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

**Date:** Thursday, 21 January 2021  
**Time:** 5.45 p.m.  
**Location:** Council Chamber  
Civic Centre  
10 Watson Terrace  
Mount Gambier

# **AGENDA**

## **Council Assessment Panel 21 January 2021**

A handwritten signature in black ink, appearing to read 'J. Porter', is positioned above the printed name.

**Jessica Porter  
Assessment Manager**

**15 January 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 - 3 December 2020

**RECOMMENDATION**

That the minutes of the Council Assessment Panel meeting held on 3 December 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 381/0517/2020 - Applicants Planning Consultant - Frank Brennan.



## 5 REPORTS

### 5.1 26 ALEXANDER STREET, MOUNT GAMBIER – REPORT NO. AR20/83576

<b>Development No:</b>	<b>DA 381/0517/2020</b>
<b>Applicant:</b>	<b>Millard Family Trust No2</b>
<b>Property Address:</b>	<b>26 Alexander Street, Mount Gambier</b>
<b>Property Owner:</b>	<b>Ivo Tadic</b>
<b>Report No:</b>	<b>AR20/83576</b>
<b>CM9 Reference:</b>	<b>AF20/387</b>
<b>Author:</b>	<b>Emily Ruffin, Planning Officer</b>
<b>Authoriser:</b>	<b>Tracy Tzioutziouklaris, Manager Development Services</b>
<b>Nature of Development:</b>	<b>Consent/Category 1</b>
<b>Description:</b>	<b>To construct a warehouse and store</b>
<b>Zoning:</b>	<b>City Centre</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. AR20/83576 titled '26 Alexander Street, Mount Gambier' as presented on 21 January 2021 be noted.
2. The applicant be advised:
  - (a) The Council Assessment Panel (CAP) has significant concern with the proposal in its current form, in particular:
    - (i) The length and height of the walls to be built on the southern, eastern and western property boundaries
    - (ii) The carparking provided on site; and
    - (iii) The lack of onsite landscaping; and
  - (b) The Development Plan specifies where commercial/industrial buildings adjoin residential properties setbacks to rear and side boundaries should be progressively increased as the building height increases to reduce the visual impacts, overshadowing effects and enable adequate provision of sunlight. Industrial and commercial buildings which exceed 3 metres in height should be constructed a minimum of three metres away from the boundary of an adjoining residential property and an additional 500 millimetres for every metre the building exceeds this height.
  - (c) The applicant be requested to reconsider the design of the proposed building and site layout to deliver reduced walls heights, increased side and rear boundary setbacks and increased onsite landscaping to reduce the impact on adjoining and adjacent residential land uses.





- (d) Further consideration be undertaken in relation to the provision of the onsite carparking spaces.



## **BACKGROUND**

The subject site is a regular shaped allotment with a frontage to Alexander Street of approximately 19.02 metres, extending to a depth of 23.92 metres. The total land area of the subject site is approximately 454.9 square metres.

The subject site is located within the City Centre Zone.

The site is located adjacent to the Residential Zone to the north and is located adjacent to Residential Land Uses to the south and west. An existing car yard is located to the east of the subject site.

The subject area is characterised by a mixture of land uses, including residential uses to the north, east and west of the subject site and a car yard to the east. The immediate locality includes a mixture of residential land uses, houses converted to offices/consulting rooms, a former child care centre, a purpose built office, purpose built consulting rooms, service trade premises, and associated car parking, with land uses more broadly including a warehouse, indoor recreation centre, additional car yards and retail shops.

The subject site is currently vacant, with boundary fencing of a residential nature.

## **PROPOSED DEVELOPMENT**

The proposed development involves the construction of a store and warehouse;

The proposed building will comprise;

- A floor area of 336 sqm
- A total wall height of 6.5 metres
- A primary street setback of 6.22 metres
- Two separate tenancy units, Unit one (1) to be used as a store for the owners personal vehicle collection, and unit two (2) to be a warehouse.
- No operation criteria regarding hours of operation, onsite staff, or confirmation if commercial transactions are to occur onsite are available at this stage.
- No maintenance, washing, repair of vehicles stored onsite is proposed to occur within the storage shed

The proposed building is to be;

- Built to the entire rear boundary for a length of 19.01 m with a wall height of 5.4 metres
- Built to both side boundaries for a length of 17.7 metres with a wall height of 5.4 m to 6.5 metres
- Have a roller door access of 4 m height
- Include pedestrian access doors to the street frontage

The driveway crossover area and forecourt area, whilst not shown on plan, is identified by the stormwater management report to be a pavement area, and in any approval should be conditioned to be graded, paved and sealed with bitumen or the like.

No onsite carparking is proposed.

Vehicle access is to be provided via the existing crossover.

Stormwater is proposed to be discharged directly to Councils existing stormwater network.



A 1 m wide landscaped area is proposed to 6 m of the frontage, returning 6.22 m to the façade of the building. No detailed landscaping plans has been provided in regard to proposed plants or height when mature.

## **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, but are not limited to, the following:

Mount Gambier (City)

Design and Appearance

Objective 1

PDC1, 2, 3, 4, 11, 15, 17

Industrial and Commercial Development

Objective 1

PDC 11, 12, 13, 14 , 15, 29, 31, 35, 38, 39, 41, 43, 44, 45, 52, 53, 54, 55, 56, 57

Interface between land uses

Objective 1, 2

PDC 1

Transport and access

Objectives 2

PDC 10, 32, 33, 34

Orderly and Sustainable Development

Objective 1, 3, 4

PDC 1, 8

City Centre Zone

Objective 7, 11

Desired character

PDC 1, 3, 11, 13, 14, 19

## **PLANNING ASSESSMENT**

This application is referred to the Council Assessment Panel as there are concerns in respect to:

- The height and length of the walls to be constructed on the southern and western property boundaries
- The lack of landscaping proposed on site; and
- The carparking and vehicle movements.

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 from Alexander Street by some 6.22 metres, and built to the remaining side boundaries, and entire rear boundary. The wall height to boundary is up to 6.5 metres.



The proposal does not minimise the visual impact of the building when viewed from adjoining properties, and whilst a overshadowing diagram has been provided, this is limited to the impact of the proposed building only, with the residential dwelling located to the south of the subject property already having a wall built to the side boundary from an existing commercial development.

The proposal does deliver a design of contemporary nature, however the overall scale of the development is not sympathetic to the scale of development within the locality, with the majority of the development with the immediate city block reflecting development of a residential scale, albeit for the car yard with wall height of some 4 metres, being 2.5 metres less than the proposed development overall height.

The applicant has provided examples of existing buildings with higher walls and overall height, which area built to boundary, it is noted these are located west of the subject property, do not share a immediate boundary with residential land uses and would not have been assessed against the current development plan provisions.

The applicant has also provided examples of developments built boundary to boundary located opposite the subject property, this example is a residential development and smaller in scale and nature, and does not reflect the bulk and scale of the proposed development and does not impact on the character and amenity of the subject locality.

Council Wide provisions of development control relating to Industrial and Commercial Development:

The proposed development is a storage and warehouse facility on the fringe/edge of the city centre, and whilst not providing a buffer between the adjacent residential zone the use itself generally delivers on Industrial and Commercial Development Objective 1.

The nature of the use, being passive storage and warehouse uses, in absence of operating criteria, is unlikely to result in off site impacts for the more sensitive adjoining land uses (being residential). It is noted no operating hours have not been provided, and it is unclear if the warehouse will include onsite commercial transactions. In the absence of this information, it would be reasonable to consider limiting the hours at which loading, unloading, or access to the proposed warehouse and storage shed should occur, noting this should not have a detrimental effect on the of the residential area.

No outdoor lighting details have been provided, any lighting should not overspill onto adjacent and adjoining residential land uses.

Access and egress has been demonstrated to be able to occur on a forward motion for the design vehicle.

Loading and unloading is proposed to occur within the building.

No onsite customer or staff car parks area provided. The Development Plan identifies that 3 onsite car parks should be provided as part of the development.

The proposed building, being in excess of 3 metres in height, does not satisfy the requirements for:

- A minimum 3 metres setback from adjoining residential properties, plus an additional 500mm for each meter exceeding this height
- Boundary walls limited in height and length to minimise impact on adjoining residential uses
- A building compatible with the appearance of existing building withing the immediate locality
- Landscaping to the property boundary adjoining a residential use on 2.5 metres in width, to a minimum height of 3 metres



- Landscaping to the primary street adjacent a residential zone of 3 metres in width, to a minimum height of 3 metres

The primary street setback is appropriate, however with minor design changes onsite car parking and additional onsite landscaping could be achieved in line with the relevant development plan provisions.

No vehicle washing or maintenance is proposed to occur onsite, thus wash bay and bund design criteria are not relevant.

#### Council Wide provisions of development control relating to Interface Between Land Uses:

The proposed development is unlikely to result in adverse impacts and/or conflicts between land uses. However as noted no hours of operation are provided, and it is not clear if commercial transactions will occur from the warehouse, the anticipated volume of vehicle movements, the number of onsite staff. The panel may consider providing some limitations regarding house of operation and loading/unloading so as to mitigate any potential interface impacts.

#### 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 subject site has access to adequate utilities and services and is accessible from a formed all-weather public road. Loading and unloading is proposed to occur within the building, and the forecourt delivers the ability to achieve egress movements in a forward motion. The proposal seeks to maintain the existing access point, delivering on the provisions relating to minimising access points.

#### City Centre Zone specific provisions:

The City Centre Objectives envisages a center focused on business and commercial uses with integrated and cohesive streetscapes, and development designed to promote pedestrian activity, whilst minimising impact and conflict between land uses and zones.

The City Center Zone desired character envisages buildings to be built close to or abutting the street frontage, with the desired character envisaging this to occur in order to provide active street frontages, given the proposed use of the subject property is a store and warehouse, and a not a retail use, this development should be considered against more relevant Industrial and Commercial Development and Design and Appearance provisions.

The City Centre Zone envisages diverse land uses, with Light Industrial Uses, such as the subject proposal, envisaged to occur within the Railway Historic Conservation Area, as detailed within principle of Development Control 2. The subject site is not located within the Historic Conservation Area.

Buildings are not envisaged to be massive in scale, and should generally be single story except where adjoining a double story building. The design of the proposed building including a mezzanine area and high clearance, results in the scale of the building being similar to a double story building, whilst adjoining and adjacent buildings are of a lesser scale and single storey in nature.



The proposed development delivers minimal landscaping, and it has not been shown to deliver high quality landscaping as envisaged by the City Centre Zone.

The walls addressing the property boundaries have not been articulated, nor setback to provide visual relief where the proposed development adjoins a residential land use, nor to minimise impact on adjoining land uses.

## **CONCLUSION**

The proposed development includes a land use which is not specifically envisaged to occur within this area of the city centre, however is unlikely to result in impacts from the nature of the land use itself, nor jeopardise the continuance of existing land uses or prejudice the achievement of Development Plan Provisions.

The design of the proposed building has however not had consideration of the relevant provisions that apply in relating to the site adjoining residential land uses to the north, south and west. Notably of concern is the:

- the length and height of walling proposed to be built to the southern and western boundaries, where the property immediately adjoins existing residential land uses
- the lack of onsite landscaping, both to the internal boundaries and frontage where the property is adjacent residential land uses
- the lack of onsite carparking

The proposal in its current form has not had due consideration of the relevant development plan provisions and does not warrant the support of the Council Assessment Panel.

It is recommend that the applicant be advised that the Council Assessment Panel;

- does not support the application in its current form, and in absence of any amended design, does not consider the proposal warrants Development Panel Consent, and
- the Council Assessment Panel would be willing to consider a revised design, with reduced walls heights, increased internal boundary setbacks and increased onsite landscaping. It is also encouraged that the site layout be reconsidered in an effort to provide some onsite car spaces.

## **INVITES**

Frank Brennan – Applicants Planning Consultant

## **ATTACHMENTS**

1. Map - 26 Alexander Street, Mount Gambier
2. Plans and Supporting Statement
3. Amended plans and Further Information
4. Further amended plans and additional supporting information



**5.2 DA 381/0143/2016 - LAND DIVISION CREATING 293 ALLOTMENTS, 109 PINEHALL AVENUE, SUTTONTOWN - REQUEST FOR AN EXTENSION – REPORT NO. AR21/359**

<b>Development No:</b>	<b>381/0143/2016 (381/D003/2016)</b>
<b>Applicant:</b>	<b>Cameron Lock Surveying on behalf of Limestone Estate Pty Ltd</b>
<b>Property Address:</b>	<b>109 Pinehall Avenue, Suttontown</b>
<b>Property Owner:</b>	<b>Limestone Estate Pty Ltd</b>
<b>Report No:</b>	<b>AR21/359</b>
<b>CM9 Reference:</b>	<b>AF20/387</b>
<b>Author:</b>	<b>Tracy Tzioutziouklaris, Manager Development Services</b>
<b>Authoriser:</b>	<b>Nick Serle, General Manager City Infrastructure</b>
<b>Nature of Development:</b>	<b>Consent, Category 1, Referrals – Development Assessment Commission, SA Water, Environment Protection Authority, Department of Planning Transport and Infrastructure and Renewal SA (Affordable Housing)</b>
<b>Description:</b>	<b>Request for an extension in time in which to commence the development – Land Division – Creating 312 allotments</b>
<b>Zoning:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Suttontown Road Policy Area 8</b>
<b>Heritage:</b>	<b>Nil</b>

**REPORT RECOMMENDATION**

1. That Council Assessment Panel Report No. AR21/359 titled 'DA 381/0143/2016 - Land Division creating 293 allotments, 109 Pinehall Avenue, Suttontown - Request for an extension' as presented on 21 January 2021 be noted.
2. When considering the impacts of COVID19 and the transition to the new eplanning system a twelve month extension be granted in which to commence the development.
3. The Applicant be advised:
  - (a) The Council Assessment Panel (CAP) is willing to grant a further 12 month extension in which to commence the land division subject to the following:
    - (i) As South Australia is transitioning to a new planning/development system early in 2021 this is the final extension of time that will be granted for this development approval. If you require another extension in time in which to commence the development, a new Development Application will be required to be submitted to Council and it will be assessed against the new requirements for development. The new development system is designed to facilitate development with a focus on good design outcomes.



## **BACKGROUND**

Council Officers, using delegated authority, granted Development Plan Consent, Land Division Approval and Development Approval for a land division creating 293 allotments at 109 Pinehall Avenue, Suttontown by notice dated 6<sup>th</sup> March, 2017 subject to 34 Conditions of Approval.

A copy of the Decision Notification Form and the approved plan of division are attached for Members Information and perusal.

This land division is seeking to create 293 residential allotments ranging in size from 3008 square metres to 500 square metres, and incorporates an internal road network and open space including stormwater retention basins. Road access into the land division is to be via one access point via Pinehall Avenue and Suttown Road. The land division also provides a future connection to land located to the west and south of the land division.

Council Officer's have previously considered two requests for an extension in time in which to commence this development and have granted an extension in time by letter dated 26<sup>th</sup> November, 2018 and 17<sup>th</sup> December, 2019.

When granting the extension in time in December, 2019 the Applicant was advised:

*"The proposed development is required to be substantially commenced by 17th December 2020 and completed within three years of the date of this letter.*

*As previous extensions of time have been granted this will be the final extension of time granted for this development approval."*

At this time no work has been undertaken to commence the land division.

## **PROPOSED DEVELOPMENT**

The Applicant by email dated 10<sup>th</sup> December, 2020 has requested a further extension in time in which to commence the land division. The Applicant has advised they remain committed to undertaking the land division and have prepared engineering plans with civil construction due to commence in April 2021.

The reason identified for the delay in commencing this project is due to COVID 19.

## **DEVELOPMENT PLAN PROVISIONS**

The most relevant policies applicable to this development include:

Mount Gambier (City) - Council Wide

Land Division

Objectives 1, 2, 3, 4 and 5.

Principles 1, 2, 3, 4, 5, 6, 9, 13, 14, 15, 16, 17 and 18.

Residential Zone

Objectives 1, 2, and 3.

Principles 1, 3, 8, 13, 14 and 16.

Suttontown Road Policy Area 8

Objectives 1, 2 and 3.

Principles 1, 2, 3, 5, 6, 7, 8 and 9.





## **PLANNING ASSESSMENT**

This request for an extension in time is referred to the Council Assessment Panel as two extensions in time in which to commence the development have already been granted by Council Officers.

The global pandemic, COVID 19, has created many uncertainties and caused significant disruptions throughout the world, with significant disruptions still ongoing. It is impossible to identify what might happen for at least the next few years. This may be a valid reason to grant an extension in time for this development at this time.

Members should also be mindful that the Development System within South Australia is also undergoing a significant change as the transition to the new system for the City of Mount Gambier has been identified to occur in the first half of 2021. The new system will introduce new policies upon which to assess developments. While the land where this development is proposed to occur will remain as land identified for residential development, the new system will provide more opportunities for development to occur with a focus on good design outcomes

## **CONCLUSION**

Both COVID 19 and the transition to the new planning system including the replacement of the Development Plan with the proposed new Design Code, are two important factors which must be considered when determining whether the CAP is willing to grant an extension in time in which to commence this development.

COVID19 has caused significant disruptions and will continue to do so for the foreseeable future. The Federal and South Australian Governments have implemented a number of initiatives that directly relate to the development/construction industry to help assist the economy.

The new planning/development system has also been designed to help facilitate development and promote good design outcomes.

When considering the current situation, it is considered appropriate to grant a further extension in time of twelve months in which to commence the development.

## **INVITES**

Nil

## **ATTACHMENTS**

1. Map - 109 Pinehall Avenue, Suttontown
2. Development Approval - DA 381/0143/2016
3. Approved Plans - DA 381/0143/2016 - 381/D003/2016 - 109 Pinehall Avenue, Suttontown
4. DA 381 0143 2016 Request for extension in time



**5.3 103 WEHL STREET NORTH, MOUNT GAMBIER – REPORT NO. AR21/1239**

<b>Development No:</b>	<b>DA 381/0200/2020</b>
<b>Applicant:</b>	<b>Jordan Gillings</b>
<b>Property Address:</b>	<b>103 and 1/103 Wehl Street North, Mount Gambier</b>
<b>Property Owner:</b>	<b>Jordan and Kendall Gillings</b>
<b>Report No:</b>	<b>AR21/1239</b>
<b>CM9 Reference:</b>	<b>AF20/387</b>
<b>Author:</b>	<b>Emily Ruffin, Planning Officer</b>
<b>Authoriser:</b>	<b>Tracy Tzioutziouklaris, Manager Development Services</b>
<b>Nature of Development:</b>	<b>Consent/Category 1</b>
<b>Description:</b>	<b>To construct a detached residential outbuilding in association with the existing residential dwelling</b>
<b>Zoning:</b>	<b>Residential</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. AR21/1239 titled '103 Wehl Street North, Mount Gambier' as presented on 21 January 2021 be noted.
2. Having regard to the relevant provisions of the Mount Gambier (City) Development Plan provisions and all supporting documentation, the proposed development is not considered to be at serious variance with the Council's Development Plan and that Development Plan Consent be granted subject to the following condition:
  - (a) The development shall be carried out in accordance with the Plan/s as approved by Council, and maintained in good condition thereafter.
  - (b) The solid colourbond fencing located to the Wehl Street North frontage of Lot 101 Deposited Plan 84988, and returning along the driveway of the subject property between Lot 101 and Lot 102 Deposited Plan 84988, be retained in its current position and maintained in a good condition at all times. Should the fence become unsound, any replacement fence shall not be visually permeable, and shall be of a height no less than 1.8 metres.
3. The applicant and owner be advised of the following reasons for Council's conditions of approval:
  - (a) To promote orderly and proper development.
  - (b) To ensure the proposed development has an acceptable streetscape impact and does not dominate the dwelling with which it is associated
4. The following note be provided to the applicant and owner and included with the Decision Notification Form:
  - (a) The applicant and owner be advised that should the allotment (Lot 101 Deposited Plan 84988) on which the proposed residential outbuilding is to be located be sold separately from the allotment on which dwelling with which it is associated (Lot 102



Deposited Plan 84988), a new Development Application will be required to either change the use of the outbuilding, or to demolish the outbuilding.



## **BACKGROUND**

The subject site consists of two allotments, being Lot 101 and 102 of Deposited Plan 84988, of which are occupied in one line.

The subject site has a total frontage to Wehl Street North of 28 metres, and extends to a depth of 38 metres, having an area of 1064 square metres.

The allotment is set above street level from Wehl Street South, and access is gained from a single driveway crossover, on the northern side of Lot 102 (103 Wehl Street North).

A detached single storey detached dwelling, carport, games room and pergola is constructed on the subject site.

The site is fenced to the Wehl Street North frontage by a combination of open style fencing and solid colourbond fencing. A driveway turnout area is located forward of the existing colourbond fencing on Lot 101.

The site is located within the Residential Zone.

## **PROPOSED DEVELOPMENT**

The proposed development is to construct a detached residential outbuilding on the site of an existing detached dwelling.

The proposed outbuilding is to be;

- A total floor area of 138.32 sqm, being 21.6 sqm open carport and 92.72 square metres enclosed garaging;
- A wall height of 3.6 metres;
- An overall height of 4.6 metres;

The proposed garage is to be setback one (1) metre from the side boundary, 6.6 metres from the rear boundary and 9.9 metres from the primary street frontage.

The outbuilding is set some 4.5 metres behind the main façade of the dwelling it is associated with.

The proposed garage is to be used to store a caravan, boat, camper trailer, log splitter and ute, along with providing a small workshop area for home use.

The proposed garage is to be colourbond clad.

A copy of the relevant plans, photos of the site and aerial map have been attached to this report for Members perusal.

## **DEVELOPMENT PLAN PROVISIONS**

The objectives and principles relevant to this proposal are contained within the Mount Gambier (City) development plan – Consolidated 21<sup>st</sup> April 2016 and include the following;

### Mount Gambier (City)

#### Design and Appearance

Objective: 1

Principles of Development Control: 1, 2, 3, 4, 5, 7, 11, 12, 14, 17, 18 and 19

#### Residential Development

Objective: 1, 2 and 3

Principles of Development Control: 1, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 33 and 34

### Residential Zone

Objective: 3



Desired Character Statement

Principles of Development Control: 1, 2, 5, 7, 8, 9, 10, 11 and 19

**PLANNING ASSESSMENT**

The development application is referred to the Council Assessment Panel because the proposed garage has;

- A wall height greater than 3 metres
- An overall height greater than 4 metres
- A floor area greater than 60 square metres
- Is located alongside the dwelling, with a direct street frontage and could be seen to dominate the dwelling with which it is associated and the streetscape.

The applicant has advised the proposed garage will be used in association with the existing residential land use to store vehicle(s) and to provide workshop space, which is consistent with a residential land use.

The proposed wall height and overall height is to enable clearance for an off road caravan.

Adequate private open space remains onsite for the existing dwelling.

The proposed outbuilding is located adjacent the northern neighbor's carport area, and is significantly setback from the rear boundary, as such overshadowing and visual bulk and scale impacts from internal boundaries are not of concern.

The proposed garage is setback behind the façade of the main dwelling, however the proposed outbuilding:

- Does not have a roof pitch which complements the associated dwelling; and
- Has the potential to dominate the streetscape as it is located with direct street frontage

An increased roof pitch, to complement the dwelling would result in increased bulk and scale, and potentially contribute further to streetscape dominance.

The proposed garage, given its wall height, overall height and floor area, has the potential to have a significant visual impact and to dominate the dwelling with which it is associated and the streetscape.

It is however noted that the potential visual impacts are reduced by;

- the existing dwelling having a high set floor level.
- the existing solid fencing to the Wehl Street North frontage, returning along the driveway, and;
- the significant setback from the primary street frontage.

The proposed outbuilding is located on the site of an existing dwelling, however the subject site is comprised of two separate allotments. It is possible for the allotment on which the proposed residential outbuilding is located to be sold separately from the dwelling. Should this occur the outbuilding would become a store and be a change in land use requiring a new Development Application to be submitted.

A copy of the site plan and elevation drawings has been attached to the report for Members perusal.



## **CONCLUSION**

Whilst the proposed residential outbuilding does have a wall height, overall height and floor area greater than envisaged by the Development Plan, the site of the development is a larger residential allotment which can support a larger outbuilding without compromising on the ability to deliver a functional residential land use. Further the existing fencing located to Wehl Street North frontage and returning along the driveway limits visibility through to the location of the proposed outbuilding, and mitigates concern that the proposed outbuilding will dominate the dwelling with which it is associated or the streetscape.

It is recommended that a condition of approval be that the existing colourbond fence located to Wehl Street North frontage and returning along the driveway be retained, as in absence of this the proposed outbuilding is likely to result in a streetscape impact.

The proposed residential outbuilding is not considered to be at significant variance to the relevant provisions of the Mount Gambier (City) Development Plan, and warrants the support of the Council Assessment Panel in line with the recommendation section of this report.

## **INVITES**

Nil

## **ATTACHMENTS**

1. Map - 103 and 1/103 Wehl Street North, Mount Gambier
2. Plans of proposed outbuilding
3. Use Description
4. Photographs of Subject Property



**5.4 2-10 BISHOP ROAD, MOUNT GAMBIER – REPORT NO. AR21/1790**

<b>Development No:</b>	<b>DA 381/0505/2020</b>
<b>Applicant:</b>	<b>City of Mount Gambier</b>
<b>Property Address:</b>	<b>Road Reserve adjacent 2-10 Bishop Road, Mount Gambier</b>
<b>Property Owner:</b>	<b>Department of Infrastructure and Transport</b>
<b>Report No:</b>	<b>AR21/1790</b>
<b>CM9 Reference:</b>	<b>AF20/387</b>
<b>Author:</b>	<b>Emily Ruffin, Planning Officer</b>
<b>Authoriser:</b>	<b>Jessica Porter, Strategy, Development and Research Co-ordinator</b>
<b>Nature of Development:</b>	<b>Non Complying/Category 3</b>
<b>Description:</b>	<b>To display a Variable Message Display Unit in association with community events on the site of an existing Tourist Information Bay</b>
<b>Zoning:</b>	<b>Residential</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. AR21/1790 titled '2-10 Bishop Road, Mount Gambier' as presented on 21 January 2021 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 and subsequent Development Approval, 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.
  - (f) The Variable Message Display Unit location be a minimum 50 metres from the road junction of Penola Road and Bishop Road.



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
  - (c) To avoid interfering with the operation of the Penola Road/Bishop Road junction and potential distraction to motorists.





## 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.

This application is one of the subject localities Council has identified as being suitable for a VDMU.

The subject site is part of the road reserve, which is located adjacent the Kalganyi Caravan Park, located to the south eastern corner of the intersection of Penola Road (a primary arterial road) and Bishop Road, as identified on the attached plans.

A Tourist Information Bay and carparking/vehicle turn around area is located on the subject site.

The subject site is adjoins the Caravan and Tourist Park Zone to the east and the Residential Zone to the west.. A Commercial and Business Zone and Rural Living Zone are located to the north (within the District Council of Grant) of the subject site.

Land uses with the immediate area include a seed processing plant, a caravan park and residential and rural living properties.

The subject land where this sign has been identified as being located is owned by the State Government under the care and control of the Minister for Transport. On behalf of the landowner, the Department of Planning, Transport and Infrastructure have advised:

“DPTI supports Council’s initiative regarding the use of Variable Message Display Units (VMDU) for temporary signage associated with community events and the use of pre-approved locations. The use of VDMU for third party advertising is not supported.”

A copy of the full response from DPTI is attached to this report for Members information and perusal.



## **PROPOSED DEVELOPMENT**

The proposed development involves the placing of a VMDU at the existing Tourist Information Bay, located to the south eastern corner of the Penola Road and Bishop Road intersection. 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.
- The Variable Message Display Unit location be a minimum 50 metres from the road junction of Penola Road and Bishop Road.

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

## **DEVELOPMENT PLAN PROVISIONS**

### **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**

As the proposed development is identified as non-complying, at its meeting held 3 December 2020 the Council Assessment Panel resolved to proceed with the assessment of the application.

The development application was publicly notified as a Category 3 type of development. As a result of the public notification process nil (0) representations were received.

As the proposed development is non-complying the application has been referred to the Council Assessment Panel for their consideration and determination.

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. Further conditions in relation to the placement of the VMDU at a distance of 50 metres from the junction of Penola Road and Bishop Road will assist to ensure that distraction of drivers does not occur.

The content displayed on the VMDU will vary depending on the community event that it will be advertising, with the use of the VMDU generally aligning with the existing Tourist information Bay land use in that it is providing advertising regarding local events which are likely to be of interest to tourists and residents alike.



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 existing Tourist Information Bay. 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.
- The Variable Message Display Unit location be a minimum 50 metres from the road junction of Penola Road and Bishop Road.

Whilst the proposed development is non-complying, the proposed development 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**

Nil

**ATTACHMENTS**

1. Map - Road Reserve adjacent 2-10 Bishop Road, Mount Gambier
2. Application Lodgement Form
3. Statement of Effect
4. Plans of proposed development
5. DPTI Land Owner Comment



**6 URGENT MOTIONS WITHOUT NOTICE**

**7 MEETING CLOSE**

