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

Date: Thursday, 18 February 2021
Time: 5.45 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Council Assessment Panel 18 February 2021

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

**Tracy Tzioutziouklaris
Assessment Manager**

12 February 2021

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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 - 21 January 2021

RECOMMENDATION

That the minutes of the Council Assessment Panel meeting held on 21 January 2021 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 5.3 DA 381/0446/2021

Representor - Mr C and Mrs J Proud

Representor - Mr S and Mrs A Ryan

Mr Frank Brennan, Planning Consultant on behalf of the Applicant

Invitees for Item 5.4 DA 381/0517/2020

Mr Frank Brennan, Planning Consultant on behalf of the Applicant.



5 REPORTS

5.1 DELEGATIONS - PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 – REPORT NO. AR21/7110

Meeting:	Council Assessment Panel
Meeting Date:	18 February 2021
Report No:	AR21/7110
CM9 Reference:	AF20/387
Author:	Tracy Tzioutziouklaris, Manager Development Services
Authoriser:	Nick Serle, General Manager City Infrastructure
Summary:	This report presents the instrument of delegation under the Planning, Development and Infrastructure Act 2016 as they apply to the Council Assessment Panel as a relevant authority
Community Plan Reference:	Goal 1: Our People Goal 2: Our Location Goal 3: Our Diverse Economy Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR21/7110 titled 'Delegations - Planning, Development and Infrastructure Act 2016' as presented on 18 February 2021 be noted.
2. Pursuant to Section 100 of the Planning, Development and Infrastructure Act 2016, the Council Assessment Panel delegates each function or power of the Council Assessment Panel as identified in Attachment 1 Council Assessment Panel Report No. AR21/7110 (marked as Instrument C) to the Chief Executive Officer and Assessment Manager subject to the following conditions and limitations:
 - (a) The delegations may be sub delegated by the Chief Executive Officer and Assessment Manager;
 - (b) Each delegation of a power or function granted under this instrument is independent of, and severable from, every other delegation granted under this instrument;
 - (c) If two or more (sub)delegates are nominated in respect of a power or function, then each nominated person is granted a (sub)delegation and may exercise the power or function independently of any other (sub)delegate;
 - (d) Delegates must exercise a delegate or power in accordance with applicable legislative and legal requirements; and due regard to relevant policies and guidelines adopted by the Council;
 - (e) If a delegation of a power or function under this instrument is determined to be invalid or unlawful, the invalid or unlawful delegation will be deemed to be severed from this instrument and remaining delegation will continue to operate according to their terms;
 - (f) These delegations will come into operation on Friday 19th March, 2021;



- (g) The delegations granted by these resolutions will remain in force until varied or revoked by resolution of the Council Assessment Panel, or a Regional Assessment Panel has been established which includes the City of Mount Gambier.

BACKGROUND

Over the last five years the State of South Australia has been going through a transitional process from the Development Act 1993 to the Planning, Development and Infrastructure Act 2016 (The PDI Act). The establishment of Council's Assessment Panel (CAP) is one of the more significant changes as a result of the PDI Act being implemented.

The PDI Act is being implemented in a staged approach across South Australia, with the City of Mount Gambier having an implementation date of Friday 19th March, 2021. In preparation for this the Local Government Association of SA (LGA) released template delegation instruments to address the outstanding requirements of the PDI Act and associated Regulations for Council, CAPs and Assessment Managers.

DISCUSSION

The making of delegations under various pieces of legislation is ordinary practice and through sub delegation (usually from the Chief Executive Officer) to Council Officers enables the administrative duties and functions of Council to be performed in a timely and efficient manner. Essentially, delegations are the way Council (or in this case, the CAP) authorises others (usually Council Officers) to undertake the day to day functions required of them to perform their roles.

Unlike most other pieces of legislation, which have simple delegation frameworks, the PDI Act and associated Regulations has a higher level of complexity, with four separate delegation instruments for the different capacities of Council, CAP and the Assessment Manager under the PDI Act, as follows:

Instrument A for delegation by Council as:

- Council
- a "designated authority"; or
- a "designated entity".

Instrument B for delegations by Council as:

- a "relevant authority".

Instrument C for delegations by the CAP/RAP

- these delegations can only be made by a CAP/RAP, being the purpose of this report.

Instrument D for delegations by the Council Assessment Manager;

- these delegations can only be made by an Assessment Manager and will be made under separate Instrument by the Assessment Manager.

Section 100 of the PDI Act allows a relevant authority (other than an accredited professional – a CAP is a relevant authority under the Act) to delegate its powers or functions under the Act. Delegations do not take away powers or functions from the relevant authority and the relevant authority is still able to act in any matter.

Instrument C – delegations to be made by the CAP/RAP – are attached for the CAP's consideration.

Unlike most pieces of legislation, which contains delegations from the Council to the Chief Executive Officer, these delegations are powers and functions given directly from the PDI Act and associated Regulations to a CAP or RAP (as the case may be), and not from Council. A CAP or RAP may then delegate those powers and functions (i.e. to the Assessment Manager) and they may be further sub



delegated (i.e. from the Assessment Manager to Council Officers), however a key difference is that there is no allowance under the PDI Act for any involvement or influence from the Council in making the particular delegations contained in the attached instrument C.

BUILDING CONSENT

Under the PDI Act, the CAP is the relevant authority for applications for building consent, unless an applicant chooses to have their application assessed by a building certifier. However, under Section 99 of the PDI Act, the CAP is able to refer applications for building consent to Council. If it does this, the Council, rather than the CAP, will be the relevant authority for building consent (i.e. the CAP will have no role to play in building consents if it refers them to the Council).

It is for the CAP to determine whether it will refer applications for building consent to the Council. If it chooses to do so, it does not need to refer each application as it comes in, but can refer all future applications to the Council in advance via a resolution (the wording for such a resolution is out in the recommendations of this report).

CONCLUSION

The report includes recommendations for the granting of delegation of powers and functions of the CAP as provided for in the attached Instrument C – Instrument of Delegations under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel.

ATTACHMENTS

1. Attachment to Report AR21/7110 - Instrument of Delegation PDI Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel (Instrument C)



5.2 8 RAMSAY AVENUE, MOUNT GAMBIER – REPORT NO. AR21/7679

Development No:	DA 381/0580/2020
Applicant:	Zach Doidge
Property Address:	8 Ramsay Avenue, Mount Gambier
Property Owner:	RJ & C Grunden
Report No:	AR21/7679
CM9 Reference:	AF20/387
Author:	Emily Ruffin, Planning Officer
Authoriser:	Tracy Tzioutziouklaris, Manager Development Services
Nature of Development:	Consent/Category 3
Description:	To vary Development Approval 381/0235/2020 by removing Condition four (4) "Before the use commences onsite the car parking and driveway areas and footpath crossover as shown on the plan/s approved by Council, shall be graded, paved and sealed with bitumen or other similar material and line-marked and maintained in a useable condition at all times"
Zoning:	Light Industry
Policy Area:	N/A
Heritage:	N/A

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR21/7679 titled '8 Ramsay Avenue, Mount Gambier' as presented on 18 February 2021 be noted.
2. The Applicant and Owner be advised that having regard to the Mount Gambier (City) 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 development shall be carried out in accordance with the Plan/s as approved by Council, and maintained in a good condition thereafter.
 - (b) The carparking and driveway areas as shown on the plan approved by Council, shall be graded, paved, sealed and line marked, and maintained in a usable condition at all times.
3. The applicant and owner be advised of the following reasons for Council's conditions of approval:
 - (a) To ensure that the proposed development improves and enhances the amenity and the character of the area.
 - (b) To ensure orderly and proper development.



BACKGROUND

The Council Assessment Panel at its' meeting held 17 September 2020 considered Development Application 381/0235/2020 seeking to change the use of the property at 8 Ramsay Avenue, Mount Gambier to that of an indoor recreation centre (gymnasium).

At the time of granting Development Plan Consent a number of conditions were imposed, including;

- 4 *Before the use commences onsite the car parking and driveway areas and footpath crossover as shown on the plan/s approved by Council, shall be graded, paved and sealed with bitumen or other similar material and line-marked and maintained in a useable condition at all times.*

The applicant has lodged an application to vary the conditions of approval of DA 381/0235/2020, by removing condition four (4), in order to amend the car parking layout to use the existing hotmix area. An revised car parking layout was provided, and to additional time was requested in which to complete these works.

As the Council Assessment Panel considered the initial application, the application for the variation is returned to the panel for its consideration and determination.

The subject site is an irregular shaped allotment, having a street frontage of approximately 42.81 metres to Ramsay Avenue and a depth of 62.84 metre to 63.54 metres, with a rear boundary width of 23.89 metres, comprising a total land area of 2114.9 square metres.

A workshop which has been converted to be used as a gymnasium, with a total floor area of 637.38 square metres is located on the subject property.

The building is divided in two sections incorporating:

- The main building at the front, used for group classes, equipment and weights
- Rear area at the back, separated by a roller door to the front building, proposed to be used as a running track.

The hours of the use of the indoor recreation centre are

- 6 am to 11 am, and
- 3 pm to 6.30 pm

The use includes two permanent staff onsite, with additional staff as necessary for group classes.

The envisaged patronage of the indoor recreation centre is to be 15 to 25 persons at any one time.

The subject site is located within a Light Industrial Zone, with the residential zone boundary located to the north. The allotment shares immediate boundaries with light industrial uses to the east, south and west, with a landscaped reserve located between the subject property and a kindergarten and dwelling which are to the north of the subject site.

PROPOSED DEVELOPMENT

The application is seeking to vary the conditions of approval of DA 381/0235/2020, by removing condition four (4), in order to amend the car parking layout to use the existing hotmix area. The carparking layout and design has been reconsidered and amended and additional time is requested in which to complete the work to the carpark.

Elements of the development that would be considered pertinent to determine if the proposed lesser car parking is appropriate and can be supported by the relevant development plan provisions include;



- The envisaged patronage is 15 to 25 persons at any one time; and
- The use operates daily hours of;
 - 6 am to 11 am, and
 - 3 pm to 6.30 pm

The revised carparking layout results in the provision of 15 carparking spaces within the existing hot mixed area.

The original approval under DA 381/058/2020 proposed to establish 17 car spaces, and included expanding the hot mixed area.

DEVELOPMENT PLAN PROVISIONS

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

Mount Gambier (City) Wide Provisions

Form of Development

Principles of Development Control: 2 & 10

Interface between land uses

Objectives: 1 and 2.

Principles of Development Control: 1, 2 & 6

Orderly and Sustainable Development

Objectives: 1, 3, & 4.

Principles of Development Control: 1

Light Industry Zone

Objectives: 1 & 3

Principles of Development Control: 1, 8, 9, and 10.

Table MtG/3 – Car and Bicycle Parking Requirements.

PLANNING ASSESSMENT

In accordance with the Development Act 1993 and Development Regulations 2008, the development application was publicly notified as a Category 3 development.

As a result of the public notification process, one (1) representation was received by Council.

The Representor was supportive of the proposed application, and the representation is attached to this report for the panels information and perusal.

At the time of writing this report the applicant had not provided a response to the representation. this.

The proposal to amend the carparking layout and amends the proposed number of carparks to be provided on site from 17 to 15. The Development Plan requires car parking to be provided on peak patronage and not on the floor area of the building, in particular the number of classes operating



simultaneously. On the basis of the requirements within the Development Plan the proposed carparking for the development is now deficient 10 carparking spaces.

Noting that patronage will likely range from 15 -25 at any one time, at the lower end of the range sufficient car parking spaces are provided on site. While no onsite bicycle spaces have been identified on the plan, the Development Plan identifies 4 bicycle parks are required. It is noted that there is space within the building for safe and secure storage of bicycles.

The primary impact of the proposal in its current form would be potential adverse traffic impacts on adjoining residential areas, given the large numbers in attendance at any one time, and the car parking deficiency.

It is noted that the closest adjoining property within the residential zone is a kindergarten, and there are additional on-street car parking spaces in front of the property. There is also additional off-street car parking spaces provided within the subject locality immediately to the north of the subject site via a public carpark on the adjoining council reserve.

The hours of operation of the indoor recreation centre are generally outside the hours of operation of the kindergarten which helps to ensure there is sufficient car parking available within the subject locality.

As the closest residential property adjoining the subject property is located to the rear of the subject property, the car parking impacts and traffic will largely be contained to within the near vicinity of the subject property, and is unlikely to detrimentally impact upon the nearby residential area.

The proposed removal of Condition four (4) DA 381/0235/2020 does not jeopardise the continuance of adjoining authorised land uses, or prejudice the achievement of the provisions of the Development Plan.

CONCLUSION

The proposed removal of condition four (4) from DA 381/0235/2020 and the amended site layout;

- does not jeopardise the continuance of adjoining authorised land uses, or;
- prejudice the achievement of the provisions of the Development Plan, and,
- will not have an adverse impact on the amenity of the adjoining residential area,

is not considered to be at significance variance from the relevant provision of the Mount Gambier (City) Development Plan.

The application warrants the support of the Council Assessment Panel, and should be granted Development Plan Consent subject the conditions as detailed in the recommendations section of this report.

INVITES

Nil

ATTACHMENTS

1. Map of subject property
2. Supporting statement and Plans
3. Application Form
4. Statement of Representation
5. DA 381/0235/2020 - Planning Approved Plans
6. DA 381/0235/2020 - Decision Notification Form - DPC



5.3 DA 381/0446/2021 - 102-124 SUTTONTOWN ROAD, MOUNT GAMBIER – REPORT NO. AR21/7938

Development No:	381/0446/2020
Applicant:	McDonnell Industries Pty Ltd
Property Address:	102-124 Suttontown Road, Suttontown
Property Owner:	Glenarm Nominees Pty Ltd
Report No:	AR21/7938
CM9 Reference:	AF20/387
Author:	Tracy Tzioutziouklaris, Manager Development Services
Authoriser:	Nick Serle, General Manager City Infrastructure
Nature of Development:	Consent/Category 3/EPA Referral
Description:	To vary Development Approval for DA 381/068/2013 – To remove condition number 3
Zoning:	Industry (Timber Mill) Zone
Policy Area:	N/A
Heritage:	N/A

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR21/7938 titled 'DA 381/0446/2021 - 102-124 Suttontown Road, Mount Gambier' as presented on 18 February 2021 be noted.
2. Having had regard to the Development Application, all supporting documents and the provisions of the Development Plan, the development is considered to not be at serious variance to the Development Plan and Development Plan Consent be granted subject to the following conditions:
 - (a) Prior to operation, as per the recommendation contained in the Marshall Day Acoustics report dated 1 May 2013, on sheet of 13 millimetre plasterboard with a minimum surface density to frame a minimum 100 millimetre gap must be installed on the western and southern walls of the shed. The plasterboard lining must extend the full length of the walls to the underside of the roof and each layer must be sealed at all junctions.
 - (b) Prior to operation, as per the recommendation contained in the Marshall Day Acoustics report dated 1 May 2013, the full extent of the underside of the roof must be lined with 50 millimetre thick (36 kilograms per cubic metre) factory liner.
 - (c) Any substances stored on site which have the potential to pollute water or are likely to degrade water (such as oils/lubricants, paints and fuels and whether or not they are waste) must be stored within a bunded compound or area suitable for preventing the escape of material/liquids into surface or underground water resources.
 - (d) The development shall be carried out in accordance with the Plan/s as approved by the Council and with the Conditions of Approval.
 - (e) The building and land shall not be used for purposes other than those approved by Council.



- (f) The use of the property shall not create a nuisance and/or disturbance for any person/s and / or property in the immediate area.
- (g) Dense landscaping shall be established between Mill 1 and the Suttontown Road property boundary so as to prevent a screen/buffer between the development and the adjacent properties.
- (h) Landscaping must be completed in the first planting season concurrent with or following commencement of the use of this development and shall incorporate the use of established trees and shrubs.
- (i) Landscaping shall be maintained in good heart and condition at all times. Should any trees, shrubs, ground cover or other plan die, become diseased or otherwise fail to thrive at any time, it shall be forthwith replaced.
- (j) The building and surroundings shall be maintained in a state of good repair and tidy condition at all times.

Notes

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 cause or may cause environmental harm.

The Applicant is reminded that all reasonable and practicable operational steps should be taken to reduce off site noise. This includes fitting all trucks and forklifts with broadband reverse beepers.

The applicant/operator prepare is advised to prepare and implement an Environmental Management Plan that documents continued vigilance and ongoing mitigation measures to manage or reduce noise impacts at nearest sensitive receivers.

The applicant is reminded that noise from construction, demolition and site preparation is required to meet the mandatory provision of part 6 Division 1 of the Environment Protection (Noise) Policy 2007.

An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements. Information on applying for a licence (including licence application forms) can be accessed here: http://www.epa.sa.gov.au/business_and_industry/applying_for_a_licence

A licence may be refused where the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.

EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site: <http://www.epa.sa.gov.au>

3. The applicant and Owner be advised that the reasons for Council's Condition of Consent are:
- (a) To ensure orderly and proper development
 - (b) To ensure the proposed development does not detrimentally impact on the amenity and character of the area.
 - (c) To ensure the development complies with the requirements of the Environment Protection (Noise) Policy.



BACKGROUND

The subject site at 102-124 Suttontown Road, Mount Gambier is currently developed as a timber processing plant/mill which is operated by McDonnell and Sons and has existing use rights which cover a wide range of uses operating on the site.

The subject site is currently licenced by the Environment Protection Authority with conditions of the licence including:

- Dust Prevention
- Noise Prevention
- Odour Prevention
- Stormwater Management
- Waste Management; and
- Treated Timber Management.

Council by Notice dated 4th July, 2013 granted Development Approval to construct an addition (40.0m x 20.0m x 8.0M) to an existing sawmilling shed (Mill 1) at 1-2-124 Suttontown Road, Suttontown subject to 15 conditions of Approval (DA 381/068/2013).

At the time of assessment this Development Application was publicly notified as a Category 3 development (where the adjoining property owners and occupiers as well as the general public are notified of the development) and referred to the Environment Protection Authority for comment.

PROPOSED DEVELOPMENT

The proposed development is seeking to vary Condition number of 3 of DA 381/068/2013 which is as follows:

“3. Any saw/s forming part of the application herein approved must only operate between the hours of 7am and 10.00p.m. on any day.”

DEVELOPMENT PLAN PROVISIONS

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

Council Wide

Form of Development

Principle 10.

Industrial and Commercial Development

Objective 6.

Principles 4, 5, 6, 7, 35 and 36.

Interface Between Land Uses

Objectives 1 and 2.

Principles 1, 6 and 7.

Orderly and Sustainable Development

Objectives 1, 2, 3, 4, 6 and 7.

Principles 1 and 3.

Industry (Timber Mill) Zone

Objective 1, 2 and 3.



Principles 1, 2, 5 and 6.

PLANNING ASSESSMENT

This Development Application has been referred to the Council Assessment Panel as twelve (12) Statement of Representations were received at the conclusion of the public notification period, two of which have requested to be heard by the Council Assessment Panel.

A summary of the issues raised within the representations is as follows:

- Noise issues are experienced, in particular at night (including reversing beepers)
- Dust
- Impact on property valuations
- Impacts from flood lighting
- Impact on quality of life
- Increased Vibrations

Copies of the representation received are attached to this report for Members information and perusal.

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

- The Mill have invested significantly in addressing and attenuating noise emissions on the site in order to meet the night time noise levels prescribed in the Environmental Protection (Noise) Policy 2007. The Marshall Day acoustic report indicates the operation of the saws meets the prescribed night time noise levels.
- The operation of the HeeSaw in Mill #1 does not generate vibrations.
- The Mill is currently able to operate 24 hours a day, except for the saws within Mill#1.

A copy of the response from the Applicant is also attached for Members Information and perusal.

The matters for consideration as part of this Development Application is limited to what has been applied for, in this case the removal/variation of Condition number 3 in Development Application 381/068.2013. Condition 3 identified that *“Any saw’s forming part of the application herein approved must only operate between the hours of 7.00a.m. and 10.00p.m. on any night.”*

This condition was attached to the Development Approval as directed by the Environment Protection Authority (EPA). As this condition was applied at the direction of the Environment Protection Authority as part of the assessment of the development application in 2013, the application to vary this condition was again referred to the Environment Protection Authority.

The EPA have advised that provided the development is operated in accordance with the details provided within the application documentation. The EPA considers the risk of adverse impacts arising from the proposal to be low. Notwithstanding, should any operational issues arise, these can be managed via the existing EPA licence.

No new conditions are directed in relation to the proposed variation however, a number of previously directed conditions still continue to apply.

The existing sawmill currently operates 24 hours a day under the benefit of existing use rights associated with the complex, except for the saws located within Mill 1 which must operate between the hours of 7.00a.m. and 10.00p.m.

The subject site is located within the Industry (Timber Mill) Zone and abuts Wireless Road West, Suttontown Road and Carrison Road. The subject site contains a large integrated timber processing facility which is currently owned and operated NF McDonnell & Sons. The wider locality is characterised by residential development to the north, north east, west and south, with large areas



of vacant land noted as being located to the east of the subject land. Mill 1 is approximately 90 metres from the nearest sensitive neighbour to the west and 40 metres from Suttontown Road.

The Industry (Timber Mill) Zone specifically envisages development involving industries associated with commercial forestry including timber milling, timber processing, storage, dispatch and delivery of timber products will be developed within this Zone. The Zone also identifies that development of the zone should be undertaken in a manner to ensure industrial activities that have less impact are developed closer to the Residential Zone. Development within this zone should also avoid adverse impacts through noise, fumes, dust, vibration and traffic.

The Council wide objectives and principles also identify that development should be sited, designed and constructed to minimise negative impacts of noise and to avoid unreasonable impact, with development consistent with the relevant provisions of the current Environment Protection (Noise) Policy.

The documentation provided as part of the development application identifies that with significant investment and work undertaken by the Mill in addressing and attenuating noise emissions on the site, in particular within Mill 1 which is the subject of this application, the operation of the saw will comply with the Environment Protection (Noise) Policy.

CONCLUSION

Having had regard to the provisions of the Development Plan, the documentation provided as part of the Development Application and all other supporting documents, the development as proposed is not significantly at variance to the provisions of the Development Plan and warrants the support of the Council Assessment Panel and the granting of Development Plan Consent.

INVITES

Mr and Mrs C & J Proud

Mr and Mrs S & A Ryan

Mr F Brennan, on behalf of the Applicant

ATTACHMENTS

1. Map - 102-124 Suttontown Road, Mount Gambier
2. Lodgement - DA 381/0446/2020 - 102-124 Suttontown Road SUTTONTOWN 5291 - McDonnell Industries Pty Ltd
3. Working Copy - DA 381/0446/2020 - 102-124 Suttontown Road, Suttontown
4. Additional information provided to the Environment Protection Authority - DA 381/0446/2020 - McDonnell Industries Pty Ltd - 102-124 Suttontown Road, Mount Gambier
5. Response - Environment Protection Authority - DA 381/0446/2020 - McDonnell Industries Pty Ltd - 102-124 Suttontown Road, Mount Gambier
6. Representations - DA 381/0446/2020 - to vary Condition 3 - McDonnell Industries Pty Ltd - 102-124 Suttontown Road, Mount Gambier
7. Applicant response to the representations - DA 381/0446/2020 - removal of Condition 3 - McDonnell Industries Pty Ltd - 102-124 Suttontown Road, Mount Gambier



5.4 DA 381/0517/2020 - 26 ALEXANDER STREET, MOUNT GAMBIER – REPORT NO. AR21/8506

Development No: DA 381/0517/2020
Applicant: Millard Family Trust No2
Property Address: 26 Alexander Street, Mount Gambier
Property Owner: Ivo Tadic
Report No: AR21/8506
CM9 Reference: AF20/387
Author: Tracy Tzioutziouklaris, Manager Development Services
Authoriser: Tracy Tzioutziouklaris, Manager Development Services
Nature of Development: Consent/Category 1
Description: To construct a warehouse
Zoning: City Centre Zone
Policy Area: N/A
Heritage: N/A

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR21/8506 titled 'DA 381/0517/2020 - 26 Alexander Street, Mount Gambier' as presented on 18 February 2021 be noted.
2. Having had regard to the provision of the Development Plan, the Development Application and all supporting documentation the development as proposed is considered to be at variance to the provisions of the Development Plan and Development Plan Consent be refused for the following reasons:
 - (a) The development will detract from the amenity and character of the area due to the height, length and scale of walls to be built on the side and rear property boundaries.
 - (b) The height of the walls built on the property boundary adjacent to existing adjoining residential properties exceeds 3.0 metres.
 - (c) The development as proposed does not reduce or minimise overshadowing effects on adjoining properties.



BACKGROUND

The Council Assessment Panel (CAP) considered this Development Application at its meeting in January, 2021. At this time the CAP determined:

- “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.
 - (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.
 - (e) The Council Assessment Panel requests the following information be provided;
 - A scaled streetscape elevation drawing of the southern side of Alexander Street, illustrating the proposed development relative to the existing buildings located on the adjoining properties and the immediate locality (including 43 Percy Street, 39 Percy Street and 22 Alexander Street).
 - A revised site plan and elevation drawings which include the proposed finished floor level and proposed finished building levels relative to the natural ground level.
 - A detailed overshadowing plan, which clearly illustrates the sun path and overshadowing impact of the proposed development (with the existing development amendments as listed above) on the existing buildings located on the adjoining properties (i.e. 43 Percy Street, 41 Percy Street and 39 Percy Street).
 - A detailed landscaping site plan and schedule of proposed landscaping.
 - Details of any/all proposed outdoor lighting that is to be installed as part of the development.
 - Confirmation of the proposed hours of operation.
3. Upon receipt of the information as requested, the development application is to be presented to the Council Assessment Panel for a decision to be made.”



PROPOSED DEVELOPMENT

The Applicant has provided additional information in response to the CAP's decision with the following:

- A revised façade
- A reduction in overall height of the building on the eastern wall to 5.480 metres (to match the height of the adjacent Barry Maney Building) and on the western end to 4.5 metres.
- Elevation Plans showing the proposed finished floor level and proposed finished building levels relative to the natural ground level – being a 1.0 metre cut into the natural ground level at the southern end of the property.
- The building only having a single floor space and not 2 separate units proposed in the original application.
- The proposed LED Bunker light to be installed above the personal access door.
- The provision of 2 on site carparking spaces.
- A landscaping area located at the front eastern end of the property; and
- Overshadowing plans.

The Applicant has also confirmed the proposed operating hours will be:

- 7.00a.m. to 7.00p.m. Monday to Friday; and
- 8.00a.m. to 5.30p.m. Saturday and Sunday.

At this time the Applicant has not prepared a streetscape elevation, and is of the opinion when looking at the context of the streetscape within which the development is located believes a streetscape elevation will not add value to the assessment of the application.

The proposed development involves the construction of a warehouse on a vacant allotment. The warehouse is to be constructed on the Western, southern and eastern property boundaries and will be setback 6.22 metres from the front property boundary.

The warehouse is to be 17.7 metre in length, 19.02 metres in width having a total floor area of approximately 336 square metres. A small mezzanine floor is proposed in the south eastern corner of the building, 6.02 metres long, 4.575 metres wide with a floor area of approximately 24.18 square metres. Underneath the small mezzanine area will be a bathroom incorporating a toilet, handbasin and shower.

The total wall height on the Eastern boundary is to be 5.48 metres and a wall height of 4.5 metres along the Western property boundary. The height of the wall to be built on the southern property boundary will start at 4.5 metres and increase to 5.5 metres.

The subject site is sloping and there will be some cut of the allotment to facilitate the construction of the development.

Access to the warehouse is by a roller door and a personal access door in the northern wall of the building, with the northern wall also incorporating some small windows.

The building is to be constructed using colorbond cliplock cladding.

Some landscaping and two carparking spaces are proposed at the front of the building directly adjacent to Alexander Street. The carparking spaces have been designed to enable cars to enter and exit the property in a forward motion.

Shadow diagrams have been provided for 9.00a.m. and 3.00p.m. which clearly illustrating the impact of the shading anticipated to occur from the proposed building. A shading diagram has also been provided illustrating the shading currently being caused at 9.00a.m. by the building on the adjoining property on the corner of Alexander Street and Crouch Street North.



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

Warehouses are able to occur within the City Centre. It is also noted that there are many buildings built on all boundaries throughout the City Centre Zone.

The biggest concern in relation to this proposed development is the length and height of the walls to be built on the property boundaries, in particular the southern and western property boundaries as these boundaries are adjoining residential properties. The Development Plan identifies the development should be designed to minimise adverse impacts and conflict between land uses through techniques such as:

- Minimising the length and height of walls on the boundary to reduce the visual impact of the building when viewed by adjoining properties and overshadowing of properties by allowing adequate sunlight to neighbouring buildings;
- Buildings designed to reduce visual bulk through design elements such as articulation, colour and detailing;

The Development Plan also identifies that where an industrial or commercial building exceeds 3.0 metres in height, the building 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.

CONCLUSION

The development as amended generally complies with the provisions of the Development Plan apart from the height and length of walls to be constructed on the side and rear property boundaries.

The development as proposed will have a significant visual impact of the building when viewed from the adjoining residential properties and will contribute towards significant overshadowing of the residential property located immediately to the south of the subject site.

It is acknowledged that it would be difficult to construct this type of development on the subject allotment without having an impact on the adjoining properties, however this property would be more suitable to be developed for a type of development that did not require the wall heights to be greater than 3.0 metres on the property boundaries.

Having had regard to the provisions of the Development Plan and all of the relevant documentation within the Development Application the development as proposed is at variance to the provisions of the Development Plan and the granting of Development Plan Consent is not supported.

INVITES

Mr Frank Brennan, Frank Brennan Planning Consultant on behalf of the Applicant.

ATTACHMENTS

1. Map - 26 Alexander Street, Mount Gambier
2. Additional Information provided - 26 Alexander Street, Mount Gambier - DA 381/0517/2020
3. Lodgement - Planning Only - DA 381/0517/2020 - 26 Alexander Street MOUNT GAMBIER 5290 - Millard Family Trust No2
4. Working Copy - DA 381/0517/2020 - 26 Alexander Street, Mount Gambier
5. Further Information Response - DA 381/0517/2020 - 26 Alexander Street, Mount Gambier
6. Amended rear elevation showing natural ground level



6 URGENT MOTIONS WITHOUT NOTICE

7 MEETING CLOSE

