

MINUTES OF THE MEETING of the Council Assessment Panel of Mount Barker District Council held in the Council Chambers of the Local Government Centre, 6 Dutton Road Mount Barker on Wednesday 17 May 2023, commencing at 9.30 am.

PRESENT **(Members)** Mark Adcock (Presiding Member), Geoff Parsons, Sally Roberts and Harry Seager.
(Staff) Manager – Planning, City Development (A Humphries), Planner, City Development (D Henderson), Planner, City Development (M Fielke), Planner, City Development (G Sproule), and the Minute Secretary (Z Johnson, K Gale).

1. APOLOGIES

Tom Gregory

2. CONFLICT OF INTEREST DECLARATION

2.1 Disclosure of Perceived Conflict of Interest Declaration

Date of Meeting	17 May 2023
Panel Member Name	Harry Seager
Item	5.2.1. – Application 22038393, Beyond Ink
Nature of Interest	Harry Seager declared that he has a conflict of interest in respect of item 5.2.1. as per Section 1(1)(c) of Schedule 3 of the PDI Act 2016 (Code of Conduct) as he has previously supported funding this project in his role as a Councillor. Accordingly, Harry will leave the room and will not participate in the deliberations of the item and or vote in respect of the matter.

2.2 Disclosure of Perceived Conflict of Interest Declaration

Date of Meeting	17 May 2023
Panel Member Name	Geoff Parsons
Item	5.2.3. – Application 23002803, Spot Holdings (NSW) Pty Ltd
Nature of Interest	Geoff Parsons declared that he has a conflict of interest in respect of item 5.2.3. as per Section 1(1)(c) of Schedule 3 of the PDI Act 2016 (Code of Conduct) as he has previously utilised the services provided by the facility. Accordingly, Geoff will leave the room and will not participate in the deliberations of the item and or vote in respect of the matter.

3. CONFIRMATION OF MINUTES

Moved Sally Roberts. that the minutes for the meeting held on 19 April 2023 be taken as read and confirmed.

Seconded Geoff Parsons

CARRIED
CAP20230517.01

4. REPORTS DEFERRED

Nil.

5. REPORTS BY OFFICERS

5.1. DEVELOPMENT ACT APPLICATIONS

5.1.1. NON-COMPLYING APPLICATIONS

Nil.

5.1.2. CATEGORY 3 APPLICATIONS

Nil.

5.1.3. CATEGORY 2 APPLICATIONS

Nil.

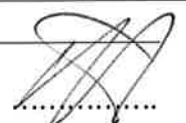
5.1.4. CATEGORY 1 APPLICATIONS

Nil.

5.2. PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT APPLICATIONS

5.2.1. 21011234 – BEYOND INK

Application ID	21011234
Applicant	Beyond Ink
Subject Land	68 Heysen Road, Verdun; and Lot 4 Heysen Road, Hahndorf
Nature of Development	Art gallery and shop with associated car parking, retaining walls and landscaping
Lodgement Date	14 February 2023
Relevant Authority	Assessment Panel at the Mount Barker District Council
Zone	Productive Rural Landscape
Sub Zone	The Cedars



Planning and Design Code Version Number	2023.2 – 2 February 2023
Categorisation	Code Assessed (Performance Assessed)
Notification	Yes
Representations	7
Persons to be heard	4
Referrals - Statutory	<ul style="list-style-type: none">• Heritage South Australia• Native Vegetation Council
Referrals – Non-Statutory	<ul style="list-style-type: none">• Council's Development Engineer
Responsible Officer	Derek Henderson – Senior Planner
Recommendation	Grant Planning Consent

Disclosure of Perceived Conflict of Interest Declaration

<i>Refer to item:</i>	2.1
<i>The manner in which Harry Seager: Dealt with the actual Conflict of Interest If the member determines to leave:</i>	Harry Seager chose to leave the meeting Harry Seager rose and left the meeting at 9.36am

Nathan Rogers spoke against the application.

David Bills spoke for the application, addressing the issues and concerns raised by the representors.

The Panel discussed the application and reached the following decision;

Sally Roberts moved that the Council Assessment Panel:

DETERMINE that the proposed development is not seriously at variance with the provisions of the Planning and Design Code.

GRANT Planning Consent to the application by Beyond Ink for an Art gallery and shop with associated car parking, retaining walls and landscaping at 68 Heysen Road, Verdun and Lot 4 Heysen Road, Hahndorf subject to the following reserved matters, conditions and advisory notes:

Reserved Matters

The following detailed information shall be submitted for further assessment and approval by the Council Assessment Panel as reserved matters pursuant to Section 102(3) of the Planning, Development and Infrastructure Act 2016 (the Act):



1. A final detailed design for the stormwater plan shall be provided to and approved by Council. This design is to include an updated Stormwater Management Plan that includes the following:
 - i. An appropriately sized vegetated swale is to be constructed in the roadside verge of Heysen Road, which transports stormwater to the nearest downstream culvert with calculations supporting the swales capacity to convey the 1% AEP flow.
 - ii. Make and model of GPT to be specified.
2. A final detailed civil plan is to be provided to Council satisfaction that includes all proposed civil works including, but not limited to:
 - i. Stormwater management infrastructure.
 - ii. Final levels and delineation of carparks consistent with details in the MFY report and in accordance with relevant standards.
 - iii. Final levels of pedestrian access to satisfy DDA requirements.
 - iv. Final cut and fill levels, contours, floor levels, retaining walls and escarpment/batter contours.

Pursuant to Section 102(1) of the Act, the Council Assessment Panel reserves its decision on the form and substance of any further conditions of planning consent that it considers appropriate to impose in respect of the reserved matters set out above. The Council Assessment Panel resolves to delegate the power to assess and determine specified reserved matters, including the power to impose further conditions of planning consent pursuant to Section 127(1) of the Act, to the Assessment Manager.

Conditions:

1. The development herein approved to be carried out in accordance with the stamped plans and details accompanying this application, except where amended by the following conditions, including:
 - Correspondence of URPS titled *The Cedars – Application ID 21011234* dated 8 February 2023.
 - Correspondence of URPS titled *The Cedars Response to Representations (Application ID 21011234)* dated 18 April 2023.
 - Plans of Snøhetta titled *Project: Heysen Gallery*.
 - Civil Drawings of Stantec Ref No. 22674-01 Sheets SW01-SW05 Revision 7 dated 31.03.23.
 - Stormwater Calculations Report of MLEI Consulting Engineers titled *Hans Heysen Gallery Reference A2020-10856* dated 1st December 2022.
 - Traffic and Parking Assessment report of MFY titled *Hans Heysen Gallery, Heysen Road, Hahndorf* reference 20-0202 dated February 2023.



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- Native Vegetation Clearance Data Report of EBS Ecology titled *The Cedars Gallery Development* dated 22 December 2022.
2. All requirements in regard to the construction of driveways, car parks, footpaths/pathways and accesses are to be met prior to operation of the development to the satisfaction of Council, including:
 - i. All vehicle car parks, driveways, vehicle entry and manoeuvring areas designed, constructed, delineated and maintained in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009), including being surfaced as per stamped plans and drained to provide structural integrity and traction in both wet and dry conditions in accordance with accepted engineering standards, and shall be maintained in good condition at all times.
 - ii. All car parks and traffic control devices designed and constructed in accordance with AS 2890 – Off-Street Car parking, AS 1742 Manual of Uniform Traffic Control Devices and the Notice to Council (Part 1 and 2) under the Road Traffic Act 1961 from the Minister for Transport and Urban Planning (December 1999).
 - iii. The existing driveway is to be asphalted to a minimum depth of 6 metres from the edge of the existing pavement, with any surface water in the verge being conveyed over/under the crossover.
 3. All vehicular access associated with the art gallery (deliveries, maintenance vehicles, staff and visitor parking) is to be via the main entrance only (specified as the “existing site access” on the stamped Site Plans of Snøhetta).
 4. All landscaping as detailed within the stamped Landscaping Plan shall be planted within 3 months of the opening of the art gallery. The plantings shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants replaced to the reasonable satisfaction of the Council.
 5. All external lighting (e.g. security lighting) must be designed and constructed accordingly to conform to Australian Standards (AS 4282-1997).
 6. The development must be connected to an operational on-site wastewater system prior to the commencement of operation.
 7. A Construction Management Plan is to be submitted to Council for approval prior to any earthworks (including topsoil removal) occurring. This must demonstrate erosion management measures that will protect the environment and road infrastructure from environmental harm through scoured runoff and mitigation of dust nuisance.
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Condition imposed by the Native Vegetation Council under Section 122 of the Act

8. Prior to any clearance of native vegetation, the Native Vegetation Council must provide written confirmation that the Significant Environmental Benefit requirements under the Native Vegetation Act 1991 have been satisfied.

Conditions imposed by imposed by the Minister responsible for the administration of the *Heritage Places Act 1993* under Section 122 of the Act

9. Insufficient detail has been provided for proposed external finishes for the building. Confirmation of final external finishes, to the satisfaction of Heritage South Australia, to be provided prior to commencement of construction.

Advisory Notes imposed by Council

1. An On-site Wastewater Works Application (including payment of applicable augmentation/sewer infrastructure fees to Council) and a Trade Waste Application, must be approved by Council and/or SA Health prior to the commencement of building work for the approved development.
2. The applicant is reminded of the relevant obligations under the *Local Nuisance and Litter Control Act 2016*.
3. If any works impact or require the usage of a public road, a hoarding permit may be required. For more information please refer to the 'Public Space Occupation (Hoarding)' permit information on Council's website at www.mountbarker.sa.gov.au.
4. If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.
5. Any person proposing to undertake building work within the district of Mount Barker is reminded of their obligation to take all reasonable measures to protect Council infrastructure. Any incidental damage to the infrastructure - pipes, footpath, verge, street trees etc, must be reinstated to a standard acceptable to Council at the applicants' expense. If you have any queries please contact Council on 8391 7200.
6. No work can commence on this development unless a Development Approval has been obtained for that stage. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use



of the land until you have received notification that Development Approval has been granted.

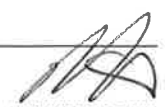
7. The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide (telephone number 8204 0289).
8. This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

Advisory Note imposed by the Native Vegetation Council under Section 122 of the Act

9. The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the *Native Vegetation Act 1991* as set out in Decision Notification 2023/3055/580.

Advisory Note imposed by the Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act

10. Please note the following requirements of the *Aboriginal Heritage Act 1988*.
 - (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.
11. Please note the following requirements of the *Heritage Places Act 1993*.
 - (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.
 - (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works. For further information, contact the Department for Environment and Water.



Seconded Geoff Parsons

CARRIED
CAP20230517.02

10.01am Harry Seager re-joined the meeting and returned to his seat.

5.2.2. 22023611 – BEYOND INK

Application ID	22023611
Applicant	Beyond Ink
Subject Land	Lot 3 Little Dublin East Road, Nairne SA 5252
Nature of Development	Change of use of existing shed to a winery (not exceeding processing of 300 tonnes of grapes per annum) and construction of a new shed for use in association with the winery
Lodgement Date	20 Sep 2022
Relevant Authority	Council Assessment Panel
Zoning Information	Rural Zone
Planning and Design Code Version Number	2022.17 – 15 September 2022
Categorisation	Code Assessed – (Performance Assessed)
Notification	Yes
Representations	Three (3)
Persons to be heard	Two (2)
Referrals - Statutory	Environment Protection Authority
Referrals – Non-Statutory	City Development – Engineering
Responsible Officer	Matthew Fielke – Senior Planner
Recommendation	Grant Planning Consent

David Brookes on behalf of Elisabeth Brookes & Erinn Klein, spoke to their representations.

Sean Elliot & Dan Berrigan spoke for the application, addressing the issues and concerns raised by the representors.

The Panel discussed the application and reached the following decision;

Geoff Parsons moved that the Council Assessment Panel:

DETERMINE that the proposed development is not seriously at variance with the provisions of the Planning and Design Code, in accordance with Section 126(1) of the *Planning, Development and Infrastructure Act 2016*; and



GRANT Planning Consent to the application by Beyond Ink to undertake a change in the use of an existing shed to winery (not exceeding processing of 300 tonnes of grapes per annum) and construction of a new shed for use in association with the winery, at Lot 3 Little Dublin East Rd NAIRNE as detailed in (Application ID: 22023611) subject to the following conditions and advisory notes:

CONDITIONS

Condition 1

The development herein approved shall be carried out in accordance with the stamped plans and details accompanying this application, except where amended by the following condition(s).

Condition 2

All scarring or physical disturbances of the land surface during any excavation work shall be restricted to only that which is required for building work and/or access purposes. All resultant exposed faces shall be covered in topsoil and planted with suitable ground cover to the reasonable satisfaction of Council.

Condition 3

All external lighting shall be designed to comply with Australian Standard 4282-1997 'Control of the obtrusive effects of outdoor lighting', to ensure surface areas are appropriately lit without adversely impacting upon neighbouring properties or causing distraction to drivers on adjacent roads due to unreasonable glare and light spill.

Condition 4

All stormwater captured by structures shall be directed to the rain water tanks on the land with the overflow from the tanks disposed of in a controlled manner so it does not impact upon adjoining properties or, in the opinion of Council, has the potential to cause nuisance or destabilise adjoining land.

Condition 5

The proposed driveway modifications herein approved shall be constructed of an all-weather trafficable surface from the Jeffrey St property boundary through to (and including) the on-site turn-around area. The proposed driveway modifications shall be completed prior to the granting of Certificate of Occupancy or prior to the commencement of wine production on the land (whichever occurs first).

Condition 6

The largest vehicle permitted to access the site is a 12.5 metre Heavy Rigid Vehicle. All loading and unloading of trucks shall occur within the designated loading area adjacent the winery.



Condition 7

Waste management shall be undertaken in strict accordance with the 'Wastewater Irrigation Management Plan (WIMP) dated 27 Feb 2023 herein approved.

ADVISORY NOTES

Advisory Note 1

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

Advisory Note 2

This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.

Advisory Note 3

Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

Advisory Note 4

The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide (telephone number 8204 0289).

Advisory Note 5

The proposed development is required to be connected to an approved **wastewater management system** (includes new or alterations to existing on-site systems, sewer systems and associated underfloor plumbing). A wastewater management system should be approved by Council prior to the commencement of construction.

Advisory Note 6

Any person proposing to undertake building work within the Mount Barker District Council is reminded of their obligation to take all reasonable measures to protect Council infrastructure. Any incidental damage to the infrastructure - pipes, footpath, verge, street trees etc, must be reinstated to a standard acceptable to Council at the applicants' expense. If you have any queries please contact Council on 8391 7200.



Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act

Advisory Note 12

The applicant/owner/operator are 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 activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.

Advisory Note 13

More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au

Seconded Harry Seager

CARRIED
CAP20230517.03

5.2.3. 23002803 – SPOT HOLDINGS (NSW) PTY LTD

Application ID	23002803
Applicant	Spot Holdings (NSW) Pty Ltd
Subject Land	77 Watts Road, Brukunga SA 5252
Nature of Development	Alterations and additions to existing dog kennelling facility comprising nine (9) outdoor exercise yards, one (1) internal exercise yard, cat boarding within existing building for a maximum of ten (10) cats, and acoustic fencing
Lodgement Date	7 February 2023
Relevant Authority	Council Assessment Panel
Zoning Information	Rural Zone
Planning and Design Code Version Number	2023.2 – 2 February 2023
Categorisation	Code Assessed – (Performance Assessed)
Notification	Yes
Representations	2
Persons to be heard	2
Referrals - Statutory	Nil
Referrals - Non-Statutory	Nil
Responsible Officer	Greg Sproule – Senior Planner
Recommendation	Grant Planning Consent



Disclosure of Perceived Conflict of Interest Declaration

<i>Refer to item:</i>	2.2
<i>The manner in which Geoff Parsons:</i>	Geoff Parsons chose to leave the meeting
<i>Dealt with the actual Conflict of Interest</i>	
<i>If the member determines to leave:</i>	Geoff Parsons rose and left the meeting at 10.29am

Karen Crane spoke against the application.

Roland Mac Donald spoke against the application.

Greg Vincent, Chris Turnbull & Will Roxburgh spoke for the application, addressing the issues and concerns raised by the representors.

The Panel discussed the application and reached the following decision;

Sally Roberts moved that the Council Assessment Panel:

DETERMINE that the proposed development is not seriously at variance with the provisions of the Planning and Design Code.

GRANT Planning Consent to the application by Spot Holdings (NSW) Pty Ltd for the alterations and additions to existing dog kennelling facility comprising nine (9) outdoor exercise yards, one (1) internal exercise yard, cat boarding within existing building for a maximum of ten (10) cats, and acoustic fencing at 77 Watts Road, Brukunga SA 5252 as detailed in (Application ID: 23002803) subject to the following conditions and advisory notes:

CONDITIONS

1. The development approved herein shall be established and maintained in accordance with approved plans and documentation;
 - Planning report prepared by MasterPlan dated March 2023.
 - Response to Representations prepared by MasterPlan dated 19 April 2013
 - Environmental Noise Assessment report prepared by Sonus dated December 2022
2. The proposed development is to incorporate acoustic fences and absorptive treatments in accordance with the recommendations set out in the Environmental Noise Assessment by Sonus reference S7629C1 dated December 2022, to ensure compliance with the Environment Protection (Noise) Policy 2007:



- Construct fences with a minimum height of 2.4 metres for extent shown in orange in Figure 3. Fence to be constructed from a minimum 0.35mm BMT sheet steel (colorbond or similar), sealed airtight at all junctions, including at ground level and joins to the existing buildings; and;
- For the extent shown as red in Figure 3, install acoustic absorption material with a minimum noise reduction coefficient (NRC) of 0.8 or higher. The insulation material should be installed from the top of the fence heights (2.4m) up to the roof line on the building wall. Stratocell Whisper and Pyrotek Reapor are proprietary absorption material which achieve this rating and are waterproof/designed for outdoor use and therefore suitable.

The acoustic fence adjacent the eastern boundary (33m in length) of the large (northern) exercise yards is to be installed prior to their use. The acoustic fence and acoustic absorption material for the small (southern) exercise yards are to be installed within 3 months from the date of Development Approval.

3. The dog exercise yards are to be operated and managed in accordance with the following:
 - The 3 large (northern) exercise yards have a total capacity limit of 18 dogs at any one time;
 - The 6 small (southern) exercise yards have a total capacity limit of 60 dogs at any one time; and
 - All exercise yards are to be appropriately supervised with a kennel attendant (staff member) within or in close proximity to the yards to ensure that nuisance impacts are appropriately managed to the satisfaction of Council.
4. The cat boarding facility (cattery) is to provide cat boarding for a maximum of 10 cats at any one time.
5. Solid waste from the dogs exercise yards must be collected each day and placed in sealed containers, prior to removal off-site.

NOTES

1. The granting of this consent does not remove the need for the Applicant to obtain all other consents that may be required by other statutes or regulations. The Applicant is also reminded that unless specifically stated, conditions from previous relevant development approvals remain active.

The consent does not override the authority of any encumbrance or easement that might be present on the land.



2. The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide (telephone number 8204 0289).
3. This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
4. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
5. The applicant is reminded of their general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that any activities on the site do not pollute the environment.

Seconded Harry Seager

CARRIED
CAP20230517.04

11.42am Geoff Parsons re-joined the meeting and returned to his seat.

5.2.4. 23003867 – DR JAMES TICKNER AND MRS SARAH TICKNER

Application ID	23003867
Applicant	James and Sarah Tickner
Subject Land	153 Rodert Road, Meadows SA 5201
Nature of Development	Horse keeping (not exceeding 4 horses) and associated horse arena building and infrastructure
Lodgement Date	6 March 2023
Relevant Authority	Council Assessment Panel
Zoning Information	Productive Rural Landscape Zone
Planning and Design Code Version Number	2023.3 - 16 February 2023
Categorisation	Code Assessed – (Performance Assessed)
Notification	Yes
Representations	1
Persons to be heard	1

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Referrals - Statutory	Minister for Environment and Water
Referrals – Non-Statutory	Nil
Responsible Officer	Greg Sproule – Senior Planner
Recommendation	Grant Planning Consent

Peter Meline on behalf of Caitlin & Clint Prior spoke against the application.

Dr James Tickner spoke for the application, addressing the issues and concerns raised by the representors.

The Panel discussed the application and reached the following decision;

Sally Roberts moved that the Council Assessment Panel:

DETERMINE that the proposed development is not seriously at variance with the provisions of the Planning and Design Code.

GRANT Planning Consent to the application by James and Sarah Tickner for horse keeping (not exceeding 4 horses) and associated horse arena building and infrastructure at 153 Rodert Road, Meadows SA 5201 as detailed in (Application ID: 23003867) subject to the following conditions and advisory notes:

CONDITIONS

1. The development approved herein shall be established and maintained in accordance with approved plans and documentation, including;
 - The Horse Management Plan “Poppy Farm” 153 Rodert Road, Meadows.
 - Elevations prepared by Now Buildings – drawing numbers AP31438 – 06/07
 - Response to representations and associated proposed landscape plan dated 27 April 2023;
 - Section A-A drawing with materials Schedule
 - Rainwater discharge plan
 - Groundworks Plan
 - Vegetation Plan
2. No more than four (4) horses are to be kept on the subject land at any given time.
3. The proposed landscaping shown on the plans adjacent to the northern and western side of the horse arena building shall be established within 3 months of the building being constructed and shall be maintained and nurtured at all times to the reasonable satisfaction of Council, with all dead, dying or diseased plants being replaced in a timely manner.



Conditions imposed by the Department for Environment and Water under Section 122 of the Act

1. The property must be managed in a manner as to prevent erosion and pollution of the subject site and the environment, including keeping the area in a tidy state and ensuring any waste materials are appropriately contained to ensure no pollutants (including manure and earthworks material) enter the River Murray system.
2. Stormwater run-off the from horse keeping yards, stables, shelters and associated outbuildings must be managed to prevent erosion or pollution of the site and the environment, and diverted away from wastewater disposal areas, such as septic tanks and aerobic systems.

ADVISORY NOTES

Council Advisory Notes

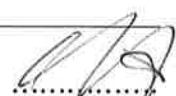
1. No work can commence on the horse arena building until Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide (telephone number 8204 0289).
3. This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
4. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
5. The applicant is reminded of their general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that any activities on the site do not pollute the environment.



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Advisory Notes imposed by the Department for Environment and Water under Section 122 of the Act

1. The applicant is advised of their general duty of care under the River Murray Act 2003 to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
2. It is important to note that the following applies to the subject land:
 - 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);
 - The Notice of Authorisation to Take Water (Government Gazette 27 June 2019, p2287) permits up to 1500 kilolitres of roof runoff to be captured and used for commercial purposes per annum within surface water prescribed areas;
 - 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>.
3. The applicant may seek guidance on best practice horse management at: <http://www.landscape.sa.gov.au/hf/land/landholder-services/managing-livestock/managing-horses>.
4. Farm management practices including protocols for livestock in respect to hoof, float and vehicle cleaning, should be undertaken to prevent the spread on declared pest plants. A list of declared Plants in South Australia can be found at: http://www.pir.sa.gov.au/biosecurity/weeds_and_pest_animals.
5. 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 9777 or visit: <http://www.nvc.sa.gov.au>.



6. The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or artefacts 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>.
7. 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>.

Seconded Geoff Parsons

CARRIED
CAP20230517.05

6. REVIEW OF ASSESSMENT MANAGER DECISIONS

Nil

7. INFORMATION REPORTS

Nil

8. CONFIDENTIAL REPORTS

Nil

9. POLICY MATTERS ARISING FROM THIS AGENDA

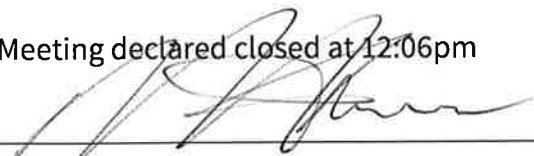
Nil

10. OTHER BUSINESS

Nil

11. CLOSURE

Meeting declared closed at 12:06pm


CHAIRMAN

19/07/23
DATE