

**MINUTES OF A MEETING OF COUNCIL ASSESSMENT PANEL 2020 HELD IN THE
ALEXANDRINA COUNCIL COMMUNITY CHAMBERS "WAL YUNTU WARRIN", GOOLWA,
ON 19 MARCH 2020 AT 11.00AM**

<u>PRESENT</u>	D Donaldson, J Urquhart, Cr J Stewart, S Giles
<u>APOLOGIES</u>	G House, D Dawson
<u>IN ATTENDANCE</u>	M Atkinson (Assessment Manager), S Longden (Town Planner), J Graham (Administration)

CONFLICT OF INTEREST

Alexandrina Council Assessment Panel Members are reminded of the requirements for disclosure by Members of direct or indirect personal or pecuniary interest in a matter listed for consideration on the Agenda.

Section 56A of the Development Act 1993 requires that any Member declares any interest and provide full and accurate details of the relevant interest to the Panel prior to consideration of that item on the Agenda.

Each Member of the Council Assessment Panel has a duty to vote at all meetings unless excepted by legislation.

The major exception being where a Member has a conflict of interest.

All discussion and consideration of decisions about development applications before the Council Assessment Panel will be made in public unless otherwise determined by the Panel in accordance with Section 56A(12) (b) of the Development Act 1993.

ITEM 1. CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Assessment Panel held on 20 February 2020

RECOMMENDATION

Moved J Urquhart Seconded D Donaldson that the minutes of the Alexandrina Council Assessment Panel held on 20 February 2020 as circulated to members be received as a true and accurate record.

CARRIED UNANIMOUSLY

ITEM 2. RESOLVE TO PROCEED

Nil

ITEM 3. DEVELOPMENT APPLICATIONS

Nil

ITEM 4. DEVELOPMENT APPLICATIONS - NON-COMPLYING

ITEM 4.1
APPLICATION 455/532/19
PROPOSED DEV Change of Use - to Horticulture (Permaculture) and to Enable the Hosting of Up to Twelve (12) Functions / Events (Including Weddings) for Up to 120 Persons Per Annum (Non-Complying)
SUBJECT LAND Lot 79 Brockhurst Road, Kuitpo
APPLICANT Mark Griffin
AUTHOR Sarah Longden
LODGEMENT DATE 17 February 2020

DEVELOPMENT APPLICATION DETAILS

Zone	Watershed Protection (Mount Lofty Ranges)
Form of Development	Non-Complying
Public Notification	Category 3 Representations received: Nil
Referrals – Statutory	Department of Environment & Water (DEW)
Referrals – Internal	Environmental Health Engineering – Traffic Management Environmental Project Officer
Development Plan	Alexandrina Council Development Plan consolidated 27 September 2018
Assessing Officer	Sarah Longden
Date last inspected	17 February 2020
Recommendation	Approval subject to conditions and the concurrence of the State Commission Assessment Panel (SCAP)

The Chair invited the Applicant to speak.

Mark Griffin answered questions of the Panel from 11.05am to 11.27am

RECOMMENDATION

Moved J Stewart Seconded J Urquhart that the Council Assessment Panel resolves:

- (a) That the proposed development is not considered to be seriously at variance with the Alexandrina Council Development Plan consolidated 27 September 2018.**

- (b) That Development Plan Consent is GRANTED to application 455/532/19 for a Change Of Use - To Horticulture (Permaculture) And To Enable The Hosting Of Up To Twelve (12) Functions / Events (Including Weddings) For Up To 120 Persons Per Annum (Non-Complying) at Lot 79 Brockhurst Road, Kuitpo in accordance with the plans and documentation submitted with the application, subject to the concurrence of the State Commission Assessment Panel (SCAP) and the following conditions:

COUNCIL CONDITIONS

1. The development herein approved shall be undertaken and maintained in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council, except where varied by the following conditions.

Reason: To ensure the development is undertaken in accordance with the approved plans, drawings, specifications and other documents submitted.

2. The applicant or other approved persons for the time being making use of the subject land now approved, shall at all times maintain in good and substantial condition to the reasonable satisfaction of the Council in all respects the subject land (including car parking areas, driveways and footpaths) all buildings and structures (and the external painting thereof), and all tree and shrub plantings and grassed areas.

Reason: To maintain the amenity of the locality.

3. All car parking spaces, driveways and manoeuvring areas shall have a firm surface providing stability and traction in both wet and dry conditions, with grasses maintained so as to not create a bushfire risk.

Reason: To provide adequate, safe and efficient off-street parking for users of the development and ensure the car parking area does not create an unreasonable bushfire risk.

4. The Applicant must provide directional signage directing drivers to the area set aside for car parking and must be located and maintained to the reasonable satisfaction of Council. The sign(s) must not exceed 0.3 square metres in area.

Reason: To ensure that visitors to the site are made aware of available off-street car parking areas thereby reducing vehicular congestion on adjoining public roads.

5. The use and any associated processes or activities carried on shall not detrimentally affect the amenity of the locality by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Reason: To maintain the amenity of the locality.

6. The maximum number of patrons shall not exceed 120 persons for all functions/events.

Reason: To ensure the development is undertaken in accordance with the approved plans, drawings, specifications and other documents submitted.

7. Only twelve (12) functions/events may occur annually at the site.

Reason: To ensure the development is undertaken in accordance with the approved plans, drawings, specifications and other documents submitted

8. Music associated with functions/events must be ceased by 11.00pm and guests cleared from the site by 12.00am.

Reason: To ensure the development will not have an unreasonable impact on amenity within the locality.

9. The venue shall only operate using an in-house speaker system which maintains the maximum music levels established in the report (S6252C3) dated November 2019.

Reason: To ensure the music noise criteria are met at the nearest noise sensitive receiver.

10. A Bushfire Management Plan, including details regarding smoking areas and open fire cooking, shall be endorsed by the Country Fire Service prior to the operation of the function use, and shall be adhered to at all times.

COUNCIL NOTES

1. The Applicant is reminded of their general environmental duty, as required by Section 25 of the Environmental Protection Act, to take all reasonable and practical measures to ensure that any activities on the site do not pollute the environment.
2. Encumbrances, although not administered by Council, may apply to your property. You are therefore advised to check for Encumbrances on your Certificate of Title prior to commencing work.
3. Allotment boundaries will not be certified by Council staff. The onus of ensuring that the building is sited in the approved position on the current allotment is the responsibility of the owner. This may necessitate a survey being carried out by a licensed land surveyor.
4. All mechanical plant installed as part of this development should meet the noise output requirements of the Environment Protection Authority (EPA). If the noise output exceeds these requirements, an acoustic enclosure shall be installed around the plant to ensure it complies, if an enclosure is required, these details shall be submitted to Council.
5. In the circumstances where higher music levels than those in the Sonus report S6252C3 dated November 2019 are sought, a report from a suitably qualified acoustic engineer ("the acoustic report") shall be submitted to Council prior to the function, with the purpose of establishing maximum music levels which ensure compliance with the music level criteria in the Sonus report S6252C3 dated November 2019.

MINISTER RESPONSIBLE FOR ADMINISTERING THE RIVER MURRAY ACT 2003 NOTES

1. The Applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
2. Prior to the clearance of native vegetation for any purpose, the applicant should consult the Native Vegetation Council to determine relevant requirements under the Native Vegetation Act 1991 and its Regulations, which may include the provision of a Significant Environmental Benefit. Note that 'clearance' means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal or trimming of branches, severing roots, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information contact the Native Vegetation Council on telephone 8303 9741 or visit: <http://www.nvc.sa.gov.au>.
3. It is important to note that the following applies to the subject land under the Natural Resources Management Act 2004:
 - The Prescription of the Water Resources in the Eastern Mount Lofty Ranges, which requires those that are or are proposing to use surface, watercourse and/or underground water for any purpose (other than stock and domestic use) at any time in the future, to apply for a water licence with the Department for Environment and Water (DEW);
 - If there is a proposal to take surface water, watercourse water or underground water or if there are any existing water uses that may be impacted by the development, the interested parties should contact the DEW Water Licensing Branch (Berri office) on (08) 8595 2053 or visit: <http://www.environment.sa.gov.au/topics/water/water-licences-and-permits>.
4. This approval does not obviate any considerations that may apply to the Environment Protection and Biodiversity Conservation Act 1999 (Cth). For further information visit: <http://www.environment.gov.au/epbc>.
5. The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or remains may be present on the subject land. Under section 20 of the Aboriginal Heritage Act 1988 (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act. For further information visit: <http://taawika.sa.gov.au>.

CARRIED UNANIMOUSLY

ITEM 5 DEVELOPMENT APPLICATIONS - CATEGORY 3

Nil

ITEM 6 DEVELOPMENT APPLICATIONS - LAND DIVISION COMMUNITY TITLE

Nil

ITEM 7 MATTERS REFERRED FOR FOLLOW UP

Nil

ITEM 8 GENERAL ITEMS FOR DISCUSSIONS

Matt Atkinson provided an update on measures being considered to mitigate the impact of Coronavirus. Given the legislative requirements for meetings to be held in public (at least partially), staff are investigating a range of solutions to reduce the risk of exposure to COVID-19. The Panel will be advised of any potential changes to meeting procedures in due course.

ITEM 9 NEXT MEETING

The next meeting is scheduled for Thursday 16 April 2020 if required; Panel Members will be advised if their attendance is required.

MEETING CLOSED AT 11.33am

MINUTES CONFIRMED.....

CHAIR

DATED:.....