

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 December 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), Planner, City Development (Jessica Micklewait) and the Minute Secretaries (K Gale & Z Johnson).

1. APOLOGIES

2. CONFLICT OF INTEREST DECLARATION
Nil

3. CONFIRMATION OF MINUTES

Tom Gregory that the minutes for the meeting held on 15 November 2023 be taken as read and confirmed.

Seconded Sally Roberts

CARRIED
CAP20231220.01

4. REPORTS DEFERRED
Nil.

5. REPORTS BY OFFICERS

5.1. DEVELOPMENT ACT APPLICATIONS

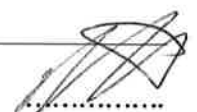
5.1.1. NON-COMPLYING APPLICATIONS
Nil.

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 23020271 - FAIRMONT HOMES

Application ID	23020271
Applicant	Fairmont Homes
Subject Land	14 Auricht Road, Hahndorf
Nature of Development	Detached Dwelling (single storey) Fencing and Retaining Wall Structure
Lodgement Date	29 th September 2023
Relevant Authority	Assessment Panel at Mount Barker District Council
Zone	Township Neighbourhood
Planning and Design Code Version Number	Version 2023.13 – 31/08/2023
Categorisation	Code Assessed (Performance Assessed)
Notification	Yes
Representations	6
Persons to be heard	3
Referrals – Statutory	N/A
Referrals – Non-Statutory	N/A
Responsible Officer	Jessica Micklethwait
Recommendation	Grant Planning Consent

Robin Hooper spoke against the application.

Bruce Lenger spoke against the application.

Emanuel Marinoff 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

GRANT Planning Consent to the application by Fairmont Homes to Detached Dwelling (single storey) and retaining walls at 14 Auricht Road, Hahndorf as detailed in Application ID: 23020271 subject to the following conditions and advisory notes:

CONDITIONS

Council conditions

1. The development herein approved shall be carried out in accordance with the stamped plans and details accompanying this application, except where amended by the following conditions;
 - Site and drainage plan prepared by Lelio Bibbo Consulting Engineers PTY LTD dated 26/09/2023;
 - Landscape Plan prepared by Fairmont Homes dated 22/09/2023;
 - Floor plan prepared by Fairmont Homes dated 11 April 2023 (amended 22/09/2023);



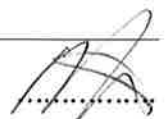
- Front and Rear Elevation Plan dated 11 April 2023 (amended 22/09/2023);
 - Left and Right Elevation Plan dated 11 April 2023 (amended 22/09/2023);
2. All stormwater captured by structures shall be directed to the rain water tanks on the land with the overflow from the tanks disposed of to the drainage easement on the land or the street water table immediately upon the roof cladding installation to the satisfaction of Council.
 3. Where cut or fill in excess of 300mm is required as a result of the proposed development, retaining walls or other suitable soil retention devices shall be employed to ensure excavations and filled land is stable and will not result in any adverse impact on adjoining properties.
 4. The retaining wall(s) indicated on plan are to be constructed prior to the commencement of the dwelling construction to ensure that the land is suitably stabilised to prevent slip and pollution through soil erosion.
 5. 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).
 6. Effective measures are to be implemented during the construction of the development 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

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 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. 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.
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.
6. A separate permit application is required to Council for the removal or relocation of any infrastructure including street trees.

Seconded Geoff Parsons.....

CARRIED
CAP20231220.02



5.2.2. 23002817 - THOMAS MCINERNEY

Application ID	23002817
Applicant	Thomas McInerney
Subject Land	62 Adelaide Road and 1A Walkom Place, Mount Barker
Nature of Development	Community Title land division (2 into 7 allotments) for the construction of seven (7) two storey group dwellings and associated retaining walls and fencing
Lodgement Date	3 May 2023
Relevant Authority	Assessment Panel at Mount Barker District Council
Zone	Housing Diversity Neighbourhood
Planning and Design Code Version Number	2023.6 – 27 April 2023
Categorisation	Code Assessed (Performance Assessed)
Notification	Yes
Representations	7
Persons to be heard	2
Referrals – Statutory	• State Planning Commission
Referrals – Non-Statutory	Development Engineering Officer Wastewater Engineering and Environmental Health
Responsible Officer	Greg Sproule – Senior Planner
Recommendation	Planning Consent be granted

Paul Delaney and Karl Moore spoke against the application.

Peter Meline, Peter Meline & Associates & Neil Kemp, Design Vision Consulting spoke for the application.

The Panel discussed the application and reached the following decision;


Sally Roberts 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 Thomas McInerney for a Community Title land division (2 into 7 allotments) for the construction of seven (7) two storey group dwellings and associated retaining walls and fencing at 62 Adelaide Road and 1A Walkom Place, Mount Barker as detailed in Application ID: 23002817 subject to the following conditions, reserved matters and advisory notes:

RESERVE MATTERS

1. A final landscaping plan that includes the relocation of the waste (bin) storage areas for dwellings on allotments 21-26 to a suitable location at the rear of the proposed carports to enable the provision of an additional area of soft landscaping adjacent to the side of the proposed carports.



CONDITIONS

Planning Consent

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:
 - Plan of Community Division prepared by Weber Frankiw Surveyors, reference 8915com div
 - The set of planning drawings prepared by Design Vision Consulting:
 - Sheet 01 of 08 – Site Survey Plan, Revision C dated 16/03/2023
 - Sheet 02 of 08 – Site Plan, Revision C dated 16/03/2023
 - Sheet 03 of 08 – Site Plan, Revision C dated 16/03/2023
 - Sheet 04 of 08 – Stormwater Management Plan, Revision C dated 16/03/2023
 - Sheet 05 of 08 – Vehicle & Traffic Plan, Revision C dated 16/03/2023
 - Sheet 06 of 08 – Floor Plan – GL , Revision C dated 16/03/2023
 - Sheet 07 of 08 – Floor Plan – L1 , Revision C dated 16/03/2023
 - Sheet 08 of 08 – Elevation Plan, Revision C dated 16/03/2023
 - Stormwater Management Plan prepared by Herriot Consulting Civil and Structural Engineers, reference 2307-011 and dated August 2023 and Siteworks and Drainage Plan, reference C2307-011s, Rev A dated August 2023
2. All upper storey side and rear windows with sill heights less than 1.5m above the upper floor level shall be permanently obscured to a height of 1.5m from the upper floor level and be fixed or not openable more than 125mm prior to occupation and maintained to the satisfaction of Council. More specifically, this condition applies to:
 - The southern elevation of the dwellings on allotments 21 and 26;
 - Western elevations of dwellings on allotments 24-27;
 - Northern and eastern elevations on all dwellings.
3. The proposed balconies of dwellings on allotments 24-26, the southern balcony elevation of the dwelling on allotment 21, and the eastern balcony elevation of the dwelling on allotment 27 shall be permanently obscured by screening with a maximum 25% transparency/openings fixed to a minimum height of:
 - a) 1.5m above finished floor level where the balcony is located at least 15 metres from the nearest habitable window of a dwelling on adjacent land; or
 - b) 1.7m above finished floor level in all other cases.
4. Landscaping shall be established generally in accordance with the Sheet 03 of 08 – Site Plan prior to the occupation of the approved dwellings. All vegetation shall be nurtured and maintained with any diseased or dying vegetation replaced within three (3) months.
5. The retaining walls indicated on plan are to be constructed prior to the commencement of the construction of the dwellings to ensure that the land is suitably stabilised to prevent slip and pollution through soil erosion.
6. All stormwater captured by the proposed buildings shall be directed to the rain water tanks on the land with the overflow from the tanks disposed of to the drainage easement on the land or the street water table immediately upon the roof cladding installation to the satisfaction of Council.
7. 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.

8. The applicant shall provide a dedicated water supply available at all times for fire-fighting purposes in accordance with the Ministerial Building Standard (MBS) 008: Designated bushfire prone areas - additional requirements (July 2020) to ensure appropriate measures of protection against bushfire attack. This is in addition to the 1000 litre water supply required by the Building Code of Australia.

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 consent does not override the authority of any encumbrance or easement that might be present on the land.

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).
2. 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).
3. An On-site Wastewater Works Application (including payment of applicable augmentation / sewer infrastructure fees) must be approved by Council prior to the commencement of building work for the approved development.
4. 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.
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.
6. A separate permit application is required to Council for the removal or relocation of any infrastructure including street trees.



Seconded Geoff Parsons

CARRIED
CAP20231220.03

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 10.58 hrs


CHAIRMAN

21.2.2024
DATE

