

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 18 November 2020, commencing at 9.30 am.

PRESENT

(Members) Tom Gregory (Acting Presiding Member), Tom Gregory, Geoff Parsons, Sally Roberts & Carol Bailey.

(Staff) Manager, City Development (A Humphries), Senior Planner, City Development (R Richards), and the Minute Secretary (S Mann).

1. APOLOGIES

Mark Adcock

Andrew Humphries, Assessment Manager commenced meeting advising that in the absence of Mark Adcock, Presiding Member a chair for this meeting needed to be appointed.

Carol Bailey nominated Tom Gregory.

Seconded Sally Roberts.

CARRIED
CAP20201118.01

2. CONFLICT OF INTEREST DECLARATION

Nil declared.

3. CONFIRMATION OF MINUTES

Moved Carol Bailey that the minutes for the meeting held on 28 October 2020 be taken as read and confirmed.

Seconded Geoff Parsons

CARRIED
CAP20201118.02

4. REPORTS DEFERRED

Nil.

5. REPORTS BY OFFICERS

5.1 NON-COMPLYING APPLICATIONS

Nil.

5.2 CATEGORY 3 APPLICATIONS

5.2.1 SUMMARY DETAILS

Application No.	580/1014/19
Applicant	C Wheeler
Subject Land	LOT: 204 DP: 77778 CT: 6016/105 4/1 Burrett Way Totness
Ward	North Ward
Proposal	Variation to Condition 8 of DA 580/17/04 including extension of operating hours to 24 Hours and alterations/additions to existing car wash facility comprising one (1) new manual wash bay
Development Plan	8 August 2017
Zone	Light Industry Zone
Form of Assessment	Merit
Public Notification	Category 3
Representations	Four (4)
Persons to be heard	Three (3)
Agency Consultation	Nil
Responsible Officer	Chris Webber
Main Issues	<ul style="list-style-type: none">• Consistency with Desired Character• Interface between Land Uses• Built Form and Appearance• Transportation and Access• Wastewater
Recommendation	RESOLVE to grant Development Plan Consent subject to conditions

A decision on this application has been deferred and no decision made.



5.2.2 SUMMARY DETAILS

Application No.	580/526/20
Applicant	Owen Inglis
Subject Land	LOT: 71 FP: 157106 CT: 5733/66 6 River Road Hanhdorf.
Ward	North
Proposal	Variation to Restaurant/Cellar Door Opening Hours and inclusion of Background Outdoor Music, as an amendment to Conditions 2 & 9 in Development Application 580/1140/15 and Conditions 3 & 4 in Development Application 580/502/20.
Development Plan	8 August 2017
Zone	Primary Production
Policy Area	Hahndorf Rural Activity 24
Form of Assessment	Merit
Public Notification	Category 3
Representations	Eleven (11)
Persons to be heard	Three (3)
Agency Consultation	N/A
Responsible Officer	Randall Richards – Senior Planner
Main Issues	<ul style="list-style-type: none">• Land Use• Interface between Land Uses
Recommendation	Resolve to grant Development Approval subject to conditions

- 9:35hrs Nicholas Braithwaite spoke against the application, citing additional concerns in respect to noise.
- 9:40hrs Arthur Colyer spoke against the application, citing additional concerns in respect to noise.
- 9:43hrs Peter Meline - Planning Consultant, Alex Morabito - Acoustic Engineer, Marshall Day Acoustics & Owen Inglis – Owner/Operator, Sidewood spoke for the application, addressing the issues raised by the Representors.

The Panel discussed the application and reached the following decision;

Sally Roberts moved, with additional condition 4 re hours of music being limited, that the Council Assessment Panel:

RESOLVE that the proposed development is not seriously at variance with the policies in the Mount Barker (DC) Development Plan consolidated 8 August 2017.

RESOLVE to GRANT Development Plan Consent and Development Approval to the application by Owen Inglis to the variation to restaurant/cellar door opening hours and inclusion of background outdoor music, as an amendment to conditions 2 & 9 in Development Application 580/1140/15 and conditions 3 & 4 in Development Application 580/502/20 at 6 River Road, Hahndorf (Development Application 580/526/20) subject to the following conditions and advisory notes:

- (1) The development herein approved to be carried out in strict accordance with the stamped plans and details accompanying this application, including (but not limited to):
 - Letter from Owen Inglis dated 2/6/20;
 - Sidewood Cellars Outdoor Areas Music Assessment – Rp 001R01 20200076 dated 9 October 2020 by Marshall Day Acoustics;
 - Report by Peter Meline & Associates Town & Country Planners (Amendment to DA's 580/1140/15 And 580/804/19, 6 River Road Hahndorf);
 - Response to Representations by Sidewood Estate for 580/526/20 from Owen Inglis;
 - Response to Written Representations by Peter Meline dated 10/9/20 amended.
- (2) The sound pressure level at a distance of 1 metre from any speaker is not to exceed a noise level of 71dB L_{a10} as detailed in Table 5 of the Sidewood Cellars Outdoor Areas Music Assessment – Rp 001R01 20200076 dated 9 October 2020 by Marshall Day Acoustics. To maintain the noise outputs, an electronic noise limiting device (Biamp Nexia DSP audio system or similar) be programmed to limit noise emissions to comply with the recommendation of the Acoustic report by Marshall Day Acoustics dated 9 October 2020.
- (3) All speakers are to be directed towards the centre of their defined area as depicted in the Acoustic report by Marshall Day Acoustics dated 9 October 2020.
- (4) No amplified music shall be played outdoors between the hours of 9:00pm and 11.00am the following day, Mondays to Sundays inclusive.



- (5) Opening hours for the restaurant and cellar door are to be restricted to:
- 7:30am to 9:00pm Monday and Tuesday;
 - 7:30am to 10:00pm Wednesday, Thursday and Sunday; and
 - 7:30am to 12:00am midnight Friday and Saturday.

Seconded Tom Gregory

The motion was put to a vote - votes in favour: 2, against: 2.

Presiding Member utilised casting vote in the affirmative.

CARRIED
CAP20201118.03

5.3 CATEGORY 2 APPLICATIONS

Nil.

5.4 CATEGORY 1 APPLICATIONS

Nil.

6. INFORMATION REPORTS

Nil

7. CONFIDENTIAL REPORTS

Nil.

8. POLICY MATTERS ARISING FROM THIS AGENDA

Nil.

9. OTHER BUSINESS

Nil.

10. CLOSURE

Meeting declared closed at 10:20hrs



CHAIRMAN

17/2/2021

DATE



