



City of
Mount Gambier



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

Date: Thursday, 14 December 2023
Time: 5.00 p.m.
Location: Council Chamber
District Council of Grant
324 Commercial Street West
Mount Gambier

AGENDA

Limestone Coast Southern Regional Assessment Panel 14 December 2023

Tracy Tzioutziouklaris
Assessment Manager
7 December 2023

Order Of Business

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1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGY(IES)

Nil

3 CONFIRMATION OF MINUTES

Limestone Coast Southern Regional Assessment Panel - 16 November 2023

RECOMMENDATION

That the minutes of the Limestone Coast Southern Regional Assessment Panel meeting held on 16 November 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 - 20 Blackwood Street, Mount Gambier

The Representor - Greg Cameron

The Applicant - Frank Brennan Consulting Services

Invitees for Item 6.2 - 83 Bay Road, Mount Gambier

The Representor - Andrew Buchalka

The Applicant - Frank Brennan Consulting Services

Invitees for Item 6.3 - 500 Peweena Road, Mingbool

The Representor - Mr Dennis Bald

The Representor - Ms Karen Neil

The Representor - Mr Owen Wales (also representing Mr Lance Walkom and Mr Allan and Mrs Julie Wilkinson)

The Representor - Mr Steven Lamb

The Representor - Mr David and Mrs Alison Telford

The Applicant - Lamb Weston Australia Pty Ltd

6 REPORTS**6.1 DA:23022854 - 20 BLACKWOOD STREET, MOUNT GAMBIER - CHANGE OF USE – REPORT NO. AR23/84316**

Development No:	DA 23022854
Applicant:	Frank Brennan Consulting Services
Property Address:	20 Blackwood Street, Mount Gambier
Property Owner:	Mr Divya Rachamallu
Report No:	AR23/84316
CM9 Reference:	AF22/276
Author:	Roslyn Snaauw, Senior Planner
Authoriser:	Tracy Tzioutziouklaris, Assessment Manager
Nature of Development:	Change of Use to a Community Facility (Disability Options Care Premises)
Description:	Change of Use to a Community Facility (Disability Options Care Premises)
Zoning:	Employment
Policy Area:	City of Mount Gambier
Heritage:	N/A

REPORT RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/84316 titled 'DA:23022854 - 20 Blackwood Street, Mount Gambier - Change of Use' as presented on 14 December 2023 be noted.
2. That the Limestone Coast Southern Regional Assessment Panel resolve that:
 - (a) Pursuant to Section 107(2) 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
 - (b) Development Application Number 23022854, by Frank Brennan Consulting Services, that consent is granted subject to the following conditions:

CONDITIONS**Condition 1**

The development shall be carried out in accordance with the Plan/s as approved by the Council and with the Conditions of Approval.

Condition 2

The building and land shall not be used for the purposes other than those approved by Council (Community Facility).

Condition 3

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



Condition 4

The operating hours of the use of the land hereby approved shall be limited to:

Monday to Friday only 9.00am to 3.00pm

Condition 5

The hours of operation of the business and use of the property shall not create a nuisance and/or disturbance for any person/s and/or property in the immediate area.

Condition 6

Other than the automatic gate set on the driveway well inside the property boundary, or as otherwise approved by council, fencing shall be post and wire in a rural style to fit with the locality.

Condition 7

No signs are to be erected or displayed on the land or on any building, structure, gate or fence. Further permission is required from Council for the erection or display of any sign.

ADVISORY NOTES

Nil

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).



BACKGROUND

The subject land is developed with a single story structure and outbuildings that have previously been used for residential purposes and have been used in the past year, without Planning, Building or Development Consent, as a Community Facility.

PROPOSED DEVELOPMENT

This application is applying for the use of the existing dwelling and sundry outbuildings for the proposed use as a Community Facility (Disability Options Care premises).

Refer to Attachment 2 for the application documents showing:

- Site plan showing:
 - existing residence, alfresco area, carport and outbuildings;
 - existing sealed driveway;
 - proposed location of two (2) car spaces (includes an accessible car space)
 - waste storage area
- Floor plan which details minor changes to access doors and internal doors
- Planning information including the following operational matters:
 - operating hours Monday to Friday 9.00am to 3.00pm.
 - number of staff to be five (5) staff members
 - number of clients to be twelve (12)

Site Description

Location reference: 20 BLACKWOOD ST MOUNT GAMBIER SA 5290

Title ref.: CT 5570/938 Plan Parcel: D2481 AL24 Council: CITY OF MOUNT GAMBIER

The subject allotment has a rectangular configuration with a total area of approximately 1,026.5 square metres and is located on the northern side of Blackwood Street in Mount Gambier as seen in Attachment 3 Subject land aerial map.

The site contains existing structures, including a single storey dwelling, previously used for residential purposes.

Locality

The subject land is located within the Employment Zone and is surrounded by land that is also located within this Zone and contain structures used for light industrial, commercial purposes and business activities, with a small number of residential dwellings remaining within this locality.

The Employment Zone has a Desired Outcome (DO) in the Planning and Design Code for a *diverse range of low-impact industrial, commercial and business activities that complement the role of other zones accommodating significant industrial, shopping and business activities.*

DEVELOPMENT PLAN PROVISIONS

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

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 will be performance assessed on its merits against the Code.

Public Notification

- **Reason**

The development proposal was determined to be Performance Assessed with public notification required since the proposed development (change of use to a Community facility) is not listed as exempt in 'Table 5 - Procedural Matters (PM) - Notification'.

Thirty-three (33) adjoining landowners/occupiers were notified of the development with the proposal on public notification from the 23 October 2023 until 11:59pm on 10 November 2023.

A total number of two (2) representations were received as detailed below:

Representations

Full detailed copy of Representations are provided in Attachment 6.

Name	Address (if known)	Position	Issues	Request to be heard
Greg Cameron	20 Blackwood Street, Mount Gambier	Concerns	Pedestrian/visitor safety Traffic Management Residential access Health & Safety	Yes
Neil Mossop	155 Road, Hindmarsh	In support with some concerns	Carparking on site for staff and users of the facility	No

Response to Representations

Frank Brennan, the Applicant, has responded to the concerns raised by the Representations which can be summarised as follows:

- Provision of car spaces on site provided to the rear.
- Majority of clients/participants and some staff are dropped off and collected and do not require carparking on-site.
- On street car parking available within close proximity to subject land.

A full, detailed copy of the response to the Representations by the Applicant is provided in Attachment 7.

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Attachment 1.

Approach to Planning Assessment



Part 1 of the Code is entitled 'Rules of Interpretation' which sets out how the Planning and Design Code (the Code) implements the requirements of section 66 of the *Planning, Development and Infrastructure Act 2016* (the Act). It includes the following information on the role of Designated Performance Features:

Policies - Desired Outcomes and Performance Outcomes

Zone, subzone, overlay and general development policies are comprised of desired outcomes (DOs) and performance outcomes (POs). These are applicable to performance assessed development and to restricted development.

Desired outcomes (DO)

Desired outcomes are policies designed to aid the interpretation of performance outcomes by setting a general policy agenda for a zone, subzone, overlay or general development policies module. Where a relevant authority is uncertain as to whether or how a performance outcome applies to a development, the desired outcome(s) may inform its consideration of the relevance and application of a performance outcome, or assist in assessing the merits of the development against the applicable performance outcomes collectively.

Performance outcomes (PO)

Performance outcomes are policies designed to facilitate assessment according to specified factors, including land use, site dimensions and land division, built form, character and hazard risk minimisation.

Designated performance features (DPF)

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies. (underlining and abbreviation added)

Land Use

The following provisions of the Employment Zone are most relevant to the land use assessment:

Desired Outcome (DO)

Desired Outcome	
DO 1	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.



Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
PO 1.1 A range of employment-generating light industrial, service trade, motor repair and other compatible businesses servicing the local community that do not produce emissions that would detrimentally affect local amenity.	DTS/DPF 1.1 Development comprises one or more of the following: <ul style="list-style-type: none"> (a) Advertisement (b) <u>Consulting room</u> (c) Indoor recreation facility (d) <u>Light industry</u> (e) <u>Motor repair station</u> (f) <u>Office</u> (g) <u>Place of worship</u> (h) Research facility (i) <u>Retail fuel outlet</u> (j) <u>Service trade premises</u> (k) <u>Shop</u> (l) <u>Store</u> (m) <u>Telecommunications facility</u> (n) Training facility (o) <u>Warehouse</u>.

General Development Policies**Part 4 – General Development Policies**

The following Policies, most relevant to this change of use assessment are:

Design**Assessment Provisions (AP)**

Desired Outcome (DO)

Desired Outcome	
DO 1	<p>Development is:</p> <ul style="list-style-type: none"> (a) contextual – by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area (b) durable – fit for purpose, adaptable and long lasting (c) inclusive – by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors (d) sustainable – by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.



Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome		Deemed-to-Satisfy Criteria / Designated Performance Feature	
All development			
External Appearance			
PO 1.5		DTS/DPF 1.5	
The negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and screening them from public view (such as fencing, landscaping and built form) taking into account the form of development contemplated in the relevant zone.		None are applicable.	
Carparking Appearance			
PO 7.6		DTS/DPF 7.6	
Vehicle parking areas and associated driveways are landscaped to provide shade and positively contribute to amenity.		None are applicable.	

Transport, Access and Parking**Assessment Provisions (AP)**

Desired Outcome (DO)

Desired Outcome	
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)



Vehicle Parking Rates	
<p>PO 5.1</p> <p>Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:</p> <ul style="list-style-type: none"> (a) availability of on-street car parking (b) shared use of other parking areas (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared (d) the adaptive reuse of a State or Local Heritage Place. 	<p>DTS/DPF 5.1</p> <p>Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:</p> <ul style="list-style-type: none"> (a) Transport, Access and Parking Table 2 – Off-Street Vehicle Parking Requirements in Designated Areas if the development is a class of development listed in Table 2 and the site is in a Designated Area (b) Transport, Access and Parking Table 1 – General Off-Street Car Parking Requirements where (a) does not apply (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.
Vehicle Parking Areas	
<p>PO 6.2</p> <p>Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced, and the like.</p>	<p>DTS/DPF 6.2</p> <p>None are applicable.</p>

Table 1 – General Off-Street Car Parking Requirements

The following parking rates apply and if located in an area where a lawfully established carparking fund operates, the number of spaces is reduced by an amount equal to the number of spaces offset by contribution to the fund.

Car Parking Rate (unless varied by Table 2 onwards)	
Class of Development	Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.
Community and Civic Uses	
Community facility	<p>For a library, 4 spaces per 100m² of total floor area.</p> <p>For a hall/meeting hall, 0.2 spaces per seat.</p> <p>In all other cases, 10 spaces per 100m² of total floor area.</p>

The Employment Zone is silent on 'Community Facility' as a land use in DPF 1.1 and as such was assessed upon its merits against the DO and the PO's, which seek:

Desired Outcome

DO 1 - 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.

Performance Outcome

Land Use and Intensity



PO 1.1 - A range of employment-generating light industrial, service trade, motor repair and other compatible businesses servicing the local community that do not produce emissions that would detrimentally affect local amenity.

Built form and Character/Building height and setbacks/landscaping

It is noted that the subject site contains existing landscaping and structures. This proposal does not propose any extensions to existing structures.

Advertisement

No advertisement is proposed as part of this application.

This application is for a retrospective change of use (Applicant has stated that the Facility has been operating for over a year) with the site containing existing structures that are being used for the purpose of a Community Facility which provides a 'Creative Person Centred Program (day options program) for people with disabilities encouraging creative thought, imagination, self expression and fostering artistic potential.

There are up to five (5) staff members with twelve (12) clients/participants, Monday to Friday between the hours of 9.00am to 3.00pm on site.

Council do not have any record of complaints being made with regards to this use in the previous year.

The land is located within the Employment Zone and is predominantly surrounded by sheds and previously used dwellings being used for light industrial and business purposes. A small amount of residential dwellings are retained within this area.

The proposed use will achieve the Employment Zone's Desired Outcome by providing a use that will integrate and be compatible with light industry, commercial and business activities existing within this neighbourhood.

The associated traffic generation and car parking requirements, is considered to be critical to this assessment with concerns raised in both Representations as part of the Public Notification process.

Part 4 – General Development Policies – Table 1 General Off-Street Car Parking Requirements details a parking rate for a 'Community Facility' being 10 spaces per 100sqm of total floor area. This application is providing two (2) car spaces on site (provision of one (1) accessible car space) to the rear under an existing carport.

Council consider the provision of these two (2) car spaces sufficient for this particular use, with clients being dropped off and collected at the end of the day from the Facility and sufficient car parking provided in the street for staff members.

CONCLUSION

Having regard to the provisions of the Planning and Design Code, the proposed change of use of the subject land to a 'Community Facility' is supported and warrants planning Consent.

INVITES

The Representor - Greg Cameron

The Applicant - Frank Brennan Consulting Services

ATTACHMENTS

1. Relevant P & D Code
2. Application documents
3. Subject land aerial map
4. Subject land zoning map
5. Representation map
6. Representations
7. Response to Representations



8. Application snapshot



6.2 DA:23027592 - 83 BAY ROAD, MOUNT GAMBIER - DWELLING ALTERATIONS, ADDITIONS, AND PARTIAL DEMOLITION OF AN EXISTING DWELLING – REPORT NO. AR23/85200

Development No:	DA 23027592
Applicant:	Mr Frank Brennan
Property Address:	83 Bay Road, Mount Gambier
Property Owner:	Mrs Karen Forster
Report No:	AR23/85200
CM9 Reference:	AF22/276
Author:	Roslyn Snaauw, Senior Planner
Authoriser:	Tracy Tzioutziouklaris, Assessment Manager
Nature of Development:	Dwelling alterations, additions, and partial demolition of an existing dwelling
Description:	Dwelling alterations, additions, and partial demolition of an existing dwelling
Zoning:	Established Neighbourhood Zone
Policy Area:	City of Mount Gambier
Heritage:	Historic Area (MtG1) Heritage Adjacency Overlay Local Heritage Place (13700) Overlay

REPORT RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/85200 titled 'DA:23027592 - 83 Bay Road, Mount Gambier - Dwelling alterations, additions, and partial demolition of an existing dwelling' as presented on 14 December 2023 be noted.
 - (a) That the Limestone Coast Southern Regional Assessment Panel resolve that:
 - (b) Pursuant to Section 107(2) 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 seriously at variance with the provisions of the Planning and Design Code; and
 - (c) Development Application Number 23027592, by Frank Brennan Consulting Services, and Planning Consent be refused for the following reasons:
 - i. The proposed development is seriously at variance to the provision of the Planning and Design Code with regards to the Heritage Overlays.
 - ii. The development does not maintain the heritage and cultural values of the Local Heritage Place, unduly impacting on the setting of the Place.
 - iii. The form and scale of the new buildings and structures that are visible from the public realm are not consistent with the prevailing historic characteristics of the historic area.
 - iv. The design and architectural detailing of the street facing building (including but not limited to the roof pitch and form, openings, and verandahs) do not complement the prevailing characteristics of the historic area.



- v. The materials are not consistent with or compliment those within the historic area.
- vi. The alterations and additions do not compliment the subject building and do not employ a contextual design approach and will be dominant to the primary façade.



BACKGROUND

The subject land is developed with two (2) dwellings, an attached garage and a detached outbuilding/garage on the subject land. The materials of the construction approved pursuant to DA 381/0309/2018 included galvanised corrugated roof sheeting, a box gable roof types and external materials with chamfered edges in Mt Gambier stone quions with a paint finish to match the existing, original dwelling.

Development Approval DA381/0309/2018 Stage 1 was issued on 13 September 2019 *to demolish an existing garage, and to construct a detached garage in association with the existing dwelling, and to construct a second dwelling with garaging and portico/s under the main roofline.* Stage 2 was issued on the 30 March 2020 *to demolish an existing garage, and to construct a second dwelling with garaging and portico's under main roofline – as Stage 2 of the Development*

PROPOSED DEVELOPMENT

This application is to undertake internal alterations and to extend the existing dwelling to the north and east (the front dwelling that has street presence from Bay Road), and to demolish the existing two (2) chimneys, relocate a door facing Bay Road within the proposed Bedroom 1 to the western elevation of this bedroom. It is also proposed to extend to the east of the dwelling.

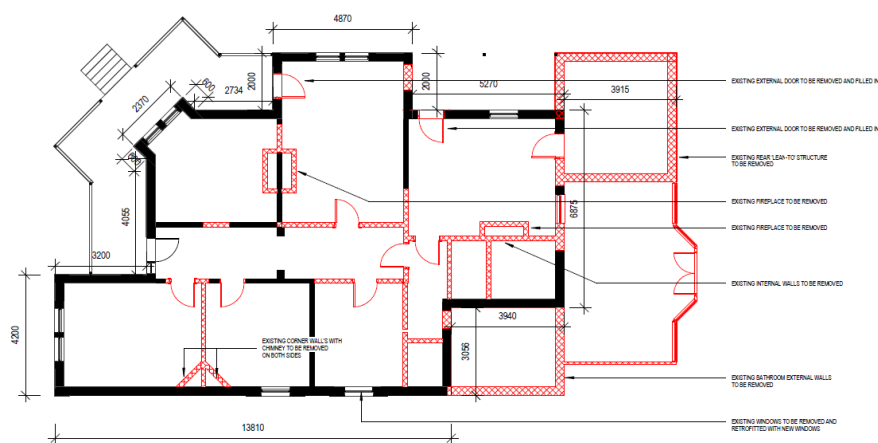


Figure 1: Demolition plan

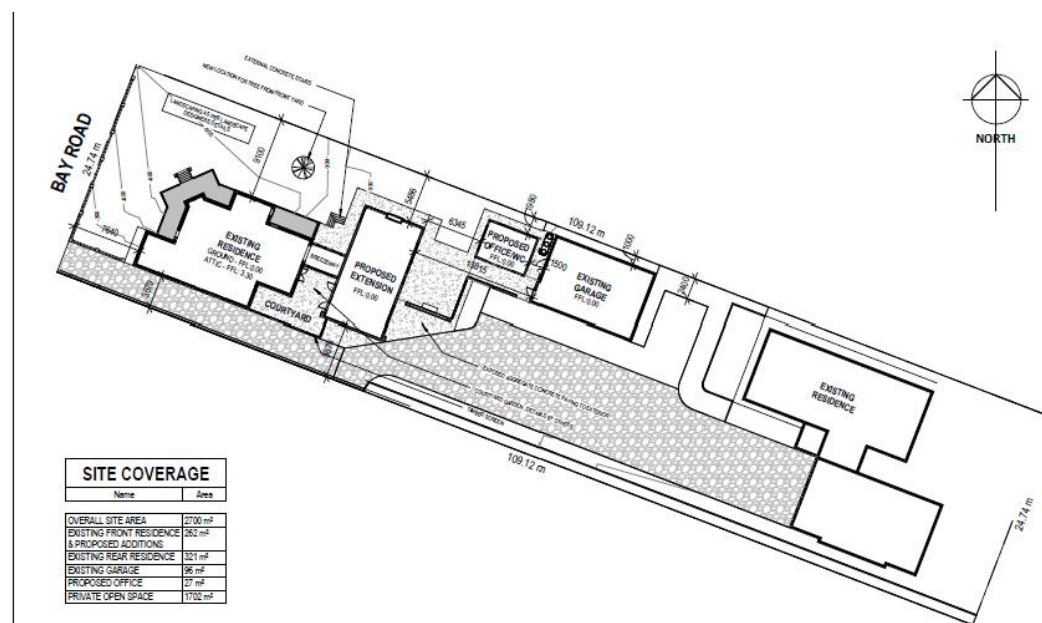


Figure 2: Proposed site plan

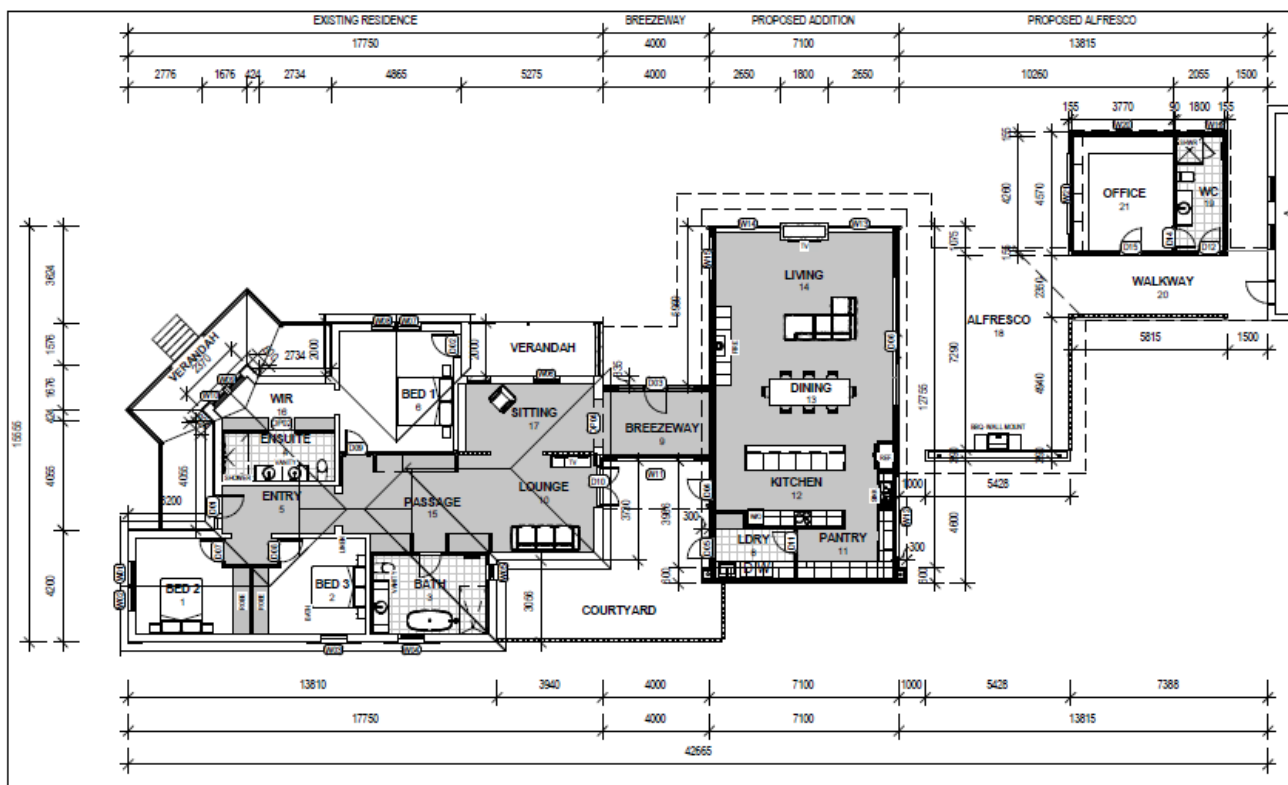


Figure 3: Proposed floor plan



Figure 3: West Elevation – Primary Street streetscape view

Internal works

This application is proposing works to be undertaken to allow for the extension of an existing dwelling on the subject land to provide for:

Demolition

- Two (2) external chimney stacks
- Removal of western elevation door to western elevation of proposed bedroom 1.
- Removal of part of the eastern and southern elevation walls to allow for extension.

Internal alterations

- Internal alterations will allow for:
 - Three (3) bedrooms with bedroom 1 containing an ensuite and walk in robe.
 - Installation of a door to the eastern elevation of proposed bedroom 1.
 - Bathroom
 - A sitting and lounge room
 - Removal of the two (2) internal fire places

Verandah

It is proposed to construct a verandah 5.27 metres by 1.57 metres to the north of the proposed sitting room.

Courtyard

A timber fenced courtyard is proposed to the south of the lounge and breezeway area, along the driveway. The fence will have a height of approximately 2 metres.

Extension

The extension will comprise a connecting breezeway 4.0 metres by 2.5 metres which will have an overall height from floor level of 3.4 metres and a floor to ceiling height of 2.74 metres. The breezeway will lead to the dwelling extension that is 6.97 metres by 11.01 metres with a northern boundary setback of 5.48 metres.

Alfresco area

The extension will also include a roofed Alfresco area, to the east of the living/dining/kitchen area being proposed. The Alfresco area will be 6.42 metres by 7.29 metres. This area will contain a brick wall with a height of approximately 2.5 metres from floor level to accommodate a barbeque.

An undercover walkway from the Alfresco area will lead to the proposed Office and continue to connect to the existing garage.

Office

An office is also being proposed and will contain a bathroom/toilet area and will have the dimensions of 5.8 metres by 4.57 metres with a floor to ceiling height of 2.74 metres. The office structure will be setback from the northern boundary 1.98 metres and will be forward (toward Bay Road).

External materials

External materials proposed to be used for the extension include Austral Bricks brickwork, Weathertex-Weathergroove wall sheeting in the color of Monument and Lexicon, metal sheeting roof material in the Colorbond color of Shale Grey.

Roof design

A skillion roof and a flat roof are being proposed on the new structures.

Refer to Attachment 2 for the application documents.

Site Description

Location reference: 83 BAY RD MOUNT GAMBIER SA 5290

Title ref.: CT 5795/43 **Plan Parcel:** F193856 AL864 **Council:** CITY OF MOUNT GAMBIER

The subject allotment has a rectangular configuration with a northern and southern boundary length of 109.12 metres and a western and eastern boundary length of 24.74 metres. The total allotment area is 2,699 square metres.

The site contains two (2) dwellings and two (2) garages and has access to the west from Bay Road with an existing driveway located along the southern boundary.



Locality

The subject land is located within the Established Neighbourhood Zone and is affected by a number of Overlays, particularly the Historic Area – MtG1 Overlay, Heritage Adjacency Overlay and the Local Heritage Place – 13700 Overlay.

Surrounding land in this location is also affected by the Established Neighbourhood Zone and Heritage Overlays and are developed with residential dwellings which include outbuildings as can be seen in Attachment 7 & 8.

The land is located on the rise of the hill, to the east of Bay Road with the higher side of the allotment along the southern boundary, sloping down to the north as can be seen in the Application Documents in Attachment 1.

DEVELOPMENT PLAN PROVISIONS

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

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Dwelling alteration or addition

Demolition

Dwelling addition: Code Assessed - Performance Assessed

Building Alterations: Code Assessed - Performance Assessed

Partial demolition of a building or structure: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

P&D Code; Heritage Overlays

INTERNAL REFERRALS

This Application was referred internally to Council's Heritage Advisor, Ian Hamilton, who does not support the proposal as the *scale, proportion and materials* not supportive of the Heritage Overlay policies with the provision of landscaping not a permanent measure and works previously undertaken were not undertaken with regards to the current Planning and Design Code.

A full response from Council's Heritage Advisor is provided in Attachment 4.

PUBLIC NOTIFICATION

This application was placed on public notification pursuant to Table 5(6) of the Planning and Design Code as demolition (or partial demolition) is being proposed of a Local Heritage Place and within the Historic Area Overlay.

Twenty-nine (29) adjoining landowners/occupiers were notified of the development with the proposal on public notification from the 20 October 2023 until 11:59pm on 9 November 2023.

A total number of two (2) representations were received as detailed below:

Representations

Full detailed copy of Representations are provided in Attachment 3.



Name	Address (if known)	Position	Issues	Request to be heard
Chris Dally	78 Bay Road, Mount Gambier	Opposes the development	Proposed design does not respect the heritage area. No consideration for the heritage and local historical significance. Not in keeping with the local heritage of the area and does not respect the historical value of the surrounding homes.	No
Andrew and Leanne Buchalka	81 Bay Road, Mount Gambier	Opposed the development	Extension does not blend with the existing character of the homes and the area. Does not complement the existing building. Streetscape character will be impacted. Visual impact of extension from their home.	Yes

Response to Representations

Frank Brennan, the Applicant, has not responded to the Representations to the time of this Report being written.

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which is contained in Attachment 5.

Approach to Planning Assessment

Part 1 of the Code is entitled 'Rules of Interpretation' which sets out how the Planning and Design Code (the Code) implements the requirements of section 66 of the *Planning, Development and Infrastructure Act 2016* (the Act). It includes the following information on the role of Designated Performance Features:

Policies - Desired Outcomes and Performance Outcomes

Zone, subzone, overlay and general development policies are comprised of desired outcomes (DOs) and performance outcomes (POs). These are applicable to performance assessed development and to restricted development.

Desired outcomes (DO)

Desired outcomes are policies designed to aid the interpretation of performance outcomes by setting a general policy agenda for a zone, subzone, overlay or general development policies module. Where a relevant authority is uncertain as to whether or how a performance outcome applies to a development, the desired outcome(s) may inform its consideration of the relevance and application of a performance outcome, or assist in assessing the merits of the development against the applicable performance outcomes collectively.

Performance outcomes (PO)



Performance outcomes are policies designed to facilitate assessment according to specified factors, including land use, site dimensions and land division, built form, character and hazard risk minimisation.

Designated performance features (DPF)

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies (underlining and abbreviation added).

Land Use

The following provisions of the Established Neighbourhood Zone are most relevant to the land use assessment:

Part 2 – Zones and Sub Zones

Established Neighbourhood Zone

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.
DO 2	Maintain the predominant streetscape character, having regard to key features such as roadside plantings, footpaths, front yards, and space between crossovers.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Site Dimensions and Land Division	
PO 2.1 Allotments/sites for residential purposes are of suitable size and dimension to accommodate the anticipated <u>dwelling</u> form and are compatible with the prevailing development pattern in the locality.	DTS/DPF 2.1 Development will not result in more than 1 <u>dwelling</u> on an existing allotment or —



Site coverage	
<p>PO 3.1</p> <p>Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.</p>	<p>DTS/DPF 3.1</p> <p>Development does not result in <u>site coverage</u> exceeding:</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p style="text-align: center;"><u>Site Coverage</u></p> <p>Maximum <u>site coverage</u> is 50 per cent</p> </div> <p>In instances where:</p> <p>(a) no value is returned (i.e. there is a blank field), then a maximum 50% <u>site coverage</u> applies</p>
Building Height	
<p>PO 4.1</p> <p>Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.</p>	<p>DTS/DPF 4.1</p> <p><u>Building height</u> (excluding garages, carports and outbuildings) is no greater than:</p> <p>(a) the following:</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p style="text-align: center;"><u>Maximum Building Height (Metres)</u></p> <p>Maximum <u>building height</u> is 8m</p> </div> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p style="text-align: center;"><u>Maximum Building Height (Levels)</u></p> <p>Maximum <u>building height</u> is 2 levels</p> </div>
<p>PO 4.2</p> <p>Additions and alterations do not adversely impact on the streetscape character.</p>	<p>DTS/DPF 4.2</p> <p>Additions and alterations:</p> <p>(a) are fully contained within the roof space of a building with no external alterations made to the building elevation facing the <u>primary street</u></p> <p>or</p> <p>(b) meet all of the following:</p> <p>(i) do not include any development forward of the front façade <u>building line</u></p> <p>(ii) where including a second or subsequent <u>building level</u> addition, does not project beyond a 45 degree angle measured from ground level at the <u>building line</u> of the existing building.</p>
Appearance	
<p>PO 10.2</p> <p>The appearance of development as viewed from public roads is sympathetic to the <u>wall height</u>, roof forms and roof pitches of the predominant housing stock in the locality.</p>	<p>DTS/DPF 10.2</p> <p>None are applicable.</p>



Part 3 – Overlays

Heritage Adjacency Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Development adjacent to State and Local Heritage Places maintains the heritage and cultural values of those Places.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Built Form	
PO 1.1 Development adjacent to a State or Local Heritage Place does not dominate, encroach on or unduly impact on the setting of the Place.	DTS/DPF 1.1 None are applicable.

Historic Area Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that responds to existing coherent patterns of land division, <u>site</u> configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)



Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
All Development	
<p>PO 1.1</p> <p>All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.</p>	<p>DTS/DPF 1.1</p> <p>None are applicable.</p>
Built Form	
<p>PO 2.1</p> <p>The form and scale of new buildings and structures that are visible from the public realm are consistent with the prevailing historic characteristics of the historic area.</p>	<p>DTS/DPF 2.1</p> <p>None are applicable.</p>
<p>PO 2.2</p> <p>Development is consistent with the prevailing building and wall heights in the historic area.</p>	<p>DTS/DPF 2.2</p> <p>None are applicable.</p>
<p>PO 2.3</p> <p>Design and architectural detailing of street-facing buildings (including but not limited to roof pitch and form, openings, chimneys and verandahs) complement the prevailing characteristics in the historic area.</p>	<p>DTS/DPF 2.3</p> <p>None are applicable.</p>
<p>PO 2.4</p> <p>Development is consistent with the prevailing front and side boundary setback pattern in the historic area.</p>	<p>DTS/DPF 2.4</p> <p>None are applicable.</p>
<p>PO 2.5</p> <p>Materials are either consistent with or complement those within the historic area.</p>	<p>DTS/DPF 2.5</p> <p>None are applicable.</p>
Alterations and additions	
<p>PO 3.1</p> <p>Alterations and additions complement the subject building, employ a contextual design approach and are sited to ensure they do not dominate the primary façade.</p>	<p>DTS/DPF 3.1</p> <p>Alterations and additions are fully contained within the roof space of an existing building with no external alterations made to the building elevation facing the <u>primary street</u>.</p>
<p>PO 3.2</p> <p>Adaptive reuse and revitalisation of buildings to support retention consistent with the Historic Area Statement.</p>	<p>DTS/DPF 3.2</p> <p>None are applicable.</p>



Demolition	
<p>PO 7.1</p> <p>Buildings and structures, or features thereof, that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless:</p> <p>(a) the front elevation of the building has been substantially altered and cannot be reasonably restored in a manner consistent with the building's original style or</p> <p>(b) the structural integrity or safe condition of the original building is beyond reasonable repair.</p>	<p>DTS/DPF 7.1</p> <p>None are applicable.</p>
<p>PO 7.2</p> <p>Partial demolition of a building where that portion to be demolished does not contribute to the historic character of the streetscape.</p>	<p>DTS/DPF 7.2</p> <p>None are applicable.</p>
<p>PO 7.3</p> <p>Buildings or elements of buildings that do not conform with the values described in the Historic Area Statement may be demolished.</p>	<p>DTS/DPF 7.3</p> <p>None are applicable.</p>

Historic Area Statements

Statement#	Statement										
Historic Areas affecting City of Mount Gambier											
MtG1	<p>Bay Road Historic Area Statement (MtG1)</p> <p>The Historic Area Overlay identifies localities that comprise characteristics of an identifiable historic, economic and / or social theme of recognised importance. They can comprise land divisions, development patterns, built form characteristics and natural features that provide a legible connection to the historic development of a locality. These attributes have been identified in the below table. In some cases State and / or Local Heritage Places within the locality contribute to the attributes of an Historic Area.</p> <p>The preparation of an Historic Impact Statement can assist in determining potential additional attributes of an Historic Area where these are not stated in the below table.</p> <table> <tr> <td>Eras, themes and context</td><td>Development from period of settlement up to and including the 1920s.</td></tr> <tr> <td>Allotments, subdivision and built form patterns</td><td>Generous allotment sizes. Extensive street and side boundary set-backs.</td></tr> <tr> <td>Architectural styles, detailing and built form features</td><td>Large single storey houses with hipped and gabled galvanised iron roofs; and generous verandahs.</td></tr> <tr> <td><u>Building height</u></td><td>Predominantly single storey, with two storey additions within roof space to rear of buildings.</td></tr> <tr> <td>Materials</td><td>Varied building construction but generally comprising dolomite or limestone walling with quoins.</td></tr> </table>	Eras, themes and context	Development from period of settlement up to and including the 1920s.	Allotments, subdivision and built form patterns	Generous allotment sizes. Extensive street and side boundary set-backs.	Architectural styles, detailing and built form features	Large single storey houses with hipped and gabled galvanised iron roofs; and generous verandahs.	<u>Building height</u>	Predominantly single storey, with two storey additions within roof space to rear of buildings.	Materials	Varied building construction but generally comprising dolomite or limestone walling with quoins.
Eras, themes and context	Development from period of settlement up to and including the 1920s.										
Allotments, subdivision and built form patterns	Generous allotment sizes. Extensive street and side boundary set-backs.										
Architectural styles, detailing and built form features	Large single storey houses with hipped and gabled galvanised iron roofs; and generous verandahs.										
<u>Building height</u>	Predominantly single storey, with two storey additions within roof space to rear of buildings.										
Materials	Varied building construction but generally comprising dolomite or limestone walling with quoins.										



Fencing	Original fences constructed of Mount Gambier stone, dolomite, scoria, basalt or flint, limestone retaining walls. Front fences forward of the dwelling reflecting the traditional period, style and form of the associated building.
Setting, landscaping, streetscape and public realm features	Well maintained, mature gardens that contribute to a pleasant, open streetscape. Streetscape improvements within the area have particular emphasis on Bay Road as the entry to the Volcanic Complex State Heritage Area.
Representative Buildings	Identified – refer to SA planning database.

Local Heritage Place Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Development maintains the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
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Built Form	
<p>PO 1.1</p> <p>The form of new buildings and structures maintains the heritage values of the Local Heritage Place.</p>	<p>DTS/DPF 1.1</p> <p>None are applicable.</p>
<p>PO 1.2</p> <p>Massing, scale and siting of development maintains the heritage values of the Local Heritage Place.</p>	<p>DTS/DPF 1.2</p> <p>None are applicable.</p>
<p>PO 1.3</p> <p>Design and architectural detailing (including but not limited to roof pitch and form, openings, chimneys and verandahs) maintains the heritage values of the Local Heritage Place.</p>	<p>DTS/DPF 1.3</p> <p>None are applicable.</p>
<p>PO 1.4</p> <p>Development is consistent with boundary setbacks and setting.</p>	<p>DTS/DPF 1.4</p> <p>None are applicable.</p>
<p>PO 1.5</p> <p>Materials and colours are either consistent with or complement the heritage values of the Local Heritage Place.</p>	<p>DTS/DPF 1.5</p> <p>None are applicable.</p>
<p>PO 1.7</p> <p>Development of a Local Heritage Place retains features contributing to its heritage value.</p>	<p>DTS/DPF 1.7</p> <p>None are applicable.</p>
Alterations and Additions	
<p>PO 2.1</p> <p>Alterations and additions complement the subject building and are sited to be unobtrusive, not conceal or obstruct heritage elements and detailing, or dominate the Local Heritage Place or its setting.</p>	<p>DTS/DPF 2.1</p> <p>None are applicable.</p>
<p>PO 2.2</p> <p>Adaptive reuse and revitalisation of Local Heritage Places to support their retention in a manner that respects and references the original use of the Local Heritage Place.</p>	<p>DTS/DPF 2.2</p> <p>None are applicable.</p>
Demolition	
<p>PO 6.1</p> <p>Local Heritage Places are not demolished, destroyed or removed in total or in part unless:</p> <p>(a) the portion of the Local Heritage Place to be demolished, destroyed or removed is excluded from the extent of listing that is of heritage value</p>	<p>DTS/DPF 6.1</p> <p>None are applicable.</p>



PO 6.2	DTS / DPF 6.2
The demolition, destruction or removal of a building, portion of a building or other feature or attribute is appropriate where it does not contribute to the heritage values of the Local Heritage Place.	None are applicable.

Part 4 – General Development Policies

Design in Urban Areas

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Development is: (a) contextual – by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
All Development	
External Appearance	
PO 1.3	DTS / DPF 1.3
Building elevations facing the <u>primary street</u> (other than ancillary buildings) are designed and detailed to convey purpose, identify main access points and complement the streetscape.	None are applicable.

Having regard to the relevant provisions of the Planning and Design Code, as detailed above, Council do not support the proposed development.

A Desired Outcome for the Established Neighborhood Zone is that new buildings are sympathetic to the predominant built form character and development patterns of the neighbourhood. When read in conjunction to the Heritage Overlays that affect the subject land the proposed development that will not be contextually responsive to the historic themes and characteristics of this area with the heritage and cultural values not being maintained.

The subject allotment and surrounding land are located in a number of Heritage Overlays with allotments immediately north also located within the Local Heritage Place Overlay.

The proposed demolition works and proposed additions and alterations, do not maintain the heritage values of the subject land or neighbourhood. Characteristics of the subject and surrounding land show retained chimneys, galvanised corrugated roof sheeting, box gable roof types and external materials with chamfered edges in Mt Gambier stone quoins and block work.

The Bay Road Historic Area Statement (MtG1) identifies characteristics of this historic area with architectural styles, detailing and built form features being *large single storey houses with hipped and gabled galvanised iron roofs and generous verandahs* with building construction *generally*



comprising dolomite or limestone walling with quoins. This proposal does not seek to support any of these characteristics and is proposing to remove the existing chimneys and providing external materials of brick and Weathertex cladding, flat and skillion roof types which are not in context with the existing materials present on the subject land and neighbourhood character.

Council's raised these concerns at the start of the assessment process and advised the Applicant of these concerns stating that the development was not contextually responsive in design, built scale, form and features, nor the streetscape (visibility from the Bay Road) with the proposed development. The form, scale and visibility from Bay Road is not consistent with the prevailing historic characteristics of this historic area. The Applicant has provided examples of other development as shown in the map below and in Attachment 1 and wished to proceed with the application in its current form with further landscaping proposed.

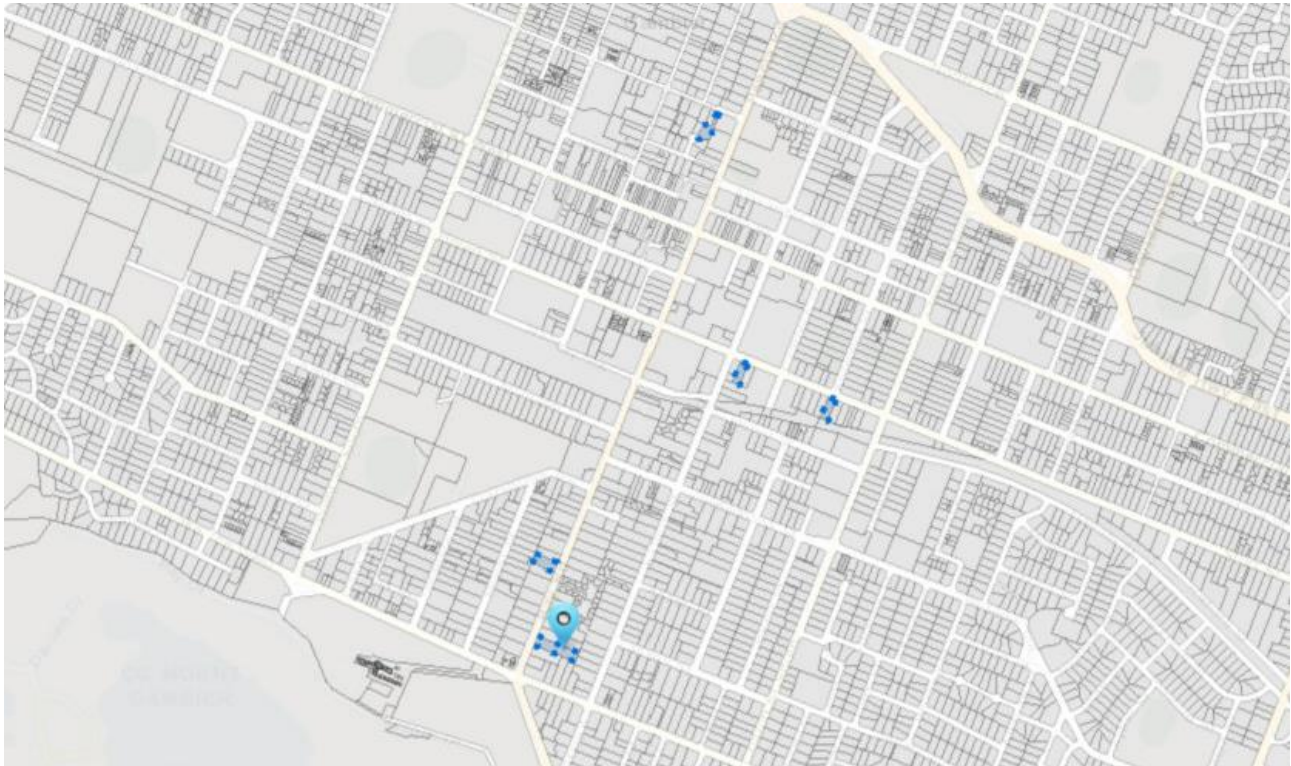


Figure 4. Subject site shown with blue dot. Applicant examples shown in blue highlight.

The proposed development has not taken into consideration, to reinforce the historic themes and characteristics that make this area historic and as such the development will unduly impact on the setting of the Local Heritage Place.

This application was also referred internal to Council's Heritage Advisor who also does not support the application stating:

The scale and proportions, and choice of materials, is all wrong.

The massing and scale of the proposed addition has not relationship to the existing heritage place.

Scale & proportion of windows inappropriate

...providing landscape screening is not a permanent measure...the issues of local past precedent are not relevant, especially if works were not completed under the current Planning and Design Code.

Following the public notification process, two (2) Representations were received who do not support this proposal as it is not in keeping with the local heritage of the area (including the removal of the chimneys) and streetscape character and the provision of the proposed flat roof and use of materials which they consider do not complement the existing dwelling nor the surrounding heritage listed homes. Concerns were also raised that the provision of screening shrubs, which can easily be



removed and thus have the development impact on the look of the property and surrounding streetscape.

CONCLUSION

For the reasons provided above in this Report and having consideration to the Planning and Design Code, this development is at variance to the provisions of the Planning and Design Code and is recommended that it not be supported on the grounds provided above in the Report Recommendation section above in this Report.

INVITES

The Representor - Andrew Buchalka

The Applicant - Frank Brennan Consulting Services

ATTACHMENTS

1. Application documents and plans
2. Code Application snapshot
3. Combined Representations
4. Council Heritage Advisor response
5. P & D Code as time of final assessment for RAP
6. Representation map
7. Subject Land aerial maps
8. Zoning and Overlay maps



6.3 DA:23025094 - 500 PEWEENA ROAD, MINGBOOL - POTATO STORAGE SHEDS – REPORT NO. AR23/78233

Development No:	23025094
Applicant:	Lamb Weston Australia Pty Ltd
Property Address:	500 Peweena Road, Mingbool
Report No:	AR23/78233
CM9 Reference:	AF22/276
Author:	Ben Victory, Planning Consultant
Authoriser:	Tracy Tzioutziouklaris, Assessment Manager
Nature of Development:	Performance Assessed/ Public Consultation
Description:	Staged construction of 5 x potato storage sheds (each 3689m²) and associated infrastructure; 5 x 200 kW solar panel systems on each potato storage shed; a machinery shed (540m²); a transportable office building (18m²); a toilet facility (4.32 m²); 2 x weighbridges; associated fire water tanks; a stormwater management system including stormwater basin; associated site civil works and landscaping
Zoning:	Zones: <ul style="list-style-type: none"> • Rural Overlays: <ul style="list-style-type: none"> • Building Near Airfields • Dwelling Excision • Hazards (Acid Sulfate Soils) • Hazards (Bushfire - General) • Hazards (Flooding - Evidence Required) • Limited Land Division • Native Vegetation • Prescribed Wells Area • Water Protection Area • Water Resources 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)
Category of Development:	Code Assessed - Performance Assessed

REPORT RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/78233 titled 'DA:23025094 - 500 Peweena Road, Mingbool - Potato Storage Sheds' as presented on 14 December 2023 be noted.
2. That the Limestone Coast Southern Regional Assessment Panel resolve that:
 - (a) 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

- (b) Development Application Number 23025094, by Lamb Weston Australia Pty Ltd is granted Planning Consent subject to the following reserved matters, conditions and advisory notes:

RESERVED MATTERS

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. A siteworks plan showing details of levels, excavation, fill and any retaining walls, together with landscaping details to revegetate these areas following the completion of earthworks.
2. Details of a culvert and headwall to be installed at the entrance and exit off Peween Road, with reference to the relevant standards for the District Council of Grant.

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

CONDITIONS

Planning Consent

Condition 1

The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by the following conditions.

Condition 2

The sheds nominated for potato storage shall be limited to the storage of primary produce in the form of potatoes and possibly also onions, predominantly sourced from the Limestone Coast region of southeast South Australia.

Condition 3

Unless extended by the relevant authority, the development shall be fully completed by 31 December 2030.

Condition 4

The buildings and site including the driveway and stormwater infrastructure shall be maintained in good condition at all times. This includes reference to the management and maintenance advice in the Preliminary Stormwater Management Plan by Tonkin Consulting dated 13 July 2023.

Condition 5

Stormwater from the proposed development shall be disposed of so that it does not affect the stability of the proposed development or any other building on the site or neighbouring properties, and so that it does not create any unhealthy conditions or road drainage issues.

Condition 6



Other than the automatic gate set on the driveway well inside the property boundary, or as otherwise approved by council, fencing shall be post and wire in a rural style to fit with the locality.

Condition 7

Within one year of substantially commencing the development, landscaping shall be planted along the southern and western boundaries generally in accordance with the amended site plan dated 15/11/2023 (as provided with the additional information dated 20 November 2023). This landscaping shall be maintained and replaced whenever necessary.

Condition 8

Noise associated with the onsite operations of the potato storage facility shall achieve the relevant Environment Protection Policy criteria, currently set by the *Environment Protection (Commercial and Industrial Noise) Policy 2023*.

Condition 9

Outdoor lighting associated with the onsite operations of the potato storage facility shall accord with the relevant Australian Standard, currently AS/NZS 4282:2019.

ADVISORY NOTES

Planning Consent

1. As noted in the traffic report from MFY, the roadside vegetation between the existing and proposed driveways will need to be pruned and/or removed to achieve safe sight distances. This shall be undertaken by, or with the permission of, the District Council of Grant.
2. Other legislation may also apply to the development, including the *Landscape South Australia Act 2019*, *Local Nuisance and Litter Control Act 2016*, *Environment Protection Act 1993*, *Local Government Act 1999* and the *Road Traffic Act 1961*.



BACKGROUND

Nil

PROPOSED DEVELOPMENT

The proposal is described as the staged construction of:

- 5 x potato storage sheds (each 3689m²) and associated infrastructure
- 5 x 200 kW solar panel systems on each potato storage shed
- a machinery shed (540m²)
- a transportable office building (18m²)
- a toilet facility (4.32 m²)
- 2 x weighbridges
- associated fire water tanks
- a stormwater management system including stormwater basin
- associated site civil works and landscaping.

More specific details include:

- the potato storage facility sited in the southern portion of the land, with the Peween Road crossover and driveway access/egress starting close to the southern boundary
- the possibility of onions also being stored within the sheds
- farming remaining as the use for the majority of the site outside the potato storage facility, mainly in the form of livestock grazing for the northern portion of the land
- the machinery/ equipment shed being 30m long, 18m wide, 6m high to the fascia and approximately 7m high to the ridge, set back 126m from the western road boundary and 102m from the southern boundary, and coloured Ironstone
- the potato storage sheds each being 80.9m long, 44.9m wide, 8m high to the fascia and 10.148m high to the ridge, set back between 166m and 495m from the western road boundary and coloured Pale Eucalypt
- the office/lunchroom building being 6m long, 3m wide and less than 3m high, set back approx. 126m and coloured Surfmist
- the toilet building being 2.4m long, 1.8m wide and less than 3m high, set back approx. 130m and coloured Surfmist, with an associated onsite wastewater treatment system
- mechanical services and technical equipment (compressors, air conditioners etc)
- rainwater tanks adjacent to the sheds and coloured Rivergum Green
- in and out weighbridges approx. 30m long, 4.2m wide, sitting just above ground level
- concrete hardstand areas between and approx. 22m around the storage sheds, for vehicle manoeuvring, loading, unloading and circulation for forward egress
- a stormwater retention basin south of the storage sheds
- civil site works with no retaining walls greater than one metre high or any significant cut or fill
- a compacted rubble car parking area on the southern side of the machinery/ equipment shed adjacent to the front hardstand, with additional parking available around the sheds



- 20m wide landscaping strips along the southern boundary and the southern half of the western boundary to effectively screen the buildings from public view, and comprising a mix of native species
- rural style post & wire fencing, except for an automatic gate set well inside the property boundary to allow for a B-Double truck to be stored before the gate
- peak times being the 'store loading period' (receiving), including:
 - approximately 8 weeks per year, typically March-April
 - an estimated 10 people on the site at any one time (including truck drivers)
 - potentially 10 to 20 B-Double trucks per day (1 to 3 per hour) or 1 to 4 semi-trailers per hour at final full capacity (but generally low in these ranges), primarily Mondays to Saturdays during daylight hours
- a 'raw storage period' of 8-9 months between April and November with minimal operations onsite
- a 'store unloading period' (dispatch), for
 - approximately 6 weeks per year, typically between November and December
 - an estimated 5 people on the site at any one time (including truck drivers)
 - potentially 10-20 B-Double trucks per day or 1-2 per hour at final full capacity (but generally low in these ranges), primarily Mondays to Sundays during daylight hours
- a 'cleaning and hibernation period' for:
 - typically 2 months around December to March
 - 4 cleaning people onsite with minimal traffic
- A driveway design for B-Double trucks using the gazetted road network, primarily right-in and left-out but with potential for left-in and right-out if needed
- three stages of construction to be completed by 2030, allowing time to fully grow the supply of potatoes in the region.

Refer to Attachments 1 and 6 for full details of the proposal, including the plans and information that were notified, the response to representations, and additional information and plans provided on 20 November 2023 in response to issues raised from an initial planning assessment. The application information includes planning reports from Frank Brennan Consulting Services, traffic engineering advice from MFY and a preliminary stormwater management plan prepared by Tonkin Consulting.

DEVELOPMENT PLAN PROVISIONS

Subject Land & Locality:

Site Description:

Location reference: 500 PEWEENA RD, MINGBOOL SA 5291

Title ref.: CT 5466/389 **Plan Parcel:** D13104 AL1 **Council:** THE DC OF GRANT

The site is an irregular shaped allotment of approximately 40 hectares on the eastern side of Peween Road with a frontage of approximately 590m, and the southern side of Ponda Road with a frontage of approximately 600m. The southern part of the allotment proposed for the development site is relatively flat with a slight gradient up from Peween Road, while the northern part rises and falls back again toward Ponda Road and the Peween Road intersection.



As shown on the image below from the SA Property and Planning Atlas (SAPPA), the allotment (as tagged) is generally clear of trees except for some around the former dwelling and outbuildings (which have been recently demolished), the existing driveway and the roadside, and which do not appear to be native vegetation. The mapping shows a dam in the northeast of the allotment, although it may not currently have water within it.



At the time of inspection in mid-November 2023, there were cattle grazing on the northern part of the land.

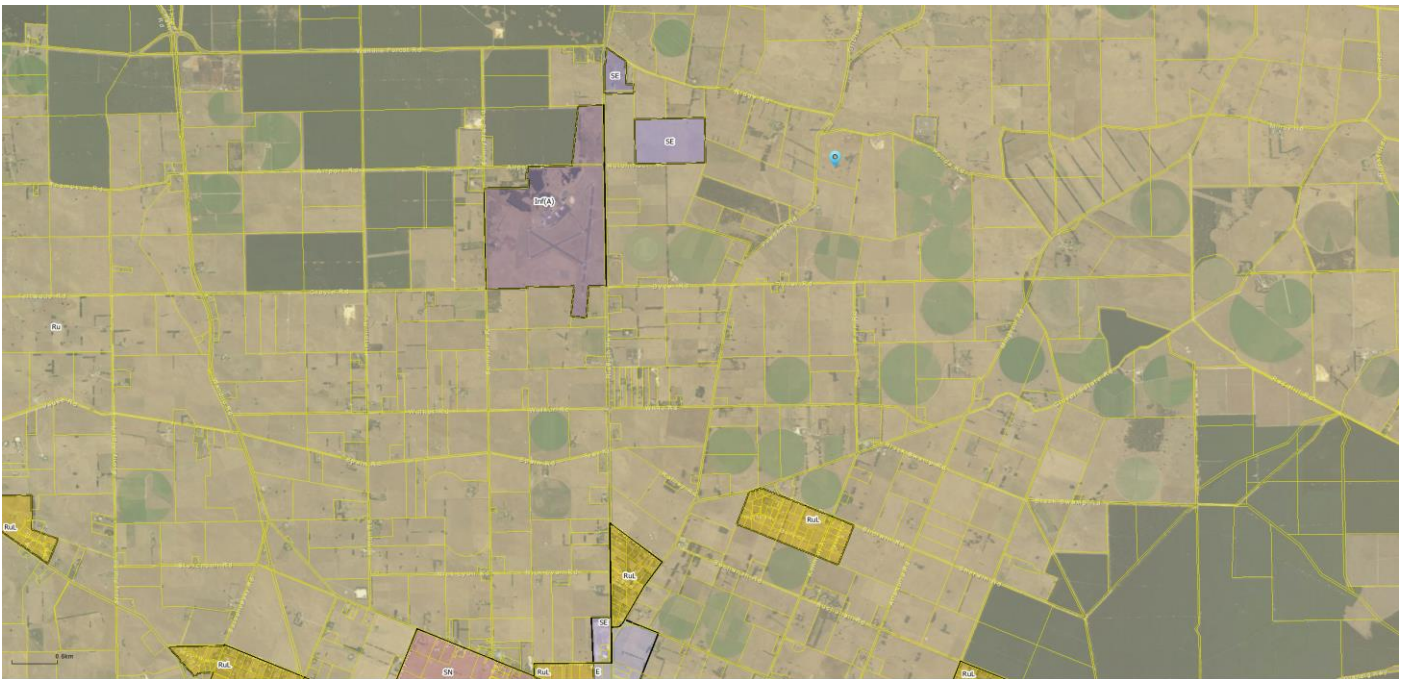
This is supported by Google Street View images from November 2022, which also show sheep grazing on the southern part of the land. The inspection also noted that some initial siteworks have commenced, including for the new driveway crossover as shown below to the south of the existing driveway. The roadside vegetation shown between these driveways will need to be pruned and/or removed to achieve safe sight distances, as noted in the MFY traffic report.





Locality

The locality is generally of a rural nature, consistent with the Rural Zoning in the Planning and Design Code. Mount Gambier is approximately 7 or 8km to the south-southwest, and the Mount Gambier Regional Airport is approximately 3km to the west shown as the Infrastructure (Airfield) Zone in the SAPPA locality map below (with the site again tagged).



Farming/ grazing is the dominant land use in the locality, often with associated dwellings and some irrigated pastures. Other nearby uses include quarrying and an electricity substation on Ponda Road, Mingbool Restorations with dozens of vehicles stored on the corner of Peweena and Ponda Roads, and horse training on the opposite side of Peweena Road.

Further afield is the Riddoch Highway running north-south on the eastern side of the airport. The South East Animal Welfare League is on the eastern side of Riddoch Highway and south of Ridge Road. Mil-lel Primary School and the showgrounds are within the Rural Living Zone to the south closer to Mount Gambier. Commercial forestry and horticulture uses become more common beyond the immediate locality.



PLANNING ASSESSMENT**Consent Type Required:**

Planning Consent

CATEGORY OF DEVELOPMENT:

- PER ELEMENT:**

Agricultural building: Code Assessed - Performance Assessed

Office

Water tanks

Solar panels

Other - Commercial/Industrial - Machinery Shed; Toilet Facility & Weighbridges: Code Assessed - Performance Assessed

Other - Infrastructure - Stormwater Management System & Site Civil Works: Code Assessed - Performance Assessed

Store: Code Assessed - Performance Assessed

Office: Code Assessed - Performance Assessed

Water tank (above ground): Accepted

Solar photovoltaic panels (roof mounted): Accepted

- OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- REASON**

Planning & Design Code

PUBLIC NOTIFICATION

Undertaken from 14 September to 5 October 2023.

- REASON**

The predominant 'store' land use can be exempt from public notification, except where buildings exceed the total floor area of 500m² expressed in the Rural Zone DTS/DPF 4.1(c) or the height of 10m in DTS/DPF 4.3(c).

- REPRESENTATIONS**

Name	Address (if known)	Issues	Request to be heard
Dennis Bald	Peween Rd, Mingbool	Traffic safety and sight distances	Yes
Maryanne Lamb	7 Grandview Ct, Mt Gambier (son at 452 Peween Rd)	Traffic safety and noise, and impact on views	No
Karen Neil (x5)	-	Traffic volumes, safety and noise, scale, land use	Yes
Owen Wales	519 Peween Rd, Mingbool	Land use, scale, zone suitability, character, visual impacts, glare, landscaping adequacy, amenity, lighting, noise, hours, other impacts, sensitive receivers, traffic,	Yes

		freight routes, water quality, earthworks	
Joanna White	-	Traffic volumes, safety and noise, scale, land use	No
Simon Gallasch	-	Traffic and road suitability, landscaping adequacy, noise impacting sensitive receivers, lighting, dust, odour	No
Lance Walkom	323 Peween Rd, Mingbool	Experience with former Safries near Penola, traffic and road suitability, land use	Yes (by Owen Wales)
Allan & Julie Wilkinson	389 Peween Rd, Mingbool	Land use, scale, traffic, odour, water table, hours impacting shift workers and children	Yes (by Owen Wales)
Steven Lamb	452 Peween Rd, Mingbool	Character, amenity, visual, noise and light impacts, traffic volumes and safety, groundwater protection, operating hours, construction period, glare/reflection, landscaping adequacy, earthworks	Yes
David & Alison Telford	634 Peween Rd, Mingbool	Land use, scale, zone and site suitability, external impacts, local context, traffic volumes	Yes

Refer to Attachments 4 and 5 for the location of representors and their full written submissions.

Response to Representations

The applicant's planning and traffic consultants provided responses to the representations (Attachment 6). This includes:

- reconfirming the land use is a 'store', which is performance assessed and considered to be generally suitable in the Rural Zone for storing primary produce
- support for the scale of the development and building sizes
- further operational information to minimise noise and lighting impacts to be within relevant standards
- clarification of estimated traffic volumes and arrangements
- suitability of the road network for either B-Doubles or general access vehicles (semi-trailers), with only a very small increase in hourly traffic, and no measurable change to the safety on the road network
- an amended landscaping plan with increased planting using a range of native species
- consideration that amenity and rural character impacts are acceptable given the seasonal operations, technical advice, landscaping and setbacks
- appropriate management and stormwater treatment to prevent groundwater impacts
- solar panels being designed to absorb rather than reflect sunlight, including coating in an anti-reflective paint, and will also not adversely impact passing motorists.

Response to Initial Assessment Issues



Following an initial planning assessment and discussion, the applicant's planning consultant provided additional information on 20 November 2023 (at the end of Attachment 6), including:

- confirmation that while it is not proposed to formally grow potatoes on the site at this time, the northern portion of the property will continue to be used for livestock grazing
- confirmation that potatoes are sourced from surrounding rural areas, primarily from Tarpeena, Kalangadoo and Mount Benson, with additional potatoes sourced from outside these areas when required
- a further assessment against Rural Zone Performance Outcome 4.1 and more particularly 4.2, which wasn't addressed in earlier reports but is the most relevant for a large scale facility storing primary production commodities sourced from surrounding rural areas
- clarification of the estimated number of people onsite and the traffic movements for the different periods
- an amended site plan showing onsite car parking
- details of building colours, including the:
 - machinery shed being Colorbond Ironstone
 - large storage sheds being changed from Surfmist to Colorbond Pale Eucalypt
 - small office and amenities buildings remaining as Surfmist
- details of the two weighbridges allowing for B-Double trucks
- details of siteworks including earthworks that have already occurred and that no retaining walls will be required
- provision of an amended landscaping plan including details of trees and other vegetation along the adjacent southern and western boundaries.

Referrals

No external referrals were applicable. Internally, the Council's Works Manager advised that for driveway stormwater management, a culvert and headwall will need to be installed at the entrance and exit off Peween Road. If approved, a reserved matter is recommended to cover this issue.

Planning Assessment

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

Approach to Planning Assessment

Part 1 of the Code is entitled 'Rules of Interpretation'. It includes the following information on the role of Designated Performance Features:

Policies - Desired Outcomes and Performance Outcomes

Zone, subzone, overlay and general development policies are comprised of desired outcomes (DOs) and performance outcomes (POs). These are applicable to performance assessed development and to restricted development.

Desired outcomes

Desired outcomes are policies designed to aid the interpretation of performance outcomes by setting a general policy agenda for a zone, subzone, overlay or general development policies module. Where a relevant authority is uncertain as to whether or how a performance outcome applies to a development, the desired outcome(s) may inform its consideration of the relevance and application of a performance outcome, or assist in assessing the merits of the development against the applicable performance outcomes collectively.

Performance outcomes

Performance outcomes are policies designed to facilitate assessment according to specified factors, including land use, site dimensions and land division, built form, character and hazard risk minimisation.



Designated performance features

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies. (underlining added)

DPFs are provided for general guidance. They are not mandatory. What matters most is the satisfaction of Performance Outcomes.

Land Use

The following provisions of the Rural Zone are most relevant to the land use assessment:

Desired Outcomes

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.

Performance Outcomes*Land Use and Intensity*

PO 1 - The productive value of rural land for a range of primary production activities and associated value adding, processing, warehousing and distribution is supported, protected and maintained.

Although a 'store' is not specifically listed as a land use in DPF 1.1, the storage and distribution of primary produce is clearly contemplated in the Rural Zone to support the economic prosperity of South Australia. It is generally considered to support diversification of existing businesses as a form of value-adding.

Some other similar or relevant forms of development are listed in DPF 1.1, including agricultural building, farming, horticulture, renewable energy facility, transport distribution and warehouse. Not all of these are defined in the Code, but some are, including:

- Store - means a building or enclosed land used for the storage of goods and within or upon which no trade (whether wholesale or retail) or industry is carried on.
- Agricultural building – means a building used wholly or partly for purposes associated with farming, commercial forestry, intensive animal husbandry, dairying or horticulture, or to support the operations of that use, but does not include frost fans or a building used wholly or partly for any of the following:
 - a) the processing or packaging of commodities
 - b) the housing of animals for the purposes of intensive animal husbandry
 - c) the purposes of a dairy.



It includes - farm shed; farm silo; horticultural shed; hay shed; implement shed; pump shed.

- Warehouse - Means a building or enclosed land used for the storage of goods and the carrying out of commercial transactions involving the sale of such goods, but does not include any land or building used for sale by retail. It excludes a store.
- Farming - means cropping, grazing or low intensity animal husbandry.
- Horticulture – means the use of land for market gardening, viticulture, floriculture, orchards, wholesale plant nurseries or commercial turf growing.

The proposed development is not a warehouse, as it does not include the carrying out of commercial transactions. It is best considered as a store, although limited to the storage of primary produce in the form of potatoes and possibly also onions, rather than general storage. In that sense, it is also similar to an agricultural building in the form of a horticultural shed, although there may be an expectation of that being more ancillary to a horticultural use on the site or adjoining land, rather than storing primary produce from surrounding rural areas in the broader region.

Rural Industry

PO 4.1 - 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.

DPF 4.1 - Industries, storage, warehousing, produce grading and packing and transport distribution activities and similar activities (or any combination thereof):

- a) are directly related and ancillary to a primary production use on the same or adjoining allotment*
- b) are located on an allotment not less than 20ha in area*
- c) have a total floor area not exceeding 500m².*

The wording of this provision is unclear as to whether it only refers to industry as being small scale, rather than also storage, transport distribution etc. While the site is double the minimum 20ha area to satisfy clause (b) of the DPF, it doesn't satisfy clause (a) as the primary produce being stored is from further away than the same or adjoining allotments. Clause (c) is not satisfied either, as the total floor area is far greater than 500m².

While not satisfying the DPF, the proposal can still be assessed against the PO if relevant. The potato storage facility is not considered to be small scale, so either the PO is not satisfied or is irrelevant if it intends for storage etc to also be small scale (as it does with industries), or it can otherwise be considered to provide opportunities for diversification and value adding to locally sourced primary production activities. On balance, it is not considered that this provision is directly relevant to this proposal, being more intended for smaller scaled operations to diversify or value-add on the same land or very close to where primary produce is grown. Rather, the following PO 4.2 seems to deliberately complement 4.1, providing guidance for assessing larger scale rural industries:

PO 4.2 - Expansion of established small-scale or new large scale industry (including beverage production and washing, processing, bottling and packaging activities), storage, warehousing, produce grading and packing, transport distribution or similar activities:



- a) *are commensurate with the allotment on which it is situated to mitigate adverse impacts on the amenity of land in other ownership and the character of the locality*
- b) *realise efficiencies in primary production related storage, sorting, packaging, manufacturing and the like*
- c) *primarily involve primary production commodities sourced from the same allotment and /or surrounding rural areas.*

This provision is considered to be particularly important in relation to whether the proposed land use and scale is acceptable. It contemplates new large scale rural industries, including storage, packing, transport and distribution or similar activities, subject to the three criteria that follow:

- Clause (a) needs some further assessment below, but is generally capable of being satisfied given the 40ha size of the allotment and generous setbacks from boundaries.
- Clause (b) is considered to be satisfied, as the intention is for Lamb Weston to realise efficiencies in primary production related storage, in the form of raw storage of potatoes from surrounding rural areas, before being transported to other Lamb Weston production factories.
- Clause (c) needs some consideration of whether the storage primarily involves primary production commodities sourced from surrounding rural areas. The applicant advises the potatoes will initially be sourced from Tarpeena (approx. 10km away), Kalangadoo (approx. 20km) and Mount Benson (approx. 100km), with additional potatoes sourced from outside these areas when required. It is unclear exactly what is meant in the PO by 'surrounding rural areas', but the proposed areas are certainly within the Limestone Coast region of southeast South Australia, and will more generally support the economic prosperity of the state as sought by the first Desired Outcome for the Rural Zone. In time, and particularly by 2030, it is expected that further efficiencies will be realised by additional potato growing areas closer to the storage facility.

Some of the representations suggested the development should be located in a different zone such as an employment-type zone. Such a zone would be generally suitable for a storage land use, subject to assessment of considerations such as access, building scale and other impacts. However, it is not the role of development assessment to identify, arrange and design the most suitable site and proposal. Rather, the task is to assess a development application against the relevant provisions of the Planning and Design Code, and to determine whether or not is acceptable.

Siting and Design

PO 2.1 - Development is provided with suitable vehicle access.

DPF 2.1 - Development is serviced by an all-weather trafficable public road.

The traffic engineering evidence from MFY is that the development is provided with suitable vehicle access and serviced by an all-weather trafficable public road for the types of vehicles accessing the site. It has been designed for B-Double and semi-trailer trucks, which are able to use Peweena Road and the network linking back to Riddoch Highway.

PO 2.2 - Buildings are generally located on flat land to minimise cut and fill and the associated visual impacts.

DPF 2.2 - Buildings:

- a) *are located on sites with a slope not greater than 10% (1-in-10)*
- b) *do not result in excavation and/or filling of land greater than 1.5m from natural ground level.*



PO 2.2 is generally satisfied. The site is relatively flat with a slope of less than 10%. The Tonkin Stormwater Management Plan includes a 2m deep retention basin, but this is considered to be acceptable in the context of the site and development, and is similar to a farm dam. Being designed by expert engineers will also ensure appropriate stormwater management with regard to environmental matters including groundwater. The plan includes management and maintenance recommendations that can be referenced with a condition of consent.

Excavation and/or filling of land for buildings is unlikely to be greater than 1.5m from natural ground level, or if it is, it will only be relatively insignificant excavation that will reduce the vertical profile of buildings. A reserved matter for a more detailed siteworks plan is recommended to confirm the final extent of earthworks required, with suitable batters, landscaping etc to the satisfaction of the Assessment Manager.

PO 4.3 - 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.

DPF 4.3 - Buildings and associated activities:

- a) are set back at least 100m from all road and allotment boundaries*
- b) are not sited within 200m of a sensitive receiver in other ownership*
- c) have a building height not greater than 10m above natural ground level*
- d) incorporate the loading and unloading of vehicles within the confines of the allotment.*

DPF 4.3 is close to being satisfied and PO 4.3 is considered to be acceptably satisfied. Only the weighbridges are not set back at least 100m from the road boundary, and together with the small office and amenities buildings, will be within 100m of the southern allotment boundary. However, these buildings will have relatively minor visual impacts given their low heights, generous setbacks behind substantial proposed landscaping, and distances of well beyond 200m to sensitive receivers. Only the ridge height of the potato storage buildings is slightly greater than 10m above natural ground level, and all loading and unloading will be onsite.

Offices

PO 7.1 - Offices are directly related to and associated with the primary use of the land for primary production or primary production related value adding industry.

DPF 7.1 - 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 area of the office/lunchroom building is only 18m² and its use is ancillary to the storage of primary produce.

Built Form and Character

PO 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 provisions above can also be assessed together with Rural Zone PO 4.2(a) further above, about rural industries being 'commensurate with the allotment on which it is situated to mitigate adverse impacts on the amenity of land in other ownership and the character of the locality'.

These are large buildings and it is acknowledged they are not typical of the locality. However, they are contemplated by the Code provisions for the Rural Zone, and are designed and sited to reduce impacts on scenic and rural vistas. They are:

- commensurate with the large 40ha allotment on which they are situated
- have substantial setbacks from all road and property boundaries as well as sensitive receivers
- will be screened by substantial landscaping buffers along the southern and western boundaries
- use low-reflective materials and finishes that blend with the surrounding landscape, including the amended colours of Ironstone for the front machinery shed and Pale Eucalypt for the potato storage sheds
- are located below ridgelines.

General Development Policies - Transport, Access and Parking

PO 1.1 - Development is integrated with the existing transport system and designed to minimise its potential impact on the functional performance of the transport system.

PO 1.2 - Development is designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive receivers.

PO 2.1 - Sightlines at intersections, pedestrian and cycle crossings, and crossovers to allotments for motorists, cyclists and pedestrians are maintained or enhanced to ensure safety for all road users and pedestrians.

PO 3.1 - Safe and convenient access minimises impact or interruption on the operation of public roads.

PO 3.3 - Access points are sited and designed to accommodate the type and volume of traffic likely to be generated by the development or land use.

PO 3.4 - Access points are sited and designed to minimise any adverse impacts on neighbouring properties.

PO 3.8 - Driveways, access points, access tracks and parking areas are designed and constructed to allow adequate movement and manoeuvrability having regard to the types of vehicles that are reasonably anticipated.

As above, the traffic engineering evidence from MFY is that the development is provided with suitable vehicle access and serviced by an all-weather trafficable public road for the types of vehicles accessing the site. It has been designed for B-Double and semi-trailer trucks, which are able to use Peween Road and the network linking back to Riddoch Highway.

There will be some sensitive receivers along this route in the form of rural living dwellings affected by the trucks accessing the facility. However, these are generally dwellings in a Rural Zone rather than a residential-type zone, where a variety of impacts from rural operations are to be expected at different times of year. The truck movements are only for the loading and unloading periods and just a few per hour at peak periods, on a road network that has been acknowledged as being suitable for these vehicles.

The access, parking, manoeuvring etc have all been confirmed by MFY to be suitable and will not adversely impact on neighbouring properties. Some vegetation within the road verge will need



pruning and/or removal to achieve safe sight distances in accordance with relevant standards. This vegetation is not indigenous or of significance, and will be more than replaced by the vegetated buffer being planted within the property boundaries.

Interface Between Land Uses

DO 1 - Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

PO 1.2 - Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.

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

DPF 4.1 - 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.*

PO 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 7.1 - Development is designed and comprised of materials and finishes that do not unreasonably cause a distraction to adjacent road users and pedestrian areas or unreasonably cause heat loading and micro-climatic impacts on adjacent buildings and land uses as a result of reflective solar glare.

PO 9.5 - Sensitive receivers are located and designed to mitigate the potential impacts from lawfully existing facilities used for the handling, transportation and storage of bulk commodities (recognising



the potential for extended hours of operation) and do not prejudice the continued operation of these activities.

Interface With Rural Activities

Sensitive receivers are located away from the boundary of a site used for the handling, transportation and/or storage of bulk commodities in other ownership in accordance with the following:

- a) 300m or more, where it involves the handling of agricultural crop products, rock, ores, minerals, petroleum products or chemicals to or from any commercial storage facility*

The provisions above can also be assessed together with Rural Zone PO 4.2(a) further above, about rural industries being 'commensurate with the allotment on which it is situated to mitigate adverse impacts on the amenity of land in other ownership and the character of the locality'.

These interface issues are all considered to have been suitably addressed and responded to by the expert reports provided. Concerns including noise, traffic, lighting etc were understandably raised by representors. However, these impacts are not considered to be unreasonable in the context of the Rural zoning, where dwellings cannot expect the same level of amenity as a residential-type zone. The traffic and noise impacts from the loading and unloading times are generally only for up to a few months each year during daylight hours. Further, there are no dwellings within 300m of the buildings or driveway. Noise and lighting can also be covered by conditions referring to the relevant Environment Protection (Noise) Policy and Australian Standards.

Overlays and other General Development Policies

The planning report and responses from Frank Brennan and MFY, together with the stormwater management plan from Tonkin, are considered to appropriately assess and respond to the other relevant planning and representor issues applicable the relevant Overlays and other General Development Policies in the Code.

CONCLUSION

The proposed development is not seriously at variance with the provisions of the Planning and Design Code. A store is performance assessed in the Rural Zone and while this proposal is large in scale, it is specifically contemplated by Performance Outcome 4.2 for the Zone:

Expansion of established small-scale or new large scale industry (including beverage production and washing, processing, bottling and packaging activities), storage, warehousing, produce grading and packing, transport distribution or similar activities:

- a) are commensurate with the allotment on which it is situated to mitigate adverse impacts on the amenity of land in other ownership and the character of the locality*
- b) realise efficiencies in primary production related storage, sorting, packaging, manufacturing and the like*
- c) primarily involve primary production commodities sourced from the same allotment and /or surrounding rural areas.*

The proposed land use and building work is considered to be commensurate with the large 40ha allotment on which it is situated, with more than half of the allotment available for continued farming use. The proposed operations, traffic management, generous setbacks and landscaping will mitigate adverse impacts on the amenity and character of the locality. It will realise efficiencies for Lamb Weston Australia by storing a primary production commodity in the form of potatoes and possibly also onions, predominantly sourced from surrounding rural areas in the Limestone Coast region of southeast South Australia.



INVITES

The Representor - Mr Dennis Bald

The Representor - Ms Karen Neil

The Representor - Mr Owen Wales (also representing Mr Lance Walkom and Mr Allan and Mrs Julie Wilkinson)

The Representor - Mr Steven Lamb

The Representor - Mr David and Mrs Alison Telford

The Applicant - Lamb Weston Australia Pty Ltd

ATTACHMENTS

1. Application Documents
2. Subject Land Map
3. Zoning Map
4. Representation Map
5. Representations
6. Response to Representations and Additional Information
7. Appendix 1 - P & D Code



7 URGENT MOTIONS WITHOUT NOTICE

8 MEETING CLOSE