



COUNCIL ASSESSMENT PANEL

NOTICE OF MEETING

TO: Presiding Member: Dr Susan Shannon
Members: Mr Rob Veitch, Ms Fleur Bowden,
Mr Simon Zeller, Ms Merilyn Nicolson

NOTICE is hereby given that a Meeting of the Town of Gawler **Council Assessment Panel** will be held in the Conference Room, Town of Gawler Administration Centre, 43 High Street, Gawler East, on **Monday 26 March 2018**, commencing at **6.30pm**.

A copy of the Agenda for the above meeting is supplied.

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Ryan Viney
Manager Development, Environment and Regulatory Services
16 March 2018

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For the Meeting of the Town of Gawler Council Assessment Panel to be held on Monday 26 March 2018 in the Conference Room, Town of Gawler Administration Centre, 43 High Street, Gawler East, commencing at 6.30PM.

Welcome and Presiding Member Introductions

1. Attendance Record

- 1.1 Roll Call
- 1.2 Apologies
- 1.3 Leave of Absence

2. Confirmation of Minutes –

That the minutes of the Council Assessment Panel Meeting held on Monday 12 February 2018 be confirmed as a true and correct record of proceedings.

3. Business Arising from Previous Minutes

4. Declaration of Interest by Members of the Panel

5. Reports:

Page No.

5.1 Development Application:	490/453/2017	3 - 17
Applicant:	E ROSS	
Address:	1 Main North Road, Gawler	
Nature of Development:	Telecommunications Facility comprising of a 19.5 metre monopole, 3 associated antennas (total height of 23 metres) and base station	
5.2 Development Application:	490/381/2017	18 - 38
Applicant:	PSA CONSULTING (AUSTRALIA) PTY LTD	
Address:	Section 1, Lot 2 Adam Street, Willaston	
Nature of Development:	Extension to existing chicken hatchery (intensive animal keeping), associated earthworks, internal alterations to existing building, construction of plant room, construction of loading bay, construction of retaining walls (2.2m max.), associated landscaping and relocation of shed and workshop (Non-complying).	

6. Information Items:

6.1 Appeal Matters	39
6.2 Matters previously deferred	40

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7. Other Business

7.1 Appointment of Public Speaker

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8. Next Meeting – Monday 23 April 2018.

9. Closure

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5. Reports:

Item Number	5.1
Development Application	490/453/2017
Author(s)	Development Assessment Planner (Scott Twine)
Applicant	E ROSS
Owner	TUFFNUP PTY. LTD.
Subject Land	1 Main North Road GAWLER 5118
Certificate of Title	LOT: 72 PLN: F154573 CT: 5520/674
Description of Development	Telecommunications Facility comprising of a 19.5 metre monopole, 3 associated antennas (total height of 23 metres) and base station
Zone	Town Centre (Historic) Conservation Zone
Policy Area	Town Centre Light Policy Area
Nature of Development	Merit
Public Notification Category	Category 2
Representations	One
Previous Motion	Nil
Lodgement Date	25 August 2017
Development Plan	28 April 2016
Delegation	[type here]
Recommendation	Development Plan Consent be Granted subject to Conditions
Attachments Under Separate Cover	Attachment 1 – Application Plans and Documentation Attachment 2 – Category 2 Representation Attachment 3 – Applicants Response to Representation

PROPOSAL

The subject development proposal seeks Development Plan Consent for the establishment of a telecommunications facility at the land located at 1 Main North Road, Gawler. The facility comprises of a total area of approximately 43m² and is proposed to be located on the northern portion of the subject land adjacent the Flinders Street frontage. More specifically, the proposal consists of the following components:

- One (1) monopole (19.5 metres in height) with a turret headframe resulting in a total height of 23 metres;
- One (1) equipment shelter;

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- Installation of nine (9) remote radio units (RRU), mounted to the monopole at heights of 16.5m and 17.5m.
- Installation of an Optus 5-bay Out Door Unit (ODU) with associated electronic equipment adjacent to the base of the monopole.
- New access gate (to match fencing associated with approval currently under construction for existing use).
- The installation of ancillary equipment associated with operation of the facility, including cable trays, electrical works and air-conditioning equipment.

Copies of the plans and documentation relating to this application are contained within **Attachment 1** including a copy of the planning report prepared by CommPlan.

BACKGROUND

Following an initial assessment of the application by Council administration, additional information was requested. Accordingly, the requested information was provided by the applicant and included:

- Additional photomontages from various points in the locality to demonstrate the extent of visibility of the facility;
- Clarification on fencing/landscaping;
- Consideration of potential flood impact; and
- Provision of service coverage maps.

With the exception of the coverage maps which are commercial in confidence, the additional information is contained within **Attachment 1**. The additional information provided is discussed in greater detail within the body of the report below.

DEVELOPMENT APPLICATION HISTORY

The construction of a building for the use as a 'service trade premise' (being the sale/display of trailers) is currently being enacted on the southern portion of the subject land. This use was approved by Council in 2013 under development authorisation 490/048/2013. More specifically, the approval involved:

- Change of use to Service Trade Premise;

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- Construction of a two storey showroom/office;
- Fencing;
- Car parking; and
- Landscaping.

With the exception of the approved fencing to the rear of the site, the previous approval and future use of the site is not impacted by the proposed development. As such, the previous history of the site is of no consequence to the subject proposal.

Prior to the previous approval of the service trade premise, the site had historically been used as a petrol filling station which ceased operation circa 2004.

LOCALITY

The main characteristics of the locality are as follows:

- The locality is predominately commercial in nature and comprises of a variety of land uses including but not limited to offices, consulting rooms, shops and the sporadic residential use (dwelling).
- Built form within the locality contains buildings constructed within the mid 1800's and later era infill development ranging from 1960's to present construction (particularly within the subject land and to the west and east of the site – being the eastern side of Murray Road). Buildings are typically single storey in nature with two storey buildings within limited locations. Residential dwelling's within the locality are primarily single storey and detached in nature.
- The confines of the locality are considered to be limited to the following perimeters:

North: North Para River including the single storey detached dwelling abutting the river corridor.

South: Cowan and Union Street.

East: Railway corridor traversing Edith Street.

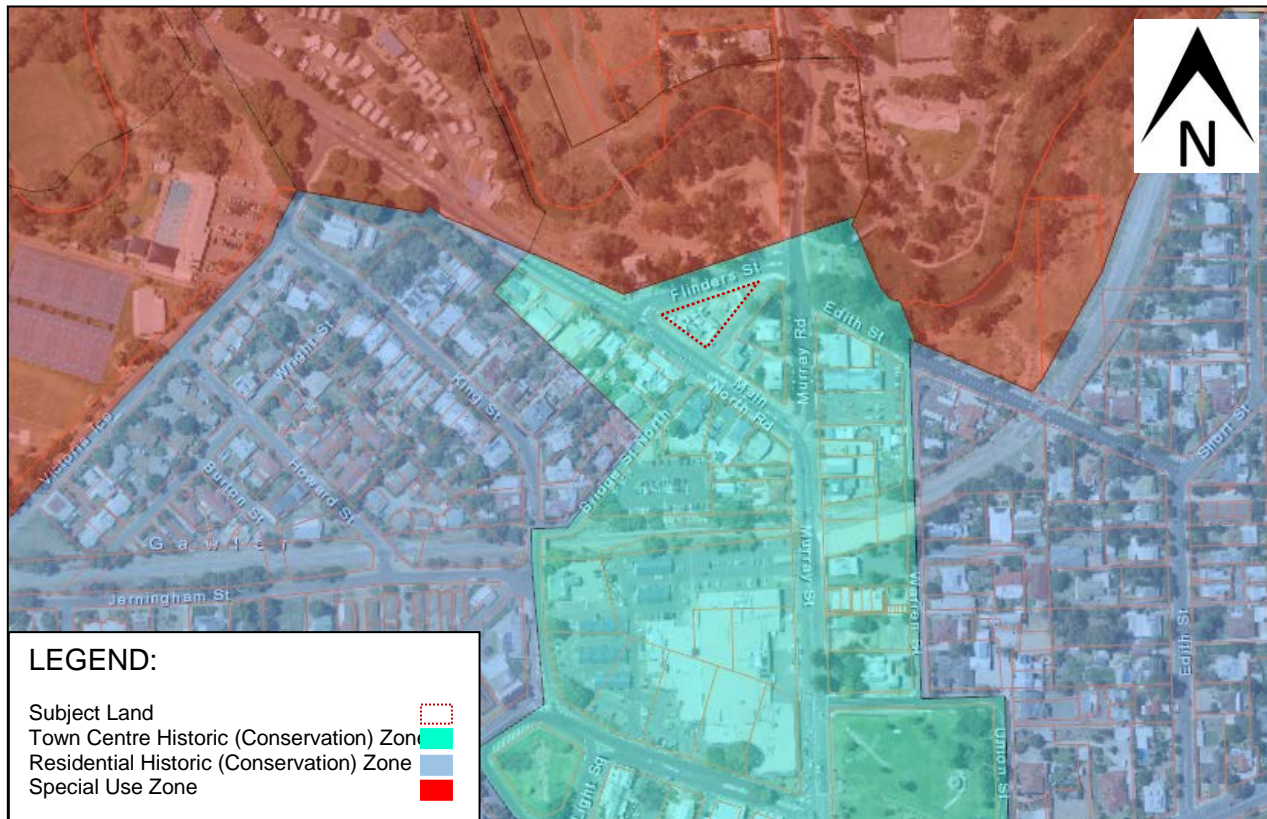
West: Victoria Terrace.

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A Locality Plan is provided below:



SUBJECT SITE

- The subject site is located at 1 Main North Road, Gawler and is legally recognised as Lot 72 within Certificate of Title Volume 5520 and Folio 674.
- The subject land is a total of approximately 1000m², with the site sought to be leased comprising of approximately 43m².
- The subject land has frontage to Main North Road, Flinders Street and Bridge Street North. The area sought to be occupied is located within the northern portion of the site with frontage to Flinders Street.
- The site is not subject to any easements.
- The site is relatively flat, with the slope slightly grading towards Flinders Street.
- The subject land currently contains a two storey building (under construction) and a trailer display area forward of the building adjacent to the Main North Road frontage.

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NATURE OF DEVELOPMENT

The proposed development is not listed as a complying form of development pursuant to Schedule 4 of the *Development Regulations 2008* or by the Town of Gawler Development Plan (Consolidated 28 April 2016). Similarly, the proposal does not represent a non-complying form of development in accordance with Town Centre Historic (Conservation) Zone Principle of Development Control 41. Subsequently, the proposal represents an 'on-merits' form of development pursuant to regulation 16(1) of the *Development Regulations 2008*.

CATEGORISATION (PUBLIC NOTIFICATION)

The proposed development in accordance with Schedule 9 Part 2 Clause 19 represents a Category 2 form of development for the purposes of Section 38 of the *Development Act 1993*. A summary of the public notification undertaken is provided below:

Properties notified:	11 properties were notified during the public notification process.		
Representations opposed to application:	1 representation was received.		
Persons wishing to be heard:	The following representor has identified that they wish to address the Panel:		
	<u>Address</u> 4 Main North Road, Gawler	<u>Representor</u> Raymond Pfeiffer	<u>Designated Speaker</u> Raymond Pfeiffer
Summary of Representations:	The issues contained in the representations can be briefly summarised as follows: <ul style="list-style-type: none">Resulting health impacts from Electromagnetic Energy (EME) Emissions.		

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A map identifying the location of the property whom submitted the representation is provided below:



The applicant has provided a response to the representation which can be summarised as follows:

- A report demonstrating compliance with the mandatory standard was provided, with the report showing that the maximum predicted EME levels that will be present in the area surrounding the proposed facility location (within 500 metres) will equate to 1.058% of the maximum exposure limit. This maximum predicted level is well below the allowable exposure limit under the relevant Australian Standard (100% - which is still considered to be safe).
- Further explanation for the long-term health effects and potential interference of mobile phones with medical devices has been attached to this report for your reference. Both Fact Sheet No. 8 and No. 9 are produced by the Australian Radiation Protection and Nuclear Safety Agency. The Australian Government indorses the World Health Organisation's current advice, which is: "None of the recent reviews have concluded that exposure to RF fields from mobile phones and their base stations case any adverse health consequences".

A copy of the representations and the applicant's response is contained in **Attachment 2** and **3** respectively.

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REFERRALS

No external referrals outlined within Schedule 8 of the *Development Regulations 2008* were required to be undertaken during the assessment of the application.

An internal referral to Council's Heritage Advisor was undertaken, with the following advice provided:

- The proposal is situated on the edge of the Town Centre Historic (Conservation) Zone and as such is sufficiently separated from the historic structures so as not to detrimentally affect the character of the area; and
- The proposal satisfied Council Wide Principles of development Control 356 and 358.

ASSESSMENT

The Supreme Court, in the matter between *Development Assessment Commission v 3GIS* [2007], has provided some clear guidance on the approach to be taken when assessing applications for the construction of telecommunication facilities. This approach was recently reaffirmed in the matter between *Allessandrini & Ors v The Corporation of the City of Campbelltown & Anor* (2018) SAERDC 4. In the abovementioned 2007 matter it was noted:

- That the Development Plan expressly recognises in the objectives, that, telecommunications facilities are essential infrastructure required to meet the rapidly increasing community demand for communication technology, and that demand is assumed;
- The Development Plan assumes that telecommunications facilities will be constructed in the Council area in order to satisfy the community need for such relevant telecommunication technology;
- It is appropriate to ensure that the necessary facilities are constructed in a manner which ensures that coverage is available to satisfy the need, but in a way which minimises the visual impact of those facilities on the amenity of the local environment;
- With regards to the need for this facility, the weighting process is not a matter of balancing the need against the effect of development on visual amenity but a weighing up of available alternatives and options and the extent in which they would minimise visual impacts on the amenity of the locality;
- In considering minimising the effect on the environment, the planning authority is to consider alternative sites or low impact facilities, to determine whether minimisation can be better achieved by installation of a facility at some other site but the preferred or possible site

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(should one exist) will need to meet the facility demand and if it does not, it may be discarded from the search;

- With regard to the role of alternative sites it is appropriate to consider obvious alternative sites which would clearly better meet the objectives and principles of the Development Plan and to consider them in a practical and common sense approach; and
- Where alternative sites are under consideration, the authority is required to consider only the proposed facility and not whether some alternative site with some modified form of development would be more environmentally sensitive. An alternative site would have to be a reasonably practical alternative that would meet the facility demand and be a feasible alternative.

Accordingly, the key aspects pertaining to the consideration of the subject application are discussed below and in summary are considered to include:

- Appropriateness of Land use;
- Service demand;
- Impact on the Gawler River Flood Plain;
- Aviation and Building Safety; and
- Impact on the amenity of the locality.

The following Town of Gawler Development Plan Objectives and Principles of Development Control (PDC's) were considered in the assessment of this application:

Development Plan	April 28 2016	
Zone	Town Centre Historic (Conservation) Zone	
Policy Area	Town Centre Light Policy Area	
Section	Objectives	Principles of Development Control
Council Wide: Appearance of Land, Buildings and the Public Environment	1	1, 4, 5, 6
Aviation and Building Safety	2	11
Conservation	12	35
Hazards	24, 25, 26, 27, 28	54, 56, 58
Gawler Rivers Floodplain Area	29	64

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Infrastructure	33, 34, 35, 36	83
Interface Between Land Uses	39, 40	98
Telecommunications Facilities	90, 91	354, 355, 356, 357, 358
Zone: Town Centre Historic (Conservation) Zone	2, 10, 11, 12, 13, 14,	13, 15, 22
Policy Area: Town Centre Light Policy Area	-	-

Appropriateness of Land Use

Council Wide (CW) PDC 355 seeks for where feasible, for telecommunication facilities to be situated within industrial, commercial, centre and rural zones. CW PDC 357 further elaborates on desired locations, by stating facilities should only be located in residential zones when the resulting visual impact is mitigated to an appropriate extent. Accordingly, the subject land is situated on the boundary of the Town Centre Historic (Conservation) Zone (TCH(C)Z) which abuts the Special Use Zone (SUZ).

The proposed location of the structure is considered to accord with CW PDC 355 due to its siting in a desired zone. The proposal is not considered to offend CW PDC 357 as the SUZ provides physical separation in the form of the Para River corridor from adjoining residential development and more generally the residential zones.

Service Demand

CommPlan engaged by telecommunication provider Optus, has specified the need for the facility following an analysis of their mobile network within Angle Vale and the surrounding Gawler region. The applicant within their submission to Council has noted that having identified the need for improved network performance, the optimisation of existing Optus facilities throughout the region was explored and undertaken where possible. Typically this involves the upgrade of existing facilities or the colocation of infrastructure with other service industry providers in the form of low impact facilities. Such an action was not available for Gawler and as such, a new facility is required to be provided.

The applicant has provided coverage maps to demonstrate the provision of service within the region. The maps are commercial in confidence and as such have not been included in the agenda compiled. The maps justify the need for the facility in accordance with CW Objective 90 and CW PDC 354(a). A motion for the panel to enter into confidence pursuant to Section 56A (12)(a)(iv) of the

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Development Act 1993 will be circulated to the panel on the night of the meeting should the panel wish to cite the provided coverage maps.

Following the establishment of the need for a facility, initial investigations into possible locations for the facility identified five (5) sites within the Gawler region. Further investigations into the potential locations determined the subject land was the preferred and optimum location. The investigations undertaken by the applicant included but were not limited to the following:

- Network and radiofrequency objectives;
- Physical characteristics of the site;
- Environmental constraints;
- Town planning considerations;
- Landowner willingness and other property implications;
- Cost affordability; and
- Design and build-ability.

A summary of the alternative candidates investigated is provided below, however further details into the investigations can be found within Table 1 of Section 3.1.3 of the planning report prepared by CommPlan contained within **Attachment 2**.

<u>Candidate</u>	<u>Site Location</u>	<u>Summary of Findings</u>
A	Gawler Railway Station - Lot 998 Bridge Street North	<ul style="list-style-type: none">• Proposed 18 metre light pole swap out.• Not selected due to visual sensitivity and close proximity to items of heritage significance.
B	Gawler Railway Station Carpark - Lot 130 Bridge Street North, Gawler	<ul style="list-style-type: none">• New 20 metre monopole.• This location is set back 15m from the Bridge Street. There are several residential properties in visual distance of the proposed facility.• There are a few community sensitive sites within 500m of the site including St Gorge's Church, Lutheran Church and Zion Pre-school to the South West.• This site was not chosen due to its visual sensitivity and its close proximity to a local heritage item 26m to the North West of the location.
C	Gawler Central Shopping Centre - 1 Cowan Street, Gawler	<ul style="list-style-type: none">• 20 metre light pole swap out.• Located in close proximity to contributory item and adjacent to Churchill State Heritage Area.• Located away from residential properties however some community land uses were located within a 500 metre radius.

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		<ul style="list-style-type: none">• Candidate C was not considered to be a suitable location, due to the limited space within the car park and the site being visually sensitive.
D	1 Main North Road, Gawler	<ul style="list-style-type: none">• New 19.5m Monopole with turret headframe.• The site is specifically located off the main road toward the North-Eastern corner of the lot.• The site has an appropriate separation distance between residential properties with the closest being 65m South West of the site.• This location was considered to provide good coverage and is easily accessible.• Candidate D is preferred candidate.
E	Railway Station carpark (east) - Lot 30 Warren Street, Gawler	<ul style="list-style-type: none">• New 20m Monopole.• Located within car park and is within close proximity to various dwellings.• This candidate was not chosen due to its visually sensitive location and insufficient power on site.

The appropriateness of the selected candidate location (D) is discussed in greater detail below.

Visual and Heritage Impact

The Environment, Resource and Development Court (ERDC) has played a considerable role in determining the appropriateness and extent in which the establishment of telecommunication facilities may have on the existing character, amenity of an area and the natural environment. Specifically, the ruling between *Telstra Corp LTD v Town of Gawler* (2009) is of relevance to the assessment of the subject application, given its consideration of impact on heritage listed properties. In the ruling, it was considered by the court that some negative visual amenity impacts on the locality would inevitably occur, however the telecommunication facilities impact was appropriate given it reduced the resulting impact to an acceptable degree.

The applicant has provided photomontages from various points within the locality to demonstrate the extent of visibility of the proposed monopole. The provided montages demonstrate the structures visibility will be limited to the western portion of the locality (seen from Main North Road) due to the existing established vegetation shielding the structure from the north. The photomontages are provided below:

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Image 1: visibility of monopole South of Subject Land and adjacent to 1 Cowan Street, Gawler (Gawler Central Shopping Centre).



Image 2: visibility of monopole West of Subject Land and adjacent to 10 Main North Road, Gawler.

Whilst the monopole will be visible from the western portion of Main North Road (as evidenced above), the two-storey building currently under construction on site will assist in concealing the bulk of the base structure on the arterial road. Similarly, as the monopole will be situated to the rear of the subject land, the proposal is not considered to significantly detract from the prevailing streetscape character of Main North Road. Subsequently, whilst the monopole will have an extent of visibility, it is not considered to detract from the historic character of the area nor from the historical setting of the adjoining Contributory Items. The historic character of the wider locality is of greater significance to the south of the site (Gawler Central Train Station and adjoining residential area), which is evidenced by the transition of the Town Centre Historic (Conservation) Zone to the Residential Historic (Conservation) Zone which includes the Churchill State Heritage Area. Accordingly, the use of candidate 'D' will ensure the stronger historic character surrounding the other candidate locations is not jeopardised by the establishment of the proposed facility.

In addition to the above, it is considered that the 2.0 metre solid fencing approved (yet to be installed) along the Flinders Street frontage of the site as part of the previous development application relating to the site (490/048/2013) will provide adequate screening to shield the visibility of the associated base station. In light of above, the provision of landscaping to assist in softening the appearance of the base station was not considered to be required given the extent of permanent screening to be provided. With respects to the previously approved but not yet constructed fence, it is noted that Section 55 (1)(a)(i) of the *Development Act 1993* affords Council with the power to apply to the Environment, Resource and Development Court for an order to require commenced but not

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substantially completed development to be completed upon lapse of an application. Accordingly in the event that the fence in question is not installed prior to the lapse of the previous approval, Council has appropriate power pursuant to Section 55 to ensure that such fencing is provided on site.

The proposal on the basis of the above, is considered to satisfy CW Objective 91 and CW PDC 354(b)(f) and 358.

Aviation and Building Safety

In accordance with CW Objective 2, PDC 11 and Figure Hel/1, the construction of structures including telecommunication facilities, are to be appropriately located and limited in height to ensure flight paths are not detrimentally impacted. The subject land is located within Sector 'D' identified within Figure Hel/1, which subsequently seeks for building heights to be limited to a maximum of 60 metres or 190 metres were an assessment of the impact on obstacle height limitation (taken from the surface of the helipad situated in Conlea Park) has deemed the height appropriate. Accordingly, as the proposed structure does not exceed the 60 metre accepted height, the relevant Aviation and Building Safety provisions of the Town of Gawler Development Plan are considered to be satisfied by the proposal.

Impact on the Gawler River Floodplain

The subject land is partially located within a low-risk area of the Gawler River Flood plain. Subsequently in accordance with CW (hazards) Objectives 27, 28 and PDC 64, development should be designed and located in a manner that minimises the risk to resident safety/property and does not impede the flow of floodwaters.

The site has a ground level that ranges from 49.08 AHD to 49.50 AHD respectively as demonstrated on the provided survey plan. Accordingly, as the 1 in 100 year Average Reoccurrence Interval (ARI) flood level associated with the site is 44.57 AHD, the proposed facility will not be at risk to inundation during a potential flood event. Subsequently, the proposal accords with CW Objective 27, 28 and PDC 64.

Electromagnetic Energy (EME) Emissions

Irrespective of the advice provided by the applicant in response to the representation raised, it is important to note that the potential health implications resulting from telecommunication facilities in the form of EME emissions has previously been considered by the Environment, Resource and Development Court in the matter between *Optus Mobile Pty Ltd v City of Onkaparinga (2012) SAERDC 34*. This matter concluded that "*there seems to be no reason for doubting*" that the Australian Radiation Protection and Nuclear Safety Agency's public exposure limits are appropriate standards for assessing whether exposure is within safe limits and as such, whether a

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telecommunication tower will emit emissions harmful to human beings. This notion has also been held in previous matters considered by the court including *Optus Communications Pty Ltd v Kensington & Norwood CC (1998) EDLR 565*; *(1998) SAPED 48*, *Telstra Corporation LTD v Mallala DC (2000) SAERDC 50*.

Accordingly, as EME emissions in Australia are regulated by the Australian Communications and Media Authority (ACMA) on the advice of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), the consideration of the appropriateness of such emissions are not a relevant planning consideration for the purposes of assessing a development application. Irrespective of this, telecommunication facilities once established are required to be operated in accordance with the mandatory limits for human exposure to RF fields from all sources, including mobile phone stations. The report provided by the applicant for the subject application demonstrates that the proposal will be within the allowable exposure limits.

CONCLUSION

The proposed telecommunication facility and associated monopole is not considered to detract from the prevailing historic character of the area or detrimentally affect the amenity of the locality due to the location of the structure on the periphery of the Town Centre Historic (Conservation) Zone. Accordingly, in light of the demonstrated need for the facility, the proposal does not offend the relevant provisions of the Town of Gawler Development Plan and warrants the Granting of Development Plan Consent.

RECOMMENDATION

That the Town of Gawler Council Assessment Panel resolve:

- 1. That having regard to the relevant provisions of the Gawler (CT) Development Plan, pursuant to Section 33(1) of the Development Act 1993, that the application is not seriously at variance with the Development Plan; and**
- 2. That DEVELOPMENT PLAN CONSENT be GRANTED to Development Application 490/453/2017 by E ROSS for Telecommunications Facility comprising of a 19.5 metre monopole, 3 associated antennas (total height of 23 metres) and associated base station at 1 Main North Road GAWLER 5118, subject to the following conditions:**
 - 1) The development herein approved shall be undertaken in accordance with the approved plans, details and written submissions accompanying the application, unless varied by a separate condition.

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REASON: *To ensure the proposed development is undertaken in accordance with the approved plans.*

- 2) All stormwater from buildings and paved area shall be disposed of in accordance with recognised engineering practices in a manner and with materials that do not result in the entry of water onto any adjoining property or any building and does not affect the stability of any building.

REASON: *To minimise erosion, protect the environment and to ensure no ponding of stormwater resulting from development occurs on adjacent sites.*

- 3) The monopole associated with the telecommunications facility hereby approved shall be externally finished or painted to be 'grey cement' as indicated on the plans provided to Council.

REASON: *To ensure development is undertaken in accordance with the approved plans and the amenity of the locality is maintained.*

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DEVELOPMENT APPLICATION OVERVIEW

Item Number	5.2
Development Application	490/381/2017
Author(s)	Senior Development Assessment Planner (James Booker)
Applicant	PSA CONSULTING (AUSTRALIA) PTY LTD
Owner	BPL LIVESTOCK PTY LTD
Subject Land	Adam Street WILLASTON 5118
Certificate of Title	Sec 1 Lot 2 Plan 50460 CT 5602/273
Description of Development	Extension to existing chicken hatchery (intensive animal keeping), associated earthworks, internal alterations to existing building, construction of plant room, construction of loading bay, construction of retaining walls (2.2metre max.), associated landscaping and relocation of shed and workshop (Non-complying).
Zone	General Industry Zone
Policy Area	N/A
Nature of Development	Non Complying
Public Notification Category	Category 3
Representations	Nil
Previous Motion	N/A
Lodgement Date	14/07/2017
Development Plan	28 April 2016
Delegation	<i>3.3.1.3 An application for consent for major commercial/industrial development (being developments where the proposed building floor area of additional retail, office or other commercial/industrial usage exceeds 500 square metres.</i>
Recommendation	Subject to concurrence from the State Commission Assessment Panel, that Development Plan Consent be granted.
Attachments Under Separate Cover	Attachment 1 – Application Plans and Documentation Attachment 2 – Applicant supplied Acoustic Reports Attachment 3 – EPA Referral Comments

PROPOSAL

This proposal is for the following:

- Expansion of the existing intensive animal keeping land use on site (increased production capacity from 920,000 to 1,550,000 baby chickens per week).

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- Extension to the existing hatchery building on site (1783m²) in order to accommodate additional incubators, hatches, cool room, plant room and other supporting infrastructure.
- The undertaking of earthworks in association with the construction works.
- Construction of new plant room (196m²).
- Construction of loading bay.
- Construction of retaining walls to a maximum height of 1.8m.
- Relocation of existing shed and workshop.
- Screening vegetation proposed adjacent to the western boundary of the site.
- Accommodation of an additional 13 car parking bays (60 in total).

Copies of the plans and documentation relating to this application are contained within **Attachment 1**.

BACKGROUND

The site in question has been subject to a number of development applications in the past, which are listed in the table overleaf. Council records show that the first lodgement relating to a chicken hatchery was in 1997.

Development application 490/381/2017 was lodged on 14 July 2017 by PSA Consulting, on behalf of the registered owner of the subject land. The application was lodged as a Non-complying form of development as the proposed land use represents the expansion of a Non-complying land use within the General Industry Zone (intensive animal keeping). General Industry Zone Principle of Development Control (PDC) 10 identifies expansion of existing intensive animal keeping land uses located within the Gawler River Flood Area as being a non-complying form of development. As the applicant was aware that the works represented a non-complying form of development, a Statement in Support and Statement of Effect were submitted to Council.

Schedule 1 of the Development Regulations 2008 (the Regulations) identifies “intensive animal keeping” as the following:

*“**intensive animal keeping** means the keeping or husbandry of animals in a broiler shed, chicken hatchery, feedlot, kennel, piggery, poultry battery or other like circumstances, but does not include horse keeping;”*

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As the term “chicken hatchery” is identified within the legal definition of intensive animal keeping, the proposal has appropriately been identified as a form of intensive animal keeping.

Pursuant to Council’s Development Delegations Policy, a decision to proceed with an assessment of the application was made by planning staff in accordance with Regulation 17(3)(b) of the Regulations.

Council referred the application to the Environment Protection Authority (EPA) in accordance with Section 37(4)(a)(i) of the *Development Act 1993* and Schedule 8 Item 10(b) of the *Development Regulations 2008* as the proposed development involves an activity of environmental significance.

Both Council and the EPA requested additional information as part of the assessment process of this application. This resulted in additional plans, comprehensive hydrological reports and an acoustic report being provided to assist with the assessment of the application, however the core proposal has not been required to be altered as a result of this additional information being provided.

The development application was determined to be a Category 3 form of development due to the development not being assigned a classification by either the Development Plan or the Regulations. In October 2017 the application was placed on Category 3 public notification for a period of two (2) weeks at which point all adjoining properties were notified as well as the public generally via the local newspaper. Council did not receive any submissions from third parties during the public notification period.

Pursuant to Council’s Delegation policy, the application is presented to the Development Assessment Panel (the Panel) for consideration.

DEVELOPMENT APPLICATION HISTORY

DA#	DESCRIPTION OF PROPOSAL	STATUS
490/73/1997	Hatchery Extension.	Approved.
490/86/1998	Hatchery Extension.	Approved.
490/379/1998	Truck(s)	Approved.
490/464/1999	Hatchery Extension.	Approved.
490/328/2001	Hatchery Extension.	Approved.
490/314/2002	Factory Addition.	Approved.
490/658/2004	Additions to existing intensive animal keeping (poultry production) storage, dispatch rooms, car parking and loading area.	Withdrawn.
490/314/2005	Storage shed	Approved.
490/242/2006	Workshop.	Approved.
490/630/2007	Variation to previous application	Approved.

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	(490/314/02) – hours of operation	
490/496/2013	Extension to existing intensive animal keeping (poultry hatchery) (non-complying)	Approved.

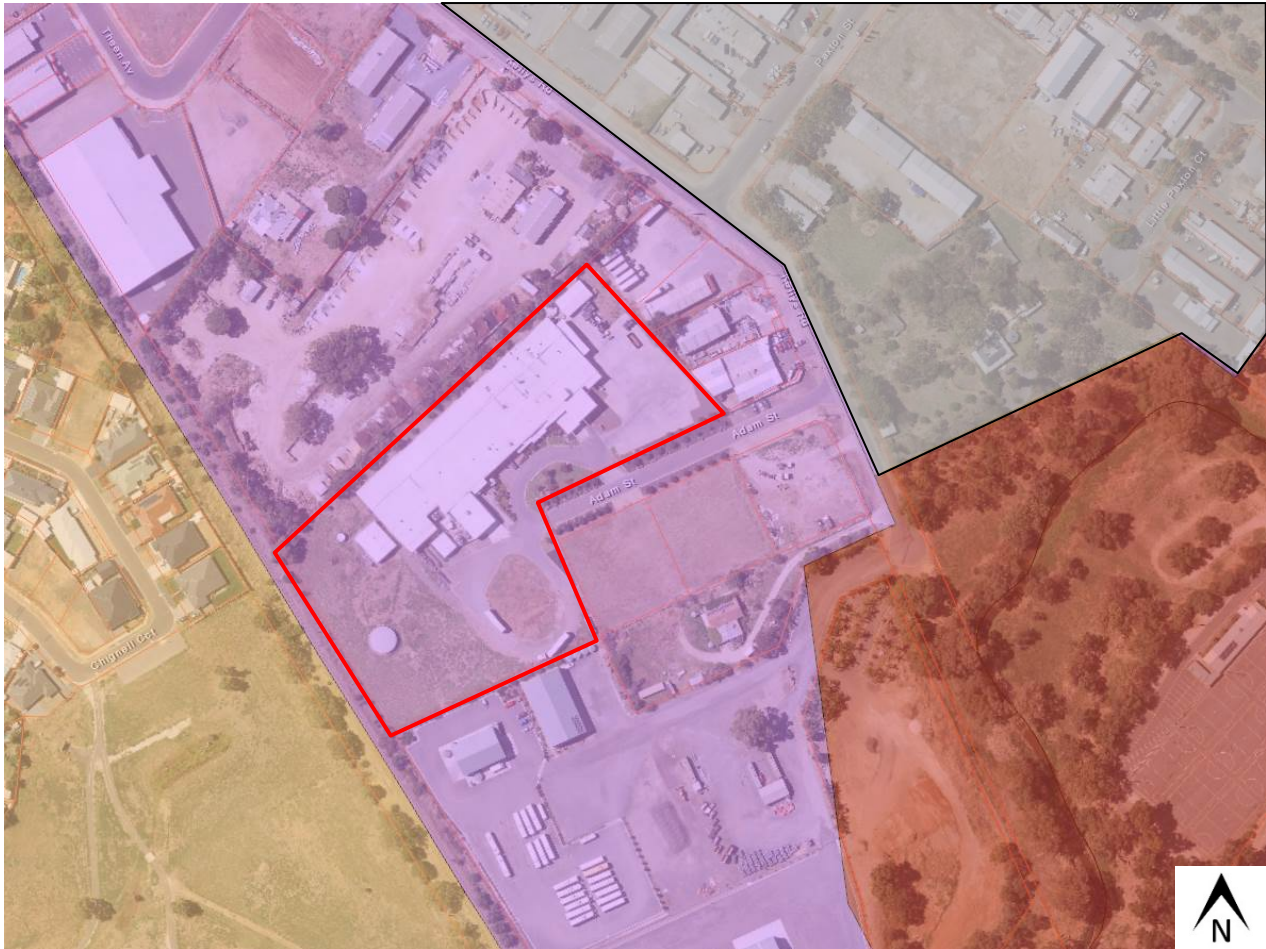
LOCALITY

- The locality comprises of the entire streetscape of Adam Street and from Kellys Road, from its intersection with Theen Avenue through to its termination at the cul-de-sac to the south. Behind the subject land is a disused railway corridor which demarks the border between the General Industry Zone and the Rural Living Zone.
- Allotments with frontage to Kellys Road include buildings which accommodate industrial land uses such as motor repair stations and small scale manufacturing/service industry as well as service trade premises. A large residential allotment of over 2 hectares is located on the eastern side of Kellys Rd.

The main characteristics of the locality are as follows:

NORTH	North of the subject land is a service trade premises within the General Industry Zone and Kellys Road towards Elliott Goodger Memorial Park.
EAST	East of the subject land, the General Industry Zone is continued with the Light Industry Zone and the Special Uses Zone located on the eastern side of Kellys Road.
SOUTH	South of the subject land is an existing bus depot and CBS Bins waste transfer station.
WEST	West of the subject land is the rail corridor with residential development located within the Rural Living Zone beyond.

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Locality

Yellow – Rural Living Zone
Purple – General Industry Zone
Red – Special Use Zone
Grey – Light Industry Zone

SUBJECT SITE

- The subject land is located at Adam Street, Willaston.
- The subject land is legally recognised as Allotment 2 in Deposited Plan 50460 in the area named Willaston within the Hundred of Mudla Wirra as recorded on the Certificate of Title Volume 5602 Folio 273.
- The Certificate of Title includes an easement for electricity purposes adjacent to the entrance of the site. This portion of the site is easily identifiable from Adam Street as a high voltage ETSA box is situated in this location. The location of this easement doesn't impact upon the proposal at hand.

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- The allotment has a frontage at the termination of Adam Street of 21metres and a frontage to the northern side of Adam Street of 96 metres. The site has a total area of 2.023ha.
- The parcel of land is relatively flat with a slight fall towards the public road and a rise in the north western corner of the site.
- The site accommodates a large building of 4248m² which currently operates as a chicken hatchery. A number of outbuildings and structures are also located on the site which are ancillary to the hatchery land use. The entire site is sealed and has delineated car parking spaces.
- The subject land is located within a flood risk area and does not contain any regulated trees.



Entrance to subject land via Adam Street

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Exit to subject land showing existing buildings



Existing landscaping on Adam Street

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Rear of subject land when viewed from railway corridor



Subject land

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NATURE OF DEVELOPMENT

The application has been processed as a non-complying type of development due to General Industry Zone Principle of Development Control 10 which lists Intensive Animal Keeping (and expansions of existing Intensive Animal Keeping) within a flood affected area as a non-complying use within the zone.

CATEGORISATION (PUBLIC NOTIFICATION)

As the proposal is not listed as a Category 1 or 2 form of development within the Gawler Development Plan or within Schedule 9 of the *Development Regulations 2008*, the application has been assigned to Category 3 for public notification purposes. The application has therefore been advertised pursuant to Section 38 of the *Development Act, 1993*.

No representations were received during public notification period.

Properties notified:	17 properties were notified during the public notification process and a notification to the general public was also printed in the Bunyip.
Representations in support of application:	Nil.
Representations opposed to application:	Nil.



Properties notified by post

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REFERRALS

The following external referrals were undertaken:

Department/Agency	Reason
<i>Environmental Protection Agency (EPA)</i>	Formal referral undertaken in accordance with Section 37(4)(a)(i) of the Development Act 1993 and Schedule 8 Item 10(b) of the Development Regulations 2008 as the proposed development involves an activity of environmental significance.
Comments	<ul style="list-style-type: none">• EPA requested additional information in the form of an acoustic report which was ultimately found to be acceptable.• EPA also assessed the proposal against the following considerations:<ol style="list-style-type: none">1. Interface between land uses.2. Air Quality.3. Noise.4. Waste Management.5. Water Quality. <p>The EPA concluded that provided the proposal is constructed and managed in accordance with the submitted documentation the potential for environmental harm from the proposed development is considered to be low.</p>

A copy of the external referrals are contained within **Attachment 3**.

The following internal referrals were undertaken:

Internal Departments	Reason
Infrastructure Engineer	<ul style="list-style-type: none">• Review of stormwater management.• Review of flooding information.• Review of carpark situation.
Comments	<ul style="list-style-type: none">• The proposal incorporates various flood proofing measures. Information about the location of the demountable flood barriers have been provided as well as how they operate.• The supplied report from AWE addresses whether the proposal has the potential to increase flood levels on adjoining properties.• Stormwater discharge rates are not to exceed the equivalent existing conditions 100 and 10 year ARI flow rates from the site.• A new 40KL detention tank has been proposed for the development.• Drainage provisions have been included for the proposed recessed dock.

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	<ul style="list-style-type: none">• Proposal is suitable in terms of vehicle manoeuvrability
Traffic Engineer	<ul style="list-style-type: none">• Assess the proposed increase of vehicle numbers and its impact upon the road network.
Comments	<ul style="list-style-type: none">• Overall there is only a 2% increase in the number of commercial vehicles on Paxton Street and Kellys Road. This is a very minor increase in overall percentage of commercial vehicles.

ASSESSMENT

The zoning of the land and relevant provisions

The following Town of Gawler Development Plan Objectives and Principles of Development Control (PDC's) were considered in the assessment of this application:

Development Plan	28 April 2016	
Zone	General Industry Zone	
Section	Objectives	Principles of Development Control
Council Wide: Appearance of Land, Buildings and the Public Environment	1	1,4,5,6,9,10
Hazards	24,25,27,28	54,55,56,57,58,60,61,62
Gawler Rivers Floodplain Area	29	64,65,68,70,71,74,76,77
Industrial Development	31, 32	78,81,82
Interface Between Land Uses	39,40	97,98,101,102,103
Transportation and Access	81	323, 327, 328, 337, 338, 345, 346, 347, 348, 350, 351, 352, 353
Transportation (Movement of People and Goods)	92	359, 363, 364,370, 371
Waste	97,98	372,373,374,375,376,377
Tables	Table Ga/1	
Zone: General Industry Zone	1	1,2,7,8,10

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Land Use / Character / Built Form

- The land is located within the General Industry of the Gawler (CT) Development Plan. The primary purpose of this zone is to provide for a diversity of activities including service and manufacturing industry, wholesaling, warehousing and storage. Intensive Animal Keeping is not a desired use within the General Industry Zone however it is not listed as a non-complying form of development, unless it is located within the Gawler Rivers Flood Plain Area. This indicates that provided flooding impacts are addressed, the land use may not necessarily be incongruent with other land uses within the zone.
- Although Intensive Animal Keeping is not listed as a desired land use within the zone, the subject land has accommodated a chicken hatchery for approximately 20 years. Furthermore, the modus operandi of the chicken hatchery is distinct from other forms of Intensive Animal Keeping as the live animals are removed from site within 24 hours of hatching. No rearing of the chickens take place on site and considering the scale of the operation (1.5 million chickens produced per week) the facility shares similarities with a modern industrial operation.
- The applicant has demonstrated that the proposal will not be intrusive in terms of noise, odour, number of vehicle movements, staff numbers etc. As the site is within proximity to residential land uses (60 metres to the west), the additional impact of the development is considered to be acceptable and in accordance with Council Wide Principle of Development Control 97.
- The proposed works have limited visibility from the public road and no signage is proposed as part of this application. Although an increase in the numbers of heavy vehicles is proposed as part of this application, it only represents an increase of 2% of vehicle for the surrounding road network. Vehicles of this nature are commonplace and not out of character of the area due to the nearby industrial land uses and the adjacent bus depot.
- The established land use of the site is not considered to be incompatible with the zone and does not represent a form of development that impacts significantly upon adjoining land uses. The hatchery does not generate a significant degree of noise or odour and the only visible presence of the facility is employees and dispatch trucks entering and exiting the site.
- The proposed extension of the chicken hatchery is not expected to alter the character of the locality as the building work is located towards the rear of the existing building and is in proportion with the existing building. However the proposed extension may increase the visibility of the facility when viewed from Reid Reserve or the disused rail corridor as the setback from this boundary has been reduced. The applicant has proposed vegetation

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screening on the western boundary to reduce this impact. Nevertheless the proposal is not considered to significantly alter the character of the locality.

- The proposed extension of the chicken hatchery will not considerably alter the appearance of the building when viewed from Adam Street due to the works taking place towards the rear of the existing building. The works are in consistent with the existing building and is of comparable bulk and scale. Although the roof form of the extension differs from that of the existing building, its location at the rear of the building means that its appearance is in effect hidden from the public road. The proposal will not impair the appearance of the subject land or locality and therefore considered to be consistent with Council wide Objective 1 and PDCs 1 and 5.

Amenity / Hours of Operation / Interface between land uses

- The current operation hours of the facility are from 5am to 10pm Monday to Friday, 5am to 6pm Saturdays and 6am to 5pm on Sundays. The application does not seek to vary those operating hours and any alteration to those hours would require a development application.
- The proposal is not expected to significantly increase the level of noise emitted from the site and does not introduce any new noise sources. The proposed additional incubators produce a low level of noise which is to be contained within the building. The level of noise created by the chicken hatchery is considered to be less than industrial land uses within the locality. Additionally, the applicant commissioned an acoustic study which ultimately found that the proposal achieves the requirements of the *Environment Protection (Noise) Policy 2007* and as such is consistent with Council Wide Principle of Development Control 103. Furthermore the EPA has reviewed this documentation and is comfortable with its findings.
- Chicken hatcheries are not considered to generate a significant degree of odour as air emissions are limited to water vapour and carbon dioxide. Other potential odour sources such as solid waste from the hatching process or the chickens themselves are not evident if effective waste management and storage is ensured. The methods of Waste Management is discussed further below.
- As part of the expansion of the land use 5 additional dispatch trucks are expected to leave from the site daily. These are the same type of vehicles which have serviced the site up till now. The expected additional noise that these trucks will generate is considered to be negligible and as the site is sealed it is not expected that an increase of vehicle movements would create additional nuisance such as dust generation.

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- At Council's request the applicant has agreed to implement vegetation screening adjacent to the western boundary of the site. Although the proposed building is considered to be within proportion to the existing facility and a suitable distance from the nearest residential property, the addition of landscape screening assists in further vegetating the area and restricting the view of the building from the Rural Living Zone.
- No additional external lighting or signage is proposed within this development application. As such there is not expected to be amenity impacts to the nearest dwellings approximately 60m to the west of the proposed new building.

Car parking / traffic

- The applicant has stated that proposed expansion of the chicken hatchery will generate 5 more heavy vehicle dispatches a day. This equates to an increase of 9.8% of vehicles either entering or exiting the site. It is not expected that the additional 5 trucks per day will have a significant impact upon the amenity of the area considering its location within the General Industry Zone.
- Council's Traffic Engineer has reviewed the submitted documentation and assessed this increase of vehicle movements to and from the site. The proposal will result in a 2% increase to vehicle numbers on Paxton Street and Kellys Road which is considered to be a minor increase in the overall percentage of commercial vehicles. The increase is not expected to create an unreasonable demand on the local road network and roads in the area a capable of accommodating an increase of heavy vehicles without damaging Council's infrastructure.
- Although the information provided to Council states that the increased operations on site will not require additional staff, a higher car parking rate is required to be applied due to the increase in floor area in accordance with Table Ga/1. 47 car parking spaces are currently available on site, as a result of this proposal that number will be increased to 60. As the operation accommodates a maximum of 40 staff members on any given day, the increase of onsite car parking to 60 spaces is more than sufficient to accommodate staff, visitors and shift changes. As a result of the proposal the hatcher will have a total floor area of 6,338m² and an office component of 83m². The proposal's compliance with car parking requirements of Table Ga/1 is shown below:
 - **Office area (83m²):** 3 spaces required (4 spaces per 100m²)
 - **Hatchery (0-200m²):** 4 spaces required (2 spaces per 100m²)
 - **Hatchery (200-2000m²):** 24 spaces required (1.33 spaces per 100m²)
 - **Hatchery (Remainder):** 29 spaces required (0.67 spaces per 100m²)

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- **Total demand as per Table Ga/1 = 60 spaces.**
- The proposal also includes two new truck manoeuvring areas. Adjacent to the southern boundary of the site is a new manoeuvrability area for trucks required to use the proposed recessed dock while an area at the centre of the site has also been created for truck movements due to the placement of the new plant building. These areas will ensure safe and efficient movement of vehicles within the site in accordance with Council Wide Objective 91.

Essential infrastructure / Waste

- The site uses a significant degree of water in order to carry out its operations. Although the water usage on site is expected to increase as a result of the proposed expansion of use, the modern expansion implements efficiency measures to help decrease water usage.
- A Trade Waste Agreement with SA Water currently operates on site allowing the land to dispose of liquid waste to the mains sewage system. Liquid waste is generated on site from required wash down procedures being carried out to maintain hygiene standards. Filtering procedures are undertaken to remove any solid waste prior to the liquid waste entering the public sewerage system. Current operations on site do not exceed 67% of the allowed capacity of the Trade Waste Agreement, the proposed expansion of the land use is not anticipated to exceed the current allowable discharge under the licencing agreement. The proposed development responsibly disposes of waste water from the site and importantly is in accordance with Council Wide Principle of Development Control 61 relating to waste disposal in flood prone areas.
- Any solid waste which may be produced during the hatching process is collected via vacuum pump, held within sealed containers and transported off site daily to a rendering plant for processing. The EPA has reviewed the waste collection process and is comfortable with the established procedure. A condition from the EPA has been incorporated within the recommended conditions to reinforce this process.
- The applicant, through Australian Water Environments has submitted a stormwater management plan which addresses the previously raised concerns of Council's Engineer regarding stormwater generation due to the increase of impervious areas. The proposal now incorporates a 40KL detention tank which then discharges into the existing stormwater system. A condition ensuring an appropriate flow rate is achieved has also been recommended.

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Flooding / earthworks / retaining wall

- As the site is located within a flood risk area, the applicant has supplied advice from Australian Water Environments to review the proposal and recommend flood mitigation techniques and assess the impact the development will have on the floodplain. For operational reasons the applicant has chosen not to raise the finished floor level of the building in order to be situated above the 1 in 100 year ARI floodplain. The applicant has stated that the effective operation of the business requires the proposed extension to adopt the existing finished floor level as careful movement of equipment and produce to various part of the facility is required.



Subject land within floodplain

- The submitted Australian Water Environments report identifies the land as being affected by a 1 in 100 year flood event with a flow path entering the site from the North Para River via Kellys Road. Flow velocities during this 1 in 100 year event are expected to be very low and the subject land is considered to be *“an ineffective flow area and does not actively contribute to the flood conveyance of the North Para”*. As filling the site above the predicted flood level is not viable in this instance, the applicant has proposed the construction of an impermeable perimeter wall around the proposed extension as well as the proposed plant building. Where required access to the extension will be gained via flood proof doors and/or up and over stairs. Additionally in order to protect the existing building on site it has been proposed that demountable flood barriers be erected during a flood event. The submitted hydrological report states that the combination of the proposed perimeter wall and the demountable barriers are able to withstand the pressure of a flood event and allow 440mm of freeboard

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above the predicted flood event. An elevation plan showing the location of the flood barriers has been supplied within **Attachment 1**.

- Modelling was undertaken by Australian Water Environments to illustrate the impact the proposed building will have on the flow of water in a flood situation. Within the hatchery site itself there is expected to be some reduction as well as some increases of flood depth. The modelling also showed that there may be a possible change but insignificant in the area adjacent to the south west corner of Elliot Goodger Memorial Park. The hydrological report stated that these results were in the *“error bounds of the modelling process and hence are considered insignificant.”* As the proposal is not expected to significantly impact the flow of water during a flood event, the proposal is considered to be in general accordance with Council Wide Principle of Development Control 58.
- In order for the proposed extension to achieve the same finished floor level as the existing building, the north western corner of the proposed building footprint is required to be excavated. This excavation is in the order of 2.2 metres and requires a retaining wall of that height. As this is a cut retaining wall and this portion of the land is to be excavated the external visual impacts are benign.
- The applicant has also indicated that a flood emergency plan will be prepared for the site to ensure all staff are informed of the appropriate procedure during a flood emergency. It has been included in the recommended conditions that this flood emergency plan be in place and operational prior to the use of the proposed extension.
- Council Wide Principle of Development Control 65 states that *“Intensive animal keeping should not be established”* within the Gawler Rivers Flood Plain. This provision when read in isolation is quite direct, however this proposal is not establishing a new intensive animal keeping facility, and rather it is extending an existing land use. Additionally, the intent of the above provision is to limit the possibility of stock losses or water contamination during a flood event. The flood mitigation methods detailed above serve to prevent these dangers within the flood zone therefore making Principle of Development Control 65 inapplicable in this circumstance. Furthermore the nature of the operation of the chicken hatchery, with chicks leaving the facility within 24 hours of hatching separates this land use from other types of intensive animal keeping where Council Wide Principle of Development Control may be more relevant.
- Emergency service vehicle access would not be possible in a 1 in 100 year ARI flood event as there is no plan to increase the level of the existing driveway. This aspect of the proposed is inconsistent with Council Wide Principle of Development Control 62. It should be noted

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that this is, however, an existing situation and it is likely that there will be ample time prior to a flood event to evacuate the building. In any event substantial earthworks would be required to achieve a driveway above the flood level and would likely interfere with the effective running of the hatchery. Additionally, such a driveway would likely have an adverse impact on the flood plain, similar to a levee bank, works of which are discouraged in other Development Plan provisions.

- Although the proposal doesn't meet the floor level height recommended by General Industry Zone Principle of Development Control 6 (300mm above 1 in 100 ARI) other flood mitigation methods have been implemented which achieves the intent of the provisions of the Development Plan. The measures are suitable in terms of risk management while allowing the continued use of the site as a chicken hatchery.

CONCLUSION

The proposed development, when measured against the provisions contained within Gawler (CT) Development Plan, displays sufficient merit to warrant Development Plan Consent. Despite its non-complying status the applicant has illustrated that the proposal has merit and the works within the floodplain have been appropriately considered and engineered. The development represents little impact to the locality as amenity factors such as noise and odour are not considered to be of significance and the provision of car parking spaces is ample for the number of employees of the land use. The proposed built form is in scale with the existing building on site and vegetation plantings have been proposed to further screen the facility from the nearby Rural Living Zone. The proposal has important economic benefit to the Gawler region and its construction will allow the continued viability of an established long term business in Willaston to operate more efficiently at a higher capacity and to retain its existing employees.

RECOMMENDATION

That the Town of Gawler Council Assessment Panel:

- 1. That having regard to the relevant provisions of the Gawler (CT) Development Plan, pursuant to Section 33(1) of the Development Act 1993, that the application is not seriously at variance with the Development Plan and**
- 2. that subject to concurrence of the State Commission Assessment Panel DEVELOPMENT PLAN CONSENT be GRANTED to Development Application 490/381/2017 by PSA CONSULTING (AUSTRALIA) PTY LTD for Extension to existing**

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chicken hatchery (intensive animal keeping), associated earthworks, internal alterations to existing building, construction of plant room, construction of loading bay, construction of retaining walls (2.2metres max.), associated landscaping and relocation of shed and workshop (Non-complying). at Adam Street WILLASTON 5118, subject to the following conditions:

Conditions:

1. That the development is undertaken in accordance with Development Application No 490/381/17 the approved plans, details and conditions therein.

REASON: *To ensure the development is undertaken in accordance with the approved plans.*

2. Except where varied by this consent, all other conditions, plans and details relating to previous Development Applications on this site continue to apply.

REASON: *To ensure that previous conditions of approval on the site are upheld.*

3. The car park layout and dimensions shall conform to the requirements as set out in AS2890.1: 2004 and AS2890.6:2004.

REASON: *To ensure the car parking area complies with the relevant Australian Standard.*

4. Prior to the occupation and use of proposed extension a flood emergency plan will be in place and operational

REASON: *To ensure staff at the hatchery are well informed of procedures during a flood event*

5. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building.

REASON: *To ensure the stormwater is appropriately managed on site.*

6. Any noise omitted from the subject land shall not exceed the requirements of the *Environment Protection (Noise) Policy 2007* and *Local Nuisance & Litter Control Act 2016*.

REASON: *To protect the amenity of nearby residents.*

7. The subject land shall be maintained to the reasonable satisfaction of Council at all times.

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REASON: *To ensure the site is maintained in a reasonable condition.*

8. The proposed landscaping screen adjacent to the western boundary of the site shall be established prior to the occupation of the proposed extension. The vegetation shall be maintained to the reasonable satisfaction of Council and any diseased or dead plants shall be removed and replaced.

REASON: *To protect the amenity of nearby residents.*

9. A Humeceptor STC 3 oil and sediment trap unit shall be installed in accordance with the recommendation provided on page 6 of the Australian Water Environments report dated 06 September 2017. The Humeceptor shall be maintained in accordance with the manufactures specifications to the reasonable satisfaction of Council.

REASON: *To ensure that stormwater runoff from the site is appropriately treated before entering the Council system.*

Referral Authority Conditions:

10. The loading dock and mechanical services plant must be constructed as prescribed on page 8 and Appendix A of the *Extension of Poultry Hatchery Adam Street, Willaston – Environmental Noise Assessment (S5468C3)*, December 2017 (unless an equivalent noise attenuation strategy is agreed with the Town of Gawler and the Environment Protection Authority).

REASON: *To ensure the development meets the requirements of the EPA.*

11. 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.

REASON: *To ensure the development meets the requirements of the EPA.*

12. The applicant is reminded that demolition and construction will need to be carried out in compliance with the mandatory construction noise provisions of Part 6, Division 1 of the *Environment Protection (Noise) Policy 2007*.

REASON: *To ensure the development meets the requirements of the EPA.*

EPA Notes:

- 1) All wastewater must be directed to the existing wastewater management system.

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- 2) Solid waste must be collected and stored in a sealed container and transported daily to an appropriately licensed waste facility.

Council Notes:

- 1) The applicant is reminded that Town of Gawler (Council) accepts no responsibility for damage to, or loss of property, as a result of flooding. It is the applicant's responsibility to ensure that all appropriate steps are undertaken to minimise the potential damage to property as a result of flooding.

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Item Number **6.1**
Title **INFORMATION ITEM - APPEAL MATTERS**
Date 26 March 2018
Author(s) Team Leader Development Services

Name	Issue	Address	Officer Decision	DAP Decision	Appellant	Status	Next Action
L A Larwood	Applicant appeal against Council's decision to refuse application	163 Murray Street, Gawler	Approval	Refusal	L A Larwood	Appeal received from Applicant	Preliminary conference to be held on Monday 9 April 2018

RECOMMENDATION:

That the contents of this report be received and noted.

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Item Number **6.2**
Title **INFORMATION ITEM – MATTERS PREVIOUSLY DEFERRED**
Date 26 March 2018
Author(s) Team Leader Development Services

Application	Deferral Date	Proposed Development	Applicant	Address	Officer	Status
490/230/2017	9 October, 2017	Removal of four (4) Regulated Trees (Aleppo Pines)	S Giannitto	113-129 Main North Road, Willaston	Jessica Lewig	Awaiting further information from applicant

RECOMMENDATION:

That the contents of this report be received and noted.

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Item Number	7.1
Report Title	Appointment of Public Speaker
Author(s)	Team Leader Development Services (David Bielatowicz)
Recommendation	Report to be noted, Public Speaker to be appointed
Attachments Under Separate Cover	Nil

BACKGROUND

At the December 2017 Council Assessment Panel (CAP) meeting, the panel sought for a report to be prepared by Staff on the CAP Code of Conduct relating to Item 15 (Public Comment).

In particular, the panel sought advice on canvassing the delegations of the Presiding Member to either the CEO or another appropriate Council member or staff with respects to the role of the public officer.

DISCUSSION

Following the December CAP meeting, staff have consulted with Council solicitors with regards to the new *Code of Conduct* and requirements under the new *Planning, Development Act 2016* that apply to the Panel.

This advice in summary includes:

- As per the wording within the Ministers Code of Conduct, the Panel may determine another member other than the Presiding Member to address the media or provide public comment;
- The intent of this section of code is for members of the Independent Assessment Panel (not Council) to provide comment relating to matters considered by the panel;
- As per the above, the Council Chief Executive officer (CEO) role sits outside the panel and decision making process;
- Should the Panel seek a member of outside the Panel to be delegated to provide public comment, the Assessment Manager is recommended.

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CONCLUSION

The Panel in their discretion can appoint any person to make comment on behalf of the Panel as the public officer. Should the Panel seek to appoint a staff member of Council as the speaker, it is recommended that the officer be the 'Assessment Manager' given their involvement with the Panel.

RECOMMENDATION

That the Town of Gawler Council Assessment Panel:

- 1. Note the following information report; and**
- 2. Resolve to appoint Dr Susan Shannon, as the Presiding Member for the Council Assessment Panel, to make comment to the media or the public on behalf of the Panel; and**
- 3. The Council Assessment Panel Meeting Operating Procedures be amended accordingly to include the appointed public speaker.**