

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 19 April 2023, commencing at 9.30 am.

PRESENT **(Members)** Mark Adcock (Presiding Member), Tom Gregory, Geoff Parsons, Sally Roberts and Harry Seager.
(Staff) Acting Manager – Planning, City Development (A Houlihan), Planner, City Development (D Henderson), and the Minute Secretary (Z Johnson).

1. APOLOGIES

2. CONFLICT OF INTEREST DECLARATION

Geoff Parsons declared a perceived conflict of interest in item 5.2.1 and resolved to take part in the meeting.

3. CONFIRMATION OF MINUTES

Moved Geoff Parsons that the minutes for the meeting held on 15 March 2023 be taken as read and confirmed.

Seconded Sally Roberts

CARRIED
CAP20230419.01

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. 22038393 – TOTNESS COMMERCIAL PTY LTD

Application ID	22038393
Applicant	Totness Commercial Pty Ltd
Subject Land	20-22, 23, 24 and 27 Follett Close, Totness Follett Close Road Reserve (portion) Lots 4-7 Enterprise Way in approved DA 580/D046/20 (identified in the Portal as being 7 and 7A Crompton Road, Totness)
Nature of Development	Bulky Goods Outlet, including associated advertisements, car parking, ancillary structures, solar photovoltaic panels, regulated and significant tree removal, earthworks and retaining, fencing, landscaping and infrastructure
Lodgement Date	16 January 2023
Relevant Authority	Assessment Panel at Mount Barker District Council
Zone	Employment
Sub Zone	N/A
Planning and Design Code Version Number	2022.24 – 22 December 2022
Categorisation	Code Assessed (Performance Assessed)
Notification	Yes
Representations	5
Persons to be heard	3
Referrals - Statutory	<ul style="list-style-type: none"> • Technical Regulator • Native Vegetation Council • Commissioner of Highways
Referrals – Non-Statutory	<ul style="list-style-type: none"> • Council's Development Engineer • Council's Urban Forest Officer • Council's Landscape Development Officer
Responsible Officer	Derek Henderson – Senior Planner
Recommendation	Grant Planning Consent



Dave Hemmings spoke on behalf of Barker Districts Bicycle Users Group to their representation.

Rod Gooden spoke to their representation.

Douglas McCarty spoke on behalf of Mt Barker & Districts Residents Association to their representation.

James Levinson & Melissa Mellen spoke on behalf of the applicant 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.

GRANT Planning Consent to the application by Totness Commercial Pty Ltd for a Bulky Goods Outlet, including associated advertisements, car parking, ancillary structures, solar photovoltaic panels, regulated and significant tree removal, earthworks and retaining, fencing, landscaping and infrastructure at 20-22, 23, 24 and 27 Follett Close, Closed Follett Close Road Reserve (portion) and Lots 4-7 Enterprise Way in approved DA 580/D046/20 (identified in the Portal as being 7 and 7A Crompton Road, Totness) 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 matters pursuant to Section 102(3) of the Planning, Development and Infrastructure Act 2016 (the Act):

1. A detailed bulk earthworks plan, confirming the levels, extent of works (limited to the subject site only) and all treatments (temporary and permanent) to stabilise the batter/escarpments is to be provided to Council satisfaction prior to commencement of any soil disturbance (topsoil removal) in Stage 2.
2. A final detailed design for the stormwater management report shall be provided to and approved by Council prior to Stage 4 (substructure). This design is to include an updated Stormwater Management Plan that includes the following:
 - i. Update both the pre-development and post-development Stormwater Catchment Plans such that they clearly detail the contributing catchments and their corresponding areas.



-
- ii. All detention volumes needs to be determined by targeting a desired outflow (which restricts flows to pre-development), whilst accounting for inflows generated by both major and minor storm events.
 - iii. Pit and pipe schedule to be provided at detailed design, showing pipe size, grade and location of each specific outlet control pit.
 - iv. Incorporation of a high flow bypass shall be incorporated into all detention systems.
 - v. Details of overland flow path from the basin.
 - vi. Planting schedule for 1-in-4 batters in the detention basin to stabilise these batters.
 - vii. Inclusion of WSUD features in the main carparking area.
 3. A detailed civil plan with accompanying supporting documentation is to be provided to Council satisfaction prior to Stage 4 (substructure) that includes all proposed civil works including, but not limited to:
 - i. The following traffic, carparking and road infrastructure:
 - Traffic Impact Statement with supporting Traffic Control Plan, in association with the detailed civil design, to be provided to Council's satisfaction that includes access from Adelaide Road and upgrade of Follett Close.
 - Follett Close and Burrett Way traffic control treatment.
 - Upgrade of Follett Close from the Innovation Drive intersection to the closed portion of Follett Close, including footpath provision, kerbing, crossovers to existing businesses, stormwater infrastructure, pavement treatment and street lighting.
 - Adequate sight lines to be demonstrated for a vehicle turning right out onto Burrett Way from the undercover car park.
 - Investigation into softening the radius of 90 degree (approximate) bend into carpark for all potential vehicles using the carpark.
 - Bicycle parking provision for 38 bicycles (in 19 bicycle rails) is to be detailed.
 - Detail of pedestrian and pathway linkages.
 - ii. Site layout.
 - iii. Final cut and fill levels, contours, floor levels, retaining walls and escarpment/batter contours and treatments.
 - iv. Stormwater management infrastructure and grades of carparking areas.

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:

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:
 - Response to Request for Information of Planning Studio dated 3 April 2023.
 - Applicant's Response to Representations by Planning Studio dated 17 March 2023.
 - Correspondence of Botten Levinson Lawyers titled "New Bulky Goods Outlet – 24 & 27 Follett Close, Totness" dated 11 November 2022.
 - Plans of Michael Carr Architect Project No. 21005 including:
 - Artists Impression Plan
 - TP-00 Rev A dated 30.09.22 – Site Context Plan
 - TP-01 Rev B dated 28.11.22 – Existing and Demolition Plan
 - TP-02 Rev A dated 30.09.22 – Title Plan
 - TP-03 Rev A dated 30.09.22 – Proposed Overall Plans
 - TP-04 Rev B dated 28.11.22 – Proposed Roof Plan, including Solar Panel Detail
 - TP-05 Rev A dated 30.09.22 – Proposed Elevations 1
 - TP-06 Rev A dated 30.09.22 – Proposed Elevations 2
 - TP-07 Rev A dated 30.09.22 – Proposed Sections 1
 - TP-08 Rev A dated 30.09.22 – Proposed Sections 2
 - Landscaping Plans of Wallbrink Landscape Architecture Dwg Nos 2227TP1-TP7.
 - Civil Drawings of Stantec Ref No. 22674-01 Sheets SW01-SW05 Revision 7 dated 31.03.23.
 - Stormwater Management Report of Stantec Rev 03 titled "Proposed Bunnings & Carpark" dated 28/03/2023.
 - Traffic and Parking Report of MFY titled Bulky Goods Development Follett Close, Totness dated October 2022 Ref: 21-0173 Rev A dated 28 October 2022.
 - Native Vegetation Clearance report of Environments by Design titled "Follett Close Development Data Report" dated 16/02/23.
 - Arboricultural Impact Assessment and Development Impact Report of Arborman Tree Solutions titled Site: 27 Follett Close, Totness Ref: ATS6579-027FolCIDIR-R3 dated 8 November 2022 and supplementary tree survey data.
 - Preliminary Site Investigation – Site History report by Environmental Projects titled Follett Close, Totness, South Australia, 5250 Revision 1 dated 8 September 2022.



2. All requirements in regard to the construction of driveways, carpark, footpaths/pathways and accesses are to be met prior to operation of the development to the satisfaction of Council, including:
 - i. Upgrade of Follett Close from the Innovation Drive intersection to the closed portion of Follett Close, including footpath provision, kerbing, crossovers to existing businesses, stormwater infrastructure, pavement treatment and street lighting.
 - ii. Provision of bicycle racks to accommodate 38 bicycles.
 - iii. Driveway crossovers designed and constructed to commercial specification.
 - iv. All vehicle car parks, driveways, vehicle entry and manoeuvring areas 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.
 - v. All car parks and traffic control devices 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).
3. All requirements in regard to stormwater management are to be met prior to operation of the development to the satisfaction of Council.
4. All landscaping as detailed within the Landscaping Plans of Wallbrink Landscape Architecture shall be planted prior to the opening of the business to the public. The plantings 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. Relocation of hollows from Tree 1 are to be incorporated into a landscape area/s on the subject land.
5. Removal of the 2 street trees (Ash trees) within the remaining Follett Close road reserve area to facilitate access to the development are subject to Council's 6-for-1 replacement Policy (fees are applicable). All Council requirements are to be satisfied to facilitate the removal.
6. All external lighting must be designed and constructed accordingly to conform to Australian Standards (AS 4282-1997).
7. Lighting of the signage shall occur only during opening hours.



8. 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.
9. Waste and rubbish shall not cause nuisance to nearby properties or detract from the amenity of the locality, to the reasonable satisfaction of Council, by:
 - i. Being appropriately contained, stored, managed and screened from public view to not cause odour impact, visual impact or unsanitary conditions; and
 - ii. Bins stored within designated enclosed/fenced area/s at all times except where removed for waste collection.
10. A Construction Management Plan is to be submitted to Council for approval prior to any earthworks (including topsoil removal) occurring. This must demonstrate erosion management measures that will protect the environment and road infrastructure from environmental harm through scoured runoff and mitigation of dust nuisance.
11. The filling of land is to be compacted to industry standards that would support building foundations. A compaction certificate from a qualified engineer is to be provided to Council that demonstrates engineered fill being achieved.

Condition imposed by Technical Regulator under Section 122 of the Act

12. The overhead powerlines currently running along Follett Close will need to be relocated underground prior to construction works covering this section. SA Power Networks will need an easement for the underground powerlines, and may impose conditions for future working requirements. Once the powerlines have been moved underground and the exact new location of the lines will be known, the applicant will need to contact our office again and apply for an exemption for building a structure directly above the underground lines (which will likely be granted, provided the applicant can demonstrate that the building can be built in a safe manner, and that SA Power Networks does not object to the proposal). Legislated distances to any remaining overhead lines and components need to be maintained between any structure and any live part, including for scaffold during the construction process.

Condition imposed by the Native Vegetation Council under Section 122 of the Act

13. Prior to any clearance of native vegetation, the Native Vegetation Council must provide written confirmation that the Significant Environmental Benefit requirements under the Native Vegetation Act 1991 have been satisfied.



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

14. All access to the subject site shall be gained via Burrett Way, Follett Close and the New Road/s shown on Wallbrink Landscape Architecture, Project: Bunnings Mt Barker Cnr Princes Highway & Mt Barker Road, Totness, SA, Drawing No. 2227TP1, Issue B dated 6 October 2022 and be consistent with MFY Traffic Report, Ref: 21-0173, Revision A dated 28 October 2022. No direct access to Mount Barker Interchange ramp or Adelaide Road shall be permitted.
15. All roads shown on Michael Carr Architect Pty Ltd Architecture Warehouse Level Plan, Project: 21005 Drawing No. TP-03, Revision A dated 14 October 2022 shall be constructed and open to the public prior to the development becoming operational.
16. The road modifications shown on MFY Traffic Report Figure 3 to the Adelaide Road/Burrett Way junction shall be undertaken to DIT standards and requirements with costs borne by the developer. The road modifications shall be undertaken prior to the development becoming operational.
17. The new road/s and internal car parking connections shall be suitably signed and line-marked to reinforce the desired traffic flow to/from the site.
18. Any infrastructure within the road reserve 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.
19. The final Stormwater Management Plan shall be developed in conjunction with the Department for Transport (DIT) and be designed in accordance with the DIT Master Specification RD-DK-D1 Road Drainage Design and other relevant guidelines. The point/s of discharge shall be confirmed and the pre-and post-development peak discharge to any DIT infrastructure is to be confirmed during detailed design.
20. All stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent road network. Any existing (and proposed) drainage on the abutting roads shall be accommodated by the development and any alterations to road drainage infrastructure as a result of this development are to be at the expense of the applicant.

Advisory Notes imposed by Council

1. An On-site Wastewater Works Application (including payment of applicable augmentation/sewer infrastructure fees to Council) and a Trade Waste Application,



-
- must be approved by Council and/or SA Health 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 applicant is reminded of the relevant obligations under the *Local Nuisance and Litter Control Act 2016*.
 4. The development is approved to be undertaken in stages, as follows:
 - Stage 1: Tree removals and erection of site fencing.
 - Stage 2: Site preparation, including removal of rubbish and debris from site.
 - Stage 3: Bulk earthworks, including removal of top soil and stockpiling of excess soil for removal off site and benching.
 - Stage 4: Sub structure.
 - Stage 5: Main building construction.
 - Stage 6: Carpark construction and landscaping.
 - Stage 7: Signage.
 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. If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.
 7. 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.
 8. No work can commence on this development unless a Development Approval has been obtained for that stage. 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.
-



9. 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).
10. 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).

Advisory Note imposed by the Native Vegetation Council under Section 122 of the Act

11. The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the Native Vegetation Act 1991 as set out in Decision Notification 2023/3052/580.

Advisory Note imposed by the Commissioner of Highways under Section 122 of the Act

12. The subject site abuts sections of the South Eastern Freeway and Adelaide Road that were proclaimed as controlled access road on 11 March 1982 pursuant to Part 2A of the Highways Act 1926. Departmental records show that there is no proclaimed or permitted means of access by which persons and vehicles may directly enter or leave the controlled access road from/to this site. All access is to be gained via the abutting local road network.

Seconded Tom Gregory

CARRIED
CAP20230419.02

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 10:52am


CHAIRMAN

17.5.2023
DATE

