



MINUTES

of

COUNCIL ASSESSMENT PANEL MEETING

Pursuant to the provisions of Section 56A of the Development Act 1993

HELD IN

**COUNCIL CHAMBERS
PLAYFORD CIVIC CENTRE
10 PLAYFORD BOULEVARD, ELIZABETH**

ON

**MONDAY, 20 MAY 2019
AT 6:00PM**

The meeting commenced at 6:00pm.

1 ATTENDANCE RECORD

1.1 Present

MS KELLY MADER - PRESIDING MEMBER

Mr Stephen Coppins Mr Mark Stefanac
Mr Nathan Grantham
(Deputy)

Mr John Watson

Also in attendance for the meeting:

Assessment Manager
Senior Development Officer – Planning
Senior Development Officer – Planning
Development Officer – Planning
Development Officer – Planning
Cadet Planner
Minute Taker

Mr Gary Brinkworth
Ms Danni Biar
Mr Andrew Houlihan
Mr Jamie Hanlon
Mr Adam Squires
Mr Steven Burke
Mr Owen Perry

1.2 Apologies

Mr Geoff Parsons

1.3 Not Present

Nil

2 CONFIRMATION OF MINUTES**PANEL RESOLUTION****CAP406**

The Minutes of the Council Assessment Panel Meeting held 15 April 2019 be confirmed as a true and accurate record of proceedings.

CARRIED

3 APPLICATIONS WITHDRAWN

Nil

4 DECLARATIONS OF INTEREST

Nil

5 APPLICATIONS FOR CONSIDERATION – PERSONS WISHING TO BE HEARD**5.1 CONSTRUCTION OF A PLACE OF WORSHIP WITH ASSOCIATED FACILITIES, A DWELLING IN THE FORM OF A CARETAKER'S RESIDENCE, GREENHOUSES, A FARM BUILDING AND A BUILDING USED FOR STORAGE AND INTENSIVE ANIMAL KEEPING IN THE FORM OF CHICKEN KEEPING. (292/1166/2017)**

Representors: Jan and Neil Rosie
Matthew Egel
Rev Lindsay Mayes
Applicant: Revival Pentecostal Church Inc.

PANEL RESOLUTION**CAP407**

That pursuant to the authority delegated to the Council Assessment Panel by the Council, it is recommended that the Council Assessment Panel:

- a) **DETERMINES** that the proposed development is not seriously at variance with the policies in the City of Playford Development Plan; and
- b) **REFUSES** Development Plan Consent to the application by Revival Pentecostal Church for the Construction of a place of worship with associated facilities, a dwelling in the form of a caretaker's residence, greenhouses, a farm building and a building used for storage and intensive animal keeping in the form of chicken keeping at 550 Womma Road, Penfield, as detailed in Development Application No. 292/1166/2017 on the following grounds:
 - a) Overall, the proposal is at odds with the Desired Character for the Zone, particularly as it relates to the intensification of development of a use not

related to Primary Production and its impact on the established rural character of the locality which is contrary to;

Primary Production Zone

Desired Character

Objectives 2,3,4,5

Principle of Development Control 2,3,5

Rural Policy Area 5

Objective 1

Principles of Development Control 1, 2

Interface between land use

Objective 3

Principle of Development Control 15

Orderly and Sustainable Development

Objectives 4,6,7

Principle of Development Control 1,2,4

- b) Overall, the proposal is at odds with Rural Policy Area 5 of the Zone, particularly as it relates to the intensification of development of a use not related to Primary Production and its impact on the established rural character of the locality which is contrary to;

Primary Production Zone

Desired Character

Objectives 2,3,4,5

Principle of Development Control 2,3,5

Rural Policy Area 5

Objective 1

Principles of Development Control 1, 2

Interface between land use

Objective 3

Principle of Development Control 15

Orderly and Sustainable Development

Objectives 4,6,7

Principle of Development Control 1,2,4

- c) By virtue of the numbers of people using the site the proposed land use as a place of worship will impact on the rural amenity of the locality which is contrary to;

Primary Production Zone

Desired Character

Objectives 2,3,4,5

Principle of Development Control 2,3,5

Rural Policy Area 5

Objective 1

Principles of Development Control 1, 2

Community Facilities

Objective 1

Principle of Development Control 1

Interface between land use

Objective 3

Principles of Development Control 1, 15

Orderly and Sustainable Development

Objectives 6,7

Principle of Development Control 4

- d) By virtue of its location on Womma Road, the provision of safe turning treatments will create an impact to neighbouring properties, unreasonable and

not expected in a rural setting which is contrary to;

Orderly and Sustainable Development

Principle of Development Control 1

Transport and Access

Objectives 2 (a)(e), 4

Principle of Development Control 7,5

- e) By virtue of the event the land is remediated there would be no constraint to farm the entire allotment and therefore the operation of a place of worship on the allotment prejudices use of the land for primary production intended in the Primary Production Zone which is contrary to;

Primary Production Zone

Desired Character

Objectives 2,3,4,6

Principle of Development Control 2,3,4(a)(b)(e)

Rural Policy Area 5

Objective 1

Principles of Development Control 1, 2

Interface between land use

Objective 3

Principle of Development Control 1,15

Orderly and Sustainable Development

Objectives 4,6,7

Principle of Development Control 1,2,3,4

- f) The proposal is considered to be at variance with the relevant provisions of the City of Playford Development Plan. In particular this is contrary to:

Primary Production Zone

Desired Character

Objectives 2,3,4,5,6

Principle of Development Control 2,3,4(a)(b)(e),5

Rural Policy Area 5

Objective 1

Principles of Development Control 1, 2

Interface between land use

Objective 3

Principle of Development Control 1,5

Orderly and Sustainable Development

Objectives 4,6,7

Principle of Development Control 1,2,3,4

Transport and Access

Objectives 2 (a)(e), 4

Principle of Development Control 7,5

CARRIED

6 APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD

6.1 LAND DIVISION CREATING ONE ADDITIONAL ALLOTMENT 292/C051/18 (292/1290/2018)

Representors: Nil
Applicant: Mr B Searle

PANEL RESOLUTION**CAP408**

That pursuant to the authority delegated to the Council Assessment Panel by the Council, it is recommended that the Council Assessment Panel:

- a) **DETERMINES** that the proposed development is not seriously at variance with the policies in the City of Playford Development Plan; and
- b) **REFUSES** Development Plan Consent to the application by Mr B Earle for Land division creating one additional allotment and the alteration to an existing dwelling in the form of an additional front doorway at 26 Knowles Road, Elizabeth Vale as detailed in Application No. 292/1290/2018 on the following grounds:
- a) Overall, the proposal is at odds with the Desired Character for the Zone, particularly as it relates to the density of development and impact on the established character of the locality which is therefore contrary to;

Residential Zone

Desired Character

Objective 2, 5

Principle of Development Control 9

Design and Appearance

Principle of Development Control 24(a)(b),27

Land Division

Principle of Development Control 10(e)

Residential Development

Principle of Development Control 19,40

- b) By virtue of the relocation of private open space and the resulting fencing and structures will have an unreasonable visual impact on the neighbouring property to the street and the proposal is therefore contrary to;

Residential Zone

Desired Character

Objective 2, 5

Design and Appearance

Principle of Development Control 24(a)(b),27

Land Division

Principle of Development Control 2(a)(f),10

Orderly and Sustainable Development

Objectives 4

- c) By virtue of its location the setback of the existing dwelling to the rear boundary will be out of character in the street and the proposal is therefore contrary to;

Residential Zone

Desired Character

Objective 2, 5

Design and Appearance

Principle of Development Control 24(a)(b),27

Land Division

Principle of Development Control 2(a)(f),10(e)

Orderly and Sustainable Development

Objectives 4

- d) By virtue of its location, a future carport will be out of character in the street which is contrary to;

Residential Zone

Desired Character

Objective 5

Design and Appearance

Principle of Development Control 24(a)(b), 27

Land Division

Principle of Development Control 2(a), 10 (e)

Orderly and Sustainable Development

Objective 4

Residential Development

Principle of Development Control 11,19

- e) By virtue of the proposed allotment dimensions will prejudice future development on the proposed allotment which is contrary to;

Residential Zone

Desired Character

Objective 2

Principle of Development Control 9

Design and Appearance

Principle of Development Control 24, 27

Land Division

Objectives 2,3

Principle of Development Control 2(a)(f),10(e)

Orderly and Sustainable Development

Objective 4

Principle of Development Control 1,8

Residential Development

Principle of Development Control 11,19,40

CARRIED

6.2 LAND DIVISION - BOUNDARY REALIGNMENT OF 5 ALLOTMENTS (DA 292/6/2018)

Representors: Nil
 Applicant: D G Kerrison

PANEL RESOLUTION**CAP409**

That pursuant to the authority delegated to the Council Assessment Panel by the Council, it is recommended that the Council Assessment Panel:

- a) DETERMINES that the proposed development is not seriously at variance with the policies in the City of Playford Development Plan and the Barossa Council Development Plan; and
- b) GRANTS Development Plan Consent to the application by Pinksterboer Property for Land Division - Boundary realignment of 5 allotments comprising pieces 33, 34, 44 and 45 - CT 5666/293, Allotment comprising pieces 35 and 41 - CT 5666/294, Allotment comprising pieces 36 and 40 - CT 5666/295, Allotment comprising pieces 43 and 46 - CT 5666/299, Allotment 39 - CT 5666/297 as detailed in Development Application No. 292/6/2018 subject to the concurrence of the State Commission Assessment Panel following reserved matter and conditions;

Reserve Matter

Pursuant to Section 33(3) of the *Development Act 1993*, the Council **RESERVES** its decision in relation to the following matters. The applicant shall submit the following information to Council for further assessment prior to the issue of Land Division Consent:

1. The Applicant or person(s) having the benefit of this consent is required to provide a Preliminary Site Investigations Report in accordance with the EPA guidelines and the ASC NEPM by person/s with appropriate qualifications. Should potentially contaminating activities be identified further investigations in the form will be required and remediation to occur prior to the granting of planning consent.

Conditions

1. Except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and plans submitted in this development application.

Reason: To ensure that the development is constructed and operated in accordance with the plans and details provided.

2. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

CARRIED

6.3 REMOVAL OF A REGULATED TREE (292/275/2019)

Representors: Mr & Mrs Cochrane
Mrs Hirschausen

Applicant: R Hill on behalf of City of Playford Council

PANEL RESOLUTION

CAP410

That pursuant to the authority delegated to the Council Assessment Panel by the Council, it is recommended that the Council Assessment Panel:

- A. DETERMINES that the proposed development is not seriously at variance with the policies in the City of Playford Development Plan; and
- B. GRANTS Development Plan Consent to the application by City of Playford for the Removal of a Regulated Tree within the road reserve directly adjacent 13 Ballard Road, Smithfield Plains, as detailed in Development Application No. 292/275/2019 subject to the following conditions:
 1. The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in this Application except where varied by any condition(s) listed below.
 2. Two trees must be planted with the locality to replace the tree herein approved for removal. The trees cannot be planted within 10 metres of an existing dwelling or in-ground swimming pool. The plantings must be completed in the first planting season following the issuing of this consent and must be maintained in good condition thereafter.

Reason: to ensure compliance with the legislative requirement for the planting of replacement trees, pursuant to Section 42(4) of the Development Act 1993.

CARRIED

7 APPLICATIONS FOR CONSIDERATION - CATEGORY 1

Nil

8 OUTSTANDING MATTERS – APPEALS AND DEFERRED ITEMS

Nil

9 OTHER BUSINESS

9.1 STAFF REPORTS

Nil

10 CONFIDENTIAL MATTERS

Nil

11 DEVELOPMENT PLAN POLICY DISCUSSION FORUM

Nil

12 CLOSURE

The meeting closed at 6:59pm.