



## **DISTRICT COUNCIL OF GRANT**

### **MINUTES OF COUNCIL ASSESSMENT PANEL**

#### **MEETING HELD AT THE DISTRICT COUNCIL OF GRANT**

**WEDNESDAY, 22 MAY 2019 AT 5.00 PM**

#### **ATTENDANCE**

##### **Committee Members**

Ms L Travers, Presiding Member

Mr M De Garis

Mr S Herbert

Cr B Kuhl (Proxy)

##### **Council Officers**

LJ McEvoy, Assessment Manager /

Director of Environmental Services

TF Glynn, Planning Officer

HL Michell, Administration Officer

#### **APOLOGIES FOR ABSENCE**

Cr B Bain

J Fetherstonhaugh, Acting Chief Executive Officer

#### **OPENING, WELCOME AND INTRODUCTIONS**

1. Acknowledgement of Traditional Owners.
2. The Presiding Member outlined the process of the Council's Assessment Panel (CAP) meeting to the members of the gallery, advising that the role of the CAP is to assess Development Applications against the planning provisions contained in Council's Development Plan.

The Presiding Member advised that the Applicants would be invited to address CAP and to answer any questions from Panel Members. Representors who have already been heard at the previous Panel Meeting will not be heard again by the Panel. There will then be a closed section of the meeting, where the public is excluded, to discuss and consider the Applications. The public gallery was advised that they could wait outside the Council Chambers during the closed section of the meeting and then return and be advised of the outcome of the CAP decisions, or alternatively that they could contact Council Officers the next day.

#### **19013 – CONFIRMATION OF MINUTES**

Moved Mr S Herbert that the Minutes of the District Council of Grant Assessment Panel (CAP) meeting held on 20 March 2019 be taken as read and confirmed as a true and correct record of the proceedings of that meeting, with the inclusion of the following amendments:

##### **19011 – APPLICATIONS**

2. Mates Rates – 19.5m x 12.5m x 5.33m Storage Shed with Wet Areas - Lot 385 in FP194997, 5A Bell Street, Port MacDonnell and Lot 386 in FP194998, 3 Bell Street, Port MacDonnell, Hundred of MacDonnell [A1020 & A1021, 732/258/17] – Report 4-2019

1. The Panel determines that the Application for a 19.5m x 12.5m x 5.33m Storage Shed with Wet Areas is not seriously at variance with the requirements of Council's Development Plan for development in the Residential Zone.
2. Following consideration of all written and verbal representations, and having regard to all relevant matters, the Council Assessment Panel **grant** Development Plan Consent to Mates Rates for the use of land at Lot 385 in FP194997, 5A Bell Street, Port MacDonnell and Lot 386 in FP194998, 3 Bell Street, Port MacDonnell, Hundred of MacDonnell for a 19.5m x 12.5m x 5.33m Storage Shed with Wet Areas, as detailed in Development Application 732/258/17, subject to the following conditions:

and;

3. K & S Superfund – Land Division 732/D011/14 – Stage 3 Amendment – Lot 301 in DP119060, Lot 132 in DP119060, Lot 149 in DP119060, Elsie May Drive, Compton, Hundred of Blanche [A7659, A7649, A7656, 732/218/14] – Report 5-2019
  1. The Panel determines that the Application for Land Division 732/D011/14 – Stage 3 Amendment is not seriously at variance with the requirements of Council's Development Plan for development in the Rural Living Zone.
  2. Following consideration of all written and verbal representations, and having regard to all relevant matters, the Council Assessment Panel **grant** Development Plan Consent to K & S Superfund for the use of land at Lot 301 in DP119060, Lot 132 in DP119060, Lot 149 in DP119060, Elsie May Drive, Compton, Hundred of Blanche for Land Division 732/D011/14 – Stage 3 Amendment, as detailed in Development Application 732/218/14, subject to the following conditions:

and;

4. Centenary View Investments Pty Ltd – Land Division 732/D014/18 – Sec 770, 310 Carpenter Rocks Road, Lot 51 in DP14805, 344A Carpenter Rocks Road and Lot 100 in DP114454, 258 McKay Road, Compton, Hundred of Blanche – Report 6-2019
  1. The Panel determines that the Application for Land Division 732/D014/18 is not seriously at variance with the requirements of Council's Development Plan for development in the Rural Living Zone.
  2. Following consideration of all written and verbal representations, and having regard to all relevant matters, the Council Assessment Panel **grant** Development Plan Consent to Centenary View Investments Pty Ltd for the use of land at Sec 770, 310 Carpenter Rocks Road, Lot 51 in DP14805, 344A Carpenter Rocks Road and Lot 100 in DP114454, 258 McKay Road, Compton, Hundred of Blanche for Land Division 732/D014/18, as detailed in Development Application 732/161/18, subject to the following conditions:

Seconded Mr M De Garis

CARRIED

### **19014 - BUSINESS WITH NOTICE**

#### **1. Update on State Commission Assessment Panel Concurrences**

The Assessment Manager / Director of Environmental Services updated Panel Members on Development Applications that have received concurrence from the State Commission Assessment Panel.

#### **2. Planning, Development and Infrastructure Act 2016 – Transition Process**

The Assessment Manager / Director of Environmental Services updated Panel Members on the Planning, Development and Infrastructure Act 2016 and the Transition Process. Panel Members were reminded that applications under the Accredited Professionals Scheme opened on 1 April 2019, and that Panel Members must be accredited under the Scheme by 1 November 2019.

### **19015 BUSINESS WITHOUT NOTICE**

#### **1. Limestone Coast Local Government Association - Regional Joint Planning Board Business Case and Budget**

The Assessment Manager / Director of Environmental Services advised Panel Members that a Report was considered by Council at its meeting held on Monday 20 May 2019 in relation to a possible future Regional Joint Planning Board. The Board would have various functions, with one of the proposed functions being the formation of a Regional Assessment Panel. Council resolved to provide a number of comments to the Limestone Coast Local Government Association on the Regional Joint Planning Board Business Case and Budget.

### **19016 - DELEGATIONS**

1. Ashborn Industries Pty Ltd – Timber Processing Facility - Timber Production Shed & Offices, Amenities Building – Planning Only – Lot 55 & 56 in FP214490, Megaw Road (fronting Burnda Road), Compton, Hundred of Blanche [A4205, 732/162/18] – Report 7-2019

Mr Frank Brennan, Frank Brennan Consulting Services attended the Panel Meeting.

Mr Frank Brennan, on behalf of Ashborn Industries Pty Ltd, spoke in support of the proposal.

2. Van Schaik's Bio Gro – Stage 1 – Potting Media Mixing Pad, Wheel Wash Facility & Loading Ramp Facility; Stage 2 – Packaging Facility, Product Warehousing & Storage & Stormwater Catchment Pond; Stage 3 – Two Storey Office Building – Planning Only - Lot 11 in DP21585, 970 Wandilo Road, Wandilo, Hundred of Young [A4855, 732/138/18] – Report 8-2019

Representor Mr David Fiebig attended the Panel Meeting.

Mr Frank Brennan, Frank Brennan Consulting Services and Mr Craig Turner, Van Schaik's Bio Gro also attended the Panel Meeting.

Mr David Fiebig spoke in support of his representation and responded to questions from Panel Members.

Mr Frank Brennan, on behalf of Van Schaik's Bio Gro spoke in support of the proposal and responded to questions from Panel Members.

3. Golden Triangle Meats – Expansion of existing Feedlot to 4,400 Standard Cattle Unit (SCU), Two (2) Additional Feedlot Sheds & Associated Buildings – Planning Only – Lot 91 in FP208255, Uphills Road, Kongorong, Hundred of Kongorong [A5542, 732/264/17] – Report 9-2019

Mr Randall Rickard attended the meeting on behalf of Representor, Ms Edna Hunt.

Mr Michael Famularo, Golden Triangle Meats Pty Ltd also attended the meeting.

Mr Randall Rickard spoke on behalf of Ms Edna Hunt in support of her representation.

Mr Michael Famularo spoke in support of the proposal and responded to questions from Panel Members and Council Officers.

### **19017 - EXCLUSION OF PUBLIC**

Mr S Herbert moved that the Panel resolves that it will exclude the public from attendance during that part of the meeting that consists of its discussion or determination of any Development Application or any other matter that falls to be decided by the Panel under Regulation 13 (2) (b) of the Planning, Development and Infrastructure (General) Regulations 2017.

Seconded Cr BR Kuhl

CARRIED

*The Panel moved into 'In Confidence' at 5.54pm*

*Mr Leith McEvoy left the meeting at 5.55pm*

*Mr Leith McEvoy resumed his seat in the meeting at 5.56pm*

### **19018 – APPLICATIONS**

1. Ashborn Industries Pty Ltd – Timber Processing Facility - Timber Production Shed & Offices, Amenities Building – Planning Only – Lot 55 & 56 in FP214490, Megaw Road (fronting Burnda Road), Compton, Hundred of Blanche [A4205, 732/162/18] – Report 7-2019

Moved Mr S Herbert that:

1. That the Development Assessment Report for Development Application 732/162/18 be received.
2. That having regard to the Development Plan, the supporting information and the advice of the Environment Protection Authority, it is considered that the proposed development is not seriously at variance with the Council's Development Plan and be granted Development Plan Consent subject to the following conditions listed below.

#### **District Council of Grant Conditions**

1. The development must be undertaken in accordance with the plans and associated documentation comprising the Development Application 732/162/18, except where varied by the following conditions and/or where changes are required to comply with the Building Code of Australia.
2. The external surfaces of the office building and front of the production building shall be clad in factory colour coated steel material. The colour shall be of a natural or earthy colour (so as to reduce the visual impact of the building and blend with the rural setting) to the reasonable satisfaction of Council.

3. The site and surrounds are to be maintained in a clean and tidy condition at all times.
4. All of the driveway and yard areas shall be appropriately graded, watered and surfaced at all times to the reasonable satisfaction of Council, so as to ensure maximum dust suppression and to avoid dust and mud being carried out by vehicles onto public roads.
5. Noise levels are not to exceed those specified by the Environment Protection Authority.
6. The hours of operation and use of the property shall be limited to the following hours:
  - *Shift 1 – 6:00 am – 2.30 pm Monday to Friday; and*
  - *Shift 2 – 2.30 pm – 11:00 pm Monday to Friday.*
7. Floodlighting shall be restricted to that necessary for safety and security purposes only and shall be directed and shaded in such a manner as to cause no light spill nuisance to any person living in the vicinity of the subject land or any persons using an adjacent public road.
8. No unreasonable disturbance or pollution to the amenity of the locality shall be created by way of dust, pollution, noise, electrical interference or other means.
9. Sawdust and waste timber storage bins should be located within the production building or otherwise be enclosed, to prevent sawdust escaping while equipment is operating and during removal of the wood waste, and to prevent any rainwater intrusion.
10. Any product likely to pollute water (e.g. hazardous chemicals) must be appropriately segregated, labelled and stored within a bunded compound or area suitable for preventing the product escaping into surface or underground water resources. The bunded area must have a capacity to contain 120% of the volume of the largest container stored.
11. Where wood dust extraction from woodworking machinery is necessary (e.g. for occupational, health and safety reasons) either dedicated fabric filtration dust collectors or a high efficiency cyclone must be used.
12. All stormwater from the building must discharge directly into rainwater tank(s) of at least 22,000 litres capacity, before being directed by PVC pipes to the stormwater swale system and the on-site stormwater disposal site.
13. Dense tree/shrub planting shall be established along the front property boundary, to the reasonable satisfaction of Council, so as to provide a screen/buffer between the development and adjacent properties.

#### **District Council of Grant Notes**

1. In November 2006, amendments to the Development Regulations were passed by the State Government, with the effect that this land is now within a designated **High** Bushfire Risk Area. This is drawn to your attention so that you are aware of the need for prevention and protection measures around buildings and other assets. Further information on Bushfire Preparedness is enclosed. For further details you

may contact the CFS on 1300 362 361, or Council's Fire Prevention Officer on (08) 8721 0444.

2. Compliance with the fire protection requirements is not a guarantee that a building will not burn in the event of a bushfire.
3. Building Fire Safety requirements will be addressed as part of the Assessment Process for the Building Rules Consent.

### **Environment Protection Authority Notes**

1. The applicant is reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
2. An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements. Information on applying for a licence (including licence application forms) can be accessed here:  
[http://www.epa.sa.gov.au/business\\_and\\_industry/applying\\_for\\_a\\_licence](http://www.epa.sa.gov.au/business_and_industry/applying_for_a_licence).
3. A licence may be refused where the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.
4. The applicant is advised that doors should be closed when noisy equipment is in use (as practicable) to minimise off-site noise impacts.
5. EPA information sheets, guideline documents, codes of practice, technical bulletins etc can be accessed on the following website – [www.epa.sa.gov.au](http://www.epa.sa.gov.au).

Seconded Mr M De Garis

CARRIED

2. Van Schaik's Bio Gro – Stage 1 – Potting Media Mixing Pad, Wheel Wash Facility & Loading Ramp Facility; Stage 2 – Packaging Facility, Product Warehousing & Storage & Stormwater Catchment Pond; Stage 3 – Two Storey Office Building – Planning Only - Lot 11 in DP21585, 970 Wandilo Road, Wandilo, Hundred of Young [A4855, 732/138/18] – Report 8-2019

Moved Mr S Herbert that:

1. That the Development Assessment Report for Development Application 732/138/18 be received.
2. That having regard to the Development Plan, the supporting information and the advice of the Environment Assessment Authority, it is considered that the proposed development is not seriously at variance with the Council's Development Plan and be granted Development Plan Consent subject to the following conditions listed below.

### **District Council of Grant Conditions**

1. The development must be undertaken in accordance with the plans and associated documentation comprising the Development Application 732/138/18, except where

varied by the following conditions and/or where changes are required to comply with the Building Code of Australia.

2. The subject land and all improvements thereon shall be maintained in a state of good, tidy and attractive repair and condition at all times, to the reasonable satisfaction of Council.
3. The hours of operation of the proposed development shall be Monday to Friday on a three shift rotation, day, afternoon, and midnight. Single day operation on Saturday and Sunday 5.30 am to 2.30 pm.
4. Tree planting and landscaping is to be maintained and/or enhanced where necessary, so as to screen the development herein approved from view from adjoining properties.
5. An appropriate 'litter fence' to prevent litter from leaving the site shall be installed and maintained at all times, to the reasonable satisfaction of Council.
6. An appropriate Complaints Register (or similar) shall be kept at all times, and shall be made available to Council upon request.

#### **EPA Conditions and Notes**

1. Prior to use of the expanded operations, the compost hardstand and wastewater lagoons must be constructed in accordance with the specifications and plans submitted with the submitted '*Planning Report - Development Application for Van Schaik's Bio Gro Pty Ltd for the Redevelopment of the Facility for the Processing of Organic and Forest Residues*', by Frank Brennan Consulting Services dated 29 June 2018.
2. An 'As-constructed Report' for the wastewater lagoon and the compost hardstand must be provided to the satisfaction of the EPA to demonstrate compliance with the designed specifications prior to commencement of the expanded operations.

The following notes provide important information for the benefit of the applicant and are requested to be included in any approval:

- The applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm. This includes (but is not limited to) all truck and forklifts being fitted with broadband reverse beepers.
  - The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements.
  - EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site:  
<http://www.epa.sa.gov.au>
3. That pursuant to Regulation 48(2)(a) of the Development Regulations 2008, approval be granted for an extension to the operative period of the Development Plan Consent for this Development Application so that the consent issued will lapse at the expiration of five (5) years from the operative date of such consent under Regulation 48(1)(b).

Seconded Cr BR Kuhl

CARRIED

3. Golden Triangle Meats – Expansion of existing Feedlot to 4,400 Standard Cattle Unit (SCU), Two (2) Additional Feedlot Sheds & Associated Buildings – Planning Only – Lot 91 in FP208255, Uphills Road, Kongorong, Hundred of Kongorong [A5542, 732/264/17] – Report 9-2019

Moved Mr S Herbert that:

1. That the Development Assessment Report for Development Application 732/264/17 be received.
2. That having regard to the Development Plan, the supporting information and the advice of the Environment Assessment Authority, it is considered that the proposed development is not seriously at variance with the Council's Development Plan and be granted Development Plan Consent subject to the following conditions listed below.

#### **District Council of Grant Conditions**

1. The development must be undertaken in accordance with the plans and associated documentation comprising the Development Application 732/264/17, except where varied by the following conditions and/or where changes are required to comply with the Building Code of Australia.
2. Dense tree/shrub planting shall be established along the Uphills Road and Gums Road property boundary, to the reasonable satisfaction of Council, so as to provide a screen/buffer between the development and adjacent properties.
3. The subject land and all improvements thereon shall be maintained in a stage of good, tidy and attractive repair and condition at all times, to the reasonable satisfaction of Council.
4. All of the driveway and yard areas shall be appropriately graded and serviced at all times to the reasonable satisfaction of Council, so as to ensure maximum dust suppression and to avoid dust and/or mud being carried out by vehicles onto public roads.
5. Security lights and floodlights associated with the development shall be shielded and/or adjusted, so as not to create nuisance to adjacent owners and occupiers or to road users.
6. Tree-planting is to be carried out in accordance with the plans submitted, within six (6) months of the date of the Development Plan Consent, unless otherwise agreed to by Council.. Trees/shrubs used in landscaping should be local indigenous species and are to be maintained in good and healthy condition at all times, with prompt replacement of any plants that may die or become diseased,
7. The dense tree/shrub planting shall be a minimum width of 25 metres, unless otherwise agreed to be Council.

#### **Department of Planning, Transport and Infrastructure (DPTI) Conditions**

8. The side apron seal of Gums Road shall be replaced with a suitable designed wearing course from the Carpenter Rocks Road edge line for a minimum distance of 50 metres to cater for 26.0 metre B-Double truck turning movements in and out of Gums Road.



9. The shoulder on the northern side of Carpenter Rocks Road shall be sealed to enable B-Double vehicles to turn right out from Gums Road without travelling on an unsealed shoulder or on the incorrect side of the centreline of Carpenter Rocks Road.

#### **District Council of Grant Notes**

1. An appropriate binding arrangement (Developer Agreement or similar) shall be made between the Applicant, DPTI and Council which requires the Applicant to contribute 75 per cent (%) towards the costs of the road works and upgrading required at the intersection of Carpenter Rocks Road and Gums Road. The works shall be designed and constructed in accordance with Austroads Standards and DPTI's requirements, and shall be undertaken prior to Stage 1 becoming operational, unless otherwise agreed to by DPTI and/or Council.
2. In November 2006, amendments to the Development Regulations were passed by the State Government, with the effect that this land is now within a designated General Bushfire Risk Area. This is drawn to your attention so that you are aware of the need for prevention and protection measures around buildings and other assets. For further details you may contact the CFS on 1300 362 361, or Council's Fire Prevention Officer on (08) 8721 0444.
3. Compliance with the fire protection requirements is not a guarantee that a building will not burn in the event of a bushfire.

#### **Environment Protection Authority Conditions and Notes**

##### Direction

The planning authority is directed to attach the following conditions to any approval:

1. No more than 4,400 standard cattle units must be kept at the facility at any one time.
2. The density of cattle kept at the facility must not exceed four square metres per standard cattle unit at any time.
3. Prior to the commencement of operation, all feedlot pens must be constructed to a Class 1 standard described in Appendix 2 of the *Guidelines for the Establishment and Operation of Cattle Feedlots in South Australia* (2006).
4. An "As-constructed Report" for the feedlot pen floors must be provided to the satisfaction of the EPA to demonstrate compliance with the designed specifications Page 7 of 8 prior to introducing any cattle into the proposed feedlot pens.
5. Prior to the entry of cattle to the feedlot, pen floors and the feedlot roof must be constructed, and sawdust spread in the pens.

The following notes provide important information for the benefit of the applicant and are requested to be included in any approval:

- The applicant is reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

- The applicant is reminded that construction will need to be undertaken in accordance with Division 1 of Part 6 of the Environment Protection (Noise) Policy 2007 at all times. Activities, which include the operation of machinery, resulting in noise with an adverse impact on amenity need to be restricted to between 7:00am and 7:00pm Monday to Saturday and, if necessary, on Sunday between 9:00am and 7:00pm to minimise the potential for complaint from noise nuisance.
  - An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements. In particular the applicant is advised that the EPA licence must be updated to refer to the approved number of standard cattle units.
  - EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site: <http://www.epa.sa.gov.au>
- Seconded Mr M De Garis CARRIED

### **19019 - CONCLUSION OF CLOSED MEETING**

Moved Mr M De Garis that the Panel resolves to conclude its exclusion of the public from attendance at the meeting under Regulation 13 (2) (b) of the Planning, Development and Infrastructure (General) Regulations 2017.

Seconded Cr BR Kuhl CARRIED

*The Panel moved out of 'In Confidence' at 7.04pm*

*Mrs Trudy Glynn left the meeting at 7.04pm*

*Mrs Trudy Glynn resumed her seat in the meeting at 7.05pm*

### **OUTCOME OF CAP MEETING**

One Member from the Public Gallery returned to the meeting at 7.05pm.

The Presiding Member advised this Member of the Public Gallery of the decisions made by the Panel on the Development Applications during the 'closed' part of the meeting.

### **NEXT MEETING**

The next CAP Meeting will be held on **Wednesday, 12 June 2019**, in the District Council of Grant Council Chambers, commencing at 5.30pm, unless otherwise determined.

CAP Meeting closed at 7.06pm



.....  
ASSESSMENT MANAGER

.....  
PRESIDING MEMBER