



MOUNT BARKER  
DISTRICT COUNCIL

**NOTICE OF MEETING**

Notice is hereby given that the following meeting will be held in the Council Chambers of the Local Government Centre, 6 Dutton Road, Mount Barker on Wednesday 20 May 2020.

9.30am

Council Assessment Panel

A. Humphries  
**ASSESSMENT MANAGER**

13 May 2020

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**MOUNT BARKER DISTRICT COUNCIL**

**COUNCIL ASSESSMENT PANEL**

**Wednesday 20 May 2020, 9.30 am**

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**1. APOLOGIES**

**2. CONFLICT OF INTEREST DECLARATION**

**3. CONFIRMATION OF MINUTES**

- 3.1. That the minutes of the meeting held on 15 April 2020 as circulated to members be confirmed as a true and accurate record of proceedings.

**4. BUSINESS DEFERRED**

Nil.

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## 5. REPORTS BY OFFICERS

**REPORT TITLE:** COUNCIL ASSESSMENT PANEL MEETING PROCEDURES

**DATE OF MEETING:** 20 MAY 2020

**FILE NUMBER:** DOC/20/61856

**ATTACHMENTS:** Temporary COVID-19 CAP Meeting Procedures –  
DOC/20/61903

**Key Contact** Andy Humphries, City Development Manager, Planning and Development

**Manager/Sponsor** Marc Voortman, General Manager, Planning and Development

### **Mount Barker 2035 – District Strategic Plan:**

Governance and Leadership

GL2: Corporate capacity and leadership

GL2.1 Demonstrate accountability through clear, relevant and easily accessible policies and corporate reporting

### **Purpose:**

To seek amendment of the Council Assessment Panel Meeting Procedures to enable the Council Assessment Panel to meet via electronic means where necessary.

### **Summary – Key Issues:**

1. The outbreak of the COVID-19 pandemic has required the District Council of Mount Barker to review the Meeting Procedures and propose some changes.
2. Where electronic meeting arrangements (or similar) are possible, those arrangements should be enabled and encouraged, to maintain social distancing and to limit gatherings.
3. To enable the Council Assessment Panel to meet electronically, amendments to the Panel's Meeting Procedures are required.
4. CAP should adopt the draft meeting procedures.

### **Recommendation:**

That the Council Assessment Panel:

- Amends its Meeting Procedures in accordance with the updated Attachment and that these be implemented with immediate effect.

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### **Background:**

1. The clear message from the State Government is that Local Government planning and Development assessment functions must continue.
2. The Government message has been reinforced with emergency amendments to the Regulations published in the Government Gazette 9 April 2020.
3. The COVID-19 Emergency Response Act 2020 (COVID-19 Act) was also passed by Parliament and assented to on 9 April 2020.
4. The amendments affect how development assessment is undertaken under the Act.

**Discussion:**

5. The COVID-19 Act provides that despite a provision of any other Act, a requirement that a meeting occur that requires 2 or more persons to be physically present will be taken to be satisfied if the persons meet remotely using audio visual or audio communication.
6. CAP is now able to conduct its meetings via electronic means despite the requirements of the Development Act which give representors and applicants the right to appear before the CAP in person. The COVID-19 Act overrides this right.
7. During COVID-19 restrictions it is appropriate that CAP run its meetings electronically, consistent with other public meetings held by Council. Applicants, representors and the public generally will be able to attend the meeting via remote log-in or other means except where CAP is required to move into confidence.
8. The draft Meeting Procedures are consistent with legal advice received via the Local Government Association.

**Community Engagement:**

Informing only	The changes to the Meeting Procedures will be communicated to representors and applicants directly via written and verbal communication in the preparation of relevant agenda items. The community will be advised via an updated copy of the Meeting Procedures being uploaded to the Council website.
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**Policy:**

N/A

**Statutory/Legal:**

Planning, Development & Infrastructure Act 2016 and associated Regulations  
Development Act 1993 and Development Regulations 2008.

**Staff Resource Requirements:**

There are no impacts on resources.

**Environmental:**

N/A

**Social:**

N/A

**Risk Assessment:**

The approach suggested via the amended Meeting Procedures is aimed at minimising the risk to Panel Members, staff and members of the community with respect to public health, but also importantly minimises the Council's risks through any procedural challenge that could possibly arise.

**Asset Management:**

N/A

**Conclusion:**

CAP to adopt the draft Meeting Procedures.



## Temporary COVID-19 Council Assessment Panel Meeting Procedures

Approved by CAP on XXXXXXXXX.

*These Temporary COVID-19 Meeting Procedures are to be read in conjunction with the meeting procedures contained within the Planning, Development and Infrastructure (General) Regulations 2017 (**Regulations**).*

### DEFINITIONS

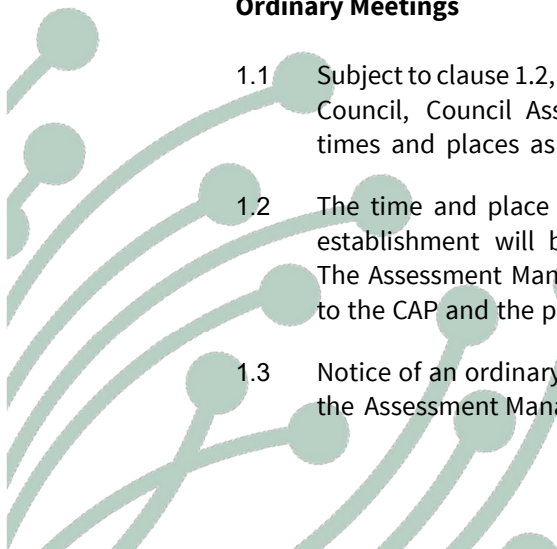
The following definitions apply in relation to these temporary amendments:

- 1.1 *connect* means able to hear and/or see the meeting by electronic means, including via a live stream-
- 1.2 *disconnect* means to remove the connection so as to be unable to hear and see the meeting
- 1.3 *electronic means* includes a telephone, computer or other electronic device used for communication
- 1.4 *live stream* means the transmission of audio and/or video from a meeting at the time the meeting is occurring

### 1. CAP MEETINGS Ordinary Meetings

#### Ordinary Meetings

- 1.1 Subject to clause 1.2, ordinary meetings of the Mount Barker District Council, Council Assessment Panel (**CAP**) will be held at such times and places as determined by the CAP.
- 1.2 The time and place of the first meeting of the CAP following its establishment will be determined by the Assessment Manager. The Assessment Manager must give notice of the first CAP meeting to the CAP and the public in accordance with clauses 1.4 and 1.6.
- 1.3 Notice of an ordinary meeting will be given to all CAP Members by the Assessment Manager not less than three clear days prior to the



holding of the meeting in accordance with clause 1.4

- 1.4 Notice of a meeting of the CAP must:
  - 1.4.1 be in writing;
  - 1.4.2 set out the date, time and place of the meeting;
  - 1.4.3 be signed by the Assessment Manager;
  - 1.4.4 contain or be accompanied by the agenda and any documents and/or reports that are to be considered at the meeting (in so far as practicable);
  - 1.4.5 be given to a CAP Member personally, by post to a place authorised in writing by the Member or by other means authorised by the Member as being an available means of giving notice.
  - 1.4.6 where attendance at the meeting is able to occur by electronic means (in whole or in part), include details of how to connect to the meeting; and
  - 1.4.7 where the meeting is to be live streamed for viewing by members of the public, include details of how to access and/or connect to the live stream.
- 1.5 A notice that is not given in accordance with clause 1.4 is taken to have been validly given if the Assessment Manager considers it impracticable to give the notice in accordance with that clause and takes action the Assessment Manager considers reasonably practicable in the circumstances to bring the notice to the attention of the Member.
- 1.6 A copy of the agenda for all meetings of the CAP will be available for viewing by the public on the Council's website or at the Local Government Centre (where possible) as soon as practicable after the time that notice of the meeting has been given to CAP Members.
- 1.7 The Assessment Manager may, with leave or at the request of the Presiding Member, include in the agenda an item to be considered at the meeting to which the agenda relates after notice of the meeting has been given to CAP Members. In such instance, the Assessment Manager shall provide an updated agenda and any documents and/or reports relating to that item to be considered at the meeting to Members as soon as practicable. The Assessment Manager will also make an updated agenda available to the public.
- 1.8 The Presiding Member may adjourn a CAP Meeting to a future date and time, unless the CAP resolves to continue the meeting.
- 1.9 A meeting will break for 15 minutes once every 3 hours, or more or less often as determined by the Presiding Member.



### **Special Meetings**

- 1.10 The Presiding Member, or two or more CAP Members, may by delivering a written request to the Assessment Manager require a special meeting of the CAP to be held. The written request must be accompanied by the agenda for the special meeting.
- 1.11 On receipt of a request pursuant to clause 1.10, the Assessment Manager must determine the date, time and place of the special meeting and give notice to all CAP members at least 4 hours before the commencement of the special meeting.

## **2. DEPUTY MEMBERS**

- 2.1 If a CAP Member is unable or unwilling to attend a meeting or part of a meeting, he or she must use his or her best endeavours to notify the Presiding Member or Assessment Manager at his or her earliest opportunity.
- 2.2 If notification pursuant to clause 2.1 is given, the Assessment Manager may request a Deputy Member attend the meeting in place of the CAP Member for the meeting or part of the meeting.
- 2.3 Unless the context otherwise requires, a reference to a Member in these Meeting Procedures includes a Deputy Member.

## **2A ADDITIONAL CLAUSES**

- 2A.1 One or more Panel members may attend a meeting via electronic means.
- 2A.2 A Member attending a meeting by electronic means is taken to be present at the meeting provided that the Member:
  - 2A.2.1 can hear and, where possible, see all other Members who are present at the meeting;
  - 2A.2.2 can hear and, where possible, see, all representors (or their representatives) and applicants (or their representatives) who speak at the meeting;
  - 2A.2.3 can be heard and, where possible, seen by all other Members present at the meeting; and
  - 2A.2.4 can be heard and, where possible, seen by the person recording the minutes of the meeting.
- 2A.3 Where a meeting occurs via electronic means, it shall (to the extent that the public is not able to physically attend the meeting) be live streamed.

- 2A.4 Where a meeting is being live streamed, the live stream shall be disconnected only during those parts of the meeting during which the public has been excluded from attendance pursuant to Regulation 13(2) of the Regulations.
- 2A.5 Where the public has been excluded from attendance pursuant to Regulation 13(2) of the Regulations, the Assessment Manager or a person nominated by the Assessment Manager shall ensure that all parties except for CAP members disconnect from or are disconnected from the meeting.

### 3. **COMMENCEMENT OF MEETINGS**

- 3.1 Subject to a quorum being present, a meeting of the CAP will commence as soon as possible after the time specified in the notice of a meeting.
- 3.2 If the number of apologies received by the Assessment Manager or Presiding Member indicates that a quorum will not be present at a meeting, the Presiding Member may adjourn the meeting to a specified day and time.
- 3.3 If at the expiration of thirty minutes from the commencement time specified in the notice of the meeting a meeting a quorum is not present, the Presiding Member may adjourn the meeting to a specified date and time.
- 3.4 In the event that the Presiding Member is absent from a meeting, the Assessment Manager, or such other person as nominated by the Assessment Manager, will preside at the meeting until such time as the meeting appoints an Acting Presiding Member.

### 4. **DECISION MAKING**

- 4.1 The Assessment Manager may in his or her discretion exclude:
  - 4.1.1 a representation or response to representation(s) which is received out of time;
  - 4.1.2 a representation in relation to Category 2 development from a person who was not entitled to be given notice of the application; or
  - 4.1.3 a representation or response to representation(s) which is otherwise invalid.
- 4.2 The Assessment Manager may in his or her discretion accept and allow to be considered by the CAP any new or additional material submitted by a representor or applicant. The CAP may defer consideration of the application to enable full and proper assessment of the further information.
- 4.3 Any material to be considered by the CAP pursuant to clause 4.2 must be provided to the applicant and/or representor(s) (as the case may be) and those parties be provided with an opportunity to respond, either in writing or

verbally, at the discretion of the Assessment Manager.

- 4.4 In relation to each application it considers, the CAP must:
  - 4.4.1 determine whether the proposal is seriously at variance with the Development Plan and provide reasons for its determination; and
  - 4.4.2 provide reasons for granting or refusing Development Plan consent and for the imposition of any conditions.
- 4.5 If the CAP determines that a proposal is seriously at variance with the Development Plan, it must refuse Development Plan consent to the application.

### **Representations**

- 4.6 In relation to each application to be considered and determined by the CAP:
  - 4.6.1 a person who has lodged a representation in relation to a Category 2 or 3 application which has not been excluded pursuant to clause 4.1 and who has indicated that they wish to be heard on their representation is entitled to appear before the CAP and be heard in support of their representation, in person or by an agent;
  - 4.6.2 a person who has lodged a representation in relation to a Category 2 application which has not been excluded pursuant to clause 4.1 and who has indicated that they wish to be heard on their representation may, at the discretion of the Presiding Member, appear before the CAP and be heard in support of their representation, in person or by an agent;
  - 4.6.3 where one or more representors are heard by the CAP, the applicant is entitled to appear before the CAP to respond to any relevant matter raised by a representor, in person or by an agent;
  - 4.6.4 where no representors appear at the meeting, the Presiding Member may, in his or her discretion, allow an applicant to be heard in support of his or her application, in person or by an agent;
  - 4.6.5 representors and applicants will be allowed five minutes each to address the CAP. The Presiding Member may allow a party additional time at his or her discretion;
  - 4.6.6 CAP members may question and seek clarification from a representor or applicant who has addressed the CAP at the conclusion of their address; and
  - 4.6.7 following addresses from representors and the applicant, the Presiding Member will invite all Members to speak on any matter relevant to the application.

- 4.6.8    Clauses 4.6.1 to 4.6.4 are satisfied if a representor or applicant (as the case may be) appears via electronic means. The Presiding Member may require that any such appearance be via electronic means.

### **Voting**

- 4.7    Each Member present at a meeting of the CAP, including a Deputy Member who has been requested to attend the meeting or part of the meeting in place of a Member who is unable or unwilling to attend the meeting, is entitled to one vote on any matter arising for decision. If the votes are equal, the Presiding Member is entitled to a second or casting vote. Additional Members appointed to the CAP to provide expert advice and assistance are not entitled to vote.
- 4.8    Matters arising for decision at a meeting of the CAP will be decided by a majority of the votes cast by Members present at the meeting and entitled to vote.

### **Disruption**

- 4.9    The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by any person (including a CAP Member, applicant, representor or other member of the public) to a specified date and time.
- 4.10   The Presiding Member may ask a member of the public (including an applicant, representor or other member of the public) to leave or disconnect from a meeting where he or she is, in the opinion of the Presiding Member:
- 4.10.1   behaving in a disorderly manner; or
- 4.10.2   causing an interruption or disruption to the meeting.

## **5. MINUTES AND REPORTING**

- 5.1    The CAP must ensure that accurate minutes are kept of all meetings.
- 5.2    The Assessment Manager, or a person nominated by the Assessment Manager, will take minutes of all meetings.
- 5.3    The minutes will record:
- 5.3.1   the names of all Members present;
- 5.3.2   the names of all Members from whom apologies have been received;
- 5.3.3   the name and time that a Member enters or leaves the meeting;
- 5.3.4   the name of every person who makes a representation;

- 5.3.5 methods of attendance by all Members present and by every person who makes or responds to a representation.
  - 5.3.6 in relation to each application determined by the CAP:
    - 5.3.6.1 the determination of the CAP as to whether the proposal is seriously at variance with the Development Plan;
    - 5.3.6.2 the reasons for granting or refusing Development Plan consent and for the imposition of any conditions; and
    - 5.3.6.3 where a decision is by majority vote, the decision and its mover and seconder, but not each Members' vote;
  - 5.3.7 if an application is not determined by the CAP, the deferral of the application and the reasons for the deferral;
  - 5.3.8 a decision to exclude the public from attendance pursuant to the Regulations;
  - 5.3.9 any disclosure of a direct or indirect pecuniary interest in any aspect of a development or anybody associated with any aspect of a development made by a Member in accordance with Section 83(1)(g) of the Act, and the nature of the interest;
  - 5.3.10 any disclosure of a conflict of interest made by a Member pursuant to the Code of Conduct adopted by the Minister under Clause 1(1)(c) of Schedule 3 of the Act (**Code of Conduct**), and the nature of the interest; and
  - 5.3.11 if a meeting is adjourned by the Presiding Member, the reason for the adjournment and the date and time to which the meeting is adjourned.
- 5.4 All minutes must be confirmed by the Assessment Manager in conjunction with the Presiding Member as being accurate prior to, or at the commencement of, the following CAP meeting. Minutes of the previous CAP meeting will be formally adopted by the CAP at the commencement of the meeting, and will be made publically available within 5 business days thereafter.

## 6. **ADDITIONAL PROCEDURES**

- 6.1 Insofar as any procedure to be followed by the CAP is not prescribed by the Act and Regulations (and, during the transition to the Act and Regulations, the Development Act and *Development Regulations 2008*), the CAP's Terms of Reference, the Code of Conduct or these Meeting Procedures - the CAP may by resolution determine the procedure for itself. Any such determination may be added to these Meeting Procedures.

- 6.2 The CAP may call for and consider such professional assistance from the Assessment Manager and, in consultation with the Assessment Manager, other professional advisors as it deems necessary and appropriate from time to time.

7. **REVIEW**

The CAP meeting procedures will be reviewed every three years.

8. **ACCESS TO THE MEETING PROCEDURES**

The CAP Meeting Procedures will be available for public inspection at the Customer Service Centre, at the Local Government Centre, 6 Dutton Road, Mount Barker, SA and on Council's website [www.mountbarker.sa.gov.au](http://www.mountbarker.sa.gov.au)

9. **FURTHER INFORMATION**

For further information, please contact:

Name:	Andy Humphries
Title:	Assessment Manager
Address:	Mount Barker District Council PO Box 54, Mount Barker SA 5251
Telephone:	8391 7245
Email:	<a href="mailto:ahumphries@mountbarker.sa.gov.au">ahumphries@mountbarker.sa.gov.au</a>

**5.1. NON-COMPLYING APPLICATIONS**

Nil.

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## 5.2. CATEGORY 3 APPLICATIONS

### 5.2.1 SUMMARY DETAILS

<b>Application No.</b>	580/71/19
<b>Applicant</b>	T McArthur
<b>Subject Land</b>	LOT: 1 DP: 42973 CT: 5286/90 940 Battunga Road MEADOWS.
<b>Ward</b>	South
<b>Proposal</b>	Function Centre
<b>Development Plan</b>	8 August 2017
<b>Zone</b> <b>Policy Area</b>	Primary Production Prime Agriculture Area 25 MAP MtB/23 – Mount Lofty Ranges Watershed Area 3
<b>Form of Assessment</b>	Merit
<b>Public Notification</b>	Three
<b>Representations</b>	One
<b>Persons to be heard</b>	None
<b>Agency Consultation</b>	DPTI
<b>Responsible Officer</b>	Randall Richards
<b>Main Issues</b>	Land Use Car Parking and Access Interface between Land Use Visual Impact
<b>Recommendation</b>	Resolve to grant Development Plan Consent subject to conditions and advisory notes

## 1. BACKGROUND AND PROCEDURAL

The subject land known as ‘Atkins Farm’ and has been farmed by the same family since the 1930s (as part of a larger land holding). The land had previously been used for potato farming, dairy farm and Suffolk Ram Stud and more recently for grazing of sheep and hay production. The 18.75 ha (46 acres) land is registered under the business name Atkins Farm Pty Ltd and runs 60 head of ewes per annum which the owners aim to expand to 120 ewes annually by 2022.

The proposal includes the extension of the existing shearing shed that is to have a dual purpose of farm storage, store, amenities building and function facility with associated car parking.

The Procedural Matters of the Development Plan identifies a function centre located within the Mount Lofty Ranges Watershed Overlay as non-complying except if it is ancillary to and in association with primary production, does not result in more than 75 seats for customer dining purposes on the allotment, and it complies with Clause A. The proposal is located within the Mount Lofty Ranges Watershed Area 3.

The 18.75 ha (46 acres) of land, although a small holding, is a registered farming business and the proposal to host 12 functions a year with limited hours of operations is considered to be ancillary to and in association with the primary production use. To satisfy the other elements of the non-

complying list the proposal is to cater for 75 seats for customer dining and details have been submitted that demonstrates that the requirements of Clause A, including having a wastewater treatment and disposal method which complies with the relevant standards.

Therefore, as the proposal is ancillary to and in association with primary production, does not result in more than 75 seats for customer dining and is demonstrated to comply with Clause A, it is considered a merit form of development.

## **2. PROPOSAL**

The proposal is to establish a Function Centre with associated Car Parking at 940 Battunga Road, Meadows. The proposed Function Centre is an extension of the existing shearing shed that is 18.0 metres long x 7.0 metres wide and 6.0 metres high with an open covered area 3.85 metres wide and 3.5 metres high running along the length of the western side building. The building has an attached amenities area and two store rooms, 5.770 metres x 4.870 metres x 4.50 metres high. The floor areas of the building are:

- Barn/Function area – 126 square metres
- Amenities and store room areas – 28 square metres
- Open covered area – 69 square metres

Total Area – 223 square metres

The combined overall building size would be 349 square metres.

The amenities area of the proposal contains:

- A Disabled Access toilet;
- Unisex toilet area with 1 x pan, 1 x urinal and 3 hand basins.

The proposed store room 1 is to be used for the storage of table and chairs for the use in the function area, store room 2 is to be used for minor food preparation and serving area, as the main course lamb dishes are to be cooked and prepared off-site.

The proposed Function Centre is to be hosted and accommodate a maximum of 75 guests that is to operate no more than 12 times per year. The proposal includes ticketed events where guests taste lamb and other produce from the property with acoustic music (with no amplification) and/or background music played within the venue space.

For these 12 events/annum, the proposed functions are proposed to be held in any one of the timeframes indicated below:

- Fridays: 10:00am to 10:00pm;
- Saturdays: 10:00am to 11:00pm;
- Sundays: 10:00am to 9:00pm or
- 10:00am to 10:00pm, being the day before a public holiday.

The building is to be clad in corrugated galvanised iron painted 'Manor Red'. The existing shearing shed is to be renovated to the current Building Code of Australia Standards. The applicant has proposed landscaping along the southern and eastern sides to screen the building.

Access to the site is via an existing all weather road from Battunga Road (which is identified in the Development Plan as a secondary arterial road). The existing access to the site is to be widened to 6 metres for the first 24 metres, with passing bays at a maximum of 100 metres and/or at corners to allow vehicles to pass. The 25 space car parking area is to be compacted gravel with an access car parking space provided. The unsealed car parking area is to be connected to an existing grass swale to filter storm water runoff. The access is located on an 80 km/h secondary arterial road. Removal of one remnant gum tree in the road reserve would be required to achieve appropriate sight lines as determined by Council's Engineer and DPTI.

Refer to **Attachment One (1)** for details of the proposal page **35**.

### **3. LOCATION / LOCALITY**

#### **Subject Land**

The subject land is identified as in the Hundred of Kuitpo and is held in Certificate of Title Volume: 5286 Folio: 90, Lot 1 at 940 Battunga Road, Meadows and:

- Is approximately 500 metres north of the township of Meadows.
- Is 18.75 hectares in size and is irregular in shape and aligned in a south east direction.
- Has a road frontage to Battunga Road of 99.50 metres located on the north eastern aspect.
- Slopes up from the road by approximately 8 metres in a westerly direction.
- Scattered with mature vegetation, including a small area of remnant native vegetation on the western aspect identified as an area of High Environmental Significance in the Development Plan.
- Includes one (1) farm dam.
- Towards the front of the property, is the Meadows Creek.
- Further west approximately 140 metres is a dwelling/residence and outbuildings.

#### **Locality/Location**

The immediate locality is zoned Primary Production and in Policy Area 25 Prime Agriculture (Mount Lofty Ranges Watershed Area 3) and is rural land made up of a mixture of uses including horse keeping, rural residential and grazing. Approximately 260 metres south is the Mixed Use Zone with the township of Meadows. The closest residences are approximately 105 metres to the south of the entrance to the subject land (and approximately 590 metres from the proposed site area), 310 metres to the north east and 400 metres to the north west of the proposed function centre site.

## Location/Locality



## Site photos

View from south of the access on Battunga Road





Existing access to be modified in accordance with Figure 7.2 in Austroads Guide to Road Design Part 4



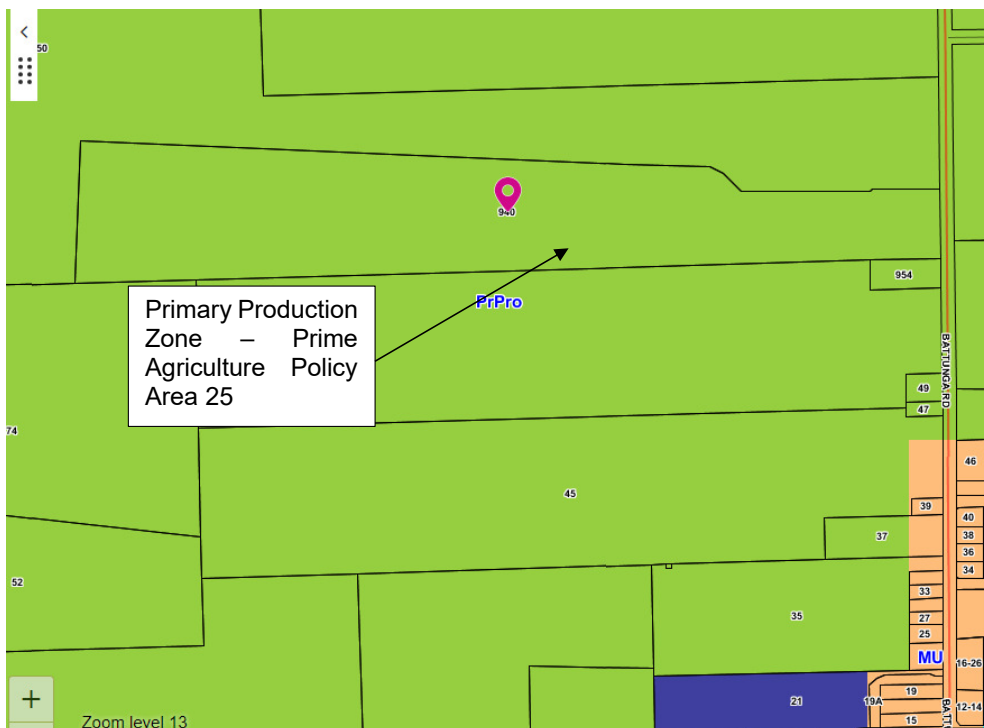
View of the proposed site and shearing shed from the east



View of the proposed site and shearing shed from the west

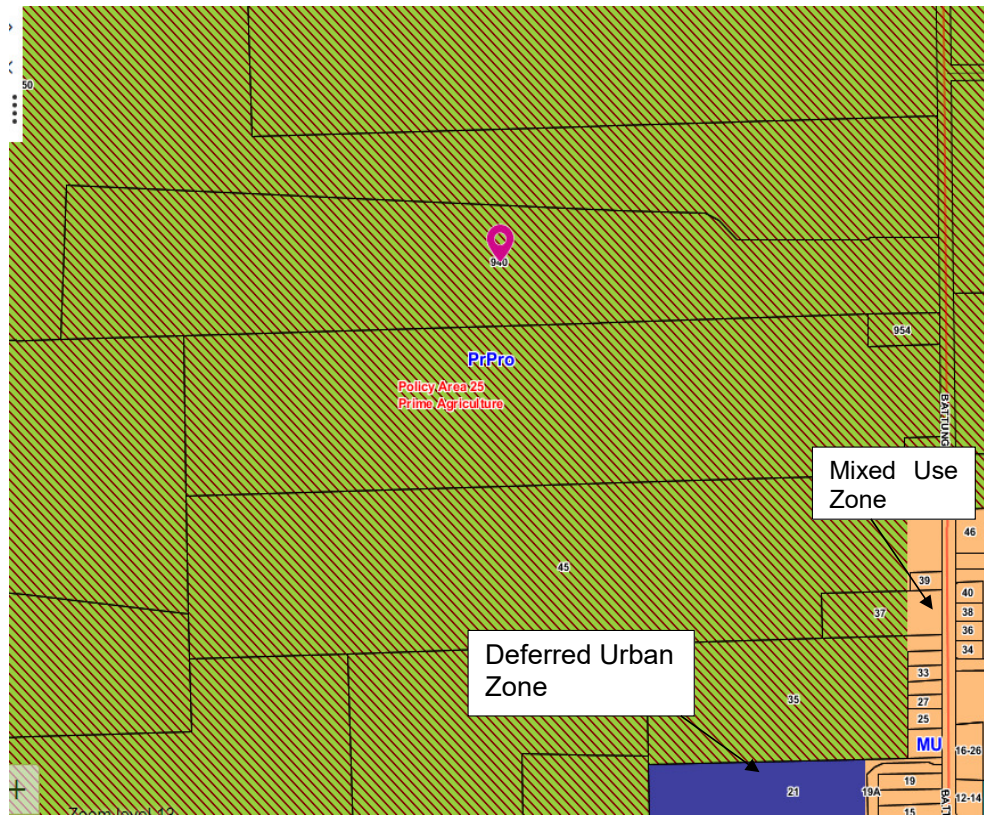


Zone Map





### Policy Areas Map - Prime Agriculture Policy Area 25



#### 4. SUMMARY OF KEY ISSUES

- Land Use
- Interface between Land Use
- Access
- Visual Impact

#### 5. GOVERNMENT AGENCY SUBMISSIONS

##### 5.1. Department of Planning, Transport and Infrastructure (DPTI) – Commissioner of Highways

The proposed development is adjacent to a secondary arterial road as prescribed in Schedule 8 of the Development Regulations, 2008.

In accordance with Section 37 of the Development Act, 1993 and Schedule 8 of the Development Regulations 2008 the application was referred to DPTI for comment due to changing the nature of movement through an existing access. Council is required to have regard to the response in making its decision on the proposal.

The existing access point is located on Battunga Road with a posted speed limit of 80km/h at this location. Council has identified a tree in the road reserve to be removed to provide unobstructed sightlines at the access. DPTI supports the tree removal identified by Council.

DPTI has advised conditions to include:

- vehicular access in accordance with Figure 7.2 in Austroads Guide to Road Design Part 4 and
- vehicles to enter and exit in a forward direction.

Refer to **Attachment Two (2)** for a copy of the DPTI response page **81**.

## **6. COUNCIL DEPARTMENT COMMENTS**

### **6.1. Development Engineering**

DPTI has concurred with Council's Assets and Infrastructure Department with regards to the access and removal of the tree to provide unobstructed sightlines. The tree removal is acceptable to Council's Urban Forest Officer. Off-street car parking areas shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. The internal commercial vehicle manoeuvring areas shall be designed and constructed in accordance with AS 2890.2:2018.

### **6.2. Environmental Health Department**

Council's Environmental Health Officers have analysed the submitted wastewater engineering report and whilst not formally lodged nor approved, it is determined that the requirements of Clause A relating to wastewater requirements can be satisfied. In addition, details associated with a Food Business Notification Business for the food preparation area would require to be submitted prior to use.

## **7. PUBLIC NOTIFICATION**

The application was advertised in accordance with Section 38(5) of the Development Act 2008 (Category 3 Notification), with adjacent land notified in writing and a notice placed in the Courier on 18 September 2019.

### **7.1. Representations**

#### **Representation (conditionally) supporting the proposal**

Peter and Lynette Quinn (not wishing to be heard). Representor's property located at 954 Battunga Road, Meadows. The representor's support the proposal but with the following comments:

- As long as approximately 12 weekends a year and a maximum of 75 people as per stated in proposal;
- Prefer a more suitable colour e.g. 'Rivergum Green' to minimise visual impact and
- Suitable planting to screen the proposed building and car parking areas up to the turn-around area to their property. The preference would be for the plants to be along the driveway instead of along the fence.



Map of Representor's Residence/property



Refer to **Attachment Three (3)** for a copy of the representation received page **83**.

## **7.2. Response to Representations**

The proposed colour for the external façade of the function centre of Manor Red is respectfully considered to be recessive to the landscape as averaged across the seasons and is therefore considered to meet the intent of the Development Plan.

Screening vegetation 150 metres long of River Red Gums and Blackwoods have been proposed along the southern boundary adjacent to the representor's property. In addition, a hedge is proposed 18 metres long along the eastern aspect of the building capable of growing from 3 to 7 metres high to reduce noise impact on the surrounding environment and community members.

Refer to **Attachment Four (4)** for a copy of the applicant's response to the representation page **87**.

## **8. ASSESSMENT**

### **8.1. Classification of Development**

The proposed development is neither identified as being complying nor non-complying in the Zone, and accordingly is required to be assessed on its merits having regard to the relevant provisions of Council's Development Plan.

### **8.2. Relevant Development Plan Provisions**

The development application is required to be assessed against the Development Plan in effect at the time of lodgement, being the Mount Barker District Council Development Plan Consolidated – 8 August 2017.

Primary Production Zone Objectives: 1, 2, 3, 4 and 5.

Principles of Development Control (PDC): 1, 2, 3, 4, 7, 45, 46, 47 and 48.

Prime Agriculture Policy Area 25 Objectives: 1, 2, 3 and 4 - PDCs: 1, 4 and 5.

### General Section

Hazards Objectives: 2, 4, 5, 8, 9, 11 – PDCs 1, 4, 7, 8, 9, 10, 12.

Interface between Land Uses Objectives: 1, 2, 3 – PDCs 1, 2, 6, 7, 8, 9, 10, 11, 22.

Natural Resources Objectives: 1, 2, 3, 5, 6, 8, 10, 11, 13 – PDCs 1, 2, 3, 4, 5, 6, 8, 10, 11, 12, 13, 15, 17, 19, 20, 21, 22, 25, 45, 46, 47, 48, 51, 52, 53, 57, 58, 59, 60.

Orderly and Sustainable Development Objectives: 1, 3, 4, 8 PDCs – 1, 2, 3, 4, 8, 12.

Siting and Visibility Objectives: 1 PDCs – 1, 2, 3, 4, 5, 6, 8, 9, 10.

Tourism Development Objectives: 1, 2, 3, 4, 5, 6, 8 – PDCs 1, 2, 3, 4, 5, 9, 10, 11, 12, 14, 15, 16, 17.

Transportation and Access Objectives: 2, 5. – PDCs 1, 2, 8, 16, 17, 18, 30, 32, 33, 34, 36, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48.

Table MtB/2.

While all of the above provisions are considered applicable, only the most relevant to this site and application, are discussed in detail below:

### Land Use

The zone provisions give general support for value adding in the way of small scale restaurants, farm gate/rural produce sales associated with primary production to expand the economic base of the Mount Lofty Ranges region. The Desired Character Statement of the Prime Agriculture Policy Area 25 notes that:

*For the farming economy to survive and prosper, it is essential that flexibility and diversity in terms of land use be promoted and encouraged. Farm gate sales, niche markets, value-adding and on-farm tourist accommodation are ancillary and secondary land use activities considered essential to the long term viability of the district's rural economy. Farm stays and experiences, produce trails, niche and boutique food and beverage ventures will be encouraged along with on-farm produce and product sales.*

*Home-based industries will be based on rural, arts, crafts, tourist, cultural or heritage activities, and small-scale tourist ventures will relate to a variety of primary production and related activities all with the aim of promoting a regional identity.*

The proposal to offer ticketed events 12 times a year for up to 75 people to experience a niche and boutique food and beverage venture is considered to be a small scale way to value-add to the lamb production at Atkins Farm. The small scale element of the proposal allows tourists the experience of primary production and related activities all with the aim of promoting a regional identity. As the proposed Function Centre will not only promote and sell their own primary productive goods in the form of a 'paddock to plate' experience for their prime lamb, they are proposing to showcase the workings of the farm as well as using, selling and marketing ingredients from local producers within the locality to expand the economic base of the Mount Lofty Ranges area.

The objectives of the zone are for the continuation of long term primary production and the protection from encroachments of incompatible land uses therefore, as the proposal will take a small portion of the land for car parking and the use is compatible with primary production, it is considered it meets the objectives of the zone.

The proposed function centre is considered a small scale value adding venture, and meets the intent of the Development Plan by:

- A maximum of 12 hosted functions per annum;
- A maximum of 75 seats for customer dining;
- Hours of operation up to 11pm Saturday, Friday till 10pm and Sunday till 9pm and up to 10pm the day before a public holiday;
- Acoustic and background music played within the Function Centre building;
- Bulk and scale of the proposed building when viewed from Battunga Road and neighbouring properties is minimal.

It is considered that the proposal meets the objectives of the zone by promoting small scale on-farm produce sales that compliments the rural landscape setting.

#### Car Parking and Access

The proposal is to use the existing access which is located within an 80 km/h zone on a secondary arterial road. The access requires the removal of a small tree that obscures the sight lines when exiting the property. Council's Planning Engineer and Urban Forest Officer note that the tree should be removed and has poor form. The tree does not require Native Vegetation Council approval as it is required to be removed to maintain road safety. The proposal was referred to DPTI who noted following the removal of the tree, they have no objection to the proposal, subject to inclusion of conditions that reflect safe vehicular access and egress to/from the land.

The existing access to the proposed function centre is a gravelled driveway that is approximately 640 metres long and Council Engineers consider it to be acceptable for the proposed use with passing bays at every 100 metres and/or at changes in direction which the applicant has provided.

The area of the proposed function centre is 154 square metres with the provision of 25 car parking spaces, with the allocation of one accessible car park. The car parking layout provides a suitable all-weather access to the proposed function centre. *Table MtB/2 – Off Street Vehicle Parking Requirements* do not specify requirements for a function centre however, there is a reference to a restaurant that requires 1 space per 3 seats or 1 per 15 square metres of gross leasable floor area which would equate to 25 car parking spaces. There are 25 car parking spaces proposed which is considered acceptable for the location as people would be more likely to car pool and/or charter a bus to the proposed venue. In addition, the applicant has noted that the existing access driveway extends beyond the proposed function centre by 100 metres which will allow for overflow car parking if required.

#### Interface between Land Uses

To ensure the events do not exceed the capacity of 75 customers, the applicant is to use an online ticketing platform which will contain the maximum number of tickets for sale for any one event to avoid exceeding the maximum number of patrons. The applicant has noted that the ticketed events are hosted with only acoustic or background music within the venue space. The proposal is located 650 metres from Battunga Road with the closest residence 310 metres to the north east. PDC 8 of the *Interface between Land Uses* in the Development Plan refers to the *Environment Protection Act Noise Policy 2007* (the Policy).

Due to:

- The events being hosted on the property where the applicants live and acoustic (with no amplification) and/or low-level background music being played within the venue space only
- Distance to neighbours
- Infrequency of events

It is considered that an environmental noise report was not required.

To ensure the proposed function centre does not host more than 12 events a year, and the nominated hours of operation, the applicant has agreed to a condition of approval to include the following:

*Functions are to:*

- a) *Be limited to a maximum of 12 functions/events per calendar year;*
- b) *Be limited to the following hours:*
  - *Fridays: 10:00am to 10:00pm;*
  - *Saturdays: 10:00am to 11:00pm;*
  - *Sundays: 10:00am to 9:00pm and*
  - *Where require: 10:00am to 10:00pm, the day before a public holiday.*
- c) *Have patronage limited to the following number:*
  - *Not exceed 75 guests*

Therefore, given the location of the access, site location, hours of operation and the hosted events, it is considered that the proposed function centre and associated car parking meets the provisions of the Development Plan with respect to interface between land uses.

#### Visual Impact

The proposed function centre is to be attached to an existing shearing shed that is located 650 metres from Battunga Road and 310 metres from the closest residence. The site is proposed to be screened from the neighbouring property to the south although it is deemed not to be necessary due to separation distances and grouping with existing buildings, and has existing vegetation to the east to act as a landscape buffer. The proposed colorbond 'Manor Red' is a common colour within rural settings and is considered to be low-light reflective colour.

Therefore, it is considered that with the overall design, bulk and siting from Battunga Road and neighbouring residences, the building is acceptable within the locality.

## **9. CONCLUSION**

The objectives of the zone are for development to be economically productive, efficient and sustainable whilst continuing the long term continuation of primary production. It is considered that the proposal will not affect the long term continuation of primary production. However, to be economically productive, efficient and sustainable, produce trails, niche and boutique food and beverage ventures will need to be encouraged to expand the rural economic base of the Mount Lofty Ranges.

Therefore, although the proposed function centre is not located on a large land holding, it is a registered farming business, and the proposal to host 12 functions a year with limited hours of operations is considered to be ancillary to and in association with the primary productive use. As the proposal is a small scale venture with a maximum of 75 guests that promotes the regional identity, on balance, the proposal has sufficient merit to warrant Development Plan Consent.

## **10. RECOMMENDATION**

It is recommended that the Council Assessment Panel:

RESOLVE that the proposed development is not seriously at variance with the policies in the Mount Barker District Council Development Plan Consolidated 8 August 2017.

RESOLVE to GRANT Development Plan Consent to the application by T McArthur for a Function Centre at Lot 1, CT 5286/90, 940 Battunga Road, Meadows (Development Application 580/71/19) 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):
  - Planning Report by Peter Meline & Associates Town & Country Planners, 580/71/19 for Monika and Tim McArthur;
  - Hurren Architects Drawing numbers PHTM 1217 1/W2A - PHTM 1217 1/W1C, Drawn by MD – received by Council 24 January 2019;
  - Atkins Farm Driveway – 940 Battunga Road Meadows;
  - Carpark Drainage Assessment by Ron Selth & Associates PTY LTD, Consulting Engineers, Job Number: W2439, dated 18/06/19;
  - Response To Representations 580/71/19 by Peter Meline & Associates Town & Country Planners, dated 03/04/20.
2. Functions are to:
  - a) Be limited to a maximum of 12 functions/events per calendar year;
  - b) Be limited to the following hours:
    - Fridays: 10:00am to 10:00pm;
    - Saturdays: 10:00am to 11:00pm;
    - Sundays: 10:00am to 9:00pm and 10:00am to 10:00pm, the day before a public holiday.
  - c) Have patronage limited to the following number:
    - Not exceed 75 guests.A record of functions held is to be kept on the premises and available for inspection.
4. All music shall be limited to inside the proposed Function Centre and shall be acoustic (with no amplification) and/or background music which is played within the venue space only.
5. 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 driveway 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 is to occur from Battunga Road, and in a forward direction only.
  - f) The access to Battunga Road shall be:
    - Constructed in general accordance with Ron Selth & Associates PTY LTD, Consulting Engineers – Job Number W2439 and Figure 7.2 in Austroads Guide to Road Design Part 4.
    - Designed to accommodate the simultaneous two-way movements of a bus and B99 passenger car.
  - g) For any works that might encroach into the Tree Protection Zone of native vegetation (e.g. remnant gum trees - outside of the single tree to be removed to maintain sightlines) 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 car parking requirements outlined above are to be completed prior to the commencement of operation of the development.
6. 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;
  - 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
  - e) or enclosure; and
  - f) 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.
7. Stormwater management is to occur in accordance with the approved documentation to mitigate adverse impacts to the environment.
8. 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.

**Notes:**

1. 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.
2. 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.
3. No signage is included as part of this authorisation. A separate development application will be required to be lodged for assessment for this.
4. A Wastewater Works Application is to be lodged and approved prior to any civil works commencing.

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Attachment One (1)



## Development application form

Development Act 1993

PO BOX 54 MOUNT BARKER SA 5251 TELEPHONE: (08) 8391 7200 www.mountbarker.sa.gov.au	OR 6 Dutton Road MOUNT BARKER FAX: (08) 8391 7299	Office use only DEVELOPMENT NUMBER: 580 / 71 / 19
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Please use BLOCK LETTERS and Black or Blue ink so that photocopies can be made of your application

### PLEASE TICK AS REQUIRED

Development Plan Consent ☒ Building Rules Consent ☐ Development Approval (both) ☐

#### APPLICANT'S CONTACT DETAILS:

Name: TIMOTHY MCARTHUR Email: petermeline@bigpond.com  
Postal Address: PO Box 1508, Mt Barker SA 5251 Phone: 0448395299

#### OWNER'S CONTACT DETAILS:

Name: SUSAN KATHARINA McARTHUR Email: \_\_\_\_\_  
Postal Address: PO BOX 2, MEADOWS SA 5201 Phone: \_\_\_\_\_

#### BUILDER'S CONTACT DETAILS:

Name: TBA Email: \_\_\_\_\_  
Postal Address: \_\_\_\_\_ Phone: \_\_\_\_\_

#### CONTACT PERSON:

Name: peter meline Email: petermeline@bigpond.com



#### DESCRIPTION OF DEVELOPMENT:

Proposed Use (e.g. Dwelling, Shop, Garage): Venue Space  
Existing Use (e.g. Vacant, Dwelling, Grazing): Grazing/Residential

#### LOCATION OF PROPOSED DEVELOPMENT:

Assessment No: \_\_\_\_\_ Parcel No: 13733  
House No: 940 Lot / Section No: 1 Street: Battunga Rd  
Town: MEADOWS Volume: 5286 Folio: 90

BUILDING RULES CLASSIFICATION SOUGHT: na Present classification: \_\_\_\_\_

If Class 5, 6, 7, 8 or 9 classification is sought, state the proposed number of employees: Male: \_\_\_\_\_ Female: \_\_\_\_\_

If Class 9a classification is sought, state the number of persons for whom accommodation is provided: \_\_\_\_\_

If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises: \_\_\_\_\_

Does either Schedule 21 (Activities of Environmental significance) or 22 (Activities of Major Environmental significance (EPA)) of the Development Regulations, 2008 apply? ☐ Yes ☒ No

DEVELOPMENT COST (do not include shop fitout costs): \$ 132 000

I acknowledge that copies of this application and supporting documents may be provided to interested persons in accordance with the Development Regulations, 2008.

SIGNATURE: [Signature] DATE: 6/01/19  
Applicant / Owner / Agent

RELEVANT FEES, THREE (3) COPIES OF PLANS & TWO (2) COPIES OF ANY OTHER RELEVANT SUPPORTING DOCUMENTATION ARE DUE ON SUBMISSION OF THIS APPLICATION

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<b>Product</b>	Register Search (CT 5286/90)
<b>Date/Time</b>	07/01/2019 11:55PM
<b>Customer Reference</b>	mcarthur
<b>Order ID</b>	20190107011916
<b>Cost</b>	\$28.75

REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



## Certificate of Title - Volume 5286 Folio 90

<b>Parent Title(s)</b>	CT 4359/527, CT 4359/528				
<b>Creating Dealing(s)</b>	RTD 7914500				
<b>Title Issued</b>	14/08/1995	<b>Edition</b>	2	<b>Edition Issued</b>	10/02/2005

### Estate Type

FEE SIMPLE

### Registered Proprietor

SUSAN KATHRINA MCARTHUR  
OF PO BOX 2 MEADOWS SA 5201

### Description of Land

ALLOTMENT 1 DEPOSITED PLAN 42973  
IN THE AREA NAMED MEADOWS  
HUNDRED OF KUITPO

### Easements

NIL

### Schedule of Dealings

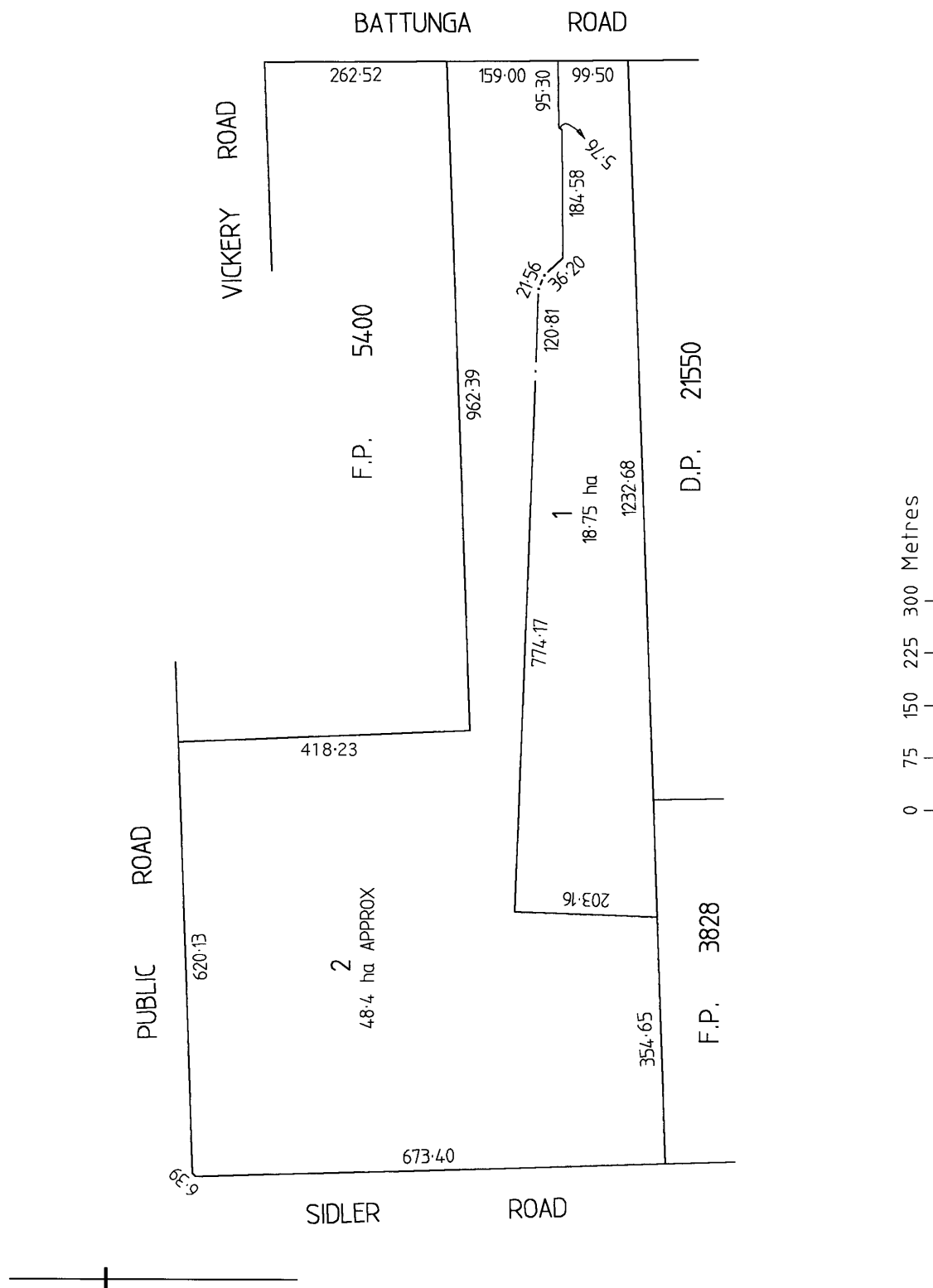
NIL

### Notations

<b>Dealings Affecting Title</b>	NIL
<b>Priority Notices</b>	NIL
<b>Notations on Plan</b>	NIL
<b>Registrar-General's Notes</b>	NIL
<b>Administrative Interests</b>	NIL



<b>Product</b>	Register Search (CT 5286/90)
<b>Date/Time</b>	07/01/2019 11:55PM
<b>Customer Reference</b>	mcarthur
<b>Order ID</b>	20190107011916
<b>Cost</b>	\$28.75



**580/71/19**



**PETER MELINE & ASSOCIATES  
TOWN & COUNTRY PLANNERS**

## **PLANNING REPORT**

<b>LOCATION</b>	<b>940 Battunga Rd, Meadows</b>
<b>DEVELOPMENT FILE NUMBER</b>	<b>580/71/19</b>
<b>APPLICANT</b>	<b>Monika and Tim McArthur</b>
<b>OWNER</b>	<b>Susan Kathrina McArthur PO Box 2 Meadows SA 5201</b>
<b>NATURE OF DEVELOPMENT</b>	<b>Function Centre ancillary to the existing farming use</b>
<b>ZONES</b>	<b>Primary Production Zone Policy Area 25 Watershed Overlay 3</b>
<b>PLANNING AUTHORITY</b>	<b>DC MT BARKER</b>

### **CONTENTS**

<b>INTRODUCTION -</b>	<b>page 2</b>
<b>THE LAND-</b>	<b>page 9</b>
<b>PLANNING ASSESSMENT-</b>	<b>page 18</b>
<b>CONCLUSION-</b>	<b>page 29</b>

### **REPORT PREPARED BY:**

**Peter Meline, RPIA, MAIBS, JP.  
G. Dip. Planning, G. Dip. Applied Science (Building), Health Inspection Certificate**

PO Box 1508, Mt Barker SA 5251  
Phone 0448 395 299  
Email: [petermeline@bigpond.com](mailto:petermeline@bigpond.com)

**580/71/19**

## **1.0 INTRODUCTION**

This Report has been prepared pursuant to Section 42 of the Development Act 1993.

It supports a development application to Change of use and extension of an existing Shearing Shed to Function Centre at 940 Battunga Rd, Meadows.

Reference to Non Complying Development list at page 233 of the Primary Production Zone (below) reveals that the proposal is an On Merit use.

## **1.0 NATURE OF THE DEVELOPMENT AND NATURE OF THE LOCALITY**

### **1.1 The Proposal**

The proposal is to Change of use being ancillary to the farming use on site and extension of existing Shearing Shed to Function Centre that will be capable of accommodating 75 patrons maximum. This proposal is for the Function Centre to operate no more than 12 events per year.

The proposed hours of operation would be as follows:

- Fridays until 10pm
- Saturdays until 11pm
- Sunday until 9pm
- and where possible, the day before a public holiday until 10pm

Should the event or function include music, this shall be acoustic music only and played only internally within the venue.

The proposal does not involve catering provided by the proponents and hence food preparation area are not proposed in this Development Application. Rather, the "value add" proposition involves partnering with local catering companies, restaurants and chefs who have their own capabilities for on-site food preparation and service.

As such, catering partners will be responsible for supplying suitable, portable, self-contained food preparation structures (a food truck or mobile kitchen are a couple of examples). Previous private events have been previously held on the site using this catering arrangement and has worked very satisfactorily.

Store Room 2 on the attached plans by Pauline Hurren will be fitted out in accordance with the Food Act 2001 to allow for activities ancillary to food preparation such as food plating, pouring of drinks etc. Full details of the fitout will be submitted at Building Rules Consent stage.

For Ticketed events, tickets would be sold via an online ticketing platform such as *Trybooking* or *Eventbrite*.

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Both platforms allow a maximum number of tickets for sale for any one event. That way the capacity can managed as per the 75 max.

## 1.2 The Zone

The land is wholly within the Primary Production Zone within the Mt Barker (DC) Development Plan Consolidated 2017. It does not adjoin any other Zone.

Analysis of the NON COMPLYING table at page 233 below reveals that the proposal is located in Watershed Area 3 (see Overlay map MtB/23 at page 7 below), it is clearly ancillary to existing and long standing primary production, lamb has been produced on this land for generations. Atkins Farm Pty Ltd is a registered business. Full details of the business are given at page 12 below. The proposal at 12 events per year, utilising an existing farm building with a limit of 75 patrons, clearly satisfies the criteria to be assessed as an On Merit DA below. The proposal easily complies with "Clause A", (see the attached effluent report by Ron Selth 17/12/18). The author of this report holds qualifications as an Environmental Health Officer having been awarded the *Health Inspection Certificate* by NSW TAFE in 1975 and admitted as a full corporate member of the Australian Institute of Environmental Health in 1976, it is clear to the undersigned that the proposal complies with "Clause A" below.

Function centre where located within the Mount Lofty Ranges Watershed Overlay	Except where located in Watershed Areas 2 and 3 (shown on Overlay Maps – Mount Lofty Ranges Watershed Area) and it achieves one of the following, (a) or (b): (a) it achieves all of the following: (i) it is ancillary to and in association with primary production, a winery, cellar door or shop where the tasting and retail sale of wine are the predominant activities, or agricultural industry (ii) it does not result in more than 75 seats for customer dining purposes on the allotment (iii) it complies with Clause A (b) it achieves all of the following: (i) it is located within Precinct 2 The Cedars
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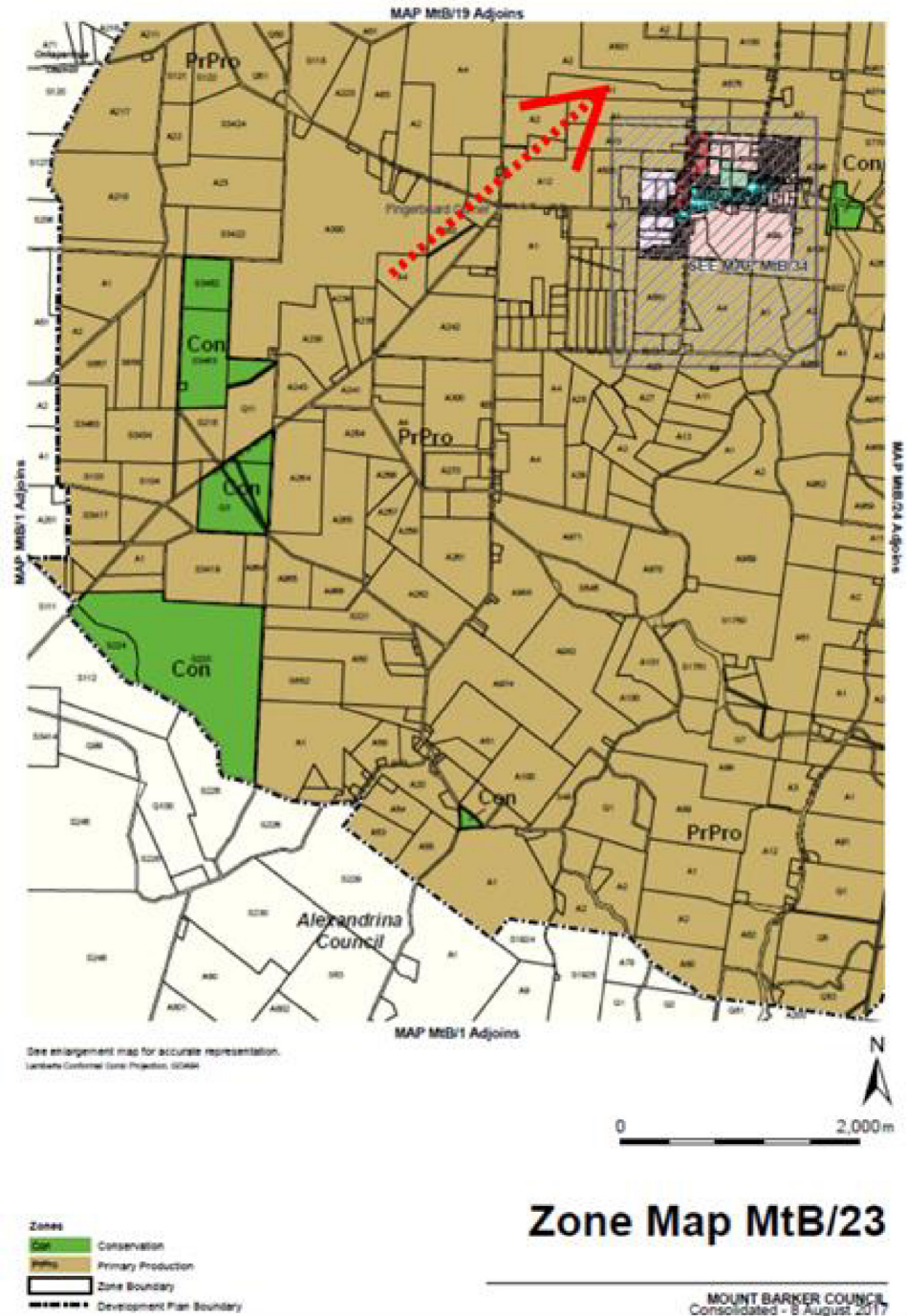


**580/71/19**

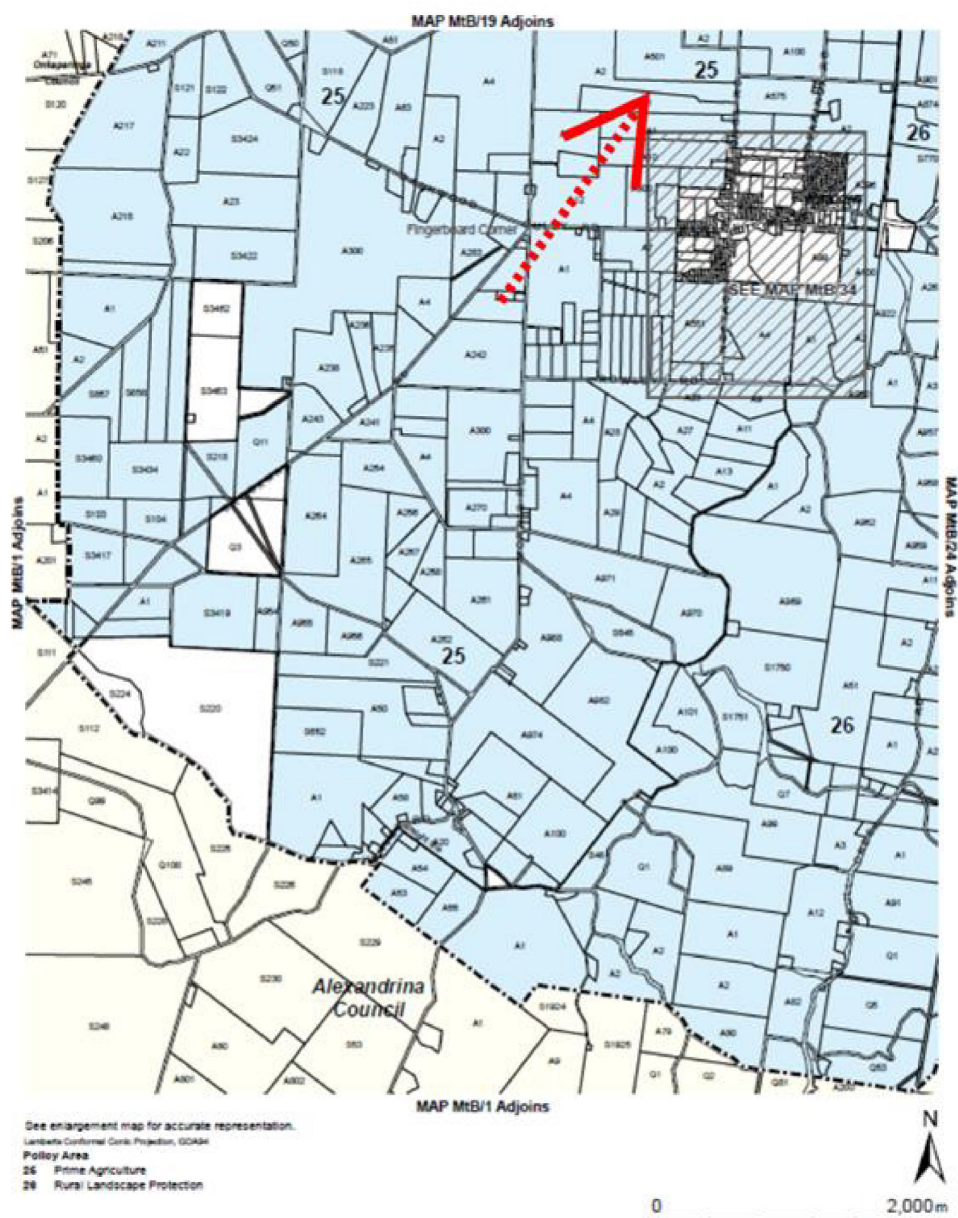
Clause	Requirements
Clause A	<ul style="list-style-type: none"><li>(a) it is not located in areas subject to inundation by a 1-in-100 year average recurrence interval flood event or sited on land fill which would interfere with the flow of such flood waters</li><li>(b) it is connected to an approved sewerage or common effluent disposal scheme or has an on-site waste water treatment and disposal method which complies with the relevant standards</li><li>(c) it does not have any part of a septic tank effluent drainage field or any other wastewater disposal area (eg irrigation area) located within 50 metres of a watercourse</li><li>(d) it does not have a wastewater disposal area located on any land with a slope greater than 1-in-5 (20 per cent) or depth to bedrock or seasonal or permanent watertable less than 1.2 metres</li><li>(e) it does not have a septic tank or any other wastewater treatment facility located on land likely to be inundated by a 1-in-10 year average recurrence interval flood event</li><li>(f) it is sited at least 25 metres from any watercourse, dam, lake, wetland, bore, well, artificial channel or public stormwater drain (whether or not temporarily dry).</li></ul>



580/71/19



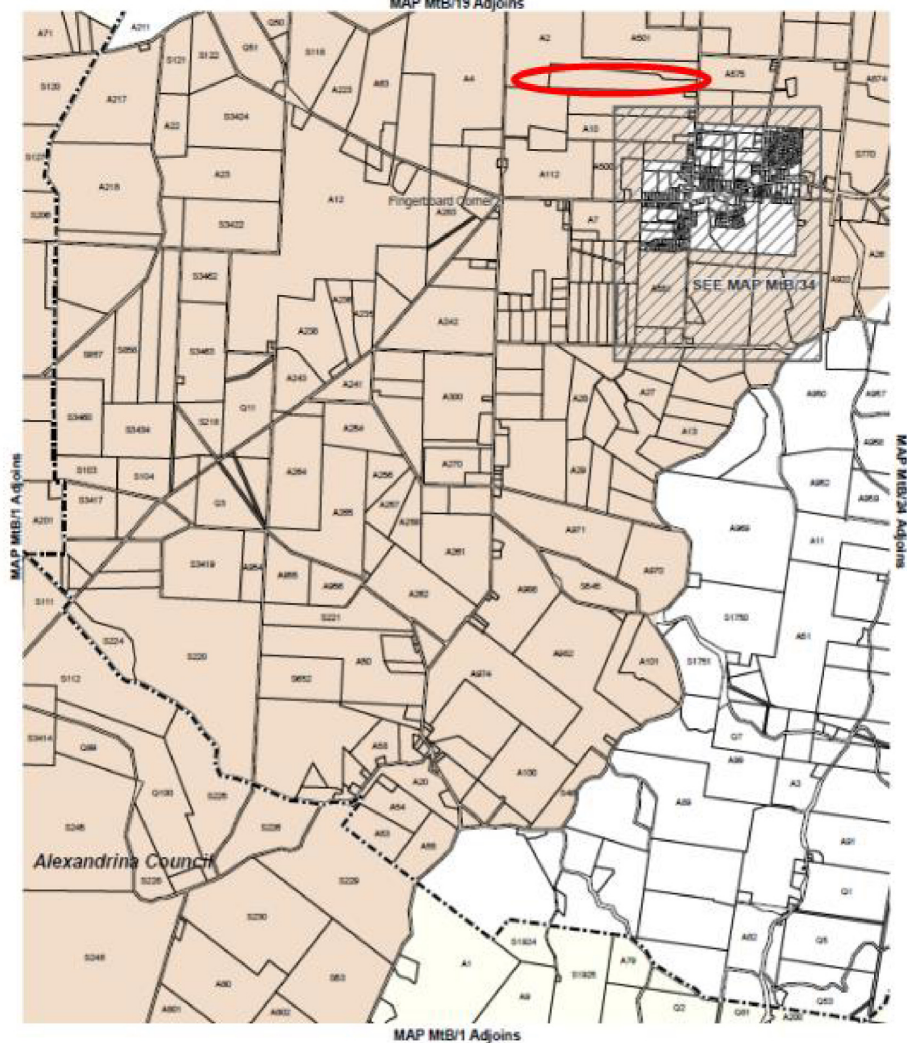
580/71/19



## Policy Area Map MtB/23



### MAP MtB/19 Adjoins



**Overlay Map MtB/23**  
MOUNT LOFTY RANGES  
WATERSHED AREA

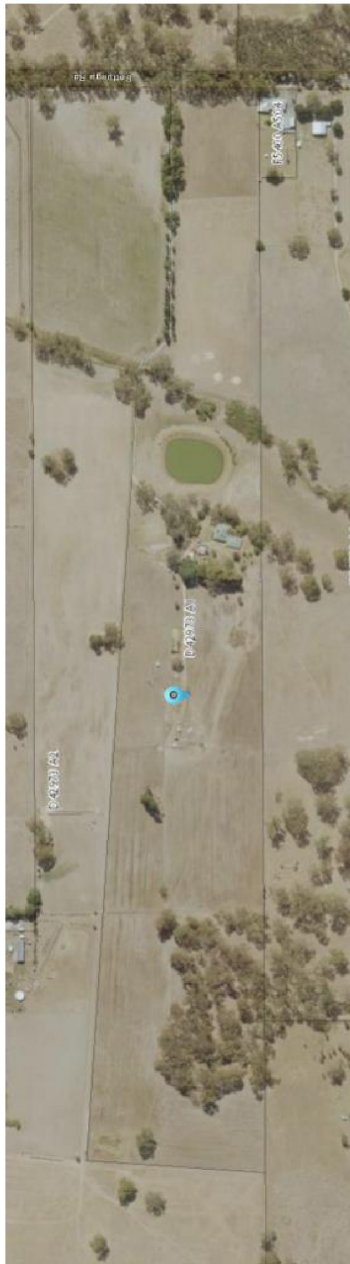
**MOUNT BARKER COUNCIL**  
Consolidated - 8 August 2017

 Mount Lofty Ranges Watershed Area 1  
 Mount Lofty Ranges Watershed Area 2  
 Mount Lofty Ranges Watershed Area 3  
 Development Plan Boundary

**580/71/19**

### **1.3 The Locality**

The locality is essentially dominated by rural uses with the Township of Meadows which is to the South of the site.



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## 1.4 The Land

The land is described as 940 Battunga Rd Meadows, and is held in CT 5286/90.



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



### Certificate of Title - Volume 5286 Folio 90

Parent Title(s) CT 4359/527, CT 4359/528  
Creating Dealing(s) RTD 7914500  
Title Issued 14/08/1995 Edition 2 Edition Issued 10/02/2005

### Estate Type

FEE SIMPLE

### Registered Proprietor

SUSAN KATHRINA MCARTHUR  
OF PO BOX 2 MEADOWS SA 5201

### Description of Land

ALLOTMENT 1 DEPOSITED PLAN 42973  
IN THE AREA NAMED MEADOWS  
HUNDRED OF KUITPO

### Easements

NIL

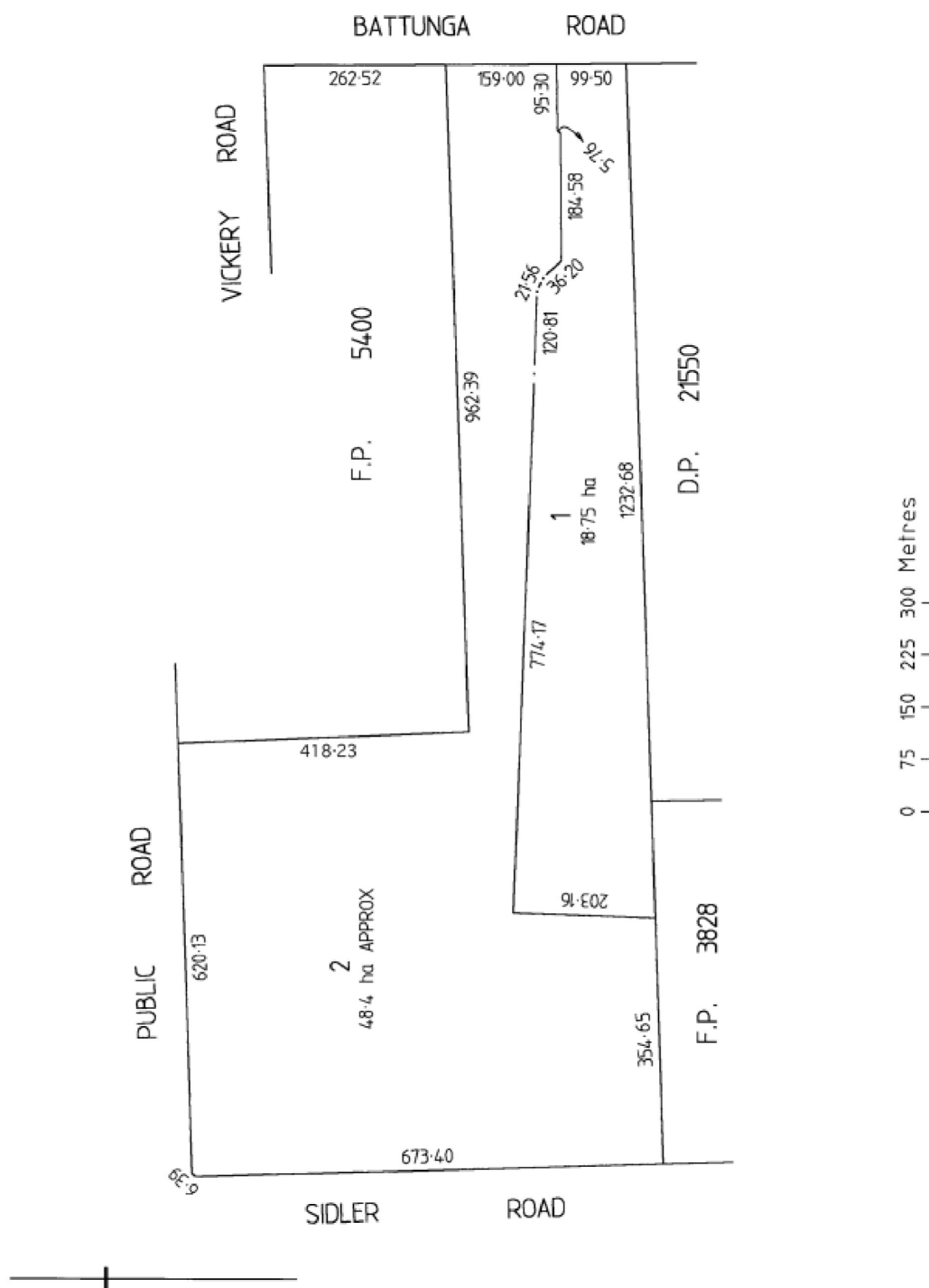
### Schedule of Dealings

NIL

### Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL

580/71/19



580/71/19

### 1.5 Background of Atkins Farm

Atkins Farm Pty Ltd is a registered business.

ABN: 36 167 795 137

ACN: 167 795 137

The PIRSA Property Identification Code is SB440825

Atkins Farm in Meadows has been owned by the same family since the 1930's. The background of the farm is quite rich in its history of agriculture. Atkins Farm has always been a primary production farm – over the last 70 years it has been a potato farm, a dairy farm, a hay production farm, a Suffolk ram stud and a prime lamb farm. In more recent years the farm has seen mixed farming of hay production, prime lamb and wool farming. Atkins Farm is currently a primary production farm for prime lamb.

**Who:** The McArthur family (3<sup>rd</sup> generation owners of Atkins Farm). Three generations on, and the family behind Atkins Farm, continue farming in the Adelaide Hills. They are committed to sustainable and traditional farming which allows them to produce the best lamb made by nature. They produce and farm meadow hay as well, that provides the highest of nutrients to all their sheep, that makes the meat taste incredibly delicious. They treat all animals with love and respect.

**What:** They currently farm prime lamb. On average annually they have been running 60 head of ewes, and as part of their primary production plan they aim to reach 120 ewes by 2022.

**Where:** Atkins Farm is a 47 acre (19 hectares) farm in Meadows. Approximately 40 acres out of the 47 acres are dedicated to primary production. The remainder of the farm houses a residential dwelling and scrubland.

**How:** On average the owners spend approximately 30 hours a week working on the farm. These hours are spent on the following primary production activities during a 12 month period (including pasture regeneration, seeding, fertilizing, crutching, shearing, tailing);

- In January they begin work on pasture improvement for the next season. They also shear all of the ewes to help prevent flystrike and they send this wool clip off to market as well.
- In January they also put the rams (male sheep) in with the ewes to start the process for the year ahead.
- In March/April they seed fresh pastures for the coming year to produce feed for their stock.
- In April/May they crutch the ewes, and work on weed management.
- In July lambing begins, and continues through until late August.
- In September they are busy tailing and inoculating lambs.



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- In October they are crutching ewes and lambs (<http://en.wikipedia.org/wiki/Crutching>).
- In November they cut, rake, and bale hay to have feed ready for the stock over the dry summer months.
- In December they draft their sheep and get ready to send lambs to market.

Ongoing throughout the year:

- Fence maintenance and improving paddocks to help maintain and improve stocking rates and pasture management.
- Ongoing animal health e.g. drenching of sheep as required.
- Ongoing maintenance of sheep yards, sheds, machinery and shearing shed.
- Checking stock particularly during lambing (e.g. to help prevent birthing problems).
- Ongoing weed management and pest control of the property.
- Dam maintenance.
- Checking stock troughs, pipes etc. to ensure an ongoing water supply for the stock.

**Why do the owners want to value add by seeking approval for a shearing shed/function centre, ancillary to their primary production?**

Historically they have sent lambs to market for sale. Lamb prices fluctuate, and depending on demand and supply they are at the mercy of the market. For example, in 2018 they saw strong prices for their lambs, but in 2020 they could potentially see the downturn of the market. Over an economic cycle agriculture products will boom and bust. The owners are interested in smoothing out the earnings profile of their primary production, so they are not at the mercy of market prices as much. They need to keep replenishing their ewes over a cycle, and when the market is high they might not be able to restock at the same rate. They would like to support their primary production by adding and bringing their lamb directly to consumers in addition to sending them to market.

**1.6 Proposed Changes for Atkins Farm**

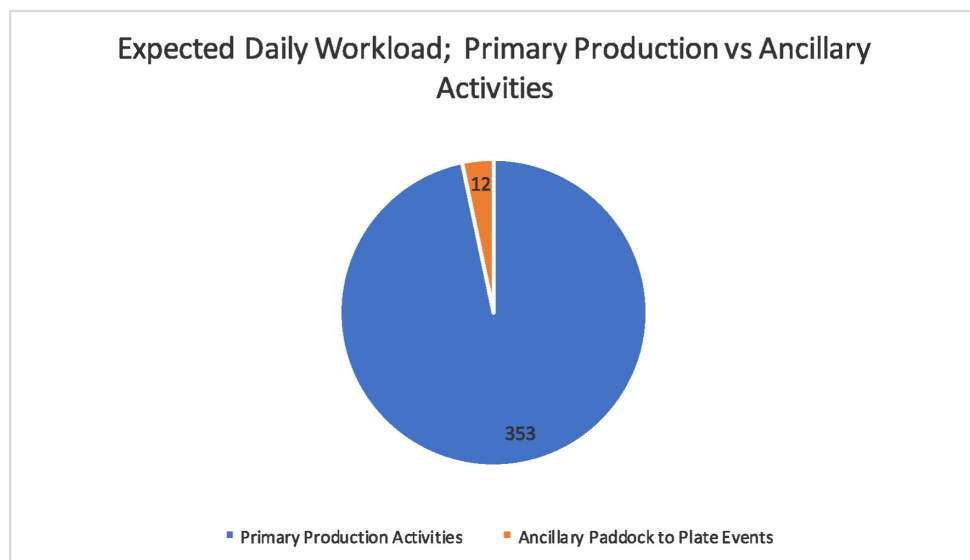
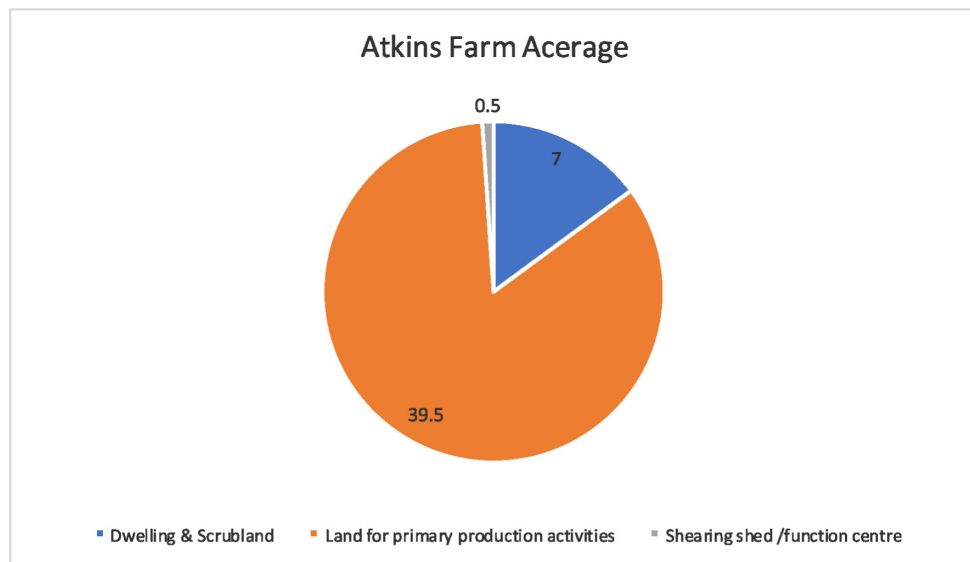
For approximately 70 years there has always been a large shed on Atkins Farm, similar in size to the proposed shed extension which housed farm machinery and hay for the sheep. This implement and hayshed was destroyed in December 2016 storms.

As part of their primary production farming they need to replace the shed so they are proposing to extend the existing shearing shed. For most of the year the shed will be used for storing farm machinery and some hay. The shed extension will also allow the owners to improve work amenities. The total area for this shed extension will be less than half an acre of land. In terms of scale 39.5 acres will remain for primary production land.

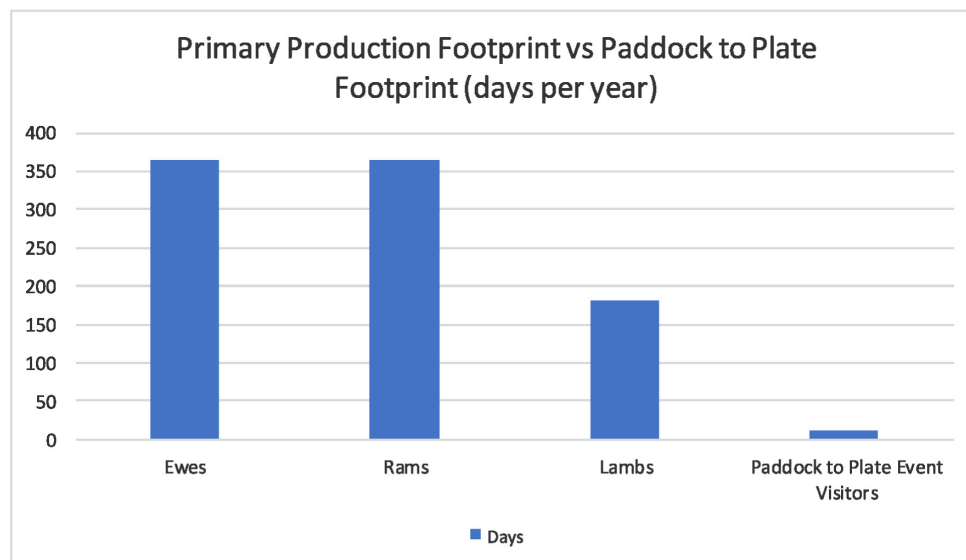


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For a maximum of 12 events per year the owner would like to utilize a portion of the shed to bring a paddock to plate experience to visitors that is ancillary to their primary production activities. They want to bring the concept of boutique farm gate produce to their customers via a unique farm gate paddock to plate dining experience that showcases Atkins Farm lamb. Visitors will get the chance to visit a working primary production farm situated along the epicurean trail (<http://southaustralia.com/travel-blog/epicurean-way-road-trip>) and dine on prime lamb. The owners will also be able to showcase the history and unique narrative of Atkins Farm.



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### What is paddock to plate?

Article link: <https://www.gffoodservice.com.au/idea/muddy-steps-kitchen-rise-paddock-plate-dining/>

In a global community the paddock to plate movement encourages consumers to slow down and embrace seasonal flavours and local produce.

Knowing where your food comes from can change your whole dining experience. Decades ago everyone knew where the food they ate came from without thinking about it; buying from greengrocers and butchers who sourced their produce locally. Now that distance between farm and table is a global distance with imported food. The sustainability of food has been challenged and people are looking at the footprint of their food. The concept of paddock to plate is taking off and consumers are embracing food that travels a shorter distance, with less food miles and supports local farmers and community.

The rise of the paddock to plate movement represents the changing landscape of Australia's food industry. While the food supply chain has become more complex in recent decades, thanks to free trade, wider distribution channels, and improved food technology the current trend has been to look for and source food closer to home.

Changing consumer attitudes towards food and food sources has largely helped bring the paddock to plate movement more mainstream. Australian consumers today increasingly want to know where their food comes from. They want fresh ingredients and they want to have better control of what they eat. People are putting more onus on where their food is coming from and are being encouraged to support local and sustainable farming operations.

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Transparency on sustainability, provenance and 'food miles' is becoming increasingly meaningful to consumers.

#### **What is the Atkins Farm paddock to plate value adding concept?**

Atkins Farm has been producing prime lambs for many decades and for most of that time lambs have been sold via the live auction market over the course of a few fortnights in November/ December. The farming enterprise has also on occasion sold via "on the hook" (weight based) and via on-farm inspection (set price). The farming enterprise has thus been a price taker. The owners believe that value adding to their prime lamb produce offers a superior route to market.

Having observed different value add models including vertical integration (for example retail butcher stores) and direct to consumer offerings (for example boxed whole carcasses) the owners believes a tasting experience (as is successfully employed in the wine industry) to be an appealing value add option for building brand awareness and brand loyalty of Atkins Farm prime lamb.

Given that lamb is a perishable product, best served hot, with accompaniments and enjoyed with friends coupled with consumer preferences for paddock-to-plate experiences the owners believe that Atkins Farm prime lamb is best showcased via on-farm tasting experiences. It is envisaged that these experiences would take the form of themed lunch and dinner dining experiences incorporating foodie feasts and amazing local chef collaborations in a unique venue for really special occasions - all the while celebrating Atkins Farm prime lamb and local, seasonal Adelaide Hills produce.

By creating a connection between Atkins Farm, Atkins Farm prime lamb and the customer, the owners' believe that this will be the best way to add value to their farming enterprise. A paddock-to-plate on-farm tasting experience offers a connection for the consumer to the authenticity and origin of Atkins Farm produce in a rural Adelaide Hills setting in a venue incorporating the historic shearing shed.

This, the owners' believe, offers the best way to create a positive, lasting impression which can then also lead to repeat consumption of Atkins Farm prime lamb at home via produce being available at the local Meadows butcher. Being stocked at the local butcher offers, in the owners' opinion, a superior and sustainable route to market for at-home consumption as it avoids many of the common pitfalls of an attempt to value add which occur via vertical integration or via direct-to-consumer.

#### **What is the Atkins Farm paddock to plate vision?**

The owners want to launch their 'Paddock to Plate' events (a maximum of 12 per year) in their function centre. The food experience will provide the

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opportunity to enjoy prime Atkins Farm lamb produce, prepared in a wholesome, slow-food style.

They envisage working with local chefs to offer Atkins Farm lamb that has been carefully slow cooked over many hours in traditional ways using authentic farm fresh ingredients in a unique paddock to plate experience. They will also utilise on farm prepared condiments such as mint sauce, tomato relish and seasonal produce from their kitchen garden and from local producers. This will include locally made fig jams, locally sourced fruit, vegetables, condiments, all within a 50 km radius (low food miles).

They will work together with chefs to produce a meal that tells a story about the farm and the place where the lambs are grown.

Whilst the 47 acres is not a large holding, the quality of the land and the rainfall that the property receives, allows the owners to farm premium lamb. It is this premium produce that they will showcase in the paddock to plate events.

#### **What is the owner's motivation?**

- First and foremost value adding to their existing and ongoing primary focus of lamb farming. There are very few primary production farms in the region that offer an authentic paddock to plate experience involving prime lamb
- Their consumers are seeking a connection with their food, its origin, farming methods and getting to know who is farming their produce
- The owners want to provide an opportunity to share high quality lamb and fresh produce in an on farm setting
- They recognise that their consumers value the importance of eating seasonally for maximum nutrition
- They recognise that their consumers want to eat the finest quality free range, ethically farmed lamb

#### **What will Atkins Farm paddock to plate events look like?**

- The owner's will work with the local Meadows Butcher, and local Adelaide Hills chefs and caterers, to offer a unique paddock to plate dining experience.
- They envisage using events to showcase produce from the region by collaborating with local growers/caterers/chefs and importantly by incorporating Atkins Farm prime lamb.
- They will participate in events that champion regional food and wine and highlight primary produce, for example, events such as Tasting Australia, Winter Reds and Crush Festival, and the Adelaide Fringe. By participating in these larger scale events they will continue to market their primary produce to a larger audience and showcase paddock to plate events on Atkins Farm.
- The paddock to plate experience will allow people to sit down to a meal of tender Adelaide Hills lamb, and farm fresh produce. This concept allows transparency in where the food has come from and knowing how it has been farmed.

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- Tourists and visitors to the region get to have this unique experience and for the owners (as the farmer) selling food that is responsibly sourced also enables them to showcase ethical and sustainable primary production in the region.
- Tourists and visitors see value in the paddock to plate experience because of its focus on sustainability and responsibility. They want to eat meat from happy, healthy animals that graze outdoors in fresh air and sunshine, and fresh vegetables, fruit and herbs from local gardens.
- The owners can incorporate a farm tour prior to each event so that their farming primary production activities are highlighted. Guests can take a guided tour of the farm and the owners get a chance to talk about the history of the farm and how important primary production is to the region.
- The owners will utilise their existing relationship with their cousins who own Atkins Family winemakers ([www.atkinswine.com.au/](http://www.atkinswine.com.au/)). Atkins Family winemakers have an existing vineyard at nearby Kuitpo and make local Adelaide Hills wines under the Atkins Family Wines brand. Guests to Atkins Farm Paddock to Plate events will be able to sit down for a meal featuring Atkins farm lamb cooked by a local chef and wines by ([www.atkinswine.com.au/](http://www.atkinswine.com.au/)) Farm Wine. This will help to promote local produce, local wines and the Adelaide Hills region to visiting guests.
- The paddock to plate events will be a ticketed event, by invitation only. The owners will invite guests to participate in paddock to plate events that revolve around Atkins Farm lamb.

## 2.0 RELEVANT PROVISIONS OF THE DEVELOPMENT PLAN

The following provisions of the Mt Barker (DC) Development Plan consolidated 2017 are considered to be relevant to the proposal.

In regard to the provisions below it is submitted that this proposal has a high degree of merit. It will provide a valuable Function centre and will foster economic growth in a way that will be orderly, economic and sensitive to the environment.

### PRIMARY PRODUCTION ZONE-

Objectives- 5

Principles-1,3,6,7

### PRIME AGRICULTURE POLICY AREA 25-

Objectives- 4

Principles-1, 5

### GENERAL SECTION-

TOURISM DEVELOPMENT-

Objectives-1, 2, 3, 4, 5, 6, 8

Principles-1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 17.

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### **Primary Production Zone**

Refer to the *Map Reference Tables* for a list of the maps that relate to this zone.

### **INTERPRETATION**

The Mount Lofty Ranges Watershed Overlay (MLRW Overlay) is applicable to some areas of the Primary Production Zone. The Objectives and Principles of Development Control for the MLRW Overlay are expressed in the Overlay section and in cases of apparent conflict, take precedence over zone and policy area policies.

### **OBJECTIVES**

1. The establishment and long term continuation of primary production.
2. Economically productive, efficient and sustainable primary production.
3. Allotments of a size and configuration that promote the efficient use of land for primary production and the conservation of native vegetation and natural habitats.
4. Protection of primary production from encroachment by incompatible land uses and of the scenic qualities of rural landscapes
5. Development that contributes to the desired character of the zone.

### **DESIRED CHARACTER**

This zone comprises much of the council area and has historical uses comprising grazing, fodder production, horticulture, dairying, horse keeping, intensive animal keeping and commercial forestry.

The climate, soil and landform characteristics of the Central Mount Lofty Ranges highlight the value of both expanding and enhancing the value of food production and food security within the zone. It is in this context that land use and activities that ensure the long term economic and environmental sustainability of farming and horticulture take precedence over other non-productive land uses.

The zone contains a large area of Mount Lofty Ranges Watershed which is of critical importance to South Australia as it provides on average 60 per cent of Adelaide's water supply. It contains catchment areas for existing as well as proposed reservoirs serving metropolitan Adelaide and the surrounding areas. Much of the eastern part of the district lies within the Murray River catchment area in which additional controls apply in order to safeguard water quality flowing to the River Murray.

The central area of this zone, particularly around the townships of Mount Barker, Littlehampton and Naime, comprises some of the most productive land, capable of supporting a wide range of agricultural activities. This area is to be preserved for high value primary production activities. Uses which are incompatible with primary production or which would cause degradation to the land will not occur.

Limited opportunities will exist for small-scale winery development and small-scale, low impact agricultural, tourism and home-based industries based on rural, arts,

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crafts, tourist, cultural or heritage activities, where they expand the economic base of the Mount Lofty Ranges region. Such uses, including farm gate/rural produce sales, will be of a scale that complements the rural landscape setting, has minimal environmental impact, and appropriate to the existing infrastructure and services available. Large scale industries and related activities are not appropriate and are more suited to designated industrial or commercial focussed zones located within existing townships.

There is a considerable amount of native vegetation on private and public land which contributes significantly to scenic quality. The zone exhibits rural landscapes of high scenic quality and visual amenity, characterised by undulating pasture lands dotted with stands of large mature eucalypts. Buildings and structures on allotments which are wholly or partly covered in native vegetation will be designed and sited in a manner which requires the least area of vegetation to be cleared and the least fragmentation of homogenous areas of native vegetation. Development will revegetate denuded landscape with indigenous vegetation.

### **Pattern of Development**

Large allotments are to be maintained and the amalgamation of allotments will increase to reinforce the viability of primary production. No further fragmentation of rural properties will be undertaken and boundary realignments will reinforce the viability of primary production. Land division will protect natural resources and promote viable primary production. A dwelling associated with farming and primary production is envisaged in limited circumstances. Within the Mount Lofty Ranges Watershed a second dwelling is not appropriate. Outside the Mount Lofty Ranges Watershed a second dwelling on an allotment is generally inappropriate but such development may be considered in very limited circumstances where a second dwelling satisfies a range of criteria. It is envisaged that an allotment containing a second dwelling approved under these provisions will not be divided in the future to create a separate certificate of title for each dwelling even where the land division does not result in additional allotments.

Development ancillary to primary production, including dwellings and outbuildings will be in appropriate locations to minimise visual and operational impacts on primary production activities.

Development within existing minor settlements will be limited to prevent issues with the provision of services and the potential impacts on adjoining primary production. Dwellings and other structures will be set well back from all boundaries, apart from within existing minor settlements where the existing pattern of development should be followed.

### **Public Realm**

The public road network throughout the primary production areas will serve multiple functions, as a freight network, tourist drives, droving of stock, people movement routes, transportation of farm machinery and as biodiversity corridors.

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The scenic qualities of the public routes and views across the zone and approaches to townships will emphasise primary production and be unobstructed by inappropriate development, including excessive advertising signage.

The nature and appearance of road reserves will vary across the primary production area depending on the role the road plays. Freight routes are to maintain wide, open reserves with limited driveway access points. Road reserves are to be kept clear of obstructions for the movement of farm machinery. Special tourist drives, particularly to conservation parks, will include vegetation corridors of biodiversity significance. Areas of conservation and biodiversity significance are to be protected from inappropriate development.

### **Built Form**

Structures will be associated with existing clusters of buildings and will be of complementary scale and massing to those buildings, while also being of appropriate dimensions to serve their intended function. Development, including large sheds, will also be located and designed to blend with the existing landscape with appropriate earthworks and building design to suit the natural landform. Other structures will be of a form that blends with, and does not detract from the scenic qualities and primary production function.

### **Building Materials / Character**

Development will maintain the rural landscape with buildings appropriately sited, designed and screened by vegetation. Buildings are to be constructed using materials and low-light reflective natural colours that blend with the rural landscape.

**In the past decade Atkins Farm has regularly produced and sold prime lambs along with sowing annual pastures to produce hay for both on farm animal feed as well as for external sale.**

**Over the past few years significant pasture improvement has been undertaken to allow perennial grasses to flourish, less chemicals to be applied, a slightly higher stocking rate to be attainable (increased food production) and for less hay making to occur.**

**No native vegetation needs to be cleared to undertake the proposed development and indeed as part of our desire to improve the tranquility of the proposed venue's rural setting, the owner's wish to plant more native vegetation, particularly for screening purposes.**

**The proposed building is to be attached to the current shearing shed thereby creating an "existing cluster". Please note that with the hay shed having been destroyed during the storms in December 2016 and the planned removal of a small storage shed near the current shearing shed the owners will on net be reducing the number of structures.**

**The proposed venue is of a similar scale to the destroyed hay shed to in part provide similar functionality for primary production when required.**



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**As Atkins Farm is the home of the McArthur family, they are highly attuned to building a structure in keeping with the rural landscape. To that end, reclaimed hardwood timber along with Colourbond Manor Red Galvanized Iron will be the primary building material.**

## **PRINCIPLES OF DEVELOPMENT CONTROL**

1. The following forms of development are envisaged in the zone:

- cellar door sales
- dairy farming
- farming
- horticulture
- light industry and service industry in association with the processing, packaging and distribution of primary production (other than where located within the Mount Lofty Ranges Watershed)
- shop in the form of small scale on-farm produce sales outlet in association with primary production
- small-scale tourist accommodation in association with wineries, farms and local heritage places
- small scale restaurant associated with primary production, cellar door, winery or agricultural industry
- small scale winery

2. Development listed as non-complying is generally inappropriate.

## **Character**

3. Development should not be undertaken unless it is consistent with the desired character for the zone.

## **Conservation of Natural Resources**

4. Development should not occur in areas designated as high environmental significance on *Overlay Maps MtB/1 – MtB/38 –Development Constraints*.

5. Development should not occur within 500 metres of a National Park, Conservation Park, Wilderness Protection Area or significant stands of native vegetation if it will increase the potential for, or result in the spread of pest plants.

6. Development should be designed and sited to minimise the removal of vegetation with clearance only permitted where:

- (a) non-indigenous and/or declared noxious species are removed
- (b) the land, following vegetation clearance, is capable of supporting the proposed land use without undue risk of soil erosion, and land/water salinisation
- (c) re-vegetation with indigenous species to increase the native vegetation cover within the zone is undertaken on substantial areas of the same allotment to

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compensate for the loss of vegetation, including roadside vegetation removed for access.

### **Design and Visibility**

7. Buildings should primarily be limited to farm buildings, agricultural industry building or a detached dwelling associated with primary production on the allotment, and residential outbuildings that are:
- (a) grouped together on the allotment and set back from allotment boundaries to minimise the visual impact of buildings on the landscape as viewed from public roads
  - (b) screened from public roads and adjacent land by existing vegetation or landscaped buffers
  - (c) located where they will not interfere with the primary production role of the land.

**The proposal is in fact a “low impact tourism development” and as such it finds support in the desired character statement of the zone.**

### **Prime Agriculture Policy Area 25**

Refer to the *Map Reference Tables* for a list of the maps that relate to this policy area.

### **OBJECTIVES**

1. Economically productive, efficient and sustainable primary production.
2. Preservation of rural land and landscape character by limiting additional dwellings and non-agricultural development.
3. Tourist facilities, attractions, and accommodation that are secondary to farming and blend with the natural environment.
4. Development that contributes to the desired character of the policy area.

### **DESIRED CHARACTER**

Heavier reliable rainfall and fertile soils characterise this policy area occupying the western part of the district. Undulating hills and scattered large eucalypts along with a productive farming sector result in landscape of high scenic quality.

The central western perimeter of the area borders the Mount Bold reservoir and the Onkaparinga River. The majority of this land is owned by South Australian Government agencies and is characterised by large pockets of remnant vegetation and State forests. State forests are also located at Kuitpo and have been a contributor the wider region's economy since the late 19th century.

### **Function**

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The dominant rural character of the policy area should be maintained by the continuation of farming activities and the conservation of remnant native vegetation. It is important that non-agricultural development acknowledges and understands that the policy area is centred on agriculture as the primary land use, and that non-agricultural development will need to accommodate existing agricultural impacts (e.g. dust, spray drift, stock movements, noise and use of machinery at different times of the day, night and year).

For the farming economy to survive and prosper, it is essential that flexibility and diversity in terms of land use be promoted and encouraged. Farm gate sales, niche markets, value-adding and on-farm tourist accommodation are ancillary and secondary land use activities considered essential to the long term viability of the district's rural economy. Farm stays and experiences, produce trails, niche and boutique food and beverage ventures will be encouraged along with on-farm produce and product sales.

Wineries and small scale, low impact agricultural and home-based industries are encouraged where they expand the economic base of the Mount Lofty Ranges. Industries will be based upon the processing of agricultural produce sourced primarily from the region. Home-based industries will be based on rural, arts, crafts, tourist, cultural or heritage activities, and small-scale tourist ventures will relate to a variety of primary production and related activities all with the aim of promoting a regional identity.

### **Pattern of Development**

Boundary realignments will focus smaller allotments on poorer quality agricultural land and consolidate productive land in larger parcels in order to facilitate on-going commercially viable primary production. Dwellings and associated structures are to be sited on less productive land, away from adjoining boundaries to ensure there are no adverse impacts on nearby farming practices.

### **Public Realm**

Extensive views are afforded across the valley floors and through to the surrounding hills and ranges from the major arterial road network. The secondary and tertiary road network include roads that traverse the ridge tops and allow for extensive panoramic views over a patchwork of farms, native vegetation and forestry plantations.

Roadside vegetation forms an important element in a network of biodiversity corridors linking patches of remnant native vegetation and will be retained and replaced when required. The rural road network plays an invaluable role in the rural economy, facilitating the movement of logging trucks, stock, bulk milk and wine transport as well as farm machinery.

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### **Built Form/Character**

Landscape quality should be maintained by the re-establishment and retention of remnant and roadside vegetation and siting and design of buildings so as to contribute positively to landscape and environmental quality. The siting of dwellings and ancillary structures on hill and ridge tops should be avoided.

Domestic and ancillary buildings will be clustered and the use of non-reflective materials which blend in with the surrounding environment will be encouraged. The use of reflective prefabricated steel cladding, such as Zinalume, will be discouraged.

Effective vegetated buffers will be established between dwellings and surrounding land so as to minimise land use conflicts and not impede the continuation of existing, and development of future, agricultural activities, including horticulture.

## **PRINCIPLES OF DEVELOPMENT CONTROL**

### **Land Use**

1 The following forms of development are envisaged in the policy area:

- dairy farming
- farming
- horticulture
- light and service industry associated with the processing, packaging and distribution of local produce.
- shop in the form of small scale on-farm produce sales outlet in association with primary production
- small-scale tourist development in association with wineries, farms and local heritage places.

2. A dwelling should only be erected if it can be demonstrated that it is to support the productive use of the land consistent with the intent of the policy area, and is located on poorer quality agricultural land.

3. A dwelling should not be erected if it will limit the operation or expansion of adjoining and nearby primary production or if it will be adversely affected by agricultural activities on adjacent and nearby land.

4. Retail sales of goods produced and processed within the policy area are appropriate provided such sales are ancillary and incidental to the principal farming, and horticultural use of the land.

### **Form and Character**

5. Development should not be undertaken unless it is consistent with the desired character for the policy area.

6. A dwelling should only be erected where such development:

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- (a) has a substantial vegetated buffer between the dwelling and the allotment boundary, or
- (b) where the impacts of adjoining agricultural land use are mitigated by taking into account factors such as prevailing winds, topography and physical barriers.

**The proposal falls within the ambit of the section of the Desired Character Statement for the Policy Area --*Tourist facilities, attractions, and accommodation that are secondary to farming and blend with the natural environment*. It is submitted that the proposal will be secondary to this the existing farming use and will blend very well with the natural environment**

### **Tourism Development**

### **OBJECTIVES**

1. Environmentally sustainable and innovative tourism development.
2. Tourism development that assists in the conservation, interpretation and public appreciation of significant natural and cultural features including State or local heritage places.

**The proposal finds clear support in Principle 2 above , the historic growing of lamb on this land together with the manifest cultural and natural features of the locality of Meadows will gain greater appreciation as a consequence of this proposal.**

3. Tourism development that sustains or enhances the local character, visual amenity and appeal of the area.

**The proposal uses and enhances an existing farm building of some antiquity, it is located well away from the public realm, and will be finished in a colour ("Manor Red") that is recessive and appropriate to the environment.**

4. Tourism development that protects areas of exceptional natural value, allows for appropriate levels of visitation, and demonstrates an environmental analysis and design response which enhances environmental values.
5. Tourism development in rural areas that does not adversely affect the use of agricultural land for primary production.
6. Tourism development that contributes to local communities by adding vitality to neighbouring townships, regions and settlements.
7. Ensure new development, together with associated bushfire management minimise the threat and impact of bushfires on life and property while protecting the environment.



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**It is clear that the proposal is for an environmentally sustainable and innovative tourism development, it is unique in its central intent and clearly of a very minor scale being ancillary to the existing farming use and limited to 12 events per year and having a direct functional link to the existing farming use.**

#### **PRINCIPLES OF DEVELOPMENT CONTROL**

1. Tourism development should have a functional or locational link with its natural, cultural or historical setting.
2. Tourism development and any associated activities should not damage or degrade any significant natural and cultural features.
3. Tourism development should ensure that its scale, form and location will not overwhelm, over commercialise or detract from the intrinsic natural values of the land on which it is sited or the character of its locality.
4. Tourism development should, where appropriate, add to the range of services and accommodation types available in an area.
5. Any upgrading of infrastructure to serve tourism development should be consistent with the landscape and the intrinsic natural values of the land and the basis of its appeal.
6. Major tourism developments should generally be located within designated areas and existing townships, towns or cities.

#### **Tourism Development Outside Townships**

9. Tourist developments should demonstrate excellence in design to minimise potential impacts or intrusion on primary production activities and on areas of high conservation, landscape and cultural value.
10. Tourism developments in rural areas should be sited and designed to minimise impacts and have a functional or locational link with either of the following:
  - (a) the surrounding agricultural production or processing
  - (b) the natural, cultural or historical setting of the area.
11. Tourism developments in rural areas should primarily be developed in association with one or more of the following:
  - (a) agricultural, horticultural, viticultural or winery development
  - (b) heritage places and areas
  - (c) public open space and reserves
  - (d) walking and cycling trails
  - (e) interpretive infrastructure and signs.
12. Where appropriate, tourism developments in areas outside townships should:
  - (a) adapt and upgrade existing buildings of heritage value
  - (b) seek to improve conditions in disturbed or degraded areas on the site

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- (c) be staged in a co-ordinated manner to ensure consistency in appearance, building themes, materials, and links between buildings, vehicle parking and ancillary uses on the site
- (d) limit ancillary uses such as recreation, leisure, conference/meeting rooms and dining facilities to the requirements of guests staying at the facility and not generate additional visitors (except in Precinct 2 The Cedars).

13. Advertisements associated with tourism developments should:

- (a) not exceed 0.5 square metres in area for each display
- (b) be limited to no more than two per site
- (c) be located on the same site as the tourist development
- (d) not be internally illuminated.

14. Tourism development in rural areas should occur only where it:

- (a) incorporates a separation distance or buffers to avoid conflict with existing rural industries or agriculture or otherwise is designed to overcome the potential impacts associated with the adjoining land use (such as noise, dust, spray drift, odour and traffic)
- (b) will not give rise to demands for infrastructure and services, especially on public lands, that are inappropriate to the primary purpose of the zone and/or policy area
- (c) is not located within 500 metres of any allotment within the Industry Zone.

15. Tourism development, particularly in remote areas should be designed to minimise energy and water demands and incorporate alternative, sustainable technologies that use renewable energy sources and/or treat and reuse stormwater and wastewater to minimise reliance on mains services.

16. Natural features, signs and walkways should be used to manage and minimise potential risks of visitors damaging areas of cultural or natural significance, fragile areas, and areas of highest environmental value.

17. The visual and ambient impact of vehicles should be minimised by placing roadways and parking areas in unobtrusive locations.

**The proposal finds ample support within the GENERAL SECTION of the Development Plan**

**The proposal finds clear support in the above part of the DESIRED CHARACTER STATEMENT for the Primary Production Zone.**

#### **MOVEMENT OF PEOPLE & GOODS-**

The use will involve a small increase in traffic movements and occasionally parking for up to **20** vehicles. The proposed driveway, manoeuvring areas and car spaces are relatively flat and conforms with the provision of the SAA Off-Street Carparking Code (AS 2890.1-2004). A carspace for disabled people has been provided. Access from the carspace will be provided to the building in accordance with AS 1428.1. Access into the building will be provided in accordance with AS 1428.1. Occasionally there will be a larger event or function that will necessitate a provision for more parking. For the very occasional larger event, additional off-street parking

**580/71/19**

will be available in the open land at the rear of the allotment. Additionally the existing driveway continues past the shearing shed which allows for a bus to turn around and leave the property.



**CONSERVATION AND APPEARANCE-**

The proposal will not of itself change the appearance of the land at all. The conservation of a local item of heritage will result from the proposal and the reinstatement of its former use is highly appropriate.

**PUBLIC UTILITIES-**

The proposal will cause only a marginally greater load on the local road network and electricity distribution network than currently exists.

**SOCIAL, ECONOMIC & ENVIRONMENTAL EFFECTS-**

The proposal will have negligible effect on the amenity of the neighbourhood.

The aspect of effluent management has been comprehensively addressed in the attached report by Ron Selth and Assoc. dated 17/12/18.

Having regard to the maximum proposed numbers of guests, it is submitted that the sanitary facilities as drawn on the plans by Pauline Hurren comply with the National Construction Code 2019 Volume 1- FP 2.1

Any music played at the function centre will be acoustic and limited to inside the building

**CONCLUSION-**



**580/71/19**

The proposal contributes positively to the attainment of the Zone and District Wide Objectives.

It is clear that the proposal meets the intent and letter of the relevant CHARACTER STATEMENT and OBJECTIVES above. It is clearly ancillary to agriculture which will remain the dominant land use on the site, it has a functional link to the existing land use, as it will adapt an existing farm building in a sensitive way that is clearly ancillary to the existing farming use. It will use and promote produce grown on the farm and also foods grown and value added within the locality. It will be finished and landscaped so as to be recessive to the visual character of the locality.

It will sit well with the established character of Meadows.

The proposal is not seriously at variance with the development plan.

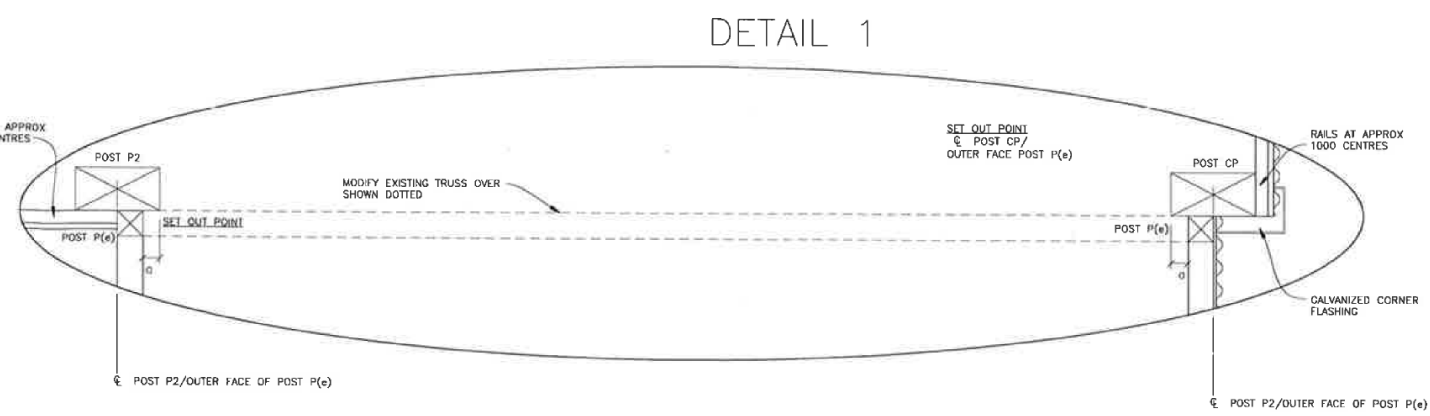
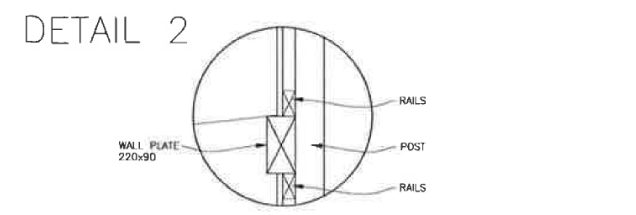
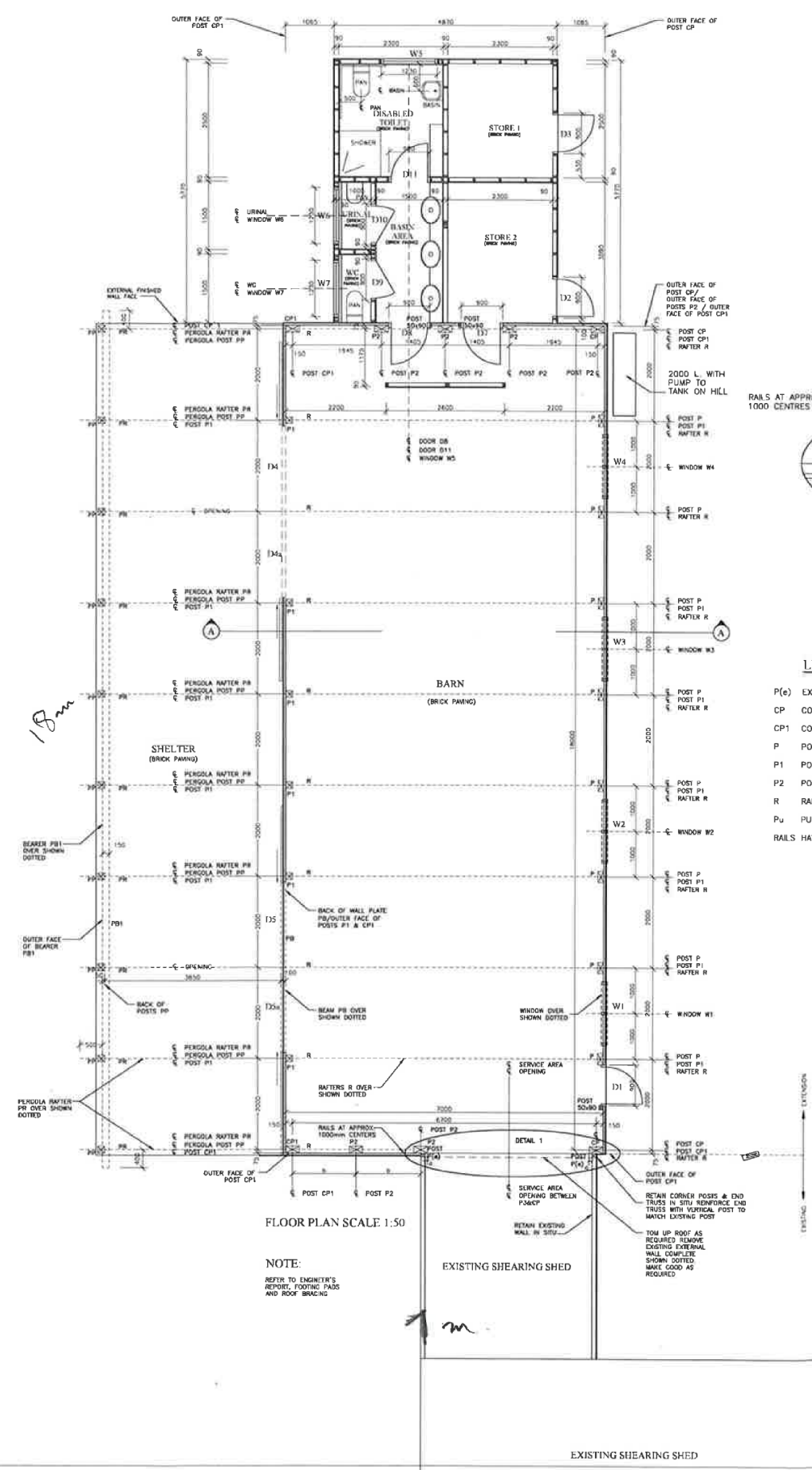
It is considered that the Development Application has and profound degree of merit and should be submitted to the Council Development Assessment Panel with a recommendation for the grant of Development Plan Consent.



**Peter Meline**  
**RPIA, MAIBS, JP**  
**ENCL:**

- PARKING DESIGN REPORT BY RON SELTH AND ASSOC.
- REF W24239
- EFFLUENT REPORT BY RON SELTH 17/12/18

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LEGEND BARN:

- P(e) EXISTING POST
- CP CORNER POST DEYOUNGS 300x150x6.4m LONG
- CP1 CORNER POST JETTY TIMBER 300x150x6.0m LONG
- P POST DEYOUNGS 250x125x6.4m LONG
- P1 POST HAYSHED 150x150x4.5m LONG
- P2 POST JETTY TIMBER 300x150x6.0m LONG
- R RAFTER, HAYSHED 240x50x8.4m LONG
- Pu PURLINS DEYOUNGS 125x50mm
- RAILS HAYSHED 70x50x2.0m LONG

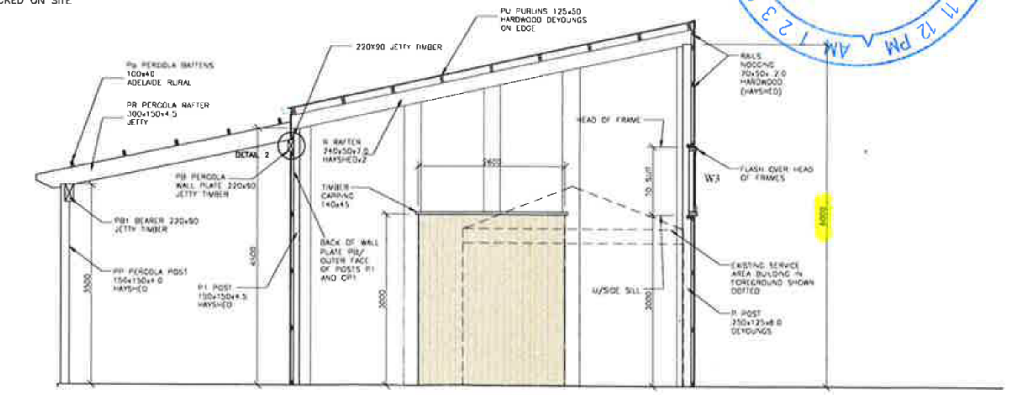
LEGEND PERGOLA:

- PP PERGOLA POST HAYSHED 150x150x4.5m LONG
- PB WALL PLATE, JETTY TIMBER, 220x90x5.5m LONG
- PB1 BEARER, JETTY TIMBER, 220x90x5.5m LONG
- PR RAFTER, JETTY TIMBER, 300x150x4.5m LONG
- Pb BATTENS, ADELAIDE RURAL, 100x40mm

NOTE:

ALL TIMBER TO BE CUT TO SIZE AS DIMENSIONED ON DRAWINGS AND AS CHECKED ON SITE.

DETAIL 1 SCALE 1:10



MATERIALS & COLOURS:

WALLS: CORRUGATED GALVANIZED IRON PAINTED IN MANOR RED  
ROOF: COLORBOND GALVANIZED IRON ROOFING SHEETS IN MANOR RED  
WOOD WORK: NATURAL FINISH  
WINDOWS & DOORS: CLEAR FINISH

PROPOSED NEW BARN AT BATTUNGA ROAD, MEADOWS FOR MR. & MRS. McARTHUR

HURREN ARCHITECTS 36 PICCADILLY ROAD, CRAFTERS SA 5152 www.hurrenarchitects.com.au T: 8339 1968 email: ask@hurrenarchitects.com.au



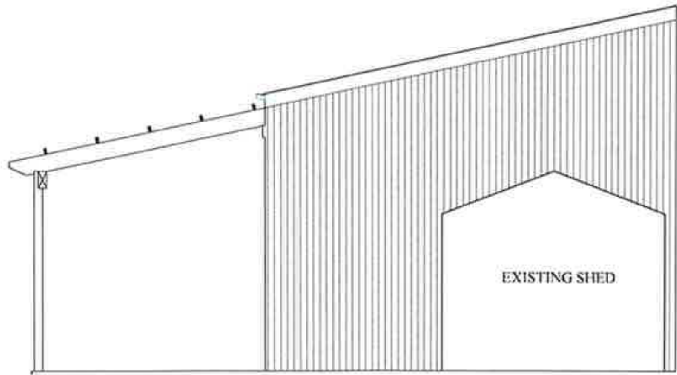
PHTM 1217 I/WIC AMENDMENTS

PLAN & SECTION A-A

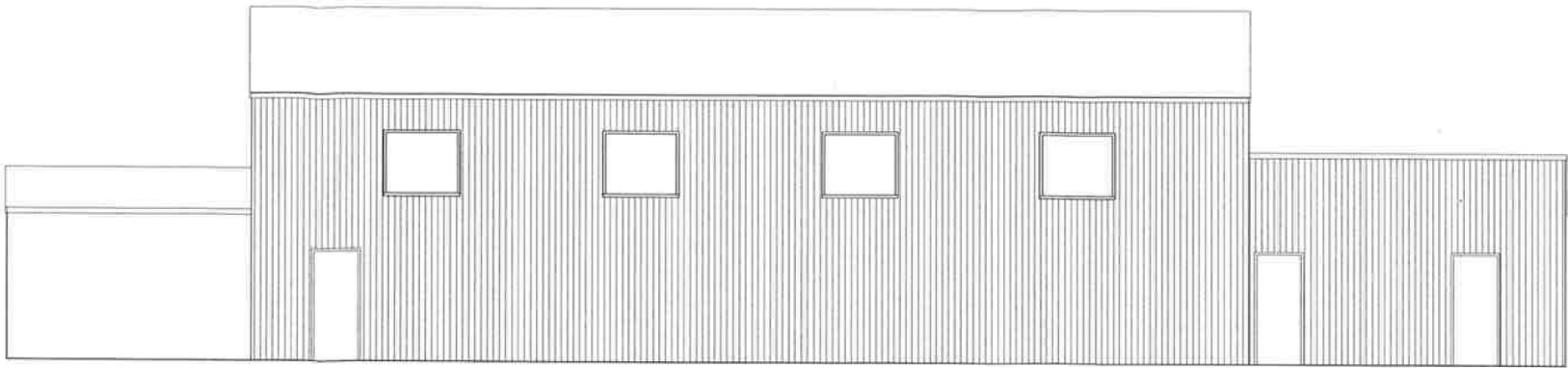
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DRAWN BY: MD

GENERAL NOTES

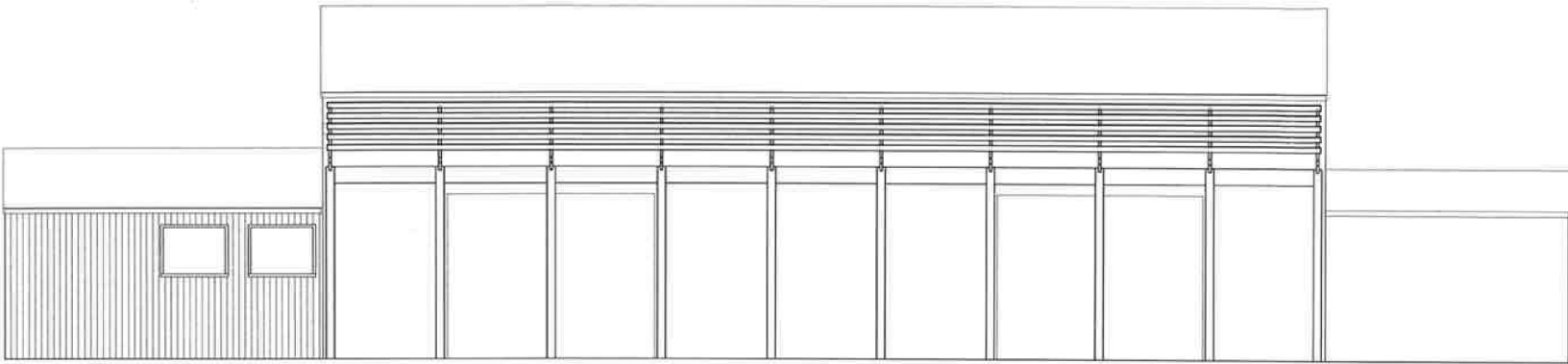
ALL DIMENSIONS & LEVELS TO BE CHECKED & VERIFIED ON SITE. WITHIN DIMENSIONS OF ALL TAKE PRECEDENCE OVER SCALED DIMENSIONS. ANY DISCREPANCIES TO BE REPORTED TO THE ARCHITECT IMMEDIATELY. DRAWINGS SHALL BE USED IN CONSTRUCTION WITH ASSOCIATED SPECIFICATIONS, ENGINEERING REPORTS & LOCAL AUTHORITY APPROVALS. THE ARCHITECT ASSUMES ANY RESPONSIBILITY FOR ERRORS IN THE DRAWINGS & ASSUMES NO LIABILITY FOR ANY DAMAGE TO PROPERTY OR PERSONS DURING CONSTRUCTION. IT IS THE BUILDERS/CONTRACTORS RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS PRIOR TO COMMENCEMENT OF PROJECT. © COPYRIGHT  
ALL DRAWINGS ARE SUBJECT TO COPYRIGHT LEGAL ACTION WILL BE TAKEN AGAINST ANY INFRINGEMENT IN WHOLE OR PART UNLESS WRITTEN PERMISSION IS GIVEN BY THE ARCHITECT



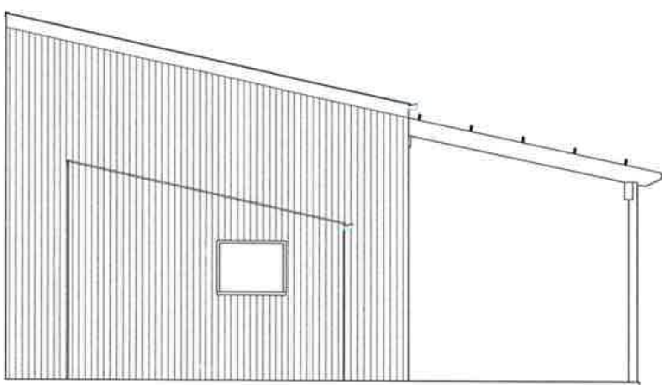
SOUTH ELEVATION SCALE 1:50



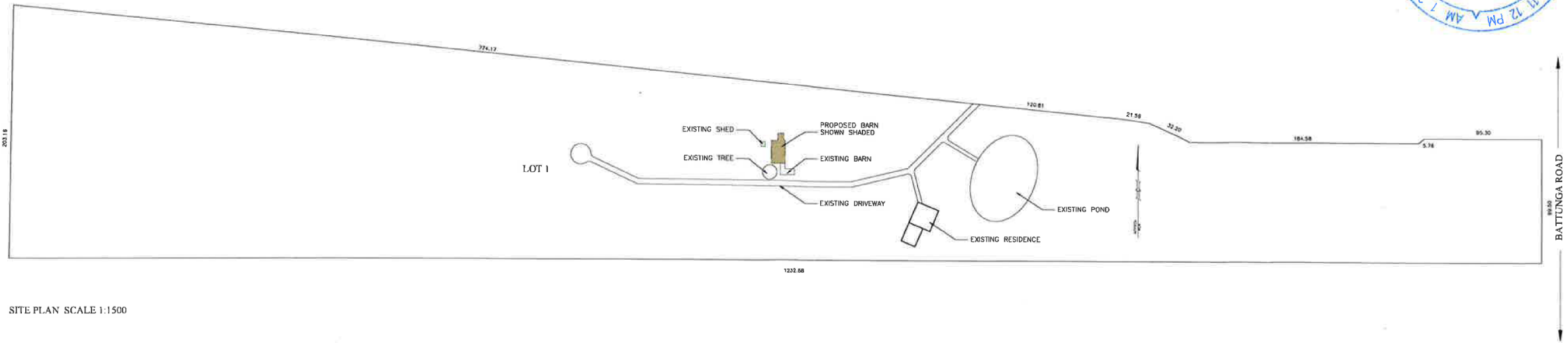
EAST ELEVATION SCALE 1:50



WEST ELEVATION SCALE 1:50



NORTH ELEVATION SCALE 1:50



SITE PLAN SCALE 1:1500

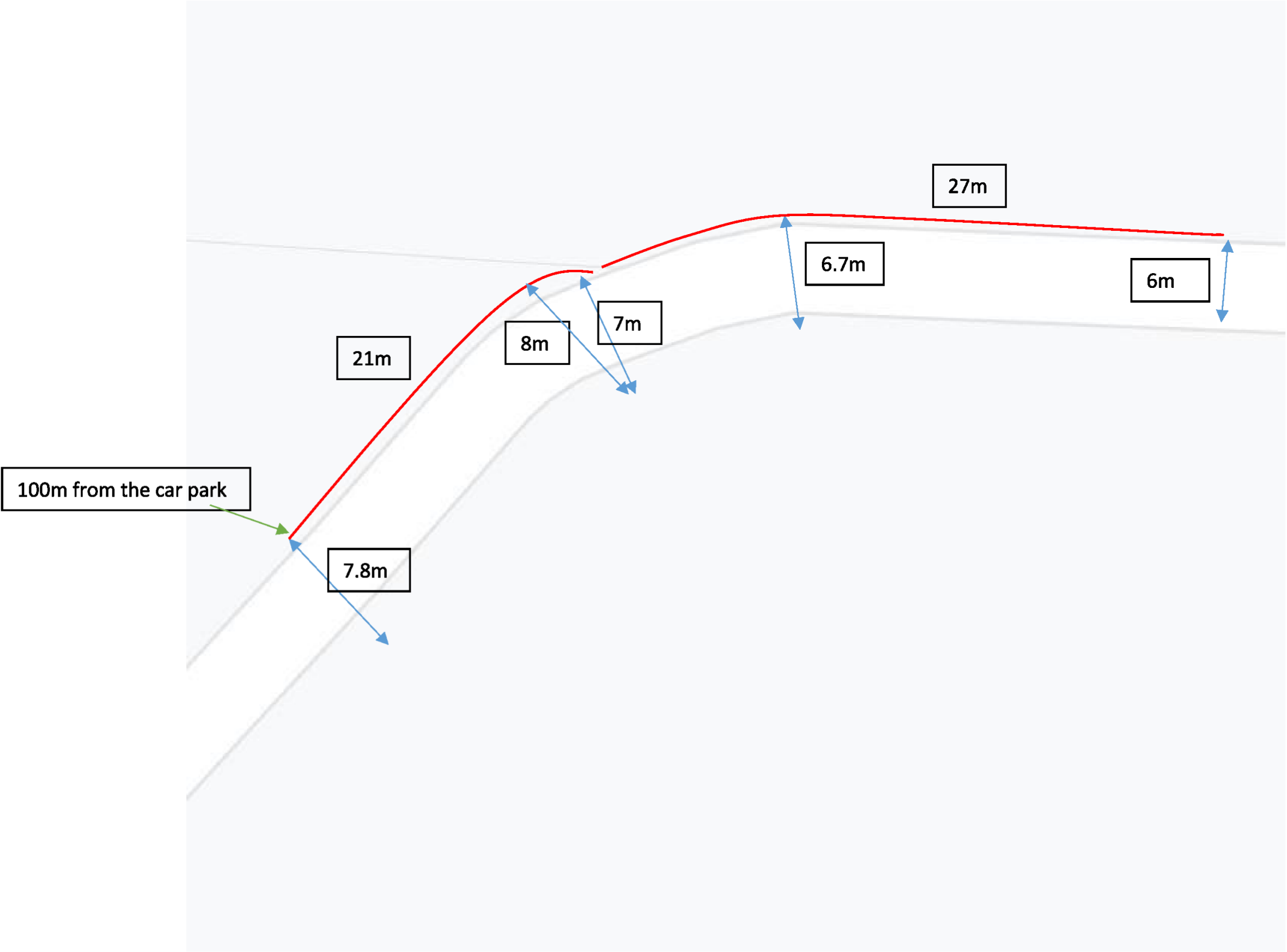


## ATKINS FARM DRIVEWAY – 940 Battunga Road Meadows

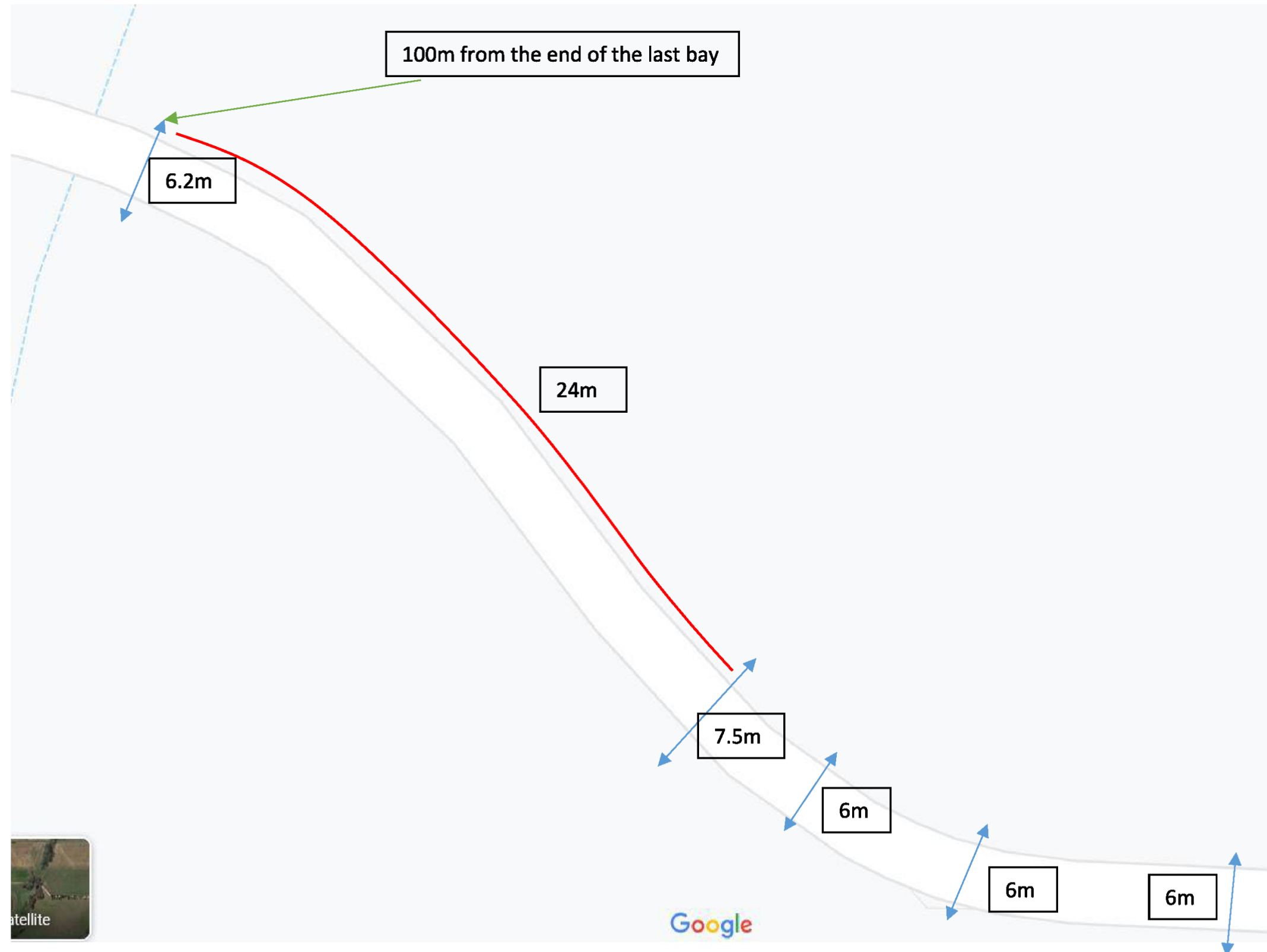


\*not to scale

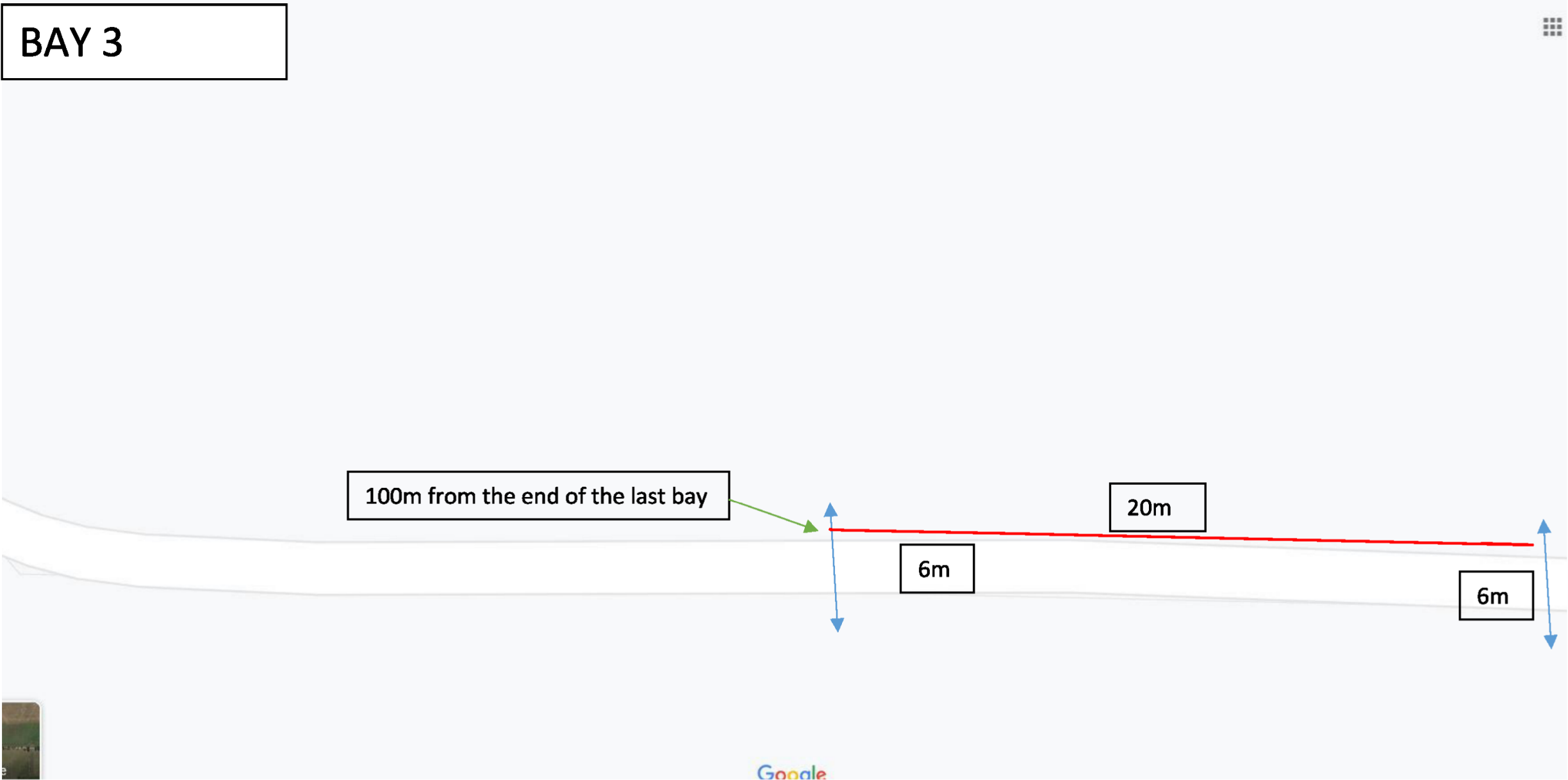
BAY 1



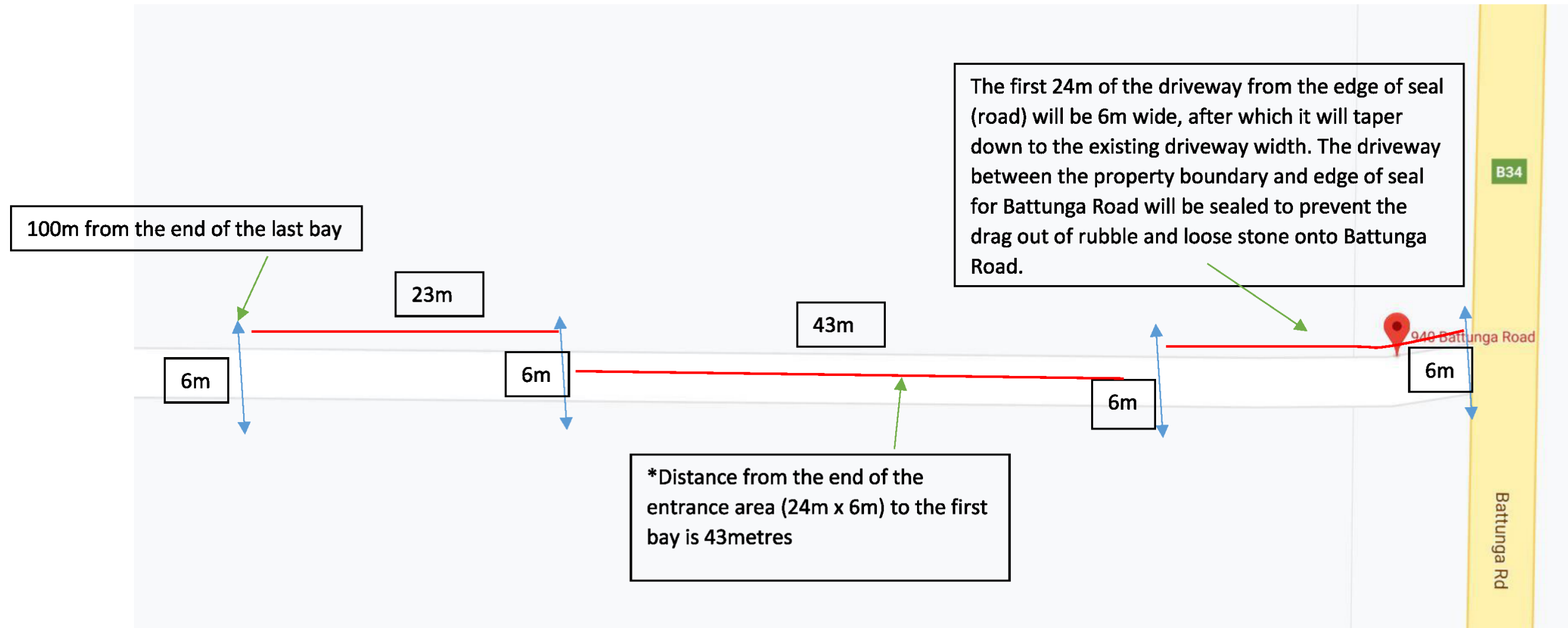
## BAY 2







## BAY 4 & ENTRANCE AREA



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**RON SELTH & ASSOCIATES PTY LTD, CONSULTING ENGINEERS**

ABN: 36 060028195 ACN: 060 028 195

55 Hill St, Crafers West 5152

Phone: 8339 8398

Mob: 0418 818 303

Email: ronselth@bigpond.com

Structural design • Soil and Footing Reports • Wastewater Assessments

**Job Number: W2439**

**Date: 18/06/19**

**McArthur**

**CARPARK DRAINAGE ASSESSMENT**

**Site Location: Atkins Farm, 940 Battunga Road Meadows**

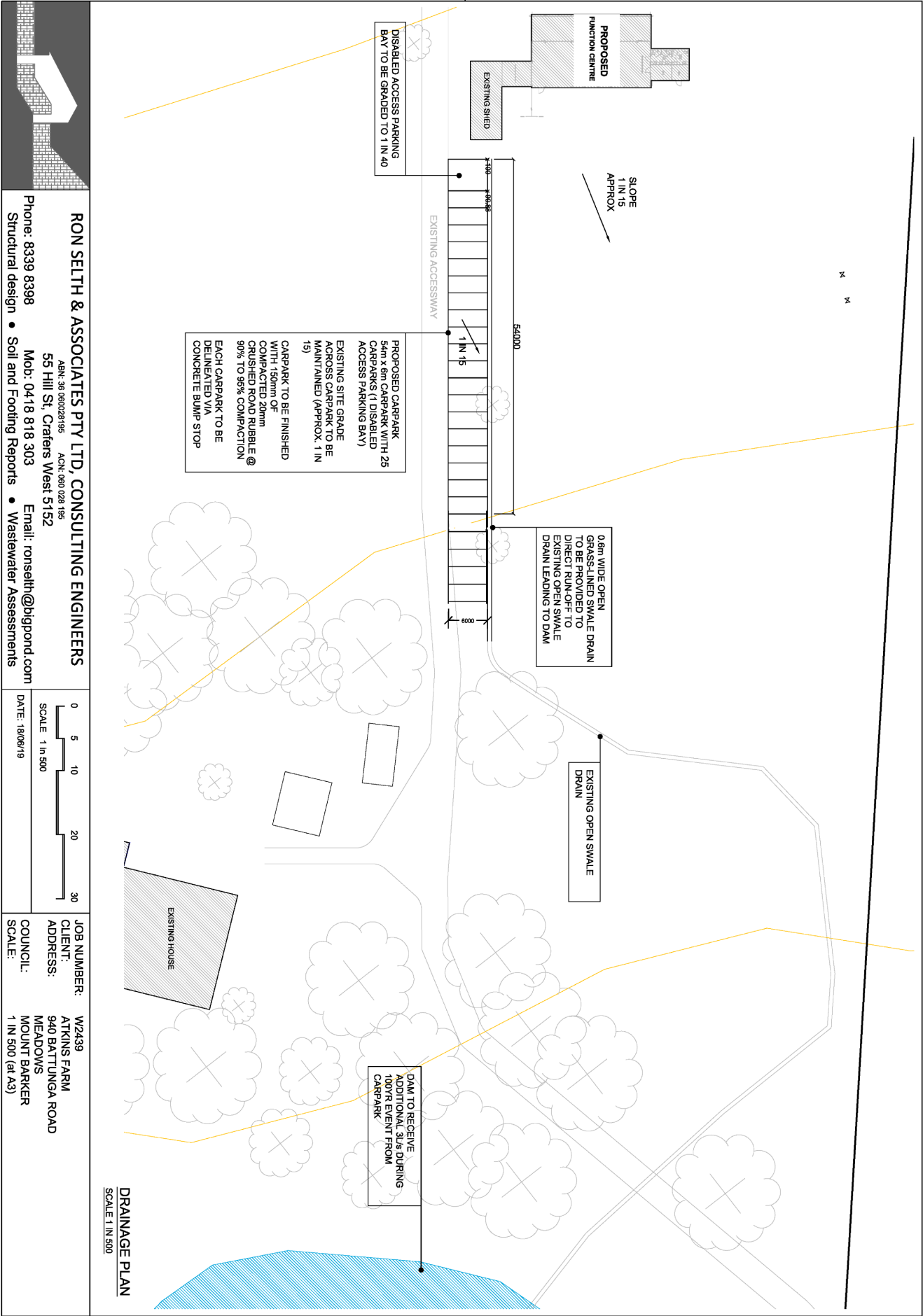
The proposed carpark will be up to 54m in length, 6m wide and the surface is to be of compacted quarry rubble road base.

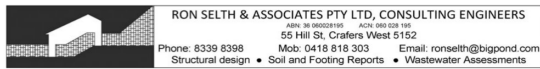
All waters from the existing carpark will be directed into a 600mm wide open swale drain which is to be connected into the existing open swale drain leading to the dam.

It is expected that the change from the existing pasture land to the road base may introduce up to 3L/s of additional flow into the dam, during a 100yr event.

Design approved by,

**R. Selth M.I.E.Aust CPEng**





940 Battunga Road Meadows

Selected method  
Development type

Rational Method  
commercial

tc	6	min rounded
10yr ARI, 6mins	87.3	mm/hr
20yr ARI, 6mins	102	mm/hr
100yr ARI, 6mins	140	mm/hr

Areas	A
Total site area	320

Gravel	Post	320	0.5	Pre	320	0.25
grass	320			320		
	check total:	320		check total:	320	

Catchments      Carpark

Development runoff (other than C10)      C10\*Fy  
C10 = 0.9f + C1,10(1-f)  
C1,10 = 0.1+0.0133(10,1 - 25)

I10,1 (10yr 1hr)	25	mm/hr	from ARI tables
C1,10	0.1		

Pre development/Existing	Grass
f	0.250
C10	0.300
C(Y) = C10*Fy	
Required ARI (yr)	10      100      20
Fy, Required ARI	1      1.2      1.05
C(required ARI) = C10*Fy	C10      C100      C20
Relevant frequency factors	0.30      0.36      0.32

Peak flow (Q) = C.I.A/3600	Grass
Q100	0.36
C(100)	140
I(100)	320
A	4.5
Q for each component	4.5 l/s
Peak flow (Q) pre development:	4.5 l/s

Post development	Gravel
f	0.500
C10	0.500
C(Y) = C10*Fy	
Required ARI (yr)	10      100      20
Fy, Required ARI	1      1.2      1.05
C(required ARI) = C10*Fy	C10      C100      C20
Relevant frequency factors	0.50      0.60      0.53

Peak flow (Q) = C.I.A/3600	Gravel
Q100	0.60
C(100)	140
I(100)	320
A	7.5
Q for each component	7.5 l/s
Peak flow (Q) post development:	7.5 l/s



# RON SELTH & ASSOCIATES PTY LTD, CONSULTING ENGINEERS

ABN: 36 060028195 ACN: 060 028 195

55 Hill St, Crafrers West 5152

Phone: 8339 8398

Mob: 0418 818 303

Email: ronselth@bigpond.com

Structural design • Soil and Footing Reports • Wastewater Assessments

**Job Number: W2439**

**Date: 18/06/19**

## **Additional Calculation Information**

Duration	Annual Exceedance Probability (AEP)						
	63.2%	50%#	20%*	10%	5%	2%	1%
1 min	83.4	92.3	123	145	170	205	234
2 min	74.6	82.2	108	128	148	178	202
3 min	66.2	73.1	96.5	114	133	159	181
4 min	59.6	65.9	87.2	103	120	144	165
5 min	54.4	60.1	79.7	94.5	110	133	151
6 min	50.1	55.4	73.6	87.3	102	123	140
7 min	46.6	51.6	68.6	81.4	95.0	115	131
8 min	43.7	48.3	64.3	76.3	89.1	108	123
9 min	41.1	45.6	60.6	72.0	84.0	102	116
10 min	39.0	43.1	57.4	68.2	79.6	96.3	110
15 min	31.3	34.6	46.1	54.7	63.9	77.3	88.5
20 min	26.6	29.4	39.1	46.4	54.1	65.4	74.9
25 min	23.3	25.8	34.2	40.6	47.4	57.2	65.5
30 min	20.9	23.2	30.7	36.4	42.4	51.2	58.6
45 min	16.4	18.2	24.0	28.4	33.1	39.9	45.5
1 hour	13.8	15.3	20.1	23.8	27.7	33.3	38.0
1.5 hour	10.8	11.9	15.7	18.6	21.6	25.9	29.6
2 hour	9.11	10.0	13.2	15.6	18.1	21.8	24.8
3 hour	7.15	7.88	10.4	12.2	14.2	17.1	19.5
4.5 hour	5.62	6.19	8.15	9.62	11.2	13.5	15.4
6 hour	4.73	5.22	6.87	8.13	9.46	11.4	13.0
9 hour	3.71	4.10	5.41	6.40	7.45	9.00	10.3
12 hour	3.12	3.44	4.55	5.39	6.28	7.58	8.69
18 hour	2.43	2.68	3.55	4.20	4.90	5.92	6.77
24 hour	2.03	2.24	2.96	3.50	4.08	4.92	5.62
30 hour	1.76	1.94	2.56	3.03	3.52	4.23	4.83
36 hour	1.57	1.73	2.27	2.68	3.11	3.73	4.25
48 hour	1.30	1.43	1.87	2.20	2.54	3.03	3.43
72 hour	0.988	1.09	1.41	1.64	1.88	2.21	2.48
96 hour	0.812	0.892	1.15	1.33	1.51	1.75	1.93
120 hour	0.697	0.765	0.978	1.12	1.26	1.44	1.59
144 hour	0.616	0.676	0.858	0.975	1.09	1.23	1.34
168 hour	0.555	0.609	0.769	0.868	0.958	1.08	1.16



Attachment Two (2)

In reply please quote: 2020/00281, Process ID: 611864  
Enquiries to: Matthew Henderson  
E-mail: dpti.luc@sa.gov.au



**Government of South Australia**

Department of Planning,  
Transport and Infrastructure

**TRANSPORT PLANNING AND  
PROGRAM DEVELOPMENT**

**Transport Assessment**

GPO Box 1533  
ADELAIDE SA 5001

ABN 92 366 288 135

20 February 2020

Mr Randall Richards  
District Council of Mount Barker  
PO Box 54  
MOUNT BARKER SA 5251

Dear Mr Richards

**SCHEDULE 8 - REFERRAL RESPONSE**

<b>Development No.</b>	580/71/19
<b>Applicant</b>	T McArthur
<b>Location</b>	940 Battunga Road, Meadows
<b>Proposal</b>	Function centre and car parking

I refer to the above development application forwarded to the Commissioner of Highways (CoH) in accordance with Section 37 of the *Development Act 1993*. The proposed development involves development adjacent a main road as described above.

The following response is provided in accordance with Section 37(4)(b) of the *Development Act 1993* and Schedule 8 of the *Development Regulations 2008*.

**CONSIDERATION**

The application proposes a new function centre. The subject land currently accommodates a rural dwelling. The site is located on Battunga Road, an arterial road under the care, control and management of the Department of Planning, Transport and Infrastructure (DPTI). Battunga Road has a posted speed limit of 80km/h at this location.

The plans referred indicate that an existing access will be upgraded to accommodate the additional traffic generated by the proposed development. DPTI recommends that the upgraded access be a minimum of 6.0 metres in width to accommodate simultaneous two way movements of passenger vehicles, and be constructed in general accordance with Figure 7.2 in Austroads Guide to Road Design Part 4.

It is noted that Council has identified a tree in the road reserve should be removed to provide unobstructed sightlines at the access. DPTI supports the tree removal identified by Council.

**ADVICE**

The Department of Planning, Transport and Infrastructure advises the planning authority to attach the following conditions to any approval:

1. Vehicular access to/from Battunga Road shall be located in general accordance with the existing site access. The access shall have a minimum width of 6.0 metres and be constructed in general accordance with Figure 7.2 in Austroads Guide to Road Design Part 4.

#15136377

2

2. All vehicles shall enter and exit the site in a forward direction.
3. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of the road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Yours sincerely



**A/MANAGER, TRANSPORT ASSESSMENT**  
for **COMMISSIONER OF HIGHWAYS**

A copy of the decision notification form should be forwarded to [dpti.developmentapplications@sa.gov.au](mailto:dpti.developmentapplications@sa.gov.au)

Attachment Three (3)

MOUNT BARKER DISTRICT COUNCIL

**STATEMENT OF REPRESENTATION FOR CATEGORY 3**  
Pursuant to Section 38(5) of the Development Act, 1993

TO: Chief Executive Officer  
District Council of Mount Barker  
PO Box 54  
MOUNT BARKER SA 5251

DC Mt Barker
Doc No: 172/19
19 MAR 2020
Doc. No:
Asses No:
Parcel No: 13733
Prop. No:
<b>SCANNED</b>

THIS SHEET PROVIDES YOU WITH THE OPPORTUNITY TO MAKE COMMENTS IN RELATION TO A PROPOSED DEVELOPMENT; IF YOU WISH TO DO SO. PLEASE FIND ATTACHED DETAILS OF THE PROPOSED DEVELOPMENT.

DEVELOPMENT NO: 580/71/19  
940 Battunga Road MEADOWS  
Function Centre with associated Car Parking (maximum of 75 people)

**YOUR DETAILS:** (all fields with an asterisk \* must be completed to ensure that this is a valid representation as per Regulation 35 of the Development Regulation 2008).

\* NAME: PETER & LYNETTE QUINN  
\* HOME ADDRESS: 954 BATTUNGA ROAD MEADOWS 5201  
\* POSTAL ADDRESS: AS ABOVE  
PHONE NO: 043 8883 460 EMAIL: lquinn@adam.com.au

My interest/s are affected as: (please tick the following boxes as appropriate)

☒ The owner or the occupier of the property located at: 954 BATTUNGA RD MEADOWS 5201  
☒ ALSO  
Other (please state): ALT 1 SEC 3478 DP 21550 CT 5222/280

**YOUR COMMENTS:**

\* I/We:

☒ Support the proposal and provide the following comments.  
☐ Oppose the proposal and provide the following comments.

(Please note that your comments should demonstrate reasonable particularity)

AS LONG AS ONLY APPROXIMATELY 12 WEEKENDS  
A YEAR AND A MAXIMUM OF 75 PEOPLE AS PER STATED  
IN PROPOSAL. ALSO PREFER A MORE SUITABLE COLOUR

TO BLEND INTO COUNTRY SIDE + HOUSE EG. RIVERCORN GREEN  
TO MINIMISE THE VISUAL IMPACT, ALSO SUITABLE  
PLANTS & TREES TO SCREEN PROPOSED BUILDING,  
CARPARK & ALONG DRIVEWAY UP TO TURN AROUND  
POINT AS PER SITE PLAN TO LESSON VISUAL  
IMPACT & NOISE TO OUR PROPERTY ALT 1 SEC  
3.478 DP 21550 CT 5222/280  
WE WOULD PREFER PLANTS, TREES ALONG THE  
DRIVEWAY INSTEAD OF ALONG BOUNDY FENCE

\* I/We:



Do not wish to be heard by the Council Assessment Panel in support of my representation.



Wish to be heard by the Council Assessment Panel in support of my representation, and I will be:



Appearing personally,

OR



Be represented by the following person: .....

Contact details: .....

(Please note, matters raised in your representation will not need to be repeated at the Council Assessment Panel meeting).

**Your written representation must be received by Council no later than 11.59pm on Thursday 19 March 2020, to ensure that it is a valid representation and taken into account.**

If you make representation you will be notified by a separate letter of the date and time of the Council's Assessment Panel (CAP) meeting at which CAP will consider the application.

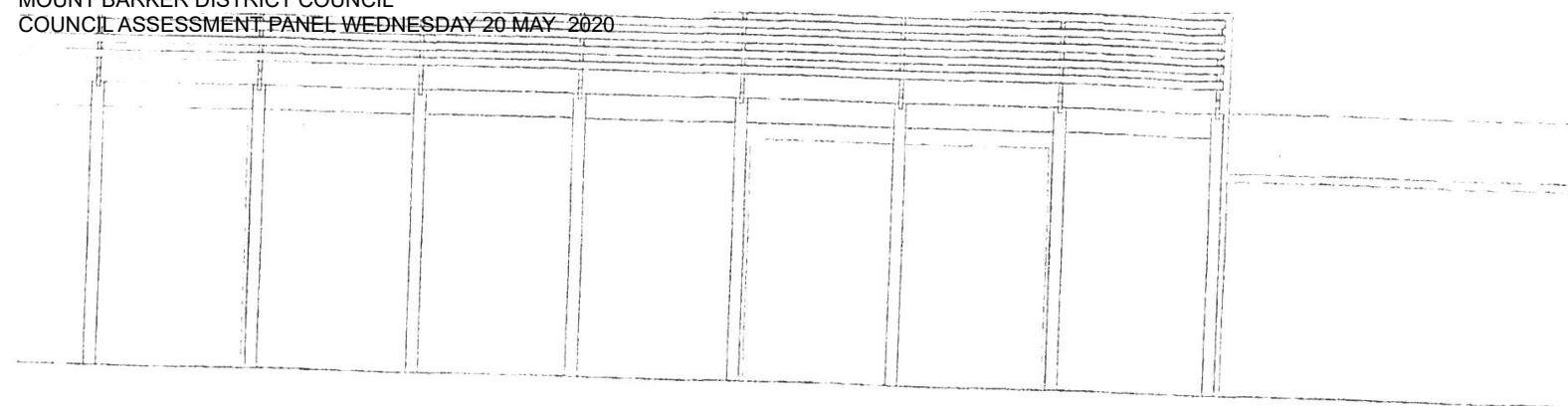
**Representor's Declaration:**

I am aware that the representation will become a public document as prescribed in the Freedom of Information Act 1991, and will be made available to the applicant, agencies and other bodies pursuant to the Development Act 1993 and may be uploaded to the Council's website as an attachment to a Council Assessment Panel agenda.

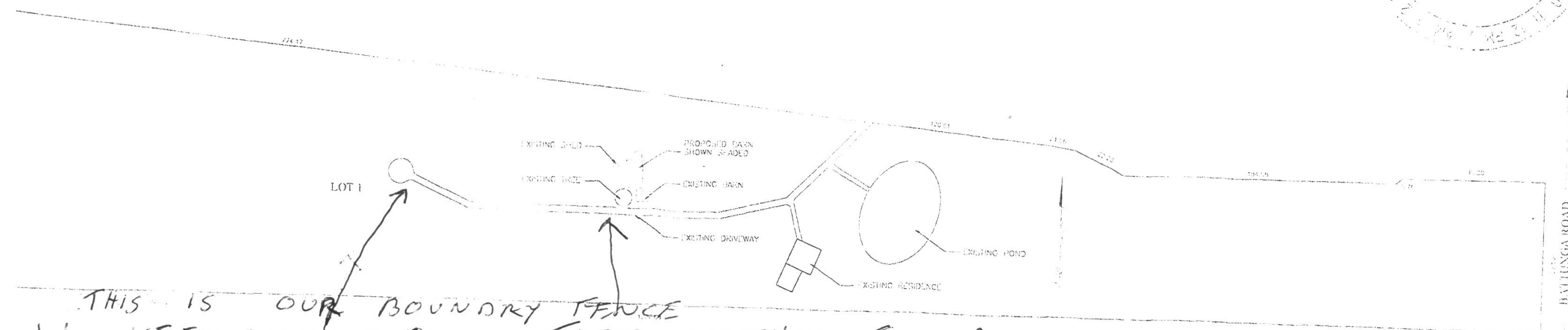
SIGNED

*LK Quinn*  
*for Quinn*

DATE 19-3-2020



NORTH ELEVATION SCALE 1:50



THIS IS OUR BOUNDARY FENCE  
We NEED SUITABLE PLANTS & TREES SCREENING FROM PROPOSED CARPARK, BUILDING & A LONG DRIVEWAY UP TO TURN AROUND POINT TO LESSON NOISE & VISUAL IMPACT FOR THIS PROPOSAL.

MEADOWS FOR MR. & MRS. McARTHUR

AFERS SA 5152

www.hurrenarchitects.com.au T 8339 1968 email ask@hurrenarchitects.com.au



PHTM 1217 1/W2A

ELEVATIONS

11/01/2020  
11/01/2020

AMENDMENTS

#### GENERAL NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

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Attachment Four (4)

RESPONSE TO REPRESENTATIONS 580/71/19



**PETER MELINE & ASSOCIATES  
TOWN & COUNTRY PLANNERS  
PO BOX 1508, MT. BARKER, SA, 5251.  
MOBILE 0448 395 299  
petermeline@bigpond.com**

03/04/20

Mr. Randall Richards,  
DC Mt Barker,  
PO Box 54 SA 5251

Dear Randall,

**580/71/19  
940 Battunga Rd Meadows  
RESPONSE TO WRITTEN REPRESENTATIONS  
PURSUANT TO SECTION 38 DEVELOPMENT ACT 1993 AND  
REGULATION 36 OF THE DEVELOPMENT REGULATIONS 2008**

I have reviewed the written representation's as sent to Council in response to the public exhibition process for the above DA as prescribed in Section 38 of the Development Act 1993 and Part 6 of the Development Regulations 2008, and I have summarised them in the table below.

REPRESENTOR	SUMMARY OF ISSUES
Peter and Lynette Quinn	<ul style="list-style-type: none"><li>• Supports the proposal conditionally</li></ul> <b>Conditions of support</b> <ul style="list-style-type: none"><li>• Restricted function dates and patron numbers</li><li>• Visual Impact considerations</li><li>• Noise impact considerations</li></ul>

It is stressed that there is only one representor and they support the proposal.

The conditions of support by the representor are addressed below:

- **Restricted Function Dates and Patron Numbers for the Proposed Function Centre Development;**
  - Only Approximately 12 Weekends A Year
  - Maximum of 75 Patrons

This condition is of no consequence it is equal to the proposal as described in the STATEMENT OF EFFECT as exhibited.

**PETER MELINE & ASSOCIATES**

1

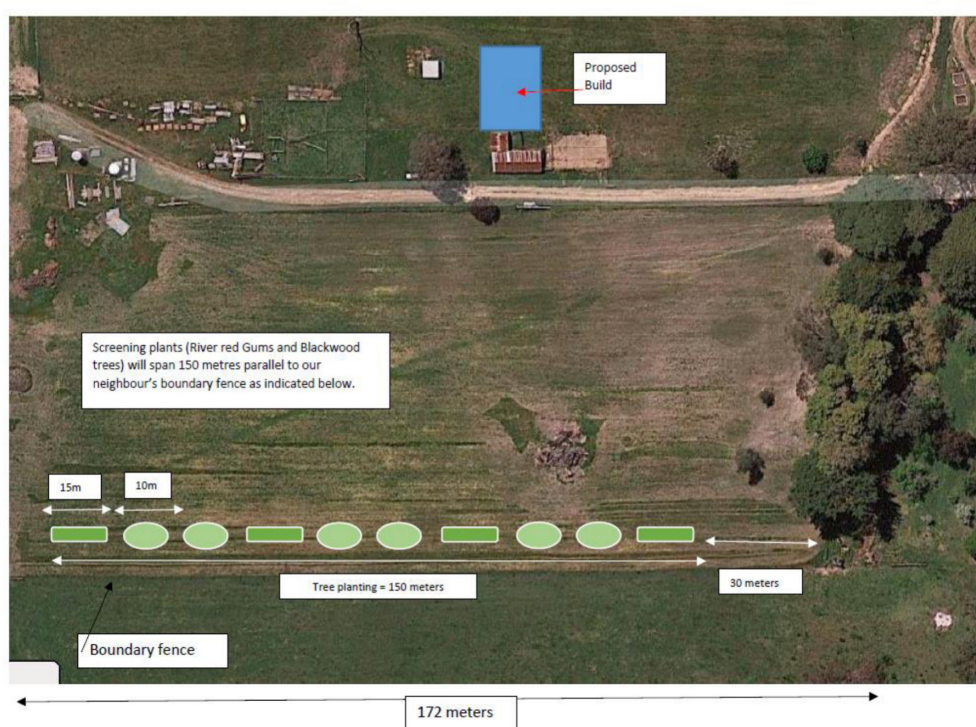
RESPONSE TO REPRESENTATIONS 580/71/19

- **Visual Impact Considerations of the Development Proposed;**
  - House colour to blend with countryside. Suggested colour River Gum Green.
  - Screening vegetation to reduce visual scaring of proposed development.

The proposed colour for the external facade of the function centre MANOR RED is respectfully considered to be recessive to the landscape as averaged across the seasons. As is therefore considered to meet the intent of the development plan.

Screening vegetation (River Red Gums and Blackwoods) planning for the proposed function centre development, includes both remote and proximal visual impact consideration.

A screening fence to the neighbouring property boundary, which spans 150m parallel to the boundary fence (refer to image 1.1 below) will be established.



Atkins Farm DA – Screening Plants

Image 1.1

RESPONSE TO REPRESENTATIONS 580/71/19

A screening hedge which spans the 18m length of the proposed function centre will also be established (refer to image 1.2 below).



Atkins Farm DA – Screening Plants

Image 1.2



River Red Gum / *Eucalyptus camaldulensis*

Height: 20-40m

Spread: 10-15m

<http://plantselector.botanicgardens.sa.gov.au/Plants/Details/2748>



Blackwood / *Acacia melanoxylon*:

Height: 7-20m

Spread: 4-10m

<http://plantselector.botanicgardens.sa.gov.au/Plants/Details/3433>

RESPONSE TO REPRESENTATIONS 580/71/19

- **Noise Considerations for the Proposed Function Centre Development;**

- The applicant is sensitive to noise impact on the local environment, and community members. A screening hedge consisting of *Syzygium Smithii* is proposed for the length of the proposed function centre building. This species has a growth habit of 3-7m in height, and a growth span of 3-5m. The spacing of the plants as depicted in Image 1.2 is 3m. *Syzygium Smithii* will form a dense hedge once established that will reduce the noise impact on the surrounding environment, and community members.

It is therefore recommended that the application should be submitted to the Development Assessment Panel for approval subject to conditions pursuant to Section 35(3) of the Development Act 1993.

Regards,



Peter Meline  
RPIA, MAIBS, JP.

**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**

**9. OTHER BUSINESS**

**10. CLOSE**