

AGENDA

Limestone Coast Southern Regional Assessment Panel

Thursday 21 November 2024



I hereby give notice that a Limestone Coast Southern Regional Assessment Panel will be held on:

Time: 5:00 pm

Date: Thursday 21 November 2024

Location: 10 Watson Terrace, Mount Gambier

Tracy Tzioutziouklaris
ASSESSMENT MANAGER
15 November 2024

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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 FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGIES

Nil

3 CONFIRMATION OF MINUTES

3.1 CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of the Limestone Coast Southern Regional Assessment Panel Meeting held on 17 October 2024 be confirmed as an accurate record of the proceedings of the meeting.

4 QUESTIONS WITHOUT NOTICE

5 INVITEES

Invitees for Item 6.1 - 13-27 Fraser Court, Suttontown

The Representor - Domenic Pulitano

The Applicant - Frank Brennan, Frank Brennan Consulting Services

6 REPORTS

6.1 DA 24020843 - 13-27 FRASER COURT, SUTTONTOWN - TO CONSTRUCT AN INDUSTRIAL WORKSHOP

Author: Tracy Tzioutziouklaris, Manager Development Services (City of Mount Gambier)

Authoriser: Tracy Tzioutziouklaris, Assessment Manager

RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 24020843 - 13-27 Fraser Court, Suttontown - To Construct an Industrial Workshop' as presented on Thursday 21 November 2024 be noted.
2. When considering the application, all of the supporting documentation and the provisions of the Planning and Design Code, the development as proposed is considered an acceptable form of development on the subject site and will not detract from the character and amenity of the locality. The access onto Jubilee Highway will need to be addressed as a reserved matter until such a time all necessary approvals are obtained to cross the screening reserve from the relevant Council, being the City of Mount Gambier.

3. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016* and *Planning Consent be granted subject to the following conditions and notes.*

CONDITIONS

Planning Consent

Conditions imposed by Commissioner of Highways under Section 122 of the Act

Condition 1

All access to/from the development shall be gained in accordance with the Site Plan produced by blackbird industries, Drawing No. 821, Sheet No. A-02.0, dated 08.07.2024.

Condition 2

The access point on Jubilee Highway shall be for exit movements of heavy vehicles only. The access points shall be signed and line-marked to reinforce the desired traffic flow.

Condition 3

All road works on Jubilee Highway required as a direct result of this development shall be designed and constructed to the satisfaction of the Department for Infrastructure and Transport and in accordance with Austroads Guidelines, Australian Standards and DIT's Master Specification. All costs (including design, construction, project management and any changes to pavement, guard rail, drainage, road lighting etc.) shall be borne by the applicant. All works shall be completed prior to the development becoming operational.

Note: Prior to undertaking detailed design, the applicant shall contact DIT's Asset Manager – South, Mr Victor Ling, on telephone 7133 1969, mobile 0467 784 657 or via email at Victor.Ling@sa.gov.au, to discuss the proposed road works. Furthermore, the developer shall enter a 'Developer Agreement' to undertake the above works.

Condition 4

All off-street vehicle parking and manoeuvring areas shall be designed in accordance with *AS/NZS 2890.1:2004, AS/NZS 2890.6:2022 and AS 2890.2:2018.*

Condition 5

Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

Conditions imposed by the Limestone Coast Southern Regional Assessment Panel

RESERVED MATTER

Pursuant to section 102(3) of the Planning, Development and Infrastructure Act 2016, the following matters are reserved for further assessment to the satisfaction of the Assessment Manager, prior to the granting of Development Approval:

1. Obtain the relevant approvals from the City of Mount Gambier and the Department of Infrastructure and Transport to be able to access the subject site from Jubilee Highway West, Mount Gambier.

Note - Further conditions may be imposed on the Planning Consent in respect of the above matter.

Condition 6

The development shall be carried out in accordance with the Plans and supporting documentation as approved.

Condition 7

The carparking spaces shall measure not less than 2.6 metres in width and 5.5 metres in length and shall be linemarked and maintained in a usable condition at all times.

Condition 8

Accessible carparking spaces shall be appropriately identified, linemarked and maintained in a useable condition at all times in accordance with the relevant requirements.

Condition 9

Direction signs for traffic shall be placed on the site of the development.

Condition 10

Access and egress to and from the subject site via the right of way over the adjoining property shall be restricted to passenger vehicles only.

Condition 11

All loading and unloading of motor vehicles shall be conducted on the subject land only.

Condition 12

The stormwater to be directed to Council's stormwater drainage system shall not exceed 20l/s unless otherwise agreed to with Council.

Condition 13

A stormwater treatment device shall be installed to ensure that all surface run off, stormwater, or other liquor discharging from the site, must be free from contaminants and pollutants. These contaminants/pollutants include, but are not limited to oils, grease, fuels, rubbish, litter or silt.

Condition 14

All commercial wastes and refuse shall be contained within the proposed building or alternatively a screened holding place for waste materials and refuse containers be provided and maintained with all waste and refuse being removed on a regular basis.

Condition 15

Any lights on the subject land must be directed and screened so that overspill of light into nearby premises or public spaces is avoided and drivers are not distracted.

Condition 16

The advertising signs shall be maintained in a state of good repair and tidy condition at all times.

Condition 17

Landscaping shall be established in accordance with the plan as approved by Council and incorporate the use of established trees and shrubs and shall be completed in the first planting season following the commencement of the use of this development. Should any tree, shrub, ground cover or other plant die, become diseased or otherwise fail to thrive at any time, it shall be forthwith replaced.

Condition 17

The buildings and surroundings shall be maintained in a state of good repair and tidy condition at all times.

Condition 18

The subject land shall not be used/occupied for the purposes approved by Council until the yard areas have been appropriately sealed as identified on the approved plan.

ADVISORY NOTES**Planning Consent****B Double Gazettal - Fraser Court**

It has been identified within the Traffic Impact Analysis that B Double traffic movement on Fraser Court is supported. To facilitate this the City of Mount Gambier have identified the kerb on the O'Leary Road intersection will need to be widened.

This matter will need to be addressed as part of the process for the Gazettal of Fraser Court as a road suitable for B Double traffic movements. This is a separate process to the assessment of this Development Application.

All road works on O'Leary Road and Fraser Court as a direct result of this development shall be designed and constructed to the satisfaction of the City Infrastructure Department of the City of Mount Gambier and in accordance with Austroads Guidelines, Australian Standards and specifications of the City of Mount Gambier. All costs (including design, construction, project management and any changes to pavement, guard rail, drainage, road lighting etc.) shall be borne by the applicant.

Prior to undertaking detailed design, the applicant shall contact the City Infrastructure Department of the City of Mount Gambier by telephone 0887212555 or city@mountgambier.sa.gov.au, to discuss the proposed gazettal of Fraser Court for B Double Vehicles. Furthermore, the developer shall enter a 'Developer Agreement' to undertake the above works.

General Notes

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form,

- you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
 3. This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
 4. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
 5. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

DEVELOPMENT NO.:	24020843
APPLICANT:	Frank Brennan Consulting Services
NATURE OF DEVELOPMENT:	Construction of an awning and industrial shed for the purpose of fabrication of metal products, storage & sales, product display area, advertising signage, car parking, landscaping, 2100mm mesh security fence and create new egress to Jubilee Highway.
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Employment Overlays: <ul style="list-style-type: none"> • Native Vegetation • Prescribed Wells Area • Urban Transport Routes • Water Protection Area
LODGEMENT DATE:	2 Oct 2024
RELEVANT AUTHORITY:	Regional assessment panel/Assessment manager at Limestone Coast Southern Regional Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.17 12/9/2024

DETAILED DESCRIPTION OF PROPOSAL:

This Development Application is seeking consent to construct an industrial building for the fabrication of metal products, storage and sales incorporating a product display area and signage. The subject land is currently vacant and is comprised of three titles. The subject site is irregular in shape, has a street frontage of 167.61 metres to Fraser Court, is 107.2 metres in depth, having a total site area of 15272 square metres. Access to the subject site is also available via an easement over the adjoining allotment located immediately to the east of the subject site.

A screening reserve, in favour of the City of Mount Gambier is located to the south of the subject land which prevents dual frontage and access/egress from the subject land to Jubilee Highway East.

An easement in favour of SA Water for sewerage purposes is located along the western and eastern property boundaries.

The proposed development involves the construction of an industrial workshop. This building is best described as follows:

- Is setback 6.6 metres to Fraser Court
- Is setback 17.8 metres to the eastern property boundary
- Is setback 16.7 metres to the northern property boundary
- Is setback approximately 28 metres to the western property boundary at the closest point
- A black coated fence 2.1 metres high is to be constructed along the southern and northern property boundaries
- A chainlink fence with 3 rows of bar wire to a maximum height of 2.1 metres is to be constructed along the western property boundary
- The eastern side boundary fence is to remain as the existing chainlink fence
- The freestanding sign is to be constructed adjacent the northern property boundary to reinforce the primary access to the subject site. This sign is to be 4 metres in height and 1.5 metres wide.
- The yard areas are to be sealed with either 50mm thick hotmix and concrete
- Vehicular access to the site is proposed to be via three access points on Fraser court and one access point on Jubilee Highway West. Automatic sliding gates are to be installed at all access points
- Access via the existing right of way is to be retained
- 36 car parking spaces have been identified
- A landscaping plan has been providing with landscaping to be planted along the western property boundary, along the northern property boundary adjacent Fraser Court and portion of the southern property boundary and comprise a variety of plant types
- The building is to be 83.086 metres wide by 80 metres having a total floor area of 6646.88 square metres in area.
- The building is to be comprised of an enclosed workshop which will be 80 by 60 metres, having a floor area of 4800 square metres.
- An awning is to be constructed on the northern side of the building with frontage to Fraser Court. The awning is to be 80 metres by 24.058 metres, having a total floor area of 1925 square metres
- An office area is to be constructed on the eastern side of the building and will be comprised of an open space working area, 4 offices, a meeting room and amenities. The total floor area of the office is to be 319.26 square metres
- A mezzanine floor is to be constructed above the office and will be comprised of an office and meeting rooms, having a floor area of 100.14 square metres.
- The wall height of the building is to be approximately 8 metres, having a total building height of 10.9 metres to the ridge line.
- The building is to be constructed with trimdek roof in steeline blue colour, corrugated steeline blue walls and steeline green interlocking panel for the roof of the office and woodland grey corrugated walls.

A traffic management and parking report for the development has been provided from MFY. A copy of the MFY report is attached to the agenda for Members information and perusal. IN summary the development as proposed appropriately addresses the traffic and parking requirements for the safe and efficient operation of the site.

The stormwater from the subject site is to be directed to the stormwater retention basin within the subject locality. The stormwater retention basin was designed to accommodate the additional stormwater to be generated from Fraser Court when the land division was first development.

LOCATION OF DEVELOPMENT:

Location reference: 25-27 FRASER CT SUTTONTOWN SA 5291

Title ref.: CT 6261/877 **Plan** AL209 **Parcel:** D128081 **Council:** CITY OF MOUNT GAMBIER

Location reference: 19-23 FRASER CT SUTTONTOWN SA 5291

Title ref.: CT 6261/878 **Plan** AL210 **Parcel:** D128081 **Council:** CITY OF MOUNT GAMBIER

Location reference: 13-17 FRASER CT SUTTONTOWN SA 5291

Title ref.: CT 6261/879 **Plan** AL211 **Parcel:** D128081 **Council:** CITY OF MOUNT GAMBIER

The subject site is located within the Employment Zone. There is a variety of industrial, commercial and retail forms of development within the subject locality which includes:

- A large timber mill to the south which operates 24 hours seven days a week
- A service trade premises for the sale of swimming pools and caravans to the east
- A bulky goods retail outlet to the east
- A mix of Industrial workshops and service trade premises to the north.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Industry

Advertisement: Code Assessed - Performance Assessed

Fences and walls

Light industry: Code Assessed - Performance Assessed

Fence: Exempt

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

P&D Code; light industry, panel/highwall advertisement, building greater than 9.0 metres in height

PUBLIC NOTIFICATION

Yes

- **REASON**

building height greater than 9.0 metres

One representation was received at the conclusion of the public notification period. This representation opposed the development for the following reasons:

- Access to Jubilee Highway West introduces safety concerns
- The original development of Fraser Court specifically prevented access via Jubilee Highway West
- The easement over the adjoining land is not designed to accommodate large vehicles
- In sufficient on site carparking has been proposed
- The building orientation does not have a street presence to Fraser Court

The Applicant has responded to the concerns raised with the following:

- The new access proposed via Jubilee Highway West is for an exit only
- The right of way over the adjoining allotment is to be used for passenger vehicle movements only
- The traffic report clearly identifies the traffic movements on the site, with larger vehicles able to move through the site in a forward motion at all times
- 38 carparking spaces are provided as part of the development and is more than sufficient to accommodate anticipated staff and customer levels
- The proposed development is for an industrial use and not a retail type use, and has been designed to minimise public movement through the site. The main customer access on the site will be through the awning which is located at the front of the property

Copies of the representation and the response to the representation is attached to this report for Members information and perusal.

AGENCY REFERRALS

- Commissioner of Highways

As illustrated on the site plan, the Applicant has proposed access/egress via Jubilee Highway West, Mount Gambier which is a road under the care and control of the Department of Infrastructure and Transport (DIT).

DIT has advised they have no objections to the development as proposed and have applied five (5) Conditions to be added to any consent/approval.

INTERNAL REFERRALS

- City of Mount Gambier - City Infrastructure

It has been identified within the Traffic Impact Analysis that B Double traffic movement on Fraser Court is supported. To facilitate this the City of Mount Gambier have identified the kerb on the O'Leary Road intersection will need to be widened.

This matter will need to be addressed as part of the process for the Gazettal of Fraser Court as road suitable for B Double traffic movements. This is a separate process to the assessment of this Development Application.

PLANNING & DESIGN CODE POLICIES

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

PLANNING ASSESSMENT

Question of Seriously at Variance

The proposed development involves construct an industrial building for the fabrication of metal products, storage and sales incorporating a product display area and signage.

It is located in the Employment Zone. Development of this nature is appropriate within the site, locality or in the subject zone for the following reasons:

- Light industry is an envisaged form of land use within the Employment Zone
- The development is compatible with development within the locality
- The development will not detrimentally impact upon the character and amenity of the subject locality

The desired outcome of the Employment Zone envisages a diverse range of low-impact light industrial, commercial and business activities which have distinctive design elements to achieve high visual and environmental amenity particularly along arterial roads, zone boundaries and public open spaces.

The proposed development will be clearly visible from a primary arterial road. Consideration of the visual appearance of the development has been considered through the type of fencing to be installed, the proposed building setback, building design features and articulation and landscaping.

The development meets the set back criteria as specified within the Planning and Design Code and are considered acceptable. The setbacks also accommodate for the SA Water easements and the movement of vehicles to enter and exit the site.

The Planning and Design Code identifies buildings are to have a maximum building height of 2 building levels up to a height of 9 metres. The building as proposed has a proposed wall height of 8 metres and a total building height to the ridge line of 10 metres. When considering the scale, siting and design of the building, the total height of the building to the ridge line of 10 metres is considered acceptable.

The landscaping as proposed meets the requirements of the Planning and Design Code, in particular in respect to the primary frontage of the development to Fraser Court. The freestanding advertisement is within the specifications for signage identified within the Planning and Design Code. Other signage is to be attached flush with the wall of the building and are considered acceptable.

There is no native vegetation on the subject site.

The report as provide by MFY identifies access and vehicle movements to, from and within the subject site are acceptable. All vehicles are able to enter and exit the site in a forward motion. There is a screening reserve owned by the City of Mount Gambier along the southern property boundary which was implemented as part of the land division creating the allotments contained within Fraser Court. The purpose of the screening reserve was to prevent access to the subject land via Jubilee Highway West. The Applicant has obtained preliminary agreement from the Department of Infrastructure and Transport to have direct access to Jubilee Highway West and is currently negotiating with the City of Mount Gambier as the relevant Council to achieve access

over the screening reserve. The development is able to function without this access point, and it is recommended the access via Jubilee Highway West be addressed as a reserved matter.

The issue of B Doubles being used on the site will be addressed via a separate process through the gazettal of Fraser Court to be approved to enable B Doubles to access Fraser Court and will not be addressed as part of this Development Application.

It is also noted, the development will also be able to function without relying on access via the existing right of way over the adjoining property.

The development as proposed is not a form of development identified as having the potential to pollute the underground water supply.

The appearance of the development has incorporated a number of design features to provide visual interest including the use of colour variation, materials, windows and doors and is considered appropriate for the purpose of the development.

Stormwater from the subject site is to be disposed of the nearby stormwater retention basin as designed as part of the development creating the allotments.

The development is not envisaged to encourage customers to access the whole of the subject site. Customers will primarily enter the site via Fraser Court, through the canopy and exit the site onto Fraser Court. The remainder of the site will primarily be accessed by employees.

Table 2 Off Street carparking requirements identifies for an Industrial land use carparking is required to be provided at a rate of 1.5 spaces per 100 square metres of floor area and a warehouse/store with a rate of 0.5 spaces per 100 square metres of floor area. Based on the carparking ratio for an industry 48 car parking spaces are required to be provided on the subject site. It is acknowledged portion of the building will be used for the storage of product. This will reduce the requirement for the number of car parking spaces to be provided on the subject site. When considering the site plan, there are opportunities to identify additional carparking spaces if required. When considering the development as proposed, the carparking proposed to be provided on site is considered appropriate.

INVITES

The Representor - Domenic Pulitano

The Applicant - Frank Brennan, Frank Brennan Consulting Services

ATTACHMENTS

1. Steeline - Application Snapshot [6.1.1 - 5 pages]
2. Steeline - Plans [6.1.2 - 15 pages]
3. Steeline - MFY Traffic management and parking report [6.1.3 - 10 pages]
4. Steeline - Representation [6.1.4 - 3 pages]
5. Steeline - Response to representation [6.1.5 - 3 pages]
6. Steeline - Planning and Design Code - Full [6.1.6 - 112 pages]

6.2 DA 24018335 - 23 CALULA DRIVE, SUTTONTOWN - CHANGE OF USE

Author: Tracy Tzioutziouklaris, Manager Development Services (City of Mount Gambier)
Authoriser: Tracy Tzioutziouklaris, Assessment Manager

RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 24018335 - 23 Calula Drive, Suttontown - Change of Use' as presented on Thursday 21 November 2024 be noted.
2. It is recommended that the Limestone Coast Southern Regional Assessment Panel resolve that:
 1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the Planning, Development and Infrastructure Act 2016.
 2. Development Application Number 24018335, by JD's Metal Fab Pty Ltd is granted Planning Consent subject to the following conditions and notes:
 - (a) The development shall be carried out in accordance with the Plan/s as approved by Council and with the Conditions of Approval.
 - (b) All work including but not limited to metal fabrication shall be conducted within the building.
 - (c) The carparking 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 materials and linemarked and maintained in a useable condition at all times.
 - (d) The remainder of the yard area shall be graded and surface to ensure maximum dust suppression at all times.
 - (e) A stormwater treatment device shall be installed to ensure that all roof and surface run off stormwater, or other liquid, discharging from the site, must be free of contaminants. These contaminants include, but are not limited to oils, grease, fuels, rubbish, litter, or silt.
 - (f) Landscaping shall also be planted adjacent to the western property boundary to the northern corner of the building and shall be undertaken and maintained at all times and shall incorporate the use of established and evergreen trees and shrubs.
 - (g) The northern boundary fence shall be constructed to a height of not less than 1800mm of colour coated metal or similar material.
 - (h) All other fences shall be constructed in accordance with the approved plans and maintained in a useable condition at all times.
 - (i) All waste materials and refuse shall be contained within the proposed building or alternatively a screened holding place for waste materials and refuse containers shall be provided and maintained on the site of the development at all times, with the waste and refuse being removed on a regular basis.
 - (j) Any lights on the subject land must be directed and screened so that overspill of light into nearby premises is avoided.

- (k) The advertising signs shall be maintained in a state of good repair and tidy condition at all times.
- (l) The use of the property shall not create a nuisance and/or disturbance for any person/s and/or property in the immediate area.
- (m) The subject land and all improvements thereon shall always be maintained in a state of good, tidy, and attractive repair and condition at all times.
- (n) The development shall be consistent with the relevant provisions identified within the current Environment Protection (Noise) Policy as identified by the Environment Protection Authority.

General Notes

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
3. This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
4. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
5. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

DEVELOPMENT NO.:	24018335
APPLICANT:	JD's Metal Fab Pty Ltd
ADDRESS:	23 Calula Drive, Suttontown
NATURE OF DEVELOPMENT:	Change of use of the site from motor repair station to light industrial (metal fabrication) workshop
ZONING INFORMATION:	Zones: • Employment Overlays: • Hazards (Bushfire - Urban Interface) • Native Vegetation

	<ul style="list-style-type: none"> • Prescribed Wells Area • Water Protection Area
LODGEMENT DATE:	2 Oct 2024
RELEVANT AUTHORITY:	Regional assessment panel/Assessment manager at Limestone Coast Southern Regional Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.17 12/9/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Tracy Tzioutziouklaris Manager Development Services
REFERRALS STATUTORY:	N/A
REFERRALS NON-STATUTORY:	N/A

DETAILED DESCRIPTION OF PROPOSAL:

The application involves a change in use from a motor repair station to a light industrial workshop for metal fabrication.

The proposed operating hours of the business are to be:

Monday to Friday 6.30a.m. to 4.00p.m.

The number of staff within the workshop will be 6 and 1 staff member will be working within the office.

There is currently one building constructed on the subject land which is the building directly adjacent to the western property boundary.

BACKGROUND:

Council by notice dated 18 January 2022 granted Development Approval for the construction of a motor repair station for the maintenance and repair of heavy vehicles and machinery subject to 19 Conditions of approval – Stage 1.

This application proposed the construction of two buildings, with Stage 1 consisting of the building which has been constructed on the subject land.

At this time there are no plans for the construction of the second building.

The subject property is an irregular shaped allotment, with primary frontage of approximately 26.14 metres to Callula Drive, Mount Gambier and is approximately 5,125 square metres in area. Vehicular access to the subject site is also via Callula Drive.

The allotment is set slightly above street level, and is generally level.

The allotment is fenced to all boundaries with a 1.8 metre high mesh security fence.

The allotment has established limestone rubble surface.

The development as approved by Council involved the following:

- Scalps and bitumen to cover 95% of the open areas for truck egress and to reduce dust
- Chain mesh fencing to the side and rear boundaries to match existing fencing within the subject locality
- Dense screening plants are to be planted along the northern property boundary
- The front of the property is to be landscaped
- The building was constructed using colour coated metal, in different shades of grey
- Signage is to be located on the front of the buildings with the company logo
- The front of the property is to be secured with chain mesh gates
- Stormwater from the wash bay is to be filtered through a silt trap and disposed of to a bore

The building constructed on the subject site:

- has a setback of 3 metres to the western property boundary
- A setback of 13.93 metres to the northern property boundary
- Is 32 metres by 20 metres, having a total area of 640 square metres
- has a wall height of 6.045 metres from the finished floor level to the eave

- Is constructed using colour coated metal for walls and a Zinalume roof
- Have a total height of approximately 7.5 metres to the top of the apex
- Is an open floor plan with a lunchroom and a bathroom facility within the norther western corner of the building

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 23 CALULA DR SUTTONTOWN SA 5291

Title ref.: CT 6138/373 Plan Parcel: D72301 AL43 Council: CITY OF MOUNT GAMBIER

Locality

The subject property is zoned Light Industry, and is located in an established light industrial area. The allotment is bounded by;

- residentially zoned allotments to the north in a developing residential estate, separated by a landscape buffer, approximately 12 metres wide;
- A discussed railway (used as a public walking/cycling trail) and undeveloped Commercial Zone Land, currently used for farming proposes to the west
- Light Industrial Land to the east and south, including established uses such a truck depot, service and manufacturing industries.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- PER ELEMENT:
Change of use: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code; change of use is performance assessed pursuant to the P&D Code

PUBLIC NOTIFICATION

- **REASON**
the site of the development is adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone.

- **LIST OF REPRESENTATIONS**

At the conclusion of the public notification period two representations were received where the concerns raised as summarised as follows:

- Noise
- Hours of operation are currently different to what has been proposed
- People are working on site Saturday and Sunday
- There is currently no screening on site
- Is a visual eyesore

The Applicant has responded the issues raised within the representations with the following:

- The site is located in the Employment Zone and is an envisaged form of development
- Some additional hours of work may be undertaken outside the standard operating hours to meet project deadlines
- The noise emitted from the development meet the Environment Protection (Commercial and Industrial Noise) Policy 2023
- Planting will be undertaken along portion of the norther property boundary to act as both a screen and noise barrier.

Copies of the representations and the response to representations are attached to this report for Members perusal.

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are attached to this report for Members perusal and consideration.

Question of Seriously at Variance

The proposed development involves a change in use of a motor repair station repair station to a light industrial (metal fabrication) workshop. It is located in the Employment Zone. Development of this nature is appropriate within the site, locality or in the subject zone for the following reasons: A light industrial workshop is an envisaged form of land use within the Employment Zone.

The buildings on site are existing buildings and the development will not detract further from the existing streetscape or the character of the subject locality.

The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

Planning Assessment

The subject land is located within the Employment Zone which has a Desired Outcome of 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. The use of the land for a light industrial workshop meets the Desired Outcomes for this Zone.

Land Use

The building on the subject site is existing. The proposed development involves a change in use of the existing building. A light industrial workshop for metal fabrication is not a substantial change from a motor repair station for heavy vehicles and is not envisaged to substantially alter the impacts experienced by the adjoining properties. Other than noise, the development as proposed is unlikely to produce emissions and other impacts.

It is noted the landscaping as required by the previous Development Approval has not yet been planted.

This Application was required to be publicly notified as the development is adjacent to a neighbourhood type zone and residential developments. Although there is a 12 metre wide buffer between the industrial zoned land and the residential zoned land. The application is referred to the Assessment Panel for a decision as two representations were received at the conclusion of the public notification process. The biggest issues of concern related to the hours of operation of the business and the noise emitted from the subject site.

It is not unreasonable to anticipate the hours of operation of the business to be broader than the core hours identified within the proposed hours of operation, in particular during busy periods to meet project deadlines. Although it would be unreasonable to enable 24 hour use of the subject land.

It is anticipated work will primarily be conducted within the building and measures can be put in place to minimise the potential noise impacts from the development.

CONCLUSION

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 subject to appropriate conditions and advice.

INVITES

Nil

ATTACHMENTS

1. Application Snapshot - 23 Calula Drive [6.2.1 - 4 pages]
2. Site Plan - 23 Calula Drive [6.2.2 - 1 page]
3. Description of proposed development - 23 Calula Drive [6.2.3 - 1 page]

4. Elevations - 23 Calula Drive [**6.2.4** - 5 pages]
5. Representations - 23 Calula Drive [**6.2.5** - 4 pages]
6. Repsponse to representations - 23 Calula Drive [**6.2.6** - 2 pages]
7. Planning and Design Code - 23 Calula [**6.2.7** - 82 pages]

6.3 DA 24025931 - UNIT 6/2A COOLABAH STREET, MOUNT GAMBIER - CHANGE OF USE

Author: Tracy Tzioutziouklaris, Manager Development Services (City of Mount Gambier)
Authoriser: Tracy Tzioutziouklaris, Assessment Manager

RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 24025931 - Unit 6/2A Coolabah Street, Mount Gambier - Change of Use' as presented on Thursday 21 November 2024 be noted.
2. It is recommended that the Limestone Coast Southern Regional Assessment Panel resolve that:
 1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
 2. Development Application Number 24025931, by Jayne Bonney is granted Planning Consent subject to the following conditions and notes:
 - (a) The development shall be carried out in accordance with the Plan/s as approved by Council and with the Conditions of Approval.
 - (b) The building/s and surroundings shall be maintained in a state of good repair and tidy condition at all times.
 - (c) At all times whomsoever may be occupying the property, shall take all measures to ensure that the residential amenity of the immediate area is not affected by nuisance or disturbance associated with the operation of the 'Short Term Tourist Accommodation'.
 - (d) All waste materials and refuse accumulated on the property shall be removed on a regular basis to ensure that the property is maintained in a clean and sanitary condition.
 - (e) The maximum number of people to be accommodated within the Short Term Accommodation shall be four (4) people.

General Notes

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. Appeal rights - General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
3. This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
4. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

5. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
- a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

DEVELOPMENT NO.:	24025931
APPLICANT:	Jayne Bonney
ADDRESS:	Unit 6/2A Coolabah Street, Mount Gambier
NATURE OF DEVELOPMENT:	To change the use of a group dwelling to short term tourist accommodation.
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Suburban Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Affordable Housing • Native Vegetation • Prescribed Wells Area • Water Protection Area <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 8m) • Minimum Frontage (Minimum frontage for a detached dwelling is 10m; semi-detached dwelling is 9m; row dwelling is 7m; group dwelling is 20m; residential flat building is 20m) • Minimum Site Area (Minimum site area for a detached dwelling is 450 sqm; semi-detached dwelling is 450 sqm; row dwelling is 350 sqm; group dwelling is 450 sqm; residential flat building is 350 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	23 Sept 2024
RELEVANT AUTHORITY:	Regional assessment panel/Assessment manager at Limestone Coast Southern Regional Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.17 12/9/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Tracy Tzioutziouklaris Manager Development Services
REFERRALS STATUTORY:	N/A
REFERRALS NON-STATUTORY:	N/A

DETAILED DESCRIPTION OF PROPOSAL:

This application is seeking to change the use of an existing group dwelling within a Residential Complex to short term tourist accommodation. The residential complex is comprised of thirty (30)

dwellings. The dwelling the subject of this application is contained with a semi detached building and is one dwelling of two.

The layout of the dwelling includes two bedrooms, open plan kitchen/dining/living room, bathroom, toilet and laundry, garage under the main roof and a pergola. The subject site has a width of 15.4 metres, is 24.24 metres in depth, having a total area of approximately 373 square metres.

Vehicle access to the residential complex is via a sealed common driveway with access from Coolabah Street. One carparking space is available under the main roof of the dwelling and there is room for an additional car to be parked in the driveway.

No changes are proposed to the external appearance of the dwelling or the internal layout of the building. The maximum number of guests will be 4, with check in to be from 3.00p.m. and check out at 10.00a.m. Guests are informed at booking that there is a strict no party policy. There are existing traffic signs on the property which identify the reduced speed limit for the driveway.

The rubbish bins are collected weekly and will remain the responsibility of the dwelling owner.

BACKGROUND:

The subject site is developed as a residential complex comprised of 30 single storey dwellings with access from Coolabah Street via a common driveway. The site is primarily used for residential purposes.

Site Description:

Location reference: UNIT 6 2A COOLABAH ST MOUNT GAMBIER SA 5290

Title ref.: CT 6042/854 **Plan Parcel:** C25611 FL6 **Council:** CITY OF MOUNT GAMBIER

Locality

The subject site is located within a residential area with dwellings to the south, east and west and a primary school to the north.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Change of use: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

P&D Code; No assessment pathway has been identified for this development. Development not classified as accepted, deemed-to-satisfy, restricted or impact assessed and therefore will be performance assessed on its merits against the provisions of the Planning and Design Code.

PUBLIC NOTIFICATION

- **REASON**

Public notification was required pursuant to Table 5 – Procedural Matters (PM) – Notification of the Planning and Design Code, as short-term tourist accommodation is not identified as being excluded from notification.

- **LIST OF REPRESENTATIONS**

- **SUMMARY**

At the conclusion of the public notification period one representation was received which raised the following concerns:

- The development will impact on the character and ambience of the subject locality
- The potential for the creation of noise
- Is for commercial benefit within a residential area.

The Applicant has provided a response to the representation which is summarised as follows:

- Have previously managed other premises used for short term accommodation with no issues of concern
- Guests will be screened and a no party policy applied
- Bookings are aimed at visiting professional
- Have owned the dwelling for ten years and have developed a good rapport with the neighbours.

A copy of the representation and response to the representation are attached to this report for Members information and perusal.

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

Question of Seriously at Variance

The proposed development involves the change of use of an existing group dwelling within a residential complex to short term tourist accommodation. It is located in the Suburban Neighbourhood Zone. Development of this nature is appropriate within the site, locality or in the Suburban Neighbourhood Zone for the following reasons:

- The development is to be used for residential type use on a short term basis.
- The external appearance of the dwelling will not be altered.
- The development will not compromise the residential character and amenity within the subject locality.

The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

Quantitative Provisions

The subject land is located within the Suburban Neighbourhood Zone which has a Desired Outcome of low density housing is consistent with existing local context and development pattern. The use of the land for Short Term Tourist Accommodation, remains for residential purposes albeit for short term periods.

Land Use

The dwelling is existing with no proposed external works proposed and as such, remains contextual and compatible with the low density residential character of this area.

The Planning and Design Code identifies some forms of non residential types of developments which can occur within the Suburban Neighbourhood Zone. The development as proposed is for a commercial benefit, however is considered to be a form of a residential type development in that people will be occupying the premises for residential type purposes. The subject site will also be able to be changed back to a residential dwelling at some time in the future. The development is of a nature and character that will ensure the residential character of the subject locality will be retained.

The physical properties of the existing building are to be retained and will not be altered.

Traffic Impact, Access and Parking

The Planning and Design Code requires that 1 car parking space is provided per accommodation unit/guest room. The existing dwelling contains two (2) defined bedrooms that could be used by a total of four (4) guests. The development provides one (1) car space under cover and further car spaces on site are able to be accommodated.

The on site carparking and access meets the requirements of the Planning and Design Code.

CONCLUSION

The proposed development involves the change of use of the dwelling to short term tourist accommodation. No changes are proposed to the external appearance of the existing dwelling. Accommodation type land uses are able to occur within the Suburban Neighbourhood Zone. The development as proposed is not at variance to the provisions of the Planning and Design Code and warrants the granting of Planning Consent

INVITES

Nil

ATTACHMENTS

1. Application Summary - DA 24025931 - 6 2 A Coolabah Street [6.3.1 - 4 pages]
2. Site Plan - DA 24025931 - 6 2 A Coolabah Street [6.3.2 - 2 pages]
3. Floor Plan - DA 24025931 - 6 2 A Coolabah Street [6.3.3 - 1 page]
4. Management Description - DA 24025931 - 6 2 A Coolabah Street [6.3.4 - 1 page]
5. Representation - DA 24025931 - 6 2 A Coolabah Street [6.3.5 - 1 page]
6. Response to Representation - DA 24025931 - 6 2 A Coolabah Street [6.3.6 - 1 page]
7. Planning and Design Code - DA 6 2 A Coolabah Street - 24025931 [6.3.7 - 112 pages]

7 URGENT MOTIONS WITHOUT NOTICE

8 MEETING CLOSE