



Civic Centre, 10 Watson Terrace  
Mount Gambier SA 5290

PO Box 56  
Mount Gambier SA 5290

Telephone 08 87212555  
Facsimile 08 87249791  
[city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)

[mountgambier.sa.gov.au](http://mountgambier.sa.gov.au)

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

**Date:** Thursday, 19 August 2021  
**Time:** 5.45 p.m.  
**Location:** Council Chamber  
Civic Centre  
10 Watson Terrace  
Mount Gambier

# **AGENDA**

## **Council Assessment Panel 19 August 2021**



**Tracy Tzioutziouklaris  
Assessment Manager  
12 August 2021**

## Order Of Business

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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 July 2021

**RECOMMENDATION**

That the minutes of the Council Assessment Panel meeting held on 15 July 2021 be confirmed as an accurate record of the proceedings of the meeting.

**4 QUESTIONS WITHOUT NOTICE**

**5 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 the Planning and Design Code.
- 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 6.2 DA 21010994 - 6 Shepherdson Road, Mount Gambier**

Frank Brennan - Principal Consultant of Frank Brennan Consulting Services  
The Applicant - Angus Maddern and Lacey Flier



## 6 REPORTS

### 6.1 DA21015170 - 22 CALULA DRIVE, MOUNT GAMBIER - STORAGE SHED FOR PACKAGING AND DISTRIBUTION – REPORT NO. AR21/49757

<b>Development No:</b>	<b>21015170</b>
<b>Applicant:</b>	<b>Blackbird Industries on behalf of Neale and Nulty</b>
<b>Property Address:</b>	<b>22 Calula Drive and 24-26 Bodey Circuit</b>
<b>Property Owner:</b>	<b>W &amp; P Nulty</b>
<b>Report No:</b>	<b>AR21/49757</b>
<b>CM9 Reference:</b>	<b>AF20/387</b>
<b>Author:</b>	<b>Tracy Tzioutziouklaris, Manager Development Services</b>
<b>Authoriser:</b>	<b>Tim Coote, General Manager City Growth</b>
<b>Nature of Development:</b>	<b>Performance Assessed/Publicly Notified</b>
<b>Description:</b>	<b>To construct a storage shed for packaging and distribution to be used in association with a truck workshop and associated warehouse and office</b>
<b>Zoning:</b>	<b>Employment Zone/Overlays - Hazards (Flooding), Native Vegetation, Prescribed Wells and Water Protection</b>
<b>Policy Area:</b>	<b>N/A</b>
<b>Heritage:</b>	<b>N/A</b>

#### REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR21/49757 titled 'DA21015170 - 22 Calula Drive, Mount Gambier - Storage Shed for packaging and distribution' as presented on 19 August 2021 be noted.
2. Having had regard to the provisions of the Planning and Design Code, the Application and all supporting documents, the development is not seriously at variance to the provisions of the Planning and Design Code and Planning 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 building and surroundings shall be maintained in a state of good repair and tidy condition at all times.
  - (c) The car parking and driveway areas and footpath crossover as shown on the plan/s approved by Council, shall be graded, paved and sealed with bitumen or other similar material and maintained in a useable condition at all times.
  - (d) The carparking spaces shall measure not less than 2.6 metres in width and 5.5 metres in length, be line marked and be maintained in a useable condition at all times.
  - (e) The remainder of the yard area shall be graded and surfaced to ensure maximum dust suppression at all times.



- (f) A stormwater treatment device shall be installed to ensure that all surface run off including stormwater, discharging to the bore is free of site contaminants is free of but not limited to oils, grease, fuels, rubbish or silt.
- (g) The landscaping shall be undertaken in accordance with the plan as approved by Council and be maintained in good health and condition.
- (h) All waste materials and refuse shall be contained within the proposed building or alternatively a screened holding place for waste materials and refuse containers shall be provided and maintained on the subject site, with the waste materials being removed on a regular basis.
- (i) The trading hours of the use of the land shall be within 6.00 a.m. to 6.00 p.m. Monday to Friday.
- (j) Any lights on the subject land must be directed and screened so that overspill of light into the adjoining residential properties is avoided.
- (k) The subject land shall not be used/occupied for the purposes approved by Council until conditions (c), (d) and (e) are completed.



## **BACKGROUND**

The subject site has a road frontage of 30.48 metres, a depth of 42.41 metres, a length of 116.19 and an area of 3882 square metres. The subject site is irregular in shape as it's located at the end of a cul de sac. The subject site is currently vacant land.

Immediately to the north of the subject site is the Suburban Neighbourhood Zone with a 12 metre buffer zone/area separating the industrial/commercial developments from the residential dwellings.

Council by Notice dated 4 July, 2018 Council granted Development Approval to construct a truck workshop (Maintenance), a truck wash bay, truck parking with associated warehousing, office, carparking and landscaping at 24-26 Bodey Circuit, Mount Gambier. This development has been completed and has been operational for the last few years. This site is located directly to the east of the proposed development.

## **PROPOSED DEVELOPMENT**

The proposed development involves the construction of a storage building to be used for packaging and distribution to be used in association with an existing truck workshop and associated warehouse at 24-26 Bodey Circuit.

The two properties will be joined via the internal road layout to facilitate the movements of vehicles on to the property at 22 Calula Drive and exiting via Bodey Circuit.

The proposed development involves the construction of a storage building which is to be 40 metres long, 20 metres wide, having a total floor area of 800 square metres. A small bathroom toilet area is to be located within the south west corner of the building.

The building is to be constructed with a 3 metre setback to the southern property boundary, a 14.63 metre setback to the northern property boundary, a 6.36 metre setback to Calula Drive, a 23.18 metre setback to the eastern property boundary and approximately a 25 metre setback to the western property boundary.

The building is to have a wall height of 6.042 metres and a total building height of 7.9 metres to the top of the ridge line. The building is to be constructed using Trimdek Dune colour for the roof and Trimdek Ironstone colour for the walls. A roller door and PA Access door will provide access to the building on the eastern side. A cantilevered verandah is to be located above the roller door to provide protection from the weather.

Stormwater is to be disposed of onsite via a rainwater tank with the overflow to a drainage bore.

Vehicular movements will be via a sealed driveway area to the west and north of the building with access from Calula Drive and the exit via 24-26 Bodey Circuit. Three car parking spaces are identified along the western property boundary and will be sealed with hotmix. The remainder of the yard area will remain with hardstand scalps.

Landscaping is to be planted along the western property boundary and part of the frontage to Calula Drive.

The property is to be used primarily for the storage of packaged products to be delivered to business within the Limestone Coast and will be accessed 2 -5 times a day, with 2 people located on site. The business hours are to be 6am to 6pm.

## **DEVELOPMENT PLAN PROVISIONS**

The subject site is located within the Employment Zone and the Hazards (Flooding), Native Vegetation, Prescribed Wells and Water Protection Overlays.

The extract from the Planning and Design Code is attached for Members Information and Perusal.



## PLANNING ASSESSMENT

The proposed development is referred to the Council Assessment Panel for a decision as the development was required to be notified as it is to be located adjacent to the Suburban Neighbourhood Zone. At the conclusion of the notification period one (1) representation was received which raised the following:

- Does not support the movement of trucks along the fence at all hours during the day and night.

The Applicant has responded to the representation with the following:

- The hours of operation of the subject site is to be from 6am to 6pm only.
- The subject property will be closed from 6pm until 6am with no trucks moving through the property during these hours.

The proposed development is for a form of development envisaged to occur within the Employment Zone. The development is considered appropriate for the subject site as it will create minimal impact on the adjoining residential properties. The nature of the development is for storage only, with 2-5 vehicular movements envisaged to occur a day between the hours of 6am and 6pm only. This form of development is considered to be a low impact form of development as it is not anticipated to create emissions that would detrimentally affect the local amenity.

The design and siting of the proposed building is considered appropriate and meet the requirements of the Planning and Design Code for setbacks.

The subject site is not subject to flooding, does not have any native vegetation on site. The proposed development does not require the provision of water by a well and is not a form of development identified as generating waste which could pollute the groundwater catchment.

A store is required to provide onsite carparking at a rate of 0.5 spaces per 100 square metres of total floor area. At this rate, for a floor area of 800 square metres, 4 on site car parking spaces are required to be provided. As part of the development 3 car parking spaces have been provided on site. The carparking provided is considered sufficient as there is space available on site to provide additional car parking if needed.

The development as proposed is considered to be of a low scale form of industrial/commercial development and will not create any adverse impacts through noise, dust or odour or cause a nuisance to the adjoining residential properties. The location of a 12 metre wide buffer between the Employment Zone and the Suburban Neighbourhood Zone will also help to minimise any adverse impacts.

## CONCLUSION

When considering the character and amenity of the subject locality and the use of the subject land, the proposed development is not considered seriously at variance to the provisions of the Planning and Design Code and warrants the granting of Planning Consent subject to conditions.

## INVITES

Nil

## ATTACHMENTS

1. Development Application Summary - 22 Calula Drive 
2. Development Application Plans - 22 Calula Drive 
3. Description of the Development - 22 Calula Drive 
4. Representation - 22 Calula Drive 
5. Planning and Design Code Extract - 22 Calula Drive



**6.2 DA 21010994 - 6 SHEPHERDSON ROAD, MOUNT GAMBIER - TO DEMOLISH THE DWELLING – REPORT NO. AR21/49850**

**Development No:** 21010994  
**Applicant:** Frank Brennan Consulting Services on behalf of Mr A and Mrs L Maddern  
**Property Address:** 6 Shepherdson Road  
**Property Owner:** Mr Angus Maddern and Ms Lacey Flier  
**Report No:** AR21/49850  
**CM9 Reference:** AF20/387  
**Author:** Tracy Tzioutziouklaris, Manager Development Services  
**Authoriser:** Tim Coote, General Manager City Growth  
**Nature of Development:** Performance Assessed/Public Notification  
**Description:** To demolish the dwelling  
**Zoning:** Established Neighbourhood/Overlays – Affordable Housing, Historic Area, Hazards (Bushfire – Urban Interface), Hazards (Flooding), Native Vegetation, Prescribed Wells Area and Water Protection Area  
**Policy Area:** N/A  
**Heritage:** N/A

**REPORT RECOMMENDATION**

1. That Council Assessment Panel Report No. AR21/49850 titled 'DA 21010994 - 6 Shepherdson Road, Mount Gambier - To demolish the dwelling' as presented on 19 August 2021 be noted.
2. Having had regard to the provisions of the Planning and Design Code, the Application and all associated documentation, the development is considered to be seriously at variance to the provisions of the Planning and Design Code and Planning Consent be refused.



## **BACKGROUND**

The subject site is regular in shape and has a street frontage of approximately 20.8 metres, a depth of 68.44 metres, having an area of approximately 1423 square metres.

A detached dwelling and an associated outbuilding is currently located on the subject site.

Whilst not identified as a place of Local Heritage, the subject property is located within the Historic Area Overlay.

The detached dwelling is a 19<sup>th</sup> Century weatherboard workers cottage of four rooms with the front verandah sited on the street frontage. It was previously listed in the Development Plan as a Contributory Place.

## **PROPOSED DEVELOPMENT**

The proposed development is seeking approval to demolish the dwelling located at the front of the subject site.

## **PLANNING AND DESIGN CODE PROVISIONS**

The subject site is located within the Employment Zone and the Hazards (Flooding), Native Vegetation, Prescribed Wells and Water Protection Overlays.

The extract from the Planning and Design Code is attached for Members Information and Perusal.

## **PLANNING ASSESSMENT**

This application is forwarded to the Council Assessment Panel as ten representations were received at the conclusion of the public notification process. One representor identified they wished to be heard in support of their submission.

Eight (8) representations supported the proposed development with no reasons identified for the support other than the dwelling is considered to be an eye sore.

Two representations opposed the development for the following reasons:

- The dwelling is a Contributory Place
- No reasons have been provided outlining why it should be demolished
- The dwelling appears to be in good condition
- Buildings identified as Contributory Places are supposed to have some level of protection.

The Applicant has responded to the representation received with the following:

- The dwelling has been inspected by a local builder with the cost estimate provided of greater than \$200,000 to restore the dwelling.
- Consider the building is beyond what is considered reasonable repair for habitation.

The applicant's response and the report from the builder is attached to this report for Members information and perusal.

The subject property was previously listed in Council's Development Plan as a Contributory Place. On 19 March, 2021 the Development Plan was replaced by the Planning and Design Code. Performance Outcome 7.1 within the Historic Area Overlay of the Planning and Design Code identifies:

*"Buildings and structures, or features thereof, that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless:*

- (a) the front elevation of the building has been substantially altered and cannot be reasonably restored in a manner consistent with the building's original style; or*



*(b) the structural integrity or safe condition of the original building is beyond reasonable repair.”*

Within the Wehl Street South Historic Area Statement (MtG6) of the Planning and Design Code it is identified that smaller timber clad workman’s cottages are an architectural style and built form recognised within this Historic Area. The dwelling which is proposed to be demolished is a small timber clad workman’s cottage and is provided with additional protection from demolition.

The front elevation of the building has not been substantially altered.

To assist in the assessment of the application a report identifying the structural integrity of the existing building and demonstrating the building is beyond reasonable repair was sought by Council from the Applicant.

The Local Heritage Advisor, a Conservation Architect has provided Council with an independent professional opinion as to whether the dwelling is structurally unsound or beyond reasonable economic repair. In summary it was found that the dwelling is not structurally unsound and is not beyond reasonable economic repair. The cost of repair and making good the building fabric would not exceed the cost of demolition and new build of the same floor and construction. Basic building skills, workmanship and materials would be provided to put this cottage into a habitable, presentable and sustainable condition. Specialist skills and materials are not required. Services and wet areas appropriate to the building use may also be required, over and above repair of the four room cottage.

A copy of this advice and associated inspection photos are attached to this report for Members information and perusal.

## CONCLUSION

The dwelling represents the identity and characteristics of the Historic Area within which the dwelling is located. Smaller timber clad workman’s cottages are specifically identified as an architectural style, detailing and built form within the subject locality.

Demolition controls apply to this building. The front elevation of the building has not been substantially altered and the Applicant has not demonstrated the structural integrity or safe condition of the original building is beyond reasonable repair.

The development as proposed is significantly at variance to the provisions of the Planning and Design Code and does not warrant the granting of Planning Consent.

## INVITES

Mr Frank Brennan from Frank Brennan Consulting and the Applicant

## ATTACHMENTS

1. Application Snapshot - 6 Shepherdson Road 
2. Demolition Site Plan - 6 Shepherdson Road 
3. Photo - 6 Shepherdson Road 
4. Dwelling demolition methodology - 6 Shepherdson Road 
5. Additional Information - 6 Shepherdson Road 
6. Heritage Inspection Report - 6 Shepherdson Road 
7. Photos - Heritage Inspection - 6 Shepherdson Road - 23 June 2021 
8. Representations - 6 Shepherdson Road 
9. Planning and Design Code - Code Rules - 6 Shepherdson Road 
10. Response to representations - 6 Shepherdson Road 



**7 URGENT MOTIONS WITHOUT NOTICE**

**8 MEETING CLOSE**

