development does not avoid the proliferation of other land uses that may be sensitive to the range of intended land uses in the zone.

General Development Policies - Interface Between Land Uses – DO 1

Reason: The proposed development is not located to mitigate adverse effects on or from neighbouring or proximate land uses.

General Development Policies - Interface Between Land Uses - PO 4.6

Reason: The proposed development does not achieve suitable acoustic amenity.

Moved: Ian O’Loan
Seconded: Paul Mickan

CARRIED

6 REPORTS FOR INFORMATION

Nil

7 OTHER BUSINESS

Nil

8 CONFIDENTIAL ITEMS

Nil

9 NEXT MEETING

Wednesday 6 September 2023 at 5:30pm

10 CLOSURE

There being no further business, the Chairperson declared the meeting closed at 6.48pm

Confirmed as a true record.

Chairperson:.....

Date: __/__/__