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

Date: Thursday, 16 December 2021
Time: 5.45 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Council Assessment Panel 16 December 2021



Tracy Tzioutziouklaris
Manager Development Services
9 December 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 October 2021

RECOMMENDATION

That the minutes of the Council Assessment Panel meeting held on 21 October 2021 be confirmed as an accurate record of the proceedings of the meeting.

4 QUESTIONS WITHOUT NOTICE

5 INVITEES

- As from 1 October 2017, every Council is required to establish an Assessment Panel under provisions within the Planning, Development and Infrastructure Act 2016 to determine and make decisions on development applications as delegated to the Panel.
- When the Panel is considering an application, it must assess the proposal against the Planning and Design Code.
- The meeting itself is informal, however, all decisions made by the Assessment Panel are formal.
- Representors will be allocated 5 minutes to make their presentation, after which, Panel Members may ask questions to clarify any issues. It is solely a question and answer session. There will be no debate entered into.
- Council Officers will advise you of the decision as soon as practical after the meeting.

Invitees for Item 6.1 DA 21031979 – 7C Calula Drive, Mount Gambier

The Applicant – Mr Frank Brennan, Frank Brennan Consulting on behalf of the Applicant
Third Party Representor – Mr Darrel Soderlund

Invitees for Item 6.2 DA 21034443 – 90 Crouch Street North, Mount Gambier

The Applicant – Mr Frank Brennan, Frank Brennan Consulting on behalf of the Applicant
Third Party Representor – Mel Teagle
Michael van der Linden



6 REPORTS

6.1 DA 21031979 - TO CONSTRUCT A CREMATORIUM - 7C CALULA DRIVE – REPORT NO. AR21/79488

Development No:	21031979
Applicant:	Frank Brennan Consulting Services
Property Address:	7C Calula Drive, Mount Gambier
Property Owner:	Harris-McDonald Pty Ltd
Report No:	AR21/79488
CM9 Reference:	AF20/387
Author:	Tracy Tzioutziouklaris, Manager Development Services
Authoriser:	Tim Coote, General Manager City Growth
Nature of Development:	Performance Assessed/Public Notification/Environment Protection Authority Referral
Description:	To construct a crematorium with associated security fencing, carparking and landscaping
Zoning:	Employment / Overlays – Hazards (Flooding), Native Vegetation, Prescribed Wells Area and Water protection Area
Policy Area:	N/A
Heritage:	N/A

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR21/79488 titled 'DA 21031979 - To construct a crematorium - 7C Calula Drive' as presented on 16 December 2021 be noted.
2. Pursuant to Section 108(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code and warrants the granting of Planning Consent subject to the following conditions:
 - (a) The development shall be carried out in accordance with the Plan/s as approved by the Council Assessment Panel and the Conditions of Approval.
 - (b) The car parking and driveway area and footpath crossover as shown on the plan and approved by Council shall be graded, paved and sealed with bitumen or other similar material.
 - (c) The carparking spaces shall measure not less than 2.6 metres in width and 5.5 metres in length and shall be linemarked, with the accessible car parking space appropriately identified.
 - (d) The remainder of the yard areas shall be surfaced to ensure maximum dust suppression at all times.
 - (e) All loading and off-loading of vehicles associated with the use of the crematorium shall be conducted within the building.



- (f) Stormwater shall be managed and appropriately disposed of on site and shall not run onto the adjoining properties, with a stormwater treatment device installed to ensure that all surface run off, stormwater or other liquid, discharging from the site, is free of site contaminants prior to being discharged to the bore.
- (g) All waste materials and refuse shall be contained within the proposed building or alternatively a screened holding place for waste materials and refuse containers shall be provided and maintained on site, with the waste and refuse being removed on a regular basis.
- (h) The use of the property shall not create a nuisance and/or disturbance for any person/s and/or property in the immediate area.
- (i) The building and surroundings shall be maintained in a state of good, tidy and attractive repair and condition at all times.
- (j) The use of the land shall not be used/occupied for the purposes approved by Council until conditions (b), (c) and (f) are completed.
- (k) The Kleenburn Systems cremator with a secondary chamber to operate with a secondary chamber operating temperature of at least 850 degrees Celsius and with a residence time of at least two seconds must be installed prior to operation.
- (l) Prior to operation, an opacity monitor must be installed in the cremator stack to ensure that visible emissions in excess of 20% opacity are able to be effectively detected and controlled.
- (m) Prior to operation, an adequately sized back up generator must be installed to ensure that cremation can be effectively controlled during power outages.

3. The following notes be attached to the approval:

- a) The applicant / owner / operator are reminded of its general duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.
- b) An environmental authorisation (licence) is required for this development. Before commencing operation, the applicant / operator should contact the Environment Protection Authority on (08) 8204 2058 or email EPALicensing@sa.gov.au for the information about the licensing application process and requirements.
- c) A licence application may be refused where conditions of Development Approval directed by the Environment Protection Authority have not been complied with.
- d) More information about the Environment protection Authority and the Environment protection Act and policies can be found at: www.wpa.sa.gov.au .



BACKGROUND

The subject site is regular in shape and has a street frontage of 28.57 metres, a depth of 60.68 metres, having a total area of approximately 1733 square metres.

The subject site is current vacant land, contains no native vegetation and is relatively flat.

PROPOSED DEVELOPMENT

The proposed development involves the construction of a crematorium with associated security fencing, carparking and landscaping.

The crematorium involves:

- The construction of a building with a 6.5 metre setback from the rear (southern boundary)
- 3 metre setback from the western (side) property boundary
- 4.57 metre setback from the eastern (side) property boundary
- 43.3 metre setback from the front boundary.

The building is to be 21 metres, by 12 metres, having a total floor area of 252 square metres. The building will have a wall height of 4.2 metres from the finished floor level to the fascia, with the total building height to the Apex being approximately 5.5 metres. The building is to be constructed using colour coated metal, woodland grey in colour, and will have an industrial building like appearance.

Within the building will be:

- The cremator
- Cool room
- Loading/unloading area
- Office
- Break room
- Store Room; and
- Toilet/shower facilities

A sealed driveway will run along the eastern property boundary, which provides access to six car parking spaces, including an all accessible carparking space. Landscaping is to be planted along the northern and eastern property boundaries, and immediately to the north of the car parking spaces. Stormwater from the building and the hardstand area is to be directed to a stormwater swale drain, with an overflow bore. A gas tank is to be located within the swale drain.

A future development site at the front of the allotment has been left vacant and identified for future development.

The proposed crematorium is to be used in association with South East Funerals with the hours of operation being Monday to Sunday 7.00a.m to 8.00p.m.

DEVELOPMENT PLAN PROVISIONS

As per the Planning and Design Code extract.

PLANNING ASSESSMENT

The Development Application was required to be publicly notified. At the conclusion of the public notification period eight (8) representations were received. A summary of the issues raised include the following:

- Would be deterrent for people buying in the area



- Should not be located near residential areas
- Will reduce the value of established houses
- The industrial area is not a reasonable area for such a business
- Impacts on air quality through emissions and the potential contamination of rainwater
- Impact on mental health of people working and living within the subject area

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

- The Crematorium is able to be operated without producing emissions (air and noise) that would detrimentally impact on the amenity of the locality
- The Cremator meets the Environment Protection Authority requirements and guidelines
- Is a performance assessed form of development within the Employment Zone
- The crematorium is not a public facility, no funeral services will be held at the facility and the site will not be accessible by the public.

The conduct of a facility for cremation of human or animal remains by means of thermal oxidation using fuel burning equipment requires referral to the Environment Protection Authority as part of the assessment process of the Development Application. The activity is also required to be a licenced activity by the Environment Protection Authority.

The Environment Protection Authority (EPA) have advised:

- The EPA is satisfied, on air quality grounds, that the level of risk from the crematorium is acceptable.
- The EPA is satisfied that noise from the proposed activity is unlikely to unreasonably impact on the nearest sensitive noise receivers and achieve compliance with the Noise Policy.

The EPA have advised the proposed crematorium, if installed and operated to the manufacturer's requirements, is unlikely to result in unacceptable impacts to the environment, in particular, with respect to local air quality in the vicinity of the cremator and have directed three (3) conditions be attached to any approval.

A crematorium is not identified as an Accepted, Deemed to Satisfy or Restricted form of development within the Employment Zone. On this basis, the development defaults to a Performance Assessed pathway. As the Application was required to be notified and eight representations were received the Council Assessment Panel is the relevant authority to make a determination on this application.

The Employment Zone is identified as accommodating a diverse range of low impact light industrial, commercial and business activities that complement the role of other zones accommodating significant industrial, shopping and business activities. As identified within the EPA advice the proposed development will have acceptable air and noise impacts within the subject locality. The development has also been designed with a similar appearance to other developments within the subject locality. The development achieves similar presentation to the streetscape and will not detract from the character and amenity of the subject locality. The subject site will be landscaped.

The building meets the setback criteria, including building heights. The building has been designed to mitigate risk posed by flooding, and there is no native vegetation located on the subject site.

An industry is required to provide carparking at a rate of 1.5 spaces per 100 square metres of total floor area. On the basis, 4.5 carparking spaces would be required to be provided on site. The proposed development makes provision for 6 car parking spaces to be identified on the subject site.

Developments such as crematoriums can generate high emotions within the public. It is noted emotional responses cannot be taken into consideration as part of the assessment of a Development Application. Similarly, the Planning and Design Code does not have policies relating to the potential impact on the value of adjoining properties of a proposed development.



CONCLUSION

The development as proposed meets the requirements of the Planning and Design Code and is considered an appropriate form of development within the Employment Zone. The character and amenity of the subject location is that of a Light Industrial/commercial area with a range of Light Industries/workshops and commercial type of activities within the locality.

As confirmed by the Environment Protection Authority, the development will not detrimentally impact upon the area through air or noise emissions.

Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code and warrants the granting of Planning Consent.

INVITES

Third Party Representor – Mr Darrel Soderlund

Applicant – Mr Frank Brennan, Frank Brennan Consulting on behalf of the Applicant

ATTACHMENTS

1. Application Snapshot - Crematorium - 7C Calula Drive
2. Certificate of Title - Crematorium - 7C Calula Drive
3. Site Plan - Crematorium - 7C Calula Drive
4. Elevations - Crematorium - 7C Calula Drive
5. Floor Plan - Crematorium - 7C Calula Drive
6. Planning Consultant Report - Crematorium - 7C Calula Drive
7. Air Quality Assessment - 7C Calula Drive
8. Environmental Noise Assessment - Crematorium - 7C Calula Drive
9. Crematorium Specifications - Crematorium - 7C Calula Drive
10. EPA Referral Response - Crematorium - 7C Calula Drive
11. Representations - Crematorium - 7C Calula Drive
12. Applicant response to representations - Crematorium - 7C Calula Drive
13. Planning and Design Code Extract - Crematorium - 7C Calula Drive



**6.2 DEVELOPMENT APPLICATION 21034443 - TO CONSTRUCT A CHILD CARE CENTRE
- 90 CROUCH STREET NORTH – REPORT NO. AR21/79862**

Development No:	21034443
Applicant:	90 Crouch Pty Ltd
Property Address:	90 Crouch Street North, Mount Gambier
Property Owner:	90 Crouch Pty Ltd
Report No:	AR21/79862
CM9 Reference:	AF20/387
Author:	Tracy Tzioutziouklaris, Manager Development Services
Authoriser:	Tim Coote, General Manager City Growth
Nature of Development:	Performance Assessed / Public Notification
Description:	To construct a Child Care Centre, outdoor play area, carparking and landscaping
Zoning:	Suburban Neighbourhood / Overlays – Affordable Housing, Hazards (Flooding), Native Vegetation, Prescribed Wells Area, Water Protection Area
Policy Area:	N/A
Heritage:	N/A

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR21/79862 titled 'Development Application 21034443 - To construct a Child Care Centre - 90 Crouch Street North' as presented on 16 December 2021 be noted.
2. Pursuant to Section 108(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code and warrants the granting of Planning Consent subject to the following conditions:
 - (a) The development shall be carried out in accordance with the Plan/s as approved by the Council Assessment Panel and with the Conditions of Approval.
 - (b) The carparking and driveway areas and footpath crossover as shown on the plan/s approved by the Council Assessment Panel, shall be graded, paved and sealed with bitumen or other similar material and maintained in a useable condition at all times.
 - (c) The carparking spaces shall measure not less than 2.6 metres in width and 5.5 metres in length and shall be linemarked, with the accessible car parking space appropriately identified.
 - (d) The Applicant shall submit a Works and Service application to establish the new invert and crossover between the subject land and the road carriageway, and close the existing invert/crossover in accordance with the plan approved by the Council Assessment Panel and reinstate the footpath at the Applicant's expense.
 - (e) The Applicant shall be required to make arrangements with Council in relation to the disposal of stormwater and surface drainage, which may involve the connection to

existing street drain and incorporate an inspection/access pit, at the Applicant's expense.

- (f) Landscaping shall be undertaken and maintained at all times and shall incorporate the use of established and evergreen trees and shrubs.
- (g) All boundary fencing shall be constructed to a height of not less than 1800mm of colour coated metal or similar material.
- (h) All commercial waste and refuse generated on the subject site shall be contained within the screened holding place and be removed on a regular basis.
- (i) Whomsoever may be making use of this planning consent, shall take all measures that are reasonably possible to keep within the boundaries of the subject land all noise associated with the operation of the business or the coming and going of persons to the subject land, the sound of voices, vehicle noises, radio set or other amplified music, so as to not intrude upon the residential component of the locality.
- (j) Any lights on the subject land must be directed and screened so that overspill of light into nearby residential premises is avoided and drivers are not distracted.
- (k) The building and surroundings shall be maintained in a state of good repair and tidy condition at all times.
- (l) The subject land shall not be used/occupied for the purposes approved by Council until conditions (b), (c), (d), (e), (f) and (g) are completed.



BACKGROUND

The subject site is irregular in shape with a street frontage of approximately 54 metres to Crouch Street North, with a total site area of 2692 square metres.

A detached dwelling with associated outbuildings is currently located on the subject site.

The subject site slopes downwards towards the north. No native vegetation exists on the subject site.

PROPOSED DEVELOPMENT

The proposed development involves the demolition of the existing dwelling and all associated outbuildings and the construction of a child care centre with an associated outside play area, car parking and landscaping.

The child care centre is to have a setback of approximately 12 metres to Crouch Street North, 1.6 metres to the northern side boundary, 3 metre setback to the southern side boundary and at the closest point will have a setback of approximately 8 metres to the rear boundary.

A carparking area comprised of 27 carparking spaces, including one all accessible car parking space, is to be constructed in front of the child care centre and will have vehicular access via one driveway access point. A designated pedestrian access point and walkway has also been identified within the carpark. A bin storage area has been included within the north western corner of the allotment.

An outdoor play area, 775 square metres in area is to be constructed to the east of the building and will contain three outdoor storage buildings.

The total height of the building will be 5.96 metres, with the height from the finished floor level to the ceiling being 2.7 metres. The subject site will need to be built up approximately 1.3 metres within the north western corner of the allotment to accommodate for the slope of the allotment. Some cut may also need to be undertaken on the subject site, with the elevations indicating the amount of cut required along the southern boundary will be approximately 800mm up to 1.2 metres.

The building is to be constructed using brick, Mount Gambier limestone wall, FC Sheet – surf mist in colour, James Haride Axon CFC Cladding with Colourbond roof – monument in colour. Fencing on site is to be Colourbond good neighbour fencing – Gully in colour and aluminium slat screening fencing.

The total floor area of the building is to be 394 square metres, and will be comprised of a reception area, office, parents room, staff room, 6 activity rooms, a sleep rooms, kitchen/pantry and toilet facilities.

The child care centre has been designed to accommodate up to 107 children at any one time. The hours of operation of the centre will be Monday to Friday 6.30a.m. to 6.30p.m., 52 weeks per year and will not be open on weekends or public holidays.

The number of employees required will be dependent on the number and age of children enrolled to attend the Child Care Centre at any one time. Within South Australia the Educator to child ratios are as follows:

Age of Children	Educator to Child Ratio
Birth to 24 months	1:4
Over 24 months and less than 36 months	1:5
36 months or over (not school age)	1:11
Over preschool age	1:15

The stormwater is proposed to be directed to the street, with Water Sensitive Urban Design features to be incorporated into the proposed landscaping to manage stormwater flows onto landscaped areas during large storm events.



DEVELOPMENT PLAN PROVISIONS

The Planning and Design Code extract is attached to this report for Members perusal and information.

PLANNING ASSESSMENT

A Child Care Centre is not identified as an Accepted, Deemed to Satisfy or Restricted form of development within the Suburban Neighbourhood Zone. On this basis, the development defaults to a Performance Assessed pathway. As the Application was required to be notified and six representations were received the Council Assessment Panel is the relevant authority to make a determination on this application.

A summary of the issues raised by the representors include:

- An increase in traffic congestion within the subject locality
- Traffic management, along Crouch Street North
- Pedestrian safety
- Traffic speed along Crouch Street North poses a risk to safety
- Flooding on Crouch Street North
- Insufficient carparking provided on site

The Applicant has responded to the representations with the following:

- The number of carparking spaces provided on site is deficient, it is anticipated the demand for carparking will be able to be accommodated due to the intermittent / short term use for drop off / pick up
- The child care centre will have staggered drop off and pick up times
- The existing traffic congestion is due to St Martins Lutheran College school drop off / pick up times
- Council will provide further advice regarding the Stormwater Management Plan.

A Child Care Centre / Pre School is an envisaged form of development within the Suburban neighbourhood Zone. It is a type of land used considered to be a complementary non residential use within this zone. Non residential developments such as a pre school / child care centres are envisaged to occur within the Suburban Neighbourhood Zone to improve community accessibility to services.

The proposed development meets the Planning and Design Code in respect to setbacks, building height, floor area and building design and siting.

The proposed development does not meet the Planning and Design Code in respect to the amount of carparking provided on the subject site. The development has been designed to minimise impact on the adjoining public road and the neighbouring residential properties through the construction of an on site carparking area at the front of the development. The design and layout of the carpark is a functional design. The access point has been designed and sited to accommodate the type and volume of traffic likely to be generated by the proposed development. The number of access points have also been minimised which helps to optimise the provision of on street visitor parking.

The Planning and Design Code identifies carparking to be provided at a rate of .25 spaces per child for a Child Care Centre. On this basis, at the maximum number of children being 107, a total of 27 carparking spaces are required to be provided as part of the development. As shown on the site plan 27 on site car parking spaces have been provided as part of the development.

One of the issues raised as part of the public notification process was traffic management and congestion currently occurring within the subject locality. It is acknowledged this congestion occurs at school drop off / pick up and is generated from the nearby primary/secondary school.



Whilst the child care centre will increase traffic within the subject locality, the increase in traffic anticipated to be generated should significantly increase the traffic congestion throughout the whole day, with child care drop off and pick ups occurring on a more staggered basis from 6.30a.m. until 6.30p.m.

At the time of writing the report, Council's Infrastructure team have not provided advice regarding the proposed Stormwater Management Plan. It is anticipated the stormwater generated from the subject site will be able to be appropriately managed.

CONCLUSION

The development as proposed meets the requirements of the Planning and Design Code and is considered an appropriate form of development within the Suburban Neighbourhood Zone. A Child Care centre is an envisaged form of development within this zone. The development as proposed will not detract from the character and amenity of the subject location.

Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code and warrants the granting of Planning Consent.

INVITES

Representors

Mel Teagle

Michael van der Linden

Applicant

Mr Frank Brennan

ATTACHMENTS

1. Application Summary - Child Care Centre - 90 Crouch Street North
2. Certificate of Title - Child Care Centre - 90 Crouch Street North
3. Site Plan - Child Care Centre - 90 Crouch Street North
4. Elevations - Child Care Centre - 90 Crouch Street North
5. Floor Plan - Child Care Centre - 90 Crouch Street North
6. Perspectives - Child Care Centre - 90 Crouch Street North
7. Section drawings - Child Care Centre - 90 Crouch Street North
8. Stormwater Management Plan - Child Care Centre - 90 Crouch Street North
9. Planning Report - Child Care Centre - 90 Crouch Street North
10. Representations - Child Care Centre - 90 Crouch Street North
11. Response to Representations - Child Care Centre - 90 Crouch Street North
12. Planning and Design Code Extract - Child Care Centre - 90 Crouch Street North



7 URGENT MOTIONS WITHOUT NOTICE

8 MEETING CLOSE

