
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 15 April 2020, commencing at 9.30 am.

PRESENT **(Members)** Tom Gregory (A/Presiding Member), Judith Urquhart, Carol Bailey.
(Staff) Manager – Planning, City Development (A Humphries) and the Minute Secretary (S Mann).

1. APOLOGIES

Mike Canny

In the absence of Mike Canny, Presiding Member, Andy Humphries called for nominations for this position during this meeting.

Tom Gregory nominated.

Moved Carol Bailey.

Seconded Judith Urquhart.

CARRIED
CAP20200415.01

2. CONFLICT OF INTEREST DECLARATION

Nil declared.

3. CONFIRMATION OF MINUTES

Moved Judith Urquhart that the minutes for the meeting held on 18 March 2020 be taken as read and confirmed.

Seconded Carol Bailey.

CARRIED
CAP20200415.02

4. REPORTS DEFERRED

Nil.

5. REPORTS BY OFFICERS

5.1 NON-COMPLYING APPLICATIONS

Nil.

5.2 CATEGORY 3 APPLICATIONS

Nil.

5.3 CATEGORY 2 APPLICATIONS

5.3.1 SUMMARY DETAILS

Application No.	580/998/19
Applicant	Outhred English & Associates Pty Ltd
Subject Land	LOT: 211 DP: 119874 CT: 6217/113 18 Hawthorn Street DAWESLEY.
Ward	North
Proposal	Alterations and Redevelopment of a Local Heritage Place (The Brae, fr copper smelters - ID: 18344) for a Function Centre and associated Car Parking
Development Plan	Mount Barker District Council consolidated 8 August 2017
Zone	Primary Production
Policy Area	Broad Acre Agriculture Policy Area 23
Form of Assessment	Merit
Public Notification	Category 2
Representations	4
Persons to be heard	1
Agency Consultation	DPTI
Responsible Officer	Randall Richards
Main Issues	Land Use Interface between Land Uses Traffic Local Heritage Place Hazards
Recommendation	Resolve to grant Development Plan Consent subject to conditions and advisory notes

9:32hrs Milos Joseph Castelli spoke for the application, providing clarification on concerns raised by Panel members.

The Panel discussed the application and reached the following decision;

Judith Urquhart moved that the Council Assessment Panel, with amendment to conditions as follows to;

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 to the application by Outhred English & Associates Pty Ltd for a Change in use of land to alterations and redevelopment of a Local Heritage Place for a function centre and associated car parking at LOT: 211 CT: 6217/113, 18 Hawthorn Street, Dawesley (Development Application 580/998/19) subject to the following conditions and advisory notes.

Development Plan Consent conditions:

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):
 - Report by Outhred English Urban and Regional Planners, Re: Development Application for Function Centre-Lot 211, Old Princes Highway, McIntyre Road & Hawthorn Street, Dawesley, Reference: 1845/109, dated 30 October 2019.
 - Piteo Architects drawings for project no 1730, issued 4 October 2019, including:
 - Proposed New Kitchen Out-Building Floor Plan, drawing no PA-01;
 - Proposed New Toilets Out-Building Floor Plan, drawing no PA-02;
 - New Kitchen Out Building, drawing no PA-03;
 - New Toilet Out Building, drawing no PA-04
 - Proposed Renovations + Additions to Existing Buildings, dated April 2019, Location Plan, Site Plan, The Long Barn – Ground Floor Plan and Elevations.
 - Home.Studio by Joti + Kimber, The Brae 16 Hawthorn St, Dawesley, dated 16.03.2020 and 13.03.2020 including:
 - The Brae_Access + Egress Study;
 - The Long Barn (Barn 2) – Proposed Access, Egress + Acoustic Alterations;
 - The Long Barn (Barn 2) – Existing Access, Egress + Acoustic Alterations.
 - ‘The Brae’16 Hawthorn Street, Dawesley Traffic Management Plan by MFY – Dated 23/2/2020 (2 Sheets).
 - Dawesley Function Centre – Environmental Noise Assessment, dated March 2020 – S6382C3 by Sonus (Chris Turnbull).

Except where varied by the following conditions;
2. As per Regulation 48(2)(a) of the *Development Regulations 2008* the development shall be undertaken in three (3) stages and be completed within five (5) years from the date of this consent.

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3. Functions (including weddings) are to:
 - a) Be limited to a maximum of 52 functions (including weddings) per calendar year;
 - b) Be limited to the following hours:
 - Friday and Saturday: 9:00am to 11.30pm (inclusive)
 - c) Have patronage limited to the following numbers:
 - Not exceeding 150 guests.
 4. Lighting shall be designed so as to not create unreasonable overspill onto any adjoining property or roadway which may create a nuisance to any neighbour or road user, to the reasonable satisfaction of Council.
 5. Noise impact on adjoining land users is to be mitigated so as to achieve the requirements of the *Environment Protection (Noise) Policy 2007* through undertaking works as recommended in the Environmental Noise Assessment of Sonus, Reference S6382C3 dated March 2020, including:
 - a) Acoustic treatments (outlined in Section 4.2 of the Sonus Report) shall be completed prior to the use, with an acoustic engineer providing evidence that the maximum noise levels identified in the Report are achieved. These treatments are to include:
 - Western elevations works prior to operation of Stage 2 to include:
 - New windows, sealing of all gaps in the stone wall and 10.38mm thick laminated glass installed in a system with acoustic seals which achieves an airtight seal when closed;
 - Replacing the existing sheet metal infill on the western side of the barn and a 35mm solid core door installed with acoustic seals to achieve an airtight seal when closed, with this door to remain closed and only be used as an emergency egress when a function is occurring (or music is being played), unless an air-lock is installed.
 - All gaps in the existing sheet metal roof to be filled in and sealed tight.
 - Works prior to the operation of Stage 3 (in addition to those identified in Stage 2) to include:
 - Fixing an additional layer of 0.42mm sheet metal (corrugated) to the underside of the purlins and installing a minimum 75mm thick insulation with a density of 22kg/m³ within the cavity above for the full extent of the barn roof.
 - b) Music levels shall not exceed the following noise readings (at the source):
 - 70 dB(A) in Stage 1,
 - 74 dB(A) in Stage 2, and
 - 80 dB(A) in Stage 3.
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6. The internal ceiling lining is to be of standard corrugated profile.
 7. Traffic management, parking and construction of vehicle manoeuvring and car parking areas is to be in accordance with the submitted plans and achieve the following:
 - a) The parking of vehicles for patrons, staff and other entities shall, at all times, be restricted to the confines of the subject land.
 - b) Off-street car parking areas shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.
 - c) The internal commercial vehicle manoeuvring areas shall be designed and constructed in accordance with AS 2890.2:2018.
 - d) The driveways and car parking areas shall be hard-surfaced, drained and marked to accepted engineering standards and shall be maintained in good condition at all times.
 - e) All vehicular access to/egress from the land, other than for the residents of the dwelling, is to occur from Princes Highway. All signage and marketing is to clearly direct all vehicles (patrons, deliveries, staff etc.) to the Princes Highway access, with a no entry sign erected at the Hawthorn Street access.
 - f) The access to Princes Highway shall be:
 - Constructed in general accordance with MFY The Brae Development – Proposed Access Sight Lines, Project 19-0128, Drawing MFY_190128_02_SH01, Revision B dated 12 December 2019.
 - Designed to accommodate the simultaneous two-way movements of a bus and B99 passenger car and be sealed from the edge of the road to the property boundary in order to minimise deterioration to the road edge and prevent dust and stones from entering the carriageway.
 - g) For any works that might encroach into the Tree Protection Zone of native vegetation (e.g. remnant gum trees), design that demonstrates tree-sensitive construction is to be submitted to approval by Council's Urban Forest Officer prior to construction commencing.
 - h) All access, driveway and carparking requirements outlined above are to be completed prior to the commencement of operation of any stage of the development.
 8. Effective measures are to be implemented during the construction of the development in accordance with this consent to:
 - a) prevent silt run-off from the land to the environment;
 - b) control dust arising from the construction and other activities, so as not to, in the opinion of Council, be a nuisance to residents or occupiers on adjacent or nearby land;
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- c) ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site;
 - d) ensure that all litter and building waste is contained on the subject site in a suitable bin or enclosure; and
 - e) ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of Council, to the occupiers of adjacent land and within the locality.
9. Land remediation (if identified as being required as a result of the environmental assessment) is to be undertaken and completed prior to the commencement of the operation of any stage of the development.
10. Stormwater management is to occur in accordance with the approved documentation to mitigate adverse impacts to the environment.
11. The use of portable toilets shall:
- a) Be of number that is, as a minimum, in accordance with the *South Australian Guidelines for the Management of Public Health and Safety at Public Events*.
 - b) Only be for a maximum period of 2 years, or the commencement of Stage 2 (whichever comes first) at which time the permanent amenities and approved wastewater disposal system is to be constructed and operational.
12. A Bushfire and Emergency Management Plan must be prepared by a suitably qualified person/s in conjunction with the SA Country Fire Service (CFS) and must be implemented prior to commencement of the use. The Plan must address (but not be limited to) the following:
- a) Management of the site on declared Catastrophic Fire Day;
 - b) Access and Egress for emergency vehicles and guests; and
 - c) Management of smoking areas.

Reserved Matter

13. The subject land has been identified in the DC Mount Barker Heritage Survey (2004) Part 3 ~ Local Heritage Recommendations: Biggs Flat to Hahndorf as being the site of a previous heavy industrial use in the form of commercial copper smelting. No documentation has been submitted that identifies the risks associated with potential site contamination in regard to protection of human health, either through the construction works nor proposed use of the land, noting that several elements associated with copper smelting are identified as listed wastes in the Environment Protection Act 1993.
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The following is therefore required to be demonstrated to Council prior to development approval being issued (for any stage):

- a) A Preliminary Site Investigation report, undertaken by a qualified environmental assessor, to:
 - identify likely sources of contamination;
 - associated risks to human health through the operation of the proposed development; and
 - recommendations for further investigation and/or remediation that would result in the protection of human health.

Notes:

1. The structural capacity of the existing trusses to bear the weight of the internal ceiling lining is required to be calculated as part of the documentation for Building Rules Consent.
2. If through the Building Rules assessment, it is determined that there is a requirement for a change in form or materials to satisfy the BCA, Council is required to be notified to determine if an amendment to the Development Plan Consent may require authorisation.
3. To satisfy requirements of the Public Health Act, no food processing should be conducted on site unless a Catering Business can demonstrate compliance with the Australian/New Zealand Food Standards Code i.e. provide appropriate hand washing facilities; methods for containing liquid wastes; temperature control of potentially hazardous food etc.
4. No signage is included as part of this authorisation. A separate development application will be required to be lodged for assessment for this.

Seconded Carol Bailey

CARRIED
CAP20200415.03

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

LGA just released updated information relating to;

- Changes to Schedule 9 the Category 2 applications in relation to Tourism activities,
- Public Inspection of Documents via website due to Council office closures,
- New Ministerial Call-in Power which prescribes the circumstance in which SCAP is the relevant authority.
- Agency referrals – changes to designated time frames.
- New meeting procedures enabling meetings to be held electronically.

10. CLOSURE

Meeting declared closed at 10:36hrs.



CHAIRMAN

20/05/2020

DATE
