

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 March 2025, commencing at 9.30 am.

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

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 19 February 2025 be taken as read and confirmed.

Seconded Geoff Parsons

CARRIED
CAP20250319.01

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.


Chairman


Assessment Manager

5.2. PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT APPLICATIONS

5.2.1. 24025195 - Haydn Kuchel C/- Ben Green & Associates

Application ID	24025195
Applicant	Haydn Kuchel C/- Ben Green & Associates
Subject Land	2 Railway Terrace, Mount Barker SA 5251
Nature of Development	Demolition (and partial demolition) of existing buildings and construction of a shop (domestic services establishment) in the form of a car wash facility, associated advertising signs, solar panels (including tilt-up frame), fencing, car parking and landscaping. Associated alterations to existing commercial development on the land, including access, car parking and infrastructure.
Lodgement Date	5 September 2024
Relevant Authority	Assessment Panel at Mount Barker District Council
Zone	Neighbourhood Zone
Planning and Design Code Version Number	2024.16 – 29 August 2024
Categorisation	Code Assessed (Performance Assessed)
Notification	Yes
Representations	11
Persons to be heard	3
Referrals - Statutory	Commissioner of Highways
Referrals - Non Statutory	Development Engineering Officer Wastewater
Responsible Officer	Matthew Fielke – Senior Planner
Recommendation	Grant Planning Consent

John and Beverley Vertigan spoke against the application.

Glenda Norrish spoke against the application.

Haydn Kuchel, Ben Green from Ben Green & Associates, Andy Hayes from Phil Weaver and Associates Pty Ltd, and Alex Lee from echo Acoustic Consulting spoke for the application.

The Panel discussed the application and reached the following decision;

Sally Roberts moved that the Council Assessment Panel:

1. **RECOMMENDATION**

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

and


Chairman


Assessment Manager

GRANT Planning Consent to the application by Haydn Kuchel C/- Ben Green and Associates for the demolition (and partial demolition) of existing buildings and construction of a shop (domestic services establishment) in the form of a car wash facility, associated advertising signs, solar panels (including tilt-up frame), fencing, car parking and landscaping, as well as alterations to existing commercial development on the land, including access, car parking and infrastructure at 2 Railway Terrace, Mount Barker as detailed in Application ID: 24025195 subject to the following conditions, reserved matters and advisory notes:

RESERVED MATTERS

Reserved Matter 1

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*:

1. A detailed Civil and Stormwater Management Plan, showing:
 - a. Design site and floor levels for the proposed development, including all GIP's and surface grading for stormwater management purposes and access points, ensuring that these gradients are reflective of the recommendations by Phil Weaver & Associates in Page 3 of the Traffic and Parking Statement – dated 28 October 2024;
 - b. Detailed design of the swale drain adjacent to the Wellington Road property boundary OR an alternative design that directs this upstream catchment through on-site stormwater infrastructure and into Railway Creek. The latter option may facilitate the removal of the culvert, junction box and headwall beneath and adjacent the proposed crossover.
 - c. Provision of any associated DRAINS model, confirming that all internal stormwater infrastructure can contain the 10% AEP flows with no upwelling.

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

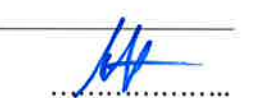
Council conditions

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:

- Location Plan – Paul Langcake Design Pty Ltd – Job No: 240204 – Drawing PL-1A – Dated Feb 2025
- Site Plan - Paul Langcake Design Pty Ltd – Job No: 240204 – Drawing PL-2E – Dated Feb 2025
- Proposed Floor Plan – Car Wash & Vac Bays - Paul Langcake Design Pty Ltd – Job No: 240204 – Drawing PL-3A – Dated Feb 2025
- Elevations - Paul Langcake Design Pty Ltd – Job No: 240204 – Drawing PL-4A – Dated Feb 2025
- Vac Bays, Storage & Dog Wash Building Plans and Elevations - Paul Langcake Design Pty Ltd – Job No: 240204 – Drawing PL-5 – Dated Feb 2025
- Site Plan (Landscape Plan) – Looka Design – Project No: J000527 – Drawing A01 Rev 01 – Dated 3 Mar 2025


Chairman


Assessment Manager

- Letter from Haydn Kuchel – Care Clean Car Wash – Dated 30 January 2025
- Environmental Noise Assessment – Echo Acoustic Consulting – Reference ID: 422-4 – Dated 27 Feb 2025
- Response to Representations – Echo Acoustic Consulting – Reference ID: 422-4 – Dated 20 Jan 2025
- Lighting Plan – SAL National Pty Ltd – Job No: Ax64-280624 – Dated 28 Jun 2024
- Stormwater Management Plan – Tonkin Consulting – Project No: 240858 – Drawing C10 Rev B – Dated 28 Oct 2024
- Response to Representations – Tonkin Consulting – Project No: 240858L002B – Dated 3 Mar 2025
- Hydraulic Specifications – Secon Consulting Engineers – Project No: C4204 – Dated 29 Jul 2024
- Traffic and Parking Statement – Phil Weaver & Associates – File Ref: 24-120 – Dated 28 Oct 2024
- Response to Representations – Phil Weaver & Associates – File Ref: 24-120 – Dated 28 Feb 2025
- Planning Report – Ben Green & Associates – Dated 12 Aug 2024
- Response to Representations – Ben Green & Associates – Dated 3 Mar 2025

Condition 2

Hours of operation for the proposed car wash facility are limited to the following:

- Full site operation (excluding Dog Wash) - 6:00am to 10:00pm
- Dog wash - 7:00am to 10:00pm
- One (1) automatic wash bay – 10:00pm to 6:00am

Condition 3

On-site waste collection shall occur during the following:

- Sundays and Public Holidays – 9:00am to 7:00pm
- Any other day – 7:00am to 7:00pm.

Condition 4

Car parking associated with the balance of the land to the north shall be established, drained and line-marked consistent with the approved Site Plan, prepared by Paul Langcake Design Pty Ltd and relevant Australian Standards (AS/NZS 2890.1:2004, AS/NZS 2890.6:2022 and AS 2890.2:2018), prior to the granting of Certificate of Occupancy.

Condition 5

Any Landscaping or fencing within the 2.5m x 2.0m sight line for pedestrian safety adjacent to the egress point on Railway Terrace shall not include any visual obstructions greater than 0.8m in height.

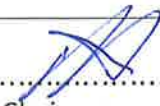
Condition 6

All external lighting must be designed and constructed to conform to Australian Standards (AS 4282-2019 'Control of the obtrusive effects of outdoor lighting').

Condition 7

The development shall be constructed and operated in accordance with the approved plans and associated Environmental Noise Assessment prepared by Echo Acoustics, prior to the occupation of the development, in particular:

1. Restrict the operation of manual wash bays to the hours between 6:00am and 10:00pm
2. Restrict the operation of vacuum bays to the hours between 6:00am and 10:00pm
3. Restrict the operation of the dog wash to the hours between 7:00am and 10:00pm


Chairman


Assessment Manager

4. Install doors to both the entry and the exits of the automatic wash bays that incorporate frames and seals to achieve the recommended acoustic rating. The *RL3000 high speed rapid roller door* supplied by *DMF International* is an example of a door that can achieve the acoustic rating.
5. Infill the walls adjacent the 'super' manual wash bay, automatic wash bays and vacuum bays such that they extend (and seal air tight) to the underside of the roof structure. A suitable material for the infill between the documented concrete walls and the underside of the roof is sheet metal with a base metal thickness (BMT) of at least 0.42mm (or an alternative material with an equal or greater surface density, such as fibre cement sheet).
6. Construct the roof/ceiling of the automatic wash bays as follows:
 - a. sheet metal roof constructed from sheet metal with a BMT of at least 0.42mm
 - b. 6mm thick fibre cement sheet ceiling (or an alternative material with an equal or greater surface density, 8.5kg/m²)
 - c. Insulation that is at least 75mm thick (with a minimum density of 14kg/m³) within the cavity between the roof and the fibre cement sheet
7. Incorporate acoustically absorbent material to the full practicable extent of the following surfaces (with a gap at the ground to prevent moisture buildup):
 - a. the walls of the manual wash bays
 - b. the wall behind the vacuum bays
 - c. the wall at the entry of the automatic wash bays
 - d. the full extent of the underside of the manual wash and vacuum bays canopy
 - e. the full extent of the underside of the covered entry into the automatic wash bays
 - f. the full extent of the underside of the auto wash bay fibre cement sheet ceiling (as recommended at Item 6 above)

The acoustically absorbent material shall either be 50mm thick insulation (with a minimum density of 32kg/m³) installed in accordance with Figure 6, or a weatherproof material that achieves a noise reduction coefficient (NRC) of at least 0.8 (such as Pyrotek "Reapor" panel).
8. Construct minimum 3.3m and 2.4m high fences at the boundary of the development. The fences shall be constructed from sheet metal with a BMT of at least 0.42mm (or a material with an equal or greater surface density) and all junctions sealed airtight (including at the ground, at the buildings and between sheets)
9. Ensure that all grates and drains are fitted to not generate noise when driven over
10. Ensure that all alarms are set to a level that is inaudible at the receivers.

Condition 8

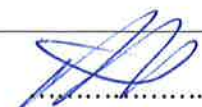
No background music shall be played on-site at any time.

Condition 9

The landscaping shall be planted generally in accordance with the approved Landscape Plan within one (1) month of Certificate of Occupancy being granted. All areas of landscaping shall be irrigated and all vegetation is to be nurtured and maintained with any diseased or dying vegetation replaced in a timely manner.

Condition 10

The existing on-site wastewater systems shall be decommissioned: sludge from the existing septic tank should be removed by a licensed liquid waste contractor and the tank should be removed. Any existing connection point/s surplus to requirements are required to be re-instated to councils technical requirements including: removal of the existing drain to 1 metre off the existing point; installation of an access coupling and screw cap; minimum of 300mm sand backfill with the connection cover to be reinstated to surface level. Written confirmation shall be submitted by a suitably qualified person to confirm the onsite wastewater system has been decommissioned prior to Council granting a land division certificate.


Chairman


Assessment Manager

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

Condition 11

All access to/from the development shall be gained in accordance with the Site Plan produced by Paul Langcake Design Pty Ltd, Job No. 240204, Revision B, dated 17/10/2024. The Wellington Road access shall be angled at 70 degrees to the road and provided with internally facing 'No Entry' (R2-4) signage and externally (south-east) facing 'No Right Turn' (R2-6(R)) signage in order to legally restrict movements at this access point to left turn entry only. The entry and exit points shall be suitably signed and line-marked to reinforce the desired traffic flow.

Condition 12

Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.

Condition 13

All vehicles shall enter and exit the site in a forward direction. All on-site vehicle manoeuvring areas shall remain clear of any impediments.

Condition 14

All off-street vehicle parking and manoeuvring areas shall be designed in accordance with AS/NZS 2890.1:2004, AS/NZS 2890.6:2022 and AS 2890.2:2018.

Condition 15

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.

Condition 16

Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

ADVISORY NOTES

Planning Consent

Advisory Note 1

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 2

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 3



Chairman



Assessment Manager

Any pruning required to existing street trees shall be undertaken under the guidance of Council's Urban Forest Officer. Any necessary approvals or permits shall be granted prior to any pruning works occurring. For example, pruning of the existing English Oak Tree to the corner of Adelaide Road and Druids Avenue may require a Development Approval as this tree forms part of a Local Heritage Place. Please contact Council's Urban Forest Officer on (08) 8391 7200 to discuss further.

Advisory Note 4

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.

Advisory Note 5

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.

Advisory Note 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.

Advisory Note 7

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.

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.

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 8

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).


Chairman


Assessment Manager

Seconded Geoff Parsons

CARRIED
CAP20250319.02

6. REVIEW OF ASSESSMENT MANAGER DECISIONS
Nil

7. INFORMATION REPORTS

7.1 TITLE: COUNCIL ASSESSMENT PANEL ANNUAL REPORT 2024

DATE OF MEETING: 19 MARCH 2025

FILE NUMBER: DOC/21/34753

The Panel discussed the report and reached the following decision;

Harry Seager moved that the Council Assessment Panel:

Recommendation

It is recommended to the Council Assessment Panel that:

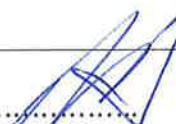
1. The draft Council Assessment Panel Annual Report 2024 (appended as Attachment 1 of the Agenda Report) be supported for presentation to Council.
2. That the Assessment Manager be authorised to make any changes of a minor or technical nature, including updates to CAP meeting data.

Seconded Sally Roberts

CARRIED
CAP20250319.03

8. CONFIDENTIAL REPORTS
Nil.

9. POLICY MATTERS ARISING FROM THIS AGENDA
Nil.


Chairman


Assessment Manager

10. OTHER BUSINESS

Application ID	24038722
Applicant	Beyond Ink
Subject Land	44, 46 & 48 Adelaide Road, Mount Barker SA 5251
Nature of Development	Demolition of all existing buildings (including one (1) Local Heritage Place - ID 16124), removal of two (2) Regulated Trees (one <i>Platanus orientalis</i> and one <i>Liquidambar styraciflua</i>), construction of a two-storey consulting room building, associated signage (advertising), fencing, retaining, carparking and landscaping.

Appeal has been lodged with the Environment, Resources and Development Court for Development Application (24038722) refused by the Council Assessment Panel on the 19 February 2025.

11. CLOSURE

Meeting declared closed at 10:54 AM


CHAIRMAN


DATE

ASSESSMENT MANAGER

DATE


Chairman


Assessment Manager

