

MINUTES OF THE MEETING

of the Council Assessment Panel of Mount Barker District Council held in the Council Chambers of the Local Government Centre, 6 Dutton Road Mount Barker on Wednesday 15 November 2023, commencing at 9.30 am.

PRESENT

(Members) Mark Adcock (Presiding Member), Tom Gregory, Geoff Parsons, Sally Roberts and Harry Seager.

(Staff) Acting Manager City Development (A Houlihan), Senior Planner, City Development (G Sproule), and the Minute Secretaries (Z Johnson & K Gale).

1. APOLOGIES

Nil.

2. CONFLICT OF INTEREST DECLARATION

Nil.

3. CONFIRMATION OF MINUTES

Moved Tom Gregory that the minutes for the meeting held on 20 September 2023 be taken as read and confirmed.

Seconded Harry Seager

CARRIED
CAP20231115.01

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

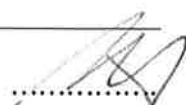
Nil.

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. 23015891 – NEKA SPIRIT CO

Application ID	23015891
Applicant	Neka Spirit Co
Subject Land	418 Kangaroo Reef Road, Hahndorf
Nature of Development	Partial change of use to distillery (light industry) including conversion of outbuilding, associated building works and installation of a roof-mounted solar photovoltaic system
Lodgement Date	13 July 2023
Relevant Authority	Assessment Panel at Mount Barker District Council
Zone	Productive Rural Landscape Zone
Planning and Design Code Version Number	2023.9 – 29 June 2023
Categorisation	Code Assessed (Performance Assessed)
Notification	Yes
Representations	3
Persons to be heard	2
Referrals – Statutory	Nil
Referrals – Non-Statutory	Development Engineering Officer Environmental Health Officer
Responsible Officer	Andrew Houlihan – Team Leader Planning
Recommendation	Grant Planning Consent

Wayne Maxwell spoke against the application on behalf of himself, Craig Mclean and Margaret Mclean

Lynda Demaagd and Nele Schmidt-Teuteberg spoke for the application.

The Panel discussed the application and reached the following decision;

Harry Seager 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

and

GRANT Planning Consent to the application by Neka Spirit Co of a partial change of use to distillery (light industry) including conversion of outbuilding, associated building works and installation of a roof-mounted solar photovoltaic system at 418 Kangaroo Reef Road, Hahndorf as detailed in Application ID: 23015891 subject to the following conditions, and advisory notes:

CONDITIONS

Council conditions

1. Except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be undertaken in strict accordance with the details and plans submitted in Development Application ID23015891, including the following documentation,



- Planning Report by Advantage Planning Services (amended) dated August 2023;
 - Site Plan by Advantage Planning Services received by Council 25 August 2023;
 - Pact Architects Plan A-01-01 site plan dated 24 May 2023;
 - Pact Architects Plan A-01-02 plans dated 24 May 2023;
 - Pact Architects Plan A-02-01 elevations dated 24 May 2023;
 - Pact Architects Plan A-05-01 sections dated 24 May 2023.
2. No sales and or tastings shall be offered to members of the public or customers from the subject land.
 3. Hours of operation including deliveries shall be limited to the following;
 - Two (2) days per week between 9am and 5pm.
 4. All vehicle car parks, driveways, vehicle entry and manoeuvring areas shall be appropriately surfaced to minimise the creation of dust.
 5. All delivery vehicles are to be restricted to a small rigid truck of no greater than 5m in length. Delivery vehicle exit movements from the existing crossover are to be left out only due to sight line constraints.
 6. The development shall achieve the relevant requirements of the Environment Protection (Commercial and Industrial Noise) Policy 2023.
 7. Lighting be shielded and directed to not impact on the amenity of the locality to the satisfaction of Council.

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.
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. 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.
5. The proposed development is required to be connected to an approved **wastewater management system** (includes new or alterations to existing on-site systems, sewer systems and associated underfloor plumbing). A wastewater management system should be approved by Council prior to the commencement of construction.
6. The applicant is reminded of their general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that any activities on the site do not pollute the environment.
7. The applicant is reminded of relevant obligations under the *Local Nuisance and Litter Control Act 2016*.

Seconded Tom Gregory

CARRIED
CAP20231115.02

5.2.2. 23013912 – BEYOND INK

Application ID	23013912
Applicant	Beyond Ink
Subject Land	31 Venables Street, Macclesfield SA 5153
Nature of Development	Partial demolition of Local Heritage Place (Macclesfield Hotel & Shed - ID 18398) - retrospective demolition of former stable building (shed) and construction of an outbuilding comprising storage areas and undercover outdoor area to facilitate expansion of the outdoor dining area of the existing hotel, and the associated filling of the land
Lodgement Date	19 June 2023
Relevant Authority	Assessment Panel at Mount Barker District Council
Zone	Local Activity Centre
Planning and Design Code Version Number	Version 2023.8 - 15/06/2023
Categorisation	Code Assessed (Performance Assessed)
Notification	Yes
Representations	3
Persons to be heard	1
Referrals – Statutory	Nil
Referrals – Non-Statutory	Heritage Advisor
Responsible Officer	Greg Sproule – Senior Planner
Recommendation	Grant Planning Consent

The Panel discussed the application and reached the following decision;



Geoff Parsons moved that there is insufficient information to quantify the demolition of the former stable building (shed) and refuse the application as it's at variance with PO 6.1 and PO 1.7 (b) of the Local Heritage Place Overlay.

Seconded Harry Seager

CARRIED
CAP20231115.03

5.2.3. 23023984 – BEYOND INK

Application ID	23023984
Applicant	Beyond Ink
Subject Land	27, 29 & 31 Venables Street, Macclesfield SA 5153
Nature of Development	Variation to Development Authorisation 22013431 (Alterations and additions to the Macclesfield Hotel - Local Heritage Place ID 18398) comprising internal and external building alterations, two (2) new signs, new gas bottle enclosure, change to fence colour, and relocation of onsite bin storage and vehicle turn around area
Lodgement Date	25 August 2023
Relevant Authority	Assessment Panel at Mount Barker District Council
Zone	Local Activity Centre
Planning and Design Code Version Number	Version 2023.12 - 17/08/2023
Categorisation	Code Assessed (Performance Assessed)
Notification	Yes
Representations	2
Persons to be heard	2
Referrals – Statutory	Nil
Referrals – Non-Statutory	Heritage Advisor
Responsible Officer	Greg Sproule – Senior Planner
Recommendation	Grant Planning Consent

Janelle Belling spoke against the application.

Sean Elliot of Beyond Ink 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, in accordance with Section 126 (1) of the *Planning, Development and Infrastructure Act 2016*; and

and

GRANT Planning Consent to the application by Beyond Ink for the variation to Development Authorisation 22013431 (Alterations and additions to the Macclesfield Hotel - Local Heritage Place ID 18398) comprising internal and external building alterations, two (2) new signs, new gas bottle enclosure, change to fence



colour, and relocation of onsite bin storage and vehicle turn around area at 27, 29 and 31 Venables Street, Macclesfield as detailed in Application ID: 23023984 subject to the following conditions, reserved matters and advisory notes:

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:
 - Site Plan – WD003 – Revision C dated 17/08/2023
 - Floor Plan – WD100 – Revision A dated 28/07/2023
 - Elevations and Section Plan – WD200 – Revision B dated 15/08/2023
 - RCP & Roof Plan – WD104 – Revision B dated 15/08/2023
2. An updated siteworks and drainage plan is to be provided to Council's satisfaction prior to Development Approval that includes, but not limited to the following:
 - Reflects the amended carparking and access layout
 - Stormwater management infrastructure and grades of the carparking and access areas
 - The incorporation of the bin storage area (enclosure) into the carparking and access area and stormwater management system and design so as to prevent and contaminated run-off from entering and impacting on the adjacent watercourse.
 - Final cut and fill levels, contours, floor levels, retaining walls and escarpment/batter contours and treatments.
3. Except where varied herein the operation of all Planning Consent conditions in Development Authorisations 21008097 and 22013431 remain valid.

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.
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.
4. 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).
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.

Seconded Geoff Parsons

CARRIED
CAP20231115.04

6. REVIEW OF ASSESSMENT MANAGER DECISIONS

Nil

7. INFORMATION REPORTS

7.1. REPORT TITLE: REVIEW OF COUNCIL ASSESSMENT PANEL MEETING PROCEDURES

DATE OF MEETING: 15 OCTOBER 2023

FILE NUMBER: DOC/23/149996

ATTACHMENTS:
Attachment 1. Council Assessment Panel Meeting Procedures 20 May 2020
Attachment 2. Council Assessment Panel Meeting Procedures "Draft" (track changed) DOC/23/149948
Attachment 3. Council Assessment Panel Meeting Procedures "Proposed Final" DOC/23/153292
Attachment 4. Local Government Association Model Meeting Procedures June 2023 DOC/23/149959

Key Contact Andy Humphries, Manager City Development (Assessment Manager)

Purpose:

To seek review and amendment of the Council Assessment Panel Meeting Procedures.

Summary – Key Issues:

1. The Council Assessment Panel Meeting Procedures requires a review every three years.
2. The Local Government Association (**LGA**) updated their Council Assessment Model Meeting Procedures in June 2023.
3. CAP should adopt the draft meeting procedures.

Recommendation:

That the Council Assessment Panel:

Amends its Meeting Procedures in accordance with the updated Attachment and that these be implemented with immediate effect.



The Panel discussed the proposed changes to the meeting procedures and reached the following decision;

To amend Clause 6.2 and 6.3 to include "and/or the Presiding Member" as follows;

- 6.2 The Assessment Manager and/or the Presiding Member may in his or her discretion accept and allow to be considered by the CAP any new or additional material submitted by a representor or applicant. The CAP may defer consideration of the application to enable full and proper assessment of the further information.
- 6.3 Any material to be considered by the CAP pursuant to clause must be provided to the applicant and/or representor(s) (as the case may be) in a manner directed by the Assessment Manager and/or the Presiding Member and those parties be provided with an opportunity to respond, either in writing or verbally, at the discretion of the Assessment Manager and/or the Presiding Member.

Sally Roberts moved that the Council Assessment Panel amends its Meeting Procedures in accordance with the updated Attachment and the above changes to clauses 6.2 and 6.3, and these be implemented with immediate effect.

Seconded Geoff Parsons

CARRIED
CAP20231115.05

8. CONFIDENTIAL REPORTS

8.1. 22038795 - MCDONALD'S AUST PTY LTD

(Construction of a shop (restaurant) with associated advertising signage including one (1) freestanding pylon sign, drive-through, car parking, fencing and landscaping

Sally Roberts moved

Reason for Confidentiality

In accordance with Regulation 13(2) of the *Planning and Development and Infrastructure (General) Regulations 2017*, it is recommended that the public be excluded from the meeting, to receive, discuss or consider the following information or matters in relation to this item on the grounds that it relates to:

- (viii) legal advice; and
- (ix) information relating to actual litigation, or litigation that the panel believes on reasonable grounds will take place.

Seconded Geoff Parsons

CARRIED
CAP20231115.06

The Panel went into a confidential session at 11:46 am

Members of the public left the gallery

Harry Seager moved



RECOMMENDATION

Documents Remain Confidential

Pursuant to 14(4) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the Council Assessment Panel orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Panel on a confidential basis:

- The minutes of this item.
- The written report and attachments of this item.

On the grounds that the document(s) (or part) is:

Contains legal advice and information relating to actual litigation, or litigation that the panel believes on reasonable grounds will take place pursuant to Regulation 13(2)(viii) and Regulation 13(2)(ix) of the *Planning and Development and Infrastructure (General) Regulations 2017*.

This order shall operate for an indefinite period and will be reviewed at least annually.

Seconded Sally Roberts

CARRIED
CAP20231115.08

Sally Roberts moved

The confidential session concluded at 12:06 am

Seconded Tom Gregory


CARRIED
CAP20231115.09

9. POLICY MATTERS ARISING FROM THIS AGENDA

10. OTHER BUSINESS

11. CLOSURE

Meeting declared closed at 12:06 am



CHAIRMAN

20/12/23
DATE

