



NOTICE OF SPECIAL MEETING

Notice is hereby given that the following meeting will be held via Zoom Webinar on Friday 6 August 2021.

2.00 pm

Special Council Assessment Panel

A handwritten signature in black ink, appearing to read "A. Humphries", is positioned above the printed name and title.

A. Humphries

ASSESSMENT MANAGER

28 July 2021

MOUNT BARKER DISTRICT COUNCIL
COUNCIL ASSESSMENT PANEL – SPECIAL MEETING

Friday 6 August 2021, 2.00pm

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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 17 June 2021 as circulated to members be confirmed as a true and accurate record of proceedings.

4. BUSINESS DEFERRED

Nil.

5. REPORTS BY OFFICERS

5.1. DEVELOPMENT ACT APPLICATIONS

5.1.1. NON-COMPLYING APPLICATIONS

Nil.

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5.1.2 CATEGORY 3 APPLICATIONS

5.1.2.1 SUMMARY DETAILS

Application No.	580/909/20
Applicant	Planning Chambers Pty Ltd
Subject Land	LOT: 7 FP: 157342 CT: 5765/99 156 Junction Road, Littlehampton
Ward	North Ward
Proposal	Change of use to function centre (Maximum 100 People) with associated car parking and signage, located within the curtilage of Local Heritage Place - Liebelt Farmhouse and Barns (ID No: 18438)
Development Plan	Mount Barker District Council – Consolidated 20 August 2020
Zone	Rural Living Zone
Policy Area	Allotment 20,000 Policy Area 19
Form of Assessment	Merit
Public Notification	Category 3
Representations	Two (2)
Persons to be heard	Nil
Agency Consultation	Commissioner of Highways
Responsible Officer	Randall Richards – Senior Planner
Main Issues	<ul style="list-style-type: none">• Land use• Interface• Heritage• Traffic and parking
Recommendation	Resolve to issue Planning Consent subject to conditions

1. **BACKGROUND**

The applicant provided the following information about the history of the site:

The land is currently utilised for farming in the form of grazing cattle and whilst the land has always been used for farming it has a long history as a tourist destination/facility. The various buildings at the rear of the dwelling, and the open lot car park, where previously operated as a train themed tourist facility called 'Platform One'. The applicant operated train rides and ran a small café onsite hosting groups of children and adults including birthday parties and events. The facility opened predominately on weekends and school holidays and was known to host over 300 guests across a busy day. The use was stopped approximately 5 years ago however the car park, toilet facilities and some train carriages remain onsite

2. **PROPOSAL**

The proposal seeks to incorporate an additional use upon the land, by changing the use of a farm building to a function centre with capacity for up to 100 guests.

The farm building in question is an old corrugated iron barn which is located centrally within the group of buildings upon the land. No external building work is proposed as the applicant seeks to utilise existing buildings and facilities on the site. There will need to be limited internal building works to bring the structure up to a Class 9B Building under the Building Code of Australia. Guests will also have access to outdoor lawn areas surrounding the building for photo opportunities.

The applicant's planning consultant has provided a detailed description of the proposed use. The key aspects include the following:

- The functions venue will mainly host wedding ceremonies and receptions.
- Food and alcohol will be prepared and supplied by external caterers, selected from the Adelaide Hills Region where possible. Liquor licencing will be obtained separately if and when required.
- Events can occur any day, however most will occur on Saturday evenings, particularly during the warming months (October-April).
- Set up and pack up will generally be limited to between 8:00am and 6:00pm.
- Entertainment will cease by 11:00pm and all guests will leave by 12:00am.
- The function building will be fitted with a "PA" system (audio speakers) for entertainment, however guests will be able to arrange their own entertainment if they wish.
- Events will be overseen by the owner-occupier of the land, who will ensure that events are conducted in accordance with the above limitations.

A 30 space car park will be provided, plus space for mini-bus and overflow parking, which will utilise an existing access point onto Junction Road. The driveway will accommodate two-way, forward facing movements in and out of the site. The access will be flared at the front boundary, the site will be identified with a 3m high timber post sign displaying "The Liebelt Farm Est. 1850".

Refer to **Attachment One (1)** for details of the proposal page **25**.

3. SITE AND LOCALITY

The subject land comprises one allotment, which is identified as 156 Junction Road, Littlehampton (CT 5765/99).

The allotment has an approximate area of 280,000m² (28ha), with a primary frontage of approximately 690m to Junction Road, and frontage of approximately 700m to Nitschke Road.

The allotment is used for cattle grazing and contains residential buildings and sheds clustered near the centre of the Junction Road frontage, a dam, a tree lined watercourse that runs North West - South East through the site, with tree corridors around some edges of the allotment. This development affects only a small proportion of the allotment, within the cluster of existing buildings.

Other land in the locality is put to a range of rural living and related pursuits. Notably, the subject allotment is the largest in the locality. The allotment is located within the Rural Living Zone, but interfaces with the Primary Production Zone to the north and west. Junction Road is a secondary arterial, which experiences a daily traffic volume of about 4100 vehicles.

A nearby small allotment at 142 Junction Road was seemingly “cut out” of the subject allotment in the past, however this owner-occupier is understood to be a relative of the proponent and submitted a supportive representation. The opposing representor is located approximately 300m north (measured between function building and representor’s nearest boundary). The representor’s properties have been numbered on the map below, to correspond with Section 7 of this report.

Figure 1 – Subject Allotment and function site relative to representors properties (numbered):

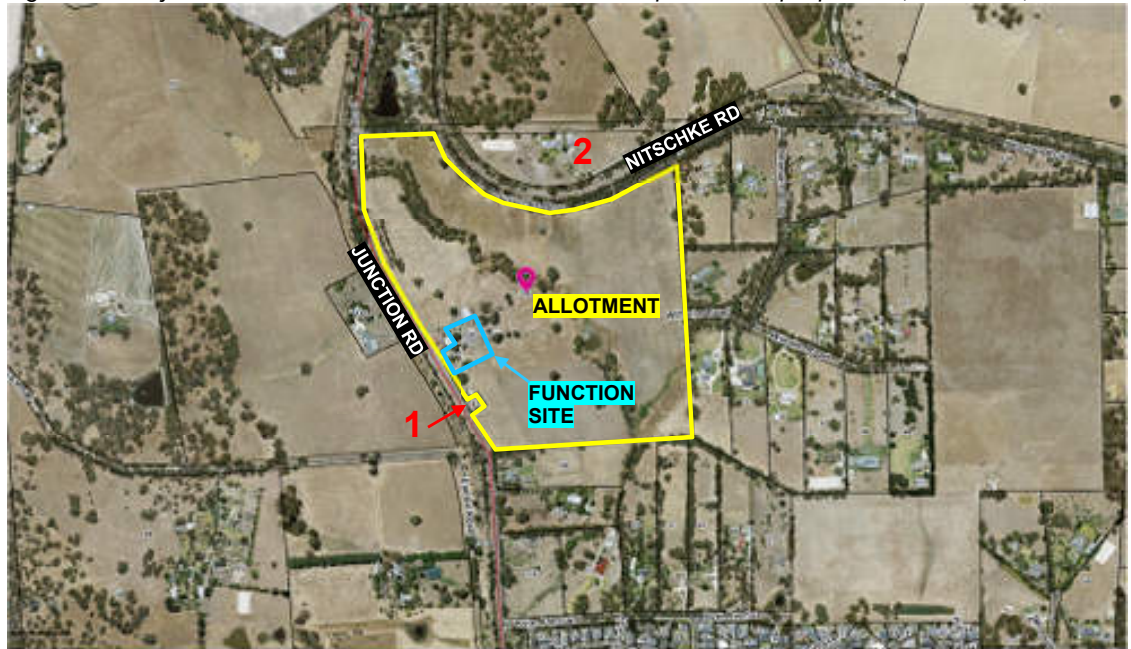
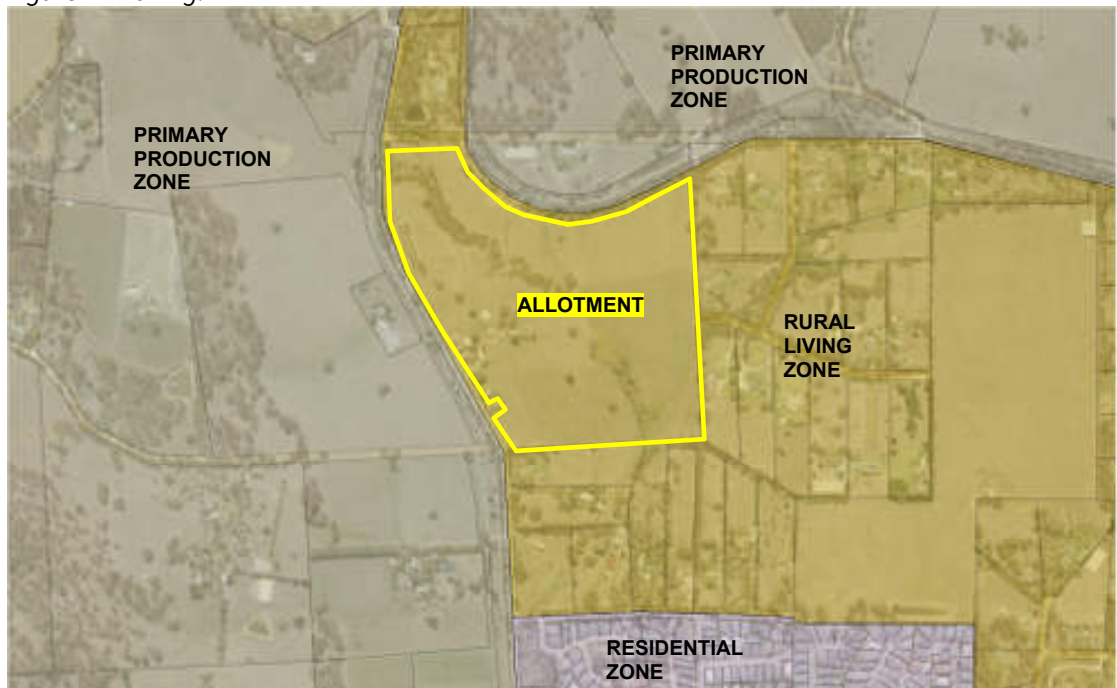


Figure 2 – Zoning:



Site Photos

Street view of site and entrance



Proposed entrance
off Junction Road

View from entrance towards car park and existing residence (LHP)



Existing Residence (LHP)

Farm Building to
be converted to
Proposed Function
Centre

Proposed car
parking area

View of the 'Barn (LHP)', from the north-west, proposed farm building to be converted.



4. SUMMARY OF KEY ISSUES

The main planning considerations are:

- Whether the proposal is an appropriate land use and character in the Rural Living Zone.
- Whether the proposal will have unreasonable impact upon the amenity of the locality.
- Whether the proposal will have an appropriate relationship with the site's Local Heritage Place.
- Whether the proposal will have sufficient car parking and traffic conditions.
- Whether hazards risks, such as bushfire, are suitably mitigated.

This assessment finds that the proposal satisfies the five key matters summarised above. The activity is well suited to this large rural site; impacts upon adjacent land will be low due to the significant separation distances and management practices involved. The proposal will contribute to the public enjoyment of the site's Local Heritage Place without materially affecting its setting; sufficient car parking is provided with safe access onto Junction Road; and hazard risks are acceptable

5. GOVERNMENT AGENCY SUBMISSIONS

5.1. Commissioner of Highways (Department of Infrastructure and Transport (DIT))

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 the Department of Infrastructure and Transport for comment. Council is required to have regard to the response in making its decision on the proposal.

DIT has considered the proposed car parking arrangement, access point and sightlines and supports the development subject to four (4) conditions (conditions to be attached).

Refer to **Attachment Two (2)** for a copy of the DIT response page **59**.

6. COUNCIL DEPARTMENT COMMENTS

6.1. Council's Assets and Infrastructure Section

The proposed car parking area is to ensure all whether access to and from the site. Council Engineers have no objection to the proposal providing the car parking areas are to be designed in accordance with *AS/NZS 2890.1:2004* and *AS/NZS 2890.6:2009*, and in accordance with DIT conditions.

6.2. Council's Development & Environmental Services Section

Councils Environmental Health Officers have noted that there are two (2) existing wastewater systems on the site. The existing systems with the addition of proposed occasional use of portable toilets when the numbers exceed fifty people is supported by Councils Health Team for a period of twelve months. The system will need to be inspected at this time to ensure it meets the requirements of the Building Code of Australia and *South Australian Public Health Act 2011*.

6.3. Heritage Advisor

Councils Heritage Advisor has reviewed the proposal with the following comments made:

- *The change of use has no physical or adverse impact on the Heritage Value;*
- *The proposed fence is sufficiently separated.*

The suggested conditions are:

- *Fence to be corrugated profile;*
- *Fence to be galvanised, basalt or Windspray but not zincalume;*
- *Fence not to extend all the way to the front boundary and be set back in line with the frontage of the listed dwelling (if required further forward a tapering in height is recommended to avoid obscuring views of the LHP)*

7. PUBLIC NOTIFICATION

The application defaulted to Category 3 for public notification purposes as it was captured neither as Category 1 or 2 form of development by the Zone Procedural Matters or Schedule 9 of the *Development Regulations 2008*. The application was therefore notified in accordance with Part 4 of the *Development Act 1993* (Category 3 Notification).

Adjoining land owners were notified and a notice placed in the Courier on 20 January 2021.

Pursuant to Part 4, Section 38(10)(b) of the Development Act, 1993 Councils Development Assessment Panel must allow a person who made written representation to appear personally or by representative before it to be heard in support of the representation.

7.1. Representations

Two (2) representations were received as a result of public notification, summarised as follows. Refer to Figure 1 for a map showing the location of the representors.

	Representor	Address	Summary of Issues	Request to be heard (Cat 3)
1	JR Liebelt	142 Junction Road, Littlehampton	<ul style="list-style-type: none">• Supports proposal• Preserves open space• Experienced no impacts from “Platform One” activities in the past.	No
2	Linda Clark	73 Nitschke Road, Littlehampton	<ul style="list-style-type: none">• Opposed to proposal.• May lead to fireworks and loud music.• Huge noise impact from 100 people.• Not setback and secluded.• Impact on traffic flow on Nitschke Road.	Yes

Refer to **Attachment Three (3)** for a copy of the representations received page **61**.

7.2. Response to Representations

The applicant prepared a response to the representations, which provides the following in summary:

- The objector is located on the northern side of Nitschke Road and the Adelaide to Melbourne railway line, approximately 400 metres from the proposed function centre/event space.
- The applicant will not allow the use of fireworks or loud music at any events.
- The applicant engaged Sonus acoustic engineers to undertake noise measurements and review the potential noise impacts upon the nearest sensitive receivers, including Ms. Clark’s property. The acoustic assessment concluded that the proposal satisfies the relevant

Development Plan provisions relating to noise as well as the requirements of the EPA Noise Policy (subject to recommendations and limitations on the development).

- The development will utilise the existing access on Junction Road. It is anticipated that guests visiting the site will utilise Junction Road either coming from the south from the Freeway/Littlehampton or from the north from Balhannah. It is not anticipated that any traffic generated by the proposal would utilise Nitschke Road.

Refer to **Attachment Four (4)** for a copy of the applicant's response to the representations page 67.

8. ASSESSMENT

8.1. Classification of Development

The proposed development is neither complying nor non-complying in the Zone, and is 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 (DC) Development Plan Consolidated – 20 August 2020.

Rural Living Zone Objectives: 1-3

Rural Living Zone Principles of Development Control (PDCs): 1, 4, 5, 8, 15,

Policy Area 19 Objectives: 1

Policy Area 19 PDCs: 1

Advertisements Objectives: 1-3

Advertisements PDCs: 1-3, 5-7, 10 -12, 15-17, 22

Hazards Objectives: 1-11

Hazards PDCs: 1-5, 8, 9, 23

Heritage Places Objectives: 1-4

Heritage Places PDCs: 2-4, 8, 11

Infrastructure Objectives: 2, 5

Infrastructure PDCs: 1, 2

Interface Between Land Uses Objectives: 1-3

Interface Between Land Uses PDCs: 1, 2, 6, 7, 8, 10, 11, 16, 17

Natural Resources Objectives: 1, 2, 6, 10, 11, 13

Natural Resources PDCs: 1, 6, 33, 34, 41

Orderly and Sustainable Development Objectives: 1-4, 8

Orderly and Sustainable Development PDCs: 1-4, 6-9, 11, 12, 13,

Siting and Visibility Objectives: 1

Siting and Visibility PDCs: 1, 4, 8, 9

Tourism Development Objectives: 1-6, 8

Tourism Development PDCs: 1-4, 7, 10, 11 -17

Transportation and Access Objectives: 2

Transportation and Access PDCs: 1, 2, 8, 10, 18, 19, 29, 30, 32, 34, 36, 39, 41, 42, 43, 45, 47

Waste Objectives: 1, 2

Waste PDCs: 1, 2, 6

Table MtB/2 – Off Street Vehicle Parking Requirements

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

8.3. Land Use and Character

This Policy Area acts as a buffer between the Littlehampton Township and the Primary Production Zone (PA19 Desired Character). The core intent of the Zone is to provide large allotments, detached dwellings and small scale “rural activities” that do not impact the amenity of the locality (Zone Objective 1, PDC 1). Land uses should blend with the semi-rural and open character of the locality (Zone Objective 2, Desired Character). Activities should be managed to avoid environmental degradation (Zone Desired Character). Commercial, industrial or retail development should not occur in the zone (Zone PDC 5).

Having regard to the provisions summarised above, the proposed land use is not considered to be contemplated at Zone or Policy Area. That said, the Development Plan is an advisory document and its provisions are not to be construed as mandatory requirements.

The proposed land use is considered to exhibit merit in the circumstances of this site and locality. In particular:

- The development involves one of the largest allotments in the locality at about 28 hectares. It is substantially larger than other allotments to the east which are in the same zone. While the subject land is located in the Rural Living Zone, it is of a size and nature that is more commonly found within the Primary Production Zone. The Primary Production Zone abuts this site and envisages a wide range of “value adding activities” including restaurants, cellar doors and tourist facilities.
- The land was previously used as a tourist attraction (Platform One), which demonstrated the site’s capacity to host a large number of visitors.
- No tangible building work is proposed but for minor cosmetic changes to the farm building to convert it to a function building. Therefore the scenic, open, rural character of the Zone and locality will be maintained.
- The proposal will not prejudice the attainment of the objectives for the Rural Living Zone and Policy Area 19. The proposal will preserve a large allotment, which acts as a buffer to the Primary Production Zone, utilise an existing building, and cause minimal physical change to the natural environment.
- Tourist development is anticipated in rural areas where in conjunction with heritage places or agricultural development (Tourist Development PDC 11).
- The function building and associated car park are pre-existing, setback substantially from the nearest non-stakeholder dwellings, and screened by existing vegetation. Interface impacts are considered reasonable for the reasons discussed in the following subsection.
- The proposed 3m high timber post sign complies with the majority of ‘Advertising’ provisions. It is of a scale and rustic appearance which is well suited to the rural character of the site and locality, it is a single structure, the signage area is well under 2m², it identifies the name of the property only, it is not illuminated, it is contained within the boundaries of the site, the posted speed limit of Junction Road is not more than 80km/h, and it is not liable to be confused with an official traffic sign.

8.4. Interface

The main interface consideration include:

- Noise impacts caused by music, patrons, setting up, packing down and the car park.
- Operating hours, where entertainment will cease by 11pm and guests will exit by 12am.
- Increase traffic and related traffic noise.

The Development Plan seeks to minimise conflicts between differing land uses, minimise the impact upon community health and amenity, and protect desired land uses per Interface between Land Uses (IBLU) Objectives 1-3.

IBLU PDC 1 seeks development should not detrimentally or unreasonably affect the amenity of the locality through emissions, noise, vibration, light spill, hours of operation or traffic impacts (among other things).

IBLU PDC 2 seeks development should be sited and designed to minimise negative impacts on land uses desired in the locality.

IBLU PDC 8 provides that noise emitting development (excluding music) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.

IBLU PDC 11 provides guidance in relation to music noise, whereby the following noise levels should be achieved:

Noise level assessment location	Desired Noise Level
Adjacent existing noise sensitive development property boundary	Less than 8 dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum and Less than 5 dB(A) above the level of background noise ($LA_{90,15min}$) for the overall (sum of all octave bands) A-weighted level
Adjacent land property boundary	Less than 65dB(Lin) at 63Hz and 70dB(Lin) in all other octave bands of the sound spectrum or Less than 8 dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum and 5 dB(A) overall (sum of all octave bands) A-weighted level

Residential Development Objective 1 seeks safe, convenient, pleasant and healthy-living environments.

Excluding 142 Junction Road which is owned by a relative of the proponent, the nearest dwellings to the proposed function building are (approximately):

- 161 Junction Road – 240m west
- 73 Nitschke Road (the opposed representor) – 380m north, north east
- 7 and 8 Wilhelm Road - 430m east
- 126 Junction road – 275m south
- The Residential Zone – 580m south

The separation distances above, with the presence of some intervening vegetation buffers, is likely to mitigate noise impacts caused by the proposal.

The representor to the north is also noted to be inside the Primary Production Zone, where noise levels are likely to be higher than compared to a Rural Living Zone according to the Environmental Protection (Noise) Policy – EP(N)P.

The applicant obtained an Environmental Noise Assessment report following the public notification period which considered noise from patrons, vehicles, generators and music. The report confirms the proposal will comply with the provisions of the EP(N)P and the Development Plan, summarised as follows:

- Non-music noises are predicated to reach 35dB(A) or less at the nearest residences, and less than the existing average noise levels in the environment. This complies with the following average noise level guidelines assigned by the EP(N)P:

Average (Leq) noise level goal	Day time	Night time
Residences in Rural Living Zone ¹	42 dB(A)	35 dB(A)
Residences in Rural Zone ¹	47 dB(A)	40 dB(A)
Related residence at 142 Junction Road ²	47 dB(A)	40 dB(A)

¹ This noise goal has been reduced by 5 dB(A) (uses the criteria for proposed development)

² This noise goal has not been reduced by 5 dB(A) (uses the criteria for complaint situation)

- Maximum noise level from vehicles accelerating or doors opening/closing is predicted to be less than 50 dB(A) at any residence, therefore easily achieving the maximum noise level criterion of 60 dB(A) applicable to the Rural Living Zone.
- Music noise is predicted to be within 8dBA of measured background noise levels in each octave band, per IBLU PDC 11.
- Compliance with the various noise criteria relies on a number of assumptions and recommendations, and there must be limitations placed upon music. The controls include
 - Maximum 100 patrons.
 - No coach movements after 10pm (one 24-seat bus permitted).
 - All guests must remain inside the facility after 10pm except for bathroom and smoking breaks.
 - Any food truck must be located adjacent the venue's front door.
 - No music after 11pm, using an in-house calibrated speaker system, in a defined location.
 - Function venue doors must remain closed when music is played (access permitted).
 - The noise criteria provides little opportunity for live music (other than an amplified acoustic performance) or a DJ.

In order to maintain compliance with the noise criteria in the event the “related residence” is sold or occupied by another party, the applicant’s acoustic consultant states that 2.1m high “Colorbond” fencing would be required to the side and rear of the proposed driveway area, and to the side and rear of the related residence. This fencing is considered to be required as part of this application because the acoustic assessment has relied on less onerous criteria than technically applies.

The proposed operating hours are considered acceptable given the noise policies will be met.

The applicant’s planner suggests most traffic will come from the north (Balhannah) and south (Littlehampton, Freeway), rather than through side roads like Nitschke Road – this statement is considered reasonable. The proposal will therefore result in an estimated traffic increase of 1.5% on Junction Road (64 vehicle movements as percentage of 4100 daily movements). This is considered to cause negligible traffic-related nuisance within the locality.

Adjacent activities within the Primary Production Zone are considered unlikely to impact the function/enjoyment of the proposed use (IBLU PDC 17). The function use is considered appropriate as it is appropriately separated from other land, and the nearest adjacent activities appear to be low impact (eg grazing and rural living).

The impacts arising from this proposal are not considered unreasonable given the existing character and mix of land uses within the locality, the large size of the subject land, the substantial setbacks proposed, the presence of an adjacent secondary arterial road, and a number of noise attenuation measures proposed.

8.5. Local Heritage Place

The site contains a Local Heritage Place (LHP) comprising multiple elements, described within Table MtB/8 as follows:

Lot 7 Nitschke Rd LITTLEHAMPTON	Liebelt Farmhouse & barns; House: walls constructed of local freestone rubble with stone voussoirs over front openings and timber lintels over side ones, also stone slab sills, steeply-pitched half-tipped cgi-covered timber-shingle roof with skillion section to rear, timber-framed openings with timber doors & multi-paned casements, red-brick chimneys with coursing to top, and raked cgi veranda with timber posts. Barns: walls constructed of local freestone rubble with cgi gable roofs, timber-framed openings with timber doors & windows. Tree: substantial river red gum with openings at ground level.	Lot 7	F157342	CT 5765/99	abcde 18437 fg
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The applicant’s planning consultant provided the following discussion:

The subject land contains a local heritage listed homestead and stone barn. Whilst the proposal does not seek to use either of these buildings for reception activities, they provide an invaluable contribution to the setting and character of the site. The stone barn is located adjacent to the Chaff House and central gathering area for guests. It is anticipated that wedding photographs will be taken in front of the barn to provide guests with a unique

heritage farm experience. Indeed, the entire property is steeped in history with this aspect of the site providing a point of difference for hosts choosing to use the venue.

By opening the subject site for hosts and guests the proposal is considered to satisfy Council Wide Heritage Places Objective 2 which seeks the continued use, and adaptive re-use, of heritage places to support the conservation of their cultural significance. The proposal will enable the applicant to invest back into the upkeep and conservation of the heritage places upon the subject land.

The statements above are considered to be reasonable. It is considered that:

- The LHP will be conserved (Heritage Places Objective 2).
- The proposal will adapt and conserve the significance of the LHP (Heritage Places Objective 3).
- The open rural setting of the LHP will be preserved (Heritage Places Objective 4, PDC 7).
- No physical or valued element of the LHP will be affected (Heritage Places PDC 4).
- No new buildings are proposed forward of the LHP (Heritage Places PDC 6).
- The proposed use is considered to be entirely compatible with the LHP (Heritage Places PDC 4).
- The proposed signage at the front of the site will be discrete, freestanding, minimalistic, does not obstruct views or enjoyment of the LHP, and does not dominant the LHP (Heritage Places PDC 8).

Councils Heritage Advisor has no objection to the proposal as it has no physical or adverse impact on the Heritage Value with the proposed acoustic fence being sufficiently separated. Therefore, it is considered that the proposal will have a positive effect on the Local Heritage Places, as the use will encourage ongoing maintenance of the buildings.

8.6. Car Parking and Traffic

In the absence of a parking rate for wedding venues, function venues or similar, Table MtB/2 provides the following comparable car parking rates:

- Meeting hall: 1 per 5 seats
- Place of worship: 1 per 3 seats
- Reception hall: 1 per 10 square metres of floor area devoted to reception area
- Restaurant (sit down): 1 per 3 seats

The comparative rates above would require between 11 and 34 parking spaces for this proposal.

The provision of 30 on-site car parking spaces for this proposal, plus opportunity for bus parking and overflow parking, is considered appropriate with reference to the comparative rates above.

In addition, the Development Plan contains a range of provisions relating to traffic movements. In summary, development should avoid unreasonably interfering with the free flow of traffic, should facilitate two-way vehicle passing within the site, should facilitate forward facing access and egress, should minimise the creation of new access points onto arterial roads, and should be provided with sufficient sightlines.

In respect to the provisions summarised above:

- The proposal is a reasonably low traffic generator. Based on the car parking supply which would result in an approximate additional 32 movements to the site and 32 movements from the site (64 total), the resultant traffic increase equates to about 1.5% of the total traffic volume of Junction Road. This is considered minor and unlikely to exceed the capacity of the surrounding road network.
- The crossover and driveway will be wide enough to accommodate vehicles passing one another within the site.
- The driveway and car park aisle are wide enough to allow vehicles to turn around on site and exit the site in a forward facing direction.
- The proposal will utilise an existing access point rather than create a new access.
- Sightlines either side of the access point are sufficient per the advice from DIT.

Based on the above, the proposal is considered to result in sufficient, safe and convenient parking and traffic conditions.

8.7. Hazards

The function site is located some 150m from, and on higher ground than, the watercourse which runs through the allotment. The site is a suitable distance from the watercourse, and is not considered to be at risk of flooding (Natural Resources PDC 33 and Hazards PDC 4).

The site is located in a High Bushfire Risk Area. The land use does not represent a “critical community facility”, such as a hospital, which should avoid areas prone to natural hazards (Hazards Objective 3). Hazards (Bushfire) PDCs 10-17 are applicable to new buildings, land divisions and olive orchards rather than this “change of use” proposal. Nevertheless, the proposal still meets the intent of many of these provisions as the function site is accessible to fire-fighting vehicles, provides space for vehicles to turn around on-site, has access to a sealed public road, is flat rather than rugged or steep, and is separated from hazardous/continuous vegetation.

9. CONCLUSION

The proposal seeks to partially change the land use to a function venue with a capacity for up to 100 guests. This is an on-merit and Category 3 development in the Rural Living Zone.

Two (2) representations were received, one of which opposes the development primarily on the grounds of noise, traffic and siting.

While a function venue is not specifically contemplated in the Zone, the proposed use is considered to demonstrate sufficient merit. In essence, the use is proposed to be located and operated to result in minimal offsite impacts and appropriate within the context of the site and Rural Living Zone.

The proposal contributes to the conservation and enjoyment of the Local Heritage Place elements on the land, without modifying the structure or setting of the Place.

Taking all relevant planning matters into consideration, the proposal sufficiently achieves the applicable development policy framework to warrant Planning 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 (DC) Development Plan.

RESOLVE to GRANT Development Plan Consent to the application by Planning Chambers Pty Ltd for a Change of Use to Function Centre (Maximum 100 People) with Associated Car Parking and Signage, located within the curtilage of Local Heritage Place - Liebelt Farmhouse and Barns (ID No: 18438) at 156 Junction Road, Littlehampton (Development Application 580/909/20) subject to the following conditions and advisory notes:

Conditions

1. The development herein approved to be carried out in accordance with the stamped plans and details accompanying this application, except where amended by the following conditions, including:
 - Plans and Report by Planning Chambers Pty Ltd, RE: DA 580/909/20 - 156 Junction Road, Littlehampton dated 4 December 2020;
 - Environmental Noise Report by Sonus "The Liebelt Function Venue 156 Junction Road, Littlehampton (S6831 C3) dated May 2021.
2. The proposed Function Centre shall be limited to a maximum of 100 patrons and shall only operate between the hours of 8.00am to 11.00pm.
3. That effective measures be implemented during the construction of the development and on-going use of the land in accordance with this consent to:
 - prevent silt and water run-off from the land to adjoining properties, roads and drains;
 - 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;
 - ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site;
 - ensure that all litter and building waste is contained on the subject site in a suitable bin or enclosure; and
 - 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.
4. Lighting shall be designed so as to not create unreasonable overspill onto any adjoining property or roadway which may create a nuisance to any neighbour or road user, to the reasonable satisfaction of Council.

5. Noise is to be mitigated to achieve the requirements of the *Environment Protection (Noise) Policy 2007* and the Environment Protection Authority Guidelines *Music noise from indoor venues and the South Australian Planning System* through the undertaking works as recommended in the Environmental Noise Report by Sonus "The Liebelt Function Venue 156 Junction Road, Littlehampton (S6831 C3) dated May 2021 and more specifically;

(a) Operational measure:

- Ensure that the venue is operated in accordance with the plans (Appendix B) and level of activity noted within the above report;
- Limit the size of bus which may enter the site after 10:00pm to no more than 24 seats. That is, coaches may not be used for patron collection after 10:00pm;
- Ensure all bus and coach engines are switched off during patron drop off or collection and do not idle whilst waiting on site;
- Ensure all guests are inside the function centre after 10:00pm and doors are normally closed however, guests may leave the centre for short bathroom/smoking breaks;
- Ensure any food truck operates from the north-eastern corner of the function centre, adjacent the front doors and;
- Construct 2.1m high fences around the car park and the associated residence to the southeast, for the extent shown as RED (page 10 of the above report). The fence may be constructed from a material such as sheet steel (Colorbond or similar) and should be sealed airtight at all junctions, including at the ground and at the existing sheds. All fencing shall be constructed prior to operation and maintained to the satisfaction of Council.

The proposed fencing shall meet the following requirements:

- Fence to be corrugated profile;
- Fence to be galvanised, basalt or Windspray but not zincalume;
- Fence not to extend all the way to the front boundary and be set back in line with the frontage of the listed dwelling (if required further forward a tapering in height is recommended to avoid obscuring views of the LHP)

(b) Music requirements:

- Ensure that music is not played after 11:00pm on any night of the week;
- Ensure that all music is played from the location nominated in the above report;
- Ensure music is only played through an in-house speaker system which is calibrated in accordance with the above report;
- Ensure the indoor function area has all existing gaps in the sheet steel facades and roof sealed airtight, including at all joins between wall sheets and floor and roof cladding;
- Ensure the doors to the function area remain normally closed other than for access when music is played and;
- Calibrate the in-house speaker system to maintain a music level at any location within the function building of no more than that provided in the following table:

	Total	Noise Level in Octave Band Centre Frequencies						
		63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
Highest music noise level within function building (L _{A30,15min})	75	50	62	67	70	70	68	60

6. 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:
 - The internal commercial vehicle manoeuvring areas shall be designed and constructed in accordance with AS 2890.2:2018.
 - The driveways and car parking areas shall be hard-surfaced, drained and marked to accepted engineering standards and shall be maintained in good condition at all times.
7. Pursuant to the provisions of the South Australian Public Health Act 2011 the onsite wastewater must be effectively managed to ensure safe disposal or reuse to protect public and environmental health. The existing facilities, including the use of portable toilets, to be used for a maximum period of 12 months, at which time the permanent amenities and approved wastewater disposal system is to be constructed and operational to meet the requirements of the *South Australian Public Health Act 2011* and the Building Code of Australia.

The following conditions have been included based on the recommendation of the Commissioner of Highways:

8. Access to the function centre shall be gained via the 10.6 metre wide access shown on Planning Chambers Site Plan (refer 20-012 dated July 2020). The access should be flared to the road to allow convenient left in and left out movements of the largest vehicle expected on site.
9. All vehicles shall enter and exit the site in a forward direction.
10. All off-street parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.
11. 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.

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. A Bushfire and Emergency Management Plan should be prepared by a suitably qualified person/s in conjunction with the SA Country Fire Service (CFS) and should be implemented prior to commencement of the use. The Plan should address (but not be limited to) the following:
 - Management of the site on declared Catastrophic Fire Days;
 - Access and Egress for emergency vehicles and guests; and
 - Management of smoking areas.

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Item 5.1.2.1 - Attachment One (1)

DEVELOPMENT APPLICATION FORM

20-012_DAF

COUNCIL: Mount Barker Council

APPLICANT: The Liebelt Farm

Postal Address: c/- Planning Chambers
PO Box 6196
Halifax Street
Adelaide SA 5000

Owner: Glenn Tonkin Liebelt
c/- Balhannah Road Littlehampton SA 5250

BUILDER: TBC

Postal Address:

Builders Licence Number:

CONTACT PERSON FOR FURTHER INFORMATION

Name: Damian Dawson, Planning Chambers

Telephone: 8211 9776

Mobile: 0408 227 493

Email: damian@planningchambers.com.au

FOR OFFICE USE

Development No: _____

Previous Development No: _____

Assessment No: _____

☐ Complying

☐ Non Complying

☐ Notification Cat 2

☐ Notification Cat 3

☐ Referrals/Concurrences

☐ DA Commission

Application forwarded to DA

Commission/Council on

/ /

Decision: _____

Type: _____

Date: / /

	Decision required	Fees	Receipt No	Date
Planning:	_____	_____	_____	_____
Building:	_____	_____	_____	_____
Land Division:	_____	_____	_____	_____
Certificate:	_____	_____	_____	_____
Development Approval				

EXISTING USE: Residential, Farming and Tourist Facility

DESCRIPTION OF PROPOSED DEVELOPMENT: Change of use to function centre and associated signage

LOCATION OF PROPOSED DEVELOPMENT:

House No: 156

Allotment No: 7

Filed Plan: 157342

Street: Junction Road

Town/Suburb: Littlehampton

Hundred: Macclesfield

Volume: 5765

Folio: 99

BUILDING RULES CLASSIFICATION SOUGHT: _____ Present classification: _____

If Class 5,6,78 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 OR 22 OF THE DEVELOPMENT REGULATIONS 1993 APPLY? YES ☐ NO ☒

HAS THE CONSTRUCTION INDUSTRY TRAINING FUND ACT 1993 LEVY BEEN PAID? YES ☐ NO ☒

DEVELOPMENT COST [do not include any fit-out costs]: \$ 5000

I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Regulations 1993.

SIGNATURE:

Dated: 26.08.2020



Damian Dawson on behalf of Amanda Liebelt (The Liebelt Farm)

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Product	Register Search (CT 5765/99)
Date/Time	03/08/2020 10:15AM
Customer Reference	20-012
Order ID	20200803002079



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 5765 Folio 99

Parent Title(s)	CT 4082/129		
Creating Dealing(s)	CONVERTED TITLE		
Title Issued	02/05/2000	Edition 2	Edition Issued 07/12/2000

Estate Type

FEE SIMPLE

Registered Proprietor

GLENN TONKIN LIEBELT
OF BALHANNAH ROAD LITTLEHAMPTON SA 5250

Description of Land

ALLOTMENT 7 FILED PLAN 157342
IN THE AREA NAMED LITTLEHAMPTON
HUNDRED OF MACCLESFIELD

Easements

NIL

Schedule of Dealings

NIL

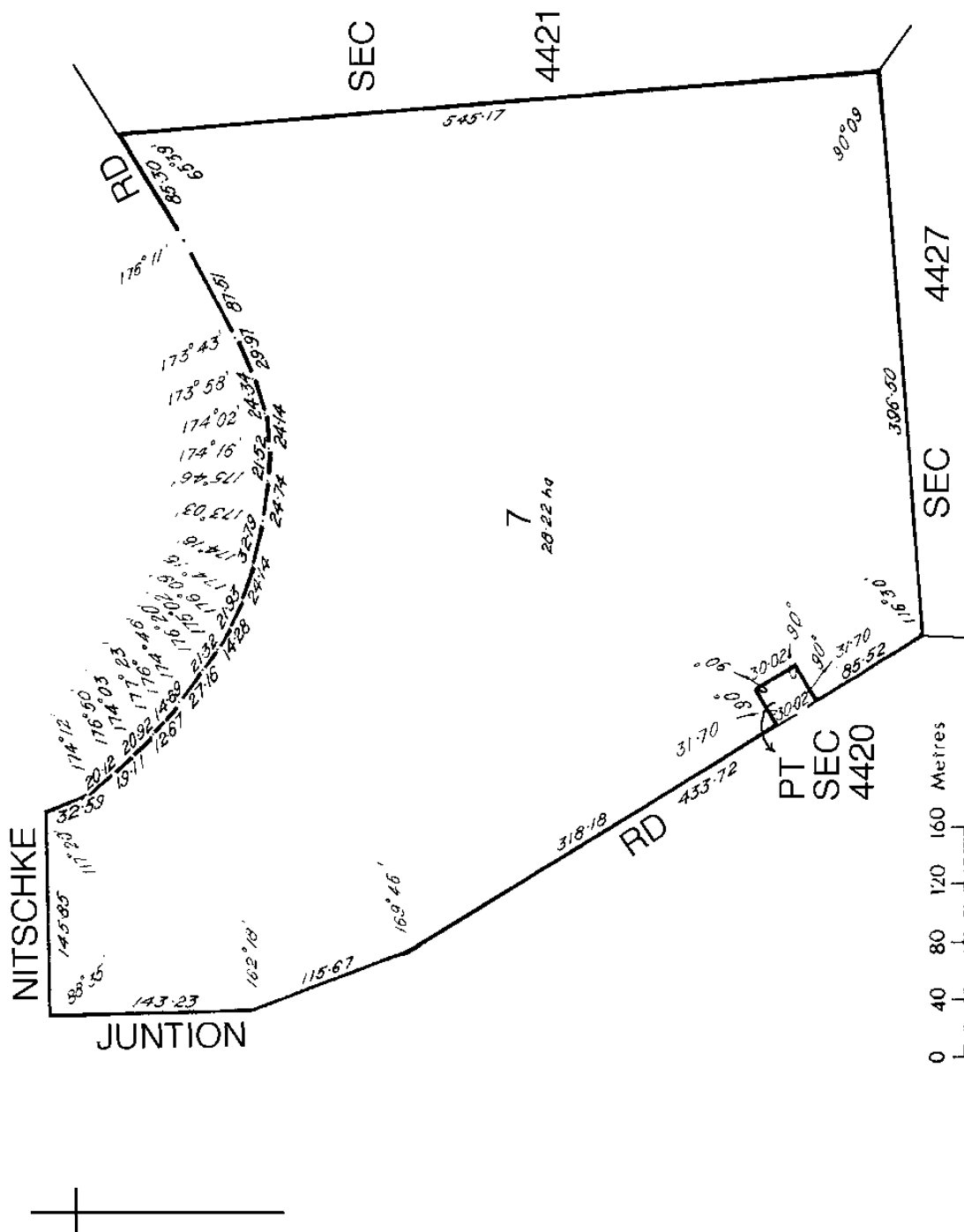
Notations

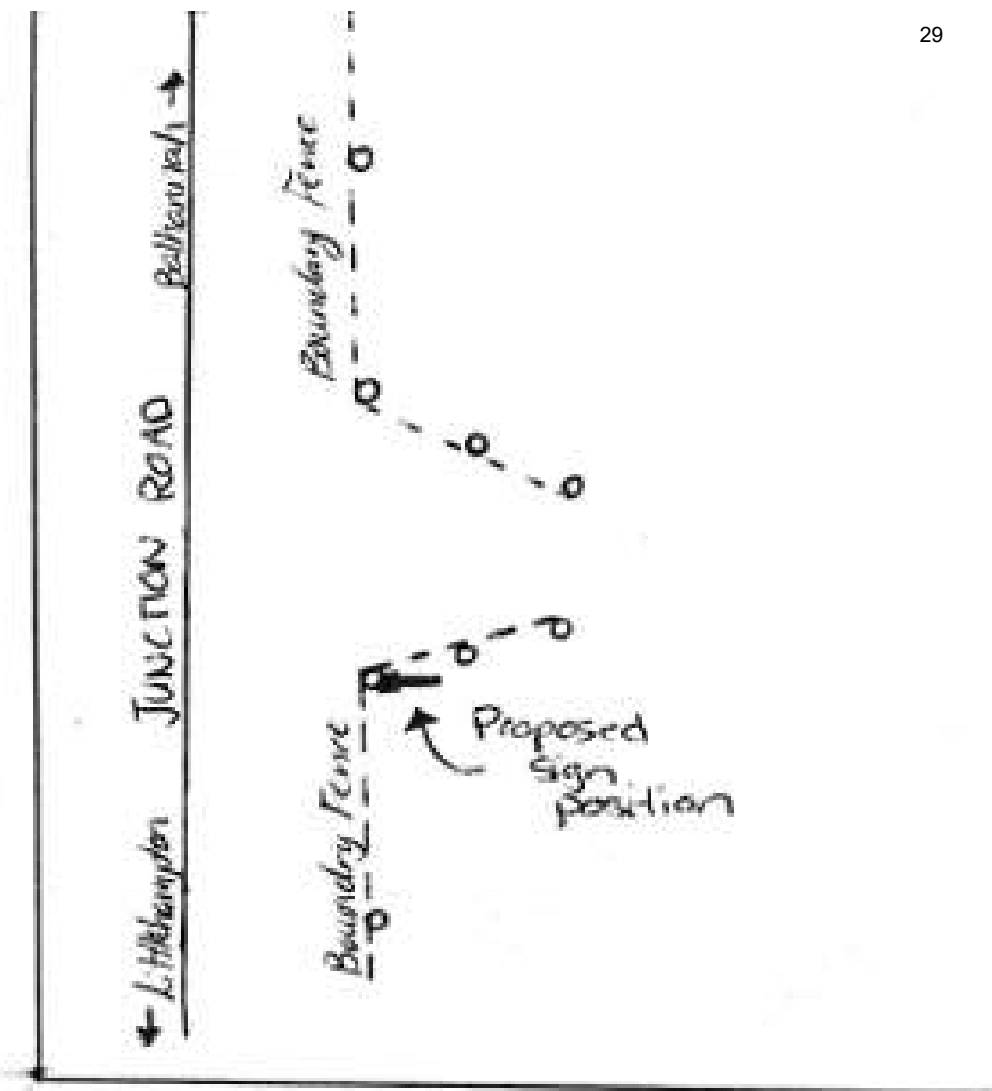
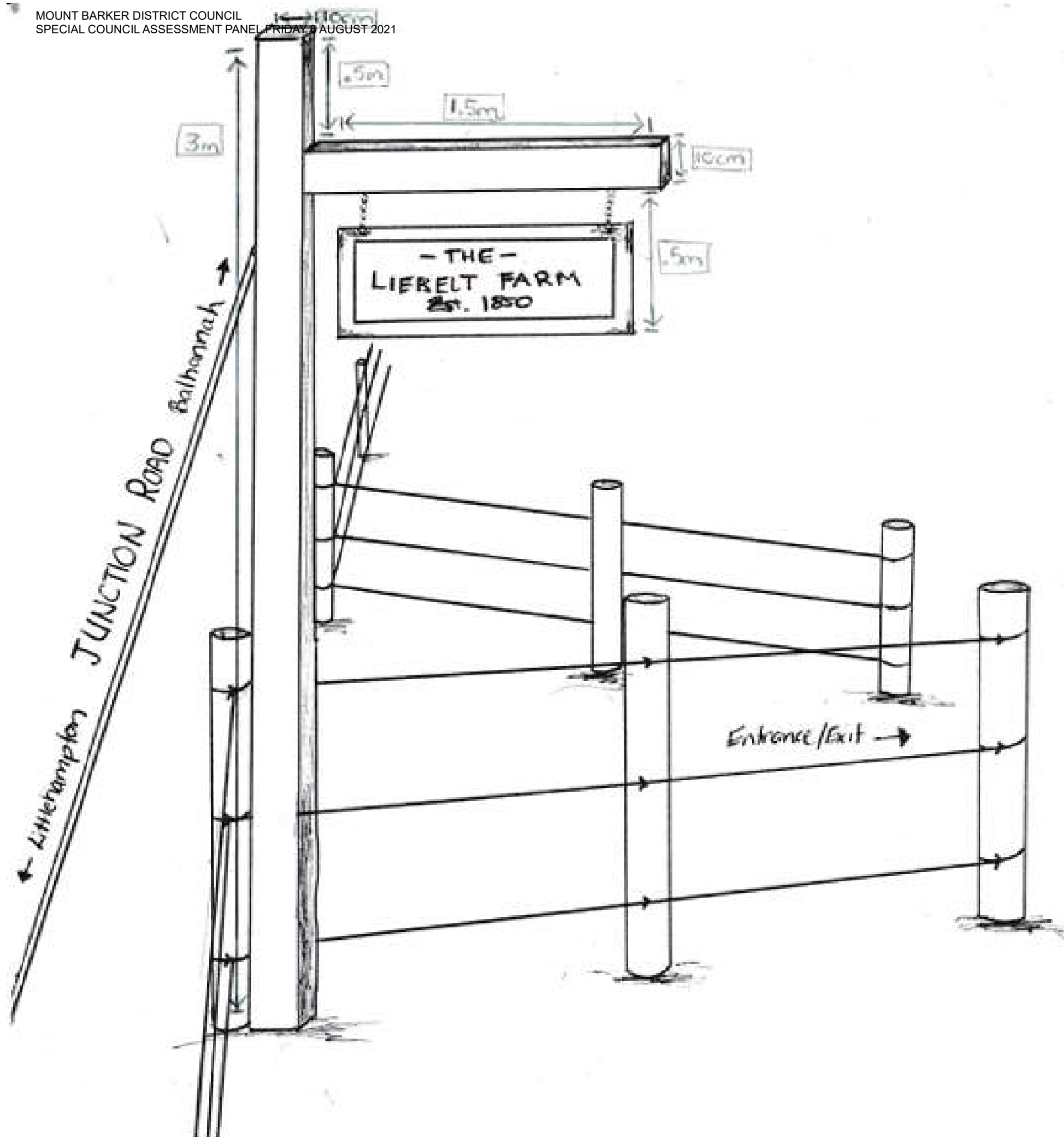
Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



Product Register Search (CT 5765/99)
Date/Time 03/08/2020 10:15AM
Customer Reference 20-012
Order ID 20200803002079

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 4082/129



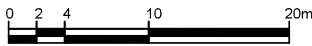




Planning Chambers Pty Ltd
219, Sturt Street, Adelaide, SA 5000
Office: (08) 8211 9776
admin@planningchambers.com.au

SOURCE: NEARMAP

SCALE



SITE PLAN
PROPOSED WEDDING RECEPTION
156 JUNCTION ROAD, LITTLEHAMPTON
20-012

JULY 2020



4 December 2020

20-012_let

Mr. R Richards
Senior Planner
District Council of Mount Barker
6 Dutton Road
Mount Barker SA 5251

Dear Randall,

RE: DA 580/909/20 - 156 Junction Road, Littlehampton

Further to our recent conversation I write regarding the abovementioned development application for a partial change in land use from a farm building to function centre at the abovementioned address.

Subject Land

The subject land is described in Certificate of Title 5765 Folio 99 as being Allotment 7 in Filed Plan 157342. The land is not subject to any easements.

The allotment has frontages of approximately 693 metres to Junction Road along the length of the western boundary and approximately 700 metres to Nitschke Road along the length of the northern boundary. The subject land has an approximate site area of 22.82 hectares.

The land is currently developed with a detached dwelling, garaging, farm buildings and outbuildings associated with the dwelling and the farming and grazing activities. The buildings are grouped together adjacent to Junction Road within the central portion of the land. The original homestead, which is located amongst the buildings, is listed as a Local Heritage Place along with a stone barn immediately to the east of the homestead.

The buildings upon the land are served by four (4) vehicle access points from Junction Road. Two (2) access points provide access to the dwelling and garaging with two (2) providing access to an open lot car park. Only the southernmost access to the car parking area is currently utilised with the northern access fenced.

The land is currently utilised for farming in the form of grazing cattle and whilst the land has always been used for farming it has a long history as a tourist destination/facility. The various buildings at the rear of the dwelling, and the open lot car park, where previously operated as a train themed tourist facility called 'Platform One'. The applicant operated train rides and ran a small café onsite hosting groups of children and adults including birthday parties and events. The facility opened predominately on weekends and school holidays and was known to host over 300 guests across a busy day. The use was stopped approximately 5 years ago however the car park, toilet facilities and some train carriages remain onsite.

Locality

In forming an opinion as to the extent of the locality, I have considered that to which the development proposed upon the site is likely to be evident to surrounding occupiers and landowners. Given the size of the allotment, the locality is considered to contain only those allotments immediately adjoining or adjacent to the subject land.



The locality consists of a detached dwelling to the south which is occupied by a close relative of the applicant. A rural living allotment is located to the west on the opposite side of Junction Road and the adjacent train line and to the north on the opposite side of Nitschke Road and the train line. Two (2) rural living allotments are located adjacent to the southern allotment boundary with a number of rural living allotments located adjacent to the eastern allotment boundary. The extent of the subject land and locality are shown in **Figure 1** below.



Figure 1: View of Subject Site (Blue), Subject Land (Red) and Locality

Proposal

The proposal is for a partial change of use from a farm building to a function centre. The farm building in question is an old corrugated iron barn which is located centrally within the group of buildings upon the land. The barn has been repaired and restored to some degree to allow the use to occur but to also retain its original form and feel. No building work is proposed as part of this application with only minor renovations required to the farm building.

It is envisaged that the proposed function centre will host wedding ceremonies and receptions for up to 100 people. The applicant will provide the venue space for the guests with all food,



drinks and set up to be arranged by the hosts and undertaken by external parties/caterers. The applicant, who resides in the dwelling upon the property will oversee the setup and pack down as well as the function/event. The Adelaide Hills region already contains a wide collection of event suppliers and vendors, such as florists, decorators, and caterers with a sufficient range of food and wine options for guests. The applicant wishes to support these existing businesses by only offering the use the venue and directing clients to these local suppliers.

If alcohol is to be served at events the hosts will be required to obtain the necessary liquor licence and approvals for the duration of the event.

Three areas will be available for use by guests. These areas are all located adjacent to the dwelling and existing car park and include:

Chaff House: Enclosed iron shed with views over the farm with lighting, air conditioning and in-built PA system. This will be used as an indoor area with the capacity of 80 seated, or 100 standing cocktail style.

Lawn Areas: Fenced grassed areas within the 'Farmyard' includes outdoor seating areas amongst the old farm buildings.

Acorn Tree: Fenced area underneath a large Acorn tree, ideal summer setting amongst the farm buildings with view over the paddocks.

Potential clients will be able to view the property open by appointment along with any suppliers or event planners. Several hire options will be available from wedding ceremonies only and small functions through to wedding ceremonies and receptions. Clients, guests and suppliers will not be able to enter the property or commence setup until after 8am on any day or after 6pm, unless on the day of the function.

Whilst guests will be able to arrange their own entertainment only the Chaff House will have a PA system which will be set and monitored by staff throughout any event. No entertainment is to occur after 11pm.

The existing toilets located to the north of the function centre, which includes two unisex toilets (one of which allows for disabled access) will be available for the use of guests. An additional toilet within the adjoining buildings to the west will be provided for the use of staff only. Two additional portable toilets will be made available on an as-need basis. It is anticipated that the transportable toilets will be required when the number of guests anticipated at the function exceeds 50. Ultimately the applicant wishes to construct two additional toilets to avoid the need to use portable toilets for functions over 50 guests. The applicant will review the toilet requirements after the first 6 months of operation and lodge a separate application with Council should it be considered viable to do so.

Thirty (30) car parks are to be provided including one (1) disabled park adjacent the homestead. Two (2) bus parks are proposed on the southern side of the driveway. The proposal will utilise the most southern crossover to provide access into the car park. The northern access point which forms the other half of the existing turnaround will remain closed. The driveway will have a minimum dimension of 6-metres and a 10.6 metre opening from Junction Road.

Whilst the venue will be available for hire any day of the week it is anticipated that events will mainly occur on Saturday evenings, with generally only one event per weekend given the set



up and pack up times required either side of an event. It is anticipated that events will be concluded by 11pm, with all guests to have left the property by 12am. Events are likely to occur between October and April with the possibility of some events outside of these times.

Assessment

I have undertaken an assessment of the proposal against the relevant provisions of the Mount Barker Development Plan, consolidated 20 August 2020.

Zone Map MtB/4 shows the subject land is located within Rural Living Zone with Policy Area Map MtB/4 showing the land is within Allotment 20000 Policy Area 19.

Rural Living Zone

The provisions of the Rural Living Zone envisage large allotments with detached dwellings and rural activities that do not adversely impact on the amenity of the locality.

No guidance is provided in relation to non-residential land uses other than Principle of Development Control (PDC) 5 which states that commercial, industrial and retail development should not occur in the zone. Whilst it is acknowledged that the proposed function centre use is not anticipated within the zone it is important to recognise that this site has been continuously used as a tourist facility over the last two decades with the *Platform 1 Heritage Farm Railway* operating from 1996 to 2017. The historic homestead has also been used as a bed and breakfast over that time. The *Platform 1 Heritage Farm Railway* was a popular Adelaide Hills tourist destination which saw large numbers of visitors during weekends and school holidays. The attraction ran 7 days a week during school holidays and 6 days a week during off-peak periods. To my knowledge the previous use of the site was never the subject of any complaints.

Considering this previous use the proposed function centre will be a less intensive use, catering for no more than 100 guests, mainly on the weekend.

No structural changes are proposed to the existing farm building (Chaff House) with only minor cosmetic changes to occur. The existing rural character of the building will therefore be retained which is considered appropriate for the rural setting, maintaining the 'weathered' or 'aged' character which will blend into the rural landscape.

The proposed use will utilise the existing car parking area with only a minor tidying of the area required along with the demarcation of the parking spaces and bus parking areas.

The farm building to be utilised is located away from the road frontage, screened by the dwelling, Local Heritage Place and other outbuildings. The function building and car parking area are well setback back from surrounding sensitive land uses to provide sufficient visual separation from adjoining owners and dwellings.

Interface Between Land Uses

The provisions of the Interface between Land Uses section note that development is to be designed to minimise adverse impacts on the amenity of adjacent land uses.

Given the size of the allotment and the location of the proposal, it is considered that the proposed use will only potentially impact upon those allotments immediately adjacent to the west and to the south of the proposed function centre.



The dwelling located to the south is a close relative of the applicant and has no objection to the proposed use. The dwelling to the west is located on the opposite side of Junction Road and the railway more than 170 metres from the edge of the proposed car park and more than 200 metres from the proposed function centre. There is a significant degree of native vegetation located along Junction Road and the railway line to the west as seen in **Figure 2** below.



Figure 2: View of the dwelling at 161 Junction Road, as taken on the western side of Junction Road adjacent the subject land looking west.

Given the distance from the dwelling to the proposal and the degree of native vegetation along the road reserve and railway, it is considered that the proposal will have little to no impact on the dwelling. It is noted that Junction Road carries a high degree of traffic, connecting Balhannah to Little Hampton. It is therefore expected that any impacts generated by the proposal are likely to be less apparent given the existing level of traffic noise. The previous train park operated on a large scale, with the target demographic being children. Given the smaller scale and more intimate nature of the proposal, it is considered that the level of noise and activity generated from the development will be considerably less than the previous use.



The proposed function use will be limited only to that area immediately adjacent to the existing buildings within the centre of the site on Junction Road. As such it will be setback more than 400 metres to the closest dwelling to the north on the opposite side of Nitschke Road and more than 450 metres to the closest dwelling to the east on Wilhelm Road.

Overall, the proposal to utilise the existing farm building/Chaff House and the area immediately surrounding it for functions/events is an acceptable use given the circumstances of the subject land. Whilst it is acknowledged that the land is located within the Rural Living Zone, and that ordinarily commercial land uses are not anticipated the subject land, is far from being a rural living allotment. It is a large parcel of land which continues to be used for primary production. It also has a recognised history of being used as a tourist destination with an associated level of activity. The applicant wishes to continue to welcome guests to enjoy the property and the local area by providing a setting where events and functions can be hosted for small groups of guests. Given the setback of the use from neighbouring properties and the use of existing buildings and facilities the proposal is appropriate within the zone.

Heritage

As noted above the subject land contains a local heritage listed homestead and stone barn. Whilst the proposal does not seek to use either of these buildings for reception activities, they provide an invaluable contribution to the setting and character of the site. The stone barn is located adjacent to the Chaff House and central gathering area for guests. It is anticipated that wedding photographs will be taken in front of the barn to provide guests with a unique heritage farm experience. Indeed, the entire property is steeped in history with this aspect of the site providing a point of difference for hosts choosing to use the venue.

By opening the subject site for hosts and guests the proposal is considered to satisfy Council Wide Heritage Places Objective 2 which seeks the continued use, and adaptive re-use, of heritage places to support the conservation of their cultural significance. The proposal will enable the applicant to invest back into the upkeep and conservation of the heritage places upon the subject land.

Transportation and access

The proposal will utilise the existing access and driveway from Junction Road. The existing vehicle parking area will be re-established within the western portion of the allotment and will be screened from the road with a 1.5-metre wide landscape strip.

A total of thirty (30) car parking spaces and two (2) bus parks are proposed to be provided. It is considered that the number of car parking spaces and bus parks will be adequate for the proposed maximum of 100 guests based on the desired rate of 1 park per 3 seats for a restaurant as stated in Table MtB/2 given that no rate is provided for a function centre. The car parking spaces, access driveway and circulation/manoeuvring areas will all be designed to comply with the relevant Australian Standards and will allow the forward entry and exit of vehicles from the land.



Peak traffic periods will only be during functions on Fridays and weekends with the remaining days to have minimal traffic only associated with the homestead.

Signage

The proposed sign will be located on the southern side of the entrance gate adjacent Junction Road. The signpost will have a total height of 3 metres with a 1.5-metre long arm located 0.5 metres below the top of the post. The sign will hang from the arm of the signpost and will have a dimension of 0.5m x 1.5m, with a total sign face area of 0.75m².

Conclusion

The proposal seeks a partial change of use upon the subject land with an existing farm building to be repurposed for the hosting of events and functions. The proposal will revitalise the property and continue the tradition of welcoming the public into the region which was commenced on the site in 1996 through the establishment of the *Platform 1 Heritage Farm Railway*.

There will be no external changes proposed to the existing farm building or any other works required and as such it is considered that the function centre will not detract from the visual amenity of the area when viewed within the landscape.

The applicant is mindful of their neighbours and of their own enjoyment of the subject land upon which they live. The facility will always be managed to prevent any potential impacts upon adjoining landowners with a member of the Liebelt Family present on site whilst functions are held. Given the large size of the allotment the facility is well setback from any sensitive land uses with road frontages and railway lines adjoining two sides of the property.

In summary, I am satisfied the proposed development demonstrates a substantial degree of consistency with the requirements of the Mount Barker District Council Development Plan to an extent that the proposal warrants the grant of consent.

Should you require any further details or clarification please feel free to contact me (08) 8211 9776.

Yours sincerely,

A handwritten signature in blue ink that reads 'D Dawson'.

Damian Dawson
Director

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The Liebelt Farm Function Venue 156 Junction Road, Littlehampton

Environmental Noise Assessment

May 2021

S6831C3

sonus.

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Senior Associate
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www.sonus.com.au

156 Junction Road, Littlehampton
Environmental Noise Assessment
S6831C3
May 2021

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Document Title : The Liebelt Farm Function Venue
156 Junction Road, Littlehampton
Environmental Noise Assessment

Document Reference : S6831C3

Date : May 2021

Author : Alexander Lee, MAAS

Reviewer : Jason Turner, MAAS

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Environmental Noise Assessment
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May 2021

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156 Junction Road, Littlehampton
Environmental Noise Assessment
S6831C3
May 2021

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1 INTRODUCTION

An environmental noise assessment has been made of the proposed function centre and wedding venue at Liebelt Farm, 156 Junction Road Littlehampton.

The subject site primarily operates as a cattle farm and private dwelling, with various outbuildings. The proposal seeks to use the site as an event venue, providing indoor and outdoor spaces with ancillary car parking and a food vendor. The general site arrangement is provided in Appendix A.

The assessment considers the potential noise impact at nearby sensitive receivers from use of the facility as a function venue. Specifically, the noise from patrons, vehicle movements, plant/equipment and music are considered at the closest existing residences, shown in Appendix B. It is noted that the residence at 142 Junction Road is currently associated with the subject site (under ownership by a family member). The noise criteria and assessment approach at this residence assigned in the following sections are therefore less onerous, in recognition of the associated status.

The assessment has been based on:

- The understanding that:
 - the venue will be operated in accordance with the layout in Appendix A;
 - the capacity of the site being up to 100 patron;
 - the venue primarily operating on Saturdays up to 11:00pm, with music offered until closing.
The venue may also operate occasionally during the week. The criteria applied to this assessment are based on a facility which operates continuously on any and every day of the week and therefore there is no technical impediment on an event occurring during the week if it is compliant with the recommendations of this assessment.
- An inspection of the subject site and surrounding land uses on 10 March 2021; and,
- Continuous background noise monitoring at the subject site from 10 to 13 March and 19 to 23 March 2021.

156 Junction Road, Littlehampton
Environmental Noise Assessment
S6831C3
May 2021

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2 DEVELOPMENT PLAN

The subject site is located within the Rural Living Zone of the Mount Barker Council Development Plan, while the nearby residences are within both the Primary Production and Rural Living Zones (identified in Appendix B). The Development Plan has been reviewed and the following provisions relating to environmental noise are considered relevant to the assessment.

General Section – Interface Between Land Uses

OBJECTIVES

- 1 *Development located and designed to minimise adverse impact and conflict between land uses.*
- 2 *Protect community health and amenity from adverse impacts of development.*
- 3 *Protect desired land uses from the encroachment of incompatible development.*

PRINCIPLES OF DEVELOPMENT CONTROL

- 1 *Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:*
...
(b) Noise
- 2 *Development should be sited and designed to minimise negative impact on existing and potential future land uses desired in the locality.*
- 6 *Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.*

Noise Generating Activities

- 8 *Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant "Environment Protection (Noise) Policy" criteria when assessed at the nearest noise sensitive premises.*
- 9 *Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises.*
- 10 *Outdoor areas (such as beer gardens or dining areas) associated with licensed premises should be designed or sited to minimise adverse noise impacts on adjacent existing or future noise sensitive development.*
- 11 *Development proposing music should include noise attenuation measures that achieve the following desired noise levels:*

156 Junction Road, Littlehampton
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S6831C3
May 2021

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Noise level assessment location	Desired Noise Level
<i>Adjacent existing noise sensitive development property boundary</i>	<i>Less than 8 dB above the level of background noise (L90,15min) in any octave band of the sound spectrum and Less than 5 dB(A) above the level of background noise (LA90,15min) for the overall (sum of all octave bands) A-weighted level</i>
<i>Adjacent land property boundary</i>	<i>Less than 65dB(Lin) at 63Hz and 70dB(Lin) in all other octave bands of the sound spectrum or Less than 8 dB above the level of background noise (L90,15min) in any octave band of the sound spectrum and 5 dB(A) overall (sum of all octave bands) A-weighted level</i>

It is noted that Interface Between Land Uses Principle of Development Control (PDC) 11 includes a music related requirement at the “adjacent land property boundary”. This aspect of the PDC is applicable at vacant allotments in an area where the Development Plan promotes the construction of residences on a property boundary in a mixed residential/commercial area, as might be the case in some precincts of the CBD. This aspect of the provision is not considered relevant in this circumstance, given there are no vacant allotments in the vicinity where residential land use is promoted on the property boundary. PDC 10 has been applied at the nearest existing residences with the intention of being consistent with the core objective approach.

156 Junction Road, Littlehampton
Environmental Noise Assessment
S6831C3
May 2021

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3 PATRONS AND VEHICLE MOVEMENTS

3.1 Criteria

The *Interface between Land Uses PDC's* references the *Environment Protection (Noise) Policy 2007* (the **Policy**), which provides goal noise levels to be achieved at residences from activity such as patrons and vehicle movements at a site (it is noted that music is assessed using a different and specific method which accounts for the bass content).

The Policy is based on the World Health Organisation Guidelines to prevent annoyance, sleep disturbance and unreasonable interference on the amenity of an area. Therefore, compliance with the Policy is considered to be sufficient to satisfy all provisions of the Development Plan relating to environmental noise (with the exception of music).

The Policy provides goal noise levels based on the principally promoted land use within the zones of the noise source (the development) and the noise receivers (the residences). In addition, under Part 5 of the Policy, noise criteria for a new Development Application are 5 dB(A) less than those which would apply in a complaint situation.

The less onerous "complaint situation" criteria have been applied at the residence owned by a family member in recognition that another party may purchase the residence after the function venue is approved. The "Development Application" criteria under Part 5 have been applied at all other residences in recognition that the proposal introduces new activity into the environment.

Given the rural industry and rural living uses in the vicinity of the site, the following goal noise levels are assigned by the Policy to be achieved at:

- residences within the Rural Living Zone
 - An average (L_{eq}) noise level of 42 dB(A) during the day (prior to 10:00pm);
 - An average (L_{eq}) noise level of 35 dB(A) during the night (after 10:00pm) ; and,
 - A maximum (L_{max}) noise level of 60 dB(A) during the night (after 10:00pm).
- residences within the Rural Zone
 - An average (L_{eq}) noise level of 47 dB(A) during the day (prior to 10:00pm); and
 - An average (L_{eq}) noise level of 40 dB(A) during the night (after 10:00pm).

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- the 142 Junction Road residence
 - An average (L_{eq}) noise level of 47 dB(A) during the day (prior to 10:00pm); and
 - An average (L_{eq}) noise level of 40 dB(A) during the night (after 10:00pm).

When measuring or predicting noise levels for comparison with the Policy, adjustments may be made to the average goal noise levels for each “annoying” characteristic of tone, impulse, low frequency, and modulation of the noise source. A penalty can often apply to the noise from patrons or vehicle movements for the character of modulation in a quiet environment. Notwithstanding, the characteristic must be dominant in the existing acoustic environment (refer to noise monitoring results in Appendix C) and therefore the application varies depending on the assessment location, time of day, the noise source being assessed and the predicted noise level. The application of penalties is discussed further in the following section.

3.2 Assessment

The noise from activity other than music has been predicted based on a range of previous noise measurements and observations at similar facilities. These include:

- patrons in outdoor areas;
- Generators used for catering trucks;
- car park activity such as people talking as they vacate or approach their vehicles, the opening and closing of vehicle doors, vehicles starting, vehicles idling, and vehicles moving into and accelerating away from their park position; and,
- general vehicle movements on site, including coaches and smaller buses.

Sound power levels for the above activities are provided in Appendix D.

To predict the noise level at residences, a CONCAWE noise propagation model of the subject site and surrounding area has been developed using SoundPLAN software. The noise model considers the distance between noise sources and receivers, the sound power level generated by each noise source, the effect of barriers and topography and meteorological conditions which are conducive to noise propagation.

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The noise from activity other than music has been predicted based on the following operational assumptions in any 15-minute¹ period:

- Prior to 10:00pm:
 - 30 vehicle movements into or out of the car park, including talking, doors opening and closing;
 - 100 patrons either within the ceremony area or outside the reception building;
 - 1 coach movement into or out of the site; and,
 - A generator operating continuously to power a food truck.
- After 10:00pm:
 - 15 vehicle movements into or out of the car park, including talking, doors opening and closing, etc.;
 - 100 patrons within the function centre;
 - 1 24-seater bus movements into or out of the site collecting patrons from the designated area;
 - A generator operating continuously to power a food truck.

Recommendations

Based on the predictions, it is recommended that the following measures be implemented to ensure the objective noise criteria of the Policy are achieved at the nearby residences;

- Ensure that the venue is operated in accordance with the plans (Appendix B) and level of activity noted within this report;
- Limit the size of bus which may enter the site after 10:00pm to no more than 24 seats. That is, coaches may not be used for patron collection after 10:00pm;
- Ensure all bus and coach engines are switched off during patron drop off or collection and do not idle whilst waiting on site;
- Ensure all guests are inside the function centre after 10:00pm and doors are normally closed; however, guests may leave the centre for short bathroom/smoking breaks;
- Ensure the food truck operates from the north-eastern corner of the function centre, adjacent the front doors.

With the assumed level of activity and the inclusion of treatments described above, the average (L_{eq}) noise levels at nearby residences are predicted to be 35 dB(A) or less during the day and night periods and achieve the noise criteria.

¹ Default assessment period of the Policy.

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142 Junction Road

In order to achieve the criteria should the property be sold in the future to an entity which is not considered to be “associated” with the function centre, the following treatments would be required at that time:

- Construct 2.1m high fences around the car park and the associated residence to the southeast, for the extent shown below as **RED**. The fence may be constructed from a material such as sheet steel (Colorbond or similar) and should be sealed airtight at all junctions, including at the ground and at the existing sheds.



The predicted noise levels from patron and vehicle activity are very low (less than 35 dB(A)) at all dwellings and less than the existing average (L_{eq}) noise levels in the environment. In addition, there are often high instantaneous maximum (L_{max}) noise levels in the existing environment. On this basis, a penalty is not warranted. That is, the noise levels provided above do not require adjustment for noise character.

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In addition to the above, the maximum noise level from activity such as vehicles accelerating or doors opening and closing has been predicted at the residences within the Rural Living Zone. Noise levels are predicted to be less than 50 dB(A) at any residence, therefore easily achieving the 60 dB(A) noise criterion.

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4 MUSIC NOISE

4.1 Criteria

The *Interface between Land Uses* provisions provide objective noise criteria for the assessment of music and are consistent with the Environment Protection Authority Guidelines *Music noise from indoor venues and the South Australian Planning System* (the **EPA Guidelines**). Both the Development Plan and the EPA Guidelines provide noise criteria to be met at noise sensitive locations based on the existing acoustic environment, to ensure that the noise from bass beat is adequately controlled. The criteria are designed for venues where music may be played every day until late at night and therefore represent a conservative approach for a venue which will primarily operate on a limited number of days.

To determine the objective music noise criteria, the existing background noise environment has been measured in the vicinity of the site continuously over the period 19 to 23 March 2021. The results are provided as Appendix C of this report. Based on the monitoring, the lowest background noise levels have been identified during the proposed operating times, being during the day time and up until 11:00pm on any given day.

The following table provides the lowest measured background noise levels ($L_{90,15min}$) during the proposed operating times and criteria in accordance with the Development Plan, being the level which is 8 dB(A) above in each octave band.

	Total	Noise Level in Octave Band Centre Frequencies						
		63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
Lowest measured background noise level ($L_{A90,15min}$)	28	11	13	15	20	18	14	17
Music noise Criteria at residences ($L_{A10,15min}$)	33	19	21	23	28	26	22	25

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4.2 Assessment

An assessment has been made of the noise from music played during a reception based on previous measurements at a number of similar venues. The measurements include various levels of music which range from background (not requiring voices to be raised to be heard) up to live bands with high levels of bass content.

The level of music which can be accommodated within the proposed reception area (building) has been determined based on predictions using the SoundPlan noise model described in the previous section. The noise level resulting at residences has been predicted and the highest level which can be accommodated determined based on the criteria being achieved.

Based on the predictions, it is recommended the following be included in the application to ensure the objective criteria are achieved at all residences in the vicinity;

- Ensure that music is not played after 11:00pm on any night of the week.
- Ensure that all music is played from the location nominated in this report.
- Ensure music is only played through a in-house speaker system which is calibrated in accordance with this report.
- Ensure the indoor function area has all existing gaps in the sheet steel facades and roof sealed airtight, including at all joins between wall sheets and floor and roof cladding.
- Ensure the doors to the function area remain normally closed other than for access when music is played;
- Calibrate the in-house speaker system to maintain a music level at any location within the function building of no more than that provided in the following table:

	Total	Noise Level in Octave Band Centre Frequencies						
		63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
Highest music noise level within function building ($L_{A10,15min}$)	75	50	62	67	70	70	68	60

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The music noise level above can be described as higher than background (background music is that experienced in many restaurant settings); however, it will not support live music with the exception of an amplified acoustic performance or similar. The levels are lower than that typically associated with a DJ. Any external input should only use the calibrated in-house system.

Based on the above restrictions and noise level from music, the highest predicted noise level at a nearby residence and the corresponding octave band spectrum is provided in the following table with comparison to the criteria):

	Total	Noise Level in Octave Band Centre Frequencies						
		63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
Highest predicted music noise level at a residence ($L_{A10,15min}$)	29	12	21	21	23	22	20	12
Music noise Criteria at residences ($L_{A10,15min}$)	33	19	21	23	28	26	22	25

The table indicates that the noise criteria can be achieved where the level of music is limited. It is also noted that some frequencies can accommodate higher levels than assumed without exceeding the criteria and may be accounted for when calibrating the system.

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5 CONCLUSION

An environmental noise assessment has been made of the proposed function venue at Liebelt Farm, 156 Junction Road Littlehampton.

The proposal seeks to operate the existing farm as an occasional function and wedding venue on a limited number of occasions per year. The site includes specific indoor and outdoor areas for car parking, food trucks, ceremonies and receptions.

Appropriate noise criteria have been determined for nearby residence locations, for the various activities including patrons, vehicle movements, car park / bus activity and music. Reference is made to the Development Plan, the *Environment Protection (Noise) Policy 2007* and the Environment Protection Authority Guidelines *Music noise from indoor venues and the South Australian Planning System*.

It is predicted that the proposed development will achieve the noise criteria where the treatments detailed in this report are incorporated. That is:

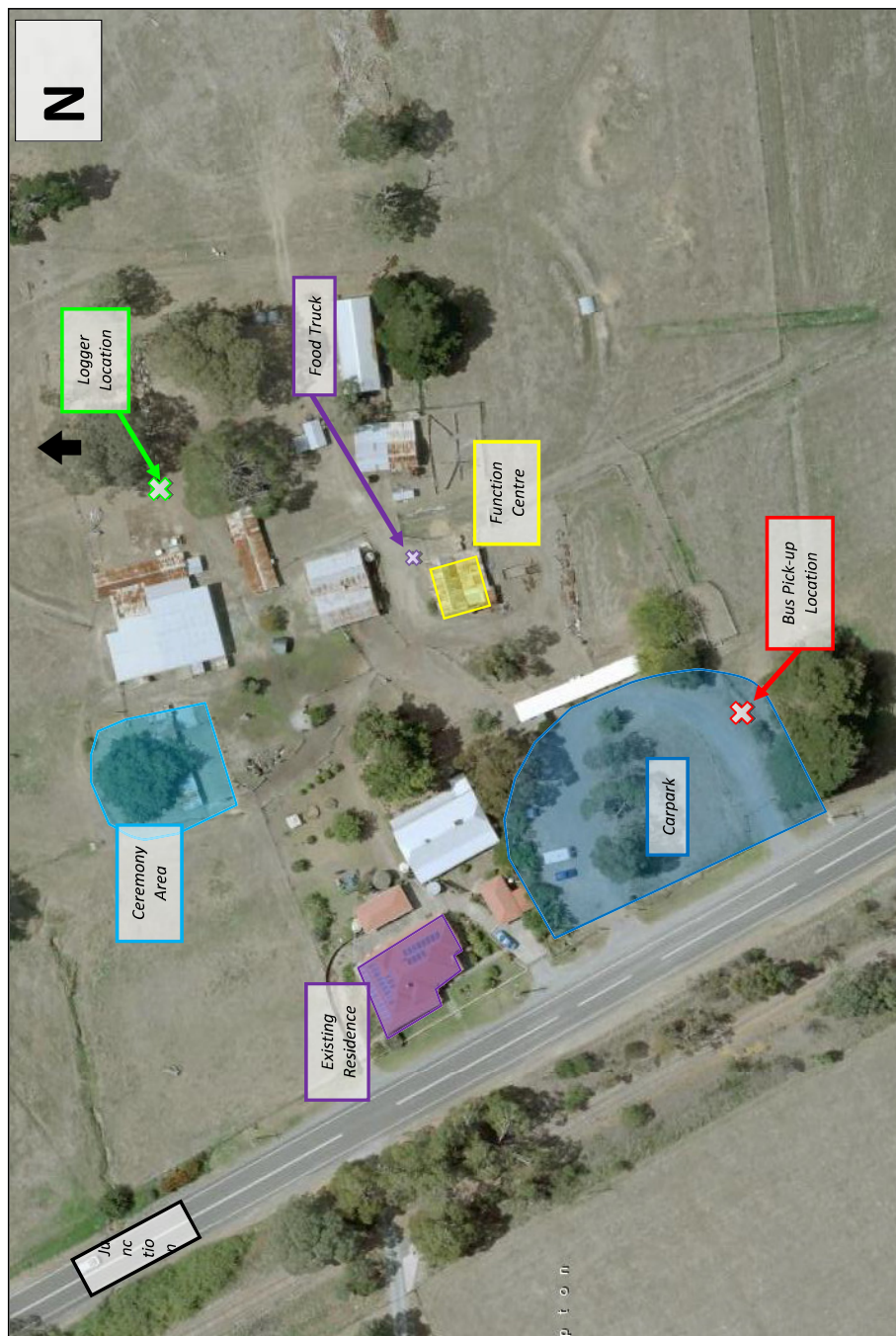
- The operating hours are limited;
- The number of patrons is limited;
- Activities are restricted to the areas shown in this report;
- The size of any bus used for patron collection after 10:00pm is restricted;
- Buses and coaches do not idle whilst waiting; and,
- Music is only played through a in-house speaker system and at the level specified in this report.

Based on the above, it is considered that the proposal has been designed to *minimise adverse impacts, not cause unreasonable noise impact on existing adjacent sensitive receivers*, and *achieves suitable acoustic amenity*, thereby achieving the relevant provisions of the Development Plan related to environmental noise.

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APPENDIX A: General Site Layout



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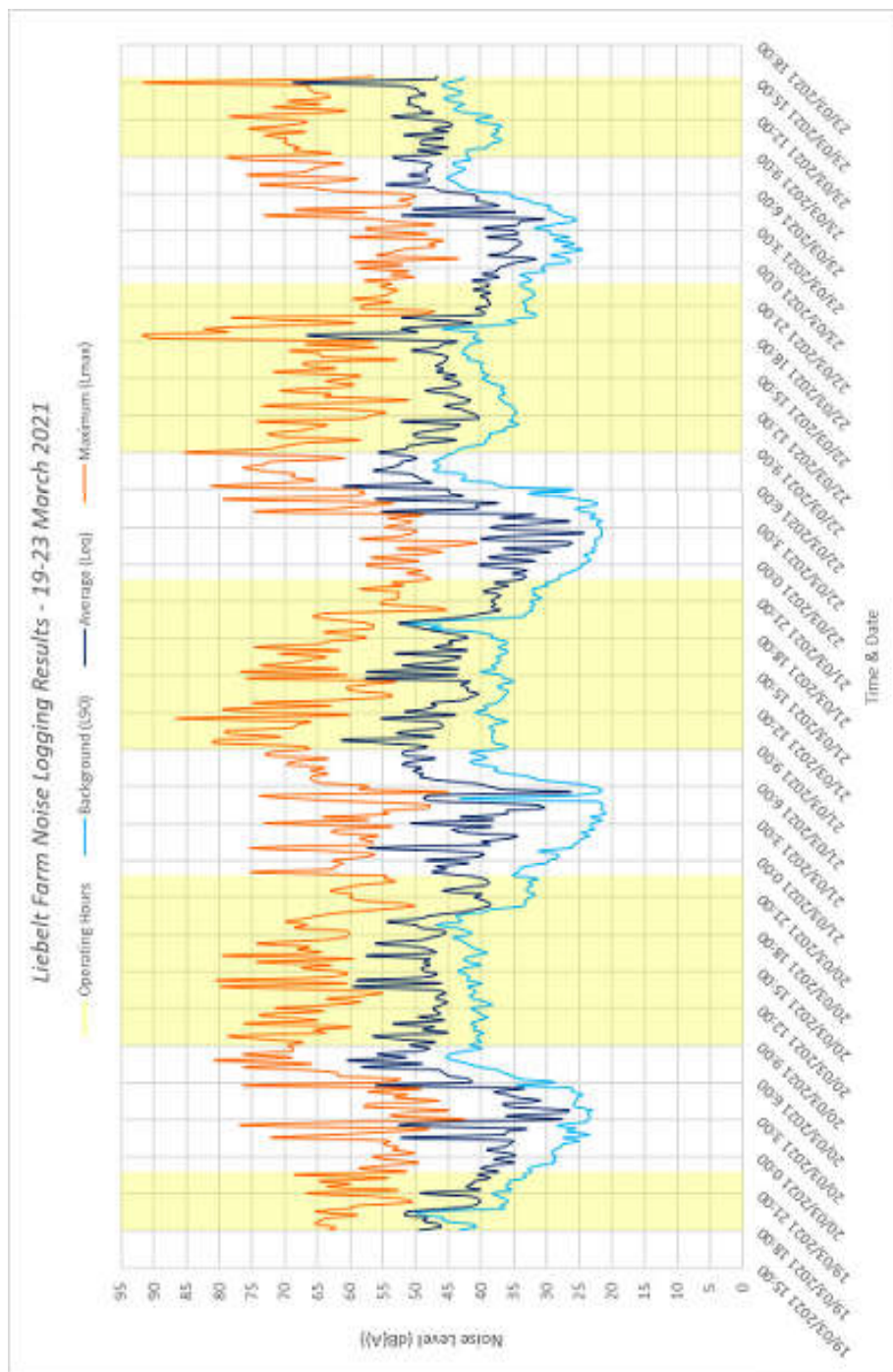
APPENDIX B: Site Locality



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APPENDIX C: Background Noise Logging Results



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APPENDIX D: Noise Level Data

Activity	Sound Power Level (dB(A))
Generator	85
Patron During Reception	75
Patron During Ceremony	67
24-Seater Bus Idle	87
24-Seater Bus Movement	90
Coach Idle	91
Coach Movement	101
General (Car Park) Activity	83
Vehicle Movement	82
Vehicle Movement (L _{max})	98

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Item 5.1.2.1 - Attachment Two (2)

In reply please quote: 2021/00591, Process ID: 656316
Enquiries to: Reece Loughron
Telephone: 08 7109 7876
E-mail: dit.landusecoordination@sa.gov.au



Government of South Australia
Department for Infrastructure
and Transport

**TRANSPORT PLANNING AND
PROGRAM DEVELOPMENT**

Transport Assessment

GPO Box 1533
ADELAIDE SA 5001

ABN 92 366 288 135

25 January 2021

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

Dear Mr Richards

SCHEDULE 8 - REFERRAL RESPONSE

Development No.	580/909/20
Applicant	The Liebelt Farm C/- Planning Chambers
Location	156 Junction Road, Littlehampton (CT 5765/99)
Proposal	Change of use to function centre and associated signage

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 subject site abuts Junction Road and Nitschke Road. At this location Junction Road carries approximately 4,100 vehicles per day (4.5% commercial vehicles) and a posted speed limit of 80 km/h. Nitschke Road is a local road with a posted speed limit of 80km/h.

Access and Road Safety

The subject land currently gains access at four locations to Junction Road. The two northern most access points are related to the existing farm dwelling and essentially not included in the proposed function centre. The Department for Infrastructure and Transport (DIT) has reviewed the Planning Chambers correspondence and Site Plan (refer 20-012 dated July 2020). The two southern access points form a large U shaped driveway, however the referral documentation states that the northern access has been fenced off resulting in the southern access catering for all movements. Both of these access points have breaks in the double barrier lines enabling all movements.

The proposed function centre will cater for events generally on a Friday or Saturday for up to 100 guests. The existing parking area will provide space for up to 30 cars as well as two dedicated areas for small bus parking. The site plan indicates that an access width of 10.6 meters will be provided at the Junction Road property boundary narrowing down to a 6 metres wide internal driveway. It is also noted that there is additional over flow areas should additional parking be required.

2

DIT has undertaken a desk top review of the sightlines available to/from the southern access. It is noted that the road does dip towards the north however it is considered that sightlines remain satisfactory.

ADVICE

The Department for Infrastructure and Transport supports the proposed development and advises the planning authority to attach the following conditions to any approval:

1. Access to the function centre shall be gained via the 10.6 metre wide access shown on Planning Chambers Site Plan (refer 20-012 dated July 2020). The access should be flared to the road to allow convenient left in and left out movements of the largest vehicle expected on site.
2. All vehicles shall enter and exit the site in a forward direction.
3. All off-street parking shall be designed in accordance with *AS/NZS 2890.1:2004* and *AS/NZS 2890.6:2009*.
4. 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 dit.developmentapplications@sa.gov.au

MOUNT BARKER DISTRICT COUNCIL

STATEMENT OF REPRESENTATION FOR CATEGORY 3 Pursuant to Section 38(5) of the Development Act, 1993	RECEIVED MOUNT BARKER DISTRICT COUNCIL
---	---

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

- 3 FEB 2021

File: 909/20

Doc:

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: 580/909/20
Change of Use to Function Centre (Maximum 100 People) with Associated Car Parking and Signage, located within the curtilage of Local Heritage Place - Liebelt Farmhouse and Barns (ID No: 18438)

(Pc/ 2095)

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: LINDA CLARK
* HOME ADDRESS: 73 NITSCHKE RD MOUNT BARKER JUNCTION
* POSTAL ADDRESS: PO BOX 1136 LITTLEHAMPTON
PHONE NO: 041869412 EMAIL: lindasclark@bigpond.com

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

☒ The owner or the occupier of the property located at: 156 JUNCTION RD LITTLEHAMPTON

☐ Other (please state):

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)

I am concerned regarding the use of this property as a function centre. A letter from the owners state there will be no fireworks or loud music - see attached.

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- 3 FEB 2021
MOUNT BARKER
DISTRICT COUNCIL

RECEIVED
- 3 FEB 2021
MOUNT BARKER
DISTRICT COUNCIL

However, approval as a function centre will enable
them and future owners to do so.

The property is in an area surrounded by animals. The
location is set down in an open flat area with
my and other properties overlooking. The sound carries
and echoes in this location. This was the case
when they were open as Platform One and they
were only small family groups. Functions up to
100 people will make a huge noise impact. It is
not set back or secluded such as 107/100.
It will also impact on the traffic flow on Nitschke Rd which
has also seen a massive increase in traffic on a road meant
for rural travel.

☐

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 4 February 2021, 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



DATE

3/2/21

Hi Neighbour,

Just letting you know that you may be receiving notification from Mount Barker Council in relation to a Development Application on our property (156 Junction Road – the old train place) in the coming week.

We tried popping in a few times this week to have a chat with you regarding this but haven't managed to catch you home.

We are looking to open our farmyard up for small events/functions, not every week but only one or two times a month during the busier times.

Although our Application is for a 'function centre,' we are not intending to build any new structures. Instead we are using the existing old heritage buildings on the property – it will be great to have these buildings on display to the public again and helping to preserve their history.

As we live on the property and have animals of our own close by, we are very conscious of noise, etc. so we are encouraging more smaller intimate events and not allowing fireworks/poppers/crackers/bonfires/loud music and are firm on ensuring music has ceased by a reasonable time in the evening.

All events are also restricted to the 'farmyard' areas only, with the entrance/exit off Junction Road, and no access to the paddocks behind. So, you may not notice anything different, but we thought we'd just like to give you a heads up anyway.

We understand that you may have some questions, so please feel free to contact myself or Jonathan anytime and we will be more than happy to have a chat.

Kind regards,



Amanda Liebelt
0449 915 286



Jonathan Liebelt
0424 723 589

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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

RECEIVED
- 4 FEB 2021
MOUNT BARKER
DISTRICT COUNCIL

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: 580/909/20 156 Junction Road
Change of Use to Function Centre (Maximum 100 People) with
Associated Car Parking and Signage, located within the
curtilage of Local Heritage Place - Liebelt Farmhouse and
Barns (ID No: 18438)

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

* NAME: MRS J. R. LIEBELT
* HOME ADDRESS: 142 JUNCTION ROAD LITTLEHAMPTON SA 5250
* POSTAL ADDRESS: LITTLE HAMPTON SA 5250
PHONE NO: EMAIL:

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

- ☐ The owner or the occupier of the property located at:
- ☐ Other (please state):

YOUR COMMENTS:

* I/We:

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

File: DA - 909/20
Doc:

(Please note that your comments should demonstrate reasonable particularity)

I MOST CERTAINLY support the proposal as it will keep the only open space
in the square mile of Littlehampton, and when Platform 1 was running that

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PAGE

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DISTRICT COUNCIL

- 4 FEB 2021

DCI-2495

most certainly was never a problem and my horse is

the closest to the venue.

* 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 4 February 2021, 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

M. La Balle

DATE 1-2-2021

Item 5.1.2.1 - Attachment Four (4)



28 May 2021

20-012_RTR

Mr. R. Richards
Senior Planner
District Council of Mount Barker
6 Dutton Road
Mount Barker SA 5251

Dear Randall,

Re: DA 580/909/20 – 156 Junction Road, Littlehampton

On behalf of the applicant, The Liebelt Farm, I write in response to the representations received in relation to the proposed partial change in land use from a farm building to function centre at the abovementioned address. During the Category 3 notification period, two (2) representations were submitted to Council; One (1) in support and one (1) opposed to the proposed development.

Supports the proposed development

1. Mrs. J. R. Liebelt – 142 Junction Road, Littlehampton

Opposes the proposed development

2. Ms. Linda Clark – 78 Nitschke Road, Mount Barker Junction



Figure 1: Location of Representors



Consideration has been given to the representation from Ms. Clark, who's property is located on the northern side of Nitschke Road and the Adelaide to Melbourne railway line, approximately 400 metres from the proposed function centre/event space.

The representor detailed two matters within their representation which have been summarised below along with a response on behalf of the applicant.

Noise

Concern has been raised in relation to the potential for noise to be generated from the site. This includes a fear that fireworks may be used and loud music played during functions or events held at the subject land.

I can confirm that the applicant will not allow the use of fireworks or loud music at any events. The subject land is utilised by the applicant as a working farm, and their family home, and will continue to operate as such. Fireworks, loud music and uncontrolled events would unreasonably impact upon the applicant's enjoyment and use of the land as well as that of the neighbours. Therefore, the applicant seeks only to host smaller, more intimate events for guests who wish to enjoy the history and rural ambiance of Liebelt Farm. Music will be limited to background music played through the inhouse speaker system within the events shed. No speakers are to be located outside and the music level will be controlled, and accessed, by staff only.

Following receipt of the representation the applicant engaged Sonus acoustic engineers to undertake noise measurements and review the potential noise impacts upon the nearest sensitive receivers, including Ms. Clark's property. A copy of the acoustic report is attached.

The Sonus report has considered the potential noise impacts arising from traffic and patron movements at the site as well as music noise. The acoustic assessment concluded that the proposal satisfies the relevant Development Plan provisions relating to noise as well as the requirements of the EPA Noise Policy. Sonus have outlined the proposed operation of the function space, as the basis for the modelling and assumptions in their assessment, within their report. The applicant is happy for these matters to be reflected within any conditions of approval imposed by the Council.

Traffic

A comment was made by Ms. Clark relating to a potential increase in traffic flow on Nitschke Road due to the proposed development.

The proposed development will utilise the existing access on Junction Road. It is anticipated that guests visiting the site will utilise Junction Road either coming from the south from the Freeway/Littlehampton or from the north from Balhannah. It is not anticipated that any traffic generated by the proposal would utilise Nitschke Road.

Conclusion

Ms. Clark has indicated that she wishes to appear before the Council Assessment Panel (CAP) to make a verbal representation. I will attend the meeting, along with the applicant, to respond to any additional concerns raised by the representor or questions that the Panel may have.



I look forward to receiving your advice as to the date and time of the meeting.

Yours sincerely

A handwritten signature in blue ink that reads "Damian Dawson". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Damian Dawson
Director

Enc: Sonus Environmental Noise Assessment, dated May 2021

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5.1.2.2 **SUMMARY DETAILS**

Application No.	580/357/21
Applicant	Ball Family Trust
Subject Land	Lot 517 and Lot 518 in F5401, CT 5526/487; 31 and 33 Battunga Road, Meadows
Ward	South Ward
Proposal	Change in use to motor repair station and associated car parking, signage and infrastructure
Development Plan	Mount Barker District Council – Consolidated 20 August 2020
Zone	Mixed Use Zone
Form of Assessment	Merit
Public Notification	Category 3
Representations	Six (6)
Persons to be heard	Three (3)
Agency Consultation	Commissioner of Highways
Responsible Officer	Derek Henderson - Senior Planner
Main Issues	<ul style="list-style-type: none"> • Land use • Interface to adjoining residences • Visual amenity • Car parking and traffic
Recommendation	Resolve to issue Planning Consent subject to conditions and reserved matters

1. **BACKGROUND**

The site was formally used as a motor repair station (Will's garage) with use dating prior to planning controls. This use was superseded by a road transport terminal in development authorisation 580/1188/06 that involved the parking and storage of trucks on the land. The site is no longer used as a road transport terminal and is currently unoccupied.

Development Plan Consent Condition 4 of the road transport terminal authorisation restricted activity and vehicle movements to between 6:30am and 8pm and Condition 15 inferred a maximum noise level of 60dBA between 7am and 10pm and 55dBA between 10pm and 7am.

2. **PROPOSAL**

The application involves a change in use from a road transport terminal to motor repair station, that is proposed to:

- Operate from 7:30am to 5:00pm Monday to Saturday, with all deliveries and activities contained within these operating hours.
- Offer typical mechanical repair and tyre change services only, with no panel beating (including spray painting), restoration works, storage of vehicles or parts for this purpose or roadside assistance service to occur.
- Use hydraulic hoists, battery powered impact wrenches and a 'Pilot Air' Silent Reciprocating Air Compressor to minimise noise emissions to adjoining properties and noise impacts on staff.

The works to the land and existing building are to include:

- Refurbishment of the original motor repair station (including painting which has been recently undertaken).
- Provision of three (3) signs on the front façade of the building (with final design to be determined).
- Use of existing dolomite curtilage for the parking of staff and customer vehicles.
- Rationalisation of the current informal access to the land from Battunga Road through an ingress at the northern end and egress at the southern end of the property.
- A 2.7 metre high black-coated steel palisade fence with gates setback from the front boundary to provide security for the premises.
- Provision of toilet facility (external to the building) and rainwater tanks to the rear.
- Provision of 10 car parking spaces.
- Utilising existing stormwater pathways (rainwater tank overflow to the street water table and surface stormwater to the rural property to the rear as confirmed by the affected property owners).
- Landscaping to the frontage of the site and portion of car parking area.

Refer to **Attachment One (1)** for details of the proposal page **91**.

3. SITE AND LOCALITY

The site comprises two allotments known as 31 and 33 Battunga Road, Meadows with an overall site area of 1755 square metres. A single metal clad shed with floor area of 204 square metres is surrounded by a levelled dolomite surface for parking/manoeuvring, with minimal landscaping and no landscaping or kerbing along the front boundary. There are two gum trees located on the subject land, located in the northwest corner. One of these trees is of regulated size. Whilst there is dolomite present within the root zones of these trees, this has been in place for many years and, being permeable, has resulted in the trees remaining in good health.

The site is generally flat, with a slight fall of the land to the west, which eventually grades down to a minor watercourse located within rural land to the west. With the exception of a minor swale at the road edge, there is no stormwater infrastructure provision within this section of Battunga Road.

Currently vehicle access to the land is not constrained and can effectively occur at any place along the entire frontage of the site. The access is directly onto Battunga Road which is designated as a secondary arterial road in the Mount Barker District Council Development Plan.

The surrounding properties are primarily residential in nature with varying allotment sizes with the only other adjacent commercial business being a landscape and fodder supply business on the opposite side of the road. Specifically, the surrounding properties comprise of:

- The 'Adelaide Hills Landscape and Fodder' business diagonally opposite the subject site, a non-residential shed and three detached dwellings located within approximately 20 metres to 70 metres of the subject site on the eastern side of Battunga Road.
- A large rural landholding within the Primary Production Zone, containing a dwelling and sheds within 34 metres of the boundary with the subject site on the western side.

- The abutting land to the north forms part of the rural residential landholding described above. There is one rural residential dwelling further north on this side of Battunga Road, located approximately 50 metres from the subject building.
- Single storey detached dwellings in low density, landscaped settings on the southern side.

Beyond the immediate precinct there is a wider variety of land uses, reflective of the Mixed Use zoning along Battunga Road and rural properties in the Primary Production Zone to the west.

Battunga Road is a State-controlled road which carries approximately 3900 vehicles per day. The Battunga Road entrance into Meadows is generally characterised by dwellings in landscaped settings, with some non-residential properties as described above.



Figure 1. Aerial Photo of the site and locality. Site of the development is outlined in green. Representors residences identified by yellow numbers (reflecting the representor numbers in Section 6.1).

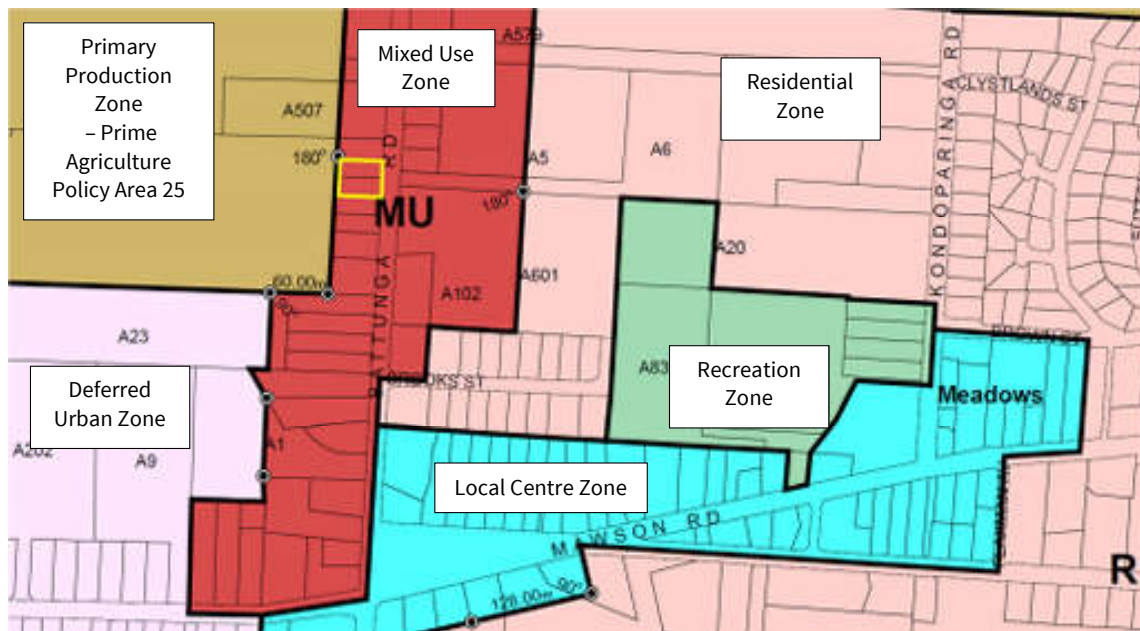


Figure 2. Mount Barker Council Development Plan Zone Map (MtB/34). Site outlined in yellow.



Photo 1. View of site from within northern boundary, looking south along Battunga Road



Photo 2. Front of building.



Photo 3. View into the northern area of the site proposed to be used for access and car parking. Regulated tree within the property located on the right hand side (proposed to be retained).



Photo 4. View of rear of the building.



Photo 5. View of the southwest corner of the site, including the toilet facility.



Photo 6. The existing street water table within Battunga Road (looking south from the site).



Photo 7. View looking north from the northeast corner of the site.



Photo 8. View from the site across Battunga Road to the residence at 34 Battunga Road.



Photo 9. View from the site across Battunga Road to the landscape and fodder business.

4. SUMMARY OF KEY ISSUES

It is recommended Planning Consent is issued for the following reasons:

- This land use is considered to be appropriate within a Mixed Use Zone, which anticipates light industrial and commercial uses.
- The impact upon adjacent land is considered reasonable and low in the context of this site/locality. The Zoning anticipates non-residential uses alongside dwellings. The proposal replaces the impacts that could be caused by the approved road transport terminal (which is non-complying in the Zone and allows vehicle repair activities to occur on-site). An acoustic report confirms the proposal will comply with relevant noise guidelines.
- This development represents an opportunity to enhance the appearance and condition of the site by formalising the access points, and providing front landscaping and fencing. The bin storage area is discreetly located behind the main building. The proposed signage is considered reasonable.
- The site provides sufficient space for the parking and manoeuvring of vehicles with minimal impact upon Battunga Road. The Department for Infrastructure and Transport Infrastructure does not object to the proposal.

5. GOVERNMENT AGENCY SUBMISSIONS

5.1. Commissioner of Highways (Department for Infrastructure and Transport (DIT))

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 DIT for comment as the proposal included changing the nature and/or function of access onto an arterial road. Council is required to have regard to the response in making its decision on the proposal.

DIT advised that:

The development proposes separate ingress and egress points via Battunga Road which is supported.

At this location, forward entry and exit can be achieved, sight distance in both directions is available, and the site generates very low traffic volumes within the low speed limit environment. The entry and exit points should be suitably signed and line-marked to reinforce the desired traffic flow. The northern gate/fence is located a sufficient distance from the carriageway to allow for the vehicles to store completely clear of the road prior to the gate being opened.

Council should ensure that all on-site vehicle manoeuvring areas remain clear of any impediments and that the proposed development provides sufficient off-street car parking, designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. Any proposed signage should be consistent with DIT's publication 'Advertising Signs: Assessment Guidelines for Road Safety.'

DIT supports the development subject to the conditions reproduced at the end of this report.

Refer to **Attachment Two (2)** for a copy of the Commissioner of Highways response page **103**.

6. COUNCIL DEPARTMENT COMMENTS

6.1. Planning Engineers

The following response has been received from Council's planning engineers in regard to stormwater management and access arrangements:

Stormwater

The development is not expected to increase the rate of flow from the site from its existing condition as the site already consists of a hardstand area with a building of the same size as proposed. The development slopes down to the west to an existing paddock at the rear of the property. Appropriate permissions or mechanisms to discharge to this location should be achieved. Otherwise stormwater shall be directed to the street where an informal roadside drain exists. This drain appears to have limited capacity being on a flat grade with no kerbed water table but will slowly take flows away from the site.

Access

Formalising the two access/egress locations is supported. Sight lines at the egress are appropriate with good distances achieved in both directions. The verge cross over for both locations should be sealed to Councils standards. Signage should also be provided to make it clear which access is Entry and which is exit to avoid confusion by vehicles using the site. Signs such as Entry Only, Exit Only, No Entry, No Exit are examples of such signs.

In summary, no concerns of significance have been raised by the Planning Engineers.

7. PUBLIC NOTIFICATION

The application was advertised in accordance with Part 4 of the *Development Act 1993* (Category 3 Notification). Adjoining land owners were notified and a notice placed in the Courier on 5 May 2021.

Pursuant to Section 38(10)(b) of the *Development Act 1993*, the Council Assessment Panel must allow a person who made written representation to appear personally or by representative before it to be heard in support of the representation.

7.1. Representations

Six (6) representations were received as a result of public notification, summarised as follows. The location of the representors properties are identified by the correspondence numbers in Figure 1 on page 73.

No.	Representor	Address	Summary of Issues	Request to be heard (Cat 3)
1	K & M Grimwood	36 Battunga Road, Meadows	<ul style="list-style-type: none"> • Supports development subject to conditions. • Limit operate hours to 8am-7pm Mon-Sat. • Do not emit loud noises • Turn off compressors and music afterhours. • Do not store wrecked vehicles. • Provide fencing to conceal car park. 	No
2	L Bailey	29 Battunga Road, Meadows	<ul style="list-style-type: none"> • Provide security fence. • Ensure vehicles and advertising is contained on-site and does not obstruct road verge. • Noise impact. • Hazardous waste. • Increased traffic, on-street parking and risk of accidents. • Dust from car park. 	No
3	J A & P C Bailey	25 – 27 Battunga Road, Meadows	<ul style="list-style-type: none"> • Raises similar issues to Representor 2 (above). 	No
4	W & M Berry	34 Battunga Road, Meadows	<ul style="list-style-type: none"> • Noise impact. • Hazardous waste. • Increased traffic, on-street parking and risk of accidents. • Dust from car park. 	Yes
5	S & M Angell	35 Battunga Road, Meadows	<ul style="list-style-type: none"> • Raises similar issues to Representor 4 (above). 	Yes

6	J Duncan	37 Battunga Road, Meadows	<ul style="list-style-type: none"> Increased traffic, on-street parking which will obstruct sightlines, and risk of accidents. Noise from tools will destroy peace and amenity of surrounding neighbourhood. 	Yes
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Refer to **Attachment Three (3)** for a copy of the representations received page **105**.

7.2. Response to Representations

Refer to **Attachment Four (4)** for a copy of the applicant's response to representations page **131**.

In summary:

- The applicant will use battery powered impact wrenches (rather than pneumatic tools) and a 'Pilot Air' Silent Reciprocating Air Compressor to minimise noise emissions. An Environmental Noise Assessment Report prepared by Marshall Day Acoustics confirms the proposal's compliance with relevant noise guidelines.
- The proposed operating hours will be contained within 7:30am to 5:00pm Monday to Saturday, which is consistent with other nearby businesses and should not cause a substantial change to the existing amenity.
- Chemicals are limited to oils, greases and cleaning fluids. These will be stored in bunded areas and removed by licensed contractors. Spill kits and staff training will be provided. Waste tyres will be removed monthly.
- No vehicles associated with the proposed business will be parked on the street as there is ample room in the yard.
- Dolomite is a suitable/common material used in country townships within the Adelaide Hills and is permeable to stormwater.
- A front fence is proposed to secure the site.
- The site will not contain wrecked vehicles.

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 – 20 August 2020.

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

Zone

Mixed Use Zone: Objectives 1-4, Principles of Development Control (PDCs) 1, 4, 6, 9-12, 15-18

General Section

Advertisements: Objectives 1-3 PDCs 1-3, 5-12, 16, 22

Crime Prevention: Objective 1 PDCs 1-3, 5-7, 10

Design and Appearance: Objectives 1-2 PDCs 12, 13, 15-16

Hazards: Objectives 1-11 PDCs 1, 3-4, 7-10, 18, 23-29

Industrial Development: Objectives 1, 4, 7, 8 PDCs: 1, 3, 6, 8, 10, 12, 13

Infrastructure: Objectives 5 PDCs 1-2, 4, 6

Interface between Land Uses: Objectives 1-3 PDCs 1-3, 8, 9, 14-17

Landscaping, Fences and Walls: Objectives: 1-2 PDCs 1-4, 6-7

Natural Resources: Objectives 1-7, 10-12, 13 PDCs: 1-2, 4, 6, 8, 10-14, 16, 17, 19-22, 25, 27, 56-60

Orderly and Sustainable Development: Objectives 1-4 PDCs 1, 3-9, 11-12

Transportation and Access: Objectives 1, 2, 5 PDCs: 1-2, 8-10, 14, 16, 18, 19, 29-30, 32, 34, 36, 38-39, 41-43, 45-48, 52-53

Waste: Objectives 1-2 PDCs 1-6

8.3. Land Use

The proposal is for a motor repair station, which means “land or building used for carrying out repairs (other than panel beating or spray painting) to motor vehicles” (defined in Schedule 1 of the *Development Regulations 2008*).

A motor repair station is considered an appropriate land use within the Mixed Use Zone. It represents a “commercial” activity that contributes to the function and diversity of the zone, as envisaged by zone Objective 1.

The proposed land use is considered to be consistent with the Zone Desired Character in that it has a “moderate scale and intensity” as anticipated within Meadows. It will not undermine the role of Mawson Road as the main street, which is the primary retailing and community precinct for the township. The Mixed Use Zone envisages opportunities for light industrial type uses and is the only such zone that anticipates accommodating these uses within the Meadows township.

Further, the proposal represents “ongoing opportunities for local employment and commercial ventures, catering for local needs and passing traffic” as sought by the Desired Character statement of the Zone.

8.4. Interface between Land Uses

This section of the Development Plan is relevant as the site has an interface with dwellings located either within the Primary Production Zone (and Prime Agriculture Policy Area 25) and the Mixed Use Zone. Whilst dwellings are not specifically envisaged in the zone, other than where on the same allotment as a commercial business, there are numerous instances of established residential uses of the land within the zone that are not linked to a commercial land use. This is particularly the circumstance here where there are several adjoining residences to the site.

The Development Plan seeks development to be located and designed to minimise adverse conflict between land uses, to protect community health and amenity, and to protect desired land uses from incompatible development (Interface between Land Uses Objectives 1-3). Development should not “detrimentally affect the amenity of the locality” or cause “unreasonable interference” through emissions, noise, vibration, light spill, glare, operating hours and traffic impacts. Development should be “sited and designed to minimise negative impacts” on existing and future land uses. Development that emits noise should include noise attenuation measures that achieve the Environmental Protection (Noise) Policy.

Zone Objective 2 seeks to “minimise any adverse impacts upon the amenity of the locality” while the Desired Character refers to “low impacting light industrial uses” occurring in the Zone. With that said, this Mixed Use Zone is not considered to be entitled to the same level of amenity as a Residential Zone as it anticipates a variety of commercial, light industrial and combined residential uses. Furthermore, being located on an arterial road which caters for the primary road access to the township from the north (to Adelaide and Mount Barker), there are established amenity impacts from traffic noise, including commercial traffic, experienced in this locality.

The proposal is considered to satisfy the provisions summarised above, and result in an appropriate interface with adjacent land uses, for the following reasons:

- Noise impacts have been assessed by the applicant’s acoustic consultant, particularly within the context of the existing noise within the locality, nature of the proposed activities (including the type of equipment being used), hours of operation, zoning of the land and adjoining property and nearest sensitive uses (being adjoining residences). The Environmental Noise Assessment Report identifies the main sources of noise being an air compressor and hand held/battery operated tools. Furthermore, the report includes consideration of operating the business with roller doors and windows open to determine the impacts associated with this scenario.
In summary, the predicted noise levels of the business are substantively below the thresholds of the Environmental Protection (Noise) Policy thresholds for day hours (7am to 10pm) and below the threshold levels for night (10pm to 7am). In conclusion, in with the context of the locality and zoning, it is considered the proposal does not result in emission of noise that would result in unreasonable impact on adjoining land users.
- Mixed Use Zone PDC 12 states that non-residential buildings should not be situated within 600 millimetres of the allotment boundaries. The subject building has setbacks of 8 metres from the southern side boundary, 15 metres from the western rear boundary and 20 metres from northern side boundary. This is considered to assist in minimising undue impacts upon adjacent land.
- The proposed operating hours are considered to be reasonable. Activities will be contained within the “day time” period defined by the Environmental Protection (Noise) Policy and the Environmental Noise Assessment Report submitted by the applicant demonstrates compliance with this policy. The operating hours largely coincide with typical business hours for this type of use and substantially satisfies Zone PDC 15 which anticipates operating hours of 8am-6pm Monday to Saturday and 10am-6pm on Sunday.
- While Transportation and Access PDC 45 suggests car parks should be “sealed or paved” to reduce dust and mud nuisance, dolomite is considered to be an acceptable surface as the development will generate a low amount of traffic.
- A motor repair station is considered to be compatible with primary production activities and vice versa.
- The applicant has not proposed outdoor lighting as no night time activities area proposed. Any lighting would typically be confined to security lighting only. Effects of light spill would

typically be imposed as a condition to ensure any outdoor lighting has an intensity, siting and direction that complies with “Australian Standard 4282-1997 – Control of the Obtrusive Effects of Outdoor Lighting” and would not affect the amenity of adjoining residences.

- Ultimately, this development will replace an authorised, non-complying road transport terminal. This authorisation already allows truck parking and vehicle repairs to occur on the land, with activity between 6:30am and 8:00pm. The proposed development will generally involve smaller vehicles and less intrusive operating hours in comparison.

8.5. Regulated Trees

There is no impact on the trees that remain on the land due to no change to the current situation of permeable dolomite in the root zone. Car parking is located a suitable distance away from these trees, including the Regulated Gum Tree.

8.6. Stormwater Management

The locality is generally flat with no formalised stormwater infrastructure within the State-controlled Battunga Road corridor. Surface stormwater typically flows along existing flow paths and opportunities that facilitate infiltration of the stormwater into the ground can assist in limiting the flows in heavy rain events.

In this instance, the existing permeable curtilage is retained which facilitates infiltration, with excess surface flows following the natural drainage lines to the rural land to the west. In the instance of overflow from the rainwater tanks (which can assist in providing some detention), this minor flow is directed back to the street swale as per the existing arrangement.

In summary, the proposal does not act to exacerbate existing stormwater flows within the locality and is suitable for the development.

8.7. Visual Amenity

The assessment of visual amenity is relatively confined as the proposal involves an existing building (with signage), car park and security fencing. A skip to the rear of the building is also proposed.

Zone Objective 3 seeks an “attractive northern entrance to the Meadows town centre”. The appearance of the site has recently been enhanced by the recladding of the building. The development will further enhance the appearance of the site by landscaping, fencing and delineating the front boundary.

In relation to Meadows, the Zone Desired Character states:

“Development will reinforce the linear pattern of growth along Battunga Road and the scenic and northern gateway entrance. Built form will be generally small scale with well-vegetated curtilage, including maintaining the predominance of dwellings as part of the streetscape. It is important that the existing character of the northern entrance is maintained through discrete placement in the outdoor storage of materials and limited advertising”.

The proposal preserves the linear development pattern along Battunga Road, re-uses an existing small scale building (which is less than 5 metres high per Zone PDC 12), maintains existing vegetation to property boundaries, provides new landscaping to the front boundary albeit minor, and avoids storage being visible to the street (such as waste bins which are to be located behind the building).

Zone PDC 9(c) and (d) suggests that non-residential development prominent from Battunga Road should incorporate a 3 metre wide landscaping strip along the front boundary and fencing to attractively screen car parking areas. While the proposed front landscaping is only approximately 1 metre wide, it is of a functional width and represents an improvement on the existing situation. The addition of palisade fencing to the front of the site will be an improvement for reasons discussed elsewhere in this report.

The advertising is confined to the front façade of the building, which is setback from the road frontage. The sizing and siting on the building is suitable for the business without dominating the street. The final design of the signage is recommended to be approved by Council as a reserved matter. The existing third-party advertising is to be removed from the land.

8.8. Car Parking and Traffic

Transport and Access Objective 2 seeks development that provides safe and efficient traffic movements, makes best use of existing transport networks, and contains sufficient off-street car parking.

Table MtB/2 suggests a parking rate for motor repair stations of 1 space per 50m² of gross leasable floor area (GLA) or 4 spaces per service bay (whichever is the greater). The building has a GLA of 198m² and contains 3 services bays (hoists), which results in a car parking requirement of 12 spaces. This proposal provides 10 car parking spaces, plus 3 spaces within the building, which satisfies the parking requirements.

Several representors were concerned that vehicles would park on the road or its verge. This concern is unlikely to be realised as the proposal provides sufficient on-site car parking. Further, the proposed fencing and landscaping will improve the delineation between public and private land and reduce the risk of parked vehicles encroaching onto the road reserve.

Council staff concur with the advice of DIT, in particular a motor repair station of this size is considered to be a low traffic generator, there are sufficient sight lines for entering/exiting motorists. In addition, there will be minimal impact upon traffic flow within Battunga Road as vehicles are unlikely to queue across the frontage and there is sufficient space on-site for all loading, unloading and turning of traffic (T&A Objective 2 and PDCs 2, 9, 18, 30).

Waste collection will occur at the rear of the site which is appropriate.

The driveway crossovers are separated, and the proposal does not increase the number of access points approved in the previous land use.

Based on the above, the proposal is considered to result in safe, convenient and efficient parking and traffic conditions in accordance with the relevant provisions of the Development Plan.

9. CONCLUSION

The application involves a change in use from a road transport terminal to motor repair station.

It is an on-merit, Category 3 development. Six (6) representations were submitted of which three (3) wish to be heard. Their concerns largely relate to land use, noise, amenity, car parking and traffic.

While a motor repair station is not expressly envisaged by the Mixed Use Zone, it is considered to be an appropriate land use as it represents a moderately scaled commercial activity which will contribute to the function and diversity of the Zone and which serves the local community. It will not undermine the role of Mawson Road as the primary retail and community precinct.

The impact upon adjacent land is considered reasonable and low impact in the context of a Mixed Use Zone which anticipates non-residential uses alongside dwellings. The proposal replaces an approved road transport terminal, which results in its own impacts. An acoustic report confirms the proposal will comply with the relevant noise guidelines.

This development represents an opportunity to enhance the appearance and condition of the site by refurbishing the old building, formalising the vehicles access points and providing front landscaping and fencing.

The site provides sufficient space for the parking and manoeuvring of all vehicles with minimal impact upon Battunga Road. A 3-bay motor repair station is considered to be a low traffic generator. There are sufficient sight lines for entering/existing motorists and the Department of Transport and Infrastructure (DIT) does not object to the development.

Taking all relevant planning matters and provisions into consideration, the proposal exhibits sufficient merit to warrant issuing of Planning Consent subject to the following recommended conditions and reserved matters.

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.

RESOLVE to GRANT Planning Consent to the application by Ball Family Trust for a Change in use to Motor Repair Station and associated car parking, signage and infrastructure at 31 and 33 Battunga Road, Meadows (in development application 580/357/21) subject to the following conditions and reserved matters:

Reserved Matters

1. The final design of the advertising signage is to be submitted to Council for approval; with dimensions and siting to be in accordance with the stamped Eastern Elevation plan. The design is to be of professional standard and reflect the nature of business operations on the land only and is not be illuminated.

Conditions

1. The development herein approved is to be carried out in accordance with the plans and details accompanying this application, including:
 - Documentation of Peter Meline & Associates dated 31/3/21, 9/6/21 and 25/6/21.
 - Plans of MWM Drafting titled Shed Design for Ball Family Trust at 31-33 Battunga Rd Meadows.
 - Environmental Noise Assessment Report of Marshall Day Acoustics Report No: Rp 001 R01 20210531 Rev R01 dated 25 June 2021.except where amended by the following conditions;
2. Hours of operation for the business is to be confined to between 7.30am and 5pm Monday to Saturday inclusive. All activities, including deliveries and waste collection are to be confined to these operating hours.
3. Activities are to be confined to typical mechanical repair and tyre change services only, with no panel beating (including spray painting), restoration works, storage of vehicles or parts for this purpose or roadside assistance service to occur.
4. The proposed activities are to occur wholly within the building only.
5. All waste, including used tyres, is to be stored in the designated area behind the building only. Waste is to be removed in a timely manner.
6. The car parking and vehicle manoeuvring areas are to be retained for this purpose only. No storage of items (other than waste in the designated area) is to occur around the curtilage of the building.
7. Stormwater management is to occur in general accordance with the approved documentation and discharged without impacting the safety and integrity of the adjoining road network.
8. Any lighting of the land is to:
 - a. Outside of operating hours, be sensor lights only.
 - b. Be designed to limit overspill of light on the adjacent road and residences that may create a nuisance to any neighbour or road user, whilst providing adequate illumination on-site and to perimeters of the site for security purposes, to the reasonable satisfaction of Council.
9. The driveway crossovers are to be sealed with asphalt between the Battunga Road sealed edge and the property boundary to Councils standards. Design is to be submitted to Council for approval prior to construction, with the design to ensure that no impedence of stormwater flows within Battunga Road occurs.
10. A dedicated disability car park is to be provided and clearly identified with signage.
11. All chemicals, fuels and greases are stored in a bunded area which has a capacity equivalent to at least 120 percent the volume of the largest vessel it contains or at least 25 percent of the total volume of all containers if many small containers are stored.
12. Battery powered impact wrenches (rather than pneumatic tools) and a 'Pilot Air' Silent Reciprocating Air Compressor shall be used to minimise noise emissions.
13. Landscaping shall be planted in accordance with the landscape plan received by Council on the 9 July 2021 and completed within 3 months of occupation.

14. Any new vegetation proposed to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

The following condition has been included based on the recommendation of the Commissioner of Highways:

15. All vehicle access shall:
 - i. Be gained in locations identified on the stamped Site Plan of MWM Drafting;
 - ii. Have vehicles entering and exiting the site in a forward direction only;
 - iii. Be clear of any impediment for identified vehicle manoeuvring areas within the site; and
 - iv. Have signage to make it clear which access is Entry and which is Exit to avoid confusion by vehicles using the site, including Entry Only, Exit Only, No Entry and No Exit as applicable.

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Item 5.1.2.2 - Attachment One (1)



Development application form

Mount Barker District Council

Received

25 February 2021

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 / /
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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: Ball Family Trust Email: _____
Postal Address: Co PO Box 1508 Mount Barker SA 5251 Phone: 0448395299

OWNER'S CONTACT DETAILS:

Name: R Ball, E Ball, S Ball and J Ball Email: _____
Postal Address: PO Box 1 Hahndorf SA 5245 Phone: _____

BUILDER'S CONTACT DETAILS:

Name: TBC Email: _____
Postal Address: _____ Phone: _____

CONTACT PERSON:

Name: Peter Meline Email: petermeline@bigpond.com

DESCRIPTION OF DEVELOPMENT:

Proposed Development (e.g. Dwelling, Shop, Garage): Change of use to Mechanical Repair Station

Existing Use (e.g. Vacant, Dwelling, Grazing): Vacant

LOCATION OF PROPOSED DEVELOPMENT:

Assessment No: _____ Parcel No: _____
House No: 31-33 Lot / Section No: 517 Street: Battunga Rd
Town: Meadows Volume: 5526 Folio: 487

BUILDING RULES CLASSIFICATION SOUGHT: 8 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): \$ 5,000

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

SIGNATURE: _____ DATE: 25/02/2021
Applicant, Owner / Agent

RELEVANT FEES, COPIES OF PLANS & COPIES OF ANY OTHER RELEVANT SUPPORTING DOCUMENTATION
ARE DUE ON SUBMISSION OF THIS APPLICATION

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Product

Date/Time

Customer Reference

Order ID

Register Search Plus

(ST 5526/487)

25/02/2021 11:45AM

Battunga Rd Meadows

20210225004216

Mount Barker District Council
Received
25 February 2021

REAL PROPERTY ACT, 1986



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 5526 Folio 487

Parent Title(s) CT 1918/55

Creating Dealing(s) CONVERTED TITLE

Title Issued 21/04/1998

Edition 9

Edition Issued

23/04/2018

Estate Type

FEE SIMPLE

Registered Proprietor

RICHARD MICHAEL BALL
ELIZABETH ANNE BALL
SARAH GRACE BALL
JASPER OLUF BALL
OF PO BOX 1 HAHNDORF SA 5245
WITH NO SURVIVORSHIP

Description of Land

ALLOTMENTS 517 AND 518 FILED PLAN 5401
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



Product

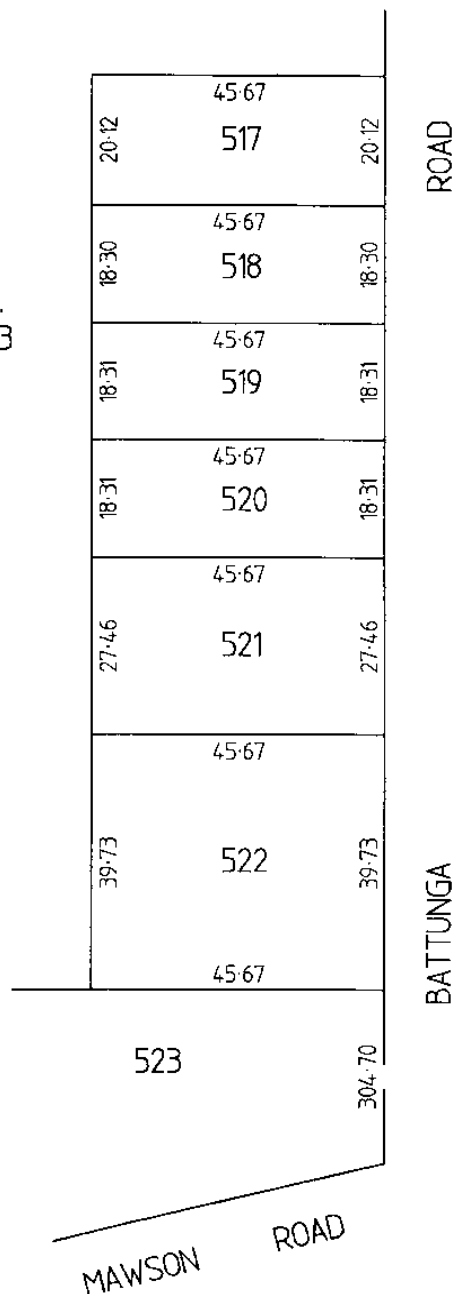
Date/Time

Customer Reference

Order ID

Register Search Plus
(ST 5526/487)
Mount Barker District Council
25/02/2021 11:45AM
Received
Battunga Rd Meadows
25 February 2021
20210225004216

F.P.
13523



Page 1 of 1

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

Mr. D Henderson,
DC Mt Barker,
PO Box 54,
Mt Barker SA 5251.

31/3/21

Dear Derek,

DA 580/357/21
31-33 Battunga Rd, Meadows

Further to your RFI of 26/3/21, I have to respond as follows:

- 1.a.- h. The attached amended plans address points a to h. The client has paid the referral fee to Council. (receipt attached). None of the signs will be illuminated.
2. The site will require no civil work, the existing dolomite surface will remain. The attached plans show the piping of the roof water to a water harvesting tank and from there to the street swale.
3. Category 3 notification is acknowledged. The relevant fee has been paid by the client. (receipt attached).
4. The proposed business will operate from 7.30am to 5.00pm Monday to Saturday. Only Mechanical repairs will be undertaken, there will be no spray painting. Tyres will be changed as is normal practice for a mechanical repair station. No rattle guns will be used. Hydraulic hoists will be used which are practically silent.
5. There will be no after hours activity on the site. There is no proposal to operate a road side assist service. All deliveries will take place during normal business hours.

Regards,



Peter Meline
MAIBS, RPIA, JP

Encl-

- Amended plans
- Receipt for fees paid

580/357/21

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

25/06/2021

Mr D Henderson,
DC Mt Barker,
6 Dutton Rd,
Mt Barker SA 5251

Dear Derek,

580/357/21
31-33 Battunga Rd, Meadows

Regarding the above proposal; this is to confirm that the proposed business is for mechanical repair/servicing of vehicles only;

- No panel beating, wrecking or spray painting of vehicles is to occur.
- No storage of vehicles or receipt of vehicles onsite for restoration works, use for parts or vehicle wrecks is to occur at any time.
- No storage of parts outside of the building is to occur.

In the rare occurrence that a vehicle comes in for mechanical repairs and the owner determines that it is not economical to repair it, then it is appropriate for the owner to remove it from the premises.

Regards,

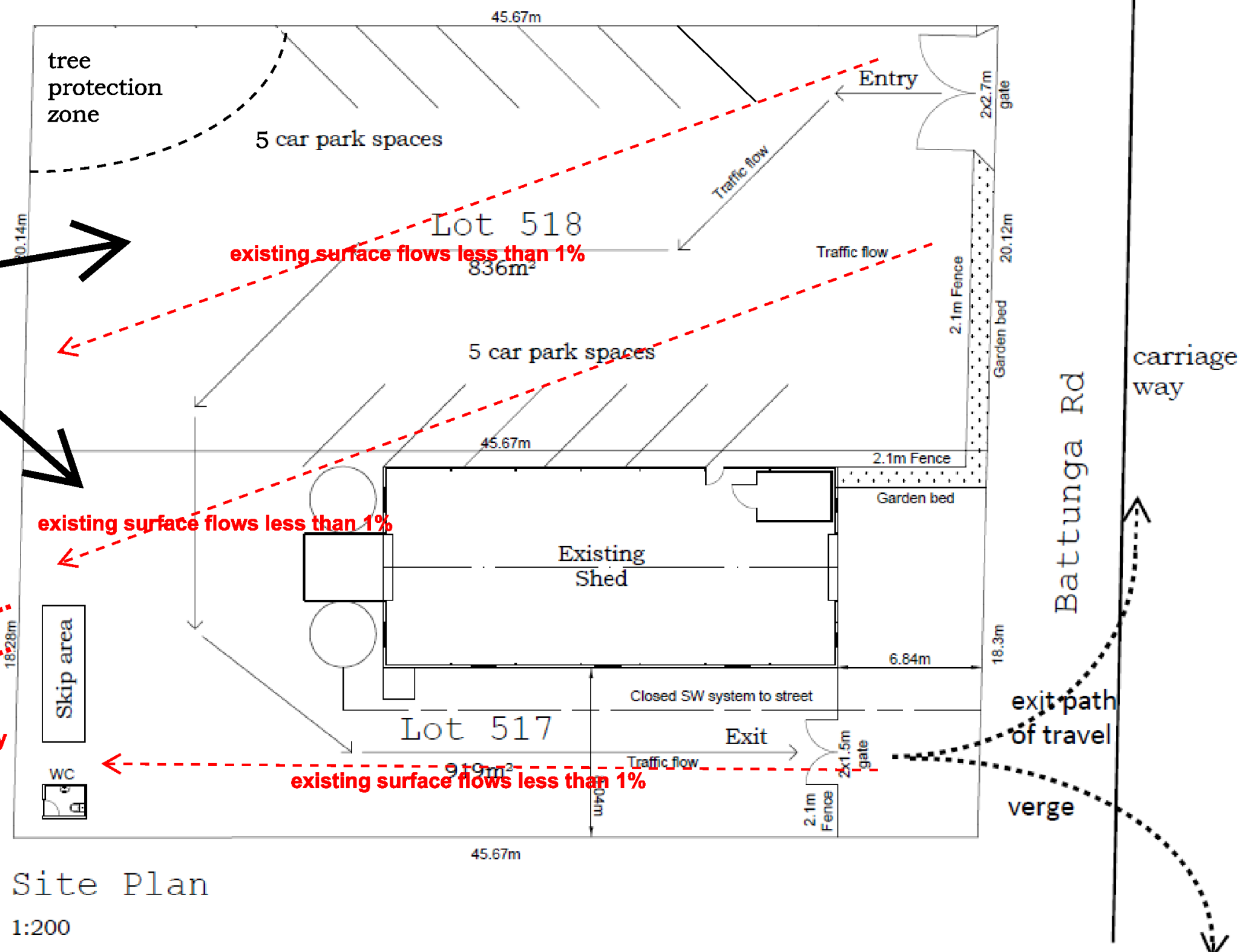


Peter Meline
RPIA, MAIBS, JP.
Accredited Professional (Planning) Level 1, 2 and 3
and (Building) Level 1

AMENDED

entire yard paved in
dolomite/blue metal

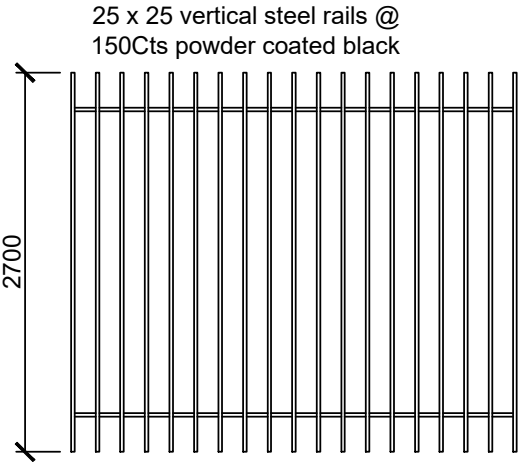
approx
existing
stormwater channel
see attached email by
neighbours



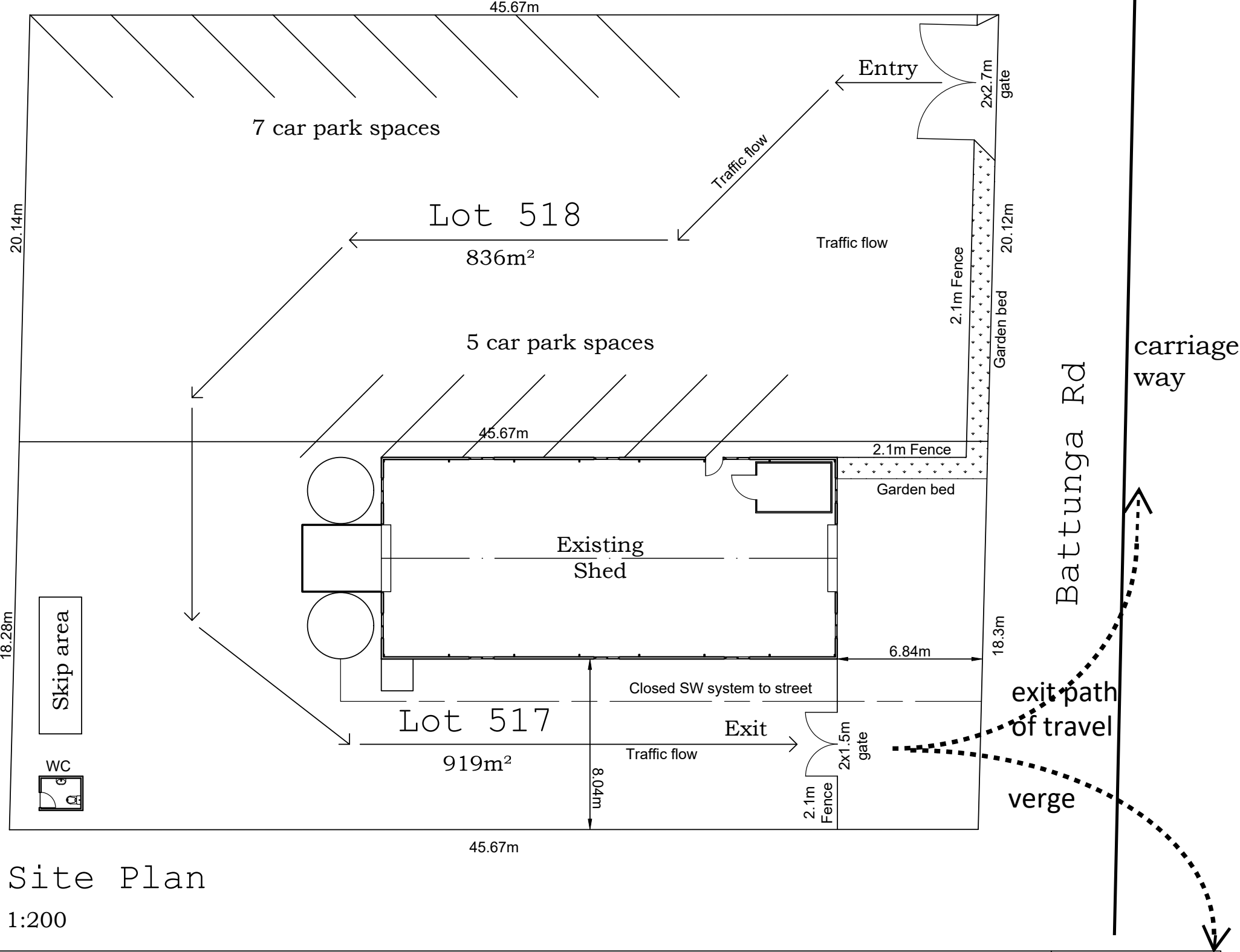
Shed Design
For Ball Family Trust
At 31-33 Battunga Rd Meadows

Dated 1/5/21-siteworks plan
Version 3
Do not scale off this drawing

MWM
Drafting



New Fence
1:50

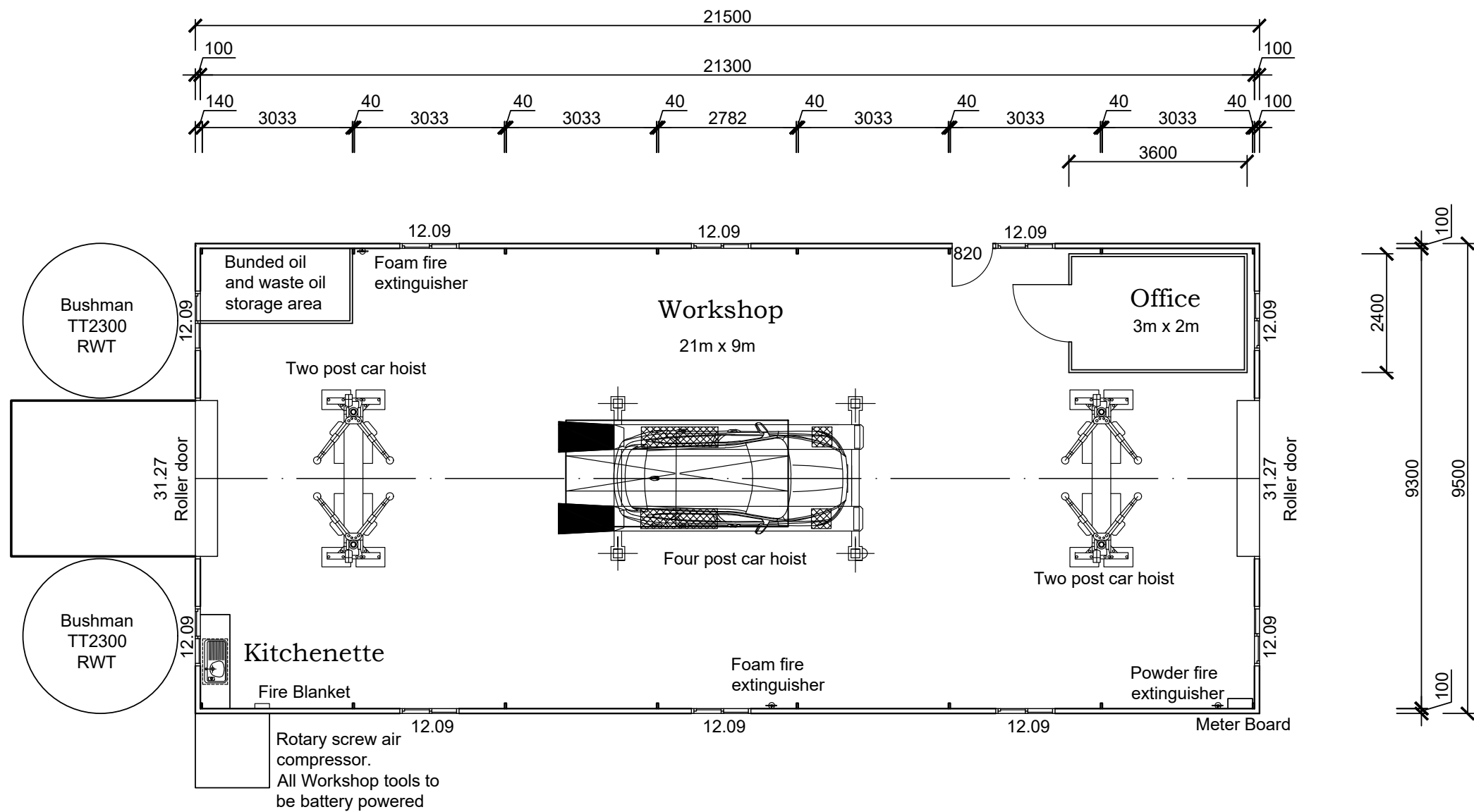


Site Plan
1:200

Shed Design
For Ball Family Trust
At 31-33 Battunga Rd Meadows

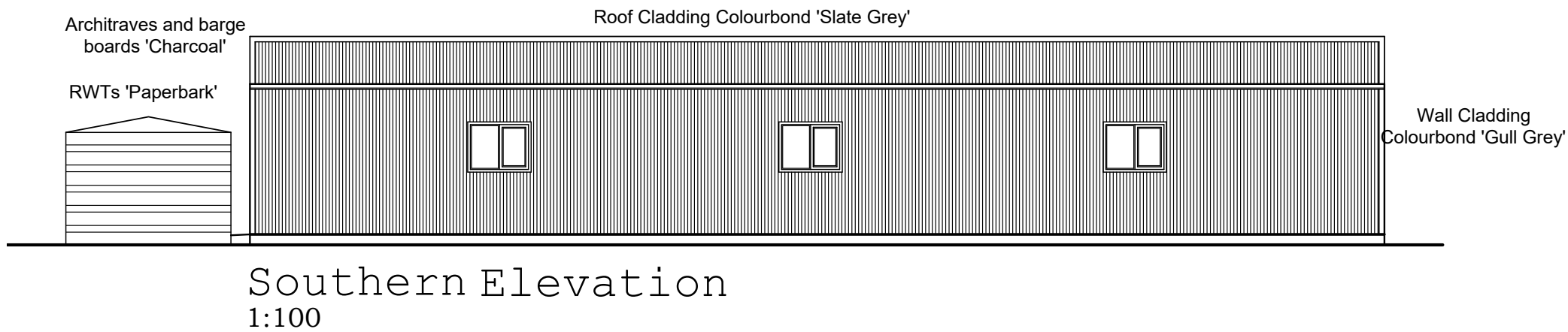
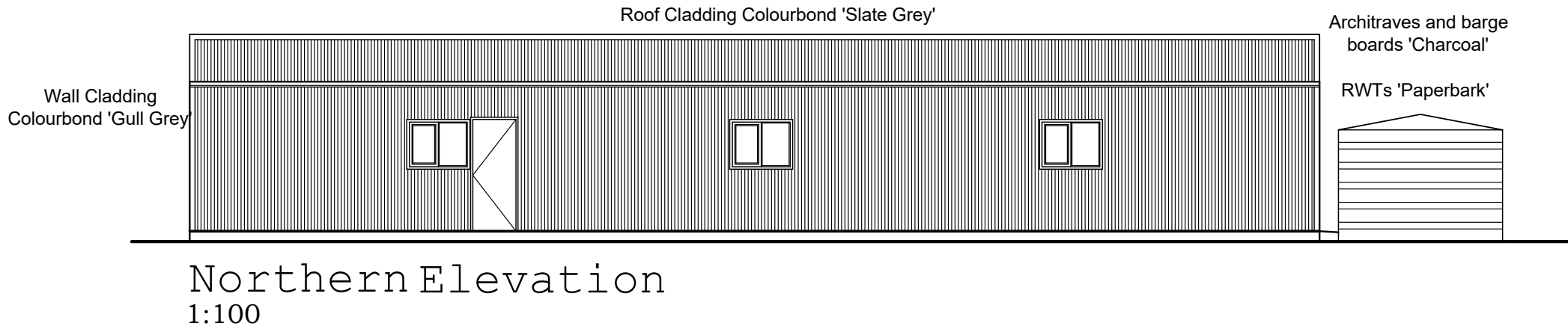
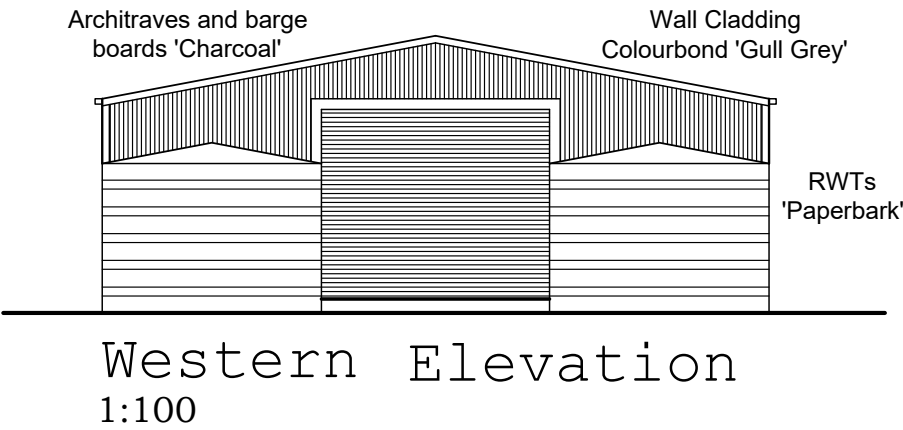
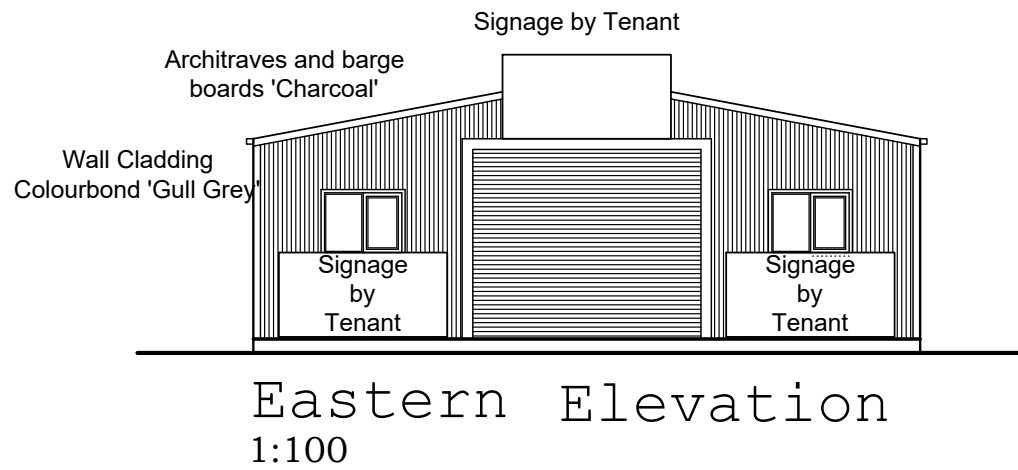
Dated 30/02/2021
Version 3
Do not scale off this drawing

MWM
Drafting



Floor Plan
1:100

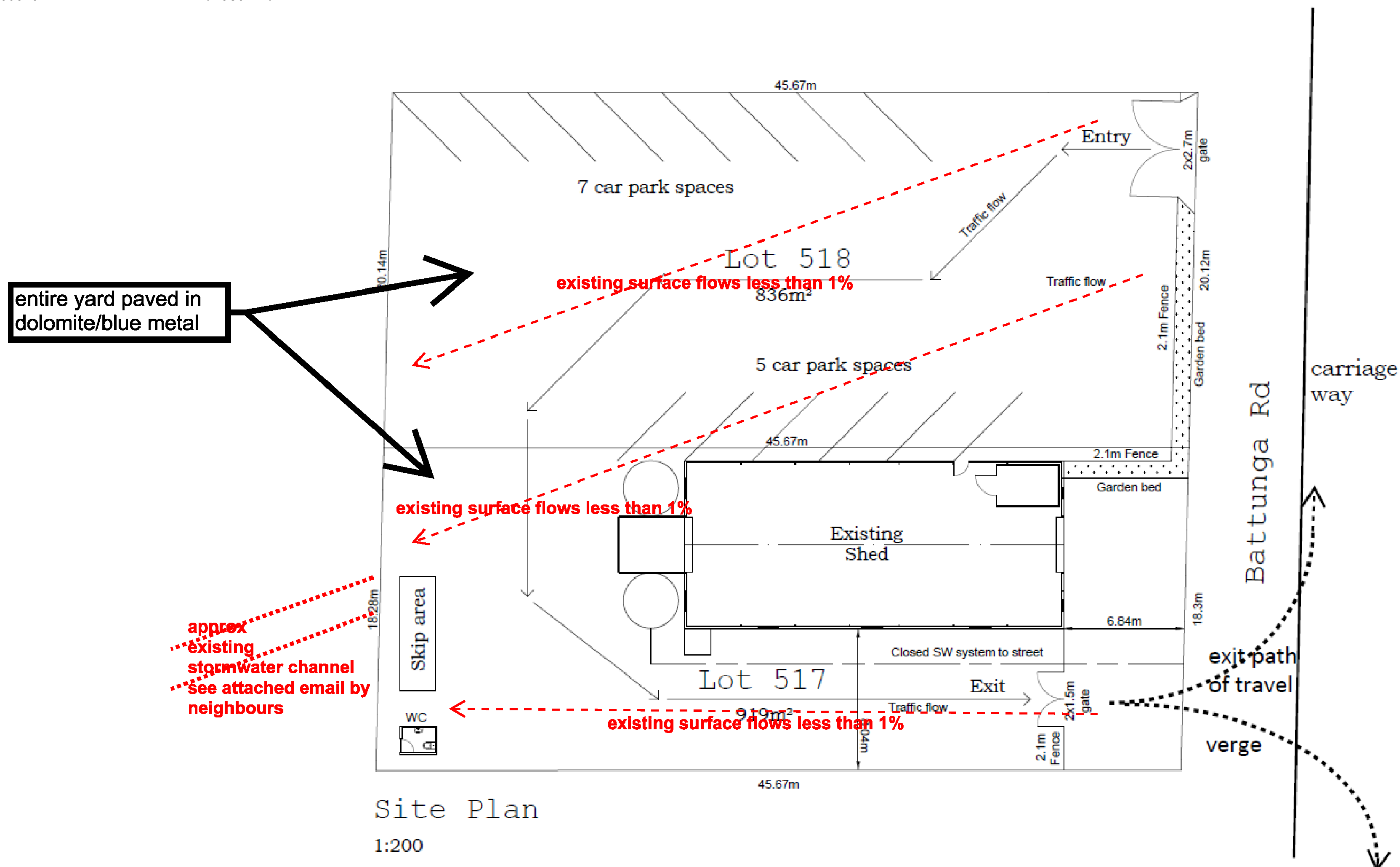
<p>Shed Design For Ball Family Trust At 31-33 Battunga Rd Meadows</p>	<p>Dated 30/02/2021 Version 4 Do not scale off this drawing</p>	<p>MWM Drafting</p>
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Shed Design
For Ball Family Trust
At 31-33 Battunga Rd Meadows

Dated 30/02/2021
Version 4
Do not scale off this drawing

MWM
Drafting



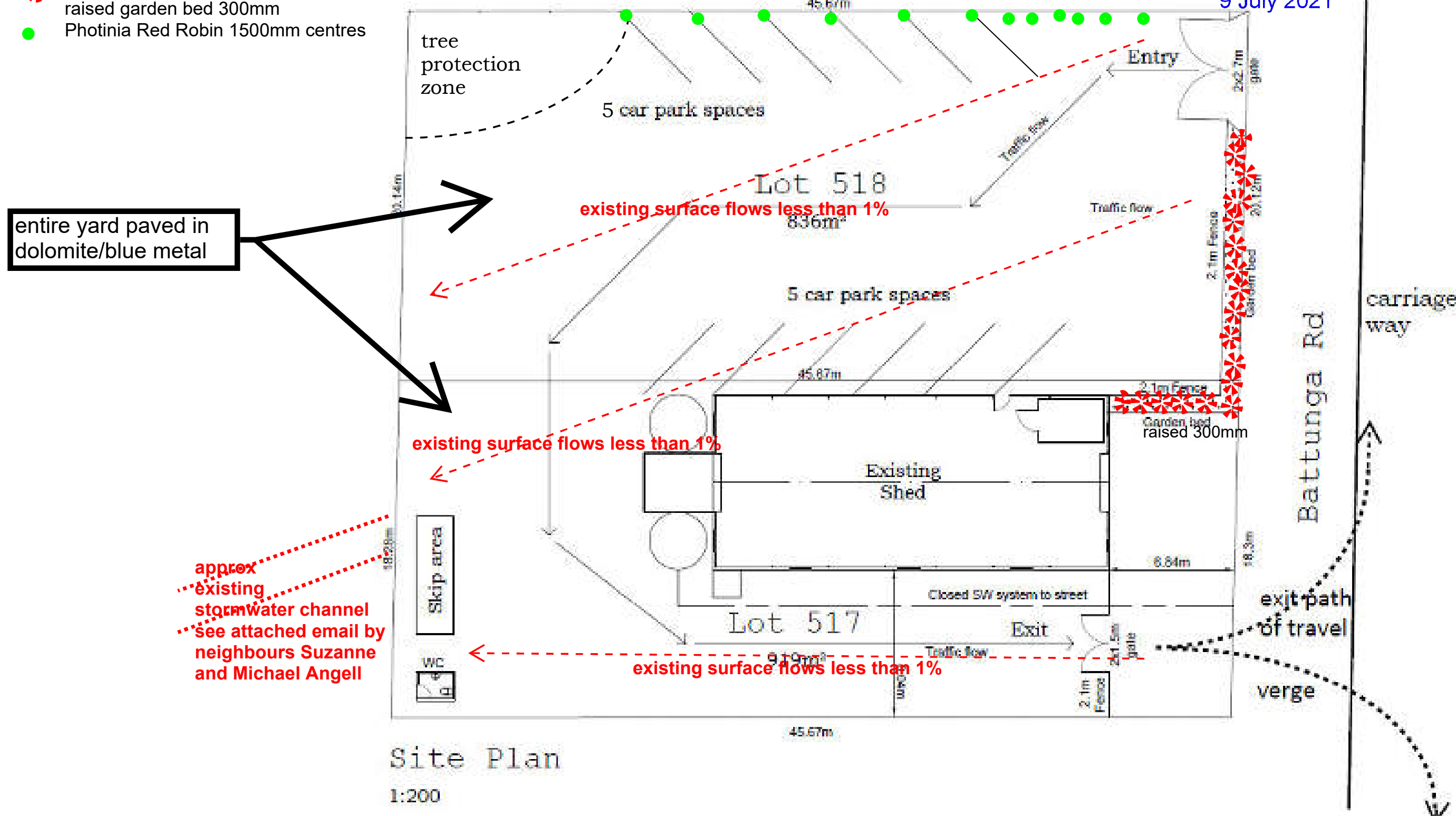
Shed Design
For Ball Family Trust
At 31-33 Battunga Rd Meadows

Dated 1/5/21-siteworks plan
Version 3
Do not scale off this drawing

MWM
Drafting

AMENDED

- Mount Barker District Council
Received
9 July 2021



Shed Design

For Ball Family Trust
At 31-33 Battunga Rd Meadows

Dated 1/5/21-siteworks plan

Version 3

Do not scale off this drawing

MWM
Drafting

Item 5.1.2.2 - Attachment Two (2)

In reply please quote: 2021/00594, Process ID: 670594
Enquiries to: Daniel Sladic
Telephone: 7109 7872
E-mail: dit.landusecoordination@sa.gov.au



Government of South Australia
Department for Infrastructure
and Transport

**TRANSPORT PLANNING AND
PROGRAM DEVELOPMENT**

Transport Assessment

GPO Box 1533
ADELAIDE SA 5001

ABN 92 366 288 135

20 May 2021

Derek Henderson
District Council of Mount Barker
PO Box 54
MOUNT BARKER SA 5251

Dear Mr Henderson

SCHEDULE 8 - REFERRAL RESPONSE

Development No.	580/357/21
Applicant	Bell Family Super Fund
Location	31 Battunga Road, Meadows
Proposal	Change in use to Motor Repair Station and associated 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 subject site abuts Battunga Road, an arterial road under the care, control and management of the CoH. At this location Battunga Road carries approximately 3,900 vehicles per day (10% commercial vehicles) and has a posted speed limit of 50 km/h.

The development proposes separate ingress and egress points via Battunga Road which is supported.

At this location, forward entry and exit can be achieved, sight distance in both directions is available, and the site generates very low traffic volumes within the low speed limit environment. The entry and exit points should be suitably signed and line-marked to reinforce the desired traffic flow. The northern gate/fence is located a sufficient distance from the carriageway to allow for the vehicles to store completely clear of the road prior to the gate being opened.

Council should ensure that all on-site vehicle manoeuvring areas remain clear of any impediments and that the proposed development provides sufficient off-street car parking, designed in accordance with *AS/NZS 2890.1:2004* and *AS/NZS 2890.6:2009*. Any proposed signage should be consistent with DIT's publication '*Advertising Signs: Assessment Guidelines for Road Safety*'.

ADVICE

DIT supports the proposed development and advises the planning authority to attach the following conditions to any approval:

1. All access to the development shall be gained in accordance with the site plan produced by MWM Drafting, Version 3, dated 1 May 2021.

2

2. All vehicles shall enter and exit the site in a forward direction.
3. The access and all on-site vehicle manoeuvring areas shall remain clear of any impediments.
4. Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjoining road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Yours sincerely



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

A copy of the decision notification form should be forwarded to dit.developmentapplications@sa.gov.au

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

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: 580/357/21
31 Battunga Road, MEADOWS.
Change in use to Motor Repair Station and associated
carparking and infrastructure

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: KERRY & MICHELLE GRIMWOOD
* HOME ADDRESS: 36 BATTUNGA RD. MEADOWS, S.A.
* POSTAL ADDRESS: AS ABOVE * PLEASE EMAIL US WHEN RECEIVED, THANKYOU.
PHONE NO: 0448 517 162 EMAIL: michellegrimwood@ymail.com

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

- ☒ The owner or the occupier of the property located at: 36 BATTUNGA RD. MEADOWS.
☐ Other (please state):

YOUR COMMENTS:

- * I/We:
☒ Support the proposal and provide the following comments.
☐ Oppose the proposal and provide the following comments.

RECEIVED
MOUNT BARKER
DISTRICT COUNCIL

10 MAY 2021

File: DA - 357/21
Doc:

(Please note that your comments should demonstrate reasonable particularity) PL-13878, 19963

NO OPERATION ON A SUNDAY AT ANY TIME.
OPERATING ONLY MONDAY TO SATURDAY 8AM TO 7PM.
NO LATER, AS SITE IS SURROUNDED BY HOUSES.

NO LOUD NOISES TO BE OMITTED FROM
THE SITE, AT ANY TIME.

NO COMPRESSORS OR MUSIC TO BE LEFT
ON OUT SIDE OF STATED HOURS OF
OPERATION.

* 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 Wednesday 19th May 2021, 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

Kerry W. Grimwood DATE 5-5-21.
M. A. Grimwood 5/5/21

Sandra Mann

From: michellegrimwood@ymail.com
Sent: Wednesday, 19 May 2021 7:29 PM
To: Derek Henderson
Subject: Proposed motor repair station and carparking and infrastructure

Dear Sir,

Further to our previous comments and
concerns we wish to raise these additional issues.

That there needs to be fencing to conceal the
visibility of parked vehicle's and that it has been
stated in the proposal to be a motor repair station
not storage for wrecked vehicles,

Yours Sincerely

Kerry & Michelle Grimwood

36 Battunga Road, Meadows.

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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

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: 580/357/21
Change in use to Motor Repair Station and associated carparking and infrastructure

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: LEVI BAILEY
* HOME ADDRESS: 29 BATTINGA RD MEADOWS
* POSTAL ADDRESS: AS ABOVE
PHONE NO: 0448360922 EMAIL:

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

- ☒ The owner or the occupier of the property located at: 29 BATTINGA RD
☐ Other (please state):

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)

RECEIVED
MOUNT BARKER
DISTRICT COUNCIL

13 MAY 2021

File: 357/21
Doc:

After examining council website in relation to this notification I note that there is no plan for SECURITY/PRIVACY FENCING (Pc/13878,19963)

1
This is of particular concern to me being the adjoining residential property & ask that this be remedied before approving this application of development.

- I ask that vehicles not be parked on side of road obstructing footpath (or lack of).
- Advertising signs not to obstruct footpath.

☒ 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:

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SIGNED

LEVI BAILEY

DATE

12/5/2021

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

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

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: 580/357/21
Change in use to Motor Repair Station and associated carparking and infrastructure

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

NAME: LEVI BAILEY

HOME ADDRESS: 29 Battling Rd

POSTAL ADDRESS: As above

PHONE NO: 0448 360922 EMAIL:

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

☒ The owner or the occupier of the property located at:

☐ Other (please state):

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)

The following issues have been brought to our attention (along with those already person submitted) & I am in agreement with

the outlined concerns:

* 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:

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SIGNED

P. Bailey on DATE 19/5/21
behalf of Levi Bailey

Attachments:

Capture 1.PNG

53.4 KB

5/19/2021, 3:03

Attention: Mt Barker Council

19 May 2021

RE: 580/357/21 (31-33 Battunga road, Meadows) - Change in use to Motor Repair Station and associated carparking and infrastructure.

We oppose the proposed development number 580/357/21 (31-33 Battunga road, Meadows) - Change in use to Motor Repair Station and associated carparking and infrastructure. We have been residing here for many years and hope to stay in our residences.

Having read the application submitted to council we raise the following concerns:

- General practice of mechanical and tyre service involves the use of loud machinery including air compressors, air tools, electric hand tools and rattle guns. We find it highly unlikely that these items will not be used in the running of any mechanical business. A number of us work shift hours and sleep at irregular hours which would be highly impacted.

Given this is a colorbond shed essentially we would request that an acoustic report is undertaken regularly to determine noise level.

- Concern regarding usage, storage and disposal of hazardous material being utilised and stored in areas so close to our residential properties and farm animals (horses, household pets) which includes coolants, degreasers, oils and other chemicals which are required in the day to day operating of a mechanical/tyre business.

In addition to this the storage of waste tyres pose a significant risk during fire hazard months.

We see no mention of a grease trap/oil separator and wash bay with a sump which separates waste oil from water products as required for a mechanical business either. We are concerned contamination of ground water contamination will occur we utilise in our household and for farm animals.

- Increase traffic on Battunga Road particular the western side, specific concern is raised regarding exiting driveways having decreased visibility when exiting from driveways, parked cars on verge and decreased visibility for pedestrians. We are concerned this will increase the risk of potential accidents on an already busy main road.
- Noting the site is dolomite base and will continue this way, increased traffic flow will significantly increase the dust and decrease the air quality impacting on our quality of life. One of us already has quite significant health issues in which this would severely impact day to day wellbeing

Kind regards,

P. C. Bailey on behalf of
Levi Bailey

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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

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: 580/357/21
Change in use to Motor Repair Station and associated carparking and infrastructure

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: JA & PC BAILEY
* HOME ADDRESS: 25-27 BATTUNGA RD MEADOWS
* POSTAL ADDRESS: AS ABOVE
PHONE NO: 0408842122 EMAIL:

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

- ☒ The owner or the occupier of the property located at: 25/27 BATTUNGA RD.
- ☐ Other (please state):

YOUR COMMENTS:

* I/we:

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

File: 357/21
Doc:

RECEIVED
MOUNT BARKER
DISTRICT COUNCIL

13 MAY 2021

(Please note that your comments should demonstrate reasonable particularity)

- After examining councils website in relation to this notification we note that there is no plan for SECURITY / PRIVACY FENCING.

- This is of particular concern for properties on the southern side of this development & we ask that this be brought into account when assessing this application.
- We also ask that vehicles not be parked on side of road (front of property) obstructing footpath (or lack of footpath).
- Advertising signage not to obstruct footpath.

* 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:

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SIGNED

P. Bailey
JA & TC BAILEY

DATE 12/5/2021

try this one

MOUNT BARKER DISTRICT COUNCIL

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

TO: Chief Executive Officer
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PO Box 54
MOUNT BARKER SA 5251

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☐ Other (please state):

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)

The following issues have been brought to our attention (along with those already personally submitted) & we are in agreement with

— Capture 2.PNG —

the outlined concerns.

* I/We:



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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:

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SIGNED

P. C. Bailey for
JA & TC Bailey

DATE

19/5/21

Attachments:

Capture 1.PNG

53.4 KB

5/19/2021, 3:03 PM

Attention: Mt Barker Council

19 May 2021

RE: 580/357/21 (31-33 Battunga road, Meadows) - Change in use to Motor Repair Station and associated carparking and infrastructure.

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Having read the application submitted to council we raise the following concerns:

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- Concern regarding usage, storage and disposal of hazardous material being utilised and stored in areas so close to our residential properties and farm animals (horses, household pets) which includes coolants, degreasers, oils and other chemicals which are required in the day to day operating of a mechanical/tyre business.

In addition to this the storage of waste tyres pose a significant risk during fire hazard months.

We see no mention of a grease trap/oil separator and wash bay with a sump which separates waste oil from water products as required for a mechanical business either. We are concerned contamination of ground water contamination will occur we utilise in our household and for farm animals.

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- Noting the site is dolomite base and will continue this way, increased traffic flow will significantly increase the dust and decrease the air quality impacting on our quality of life. One of us already has quite significant health issues in which this would severely impact day to day wellbeing

Kind regards,

T. C. Bailey on behalf of
JA & T. C. Bailey

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Sandra Mann

From: Maria Berry <mwberry74@hotmail.com>
Sent: Wednesday, 19 May 2021 4:20 PM
To: DA Representations
Subject: RE: 580/357/21 (31-33 Battunga Road, Meadows)

Attention Mount Barker council. Please find attached our letter of concerns regarding the change in use to motor repair station and associated car parking and infrastructure at the adjacent property 31-33 Battunga Road Meadows 5201.

Regards
Wayne & Maria
Berry

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

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: 580/357/21
Change in use to Motor Repair Station and associated carparking and infrastructure

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

NAME: Wayne + Maria Berry
HOME ADDRESS: 34 Battunga Road, Meadows 5201
POSTAL ADDRESS: 34 Battunga Road Meadows 5201
PHONE NO: 0422595845 EMAIL: mwberry74@hotmail.co

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

The owner or the occupier of the property located at: 34 Battunga Rd Meadows

Other (please state):

YOUR COMMENTS:

☒ 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)

Everything as per mentioned in letter attached.

* 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).

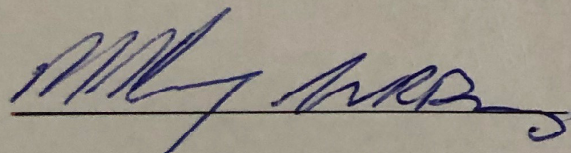
Your written representation must be received by Council no later than 11.59pm on Wednesday 19th May 2021, to ensure that it is a valid representation and taken into account.

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



DATE

19/5/2021

Attention: Mt Barker Council

19 May 2021

RE: 580/357/21 (31-33 Battunga road, Meadows) - Change in use to Motor Repair Station and associated carparking and infrastructure.

We oppose the proposed development number 580/357/21 (31-33 Battunga road, Meadows) - Change in use to Motor Repair Station and associated carparking and infrastructure. We have been residing here for many years and hope to stay in our residences.

Having read the application submitted to council we raise the following concerns:

- General practice of mechanical and tyre service involves the use of loud machinery including air compressors, air tools, electric hand tools and rattle guns. We find it highly unlikely that these items will not be used in the running of any mechanical business. A number of us work shift hours and sleep at irregular hours which would be highly impacted.

Given this is a colorbond shed essentially we would request that an acoustic report is undertaken regularly to determine noise level.

- Concern regarding usage, storage and disposal of hazardous material being utilised and stored in areas so close to our residential properties and farm animals (horses, household pets) which includes coolants, degreasers, oils and other chemicals which are required in the day to day operating of a mechanical/tyre business.

In addition to this the storage of waste tyres pose a significant risk during fire hazard months.

We see no mention of a grease trap/oil separator and wash bay with a sump which separates waste oil from water products as required for a mechanical business either. We are concerned contamination of ground water contamination will occur we utilise in our household and for farm animals.

- Increase traffic on Battunga Road particular the western side, specific concern is raised regarding exiting driveways having decreased visibility when exiting from driveways, parked cars on verge and decreased visibility for pedestrians. We are concerned this will increase the risk of potential accidents on an already busy main road.

Noting the site is dolomite base and will continue this way, increased traffic flow will significantly increase the dust and decrease the air quality impacting on our quality of life. One of us already has quite significant health issues in which this would severely impact day to day wellbeing

Regards,

try this one

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

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DEVELOPMENT NO: 580/357/21
Change in use to Motor Repair Station and associated carparking and infrastructure

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

* NAME:

Suzanne & Michael Angell

* HOME ADDRESS:

35 Bathunga Rd Meadows SA 5201

* POSTAL ADDRESS:

As Above

PHONE NO:

0824055043

EMAIL:

micksue24@bigpond.com

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



The owner or the occupier of the property located at: 35 Bathunga Rd Meadows



Other (please state):

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)

see attached letter dated 19/5/2021
signed by Suzanne & Michael Angell

Capture 2.PNG

try this one

* 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.)

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SIGNED



DATE

19 May 2021

Attachments:

Capture 1.PNG

53.4 KB

Attention: Mt Barker Council

19 May 2021

RE: 580/357/21 (31-33 Battunga road, Meadows) - Change in use to Motor Repair Station and associated carparking and infrastructure.

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- Noting the site is dolomite base and will continue this way, increased traffic flow will significantly increase the dust and decrease the air quality impacting on our quality of life. One of us already has quite significant health issues in which this would severely impact day to day wellbeing

Kind regards,

Juzanne & Michael
Angell

Angell

Michael Angell

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

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: 580/357/21
Change in use to Motor Repair Station and associated carparking and infrastructure

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

* NAME: Jim DUNCAN
* HOME ADDRESS: 37 BATTUNGA ROAD MEADOWS 5201
* POSTAL ADDRESS: P.O. BOX 131 MEADOWS 5201
PHONE NO: 0412652154 EMAIL: jim@duncan3@bigpond.com

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

- ☒ The owner or the occupier of the property located at: 37 BATTUNGA ROAD
☐ Other (please state):

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)

SEE ATTACHED LETTER.

See Attached letter

*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).

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SIGNED



DATE

19/5/2021

To: **Mount Barker District Council**

Comments in Opposition to: Development No: 580/357/21
Change in use to Motor Repair Station and
associated car parking and infrastructure
31-33 Battunga Road Meadows.

As residents of No. 37 Battunga Road Meadows we are very concerned about the public safety aspects associated with this proposed development, in particular, vehicle access and parking as well as disturbance caused by loud machinery.

The increase in population of Meadows in addition to Battunga Road being used as a thoroughfare to Mt Barker and Hahndorf has seen a significant increase in the volume and speed of vehicles using this section of road. There has already been a significant number of vehicle near misses over recent years.

SAPOL regularly have speed cameras set up in front of our house and they are continually amazed at the high number of speeding offences that occur.

It is one thing for a development application to make claims that parking etc will be controlled but the reality of what actually can happen is potentially something else altogether. Any "overflow" vehicles left out on Battunga Road or people leaving vehicles/trucks there out of hours will result in restricted vision for us and visitors exiting our property. This is exacerbated by the speed of traffic on the road.

Exiting our driveway at 37 is hazardous enough already. A stobie pole obstructs our vision and any bank up of vehicles left outside 31-33, or encroaching outside 35 Battunga Road will create a situation where it is impossible to see traffic coming from the southern end of Battunga Road. A fatality is a possible outcome.

The shed is constructed of colourbond sheeting and the loud noise of tools being used for long periods of time will destroy the peace and amenity of the surrounding neighbourhood. This was our experience with the previous owners.

Thank you for the opportunity to provide comment.



Jim Duncan
19/5/2021



Maria Duncan
19/5/2021

580/357/21 RESPONSE TO REPRESENTATIONS

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

9/06/2021

Mr D Henderson,
DC Mt Barker,
6 Dutton Rd,
Mt Barker SA 5251

Dear Derek,

580/357/21
31-33 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 representations 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
K & M Grimwood	36 Battunga Road, Meadows	<ul style="list-style-type: none">• Supports the proposal but with conditions-• Seeks to restrict hours of operation• Seeks to control acoustic issues
L Bailey	29 Battunga Road, Meadows	<ul style="list-style-type: none">• Need for security fencing• need to prevent cars parking on the street• advertising to be kept off the street,• acoustic amenity• Use of chemicals• Traffic concerns• Concern about dust
J A & P C Bailey	25 – 27 Battunga Road, Meadows	<ul style="list-style-type: none">• Need for security fencing,• need to prevent cars parking on the street• advertising to be kept off the street,• acoustic amenity• Use of chemicals• Traffic concerns• Concern about dust
W & M	34 Battunga	<ul style="list-style-type: none">• Acoustic Amenity

PETER MELINE & ASSOCIATES

1

580/357/21 RESPONSE TO REPRESENTATIONS

Berry	Road, Meadows	<ul style="list-style-type: none"> • Use of chemicals • Traffic concerns • Concern about dust
S & M Angell	35 Battunga Road, Meadows	<ul style="list-style-type: none"> • acoustic amenity • Use of chemicals • Traffic concerns • Concern about dust
J Duncan	37 Battunga Road, Meadows	<ul style="list-style-type: none"> • Concerns re speeding • Concerns re on street parking • Concerns re sight lines on Battunga Rd • Acoustic amenity

It is noted that 7 representations have been received regarding the proposal. The issues raised by the representors are addressed below in turn:

• **ACOUSTIC CONCERNS**

An Acoustic report is being prepared by Marshall Day Acoustics this will be ready shortly after the final date for receipt of responses to representations, this will be submitted as soon as it is available.

Furthermore, it is submitted that the tools used in the proposal will be state of the art tools with low acoustic emission, a "PILOTAIR" silent reciprocating compressor will be used (see the attached technical document). All 'impact wrenches will be battery powered which have a much lower noise output than traditional pneumatic ones' to further assist in noise emission from the site all power tools are battery powered with lower noise levels. All compressors and other equipment will be switched off at the close of business every day.

• **HOURS OF OPERATION**

The proposed hours of operation will be not more than Monday to Saturday 7.30am to 7pm, with no use on Sunday. It is submitted that these hours are entirely consistent with other businesses in the locality and should not cause any substantial loss of amenity when compared with the status quo in Meadows.

• **USE OF CHEMICALS**

Only standard oils and greases and cleaning fluids will be used in the proposal. All waste of this nature will be stored in bunded storage areas and removed for recycling by licensed contractors. Full EPA approved spill kits will be kept on the premises at all times. All staff will be fully trained in the use of the spill kits. All waste tyres will be contained internally and removed monthly.

• **TRAFFIC AND PARKING**

It is respectfully pointed out that the site is large compared to the building. There is ample onsite area of the parking of vehicles and behind the frontage of the building. The issues of on street parking cannot be controlled by the proponent, but no vehicle associated with this business will be parked on the street as there is ample room in the yard.

580/357/21 RESPONSE TO REPRESENTATIONS

• **USE OF DOLOMITE ON THE YARD AREA**

The yard of the subject land has been finished in dolomite, this is a suitable material and is widely used in the Adelaide Hills. It creates a permeable surface which buffers storm runoff.

It is generally considered to be a suitable material. The emission of dust from dolomite is about the same as other available roadbases which are commonly used on roads and parking areas in the Adelaide Hills.

• **FENCING**

It is proposed to fence the front boundary with steel picket fencing.

This will provide security to the site. The existing boundary fencing on the other three sides will remain. It is submitted that the use of solid fencing on the perimeter on the site would be less attractive than picket fencing, it being appreciated that the yard will contain nothing other than roadworthy vehicles.

There is no intention to keep vehicle wrecks on the site. Any vehicle wreck will be sent to a specialist motor wrecker as expediently as possible.

It is considered that the issues raised in the written representations are of no substantial consequence in the assessment of this proposal.

The proposal is not considered to be seriously at variance with Mount Barker Council's Development Plan, indeed it demonstrates ample merit in the pragmatic development of this site.

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.
Accredited Professional (Planning) Level 1, 2 and 3 and (Building) Level 1

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MARSHALL DAY
Acoustics



31-33 BATTUNGA ROAD MEADOWS
ENVIRONMENTAL NOISE ASSESSMENT

Rp 001 R01 20210531 | 25 June 2021



Marshall Day Acoustics Pty Ltd
ABN: 53 470 077 191
31 Vardon Avenue
Adelaide SA 5000
Australia
T: +618 6189 1400
www.marshallday.com

Project: **31-33 BATTUNGA ROAD MEADOWS**

Prepared for: **Ball Family Super Fund
C/-
Adelaide Hills Development Services
PO Box 1508
Mt Barker SA 5251**

Attention: **Mr Peter Meline**

Report No.: **Rp 001 R01 20210531**

Disclaimer

Reports produced by Marshall Day Acoustics Pty Ltd are based on a specific scope, conditions and limitations, as agreed between Marshall Day Acoustics and the Client. Information and/or report(s) prepared by Marshall Day Acoustics may not be suitable for uses other than the specific project. No parties other than the Client should use any information and/or report(s) without first conferring with Marshall Day Acoustics.

The advice given herein is for acoustic purposes only. Relevant authorities and experts should be consulted with regard to compliance with regulations or requirements governing areas other than acoustics.

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Document Control

Status:	Rev:	Comments	Date:	Author:	Reviewer:
Issued	-	-	22 June 2021	A. Morabito	E. Griffen
Issued	R01	Response to council comments	25 June 2021	A. Morabito	E. Griffen

Cover photo by Markus Spiske



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APPENDIX A GLOSSARY OF TERMINOLOGY

APPENDIX B ZONE MAP

APPENDIX C MOUNT BARKER COUNCIL DEVELOPMENT PLAN PROVISIONS

APPENDIX D NOISE MODELLING METHOD



1.0 INTRODUCTION

A motor repair station is proposed (DA 580/357/21) at 31-33 Battunga Road, Meadows.

Adelaide Hills Development Services, on behalf of Ball Family Super Fund, has engaged Marshall Day Acoustics (MDA) to undertake an environmental noise assessment of the proposed development.

This report sets out the site, proposed operations, an assessment of site noise levels in accordance with relevant policies.

Acoustic terminology used throughout the report is provided in Appendix A.

2.0 SITE DESCRIPTION

2.1 Location

The development is located within the existing building on land at 31-33 Battunga Road, Meadows, shown in Figure 1.

The site is bounded by the following:

- Battunga Road to the east. This section has an annual average daily traffic flow of 3900 vehicles¹
- Existing land to the north
- Existing residences to the west and south

The nearest noise affected premises, and which have been considered in this assessment are the properties detailed in Table 1.

Table 1: Nearest noise affected premises

Receiver	Address	Approx. distance/direction to site
R1	35 Battunga Road	30 m west
R2	37 Battunga Road	50 m north
R3	34 Battunga Road	40 m east
R4	29 Battunga Road	12 m south

2.2 Operations

The development is proposed to operate primarily as a motor mechanic/repair shop (vehicle servicing, brake repairs) as well as tyre fitments and wheel alignments. The main sources of noise associated with the development are an air compressor (Pilotair KSI Silent Series Reciprocating) located within the workshop and hand held/battery operated tools.

The proposed operating times are 7.30 am – 5 pm, Monday to Saturday.

¹ Traffic volumes, Department of Planning, Transport and Infrastructure

Figure 1: Site location



2.3 Planning considerations

The proposed site and surrounds are located within the Mount Barker District Council. As the development application was lodged prior to the introduction of the Planning and Design Code (P&DC), it is understood the Mount Barker District Council Development Plan provisions are applicable.

With reference to the Mount Barker District Council Development Plan, consolidated 20 August 2020, the site and immediate surrounds are located within the *Mixed Use Zone*. The nearest noise affected premises to the north, east and south are also located within the *Mixed Use Zone*, with land to the west and north zoned *Primary Production*.

The land use zoning map is provided in Appendix B. A summary of the relevant development plan provisions are provided in Appendix C.



3.0 ENVIRONMENTAL NOISE REQUIREMENTS

3.1 Overview

The Mount Barker Council Development Plan (consolidated 20 December 2020) Council Wide Principle of Development Control 8 requires development to achieve the relevant Environment Protection (Noise) Policy criteria.

The relevant policy is the *Environment Protection (Noise) Policy 2007* (EPP). The EPP provides a method and objective noise criteria, relevant for the assessment of new proposed or existing premises. This is a broad policy designed to secure the noise objectives of the *Environment Protection Act 1993*. The objective criteria are developed in accordance with World Health Organization guidelines aiming to balance social, economic and environmental considerations in the management of noise issues.

3.2 Planning noise limits

Environmental noise limits (indicative noise factors) are defined in the EPP for two different time periods, day (7 am – 10 pm) and night (10 pm – 7 am), based on the type of development principally promoted by the zone in which the noise source and nearest noise-affected premises are located.

The indicative noise factors for both the noise source and noise receiver, based on the land zoning principles detailed in Mount Barker District Council Development Plan are detailed in Table 2.

Table 2: EPP indicative noise factors

Item	Land Zoning, Appendix B	Land Use Category, EPP	Indicative noise factor, dB	
			Day	Night
Noise source	Mixed Use	Commercial/light industry	60	53
Noise receiver	Mixed Use	Commercial/light industry	60	53
Noise receiver	Primary Production	Light industry	57	50

Clause 5.4 of the EPP states the following:

[...] If the land uses principally promoted by the relevant Development Plan provisions for the noise source and those principally promoted by the relevant Development Plan provisions for the noise-affected premises all fall within a single land use category, the indicative noise level for the noise source is the indicative noise factor for that land use category [...]

Clause 5.5 of the EPP states the following:

[...] if the land uses principally promoted by the relevant Development Plan provisions for the noise source and those principally promoted by the relevant Development Plan provisions for the noise-affected premises do not all fall within a single land use category, the indicative noise level is the average of the indicative noise factors for the land use categories within which those land uses fall. [...]

Further, for new development, Clause 20.3 of the EPP states:

[...] A predicted noise level (continuous) for the development should not exceed the relevant indicative noise level less 5 dB (A).

Therefore, the EPP environmental noise requirements for the site are detailed in Table 3.



Table 3: EPP indicative noise level, dB $L_{Aeq,15min}$

Noise-affected premise	Land Zoning	Day (7 am – 10 pm)	Night (10 pm – 7 am)
R1	Primary Production	53	46
R2	Mixed Use	55	48
R3	Mixed Use	55	48
R4	Mixed Use	55	48

4.0 NOISE ASSESSMENT

This section details predicted noise levels associated with the proposed development. Details regarding the noise modelling considerations are included in Appendix D.

4.1 Assumptions

The following assumptions have been included in the noise assessment:

- Continuous noise within the workshop at a level of 76 dB L_{Aeq} (refer Appendix D)
- Workshop building constructed from 0.5 mm BMT sheetmetal (R_w 18)
- Windows on north and south facade open and/or closed
- Roller doors on east and west facade (rear of building) open and/or closed

4.2 Predicted noise levels

An assessment under the EPP compares the predicted noise level of a noise source at the nearest noise affected premises to the noise limit. The predicted noise level is the L_{Aeq} of the noise source over a 15 minute period, adjusted for duration and any audible characteristics.

The predicted noise levels are detailed in Table 4.

Table 4: predicted noise levels, dB $L_{Aeq,15min}$

Receiver	Roller doors open, windows open	Roller doors closed, windows closed	Planning noise level (day)	Complies?
R1	41	34	53	✓ / ✓
R2	36	32	55	✓ / ✓
R3	40	34	55	✓ / ✓
R4	47	43	55	✓ / ✓

The predicted noise levels readily meet the EPP planning noise level during the day period, with the roller doors open or closed and with windows on the north/south facade open or closed.



5.0 SUMMARY

A motor repair station is proposed (DA 580/357/21) at 31-33 Battunga Road, Meadows.

Marshall Day Acoustics Pty Ltd (MDA) has undertaken an environmental noise assessment of the proposed development in accordance with the relevant Council Development Plan, South Australian EPA legislation and guidelines.

This assessment has considered:

- An assessment of noise levels determined in accordance with the Mount Barker Council Development Plan and *Environment Protection (Noise) Policy 2007*; and
- A detailed 3-dimensional modelling of the site and surrounding environment, accounting for typical worst case atmospheric conditions which favour the propagation of sound.

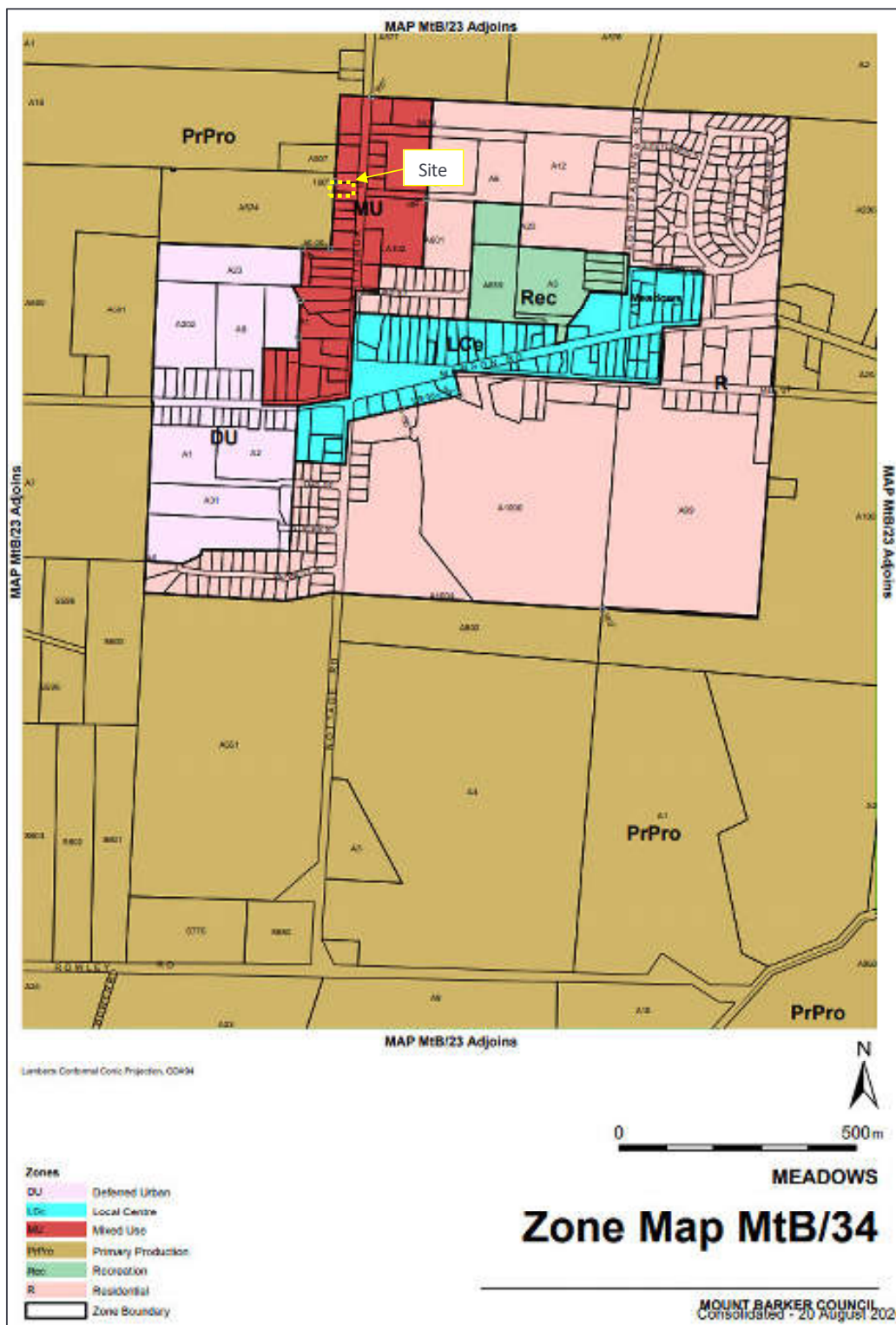
The assessment has demonstrated that noise levels associated with the proposed use of the site can operate within the relevant provisions of the *Environment Protection (Noise) Policy*, and hence Mount Barker Council Development Plan provisions, during the day period at the nearest noise affected premises.



APPENDIX A GLOSSARY OF TERMINOLOGY

A-weighting	The process by which noise levels are corrected to account for the non-linear frequency response of the human ear.
dB	<u>Decibel</u> The unit of sound level. Expressed as a logarithmic ratio of sound pressure P relative to a reference pressure of $P_r=20 \mu\text{Pa}$ i.e. $\text{dB} = 20 \times \log(P/P_r)$
Frequency	The number of pressure fluctuation cycles per second of a sound wave. Measured in units of Hertz (Hz).
Hertz (Hz)	Hertz is the unit of frequency. One hertz is one cycle per second. One thousand hertz is a kilohertz (kHz).
$L_{Aeq,t}$	The equivalent continuous (time-averaged) A-weighted sound level. This is commonly referred to as the average noise level. The suffix "t" represents the time period to which the noise level relates, e.g. (8 h) would represent a period of 8 hours, (15 min) would represent a period of 15 minutes and (2200-0700) would represent a measurement time between 10 pm and 7 am.
Noise	A sound that is unwanted by, or distracting to, the receiver.
Octave Band	A range of frequencies where the highest frequency included is twice the lowest frequency. Octave bands are referred to by their logarithmic centre frequencies, these being 31.5 Hz, 63 Hz, 125 Hz, 250 Hz, 500 Hz, 1 kHz, 2 kHz, 4 kHz, 8 kHz, and 16 kHz for the audible range of sound.
L_p	<u>Sound Pressure Level</u> A logarithmic ratio of a sound pressure measured at distance, relative to the threshold of hearing ($20 \mu\text{Pa}$ RMS) and expressed in decibels.
L_w	<u>Sound Power Level</u> A logarithmic ratio of the acoustic power output of a source relative to 10^{-12} watts and expressed in decibels. Sound power level is calculated from measured sound pressure levels and represents the level of total sound power radiated by a sound source.

APPENDIX B ZONE MAP





APPENDIX C MOUNT BARKER COUNCIL DEVELOPMENT PLAN PROVISIONS

C1 Council Wide Interface between Land Uses

OBJECTIVES

- 1 Development located and designed to minimise adverse impact and conflict between land uses.*
- 2 Protect community health and amenity from adverse impacts of development.*
- 3 Protect desired land uses from the encroachment of incompatible development.*

PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:*

(b) noise

- 2 Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.*

Noise Generating Activities

- 8 Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.*

- 9 Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises.*

C2 Noise source/receiver – Mixed Use Zone

OBJECTIVES

- 1 A functional and diverse zone accommodating a mix of commercial, community, light industrial, residential, office and small-scale shop land uses.*
- 2 Development that minimises any adverse impacts upon the amenity of the locality within the zone*

DESIRED CHARACTER

The zone will establish a wide range of light and service industrial activities, compatible with one another, thereby creating an attractive and active locality.

PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

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

- community facility*
- community centre*
- light industry*
- service industry*
- service trade premises*
- store*
- warehouse.*



4 Industry uses should be restricted to light and service industry activities that provide small-scale facilities to the community, including agriculturally-based industries that process local produce.

C3 Noise receiver – Primary Production Zone Prime Agriculture Policy Area 25

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.*

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.*



APPENDIX D NOISE MODELLING METHOD

A 3-dimensional computer model was created in the environmental noise modelling program SoundPLAN v8.2 to predict noise levels from the proposed development to the noise affected premises in the vicinity of the site. The noise model has been used to calculate noise levels in accordance with ISO-9613-2:1996 *Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation* (ISO 9613-2). The noise model enables the calculation of noise levels over a wide area, and accounts for key considerations including site arrangement, terrain and atmospheric conditions.

The ISO 9613-2 standard specifies an engineering method for calculating noise at a known distance from a variety of sources under meteorological conditions that are favourable to sound propagation. The standard defines favourable conditions as downwind propagation where the source blows from the source to the receiver within an angle of +/-45 degrees from a line connecting the source to the receiver, at wind speeds between approximately 1 m/s and 5 m/s, measured at a height of 3 m to 11 m above the ground. Equivalently, the method accounts for average propagation under a well-developed moderate ground based thermal inversion. Accordingly, predictions on the basis of ISO 9613-2 account for the instances when local atmospheric conditions at the site favour the propagation of sound to surrounding receptor locations. Under alternative atmospheric conditions, such as when the wind is blowing from a receiver location to the development site, the noise levels would be lower than calculated.

To calculate far-field noise levels according to the ISO 9613-2, the noise levels of each source are firstly characterised in the form of octave band frequency levels. A series of octave band attenuation factors are then calculated for a range of effects including:

- Geometric divergence
- Air absorption
- Reflecting obstacles
- Screening
- Ground reflections.

The octave band attenuation factors are then applied to the noise data to determine the corresponding octave band and total calculated noise level at relevant receiver locations.

Geometry data for the model has been sourced from public aerial photography, visual inspections of the area, and building heights defined on the basis of standard assumed heights per floor level. The geometries in the model are simplified representations of the built environment that have been configured to a level of detail that is appropriate for noise calculation purposes.

The following inputs have been referenced in the noise model to predict noise levels from onsite activities.

- Receivers at 1.5 m (single storey) and 4.5 m (two storey) above ground level.
- Receiver locations positioned according to public aerial imagery (imagery sourced from Google Earth)
- Noise levels calculated to the receiver building facade, i.e. free-field noise levels
- Noise level within the workshop as detailed in Table 5. This data is based on measurements by MDA of similar motor mechanic and workshop facilities, operating air compressors and hand tools.



Table 5: Noise data, L_p dB

	Octave band centre frequency (Hz)							
	A	63	125	250	500	1000	2000	4000
Internal noise level within workshop	76	70	70	71	73	71	66	68

The *Pilotair KSI Silent Series Reciprocating Air Compressor* has a manufacturer noise level of 68 dB L_{Aeq} at 1 m. Based on this data, the calculated internal reverberant noise level within the space would be lower than used in this assessment.

5.1.3. CATEGORY 2 APPLICATIONS

Nil.

5.1.4. CATEGORY 1 APPLICATIONS

Nil.

5.2. PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT APPLICATIONS

Nil.

6. REVIEW OF ASSESSMENT MANAGER DECISIONS

Nil

7. INFORMATION REPORTS

Nil.

8. CONFIDENTIAL REPORTS

Nil.

9. POLICY MATTERS ARISING FROM THIS AGENDA

10. OTHER BUSINESS

11. CLOSE