

MINUTES OF THE MEETING of the Council Assessment Panel of Mount Barker District Council held virtually via Zoom webinar on Friday 6 August 2021, commencing at 2.00 pm.

PRESENT **(Members)** Mark Adcock (Presiding Member), Tom Gregory, Sally Roberts, Geoff Parsons and Harry Seager.  
**(Staff)** Manager – City Development (A Humphries), Team Leader – Planning, City Development (A Houlihan), Senior Planner, City Development (D Henderson), and the Minute Secretary (S Mann).

**1. APOLOGIES**

Nil.

**2. CONFLICT OF INTEREST DECLARATION**

None Declared.

**3. CONFIRMATION OF MINUTES**

Moved Tom Gregory that the minutes for the meeting held on 16 June 2021 be taken as read and confirmed.

Seconded Harry Seager

CARRIED  
CAP20210806.01

**4. REPORTS DEFERRED**

Nil.

**5. REPORTS BY OFFICERS**

**5.1. DEVELOPMENT ACT APPLICATIONS**

**5.1.1. NON-COMPLYING APPLICATIONS**

Nil.



### 5.1.2. CATEGORY 3 APPLICATIONS

#### 5.1.2.1 SUMMARY DETAILS

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

The Panel discussed the application and reached the following decision;

Geoff Parsons moved that the Council Assessment Panel, with the amendment to Condition 2 & inclusion of new Condition 3:

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.
3. The proposed Function Centre shall only operate Thursday to Sunday inclusive and designated Public Holidays between the hours of 8.00am to 11.00pm, with all guests to have vacated the property by 12.00am.
4. 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.
5. 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.



6. 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;



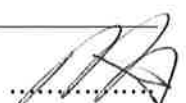
- Ensure the doors to the function area remain normally closed other than for access when music is played and;
- Calibrate the in-house speaker system to maintain a music level at any location within the function building of no more than that provided in the following table:

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

7. Traffic management, parking and construction of vehicle manoeuvring and car parking areas is to be in accordance with the submitted plans and achieve the following:
  - 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.
8. 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:**

9. 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.
10. All vehicles shall enter and exit the site in a forward direction.
11. All off-street parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.



12. 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.

Seconded Sally Roberts

CARRIED  
CAP20210806.02



#### 5.1.2.2 SUMMARY DETAILS

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

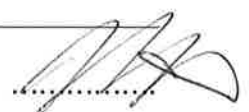
14:31hrs Jim Duncan spoke against the application, seeking clarification of underground fuel tanks remaining on site, siting additional traffic concerns, noise.

14:38hrs Peter Meline spoke for the application, addressing the concerns raised by the representor.

The Panel discussed the application and reached the following decision;

Tom Gregory moved that the Council Assessment Panel, with the addition of Reserve Matter 2:

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 for the Eastern elevation of the building be submitted to Council for approval. The design is to be of professional standard and reflect the nature of business operations on the land only and is not be illuminated.
2. Submit an amended landscape plan to Council for approval which details a landscaping strip along the frontage of the site with the exception of the access and egress points identified on the site plan.

**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.

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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 impence 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.

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**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.

Seconded Sally Roberts

CARRIED  
CAP20210806.03

**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**

Nil.

**10. OTHER BUSINESS**

Nil.

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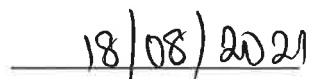


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**11. CLOSURE**

Meeting declared closed at 15:21hrs

  
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CHAIRMAN

  
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DATE

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