

AGENDA

Limestone Coast Southern Regional Assessment Panel

Thursday 17 October 2024



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

Time: 5:00 pm
Date: Thursday 17 October 2024
Location: City of Mount Gambier
Council Chamber
10 Watson Terrace, Mount Gambier


Tracy Tzioutziouklaris
ASSESSMENT MANAGER
10 October 2024

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1 ACKNOWLEDGEMENT OF COUNTRY

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

2 APOLOGIES

Nil

3 CONFIRMATION OF MINUTES**3.1 CONFIRMATION OF MINUTES****RECOMMENDATION**

That the minutes of the Limestone Coast Southern Regional Assessment Panel Meeting held on 19 September 2024 be confirmed as an accurate record of the proceedings of the meeting.

4 QUESTIONS WITHOUT NOTICE**5 INVITEES****Invitees for Item 6.1 - 8 Altinio Drive, Mount Gambier**

The Applicant - Frank Brennan Consulting Services

Invitees for Item 6.2 - 1 Marston Drive, Mount Gambier

The Applicant - Frank Brennan Consulting Services

Invitees for Item 6.3 - 280 Jubilee Highway West, Suttontown

The Applicant - Frank Brennan Consulting Services

6 REPORTS**6.1 DA 24017011 - 8 ALTINIO DRIVE, MOUNT GAMBIER - REVIEW OF DECISION**

Author: Rosyln Snaauw, Senior Planning Officer (City of Mount Gambier)

Authoriser: Tracy Tzioutziouklaris, Assessment Manager

RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel report titled "Review of Council Decision - 8 Altinio Drive, Mount Gambier" as presented on 17 October 2024 be noted.
2. It is recommended that the Limestone Coast Southern Regional Assessment Panel resolve that:
 - (a) The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the Planning, Development and Infrastructure Act 2016.
 - (b) Development Application Number 24017011, by Thomson Bilt, is not seriously at variance to the Planning and Design Code, however consider that whilst not seriously at variance, this Application is at variance to the provisions of the Planning and Design Code for reasons provided in this Report and recommend the decision of refusal by the Assessment Manager be upheld for the following reasons:

REFUSAL REASONS

1. The proposed location of the carport being forward of the dwelling does not ensure orderly and proper development as it is not a character of the locality.
2. The carport, being located forward of the dwelling and having a reduced front boundary setback, will become a dominant feature within this locality and will detract from the streetscape.
3. The proposed development does not improve or enhance the amenity and character of the area with regards to location of the carport.
4. There are no carports and/or outbuildings constructed in front of the main face of a dwelling within the locality.

BACKGROUND

Pursuant to delegated authority, Planning Consent was refused by Notice dated 15th August 2024 for this Development Application seeking to construct a carport at 8 Altinio Drive, Mount Gambier. 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.

DETAILED DESCRIPTION OF PROPOSAL

This application is for the construction of a carport to the front and east of the existing dwelling, which will be used to park a bus within.

The proposed carport is to be located forward of the dwelling and was originally being shown to have a front boundary setback of 3.32 metres (possibly amended to 1.45 metres), and an eastern boundary setback of 0.82 metres.

The location of the proposed carport may have been shown inaccurately and is actually proposed to be located with a front boundary setback of 1.45 metres, in line with the front of the bus and forward of the side gate and air conditioning unit, as shown in the photos and aerial map provided with this Application for Review.

The proposed carport will have the dimensions of 8.0 metres in length and 3.1 metres in width (24.8 metres total area) with a post height of 2.948 metres from ground level with an overall height of 3.66 metres.

The carport will be constructed of steel columns /posts with an open gable roof having a pitch of 20 degree. The roof material will be colorbond sheeting in the color of Woodland Grey.

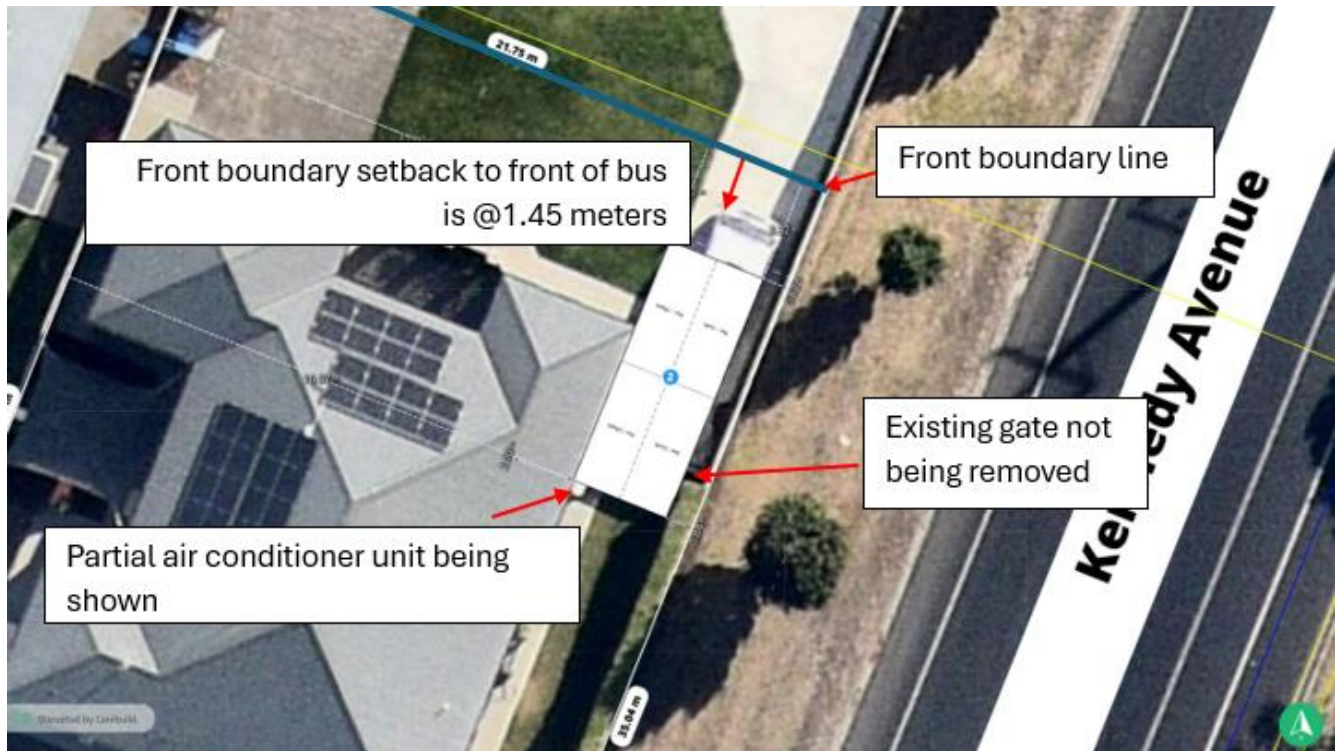


Figure 1: Site plan

ASSESSMENT

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

It is considered the application for the proposed construction of a carport, forward of an existing dwelling, is at variance to the Planning and Design Code as it will be a dominant structure and detract from the existing dwelling, neighbourhood character and be a dominant feature in the streetscape for the following reasons.

- the existing dwelling has a reduced front boundary setback to Altinio Drive of 6.0 metres with regards to the Planning and Design Code.
- the location of the carport as provided with the Application for Review, is more in accordance with the site aerial map showing the location of the bus which is located forward of existing gates and the air conditioning unit along the east side of the dwelling.
- the further reduction in the front boundary setback as being shown with the Application for Review documents of 1.45 metres or Application documents 3.32 metre, will be a dominant feature and will detract from the existing dwelling and streetscape of this neighbourhood as it will be clearly visible.
- As can be seen in photographs provided, the proposed carport (location of bus on site in photographs) will not be hidden from view and will clearly be visible from Altinio Drive to the west, northern corner of Lui Avenue to the west, Kennedy Avenue to the east and Venice Court to the north.
- either front boundary setbacks do not respond to the existing surrounding built form and the carport will be a visually dominant feature to the existing dwelling and neighbourhood as can be seen in photographs provided with this Review by Council. Visually, the height of the proposed carport is more than double than that of the eastern boundary fence (1.5 metre).
- The eastern boundary fence has a height of 1.5 metres and the proposed carport overall height of 3.66 metres will be more than double the height of this fence further exacerbating the visual impact of the proposed carport to the existing dwelling and neighbourhood character and streetscape.

The proposed development is not compliant with of the Planning and Design Code as follows:
Part 2: Suburban Neighbourhood Zone

<u>Desired Outcome (DO)</u>		
DO 1 – Low density housing is consistent with the existing local context and development pattern.		
<u>Performance Outcome</u>	<u>Designated Performance Feature</u>	<u>Council Comment</u>
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	DPF 3.1 The development does not result in site coverage exceeding 50%.	The carport is not consistent with the character and pattern of the area where outbuildings are set to the rear of dwellings.
PO 5.1 Buildings are setback from primary street boundaries consistent with the existing streetscape.		The existing dwelling has a minimum primary street boundary setback of 6.0 metres (reduction in recommended 8.0 metre). The proposed carport is considering a front boundary setback of 3.32 metres, or, if being shown in photographs provided with the Application for Review, a front primary boundary street setback of 1.45 metres from Altinio Drive.
PO 11.1 Residential ancillary buildings are sited and designed to not detract from the streetscape or appearance of primary residential buildings on the site or neighbouring properties.	DPF 11.1 Ancillary buildings: (c) are not constructed, added to or altered so that any part is situated: (i) in front of any part of the building line of the dwelling to which it is ancillary (d) in the case of a garage or carport: (i) is set back at least 5.5m from the boundary of the primary street	The proposed carport will be located in front of the dwelling. This is not a character that is present within this neighbourhood and will a dominant feature when viewed from surrounding properties, detracting from the streetscape and the existing dwelling as well as the general area as can be seen in photographs provided with this Report (both Council and Applicant for Review documents).

Part 4: General Development Policies

<u>Design in Urban Areas – All Development – External Appearance</u>		
<u>Desired Outcome (DO)</u>		
DO 1 – Development is:		
(a) Contextual – by considering, recognising and carefully responding to its natural surrounding or building environment and positively contributing to the character of the locality.		
<u>Performance Outcome</u>	<u>Designated Performance Feature</u>	<u>Council Comment</u>

<p>PO 7.2 Vehicle parking areas appropriated 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>None</p>	<p>The proposed carport is forward of the dwelling which will have a direct visual impact to the streetscape and the character of the neighbourhood. The proposed overall height of the carport will visually is more than double the height of the eastern boundary fence when forward of the dwelling as being shown in photographs provided.</p>
<p>All residential development – Ancillary Development</p>		
<p>PO 19.1 Residential ancillary buildings are sited and designed to not detract from the streetscape or appearance of primary residential buildings on the site or neighbouring properties.</p>	<p>DPF 19.1 Ancillary buildings: (c) are not constructed, added to or altered so that any part is situated: (i) in front of any part of the building line of the dwelling to which it is ancillary (d) in the case of a garage or carport, the garage or carport: (i) is setback at least 5.5m from the boundary of the primary street</p>	<p>The proposed carport will be located in front of the dwelling with a front boundary setback now being shown to be 1.45 metres with photographs provided by with the Application for Review. Even though this allotment is at the end of a court bowl the location of the proposed carport being located forward of the dwelling, is not a character that is present within this neighbourhood and will detract from the streetscape and the existing dwelling. Photographs provided show the location of the bus and the location of a post for the proposed carport Council consider that the carport will be a dominant feature that will be easily seen within the neighbourhood.</p>

CONCLUSION

Having considered all provided documentation, the proposal will not be in context to the character of the neighbourhood and the carport will be a dominant feature to the dwelling, streetscape and surrounding area, with performance outcomes as detailed in the Zone and Policies of the Planning and Design Code not being achieved and as such this application has not been supported.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 8 ALTINIO DR MOUNT GAMBIER SA 5290

Title ref.: CT 5948/115 **Plan Parcel:** D68553 AL10 **Council:** CITY OF MOUNT GAMBIER

Locality

The subject land is located in the Suburban Neighbourhood Zone within a residential area that is developed with single and double storey residential dwellings that contain outbuildings set behind the building line and to the rear of a dwelling.

The subject land is an irregular shaped allotment with an allotment area of approximately 740 sqm and is located to the south of Altinio Drive and at the end of a court bowl, with an eastern boundary to Kennedy Avenue.

INVITES

The Applicant - Frank Brennan Consulting Services

ATTACHMENTS

1. Application to Assessment Panel [**6.1.1** - 2 pages]
2. Application to Panel for Review of Decision - DA 24017011 - Carport at 8 Altinio Drive Mount Gambier - 9 [**6.1.2** - 1 page]
3. Notice of Appeal - Attachments [**6.1.3** - 23 pages]
4. Application plans - refusal [**6.1.4** - 10 pages]
5. Relevant P& D Code Policies [**6.1.5** - 12 pages]
6. DAP Submission Snapshot [**6.1.6** - 4 pages]
7. Council Request for Information [**6.1.7** - 2 pages]
8. Response to Council request for further information [**6.1.8** - 13 pages]
9. Refusal Planning Assessment Report [**6.1.9** - 8 pages]
10. Zone and Aerial Map [**6.1.10** - 2 pages]
11. Photos of subject site and location [**6.1.11** - 3 pages]
12. Planning and Design Code Definitions [**6.1.12** - 1 page]

6.2 DA 24004806 - 1 MARSTON DRIVE, MOUNT GAMBIER - REVIEW OF DECISION

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

RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 24004806 - 1 Marston Drive, Mount Gambier - Review of Decision' as presented on Thursday 17 October 2024 be noted.
2. It is recommended that the Limestone Coast Southern Regional Assessment Panel resolve that:
 - (a) The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the Planning, Development and Infrastructure Act 2016.
 - (b) When considering the plans as amended, the proposed development warrants the support of the Limestone Coast Southern Regional Assessment Panel, the decision of the Assessment Manager be overturned and Planning Consent be granted subject to the following Conditions:
 - (c) The outbuilding shall be carried out in accordance with the Plan/s as approved by the Panel.
 - (d) The outbuilding shall only be used for purposes associated with the existing residential land use of the subject property.
 - (e) All of the building shall be constructed using pre colour treated material of painted in a non reflective colour.

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).

DEVELOPMENT NO.:	24004806
APPLICANT:	Thomson Bilt

ADDRESS:	1 Marston Drive, Mount Gambier
NATURE OF DEVELOPMENT:	To construct an outbuilding
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Suburban Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Affordable Housing • Hazards (Flooding - Evidence Required) • Native Vegetation • Prescribed Wells Area • Water Protection Area <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 8m) • Minimum Frontage (Minimum frontage for a detached dwelling is 9m; semi-detached dwelling is 9m; row dwelling is 15m; group dwelling is 15m) • Minimum Site Area (Minimum site area for a detached dwelling is 450 sqm; semi-detached dwelling is 450 sqm; row dwelling is 350 sqm; group dwelling is 450 sqm; residential flat building is 350 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	22 Feb 2024
RELEVANT AUTHORITY:	Regional assessment panel/Assessment manager at Limestone Coast Southern Regional Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.3 15/02/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	No
RECOMMENDING OFFICER:	Tracy Tzioutziouklaris Manager Development Services

DETAILED DESCRIPTION OF PROPOSAL

This Application is for the construction of an outbuilding on the site of an existing Detached dwelling.

Amended plans for the proposed outbuilding have been provided illustrating the following.

As requested, the Applicant has now provided addition information illustrating:

1. A reduction in height of the western wall to 3.0 metres;
2. Correct plans which clearly illustrate the proposed development.

A copy of the amended plans are attached to this report.

The garage outbuilding is to be constructed with a skillion roof with the western wall (adjacent to the adjoining dwelling) having a wall height of 3 metres, the eastern wall (the internal wall) having a wall height of 4.234 metres. As the proposed outbuilding is to have a skillion roof, the total height of the building is to be 4.234 metres.

The location of the proposed outbuilding has not altered.

BACKGROUND

Planning Consent for this application was refused by Notice dated 19 June 2024. The Applicant has lodged a Review of the Assessment Manager decision to the Limestone Coast Southern Regional Assessment Panel (The Panel).

The Panel considered this matter at the meeting held in August, 2024 and determined:

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR24/57061 titled 'Review of Council Decision - 1 Marston Drive, Mount Gambier' as presented on 15 August 2024 be noted.
2. That this matter be deferred for the purpose of additional information to be provided, as listed below:
 - To show a reduction in overall height of the western wall of the garage to 3 metres.
 - Provision of correct plans which clearly identify the proposed development.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 1 MARSTON DR MOUNT GAMBIER SA 5290

Title ref.: CT 6193/329 **Plan Parcel:** D116034 AL22 **Council:** CITY OF MOUNT GAMBIER

This is a rectangular shaped corner allotment which has a front/northern boundary length to Marston Drive of 22.4 metres, north eastern corner splay length of 7.07 metres, eastern boundary length to Marston Drive of 24.0 metres, south eastern corner splay length of 6.93 metres, southern/rear boundary length along Wireless Road West being 22.5 metres and a western boundary length of 33.9 metres. The total allotment area is approximately 904 square metres.

Locality

The subject locality is a residential area, with dwellings located to the east, west, north and south of the subject site.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Shed
 - Outbuilding (Shed): Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 - Code Assessed - Performance Assessed
- **REASON**
 - P&D Code; floor area greater than 60 sqm and wall height greater than 3.0 metres

PUBLIC NOTIFICATION

- **REASON**
 - Pursuant to Table 5 within the Suburban Neighbourhood Zone of the Planning and Design Code an outbuilding is exempt from public notification.

AGENCY REFERRALS

N/A

INTERNAL REFERRALS

N/A

PLANNING ASSESSMENT

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

Question of Seriously at Variance

The proposed development comprises the construction of an outbuilding to be used in association with an existing detached dwelling. It is located in the Suburban Neighbourhood Zone. Development of this nature is appropriate within the site and the zone for the following reasons: It facilitates the better enjoyment of and is to be used in association with the existing detached dwelling on the subject land.

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

Quantitative Provisions

The total site coverage of the subject land will remain less than 50%.

The proposed outbuilding is to be ancillary to a dwelling erected on the same site and will not be located in front of any part of the building line of the dwelling to which it is ancillary and will have a setback greater than 5.5 metres to the primary street frontage. The total door opening to the primary street frontage will be less than 7 metres. Sufficient private open space and area available for soft landscaping remains available on the subject land.

The provisions of the Planning and Design Code which this development does not meet include:

- The wall height exceeds 3.0 metres; and
- The total site area exceeds 60 square metres.

The wall height adjacent to the property boundary has been reduced to 3.0 metres. This helps to minimise the potential for an adverse impact on the adjoining property through overshadowing and visual scale and bulk of the proposed outbuilding. The wall height exceeding 3.0 metres, is the eastern wall of the garage, which will have an internal impact rather than an external impact. The design of the garage with a skillion roof is to match the character and appearance of the existing dwelling and is considered a more appropriate design to a gable roof style of outbuilding. The total floor area of the outbuilding is to be 70 square metres which is considered to be a minor variation to the floor area of an outbuilding specified with the planning and design code and is considered to be an acceptable variation.

A copy of the extract from the Planning and Design Code and the DAP Submission summary are also attached to this report.

CONCLUSION

The proposed development has been amended to minimise the potential for detrimental impacts to the adjoining properties. Correct plans have also been provided for consideration of the Panel. When considering the plans as amended, the proposed development warrants the support of the Limestone Coast Southern Regional Assessment Panel, the decision of the Assessment Manager be overturned and Planning Consent be granted subject to the following Conditions:

1. The outbuilding shall be carried out in accordance with the Plan/s as approved by the Panel.
2. The outbuilding shall only be used for purposes associated with the existing residential land use of the subject property.
3. All of the building shall be constructed using pre colour treated material of painted in a non reflective colour.

INVITES

The Applicant - Frank Brennan Consulting Services

ATTACHMENTS

1. Garage Plans - 1 Marston Drive - DA 24004806 [6.2.1 - 4 pages]
2. Assessment Panel Report 18 August 2024 [6.2.2 - 8 pages]
3. Application for Review to the Panel [6.2.3 - 18 pages]
4. Application Summary - 1 Marston [6.2.4 - 4 pages]
5. Planning Assessment Report [6.2.5 - 13 pages]
6. Decision Notification Form [6.2.6 - 2 pages]
7. Stamped Plans - Refusal - 1 Marston Court [6.2.7 - 13 pages]
8. Planning and Design Code - 1 Marston Drive [6.2.8 - 12 pages]

6.3 DA 24024130 - 280 JUBILEE HIGHWAY WEST, SUTTONTOWN - CONSTRUCTION OF A TRANSPORT DEPOT

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

Authoriser: Tracy Tzioutziouklaris, Assessment Manager

RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 24024130 - 280 Jubilee Highway West, Suttontown - Construction of a Transport Depot' as presented on Thursday 17 October 2024 be noted.
2. It is recommended that the Limestone Coast Southern Regional Assessment Panel resolve that:
 - (a) The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the Planning, Development and Infrastructure Act 2016.
 - (b) Development Application Number 24024130, by Frank Brennan Consulting Services is granted Planning Consent subject to the following conditions:

CONDITIONS

1. The development shall be carried out in accordance with the Plan/s as approved and with the Conditions of Approval.
2. All of the building, including the roof, shall be constructed of a colour coated metal material or similar finish.
3. The car parking and driveway areas and footpath crossover as shown on the plan/s as approved, shall be graded, paved and sealed with bitumen or other similar material and line marked and maintained in a useable condition as all times in accordance with the relevant Australian Standard.
4. The remainder of the yard areas shall be graded and surfaced to ensure maximum dust suppression and to avoid dust and mud being carried out by vehicles onto public roads at all times.
5. The accessible carparking spaces shall be appropriately identified, line marked and maintained in a useable condition at all times in accordance with the relevant Australian Standard.
6. The stormwater to be directed to Council's stormwater drainage system shall not exceed 20l/s unless otherwise agreed to by Council.
7. The stormwater management system shall be designed to minimise pollutants entering the stormwater.
8. The carparking area and access ways incorporate stormwater management techniques such as permeable or porous surfaces, infiltration systems, drainage swales or rain gardens that integrate with soft landscaping.
9. The truck wash facility and any area used for the washing, cleaning or degreasing of vehicles shall be paved and graded to an appropriately designed grease trap connected to the sewer carriage system to the satisfaction of SA Water.
10. Landscaping shall be undertaken and maintained at all times and shall incorporate the use of established and evergreen trees and shrubs.
11. Landscaping incorporating dense trees and shrubs shall be planted along the boundary adjacent to the rail bike/pedestrian path to provide a screen/buffer of the development.

12. All waste materials and refuse shall be contained within the proposed building or alternatively a screened holding place for waste materials and refuse containers shall be provided and maintained on the site of the development at all times with the waste removed on a regular basis.
13. The Hours of operation shall not exceed the following:
 - Office – 6:00 am to 6:00 pm Monday to Friday
 - Workshop – 7:00 am to 5:00 pm Monday to Friday
 - Truck Depot – 6:00 am to 10:00 pm
14. The development shall be consistent with the relevant provisions identified within the current Environment Protection (Noise) Policy as identified by the Environment Protection Authority, specifically in the potential for noise impact from the movement of heavy vehicles.
15. Any lights on the subject land must be directed and screened so that overspill of light into nearby premises is avoided.
16. The advertising sign shall be maintained in a state of good repair and tidy condition at all times.
17. The buildings in surroundings shall be maintained in a state of good repair and tidy condition at all times.
18. The subject land shall not be used/occupied for the purposes approved until conditions 3, 4, 5, 7, 8, 9, 10 and 11 are completed.

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).

DEVELOPMENT NO.:	24024130
APPLICANT:	Frank Brennan Consulting Services
ADDRESS:	280 Jubilee Highway West, Suttontown
NATURE OF DEVELOPMENT:	Construction of a Transport Depot comprising two storey offices, workshop, truck wash, warehouse, awning roof, carparking (100 vehicles), truck parking, above-ground rainwater tanks, acoustic earth mound, advertising signage, landscaping & mesh security fence.
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Employment Overlays: <ul style="list-style-type: none"> • Hazards (Bushfire - Urban Interface) • Native Vegetation • Prescribed Wells Area • Urban Transport Routes • Water Protection Area Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Maximum Building Height (Levels) (Maximum building height is 1 level)
LODGEMENT DATE:	15 Aug 2024
RELEVANT AUTHORITY:	Regional assessment panel/Assessment manager at Limestone Coast Southern Regional Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.14 1/8/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Tracy Tzioutziouklaris Manager Development Services

DETAILED DESCRIPTION OF PROPOSAL:

The subject allotment has not yet been created and forms part of an application for Land Division (DA22031755). This application for land division was granted Development Approval of 9th February, 2023 and is currently being developed.

The proposed development is for a transport depot that comprises the following components:

- 1,734 m² workshop with offices, toilets and storage
- 599 m² wash bays, with truck wash plant room, toilets and parts wash area
- 1,621 m² warehouse that connects with independent two storey office (600 sq m in area)
- 1,623 m² awning

All components of the building are to be comprised within one building footprint. The building will have a setback of 55 metres to the eastern property boundary, 63.69 metres to the northern property boundary, 24.6 metres to the western property boundary and 30 metres to the southern property boundary. The building will have a setback of approximately 55 metres to the street frontage.

The office area of the building is to be two storeys having a total building height of approximately 7.7 metres in height. The total height of the building is to be approximately 9.3

metres to the top of the gable and a wall height of 7.4 metres. The building is to be constructed using vertical trimdek cladding and roofing with the colour to be confirmed. The office area is to be constructed using Alucobond cladding with selected signage to the façade.

The lower floor of the office is to include an administration area and reception, meeting room, open office area, 3 enclosed offices, archive room and toilets. The upper floor is to comprise of 4 offices, boardroom, open office area and lounge/lunchroom, with a storage mezzanine area.

The main building is to be comprised of a truck wash, workshop, warehouse and awning. A mezzanine storage area is to be located above a small portion of the truck wash.

Hours of operation are proposed to be:

- Office – 6:00 am to 6:00 pm Monday to Friday
- Workshop – 7:00 am to 5:00 pm Monday to Friday
- Truck Depot – 6:00 am to 10:00 pm

Forklifts are to be used in the warehouse between 6:00 am and 4:00 pm and compressors between 7:00 am and 4:00 pm.

Inclusive of the truck drivers there will be 30 staff who will operate from the site.

- Heavy vehicle parking areas (northern and eastern sections of site), with supportive vehicle circulation zone

Heavy vehicle parking is to be located adjacent to the southern and eastern property boundaries with the driveway access being direct from the proposed new road. Vehicle circulation will be available around the whole of the building.

It is proposed there will be 50 truck movements in and out of the site per day via 36 B-double movements, 12 tray top movements and 10 single truck movements.

- Carparking area to provide 100 spaces that includes accessible parks

The carparking area is to be located to the front of the subject site, and will incorporate 100 carparking spaces. Two accessible carparking spaces have been identified within the carparking area.

- Noise suppression mound to be constructed along the western boundary abutting dwellings within the Rural Living Zone

A noise suppression mound 10.0 metres wide and 2-3 metres high is to be constructed along the western property boundary. Two rainwater tanks are also proposed to be located within the south western corner of the allotment, immediately to the south of the proposed mound.

- Landscaping at the entry to the site and in areas surrounding the carpark.

Landscaping is proposed to be planted along the southern property boundary and portion of the western property boundary as well as within the carparking area. The landscaping is to consist of a mix of trees and shrubs.

- Signage

Freestanding signage is proposed for the landscaping island that separates entry and exit at the main access point. The sign is to be 7 metres in height, 2 metres wide and have a display area of 1.6 metres x 3.5 metres. Fascia signage on the two-storey office building is also proposed.

- **Stormwater**

It is proposed to direct the stormwater to the street stormwater system designed as part of the land division.

BACKGROUND

The subject land is currently vacant land and being developed for a land division. The application for land division was granted Development Approval of 9th February, 2023 and is currently being developed.

SUBJECT LAND & LOCALITY

Site Description:

Location reference: 280 JUBILEE HWY W SUTTONTOWN SA 5291

Title ref.: CT 5958/13 **Plan Parcel:** D69032 AL22 **Council:** CITY OF MOUNT GAMBIER

The proposed development will be located on proposed allotment 7 within the Land Division, which will be an irregular shaped allotment having a street frontage of 40 metres to the new street, and a total site area of 4 hectares. The subject site is currently vacant land, previously used for the grazing of livestock and appears relatively flat with a slight fall from west to east.

Locality

The character of the subject locality is predominately industrial and commercial with residential nearby. To the south of the subject site is the Borg site, which is currently being redeveloped. A commercial/small industrial development is located immediately to the west. Also to the west is a Motel (Currently closed) and residential dwellings. To the east of the subject site is the Calula Drive Industrial/Commercial area, a service station and service trade premises for the sale of caravans and swimming pools.

The rail trail, a disused rail line which is developed as a pedestrian bicycle path is located along the eastern property boundary. To the north and north east are dwellings, which are located within the Suburban Neighbourhood Zone and Rural Living Zone.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Advertisement: Code Assessed - Performance Assessed

Water tanks

Other - Commercial/Industrial - Transport Depot: Code Assessed - Performance Assessed

Water tank (above ground): Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

P&D Code

PUBLIC NOTIFICATION

- **REASON**

The subject site is located adjacent to residential dwellings located within the Suburban Neighbourhood Zone

- **LIST OF REPRESENTATIONS**

- **SUMMARY**

One representation was received at the conclusion of the public notification period which raised the following concerns:

Noise – It is noted there are no noise attenuation measures located on the north and eastern boundaries of the subject land.

Movement of Trucks – during the night.

Response to the Representation

In response to the representation the Applicant reconfirmed the proposed hours of operation of the business and confirmed it would operate within the parameters of the Environment Protection Authority Noise Policy criteria.

AGENCY REFERRALS

Not Applicable.

INTERNAL REFERRALS

Not Applicable.

PLANNING ASSESSMENT

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

Question of Seriously at Variance

The proposed development comprises the construction of a transport depot including associated office, warehousing, truck and carparking and supporting infrastructure. It is located in the Employment Zone. Development of this nature is appropriate within the site, locality or in the Employment for the following reasons:

- The Zone envisages a range of employment generating light industrial land uses
- The development incorporates an office and warehouse component
- The subject locality contains a variety of industrial land uses including a 24-hour operating timber mill

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

Quantitative Provisions

Land Use

The Desired Outcome of the Employment Zone is 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. It is noted there are a number of transport depots for trucks located within the City of Mount Gambier. These premises are either located within the Strategic Employment or Employment Zones. A motor repair station, warehouse and office are also envisaged forms of development within the Employment Zone.

The setback of the development from the street frontage is approximately 55 metres, which is considered a substantial setback. This setback will minimise the visual impact of the development on the streetscape.

The building has been site in such a manner to facilitate and accommodate for the manoeuvrability of large vehicles anticipated to use the subject site.

There is no native vegetation on the subject land, with the land being a clear allotment previously used for the grazing of livestock.

The subject land will be connected to both SA water sewer and water.

The rainwater tanks to be located on the subject site will be available for use during a bushfire event. The facility is also located away from any notable vegetation that may increase the potential threat from bushfires. The design of the proposed development will also accommodate and allow for the movement of the metropolitan fire brigade vehicles.

Building Height

The building height within the Employment Zone envisages two storey buildings to a height of 9 metres. The development is to have a total height of 9.3 metres to the top of the gable. This height is considered acceptable when considering the size and scale of the building and the size and scale of the allotment and setback distances to the property boundaries.

The sign is to be 7 metres in height, 2 metres wide and have a display area of 1.6 metres x 3.5 metres. Fascia signage on the two-storey office building is also proposed. The Planning and Design Code identifies freestanding advertisements are not visually dominant within the locality, and do not exceed 6 metres in height. The proposed sign at 7 metres is considered acceptable when considering the allotment frontage to the street and the proposed character and development of the allotment. The development will not have a strong visual impact to the streetscape character.

Setbacks, Design & Appearance

The building to be constructed as part of this development has substantial setbacks to the street frontage and the allotment boundaries. The building has been designed with a number of design features to break up the visual scale and bulk of the building including the office component, and the awning.

Advertising/branding is to be compatible and integrated with the design of the building and will be flush to the wall. When considering the setback distances of the building, the advertising will not detract from the appearance of the land upon which they are situated.

The carparking area for customers and staff has been provided in front of the building and will incorporate landscaping to help improve the appearance of the development when viewing it from the street. This design also helps to minimise the conflict in vehicular movement between cars and the heavy vehicles.

A declaration has been provided to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996 as required by PO 1.1 and DPF 1.1 (b).

The site will be fenced using see through security fencing which helps to minimise the visual impact of the fence.

Traffic Impact, Access and Parking

The subject allotment has been created as part of a land division which creates the proposed road the development will have direct access to. The development when constructed will not have direct access to the primary arterial road, but will have access via to the primary arterial road by the proposed new road to be created as part of the land division.

The proposed access point has been designed to accommodate the type and volume of traffic to be generated by the development.

The carparking provided on site exceeds the number of spaces required to be provided for the development.

Environmental Factors

It is not envisaged the development will impact on the quality of water within the underground aquifer, with stormwater to be directed to on site rainwater tanks and to the street stormwater system. The waste water to be generated within the wash bay will be directed to the SA Water waste system.

Interface between Land Uses

The development is located within close proximity to residential dwellings within a neighbourhood zone to the north and north east. The railway pedestrian and bike path separates the two different land uses. Whilst the proposed building is located approximately 150 metres away from the nearest dwelling, trucks will be parked along the northern and eastern property boundaries.

As outlined within the report lodged as part of the Development Application the major noise activity, associated with the development, is considered to be associated with truck movements (reversing and idling) and moving into and out of the site. These movements are to occur between 6:00 am and 10:00 pm.

With regard to the Environment Protection (Commercial and Industrial Noise) Policy 2023, during the hours of 7:00 am to 10:00 pm, any noise received from a sensitive receiver should be no greater than 51 decibels (a balance between General Industry indicative noise factor (65 decibels) and Rural Living Zones indicative noise factor of 47 decibels minus a 5 decibel penalty).

Given the separation from where the movements will occur during these times, such noise generation will be more than 150 metres from any of the nearest dwellings (sensitive receivers) retained within the Rural Living Zone. There will also be a noise suppression mound separating the uses. The maximum allowable decibel by any of the truck movements is anticipated to not exceed the above mentioned limits. Further, the main building and entrance for trucks is deliberately positioned away from the dwellings to further assist with noise mitigation.

General activity occurring within the workshop building will include forklift operations and potentially other smaller machines. It is likely much of the noise created by any of this machinery will be retained within the building itself.

CONCLUSION

The development as proposed generally meets the requirements of the Planning and Design Code and warrants support and granting of Planning Consent.

It is not envisaged the development will detract from the character and amenity of the subject land and the surrounding locality. Whilst there are a number of dwellings within close proximity to the development, the potential for impacts from the proposed development can be appropriately managed.

It is noted the character of the subject locality is of industrial and commercial developments with a number of industrial land uses within close proximity of the proposed development.

RECOMMENDATION

Having had regard to the provisions of the Planning and Design Code, the Application and all supporting documentation, and the issues raised within the public notification process, Planning Consent be granted subject to the following Conditions:

1. The development shall be carried out in accordance with the Plan/s as approved and with the Conditions of Approval.
2. All of the building, including the roof, shall be constructed of a colour coated metal material or similar finish.
3. The car parking and driveway areas and footpath crossover as shown on the plan/s as approved, shall be graded, paved and sealed with bitumen or other similar material and line marked and maintained in a useable condition as all times in accordance with the relevant Australian Standard.
4. The remainder of the yard areas shall be graded and surfaced to ensure maximum dust suppression and to avoid dust and mud being carried out by vehicles onto public roads at all times.
5. The accessible carparking spaces shall be appropriately identified, line marked and maintained in a useable condition at all times in accordance with the relevant Australian Standard.
6. The stormwater to be directed to Council's stormwater drainage system shall not exceed 20l/s unless otherwise agreed to by Council.
7. The stormwater management system shall be designed to minimise pollutants entering the stormwater.

8. The carparking area and access ways incorporate stormwater management techniques such as permeable or porous surfaces, infiltration systems, drainage swales or rain gardens that integrate with soft landscaping.
9. The truck wash facility and any area used for the washing, cleaning or degreasing of vehicles shall be paved and graded to an appropriately designed grease trap connected to the sewer carriage system to the satisfaction of SA Water.
10. Landscaping shall be undertaken and maintained at all times and shall incorporate the use of established and evergreen trees and shrubs.
11. Landscaping incorporating dense trees and shrubs shall be planted along the boundary adjacent to the rail bike/pedestrian path to provide a screen/buffer of the development.
12. All waste materials and refuse shall be contained within the proposed building or alternatively a screened holding place for waste materials and refuse containers shall be provided and maintained on the site of the development at all times with the waste removed on a regular basis.
13. The Hours of operation shall not exceed the following:
 - Office - 6:00 am to 6:00 pm Monday to Friday
 - Workshop - 7:00 am to 5:00 pm Monday to Friday
 - Truck Depot - 6:00 am to 10:00 pm
14. The development shall be consistent with the relevant provisions identified within the current Environment Protection (Noise) Policy as identified by the Environment Protection Authority, specifically in the potential for noise impact from the movement of heavy vehicles.
15. Any lights on the subject land must be directed and screened so that overspill of light into nearby premises is avoided.
16. The advertising sign shall be maintained in a state of good repair and tidy condition at all times.
17. The buildings in surroundings shall be maintained in a state of good repair and tidy condition at all times.
18. The subject land shall not be used/occupied for the purposes approved until conditions 3, 4, 5, 7, 8, 9, 10 and 11 are completed.

INVITES

The Applicant - Frank Brennan Consulting Services

ATTACHMENTS

1. Application Snapshot - DA 24024130 - 280 Jubilee Highway West [6.3.1 - 4 pages]
2. Planning Report - D A 24024130 - 280 Jubilee Highway West [6.3.2 - 17 pages]
3. Plans - DA 24024130 - 280 Jubilee Highway West [6.3.3 - 8 pages]
4. Representation - DA 24024130 - 280 Jubilee [6.3.4 - 2 pages]
5. Response to representation - DA 24024130 - 280 Jubilee Highway West [6.3.5 - 1 page]
6. Refrigerated Trucks - Confirmation - will not be on site - DA 24024130 - 280 Jubilee Highway West [6.3.6 - 2 pages]
7. Planning and Design Code - DA 24024130 - 280 Jubilee Highway West [6.3.7 - 87 pages]

6.4 INSTRUMENT C - AMENDMENTS - DELEGATIONS

Author: Ashlee Pasquazzi, Executive Administrator Corporate and Regulatory Services

Authoriser: Tracy Tzioutziouklaris, Assessment Manager

RECOMMENDATION

1. That Council report titled 'Instrument C - Amendments - Delegations' as presented on Thursday 17 October 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 to this report (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 18 October, 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 18 October, 2024.

PURPOSE

There have been minor amendments to the Instrument of Delegation for the RAP which includes the following new provision as highlighted 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:

New Provision (*shown in green*)

752619 41. Notice of Decision (Section 126(1))

- 41.1 The power pursuant to Regulation 57(2)(b) of the General Regulations to provide notice via the SA Planning Portal and to determine if necessary to give notice to the applicant in some other way determined to be appropriate by the delegate.

BACKGROUND / OPTIONS

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 2024.

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 - Powers of an Assessment Panel [6.4.1 - 56 pages]

7 URGENT MOTIONS WITHOUT NOTICE

8 MEETING CLOSE