



City of
Mount Gambier

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

Date: Thursday, 15 October 2020
Time: 5.45 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Council Assessment Panel 15 October 2020

**Tracy Tzioutziouklaris
Assessment Manager**

9 October 2020

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 - 17 September 2020

RECOMMENDATION

That the minutes of the Council Assessment Panel meeting held on 17 September 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 5.1, DA 381/0199/2020 the Applicant – Mr Nick Serle – City of Mount Gambier and Representor - Ms Robyn Glynn
- 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 5.3 381/0005/2020 by phone
Mr Mark Daniels, Planning and Development Manager, Borg Manufacturing
Mr Victor Bendeviski, Environmental and Regulatory Compliance, Borg Manufacturing



5 REPORTS

5.1 48 PENOLA ROAD, MOUNT GAMBIER – REPORT NO. AR20/65302

| | |
|-------------------------------|--|
| Development No: | 381/0199/2020 |
| Applicant: | City of Mount Gambier |
| Property Address: | 48 Penola Road, Mount Gambier |
| Property Owner: | City of Mount Gambier |
| Report No: | AR20/65302 |
| 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: | Local Heritage Place |

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR20/65302 titled '48 Penola Road, Mount Gambier' as presented on 15 October 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 subject site is located within the Residential Zone and is bounded by Jubilee Highway East and Penola Road. 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. The subject site is predominantly surrounded by commercial land uses, with residential land uses to the east of the subject site. Frew Park is listed as Local Heritage Place in Table MtG(C)/5 as contained within the Mount Gambier (City) Development Plan. The listing covers the full extent of Frew Park, the area and its trees are to be cared for in a manner which ensures their longevity.

The surrounding commercial land uses include fast food restaurants, car yards, petrol service station and offices. The immediate locality of the subject site has been determined as the portion of Jubilee Highway East, located from the eastern boundary of the subject site to the McDonald's restaurant located on the corner of Jubilee Highway West and Penola Road; the portion of Penola Road from the intersection of Jubilee Highway East and West to the intersection of Wyatt Street and Penola Road; and along the southern property boundary of the site, including the adjoining properties that face Jardine Street.

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. 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 involves the placing of a VMDU on the grass area west of the Frew Park and adjacent to Penola Road, Mount Gambier. The VMDU will be placed in this location to advertise community events.

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, Representation 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, one (1) representation was received. The representation raised concern about the proposed sign being located along the southern boundary of the subject site, adjacent to the Representor's property. As the proposed development is to occur along the Penola Road frontage of the subject site, it will have no impact upon the residential properties located along the southern property boundary (i.e. residence facing Jardine Street).

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 Frew Park).

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 Frew Park. 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 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 propose 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 – Mr Nick Serle – City of Mount Gambier

Representor - Ms Robyn Glynn



ATTACHMENTS

1. Plans
2. Map of subject land
3. Statement of Representation - Ms Robyn Glynn
4. Statement of Effect



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 15 October 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 TO CONSTRUCT ALTERATIONS AND ADDITIONS TO AN EXISTING TIMBER PROCESSING PLANT – REPORT NO. AR20/66070

| | |
|-------------------------------|---|
| Development No: | 381/0005/2020 |
| Applicant: | Borg Manufacturing Pty Ltd |
| Property Address: | 400-410 Commercial Street West, Mount Gambier |
| Property Owner: | Borg Manufacturing Pty Ltd |
| Report No: | AR20/66070 |
| CM9 Reference: | AF19/488 |
| Author: | Tracy Tzioutziouklaris, Manager Development Services |
| Authoriser: | Tracy Tzioutziouklaris, Manager Development Services |
| Nature of Development: | Consent/Category 3/EPA Referral/Commissioner of Highways Referral |
| Description: | To construct alterations and additions to an existing particle board processing plant (timber processing plant) including chemical works, waste processing and fuel burning. |
| Zoning: | General Industry |
| Policy Area: | N/A |
| Heritage: | N/A |

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR20/66070 titled 'To construct alterations and additions to an existing timber processing plant' as presented on 15 October 2020 be noted.
2. After consideration of the Development Application and supporting documentation, the development as proposed is not considered to be at serious variance to the provisions of the Development Plan and warrants the granting of Development Plan Consent subject to the following conditions and notes:

Conditions of the City of Mount Gambier

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 buildings, including the roof/s 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. Driveways, parking and manoeuvring areas and footpaths must be lit in accordance with the relevant Australian Standards Association Code during the hours of darkness that they are in use. Such lights must be directed and screened so that overspill of light into nearby premises is avoided and the potential for driver distraction is minimised.



6. 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.
7. A detailed landscaping plan shall be submitted to Council prior to the granted of Development Approval with. Landscaping shall be established in accordance with the Plan and shall incorporate the use of established trees and shrubs, and be maintained in good condition at all times. Should any tree, shrub, ground cover or other plant die, become diseased or otherwise fail to thrive at any time, it shall be replaced.
8. All fences shall be constructed and be maintained in a useable condition at all times.
9. 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.
10. 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.
11. The subject land and all improvements thereon shall be maintained in a state of good, tidy and attractive repair and condition at all times.
12. During construction external impacts (i.e. noise, dust etc.) shall be managed to ensure external impacts are minimised and compliant with the relevant legislation. A construction management plan shall be provided as part of the Building Rules Consent application, prior to full Development Approval being obtained.
13. A Soil Erosion and Drainage Management Plan (SEDMP) must be prepared and implemented in accordance with the EPA's *Code of Practice for the building and construction industry* to prevent soil sediment and pollutants leaving the site or entering the stormwater system and drainage bores during development of the site and construction of the building and carparking areas. This SEDMP must include (but not necessarily be limited to) the following elements:
 - a. the installation of a shaker pad at the entrance/exit to the development site
 - b. avoiding unnecessary cut and fill
 - c. protecting exposed soil through temporary vegetation or jute matting, hay bales or silt fences, and fencing and containing of stockpiles.
15. All road works including footpath crossovers on Commercial Street West shall be designed and constructed to Council's standards and be in accordance with Austroads Guides/Australian Standards. All associated costs (including project management and any necessary road lighting and drainage upgrades) shall be borne by the Applicant.

Prior to undertaking any detailed design, the applicant shall contact Councils Manager Operations and Engineering, Mr Abdullah Mahmud on telephone 0407574629, or via email at amahmud@mountgambier.sa.gov.au to obtain approval and discuss any technical issues regarding the required works.

Conditions of the Environment Protection Authority

1. The stormwater management system must be constructed (including vegetated swales and basins, concrete channels to capture sediment and gross pollutants, and a propriety device (such as a Humeceptor/Stormceptor) to remove hydrocarbons)) in accordance with the letter received from Tonkin Consulting dated 3 April, 2020 and the Stormwater Pollution Prevention Plan dated 21 November 2018, which includes the following:
 - (a) Stormwater treatment system must be sized to capture and treat a 1%AEP rain event.
 - (b) runoff must not be discharged to drainage bores and any active drainage bores on site that may currently receive runoff should be decommissioned.



(c) all chemicals stored on site must be stored within bunded areas, sized to capture and contain 120% - 130% of the tank volumes.

2. Prior to the operation of the development, the noise mitigation measures as recommended within Section 5.4 (pages 18-20) of the amended Environmental Noise Report (S610C2) prepared by SONUS dated July 2020, must be implemented at the site.
3. All isolation valves to be installed in the stormwater treatment train shall be alarmed and designed to operate automatically.

Notes of 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, including taking all reasonable and practicable operational steps to reduce off site noise. This includes fitting all trucks and forklifts with broadband reverse beepers.
- An environmental authorisation in the form of a licence is required for the operation of the development. The applicant is required to contact the Environment protection Authority before acting on this approval to ascertain licencing requirements. Information on applying for a licence (including licence application forms) can be assessed 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 noise from construction, demolition and site preparation activities is required to meet the mandatory provision of part 6 Division 1 of the Environment Protection (Noise) Policy 2007.
- 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>

Conditions of the Commissioner of Highways

1. Access arrangements serving the development shall be in accordance within the Tonkin Traffic Impact Assessment (Ref. 20181463R001B dated December 2019) and further information provided to DPTI (Ref. 20181463L001A/NC/TPT), dated 3 April 2020.
2. The basic left turn treatment on Jubilee Highway identified in the Tonkin report dated 3 April 2020 (Ref. 20181463L001A/NC/TPT), shall be completed and open to traffic prior to operation of the development.
3. All road works on Jubilee Highway West shall be designed and constructed to the satisfaction of the DPTI and be in accordance with Austroads Guides/Australian Standards. All associated costs (including project management and any necessary road lighting and drainage upgrades) shall be borne by the Applicant.

Prior to undertaking any detailed design, the applicant shall contact DPTI's Senior Technical Officer, Rural, Mr Tim Wilson on telephone 7223 6079, or via email at Tim.Wilson@sa.gov.au, to obtain approval and discuss any technical issues regarding the required works.

4. Prior to construction, a Construction Traffic Management Plan (CTMP)) shall be developed to DPTI's satisfaction. The CTMP shall show all traffic devices to be utilised and any proposed traffic restrictions the construction phase. The applicant shall notify DPTI's Traffic Management Centre on Ph. 1800018313 prior to undertaking any works



that would impact the arterial road network and contractor(s) shall complete a 'Notification of Works' form via the following link:

https://www.dpti.sa.gov.au/contractor_documents/works_on_roads_by_other_organisations

5. All vehicles shall enter and exit the site in a forward direction.
 6. Signage and/or line marking shall be installed to reinforce the desired flow of traffic to, from and through the site.
 7. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of the road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.
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 minimise the impact of the development upon the adjoining properties during the construction phase
 - (iv) To ensure the development minimises adverse impacts on the adjoining properties.
3. (v) To ensure the development does not detrimentally impact upon the environment and does not degrade the water quality of the underground aquifer.



BACKGROUND

The Council Assessment Panel (CAP) first considered this application at its meeting held on Thursday 17th September, 2020. At this time it was determined:

- “1. *That Council Assessment Panel Report No. AR20/58338 titled ‘To construct alterations and additions to an existing timber processing plant’ as presented on 17 September 2020 be noted.*
2. *The Applicant be advised the Council Assessment Panel is not able to make a determination on the Development until the following additional information has been provided:*
 - a) *The provision of a Traffic Management Plan which clearly identifies the nature and type of vehicle movements throughout the proposed development, including the proposed treatment to the driveway providing an entry and exit points for vehicles via Commercial Street West, Mount Gambier in proximity to the ‘Gatehouse’. In particular the Council Assessment Panel requests further consideration to the nature, location and direction of vehicle movements from the subject site onto Commercial Street West, Mount Gambier at this location so as to further minimise and manage the impact of the movements of vehicles in this location upon the adjacent residential properties.*
 - b) *The provision of a landscaping plan which illustrates the proposed landscaping for the subject site and the type, location and style of any proposed fences around the subject land.”*

The subject site is currently used as a timber processing plant which operates 24 hours 7 days per week. The proposed development is to construct alterations and additions to the existing timber particle board processing plant. The activities proposed as part of the proposed development currently exist on the eastern portion of the subject site.

Council Assessment Panel Members are referred to the report and associated attachments from the CAP meeting held on 17 September 2020 for all of the details in respect to the proposed development.

PROPOSED DEVELOPMENT

As this development application was first considered by the CAP at its meeting in September 2020, this report is primarily addressing those matters the CAP sought additional information and clarification on.

The proposed development involves the expansion of the existing timber particle board processing facility (Borg Manufacturing Pty Ltd) which will result in a proposed increase in production at the subject site up to 500,000m³ per year.

The particle board manufacturing involves both the processing of virgin wood, residual wood waste from sawmills and the recycling and processing of appropriate used wood to create suitable sized particles which are then processed to form particle board.

The new facility is to be constructed to the west of the existing facility to enable existing operations to continue during the construction of the new plant. When the new particle board facility is completed and operational, the new particle board line would be gradually decommissioned and repurposed for other industrial uses.

Additional traffic management plans have been provided in response to the CAP’s request for additional information. It has been identified that the access on Commercial Street West, Mount Gambier will see a lower percentage of use when compared to the access point on Jubilee Highway West, Mount Gambier. 80% of inbound and outbound heavy vehicles are to use the access point via Jubilee Highway West, Mount Gambier, with the remaining 20% of trucks to use the access point on Commercial Street West, Mount Gambier.

It is proposed that 194 employees will enter the subject site via Commercial Street West, Mount Gambier with 95% of employees entering and leaving the subject land to and from the east with 5%



entering and exiting the site from the west. This equates to around 10 cars entering and exiting the site to and from the west.

The gate house is located on an existing driveway which was previously used by the Dairy Farmers development and was used for heavy vehicles.

It is proposed to implement measures to restrict vehicle movements from the Commercial Street West entry/exit after 10.00p.m.

Additional information has also been provided in respect to the landscaping of the subject site. It is proposed to enhance the existing established landscaping around the property to improve and enhance the appearance of the subject site. A detailed landscaping plan will be finalised as part of the site preparation investigations required to be undertaken as part of the application for Building Rules consent which is not an unusual practice for developments of this scale.

DEVELOPMENT PLAN PROVISIONS

As identified in the previous report to the CAP, the Development Application was received by Council on 10th January, 2020.

The relevant Development Plan for the assessment of this Development Application is the City of Mount Gambier development Plan consolidated 21st April, 2016.

The objectives and principles of Development Control relevant to this development include the following:

Crime Prevention

Objective 1.

Principle 1, 3 and 5

Design Appearance

Objective 1:

Principle 1, 2, 7, 8, 14 & 15.

Building Setbacks from Road Boundaries

Principle 17 and 19.

Energy Efficiency

Objective 1 and 2.

Principle 1 and 2.

Form of Development

Objective 1 and 2.

Principle 1, 2 and 5.

Industrial and Commercial Development

Objective 2, 3, 6 and 7.

Principle 1, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20,21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 60 and 61.

Infrastructure

Objective 1, 4 and 5.

Principle 1, 2, 4, 5,

Interface between land uses



Objective 1 and 2.

Principle 1, 2 and 3.

Noise

Principle 6 and 7.

Orderly and Sustainable Development

Objective 1, 2, 3, 4, 5 and 6.

Principle 1, 3, 4 and 8.

General Industry Zone

Objective 1 and 2.

Principle 1, 2 and 7.

Table MtG(C)/2

Table MtG(C)/3

PLANNING ASSESSMENT

As the application was previously considered by the CAP at its meeting held on 17th September, 2020 the assessment of the proposed development as contained within this report is limited to those areas of concerns raised by the CAP at its previous meeting.

Additional information has been provided in respect to the traffic management associated with the proposed development. The primary access point via Commercial Street West, Mount Gambier is located at the site of an existing access point, with a new driveway access proposed at this location with access provided onto Commercial Street West which will be slightly to the east of a dwelling on the opposite side of Commercial Street West. At the previous meeting of the CAP, concerns were raised about the impact of headlights shining into this property at night when cars were exiting the property in a westerly direction. It has now been identified that minimal vehicles will exit the site and travel towards the west, with Borg Manufacturing proposing internal traffic management controls to limit the number of vehicles exiting the property and travelling to the west after 10.00p.m. at night.

It is highlighted that Jubilee Highway West, Milton Road and Commercial Street West, Mount Gambier are all part of the road network identified to be able to accommodate the movement of heavy vehicles, including B Doubles.

Established mature trees are currently planted along the northern, western and southern property boundaries which provide a visual barrier to the site. The type and nature of fencing around the site also currently varies between solid fencing, security type fencing and more rural (post and wire) type fencing. It is proposed the fencing will be upgraded where appropriate when considering the size, scale and nature of the site. The Development Plan identifies that where practical security type fencing should be located behind a landscaped area to soften its visual impact.

The existing landscaping and additional landscaping as proposed generally satisfies the requirement for landscaping as contained within the Development Plan for industrial developments.

CONCLUSION

A timber processing plant is currently located on the subject site and operates 7 days a week, 24 hours a day. The proposed development proposes to modernise the existing facility and processes currently being undertaken on the subject site. Due to the modernisation of the existing facility it is anticipated that the overall impacts on adjoining properties will be reduced. This is confirmed in the advice received from the Environment Protection Authority.

The existing infrastructure including roads and access are sufficient to handle the proposed scale of the development as they accommodated this level of activity previously.



When considering all of the relevant provisions within the Development Plan, the Application and supporting documentation, referral advice and issues raised within the representations the proposed development warrants the support of the Council Assessment Panel and the granting of Development Plan Consent as it is not considered to be seriously at variance to the provisions of the Development Plan.

INVITES

By Phone

Mr Mark Daniels, Planning and Development Manager, Borg Manufacturing

Mr Victor Bendevski, Environmental and Regulatory Compliance, Borg Manufacturing

ATTACHMENTS

1. Reponse to Request for Information- DA381/05/2020- Borg Manufacturing - 400 Cpmmercial Street West, Mount Gambier
2. Traffic Management Plan - Inbound Traffic - DA 381/05/2020 - Borg Manufacturing - 400 Commercial Street West, Mount Gambier
3. Traffic Management Plan - Outbound Traffic - DA 381/05/2020 - Borg Manufacturing - 400 Commercial Street West, Mount Gambier
4. Proposed Landscape Plan at Gates - DA 381/05/2020 - Borg Manufacturing - 400 Commercial Street West, Mount Gambier
5. Proposed Landscape Plan - DA 381/05/2020 - Borg Manufacturing - 400 Commercial Street West, Mount Gambier
6. Map - 400 Commercial Street West



6 URGENT MOTIONS WITHOUT NOTICE

7 MEETING CLOSE

