

MINUTES OF THE MEETING of the Council Assessment Panel of Mount Barker District Council held in the Council Chambers of the Local Government Centre, 6 Dutton Road Mount Barker on Wednesday 15 December 2021, commencing at 9.30 am.

PRESENT **(Members)** Mark Adcock (Presiding Member), Tom Gregory, Geoff Parsons, Sally Roberts and Harry Seager.  
**(Staff)** Manager/Assessment Manager – City Development (A Humphries), Senior Planner (M Dickson), Senior Planner (R Richards) and the Minute Secretary (S Mann).

### 1. APOLOGIES

Nil.

### 2. CONFLICT OF INTEREST DECLARATION

#### Item 5.1.3.1

Geoff Parsons declared that he has a conflict of interest in respect of item 5.1.3.1 in that he resides in Nairne and regularly frequents the Chapmans Shopping Centre. Accordingly Geoff will leave the room and will not participate in the deliberations of the item and or vote in respect of the matter.

#### Item 5.2.1

Geoff Parsons outlined he had two perceived conflicts of interest as follows:

- The organisation Geoff works for has a contract with URPS to provide development assessment services; and
- Representor 52, Colin Schwartz, was previously the A Grade football coach of the football club Geoff played for.

However both associations are not of a personal or close nature and do not affect Geoff's ability to remain impartial and Geoff therefore will remain in the meeting and voted in respect of the matter.

### 3. CONFIRMATION OF MINUTES

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

Seconded Sally Roberts

CARRIED  
CAP20211215.01

### 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**

Nil.

#### **5.1.3. CATEGORY 2 APPLICATIONS**

##### **5.1.3.1 SUMMARY DETAILS**

<b>Application No.</b>	580/1345/20
<b>Applicant</b>	Beyond Ink
<b>Subject Land</b>	LOT: 84 DP: 62 CT: 5648/436, LOT: 85 DP: 62 CT: 5677/429, LOT: 86 DP: 62 CT: 5677/429, LOT: 87 DP: 62 CT: 5677/429, 121 Princes Highway NAIRNE
<b>Ward</b>	North Ward
<b>Proposal</b>	Variation to development application 580/964/17 (Redevelopment of a Local Heritage Place (Chapman's Factory ID 18673) including construction of a Supermarket, Retail Tenancies, Associated Signage, Carparking and Site Works) to extend operational hours for the Supermarket
<b>Development Plan</b>	Mount Barker District Council - Consolidated 20 August 2020
<b>Zone</b>	Township Zone
<b>Policy Area</b>	Redevelopment Policy Area 28
<b>Form of Assessment</b>	Merit
<b>Public Notification</b>	Category 2
<b>Representations</b>	Two (2)
<b>Persons to be heard</b>	One (1)
<b>Agency Consultation</b>	Nil
<b>Responsible Officer</b>	Michael Dickson (Senior Planner)
<b>Main Issues</b>	Noise, traffic and amenity
<b>Recommendation</b>	Resolve to Grant Development Plan Consent / Development Approval subject to conditions and advisory notes.

9.38hrs Geoff Parsons left the room as per the declaration of interest.

The Panel discussed the application and reached the following decision;

Tom Gregory moved 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.

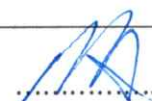
RESOLVE to GRANT Development Plan Consent / Development Approval to the application by Beyond Ink for a "Variation to development application 580/964/17 (Redevelopment of a Local Heritage Place (Chapman's Factory ID 18673) including construction of a Supermarket, Retail Tenancies, Associated Signage, Carparking and Site Works) to extend operational hours for the Supermarket" at 121 Princes Highway NAIRNE (Development Application 580/1345/20) subject to the following conditions and advisory notes:

1. Other than where varied herein, all conditions and notes relating to the Development Approval for 580/964/17 (issued by Council on 21 October 2020) continue to apply to this variation application to ensure the proposal is established in accordance with the submitted and approved plans.
2. The development herein approved shall be carried out in accordance with the stamped plans and details accompanying this application, except where amended by the following condition(s).
3. Development Plan Consent condition 2 of 580/964/17 is amended as follows:
  - The supermarket shall operate between 6:00am and 9:00pm seven days a week and the associated retail tenancies shall operate between 7:30am and 9:00pm seven days a week.
4. Refrigeration systems of delivery vehicles entering the site between 6:00am and 7:00am on any day must be switched off prior to entering the site and shall not be switched back on until the vehicle has exited the site.
5. Signage shall be displayed at the Allon Place entrance to the site stating that the access is for 'staff and delivery vehicles only' in a manner that is clearly visible to drivers to the reasonable satisfaction of Council.

Seconded Harry Seager.

CARRIED  
CAP20211215.02

9.59hrs Geoff Parsons returned to his seat.





**5.1.4. CATEGORY 1 APPLICATIONS**

Nil.

**5.2. PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT APPLICATIONS**

**5.2.1 21007729 – JOHN AND CARMEN HARKNESS**

<b>Development Number</b>	21007729
<b>Applicant</b>	John and Carmen Harkness
<b>Subject Land</b>	231 Whites Road, Flaxley
<b>Ward</b>	South Ward
<b>Nature of Development</b>	Partial change in land use to an excavation & earthworks depot with associated motor repair station, staff amenities building, storage shed, fuel tank, retained storage bays, retaining walls, above ground water storage tanks, car parking and landscaping
<b>Lodgement Date</b>	7 July 2021
<b>Planning and Design Code Version Number</b>	1 July 2021 – 2021.8
<b>Zone</b>	Productive Rural Landscape Zone
<b>Relevant Authority</b>	Council Assessment Panel
<b>Categorisation</b>	Performance Assessed
<b>Notification</b>	Yes
<b>Representations</b>	Yes
<b>Persons to be heard</b>	Yes
<b>Referrals - Statutory</b>	Nil
<b>Referrals – Non-Statutory</b>	Yes
<b>Responsible Officer</b>	Andrew Houlihan - Team Leader Planning
<b>Recommendation</b>	To Grant Planning Consent subject to conditions and notes

10.00hrs Alan Solomon spoke against the application.

10.04hrs David Kuchel spoke in favour of the application on behalf of the Kuchel, Pearse and White families.

10.11hrs Matt Hugo spoke in favour of the application.

10.13hrs Matt King, URPS spoke on behalf of John and Carmen Harkness spoke for the application.



---

The Panel discussed the application and reached the following decision;

Geoff Parsons moved that the Council Assessment Panel:

DETERMINE that the proposed development is not seriously at variance with the provisions of the Planning and Design Code.

GRANT Planning Consent to the application by Carmen and John Harkness for the Partial change in land use to an excavation & earthworks depot with associated motor repair station, staff amenities building, storage shed, fuel tank, retained storage bays, retaining walls, above ground water storage tanks, car parking and landscaping at 231 Whites Road, Flaxley, as detailed in Development Application ID. 21007729 subject to the following conditions and advisory notes:


**RESERVED MATTER**

1. An amended landscaping plan shall be submitted to the Assessment Manager for approval that includes additional landscaping in the north-eastern corner of the site to further screen the site from Whites Road.

**CONDITIONS**

2. Except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be undertaken in strict accordance with the details and plans submitted in Development Application ID 21007729, including the following documentation,
  - URPS letter dated 30 April 2021;
  - URPS letter dated 14 September 2021;
  - URPS Site Plan dated 0.8.09.21 – Revision 7;
  - Plans prepared by IHL Design dated 30 November 2020.
3. The hours of operation shall be restricted to the following times:
  - Monday to Friday 6:30am to 6:00pm, Closed Saturdays, Sunday and Public Holidays.
4. All areas nominated as landscaping on the approved plans shall be planted and maintained with a suitable mix and density of native trees, shrubs and ground covers within 3 months of development approval to the satisfaction of Council.

---



- 
5. Any existing vegetation nominated to be retained and/or 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.
  6. All loading and unloading of vehicles shall be carried out entirely upon the subject land.
  7. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage of any goods, materials or waste at any time.
  8. All vehicle car parks, driveways, vehicle entry and manoeuvring areas must be designed, constructed and maintained in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009).
  9. All vehicle car parks, driveways, vehicle entry and manoeuvring areas shall be appropriately surfaced to minimise drag out on to Whites Road and control dust to the satisfaction of Council.
  10. Activities in relation to the motor repair station shall 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. All motor repair works should solely be associated with the earthworks business occurring on the land.
  11. No servicing of vehicles shall occur outside the designated structures.
  12. All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public roads, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.
  13. All plant, equipment and associated materials used in conjunction with the excavation & earthworks depot shall be stored within the sheds or dedicated bays.
  14. All waste disposal and collection shall be undertaken in accordance with the requirements stipulated within the *Environment Protection (Noise) Policy 2007*, or subsequent legislation.

---





## **NOTES**

1. The proposed development is required to be connected to an approved wastewater management system that complies with the SA Health "On-site Wastewater Systems Code" (This includes onsite systems) For further information please refer to <https://www.mountbarker.sa.gov.au/infrastructure/water/wastewater/wastewatersystemfaqs> or contact Customer Service on 08 8391 7200 to discuss with an Environmental Health Officer.

Seconded Harry Seager

CARRIED  
CAP20211215.03

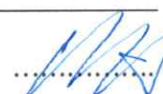
### **5.2.2 21027074 - DENIS ROBERTS**

<b>Development No.</b>	21027074
<b>Applicant</b>	Denis Roberts
<b>Subject Land</b>	6 Morning Star Road, Wistow
<b>Ward</b>	South Ward
<b>Nature of Development</b>	To amend Development Application 580/961/16 to include Cafe, Associated Site Works and Car Park
<b>Lodgement Date</b>	15 September 2021
<b>Planning and Design Code Version Number</b>	9 September - 2021.13
<b>Zone</b>	Rural
<b>Relevant Authority</b>	Council Assessment Panel
<b>Categorisation</b>	Performance Assessed
<b>Notification</b>	Yes
<b>Representations</b>	Yes
<b>Persons to be heard</b>	Yes
<b>Referrals - Statutory</b>	Nil
<b>Referrals - Non-Statutory</b>	Yes
<b>Responsible Officer</b>	Randall Richards – Senior Planner
<b>Recommendation</b>	To Grant Planning Consent subject to conditions

The Panel discussed the application and reached the following decision;

Tom Gregory moved that the Council Assessment Panel:

DETERMINE that the proposed development is not seriously at variance with the provisions of the Planning and Design Code.



GRANT Planning Consent to the application by Denis Roberts to amend Development Application 580/961/16 to include Café, Associated Site Works and Car Park at 6 Morning Star Road, Wistow SA 5251 (Development Application ID - 21027074) 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.
2. Other than where varied herein, all conditions relating to 580/961/16 continue to apply to this variation application.
3. Hours of operation:
  - 12 functions per year on a Saturday from 12.00pm (midday) to 11.30pm;
  - Friday, Saturday, Sunday 12.00pm (midday) to 9.30pm and;
  - Monday to Thursday 3.00pm to 8.00pm.
4. All requirements in regard to the **construction of driveways and carparks** are to be met, including:
  - a. The driveway crossover shall be designed, drained, constructed and sealed with asphalt or concrete suitable for commercial traffic providing both structural integrity and traction in both wet and dry conditions and include adequate stormwater drainage. The use of unbound materials (gravel, or quarry rubble) is not acceptable.
  - b. The driveway internal to the property shall be surfaced such that it is trafficable in all weather conditions and mitigates dust generated by vehicles.
  - c. The road and driveway crossover between the back of kerb and the boundary shall be shaped to provide a verge slope no greater than 2.5 per cent fall towards the road where a footpath is present and a maximum 5% where no footpath is present, suitable for pedestrian traffic and in accordance with Councils current standards.
  - d. The driveway and car parking areas shall be surfaced, drained and marked to accepted engineering standards prior to the occupation of the development and shall be maintained in good condition at all times.
  - e. That car parks and any traffic control devices be designed and constructed in accordance with AS 2890 –Off-Street Car parking, AS 1742 Manual of Uniform Traffic Control Devices and the Notice to Council (Part 1 and 2) under the *Road Traffic Act 1961* from the Minister for Transport and Urban Planning (December 1999).

---





5. Effective measures are to be implemented during the construction of the development and on-going use of the land in accordance with this consent to:
- prevent silt run-off from the land to the environment;
  - 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.

Seconded Sally Roberts

CARRIED  
CAP20211215.04

**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.

**11. CLOSURE**

Meeting declared closed at 10.59hrs

  
CHAIRMAN

17.2.2022  
DATE

