

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 17 April 2024, commencing at 9.30 am.

PRESENT **(Members)** Mark Adcock (Presiding Member), Geoff Parsons, Sally Roberts and Harry Seager.
(Staff) Manager City Development (A Humphries), Senior Planner, City Development (M Fielke), and the Minute Secretary (Z Johnson).

1. APOLOGIES

Tom Gregory

2. CONFLICT OF INTEREST DECLARATION

Nil

3. CONFIRMATION OF MINUTES

Moved Sally Roberts that the minutes for the meeting held on 21 February 2024 be taken as read and confirmed.

Seconded Harry Seager

CARRIED
CAP20240417.01

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. 22041112 – GHD, RON VAN DEN BRINK

Application ID	22041112
Applicant	GHD Ron Van Den Brink

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Subject Land	137 Ambleside Road, Hahndorf SA 5245
Nature of Development	Horticulture (viticulture), restaurant and cellar door (shop), and associated decking, car parking, retaining walls, landscaping and infrastructure.
Lodgement Date	18 July 2023
Relevant Authority	Assessment Panel – Mount Barker District Council
Zone	Productive Rural Landscape Zone
Planning and Design Code Version Number	2023.9 – Dated 29 June 2023
Categorisation	Code Assessed (Performance Assessed)
Notification	Yes
Representations	One (1)
Persons to be heard	One (1)
Referrals - Statutory	Nil
Referrals - Non Statutory	Development Engineering Officer
Responsible Officer	Matthew Fielke – Senior Planner
Recommendation	Grant Planning Consent

Brooke Major and Alison Linford spoke to the application.

Gregg Jenkins spoke for the application.

The Panel discussed the application and reached the following decision;

Geoff Parsons 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 107 (2)(c) of the *Planning, Development and Infrastructure Act 2016*;

and

GRANT Planning Consent to the application by GHD for a change of use to horticulture (viticulture) and construction of a restaurant and cellar door (shop), associated decking, car parking, retaining walls, landscaping and infrastructure at 137 Ambleside Road, Hahndorf as detailed in Application ID: 22041112 subject to the following conditions, reserved matters and advisory notes:

RESERVED MATTERS

Pursuant to Section 102(3) of the Planning, Development and Infrastructure Act 2016, the following matters shall be reserved for further assessment, delegated by the Council Assessment Panel to the Assessment Manager to assess and approve the additional information, and to attach any conditions, prior to the granting of Development Approval (or select stage of the Development Approval):

Reserved Matter 1

Civil construction drawings – prepared by a suitably qualified Engineer – shall be submitted showing proposed cut and fill, compaction, contours, floor levels, retaining walls, stormwater treatment and disposal to the satisfaction of Council.

Reserved Matter 2

A detailed landscaping plan showing species selection, number of trees to be planted and a maintenance schedule, shall be provided to the satisfaction of Council.

Reserved Matter 3

The applicant shall lodge and have approved by the relevant authority an application to install a wastewater connection to service the development herein, a copy of the approval is to be provided to Council.

CONDITIONS

Council conditions

Condition 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. Relevant approved documentation includes:

- Planning drawings prepared by GHD, including:
 - Cover Sheet/Drawing Index – Project 12579838 - Drawing No. A000 – Dated 28 Nov 2022
 - Location Plan - Project 12579838 - Drawing No. A010 – Dated 28 Nov 2022
 - Site Plan - Project 12579838 - Drawing No. A020 – Dated 9 Nov 2023
 - Detail Site Plan - Project 12579838 - Drawing No. A030 – Dated 9 Nov 2023
 - Detail Entrance Plan - Project 12579838 - Drawing No. A031 – Dated 9 Nov 2023
 - General Arrangement – Ground Floor - Project 12579838 - Drawing No. A040 – Dated 28 Sep 2023
 - General Arrangement – Lower Ground - Project 12579838 - Drawing No. A041 – Dated 28 Sep 2023
 - Building Elevations – Sheet 1 of 2 - Project 12579838 - Drawing No. A050 – Dated 28 Nov 2023
 - Building Elevations – Sheet 2 of 2 – Project 12579838 - Drawing No. A051 – Dated 28 Nov 2023
 - Building Sections - Project 12579838 - Drawing No. A060 – Dated 28 Nov 2023
- Planning Report – GHD – Rev D – Dated 16 October 2023
- Letter from Group Logistics Pty Ltd – Vineyard Development – dated 30 Sep 2022
- Native Vegetation Clearance Level 1 Data Report – TS Environmental Consulting – Dated 26 Apr 2023
- Aboricultural Impact Assessment and Development Impact Report – Arborman Tree Solutions – ATS7204-137AmbRdDIR – Dated 21 April 2023
- Traffic and Parking Assessment – Frank Siow & Associates – Dated 4 Apr 2023
- Letter from Frank Siow & Associates – Response to Council’s RFI – Dated 8 Sep 2023
- Traffic Management Plan – Design Recommendations – Frank Siow & Associates – Drawing No. HA-231027 – Dated Oct 2023
- Stormwater Management Plan – GHD – Project 12579838 – Dated 18 Sep 2023
- Environmental Noise Assessment – Bestec – Document 57776/6/1 – Dated 22 March 2024
- Response to Representations – GHD – Project 12591489 – Dated 25 March 2024.

Condition 2

All vehicle car parks, driveways, vehicle entry and manoeuvring areas must be designed, constructed and maintained in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009) and Design Recommendations by Frank Siow & Associates, dated October 2023. The access point herein approved, must be constructed of a tree-sensitive pavement in accordance with Mount Barker Tree Sensitive Surface Design to the extent shown in the TPZ Encroachments Plan - Arborman Tree Solutions – Ref: ATS7204-137AmbRdDIR – Dated 24 Apr 2023.

Condition 3

Horticulture in the form of vineyards shall be established on the land prior to the commencement of operation of the cellar door and restaurant.

Condition 4

No gas guns or other noise emitting devices shall be used on the property to scare or deter bird life.

Condition 5

Chemical spraying of crops shall only take place where the weather conditions and spraying techniques can ensure that there is no spray drift beyond the planted areas.

Condition 6

The development shall be connected to SA Water infrastructure for water and sewage services.

Condition 7

Landscaping for the establishment of screening shall be planted prior to the planting of the vineyard. Screen planting should be provided to the western allotment boundary for the length of the vineyard and be maintained to effectively reduce chemical spray drift. The balance of landscaping shall be established prior to the granting of certificate of occupancy for the cellar door and restaurant.

Condition 8

Hours of operation are limited to the following:

Element of the Land Use	Hours of Operation
Shop (cellar door and restaurant)	10:00am to 5:00pm, Monday to Sunday
Horticulture	7:00am to 5:00pm, Monday to Sunday, excluding harvesting and spraying activities when required

Condition 9

The restaurant and cellar door herein approved shall have a maximum capacity of up to 150 persons (including staff) at any time.

Condition 10

All external lighting must be designed and constructed to conform to Australian Standard (AS 4282-1997).

Condition 11

Recommendations forming part of the Environmental Noise Assessment prepared by Bestec (dated 22 March 2024) relating to acoustic treatments and management of noise, shall be implemented by the applicant and be continually managed to ensure compliance with the *Environment Protection (Commercial and Industrial Noise) Policy 2023* and shall include:

For the acoustic integrity of building elements to be maintained, all gaps and interfaces along the junctions and joints of linings must be sealed with an appropriate acoustic grade sealant. Penetrations for mechanical or electrical services must be properly caulked and sealed around the ductwork and cabling to ensure the intended acoustic rating of the partition is retained.

Appropriate acoustic caulking products include:

- Bostik Firemastic.
- Bostik Seal-n-flex 2637.
- Pyropanel Multiflex.
- Trafalgar Fyreflex.
- Dow-Corning 790 Silicone.

- f. Dow-Corning 795 Silicone.
- g. Sika Sikaflex-11 FC.
- h. Fosroc Flamex 3.

Cavity Infill

Unless otherwise specified, where cavity infill is recommended, equivalent alternatives are: •

Fibreglass – 50mm, 12kg/m3.

- i. Rockwool – 50mm, 38kg/m3.
- j. Polyester – 900gsm.

Ceiling Overlay

Unless otherwise specified where ceiling overlay is recommended, equivalent alternatives are:

- k. Glasswool – 100mm, 12kg/m3.
- l. Rockwool – 100mm, 38kg/m3 .
- m. Polyester – 100mm, 32kg/m3 .

Where higher durability and/or water resistance is required, 6mm compressed fibre cement sheeting could be used in lieu of the 13mm fire-rated plasterboard and 9mm compressed fibre cement sheeting in-lieu of 16mm fire-rated plasterboard.

Music Noise

To ensure the music noise criterion is achieved at all times, if any speakers are to be installed in the Outdoor Dining area on lower ground, only background music be played through them. Given that conversation at normal voice level results in sound pressure level of 65dBA at 1m [7], the sound pressure level from any speakers should not exceed 65dBA at 1m.

Live Music Noise

Live music must only take place inside the Dining / Gallery, Private Dining and Tasting / Reception areas (internal to the building), with the bi-fold doors to the respective External Terraces remaining closed for the duration of the performance, as outlined in the acoustic report.

The applicant shall ensure that the products and materials used in the construction of the restaurant and cellar door building comply with any relevant bushfire standard under the National Construction Code.

Condition 12

The applicant/owner is advised that the works within Councils road reserve herein approved (including the driveway crossover) shall be undertaken in accordance with the relevant Council standards and Fact Sheets for works on a public road. These documents can be found on Council's website at www.mountbarker.sa.gov.au and hard copies are available from the Council office. Any portion of Council's infrastructure damaged as a result of work undertaken must be repaired/reinstated to Council's satisfaction at the applicant/owner expense.

Condition 13

Areas for activities including loading and unloading, storage of waste refuse bins in or wash-down areas used for the cleaning of vehicles, vessels, plant or equipment must be:

- a) designed to contain all wastewater within a bunded and roofed area to exclude the entry of external surface stormwater run-off
- b) paved with an impervious material
- c) designed to drain wastewater to either:

- i. a treatment device such as a sediment trap and coalescing plate oil separator with subsequent disposal to a sewer, private or Community Wastewater Management Scheme or
 - ii. a holding tank and its subsequent removal off-site on a regular basis.
- d) appropriately contained, stored, managed and screened from public view to not cause a visual impact or odour impact.

NOTES

Council Advisory Notes

Advisory Note 1

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.

Advisory Note 2

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.

Advisory Note 3

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 4

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).

Advisory Note 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.

Advisory Note 6

Any person proposing to undertake building work within the Mount Barker District Council 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.

Advisory Note 7

The application herein approved does not include outdoor entertainment. Further approval from Council is required should outdoor entertainment be proposed at any point in the future.

Advisory Note 8

The development shall comply with the Environment Protection (Commercial and Industrial Noise) Policy 2023.

Advisory Note 9

It is recommended that the applicants prepare and display a BUSHFIRE SURVIVAL PLAN (BSP) designed specifically for the purpose of any guests that may be present on the land during a bushfire event, especially during the Fire Danger Season. The BSP:

- a) should provide clear directions to persons that may be unfamiliar with the area/locality and unfamiliar with what protective actions they may need to take to protect their lives during a bushfire event, including when to take such protective actions; and
- b) should address the possibility that the owners may not be present at the time of the bushfire event; and
- c) should not expect guests to be involved in fire-fighting operations.

The SA CFS 'Bushfire Safety Guide For Business' document (refer to CFS website) should be utilised as a basis for information and the drafting of the (GUEST) BSP.

The applicant/owner should consider reducing operating hours and restrictions on days of heightened bushfire danger and/or bushfire events and consider including any alterations to bookings and services offered due to actual or predicted conditions during the Fire Danger Season in any booking/refund policy.

Seconded Harry Seager

CARRIED
CAP20240417.02

5.2.2. 22041142 – GHD, RON VAN DEN BRINK

Application ID	22041142
Applicant	GHD Ron Van Den Brink
Subject Land	280 Onkaparinga Valley Road, Hahndorf
Nature of Development	Horticulture (viticulture), restaurant and cellar door (shop), advertising signs and associated decking, car parking, landscaping and infrastructure
Lodgement Date	18 July 2023
Relevant Authority	Assessment Panel – Mount Barker District Council
Zone	Productive Rural Landscape Zone
Planning and Design Code Version Number	2023.9 – Dated 29 June 2023
Categorisation	Code Assessed (Performance Assessed)
Notification	Yes
Representations	One (1)
Persons to be heard	One (1)
Referrals - Statutory	Nil
Referrals - Non Statutory	<ul style="list-style-type: none">• Development Engineering Officer• Urban Forest Officer
Responsible Officer	Matthew Fielke – Senior Planner
Recommendation	Grant Planning Consent

Brooke Major and Alison Linford spoke against the application.

Gregg Jenkins spoke for the application.

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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 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*;

and

GRANT Planning Consent to the application by GHD for a change of use to horticulture (viticulture) and construction of a restaurant and cellar door (shop), advertising signs and associated decking, car parking, landscaping and infrastructure at 280 Onkaparinga Valley Road, Hahndorf as detailed in Application ID: 22041142 subject to the following conditions, reserved matters and advisory notes:

RESERVED MATTERS

Pursuant to Section 102(3) of the Planning, Development and Infrastructure Act 2016, the following matters shall be reserved for further assessment, delegated by the Council Assessment Panel to the Assessment Manager to assess and approve the additional information, and to attach any conditions, prior to the granting of Development Approval (or select stage of the Development Approval):

Reserved Matter 1

Civil construction drawings – prepared by a suitably qualified Engineer – shall be submitted showing proposed cut and fill, compaction, contours, floor levels, retaining walls, stormwater treatment and disposal to the satisfaction of Council.

Reserved Matter 2

A detailed landscaping plan showing species selection, number of trees to be planted and a maintenance schedule, shall be provided to the satisfaction of Council. This shall include a minimum 15m wide landscape strip adjoining the boundary of 300 Onkaparinga Valley Road, Hahndorf and 42 Johnsons Road, Balhannah for the length of the northern-most and eastern-most vineyards.

Reserved Matter 3

The applicant shall lodge and have approved by the relevant authority an application to install a wastewater connection to service the development herein, a copy of the approval is to be provided to Council.

Reserved Matter 4

An amended swept path diagram, showing a 12.5m Heavy Rigid Vehicle accessing and egressing the site in a forward direction shall be provided to the satisfaction of Council, noting changes to the proposed car park in Frank Siow & Associates Design Recommendations Plan (dated Oct 2023).

CONDITIONS

Council conditions

Condition 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. Relevant approved documentation includes:

- Planning drawings prepared by GHD, including:
 - Cover Sheet/Drawing Index – Project 12579838 - Drawing No. A100 – Dated 28 Nov 2022
 - Location Plan - Project 12579838 - Drawing No. A110 – Dated 28 Nov 2022
 - Site Plan - Project 12579838 - Drawing No. A120 – Dated 9 Nov 2023
 - Detail Site Plan - Project 12579838 - Drawing No. A130 – Dated 9 Nov 2023
 - General Arrangement – Ground Floor - Project 12579838 - Drawing No. A140 – Dated 28 Sep 2023
 - Building Elevations – Sheet 1 of 3 - Project 12579838 - Drawing No. A150 – Dated 1 Jun 2023
 - Building Elevations – Sheet 2 of 3 - Project 12579838 - Drawing No. A151 – Dated 1 Jun 2023
 - Building Elevations – Sheet 3 of 3 - Project 12579838 - Drawing No. A152 – Dated 1 Jun 2023
 - Building Sections – Sheet 1 of 2 - Project 12579838 - Drawing No. A160 – Dated 1 Jun 2023
 - Building Sections – Sheet 2 of 2 - Project 12579838 - Drawing No. A161 – Dated 1 Jun 2023
- Planning Report ‘Lakeside Cellar Door 280 Onkaparinga Rd Hahndorf’ – GHD – Rev D – Dated 16 October 2023
- Letter from Group Logistics Pty Ltd – Vineyard Development – dated 30 Sep 2022
- Native Vegetation Report – TS Environmental Consulting – Dated 22 Mar 2023
- Traffic and Parking Assessment – Frank Siow & Associates – Dated 28 Apr 2023
- Letter from Frank Siow & Associates – Response to Council’s RFI – Dated 8 Sep 2023
- Traffic Management Plan – Design Recommendations – Frank Siow & Associates – Drawing No. LS-231027 – Dated Oct 2023
- Stormwater Management Plan – GHD – Project 12579838 – Dated 18 Sep 2023
- Environmental Noise Assessment – Bestec – Document 57776/6/1 – Dated 22 March 2024
- Response to Representations – GHD – Project 12591489 – Dated 25 March 2024.

Condition 2

All vehicle car parks, driveways, vehicle entry and manoeuvring areas must be designed, constructed and maintained in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009) and Design Recommendations by Frank Siow & Associates, dated October 2023. The access point herein approved, must be constructed of a sealed all-weather surface (concrete or similar) and extend away from the Ambleside Road carriageway by no less than 10 metres.

Condition 3

Horticulture in the form of vineyards shall be established on the land prior to the commencement of operation of the cellar door and restaurant.

Condition 4

No gas guns or other noise emitting devices shall be used on the property to scare or deter bird life.

Condition 5

Chemical spraying of crops shall only take place where the weather conditions and spraying techniques can ensure that there is no spray drift beyond the planted areas.

Condition 6

The development shall be connected to SA Water infrastructure for water and sewage services.

Condition 7

Hours of operation are limited to the following:

Element of the Land Use	Hours of Operation
Shop (cellar door and restaurant)	10:00am to 5:00pm, Monday to Sunday

Horticulture	7:00am to 5:00pm, Monday to Sunday, excluding harvesting and spraying activities when required.
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Condition 8

The restaurant and cellar door herein approved shall have a maximum capacity of up to 150 persons (including staff) at any time.

Condition 9

All external lighting must be designed and constructed according to Australian Standard (AS 4282-1997).

Condition 10

Recommendations forming part of the Environmental Noise Assessment prepared by Bestec (dated 22 March 2024) relating to acoustic treatments and management of noise, shall be implemented by the applicant and be continually managed to ensure compliance with the *Environment Protection (Commercial and Industrial Noise) Policy 2023* and shall include:

For the acoustic integrity of building elements to be maintained, all gaps and interfaces along the junctions and joints of linings must be sealed with an appropriate acoustic grade sealant. Penetrations for mechanical or electrical services must be properly caulked and sealed around the ductwork and cabling to ensure the intended acoustic rating of the partition is retained.

Appropriate acoustic caulking products include:

- a. Bostik Firemastic.
- b. Bostik Seal-n-flex 2637.
- c. Pyropanel Multiflex.
- d. Trafalgar Fyreflex.
- e. Dow-Corning 790 Silicone.
- f. Dow-Corning 795 Silicone.
- g. Sika Sikaflex-11 FC.
- h. Fosroc Flamex 3.

Cavity Infill

Unless otherwise specified, where cavity infill is recommended, equivalent alternatives are: • Fibreglass – 50mm, 12kg/m3.

- i. Rockwool – 50mm, 38kg/m3.
- j. Polyester – 900gsm.

Ceiling Overlay

Unless otherwise specified where ceiling overlay is recommended, equivalent alternatives are:

- k. Glasswool – 100mm, 12kg/m3.
- l. Rockwool – 100mm, 38kg/m3 .
- m. Polyester – 100mm, 32kg/m3 .

Where higher durability and/or water resistance is required, 6mm compressed fibre cement sheeting could be used in lieu of the 13mm fire-rated plasterboard and 9mm compressed fibre cement sheeting in-lieu of 16mm fire-rated plasterboard.

Music Noise

To ensure the music noise criterion is achieved at all times, if any speakers are to be installed in the Outdoor Dining area on lower ground, only background music be played through them. Given that

conversation at normal voice level results in sound pressure level of 65dBA at 1m [7], the sound pressure level from any speakers should not exceed 65dBA at 1m.

Live Music Noise

The external doors to the Private Dining and Open Tasting / Dining areas (internal to the building) shall be closed when live music performances are taking place inside as outlined in the acoustic report.

The applicant shall ensure that the products and materials used in the construction of the restaurant and cellar door building comply with any relevant bushfire standard under the National Construction Code.

Condition 11

All advertising signage herein approved must be no greater than 2.1m² in size and be limited to those areas identified as 'SIGNAGE' in the stamped approved building elevation plans. Any additional advertising signage requires a separate application to Council.

Condition 12

The applicant/owner is advised that the works within Councils road reserve herein approved (including the driveway crossover) shall be undertaken in accordance with the relevant Council standards and Fact Sheets for works on a public road. These documents can be found on Council's website at www.mountbarker.sa.gov.au and hard copies are available from the Council office. Any portion of Council's infrastructure damaged as a result of work undertaken must be repaired/reinstated to Council's satisfaction at the applicant/owner expense.

Condition 13

Areas for activities including loading and unloading, storage of waste refuse bins in or wash-down areas used for the cleaning of vehicles, vessels, plant or equipment must be:

- a) designed to contain all wastewater within a bunded and roofed area to exclude the entry of external surface stormwater run-off
- b) paved with an impervious material
- c) designed to drain wastewater to either:
 - i. a treatment device such as a sediment trap and coalescing plate oil separator with subsequent disposal to a sewer, private or Community Wastewater Management Scheme or
 - ii. a holding tank and its subsequent removal off-site on a regular basis.
- d) appropriately contained, stored, managed and screened from public view to not cause a visual impact or odour impact.

Condition 14

Vineyards shall be set-back no less than 25m from the shared boundaries with 300 Onkaparinga Valley Road, Hahndorf and 42 Johnsons Road, Balhannah and include a 15m landscaped strip (adjacent the northern-most and eastern-most vineyards) compromising native species.

NOTES

Council Advisory Notes

Advisory Note 1

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.

Advisory Note 2

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.

Advisory Note 3

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 4

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).

Advisory Note 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.

Advisory Note 6

Any person proposing to undertake building work within the Mount Barker District Council 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.

Advisory Note 7

The application herein approved does not include outdoor entertainment. Further approval from Council is required should outdoor entertainment be proposed at any point in the future.

Advisory Note 8

The development shall comply with the Environment Protection (Commercial and Industrial Noise) Policy 2023.

Advisory Note 9

Any structure or building (inclusive of any water crossing) may require a water affecting activity permit from the Department for Environment and Water.

Advisory Note 10

It is recommended that the applicants prepare and display a BUSHFIRE SURVIVAL PLAN (BSP) designed specifically for the purpose of any guests that may be present on the land during a bushfire event, especially during the Fire Danger Season. The BSP:

- a) should provide clear directions to persons that may be unfamiliar with the area/locality and unfamiliar with what protective actions they may need to take to protect their lives during a bushfire event, including when to take such protective actions; and
- b) should address the possibility that the owners may not be present at the time of the bushfire event; and

- c) should not expect guests to be involved in fire-fighting operations.

The SA CFS 'Bushfire Safety Guide For Business' document (refer to CFS website) should be utilised as a basis for information and the drafting of the (GUEST) BSP.

The applicant/owner should consider reducing operating hours and restrictions on days of heightened bushfire danger and/or bushfire events and consider including any alterations to bookings and services offered due to actual or predicted conditions during the Fire Danger Season in any booking/refund policy.

Seconded Geoff Parsons

CARRIED
CAP20240417.03

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 11:49 am

CHAIRMAN

DATE

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