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Meeting postponed until further notice due to Covid-19 Pandemic

I hereby give notice that a Council Assessment Panel will be held on:

Date: Thursday, 19 November 2020
Time: 5.45 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Council Assessment Panel 19 November 2020

A handwritten signature in black ink, appearing to read 'Tracy Tzioutziouklaris', with a horizontal line above it.

**Tracy Tzioutziouklaris
Assessment Manager**

19 November 2020

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1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.

2 APOLOGY(IES)

Nil

3 CONFIRMATION OF MINUTES

Council Assessment Panel - 15 October 2020

RECOMMENDATION

That the minutes of the Council Assessment Panel meeting held on 15 October 2020 be confirmed as an accurate record of the proceedings of the meeting.

4 INVITEES

- As from 1 October 2017, every Council is required to establish an Assessment Panel under provisions within the Planning, Development and Infrastructure Act 2016 to determine and make decisions on development applications as delegated to the Panel.
 - When the Panel is considering an application, it must assess the proposal against Council's Development Plan.
 - The meeting itself is informal, however, all decisions made by the Assessment Panel are formal.
 - Representors will be allocated 5 minutes to make their presentation, after which, Panel Members may ask questions to clarify any issues. It is solely a question and answer session. There will be no debate entered into.
 - Council Officers will advise you of the decision as soon as practical after the meeting.
-
- invitees for Item 5.2, DA 381/0190/2020 Applicant - Nick Serle – City of Mount Gambier and Third Party Representor - John Williamson – ASW Lawyers Pty Ltd – on behalf of Mr Peter Zukauskas, Mr Bradley Cutting, Ms Rosa Filomena and N & T Serdarovic
 - invitees for Item 5.3 DA 381/0315/2020 Applicant – Michael and Katie Fox and the Applicants Planning Consultant – Frank Brennan



5 REPORTS

5.1 11 - 17 WIRELESS ROAD EAST, MOUNT GAMBIER – REPORT NO. AR20/59895

Development No:	381/0238/2020
Applicant:	Damien Griffen
Property Address:	11-17 Wireless Road East, Mount Gambier
Property Owner:	P J Butcher
Report No:	AR20/59895
CM9 Reference:	AF19/488
Author:	Jessica Porter, Planning Officer
Authoriser:	Tracy Tzioutziouklaris, Manager Development Services
Nature of Development:	Consent/Category 3
Description:	To establish a service trade premises including the construction of an associated light industrial workshop
Zoning:	Commerce/Industry
Policy Area:	N/A
Heritage:	N/A

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR20/59895 titled '11 - 17 Wireless Road East, Mount Gambier' as presented on 19 November 2020 be noted.
2. The Applicant and Owner be advised that having regard to the Development Plan and all supporting documentation, the proposed development is considered not to be at serious variance with Council's Development Plan and is granted Development Plan Consent, with the following conditions;
 1. The development shall be carried out in accordance with the Plan/s and associated documentation as approved by Council and with the Conditions of Approval.
 2. All of the building, including the roof, shall be constructed using a non-reflective material.
 3. All of the carparking, driveway areas, footpath crossovers and vehicle manoeuvring areas shall be graded, paved and sealed with bitumen or other similar material and be maintained in a good condition at all times.
 4. The carparking spaces shall measure not less than 2.6 metres in width and 5.5 metres in length and shall be linemarked and maintained in a useable condition at all times.
 5. The remainder of the yard areas shall be appropriately graded and surfaced at all times so as to ensure maximum dust suppression and to avoid dust and mud being carried out by vehicles onto public roads.
 6. The footpath crossover area/s shall be constructed in accordance with Council Policy F175 - Footways & Crossovers.
 7. Any lights on the subject land must be directed and screened so that overspill of light into nearby premises is avoided and drivers are not distracted.



8. All waste generated on the site must be managed appropriately and removed on a regular basis so as to not unreasonably impact upon the adjacent properties.
 9. The subject land and all improvements thereon shall be maintained in a state of good, tidy and attractive repair and condition at all times.
 10. No signs are to be erected or displayed on the land or on any building, structure, gate or fence. Further permission is required from Council for the erection or display of any sign.
 11. Prior to Development Approval being granted, a stormwater management plan shall be submitted to and approved by Council.
 12. Prior to Development Approval being granted, a landscaping schedule shall be submitted to and approved by Council.
3. The Applicant be advised the reasons for the Conditions are:
- (i) To ensure the development does not detrimentally impact upon the character and amenity of the area.
 - (ii) To ensure orderly and proper development.
 - (iii) To ensure the development minimises adverse impacts on the adjoining properties.
 - (iv) To ensure the development does not detrimentally impact upon the environment and does not degrade the water quality of the underground aquifer.



BACKGROUND

The subject site is a regular shaped allotment with a frontage of approximately 85.4 metres to Wireless Road East; and a depth of approximately 72.36 metres. The total area of the subject site is approximately 6,179.5 square metres. The subject site forms portion of the wider 11-17 Wireless Road East allotment, which is an irregular shaped allotment with a total area of approximately 33,627 square metres. The subject site is located within the Commerce/Industry Zone. The immediate locality includes a mix of commercial and light industrial land uses. The Residential Zone adjoins the wider allotment and is located approximate 90 metres to the north of the proposed development/subject site.

The subject site is currently used for the display of machinery associated with an existing service trade premises.

PROPOSED DEVELOPMENT

The proposed development is to establish a service trade premises including the construction of an associated light industrial workshop. The proposed service trade premises will sell new steel/metal products to the public (e.g. gates, cattle gear, mesh supports, reo wire supplies, tools, pipe fittings, etc). The steel/metal products will be cut to size on site and within the proposed light industrial workshop. Machinery to be used within the proposed light industrial workshop includes a bandsaw, roller table and gantry crane. A forklift will also be operational on the subject site during business hours.

The proposed light industrial workshop is to be 42.0 metres in length and 21.0 metres wide, having a total floor area of 882 square metres. The proposed light industrial workshop will have a wall height of 7.2 metres and a total building height of 9.2 metres. The proposed light industrial workshop is to be constructed from Colorbond material. The Applicant has advised that there will be non-illuminated signage on the walls of the proposed light industrial workshop.

The Applicant has advised that the business will operate from the subject site between the hours of 8.00 am and 5.00pm, Monday through to Friday. There will be one (1) employee on site.

A copy of the site plan, elevations and development application details are attached for the Members information and perusal.

DEVELOPMENT PLAN PROVISIONS

The objectives and principles relevant to this proposal are contained within the Mount Gambier (City) Development Plan – Consolidated 21 April 2016 and include the following:

Council Wide

Design and Appearance

Objective: 1.

Principles of Development Control: 1, 2, 3, 7, 9, 11, 12, 14, 15, 17 & 18.

Energy Efficiency

Objective: 1.

Principles of Development Control: 1, 2 & 3.

Form of Development

Objective: 1.

Principles of Development Control: 1, 2, 3, 5, 6, 7, 8 & 10.

Industrial and Commercial Development

Objectives: 1, 2, 3, 4, 5 & 7.



Principles of Development Control: 1, 2, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 19, 31, 32, 33, 34, 35, 37, 38, 39, 40, 41, 43, 45, 46, 49, 52, 53, 55, 56, 57, 58 & 61.

Infrastructure

Objectives: 1 & 5.

Principles of Development Control: 1, 5 & 7.

Orderly and sustainable development

Objectives: 1, 2, 3, 4 and 6.

Principles of Development Control: 1, 4, 6 & 8.

Transportation and access

Objective: 2.

Principles of Development Control: 2, 8, 10, 11, 12, 13, 22, 23, 27, 2, 30, 32, 33, 34, 35, 38, 39 and 40.

Commerce/Industry

Objective: 1.

Principles of Development Control: 1, 2, 3, 4, 5 & 6.

PLANNING ASSESSMENT

The development application was publicly notified as a Category 3 type of development. As a result of the public notification process, two (2) representations were received. One (1) representation voiced no concerns regarding the proposed development. The second representation did not provide any valid planning argument for supporting or not supporting the proposal, rather it posed several questions regarding the use of the site and the potential to improve the visual amenity of the subject site.

The following section provides an assessment of the proposed development against the Development Plan provisions identified above and considers to what extent the proposed development complies with or is at variance to the provisions of the Mount Gambier (City) Development Plan.

Council Wide provisions of development control relating to design and appearance:

The proposed development is setback approximately 25.0 metres from Wireless Road East. This section of Wireless Road East has varying setbacks for buildings, ranging from 0.0 metres to 84.0 metres. The proposed setback is considered to be compatible with the buildings on the adjoining properties and being setback far enough to ensure that the proposed building will not result in or contribute to a detrimental impact upon the function, appearance of character of the locality.

Council Wide provisions of development control relating to energy efficiency:

The proposed development will not cause overshadowing to the adjoining properties and is designed in such a way that solar panels and on-site power generation could occur.

Council Wide provisions of development control relating to form of development:

The proposed development is not incompatible with the features of the subject site or its immediate locality. The proposed development will have no impact on the current adjoining land uses or on any new land uses in the locality.

Council Wide provisions of development control relating to industrial and commercial development:



The proposed building generally meets the relevant industrial and commercial Principles of Development Control. There is provision on site for car parking. In accordance with the Mount Gambier (City) Development Plan, service trade premises should provide a minimum of 2 car parking spaces per 100 square metres of floor area. As the proposed building is to be 882 square metres, a minimum of nine (9) car parking spaces should be provided on the site. The submitted site plan identifies six (6) formal car parking spaces on the site. There is sufficient room on the subject site to establish more car parking when required.

The development application information provided by the Applicant, acknowledges that stormwater disposal has been a challenge for the wider allotment and advises that it is mainly contained and is channeled into a drainage basin at the front of the site. A stormwater management plan has not been provided, therefore no assessment can be made in relation to the disposal of stormwater and surface drainage from the site.

In addition, no details regarding landscaping have been provided by the Applicant. Therefore, no assessment can be made in relation to landscaping. The Mount Gambier (City) Development Plan contains several Principles of Development Control that call for landscaping to form part of industrial and commercial developments.

Council Wide provisions of development control relating to infrastructure:

The subject site has access to adequate utilities and services and is accessible from a formed all-weather public road.

Council Wide provisions of development control relating to orderly and sustainable development:

The proposed development constitutes orderly and sustainable development, as it will not jeopardise the continuance of adjoining authorised land uses, nor will it prejudice the achievement of the provisions of the Development Plan.

Council Wide provisions of development control relating to transport and access:

The proposed development provides safe and efficient movement and access for vehicles. Off street car parking is provided and is separate to the loading/access areas to the proposed building.

Commerce/Industry Zone specific provisions:

The proposed building complies with the principles of development control pertaining to industrial development, except for those relating to landscaping. It is noted that there are existing pockets of vegetation along the rear boundary of the wider allotment.

CONCLUSION

The proposed development will not create any adverse impacts and/or conflicts between land uses. The proposed building will not detrimentally affect the amenity of the immediate locality or cause unreasonable interference to adjoining sites/land uses, including any potential future land uses considered appropriate in the locality.





The proposed development is not seriously at variance to the Mount Gambier (City) Development Plan. Given the nature of the development and as detailed throughout this report, the proposed development warrants the support of the Council Assessment Panel and the granting of Development Plan Consent.

INVITES

Nil



ATTACHMENTS

1. Map - 11 Wireless Road East 
2. Development Application documentation 
3. Statement of Representation - A. Gooden 
4. Statement of Representation - G. Wilson 



5.2 VARIABLE MESSAGE DISPLAY UNIT - 35 JUBILEE HIGHWAY EAST, MOUNT GAMBIER (DA 381/0190/2020) – REPORT NO. AR20/65168

Development No: 381/0190/2020
Applicant: City of Mount Gambier
Property Address: 35 Jubilee Highway East, Mount Gambier
Property Owner: City of Mount Gambier
Report No: AR20/65168
CM9 Reference: AF19/488
Author: Jessica Porter, Planning Officer
Authoriser: Tracy Tzioutziouklaris, Manager Development Services
Nature of Development: Non-complying/Category 3
Description: To use Variable Message Display Units for the advertising of community events
Zoning: Residential
Policy Area: N/A
Heritage: N/A

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR20/65168 titled 'Variable Message Display Unit - 35 Jubilee Highway East, Mount Gambier (DA 381/0190/2020)' as presented on 19 November 2020 be noted.
2. The Applicant and Owner be advised that having regard to the Development Plan and all supporting documentation, the proposed development is considered not to be at serious variance with Council's Development Plan and is granted Development Plan Consent, with the following conditions;
 - a) The advertising display of the Variable Message Display Unit does not exceed 4.6 square metres.
 - b) No landscaping shall be damaged during the placement and removal of the Variable Messaged Display Unit.
 - c) The Variable Message Display Unit shall be located on the subject site no longer than seven (7) days before an event.
 - d) The Variable Message Display Unit must be removed within one (1) day after the event to which it is associated.



- e) Any damage to Council's infrastructure, such as the kerb and/or footpaths, during the placement and removal of the Variable Message Display Unit shall be made good to the satisfaction of Council.

3. The Applicant be advised the reasons for the conditions are:

- a) To ensure the development is proper and orderly; and
- (b) To ensure the development does not detract from the character and amenity of the subject locality.



BACKGROUND

Variable Message Display Units (VDMU) are becoming more commonly used throughout the City of Mount Gambier as advertising signage to announce local events. These types of signs are development and require Development Approval to be obtained prior to the commencement of the display of the advertisement. Whilst VMDU's are deemed to be development pursuant to the *Development Act 1993*, they are generally only used for a few days prior to a particular event and are usually removed the day after that particular event concludes.

A community event is defined as an event of a religious, educational, cultural, social or recreational character. In the City of Mount Gambier context, these events can include:

- Blue Lake Fun Run;
- New Years Eve Celebrations at Vansittart Park;
- Fringe Festival;
- Carols by Candlelight; and
- Sutton Reserve Community Day.

Some examples of events that are not considered as community events:

- Events associated for the sole benefit of a private business; and/or
- Membership drives for individual sporting/community clubs.

The proposed development involves the placing of a VMDU on the grass area south of the Lady Nelson Visitor Information Centre and adjacent to Jubilee Highway East, Mount Gambier. The Lady Nelson Visitor Information Centre is a fully integrated visitor centre complex, offering a range of services, such as:

- Tourist and visitor information;
- Caving and diving permits;
- Community and events support;
- Community and major events diary;
- Internet access;
- Local government information; and
- Sale of bus tickets for the V/line service to Melbourne and for the Premier Stateline service to Adelaide.

The Lady Nelson Visitor Centre provides detailed and personalised information on activities and attractions in and around the Limestone Coast and Mount Gambier area to approximately 80,000 visitors annually. In addition, the subject site is used for a range of community related events throughout the year.

The subject site is located within the Residential Zone and is bounded by Jubilee Highway East, Crouch Street North and North Terrace. The Mount Gambier (City) Structure Plan – Transport Map MtG(C)/1 (Overlay 1) in the Mount Gambier (City) Development Plan, identifies Jubilee Highway East as a primary arterial road. Currently existing on the subject site, is the Lady Nelson Visitor Information Centre, and associated car park and toilet facilities.

The subject site is predominately surrounded by residential land uses, with the exception of the RSL Bowling Club to the south of the subject site. The residential character of the locality provides dwellings that are predominantly single storey set at a low density. The immediate locality of the subject site has been determined as the portion of North Terrace, located between Jubilee Highway



East and Crouch Street North; the portion of Crouch Street North, located between North Terrace and Jubilee Highway East; and the portion of Jubilee Highway East located between Crouch Street North and the RSL Bowling Club.

The subject site has been selected to host VMDU for temporary advertising signage associated with events, based on the following:

- The potential for any interruption to the safe and efficient movement of vehicles on the adjoining road network;
- To minimise any damage to any trees/shrub or other landscaping elements;
- To minimise any impacts on more sensitive land uses such as residential development;
- To provide reasonable exposure to enable the advertisement to reach the broader community; and
- To keep the signs from being located within any car parking space on a road.

PROPOSED DEVELOPMENT

The proposed development is to locate a Variable Message Display Unit to be used as advertising in association with community events. The criteria under which the displays will operate is detailed within the attached documentation.

VMDU's will be placed on the subject site and used for advertising in the days prior to an event and are to be removed on the day after the conclusion of the advertised event. It is proposed that the subject site can be used for the placement of a VMDU subject to the following conditions:

- The advertising display of the Variable Message Display Unit does not exceed 4.6 square metres.
- No landscaping shall be damaged during the placement and removal of the Variable Messaged Display Unit.
- The Variable Message Display Unit shall be located on the subject site no longer than seven (7) days before an event.
- The Variable Message Display Unit must be removed within one (1) day after the event to which it is associated.
- Any damage to Council's infrastructure, such as the kerb and/or footpaths, during the placement and removal of the Variable Message Display Unit shall be made good to the satisfaction of Council.

A copy of the site plan, Statement of Effect, Representations and application details are attached for the Members information and perusal.

DEVELOPMENT PLAN PROVISIONS

The following provisions are contained within the Mount Gambier (City) Development Plan (consolidated 21 April 2016) and are considered to be relevant to the proposed development.

Council Wide



Design and Appearance

Objective: 1.

Principles of Development Control: 1, 2, 3, 7, & 11.

Form of Development

Objective: 1.

Principles of Development Control: 1 & 10.

Interface Between Land Uses

Objectives: 1 & 2.

Principles of Development Control: 1 & 2.

Orderly and Sustainable Development

Objectives: 1, 2, 3 & 4.

Principles of Development Control: 1 & 8.

Outdoor Advertisements

Objectives: 1, 2, & 3.

Principles of Development Control: 1, 2, 3, 5 & 6.

Residential Zone

Objective: 3.

Desired Character statement.

Principles of Development Control: 1, 2, 8 & 18.

PLANNING ASSESSMENT

The development application was publicly notified as a Category 3 type of development. As a result of the public notification process, five (5) representations were received. One (1) representation noted that the adjoining property owner had no concerns regarding the proposed development. The remaining four (4) representations were from the residential properties to the immediate south of the subject site and all four raised concerns regarding the aesthetic impacts that the signage would have, the "24/7" nature of the signage which would result in the adjoining residents being constantly exposed to the illuminate design. All four (4) representations also mentioned the parking of "for sale" vehicles along the Jubilee Highway – it is noted that the placement of vehicles for sale does not form part of the is application and has no relevance to the *Development Act 1993*.

The following section provides an assessment of the proposed development against the Development Plan provisions identified above and considers to what extent the proposed development complies with or is at variance to the provisions of the Mount Gambier (City) Development Plan.

Council Wide provisions of development control relating to form of development:

Given the temporary and movable nature of the VMDUs it is considered that the use of VMDUs on the subject site is not incompatible with the features of the subject site or its immediate locality. The proposed development will have no impact on the current adjoining land uses or on any new land uses in the locality.

Council Wide provisions of development control relating to interface between land uses:

The proposed development will not create any adverse impacts and/or conflicts between land uses. The proposed development will not detrimentally affect the amenity of the immediate locality or cause



unreasonable interference to adjoining sites/land uses, including any potential future land uses considered appropriate in the locality.

Council Wide provisions of development control relating to orderly and sustainable development:

The proposed development constitutes orderly and sustainable development, as it will not jeopardise the continuance of adjoining authorised land uses, nor will it prejudice the achievement of the provisions of the Development Plan.

Council Wide provisions of development control relating to outdoor advertisements:

Due to the temporary and movable nature of the proposed development, it is considered that it will not be hazardous to any person. As previously highlighted, the proposed development will not impair the amenity of the area, zone or locality.

Whilst the VMDU is internally illuminated, it will not obscure a driver's view of the road or other road users. The content displayed on the VMDU will vary depending on the community event that it will be advertising, therefore it may not always relate entirely to the lawful use of land and be located on the same site as that use (i.e. the Lady Nelson Visitor Information Centre).

It is proposed that only one VMDU will be used on the site at any one time. The height of the VMDU does not exceed 6 metres and the advertising area of the sign does not exceed 6 square metres (maximum of 4.6 square metres).

Residential Zone specific provisions:

Whilst none of the Residential Zone specific provisions explicitly relate to a development of this type, consideration is given to the Desired Character statement for the Residential Zone.

The proposed development will have no impact upon the residential nature of the overall Residential Zone or the residential nature of the immediate locality. The existing character of the Residential Zone will be maintained, and the immediate locality will remain to be *'dominated by very low to low density development, on large allotments with generous setbacks and well landscaped front yards... with a very high level of character and amenity...It is desirable that the existing character of established residential areas is maintained...'*

The Desired Character statement encourage developed within the Residential Zone that:

'...will complement the scale, bulk, siting and existing positive elements of the streetscape where a distinctive and attractive streetscape character exists. This will require new development to have regard to elements such as siting, mass and proportion, building materials, ground floor height above natural ground level, roof form and pitch, facade articulation and detailing, verandas, eaves and parapets, fence style and alignment and landscaping'.

The temporary and movable nature of the VMDU, does not alter the built form of the Lady Nelson Visitor Information Centre. The proposed development does not present any negative social, economic or environmental effects to the subject site, the immediate locality or the wider City of Mount Gambier area.

CONCLUSION

The subject site (i.e. the Lady Nelson Visitor Information Centre) plays a crucial role in promoting and managing tourism within the City of Mount Gambier and wider Limestone Coast region. The area identified on the subject site, for the use of VMDUs for temporary advertising signage associated with events, provides a logical solution to the increasing number of requests for temporary advertising within the City of Mount Gambier.

The VMDUs are of a temporary nature, are located on the subject site for a short period of time and are directly related to a community event. In summary, the use of VMDUs will not be hazardous to



any person, will not adversely impact on the character and amenity of the locality. In addition, it is proposed that the following condition will apply should development approval be granted:

- The advertising display of the Variable Message Display Unit does not exceed 4.6 square metres.
- No landscaping shall be damaged during the placement and removal of the Variable Message Display Unit.
- The Variable Message Display Unit shall be located on the subject site no longer than seven days before an event and must be removed within one day after the event to which it is associated.
- Any damage to Council's infrastructure, such as the kerb and/or footpaths, during the placement and removal of the Variable Message Display Unit shall be made good to the satisfaction of Council.

Whilst the proposed development is considered to be non-complying in nature, will not detrimentally effect the Residential Zone or the immediate locality. The proposed development is not seriously at variance to the Mount Gambier (City) Development Plan. Given the nature of the development and as detailed throughout this report, the proposed development warrants Development Plan Consent and subsequent Development Approval.






INVITES

Applicant - Nick Serle – City of Mount Gambier

Representor - John Williamson – ASW Lawyers Pty Ltd – on behalf of:

- Mr Peter Zukauskas
- Mr Bradley Cutting
- Ms Rosa Filomena
- N & T Serdarovic

ATTACHMENTS

1. Plans 
2. Statement of Effect 
3. Statement of Representation - Allan Hill 
4. Statements of Representation - ASW Lawyers 
5. Map of subject site 



5.3 11 WYATT STREET, MOUNT GAMBIER – REPORT NO. AR20/73596

Development No:	DA 381/0315/2020
Applicant:	Michael Fox Builders
Property Address:	11 Wyatt Street, Mount Gambier
Property Owner:	Michael & Katie Fox
Report No:	AR20/73596
CM9 Reference:	AF19/488
Author:	Emily Ruffin, Planning Officer
Authoriser:	Tracy Tzioutziouklaris, Manager Development Services
Nature of Development:	Consent/Category 3
Description:	To construct a two storey duplex to be utilised for short term tourist accommodation
Zoning:	Residential
Policy Area:	St Andrews Historic (Conservation) Policy Area
Heritage:	Nil

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR20/73596 titled '11 Wyatt Street, Mount Gambier' as presented on 19 November 2020 be noted.
2. The Applicant and Owner be advised that having regard to the Development Plan and all supporting documentation, the proposed development is considered to be at serious variance with Council's Development Plan and Development Plan Consent be refused for the following reasons:
 1. The proposed development is at serious variance to the Historic (Conservation) Policy Area provisions of the Mount Gambier (City) Development Plan
 2. The proposed development does not contribute to the historic character and amenity of the location
 3. The proposed development will have an unacceptable visual impact on the immediate locality and the historic character of the streetscape
 4. The development will not provide safe and convenient access as it can not accommodate the type and volume of traffic likely to be generated by the development and proposed land use
 5. The proposed development does not provide safe and convenient access and will have adverse impacts on the occupants of and visitors to neighbouring properties



BACKGROUND

At its meeting held on 19th March 2020, the Council Assessment Panel resolved to grant Development Plan Consent for a two-storey dwelling to be constructed on the subject site (DA 381/015/2020). At the time of writing this report the dwelling is nearing completion. In addition, Council is currently assessing a development application for a land division, seeking to create two additional allotments, with each allotment to contain a dwelling. (DA 381/0162/2020 (381/C004/2020)). This land division application is also referred to the Council Assessment Panel to make a determination at the meeting scheduled to be held on Thursday 19th November, 2020.

At the time of considering the Development Application in March, 2020 the proposed development seeking to construct the two, two storey dwellings, a further dwelling and a potential plan of division were identified on the site plan as part of an overall vision to develop the whole of the subject site.

The subject site is an irregular shaped allotment with street frontage to Colhurst Place of approximately 19 meters. Access is also provided to the north western corner of the allotment by a free and unrestricted right of way approximately 3.6 metres in width from Wyatt Street.

The subject site has a depth which varies from 37.21 metres to 58.02 metres, a width from 47.93 metres to 51.2 metres, having a total area of approximately 2809.33 square metres,.

Due to the character of the subject locality being towards the top of a hill, the subject site is set above street level from Colhurst Place.

An existing small stone outbuilding is located on the northern property boundary off the subject site, with a dwelling under construction to the south western portion of the site.

The subject site is located in the Residential Zone, and within the St Andrews Historic (Conservation) Policy Area.

The subject site is surrounded by residential properties, including properties currently used for short term accommodation, generally on large allotments. A number of adjoining properties are identified as either Contributory Places or Local Heritage Places. There are also State Heritage listed institutional buildings, including a church and office building, within the immediate locality.

The area has a high level of residential amenity and significant heritage character, and is recognised by the St Andrews Historic (Conservation) Policy Area as being a specific locality with high quality dwellings.

PROPOSED DEVELOPMENT

The proposed development is to construct two, two storey dwellings which are to be used for short term accommodation on the site of an existing two storey dwelling and associated outbuilding.

The ground floor of the dwellings is to contain:

- bedroom and bathroom
- open plan kitchen/dining/living area
- a single carport

The upper storey of the dwellings is to contain:

- a bedroom and bathroom

The proposed development will have a total floor area of 247.74 sqm.



Windows are proposed to be constructed on all sides of the upper story portion of the dwelling. However these windows are associated with a bedroom and a bathroom and not general living areas of the dwelling.

The proposed development is to be clad using James Hardie Stria, painted Quartz Grey.

The roof and gutters are to be Colorbond material in a monument colour, with D profile gutters.

The proposed development will have;

- a lower story wall height of 2.74 metres,
- a total wall height of 5.69 metres,
- a total building height of 8.06 metres.

Access to the proposed development is to be gained via a right of way access from Wyatt Street.

A master plan has been provided for the subject site, showing a future dwelling. The 'future dwelling' does not form part of the current assessment. A land division has also been lodged which is currently under assessment.

A proposed 1.8 metre high 'Hamptons' style fence, white in colour, is to be constructed along the eastern side/rear of the dwellings. A picture of the fencing style has been provided and is attached for the members information.

An onsite storm water retention basin/area has been located to the between the exiting under construction dwelling and the proposed duplex dwelling for the management of storm water onsite.

The proposed dwelling is to be setback approximately 9.6 metres from the northern boundary, 6 metres from the currently under construction dwelling, and 5.3 metres from the western boundary.

A report from a planning consultant has been submitted as part of the application and is attached for members information and perusal.

DEVELOPMENT PLAN PROVISIONS

The objectives and principles relevant to this proposal are contained within the Mount Gambier (City) Development Plan – Consolidated 21 April 2016 and include the following:

Mount Gambier (City)

Design and Appearance

Objectives 1

Principles 1, 2, 3, 4, 5 and 7

Form of Development

Objectives 1, 3 and 4

Principles 1, 2, 3, 6 and 10

Interface between Land Uses

Objective 1, 2

Principles of Development Control

1, 2, 3, 6

Transport and Access

Principles of Development Control 23 (d)



Residential Zone

Objective: 2 and 3

Desired Character Statement

Principles: 1, 2, 3, 7, 8, 10, 12 and 19

Historic (Conservation) Policy Area

Objective: 1, 2, 3 and 5

Desired Character Statement

Principles: 1, 6, 8, 10 and 12

PLANNING ASSESSMENT

The proposed development has been referred to the Council Assessment Panel as there are concerns in relation to:

- The impact of the proposed development upon the heritage character and amenity of the subject locality
- The proposed development built form design not having consideration for the provisions of the Historic (Conservation) Policy Area
- Traffic movements to and from the subject site.

The development was publicly notified as a Category 3 development. At the conclusion of the public notification process no representations were received.

As the proposed development is to be constructed within the Historic (Conservation) Policy Area, the application was referred to the Heritage Advisor for comments and advice. The Heritage Advisor has provided the following advice in respect to the proposed development:

Thank you for referring the above application which is in the St Andrews Historic (Conservation) Policy Area for heritage assessment.

While the proposed site does not have prominent street frontage, it is located on the crest of the hill and is highly visible from many locations. Development on this site does affect the Historic (Conservation) Policy Area as a whole.

The heritage character of the policy area derives from large single storey bungalow period dwellings. The bungalows have large roof volumes, but all present as single storey buildings.

Council's Development Plan requires that new buildings reflect the scale, bulk and proportions of existing heritage buildings.

PDC 10 states that new buildings should be single storey or contain attic rooms in the roof space.

PDC 11 provides additional guidance for second storey additions to existing buildings. This is relevant to the design and assessment of the proposed new two storey building. It states that second storey development should be within the roof space where the overall building height, scale and form is compatible with the existing single storey development in the policy area.

The proposed two storey duplex building is seriously at variance with Council's clearly expressed heritage objectives and principles set out in the Development Plan. It is a sheer two storey dwelling. There is no concealment of the second storey within a roof space. No use is made at all of the roof space. The overall building height and scape is incompatible with the policy area. The building will be highly prominent and visually intrusive. It will have a serious adverse impact on the heritage character of the policy area.



I observe that an identical building is under construction on the adjacent site.

It is highly visible and highly intrusive and has the same adverse impact that the proposed second duplex will have.

The Development Plan makes very clear that design of new buildings in the Historic (Conservation) Policy Areas should respond to the character of the local heritage and contributory buildings, not to infill buildings. The adjacent building under construction does not set a relevant precedent. Assessment of the current application should be on its own merit, assessed against the heritage provisions and heritage character.

The construction of a second intrusive dwelling on this site will compound the damage to the heritage character of Mt Gambier.

On balance, I RECOMMEND that this application be REFUSED.

It is proposed that vehicular access to the proposed development will be by the existing right of way via Wyatt Street. This was illustrated on the documentation submitted on the application previously considered by the Council Assessment Panel at its meeting in March, 2020. (DA 381/015/2020)

It is noted that the right of way is narrow and may have some problems with the movement of vehicles to and from the subject property.

The applicant has identified that vehicles will be able to use 'turn out area' located on adjoining land, which will assist in facilitating vehicle movements. It is noted that the 'turn out area' is not located on the subject site and cannot be included as part of this Development Application.

The existing right of way currently provides access to three existing dwellings, the dwelling currently under construction and the proposed development.

The development as proposed:

- is not consistent with the desired character of the policy area,
- does not take cues from existing built forms,
- is a double storey building where the policy area specifically envisages single storey buildings with the use of roof spaces and attic rooms,
- will be visible from the street,
- does not reflect the traditional scale and pattern of allotments within the policy area,
- will impact of the historic character of the streetscape,
- is not compatible with the site coverage of buildings in the locality.

It is acknowledged that short term accommodation close to the City Centre, is a form of land use which is supported by the Development Plan, and the potential impacts are generally managed through operating procedures and council conditions.

Photographs of the site and proposed access have been attached for the member information.

CONCLUSION

The proposed development is at variance to the Objectives, Desired Character or Principles of Development Control for the St Andrews Historic (Conservation) Policy Area.

Whilst short-term accommodation is a form of land use that could be supported within the locality, concerns remain in respect to the access arrangements being able to sufficiently cater for the proposed traffic movements.

The proposed development is seriously at variance to the relevant provisions of the Mount Gambier (City) Council's Development Plan, for the following reasons:



- The proposed development is at serious variance to the Historic (Conservation) Policy Area provisions of the Mount Gambier (City) Development Plan
- The proposed development does not contribute to the historic character and amenity of the location
- The proposed development will have an unacceptable visual impact on the immediate locality and the historic character of the streetscape
- The development will not provide safe and convenient access as it can not accommodate the type and volume of traffic likely to be generated by the development and proposed land use
- The proposed development does not provide safe and convenient access and will have adverse impacts on the occupants of and visitors to neighbouring properties






and does not warrant the support of the Council Assessment Panel.

INVITES

The Applicant – Michael and Katie Fox

The Applicants Planning Consultant – Frank Brennan

ATTACHMENTS

1. Plans of proposed development and confirmation of use 
2. Additional supporting information 
3. Additional Supporting Information (2) 
4. Map - 11 Wyatt Street 
5. Photographs of the subject proeprty and access 



5.4 17A DUIGAN STREET, MOUNT GAMBIER – REPORT NO. AR20/73600

Development No:	DA 381/0292/2020
Applicant:	Blackbird Industries
Property Address:	17A Duigan Street, Mount Gambier
Property Owner:	David Coombe
Report No:	AR20/73600
CM9 Reference:	AF19/488
Author:	Emily Ruffin, Planning Officer
Authoriser:	Tracy Tzioutziouklaris, Manager Development Services
Nature of Development:	Non-Complying/Category 3
Description:	To construct an extension to the existing storage shed and workshop
Zoning:	Residential
Policy Area:	N/A
Heritage:	N/A

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR20/73600 titled '17A Duigan Street, Mount Gambier' as presented on 19 November 2020 be noted.
2. The Council Assessment Panel resolve to proceed with the assessment of the application.
3. The applicant be requested to provide the following additional information to assist in the assessment of the Development Application:
 - (a) A Statement of Effect which provides a brief statement in support of the application identifying where the development complies with the provisions of the Development Plan and the anticipated impacts of the development upon the surrounding locality.



BACKGROUND

An existing workshop and storage building are currently located on the subject site. Land uses in the immediate locality is comprised of a mixture of residential, commercial and industrial properties.

The subject site is located in the Residential Zone.

The subject site has an 8 metre street frontage to Duigan Street.

The subject site is a battle-axe allotment, with a 'handle' depth of 24.8 metres, and the main body of the site being 38.4 metres in depth, and 31.99 metres in width. The total area of the site (minus the handle) is 1,228.41 square metres.

PROPOSED DEVELOPMENT

The proposed development involves constructing an extension to the existing storage building and workshop, providing an undercover link between the existing workshop and the storage building.

The proposed building has a depth of 13.96 meters and width of 24 meters, with a total floor area of 335.04 square meters, resulting in a combined building floor area of approximately 502 square metres.

The proposed building has a wall height of 3.6 meters and a total height of 5.1 meters.

The proposed building is an open sided canopy, with zincalume gutters and roofing.

The proposed building is setback 2.7 meters from the western boundary, 3.5 metres from the northern boundary and 11.62 metres from the rear boundary.

To the west and north of the subject site is residential land uses, with commercial/industrial land uses to the east and south, including a motor repair workshop and a workshop and office.

The applicant has advised the proposed development is to be used for storage. The applicant is also the current owner and occupant of a residential property located immediately to the north of the subject site.

The following description of the use of the proposed development has been provided;

At this point in time I have 11 vehicles which are more than 30 years old which several of those I have on club registration, keeping these out of the weather is extremely important to save them getting further wear from the elements.

Other than that I also have three trailers, a camper trailer and 5 motorcycles to keep under cover; a sports car and three four wheel drives.

50 percent of my neighbours are industrial properties and I also own the property directly to the north of the block we are proposing to do the extensions on.

The layout of the property is such that there is minimal street frontage and the extensions on the property will make no visual impact from the street.

As the property is classed as industry light the extensions should be adequate for storage of vehicles.



I have continued to pay the higher rates on an industrial property for the past ten years on the expectation that when the time came to do extensions it would be allowed to be built to suit the designated purpose or the property.

I have attached a copy of my latest council rates as well.

I hope this is enough information to get our plans passed through council, thank you for taking on this project for me.

The current approved land use of the subject site is for a workshop and associated storage.

A copy of the relevant plans and a Statement of Merit addressing the proposed use of the shed which has been prepared by the applicant has been provided for the Member's perusal.

DEVELOPMENT PLAN PROVISIONS

The objectives and principles relevant to this proposal are contained within the Mount Gambier (City) Development Plan – Consolidated 21 April 2016 and include the following:

Residential Zone

Objectives 3
Principles of Development Control 1, 2, 6, 7, 18, 19

Mount Gambier (City)

Design and Appearance

Objectives 1
Principles of Development Control 1, 3, 4, 5, 7, 11, 15, 17, 18, 19

Industrial and Commercial Development

Objectives 1, 2, 6, 7
Principles of Development Control 1, 7, 11, 12, 13, 29, 35, 38, 41, 42, 43, 44, 45, 49, 51, 53, 54

Interface Between Land Uses

Objectives 1, 2
Principles of Development Control 1, 2, 3, 6

Orderly and Sustainable Development

Objectives 1, 3, 4
Principles of Development Control 1, 8

DISCUSSION

Within the Residential Zone, the development as proposed is for a non-complying form of development.



The subject site is currently used for open air storage of the items which are proposed to be stored under the proposed canopy extension, thus the proposal does not appear to be an intensification of the existing use of the site, rather a formalised consolidation of the existing land use.

As the development is a non-complying form of development, Council Assessment Panel as the relevant planning authority must resolve to:

1. Refuse the application pursuant to Section 39(4)(d) of the Development Act and notify the Applicant accordingly; or
2. Resolve to proceed with an assessment of the application

CONCLUSION

Whilst the proposed development is a non-complying form of development within the Residential Zone, the subject site is adjoining a number of commercial and industrial land uses. The proposed development does not appear to be intensifying the existing land use, rather it is providing additional under cover storage area for a number of items already stored on the subject site.

INVITES

Nil

ATTACHMENTS

1. Statement of Merit 
2. Plans of proposed building extension 
3. Map - 17a Duigan Street 



5.5 22-36 ALLISON STREET, MOUNT GAMBIER – REPORT NO. AR20/73611

Development No:	DA 381/0475/2020
Applicant:	Gambier Vets
Property Address:	22 – 36 Allison Street, Mount Gambier
Property Owner:	Elizabeth Lorraine Doman
Report No:	AR20/73611
CM9 Reference:	AF19/488
Author:	Emily Ruffin, Planning Officer
Authoriser:	Tracy Tzioutziouklaris, Manager Development Services
Nature of Development:	Non-Complying/Category 3
Description:	To demolish the existing dwelling and outbuilding and to construct a Consulting Room (Veterinary Practice) with associated carparking, landscaping, fencing, retaining walls and signage
Zoning:	Residential
Policy Area:	Nil
Heritage:	Nil

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR20/73611 titled '22-36 Allison Street, Mount Gambier' as presented on 19 November 2020 be noted.
2. The Council Assessment Panel resolve to proceed with the assessment of the application.



BACKGROUND

The subject site is an irregular shaped allotment, is set generally above street level and has a frontage to Allison Street of 102.41 metres, and a secondary frontage to Vivienne Avenue of 52.69 metres, with a total area of approximately 7,730 square metres.

The subject property is zoned Residential Zoned within the Mount Gambier (City) Development Plan.

An existing dwelling and outbuilding are located onsite.

A church and rectory building is located to the north and east of the subject site. Located to the west is the Mount Gambier Hospital, to the south a reserve and residential development.

Allison Street provides vehicular access from Jubilee Highway to the Mount Gambier Hospital, and has a higher traffic flow than a general residential street.

PROPOSED DEVELOPMENT

The proposed development involves:

- Demolition of the existing house and outbuilding;
- Construction of a consulting room (Veterinary Practice) with a total floor area of 775 sqm, comprising:
 - 7 consulting rooms
 - 2 operating rooms
 - Imaging room
 - Laboratory
 - Waiting room and reception area
 - Pharmacy
 - Staff office spaces and meeting room/kitchenette
 - treatment rooms
 - dental room
 - associated spaces including indoor dog and cat runs, isolations rooms, recovery rooms
 - Living quarters for after hours works accommodation for staff
 - Separate staff and Client amenity areas
 - Onsite carparking, comprising 27 car parks, with a future expansion area comprising up to 40 overall car parks;
 - Landscaping;
 - Retaining walls;
 - Boundary Fencing;
 - Signage including a pylon sign installed to the Allison Street frontage of which details of size are yet to be provided.

The proposed hours of operation include:

- Monday to Friday 8am to 6pm, with Thursday evening extending until 8pm
- Saturday 9 am to 11.30 am
- Emergency care services 24 hours a day, 7 days a week

The plans provided to date do not indicate the wall height or overall height of the proposed consulting rooms, with 3d schematic drawing only submitted at this stage. Additional information will need to be sought should the panel proceed with the assessment of the application.



A copy of the site plan and elevations and a statement of support are attached for the Members information and perusal.

DEVELOPMENT PLAN PROVISIONS

The objectives and principles relevant to this proposal are contained within the Mount Gambier (City) Development Plan – Consolidated 21 April 2016 and include the following:

Residential Zone

Objectives 2

Principles of Development Control 1, 2, 3, 4, 5, 8, 18, 19

Mount Gambier (City)

Design and Appearance

Objectives 1, 2

Principles of Development Control 1, 2, 3, 4, 5, 7, 8, 9, 11, 12, 14, 15, 17, 18, 19, 20

Form of Development

Objectives 4

Principles of Development Control 5, 10

Industrial and Commercial Development

Objectives 1, 6, 7

Principles of Development Control 7, 11, 12, 13, 14, 15, 17, 19, 20, 31, 32, 35, 38, 39, 40, 41, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61

Interface Between Land Uses

Objectives 1, 2

Principles of Development Control 1, 2, 3, 6

Orderly and Sustainable Development

Objectives 1, 3, 4

Principles of Development Control 1, 8

Outdoor Advertisements

Objectives 1, 3

Principles of Development Control 1, 2, 3, 5, 6, 9

PLANNING ASSESSMENT

The proposed development, being a Consulting Room with a floor area greater than 100 square metres with associated signage, is a non-complying form of development within the Residential Zone.

The proposed development is proposed to be constructed in a location adjoining the hospital, is relatively separated from the existing residential development within the subject locality, has access from a road with a limited residential interface and a relatively high traffic volume, warrants an assessment of the proposed development.

As the development is a non-complying form of development, the Council Assessment Panel as the relevant planning authority must resolve to:



1. Refuse the application pursuant to Section 39(4)(d) of the Development Act and notify the Applicant accordingly; or
2. Resolve to proceed with an assessment of the application.

CONCLUSION

Whilst within the Residential Zone a Consulting room in excess of 100 square metres and an advertisement is identified as a non-complying form of development, the proposal warrants the support of the Council Assessment Panel and the resolution to proceed with an assessment of the application.

INVITES

Nil

ATTACHMENTS

1. Plans and Statement of Support 
2. Map 22 Allison Street 



5.6 CONCRETE BATCHING PLANT WORKSHOP - 186 LAKE TERRACE EAST, MOUNT GAMBIER – REPORT NO. AR20/73805

Development No:	381/0242/2020
Applicant:	Quickmix Industries Pty Ltd
Property Address:	186 Lake Terrace East, Mount Gambier
Property Owner:	A M Buchalka
Report No:	AR20/73805
CM9 Reference:	AF19/488
Author:	Jessica Porter, Planning Officer
Authoriser:	Tracy Tzioutziouklaris, Manager Development Services
Nature of Development:	Non-complying/Category 3
Description:	To demolish an existing “shed” and to construct a workshop to be used for the manufacturing of pre-cast concrete products in association with the existing concrete batching plant
Zoning:	Commerce/Industry
Policy Area:	N/A
Heritage:	N/A

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR20/73805 titled ‘Concrete batching plant workshop - 186 Lake Terrace East, Mount Gambier’ as presented on 19 November 2020 be noted.
2. The Applicant and Owner be advised that having regard to the Development Plan and all supporting documentation, the proposed development is considered not to be at serious variance with Council’s Development Plan and is granted Development Plan Consent, with the following conditions;
 1. The development shall be carried out in accordance with the Plan/s and associated documentation as approved by Council and with the Conditions of Approval.
 2. All of the building, including the roof, shall be constructed using a non-reflective material.
 3. All of the carparking, driveway areas, footpath crossovers and vehicle manoeuvring areas shall be graded, paved and sealed with bitumen or other similar material and be maintained in a good condition at all times.
 4. The carparking spaces shall measure not less than 2.6 metres in width and 5.5 metres in length and shall be linemarked and maintained in a useable condition at all times.
 5. The remainder of the yard areas shall be appropriately graded and surfaced at all times so as to ensure maximum dust suppression and to avoid dust and mud being carried out by vehicles onto public roads.
 6. Any lights on the subject land must be directed and screened so that overspill of light into nearby premises is avoided and drivers are not distracted.



7. All waste generated on the site must be managed appropriately and removed on a regular basis so as to not unreasonably impact upon the adjacent properties.
8. The subject land and all improvements thereon shall be maintained in a state of good, tidy and attractive repair and condition at all times.
9. Prior to Development Approval being granted, a stormwater management plan shall be submitted to and approved by Council.

NOTES FROM THE ENVIRONMENT PROTECTION AUTHORITY

- 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.
- An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements. Information on applying for a licence (including licence application forms) can be accessed here: http://www.epa.sa.gov.au/business_and_industry/applying_for_a_licence
- A licence may be refused where the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.
- The applicant is reminded that dust from excavation and construction activities should be controlled and minimised through implementation of dust suppression measures, including watering and screening where required. Similarly polluted stormwater and other construction waste should not leave the site or enter waters. The EPA's Stormwater Pollution Prevention: Code of Practice for the Building and Construction Industry (1999) http://www.epa.sa.gov.au/files/47790_bccop1.pdf can provide further guidance.
- The applicant is reminded that all reasonable and practical operational steps should be taken to reduce off site noise. This includes fitting all trucks and forklifts with broadband reverse beepers.
- The applicant is reminded that construction will need to be undertaken in accordance with Division 1 of Part 6 of the Environment Protection (Noise) Policy 2007 at all times. Activities, which include the operation of machinery, resulting in noise with an adverse impact on amenity need to be restricted to between 7:00am and 7:00pm Monday to Saturday and, if necessary, on Sunday between 9:00am and 7:00pm to minimise the potential for complaint from noise nuisance.
- 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>.

3. The Applicant be advised the reasons for the Conditions are:

- (i) To ensure the development does not detrimentally impact upon the character and amenity of the area.
- (ii) To ensure orderly and proper development.
- (iii) To ensure the development minimises adverse impacts on the adjoining properties.
- (iv) To ensure the development does not detrimentally impact upon the environment and does not degrade the water quality of the underground aquifer.



BACKGROUND

The subject site is a regular shaped allotment with a frontage of approximately 72.22 metres to Lake Terrace East; and a depth of approximately 201.17 metres. The total area of the subject site is approximately 1.44 hectares. There is a 20 metre wide electricity easement that runs along the eastern side of the subject site. The subject site is located within the Commerce/Industry Zone. The Residential Regeneration Zone is located to the north of the subject site. The immediate locality includes a mix of land uses, including residential, a greyhound racing track, a truck depot and open rural land.

Currently on the subject site, there is an existing office, shedding, concrete batching plant and open air storage areas. The manufacturing of concrete pre-cast products currently occurs on the site within a smaller shed (proposed to be demolished as part of this application).

At its meeting held on Thursday 23rd July 2020, the Council Assessment Panel resolved the following,

The Council Assessment Panel moved

1. That Council Assessment Panel Report No. AR20/44427 titled '186 Lake Terrace, Mount Gambier' as presented on 23 July 2020 be noted.

2. The Council Assessment Panel resolve to proceed with the assessment of the application.

PROPOSED DEVELOPMENT

The proposed development involves the demolition of an existing "shed" and the construction of a workshop for the production of precast concrete products. The proposed building is to be 20.0 metres wide and 49.0 metres long and will have a total floor area of 960 sqm. It is to be constructed with a wall height of 9.0 metres and a total building height of 11.0 metres. The proposed building will be set back approximately 62.0 metres from the primary street frontage, and approximately 30.0 metres from the eastern boundary and will not encroach over the existing easement.

The Applicant has advised that there will be no changes to the current operating hours, traffic volumes or outdoor lighting as part of this development application.

A copy of the development application, Statement of Effect and response from the Environment Protection Authority (EPA) are attached for Members information and perusal.

DEVELOPMENT PLAN PROVISIONS

The objectives and principles relevant to this proposal are contained within the Mount Gambier (City) Development Plan – Consolidated 21 April 2016 and include the following:

Mount Gambier (City)

Design and Appearance

Objective: 1

Principles of Development Control: 1, 2, 3, 5, 7, 9, 10, 11, 12, 14, 17 & 18.

Energy Efficiency

Objectives: 1 and 2.

Principles of Development Control: 1, 2 and 3.

Form of development:

Objectives: 1 and 4.



Principles of Development Control: 1, 2, 3, 4, 5, 6, 7, 8 and 10.

Industrial and Commercial Development

Objectives: 1, 2, 4, 5, 6 and 7.

Principles of Development Control: 1, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 45, 51, 52, 53, 54, 44, 56, 57, 58, 59, 60 and 61.

Infrastructure

Principles of Development Control: 1, 2 and 12.

Interface Between Land Uses

Objectives 1 and 2.

Principles of Development Control 1, 2, 3, 6 and 7.

Orderly and sustainable development

Objectives: 1, 2, 3, 4, 5 and 6.

Principles of Development Control: 1, 4 and 8.

Commerce/Industry Zone

Objective: 1.

Principles of Development Control 1, 2, 3 and 4.

PLANNING ASSESSMENT

The development application was publicly notified in accordance with the Development Act and Regulations. As a result of the public notification process, no representations were received.

The development application was referred to the Environmental Protection Authority (EPA) in accordance with Schedule 22 of the Development Regulation 2008. The EPA has advised that the risk of environmental harm arising from the proposal is low. Should any operational issues arise as a consequence of the development, these can be managed through the existing EPA licence.

The following section provides an assessment of the proposed development against the Development Plan provisions identified above and considers to what extent the proposed development complies with or is at variance to the provisions of the Mount Gambier (City) Development Plan.

Council Wide provisions of development control relating to design and appearance:

The proposed development is setback approximately 62.0 metres from Lake Terrace East – being compatible with the building on the adjoining property (i.e. 184 Lake Terrace East) and being setback far enough to ensure that the proposed building will not result in or contribute to a detrimental impact upon the function, appearance of character of the locality.

Outdoor storage areas, loading and service areas are located to the sides or to the rear of the proposed building and behind a 3.0m high security fence. The proposed building is a Colorbond structure with three roller doors along the eastern faced, one along the southern façade and one roller door on the western facade. The northern facade will present as a solid wall to Lake Terrace East. Given the setback of the building from Lake Terrace East, the building design is considered to suitable within the Commerce/Industry Zone and within the locality.



Council Wide provisions of development control relating to energy efficiency:

The proposed development will not cause overshadowing to the adjoining properties and is designed in such a way that solar panels and on-site power generation could occur.

Council Wide provisions of development control relating to form of development:

The proposed development is not incompatible with the features of the subject site or its immediate locality. The proposed development will have no impact on the current adjoining land uses or on any new land uses in the locality.

Council Wide provisions of development control relating to industrial and commercial development:

The proposed development will not result in changes to the existing land use (pre-cast concrete manufacturing), its operating hours or its business operations. The proposed building generally meets the relevant industrial and commercial Principles of Development Control. The subject site and existing business operations are covered by an EPA Licence, therefore any issues surrounding environmental impact are controlled by the existing Licence.

The plans as submitted by the Applicant, identify an area at the front of the subject site that is to be used for stormwater disposal. A stormwater management plan has not been provided, therefore no assessment can be made in relation to the disposal of stormwater and surface drainage from the site.

Council Wide provisions of development control relating to infrastructure:

The subject site has access to adequate utilities and services and is accessible from a formed all-weather public road.

Council Wide provisions of development control relating to interface between land uses:

The proposed development will not create any adverse impacts and/or conflicts between land uses. The existing land use will continue to operate in its current form. The proposed building will not detrimentally affect the amenity of the immediate locality or cause unreasonable interference to adjoining sites/land uses, including any potential future land uses considered appropriate in the locality.

Council Wide provisions of development control relating to orderly and sustainable development:

The proposed development constitutes orderly and sustainable development, as it will not jeopardise the continuance of adjoining authorised land uses, nor will it prejudice the achievement of the provisions of the Development Plan.

Commerce/Industry Zone specific provisions:

The proposed development aligns with zone specific Objective 1. The proposed development is for a new building to be constructed on the site of an existing small-scale manufacturing business. The proposed building complies with the principles of development control pertaining to industrial development, except for those relating to landscaping. It is noted that there are existing pockets of vegetation along the rear boundary of the subject site and the plans indicate that there will be some landscaping established along the Lake Terrace East frontage.



CONCLUSION




Whilst the proposed development is for a non-complying form of development, it will not detrimentally affect the Commerce/Industry Zone or the surrounding Residential Zone and the character and amenity of the immediate locality.

The proposed building will accommodate the pre-cast concrete manufacturing operations currently undertaken outdoors and with an existing shed (i.e. the shed earmarked to be demolished). The proposed development is not seriously at variance to the Mount Gambier (City) Development Plan. Given the nature of the development and as detailed throughout this report, the proposed development warrants the support of the Council Assessment Panel and the granting of Development Plan Consent.

INVITES

Nil

ATTACHMENTS

1. Development application documents 
2. Response from Environment Protection Authority 
3. Map - 186 Lake Terrace East, Mount Gambier 



**5.7 LIMESTONE COAST PANTRY - 1/20 HARRALD STREET, MOUNT GAMBIER –
REPORT NO. AR20/74089**

Development No:	381/0278/2020
Applicant:	Limestone Coast Pantry
Property Address:	1/20 Harrald Street
Property Owner:	Woollen Mills Pty Ltd
Report No:	AR20/74089
CM9 Reference:	AF19/488
Author:	Tracy Tzioutziouklaris, Manager Development Services
Authoriser:	Nick Serle, General Manager City Infrastructure
Nature of Development:	Non-complying/Category 3
Description:	To change the use of a Shop (Café), warehouse and wholesale business to incorporate an entertainment venue
Zoning:	Light Industry
Policy Area:	N/A
Heritage:	N/A

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR20/74089 titled 'Limestone Coast Pantry - 1/20 Harrald Street, Mount Gambier' as presented on 19 November 2020 be noted.
2. Having had regard to the Development Application, all supporting documents and the provisions of the Development Plan, the development is considered to not be at serious variance to the Development Plan and Development Plan Consent be granted subject to the following conditions:
 - (a) The development shall be carried out in accordance with the Plan/s as approved by Council and with the conditions of approval.
 - (b) The on site carparking spaces shall measure not less than 2.6 metres in width and 5.5 metres in length, with a car parking space identified for people with a disability and shall be linemarked and maintained in a serviceable condition at all times.
 - (c) All waste materials and refuse shall be contained within the proposed building or alternatively a screened holding place for waste materials, and be removed on a regular basis.
 - (d) At all times but particularly during the hours of darkness, whomsoever may be making use of this planning consent, shall take all measure that are reasonably possible to keep within the boundaries of the subject land all noise associated with the operation of the business or the coming and going of persons to the subject land, the sound of voices, vehicle noise, radio sets or other amplified music, so as to not intrude upon the residential component of the locality.



(e) The development shall be consistent with the relevant provisions identified within the current *Environment Protection (Noise) Policy* as identified by the Environment Protection Authority, specifically in the provision of live entertainment and/or recorded music.

(f) Any lights on the subject land shall not cause a nuisance or overspill into the adjoining residential properties or cause a nuisance to passing motorists.

3. The applicant and Owner be advised that the reasons for Council's Condition of Consent are:

(a) To ensure orderly and proper development

(b) To ensure the proposed development improves and enhances the amenity and character of the area.

(c) To minimise the potential for the development to impact upon the adjoining residential properties.



BACKGROUND

The Council Assessment Panel previously considered this Development Application at its meeting held on Thursday 17th September, 2020. At this time the CAP determined to proceed with an assessment of the application

The proposed development is located within the former Wool Spinning Mill located at 1/20 Harrold Street, Mount Gambier. This is a large industrial complex and since the Wool Spinning Mill ceased operations in the middle of the 1980's the subject property has been used for a number of different uses involving different tenancies.

The Woollen Mill building has a total floor area of approximately 5000 square metres, with the former office area, constructed using stone to the front of the building facing Harrold Street and an industrial construction workshop area at the rear of the stone front of the building.

There are a number of uses/tenancies currently located within this building which include:

- The Limestone Coast Pantry - Shop/Café, warehouse and wholesale
- Blue Lake Gymnasium
- Caravan storage area
- Upholstery business

There are portions of the building also currently available for lease.

The subject site has a street frontage of approximately 74 metres to Harrold Street, has a depth of approximately 200 metres with a total site area of 14800 square metres. The subject allotment is regular in shape. On the site is the main Woollen Mill building and smaller outbuildings. There is a carpark area located on the north eastern corner of the allotment which is used for the Limestone Coast Pantry. Vehicular access is available to the rear of the allotment by a driveway along the western property boundary.

To the north of the subject site is Harrold Street and the railway trail bicycle/walking path, to the west are a mixture of light industrial land uses, to the east are residential dwellings and to the south is a dwelling on a very large allotment with frontage to Boandik Terrace.

Council by Notice dated 17th November, 2017 granted Development Approval to extend an existing wholesale, shop, office and warehouse with associated carparking subject to four (4) Conditions of approval. As part of this approval it was anticipated that there would be up to ten events held on the property throughout the year, which included the fringe festival, weddings and Christmas functions.

A liquor licence was also approved for the Limestone Coast Pantry which enabled alcohol to be sold at the venue.

PROPOSED DEVELOPMENT

The proposed development involves changing the use of a shop/café, warehouse and wholesale premises to that of a shop/café and entertainment venue to be used for private and community events, including associated signage, warehouse, wholesale, kitchen and office space.

The Limestone Coast Pantry has been operating successfully and overtime has been experiencing growth in the operation of the business to include entertainment and functions. The success of these events have encouraged the Limestone Coast Pantry to review the business model to include functions and events as part of the everyday operation of the premises.

The operation of the business is to now include:

- The café/wholesale and warehouse generally operating Monday to Sunday 9a.m. to 7.00p.m. for a combination of dining in and takeaway.
- Open other hours on an as needs basis for functions and events including:
- Monday and Thursday evenings Choir rehearsals and Jazz Academy rehearsal;



- Weddings/dinner & shows/special events with up to 100 people;
- Special fundraising events of up to 300 people (mixture of seated, unseated and outside)

It is proposed that the venue will be open until 12.00a.m. (midnight).

Entertainment to be provided at the venue is to be varied including bands/duos, acoustic, poetry readings, comedy, dinner & show, cabaret, jazz and recorded music. Security will be engaged when live entertainment is provided on site.

As part of this development application it is intended to increase the floor area of the premises to incorporate a portion of the mill previously used for storage purposes. It is proposed to use this room during time of events and larger functions. This rooms is approximately 7.5 metres wide and 16 metres in length, with an approximate floor area of 112 square metres.

DEVELOPMENT PLAN PROVISIONS

The following provisions are contained within the Mount Gambier (City) Development Plan (consolidated 21 April 2016) and are considered to be relevant to the proposed development:

Council Wide

Centres and Shops

Objective 1.

Principles 1, 9 and 13.

Interface Between Land Uses

Objective 1 and 2.

Principles 1, 3, 4, 6 and 7.

Orderly and Sustainable Development

Objectives 1, 2, 3, 4 and 6.

Principles 1 and 3.

Light Industry Zone

Objective 1, 2 and 3.

Principles 1, 5 and 8.

Table MtG(C)/3 – Car and Bicycle Parking Requirements.

PLANNING ASSESSMENT

This Development Application has been referred to the Council Assessment Panel as:

- It is a Non-complying form of development within the Light Industry Zone; and
- Two (2) Statement of Representations were received at the conclusion of the public notification period. Neither of the representors identified that they wished to be heard in support of their submission.

The two representations were received from the operation and a member of the Blue Lake Gymnasium who have raised the following issues:

- Noise is audible between businesses within the building; and
- Proposed sharing of toilets located within the gymnasium between the businesses.

It is noted that these representations are from a co tenant located within the Woollen Mill building. These issues will need to be appropriately managed between the building owners and the tenants.



Council has received a response to the representations from the owner/operator of the Limestone Coast Pantry. Within this response it has been identified:

- External parties have discussed the application and raised no concerns with the operation of the business
- Have hired toilets for past events to provide additional toilets on site in preference to using the toilets within the other section of the building
- Have never received any complaints in respect to noise in the past from either neighbours or other building tenants

Council Officer's have also had a number of discussions with the Applicant and the Building Owners regarding Building Fire Safety matters and the provision of toilets. These are matters which will need to be further addressed as part of any Building Application.

It is hopeful that the internal noise management between tenants will also be able to be resolved by the building owners and any lease agreements that currently exist.

The Light Industry Zone provides little guidance to assess this type of development application. The proposed business is considered to be an appropriate form of adaptive land use within an old industrial building. Likewise it is not anticipated that this development will detract from the existing hierarchy of centres within the City when considering the size and nature of the development.

The total floor area of the development is to be approximately 650 square metres made up of different uses which have no real clearly defined floor area. These different uses have have different rates of carparking to be applied. The greater amount of carparks to be provided are associated with the land uses of a community centre, dance hall and restaurant/café which specify 1 carpark to be provided for 10 square metres of floor area. At this rate 65 car parking spaces would be required to be provided on site.

The amount of carparking spaces available on site is approximately 10. Whilst this is significantly deficient, it is anticipated that during the day, the carparking spaces will generally accommodate for the number of customers. A significant number of car parking spaces are also available on Harrold Street adjacent to the subject site, with further carparking available within the vicinity of the development within a short walk. During times of high demand, such as the larger events, it is anticipated that carparking needs will be met within the subject locality.

It is also noted that the hours of the large events will be outside of the general business hours of the adjoining businesses, which will help to reduce conflicting needs.

The biggest area of concern is the impact of the development on the adjacent residential dwellings to the east of the subject site. The Development Plan identifies that development should not detrimentally affect the amenity of the locality or cause unreasonable interference through emissions, noise, light spill, glare, hours of operation and traffic impacts. Development should be designed, constructed and sited to minimise negative impacts of noise and to avoid unreasonable interference and should be consistent with the relevant provisions in the current Environment Protection (Noise) Policy. The Applicant has verbally advised that is not anticipated that any music within the venue will be excessively loud.

It is noted that large events have been held at the subject site. To date Council has not received complaints from the adjoining property owners in relation to the existing development. It is also noted that Council also did not receive and representations from people living within the subject locality. It is unlikely that the proposed development will cause any further additional problems or areas of concern from what is currently being experienced.

It is noted that there are two residential dwellings that are located immediately adjacent to the carparking area of the proposed development that would experience the biggest impacts from the proposed development and these impacts will be substantially from the movement of cars to and from the subject property and the voices of people as they walk too and from their vehicles.



It is also noted that this development will assist in the provision of a lower impact buffer from of land use between the residential dwellings and the industrial land uses located within the area.

CONCLUSION






When considering the existing building and the use of the building, the surrounding land uses and the character and amenity of the subject locality it is not anticipated that the development will have significant adverse impacts and conflict with the surrounding land uses.

When considering the nature of the proposed development, it is not considered seriously at variance to the provisions of the Mount Gambier (City) Development Plan and warrants the support of the Council Assessment Panel and the granting of Development Plan Consent.

INVITES

The Applicant

ATTACHMENTS

1. Planning Only Lodgement - DA 381/0278/2020 - 1/20 Harrald Street, Mount Gambier 
2. Working Copy - DA 381/0278/2020 - 1/20 Harrald Street, Mount Gambier 
3. Statement of Respresentations - Limestone Coast Pantry - DA 381/0278/2020 - 1/20 Harrald Street, Mount Gamier 
4. 1 20 Harrald Street. 
5. Response to Representation - Limestone Coast Pantry - 1/20 Harrald Street, Mount Gambier - DA 381/0278/2020 



5.8 LAND DIVISION - 11 WYATT STREET, MOUNT GAMBIER – REPORT NO. AR20/74739

Development No:	381/0162/2020 (381/C004/2020)
Applicant:	M & K Fox
Property Address:	11 Wyatt Street, Mount Gambier
Property Owner:	M & K Fox
Report No:	AR20/74739
CM9 Reference:	AF19/488
Author:	Jessica Porter, Planning Officer
Authoriser:	Tracy Tzioutziouklaris, Manager Development Services
Nature of Development:	Consent/Category 1
Description:	To create three (3) allotments – community title
Zoning:	Residential
Policy Area:	St Andrews Historic (Conservation) Policy Area
Heritage:	N/A

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR20/74739 titled 'Land Division - 11 Wyatt Street, Mount Gambier' as presented on 19 November 2020 be noted.
2. The Applicant and Owner be advised that having regard to the Development Plan and all supporting documentation, the proposed development is considered not to be at serious variance with Council's Development Plan and is granted Land Division Consent and Development Approval, with the following requirements;

Requirements of the State Commission Planning Assessment

1. The financial requirements of the S A Water Corporation shall be met for the provision of water supply and sewerage services. (S A Water H0097820).

SA Water advises on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.

The developer must inform potential purchasers of the community lots in regards to the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

2. Payment of \$6,116.00 into the Planning and Development Fund (2 allotment/s @ \$3,058.00 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Infrastructure and Transport marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.

3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to



be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.



BACKGROUND

The subject site is an irregular shaped allotment and has a 19.0 metre street frontage to Colhurst Place. The subject site is accessed via a "Right of Way" to Wyatt Street. The total site area is approximately 2,809 square metres. The subject site is located in the Residential Zone and is also located within the St Andrews Historic (Conservation) Policy Area.

At its meeting held on 19th March 2020, the Council Assessment Panel resolved to grant Development Plan Consent for a two-storey dwelling to be constructed on the subject site. At the time of writing this report the dwelling is nearing completion. In addition, Council is currently assessing a development application to construct a two storey building comprising two (2) short term tourist accommodation facilities (DA 381/0315/2020); this building is proposed to be constructed on the subject site, in addition to the existing dwelling. In addition, there is a stone outbuilding located along portion of the north eastern property boundary.

PROPOSED DEVELOPMENT

The proposal is for a Community Title subdivision of the subject site, creating three (3) allotments. Proposed allotments 1 and 2 are to be accessed from Wyatt Street, via the existing "Right of Way"; whilst proposed allotment 3 is to be accessed from Colhurst Place.

Proposed allotment 1 is an irregular shape having a site area of 452 square metres. Proposed allotment 2 is a regular shape, having a site area of 429 square metres. Proposed allotment 3 is an irregular shape and will have a total site area of 1,623 square metres.

The proposed development includes the installation and establishment of an onsite stormwater management system. All services are provided to the proposed allotments via a 1.5 metre wide common service trench that will be established along the south western and north western property boundaries.

DEVELOPMENT PLAN PROVISIONS

The objectives and principles relevant to this proposal are contained within the Mount Gambier (City) Development Plan – Consolidated 21 April 2016 and include the following:

Council Wide

Historic Conservation Area

Objectives: 1, 2, 3, 4 & 5.

Desired Character Statement – St Andrews.

Principle of Development Control: 1, 6, 16 & 17.

Land Division

Objectives: 1, 2, 3 & 4.

Principles of Development Control: 1, 2, 4, 5, 6, 9 & 12.

Residential Development

Objectives: 1, 2 & 3.

Principles of Development Control: 1 & 3.

Residential Zone

Objectives: 2 & 3.

Desired Character

Principles of Development Control: 3, 7, 12, 16 & 19.

PLANNING ASSESSMENT

The St Andrews Historic (Conservation) Policy Area is broadly characterised by a range of allotment sizes and forms. The immediate locality surrounding the subject site (being the allotments bounded



by Penola Road and Wyatt, Gray and Lawrence Streets) also comprises a range of allotment sizes and forms.

The sizes and form of the proposed subdivision is considered to be complementary to the existing immediate locality and will maintain the traditional pattern and scale of the allotments within the immediate locality. The proposed subdivision provides a sympathetic infill development opportunity, close to the City Centre, whilst not impinging on the historic character of the streetscape.

The proposed subdivision will create three (3) allotments that are suitable for their intended residential land use, are accessed from an existing road or right of way and can facilitate solar access for energy efficiency. The Mount Gambier (City) Development Plan states allotments that are to be used for detached, semi-detached or group dwellings, should have a minimum site area of 450 square metres and a minimum street frontage of 10.0 metres for detached dwellings, 9 metres for semi-detached dwellings, and a minimum frontage of 20 metres for group dwellings. There are no planning concerns regarding proposed allotment 3. It is important to note that access to proposed allotments 1 and 2 will be via an existing 3.6m wide "Right of Way", therefore the minimum street frontage requirement is not applicable in this instance. Further, proposed allotment 2 is slightly less than 450 square metres in area (proposed area shown as 429 square metres).

The proposed land division will provide an opportunity for a higher dwelling density to be achieved in close proximity to the City Centre Zone.






CONCLUSION

On balance, whilst one allotment is less than 450 square metres in total area, the 21 square metre deficiency is considered to be a minor departure from the requirements of the Mount Gambier (City) Development Plan. On Balance the proposed land division warrants the support of the Council Assessment Panel and the granting of Land Division Consent and Development Approval, subject to the requirements detailed in the recommendation.

INVITES

Nil

ATTACHMENTS

1. Land division plan 
2. State Commission Assessment Panel Consultation Report 
3. Planning Consultant report - August 2020 
4. Planning Consultant report - September 2020 
5. Map - 11 Wyatt Street 



6 URGENT MOTIONS WITHOUT NOTICE

7 MEETING CLOSE

