

# SUBJECT TO CONFIRMATION

Minutes of the Meeting of the Council Assessment Panel of the Clare & Gilbert Valleys Council held on Thursday 21 March 2019, in the Clare & Gilbert Valleys Council Chambers at 5.30pm.

## 1. ROLL CALL

### 1.1 Present

Mr S Hains	Presiding Member
Mr P Mickan	Independent Member
Mr B Plowman	Independent Member
Mr G Pulford	Independent Member

### In Attendance

Mr A Christiansen	Manager Development & Community
Mrs K Jones	Development Officer – Planning
Mr T Marshall	Development Officer - Planning
Mr B Green	Ben Green & Associates

### Apologies

Mr M Bartholomaeus	Elected Member
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Presiding Member Stephen Hains welcomed everyone.

## 2. CONFIRMATION OF MINUTES

**Moved: P Mickan**  
**Seconded: G Pulford**

Minutes of the meeting of the Council Assessment Panel held on 15 February 2019 as contained within the agenda were confirmed as a true and correct record of the proceedings of such meeting.

**Carried**

## 3. PROCEDURAL MATTERS

### 3.1 Declaration of Interest

Ben Plowman noted he is an employee of OTM Civil. OTM Civil is an earthmoving company, which is the same industry as SC Heinrich & Co Pty Ltd within the Clare Valley. He did not perceive this as a conflict of interest that would prevent him from participating in the Panel's decision on the matter and would remain on the Panel for this item.

## 4. DEVELOPMENT ASSESSMENT

### 4.1.1 Applications approved under delegated authority - February 2019

### SCHEDULE

NUMBER	NAME	PROPOSAL	LOCATION	CONDITIONS
433/010/19 Lodged: 21.01.2019	MICHAEL JOHN STEWART	HAY/MACHINERY SHED CLASS: 7 AREA: 135.00m <sup>2</sup> BUILDER: ALPHA INDUSTRIES	LOT 2 F141 17 TIP ROAD SADDLEWORTH SA 5413 ZONE: PRIMARY PRODUCTION	Approved with 8 Conditions 5 Planning 3 Building
433/011/19 Lodged:	DAVID KELLER & KAYLENE RICHARDS	DOMESTIC OUTBUILDING CLASS: 10A AREA: 321.30m <sup>2</sup>	LOT 1-3 F108219/LOT 18 19 F108461 INDUSTRIAL STREET	Approved with 12 Conditions 9 Planning

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21.01.2019		BUILDER: NOT PROVIDED	SEVENHILL SA 5453 ZONE: TOWNSHIP	3 Building
433/012/19 Lodged: 21.01.2019	DEAN & BETTY VOGELSANG	HAY/MACHINERY SHED CLASS: 7 AREA: 60.00m <sup>2</sup> BUILDER: SJM CARPENTRY & BUILDING PTY LTD	LOT 95 F212147/48/686 22 DAME STREET ARMAGH SA 5453 ZONE: RURAL LIVING	Approved with 8 Conditions 5 Planning 3 Building
433/014/19 Lodged: 24.01.2019	PETER JOHN NOOM	SHED CLASS: 7 AREA: 137.59m <sup>2</sup> BUILDER: REDDEN BROS PTY LTD	LOT 105 T231201 CHARLES STREET SA ZONE: PRIMARY PRODUCTION	Approved with 10 Conditions 7 Planning 3 Building
433/018/19 Lodged: 30.01.2019	BTG AUSTRALIASIA PTY LTD	FARM SHED CLASS: 10A AREA: 37.70m <sup>2</sup> BUILDER: JCS BUILDING	LOT 105 F170301 BLATCHFORD ROAD MINTARO ZONE: PRIMARY PRODUCTION	Approved with 6 Conditions 5 Planning 1 Building
433/019/19 Lodged: 30.01.2019	CA WJ & TR HEAN	FARM SHED X 2 CLASS: 7 AREA: 485.56m <sup>2</sup> BUILDER: DARREN STOCKER	LOT 1 D55898 LOT 91 F204170 HORROCKS HIGHWAY AUBURN SA 5451 ZONE: PRIMARY PRODUCTION	Approved with 9 Conditions 7 Planning 2 Building
433/023/19 Lodged: 11.02.2019	JULIE-ANNE MCINNIS	STORAGE SHED (FARM MACHINERY/VEHICLES) CLASS: 7 AREA: 120.00m <sup>2</sup> BUILDER: KARL CONSTRUCTION & ENGINEERING	LOT 51 D26419 162 BENNY'S HILL ROAD EMU FLAT SA 5453 ZONE: PRIMARY PRODUCTION	Approved with 10 Conditions 6 Planning 4 Building
433/029/19 Lodged: 18.02.2019	GROSSET FOCUS PTY LTD	DEMOLITION OF LEAN - TO CLASS: 10A AREA: 58.50m <sup>2</sup> BUILDER: NOT PROVIDED	LOT 1 F131756 10 KING STREET AUBURN SA 5451 ZONE: RESIDENTIAL ZONE	Approved with 3 Conditions Planning 3 Building
433/194/18 Lodged: 17.09.2018	MICHAEL JAMES HARVEY & MADISON PATRICIA FLORENCE HARVEY	SINGLE STOREY DWELLING CLASS: 1A AREA: 223.96m <sup>2</sup> BUILDER: RIVERGUM HOMES PTY LTD	LOT 99 D67331 MAIN NORTH ROAD RHYNIE SA 5412 ZONE: TOWNSHIP	Approved with 7 Conditions 7 Planning Building

### 4.1.2 Applications for Planning Approval Only February 2019.

#### SCHEDULE

NUMBER	NAME	PROPOSAL	LOCATION	CONDITIONS
433/003/19 Lodged: 14.01.2019	BENJAMIN JOSEPH CLOTHIER	DWELLING SHED AND RAINWATER TANKS CLASS: 1A AREA: 428.21m <sup>2</sup> BUILDER: NOT PROVIDED	LOT 63 D242 10 BEARE STREET CLARE SA 5453 ZONE: RESIDENTIAL	Approved with 8 8 Planning
433/006/19 Lodged: 17.01.2019	NAVNEET AGGARWAL & REENA GUPTA	DWELLING CLASS: 1A AREA: 214.97m <sup>2</sup> BUILDER: CONSTRUCTION SERVICES AUST P/L	LOT 2 D115526 28 WILLIAM STREET CLARE SA 5453 ZONE: RESIDENTIAL	Approved with 10 10 Planning
433/015/19 Lodged: 25.01.2019	MARTYN PASCOE & TERENA PAINE	DWELLING ADDITION CLASS: 1A AREA: 278.74m <sup>2</sup> BUILDER: OWNER	LOT 11 D28592 113 PFITZNER'S ROAD MARRABEL SA 5413 ZONE: PRIMARY PRODUCTION	Approved with 6 6 Planning
433/016/19 Lodged: 29.01.2019	SJ & MF MYLIUS	SHED CLASS: 10A AREA: 143.59m <sup>2</sup> BUILDER: NOT PROVIDED	LOT 3 D15970 BAUM ROAD AUBURN SA 5451 ZONE: PRIMARY PRODUCTION	Approved with 6 6 Planning
433/017/19	CLARE & GILBERT	OFFICE ADDITIONS	LOT 136 F190698	Approved with 5

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Lodged: 01.02.2019	VALLEYS COUNCIL	CLASS: 5 AREA: 117.90m <sup>2</sup> BUILDER: NOT PROVIDED	8511 HORROCKS HIGHWAY CLARE SA 5453 ZONE: CARAVAN & TOURIST PARK	5 Planning
433/069/17  Lodged: 05.04.2017	CAROLE LOUISE MORRIS	CHANGE OF USE - OPERATION OF ANIMAL KEEPING ACTIVITY CLASS: AREA: N/A BUILDER:	LOTS 91 206 207 207 24 MAIN STREET BLACK SPRINGS SA 5413 ZONE: PRIMARY PRODUCTION	Approved with 13 13 Planning
433/241/18  Lodged: 11.12.2018	DENISE ELEANOR KLEMM	GARDEN SHED CLASS: 10A AREA: 6.78m <sup>2</sup> BUILDER: NOT PROVIDED	LOT 30 D74517 17 BURRA STREET MINTARO SA 5415 ZONE: STATE HERITAGE AREA (MINTATO)	Approved with 4 4 Planning
433/243/18  Lodged: 12.12.2018	PAUL NOEL CHAPMAN	DWELLING & DOMESTIC OUTBUILDING CLASS: 1A AREA: 84.76m <sup>2</sup> BUILDER: NOT PROVIDED	LOT 7 D192 BRIGHT STREET MINTARO SA 5415 ZONE: STATE HERITAGE AREA (MINTARO)	Approved with 7 7 Planning

### 4.2 Land Division applications to be determined by the panel:

Nil.

### 4.3 Development applications to be determined by the panel:

#### 4.3.1 433/004/19 – D’Andrea Architects (Iburis Pty Ltd) – 4 x Detached Dwellings and 4 x Single Storey Dwellings Lots 7, 8, 9, 29 Agnes St Clare

**Moved: G Pulford**

**Seconded: P Mickan**

That Development Plan Consent be **granted** to the development in DA 433/004/19 for 4 x Detached Dwellings and 4 x Single Storey Dwellings pursuant to Section 33 (1)(a) of the Development Act 1993, subject to the following conditions:

1. The proposal shall be developed in accordance with the details and plans lodged with the application, except where varied by the conditions herein, and in particular with the plans and information provided as follows –
  - (a) plans prepared by D’Andrea Architects dated 21 December 2018 as follows:
    - Sheet No. 01 – Site Floor Plan
    - Sheet No. 02 – Typical Floor Plans & Elevations Revision A 18-02-19
    - Sheet No. 03 – Typical Floor Plans and Elevations Revision A 18-02-19

**Reason:** To ensure the proposal is established in accordance with the submitted plans.

2. Roof drainage water from the structures shall be disposed to rainwater tanks, street water table or stormwater sump upon installation of roof cladding being installed so as to avoid

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nuisance to neighbours or destabilisation to building foundations or to the subject land itself.

**Reason:** *To ensure stormwater is disposed of in a controlled manner.*

3. That effective measures be implemented during the construction of the development and on-going use of the land in accordance with this consent to:
  - prevent silt run-off from the land to adjoining properties roads and drains;
  - control dust arising from the construction and other activities, so as not to, in the opinion of Council, be a nuisance to residents or occupiers on adjacent or nearby land;
  - ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site;
  - ensure that all litter and building waste is contained on the subject site in a suitable bin or enclosure; and
  - ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of Council, to the occupiers of adjacent land.

**Reason:** *To ensure the amenity of the site and the locality and to ensure there is no nuisance to adjoining occupiers.*

4. Where cut and fill in excess of 300mm is required as a result of the proposed development, retaining walls or other suitable soil retention devices shall be employed.

**Reason:** *For the protection of adjoining land.*

5. Retaining walls shall be installed before the commencement of other building work upon the site.

**Reason:** *For the protection of adjoining land.*

6. Application for a waste control system shall be lodged and approved pursuant to the South Australian Public Health Act prior to Development Approval being granted.

**Reason:** *For ensure the development is connected to required services and complies with health standards.*

7. All driveway, access, vehicle maneuvering, and designated car parking space shall be constructed with concrete, bitumen or similar material of an all-weather surface to an acceptable trafficable standard which is to be maintained at all times to the reasonable satisfaction of Council with the applicant ensuring that the paved surface material does not give rise to nuisance issues, such as dust and drainage.

**Reason:** *To minimize potential for nuisance and to ensure the condition of the land and operational areas are maintained.*

8. Landscaping shall be planted within 6 months from the date of occupation or use of the development herein approved and maintained in good order and condition thereafter to the reasonable satisfaction of Council.

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**Reason:** *To improve and maintain the site appearance and protect the stability of the land surface.*

## Notes by Council

1. Any person proposing to undertake work within the Clare & Gilbert Valleys Council is reminded of their obligation to take all reasonable measures to protect Council infrastructure. Any incidental damage to the infrastructure – pipes, footpath, verge etc – must be reinstated to a standard acceptable to Council at the applicant's expense.  
If you have any queries, please contact Council on 8842 6400.
2. In the event that any vehicles exceed the prescribed legal load limit within the Clare & Gilbert Valleys Council you area are reminded to contact the Council to obtain a Heavy Vehicle Permit at least three weeks prior to the date for which the permit will be required.
3. Any cost involved with construction work on Council road reserves that is required as part of this development shall be at the expense of the applicant.
4. Any person proposing to alter the construction or arrangement of a public road to facilitate access to an adjacent property must obtain authorisation from Council, for more information contact Council's Infrastructure Department on 8842 6400.
5. Engagement of a Private Certifier for Building Rules Consent  
The applicant is advised that pursuant to Section 97(1)(b) of the Development Act 1993, a private certifier must ensure that any development authorisation given by the private certifier is consistent with any other development authorisation that has already been given in respect of the same proposal.  
Accordingly, the applicant is advised to provide the private certifier with copies of all documentation approved by Council in association with this Development Plan Consent.
6. The applicant is reminded of its general environmental duty as required by section 25 of the Environmental Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or might cause environmental harm. Construction should be carried out so that it complies with the mandatory construction noise provisions of Part 6, Division 1 of the Environment Protection (Noise) Policy 2007.
7. It is the applicant's/owner's responsibility for ensuring that buildings and structures are sited within the allotment(s) forming the subject land and do not encroach onto other land.

**Carried**

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## 4.3.2 433/152/18 – SC Heinrich & Co Pty Ltd – Integrated Depot Facility for Earthmoving, Quarrying and Transport Business, Lots 530 & 5, 9533 Horrocks Highway, Stanley Flat

Representor:

William McGregor – 5:40pm – 5:55pm

Applicant:

SC Heinrich & Co Pty Ltd, represented by Tom Crompton (Botten Levinson Lawyers) & Malcolm Heinrich  
5:57pm – 6:27pm

**Moved: P Mickan**

**Seconded: B Plowman**

That Development Plan Consent be **granted** to the development in DA 433/152/18 for an Integrated Depot Facility for earthmoving, quarrying and transport business pursuant to Section 33 (1)(a) of the Development Act 1993, subject to the following conditions:

1. The proposal shall be developed in accordance with the details and plans lodged with the application, except where varied by the conditions herein, and in particular with the plans and information provided as follows –
  - Landscape Plan 17.042.101 prepared by Oxigen Landscape Architects (dated 10 October 2018)
  - Detail Plan 17.042.102 prepared by Oxigen Landscape Architects (dated 10 October 2018)
  - Landscaping Sections Plan prepared by Oxigen Landscape Architects (Sheets 1-3, Issue A)
  - Civil Works Plan prepared by Mace Engineering Services Drawing No 1336-01 (dated 25 September 2018)
  - Detention Basin Details prepared by Mace Engineering Services Drawing No 1336-02 (dated 25 September 2018)
  - Detention Basin & Drainage Swale Typical Sections prepared by Mace Engineering Services Drawing No 1336-03 (dated 25 September 2018)
  - Letter addressed to Clare & Gilbert Valleys Council dated 12 July 2018 prepared by Mr Tom Crompton (Botten Levinson Lawyers)
  - Letter addressed to Clare & Gilbert Valleys Council dated 19 October 2018 prepared by Mr Tom Crompton (Botten Levinson Lawyers)

**Reason:** To ensure the proposal is established in accordance with the submitted plans.

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2. All materials used shall be of a high quality and maintained at all times in good repair and sound condition to the reasonable satisfaction of Council.

**Reason:** *To maintain the amenity of the site and the locality.*

3. The premises including all buildings, signage, car parking and maneuvering and driveway areas shall be maintained and kept in a neat and tidy and sound condition at all times to the reasonable satisfaction of Council.

**Reason:** *To maintain the amenity of the site and the locality.*

4. All storm water drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or, in the opinion of Council, detrimentally affect structures on this site or any adjoining land.

**Reason:** *To ensure storm water is disposed of in a controlled manner.*

5. That effective measures be implemented during the ongoing use of the land in accordance with this consent to:
  - prevent silt run-off from the land to adjoining properties, roads and drains;
  - control dust arising from the construction and other activities, so as not to, in the opinion of Council, be a nuisance to residents or occupiers on adjacent or nearby land
  - ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site
  - ensure that all litter and building waste is contained on the subject site in a suitable bin or enclosure.

**Reason:** *To ensure the amenity of the site and the locality and to ensure there is no nuisance to adjoining occupiers.*

6. Loading and unloading activity outside the parking shed should only occur between the hours of 7:00am and 10:00pm.

**Reason:** *To ensure there is no nuisance to adjoining occupiers of land.*

7. The land use activities herein approved and the performance and conduct of the development generally and its users shall at all times be managed and controlled in a manner to the reasonable satisfaction of Council so as to not cause undue nuisance or adverse affect on neighbouring landowners or to other land uses within the locality.

**Reason:** *To ensure there is no nuisance to adjoining occupiers of land.*

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8. Landscaping shall be planted within 6 months from the date of occupation or use of the development herein approved and maintained in good order and condition thereafter to the reasonable satisfaction of Council.

***Reason:*** To improve and maintain the site appearance and protect the stability of the land surface.

9. 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.

***Reason:*** To ensure the safe movement of vehicles associated with the land use and to minimise the potential for danger to vehicles on adjoining roads.

10. All vehicular parking on site shall be restricted to dedicated vehicle parking areas as identified within Landscape Plan 17.042.101 and not at the front of the subject land or in areas required for the movement of vehicles to the satisfaction of Council.

***Reason:*** To ensure that vehicle parking is confined to those areas identified within the development application for car parking therein minimizing visual impacts from the Horrocks Highway.

Department of Planning, Transport and Infrastructure conditions:

11. The northern access to Horrocks Highway and the adjacent unmade public road shall be designed to cater for simultaneous two-way movements of the largest vehicles expected to enter and exit at these locations, with appropriate flaring so that vehicles are able to turn left out from and to Horrocks Highway without crossing the centerline of Horrocks Highway.
12. The crossover to Horrocks Highway for the northern access and the adjacent unmade public road shall be spray sealed for a distance of 20 metres from the sealed carriageway in order to minimise deterioration to the road edge and prevent stones and dust from entering the sealed carriageway. Furthermore, the crossovers shall be designed to ensure that all longitudinal drainage along Horrocks Highway is managed with culverts/pipes to ensure stormwater does not jeopardise the safety of Horrocks Highway.

### Notes by Council

8. Any person proposing to undertake work within the Clare & Gilbert Valleys Council is reminded of their obligation to take all reasonable measures to protect Council infrastructure. Any incidental damage to the infrastructure – pipes, footpath, verge etc – must be reinstated to a standard acceptable to Council at the applicant's expense.  
If you have any queries, please contact Council on 8842 6400.



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9. In the event that any vehicles exceed the prescribed legal load limit within the Clare & Gilbert Valleys Council you area are reminded to contact the Council to obtain a **Heavy Vehicle Permit** at least three weeks prior to the date for which the permit will be required.
10. Any cost involved with construction work on Council road reserves that is required as part of this development shall be at the expense of the applicant.
11. The applicant is reminded of its general environmental duty as required by section 25 of the *Environmental Protection Act*, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or might cause environmental harm. Construction should be carried out so that it complies with the mandatory construction noise provisions of Part 6, Division 1 of the *Environment Protection (Noise) Policy 2007*.
12. The clearance of any native vegetation which is subject to the provisions of the *Native Vegetation Act 1991* is prohibited unless the approval of the Native Vegetation Council is first obtained.
13. It is the applicant's/owner's responsibility for ensuring that buildings and structures are sited within the allotment(s) forming the subject land and do not encroach onto other land.
14. Engagement of a Private Certifier for Building Rules Consent  
The applicant is advised that pursuant to Section 97(1)(b) of the *Development Act 1993*, a private certifier must ensure that any development authorisation given by the private certifier is consistent with any other development authorisation that has already been given in respect of the same proposal. Accordingly, the applicant is advised to provide the private certifier with copies of all documentation approved by Council in association with this Development Plan Consent.

**Carried**

## 4.4 STATISTICS

The panel noted the report.

**Carried**

## 5.0 OTHER BUSINESS

### 5.1 Matters for Council Consideration i.e. suggested policy change(s) & updates

That Council consideration be given to installing concealed driveway signage on the crest of Agnes Street to give warning to motorists once the new driveways have been installed in regards to development 433/004/19.

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## **5.2 Other Business**

Andrew updated the panel on the Clare Township Development Plan Amendment Report – a report for approval is being prepared by DPTI and will be submitted to the Minister for approval. Expect adoption over the next 4-6 weeks.

## **5.2 Next Meeting Date**

To be advised

## **6.0 CLOSURE**

### **6.1 Meeting closed at 6:37pm**

**CONFIRMED (date)** .....

**PRESIDING MEMBER** .....