



City of  
Mount Gambier



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

**Date:** Thursday, 15 February 2024  
**Time:** 5.00 p.m.  
**Location:** Council Chamber  
Civic Centre  
10 Watson Terrace  
Mount Gambier

# **AGENDA**

## **Limestone Coast Southern Regional Assessment Panel 15 February 2024**

**Tracy Tzioutziouklaris  
Assessment Manager  
8 February 2024**

## 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 - 14 December 2023

**RECOMMENDATION**

That the minutes of the Limestone Coast Southern Regional Assessment Panel meeting held on 14 December 2023 be confirmed as an accurate record of the proceedings of the meeting.

**4 QUESTIONS WITHOUT NOTICE****5 INVITEES****Invitees for Item 6.1 - 381-385 Commercial Street West, Mount Gambier**

The Applicant - Frank Brennan Consulting Services

**Invitees for Item 6.2 - Lot 32 Pinehall Avenue, Suttontown**

The Representor - Alex Trnovsky

The Applicant - Frank Brennan Consulting Services

**Invitees for Item 6.3 - Unit 20/184 Jubilee Highway West, Mount Gambier**

The Representator - Kristie Pearson

The Applicant - Natasha Srpac

**6 REPORTS****6.1 DA:23030834 - 381-385 COMMERCIAL STREET WEST, MOUNT GAMBIER - REVIEW OF COUNCIL DECISION – REPORT NO. AR23/88979**

**Development No:** DA23030834  
**Applicant:** Thomson Bilt  
**Property Address:** 381-385 Commercial Street West, Mount Gambier  
**Property Owner:** Peter Whitehead Properties  
**Report No:** AR23/88979  
**CM9 Reference:** AF22/276  
**Author:** Roslyn Snaauw, Senior Planner  
**Authoriser:** Tracy Tzioutziouklaris, Assessment Manager  
**Nature of Development:** to construct two (2) warehouses  
**Description:** to construct two (2) warehouses  
**Zoning:** Strategic Employment Zone  
**Policy Area:** City of Mount Gambier  
**Heritage:** N/A

**REPORT RECOMMENDATION**

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/88979 titled 'DA:23030834 - 381-385 Commercial Street West, Mount Gambier - Review of Council Decision' as presented on 15 February 2024 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 seriously at variance with the provisions of the Planning and Design Code; and
  - b) Uphold Councils decision to Refuse Planning Consent for Development Application Number 23030834, by Frank Brennan Consulting Services, for the following reasons:
    - i. The proposed development is seriously at variance to the provisions of the Planning and Design Code.
    - ii. The proposed development does not ensure orderly and proper development.
    - iii. The proposed development does not improve or enhance the amenity and character of the area.





## BACKGROUND

Pursuant to delegated authority, Planning Consent was refused by Notice dated 7<sup>th</sup> December 2023 for this Development Application seeking to construct two (2) warehouses at 381-385 Commercial Street West, Mount Gambier.

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

## PROPOSED DEVELOPMENT

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

This application is for the construction of two (2) warehouses on the subject land which will be retaining the existing house and outbuildings.

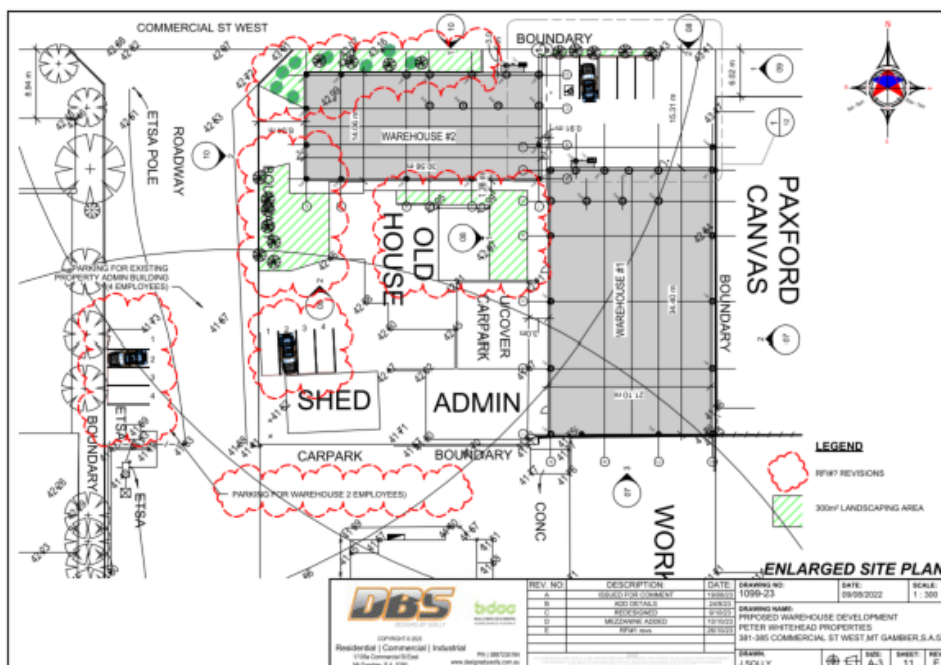


Figure 1: Proposed development

### Warehouse 2

This Warehouse will be forward of Warehouse 1 and will have a primary street/northern boundary setback of 2.9 metres with the entrance portico having a depth of 1.6 metres and setback 1.91 metres from Commercial Street West.

This Warehouse will have a northern elevation presenting to Commercial Street West having a length of 30.56 metres including the southern elevation length and the western and eastern elevation length of 14.06 metres.

The western elevation will be setback from the western boundary 6.04 metres and southern elevation setback from the existing house 1.2 metres.

- Floor area

This Warehouse will have a ground floor area of 495 square metres with a mezzanine floor area of 58 square metres.

- Wall height

The height of the proposed wall from ground level, presenting to Commercial Street West, will be 5.0 metres with an overall height of approximately 6.231 metres.

- Floor plan

The ground floor will contain a lunchroom, all accessible toilet, reception/admin area and an office all located to the front/northern section of the Warehouse.

A staircase will provide access to the upper level mezzanine floor.

- Elevations and Roof

The northern elevation to this Warehouse, facing Commercial Street West, will contain five (5) windows with an entry door provided to the office area that will have an entry portico constructed of galvanised steel UB angled column.

This elevation will contain a variety of external materials comprising feature cladding of James Hardie Scyon Axon Cladding for the office area and the Warehouse constructed of Colorbond Trimdek Cladding. A column for future signage is also being provided (no signage is proposed as part of this application).

The western elevation will be constructed of Colorbond Trimdek cladding and will contain a roller door with the eastern elevation containing a colorbond roller door and pedestrian door with Colorbond Trimdek cladding and feature cladding of James Hardie Scyon Axon cladding also provided in this elevation.

The southern elevation of this Warehouse will be constructed of Colorbond Trimdek cladding.

The roof will have a 10 degree pitch and will be constructed of Colorbond Trimdek roof cladding.

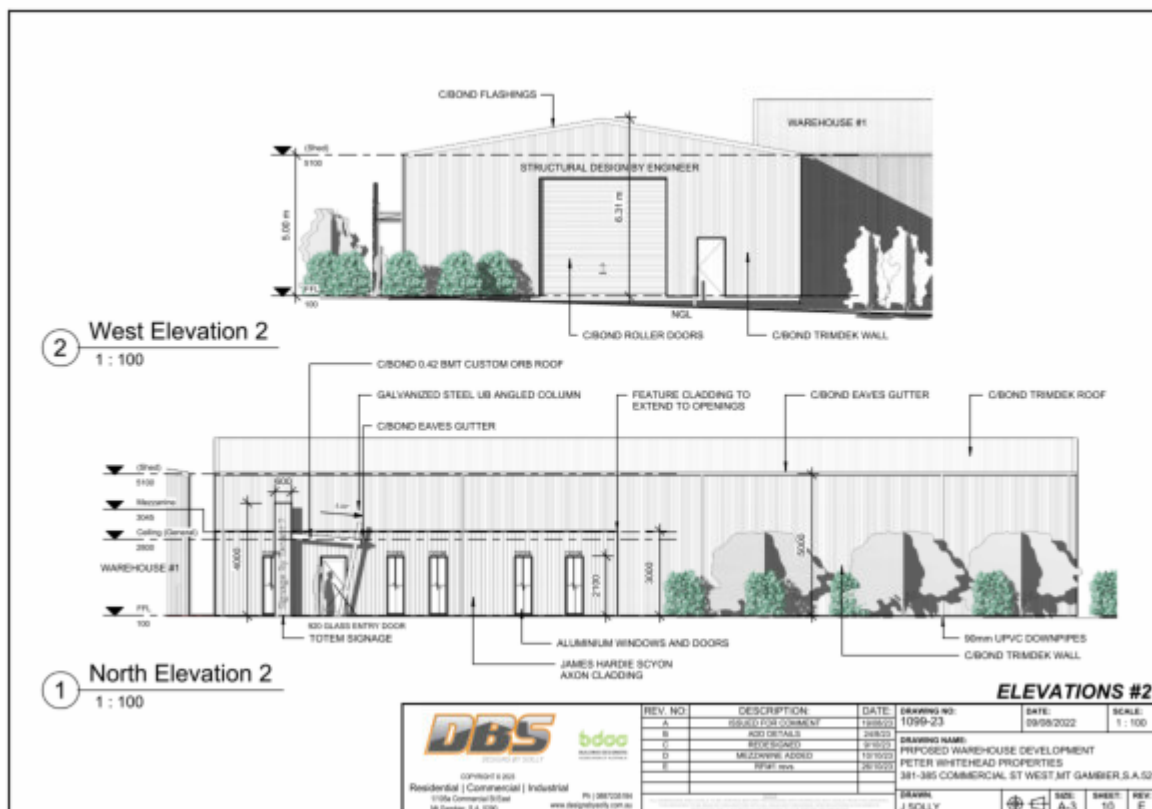


Figure 2: Proposed Warehouse 2

### Warehouse 1

This Warehouse will have an eastern elevation parapet boundary wall having a front boundary setback from Commercial Street West of approximately 12.0 metres and the northern elevation of this Warehouse having a front boundary setback from Commercial Street West of 15.36 metres. The eastern elevation will be constructed along the eastern boundary for a length of 37.4 metres with the southern elevation constructed along the southern boundary for a length of 21.10 metres.

The western elevation will be setback from the existing admin building 3.0 metres and setback 0.91 metres from proposed Warehouse 2 to the west.

- Floor area

This Warehouse will have a ground floor area of 685 square metres with a mezzanine floor area of 57 square metres.

- Wall height

The height of the proposed wall, from ground level, will be 5.0 metres with an overall height of approximately 7.0 metres.

- Floor plan

The ground floor will contain a lunchroom, all accessible toilet, reception/admin area and an office all located to the front/northern section of the Warehouse.

A staircase will provide access to the upper level mezzanine floor.

- Elevations and Roof

The northern elevation to this Warehouse will contain a 4.2 metre by 4.5 metre roller door, a pedestrian door to the Warehouse and five (5) windows with an entry door provided to the office area that will have an entry portico constructed of galvanised steel UB angled column.

This elevation will contain a variety of external materials comprising feature cladding of James Hardie Scyon Axon Cladding for the office area and the Warehouse constructed of Colorbond Trimdek Cladding. A column for future signage is also being provided (no signage is proposed as part of this application).

The western and eastern elevations will be constructed of Colorbond Trimdek cladding with the western elevation containing two (2) pedestrian doors.

Most of the southern elevation of this Warehouse will have no cladding as it will use the abutting masonry wall from the adjoining land for this elevation.

The roof will have a 10 degree pitch and will be constructed of Colorbond Trimdek roof cladding.



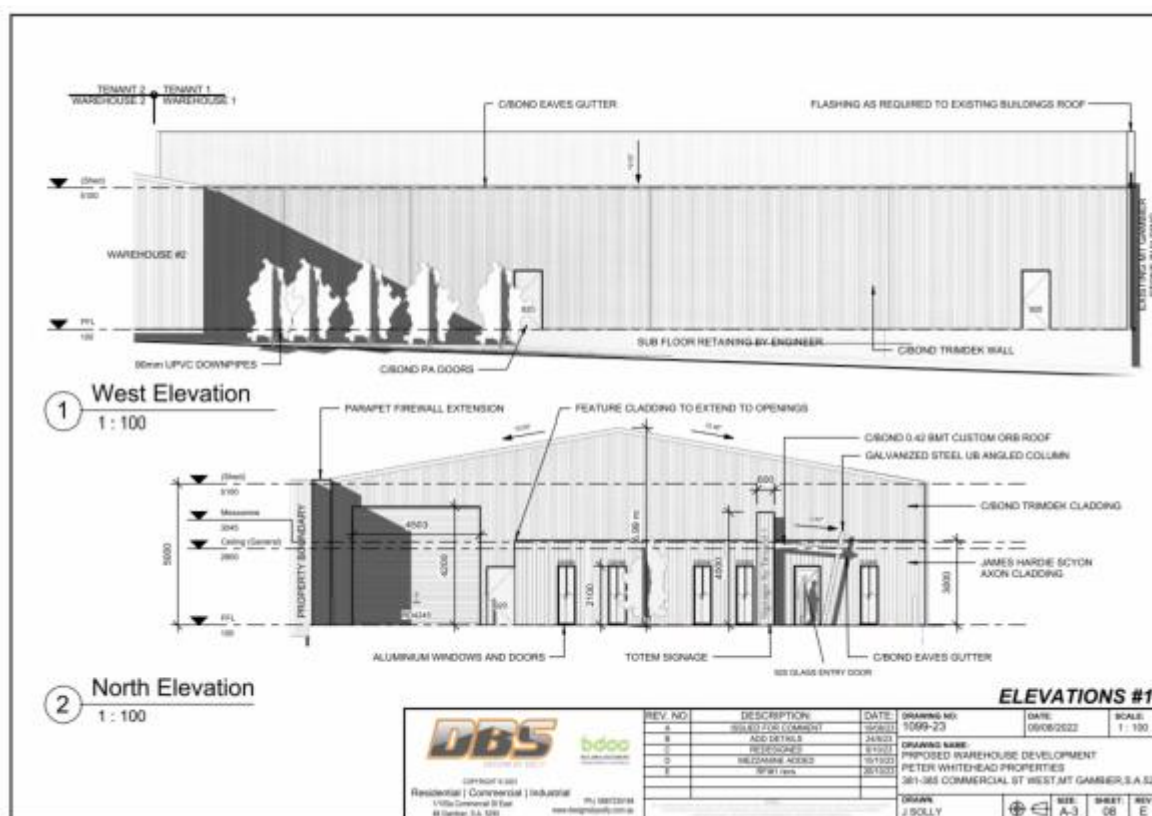


Figure 3: Proposed Warehouse 1

It is also being proposed that five (5) car spaces will be provided within the north eastern corner of the subject land with the only existing vehicle access to the subject land, being provided from Commercial Street West in this corner. One (1) of the car spaces will be accessible car parking in accordance with AS2890.6 as shown in the Traffic Plan provided with this application.

The Application is also showing car spaces being provided to the rear of this development with the area of the house, shed and admin buildings that are being retained.

Further car spaces as being shown as being provided along the adjoining land owners driveway to the west (same owner as subject land however on a separate title).

Landscaping is being provided to the front of both Warehouses and the car parking area along the northern boundary to Commercial Street West.

### LOCATION OF DEVELOPMENT:

The subject land is located within the Strategic Employment Zone pursuant to the Planning and Design Code (the Code).

Surrounding Land is also located within this zone with land further to the west and south located within the Rural Living Zone.

Land to the north is used, and has been for some time, for the purpose of a timber processing facility.

The subject land contains two (2) access points to the north from Commercial Street West with further access provided from the land to the west and south which is a separate title but in the same ownership.

The subject land is currently developed with an old house and outbuildings that will be retained.





Figure 4: Zoning map of the area showing subject land highlighted in blue



Figure 5: Google earth aerial showing subject land and surrounding land

**Location reference:** 381-385 COMMERCIAL ST W MOUNT GAMBIER SA 5290

**Title ref.:** CT 5065/818 **Plan Parcel:** D26291 AL104 **Council:** CITY OF MOUNT GAMBIER

**CONSENT TYPE REQUIRED:**

Planning Consent

**CATEGORY OF DEVELOPMENT:**

- **PER ELEMENT:**  
Shed  
Shed: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed
- **REASON**  
P&D Code; warehouse

**PUBLIC NOTIFICATION**

Pursuant to Table 5(3)(h) of the Planning and Design Code, a Warehouse is exempt from public notification.

**PLANNING & DESIGN CODE POLICIES**

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

In assessing the merits of the proposal, Council have reviewed the Zone, Overlays, and General Development Policies as contained within the Design and Planning Code, Version 2023.17.

The following provisions of the Strategic Employment Zone most relevant to the proposed assessment are as follows:

## Part 2 – Zones and Sub Zones

**Strategic Employment Zone****Assessment Provisions (AP)**

Desired Outcome (DO)

Desired Outcome	
DO 1	A range of industrial, logistical, warehousing, storage, research and training land uses together with compatible business activities generating wealth and employment for the state.
DO 2	<p>Employment-generating uses are arranged to:</p> <ul style="list-style-type: none"> <li>(a) support the efficient movement of goods and materials on land in the vicinity of major transport infrastructure such as ports and intermodal freight facilities</li> <li>(b) maintain access to waterfront areas for uses that benefit from direct water access including harbour facilities, port related <u>industry</u> and warehousing, ship building and related support industries</li> <li>(c) create new and enhance existing business clusters</li> <li>(d) support opportunities for the convenient co-location of rural related industries and allied businesses that may detract from scenic rural landscapes</li> <li>(e) be compatible with its location and setting to manage adverse impacts on the amenity of land in adjacent zones.</li> </ul>
DO 3	A pleasant visual amenity from adjacent arterial roads, adjoining zones and entrance ways to cities, towns and settlements.

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



Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature						
Built Form and Character							
<p>PO 3.1</p> <p>Development includes distinctive building, landscape and streetscape design to achieve high visual and environmental amenity particularly along arterial roads, zone boundaries and public open spaces.</p>	<p>DTS/DPF 3.1</p> <p>None are applicable.</p>						
<p>PO 3.2</p> <p>Building facades facing a boundary of a zone primarily intended to accommodate sensitive receivers, a public road, or public open space incorporate design elements to add visual interest by considering the following:</p> <ul style="list-style-type: none"> <li>(a) using a variety of building finishes</li> <li>(b) avoiding elevations that consist solely of metal cladding</li> <li>(c) using materials with a low reflectivity</li> <li>(d) using techniques to add visual interest and reduce large expanses of blank walls including modulation and incorporation of offices and showrooms along elevations visible to a public road.</li> </ul>	<p>DTS/DPF 3.2</p> <p>None are applicable.</p>						
<p>PO 3.3</p> <p>Buildings are set back from the <u>primary street</u> boundary to contribute to a consistent streetscape.</p>	<p>DTS/DPF 3.3</p> <p>Buildings setback from the <u>primary street</u> boundary in accordance with the following table:</p> <table border="1"> <thead> <tr> <th>Development Context</th><th>Minimum setback</th></tr> </thead> <tbody> <tr> <td>There is an existing building on both abutting sites sharing the same street frontage as the <u>site</u> of the proposed building.</td><td>The average setback of the existing buildings.</td></tr> <tr> <td>There is an existing building on only one abutting <u>site</u> sharing the same street frontage as the <u>site</u> of the proposed building and the existing building is not on a corner <u>site</u>.</td><td>The setback of the existing building.</td></tr> </tbody> </table> <p>For the purposes of DTS/DPF 3.3:</p> <ul style="list-style-type: none"> <li>(b) any proposed projections such as a verandah, porch, balcony, awning or bay window may encroach not more than 1.5 metres into the minimum setback prescribed in the table</li> </ul>	Development Context	Minimum setback	There is an existing building on both abutting sites sharing the same street frontage as the <u>site</u> of the proposed building.	The average setback of the existing buildings.	There is an existing building on only one abutting <u>site</u> sharing the same street frontage as the <u>site</u> of the proposed building and the existing building is not on a corner <u>site</u> .	The setback of the existing building.
Development Context	Minimum setback						
There is an existing building on both abutting sites sharing the same street frontage as the <u>site</u> of the proposed building.	The average setback of the existing buildings.						
There is an existing building on only one abutting <u>site</u> sharing the same street frontage as the <u>site</u> of the proposed building and the existing building is not on a corner <u>site</u> .	The setback of the existing building.						





Landscaping	
PO 5.1  Landscaping is provided along public roads and thoroughfares and zone boundaries to enhance the visual appearance of development and soften the impact of large buildings when viewed from public spaces and adjacent land outside the zone.	DTS/DPF 5.1  Other than to accommodate a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land, a landscaped area is provided within the development <u>site</u> (excluding any land required for road widening purposes):  (a) where a building is set back less than 3m from the street boundary – within the area remaining between a relevant building and the street boundary

The following provisions of Part 4 – General Development Policies most relevant to the proposed assessment are as follows:

## Part 4 – General Development Policies

### Design

#### 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 contributes to the character of the immediate area

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  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.	DTS/DPF 1.3  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)

### 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.
Industry/Employment Uses	
Warehouse	0.5 spaces per 100m2 total floor area.

## PLANNING ASSESSMENT

The subject land is located within the Strategic Employment Zone and this application is for the proposed construction of two (2) warehouses on the subject land that is developed with an existing dwelling and outbuildings.

A Desired Outcome DO 1 for this Zone is *a range of industrial, logistical, warehousing, storage, research and training land uses together with compatible business activities generating wealth and employment for the state*. The use of the site for Warehouse is an envisage use pursuant to the Zone.

The Planning and Design Code recommends that a 'Warehouse' is to provide 0.5 car spaces per 100 square metre of total floor area. The proposal is for two (2) warehouses that will have a combined total floor area of 1,295 square metres and as such should provide six (6) car spaces on site. This application is proposing to provide five (5) car spaces on site with one (1) being an accessible car parking space. The application also states that they envisage that there will be 24 employees. Council consider that the provision of five (5) car spaces is sufficient for this application.

Pursuant to the Zone, the Built Form and Character has a Performance Outcome PO 3.1 that *development includes distinctive building, landscape and streetscape design to achieve high visual and environmental amenity* with Performance Outcome PO 3.2 *building facades facing...a public road... incorporate design elements to add visual interest by considering the following:*

- Using a variety of building finishes*
- Avoiding elevations that consist solely of metal cladding*
- Using materials with a low reflectivity*
- Using techniques to add visual interest and reduce large expanses of blank walls including modulation and incorporation of offices and showrooms along elevations visible to a public road.*



Performance Outcome 3.3 of this Zone provides that *buildings are setback from the primary street boundary to contribute to a consistent streetscape* with a Designated Performance Feature DPF 3.3 that *buildings setback from the primary street boundary in accordance with:*

*There is an existing building on abutting sites sharing both abutting sites sharing the same street frontage as the site of the proposed building – minimum setback is the average of the existing buildings.*

*There is an existing building on only one abutting site sharing the same street frontage as the site of the proposed building and the existing building is not a corner site – minimum setback is the setback of the existing building.*

With:

*Any proposed projections such as a ...porch...may encroach not more than 1.5 metres into the minimum setback prescribed above.*

Warehouse 2 is proposed to be setback from the front/primary street boundary Commercial Street West approximately 2.9 metres with a porch with a width of 1.6 metres encroaching on this front setback. This Warehouse will have a wall height of 5.0 metres and an overall height of 6.23 height facing Commercial Street West. The length of this wall along Commercial Street West will be 30.56 metres.

Whilst a variety of materials are being proposed to the façade of Warehouse 2 facing Commercial Street the proposed setback does not comply with what the Code is recommending with the existing building on the abutting site to the east having a front boundary setback being shown as 6.02 metres.

It should be noted that the building to the west abutting the driveway separating the two sites has a front boundary setback of approximately 18.46 metres.

The minimal boundary setback of Warehouse 2 including the length and height of the northern elevation is not consistent with the existing streetscape and although the porch has a minor encroachment, the overall effect of the Warehouse will impact on the visual amenity of the neighbourhood with any proposed landscaping unlikely to enhance the visual appearance of the development or to soften the impact of the proposed large warehouse when viewed from Commercial Street West.

Council has determined that the proposal will not be in context to the character of the neighbourhood with performance outcomes as detailed in the Zone and Policies of the Planning and Design Code not being achieved as detailed above in this Report.

## CONCLUSION

For the reasons provided above in this Report and having consideration to the Planning and Design Code, this development is seriously 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 this Report.

## INVITES

The Applicant - Frank Brennan Consulting Services

## ATTACHMENTS

1. Application to Assessment Panel
2. DAP at time of submission snapshot
3. Decision Notification Form
4. Planning and Design Code
5. Planning Assessment Report
6. Stamped Plans



**6.2 DA:23024465 - LOT 32 PINEHALL AVENUE, SUTTONTOWN - RETAIL SHOPPING CENTRE  
– REPORT NO. AR24/692**

**Development No:** DA23024465

**Applicant:** Limestone Estate Pty Ltd - Primary Contact Frank Brennan Consulting Services

**Property Address:** Lot 32 Pinehall Avenue, Suttontown

**Property Owner:** Limestone Estate Pty Ltd

**Report No:** AR24/692

**CM9 Reference:** AF22/276

**Author:** Roslyn Snaauw, Senior Planner

**Authoriser:** Tracy Tzioutziouklaris, Assessment Manager

**Nature of Development:** Performance Assessed/Public Notification

**Description:** Use and development for a retail shopping centre (5 shops) and consulting rooms (4 consulting rooms) with associated carparking & landscaping

**Zoning:** Suburban Neighbourhood Zone

**Policy Area:** City of Mount Gambier

**Heritage:** N/A

#### **REPORT RECOMMENDATION**

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR24/692 titled 'DA:23024465 - Lot 32 Pinehall Avenue, Suttontown - Retail Shopping Centre' as presented on 15 February 2024 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 determined the development is not seriously at variance to the provisions of the Planning and Design Code and Planning Consent be granted subject to the following conditions:

##### Conditions

##### Condition 1

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

##### Condition 2

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

##### Condition 3

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

##### Condition 4



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

**Condition 5**

The car parking spaces shall measure not less than 2.6 metres in width and 5.5 metres in length and shall be line-marked and maintained in a useable condition at all times.

**Condition 6**

The car parking space for people with a disability shall be appropriately identified, line marked and maintained within the car parking areas.

**Condition 7**

All vehicle car parks, driveways, vehicle entry and maneuvering areas must be designed, constructed and maintained in accordance with Australian Standards (AS/NZ 2890.1:2004 and AS/NZS 2890.6.2009).

**Condition 8**

Provisions shall be made for the disposal of stormwater and surface drainage to the reasonable satisfaction of Council.

**Condition 9**

Landscaping shall be undertaken and maintained at all times.

**Condition 10**

All waste materials and refuse shall be contained within the proposed building or alternatively a screened holding place for waste materials and refuse containers shall be provided and maintained on the site of the development at all times.

**Condition 11**

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

**Condition 12**

All fences shall be constructed in accordance with the approved plans and be maintained in a useable condition at all times.

**Condition 13**

All waste materials and refuse accumulated on the allotment shall be removed on a regular basis.

**Condition 14**

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**

**Planning Consent**

**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 an irregular allotment that has an overall area of 31.55 hectare with access from Pinehall Avenue to the north and Suttontown Road to the east.

The allotment is subject to a residential land division 381.D003.16 for 345 allotments over eight (8) stages that infrastructure is now under construction.

Planning Consent DA:23024462 has been provided for the construction of a Child Care Centre and associated carparking & landscaping along Pinehall Avenue to the north.

## **PROPOSED DEVELOPMENT**

This application is for the use and development for a Retail Shopping Centre (5 shops) and Consulting Rooms (4 consulting rooms) with associated carparking & landscaping. The proposed development will be located in the south-eastern corner of the subject land.

The development will be north of newly created Federation Drive on a corner allotment with Suttontown Road.

Separate access is being proposed from Federation Drive to access the proposed Consulting Rooms and Retail Shopping Centre with a 1.8 metre high timber fence surrounding the proposed uses.

Basic landscaping is being proposed around the periphery of the site with small landscaping beds proposed and will include such vegetation as advanced species of Jacaranda Trees (4) & Tuckeroo trees (4) with Lomandra 'Tanika' and Agave Attenuata 'Blue Glow' also proposed as small plants.

### **Consulting Rooms**

It is proposed to construct consulting rooms within an allocated area of 1,220 square metres that will have a 2.0 metre northern boundary setback, 1.5 metres western boundary setback to the car parking area with an approximate 16.0 metre front boundary setback to Federation Drive and the proposed building entrance facing south.

This building will contain four (4) consulting rooms, a reception area, toilets, staff room, admin area, storeroom, lab and a DPG room. Eighteen (18) car spaces with one (1) car space provided as an all accessible car space with seven (7) pole mounted lighting to be located around the perimeter of the car parking area.

The floor area of the Consulting Rooms will be 300.14 square metres with a floor to ceiling height to be 2.7 metres and an overall height from floor level of approximately 5.7 metres with a roof pitch of 22.5 degree.

External finishes include Austral Bricks in the color of Industrial Iron, render finish at the entrance in the color of 'Surfmist'. The roof will be Monier tile roofing in the color of 'Sambuca'.

### **Access & driveway**

Entry and exit to the Consulting Rooms will be to the south from Federation Drive with an entrance/exit width of 6.4 metres.

Three (3) car spaces will be located to the east of the 16.0 metre long driveway including the all accessible car space, with the remaining fifteen (15) car spaces located toward the western boundary.

### **Retail Shopping Centre**

It is proposed to construct a building that will have a built area of 526 square metres that will contain five (5) retail shops within an allotted area of 1,857.86 square metres.

The retail building will be setback 3.0 metres from the northern boundary and 3.0 metres from the eastern boundary to Suttontown Road and approximately 24.9 metres from the primary street southern boundary, Federation Drive.

Waste bins and the loading bay area will be located to the west of the building with twenty-four (24) car spaces being provided with one (1) of these an all accessible car space





Four (4) of the retail shops will have a floor area of 105 square metres with the eastern shop closest to Suttontown Road having a floor area of 106 square metres. All shops will contain a toilet.

The floor to ceiling height of this structure will be 2.7 metres with an overall height from floor level of approximately 6.0 metres with a roof pitch of 22.5 degree.

All elevations will have a parapet wall with external finishes of Austral Bricks in the color of Industrial Iron, render finish in the color of 'Surfmist', metal cladding in the color of 'Monument'. The roof will be Monier tile roofing in the color of 'Sambuca'.

The southern elevation will contain glass panels along each individual shop front and entrance.

### **Access**

Entry and exit to the Retail Shops will be to the south from Federation Drive with an entrance/exit width of 6.4 metres.

### **Waste Storage**

A bin enclosure and loading zone is located toward the west of the shops.



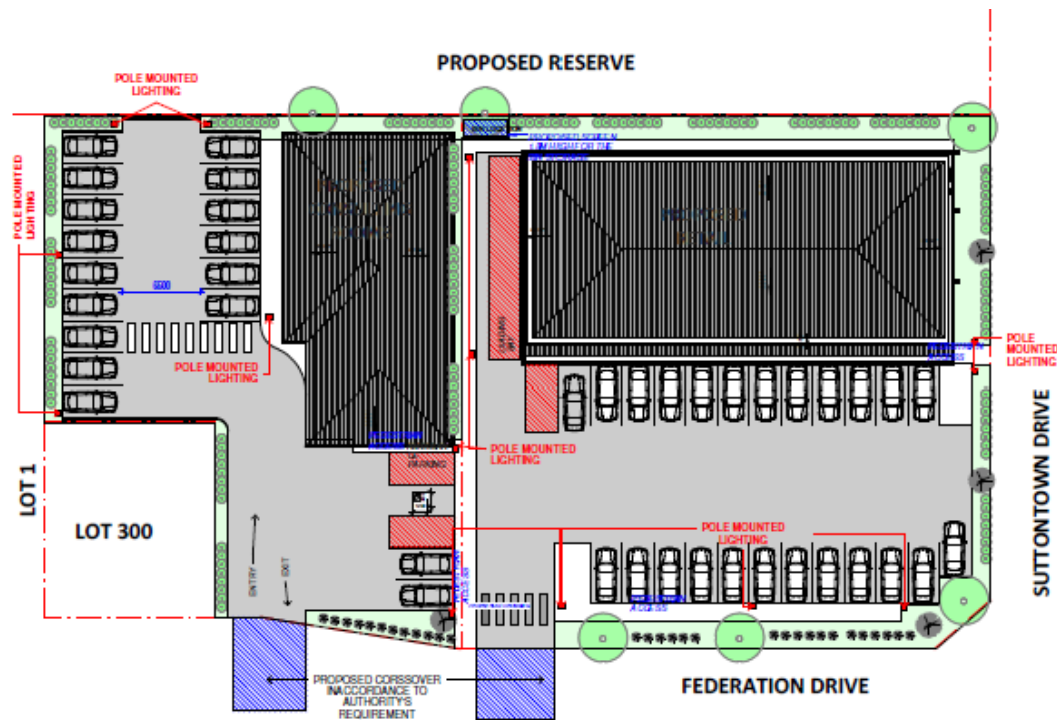


Figure 1: Proposed development

#### LOCATION OF DEVELOPMENT:

The land is located within the Suburban Neighbourhood Zone as identified by the Planning and Design Code, Version 2023.19 at time of assessment.

The subject land is an irregular allotment that has an overall area of 31.55 hectare with access from Pinehall Avenue to the north and Suttontown Road to the east.

The allotment is subject to a residential land division for 345 allotments over eight (8) stages that is currently having infrastructure installed.

Land to the north of Pinehall Avenue is located in the District Council of Grant and is zoned for rural purposes with land to the southeast located in the Strategic Employment Zone and is used for the purpose of a timber mill and land to the south west of the proposed development used as an Educational Facility.



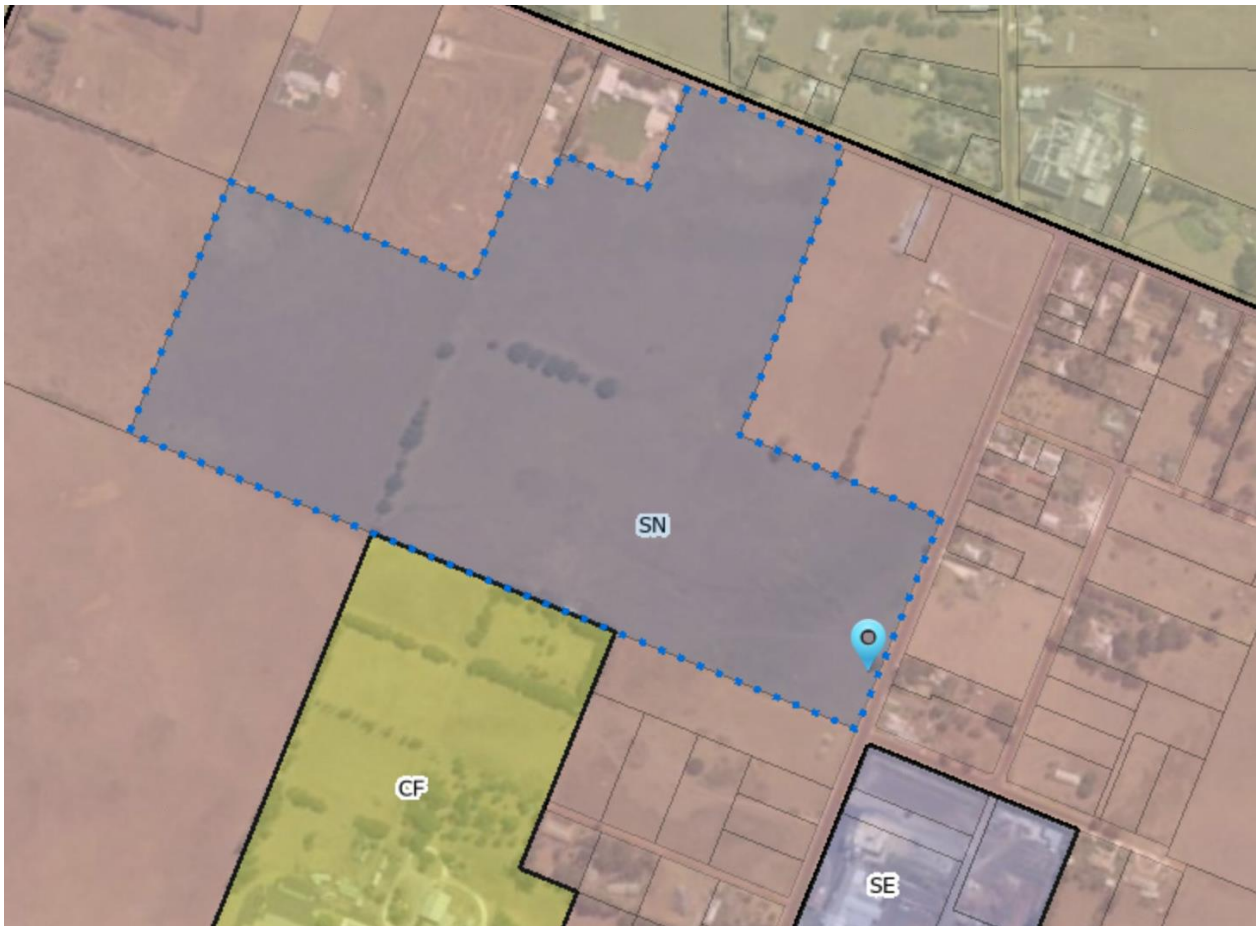


Figure 2: Subject land and area for development located where blue dot is located.

**Location reference:** LOT 32 PINEHALL AV SUTTONTOWN SA 5291

**Title ref.:** CT 6168/943 **Plan Parcel:** D88610 AL32 **Council:** CITY OF MOUNT GAMBIER

### CONSENT TYPE REQUIRED:

Planning Consent

### CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**  
Consulting room: Code Assessed - Performance Assessed  
Shop: Code Assessed - Performance Assessed if gross leasable floor area is less than 1000 square metres.
- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed
- **REASON**  
Consulting Rooms - 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.  
Shop – Is Impact Assessed – Restricted if the exclusion does not apply that the gross leasable floor area is less than 1000 square metres.

### PUBLIC NOTIFICATION

This application for use and development for a Retail Shopping Centre (5 shops) and Consulting Rooms (4 consulting rooms) with associated carparking & landscaping was placed on public notification pursuant to Table 5 of the Planning and Design Code



Five (5) adjoining landowners/occupiers were notified of the development with the proposal on public notification from the 4 December 2023 until 11:59pm on 22 December 2023.

One (1) representation was received as detailed below:

### Representations

A full detailed copy of the Representation is provided in the Attachments.

Name	Address (if known)	Stakeholder Position	Issues	Request to be heard
Alex Trnovsky	130 Suttontown Road, Suttontown	Opposes the development	Location of shops, shop vacancy and encroachment into reserve	Yes

### Applicant Response to Representation

Location of shopping centre and consulting rooms is to service the residents of the Limestone Estate subdivision and adjacent residential areas along Suttontown Road with proximity of existing shopping facilities and vacant shops in Mount Gambier not relevant.

The proposed development does not include or encroach onto any park/reserve land within the approved land division.

### AGENCY REFERRALS

N/A

### INTERNAL REFERRALS

This application was referred internally to Council's Engineering Department, Abdullah Mahmud, who has not responded to the application.

### PLANNING & DESIGN CODE POLICIES

In assessing the merits of the proposal, Council has reviewed the Zone, Overlays, and General Development policies as contained within the Design and Planning Code, Version 2023.19 (at time of Assessment Report).

### PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code.

#### 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 Planning and Design Code are most relevant to this proposal:

**Part 2 – Zones and Sub Zones****Suburban Neighbourhood Zone****Assessment Provisions (AP)**

Desired Outcome (DO)

Desired Outcome	
DO 1	Low density housing is consistent with the existing local context and development pattern. Services and community facilities contribute to making the neighbourhood a convenient place to live without compromising residential amenity and character.

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



Performance Outcome		Deemed-to-Satisfy Criteria / Designated Performance Feature	
Land Use and Intensity			
PO 1.1	Predominantly low density residential development with complementary non-residential uses compatible with a low density residential character.	DTS/DPF 1.1	Development comprises one or more of the following:  (a) <u>Ancillary accommodation</u> (b) <u>Child care facility</u> (c) <u>Community facility</u> (d) <u>Consulting room</u> (e) <u>Dwelling</u> (f) <u>Educational facility</u> (g) <u>Office</u> (h) <u>Place of Worship</u> (i) <u>Recreation area</u> (j) <u>Shop</u> (k) <u>Supported accommodation</u> .
PO 1.2	Commercial activities improve community access to services are of a scale and type to maintain residential amenity.	DTS/DPF 1.2	A <u>shop</u> , <u>consulting room</u> or <u>office</u> (or any combination thereof) satisfies any one of the following:  (c) is located more than 500m from an <u>Activity Centre</u> and satisfies one of the following: (i) does not exceed 100m <sup>2</sup> <u>gross leasable floor area</u> (individually or combined, in a single building) where the <u>site</u> does not have a frontage to a State Maintained Road (ii) does not exceed 200m <sup>2</sup> <u>gross leasable floor area</u> (individually or combined, in a single building) where the <u>site</u> has a frontage to a State Maintained Road
PO 1.3	Non-residential development located and designed to improve community accessibility to services, primarily in the form of:  (a) small-scale commercial uses such as offices, shops and consulting rooms	DTS/DPF 1.3	None are applicable.
PO 1.5	Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.	DTS/DPF 1.5	None are applicable.
Site coverage			
PO 3.1	Building footprints consistent with the character and pattern of a low-density suburban neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.	DTS/DPF 3.1	The development does not result in <u>site coverage</u> exceeding 50%.



Building Height

PO 4.1

Buildings contribute to a low-rise suburban character and complement the height of nearby buildings.

DTS/DPF 4.1

Building height (excluding garages, carports and outbuildings) is no greater than:

(a) the following:

Maximum Building Height (Metres)

Maximum building height is 8m

Maximum Building Height (Levels)

Maximum building height is 2 levels

(b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) – 2 building levels up to a height of 9m.

Primary Street Setback

PO 5.1

Buildings are setback from primary street boundaries consistent with the existing streetscape.

DTS/DPF 5.1

Buildings setback from the primary street boundary in accordance with the following table:

There is no existing building on either of the abutting sites sharing the same street frontage as the site of the proposed building.

8m

Secondary Street Setback

PO 6.1

Buildings are set back from secondary street boundaries (not being a rear laneway) to maintain a pattern of separation between buildings and public streets and reinforce streetscape character.

DTS/DPF 6.1

Building walls are set back at least 900mm from the boundary of the allotment with the secondary street frontage, or if a building (except for ancillary buildings and structures) on adjoining allotment is closer to the secondary street than 900mm, not less than the distance of that building from the boundary with the secondary street.

Side Boundary Setback

PO 8.1

Buildings are set back from side boundaries to provide:

(a) separation between buildings in a way that complements the character of the locality

(b) access to natural light and ventilation for neighbours.

DTS/DPF 8.1

Other than walls located on a side boundary, building walls are set back from side boundaries in accordance with the following:

(a) where the wall height does not exceed 3m – at least 900mm



Rear Boundary Setback	
<p>PO 9.1</p> <p>Buildings are set back from rear boundaries to provide:</p> <ul style="list-style-type: none"> <li>(a) separation between buildings in a way that complements the established character of the locality</li> <li>(b) access to natural light and ventilation for neighbours</li> <li>(c) <u>private open space</u></li> <li>(d) space for landscaping and vegetation.</li> </ul>	<p>DTS/DPF 9.1</p> <p>Building walls (excluding ancillary buildings and structures) are set back from the rear boundary at least:</p> <ul style="list-style-type: none"> <li>(a) if the size of the <u>site</u> is less than 301 square metres— <ul style="list-style-type: none"> <li>(i) 3m in relation to the ground floor of the building</li> <li>(ii) 5m in relation to any other <u>building level</u> of the building</li> </ul> </li> <li>(b) if the size of the <u>site</u> is 301 square metres or more— <ul style="list-style-type: none"> <li>(i) 4m in relation to the ground floor of the building</li> <li>(ii) 6m in relation to any other <u>building level</u> of the building.</li> </ul> </li> </ul>

## Part 3 – Overlays

### Building Near Airfields Overlay

#### Assessment Provisions (AP)

##### Desired Outcome (DO)

Desired Outcome	
DO 1	Maintain the operational and safety requirements of certified commercial and military airfields, airports, airstrips and helicopter landing sites through management of non-residential lighting, turbulence and activities that may attract or result in the congregation of wildlife.

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<p>PO 1.1</p> <p>Outdoor lighting associated with a non-residential use does not pose a hazard to commercial or military aircraft operations.</p>	<p>DTS/DPF 1.1</p> <p>Development:</p> <ul style="list-style-type: none"> <li>(a) primarily or wholly for residential purposes</li> <li>(b) for non-residential purposes that does not incorporate outdoor floodlighting.</li> </ul>





## Part 4 – General Development Policies

### Design

#### Assessment Provisions (AP)

##### Desired Outcome (DO)

Desired Outcome	
DO 1	<p>Development is:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) durable – fit for purpose, adaptable and long lasting</li> <li>(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</li> <li>(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.</li> </ul>

##### 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	
<p>PO 1.1</p> <p>Buildings reinforce corners through changes in setback, articulation, materials, colour and massing (including height, width, bulk, roof form and slope).</p>	<p>DTS/DPF 1.1</p> <p>None are applicable.</p>
<p>PO 1.3</p> <p>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.</p>	<p>DTS/DPF 1.3</p> <p>None are applicable.</p>
<p>PO 1.5</p> <p>The negative visual impact of outdoor storage, <u>waste</u> 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.</p>	<p>DTS/DPF 1.5</p> <p>None are applicable.</p>



Safety	
<p>PO 2.1</p> <p>Development maximises opportunities for passive surveillance of the public realm by providing clear lines of sight, appropriate lighting and the use of visually permeable screening wherever practicable.</p>	<p>DTS/DPF 2.1</p> <p>None are applicable.</p>
<p>PO 2.3</p> <p>Buildings are designed with safe, perceptible and direct access from public street frontages and vehicle parking areas.</p>	<p>DTS/DPF 2.3</p> <p>None are applicable.</p>
Landscaping	
<p>PO 3.1</p> <p><u>Soft landscaping</u> and tree planting is incorporated to:</p> <ul style="list-style-type: none"> <li>(a) minimise heat absorption and reflection</li> <li>(b) maximise shade and shelter</li> <li>(c) maximise stormwater infiltration</li> <li>(d) enhance the appearance of land and streetscapes</li> <li>(e) contribute to biodiversity.</li> </ul>	<p>DTS/DPF 3.1</p> <p>None are applicable.</p>
Carparking Appearance	
<p>PO 7.2</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 7.2</p> <p>None are applicable.</p>
<p>PO 7.3</p> <p>Safe, legible, direct and accessible pedestrian connections are provided between parking areas and the development.</p>	<p>DTS/DPF 7.3</p> <p>None are applicable.</p>
<p>PO 7.4</p> <p>Street level vehicle parking areas incorporate tree planting to provide shade and reduce solar heat absorption and reflection.</p>	<p>DTS/DPF 7.4</p> <p>None are applicable.</p>
<p>PO 7.5</p> <p>Street level parking areas incorporate <u>soft landscaping</u> to improve visual appearance when viewed from within the <u>site</u> and from public places.</p>	<p>DTS/DPF 7.5</p> <p>None are applicable.</p>
<p>PO 7.6</p> <p>Vehicle parking areas and associated driveways are landscaped to provide shade and positively contribute to amenity.</p>	<p>DTS/DPF 7.6</p> <p>None are applicable.</p>





Fences and Walls	
PO 9.1  Fences, walls and retaining walls are of sufficient height to maintain privacy and security without unreasonably impacting the visual amenity and adjoining land's access to sunlight or the amenity of public places.	DTS/DPF 9.1  None are applicable.
Waste storage	
PO 20.1  Provision is made for the adequate and convenient storage of <u>waste</u> bins in a location screened from public view.	DTS/DPF 20.1  None are applicable.

## Part 4 – General Development Policies

### 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)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Movement Systems	
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.	DTS/DPF 1.1  None are applicable.
PO 1.4  Development is sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths.	DTS/DPF 1.4  All vehicle manoeuvring occurs <u>onsite</u> .



Sightlines	
<p>PO 2.1</p> <p>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.</p>	<p>DTS/DPF 2.1</p> <p>None are applicable.</p>
<p>PO 2.2</p> <p>Walls, fencing and landscaping adjacent to driveways and corner sites are designed to provide adequate sightlines between vehicles and pedestrians.</p>	<p>DTS/DPF 2.2</p> <p>None are applicable.</p>
Vehicle Access	
<p>PO 3.1</p> <p>Safe and convenient access minimises impact or interruption on the operation of public roads.</p>	<p>DTS/DPF 3.1</p> <p>The access is:</p> <ul style="list-style-type: none"> <li>(a) provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land</li> <li>or</li> <li>(b) not located within 6m of an intersection of 2 or more roads or a pedestrian activated crossing.</li> </ul>
<p>PO 3.3</p> <p>Access points are sited and designed to accommodate the type and volume of traffic likely to be generated by the development or land use.</p>	<p>DTS/DPF 3.3</p> <p>None are applicable.</p>
Access for People with Disabilities	
<p>PO 4.1</p> <p>Development is sited and designed to provide safe, dignified and convenient access for people with a disability.</p>	<p>DTS/DPF 4.1</p> <p>None are applicable.</p>
Vehicle Parking Areas	
<p>PO 6.1</p> <p>Vehicle parking areas are sited and designed to minimise impact on the operation of public roads by avoiding the use of public roads when moving from one part of a parking area to another.</p>	<p>DTS/DPF 6.1</p> <p>Movement between vehicle parking areas within the <u>site</u> can occur without the need to use a public road.</p>
<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>



PO 6.3  Vehicle parking areas are designed to provide opportunity for integration and shared-use of adjacent car parking areas to reduce the total extent of vehicle parking areas and access points.	DTS/DPF 6.3  None are applicable.
PO 6.4  Pedestrian linkages between parking areas and the development are provided and are safe and convenient.	DTS/DPF 6.4  None are applicable.
PO 6.5  Vehicle parking areas that are likely to be used during non-daylight hours are provided with sufficient lighting to entry and exit points to ensure clear visibility to users.	DTS/DPF 6.5  None are applicable.

**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.
Commercial Uses	
<u>Shop</u> (no commercial kitchen)	5 spaces per 100m <sup>2</sup> of <u>gross leasable floor area</u> where located in an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared.
Health Related Uses	
<u>Consulting room</u>	4 spaces per <u>consulting room</u> excluding ancillary facilities.

The subject land is located within the Suburban Neighbourhood Zone which has a Desired Outcome of *low density housing is consistent with e existing local context and development pattern. Services and community facilities contribute to making the neighbourhood a convenient plans to live without compromising residential amenity and character.* Consulting Rooms and Shops area an envisaged use pursuant to this Zone.

The subject land forms part of a large land division for multiple lots which is currently under construction and includes multiple open space reserves which is one of a few within this land division.

The development of the Consulting Rooms and Shops are of a suitable scale to maintain the evolving development of 345 allotments to be used for residential purposes. Each of the proposed shops will have a gross leasable floor area (toilet not included) which will not exceed 100 square metres. The proposed development will be more than 500 metres from the nearest Local Activity Centre to the south.



The proposed development will be single storey in design and will not have a site coverage exceeding 50% with front boundary setbacks to Federation Drive in excess of 16.0 metres. Entrances to the buildings are facing Federation Drive with the secondary street setback from Suttontown Road 3.0 metres. Basic landscaping provided to the development site will limit visual impacts and providing an attractive outlook. Council have taken into consideration the streetscape and note that a timber mill is located to the south east of the subject land. Land to the north of the proposed development is a reserve and as such no overshadowing and the provision of sufficient natural light will be provided.

External lighting within the development will be required to not create any amenity impacts within the developing area and also with regards to the 'Building in Airports' overlay which affects this land to ensure that the use does not pose a hazard to commercial or military aircraft operations.

Access to the subject land will allow safe entry and egress from the subject land. Vehicle parking areas are appropriately located and designed to minimise impacts and ensuring they are attractively development and landscaped. The driveway has been designed to enable safe and convenient vehicle movement from the public road to on-site parking spaces on site.

The Code specifies that 4 car spaces are to be provided per Consulting Room which equates to 16 car spaces. The proposal is providing 18 car spaces.

The Code specifies that 5 car spaces are to be provided per 100 square metre of gross leasable floor area in an integrated complex containing two or more tenancies where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared. The Code recommends the provision of 25 car spaces be provided on site. This application is proposing 24 car spaces on site which Council consider to be sufficient in this instance as the Consulting Rooms have 2 extra car spaces with pedestrian links to the Retail Space being provided.

The single Representation received raised concerns with regards to the location of the proposed shop/retail space and concerns that they may remain vacant. Concerns were also raised with regards to the proposed reserve to the north of the subject land.

Council consider the location of the shops to be appropriate to service the development of 345 residential allotments. The proposed development will be located on the north western corner allotment of Suttontown Road and Federation Drive with a park/reserve retained (amongst others in this land division) to the north.

Basic landscaping is being provided to the development site which will limit visual impacts and provide an attractive outlook. Council have taken into consideration the streetscape and note that a timber mill is located to the south east of the subject land along Suttontown Road.

No advertising signs are being proposed as part of this application.

Having regard to the context and nature of the subject site and locality, and the relevant provisions of the Planning and Design Code, the proposal is considered appropriate.

## **CONCLUSION**

For the reasons provided above in this Report and having consideration to the Planning and Design Code, this development is not seriously at variance to the provisions of the Planning and Design Code and is recommended that Planning Consent be granted subject to conditions provided above.

## **INVITES**

The Representor - Alex Trnovsky

The Applicant - Frank Brennan Consulting Services

## **ATTACHMENTS**

1. Applicant response to Representation



2. Application documents
3. Application snapshot
4. Relevant P & D Code policies
5. Representation map
6. Representation
7. Subject land aerial map
8. Zoning map



<b>6.3</b>	<b>DA:23035165 - UNIT 20/184 JUBILEE HIGHWAY WEST, MOUNT GAMBIER - CHANGE OF USE FOR SHORT TERM TOURIST ACCOMMODATION – REPORT NO. AR24/7376</b>
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**Development No:** DA 23035165  
**Applicant:** Natasha Srpcic  
**Property Address:** Unit 20/184 Jubilee Highway West, Mount Gambier  
**Property Owner:** Natasha Srpcic  
**Report No:** AR24/7376  
**CM9 Reference:** AF22/276  
**Author:** Roslyn Snaauw, Senior Planner  
**Authoriser:** Tracy Tzioutziouklaris, Assessment Manager  
**Nature of Development:** Change of use for short term tourist accommodation  
**Description:** Change of use for short term tourist accommodation  
**Zoning:** Suburban Neighbourhood  
**Policy Area:** City of Mount Gambier  
**Heritage:** N/A

#### REPORT RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR24/7376 titled 'DA:23035165 - Unit 20/184 Jubilee Highway West, Mount Gambier - Change of use for short term tourist accommodation' as presented on 15 February 2024 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, determined the development is not seriously at variance to the provisions of the Planning and Design Code and Planning Consent should be granted subject to the following conditions:
 

Conditions

Condition 1

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

Condition 2

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

Condition 3

At all times whomsoever may be occupying the property, shall take all measures to ensure that the residential amenity of the immediate area is not affected by nuisance or disturbance associated with the operation of the 'Short Term Tourist Accommodation'.

Condition 4



All waste materials and refuse accumulated on the property shall be removed on a regular basis to ensure that the property is maintained in a clean and sanitary condition.

STANDARD ADVISORY NOTES/PLANNING CONSENT/GENERAL NOTES



## BACKGROUND

The subject land is located within an area of Community Title allotments comprising forty-two (42) allotments.

The subject land has previously been used as a long term rental property.

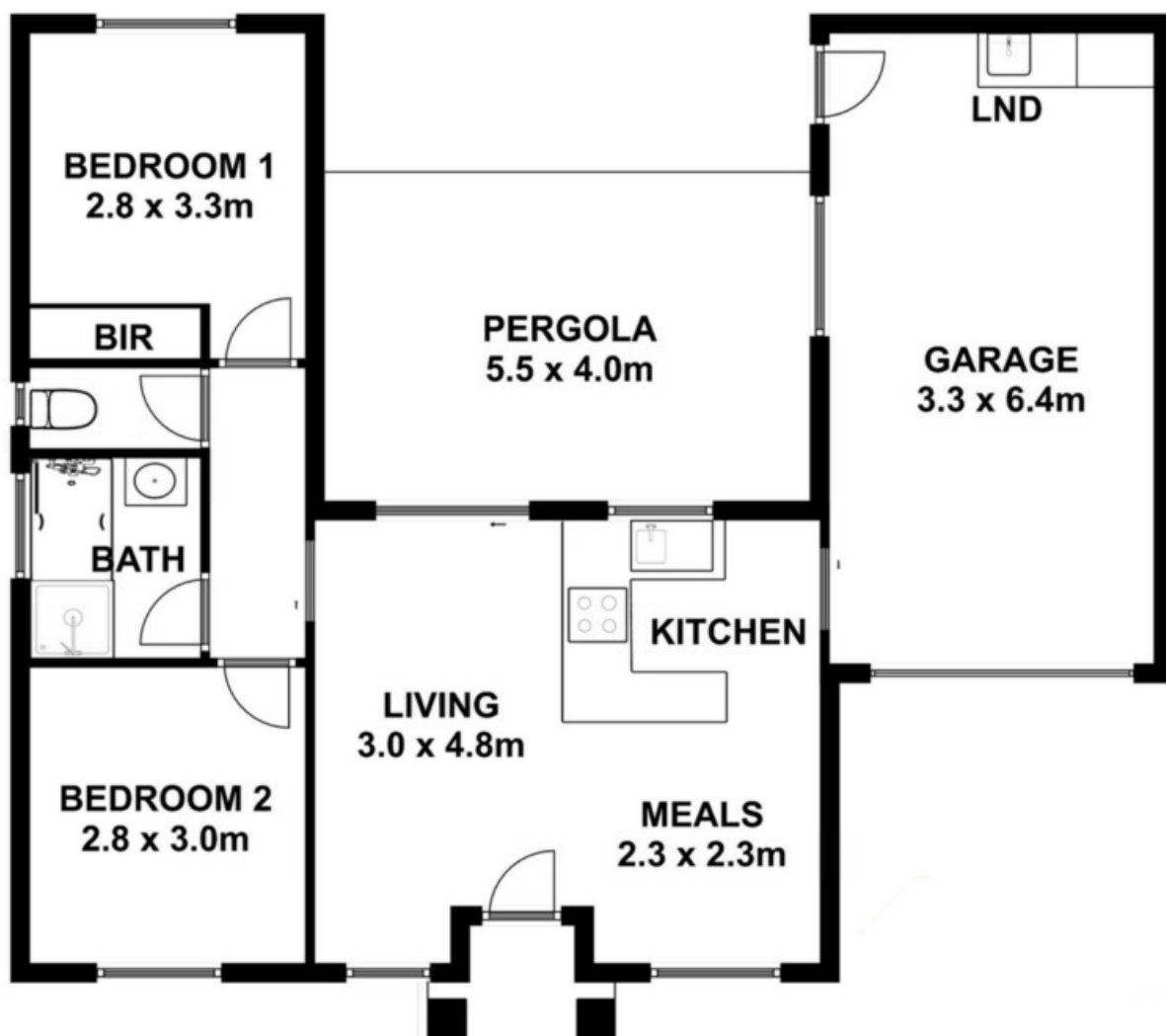
## PROPOSED DEVELOPMENT

This application is for a change of use of an existing dwelling, to be used for short term tourist accommodation.

No external or internal works are proposed with the dwelling being newly constructed and containing two (2) bedrooms.

Access to the subject land is existing and from the internal common driveway with the provision of two (2) car spaces being provided on site. One car space is located in an undercover garage attached to the dwelling and the second is a tandem car space located on site directly in front of the garage.

The floor plan of the dwelling is shown below.



## LOCATION OF DEVELOPMENT:

The subject land has a square configuration and is located within the Suburban Neighbourhood Zone as identified by the Planning and Design Code Version 2023.17 which was in effect when this application was received.





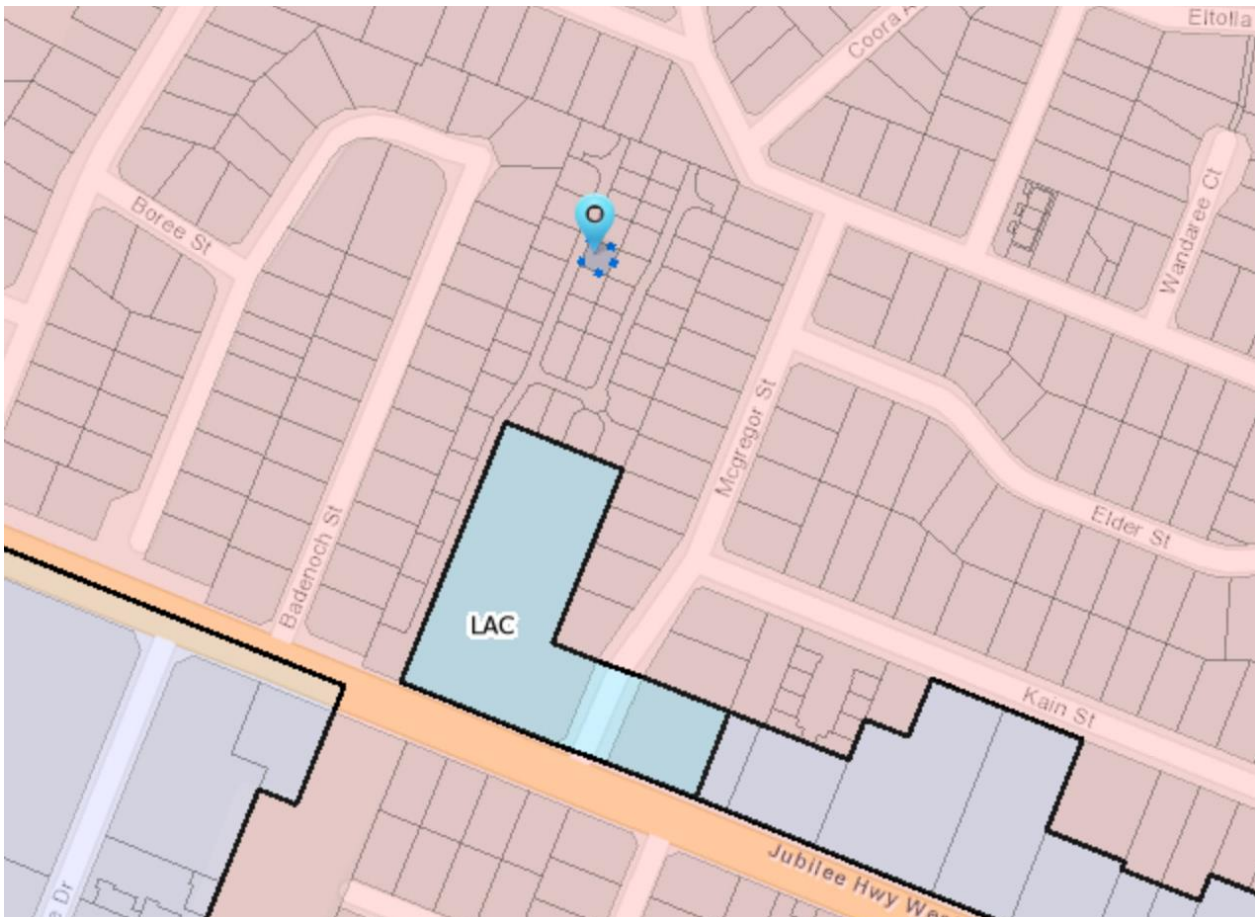
Access to the subject site is from Jubilee Highway West. The allotments within the community title land division are developed with single storey dwellings on small allotments.

The subject land has a total area of approximately 201 square metres.

**Location reference:** UNIT 20 184 JUBILEE HWY W MOUNT GAMBIER SA 5290

**Title ref.:** CT 6080/544 **Plan Parcel:** C24635 FL41 **Council:** CITY OF MOUNT GAMBIER

The zoning map below shows the location of the subject site which is highlighted in blue and with a dot.



### CONSENT TYPE REQUIRED:

Planning Consent

### CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**  
Tourist accommodation: Code Assessed - Performance Assessed  
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



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

The application was placed on public notification with 66 owners/occupiers notified of the change of use.

Three (3) Representations were received, two (2) in support and one (1) opposing the changed of use.

The Representation that is not in support can be summarised as follows:

- Safety and security concerns
- Short term accommodation detrimental to housing affordability.

### Representations

A full detailed copy of the Representations are provided in the Attachments.

NAME	ADDRESS	STAKEHOLDER POSITION	ISSUES	REQUEST TO BE HEARD
James Cooper	14 Badenoch Street, Mount Gambier	Supports the development	None	No
Jasmine Norris	Unit 23 184 Jubilee Highway West, Mount Gambier	Supports the development	None	No
Kristie Pearson	Unit 24 184 Jubilee Highway West, Mount Gambier	Opposes the development	<ul style="list-style-type: none"> <li>• Safety and security</li> <li>• Short term accommodation detrimental to housing affordability</li> </ul>	Yes

### Applicant Response to Representations

The Applicant has responded to these concerns stating that there is no guarantee that 'long term renters' will necessarily stay long term or that long term renters won't cause disruptions to other tenants.

The Applicant has stated that the current short term rentals have had no negative impact on Finchley Grove in terms of security, privacy or other concerns raised and that it is the Applicants intention to provide guests with a safe and secure environment and accommodation.

The Applicant has also provided research information with regards to Air BnB.

### AGENCY REFERRALS

N/A

### INTERNAL REFERRALS

N/A

### PLANNING & DESIGN CODE POLICIES



In assessing the merits of the proposal, I have reviewed the Zone, Overlays, and General Development policies as contained within the Planning and Design Code (the Code) Version 2023.17 which was in effect when this application was received.

## **PLANNING ASSESSMENT**

This application is for a change of use from a dwelling to a dwelling used for tourist accommodation. Tourist accommodation is required to be 'Performance Assessed' pursuant to the Code. Tourist Accommodation is defined as *temporary or short-term accommodation that is provided to travellers on a commercial basis*.

### **Approach to Planning Assessment**

Part 1 of the Code is titled 'Rules of Interpretation' which sets out how 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 (DO) and Performance Outcomes (PO). These are applicable to performance assessed development and to restricted development.*

#### ***Desired Outcome (DO)***

*Desired outcomes are policies designed to aid the interpretation of performance outcomes by setting a general policy agenda for zone, subzone, overlay or general development policies.. 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 Outcome (PO)***

*Performance outcomes are policies designated 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 another way, or from the need to assess development on its merits against all relevant policies.*

### **Land Use**

The following provisions of the Planning and Design Code Version 2023.17 which was in effect when this application was received are as follows:



## Part 2 - Zones and Sub Zones

### Suburban Neighbourhood Zone

#### Assessment Provisions (AP)

#### Desired Outcome (DO)

Desired Outcome	
DO 1	Low density housing is consistent with the existing local context and development pattern. Services and community facilities contribute to making the neighbourhood a convenient place to live without compromising residential amenity and character.

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
<b>PO 1.1</b>  Predominantly low density residential development with complementary non-residential uses compatible with a low density residential character.	<b>DTS/DPF 1.1</b>  Development comprises one or more of the following: <ul style="list-style-type: none"> <li>(a) Ancillary accommodation</li> <li>(b) Child care facility</li> <li>(c) Community facility</li> <li>(d) Consulting room</li> <li>(e) Dwelling</li> <li>(f) Educational facility</li> <li>(g) Office</li> <li>(h) Place of Worship</li> <li>(i) Recreation area</li> <li>(j) Shop</li> <li>(k) Supported accommodation.</li> </ul>

## Part 4 - General Development Policies

### Design

#### Assessment Provisions (AP)

#### Desired Outcome (DO)

Desired Outcome	
DO 1	Development is: <ul style="list-style-type: none"> <li>(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</li> <li>(b) durable - fit for purpose, adaptable and long lasting</li> <li>(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</li> <li>(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.</li> </ul>

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



<b>PO 19.2</b>  Uncovered parking spaces are of a size and dimensions to be functional, accessible and convenient.	<b>DTS/DPF 19.2</b>  Uncovered car parking spaces have: <ul style="list-style-type: none"> <li>(a) a minimum length of 5.4m</li> <li>(b) a minimum width of 2.4m</li> <li>(c) a minimum width between the centre line of the space and any fence, wall or other obstruction of 1.5m</li> </ul>
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## Interface between Land Uses

Assessment Provisions (AP)

Desired Outcome (DO)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
General Land Use Compatibility	
<b>PO 1.1</b>  Sensitive receivers are designed and sited to protect residents and occupants from adverse impacts generated by lawfully existing land uses (or lawfully approved land uses) and land uses desired in the zone.	<b>DTS/DPF 1.1</b>  None are applicable.

## Tourism Development

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Tourism development is built in locations that cater to the needs of visitors and positively contributes to South Australia's visitor economy.



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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<b>General</b>	
<b>PO 1.1</b> Tourism development complements and contributes to local, natural, cultural or historical context where: <ul style="list-style-type: none"> <li>(a) It supports immersive natural experiences</li> <li>(b) It showcases South Australia's landscapes and produce</li> <li>(c) Its events and functions are connected to local food, wine and nature.</li> </ul>	<b>DTS/DPF 1.1</b> None are applicable.
<b>PO 1.2</b> Tourism development comprising multiple accommodation units (including any facilities and activities for use by guests and visitors) is clustered to minimise environmental and contextual impact.	<b>DTS/DPF 1.2</b> None are applicable.
<b>Caravan and Tourist Parks</b>	
<b>PO 2.1</b> Potential conflicts between long-term residents and short-term tourists are minimised through suitable siting and design measures.	<b>DTS/DPF 2.1</b> 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)

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.

Class of Development	Car Parking Rate (unless varied by Table 2 onwards)
	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.
<b>Tourist</b>	
Tourist accommodation other than a caravan and tourist park	1 car parking space per accommodation unit / guest room.

The subject land is located within the Suburban Neighbourhood Zone which has a Desired Outcome of *low density housing is consistent with existing local context and development pattern*. Services



*and community facilities contribute to making the neighbourhood a convenient place to live without compromising residential amenity and character.* The use of the land remains for residential purposes albeit for short term periods.

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

The subject land is located to the north of an existing Local Activity Centre which contains the Western Tavern and a bottle shop. This is an existing use with trees and carparking located to the north providing separation from the residential uses surrounding the site minimising adverse impacts.

The proposed use of the dwelling for short term accommodation is within an area that provides both long term and short term tourist accommodation. The subject site is an individual dwelling within a cluster of other single storey dwellings. Larger scale forms of accommodation are provided to the south east of the subject land in the form of Hotels along Jubilee Highway.

This application was placed on public notice and three (3) representations were received with one (1) opposing the proposed change of use.

The Representor has concerns that the proposed change of use to short term accommodation is detrimental to housing affordability in the City of Mount Gambier and it should remain as long term housing.

The Representor also raised concerns with regards to the safety and security of the surrounding houses with new guests 'coming and going' regularly with potential 'turnover' every few days.

The Applicant has responded to these concerns stating that there is no guarantee that 'long term renters' will necessarily stay long term or that long term renters wont cause disruptions to other tenants.

The Applicant has stated that the current short term rental has had no negative impact on Finchley Grove in terms of security, privacy or other concerns raised and that it is the Applicants intention to provide guests with a safe an secure environment and accommodation.

The Applicant has also provided research information with regards to Air BnB.

Council considers that access to the subject land and area is no different to any residential area with sites being accessed by family, friends, visitors and associates.

The Code requires that 1 car parking space is provided per accommodation unit/guest room. The existing dwelling contains two (2) bedrooms that could be used by guests. The subject land is able to provide for two (2) car spaces with one provided in a garage and the second as a tandem car space available on site which meets the Code requirement.

No buildings and works are proposed.

Having regard to the context and nature of the subject site and locality, and the relevant provisions of the Planning and Design Code, the proposed change of use is an appropriate form of development within the subject locality.

## **CONCLUSION**

For the reasons provided above in this Report and having consideration to the Planning and Design Code, this development is not seriously at variance to the provisions of the Planning and Design Code and is recommended that Planning Consent be granted subject to the recommended conditions.

## **INVITES**

The Representor - Kristie Pearson

The Applicant - Natasha Srpcic



**ATTACHMENTS**

1. Application documents
2. Application snapshot
3. Code rules
4. Representations
5. Applicant response to representations
6. Location of representations
7. Zoning map
8. Google aerial map



**6.4 INSTRUMENT C - AMENDMENTS - DELEGATIONS – REPORT NO. AR24/1908**

<b>Meeting:</b>	<b>Limestone Coast Southern Regional Assessment Panel</b>
<b>Meeting Date:</b>	<b>15 February 2024</b>
<b>Report No:</b>	<b>AR24/1908</b>
<b>CM9 Reference:</b>	<b>AF22/276</b>
<b>Author:</b>	<b>Tracy Tzioutziouklaris, Assessment Manager</b>
<b>Summary:</b>	<b>This report presents the instrument of delegation under the Planning, Development and Infrastructure Act 2016 as they apply to the Regional Assessment Panel as a relevant authority.</b>

**REPORT RECOMMENDATION**

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR24/1908 titled 'Instrument C - Amendments - Delegations' as presented on 15 February 2024 be noted.
2. Pursuant to Section 100 of the Planning, Development and Infrastructure Act 2016, the Limestone Coast Southern Regional Assessment Panel (RAP) delegates each function or power of the Regional Assessment Panel as identified in Attachment 1 Regional Assessment Panel Report No. AR23/53485 (marked as Instrument C) to the Chief Executive Officer of the District Council of Grant, the District Council of Robe, Wattle Range Council, the City of Mount Gambier and Assessment Manager subject to the following conditions and limitations:
  - a) The delegations may be sub delegated by the Chief Executive Officer or Assessment Manager;
  - b) Each delegation of a power or function granted under this instrument is independent of, and severable from, every other delegation granted under this instrument;
  - c) If two or more (sub)delegates are nominated in respect of a power or function, then each nominated person is granted a (sub)delegation and may exercise the power or function independently of any other (sub)delegate;
  - d) Delegates must exercise a delegate or power in accordance with applicable legislative and legal requirements; and due regard to relevant policies and guidelines adopted by the Council;
  - e) If a delegation of a power or function under this instrument is determined to be invalid or unlawful, the invalid or unlawful delegation will be deemed to be severed from this instrument and remaining delegation will continue to operate according to their terms;
  - f) These delegations will come into operation on Friday 19 August, 2024 and remain in force until varied or revoked by the stone Coast Southern Regional Assessment Panel.
  - g) Previous delegations granted by the Limestone Coast Southern Regional Assessment Panel are varied as identified within this report with effect from Friday 16 February, 2024.



**BACKGROUND**

The Limestone Coast Southern Regional Assessment Panel (RAP) last considered its delegations pursuant to the Planning, Development and Infrastructure Act, 2016 following legislative changes at its meeting held on 15 August 2023.

**DISCUSSION**

There have been minor amendments to the Instrument of Delegation for the RAP which includes the following new provisions as highlighted in red in the attached Instrument C - Instrument of Delegation under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of powers of an Assessment Panel:

- 697251 Extension of time in which to lodge a review of an Assessment Manager decision
- 697252 Procedural Referral - ability to form the opinion the development is minor in nature and does not warrant a referral

The following provisions have been deleted from the delegations:

- 312522, 312523, 312524, 312525, 312526, Matters against which development must be assessed (Section 102(1) of the Planning, Development and Infrastructure Act 2016)

**CONCLUSION**

This report includes recommendations for granting of delegations of powers and functions of the Limestone Coast Southern Regional Assessment Panel as provided for in Instrument C - Instrument of Delegations under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel, as varied.

**ATTACHMENTS**

1. Instrument C - Limestone Coast Southern Regional Assessment Panel (LCSRAP) - Powers of an Assessment Panel



**7 URGENT MOTIONS WITHOUT NOTICE**

**8 MEETING CLOSE**