

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 6 December 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 Kaurna 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 Kaurna people living today.

2 ATTENDANCE RECORD

2.1 Present:

Chairperson	Nathan Cunningham
Independent Member	Aaron Curtis
Independent Member	Susan Giles
Independent Member	Paul Mickan
Council Member	Carmine Di Troia

Council Staff:

Director Development and Community	Mike Ravno
Manager Development Assessment	Josh Banks
Senior Planning Officer	George Jacks
Minute Taker/Administration Officer/s	Kate Ledo
	Amy Fagan

Apologies:

Nil

3 Minutes

3.1 CONFIRMATION OF MINUTES – COUNCIL ASSESSMENT PANEL – 2 AUGUST 2023

RESOLUTION

Moved: Susan Giles

Seconded: Paul Mickan

“that the minutes of the Council Assessment Panel Meeting held on Wednesday 2 August 2023, be accepted as read and confirmed.”

CARRIED

4 DECLARATION OF MEMBERS' INTEREST

Nil

5 REPORTS FOR DECISION

5.1 23008190 – 13 Dawkins Road Two Wells - Change of use of existing agricultural building to include light industry and shop plus advertising signage (retrospective)

Margherita Panella on behalf of applicants Maria and Cesari Bombardieri addressed the panel.

Vince Bombardieri responded to a question from the panel.

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 23008190 by Maria and Cesari Bombardieri for the Partial change in use of existing agricultural building to include light industry and shop plus advertising signage (retrospective) at 13 Dawkins Road Two Wells 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:

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.
2. The operating hours of the approved development must not exceed 8:00am - 5:00pm, 7 days a week.
3. The development herein approved and the site generally, including any signage, car parking, manoeuvring and driveway areas, shall be managed, operated and kept in an orderly and sound manner so that they remain in a serviceable and tidy condition at all times by the person(s) who have the benefit of this approval to the reasonable satisfaction of Council.
4. All chemicals and empty chemical containers must be stored within securely bunded areas with empty chemical containers being then disposed of in a satisfactory manner to the reasonable satisfaction of Council

5. Any equipment, tools or other associated horticultural products including chemicals and waste (such as plant pots and bins, used chemical containers, disused and discarded plastic pipes and cladding) must be stored in an area that is visually screened from the adjacent roadside and remains clear of any internal access ways to the satisfaction of Council
6. All rubbish and non-vegetable waste must be separated from green waste matter and disposed of in bins located on the subject land.
7. The advertisements including its supporting structure and framework shall be constructed in a professional manner and maintained in good repair and condition at all times to the reasonable satisfaction of Council.
8. The proposed sign and its supporting structure shall be constructed wholly within the subject land and no part shall extend or project beyond the boundaries of the land itself.
9. All car parking spaces shown on the site plan shall be identified through line-marking, paving or other suitable method so that each space is clearly delineated at all times to the reasonable satisfaction of Council.
10. The loading and unloading of all commercial vehicles associated with the development shall at all times be restricted to the confines of the subject land itself and shall not be allowed to encroach over or occur in any form on the adjacent roadway(s) or the roadside verge.
11. All driveway, access, vehicle manoeuvring and designated car parking shall be designed to ensure that all vehicles enter and exit the subject site in a forward direction.
12. The advertisements must not be internally or externally illuminated.

ADVISORY NOTES

1. 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.
2. 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).

DECISIONS

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.

Moved: Susan Giles

Seconded: Aaron Curtis

CARRIED

2. Development Application Number 23008190 by Maria and Cesari Bombardieri for the Partial change in use of existing agricultural building to include light industry and shop plus advertising signage (retrospective) at 13 Dawkins Road Two Wells is **GRANTED** Planning Consent, pursuant to Section 102(a)(i) of the *Planning, Development and Infrastructure Act 2016*, subject to the following conditions:
 2. 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.
 2. The operating hours of the approved development must not exceed:
 - Retail Shop 8am – 6pm 7 days a week with special trading hours from 6.30am - 7.30pm during the weeks of and prior to Valentines Day, Easter, Mother’s Day and Christmas Day; and
 - Flower Processing and Light Industry Autumn/Winter – 7am – 6pm 7 days a week, and Spring/Summer – 5am – 6pm 7 days a week.

3. The development herein approved and the site generally, including any signage, car parking, manoeuvring and driveway areas, shall be managed, operated and kept in an orderly and sound manner so that they remain in a serviceable and tidy condition at all times by the person(s) who have the benefit of this approval to the reasonable satisfaction of Council.
4. The signage on the western elevation shall comprise graphics and colours in keeping with the same nature of the signage on the southern elevation.
5. All chemicals and empty chemical containers must be stored within securely bunded areas with empty chemical containers being then disposed of in a satisfactory manner to the reasonable satisfaction of Council.
6. Any equipment, tools or other associated horticultural products including chemicals and waste (such as plant pots and bins, used chemical containers, disused and discarded plastic pipes and cladding) must be stored in an area that is visually screened from the adjacent roadside and remains clear of any internal access ways to the satisfaction of Council.
7. All rubbish and non-vegetable waste must be separated from green waste matter and disposed of in bins located on the subject land.
8. The advertisements including its supporting structure and framework shall be constructed in a professional manner and maintained in good repair and condition at all times to the reasonable satisfaction of Council.
9. The proposed sign and its supporting structure shall be constructed wholly within the subject land and no part shall extend or project beyond the boundaries of the land itself.
10. All car parking spaces shown on the site plan shall be identified through line-marking, paving or other suitable method so that each space is clearly delineated at all times to the reasonable satisfaction of Council.
11. The loading and unloading of all commercial vehicles associated with the development shall at all times be restricted to the confines of the subject land itself and shall not be allowed to encroach over or occur in any form on the adjacent roadway(s) or the roadside verge.
12. All driveway, access, vehicle manoeuvring and designated car parking shall be designed to ensure that all vehicles enter and exit the subject site in a forward direction.
13. The advertisements must not be internally or externally illuminated.

Moved: Aaron Curtis
Seconded: Carmine Di Troia

CARRIED

6 REPORTS FOR INFORMATION

Nil

7 OTHER BUSINESS

Implications of the Geber Super vs Barossa Assessment Panel (BAP) for further consideration of how we unpack this within reports, for consideration.

Recommendations are separate decisions, and done prior to the assessment.

8 CONFIDENTIAL ITEMS

Nil

9 NEXT MEETING

TBA

10 CLOSURE

There being no further business, the Chairperson declared the meeting closed at 6.24PM

Confirmed as a true record.

Chairperson:.....

Date: __/__/__

