
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 17 March 2021, commencing at 9.30 am.

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

1. APOLOGIES

Nil

2. CONFLICT OF INTEREST DECLARATION

Geoff Parsons declared a perceived interest, but not a conflict, in relation to Item 5.2.1 Estia Investments Pty Ltd.

URPS has been engaged by Estia Investments Pty Ltd, URPS also has a working relationship within the council area where Geoff is employed.

Geoff noted the perceived interest did not compromise his ability to remain impartial and accordingly he would participate in the debate and decision making on the item.

3. CONFIRMATION OF MINUTES

Moved Tom Gregory. that the minutes for the meeting held on 17 February 2021 be taken as read and confirmed.

Seconded Geoff Parson

CARRIED
CAP20210317.01

4. REPORTS DEFERRED

Nil.



5. REPORTS BY OFFICERS

5.1 NON-COMPLYING APPLICATIONS

5.1.1 SUMMARY DETAILS

Application No.	580/837/20
Applicant	Beyond Ink
Subject Land	Lot: 52 CT: 5521/763 89 Wellington Road, MOUNT BARKER
Ward	Central Ward
Proposal	Variation to development application 580/443/19 (Change of use from Dwelling to Consulting Rooms including alterations to the existing building, associated car parking, landscaping and demolition of sheds) including alterations and additions to the building for an additional consulting room and education classes, extension of operating hours, new signage, and alterations to the car parking and landscaping
Zone	Residential Zone
Policy Area	N/A
Historic Conservation Area	N/A
Form of Assessment	Non-complying
Public Notification	Category 3
Representations	One (1)
Persons to be heard	N/A
Agency Consultation	Department for Infrastructure and Transport (DIT)
Responsible Officer	Michael Dickson (Senior Planner)
Main Issues	<ul style="list-style-type: none">• Suitability of the land use as varied within the Zone• Interface between Land Uses• Traffic and Car Parking• Built form
Recommendation	RESOLVE to grant Development Plan Consent subject to conditions and advisory notes.



Jordana Ashcroft-O-Sullivan on behalf of the applicant was present to respond to questions raised by the panel.

The Panel discussed the application and reached the following decision;

Geoff Parsons 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 consolidated 20 August 2020.

RESOLVE to GRANT Development Plan Consent to the application by Beyond Ink for a variation to development application 580/443/19 (Change of use from Dwelling to Consulting Rooms including alterations to the existing building, associated car parking, landscaping and demolition of sheds) including alterations and additions to the building for an additional consulting room and education classes, extension of operating hours, new signage, and alterations to the car parking and landscaping at 89 Wellington Road, Mount Barker, subject to the following conditions and advisory notes.

Council's conditions of consent:

- (1) The development herein approved shall be carried out in accordance with the stamped plans and details accompanying this application (listed below), and in accordance with the original conditions imposed upon development application 580/443/19, except where amended by the conditions which follow:
 - Statement of Effect (Version 3.0, dated 26 January 2021) by Adelaide Planning & Development Solutions;
 - Site Plan/Floor Plan and Elevations by Beyond Ink (Sheet PA01, Revision F, dated 22 February 2021 and Sheet PA02, Revision D, dated 21 January 2021);
 - Site and Drainage Plan and Site Detail plan by Lelio Bibbo Pty Ltd (Sheet C/C1, Amendment C, dated 20 January 2021 and Sheet A/C2, Amendment A, dated 6 March 2020);
 - Landscape Plan and Landscape Details by Clover Green Space (Drawing LP-01, Amendment B, dated 05 November 2020 and Drawing LP-02, Amendment A, dated 17 September 2020).
- (2) The operating hours for the land use shall only occur between:
 - 8:00am and 5:00pm on Mondays, Tuesdays, Wednesdays, Fridays;
 - 8:00am and 8:30pm on Thursdays;
 - 9:00am and 12:00pm on Saturdays.



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- (3) Use of the 'education room' for classes shall not overlap the operation of the consulting rooms (and vice versa).
 - (4) A maximum of 3 consultants shall work on the land at any one time.

Council notes:

- (1) Any person proposing to undertake building work within the District of Mount Barker is reminded of their obligation to take all reasonable measures to protect Council infrastructure. Any incidental damage to the infrastructure - pipes, footpath, verge, street trees etc, must be reinstated to a standard acceptable to Council at the applicants' expense.
- (2) The State Planning system is currently in the process of significant planning reforms. As of 19 March 2021 all Metropolitan Councils, including the Mount Barker District Council will be transferred to the Planning and Design Code under the Planning, Development and Infrastructure (PDI) Act 2016. The Planning and Design Code will replace all current Development Plans. Therefore, there may be shifts in the principles governing development within the district.
Further details in relation to the Planning Reforms can be found at https://www.saplanningportal.sa.gov.au/planning_reforms
- (3) This Development Plan Consent is valid for a period of 2 years from the date of this authorisation and you must have obtained a Building Rules Consent and Development Approval within this period. Should Development Approval not be achieved within this timeframe, your consent will lapse and a new development application must be lodged, unless an extension is obtained. Should a request for an extension be made after 19 March 2021, your request will be subject to the transitional provisions of the PDI Act.

Seconded Sally Roberts

CARRIED
CAP20210317.02



5.2 CATEGORY 3 APPLICATIONS

5.2.1 SUMMARY DETAILS

Application No.	580/511/20
Applicant	Estia Investments Pty Ltd
Subject Land	LOT: 13 DP: 2181 CT: 5709/111 LOT: 14 & 15 DP: 2181 CT: 5709/112 13-17 Victoria Road, MOUNT BARKER
Ward	Central Ward
Proposal	Residential aged care facility for up to 118 residents including ancillary café, hairdresser and wellness centre, car parking, retaining walls, fencing, landscaping and associated infrastructure, demolition of existing structures and the removal of two (2) significant trees
Zone	Residential Zone
Form of Assessment	Merit
Public Notification	Category 3
Representations	Eight (8)
Persons to be heard	Four (4)
Agency Consultation	Department of Environment and Water (DEW)
Responsible Officer	Michael Dickson (Senior Planner)
Main Issues	<ul style="list-style-type: none"> • Suitability of Land Use within the Zone • Supported Accommodation and Housing for Seniors • Siting, Built form and Appearance • Car Parking, Transport and Access • Trees and Vegetation • Interface between Land Uses • Sloping Land • Waste, wastewater and stormwater • Hazards
Recommendation	RESOLVE to grant Development Plan Consent subject to conditions and reserved matters

9.46 hrs Claire Woolley spoke against the application, raising additional comments about the impact of the size of the proposal – traffic impacts



due staff numbers, ancillary support staff, delivery vans, and visitors – additional traffic and noise on already busy road (Victoria Road).

- 9.48hrs Jeffrey Gerrard spoke against the application, concerned about the removal of the trees on the site, bird wildlife corridor due to the trees, suggesting some could be retained and incorporated within parking areas. Additional traffic a concern, needs to access Victoria Rd on a daily basis
- 9.53hrs Tamara & Harlan Mattschoss spoke against the application, assumptions about the stormwater management are sufficient, carpark area on current church currently causing his shed to be flooded and believes contributing to salt damp issue on the side of his home. Concerned about parking and traffic along Victoria Rd as parking on site on site not being sufficient.
- 9.59hrs Josh Skinner, URPS, Tom Wilson, Cirqa & Scott Colgate, Marchese Partners spoke on behalf of the applicant addressing the concerns raised by the representors and panel members.

The Panel discussed the application and reached the following decision;

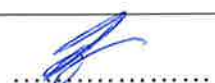
Tom Gregory moved that the Council Assessment Panel:

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 to the application by Estia Investments Pty Ltd for a residential aged care facility for up to 118 residents including ancillary café, hairdresser and wellness centre, car parking, retaining walls, fencing, landscaping and associated infrastructure, demolition of existing structures and the removal of two (2) significant trees at 13-17 Victoria Road, Mount Barker (Development Application 580/511/20) subject to the following reserved matters and conditions:

Reserved Matters:

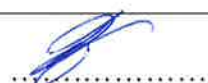
- (1) The detailed design of the pedestrian crossing shall be provided to Council for approval prior to the issue of full development approval and shall include:
 - the construction of a pram ramp and footpath along the eastern side of Victoria Road; and
 - the modification of the footpath on the western side of Victoria Road to accommodate a pram ramp.



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- (2) The detailed design of the stormwater infrastructure required shall be provided to Council for approval prior to the issue of full development approval that demonstrates:
- a. The appropriate detention volume can be provided on site and discharge to the kerbed water table is achievable. The detention volume is to be accounted for in tanks and on-surface detention in the carpark and not include the volume within pits and pipes.
 - b. Where possible, paved and hard surface areas shall be directed to vegetated/landscaped areas for treatment by Water Sensitive Urban Design (WSUD) principles.
- (3) Acoustic requirements for the roof top plant shall be provided by a suitably qualified person/s to determine appropriate acoustic treatment to mitigate noise disturbance to nearby residences to the satisfaction of Council.

Council Conditions:

- (1) The development herein approved to be carried out in accordance with the plans and details accompanying this application, except where amended by the following conditions, including:
- Planning Report, Estia Residential Aged Care Facility by URPS, Revision V3-3D, Dated 13 October 2020
 - Plans and details by Marchese Partners:
 - Cover sheet (Drawing DA0.01, Revision G, Dated 31 August 2020)
 - Demolition plan (Drawing DA1.01, Revision D, Dated 31 August 2020)
 - Location plan (Drawing DA1.03, Revision B, Dated 29 May 2020)
 - Level ground (Drawing DA2.01, Revision H, Dated 10 February 2021)
 - Level 1 (Drawing DA2.02, Revision G, Dated 31 August 2020)
 - Roof (Drawing DA2.03, Revision B, Dated 29 May 2020)
 - Site elevations – sheet 1 (Drawing DA3.01, Revision J, Dated 10 February 2021)
 - Site elevations – sheet 2 (Drawing DA3.02, Revision J, Dated 10 February 2021)
 - Boundary elevations (Drawing DA3.03, Revision F, Dated 10 February 2021)
 - Site sections – sheet 1 (Drawing DA4.01, Revision E, Dated 31 August 2020)
 - Site sections – sheet 2 (Drawing DA4.02, Revision E, Dated 02 July 2020)
 - Shadow analysis – sheet 1 (Drawing DA6.01, Revision D, Dated 02 July 2020)



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- Shadow analysis – sheet 2 (Drawing DA6.02, Revision D, Dated 02 July 2020)
 - Views – sheet 1 (Drawing DA7.01, Revision D, Dated 10 February 2021)
 - Views – sheet 2 (Drawing DA7.02, Revision D, Dated 10 February 2021)
 - Views – sheet 3 (Drawing DA7.03, Revision B, Dated 29 May 2020)
 - Preliminary Site Investigation (Reference: JC0417) dated 26 September 2019 by Agon Environmental
 - Soil Assessment Programme (Reference: JC0417_LSOIL.02) dated 04 October 2019 by Agon Environmental
 - Construction Environmental Management Plan (Reference: JC0417) dated 16 October 2019 by Agon Environmental
 - Wastewater Report (Reference: 20014 – Wastewater report) dated 18 May 2020 by Trinamic Consultants
 - Preliminary Tree Assessment (Reference: ATS5640-13-17VicRdPTA R3) dated 27 August 2020 by Arborman Tree Solutions
 - Traffic and Parking Report (Reference: 19273, Revision V1.2, Dated 08 September 2020) by CIRQA
 - Pedestrian Refuge Concept Layout (Reference: 19273, Revision C, Dated 08 February 2021) by CIRQA
 - Pedestrian Refuge Access T. Paths (Reference: 19273, Revision C, Dated 08 February 2021) by CIRQA
 - Stormwater design (Reference: S46335/267365, Revision 2, Dated 21 September 2020) by FMG Engineering
 - Email correspondence 'RE: Estia Mount Barker – Council DA Comments – update' from Jordan Colbert (FMG Engineering), Sent: 08 February 2021, 5:46PM
 - Waste Management Plan (Revision V1.1, Dated 29 May 2020) by Rawtec
 - Landscape Concept Plan (Reference: 20.009, Dated 29 May 2020) by Oxygen
- (2) The recommendations of the Preliminary Site Investigation (Reference: JC0417, Dated 26 September 2019) and the Soil Assessment Programme (Reference: JC0417_LSOIL.02, Dated 04 October 2019 by Agon Environmental) shall be undertaken prior to construction of the development, including but not limited to:
- Asbestos Containing Materials (ACMs) must be removed by an appropriately licenced removalist with appropriate independent monitoring where required



- the formal abandonment of registered onsite groundwater well 6627-3333 located in the north east of the site. Noting that this bore is neither operational nor has a current beneficial use, this bore should be decommissioned by a licensed water bore driller
- Soils containing volatile hydrocarbons in the north-east of the site (within the Men's Shed area) shall be excavated and disposed off-site to a licensed waste facility as Waste Fill.

Evidence shall be provided to Council confirming that the above has been completed in accordance with industry standards prior to construction.

- (3) Tree 1 (River Red Gum) and Tree 2 (Dwarf Sugar Gum) detailed on the 'Level ground' plan by Marchese Partners (Drawing DA2.01, Revision H, Dated 10 February 2021) and identified within the Preliminary Tree Assessment by Arborman Tree Solutions (Reference: ATS5640-13-17VicRdPTA R3, Dated 27 August 2020), shall be retained. Furthermore, no 'Tree Damaging Activity' shall be caused including the killing, destruction, removal, ringbarking, topping, lopping, severing of branches, limbs, stems or trunk, or any other substantial damage unless otherwise approved in writing by Council.
- (4) The following measures must be undertaken in order to preserve and maintain the health of Tree 1 (River Red Gum) and Tree 2 (Dwarf Sugar Gum), detailed on the 'Level ground' plan by Marchese Partners (Drawing DA2.01, Revision H, Dated 10 February 2021) and identified within the Preliminary Tree Assessment by Arborman Tree Solutions (Reference: ATS5640-13-17VicRdPTA R3, Dated 27 August 2020), during construction works:
 - a. A Tree Protection Zone (TPZ) shall be established to provide enclosure and protection to the root plate and main canopy of the tree for the entire duration of the construction works (including any associated demolition and earthworks). This must consist of appropriate signage and fencing/barrier mesh (or equivalent) that clearly identifies the TPZ that would prevent any unauthorised movement and or storage of vehicles, machinery and materials within the zone.

It is noted that some incursion of the TPZ will be required at various diameters at different stages of construction. The applicant shall provide a plan indicating the proposed location of the TPZ exclusion zone for Council's Urban Forest Officer to endorse prior to the commencement of construction works (including associated demolition, earthworks and installation of services). Council's Urban Forest Officer must be contacted to approve any altered TPZ dimensions during the various stages of construction as necessary.



- b. Any trenching that might be required within the TPZ shall be completed in a tree sensitive manner which involves an exploratory investigation via hydro excavation/hand digging to locate the tree roots located along the alignment of the trench prior to excavation. Council's Urban Forest Officer is to inspect the roots after the investigation is complete prior to the removal/cutting of roots.
- c. All roots with a diameter of 25mm or greater must be preserved and directional boring techniques shall be utilised unless otherwise approved by Council's Urban Forest Officer.
- d. The sealed path proposed along the northern boundary within the TPZ shall be constructed at existing grade on top of a tree-sensitive subbase (gap graded rock with no fines).
- e. The final treatment of the landscaped area within the TPZ shall include decompaction of the soil and placement of mulch to a depth of 100mm or greater. Final details shall be provided to Council for approval prior to the works occurring.

Council's Urban Forest Officer, Chris Lawry, can be contacted on 8393 6428 or clawry@mountbarker.sa.gov.au should you have any queries regarding the above conditions.


- (5) The canopies of all trees to be retained on the land shall be pruned and maintained in accordance with AS 4373 'Pruning of Amenity Trees'.
- (6) All requirements in regard to the construction of driveways and carpark are to be met, prior to operation of the development to the satisfaction of Council, including:
 - a. The driveway crossovers shall be designed, drained, constructed and sealed with asphalt, pavers, 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. This 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 Council's current standards. The design of the crossover shall be provided to Council for approval prior to construction commencing.
 - b. All car parking areas shall be designed, line-marked, drained, and paved or surfaced to provide structural integrity and traction in both wet and dry conditions in accordance with accepted engineering standards and shall be maintained in good condition at all times.
 - c. Provision shall be made for a turning bay within the site and at the end of blind aisles to enable vehicles to manoeuvre and exit the site in a forward direction.



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- d. All car parks and traffic control devices shall 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).
 - e. Redundant crossovers not required for the development shall be reinstated with 150mm upright kerbing with the verge and road reinstated to the satisfaction of Council.
- (7) All requirements in regard to stormwater are to be met, including:
- a. Management of stormwater shall occur generally in accordance with the drainage management plan submitted in support of the application.
 - b. Where properties drain naturally to the street, galvanised steel kerb adaptors shall be provided in accordance with Council's current standards.
 - c. The flow rate of stormwater leaving the site shall be designed so that it does not exceed the pre-developed flow rate for the 1% and 10% AEP events or other alternative to the reasonable satisfaction of Council.
- (8) The construction of the pedestrian crossing with refuge within the Victoria Road road reserve shall be completed by the applicant prior to operation of the development, including:
- the construction of a pram ramp and footpath along the eastern side of Victoria Road; and
 - the modification of the footpath on the western side of Victoria Road to accommodate a pram ramp;
- All works must be undertaken in accordance with the detailed design as set out in the reserved matter to the satisfaction of Council.
- (9) The refuse area screening, as detailed on the plans, shall have a minimum height of 1.8 metres and be installed prior to operation of the development.
- (10) The roof plant enclosure, as detailed on the plans, shall have a minimum height of 1.5 metres, be capable of screening the roof plant and the noise reduction measures shall accord with the recommendations of the of the suitably qualified person/s as set out in the reserved matter. The roof plant enclosure shall be installed prior to operation of the development to the satisfaction of Council.
- (11) All freestanding privacy screens and obscure glazing to 1.5 metres above the floor level of the upper level windows, as detailed on the plans, must be installed prior to occupation of the development.
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- (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 streets, 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 landscaping and vegetation shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants replaced to the reasonable satisfaction of the Council.
- (14) All deliveries and waste disposal collection shall occur in accordance with the *Local Noise and Litter Control Act 2016* between:
- 9.00am and 7.00pm on any Sunday or public holiday; or
 - 7.00am and 7.00pm on any other day.
- (15) Waste collection and service vehicles (operated by private contractor/s) required to enter and exit the subject land shall be scheduled to occur outside of peak usage periods for the approved development.
- (16) The applicant shall provide a dedicated water supply available at all times for fire-fighting purposes in accordance with the *Minister's Code: Undertaking development in Bushfire Protection Areas (October 2012)* to ensure appropriate measures of protection against bushfire attack.
- (17) Effective soil erosion and drainage control measures shall be implemented during the construction of the development in accordance with this consent to:
- a. prevent silt run-off from the land to adjoining properties, roads and drains;
 - b. control dust arising from the construction and other activities, so as not to, in the opinion of Council, be a nuisance to residents or occupiers on adjacent or nearby land;
 - c. ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site;
 - d. ensure that all litter and building waste is contained on the subject site in a suitable bin or enclosure;
 - e. ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of Council, to the occupiers of adjacent land; and
 - f. ensure all disturbed land is managed to prevent silt runoff and dust.



Department of Environment and Water condition:

- (18) During any works or construction activities associated with the development, the subject land must be managed to prevent erosion and pollution of the site and the environment, including keeping the area in a tidy state and ensuring any waste materials are appropriately contained, to ensure no pollutants (including excavation or fill material) enter the River Murray system.

Council notes:

- (1) An On-site Wastewater Works Application (including payment of applicable augmentation fees) and a Trade Waste Application, must be approved by Council prior to the commencement of building work for the approved development.
- (2) The development shall operate generally in accordance with *Local Noise and Litter Control Act 2016*.
- (3) The applicant/owner is reminded, that if any works impact or require the usage of a public road, a hoarding permit may be required. For more information please refer to the 'Public Space Occupation (Hoarding)' permit information on Council's website at www.mountbarker.sa.gov.au
- (4) Any person proposing to undertake building work within the District of Mount Barker is reminded of their obligation to take all reasonable measures to protect Council infrastructure. Any incidental damage to the infrastructure - pipes, footpath, verge, street trees etc., must be reinstated to a standard acceptable to Council at the applicants' expense. If you have any queries please contact Council on 8391 7200.
- (5) Please be advised that the above information is relevant under the current Development Plan consolidated on 20 August 2020. The Development Plan will be replaced with the new Planning and Design Code under the Planning, Development and Infrastructure (PDI) Act 2016 on 19 March 2021. Therefore, from the implementation of this, the above information may no longer be relevant or in accordance with the applicable principles of development control within the district. Further details in relation to the Planning Reforms can be found at https://www.saplanningportal.sa.gov.au/planning_reforms.

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- (6) This Development Plan Consent is valid for a period of 2 years from the date of this authorisation and you must have obtained a Building Rules Consent and Development Approval within this period. Should Development Approval not be achieved within this timeframe, your consent will lapse and a new development application must be lodged, unless an extension is obtained. Should a request for an extension be made after the implementation of the new State Planning system, your request will be subject to the transitional provisions of the PDI Act.

Department of Environment and Water notes:

- (7) Prior to the clearance of native vegetation for any purpose, the applicant should consult the Native Vegetation Council to determine relevant requirements under the *Native Vegetation Act 1991* and its Regulations, which may include the provision of a Significant Environmental Benefit. Note that 'clearance' means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal or trimming of branches, severing roots, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information contact the Native Vegetation Council on telephone 8303 9777 or visit: <http://www.nvc.sa.gov.au>.
- (8) The applicant is encouraged to incorporate locally indigenous plant species into any landscaping, screen planting or revegetation activities at the site to enhance the natural character of the locality, stabilise soils and provide habitat for native species. For information on appropriate species to be planted, please contact State Flora at Bremer Road, Murray Bridge on telephone 8539 2105, or within Belair National Park on telephone 8278 7777 or visit: <http://www.stateflora.sa.gov.au>.
- (9) The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or remains may be present on the subject land. Under section 20 of the Aboriginal Heritage Act 1988 (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains.



It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act. For further information visit: <http://taawika.sa.gov.au>.

- (10) The applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.

Seconded Harry Seager

CARRIED
CAP20210317.03



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5.2.2 SUMMARY DETAILS

Application No.	580/1032/20
Applicant	Southern Cross Care (SA, NT & VIC) Inc.
Subject Land	Lot 692 in D120995, CT 6223/774; 19 Hawthorn Road MOUNT BARKER
Ward	Central
Proposal	Communal Facility and associated car parking, earthworks and infrastructure in association with a Retirement Village
Development Plan	Mount Barker District Council – Consolidated 20 August 2020
Zone	Residential Zone
Form of Assessment	Merit
Public Notification	Category 3
Representations	2
Persons to be heard	Nil
Agency Consultation	Nil
Responsible Officer	Derek Henderson
Recommendation	Development Plan Consent

Greg Vincent, MasterPlan was present on behalf of the applicant to respond to any questions from the Panel.

The Panel discussed the application and reached the following decision;

Harry Seager moved that the Council Assessment Panel:

RESOLVE that the proposed development is not seriously at variance with the policies in the Mount Barker District Council Development Plan – Consolidated 20 August 2020.

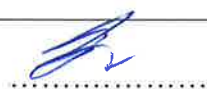
RESOLVE to GRANT Development Plan Consent to the application by Southern Cross Care (SA, NT & VIC) Inc. for a Communal Facility and associated car parking, filling and infrastructure in association with a Retirement Village at 19 Hawthorn Road, Mt Barker in Development Application 580/1032/20 subject to the following conditions and advisory notes:



DEVELOPMENT PLAN CONSENT

The following condition(s) apply:

- (1) The development herein consented is to be carried out in accordance with the plans and details accompanying this application including but not limited to the following:
 - Architectural Plans of CUBE Architects titled Retirement Village Plan of Cube Architects Ref: 19004 dated April 2020.
 - Planning Report of Masterplan titled "Construction of a building to accommodate integrated communal facilities associated with an existing retirement village 15 Hawthorn Road, Mount Barker for Southern Cross Care" dated September 2020.
 - Traffic Impact Assessment of GTA titled "Re: Communal Facility, Oakfield Retirement Village, Mt Barker" Ref: S133347 dated 31 August 2020.
 - Stormwater Management Plan of WGA titled "Oakfield Centre, Mt Barker" Project No. 191134 Rev A dated 09 April 2020.
 - Landscaping Plan Dwg No. BOLA_2020_3_WD01 and accompanying cover letter of Masterplan dated 17 December 2020except where amended by the following conditions:
- (2) All scarring or physical disturbances of the land surface during any excavation work shall be restricted to only that which is required for building work and/or access purposes. All resultant exposed faces shall be covered in topsoil and planted with suitable ground cover to prevent soil erosion.
- (3) Lighting shall be provided to the pedestrian areas, manoeuvring areas and car parks in accordance with AS 1158.1 Public Lighting Code and AS 2890.1 Parking facilities – Off-street car parking.
- (4) Stormwater infrastructure is to be constructed in general accordance with the stamped plans and maintained in good condition to provide effective management of stormwater associated with the development.
- (5) Traffic management, parking and construction of vehicle manoeuvring and car parking areas is to be in accordance with the submitted plans, including:
 - i. Car parks and any traffic control devices must be designed and constructed in accordance with AS 2890, in particular AS 2890.1 and AS 2890.2 –Off-Street Car parking along with AS 1742 Manual of Uniform Traffic Control Devices, Notice to Council (Part 1 and 2) under the Road Traffic Act 1961 from the Minister for Transport and Urban Planning



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- (December 1999) and any other relevant Australian Standards and codes.
- ii. The driveways and car parking areas shall be paved or 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.
- (6) Landscaping is to be undertaken in general accordance with the submitted plans and maintained in good condition, with any losses replaced in a timely manner. Landscaping is to be completed within 3 months of the occupation of the facility.
- (7) Effective measures shall be implemented during the construction of the development in accordance with this consent to:
- i. Prevent silt run-off from the land to adjoining properties, roads and drains;
 - ii. 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;
 - iii. Ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site;
 - iv. Ensure that all litter and building waste is contained on the subject site in a suitable bin or enclosure; and
 - v. 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.

Notes

- (1) The land is subject to an Infrastructure Agreement with Council for the provision of infrastructure and requirements as per Concept Plan Map MtB/1 in the Mount Barker Council Development Plan. All obligations in regards to this agreement should be coordinated with the undertaking of the retirement village development.
- (2) Any connection to Council's Community Wastewater Management System (CWMS)/Sewer must be provided in accordance with Council's current standards, Australian Standards and relevant codes to the reasonable satisfaction of the Council and all work must be undertaken by the applicant at the applicant's expense, including associated augmentation fees. Approval shall be sought from the SA Health and Council prior to construction.
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- (3) The applicant/owner is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act 1993 (enforced by the Environment Protection Authority), to take all reasonable and practical measures to ensure that its activities on the whole site do not pollute the environment in a way which causes, or may cause environmental harm (including an environmental nuisance such as dust).

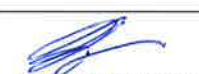
Seconded Tom Gregory

CARRIED
CAP20210317.04

5.3 CATEGORY 2 APPLICATIONS

5.3.1 SUMMARY DETAILS

Application No.	580/920/20
Applicant	AJ Hooper
Subject Land	LOT: 101 DP: 52090 CT: 6118/707; 23 Victoria Street HAHNDORF
Ward	North
Proposal	Alterations and Additions to Dwelling (including Swimming Pool, Pool Fencing, Carport and Decking), Fencing, Outbuilding, Rainwater Tanks, Demolition of non-heritage elements/buildings and restoration works to Schneemilch House (State Heritage Place - Schneemilch House and Barn ID 11588)
Development Plan	Mount Barker District Council – Consolidated 20 August 2020; Maps MtB/28 and MtB/29
Zone	Township Zone
Policy Area	Hufendorf Policy Area 20
State Heritage Area	Hahndorf
Form of Assessment	Merit
Public Notification	Category 2
Representations	2
Persons to be heard	Nil
Agency Consultation	State Heritage Unit (on behalf of the Minister for Environment and Water)
Responsible Officer	Derek Henderson
Recommendation	Development Plan Consent



11.03hrs Pippa Buckberry, Anaglypta, on behalf of the applicant responded to questions from the Panel in relation to heritage issues.

The Panel discussed the application and reached the following decision;

Sally Roberts moved that the Council Assessment Panel:

RESOLVE that the proposed development is not seriously at variance with the policies in the Mount Barker District Council Development Plan Consolidated 20 August 2020.

RESOLVE to GRANT Development Plan Consent to the application by AJ Hooper for Alterations and Additions to a Dwelling (including Swimming Pool, Pool Fencing, Carport and Decking), Fencing, Outbuilding, Rainwater Tanks, Demolition of non-heritage elements/buildings and restoration works to Schneemilch House (State Heritage Place - Schneemilch House and Barn ID 11588) at 23 Victoria Street, Hahndorf in Development Application 580/920/20 subject to the following conditions and advisory notes:


The following condition(s) apply:

- (1) The development herein approved is to be carried out in accordance with the stamped plans and details accompanying this application, except where amended by the following condition(s).
- (2) All scarring or physical disturbances of the land surface during any excavation work shall be restricted to only that which is required for building work and/or access purposes. All resultant exposed faces shall be covered in topsoil and planted with suitable ground cover to the reasonable satisfaction of Council.
- (3) All stormwater captured by structures shall be directed to the rain water tanks on the land with the overflow from the tanks disposed of to the watercourse via a headwall/scour protection outlet that results in controlled release of the roof water that does not result in erosion impact on the watercourse. The final design and location is to be submitted and approved by Council.



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- (4) The applicant / owner is advised that any works within Council's road reserve shall be undertaken in accordance with the relevant Council standards and Fact Sheets for works on a public road. These documents can be found on Council's website at www.mountbarker.sa.gov.au and hard copies are available from the Council office. Any portion of Council's infrastructure damaged as a result of work undertaken must be repaired/reinstated to Council's satisfaction at the applicant / owner expense.
- (5) The applicant shall provide a dedicated water supply available at all times for fire-fighting purposes in accordance with the Minister's Specifications SA78 – Additional requirements in designated bushfire prone areas (May 2011) as to ensure appropriate measures of protection against bushfire attack. This is in addition to the 1000 litre rainwater tank required by the Building Code of Australia.
- (6) The outhouse/smokehouse structure is to be documented in accordance with the stamped plans prior to demolition of this structure occurring.
- (7) The pool pump filtration unit shall be enclosed to mitigate noise transmission.
- (8) Effective measures are to be implemented during the construction of the development on the land in accordance with this consent to:
- prevent silt run-off from the land to adjoining properties or the watercourse;
 - 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.

This will ensure that the activities on the whole site during construction do not pollute the environment in a way which causes or may cause environmental harm.



The following condition has been included on the recommendation of Heritage South Australia as delegate for the Minister for Environment and Water:

- (9) The end walling detail of the original 1840/50 cottage walls shall be finally resolved only following site agreement, to the satisfaction of Council in consultation with the Department for Environment and Water to ensure the detail proposed is appropriate upon revealing of the former cottage walls.

Notes:

- (1) Any person proposing to undertake building work within the District of Mount Barker is reminded of their obligation to take all reasonable measures to protect Council infrastructure. Any incidental damage to the infrastructure - pipes, footpath, verge, street trees etc., must be reinstated to a standard acceptable to Council at the applicants' expense. If you have any queries please contact Council on 8391 7200.
- (2) This Development Plan Consent is valid for a period of 24 months from the date of this authorisation and you must have obtained a Building Rules Consent and Development Approval within this period for the consent to remain valid. Should Development Approval not be achieved within this timeframe, your consent will lapse and a new development application must be lodged, unless an extension is obtained.

The following general notes have been included based on the recommendation of Heritage South Australia as delegate for the Minister for Environment and Water:

- (3) Any changes to the proposal for which planning consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department for Environment and Water, or an additional referral to the Minister for Environment and Water. Such changes would include for example (a) an application to vary the planning consent, or (b) Building Rules documentation that incorporates differences from the proposal as documented in the planning application. To ensure a satisfactory heritage outcome, the relevant planning authority is requested to consult the Department for Environment and Water in finalising any conditions or reserved matters above.

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- (4) The applicant/owner is reminded of the following requirements of the Heritage Places Act 1993:
- a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
 - b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the Department for Environment and Water.

- (5) The applicant/owner is reminded of the following requirements of the Aboriginal Heritage Act 1988:
- a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the Aboriginal Heritage Act 1988.

Seconded Geoff Parsons

CARRIED
CAP20210317.05

5.4 CATEGORY 1 APPLICATIONS

Nil.



6. INFORMATION REPORTS

6.1 REPORT TITLE: REVIEW OF DECISION OF ASSESSMENT MANAGER POLICY

DATE OF MEETING: 17 MARCH 2021

FILE NUMBER: DOC/21/33706

ATTACHMENTS: **Attachments 1. Review of Decision of Assessment Manager Policy DOC/21/33695**
Attachment 2. Application to Commence Review Form DOC/21/33711
Attachment 3. LGA Template RE Review of Assessment Managers Decision Prescriptive DOC/21/33733


The Panel discussed the report and reached the following decision;

Sally Roberts moved that the Council Assessment Panel:

1. That item number 6.1 on the Council Assessment Panel Agenda of 17 March 2021 be received and noted.
2. Adopts the version of the Review of Decision of Assessment Manager Policy as attached, subject to acceptance of the tracked changes and other minor formatting changes.

Seconded Geoff Parsons

CARRIED
CAP20210317.06



6.2 REPORT TITLE: COUNCIL ASSESSMENT PANEL DELEGATIONS TO THE ASSESSMENT MANAGER

DATE OF MEETING: 17 MARCH 2021

FILE NUMBER: DOC/21/33882

ATTACHMENTS: Attachment: Instrument C – Instrument of Delegation of Powers of an Assessment Panel - DOC/21/36745

The Panel discussed the report and reached the following decision;

Tom Gregory moved that the Council Assessment Panel:

1. That item number 6.2 on the Council Assessment Panel agenda of 17 March 2021 be received and noted.
2. That the Mount Barker District Council Assessment Panel determines, that in exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (annexed to this report as Attachment One) are hereby delegated this 17th day of March 2021 to the Assessment Manager subject to conditions and/or limitation as specified in the Schedule of Conditions in the proposed Instrument of Delegation.
3. The Mount Barker District Council Assessment Panel determines, that such powers and functions may be further delegated by the Assessment Manager in accordance with Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the Assessment Manager sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
4. The Mount Barker District Council Assessment Panel (CAP) determines to act under Section 99(1)(b) of the Planning, Development & Infrastructure Act 2016 (the Act) in relation to all development applications received by it that involve the performance of building work.
5. The Mount Barker District Council Assessment Panel determines, pursuant to Section 99(1)(c) of the Act, where the CAP has determined to act under Section 99(1)(b) of the Act, CAP refers the assessment of the development in respect of the Building Rules to the Mount Barker District Council.

6. That the Mount Barker District Council Assessment Panel determines to delegate the appeal of deemed consent notice to the Assessment Manager.

Seconded Harry Seager

CARRIED
CAP20210317.07

7. CONFIDENTIAL REPORTS

Nil.

8. POLICY MATTERS ARISING FROM THIS AGENDA

Nil.

9. OTHER BUSINESS

Geoff Parsons thanked administration for the quality of the agenda.

10. CLOSURE

Meeting declared closed at 11.52hrs

CHAIRMAN

16 JUNE 2021

DATE