

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 21 May 2025, commencing at 9.30 am.

PRESENT **(Members)** Tom Gregory, Geoff Parsons, Sally Roberts and Harry Seager.
(Staff) Manager City Development (Assessment Manager) (A Houlihan), Team Leader Planning, City Development (G Sproule), Team Leader Development Engineering (M Graham), the Minute Secretary (K Malik) Business Support Officer City Development (D Minear).

1. APOLOGIES

Mark Adcock (Presiding Member)

Andrew Houlihan (Assessment Manager) commenced the meeting advising that in the absence of Mark Adcock (Presiding Member) a chair for this meeting needed to be appointed.

Tom Gregory nominated Geoff Parsons

Seconded Sally Roberts

2. CONFLICT OF INTEREST DECLARATION

Nil.

3. CONFIRMATION OF MINUTES

Moved Harry Seager that the minutes for the meeting held on 16 April 2025 be taken as read and confirmed.

Seconded Tom Gregory

CARRIED
CAP20250521.01

4. REPORTS DEFERRED

Nil.

5. REPORTS BY OFFICERS

5.1. DEVELOPMENT ACT APPLICATIONS

5.1.1. NON-COMPLYING APPLICATIONS

Nil.


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5.1.2. CATEGORY 3 APPLICATIONS

5.1.2.1 580/D051/20 – 332 WELLINGTON ROAD PTY LTD

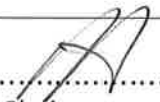
Development Number	580/D051/20
Applicant	332 Wellington Road Pty Ltd
Subject Land	332 Wellington Road, Mount Barker SA 5251 and portion of Fidler Lane, Mount Barker & Wistow SA 5251
Nature of Development	Land Division (1 allotment into 254 residential allotments and public reserves), partial removal of Local Heritage Place ID 18694 (Avenue of Indigenous Trees), and the associated provision of infrastructure, landscaping and tree removal
Lodgement Date	10 December 2020
Development Plan	Mount Barker District Council – Consolidated 20 August 2020 (being lodged 10 December 2020)
Zone	Residential Neighbourhood Zone
Policy area	14 - Restricted Urban
Relevant Authority	Council Assessment Panel
Categorisation	Merit - Category 3
Notification	Yes
Representations	16
Persons to be heard	8
Referrals – State Agency	Statutory • Commissioner of Highways • Environment Protection Authority • Department for Environment and Water (River Murray Act) • State Planning Commission Non-Statutory • Native Vegetation Council • South Australian Country Fire Service • SA Water • South Australian Housing Authority
Referrals – Internal (Council)	• Development Engineering & Infrastructure Planning • Urban Forest Officer • Landscape Development Officer • Heritage Advisor • Wastewater Engineer
Responsible Officer	Greg Sproule - Team Leader Planning
Recommendation	Grant Planning Consent subject to reserved matters, conditions and advisory notes

Dave Hemmings spoke on behalf of Paths and Trails Mount Barker and Beyond Group's representation.

Dave Hemmings spoke to his representation.

Dave Hemmings & Julie Hockey spoke on behalf of Wayne Burt's representation.

Julie Hockey spoke on behalf of Mt Barker District Residents' Association's representation.


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Daniel Hockin spoke on behalf of Community Voice for the Environment's representation.

Prue Pethick spoke on behalf of Marian MacLucas's representation.

Anthony Andolfatto (Director TORO Property Projects Pty Ltd Toropp), Zoë Garnaut – Ekistics Planning, Paul Morris – Empirical Traffic Advisory, Dr Travis Howe – Umwelt Ecology, Cindy Oliver – Greenhill Engineers spoke for the application.

The Panel discussed the application and reached the following decision;

Tom Gregory moved that the Council Assessment Panel:

1. RECOMMENDATION

It is recommended that the Council Assessment Panel resolves to:

DETERMINE that the proposed development is not seriously at variance with the provisions of the Mount Barker District Council Development Plan (consolidated 20 August 2020).

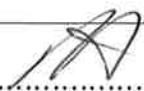
Grant Planning Consent to the application by 332 Wellington Road Pty Ltd for the Land Division (1 allotment into 254 residential allotments and public reserves), partial removal of Local Heritage Place ID 18694 (Avenue of Indigenous Trees), and the associated provision of infrastructure, landscaping and tree removal at 332 Wellington Road, Mount Barker SA 5251 and Fidler Lane, Mount Barker & Wistow SA 5251, as detailed in Development Application 580/D051/20, 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 Assessment Manager as reserved matter pursuant to Section 102(3) of the *Planning, Development and Infrastructure Act 2016* (the Act):

1. The applicant is to provide a revised Stormwater Management Plan and Landscape Masterplan to the satisfaction of Council that:
 - a. Achieves a balanced design outcome for reserve 5001 with regard to providing adequate stormwater detention, water quality treatment and a high quality and functional landscape design outcome;
 - b. Adequately demonstrates the appropriate conveyance of the existing watercourses and external flows through the development; and
 - c. Minimises ongoing maintenance obligations with regard to the water quality treatment areas.
 - d. A landscape plan shall be provided including locally indigenous plant species best suited to current and future climate conditions, avoid pest plant, and weed species. Existing planting retention to be confirmed on the landscape plan to the satisfaction of the Assessment Manager.
 - e. The Applicant shall demonstrate and provide opportunities for an increase in path width to the relevant standards within Fidler Lane.

Pursuant to Section 127(1) of the Act, the Assessment Manager 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.


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Planning Consent Conditions

Condition 1

The development herein approved shall be carried out in accordance with the plans and documentation accompanying this application, including but not limited to the following:

- Plan of Division – Contours & Aerial Overlay Plans Revision Q, dated 22.01.2025 prepared by Alexander Symonds
- Landscape Masterplan – Revision E dated 17.03.2025 prepared by GD Studia
- Engineering Plan 24-3504-SK0015 – Fidler Lane / Wellington Road Intersection Tree Encroachment Sketch prepared by Greenhill Engineering, Revision E dated 24.4.2025
- Traffic Impact Assessment - 31.1.2025 prepared by Empirical Traffic Assessment Pty Ltd
- Response to Council RFI – Traffic matters ETA Response to RFI – 11.4.2025
- Preliminary Tree Assessment 332 Wellington Road, Mount Barker – reference ATS5820-332WelRdPTA-R1 dated 17.7.2021 prepared by Arborman Tree Solutions Pty Ltd
- Preliminary Tree Assessment 2 Fidler Lane, Mount Barker – reference ATS7633-002FidLnPTA dated 30.4.2024 prepared by Arborman Tree Solutions Pty Ltd
- Native Vegetation Clearance Report, Version 2.2 dated 6.6.2025 and prepared by Travis How of Umwelt (Australia) Pty Ltd
- Preliminary Site Investigation – reference KFM-EE-00102 and dated 18.01.2021 prepared by KFM Geotech Pty Ltd
- Targeted Soil Site Contamination Investigation Report – reference KFM-EE-00106 and dated 29.11.2021 prepared by KFM Geotech Pty Ltd

except where amended by the following conditions and requirements.

Condition 2

With reference to the Native Vegetation Clearance Report, Version 2.2 dated 6 May 2025, the removal of native vegetation for the development shall be limited to the twenty-five (25) trees identified and listed in Table 5.1 - Clearance summary and total SEB obligations for scattered trees impacted by the Project (subject to the requirements of the Native Vegetation Act and Regulations).

Condition 3

Prior to the commencement of any earthworks on the site, tree protection zones (TPZs) must be established around all regulated and/or significant trees and native vegetation being retained as part of the development to the reasonable satisfaction of the Council. Tree protection zones must be fenced and sign-posted, and no persons, vehicles or machinery must enter the tree protection zones without the consent of the Council or a professional arborist with a minimum qualification of a Certificate V in Arboriculture.

Condition 4

Any infrastructure works (e.g. road construction, drainage pipes) required to be installed within a tree protection zone (TPZ) of a regulated tree, significant tree or remnant tree to remain on the land or encroaching from adjoining land is to be undertaken in a tree-sensitive manner. The detailed design and methodology for these works is to be endorsed by a professional arborist with a minimum qualification of a Certificate V in Arboriculture and consented to by Council prior to the works being undertaken.

Condition 5

Thorough aerial inspection and appropriate maintenance pruning of the trees to be retained in the road reserve and in all proposed Reserve Areas shall be undertaken by a minimum of a Certificate 3 qualified


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Arborist in accordance with Australian Standard 4373 2007 'Pruning of Amenity Trees'. The pruning shall be restricted to maintenance pruning which will include the removal or reduction of canopy defects and deadwood.

Condition 6

Woody and herbaceous weeds shall be removed from all proposed Reserve Areas prior to Section 138 Clearance.

Condition 7

Any roadworks or footpaths which are yet to be specified and undertaken within tree protection zones (TPZ's) are to be designed and installed above existing surface levels with no excavation of the natural material other than the removal of organic material from the surface and shall include:

- (a) Footpaths and carriageway surface treatments should be laid on gap-graded pervious with a pervious aerated compactable sub base underneath. The subgrade within tree protection zones shall not be compacted, and roads should be designed accordingly to meet requirements.
- (b) Provision for seepage of stormwater run-off into the subsurface of the TPZ's (i.e. back of kerb storm water inlets and soakage pits) shall be included within the detailed civil design.

Condition 8

The retained trees, including any tree canopy that encroaches onto the land from adjoining land (including reserves and road reserves), are to be maintenance pruned such that they are fit for purpose for the subject land. The proposed maintenance pruning works is to be endorsed by a professional arborist with a minimum qualification of a Certificate V in Arboriculture and consented to by Council prior to the works being undertaken. These works and requirements are to be completed prior to issuing of Section 138 clearance for each relevant stage.

Condition 9

Staging of the development is to occur in accordance with the stamped plan of division.

Condition 10

To provide adequate asset protection zones for individual allotments throughout the various stages of development, a 20 metre wide fuel reduced buffer zone is to be established around the perimeter of each stage. The buffer zones should be grassland or similar vegetation, cleared of obstructions to allow mechanical slashing in order to reduce the vegetation to a maximum height of 10 centimetres for the duration of the Fire Danger Season.

Condition 11

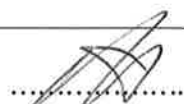
For the purposes of Regulation 67 of the Planning, Development and Infrastructure (General) Regulations 2017, the operative date of Development Authorisation will lapse at the expiration of:

- (a) Within 2 years from the operative date of the approval unless substantial work of the development has been commenced; otherwise
- (b) After 5 years from the operative date unless all works of the development are substantially or fully completed, including all stages of the development.

Conditions recommended by the Commissioner of Highways

Condition 12

All access to/from the allotments in this development shall be gained via the local road network in accordance with the site plan produced by Alexander Symonds, Drawing No. 20A1410PROP TORO (P), dated 22.1. 2025.



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Condition 13

The Wellington Road/Fidler Lane junction shall be upgraded with a channelised right turn treatment (CHR) in accordance with the layout plan prepared by Greenhill, Drawing No. 24-3504-SK009, Rev C dated 30.1.2025. A basic left turn treatment (BAL) shall also be provided on Wellington Road adjacent the south-western corner of the junction. All required road works shall be designed and constructed in accordance with Austroads Guides, Australian Standards and the Department for Infrastructure and Transport (DIT) Master Specifications. All associated costs (including project management and any necessary road lighting and drainage upgrades) shall be borne by the Applicant. All works shall be completed to the satisfaction of DIT prior to Section 138 land division certificates being issued.

Condition 14

Note: The Applicant shall contact DIT's Senior Network Integrity Engineer, Mr Narendra Patel on telephone 08 7133 3208 or via email at Narendra.Patel@sa.gov.au, to discuss the proposed road works prior to undertaking any detailed design. Furthermore, the developer will be required to enter into a 'Developer Agreement' to undertake the above works.

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

A final stormwater management plan shall be developed in conjunction with DIT. All drainage infrastructure is to be to the satisfaction of Council and DIT.

Condition 17

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.

Conditions directed by the Environment Protection Authority

Condition 18

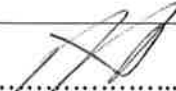
The detailed design of the stormwater management system (including biofiltration basins, detention basins, a GPT and rainwater tanks) must be established in accordance with the treatment train outlined in the Preliminary Stormwater Management Plan prepared by Greenhill Engineers, and must:

- (a) meet the following quality targets:
 - i. suspended solids (SS) - 80% reduction of the typical urban annual load with no treatment
 - ii. total phosphorus (TP) - 60% reduction of the typical urban annual load with no treatment
 - iii. total nitrogen (TN) - 45% reduction of the typical urban annual load with no treatment
- (b) ensure runoff is maintained at pre development levels.
- (c) ensure groundwater resources are not impacted.
- (d) mitigate flood risk.
- (e) ensure the stormwater management system is adequately maintained.

Conditions directed by the Department for Environment and Water

Condition 19

During any works or construction activities associated with the land division, the subject land must be managed to prevent erosion and pollution of the site and the environment, including keeping the area in a


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tidy state and ensuring any waste materials are appropriately contained, to ensure no pollutants (including excavation or fill material) enter the River Murray system.

Planning Consent Advisory Notes

Mount Barker District Council

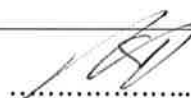
1. A 'measure of protection' from the approach, impact and passing of a bushfire for the urban development is to be achieved through the design of water reticulation services in accordance with Planning and Design Code and Ministerial Specifications. A water supply and fire plug/hydrant system of adequate capacity to be used for fire and other emergencies within the proposed development area shall be provided to the appropriate SA Water Standards.
2. As your proposed development includes construction works on Council roads or connections to Council assets you will need to lodge the relevant Application to Undertake Works on Council Land form(s) for the works, which are available on the Council website. Works must not proceed until an approved Permit has been issued by Council.
3. 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, including ensuring that the permanent drainage infrastructure remains free of accumulated material during construction and throughout the maintenance period. 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.
4. No works or modification should be undertaken in any watercourse without a permit for a Water Affecting Activity from the Department for Environment and Water.
5. Retaining walls constructed to retain a difference in ground level exceeding 1 metre in height require development approval (through a subsequent development application).

Advisory Notes recommended by the Commissioner of Highways

6. Should traffic flows on Wellington Road be impacted during the construction phase of the development, the Applicant is required to obtain approval from DIT's Traffic Management Centre (TMC) for the implementation of a traffic management plan. Before any construction works the contractor(s) will be required to complete a 'Notification of Works' form via the following link: https://www.dit.sa.gov.au/contractor_documents/works_on_roads_by_other_organisations.

Advisory Notes recommended by the Department for Environment and Water

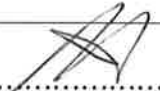
7. The Applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
8. Prior to the clearance of native vegetation for any purpose, the Applicant should consult the Native Vegetation Council to determine relevant requirements under the Native Vegetation Act 1991 and its Regulations, which may include the provision of a Significant Environmental Benefit. Note that 'clearance' means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal or trimming of branches, severing roots, drainage and reclamation of wetlands, and in some circumstances


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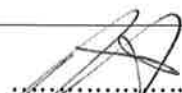
grazing by animals. For further information contact the Native Vegetation Council on telephone 8303 9777 or visit: <http://www.nvc.sa.gov.au>.

9. The Applicant is encouraged to incorporate locally indigenous plant species into any landscaping, screen planting or revegetation activities at the site to enhance the natural character of the locality, stabilise soils and provide habitat for native species. For information on appropriate species to be planted, please contact State Flora at Bremer Road, Murray Bridge on telephone 8539 2105, or within Belair National Park on telephone 8278 7777 or visit: <http://www.stateflora.sa.gov.au>.
10. It is important to note that the following applies to the subject land under the Landscape South Australia Act 2019:
 - The Prescription of the Water Resources in the Eastern Mount Lofty Ranges, which requires those that are or are proposing to use surface, watercourse and/or underground water for any purpose – other than stock and domestic use – at any time in the future, to apply for a water licence with the Department for Environment and Water (DEW);
 - If there is a proposal to take surface water, watercourse water or underground water or if there are any existing water uses that may be impacted by the development, the interested parties should contact the DEW Water Licensing Branch on (08) 8595 2053 or visit: <http://www.environment.sa.gov.au/topics/water/water-licences-and-permits>.
11. The Applicant is reminded that any development, both urban and rural, must satisfy the requirements of the Water Allocation Plan for the Eastern Mount Lofty Ranges (EMLR WAP), in particular principles 203(c) and 204 (in relation to diversion structures and dam capacity, respectively). Further, any intention to utilise captured diverted water may require an application subject to Section 5.2.4 of the EMLR WAP and principles 87 and 88 (urban runoff allocations). For further information visit: <http://www.landscape.sa.gov.au/hf/water/water-planning/water-allocation-planning/eastern-mount-lofty-ranges-wap>.
12. The development should include stormwater management systems and techniques to:
 - Protect it from damage during a minimum of a 1 in 100 year AEP flood event;
 - Reduce the potential for remobilisation of pollutants and nutrients; and
 - Control the quantity, velocity, variability, and quality of runoff to as near pre-development levels as possible.
13. Consideration should be given to water sensitive urban design features at the allotment scale, in particular:
 - Driveway and paved areas to use porous pavements and runoff being diverted to infiltration zones or vegetation bio-retention swales;
 - Water efficient landscaping.
 - For further information visit: <http://www.landscape.sa.gov.au/hf/water/managing-water/water-sensitive-urban-design>.
14. It is important that culvert design and construction methodology seeks to limit potential downstream impacts as far as possible. It is recommended that the Applicant refer to the Hills and Fleurieu andscape Board's Culverts in the Hills and Fleurieu Region: Best practice guidelines for construction fact sheet prior to any works commencing. The fact sheet is available for download at: <http://www.landscape.sa.gov.au/hf/water/managing-water/water-affecting-activities>.

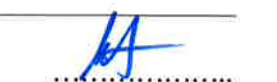

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15. The proposed development involves multiple activities that comprise Water Affecting Activities under section 104 (4) of the Landscape South Australia Act 2019 which would otherwise require a permit were it not for the operation of section 106 (1)(e) of that Act. In accordance with Principle 171 of the Water Allocation Plan for the Eastern Mount Lofty Ranges the Applicant is advised that the water affecting activities associated with the development must be designed and undertaken in accordance with best practice principles and must not:
- Cause soil erosion or bank destabilisation of a watercourse or lake, or erosion of a floodplain;
 - Have adverse impacts on water resources (including quantity and flow regime), other natural resources, or communities at both local and regional levels;
 - Have adverse impacts on water-dependent ecosystems, biodiversity and habitat preservation (including, but not limited to, adverse impacts on environmentally important components of the water regime and migration of aquatic biota);
 - Cause unacceptable deterioration in the quality of surface water, underground water or water in a watercourse or lake;
 - Create or exacerbate the incidence or intensity of local or regional flooding or increase the flood risk to public or private assets, communities or individuals.
16. Effective measures should be implemented during the works and on-going use of the land in order to prevent soil, silt, sediments or other pollutants leaving the site and entering adjoining properties, roads, water bodies and drains, including (but not limited to):
- Not undertaking construction works a minimum of 3 days before and/or during a high rainfall event (20mm or greater) to reduce the risk of damage to the watercourse bed and banks. Weather forecasts reported by the Bureau of Meteorology are available on-line and the seven day forecast must be checked before work commences;
 - use of erosion and sediment control measures such as catch/diversion drains, filter fences, sediment fences, sediment traps and basins, re-vegetation and straw bale barriers;
 - stockpiling topsoil carefully so it is not susceptible to wind erosion;
 - cover all exposed faces and spoil on and around scarred areas with suitable ground cover;
 - control dust arising from construction and other activities, so as not to be a nuisance to residents or occupiers on adjoining or nearby properties;
 - ensure vehicles leaving the site do not transfer soil or mud onto adjacent roadways;
 - ensuring that the fuelling site of any vehicles, plant and machinery utilised during construction is a minimum of 20 metres from any watercourse, water body or well;
 - ensure that there are post construction arrangements for on-site pollutant and contaminant management in accordance with EPA Guidelines;
 - Guidance on pollution prevention from construction sites can be found in the 'Handbook for pollution avoidance on commercial and residential building sites' and the 'Stormwater pollution prevention code of practice', which can be accessed at: <http://www.epa.sa.gov.au>.
17. Section 119 of the Landscape South Australia Act 2019 requires the occupier of the land on which a well is situated to ensure that the well (including the casing, lining and screen of the well and any mechanism used to cap the well) is properly maintained. A permit is required from the Department for Environment and Water (DEW) for any work to be carried out on a well or for new wells to be drilled. Information on specific wells can be obtained from www.waterconnect.sa.gov.au. For information regarding permit applications contact DEW on telephone (08) 8735 1134 or visit: <http://www.environment.sa.gov.au/topics/water/water-licences-and-permits>.
18. Under the Landscape South Australia Act 2019, it is prohibited to move or sell declared plants or material, such as the seeds from plants, without obtaining a permit. It is therefore recommended that



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an appropriate Biosecurity Plan be prepared to ensure that declared plant material and seeds are not moved or sold as a consequence of development activities. Biosecurity guidelines can include wash down procedures to remove any contaminated soil or weed material from vehicles and machinery before entering the property and/or if landfill is required, ensure weed free soil is delivered or removed from the site. For further information visit: <http://www.landscape.sa.gov.au/hf/plants-and-animals/pest-plants-and-animals/pest-plants>.

19. The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or remains may be present on the subject land. Under section 20 of the *Aboriginal Heritage Act 1988* (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act. For further information visit: <http://taawika.sa.gov.au>.

Notes recommended by the Environment Protection Authority

20. The Applicant is reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to 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.
21. The Applicant is reminded that due care should be taken to prevent or minimise adverse impacts and to appropriately manage stormwater runoff during construction and post-construction. Guidance can be found in the EPA's *Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry*: http://www.epa.sa.gov.au/files/47790_bccop1.pdf
22. EPA information sheets, guidelines documents, codes of practice, technical bulletins etc. can be accessed on the following web site: <http://www.epa.sa.gov.au>

Seconded Sally Roberts

CARRIED
CAP20250521.02

5.1.3. CATEGORY 2 APPLICATIONS

Nil.

5.1.4. CATEGORY 1 APPLICATIONS

Nil.

5.2. PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT APPLICATIONS

Nil.

6. REVIEW OF ASSESSMENT MANAGER DECISIONS

Nil


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7. INFORMATION REPORTS

Nil

8. CONFIDENTIAL REPORTS

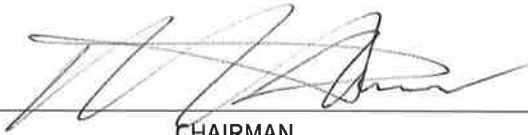
Nil

9. POLICY MATTERS ARISING FROM THIS AGENDA

10. OTHER BUSINESS

11. CLOSURE

Meeting declared closed at 11:21 AM



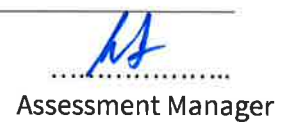
CHAIRMAN



ASSESSMENT MANAGER

15/6/25
DATE

18/6/25
DATE


Chairman
Assessment Manager