

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 March 2023, commencing at 9.30 am.

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

1. APOLOGIES

Cr Harry Seager & Cr Simon Westwood

2. CONFLICT OF INTEREST DECLARATION

Nil

3. CONFIRMATION OF MINUTES

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

Seconded Geoff Parsons

CARRIED
CAP20230315.01

4. REPORTS DEFERRED

Nil.

5. REPORTS BY OFFICERS

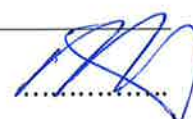
5.1. DEVELOPMENT ACT APPLICATIONS

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. 22028256 – NORSWORTHY PTY LTD

Application ID	22028256
Applicant	Norsworthy Pty Ltd
Subject Land	56 Wellington Road, Mount Barker
Nature of Development	Change in use to motor repair station, including conversion of consulting rooms to ancillary office and store, construction of a new workshop building and associated signage, car parking and infrastructure
Lodgement Date	22 November 2022
Relevant Authority	Council Assessment Panel
Zone	Local Activity Centre
Sub Zone	N/A
Planning and Design Code	2022.21
Version	10 November 2022
Categorisation	Performance Assessed
Notification	Yes
Representations	One (1)
Persons to be heard	One (1)
Referrals - Statutory	<ul style="list-style-type: none">• Commissioner of Highways
Referrals – Non-Statutory	<ul style="list-style-type: none">• Development Engineering Officer
Responsible Officer	Steven Conn – Planner
Recommendation	Grant planning consent subject to conditions and advisory notes

Helen White & Ian Tomlinson spoke against the application.

Peter Meline, Peter Meline & Associates & Brett Norsworthy 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 Norsworthy Pty Ltd to a change in use to motor repair station, including conversion of consulting rooms to ancillary office and store, construction of a new workshop building and associated signage, car parking and infrastructure at 56 Wellington Road, Mount Barker as detailed in (Application ID: 22028256) subject to the following conditions, reserved matters and advisory notes:

RESERVED MATTERS

The following detailed information shall be submitted for further assessment and approval by the Council Assessment Panel as reserved matter pursuant to Section 102(3) of the *Planning, Development and Infrastructure Act 2016* (the Act):

1. A amended landscape plan shall be submitted detailing additional landscaping within the north-west and south of the site with an appropriate maintenance regime.

Pursuant to Section 102(1) of the Act, the Council Assessment Panel reserves its decision on the form and substance of any further conditions of planning consent that it considers appropriate to impose in respect of the reserved matters set out above. The Council Assessment Panel resolves to delegate the power to assess and determined specified reserved matters, including the power to impose further conditions of planning consent pursuant to Section 127(1) of the Act, to the Assessment Manager.

CONDITIONS

Council conditions

1. The development herein approved is to be carried out in accordance with the stamped plans and details accompanying this application, except where amended by the following conditions, including:
 - a. Site plan, MWM Drafting, dated 28/07/2022, job ref. WEL_11-1, version 9
 - b. Floor plan, MWM Drafting, dated 28/07/2022, job ref. WEL_11-3, version 7
 - c. Elevation plan, MWM Drafting, dated 28/07/2022, job ref. WEL_11-2, version 6
 - d. Car park layout plan, Phil Weaver & Associates, ref. 21-227, 05/08/2022
 - e. Planning report, Peter Meline & Associates, DA# 22028256
 - f. Acoustic report, Marshall Day Acoustics Pty Ltd, Rp 001 R01 20210748, 19/10/2022



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- g. Stormwater management plan, DBN Consulting Engineers Pty Ltd, 03/08/2022, revision 1
 - h. Traffic report, Phil Weaver & Associates, File 21-227, 19/01/2022 and traffic addendum, File 21-227, 05/08/2022
 - i. Email correspondence dated 02/03/2023 confirming agreement to remove the fascia signs on the eastern and western elevations of the existing building.
 2. The development and use is to:
 - a. Not operate or be open to the public outside the hours of 8am – 5pm, Monday to Friday
 - b. Have no illumination of signage
 - c. See all deliveries occur wholly on site and within the hours listed above
 - d. Offer mechanical repair and tyre change services only, as specified in the stamped planning report (Peter Meline & Associates, DA# 22028256)
 - e. Not include any panel beating, spray painting, restoration works, wrecking or storage of unserviceable vehicles, roadside assistance services, and/ or the storage of vehicles or parts for any of these purposes
 - f. See the signage to the front of the site moved out of the driveway access, as per the plan produced by MWM Drafting, Proposed industrial shed plan job ref. WEL_11-1, version 9 dated 21/12/2022
 - g. Have oil and trade waste removed from the site by a sealed tanker as required, with no unessential storage of such waste outside of the workshop building.
 3. All recommendations and assumptions within the environmental noise assessment by Marshall Day Acoustics Pty Ltd, Rp 001 R01 20210748, 19/10/2022 shall be implemented prior to the operation of the development:
 - a. Workshop shed constructed from profiled sheet metal to minimum BMT (base metal thickness) of 0.48mm, and is to achieve a minimum sound rating of Rw18, as per the EPA's Environment Protection (Noise) Policy 2007
 - b. Ensure that the fence to the western and southern boundaries is sealed at the base to the ground, rear and sides of the property and double skinned (i.e. supply additional sheet metal to the inside of the property)
 - c. Openings to the western side of the workshop are to be kept closed while car maintenance is being undertaken, tools being used or the like
 - d. No pneumatic or air tools or compressors are to be used on the site.
 4. Rubbish collection shall only occur between:
 - 9 am and 7 pm on a Sunday or public holiday;
 - 7 am and 7 pm on any other day.
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5. The fascia signage currently shown on the eastern and western elevations of the building to the front of the site is to be removed.
6. The entirety of the car parking area, including vehicle manoeuvring area and car parking spaces, is to be hard surfaced (asphalt or concrete) and line marked prior to occupation of the new building (workshop).
7. Staff and customer vehicle parking is to occur wholly within the subject land.
8. All car parking spaces must remain available for staff and customer parking at all times.
9. All stormwater infrastructure is to be installed in accordance with the stamped plan (prepared by DBN Consulting Engineers Pty Ltd, dated 29.07.2022, job no. ADL0327, revision C) and is to be completed prior to occupation of the new building.
10. Landscaping is to be planted as per the Vegetation Site Map within three (3) months of occupation of the new building (workshop). This vegetation is to be nurtured and maintained in a tidy and healthy state, with any dead, dying or diseased plants replaced in a timely manner, all to the reasonable satisfaction of Council.

Department for Infrastructure and Transport conditions:

11. All access to/from the development shall be gained in accordance with the plan produced by MWM Drafting, Proposed Industrial Shed Plan Job Ref WEL_11-1, Version 9 dated 21/12/2022.
12. All vehicles shall enter and exit the site in a forward direction and all manoeuvring shall be clear of impediments.
13. Stormwater run-off shall be collected on-site and discharged without impacting the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

Council Advisory notes

1. 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.



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. 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.
6. 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.

Seconded Geoff Parsons.

CARRIED
CAP20230315.02

5.2.2. 22000732 - BEYOND INK

Application ID	22000732
Applicant	Beyond Ink
Subject Land	Lot 15, 8 , 22 and 30 Mount Barker Road, Totness SA 5250
Nature of Development	Expansion of storage facility comprising seven storage buildings incorporating 30 shipping containers, maintenance shed, two caravan storage shelters and associated landscaping
Lodgement Date	3 March 2022
Relevant Authority	Council Assessment Panel



Zone	Employment Zone and Rural Zone
Planning and Design Code	2022.4 – 3 March 2022
Version Number	
Categorisation	Code Assessed (Performance Assessed)
Notification	Yes
Representations	6
Persons to be heard	4
Referrals - Statutory	Nil
Referrals - Non-Statutory	Development Engineering
Responsible Officer	Greg Sproule – Senior Planner
Recommendation	Grant Planning Consent subject to reserved matters, condition and advisory notes

Barbara Kempnich spoke against the application.

Jen Clark spoke against the application.

Sean Elliott, Beyond Ink 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 Beyond Ink to the expansion of storage facility comprising seven storage buildings incorporating 30 shipping containers, maintenance shed, two caravan storage shelters and associated landscaping at Lot 15, 8 , 22 and 30 Mount Barker Road, Totness SA 5250 as detailed in (Application ID: 22000732) subject to the following reserved matters, conditions, and advisory notes:

RESERVED MATTERS

The following detailed information shall be submitted for further assessment and approval by the Council Assessment Panel as reserved matter pursuant to Section 102(3) of the *Planning, Development and Infrastructure Act 2016* (the Act):



1. A stormwater management plan shall be provided to the satisfaction of Council that addresses the following:
 - a. Plans currently show stormwater discharged directly to the creek. Detention is to be provided restricting post-development flows to pre-development for both the 1% and 10% AEP events. Pre-development is to be assumed as grassed.
 - b. Given the site is predominantly unsealed any run-off towards the creek is to be treated before reaching the embankment. This could be achieved through vegetated strips with some depression storage to treat these flows.
 - c. Headwalls with scour protection at the outlets is to be provided for all pipes discharging to the creek. Scour protection is to be located outside of the creek line such that it does not conflict with the natural watercourse.
 - d. Preliminary plans shows gravel areas graded toward a GPT/GIP. Confirmation of what stormwater device is proposed prior to discharge into the creek and that the driveway and vehicle manoeuvring areas will be sealed with bitumen or concrete.

Pursuant to Section 102(1) of the Act, the Council Assessment Panel reserves its decision on the form and substance of any further conditions of planning consent that it considers appropriate to impose in respect of the reserved matters set out above. The Council Assessment Panel resolves to delegate the power to assess and determine specified reserved matters, including the power to impose further conditions of planning consent pursuant to Section 127(1) of the Act, to the Assessment Manager.

CONDITIONS OF PLANNING CONSENT

1. The development approved herein shall be established and maintained in accordance with approved plans and documentation.
2. All external lighting, including illuminated signage, shall be designed to comply with Australian Standard 4282-1997 'Control of the obtrusive effects of outdoor lighting', to ensure surface areas are appropriately lit without adversely impacting upon neighbouring properties or causing distraction to drivers on adjacent roads due to unreasonable glare and light spill.
3. The site and buildings are to be maintained in a neat and serviceable condition and operated in an orderly and tidy manner at all times, to the reasonable satisfaction of Council.
4. 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. 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.

6. The landscaping shown on the plans approved herein shall be established within 6 months of the commencement of the land use and shall be maintained and nurtured at all times to the reasonable satisfaction of Council, with all dead, dying or diseased plants being replaced in a timely manner.
7. All parking, driveways and manoeuvring areas shall be sealed in bitumen, concrete or brick paving prior to the operation of the land use approved herein.

NOTES

Council Advisory Notes

1. 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.
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. 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.
6. 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.

Seconded Geoff Parsons.....

CARRIED
CAP20230315.03

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

Assessment Manager provided a verbal update on an Appeal lodged with the ERD Court.



11. CLOSURE

Meeting declared closed at 10.39 hrs


CHAIRMAN

19.4.2023
DATE