
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 21 September 2022, commencing at 9.30 am.

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

1. APOLOGIES

Nil.

2. CONFLICT OF INTEREST DECLARATION

2.1 Disclosure of Perceived Conflict of Interest Declaration

Date of Meeting : 21 September 2022
Panel Member Name : Harry Seager
Item : 5.1.2.1. – Application 580/714/19, T K & J Koumi
Nature of Interest : Harry Seager declared that he has a perceived conflict of interest in respect of item 5.1.2.1. Accordingly Harry will leave the room and will not participate in the deliberations of the item and or vote in respect of the matter.

3. CONFIRMATION OF MINUTES

Moved Harry Seager that the minutes for the meeting held on 17 August 2022 be taken as read and confirmed.

Seconded Tom Gregory

CARRIED
CAP20220921.01

4. REPORTS DEFERRED

Nil.

5. REPORTS BY OFFICERS

5.1. DEVELOPMENT ACT APPLICATIONS

5.1.1. NON-COMPLYING APPLICATIONS

5.1.1.1 580/514/21 - Kevjohn Pty Ltd

Please be advised that Item 5.1.1.1 regarding Development Application 580/514/21 for “Construction of a shop (supermarket) and car parking, including removal of three (3) significant trees (1 x manna gum, 1 x flooded gum, 1 x Tasmanian blue gum) and six (6) regulated trees (2 x flooded gums, 3 x manna gums, 1 x river red gum), and associated fencing, two (2) pylon signs, building signage, water storage tanks, landscaping and infrastructure” has been **withdrawn from the Council Assessment Panel Agenda** and **will not** be presented to the Council Assessment Panel on the 21st September 2022 following a request by the applicant.

5.1.2. CATEGORY 3 APPLICATIONS

5.1.2.1 580/714/2019 – TK Koumi & J Koumi

Development No.	580/714/2019
Applicant	T K Koumi & J Koumi
Subject Land	69 Easlea Road, Littlehampton.
Ward	North Ward
Nature of Development	Partial Change in Land Use to Function Facility, Verandah, Car Park and Amenities Building (retrospective)
	8 August 2017
Zone	Primary Production
Relevant Authority	Council Assessment Panel
Development Plan	Merit
Notification	Yes
Representations	Three (3)
Persons to be heard	One (1)
Referrals - Statutory	N/A
Referrals – Non-Statutory	<ul style="list-style-type: none">• Council’s Development Engineer Department• Environmental Health Department
Responsible Officer	Randall Richards – Senior Planner
Recommendation	Grant Planning Consent subject to conditions and notes

Disclosure of Perceived Conflict of Interest Declaration

<i>Refer to Item</i>	: 2.1
<i>The manner in which Geoff Parsons dealt with the actual Conflict of Interest</i>	: Harry Seager chose to leave the meeting
<i>If the member determines to leave</i>	: Harry Seager rose and left the meeting at 9:34hrs

9:35 Richard James spoke against the application.

9:44 Garth Heynen spoke for the application.

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 Mount Barker District Council Development Plan (Consolidated 8 August 2017).

GRANT Planning Consent to the application by J & TK Koumi for the function facility, verandah, amenities building and car parking at 69 Easlea Road, Littlehampton, as detailed in Development Application 580/714/2019, subject to the following conditions and advisory notes:

Condition 1

The development herein approved shall be carried out in accordance with the plans and documentation accompanying this application, except where amended by the following conditions and requirements, including but not limited to the following:

- Report by Heynen Planning Consultants, Re: DA 580/714/19, dated 14 January 2022.
- Site Plan, Part Site Plan and Floor Plan/Elevation for the amenities building ("Toilet Block"), prepared by D'Andrea & Associates (1 sheet);
- Overall Site Plan, prepared by D'Andrea & Associates (1 sheet);
- Floor Plan and Elevations for the Existing (Retrospective) Verandah and Existing and Proposed Car Parking Area; prepared by D'Andrea & Associates (1 sheet); and
- Function and Event Management Plan – 20221.
- Environmental Noise Assessment Acoustic Services for 69 Easlea Road Littlehampton by Bestec, dated 17.05.22.

Condition 2

Functions are to be limited to the following hours and guests:

- 8.00am to 12.00pm (midnight) Friday, Saturday, Sunday and Public Holidays;
- 8.00am to 1.00am) New Year's Eve;
- Functions of up to 120 guests shall be limited to a maximum of 40 days per year;
- Functions of up to 200 guests shall be limited to a maximum of 10 days per year (Event and ticket gatherings combined);
- No Functions exceeding 200 guests; and
- Closed Monday to Thursday unless a Public Holiday or New Year's Eve.

Condition 3

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.

Condition 4

Noise impact on adjoining land users is to be mitigated so as to achieve the requirements of the *Environment Protection (Noise) Policy 2007* through undertaking works as recommended in the Environmental Noise Assessment Acoustic Services of Bestec, dated 17 May 2022. The Acoustic treatments (outlined in the Section Assessment and Recommendations Report) shall be completed prior to the use and maintained herein:

- The sound system for the venue shall have two (2) speakers only;
- The Operator or Duty Manager shall measure the sound pressure level from each speaker at one (1) metre and ensure it does not exceed 90dBA during the function accordance with the requirements set in in Section 2.2(5) of the Function and Event Management Plan; and
- Delivery vehicles to the site shall only occur between the hours of 10.00am and 6.00pm.

Condition 5

Traffic management, parking areas is to be in accordance with the submitted plans and achieve the following:

- The parking of vehicles for patrons, staff and other entities shall, at all times, be restricted to the confines of the subject land;
- Off-street car parking areas shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009;
- The internal commercial vehicle manoeuvring areas shall be designed and constructed in accordance with AS 2890.2:2018 and;
- The car parking areas shall be gravelled, drained and marked to accepted engineering standards (timber wheel stops or similar) and shall be maintained in good condition at all times.

Condition 6

Effective measures are to be implemented during the construction of the development in accordance with this consent to:

- a) prevent silt run-off from the land to the environment;
- 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; and
- 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 within the locality.

Seconded Sally Roberts

CARRIED
CAP20220921.02

10:07 Harry Seager re-joined the meeting and returned to his seat.

5.1.3. CATEGORY 2 APPLICATIONS

Nil

5.1.4. CATEGORY 1 APPLICATIONS

Nil.

5.2. PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT APPLICATIONS

5.2.1 21017028 – GUYLERIE PTY LTD

Development Number	21017028
Applicant	Guylerie Pty Ltd
Subject Land	239 Wellington Road, Mount Barker (Proposed Lot 25 Heysen Boulevard in Land Division 580/D015/21)
Ward	Central Ward
Nature of Development	Hotel and associated liquor shop, car parking, retaining walls, fencing and landscaping (including demolition of the existing dwelling and structures and removal of one (1) significant tree and two (2) regulated trees)
Lodgement Date	6 September 2021
Planning and Design Code Version Number	2021.12 – 26 August 2021
Zone	Master Planned Neighbourhood
Relevant Authority	Council Assessment Panel
Categorisation	Performance Assessed
Notification	Yes
Representations	Two (2)
Persons to be heard	Two (2)
Referrals - Statutory	<ul style="list-style-type: none">• Native Vegetation Council
Referrals - Non-Statutory	<ul style="list-style-type: none">• Council's Development Engineer• Council's Urban Forest Officer• Council's Landscape Technical Officer• Council's Strategic Projects and Community Planning Manager
Responsible Officer	Michael Dickson – Senior Planner
Recommendation	Grant planning consent subject to reserved matters, conditions and advisory notes

10:09 David Thomas spoke against the application.

10:14 Graham Billington spoke against the application.

10.25 Greg Vincent, MasterPlan & Melissa Mellen, MFY spoke for the application.

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 Guylerie Pty Ltd for a “hotel and associated liquor shop, car parking, retaining walls, fencing and landscaping (including the demolition of existing dwelling and structures and removal of one (1) significant tree and two (2) regulated trees)” at 239 Wellington Road, Mount Barker, as detailed in Development Application ID 21017028, subject to the following reserved matters, conditions and advisory notes:

Reserved matters:

1. A detailed Civil Plan shall be provided to Council’s satisfaction to assess the remaining car parking requirements against the relevant Australian Standards. These plans shall include all levels, grades, cross fall, kerbing and physical controls where required. The Civil Plans shall also detail the stormwater drainage system for the site, including catchment of all roof and sealed areas and provision of an appropriate oil and grease separator, which is to be directly connected to the drainage system within Heysen Boulevard.
2. A Traffic Control Plan together with a Traffic Impact Statement (TIS) shall be provided including all traffic control measures and treatments to manage vehicle movements that are to be addressed and finalised as part of the detailed design to Council’s satisfaction.

Council 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:
 - Architectural plans by Folland Panozzo Architects, including: Location Plan (Drawing: DA P01, Issue: K, Date: 02/09/2022), Site Plan/Undercroft Plan (Drawing: DA P02, Issue: L, Date: 12/08/2022), Site Plan/Mezzanine Carpark Plan (Drawing: DA P02M, Issue: D, Date: 12/08/2022), Site Plan/Ground Floor Plan (Drawing: DA P03, Issue: M, Date: 02/09/2022), Site Plan/First Floor Plan (Drawing: DA P04, Issue: J, Date: 12/08/2022), Coloured North Elevation/Material Selections (Drawing: DA P09, Issue: D, Date: 02/09/2022), North and West Elevations (Drawing: DA P05, Issue: G, Date: 12/08/2022), South and East Elevations (Drawing: DA P06, Issue: G, Date: 12/08/2022), Sections (Drawing: DA P07, Issue: F,

Date: 12/08/2022), Undercroft and Ground Floor Landscape Plan (Drawing: DA P08, Issue: G, Date: 02/09/2022), and Boundary Investigation (Drawing: DA P11, Issue: B, Date: 12/08/2022); and

- Development Assessment Report: Proposed Hotel by MasterPlan SA Pty Ltd (Date: June 2021); and
- Arboricultural Impact Assessment and Development Impact Report by Arborman Tree Solutions (Reference: ATS6378-Lot31WelRdDIR-R1, Date: 29 July 2022); and
- Traffic and Parking Report by MFY (Reference: 20-0179, Revision: A, Date: 02 August 2022) and additional correspondence (Reference: MLM/20-0179, Date: 15 November 2021); and
- Environmental Noise Assessment by Sonus (Reference: S7006C5, Date: June 2022) including additional correspondence (Reference: S7006C6, Date: 18 August 2022); and
- Stormwater Management Plan by Greenhill Engineers (Reference: 21.2719, Date: 22 July 2022);
- Native Vegetation Clearance Data Report by JS Ayre & Associates (Date: 02 December 2021); and
- Email correspondence from Julie Jansen (Masterplan), Sent: 05 September 2022, 8:58AM.

2. All regulated and significant trees located within and directly adjacent the site as identified within the Arboricultural Impact Assessment and Development Impact Report by Arborman Tree Solutions (Reference: ATS6378-Lot31WelRdDIR-R1, Date: 29 July 2022, except those that are approved for removal via this consent, 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.

During construction of the development (including associated earthworks), the following measures must be undertaken in order to preserve and maintain the health of the trees:

- 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; and
- 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; and

- all roots with a diameter of 50mm or greater must be preserved and directional boring techniques shall be utilised unless otherwise approved by Council's Urban Forest Officer; and
- the area of ground within the TPZ shall be decompacted and mulched with minimum 100mm depth; and
- the canopy of the trees shall be pruned and maintained in accordance with AS 4373 'Pruning of Amenity Trees' prior to occupation of the development.

Council's Urban Forest Officer, Chris Lawry, can be contacted on 0407 999 925 or clawry@mountbarker.sa.gov.au should you have any queries regarding the above conditions.

3. All requirements in regard to the construction of driveways, carparks and access are to be met prior to operation of the development to the satisfaction of Council, including:
 - The driveway crossovers at Heysen Boulevard and Road A 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.
 - Where an existing footpath is present, it shall be removed and replaced with the commercial crossover suitable for commercial traffic.
 - The 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.
 - All vehicle car parks, driveways, vehicle entry and manoeuvring areas must be designed, constructed, line marked and maintained in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009), including being paved, surfaced and drained 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.
 - 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).

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4. All requirements in regard to stormwater are to be met prior to operation of the development to the satisfaction of Council, including:
 - Management of stormwater shall occur generally in accordance with the Stormwater Management Plan by Greenhill Engineers (Reference: 21.2719, Date: 22 July 2022); and
 - All stormwater shall be discharged to the appropriate side entry pit within Heysen Boulevard which directs water to the Amblemead detention and retention basin; and
 - 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.
 5. All recommendations within the Environmental Noise Assessment by Sonus (Reference: S7006C5, Date: June 2022) including additional correspondence (Reference: S7006C6, Date: 18 August 2022) shall be implemented prior to operation of the development, and maintained thereafter, including:
 - The function areas (and other areas with higher levels of music) shall incorporate the recommended acoustic treatments specified on page 7 of the report;
 - Installation of an attenuator to the discharge side of any significant exhaust fans such as those serving the kitchen space;
 - Construction of an acoustic barrier around the rooftop plant as specified on page 12 of the report;
 - Construction of an acoustic barrier around the outdoor area comprising a solid wall with acoustically absorptive material up to a height of 1.5m above ground level and glass from 1.5m up to 2.4m above ground level of a type and for the extent specified in the additional correspondence;
 - Installation of acoustic absorption material to the 1500mm high planter boxes around the outdoor area of a type and for the extent specified on pages 12 and 13 of the report; and
 - Construct a solid fence at the southern boundary which is at least 1.8m high of a type and for the extent specified in the additional correspondence.
 6. All recommended operational restrictions within the Environmental Noise Assessment by Sonus (Reference: S7006C5, Date: June 2022) including additional correspondence (Reference: S7006C6, Date: 18 August 2022) shall be implemented for the ongoing operation of the development, including:
 - the level of music played shall be no more than the maximum levels specified in the applicable table on page 7 of the report; and
 - all windows and doors to outside from the function area (and other areas with higher levels of music) shall remain closed when high levels of music are played; and
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- all rubbish collection, deliveries to the site and the tipping of bottle bins shall only occur between the hours of 9.00am and 7.00pm on a Sunday or public holidays, and between 7.00am and 7.00pm on any other day; and
 - the total number of patrons in the outdoor area after 10pm shall be restricted to 300.
7. All retaining walls visible from a public road shall either be moss rock or have a treated or decorative profile e.g. painted pre-cast, as detailed on the Architectural plans by Folland Panozzo Architects, to the reasonable satisfaction of Council.
 8. The hotel shall only operate between 8.00am to 2.00am the following day on any day of the week.
 9. All service and delivery vehicles required to enter and exit the subject land shall be scheduled to occur outside of peak usage periods for the approved development.
 10. All landscaping and vegetation as detailed on the Undercroft and Ground Floor Landscape Plan by Folland Panozzo Architects (Drawing: DA P08, Issue: F, Date: 12/08/2022) shall be planted within three (3) months of operation of the development. The 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.
 11. Replacement trees, as indicated on the approved plans, must be planted within 12 months of completion of the development at the following rates:
 - if the development relates to a regulated tree - 2 trees to replace a regulated tree; or
 - if the development relates to a significant tree - 3 trees to replace a significant tree.Replacement trees cannot be within a species specified under regulation 3F(4)(b) of the *Planning, Development and Infrastructure (General) Regulations 2017*, and cannot be planted within 10 metres of an existing dwelling or in-ground swimming pool.
 12. All external lighting of the site, including car parking areas, loading 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. The development must not commence operation until the public roads required to access and service the site (portion of Heysen Boulevard and the full extent of Road A) are constructed, including the associated intersection treatments to the site, and that practical completion has been accepted by Council and the road is open for public use.
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14. The development must be connected to an operational wastewater service for the drainage of wastewater, prior to the commencement of operation. All financial and augmentation requirements of the Water Industry Entity shall be met in regard to the connection to and construction of any wastewater connections, drains and services.
 15. Waste and rubbish shall not cause nuisance to nearby residential properties or detract from the amenity of the locality, to the reasonable satisfaction of Council, by:
 - Being appropriately contained, stored, managed and screened from public view to not cause odour impact, visual impact or unsanitary conditions; and
 - Bins stored within the designated enclosed/fenced area at all times except where removed for waste collection.
 16. Effective soil erosion and drainage control measures shall be implemented during the construction of the development in accordance with this consent to:
 - prevent silt 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;
 - 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
 - ensure all disturbed land is managed to prevent silt runoff and dust.

Native Vegetation Council conditions:

17. Tree 27, 35, 53, G and E as identified in the native vegetation Data Report titled; Native Vegetation Clearance Proposed Hotel 239 Wellington Road (Proposed Allotment 25) Mount Barker, dated 2 December 2021, must be retained in manner consistent with the proposed variation presented to the Native Vegetation Council in a submission dated 8 April 2022 (Attached).
 18. Trees to be retained in close proximity to the construction activity zone are to be protected with barriers (fencing) in accordance with the Australian Standard for Protection of Trees on Development Sites AS 4970-2009. The fence is to be installed prior to the commencement of all site works including demolition existing buildings.
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19. Total encroachment of the development into the tree protection zone (TPZ) of retained trees, must not be greater than 20% of the TPZ. Within two months of completion of construction, a report is to be provided to the Native Vegetation Council, prepared by a qualified arborist to confirm the extent of the development into the TPZ of retained trees. The report must also provide details of the condition and health of the tree upon completion of construction.
20. Construction vehicles, equipment or stockpiled materials, including cleared vegetation and excavated soil are not to be stored or placed within the Tree Protection Zone of retained trees.

Advisory notes imposed by Council:

1. An On-site Wastewater Works Application (including payment of applicable augmentation/sewer infrastructure fees) and a Trade Waste Application, must be approved by Council prior to the commencement of building work for the approved development.
2. Notification as a food business shall be provided to Council prior to operation of the development. For further information, please refer to Council's website: <https://www.mountbarker.sa.gov.au/community/foodsafety/infoforfoodpremises>.
3. The development shall operate generally in accordance with *Local Noise and Litter Control Act 2016*.
4. Signage has not been included in the application. Should advertising signage be proposed, a separate development approval must be granted unless the signage is excluded from the definition of development pursuant to the *Planning, Development and Infrastructure (General) Regulations 2017*.
5. 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.
6. 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.

7. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
8. The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide (telephone number 8204 0289).
9. This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

Native Vegetation Council notes:

10. Prior to any clearance of native vegetation occurring in relation to this development application, the applicant must submit an application to and gain the approval of the Native Vegetation Council under the *Native Vegetation Act 1991*.

Seconded Harry Seager

CARRIED
CAP20220921.03

6. REVIEW OF ASSESSMENT MANAGER DECISIONS

Nil

7. INFORMATION REPORTS

Nil

8. CONFIDENTIAL REPORTS

Nil.

9. POLICY MATTERS ARISING FROM THIS AGENDA

Nil.

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10. OTHER BUSINESS

Nil.

11. CLOSURE

Meeting declared closed at 11.19hrs

CHAIRMAN

DATE