

MINUTES

of

Council Assessment Panel Meeting



**Adelaide
Plains
Council**

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

HELD IN

**Council Chambers
Redbanks Road,
Mallala**

on

Wednesday, 5 December 2018 at 5:30pm

A handwritten signature in black ink, located in the bottom right corner of the page.

The Presiding Member formally declared the meeting open at 5:30pm.

1. ATTENDANCE RECORD

1.1. Present

Nathan Cunningham (Presiding Member)
Ian O'Loan
Chris Carrey
Cherry Getsom
Frank Maiolo (Council Member)

Also in Attendance

Brendon Schulz (Development Services Coordinator)
George Jacks (Graduate Planning Officer)
Carol Wildbore (Minute Secretary)

1.2. Apologies

1.3. Not Present / Leave of Absence

The Presiding Member Nathan Cunningham thanked Independent Member Ian O'Loan for Acting in the position of Presiding Member for the November meeting.

2. CONFIRMATION OF MINUTES

2.1.

Moved C Getsom **Seconded** F Maiolo

"that the minutes of the Council Assessment Panel meeting held on Wednesday 7 November 2018, be accepted as read and confirmed."

Agreed

3. DECLARATION OF INTEREST

Nil

4. REPORTS FOR DECISION

4.1. Category 1 Development

4.1.1. 312/279/2018 – Alpha Industries – Construction of a garage on boundary and verandah attached to dwelling – Lot 5, 25 Walter Avenue, Two Wells

Development Services Coordinator Brendon Schulz answered questions of the Panel.

Moved I O'Loan **Seconded** C Carrey

1. "That the Council Assessment Panel resolves that the proposal by Alpha Industries for the construction of a garage on boundary and verandah attached to dwelling at Lot 5,



25 Walter Avenue, Two Wells (Development Application 312/279/2018) is not seriously at variance with the Mallala Council Development Plan consolidated 20 February 2018.”

2. “That the Council Assessment Panel resolves that the proposal by Alpha Industries for the construction of a garage on boundary and verandah attached to dwelling at Lot 5, 25 Walter Avenue, Two Wells (Development Application 312/279/2018) be REFUSED Development Plan Consent, pursuant to Section 33(1)(a) of the *Development Act, 1993*, for the following reasons:

The proposal is considered to be at variance with the following relevant key provisions of the Mallala Council Development Plan - consolidated 20 February 2018

In particular:

Residential Zone

Objective 4

PDC 9

General Section

- Design and Appearance
PDC's 3, 4, 13, 20, 21
- Residential Development
PDC's 16, 17”

Agreed

4.2. Category 2 Development

- 4.2.1. 312/174/2018 – Paul & Denise Cook – Change of use of existing shed to kennelling and the keeping of up to 15 dogs – Lot 9, 100 Dawkins Road, Lewiston

Graduate Planning Officer George Jacks answered questions of the Panel.

Moved F Maiolo **Seconded** C Carrey

1. “That the Council Assessment Panel resolves that the proposal by Paul & Denise Cook for the change of use of existing shed to kennelling and the keeping of up to 15 dogs at Lot 9, 100 Dawkins Road, Lewiston (312/174/2018) is not seriously at variance with the Adelaide Plains Council Development Plan consolidated 20 February 2018.”
2. “That the Council Assessment Panel resolves that the proposal by Paul & Denise Cook for the change of use of existing shed to kennelling and the keeping of up to 15 dogs at Lot 9, 100 Dawkins Road, Lewiston (312/174/2018) be GRANTED Development Plan Consent, pursuant to Section 33(1)(a) of the *Development Act 1993*, subject to the following conditions being imposed:
 - 1) The development must be undertaken, completed and maintained in accordance with the details, plans, specifications and correspondence submitted with and



forming part of Development Application 312/174/2018, except where varied by any conditions listed below.

- 2) No more than 15 dogs over the age of 3 months must be kept on the allotment at any given time.
- 3) The kennelling, associated built form and yards must be cleaned regularly to prevent the accumulation of waste and the creation of unsanitary conditions to the satisfaction of Council's Environmental Health Officer.
- 4) Dogs must be managed and attended to regularly and be supervised as required to ensure that noise is managed appropriately to minimise any adverse impact upon owners or occupiers of land in the locality.
- 5) Solid waste must be stored on site in waterproof containers which are regularly emptied and waste disposed of at a location which meets relevant health requirements, and is in accordance with any necessary approvals from local authorities.
- 6) The external walls and roof of the kennels and associated external pens and fencing must be maintained in a good state of appearance and condition at all times.
- 7) The internal walls and roof of the kennelling structures must be insulated with a satisfactory insulating material to provide protection against extreme temperatures and to reduce noise from barking dogs.
- 8) All stormwater from the development must be drained and retained on site, to the reasonable satisfaction of Council and must be directed away from the kennel effluent system.

Notes:

The applicant is reminded of their general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not cause environmental harm."

Agreed

- 4.2.2. 312/232/2018 – S & S Johnson and C Penco – Increase in dog keeping numbers from 9 to 29, with dogs to be kept in existing kennels – Lot 18, 10 Bethesda Road, Lewiston

Graduate Planning Officer George Jacks answered question of the Panel.

Moved F Maiolo **Seconded** I O'Loan

1. "That the Council Assessment Panel resolves that the proposal by S & S Johnson and C Penco for an increase in dog keeping numbers from 9 to 29, with dogs to be kept in existing



kennels at Lot 18, 10 Bethesda Road, Lewiston (312/232/2018) is not seriously at variance with the Adelaide Plains Council Development Plan consolidated 20 February 2018.”

2. “That the Council Assessment Panel resolves that the proposal by S & S Johnson and C Penco for an increase in dog keeping numbers from 9 to 29, with dogs to be kept in existing kennels at Lot 18, 10 Bethesda Road, Lewiston (312/232/2018) be GRANTED Development Plan Consent, pursuant to Section 33(1)(a) of the *Development Act 1993*, subject to the following conditions being imposed:

- 1) The development must be undertaken, completed and maintained in accordance with the details, plans, specifications and correspondence submitted with and forming part of Development Application 312/232/2018, except where varied by any conditions listed below.
- 2) No more than 29 dogs over the age of 3 months must be kept on the allotment at any given time.
- 3) The kennelling, associated built form and yards must be cleaned regularly to prevent the accumulation of waste and the creation of unsanitary conditions to the satisfaction of Council’s Environmental Health Officer.
- 4) Dogs must be managed and attended to regularly and be supervised as required to ensure that noise is managed appropriately to minimise any adverse impact upon owners or occupiers of land in the locality.
- 5) Solid waste must be stored on site in waterproof containers which are regularly emptied and waste disposed of at a location which meets relevant health requirements, and is in accordance with any necessary approvals from local authorities.
- 6) The external walls and roof of the kennels and associated external pens and fencing must be maintained in a good state of appearance and condition at all times.
- 7) The internal walls and roof of the kennelling structures must be insulated with a satisfactory insulating material to provide protection against extreme temperatures and to reduce noise from barking dogs.
- 8) All stormwater from the development must be drained and retained on site, to the reasonable satisfaction of Council and must be directed away from the kennel effluent system.

Notes:

The applicant is reminded of their general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not cause environmental harm.”

Agreed

A handwritten signature in black ink, located in the bottom right corner of the page.

4.3. Category 3 Development

4.3.1. 312/249/2018 – Hickinbotham Group – Filling of land within a Flood Hazard Risk Area (Non-Complying) – Lots 223 to 226 in Development Authorisation number 312/D018/13 and Lots 227 to 235 Magnolia Boulevard, Two Wells

Phillip Brunning was present on behalf of the applicant and available to answer questions of the Panel.

Moved C Getsom **Seconded** C Carrey

1. "That the Council Assessment Panel resolves that the proposal by Hickinbotham Group for the filling of land within a Flood Hazard Risk Area (Non-Complying) at Lots 223 to 226 in Development Authorisation number 312/D018/13 and Lots 227 to 235 Magnolia Boulevard, Two Wells (312/249/2018), is not seriously at variance with the Mallala Council Development Plan Consolidated 20 February 2018"
2. "That the Council Assessment Panel resolves pursuant to Section 35(3)(b) of the *Development Act 1993* and following consideration and having regard to all relevant matters regarding the proposal by Hickinbotham Group for the filling of land within a Flood Hazard Risk Area (Non-Complying) at Lots 223 to 226 in Development Authorisation number 312/D018/13 and Lots 227 to 235 Magnolia Boulevard, Two Wells (312/249/2018), to seek the concurrence of the State Commission Assessment Panel in respect to this development being granted Development Plan Consent, subject to the following conditions being imposed :-
 - 1) The development must be undertaken in accordance with the details, plans, specifications and correspondence submitted with and forming part of the application (312/249/2018), except where varied by any conditions herein.
 - 2) Areas of proposed filling must be controlled fill and suitably compacted for building construction purposes."

Agreed

4.4. Other

4.4.1. 312/149/2018 – Steven Nguyen – Community Centre and Place of Worship (Non-Complying) – Lot 11, 35 Ellis Road, Two Wells

Development Services Coordinator Brendon Schulz answered questions of the Panel.

Moved C Getsom **Seconded** C Carrey

"that pursuant to Section 39(4)(d) of the *Development Act 1993* and Regulation 17(3)(a) of the *Development Regulations, 2008*, the Council Assessment Panel resolves not to proceed with an assessment of the application by Steven Nguyen for a Community Centre and Place of Worship (Non-Complying) at Lot 11, 35 Ellis Road, Two Wells (312/149/2018), for the following reason :-



The proposal does not demonstrate sufficient merit to warrant proceeding with an assessment and is contrary to the following Development Plan provisions:

Primary Production Zone

Objectives 1, 2, 4 and 7

Principle of Development Control 1, 2, 12 and 16

Horticulture Policy Area 3

Objectives 1 and 4

Principle of Development Control 1 and 3"

Agreed

5. REPORTS FOR INFORMATION

Nil

6. OTHER BUSINESS

Nil

7. CONFIDENTIAL ITEMS

Nil


8. NEXT MEETING

Wednesday 6 February 2018 (To be confirmed)

9. CLOSURE

There being no further business, the Presiding Member wished everyone a Safe and Merry Christmas and declared the meeting closed at 6.14pm.

Confirmed as a true record.

Presiding Member:

Date: 3/4/19

