



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

Date: Tuesday, 18 April 2023

Time: 5.00 p.m.

**Location: City Hall
1 Bay Road
Mount Gambier**

AGENDA

Limestone Coast Southern Regional Assessment Panel 18 April 2023

A handwritten signature in black ink, appearing to read "Tracy Tzioutziouklaris".

**Tracy Tzioutziouklaris
Assessment Manager
13 April 2023**

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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 APOLOGY(IES)

Nil

3 CONFIRMATION OF MINUTES

Limestone Coast Southern Regional Assessment Panel - 21 March 2023

RECOMMENDATION

That the minutes of the Limestone Coast Southern Regional Assessment Panel meeting held on 21 March 2023 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 – 4A Morphet Street, Robe

The Applicant – Frank Brennan

Invitees for Item 6.2 – 20 Harold Street, Robe

The Applicant – Frank Brennan

The Representor – Alison Driller

Invitees for Item 6.3 – 352 Spain Road, Suttontown

The Applicant – Frank Brennan on behalf of Adrian Izzo

Invitees for Item 6.4 – 10 Sunnybrae Road, Suttontown

The Applicant – Mitchell Laginestra from GHD on behalf of Mondelez

The Applicant – Adam Borchers

The Representor – Ross Peters

The Representor – Cahill McIntyre

The Representor – Adam Voorham

The Representor – Shane Taylor

The Representor – Daryl Ferguson

The Representor – A Lentsment

The Representor – John and Marie Hoare

The Representor – Richard Wilson

The Representor – Kerry Guerin

The Representor – Terry and Wendy Walters

The Representor – Bill Chant

6 REPORTS**6.1 DA 22032742 - REVIEW OF THE DECISION OF THE REGIONAL ASSESSMENT MANAGER - 4A MORPHETT STREET, ROBE – REPORT NO. AR23/23313**

Development No: 22032742
Applicant: Empak Homes
Property Address: 4A Morphett Street Robe
Property Owner: Mr P and Mrs A McArd
Report No: AR23/23313
CM9 Reference: AF22/276
Nature of Development: Performance Assessed/Public Notification
Description: To construct a two storey detached dwelling
Zoning: Neighbourhood Zone/ Overlays – Affordable Housing, Historic Area, Hazards (Bushfire & Flooding), Native Vegetation, Prescribed Wells Area, Water protection Area
Policy Area: N/A
Heritage: Historic Area

REPORT RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/23313 titled 'DA 22032742 - Review of the decision of the Regional Assessment Manager - 4A Morphett Street, Robe' as presented on 18 April 2023 be noted.
2. Having had regard to the provisions of the Planning and Design Code, the Application and all supporting documentation, the development is seriously at variance to the provisions of the Planning and Design Code and the decision of the Assessment Manager be upheld and Planning Consent be refused for the following reasons:
 - (a) The proposed dwelling is considered at variance with the following policies of the Planning and Design Code:
 - (i) Neighbourhood Zone – PO 0.1
 - (ii) Historic Area Overlay – DO 1, PO 1.2, PO 2.1, PO 2.3 and PO 2.5
 - (iii) General Development Policies – Design – DO 1



BACKGROUND

Pursuant to delegated authority, Planning Consent was refused by Notice dated 22nd February, 2023 for this Development Application seeking to construct a two storey detached dwelling at 4A Morphett Street, Robe.

The Planning, Development and Infrastructure Act, 2016 introduces new appeal options for Applicants. As this Development Application was determined using delegated authority, the Applicant is provided the opportunity to apply for a review of the decision to the Regional Assessment Panel or the Environment, Resources and Development Court. Should the Applicant be aggrieved by the decision of the Regional Assessment Panel, the Applicant remains able to lodge a further appeal to the Environment, Resources and Development Court against the decision of the Regional Assessment Panel.

PROPOSED DEVELOPMENT

A copy of the assessment report for this development application is attached to this report for Members information and perusal.

DEVELOPMENT PLAN PROVISIONS

As per the attached extract from the Planning and Design Code.

PLANNING ASSESSMENT

The applicant's planning consultant has provided several reasons for lodging their appeal to the Panel, including reference to the following policies within the Planning and Design Code.

A short commentary has been provided following the relevant policies.

- The easement that runs along the Morphett Street frontage is 2m wide and is not considered to prevent a dwelling from being orientated in this direction. The easement may impact on a new driveway, however, is more than likely still trafficable.
- The design of the dwelling is not considered to adequately respond to the Historic Area Statement. There is some design cues that can be taken from the properties mentioned however, the building should be broken down into smaller components, with single and two storey elements, use of verandahs and articulation.

It is highlighted the applicant was advised prior to verification of the application the dwelling design was considered at odds with the policies of the Planning and Design Code, mainly the Historic Area Overlay policies and that design changes should be considered prior to the determination of the application.

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 considered to be seriously at variance to the provisions of the Planning and Design Code and the Regional Assessment Panel uphold the decision for Planning Consent to be refused.

INVITES

Mr Frank Brennan on behalf of the Applicant

ATTACHMENTS

1. Notice - Review of decision - 4A Morphett Street
2. Stamped Plans - 4A Morphett Street
3. Application snapshot - 4A Morphett Street
4. Certificate of Title - 4 A Morphett Street
5. Assessment Report 4a Morphett Street



6. Planning and Design Code - 4A Morphett Street



6.2 DA 22033768 - TWO STOREY DETACHED DWELLING - 20 HAROLD STREET, ROBE – REPORT NO. AR23/24072

Development No:	22033768
Applicant:	Frank Brennan Consulting Services
Property Address:	20 HAROLD ST ROBE SA 5276
Report No:	AR23/24072
CM9 Reference:	AF22/276
Nature of Development:	Two Storey Detached Dwelling
Zoning:	Zones: <ul style="list-style-type: none"> • Neighbourhood
	Overlays: <ul style="list-style-type: none"> • Affordable Housing • Hazards (Bushfire - Urban Interface) • Hazards (Flooding - Evidence Required) • Native Vegetation • Prescribed Wells Area • Water Protection Area
	Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Minimum Frontage (Minimum frontage for a detached dwelling is 10m; semi-detached dwelling is 10m; row dwelling is 10m; group dwelling is 10m; residential flat building is 10m) • Minimum Site Area (Minimum site area for a detached dwelling is 450 sqm; semi-detached dwelling is 450 sqm; row dwelling is 450 sqm; group dwelling is 450 sqm; residential flat building is 450 sqm) • Maximum Building Height (Levels) (Maximum building height is 1 level)
LODGEMENT DATE:	25 Nov 2022
RELEVANT AUTHORITY:	Regional assessment panel/Assessment manager at Limestone Coast Southern Regional Assessment Panel
PLANNING & DESIGN CODE VERSION:	24 November 2022.22
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	John Mason - Robe Consultant Planner
REFERRALS STATUTORY:	Native Vegetation Council
REFERRALS NON-STATUTORY:	Nil



REPORT RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/24072 titled 'DA 22033768 - Two Storey Detached Dwelling - 20 Harold Street, Robe' as presented on 18 April 2023 be noted.
2. 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
3. Development Application Number 22033768, by Frank Brennan Consulting Services is GRANTED Planning Consent subject to the following conditions/reserved matters:

RESERVED MATTERS**Planning Consent**

Pursuant to section 102 (3) of the Planning, Development and Infrastructure Act of 2016, the following matter(s) shall be reserved for further assessment prior to the granting of Development Approval:

- A wastewater application is to be approved in accordance with Public Health Act 2011 prior to development approval being granted.

CONDITIONS**Planning Consent****Condition 1**

The Development shall be undertaken and completed in accordance with the stamped plan/s and documentation except where varied by condition(s) below (if any).

Condition 2

A detailed stormwater management plan shall be provided to Council and supported prior to the grant of Development Approval.

Condition 3

A landscaping plan shall be provided that captures plantings along the western rear boundary and in areas immediately to the northwest of the dwelling (along the northern boundary) to assist with privacy and minimising bulk and scale impacts. The plan is to be supported prior to the grant of Development Approval.

Condition 4

Landscaping shall be maintained at all times and established within six months of occupation of the dwelling.

Condition 5

Details of the privacy screen for the second storey northern balcony shall be provided and endorsed by Council prior to the grant of Development Approval.

Conditions imposed by Native Vegetation Council under Section 122 of the Act

Condition 5

Prior to any clearance of native vegetation, the Native Vegetation Council must provide written confirmation that the Significant Environmental Benefit requirements under the *Native Vegetation Act 1991* have been satisfied.

Condition 6

Construction vehicles, equipment, and stockpiled materials (including cleared vegetation and excavated soil) are not to be stored or placed on native vegetation outside the approved clearance area.

ADVISORY NOTES

Planning Consent

Advisory Notes imposed by Native Vegetation Council under Section 122 of the Act

Advisory Note 1

The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the *Native Vegetation Act 1991* as set out in Decision Notification 2023/3019/822.



DETAILED DESCRIPTION OF PROPOSAL:

An application has been lodged with Council for the construction of a two-storey detached dwelling positioned to the eastern side of the allotment with a front setback of five metres to the main wall and 4.3m to the upper storey balcony.

The dwelling is a contemporary design, with the use of a mixture of materials including Hardies Axon Cladding, rendered finish over Hebel Power Panel, stone, aluminium, Colorbond and glass.

The dwelling incorporates a lounge, two bedrooms, a courtyard, deck and a double garage on ground floor and lounge, dining, bedrooms (including the main bedroom) and balconies on the second level.

A new driveway access is proposed via Harold Street to service the double garage.

The application is supported with a Native Vegetation Clearance report prepared by Phillips Property dated November 2022. The report identifies that clearance of all native vegetation on the allotment is required, given its small size and the available building envelope.

Indicated on the site plan is a proposed shed, which is not to be considered as part of this application.

SUBJECT LAND & LOCALITY:**Site Description:**

Location reference: 20 HAROLD ST ROBE SA 5276

Title ref.: CT 5447/813 **Plan Parcel:** F7020 AL2 **Council:** DC OF ROBE

The subject land is regular in shape and approximately 800 sq m in area, with a frontage of 27m to Harold Street. The land slopes from the northeast front to the southwest rear, with a fall of five metres over approximately 35m. The land is quite well vegetated with native vegetation in the form of a mix of shrubs and trees. The land is vacant of development.

The subject land is shown in Figure 1 below.



Figure 1: Subject site



Locality

The locality is characterised by a mixture of single and two storey dwellings developed on small to medium sized allotments, ranging from 380 sq m to beyond 1000 sq m in area. The dwelling developed on the abutting site to the north (18 Harold Street) is set well lower down than the subject land, as are the dwellings to the south (22A and 22B Harold Street).

The two-storey dwelling developed on 23 Harold Street sits on a relatively flat building site similar to the natural ground levels of the subject site and achieves an overall height of approximately 7m.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
New housing
Detached dwelling: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
Yes is required – Pursuant to Table 5 of the Zone, detached dwellings are exempt from requiring notification if the maximum height contemplated in DTS/DPF 4.1 is achieved, which the proposal does not meet.
- **LIST OF REPRESENTATIONS**

<i>Representor</i>	<i>Address</i>	<i>To be heard in person</i>
1. Richard Mitchell	18 Harold Street	No
2. Alison Driller	22B Harold Street	Yes
3. Haydn Weckert	29 Tobruk Avenue	No





Figure 2: Representors Map

- SUMMARY**

Summary of Representations	
Representation	Applicant's Response
Overlooking	<p>Addressed with the 1.5m high privacy screen proposed for the northern elevation of the northern second storey balcony. The portion of the balcony that is not screened does not permit views into the rear yard of 18 Harold Street.</p> <p>The setback to the western boundary, together with windows not being directed toward habitable rooms and private open space areas, resolves any overlooking into 29 Tobruk Avenue.</p>



<i>Outbuilding on the western boundary</i>	Not included as part of the proposal. These issues can be resolved with a future application for it.
<i>Native Vegetation Removal</i>	The Native Vegetation Council is supportive of the clearance proposed.
<i>Fencing and Retaining Structure</i>	Some retaining is required along the southern and western property boundaries and potentially the eastern portion of the northern boundary. Any retaining will be constructed within the confines of the site.

Council's response to the representations.

The applicant has responded satisfactorily to the issues raised by representors. The overlooking into 18 Harold Street is considered to be resolved with the 1.5m high privacy screening attached to be attached to the northern elevation of the northern second storey balcony, subject to the provision of details of it and review of these.

The vegetation to be removed is supported by the Native Vegetation Council. There is substantial removal of it required to enable a dwelling to be constructed. The landscaping recommended to be required by an imposed condition would replace some of vegetation lost and enhance the appearance of the development. The landscaping would also assist with minimising overlooking to the west into the rear yard of 29 Tobruk Avenue.

AGENCY REFERRALS

- Native Vegetation Council
Supportive of the clearance, subject to conditions directed to be imposed on any approval decision.

PLANNING ASSESSMENT

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

Land Use

Dwellings are an envisaged land use within the Zone, as identified by DPF 1.1.

Setbacks, Design & Appearance

The front setback of 4.3m at its closest point and 5m to the main is considered to work well with the neighbouring properties (north and south), which are not considered to have an outlook to Harold Street.

Setback to the northern boundary marginally encroaches within the setback desired for a 7m wall height. There is no shadowing impact created and overlooking in this direction is considered to be resolved with the 1.5m high privacy screen proposed for the majority of the length of the northern elevation of it, noting details of the screening should be provided and are recommended to be required as an imposed condition on any approval.

Setbacks to the southern boundary are well beyond what is sought in the Code. There will be some shadowing created to the dwelling at 22A Harold Street however, this is mostly unavoidable, given



the level difference. The dwelling at 22A will have access to sunlight during the morning and afternoon hours during the winter solstice and this is considered sufficient with regard to the Interface Between Land Use policies of the Code.

The dwelling is well designed with the use of mixture of materials, articulation and wall variations. It is anticipated there will excavation and filling required on a site with level restraints and the design response is considered to utilise an acceptable balance of cut and fill. The dwelling will be quite bulky in appearance when viewed from the west, which is recommended to be resolved with a condition to be imposed on any approval requiring landscaping to be established along the western rear boundary and portion of the northern boundary. The landscaping will also assist with maintaining privacy with northern and western neighbours and address overlooking from the ground level deck that extends from the rear of the dwelling.

When viewed from the street, the dwelling will have comparable heights with the dwelling approved on the neighbouring property at 23 Harold Street and will not be out of character with the locality.

Landscaping along the western rear boundary will also resolve any overlooking created from the dining, kitchen and bed 2 windows that have a western outlook. The Panel could consider requiring these windows to have obscured glazing if they believe the landscaping does not adequately resolve the severity of the potential overlooking.

The retaining walls are to support excavation at the north-eastern front of the site and they are considered to create minimal impact to neighbours.

There is a lack of stormwater details included with the proposal, which are necessary and are recommended to be required by an imposed condition. There is sufficient area on the allotment to accommodate rainwater tanks and the like to resolve this issue.

Traffic Impact, Access and Parking, Private Open Space

The double garage and driveway exceeding 5.5 in length to the front enables the provision of four parking spaces offstreet, which exceeds the minimum two spaces (one undercover) required for a detached dwelling.

There will be some excavation and fill required for the driveway to match in with the levels of the Harold Street carriageway and to provide a driveway grade of 8%, which is considered acceptable.

The dwelling will have more than sufficient private open space for the future occupants. The balconies increase these areas and are accessible from living areas.

CONCLUSION



Two storey dwellings are an acceptable form of development in the Neighbourhood Zone. The site is quite challenging and restrictive with the amount of fall toward the rear and in response a design to work reasonably well with the topography has been proposed. This considered, recommended landscaping to be required via condition and established in the north-western corner of the site will increase privacy with the northern and western neighbours and partially screen the highest part of the build from view (the rear of it). The landscaping will also assist with replacing the visually pleasing vegetated setting of the site.

The dwelling design will contribute the local built form environment, particularly when viewed from the street. The use of a mixture of materials and articulation breaks down the mass of the building and further minimises any bulk and scale impacts.

There is some additional stormwater detail that should be provided to ensure neighbours are not impacted, which is sought to be required by a condition to be imposed on any approval.

Overlooking is considered to be addressed with screening on the second storey north facing balcony and the recommend landscaping to be required via an imposed condition. Some overshadowing will occur to the southern properties, however, the building achieves an adequate separation to this boundary and the impact is mostly unavoidable, given the topography.

ATTACHMENTS

1. 20 Harold Street, Robe - Attachments



6.3 DA 23003150 - CONSTRUCTION OF A CABINETRY WORKSHOP, SHOWROOM & OFFICE WITH AMENITIES - 352 SPAIN ROAD, SUTTONTOWN – REPORT NO. AR23/23728

Development No:	23003150
Applicant:	Adrian Izzo
Property Address:	352 Spain Road, Suttontown
Report No:	AR23/23728
CM9 Reference:	AF22/276
Nature of Development:	Construction of a Cabinetry Workshop, Showroom & Office with amenities
Zoning:	Zones: <ul style="list-style-type: none"> • Rural
	Overlays: <ul style="list-style-type: none"> • Building Near Airfields • Dwelling Excision • Hazards (Bushfire - General) • Hazards (Flooding - Evidence Required) • Limited Land Division • Native Vegetation • Prescribed Wells Area • Water Protection Area
	Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Finished Ground and Floor Levels (Minimum finished ground level is 1.85m AHD; Minimum finished floor level is 2.1m AHD) • Minimum Dwelling Allotment Size (Minimum dwelling allotment size is 20 ha)
Lodgement Date:	20 February 2023
Relevant Authority:	Regional assessment panel/Assessment manager at Limestone Coast Southern Regional Assessment Panel
PLANNING & DESIGN CODE VERSION:	Version 2023.3 – Operational from 16 February 2023 to 15 March 2023
CATEGORY OF DEVELOPMENT:	OF Code Assessed - Performance Assessed
PUBLIC NOTIFICATION:	Yes – 1 Representation (does not wish to be heard)
RECOMMENDING OFFICER:	Trudy Glynn, Planning Officer
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	NON- Nil



REPORT RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/23728 titled 'DA 23003150 - Construction of a Cabinetry Workshop, Showroom & Office with Amenities - 352 Spain Road, Suttontown' as presented on 18 April 2023 be noted.
2. 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
3. Development Application Number 23003150, by Adrian Izzo is **granted** Planning Consent subject to the following conditions:

CONDITIONS**Planning Consent**

Condition 1

The development must be undertaken in accordance with the plans and associated documentation comprising the Development Application, except where varied by the following conditions and/or where changes are required to comply with the National Construction Code of Australia and/or relevant Australian Standards and Codes.

Condition 2

The business is to operate in strict accordance with the plans and supporting documentation.

The operating hours for the Cabinetry business are 7:00 am to 5:30 pm (Monday to Friday); and 8:00 am to 1:30 pm (Saturday). No deliveries should occur outside of these hours.

Condition 3

The business and any noise generating machinery shall comply at all times with the Environment Protection Authority's '*Environment Protection (Noise) Policy 2007*'.

Condition 4

Any floodlighting associated with the cabinetry business shall be adjusted so as not to cause any glare or nuisance to adjoining landowners or road users.

Condition 5

The buildings and land shall not be used for purposes other than those approved by Council.



Condition 6

All stormwater and/or rainwater tank overflow shall discharge away from the effluent system.

Condition 7

All stormwater from the building must discharge directly into a rainwater tank, unless otherwise agreed to by Council.

Condition 8

Existing landscaping along the boundaries (areas surrounding the building) shall be maintained and/or enhanced for the life of the development, with prompt replacement of any trees/shrubs that die.

Condition 9

The building herein approved must not be occupied until an approved and fully functioning domestic effluent disposal system is installed.

Condition 10

Any advertising displays/signs proposed on the subject land shall be the subject of a separate development application.

Condition 11

The subject land and all improvements thereon shall be maintained in a state of good, tidy and attractive repair and condition at all times to the reasonable satisfaction of Council.

ADVISORY NOTES**Planning Consent****Advisory Note 1**

An Onsite Wastewater Works Application must be submitted to Council for an acceptable effluent disposal system for the development proposal herein approved.



DETAILED DESCRIPTION OF PROPOSAL:

The construction of a 36m x 23m x 6.0m (828m²) colorbond building (colour 'bluegum') to be used for the purposes of a Cabinetry Workshop, Showroom and Office with amenities.

The proposed Cabinetry Workshop building will be located in the north-east corner of the allotment, over 100 metres from Spain Road, and 16 metres from Hinton Road.

2 x 22,500 litre rainwater tanks are to be installed, with an additional 2 x 22,500 litre dedicated fire water tanks to also be installed.

The existing access point from Hinton Road (sealed road) will service the proposed building and be widened to 10-metres to accommodate two-way simultaneous vehicles.

No signage has been proposed with the development application.

BACKGROUND

The business, 'South East Cabinetry' produces custom made kitchens, vanities, wardrobes and similar cabinetry products, and is proposing to relocate and expand to this site.

Mr Izzo has proposed this site as he lives on the adjoining property to the west.

SUBJECT LAND & LOCALITY:**Site Description:**

Location reference: 352 SPAIN RD SUTTONTOWN SA 5291

Title ref.: CT 5711/397 **Plan Parcel:** D15075 AL5 **Council:** THE DC OF GRANT

The subject land is located on the corner of Spain Road and Hinton Road, is 7.46 ha in area and slightly undulating in nature.

The land contains an existing detached dwelling and outbuilding in the south-west corner, which is accessed from Spain Road.

The balance of the land is used for horticulture (orchard) with existing an existing access point from Hinton Road.

Mr Brennan's report shows photographs of the subject land, and the current land uses on pages 3 and 4 of his Report.

Locality

The locality surrounding the subject land is predominately farming land used for a mixture of grazing and cropping.

The area is characterised with a mixture of larger rural/farming allotments and some smaller allotments to the north/north-east similar in size to the subject land, which are utilised for rural living type allotments.

The locality is undulating, with a series of high and low points along Hinton Road. Many existing residences and land uses are not highly visible from the adjoining road.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Industry
 - Shed
 - Office
 - Other - Commercial/Industrial - Cabinetry Workshop, Showroom and Offices with amenities: Code Assessed - Performance Assessed
 - Light industry: Code Assessed - Performance Assessed
 - Shed: Code Assessed - Performance Assessed
 - Office: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 - Code Assessed - Performance Assessed
- **REASON**
 - P&D Code

PUBLIC NOTIFICATION

- **REASON**

Table 5 – Procedural Matters (PM) Notification

3. (a) industry

Is a form of development that exceeds the total floor area limit expressed in Rural Zone DTS/DPF 4.1(c) or does not satisfy Rural Zone DTS/DPF 4.3.
- **LIST OF REPRESENTATIONS**

One representation was received during the public notification process from Mr Frank Circelli, and adjoining landowner to the south (*See Attachment 3*) who does not wish to be heard regarding his submission.
- **SUMMARY**

The following table provides a summary of the matters raised by the representor along with a summary of the applicant's response. Copies of all representations made, and the applicant's response to representations are available in the attachments (*See Attachment 4 and 5*).

Representor's Issues	Applicant's Response
Location of the subject land	Location of the land is defined on the certificate of title as Lot 5, 352 Spain Road, Suttontown; and is located on the corner of Spain Road and Hinton Road.
Emission controls and standards	<p>Equipment used in the manufacture of cabinetry is to be housed within the proposed workshop building and where appropriate is fitted with dust extraction systems to prevent dust emissions both within and outside the building.</p> <p>All equipment and machinery used in the manufacture of cabinetry is compliant with noise and air emission requirements for both work, health and safety, and environmental management compliance.</p> <p>The location of the proposed workshop significantly exceeds the Environment Protection Authority's (EPA's) 100 metre evaluation distance for air quality and noise management in relation to joinery operations (wood processing works).</p>



Aesthetic design and location of workshop	<p>The proposed workshop building is to be colorbond clad in a colour sympathetic to the rural landscape in this locality.</p> <p>The site plan and workshop shed elevations plans submitted with the Development Application provide the proposed location of the building and its design features.</p>
Traffic access (staff and public)	The proposed access to the workshop is via a 10-metre access driveway from Hinton Road and provides two-way simultaneous vehicle access/egress for vehicles (staff & customers/suppliers).
Noise control standards / operation times / delivery times	<p>The operation of the cabinetry workshop will comply at all times with the noise limits prescribed in the EPA's <i>'Environment Protection (Noise) Policy 2007'</i>.</p> <p>The operating hours for the cabinetry workshop business are 7.00am to 5.30pm (Monday to Friday) and 8.00am to 1.30pm (Saturday).</p> <p>Deliveries from suppliers are primarily occurring between 8.00am and 2.00pm (Monday to Friday).</p>

AGENCY REFERRALS

Nil

INTERNAL REFERRALS

Team Leader - Environmental Health and Compliance – Discussed Onsite Wastewater system.

An application for the Onsite Wastewater System has not yet been lodged with Council and is required seeking approval for the effluent disposal system.

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix 1 - Relevant P&D Code Policies.

The subject land is located within the Rural Zone as shown in Figure 1 below:





Figure 1: Subject land and zoning

Part 2 - Zones and Sub Zones

Rural Zone

Assessment Provisions (AP)

DO 1

A zone supporting the economic prosperity of South Australia primarily through the production, processing, storage and distribution of primary produce, forestry and the generation of energy from renewable sources.

DO 2

A zone supporting diversification of existing businesses that promote value-adding such as industry, storage and warehousing activities, the sale and consumption of primary produce, tourist development and accommodation.

Land Use and Intensity

PO 1.1 – DTS/DPF 1.1

- (n) Industry

The land use proposed is 'light industry' in the form of a Cabinetry Workshop, Office, and Amenities.



'Light Industry' is included under the definition of 'Industry' as defined below:

'Industry

means the carrying on, in the course of a trade or business, of any process (other than the generation of electricity using a renewable energy source or a process in the course of farming or mining) for, or incidental to:

- a) the making of any article, ship or vessel, or of part of any article, ship or vessel; or*
- b) the altering, repairing, ornamenting, finishing, assembling, cleaning, washing, packing, bottling, canning or adapting for sale, or the breaking up or demolition, of any article, ship or vessel; or*
- c) the getting, dressing or treating of materials.*

The use may include:

- d) selling by wholesale of goods manufactured on site*
- e) selling by retail of goods manufactured on site, provided the total floor area occupied for such sale does not exceed 250m² (and industrial will be construed accordingly).*

Includes, General industry, Light industry, Special industry'

Siting and Design

PO 2.1

Development is provided with suitable vehicle access.

PO 2.2

Buildings are generally located on flat land to minimise cut and fill and the associated visual impacts.

- The proposed development is serviced by an all-weather trafficable public road (Hinton Road), and the existing access point will be widened to 10-metres to accommodate two-way simultaneous traffic entering and exiting the site. Delivery vehicles as stated in Mr Brennan's report will be accommodated easily through the proposed access point.
- The site is reasonably flat and there will be minimal cut and fill associated with the development at the proposed location.

Rural Industry

PO 4.1 – DTS/DPF 4.1 (a) (b) (c)



Small-scale industry (including beverage production and washing, processing, bottling and packaging activities), storage, warehousing, produce grading and packing, transport distribution or similar activities provide opportunities for diversification and value adding to locally sourced primary production activities.

- Although not specifically related to agricultural or primary production activities, the light industry use is value adding to locally sourced primary production activities and services customers in the region with the finished product (cabinetry).

PO 4.2 (a) (b) (c) – DTS/DPF 4.2

PO 4.3 – DTS/DPF 4.3 (a) (b) (c) (d)

Industry, storage, warehousing, transport distribution or similar activities are sited, designed and of a scale that maintains rural character and function and respects landscape amenity.

- The proposed development exceeds 500m² and is less than 100 metres from the road and side allotment boundaries, which triggered public notification as follows:
 - *Reference 'Table 5 – Procedural Matters (PM) Notification, 3. (a) industry - Except development that exceeds the total floor area limit expressed in Rural Zone DTS/DPF 4.1(c) or does not satisfy Rural Zone DTS/DPF 4.3'.*
- The proposed business operates during daytime hours and the machinery associated with the proposed use is acceptable during these hours.
- There are minimal vehicles movements proposed for the operation of the business, and the largest of these is a 10-tonne delivery van.
- The development proposal is located more than 200 metres to the nearest sensitive receiver, which is the dwelling located on the same allotment to the south west.
- The representor's dwelling is approx. 260 metres to the south west.
- The development site contains existing trees along the boundaries of the proposed site and retention of this landscape screen to Hinton Road and adjoining properties will be imposed.
- The proposed use is of a scale that is considered to maintain the rural character and function of the area and respects the existing landscape amenity.
- It is considered that the development proposal will not unreasonably affect the amenity of the area.
- To ensure this is maintained, a condition requiring all noise to comply with the *'Environmental Protection Authority (Noise) Policy 2007'* will be imposed.

Offices

PO 7.1 – DTS/DPF 7.1 (a) (b)

Offices are directly related to and associated with the primary use of the land for primary production or primary production related value adding industry.

Offices:



- a) *are ancillary to and located on the same allotment or an adjoining allotment used for primary production or primary production related value adding industry*
- b) *have a gross leasable floor area not exceeding 100m².*

- The proposed office is ancillary to the proposed use as a Cabinetry business.

Built Form and Character

PO 10.1 – DTS/DPF 10.1

Large buildings are designed and sited to reduce impacts on scenic and rural vistas by:

- a) *having substantial setbacks from boundaries and adjacent public roads*
- b) *using low-reflective materials and finishes that blend with the surrounding landscape*
- c) *being located below ridgelines.*

- The proposed development has a floor area of 828m²
- The proposed building with a total height of 6 metres is lesser in height than many existing rural sheds within the area, and zoning policy allows rural sheds to be up to 10 metres in height from the natural ground level.
- With existing trees providing a landscape screen on the allotment, the setbacks are considered acceptable as the visibility of the building will be reduced from the road and adjoining properties.
- All loading and unloading of vehicles/deliveries will be confined within the allotment and within the proposed building.
- The proposed building will be colorbond clad (colour 'bluegum'), as stated in correspondence from Mr. Brennan, and is sympathetic to the surrounding landscape.
- A condition will be imposed in relation to any proposed outdoor lighting to ensure that it causes no issues to road users, or neighbouring properties within the vicinity.

Part 3 Overlays

Building Near Airfields Overlay

DO 1

Maintain the operational and safety requirements of certified commercial and military airfields, airports, airstrips and helicopter landing sites through management of non-residential lighting, turbulence and activities that may attract or result in the congregation of wildlife.

PO 1.1 – DTS/DPF 1.1 (a) (b)

PO 1.2 – DTS/DPF 1.2



PO 1.3 – DTS/DPF 1.3

- The proposed development is located more than 3.5 kilometres from the Airport.
- At a total height of 6 metres from the natural ground the proposed building will be significantly less than the 'Obstacle Limitation Surface (OLS)' for the Mount Gambier Airport requires, even though it is within the Inner Horizontal Surface as shown in Figure 2 below:

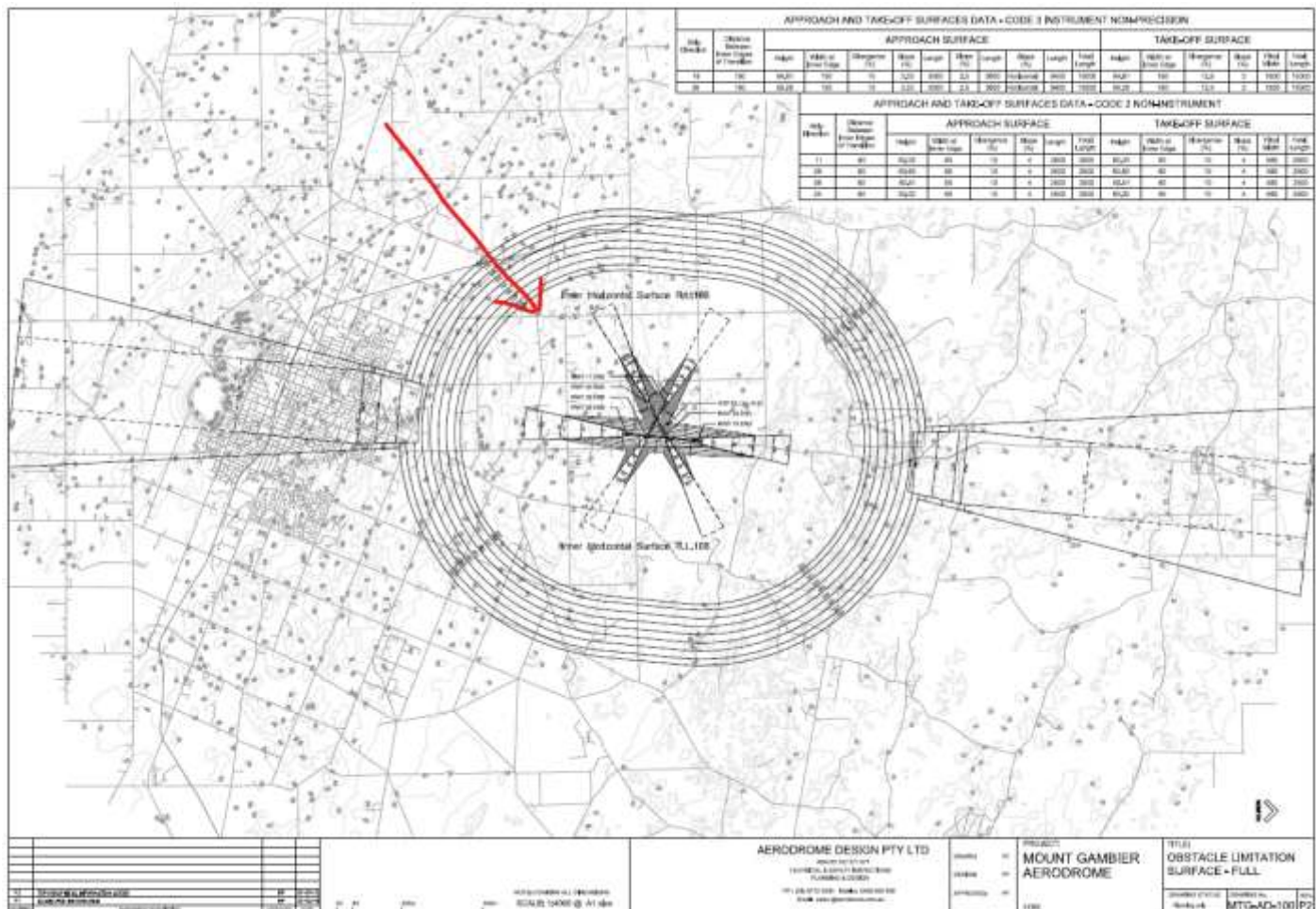


Figure 2: Mount Gambier Airport – Obstacle Limitation Surface (OLS) – Subject land shown in red

Part 4 - General Development Policies

Interface between Land Uses

Assessment Provisions (AP)

DO 1

Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

Hours of Operation

PO 2.1

Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:

- a) the nature of the development*
- b) measures to mitigate off-site impacts*
- c) the extent to which the development is desired in the zone*
- d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.*

PO 4.1 – DTS/DPF 4.1

Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).

Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.

PO 4.2

Areas for the on-site manoeuvring of service and delivery vehicles, plant and equipment, outdoor work spaces (and the like) are designed and sited to not unreasonably impact the amenity of adjacent sensitive receivers (or lawfully approved sensitive receivers) and zones primarily intended to accommodate sensitive receivers due to noise and vibration by adopting techniques including:

- a) locating openings of buildings and associated services away from the interface with the adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers*
 - b) when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers*
 - c) housing plant and equipment within an enclosed structure or acoustic enclosure*
 - d) providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.*
- The proposed business operates during daytime hours and the machinery associated with the proposed use is acceptable during these hours.
 - To ensure this is maintained, a condition requiring all noise to comply with the ‘*Environmental Protection Authority (Noise) Policy 2007*’ will be imposed.
 - All loading and unloading of vehicles/deliveries will be confined within the allotment and within the proposed building.



Light Spill

PO 6.1 – DTS/DPF 6.1

External lighting is positioned and designed to not cause unreasonable light spill impact on adjacent sensitive receivers (or lawfully approved sensitive receivers).

PO 6.2 – DTS/DPF 6.2

External lighting is not hazardous to motorists and cyclists.

- Outdoor lighting has not been shown on the proposed plans. A condition will be imposed in relation to any proposed outdoor lighting to ensure that it causes no issues to road users, or neighbouring properties within the vicinity.

CONCLUSION

The development proposal demonstrates the following merit:

- The land use is considered light industry and is considered appropriate and acceptable on the subject land, which can continue a mixed rural/light industry land use with a dwelling.
- The operation of the business, hours of business proposed, and the use of smaller type delivery vehicles is of a scale that will minimise any undue impact on the neighbouring properties and will not impede these landowners from continuing to utilise their properties for primary production and/or existing rural residential uses.
- The proposed building at 828m², with colorbond cladding (colour 'bluegum') is acceptable in this locality and with existing landscaping maintained will be sympathetic with the existing rural landscape and character of the area.
- The existing access point from Hinton Road, which will be increased to 10-metres wide is suitable to service the traffic movements associated with the proposed cabinetry business.
- Any noise generated will be required to comply with the Environment Protection Authority's 'Environment Protection (Noise) Policy 2007'.

ATTACHMENTS

1. 23003150 - Izzo - Relevant P&D Code Policies
2. 23003150 - Izzo - Application Documents
3. 23003150 - Izzo - Subject Land
4. 23003150 - Izzo - Representation Map
5. 23003150 - Izzo - Representations
6. 23003150 - Izzo - Response to Representations



6.4 DA 22007587 - WASTEWATER TREATMENT PLANT - 10 SUNNYBRAE ROAD, SUTTONTOWN – REPORT NO. AR23/23909

Development No:	22007587
Applicant:	Mondelez Australia (Foods) Limited
Property Address:	10 Sunnybrae Road Suttontown SA 5291
Report No:	AR23/23909
CM9 Reference:	AF22/276
Nature of Development:	Construction of a wastewater treatment plant (WWTP), comprising a Covered Anaerobic Lagoon with associated infrastructure including an access driveway and security gates to Sunnybrae Road.
Zoning:	Zone: <ul style="list-style-type: none"> • Rural
	Overlays: <ul style="list-style-type: none"> • Building Near Airfields • Dwelling Excision • Hazards (Bushfire - General) • Hazards (Flooding - Evidence Required) • Limited Land Division • Native Vegetation • Prescribed Wells Area • Water Protection Area
	Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Finished Ground and Floor Levels (Minimum finished ground level is 1.85m AHD; Minimum finished floor level is 2.1m AHD) • Minimum Dwelling Allotment Size (Minimum dwelling allotment size is 20 ha)
LODGEMENT DATE:	11 May 2022
RELEVANT AUTHORITY:	Assessment panel/Assessment manager at District Council of Grant
PLANNING & DESIGN CODE VERSION:	28 April 2022 Version 2022.7
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	John Mason Consultant Planner
REFERRALS STATUTORY:	Environment Protection Authority
REFERRALS NON-STATUTORY:	Nil



REPORT RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/23909 titled 'DA 22007587 - Wastewater Treatment Plant - 10 Sunnybrae Road, Suttontown' as presented on 18 April 2023 be noted.
2. 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
3. Development Application Number 22007587, by Mondelez Australia (Foods) Limited is GRANTED Planning Consent subject to the conditions/reserved matters:

RESERVED MATTERS

1. A detailed landscaping is to be provided which includes a mixture of trees and shrubs to be established in areas to the south of the lagoon and along the northern boundary.

CONDITIONS

Planning Consent

Conditions imposed by Environment Protection Authority under Section 122 of the Act

Condition 1

Prior to operation, a Bio-filter Commissioning Plan must be prepared to the reasonable satisfaction of the Environment Protection Authority and must be implemented during commissioning. The Bio-filter Commissioning Plan must include (but not be limited to) the following:

- a. planned activities and associated timeframes
- b. odour management strategies during commissioning
- c. operational contingencies during commissioning
- d. monitoring of bio-filter media to ensure appropriate establishment of microorganisms prior to directing all odour emissions through the system
- e. complaints management system (including the recording and acknowledgment of complaints during the commissioning phase).

Condition 2

Prior to commissioning the covered anaerobic treatment system, a detailed Commissioning Plan must be submitted to the reasonable satisfaction of the Environment Protection Authority. The commissioning plan must include technical details to commission the lagoon, as well as include stakeholder management and communication and a complaints management process.



Condition 3

Operation of the facility must be undertaken in accordance with the noise mitigation recommendations as listed in Section 7.3 of the acoustic report titled Noise Impact Assessment for Mondelez Suttontown, Mondelez Foods Australia Ltd. Prepared by GHD and dated 11 August 2022.

Condition 4

Prior to construction commencing, the detailed design of the wastewater management system must be provided to the reasonable satisfaction of the Environment Protection Authority and must include (but is not limited to) the following:

- a. key design parameters
- b. details of the processing wastewater collection system and pre-treatment system
- c. details of the de-sludge system for the covered anaerobic lagoon (CAL)
- d. details of gas collection and flaring system
- e. details of lagoon leakage detection system
- f. details of the automated engineering control systems to monitor wastewater treatment performance, detect abnormalities, equipment malfunction or pipeline breakage and emergency shut-off
- g. a construction quality assurance plan for the CAL, guidance can be found in the EPA guideline *Wastewater lagoon construction (updated April 2019)*, which can be found at: https://www.epa.sa.gov.au/files/4771372_guide_lagoon.pdf

Condition 5

Prior to construction commencing, the detailed design for the stormwater management system must be provided to the reasonable satisfaction of the Environment Protection Authority in the form of a Stormwater Management Plan and must:

- a. meet the following targets:
 - i. total nitrogen - 45 per cent reduction of the typical urban annual load with no treatment
 - ii. total phosphorus - 60 per cent of the typical urban annual load with no treatment
 - iii. suspended solids - 80 per cent reduction of typical urban annual load with no treatment
 - iv. litter - 90 percent reduction in litter/gross pollutants
- b. ensure runoff is maintained at pre-development levels.

Condition 6

The storage of chemicals, fuels, oils and lubricants and the wastewater tank farm must be located within a bunded area (being a spill containment system constructed of impervious material) with a net capacity of at least 120 per cent (or 133 percent for flammable liquids such as fuels) the volume of the largest tank/container. Further information can be found in the EPA guideline *Bunding and spill management*, which can be found at: https://www.epa.sa.gov.au/files/47717_guide_bunding.pdf



Condition 7

Development shall be undertaken in accordance with the plans and documents submitted with and forming part of the application, unless expressly varied by other conditions of consent.

Condition 8

The new driveway is to be treated with an all weather surface and maintained to the reasonable satisfaction of Council.

Condition 9

The banks/ embankments of the lagoon shall be landscaped and compacted to improve the stabilisation of them and minimise the risk of erosion, to the reasonable satisfaction of Council.

Condition 10

Operation of the WWTP shall occur in accordance with the *Environment Protection Noise Policy 2007*.

Condition 11

Stormwater is to be effectively managed within the confines of the site and is not to impact on neighbouring properties, to the reasonable satisfaction of Council.

ADVISORY NOTES**Planning Consent**

Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act

Advisory Note 1

The applicant/owner/operator are 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 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.

Advisory Note 2

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 information about the licensing application process and requirements.



Advisory Note 3

A licence application may be refused where conditions of Development Approval directed by the Environment Protection Authority have not been complied with.

Advisory Note 4

More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au



DETAILED DESCRIPTION OF PROPOSAL:

The applicant proposes to construct a wastewater treatment plant (WWTP) on the northeastern portion of the allotment. the proposal will consist of the following elements:

- 25kL capacity 3m high inflow balance tank
- 3.5m high Biofilter Odour Control
- 16.4ML Covered Anaerobic Lagoon (CAL) 100m length X 50m wide X 4m depth
- Sludge dewatering system (8m length X 5m wide and 5m high)
- Biogas heating facility (6m L X 5m W X 5m H)
- Biogas burner (1.1m L X 1.2m W X 5.5m H)
- Sequencing Batch Reactor (SBR) tanks (Ø 12.5m X 5m high)
- 50kL treated effluent storage tank (Ø 4.6m X 4m high)
- Chemical Dosing facility and IBC Storage (2m L X 2m W X 2.5m H)
- Electrical and Control Room (8.5m L X 3.5m W X 3.5m H)
- An inlet screen
- A new access and driveway via Sunnybrae Road

The WWTP will operate 7 days a week 24 hours a day. The vehicle access is to be gained through the existing crossover located on the northern end of the western boundary via a newly constructed driveway. During the operation stage, the WWTP is estimated to require the use of two utes per day, a delivery truck per month, 15 treated wastewater transport tankers per day and maintenance as required.

SUBJECT LAND & LOCALITY:**Site Description:**

Location reference: 10 SUNNYBRAE RD SUTTONTOWN SA 5291

Title ref.: CT 6138/518 **Plan Parcel:** D71657 AL10 **Council:** THE DC OF GRANT

The subject land has a total site area of approximately 5.60 hectares and a frontage of approximately 95 metres to Pinehall Avenue and approximately 147 metres to Sunnybrae Road. The site is currently developed with a milk processing plant, which is comprised of several large warehouse type buildings positioned in the western corner of the site. The site is serviced with two access points, one from Pinehall Avenue (the main entrance) and a commercial vehicle access from Sunnybrae Road.

There is minimal vegetation noted on the site and the main carpark for staff and visitors is positioned on the southern side of the main building. The eastern rear of the site is used for cropping purposes.

The site is captured within the Rural Zone.



Locality

The immediate locality is characterised by a mixture of residential (captured within the Suburban Neighbourhood Zone) and rural allotments (captured within the Rural Zone). The neighbouring properties to the north, west and east are small in size and are developed with single dwellings on sites that are able to support hobby farms. The properties on the south side of Pinehall Avenue are developed with single dwellings and vary in size, down to less than 1000 sq m.



Figure 1: Subject Land and Locality

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Waste reception, storage, treatment or disposal: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code; Not listed as DTS or restricted within the zone.

PUBLIC NOTIFICATION

- **REASON**
Yes is required, given a waste water treatment is not captured by Table 5 of the Zone.



- LIST OF REPRESENTATIONS**

Council received Twenty Seven (27) representations during the notification period. Two of these representations are repeated. Representations were received from the following parties:

	Representations Received		
		Support / Oppose	Wish to be Heard
1	Ross Peters 71 Pinehall Avenue	Oppose	Yes
2	Cahill McIntyre (Address unknown)	Oppose	Yes
3	Fiona Tilley 43 Sunnybrae Road Suttontown	Oppose	No
4	Adam Voorham 113 Sunnybrae Road, Suttontown	Oppose	Yes
5	Shane Taylor 160 Pinehall Avenue Suttontown	Oppose	Yes
6	Daryl Ferguson 182 Pinehall Avenue Suttontown	Oppose	Yes
7	A Lentsment 158 Sttontown Road Suttontown	Oppose	Yes
8	John and Marie Hoare 11 Sunnybrae Road	Oppose	Yes
9	Janna Ferguson 182 Pinehall Avenue	Oppose	No
10	Richard Wilson 9 Coora Avenue, Mount Gambier	Oppose	Yes
11	Kerry Guerin 17 Crouch Street South, Mount Gambier	Oppose	Yes
12	Helen Chant 168/20 Woodlands Hallmont Estate Mount Gambier	Oppose	No
13	Vivienne Kenny 21/20 Woodlands Drive Mount Gambier	Oppose	No
14	Terry and Wendy Walters 121/20 Woodlands Drive Mount Gambier	Oppose	Yes



15	Suzanne Jones 147/20 Woodlands Drive Mount Gambier	Oppose	No
16	G Phillips 20/83 Halmont Estate Mount Gambier	Oppose	No
17	Ian and Chris Tongue 20/50 Woodlands Drive Mount Gambier	Oppose	No
18	R Brittain 74/20 Woodlands Drive Mount Gambier	Oppose	No
19	John Ditchman 112/20 Woodlands Drive Mount Gambier	Oppose	No
20	Bill Chant 168/20 Woodlands Drive Mount Gambier	Oppose	Yes
21	Wayne Edge 20/108 Woodlands Drive Mount Gambier	Oppose	No
22	Colleen Edge 20/108 Woodlands Drive Mount Gambier	Oppose	No
23	Brian and Barbara Robinson (Address unknown)	Oppose	No
24	Brian Francis (Address unknown)	Oppose	No
25	Jill Brodie Address 108/20 Woodlands Drive Mount Gambier	Oppose	No



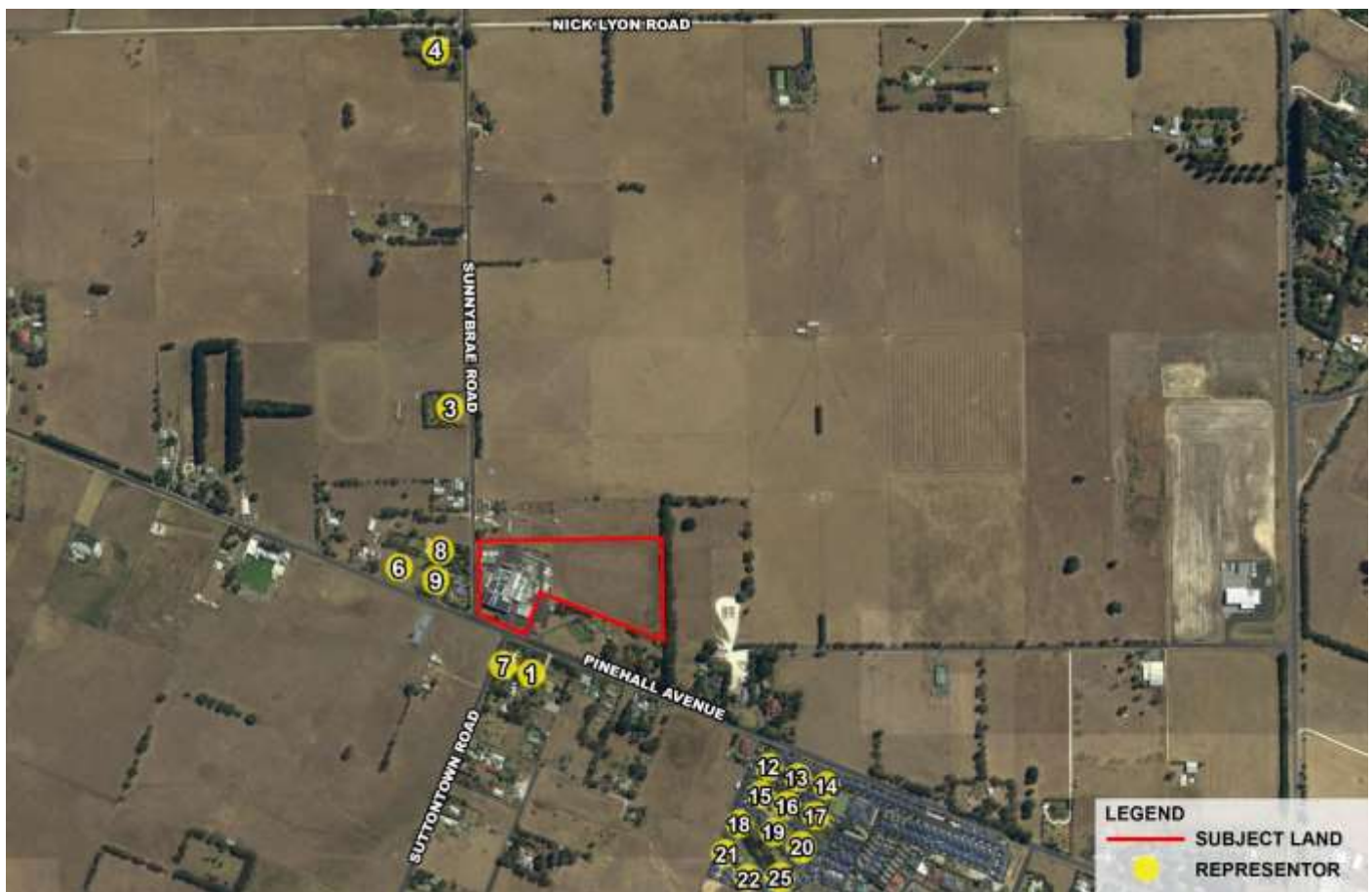


Figure 2: Representation Map

- SUMMARY**

Summary of Representations	
Representation	Applicant's Response
<i>Odour impact from the proposed WWTP</i>	<p>Odour is addressed with the proposal with the full enclosure of the lagoon. A three compartment shed is to house operations with a higher risk of odour emissions.</p> <p>Influent wastewater screen as an enclosed unit to minimise risk of odour impacts.</p> <p>Closed system transfer of treated effluent into road tankers, for irrigation disposal.</p> <p>Minimise the use of chemicals to support the CAL operation, which prevent the creation of toxic fumes of gases.</p> <p>Regular inspections and maintenance of these assets will ensure any risk off-site impacts from odour are minimised.</p>
<i>Impact on the amenity of the locality and visual impact</i>	<p>The proposal is contained within the existing manufacturing site. The proposed site has sufficient setback from</p>

	<p>the roads and adjoins undeveloped land to the north and east. The existing manufacturing plant provides a visual barrier to WWTP when viewed from the primary street. The structures associated with WWTP are low scale and therefore will not result in negative visual impact.</p>
<i>Proximity to sensitive receivers and school</i>	<p>The proposed development is ancillary to and in support of the existing manufacturing plant. The project site is determined by the location of the existing site.</p> <p>The MDLZ's 1618 EIP (agreed with EPA) also requires the WWTP to be constructed on the proposed site.</p> <p>The dwellings are currently adjacent to the manufacturing plant operated for over 40 years. The proposed development works are deliberately positioned as far away from dwellings as possible, noting the Suburban Neighbourhood Zone to the south.</p> <p>The project is considered to address the Interface Between Land Use policies of the Planning and Design Code and design measures have been employed to mitigate noise, odour, light spill, hours of operation to harmonise the development with the landscape.</p>
<i>Negative long term affects from the plant on the residential allotments and residents such as health impacts</i>	<p>A CAL/SBR WWTP design was preferred to a mechanical treatment system or open air lagoon where the potential health impacts would be much harder to control.</p> <p>Sufficient controls and sustainable operation is proposed to minimize the risk of impact to the community, and these include:</p> <ul style="list-style-type: none"> • Full enclosure of the lagoon, • Sustainable re-use of biogas to heat influent wastewater (ensure effective biological wastewater treatment), • Positioning of noise emitting structures away from property boundaries, and • Conducting odour emitting activities within enclosed buildings.



	.
<i>Devaluation of property</i>	Property values are not considered a relevant planning assessment matter. The WWTP design is sensitive to the environment, aligning with community concern about protecting the value of their properties.
<i>Leakage of waste and emission of gases from the WWTP</i>	<p>The lagoon is designed to ensure contents/ water does not overflow onto neighbouring properties and a freeboard is accommodated for.</p> <p>The lagoon and WWTP is specifically designed for the site and being in close proximity to residential development.</p>
<p><i>Traffic impacts</i></p> <p><i>Double white line on Sunnybrae Road, concerns regarding safety for passing vehicles</i></p>	<p>Traffic movements will be limited to 7am – 5pm Monday to Friday and 8am -4pm on Saturdays (only if needed). Ongoing road tanker movements will be the same and not change with the proposal. Access to the wastewater collection area will be via Sunnybrae Road. Light vehicles will continue to access the site via Pinehall Avenue.</p> <p>Double white lines on Sunnybrae Road are to be reviewed by the Council however, a driveway permit (S221) has been issued.</p>
<i>Protection of groundwater resources from pollution since geotechnical survey has not been conducted</i>	Geotechnical assessment of the site will be undertaken prior to finalising the final design and siting of lagoon. Design measures are to be taken into account to ensure the groundwater quality is not impacted.
<i>Noise impacts</i>	<p>Mechanical equipment are located within enclosed structures to minimise noise emissions and will not exceed EPP noise criteria.</p> <p>The natural topography of the land and proposed landscaping will provide acoustic barrier to the dwellings.</p> <p>Noise assessment report has been provided by GHD in support of the proposal. A number of measures are to be complied with to ensure compliance</p>



	<p>with the <i>Environment Protection Noise Policy 2007</i> (EPP), including:</p> <ul style="list-style-type: none"> • Construction times to occur within permitted hours. • Two mitigation measures were required to resolve operational noise of the development. Ensuring the biogas flare and odour control unit fan assets are selected to not exceed the maximum sought allowable decibel levels of the EPP and re-orientating the assets on the Primary Treatment Area concrete pad and the biogas flare. • General noise management measures adopted during construction and operational phases of the project.
<i>Proposal not consistent with the P & D Code</i>	Ancillary use to the existing use of the site which supports DO 1 and DO 2 of the Zone. The development achieves adequate separation to Pinehall Avenue and Sunnybrae Road and will be appropriately landscaped. Noise attenuation is addressed with appropriate siting of the development and given, the existing buildings and topography will mitigate it. Further, noise attenuation measures will be undertaken in accordance with the report prepared by GHD dated 11 August 2022.
<i>Possibility of WWTP to be constructed on a farmland and wastewater to be irrigated</i>	<p>MDLZ's 1618 EIP (agreed with SA EPA) requires the WWTP to be constructed on the proposed site, which is the only land owned by MDLZ in South Australia.</p> <p>The lagoon is sited as far away from dwellings as practically possible, which still allows for road tanker access to load and transport treated wastewater.</p> <p>Connection to sewer is not possible, given the separation to the closest viable connection and the capability of the nearby Finger Point WWTP.</p>
<i>Effect on the soil of surrounding farms, wildlife and stocks</i>	The lagoon will be constructed in accordance with the SA EPA <i>Wastewater Lagoon Construction Guide</i> (2019).



	The applicant has worked with WWTP operator to ensure it can be operated in a manner so that the risk of contamination is minimised.
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Council response to the issues raised by representors and response from the applicant.

The applicant is considered to have responded satisfactorily with relation to the issues raised by the representors.

- The lagoon is to be fully enclosed and operations that will create odour are to be suitably housed. Further, the EPA is supportive of the proposal, subject to conditions, and a condition is recommended to be imposed on any approval that enables the Council to require potential operational changes in the case odour does become an amenity issue for surrounding residents.
- The siting of the development is suitably located away from the nearest dwellings. The new buildings proposed and the lagoon are not considered to impact unreasonably on the visual amenity or rural character, noting the lagoon responds acceptably to the natural land form.
- The supportive GHD Noise assessment outlines that subject to construction times occurring within permitted hours, a number of mitigation measures and general noise management measures, the noise impacts are not considered to impact on the impact of the locality unreasonably.
- The traffic movements associated with the development are not increasing to any substantial degree. Importantly, the heavy vehicle movements are not increasing and the new access to Sunnybrae Road is supported by Council.
- The proposed development will not impact on the operation and function of neighbouring developments, noting the immediately surrounding sites to the west and north have very little primary production potential.
- Is considered reasonable to propose a wastewater treatment plant to support the operation and function of the milk processing plant, which was previously determined to be an acceptable use of the site.

AGENCY REFERRALS

- Environment Protection Authority

EPA has no objection to the proposed development, subject to the adherence with the plans and documents submitted with and forming part of the submission and conditions directed to be imposed on any approval decision. EPA considers that the proposal will improve water quality impacts at the site and the noise and odour impact from the operation of WWTP are anticipated to be low.

PLANNING ASSESSMENT

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



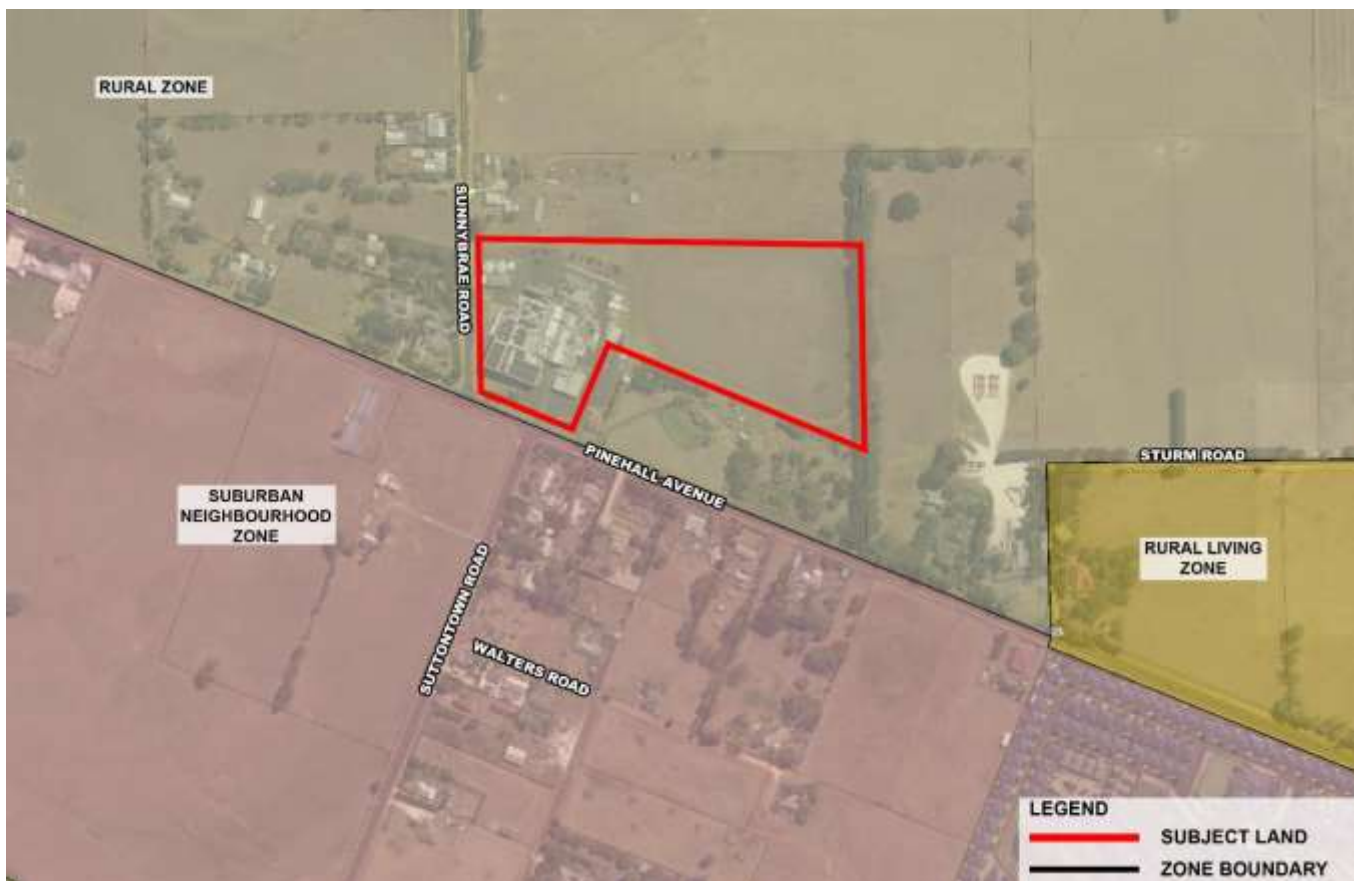


Figure 3: Zone Map

Land Use

The proposed wastewater treatment plant is to operate and support an existing milk processing plant which was previously determined to be an acceptable use/ development of the site.

The treatment plant is subordinate to the processing plant that supports dairies that are an envisaged use within the Rural Zone pursuant to DTS 1.1. The continued operation of the processing plant will also support the economic prosperity of the region.

It should be anticipated that commercial development will require improvements, expansions and the like to support sustainable operation, similar to what is proposed. The WWTP will also resolve an ongoing wastewater issue at the plant.

For these reasons, the land use proposed is considered acceptable.

Setbacks, Design & Appearance

The built form component of the proposal is limited to the lagoon and supporting structures and a new access to Sunnybrae Road.



The lagoon is to be well separated from the southern boundary shared with 160 Pinehall Avenue and is considered to be designed to work acceptably well with the topography of the land, given the size and depth of it. The applicant has committed to landscaping as part of their approval, which is to be established to the south of the lagoon and along the northern boundary. This plan is recommended to be required as a reserved matter imposed on any approval. The landscaping together with the well-designed lagoon will harmonise acceptably with the rural landscape. Landscaping the banks of the lagoon will also assist with stabilising the soil and minimising the risk of erosion. A condition is recommended to be imposed on any approval that requires erosion to be effectively minimised and managed to the reasonable satisfaction of Council.

The supporting structures to the lagoon are modest in size compared to the existing processing plant and well positioned to the rear of the site away from Pinehall Avenue and the Suburban Neighbourhood Zone. The structures are to be finished in muted earth tones, which is an appropriate design response to the Rural context. The proposed landscaping should also reduce any visual prominence associated with them.

Traffic Impact, Access and Parking

As confirmed by the applicant, there are no additional large vehicle movements to support the proposed development. The light vehicle movements and the day-to-day movements via Pinehall Avenue will not increase to any notable degree. Importantly, the new driveway is designed to support forward entry and exit from the site.

The new access via Sunnybrae Road is supported by Council and may require some alteration to the white lines however, will work acceptably.

Environmental Factors

GHD have undertaken a noise impact assessment to review the operation and supporting infrastructure of the WWTP against the EPP and the applicable Interface Between Land Use Policies of the Planning and Design Code. They have recommended a number of construction noise management measures and operational noise management measures be undertaken to ensure compliance with the maximum allowable decibel levels for a site within proximity to sensitive receivers. Further, some noise source information will be required for the biogas flare and the odour control unit in the Detailed Design stage and verification of noise levels when the WWTP is operational will need to be conducted. These measures are captured by Condition 3 directed to be imposed by the EPA and are considered acceptable in resolving the noise impacts associated with the development.

It is noted that large vehicle movements to and from the site are to still occur 24 hours a day (a maximum of one per hour), which was captured as part of the original approval.

Some detailed design measures of the lagoon and WWTP need to be worked through however, in concept it is supported by the EPA and can function in a manner that the health and environment factors are resolved. Conditions are directed to be imposed to ensure this occurs.

The lagoon requires some supportive detail to illustrate how stormwater quality targets will be met and this will be required via Condition 5. The stormwater design includes the lagoon being able to



accommodate a storm events with freeboard above the maximum allowable water level. Runoff from the banks of it will be captured in a stormwater V drain and directed to soakage pits at the rear of the site, which will need to be managed in a manner that minimises erosion. There will be minimal stormwater runoff from the new driveway and structures and this will need be captured and managed on the site and not impact on neighbouring properties.

The planning authority is guided by the EPA with respect to health and safety impacts associated with the WWTP. There is some detail to be resolved with the detailed design and ongoing operation of the WWTP will require testing in accordance with the imposed conditions directed by the EPA.

CONCLUSION

The proposal is considered to exhibit the following merit:

- Appropriate supportive land use/ development for the existing lawful previously approved milk processing plant, which will improve the treatment of wastewater.
- The development is appropriately positioned away from sensitive receivers and the Suburban Neighbourhood Zone.
- The lagoon is designed to work acceptably with the natural land form and structures to support it are positioned away from neighbouring dwellings and are to finished in appropriate muted earth colours.
- The potential health risks associated with the WWTP are considered to be effectively managed and supported by the EPA, subject to adherence with conditions.
- Noise is addressed in accordance with the recommendations of GHD and their report dated 11 August 2022.

ATTACHMENTS

1. Acoustic Assessment
2. Additional information for the EPA 2
3. Additional information for the EPA 5 Sep 22
4. Additional information for the EPA
5. Additional supporting documentation
6. Applicant response to representations
7. Application snapshot
8. Elevations
9. EPA Information December 2023
10. EPA Referral Response
11. Locality Plan
12. Planning and Design Code
13. Representation Map
14. Representations
15. Site layout 2
16. Site layout
17. Supporting documentation - 22007587
18. Updated site plan
19. Zone Map



7 URGENT MOTIONS WITHOUT NOTICE

8 MEETING CLOSE