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 IN

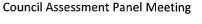
Council Chamber Redbanks Road Mallala

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://www.youtube.com/channel/UCtMO9nfkK2HBYiFxWe4APYQ.

on

Wednesday 5 May 2021 at 5.30pm







The Presiding Member formally declared the meeting open at 5.30pm and acknowledged the Kaurna 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

Mr John Lush Deputy Council Member

Also in Attendance

Assessment Manager Mr David Roberts

General Manager – Development and Community Mr Darren Starr

Senior Planning Officer Mr Josh Banks

Planning Officer Mr George Jacks

Administration Support Officer/Minute Taker Ms Carol Wildbore

IT Officer Mr Sean Murphy

1.2 Apologies:

Mr Frank Maiolo (Council Member)



2. CONFIRMATION OF MINUTES

2.1 Confirmation of Minutes – Meeting held 10 March 2021

Moved I O'Loan

Seconded

A Curtis

"that the minutes of the Council Assessment Panel meeting held on Wednesday 10 March 2021, be accepted as read and confirmed."

AGREED

3. DECLARATION OF MEMBERS' INTERESTS

Nil

4. REPORTS FOR DECISION

4.1 312/371/2020 – Category 3 Development – P A Crowhurst – Retrospective approval for the keeping of up to 3 horses and construction of horse shelters in association with existing detached dwelling – Lot 40 – 356 Old Port Wakefield Road Two Wells – CT: 6033/894

Representors, in attendance via audio-visual link, addressed the Panel:

Craig Hansen

Tony and Shelley Willemsen

Applicants Phil and Nina Crowhurst addressed the Panel and answered questions of the Panel.

Assessing Officer George Jacks addressed the Panel and answered questions of the Panel.

Moved I O'Loan

Seconded

P Mickan

- That the Council Development Assessment Panel resolves that the proposal by Phil & Nina Crowhurst for the retrospective approval of three horse shelters and the keeping of three horses at Lot 40, 356 Old Port Wakefield Road Two Wells (312/371/2020) is not seriously at variance with the Adelaide Plains Council Development Plan consolidated 13 December 2018.
- 2. That the Council Development Assessment Panel resolves that the proposal by Phil & Nina Crowhurst for the retrospective approval of three horse shelters and the keeping of three horses at Lot 40, 356 Old Port Wakefield Road Two Wells (312/371/2020) be GRANTED Development Plan Consent, pursuant to Section 33(1)(a) of the Development Act 1993, subject to the following conditions 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 312/371/2020, except where varied by any conditions listed below.
 - 2. No more than 3 horses must be kept on the subject land at any time
 - 3. Horses must be kept at the rear of the dwelling until the fencing to the front of the dwelling is sufficiently upgraded to a 1.2m electric fence. To be completed within 3 months.
 - 4. At no time shall any horse be kept on the subject site unless there is a person permanently residing on the property, being directly responsible for the care of the horses and management of the land.





- 5. The area where the animals are kept is to be maintained in a satisfactory condition at all times so as not to create any insanitary condition or allowed to become a nuisance, offensive or injurious to health.
- 6. The external walls and roof of the shelters shall be maintained in good appearance and condition at all times.
- 7. All stormwater from the development must be retained on site to the reasonable satisfaction of Council.
- 8. Kickboards shall be installed around the internal walls of all the stable/shelter structures. To be completed within 3 months.

AGREED

4.2 312/47/2021 – Category 3 Development – Choice N Control – Retrospective approval for an Integrated disability service facility (comprising the use of the land and the main building and outbuildings for day programmes and supervised overnight stays for persons with intellectual disabilities) together with certain associated building work and the keeping of one horse – Lot 99 – 145 Gawler River Road Lewiston – CT: 5198/181

Representors, in attendance via audio-visual link, addressed the Panel:

Renata and Tony Brown

Kerry King

Frances Demaria

Helen Ortenstein

Janie & Michael Farrugia- represented by Janie

Sharon Hughes representing Sebastien, Adawyn and Jasper Hughes

Suzanne Kay

Christine Streeter

Andrew Scully

Roger Nicks

Mark St John Starks

Joanne Vidorin also representing Tony Vidorin

Tony Vidorin representing Clifford and Josephine Bigg, Andrew Cummings, Shonea Deeks, Jag Dhaliwal, Peter Flowers, Courtney Hassett, Caitlin Hill, Stephen John, Sergei Konivets, Casey Mangonson, Raji Mann, Sunder Singh, Dana Van Pelt, Luke Washer

Suzanne Wilson represented by Sunny and Raji

The Presiding Member invited representors Angela Fulco, Kat Morey and Sharon Deverson to present however they were not in attendance via audio-visual link.

The Presiding Member suspended the meeting at 7.41pm for a short break and the live stream was paused.

The meeting, and the live stream, resumed at 7.47pm





Applicant Choice N Control Pty Ltd, represented by James Levinson of Botten Levinson Lawyers, acoustic consultant Jason Turner, traffic consultant Melissa Mellen and Sunny Singh addressed the Panel and answered questions of the Panel.

Assessing Officer Josh Banks addressed the Panel and answered questions of the Panel.

Due to technical difficulties the live stream ended unexpectedly at approximately 8.56pm. The Presiding Member suspended the meeting at 9.01pm. While the meeting was suspended, the Presiding Member addressed the gallery and participants in relation to the technical difficulties, apologised for the inconvenience and outlined where the meeting outcomes (and further recording) would be available.

The meeting resumed at 9.14pm

Moved I O'Loan

Seconded A Curtis

- 1. That the Council Assessment Panel resolves that the proposal (312/47/2021) lodged by Choice N Control Pty Ltd for retrospective approval for an integrated disability service facility (comprising the use of the land and the main building and outbuildings for day programs and supervised overnight stays for persons with intellectual disabilities) together with certain associated building work, signage and the keeping of one horse at Lot 99, 145 Gawler River Road Lewiston (CT 5198/181) is not seriously at variance with the Mallala Council Development Plan Consolidated 13 December 2018.
- 2. That the Council Development Assessment Panel resolves that the proposal by Choice N Control Pty Ltd for retrospective approval for an integrated disability service facility (comprising the use of the land and the main building and outbuildings for day programs and supervised overnight stays for persons with intellectual disabilities) together with certain associated building work, signage and the keeping of one horse at Lot 99, 145 Gawler River Road Lewiston (CT 5198/181) (312/47/2021) be GRANTED Development Plan Consent, pursuant to Section 33(1)(a) of the Development Act 1993, subject to the following conditions and reserved matters:

Reserved Matters

Pursuant to Section 102(3) of the *Development Act 1993*, the following matters shall be submitted and reserved for further assessment and approval by Council's Assessment Manager:

- Provision of details of security lighting and lighting of the driveways, parking and manoeuvring areas and footpaths in accordance with AS1158. To the reasonable satisfaction of Council's Assessment Manager
- Provision of a landscaping plan to the reasonable satisfaction of Council's Assessment Manager.

Note - Further conditions may be imposed on the Planning Consent in respect of the above matters.

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. The maximum number of staff shall be limited to 5 (five) for day programs, and 1 (one) for overnight stays.

Reason: To ensure appropriate authorised use of the land and to minimise potential impacts to adjoining land.

3. Participants of the day programs shall not exceed 10 (ten), shall not arrive to the site prior to 9:30am, and shall vacate the site by 3:30pm.

Reason: To ensure appropriate authorised use of the land and to minimise potential impacts to adjoining land.

4. Participants for the overnight stay programs shall not exceed 3 (three) clients.

Reason: To ensure appropriate authorised use of the land and to minimise potential impacts to adjoining land.

5. Vehicle movements to and from the site shall not occur prior to 7:00am and not after 8:00pm except in an emergency.

Reason: To ensure appropriate authorised use of the land and to minimise potential impacts to adjoining land.

- 6. The maximum number of horses to be on the subject land at any time must not exceed 1. **Reason:** To maintain appropriate approved use of the land.
- 7. Manure and other waste generated by the keeping of horses shall be collected daily and be stored in a suitable fly-proof receptacle, with the manure emptied/removed regularly in a manner which does not result in offensive odours or the breeding of flies to the reasonable satisfaction of Council's Environmental Health Officers.

Reason: To ensure appropriate and safe operating conditions are maintained.

8. The area where the animals are kept is to be maintained in a satisfactory condition at all times so as not to create any insanitary condition or allowed to become a nuisance, offensive or a threat to human or equine health to the reasonable satisfaction of Council's Environmental Health Officers.

Reason: To ensure appropriate living conditions for the horses are maintained.

9. The finished floor level (FFL) of the building works proposed to the main building shall be a minimum of 600mm above the existing building floor level in accordance with the hydrological advice by Robert Williams dated 13 January 2020.

Reason: To ensure adequate mitigation from potential entry of floodwaters.

10. 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.

11. All landscaping shall be planted in accordance with the approved plans within the first available planting season following commencement of the use of the development. Any person(s) who have the benefit of this approval shall cultivate, tend and nurture the landscaping, and shall replace any landscaping which may become diseased or die.





Reason: To enhance the amenity of the site and locality, and mitigate against heat loading.

12. All driveways, parking and manoeuvring areas shall be of a formed, surfaced with all-weather surface, and be properly drained within 3 months of Development Approval and maintained to the reasonable satisfaction of Council.

Reason: To provide safe and convenient parking and manoeuvring areas for users of the development.

13. The approved signage shall not be internally or externally illuminated.

Reason: To minimise potential impacts to adjoining land.

14. The maximum vehicle size servicing the development be limited to a B99 vehicle as per Australian Standard AS2890.1 2004.

Reason: To ensure adequate vehicular manoeuvrability occurs on the site.

AGREED

A Curtis left the meeting at 9.23pm and did not return.

5. REPORTS FOR INFORMATION

5.1

Moved

Seconded

"that

AGREED

6. OTHER BUSINESS

Nil

7. CONFIDENTIAL ITEMS

Nil

8. NEXT MEETING

Wednesday 2 June 2021 (To be confirmed)





9. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 9.26pm.

Confirmed as a true record.

Presiding Member:

Date: 5/8/202(