

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 July 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 (D Henderson), Senior Planner, City Development (G Sproule) and the Minute Secretary (Z Johnson).

1. APOLOGIES

Nil.

2. CONFLICT OF INTEREST DECLARATION

Nil.

3. CONFIRMATION OF MINUTES

Moved Cr Harry Seager that the minutes for the meeting held on 17 May 2023 be taken as read and confirmed.

Seconded Sally Roberts

CARRIED
CAP20230719.01

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 **22005179 – BEYOND INK**

Application ID	22005179
Applicant	Beyond Ink
Subject Land	32 Sandow Road, Verdun
Nature of Development	Winery (not exceeding processing of 49.9 tonnes of grapes per annum) and cellar door in association with existing viticulture and associated car parking, decking and infrastructure
Lodgement Date	27 June 2022
Relevant Authority	Assessment Panel at the Mount Barker District Council
Zone	Productive Rural Landscape
Planning and Design Code Version Number	2022.11 – 23 June 2022
Categorisation	Code Assessed (Performance Assessed)
Notification	Yes
Representations	8
Persons to be heard	5
Referrals - Statutory	<ul style="list-style-type: none">• Nil
Referrals – Non-Statutory	<ul style="list-style-type: none">• Council’s Strategic Infrastructure and Development Engineers• Council’s Environmental Health Team
Responsible Officer	Derek Henderson – Senior Planner
Recommendation	Grant Planning Consent

Geoff Bach spoke against the application.

Phillip Brunning spoke against the application on behalf of Grant Beaty, Helen Bach & Geoff Bach

Adrian Callaghan spoke against the application.

Paul Yeates spoke against the application.

Helen Bach spoke against the application.

Sean Elliot, Paul Froggatt & Tarrant Hansen 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.

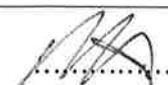
GRANT Planning Consent to the application by Beyond Ink for a Winery (not exceeding processing of 49.9 tonnes of grapes per annum) and cellar door in association with existing viticulture and associated car parking, decking and infrastructure at 32 Sandow Road, Verdun subject to the following conditions and advisory notes:

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:
 - Amended plans of Beyond Ink titled *Spider Bill Wines Cellar Door*, including Landscaping Plan.



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- Amended Hydraulic Services Report of BCA Engineers titled *Spider Bill Wines Cellar Door & Processing Facility* Revision P5 dated June 2023 and associated Hydraulic Services Plans.
 - Correspondence of Stantec dated 7 June 2023 and 07 October 2022.
 - Site Works & Stormwater Management Plans of MLEI Reference A2021-11943 and associated stormwater basin calculations and Stormwater Management Report.
 - Correspondence of Beyond Ink dated Friday, 18 February 2022; 25 May 2022, 7 October 2022 titled *Proposed Cellar Door (Shop), Winery, Associated Carpark and Rainwater Tanks (4 x 22.5kL) at 32 Sandow Road*
Response to representations by Beyond Ink dated Friday, 17 February 2023 including correspondence of Stantec dated 17 February 2023 and Environmental Noise Assessment of Sonus Ref: S7644C1 dated February 2023.
2. The operation of the cellar door is limited to the following:
- i. Hours of operation (opening hours) between 10.00am and 5.00pm only on any day, with any appointment only bookings being limited to daylight hours only.
 - ii. A maximum occupancy at any time of 75 persons.
 - iii. No amplified music.
3. The operation of the winery is limited to the following:
- i. Process no more than 49.9 tonnes of produce (grapes) per annum.
 - ii. Hours of operation between 7.00am and 7.00pm on any day between the months of March and April (inclusive).
 - iii. Hours of operation between 9:00am and 5:00pm, Monday to Friday only, for the months between May and February (inclusive).
4. All requirements in regard to the construction of driveways, carparks, footpaths/pathways and accesses are to be met prior to operation of the development to the satisfaction of Council, including:
- i. All vehicle car parks, driveways, vehicle entry and manoeuvring areas designed, constructed, delineated and maintained in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009), including being surfaced as per stamped plans 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.
 - ii. 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).
5. All landscaping as detailed within the stamped Landscaping Plan shall be planted within 3 months of the occupation of either the cellar door or winery. 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.
6. Any external lighting (e.g. security lighting) must be designed and constructed accordingly to conform to Australian Standards (AS 4282-1997).
7. The development must be connected to on-site wastewater systems in general accordance with the stamped Hydraulic Services Report of BCA Engineers prior to the commencement of operation.
8. All stormwater infrastructure is to be constructed and vegetated in accordance with the stamped plans of MLEI Reference A2021-11943 and completed prior to occupation of either the cellar door or winery.
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Advisory Notes imposed by Council

1. An On-site Wastewater Works Application must be approved by Council and/or SA Health prior (as applicable) prior to the commencement of building work for the approved development.
2. Signage is not included as part of the proposal. Any advertising signage which is not excluded from being defined as development will require a subsequent development authorisation to be issued prior to the erection of the sign/s.
3. 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.
4. 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*.
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. If you have any queries please contact Council on 8391 7200.
6. 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.
7. 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).
8. 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.

Seconded Cr Harry Seager

CARRIED
CAP20230719.02



5.2.2 22038795 - McDonald's Aust Pty Ltd

Application ID	22038795
Applicant	McDonald's Aust Pty Ltd
Subject Land	239 Wellington Road, Mount Barker
Nature of Development	Construction of a shop (restaurant) with associated advertising signage including one (1) freestanding pylon sign, drive-through, car parking, fencing and landscaping
Lodgement Date	23 March 2023
Relevant Authority	Assessment Panel at Mount Barker District Council
Zone	Master Planned Neighbourhood
Subzone	Emerging Activity Centre
Planning and Design Code Version Number	2023.4 - 16 March 2023
Categorisation	Code Assessed (Performance Assessed)
Notification	Yes
Representations	22
Persons to be heard	4
Referrals - Statutory	Commissioner of Highways
Referrals - Non-Statutory	Council Development Engineers
Responsible Officer	Greg Sproule - Senior Planner
Recommendation	Grant Planning Consent

Michael Cowin spoke against the application.

Douglas McCarty spoke against the application on behalf of the Mt Barker & Districts Residents Association.

David Hutchison spoke for the application.

The Panel discussed the application and reached the following decision;

Cr Harry Seager moved that the Council Assessment Panel:

RESOLVE that the proposed development is not seriously at variance with the provisions of the Planning and Design Code.

RESOLVE TO REFUSE Planning Consent to the application by McDonald's Aust Pty Ltd for the construction of a shop (restaurant) with associated advertising signage including one (1) freestanding pylon sign, drive-through, car parking, fencing and landscaping at 239 Wellington Road, Mount Barker as detailed in (Application ID: 22038795) for the following reasons:

Refusal Reasons

1. The design, scale and orientation of the building is not contextually appropriate and is at odds with General Development Policies, Design in Urban Areas DO 1 and PO 1.3 as it fails to adequately compliment the streetscape and positively contribute to the character of the locality.
2. The development is contrary to General Development Policies, Interface between Land Uses PO 1.2 and 4.1 given its proximity to adjacent residential development, its 24 hour/7 day operation, and its failure to



effectively minimise offsite amenity impacts to sensitive receivers in the nature of noise from the drive-through and drive-through waiting areas.

3. The proposed 9m Pylon Sign (located on approximately 3.5-4m of fill) is at odds with Emerging Activity Centre Subzone DPF 3.2 (a), PO 3.1, 3.2 (b), (c) and (d) and General Development Policies, Advertisements PO 1.2, 1.5, 2.1 and 2.2 as it:
 - a. Exceeds 8m in height;
 - b. Is not commensurate or consistent with the scale of signage on adjacent sites;
 - c. Is of a scale that is inconsistent with the residential character of the surrounding locality;
 - d. Would result in visual clutter of signage; and
 - e. Would be a dominant element in the locality.

Seconded Geoff Parsons

CARRIED
CAP20230719.03

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 12:48pm



CHAIRMAN

16 / 08 / 2023

DATE