

# MINUTES

of the

## Council Assessment Panel Meeting

of the



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

Held via  
Electronic Means

In light of the ongoing COVID-19 public health emergency, and social distancing requirements, participation by representors and applicant was facilitated by electronic means (Zoom) and public access to the meeting was be facilitated via live stream on Council's YouTube channel  
<https://youtu.be/c7IZGle8mH8>

on

**Wednesday 3 November 2021**  
**at 5.30pm**

The Presiding Member formally declared the meeting open at 5.32pm and acknowledged the Kurna People as the Traditional Custodians of the Land.

**1. ATTENDANCE RECORD**

**1.1 Present**

Mr. Nathan Cunningham	Presiding Member
Mr. Ian O'Loan	Independent Member
Mr. Paul Mickan	Independent Member
Mr. Aaron Curtis	Independent Member
Cr Margherita Panella	Council Member

**Also in Attendance**

Assessment Manager	Mr. David Roberts
Senior Planning Officer	Mr. Josh Banks
Planning Officer	Mr. Martin Rutt
Administration Support Officer/Minute Taker	Miss Abbey Cook
IT Officer	Mr. Sean Murphy

**1.2 Apologies:**

## **2. CONFIRMATION OF MINUTES**

2.1 Confirmation of Minutes – Meeting held 4 August 2021

**Moved** Paul Mickan                      **Seconded** Aaron Curtis

“that the minutes of the Council Assessment Panel meeting held on Wednesday 4 August 2021, be accepted as read and confirmed subject to Margherita being designated as the Council member, not deputy member”

**Agreed**

## **3. DECLARATION OF MEMBERS’ INTERESTS**

3.1 Margherita Panella declared a perceived and an actual conflict of interest in relation to application 312/261/2021, as she knows the representors on a personal level and her principal home boundary connects onto Bailey Road, Two Wells. Margherita dealt with the conflict of interest by electing to, exit the meeting, not participating in the discussion and not voting on the application.

Margherita Panella left the meeting prior to item being considered and returned at the conclusion of item 3.1

## **4. REPORTS FOR DECISION UNDER THE DEVELOPMENT ACT 1993**

4.1 312/261/2020 – Built Solutions - Construction of a childcare centre (pre-school) with associated on-site car parking, landscaping, site works, fencing and ancillary nature experience area – Lot 14, 36 Bailey Road Two Wells – CT 6098/323

Representors addressed the Panel:

Bruno Lopresti

Filipo Belperio

Bruno Lopresti addressed the panel to present their representations.

Independent Member Paul Mickan asked a question of the representors

Independent member Ian O’Loan stated he understood the representors concerns

Independent Member Aaron Curtis asked a question of the representors

Presiding Member Nathan Cunningham addressed Mr. Mark Kwiatkowski of Adelaide Planning and Development Solutions and Mr. Tom Game of Botten Levinson both acting on behalf of the applicant (Built Solutions) on their request for a variation to the plans. (Received on the day of the meeting via email and discussed at the meeting.

Mr. Mark Kwiatkowski and Mr. Tom Game responded to the Panel firstly on the variation request.

Assessment Manager addressed the Panel through the Chair.

The Panel agreed that the variation be accepted as the version for which the CAP would then make a decision.

Independent Member Ian O'Loan addressed the Panel and raised concerns.

Independent Member Aaron Curtis addressed the panel and proposed variation.

Independent Member Paul Mickan addressed the panel and proposed variation.

Mark Kwiatkowski addressed the Panel on certain aspects of the development

Mr. Tom Game addressed the panel on certain aspects of the development

Independent Member Ian O'Loan addressed the panel and asked a question of the applicant.

Botton Levinson addressed the panel and answered the question of Independent Member.

Independent Member Aaron Curtis addressed the panel and asked questions of the applicant.

**Moved** Ian O'Loan **Seconded** Aaron Curtis

1. That the Council Assessment Panel resolves that the proposal by Built Solutions Pty Ltd for the construction of a childcare centre (pre-school) with associated on-site car parking, landscaping, site works, fencing and ancillary nature experience area at Lot 14, 36 Bailey Road Two Wells (DA 312/261/2020) is not seriously at variance with the Mallala Council Development Plan Consolidated 13 December 2018.
2. That the Council Assessment Panel, having considered all aspects of the report and the application to carry out development of land, resolves to REFUSE Development Plan Consent by Built Solutions Pty Ltd for the construction of a childcare centre (pre-school) with associated on-site car parking, landscaping, site works, fencing and ancillary nature experience area at Lot 14, 36 Bailey Road Two Wells (DA 312/261/2020) as the proposed development is contrary to the following provisions of the Mallala Council Development Plan Consolidated 13 December 2018:

### **Rural Living Zone – Objective 3**

Reason: *The proposed development does not contribute to the desired character of the zone.*

**Rural Living Zone – Principle of Development Control 6**

*Reason: The proposed development is not consistent with the desired character of the zone.*

**General Section (Community Facilities) – Principles of Development Control 1 and 4**

*Reason: The development is not appropriately sited in a centralised, accessible location.*

**General Section (Orderly and Sustainable Development) – Objectives 3 and 4 and Principle of Development Control 1**

*Reason: The proposed development prejudices the development of the Rural Living zone for its intended purpose.*

**Agreed**

**5. REPORTS FOR DECISION UNDER THE PLANNING, DEVELOPMENT & INFRASTRUCTURE ACT 2016**

- 5.1 21023767 – Mohammad Bageri - Construction of three (3) additional broiler sheds on the existing poultry farm and increased capacity to raise additional poultry – Lot 72, 51 Lemmey Road Lower Light – CT 4361/796

Panel members discussed ability to assess the application due to attachment error.

All members confirmed they had received the attachment via email ahead of the meeting and that all had confirmed they had time to review and consider the details.

All members agreed to proceed with a decision.

**Moved**

Paul Mickan

**Seconded**

Margherita Panella

1. That the Council Development Assessment Panel resolves that the proposal by for the Construction of three (3) additional broiler sheds on the existing poultry farm and increased capacity to raise additional poultry at Lot 71, 51 Lemmey Road, Lower Light, Hundred of Dublin (21013767) is not seriously at variance with the Planning and Design Code consolidated 3 June 2021.
2. That the Council Development Assessment Panel resolves that the proposal by Mr Mohammad Baqeri for the Construction of three (3) additional broiler sheds on the existing poultry farm and increased capacity to raise additional poultry at Lot 71, 51 Lemmey Road, Lower Light, Hundred of Dublin (21013767) be GRANTED Planning Consent, pursuant to Section 102(a)(i) of the Planning, Development and Infrastructure Act 2016, subject to the following conditions imposed:

### Council Conditions

1. The development must be undertaken and completed in accordance with the details, plans, specifications and correspondence submitted with and forming part of this application, except where varied by any condition(s) below.

*Reason: To ensure the proposal is developed in accordance with the plans and documentation.*

2. All stormwater design and construction shall be in accordance with Australian Standards and recognised engineering practices to ensure that stormwater does not adversely affect any adjoining property or public road.

*Reason: To ensure adequate provision is made for the collection and dispersal of stormwater.*

3. The development and development site must be kept in a neat, tidy and sanitary condition at all times, to the reasonable satisfaction of Council.

*Reason: to ensure the subject land is well managed and does not become unsightly or insanitary.*

4. The external walls and roofs of the broiler sheds and ancillary support building must be constructed with subdued colours which complement the existing sheds and must be maintained in a condition at all times.

*Reason: to ensure the development does not detract from the rural character of the locality.*

5. Litter must be loaded directly onto trucks and must not be stockpiled outside of the sheds prior to removal.

*Reason: to ensure the site is maintained in good condition at all times.*

6. Management of the property must be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

*Reason: to ensure the site is maintained in good condition at all times.*

7. All vehicles must enter and leave the site in a forward direction.

*Reason: To ensure safe access and egress to and from the subject land.*

8. A detailed landscaping plan shall be submitted showing the extent of screening landscaping on northern, eastern and southern boundaries and shall include a list of ground cover, shrub and tree species prior to granting development approval.

*Reason: to ensure landscaping is established as proposed in the application details.*

### **Council Notes**

Once development approval is granted, the development must be:

- a) Substantially commenced within twenty four (24) months from the date of the decision of this Consent or Approval, otherwise this Consent or Approval will lapse at the expiration of twenty four (24) months from this date (unless Council extends this period), and a new development application shall be required;
- b) Fully completed within three (3) years from the date of the decision of this Approval, otherwise this Approval will lapse at the expiration of three (3) years from this date (unless Council extends this period), and a new development application shall be required; and
- c) Any request for an extension of time must be lodged through the Plan SA portal prior to the expiry of the above-mentioned periods.

Pursuant to Section 202 of the *Planning, Development and Infrastructure Act 2016*, you have the right of appeal to the Environment, Resources and Development Court against either (1) a refusal of consent or (2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period allowed by the Court.

The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (GPO Box 2465, Adelaide SA 5001 (Ph. 8204 0289).

#### Environment Protection Authority (EPA) Conditions

1. Prior to operation, the flooring of each poultry shed must be constructed with an impervious compacted clay base with a minimum permeability of less than  $1 \times 10^{-9}$  m/sec.
2. Any substances that by their nature or amount have the potential to cause environmental harm to surface water or groundwater must be stored within a bunded area so as to contain any spillages that may occur. Note: Information on bunding is available in the EPA Guideline Bunding and spill management (2016) [http://epa.sa.gov.au/files/47717\\_guide\\_bunding.pdf](http://epa.sa.gov.au/files/47717_guide_bunding.pdf).
3. All dead birds must be removed from the sheds immediately upon discovery and frozen before being collected by EPA licensed transporter for off-site disposal.
4. Feed delivery must only occur between the hours of 7:00am and 10:00pm.
5. Cooling fans must not operate between the hours of 10:00pm and 7:00am.

### EPA Notes

- The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute (including noise pollution) the environment in a way which causes or may cause environmental harm. This includes, but is not limited to truck engines being switched off during collection of birds between 10pm and 7am, and all trucks and forklifts should be fitted with broadband reverse beepers.
- An environmental authorization (licence) is required for this development. Before commencing operation, the applicant/operator should contact the Environment Protection Authority on (08) 8204 2058 or email [EPALicensing@sa.gov.au](mailto:EPALicensing@sa.gov.au) for information about the licensing application process and requirements.
- A licence application may be refused where conditions of Development Approval directed by the Environment Protection Authority have not been complied with.
- The applicant is reminded that noise from construction, demolition and site preparation is required to meet the mandatory provision of part 6 Division 1 of the Environment Protection (Noise) Policy 2007.
- More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: [www.epa.sa.gov.au](http://www.epa.sa.gov.au)

**Agreed**

- 5.2 21012863 – Christopher Girling - Additions to existing veterinary clinic including a relocated training green, a small laboratory, dog breeding facility including 12 kennels and exercise yard, consulting room, car parking and onsite accommodation for visiting medical specialists, students and kennel hands – Lot 11, 168 Hayman Road Lewiston – CT 6228/472

Independent member Ian O’Loan addressed the panel.

Independent member Aaron Curtis asked questions of staff.

Assessment Officer Martin Rutt answered questions of the Independent Member.

**Moved**

Margherita Panella

**Seconded**

Ian O’Loan



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 21012863 by Mr Chris Girling for Additions to existing veterinary clinic including a relocated training green, small laboratory, dog breeding facility including 12 kennels and exercise yard, consulting room, car parking and onsite accommodation for visiting medical specialists, students and kennel hands at Lot 11, 168 Hayman Road, Lewiston, Hundred of Port Gawler is GRANTED Planning Consent, pursuant to Section 102(a)(i) of the Planning, Development and Infrastructure Act 2016, and subject to the following conditions and advisory notes:

### **Conditions**

1. The development must be undertaken and completed in accordance with the details, plans, specifications and correspondence submitted with and forming part of this application, except where varied by any condition(s) below.

*Reason: To ensure the proposal is developed in accordance with the plans and documentation.*

2. All stormwater design and construction shall be in accordance with Australian Standards and recognised engineering practices to ensure that stormwater does not adversely affect any adjoining property or public road.

*Reason: To ensure adequate provision is made for the collection and dispersal of stormwater.*

3. The development and development site must be kept in a neat, tidy and sanitary condition at all times, to the reasonable satisfaction of Council.

*Reason: to ensure the subject land is well managed and does not become unsightly or insanitary.*

4. Management of the property must be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

*Reason: to ensure the site is maintained in good condition at all times.*

5. All vehicles must enter and leave the site in a forward direction.

*Reason: To ensure safe access and egress to and from the subject land.*

6. The landscaping shall be substantially established within 3 months of occupation of the development and must be kept in good condition at all times with any sick or diseased plants and trees replaced as necessary.

*Reason: To ensure the impacts of the proposed development are minimised on adjoining property owners.*

#### **Notes**

Once development approval is granted, the development must be:

a) Substantially commenced within twenty four (24) months from the date of the decision of this

Consent or Approval, otherwise this Consent or Approval will lapse at the expiration of twenty four (24) months from this date (unless Council extends this period), and a new development application shall be required;

b) Fully completed within three (3) years from the date of the decision of this Approval, otherwise this Approval will lapse at the expiration of three (3) years from this date (unless Council extends this period), and a new development application shall be required; and

c) Any request for an extension of time must be lodged through the Plan SA portal prior to the expiry of the above-mentioned periods.

Pursuant to Section 202 of the *Planning, Development and Infrastructure Act 2016*, you have the right of appeal to the Environment, Resources and Development Court against either (1) a refusal of consent or (2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period allowed by the Court.

The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (GPO Box 2465, Adelaide SA 5001 (Ph. 8204 0289).

**Agreed**

#### **6. REPORTS FOR INFORMATION**

Nil

#### **7. OTHER BUSINESS**

7.1 Zoom

Independent Member Aaron Curtis - Suggestion made to have both applicant and representors not made to wait in the waiting room and instead both be available via zoom at the same time.

#### **8. CONFIDENTIAL ITEMS**

Nil

#### **9. NEXT MEETING**

Wednesday 1 December 2021

(To be confirmed)

**10. CLOSURE**

There being no further business, the Presiding Member declared the meeting closed at 7:22pm.

Confirmed as a true record.



Presiding Member:.....

Date: 03 / 12 / 2021