

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 16 June 2021, commencing at 9.30 am.

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

1. APOLOGIES

Mark Adcock.

Andy Humphries, Assessment Manager commenced the meeting advising that in the absence of Mark Adcock, Presiding Member a chair for this meeting needed to be appointed.

Sally Roberts nominated Tom Gregory.

Seconded Geoff Parsons.

CARRIED
CAP20210616.01

2. CONFLICT OF INTEREST DECLARATION

Geoff Parsons declared a professional working relationship with Burke Urban, in relation to Item 5.1.3.1.

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 Harry Seager that the minutes for the meeting held on 17 March 2021 be taken as read and confirmed.

Seconded Sally Roberts

CARRIED
CAP20210616.02

4. REPORTS DEFERRED

Nil.



5. REPORTS BY OFFICERS

5.1. DEVELOPMENT ACT APPLICATIONS

5.1.1. NON-COMPLYING APPLICATIONS

Nil.

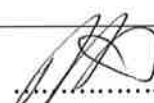
5.1.2. CATEGORY 3 APPLICATIONS

Nil.

5.1.3. CATEGORY 2 APPLICATIONS

5.1.3.1 SUMMARY DETAILS

Application No.	580/1558/20
Applicant	Mt Barker Baptist Church (on behalf of Baptist Churches of SA Inc)
Subject Land	Lot 1000 in D120098, CT 6216/537 and Lot 503 in D115191, CT 6189/331; 41 Bollen Road, Mount Barker
Ward	Central
Proposal	Community Centre (incorporating an assembly building/place of worship and ancillary café, offices, meeting rooms and services including school activities and OHSC) and associated car parking, landscaping, fencing, retaining and infrastructure
Development Plan	Mount Barker District Council – Consolidated 20 August 2020
Zone	Residential Neighbourhood
Form of Assessment	Merit
Public Notification	Category 2 pursuant to Procedural Matters of the Residential Neighbourhood Zone in the Development Plan – Community centre where adjacent to an existing dwelling
Representations	Two (2)
Persons to be heard	Nil
Agency Consultation	Nil
Responsible Officer	Derek Henderson (Senior Planner)
Main Issues	<ul style="list-style-type: none">• Land use• Car parking and access• Traffic



	<ul style="list-style-type: none">• Heritage• Interface between land uses
Recommendation	Grant Development Plan Consent

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 Planning Consent to the application by Mt Barker Baptist Church (on behalf of Baptist Churches of SA Inc) for a Community Centre (incorporating an assembly building/place of worship and ancillary café, offices, meeting rooms and services including school activities and OHSC) and associated carparking, landscaping, fencing, retaining and infrastructure at Lot 503 and Lot 1000, 41 Bollen Road MOUNT BARKER in Development Application 580/1558/20 subject to the following reserved matters, conditions and advisory notes:

Reserved Matters

1. The final design, siting and levels of all works within the Council recreation grounds, including access/egress to Bollen Road is to be submitted to Council for approval and to the satisfaction of Council. This is to include:
 - i. Tree-sensitive design for the crossover with the Tree Protection Zone of the Significant River Red Gum in the Bollen Road verge (including design with no excavations, compacted 25-35mm gap graded overlaid with geofabric and then hard surfaced). The design and works are to be overseen by a professional with a minimum Certificate V in Arboriculture.
 - ii. Car parks, bicycle racks and any traffic control devices 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 (December 1999) and any other relevant Australian Standards and codes, to the reasonable satisfaction of the Council.
 - iii. A detailed line marking and traffic control plan.
 - iv. Driveways and car parking areas sealed, drained and marked to accepted engineering standards.



2. A detailed landscape plan (overlaid on the final civil plan) is to be submitted to Council for approval, with landscaping in general accordance with concept plans submitted with the application. This is to include opportunities for the establishment of large shade trees as appropriate.
 - i. Species of plantings
 - ii. Location of plantings
 - iii. Planted height
 - iv. Mature height
3. A final selection of materials and finishes shall be submitted to Council for approval.

Conditions

4. The development herein approved is to be carried out in accordance with the plans and details accompanying this application, including:
 - o Planning Report of URPS titled *Community Centre and Carparking. Mount Barker Baptist Church. 41 Bollen Road, Mount Barker* Revision 2 dated 4.12. 2020.
 - o Response to representations by URPS dated 29 April 2021.
 - o Plans of Hodgkison Architecture titled *Mt Barker Community Centre 41 Bollen Road, Mt Barker* dated DEC 20
 - o Tree Protection Plan prepared by Tree Environs dated 30 June 2020 titled *Kings Baptist School Lot 1000 Bollen Road Mt Barker*
 - o Civil Works Concept Plan of WSP Revision P1
 - o Traffic and Parking Assessment Report of MFY dated December 2020 and correspondence dated 29 April 2021.except where amended by the following conditions;
5. Stormwater management is to occur in accordance with the approved documentation, including:
 - i. All stormwater from the development must be connected to stormwater drainage infrastructure located within the drainage easement. Any associated costs for the connection are the developer's responsibility.
 - ii. Stormwater infrastructure is to be maintained such that the Water Quality objectives are achieved in regard to pollutants, including gross pollutants.
 - iii. Final detailed design of all stormwater infrastructure, including connections to drainage infrastructure in the drainage easement, is to be approved by Council prior to construction commencing.



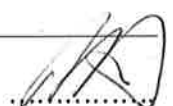
6. Prior to the commencement of any earthworks on the site, tree protection zones (TPZs) must be established around the significant trees being retained as part of the development to the reasonable satisfaction of the Council. Tree protection zones must be fenced and sign-posted, and no persons, vehicles or machinery must enter the tree protection zones without the consent of the Council or a professional arborist with a minimum qualification of a Certificate V in Arboriculture.
7. Any infrastructure works required to be installed within a tree protection zone of a Significant tree to remain on the land is to be undertaken in a tree-sensitive manner. The works are to be overseen by a professional with a minimum Certificate V in Arboriculture.
8. Lighting shall:
 - a. 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.
 - b. Designed to limit overspill of light on adjacent roads and residential areas 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.
 - c. Have non-illuminated elements to be of a material of low reflectivity to minimise impacts of sun/headlamp glare.
9. The developer, at its cost, is to provide a connection point to the sewer mains. Design approval by Council and associated financial and augmentation requirements of Council shall be met in regard to the connection, in accordance with Council's current standards, Australian Standards and relevant codes to the reasonable satisfaction of the Council and be operational prior to the occupation/operation of the development. An onsite wastewater system, temporary holding tanks or pumped connection to the existing CWMS on the eastern side of Bollen Road are not accepted methods for sewer disposal.
10. 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



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- 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.
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- 11. Following completion of the works and prior to occupation, the contractor shall remove all accumulated material from a permanent drainage infrastructure. The contractor shall arrange for a video survey of all Council stormwater pipes and make a copy of the video plus associated written report available to Council. A further video survey shall be undertaken by the contractor if considered necessary by Council to demonstrate that identified defects in the pipe system have been satisfactorily repaired. As constructed drawings of all infrastructure to be vested in Council is to be provided.
 - 12. An appropriate Stormwater, Erosion and Drainage Management Plan (SEDMP) in accordance with the EPA Stormwater Pollution Prevention Code of Practice must be prepared by an experienced and qualified consultant, to the satisfaction of the Council and must include a range of strategies to collect, treat, store and dispose of stormwater during construction while minimizing the release of pollutants into the environment. The measures recommended in the SEDMP must be in place, to Council satisfaction, prior to any earthworks commencing on site and maintained in good condition and remain in place until the site is sealed, stabilised or suitably re-vegetated in a manner to prevent erosion.
 - 13. The driveways and car parking areas shall be constructed prior to operation and maintained in good condition at all times.
 - 14. Landscaping shall be completed prior to the occupation of the development and be maintained in good condition with losses replaced in a timely manner.
 - 15. "As-Constructed" drawings and an asset register shall be submitted to Council for all infrastructure to be vested in Council, including carparking and access in Council land. The plans are to be provided in accordance with relevant Council standards.

Notes:

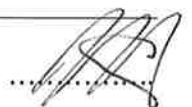
- 1. Council has declared the area an underground mains area. Any electricity mains must be placed underground in accordance with recognised engineering practice and the requirements of SA Power Networks.



2. 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.
3. The applicant is reminded to notify Council in writing when all the Council's conditions and requirements have been complied with. Written Notification should identify each condition and address how the condition has been satisfied, including any relevant documentation.
4. The applicant/owner is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that its activities on the whole site, including during construction, do not pollute the environment in a way which causes, or may cause environmental harm.
5. To legally install traffic control devices, a Traffic Control Plan and a Traffic Impact Statement and certification is required to be prepared by a recognised Traffic Engineering Practitioner for approval by Council and/or DPTI.
6. As the development hereby approved includes plumbing work, a Wastewater Works Application must be approved by Council prior to the commencement of footing construction for the approved development.
7. New food businesses and trade waste will require appropriate authorisations from Council's Environmental Health Team.

Seconded Geoff Parsons

CARRIED
CAP20210616.03



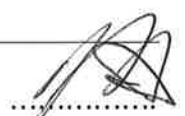
5.1.3.2. SUMMARY DETAILS

Application No.	580/250/19
Applicant	Beyond Ink
Subject Land	LOT: 2 FP: 4635 CT: 5862/68 72 Mount Barker Road, Hahndorf
Ward	North Ward
Proposal	Alterations and additions to the café and restaurant including the enclosure of the outdoor dining deck (new and retrospective works), additional toilets and solar panels (retrospective)
Development Plan	Consolidated 8 August 2017
Zone	Township Zone
Policy Area	Hufendorf Policy Area 20
Heritage	State Heritage Area
Form of Assessment	Merit
Public Notification	Category 2
Representations	One (1)
Persons to be heard	One (1)
Agency Consultation	Minister for Environment and Water (Heritage SA)
Responsible Officer	Michael Dickson (Senior Planner)
Main Issues	<ul style="list-style-type: none">• Heritage• Interface• Car Parking• Encroachment
Recommendation	Grant Development Plan Consent

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 8 August 2017.



RESOLVE to GRANT Planning Consent to the application by Beyond Ink to alterations and additions to the café and restaurant including the enclosure of the outdoor dining deck (new and retrospective works), additional toilets and solar panels (retrospective) at 72 Mount Barker Road, Hahndorf (Development Application 580/250/19) subject to the following conditions and advisory notes:

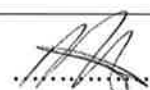
1. The development herein approved to be carried out in accordance with the stamped plans and details accompanying this application, except where amended by the following conditions, including:
 - Notes (Sheet PA00, Revision C, 27 August 2020) by Beyond Ink;
 - Existing/Demolition Plan (Sheet PA01, 03 October 2019) by Beyond Ink;
 - Site Plan (Sheet PA02, Revision C, 07 April 2021) by Beyond Ink;
 - Floor Plan (Sheet PA03, Revision D, 27 August 2020) by Beyond Ink;
 - Roof Plan (Sheet PA04, Revision D, 27 August 2020) by Beyond Ink;
 - External Elevations (Sheet PA05, Revision C, 27 August 2020) by Beyond Ink;
 - External Elevations (Sheet PA06, Revision C, 27 August 2020) by Beyond Ink.
2. All stormwater captured by roofing materials and hard sealed paving areas shall be discharged in a controlled manner so it does not impact upon adjoining properties or, in the opinion of Council, has the potential to cause nuisance or destabilise adjoining land.

When configuring a stormwater collection system, it is important that it remains independent of any waste control system.

Under no circumstance shall stormwater be diverted or incorporated into either:

 - Council's Common Waste Management System (CWMS)
 - SA Water's Sewerage system, or
 - A localised waste water system (septic tank).

Stormwater entering into any of these systems is detrimental to the function for which they are intended. This will ensure that all stormwater discharge points are properly controlled and diverted in such a manner to minimise impact on waste control systems and/or adjoining property owners.
3. 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 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.

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

Notes:

1. The owner/applicant should undertake a boundary survey of the land by a licensed surveyor to ensure that the development is constructed wholly on the subject land and does not encroach upon adjoining land.
2. It is recommended that the owner/applicant obtain independent advice on the implications of undertaking building work within a right-of-way prior to the construction of the development.
3. The development shall operate in accordance with *Local Noise and Litter Control Act 2016*.
4. 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.
5. 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.
6. Please note 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.



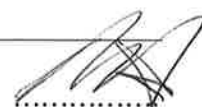
7. Please note the following requirements of the *Aboriginal Heritage Act 1988*:
- (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

Seconded Sally Roberts

CARRIED
CAP20210616.04

5.1.3.3. SUMMARY DETAILS

Application No.	580/358/21
Applicant	Beyond Ink
Subject Land	LOT: 84 SEC: 4428 FP: 157319 CT: 5809/653, LOT: 51 DP: 59666 CT: 6090/44, LOT: 871 DP: 122435 CT: 6237/665, LOT: 872 DP: 122435 CT: 6237/666, LOT: 874 DP: 122435 CT: 6237/668 81, 83, 85 & 87 Princes Highway, Littlehampton
Ward	North Ward
Proposal	Partial change of land use to a fitness studio
Development Plan	Consolidated 20 August 2020
Zone	Neighbourhood Centre Zone
Historic Conservation Area	Littlehampton Area 9
Form of Assessment	Merit
Public Notification	Category 2 pursuant to Schedule 9, Part 2, clause 19 of the SA Development Regulations 2008 – Change of use within the Neighbourhood Centre Zone, adjacent to land within a different zone
Representations	One (1)
Persons to be heard	Nil
Agency Consultation	Nil
Responsible Officer	Michael Dickson (Senior Planner)
Previous applications	580/655/17 – demolition of existing shop and construction of 2 new shops – granted planning consent on 15/1/18 580/D001/17 – land division and additional car parking – granted planning and land division consent on 17/1/19
Main Issues	<ul style="list-style-type: none"> Land Use



	<ul style="list-style-type: none">• Car Parking• Traffic• Interface Between Land Uses
Recommendation	Grant Development Plan Consent

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.

RESOLVE to GRANT Planning Consent to the application by Beyond Ink for the partial change of use to a fitness studio at 87 Princes Highway, Littlehampton (Development Application 580/358/21) subject to the following conditions and advisory notes:

1. The development herein approved to be carried out in accordance with the stamped plans and details accompanying this application, including:
 - Letter titled 'Partial Change in Use at 2/87 Princes Hwy, Littlehampton' dated 25 February 2021 by Beyond Ink;
 - Floor Plan (Sheet PA01, Revision A, 19 March 2021) by Beyond Ink.
2. The hours of operation shall be limited to:
 - 5.30am to 7.30pm Monday to Friday; and
 - 6.00am to 10.00am Saturday.
3. All amplified music shall be limited to a volume to not have an unreasonable impact upon the amenity of the adjacent residential dwellings to the satisfaction of Council.

Notes:

1. The development shall operate in accordance with *Local Noise and Litter Control Act 2016*.
2. A separate development application is required for any proposed advertising signage.



3. 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.

Seconded Harry Seager

CARRIED
CAP20210616.05

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.

11. CLOSURE

Meeting declared closed at 10.01hrs


CHAIRMAN

6/08/2021
DATE



