

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 21 February 2024, commencing at 9.30 am.

PRESENT **(Members)** Mark Adcock (Presiding Member), Tom Gregory, Geoff Parsons, Sally Roberts and Harry Seager.
(Staff) Manager City Development (A Humphries), Senior Planner, City Development (G Sproule), and the Minute Secretary (A Houlihan).

1. APOLOGIES

2. CONFLICT OF INTEREST DECLARATION
Nil.

3. CONFIRMATION OF MINUTES

Moved Tom Gregory that the minutes for the meeting held on 20 December 2023 be taken as read and confirmed.

Seconded Harry Seager

CARRIED
CAP20240221.01

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.

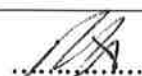
5.1.3. CATEGORY 2 APPLICATIONS
Nil.

5.1.4. CATEGORY 1 APPLICATIONS
Nil.

5.2. PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT APPLICATIONS

5.2.1. 23013502 – THE TRUSTEE FOR PETS ON POWELL TRUST

Application ID	23031502
Applicant	The Trustee for Pets on Powell Trust
Subject Land	118 Powell Road, Dawesley



Nature of Development	Animal keeping in the form of a dog kennelling and cattery facility comprising the construction of 8 kennel buildings, establishment of enclosures, exercise yards and shelter, conversion of existing building for cattery, and associated freestanding sign
Lodgement Date	30 October 2023
Relevant Authority	Assessment Panel at Mount Barker District Council
Zone	Rural
Planning and Design Code Version Number	Version 2023.15 – 26 October 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

Russell Powell spoke against the application

Jordan Le Poidevin and Cassandra Walding spoke for the application

The panel discussed the application and reach the following decision;

Tom Gregory 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*;

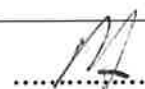
and

GRANT Planning Consent to the application by The Trustee for Pets on Powell Trust for the establishment of animal keeping in the form of a dog kennelling and cattery facility comprising the construction of 8 kennel buildings, establishment of enclosures, exercise yards and shelter, conversion of existing building for cattery, and associated freestanding sign at 118 Powell Road, Dawesley as detailed in Application ID: 23031502 subject to the following conditions and advisory notes:

CONDITIONS

Council conditions

1. The development approved herein shall be established, operate and be managed in accordance with approved plans and documentation, including;
 - Written submission: Application for Animal Keeping (Kennel, Cattery and small animals) prepared by Cassandra Walding and Jordan Le Poidevin
 - Appendix A - Site plan (existing buildings)
 - Appendix B - Site plan (proposed development)
 - Appendix C - Site plan (existing septic tank)



- Appendix D - Floor plan (cattery)
 - Appendix E - Glendale cabin dimensions
 - Appendix F - Bromley cabin dimensions
 - Appendix G - Cabin design and materials
 - Appendix H - Images of cabin locations, reception area and play areas
 - Appendix I - Wastewater plan
 - Appendix J - Pet waste products
 - Appendix K - Environmental Noise Assessment prepared by Sonus Pty Ltd reference S7903C1 and dated September 2023
 - Appendix L - Land subject to permit
2. The kennelling and cattery facility is limited to providing:
- a. Dog kennelling for a maximum of 12 dogs at any one time.
 - b. Cat boarding for a maximum of 20 cats and small domestic animals at any one time.
3. With the exception of drop-off and collection and the supervised walking of dogs on a leash to and from the main entrance of the facility, dogs must not be exercised or left unattended in any areas of the property outside of the fenced outdoor enclosures associated with each enclosure building and the two outdoor exercise yards.
4. All external lighting must be designed and constructed in accordance with the Australian Standard (AS 4282- 1997). Lighting must be appropriately shielded and directed away from adjacent land to prevent light spill and nuisance impacts.
5. All liquid waste must be disposed of to an approved waste control system.

NOTES

Council Advisory 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.
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.
- 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).
4. 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.

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
CAP20240221.02

6. REVIEW OF ASSESSMENT MANAGER DECISIONS

Nil

7. INFORMATION REPORTS

Nil

8. CONFIDENTIAL REPORTS

8.1. 23013912 – BEYOND INK

Partial demolition of Local Heritage Place (Macclesfield Hotel & Shed - ID 18398) - retrospective demolition of former stable building (shed) and construction of an outbuilding comprising storage areas and undercover outdoor area to facilitate expansion of the outdoor dining area of the existing hotel, and the associated filling of the land.

Harry Seager moved

Reason for Confidentiality

In accordance with Regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017*, it is recommended that the public be excluded from the meeting, to receive, discuss or consider the following information or matters in relation to this item on the grounds that it relates to:

- viii. legal advice; and
- ix. information relating to actual litigation, or litigation that the panel believes on reasonable grounds will take place.

Seconded Tom Gregory

CARRIED
CAP20240221.03

The panel went into a confidential session at 10:10 am

Members of the public left the gallery

Tom Gregory moved

The confidential session concluded at 11:21 am

Seconded Harry Seager

CARRIED
CAP20240221.05



RECOMMENDATION

Tom Gregory moved

That the Council Assessment Panel:

1. Pursuant to Regulation 14(4) of the *Planning, Development and Infrastructure (General) Regulations 2017* the Council Assessment Panel orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Panel on a confidential basis:
 - a. The minutes of Item No. 8.1 of 21 February 2024
 - b. The written report and attachments of Item No. 8.1 of 21 February 2024

On the grounds that the document(s) (or part) is:

1. Legal advice. (Regulation 13(2)(viii) of the *Planning, Development and Infrastructure (General) Regulations 2017*); and
 2. Information relating to actual litigation, or litigation that the assessment panel believes on reasonable grounds will take place (Regulation 13(2)(ix) of the *Planning, Development and Infrastructure (General) Regulations 2017*)
2. This order shall operate for an indefinite period and will be reviewed at least annually.

Seconded Harry Seager

CARRIED
CAP20240221.06

9. POLICY MATTERS ARISING FROM THIS AGENDA

10. OTHER BUSINESS

11. CLOSURE

Meeting declared closed at 11:21 am


CHAIRMAN


DATE

