

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 20 September 2023, commencing at 9.30 am.

PRESENT **(Members)** Mark Adcock (Presiding Member), Tom Gregory, Geoff Parsons, Sally Roberts and Harry Seager.
(Staff) Manager City Development (A Humphries), Senior Planner, City Development (G Sproule) and the Minute Secretary (K Gale).

1. APOLOGIES

Nil

2. CONFLICT OF INTEREST DECLARATION

Nil

3. CONFIRMATION OF MINUTES

Moved Geoff Parsons that the minutes for the meeting held on 16 August 2023 be taken as read and confirmed.

Seconded Sally Roberts

CARRIED
CAP20230920.01

4. REPORTS DEFERRED

Nil.

5. REPORTS BY OFFICERS

5.1. DEVELOPMENT ACT APPLICATIONS

5.1.1. NON-COMPLYING APPLICATIONS

Nil.

5.1.2. CATEGORY 3 APPLICATIONS

Nil.

5.1.3. CATEGORY 2 APPLICATIONS

Nil

5.1.4. CATEGORY 1 APPLICATIONS

Nil.

5.2. PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT APPLICATIONS



5.2.1. 23009957 - MEADOWS INVESTMENT TRUST

Application ID	23009957
Applicant	Meadows Investment Trust
Subject Land	Lot 1003 Mawson Road Meadows SA 5201
Nature of Development	Construction of supermarket and a group of shops comprising three (3) tenancies with associated retaining walls, fencing, water storage tanks (above ground), roof mounted solar photovoltaic system, landscaping and carparking
Lodgement Date	24 May 2023
Relevant Authority	Assessment Panel at Mount Barker District Council
Zone	Local Activity Centre Neighbourhood
Planning and Design Code Version Number	2023.6 27 April 2023
Categorisation	Code Assessed (Performance Assessed)
Notification	Yes
Representations	18
Persons to be heard	3
Referrals - Statutory	<ul style="list-style-type: none">• Commissioner of Highways
Referrals - Non-Statutory	<ul style="list-style-type: none">• Development Engineering Officer• Environmental Health Officer• Strategic Projects Officer• Infrastructure Planning Officer
Responsible Officer	Greg Sproule – Senior Planner
Recommendation	Grant Planning Consent

Syd McDonald, Botten Levinson Lawyers spoke on behalf of Kevjohn Pty Ltd and Robert Weger against the application.

Frank Siow, Frank Siow & Associates spoke on behalf of Adrian Prosser against the application.

Amanda Price-McGregor, Green Light Planning, Chloe Howarth, Beyond Ink & Paul Froggatt, Stantec spoke on behalf of Meadows Investment Trust 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, in accordance with Section 126(1) of the *Planning, Development and Infrastructure Act 2016*;

and

GRANT Planning Consent to the application by the Meadows Investment Trust for the construction of supermarket and a group of shops comprising three (3) tenancies with associated retaining walls, fencing, roof mounted solar photovoltaic system, landscaping and carparking at Lot 1003 Mawson Road Meadows as detailed in Application ID: 23009957 subject to the following conditions and advisory notes:



RESERVED MATTERS

Pursuant to Section 102 (3) of the Planning, Development and Infrastructure Act 2016, the following matters shall be reserved for further assessment, delegated by the Council Assessment Panel to the Council Assessment Manager to assess and approve the additional information, and to attach any additional conditions, prior to the granting of Development Approval (or select stage of Development Approval):

1. Seeking final traffic plans/design confirming safe and adequate service vehicle access to and from Nottage Road. Plans to demonstrate that an 8.8m medium rigid vehicle can access the site without entering the Nottage road exit lane.
2. Pedestrian plan to be submitted which demonstrates safe pedestrian movement throughout the site, particularly through the retail service zone shown on the Proposed Site Plan (Sheet PA02, Rev D).

NOTE: Further conditions may be imposed on the Planning Consent in respect of the above Matters, at the discretion of the Assessment Manager in accordance with the above delegation.

CONDITIONS

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:
 - The set of planning drawings prepared by Beyond Ink:
 - Cover Sheet – PA00 – Revision B dated 31/07/2023
 - Location Plan – PA01 – Revision A dated 02/03/2023
 - Proposed Site Plan – PA02 – Revision D dated 14/08/2023
 - Shadow Diagrams – PA03 – Revision A dated 19/07/2023
 - Survey Extent – PA03 – Revision A dated 27/04/2023
 - Landscaping Plan – PA04 – Revision D dated 14/08/2023
 - Floor Plan Foodland – PA05 – Revision C dated 31/07/2023
 - Roof Plan Foodland – PA06 – Revision B dated 31/07/2023
 - Floor/Roof Plan Tenancies– PA07 – Revision B dated 31/07/2023
 - External Elevations Foodland – PA09 – Revision B dated 31/07/2023
 - External Elevations Tenancies – PA10 – Revision B dated 31/07/2023
 - Retaining Elevations Sheet 01– PA12 – Revision C dated 31/07/2023
 - Retaining Elevations Sheet 02– PA13 – Revision C dated 31/07/2023
 - Retaining Elevations Sheet 03– PA14 – Revision C dated 31/07/2023
 - Stormwater Management Plan, Revision C dated 18/07/2023 prepared by Triaxial Consulting
 - Flood Advice dated 25/11/2023, prepared by Tonkin Consulting
 - Tree Report dated 15/05/2023, prepared by Dean Nicole
 - Environmental Noise Assessment, reference S7397C5 dated May 2023 prepared by Sonus Pty Ltd
 - Traffic Impact Assessment dated 25/08/2023 & Response to Council RFIs dated 31/07/2023 prepared by Stantec Australia 2023



2. Hours of operation of supermarket and shops, including waste collection and deliveries are limited to the following:
 - a. Monday – Wednesday: 7.30am – 7.00pm
 - b. Thursday & Friday: 7.30am – 8.00pm
 - c. Saturday: 7.30am – 7.00pm
 - d. Sunday and Public Holidays: 9.00am – 5.00pm
3. All vehicle car parks, driveways, vehicle entry and manoeuvring areas must be designed, constructed and maintained in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009).
4. All external lighting must be designed and constructed in accordance with the Australian Standard (AS 4282- 1997). Lighting must be appropriately shielded and directed away from adjacent land to prevent light spill and nuisance impacts.
5. The proposed development is to incorporate acoustic barriers, absorptive treatments and operate in accordance with the recommendations set out in the Environmental Noise Assessment prepared by Sonus Pty Ltd reference S7397C5 and dated May 2023, to ensure compliance with the Environment Protection (Noise) Policy 2007, including but not limited to the following:
 - a) Construct solid fences around the site for the extents shown as RED, MAGENTA, PURPLE, and BLUE in Figure 2. The fences should be constructed from a material such as 0.35mm BMT sheet steel (Colorbond or similar) and to the specified minimum heights. The fence heights provided are based on the fences being constructed on top of any retaining walls on the site boundary; and the fences should be sealed airtight at all junctions, including at the ground and joins to other fences.
 - b) Rooftop mechanical plant for the supermarket building is to be located in the area shaded in ORANGE in Figure 3, refrigeration units for the supermarket in the area shaded in RED in Figure 3, and for the shop building in the area shaded in LIGHT BLUE in Figure 4.
 - c) Construct barriers around both mechanical plant areas for the extent shown as GREEN in Figure 3 and Figure 4, to a minimum height of 0.5m taller than the tallest unit; The barriers should be constructed from a material such as 0.35mm BMT sheet steel (COLORBOND or similar), and should be sealed airtight at all junctions, noting that a small gap may be required at the roof join for drainage.
 - d) Install acoustic absorption material to the full extent of the plant side of both screens. A suitable material is 50mm thick insulation with a density of no less than 32 kg/m³, installed in accordance with the detail shown Figure 5. Other materials such as Stratocell Whisper or Pyrotek Reapor may be used, but should be direct fixed and have no face coverings.
 - e) The packaged air conditioning units for the supermarket and retail tenancies do not operate during the night time hours of the Policy (10:00pm to 7:00am). That is, only the refrigeration units for the fridges and freezers inside the supermarket should remain on overnight.
6. Landscaping shall be established generally in accordance with the Landscaping Plan (PA04 -Revision D) prior to the approved use commencing on the land. All vegetation shall be nurtured and maintained with any diseased or dying vegetation replaced within three (3) months.
7. Waste and rubbish shall not cause nuisance to adjacent residential properties or detract from the amenity of the locality, to the reasonable satisfaction of Council, by:
 - a) Being appropriately contained, stored, managed and screened from public view so as to not cause odour or visual impact or unsanitary conditions; and
 - b) Bins are to be stored within or to the rear of their respective building/tenancy at all times, except where removed for on-site waste collection or pending kerbside collection.



8. Prior to the commencement of any earthworks on the site, tree protection zones (TPZs) must be established around all regulated and/or significant trees and native vegetation 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.

Conditions imposed by the Commissioner of Highways under Section 122 of the Act

9. Access to the site shall be gained via the Mawson Road and Nottage Road access points as shown on Beyond Ink, Proposed Site Plan, Job No. 22010, Sheet No. PA02, Revision D dated 14 August 2023.

The Mawson Road access point shall be designed to physically cater for left turn in and left turn out movements only. The design shall physically restrict right turns into and out of the site. These works shall be designed and constructed in accordance with the relevant Austroads Guides, Australian Standards and to the satisfaction of the Department for Infrastructure and Transport and Council with all associated costs (including and not limited to project management and any necessary road lighting and drainage upgrades) to be borne by the applicant.

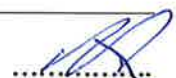
Note: The applicant shall contact Mr Narendra Patel, Senior Network Integrity Engineer, Network Management Services on telephone (08) 8226 8244, mobile 0400 436 745 or via email: narendra.patel@sa.gov.au to discuss the proposed road works prior to undertaking any detailed design. The developer shall enter into a Developer Agreement to undertake the above works.

10. The largest vehicle permitted to access the site shall be restricted to a 14 metre semi-trailer.
11. All vehicles shall enter and exit the site in a forward direction.
12. Any infrastructure within the road reserve (e.g. communications pit, road signs, etc) that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.
13. A final stormwater management plan shall be developed in conjunction with DIT and be in accordance with DIT Master Specification RD-DK-D1 Road Drainage Design and other relevant guidelines. All drainage infrastructure is to be to the satisfaction of Council and DIT.
14. No stormwater from this division shall be permitted to discharge on-surface to Mawson Road. Additionally, any existing drainage of Mawson Road shall be accommodated by the development and any alterations to road infrastructure as a result of the development shall be at the expense of the applicant

NOTES

Council Advisory Notes

1. The granting of this consent does not remove the need for the Applicant to obtain all other consents that may be required by other statutes or regulations. The Applicant is also reminded that unless specifically stated, conditions from previous relevant development approvals remain active. The consent does not override the authority of any encumbrance or easement that might be present on the land.



2. 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).
3. 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).

4. 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.
5. The proposed development should be designed to integrate with the Nottage Road Upgrade that includes road and streetscape works, stormwater infrastructure, and footpaths. The civil design that includes, but not limited to the two vehicle access driveways, footpath connection and stormwater infrastructure connection are to be provided to and endorsed by Council prior to construction of the development commencing.
6. A Traffic Impact Statement supported by a Traffic Control Plan is to be provided to and endorsed by Council prior to construction of the development commencing.
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. A separate permit application is required to Council for the removal or relocation of any infrastructure including street trees.
9. 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/food-safety/infoforfoodpremises>.
10. 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.

Seconded Harry Seager

CARRIED
CAP20230920.02

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 11.01 hrs


CHAIRMAN

15/11/2023
DATE



