



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

Date: Thursday, 18 April 2024
Time: 5.00 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Limestone Coast Southern Regional Assessment Panel 18 April 2024

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

**Tracy Tzioutziouklaris
Assessment Manager
11 April 2024**

Order Of Business

1	Acknowledgement of Country	3
2	Apology(ies).....	3
3	Confirmation of Minutes.....	3
4	Questions Without Notice	3
5	Invitees	3
6	Reports.....	4
6.1	DA:24002968 - Review of Decision - 44 St Andrews Drive, Worrolong – Report No. AR24/25065	4
6.2	DA:24001575 - Change of Use - Response to Further Information Request - 4 Scott Court, Mount Gambier – Report No. AR24/25153	21
6.3	DA: 23010745 - Inert waste reception and reprocessing facility within the area of an existing quarry - 14 Leech Road, Mil-Lel – Report No. AR24/25709	30
7	Urgent Motions without Notice	45
8	Meeting Close	45

1 ACKNOWLEDGEMENT OF COUNTRY

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

2 APOLOGY(IES)

Nil

3 CONFIRMATION OF MINUTES

Limestone Coast Southern Regional Assessment Panel - 21 March 2024

RECOMMENDATION

That the minutes of the Limestone Coast Southern Regional Assessment Panel meeting held on 21 March 2024 be confirmed as an accurate record of the proceedings of the meeting.

4 QUESTIONS WITHOUT NOTICE

5 INVITEES

Invitees for Item 6.1 - 44 St Andrews Drive, Worrolong

The Applicant - Mr Frank Brennan

Invitees for Item 6.3 - 14 Leech Road, Mil-Lel

The Respresentor - Mr David Clayfield

The Applicant - GT Bobcat Pty Ltd

6 REPORTS**6.1 DA:24002968 - REVIEW OF DECISION - 44 ST ANDREWS DRIVE, WORROLONG – REPORT NO. AR24/25065**

Development No:	DA:24002968
Applicant:	Empak Homes
Property Address:	44 St Andrews Drive, Worrolong
Property Owner:	Mr Gordon Clark & Mrs Vicki Clark
Report No:	AR24/25065
CM9 Reference:	AF22/276
Author:	Roslyn Snaauw, Senior Planner
Authoriser:	Tracy Tzioutziouklaris, Assessment Manager
Nature of Development:	To construct a detached dwelling
Description:	To construct a detached dwelling
Zoning:	Golf Course Estate
Policy Area:	City of Mount Gambier
Heritage:	N/A

REPORT RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR24/25065 titled 'DA:24002968 - Review of Decision - 44 St Andrews Drive, Worrolong' as presented on 18 April 2024 be noted.
2. That the Limestone Coast Southern Regional Assessment Panel, 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, resolve that the development application is NOT seriously at variance with the Planning and Design Code, for the following reasons:
 - (a) The proposed land use is not prejudicial to the Desired Outcome of the Golf Course Estate Zone.
 - (b) The identified departures from the Planning and Design Code are not considered to be "important or grave".
 - (c) The proposed development is for a residential dwelling within a residential development.
3. Having had regard to the provision of the Planning and Design Code, the Application and all supporting documentation, Council consider that the development is at variance to the provisions of the Planning and Design Code and the decision of the Assessment Manager should be upheld and Planning Consent be refused for the following reasons:
 - a) The proposed development is at variance to the provisions of the Planning and Design Code with regards to front primary street boundary setback with the garage being 1.5 metres forward of the building line of the dwelling.
 - b) The proposed location of the garage does not ensure orderly and proper development.

- c) The garage appearance from the primary street, St Andrews Drive, will dominate and detract from the streetscape and appearance of the dwelling to which it is associated with and will dominate the character and amenity of the subject locality.
- d) The proposed development does not improve or enhance the amenity and character of the area - Golf Course Estate.



BACKGROUND

Pursuant to delegated authority, Planning Consent was refused by Notice dated 22nd March 2024 for this Development Application seeking to construct a detached dwelling at 44 St Andrew Drive in Mt Gambier.

The subject site is located within the Golf Course Estate which is developed with residential dwellings with reduced front primary street boundary setbacks.

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

This application is for the construction of a detached dwelling on the subject vacant land.

Access to the proposed land will be to the south-west from St Andrews Drive with vehicle access to the dwelling via a driveway to the proposed two (2) garages.

The front primary street boundary length is 22.37 metres and the proposed dwelling will have a western length of 19.01 metres facing St Andrew Drive with 10.3 metres of this length being provided for garages.

The dwelling will have a northern boundary setback of 1.28 metres to the retaining wall and an overall northern boundary setback of 2.28 metres. The southern boundary setback will be 1.05 metres with an eastern/rear boundary setback of 4.895 metres. The front/primary street boundary setback to St Andrews Drive will be 5.5 metres to the garage proposed on site which will be forward of the building line (bedroom 2) to the dwelling. The dwelling will be setback a minimum of 6.45 metres.

The dwelling will have a minimum wall height from floor level of approximately 2.5 metres with the southern garage wall height from floor level being approximately of 3.36 metres. The overall height of the proposed dwelling is approximately 5.2 metres from floor level.

The proposed dwelling will be constructed of a render finish over 75mm Hebel Power panel with custom orb roof sheeting with a medium color being proposed.

The dwelling will be comprised of an entrance portico that leads into an entry. The entry hallway will also have access from a double and single car garage. The dwelling will comprise a laundry, bathroom with vanity and toilet area, a separate toilet, buggy room, enclosable alfresco area with access from the dining/living area and a pergola with access from the Alfresco area, an open plan living/dining/kitchen (kitchen will have a walk in pantry). This dwelling will also contain three (3) bedrooms with bedroom 1 containing a walk in robe and ensuite.



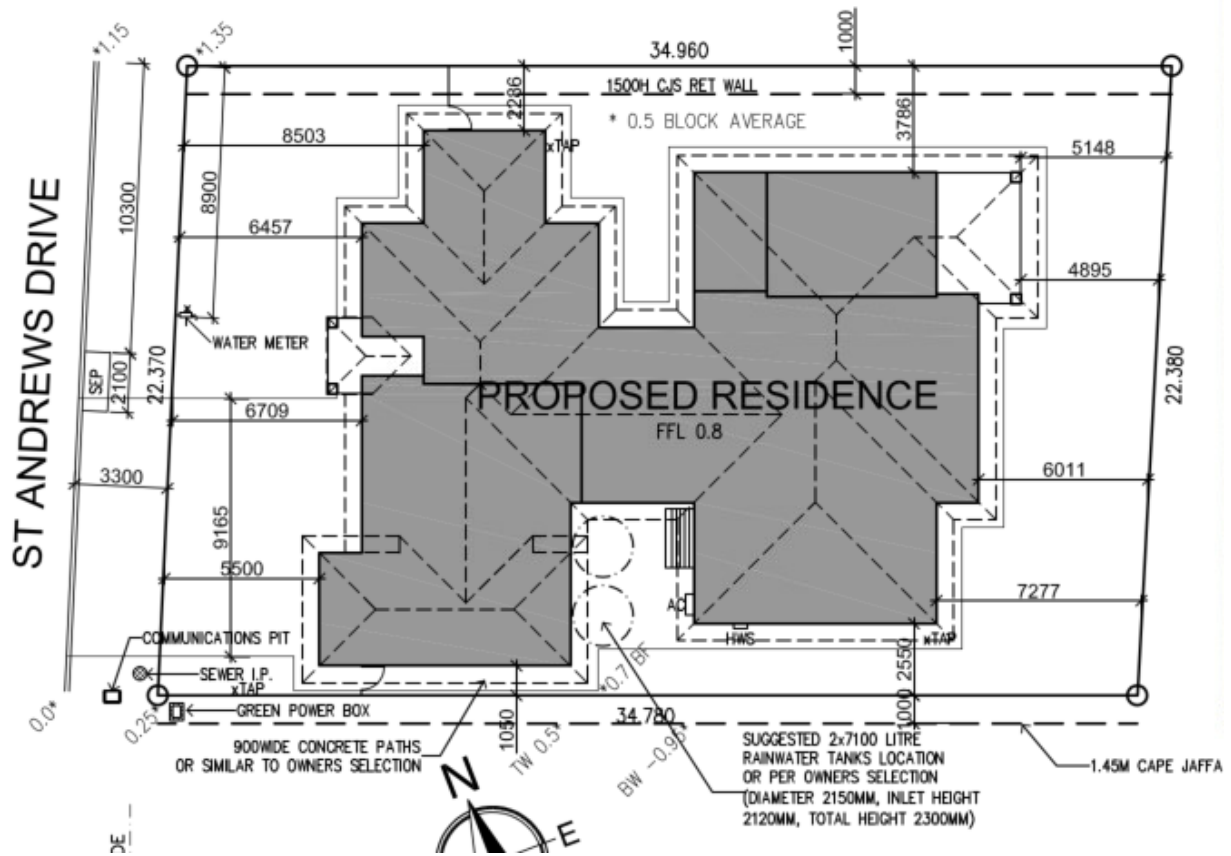


Figure 1: Proposed site plan

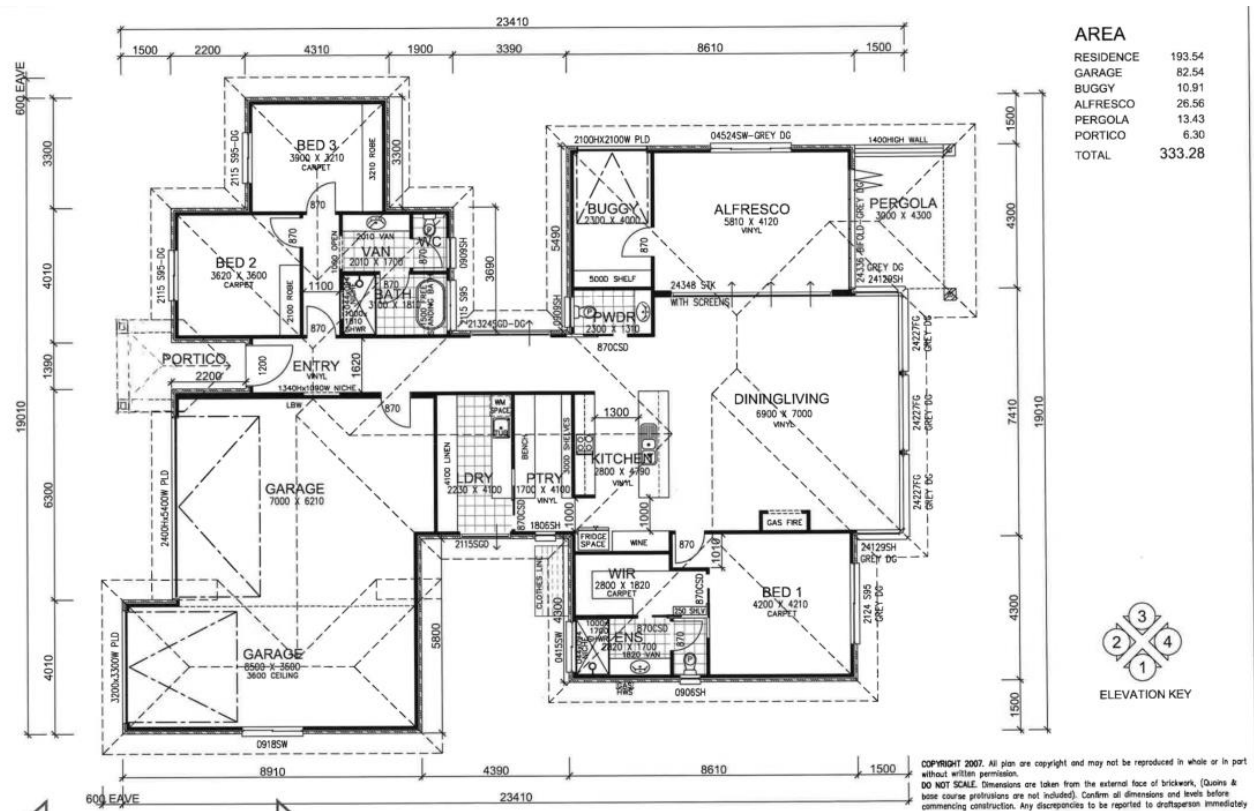


Figure 2: Proposed floor plan

LOCATION OF DEVELOPMENT:

The subject land is located in the Golf Course Estate Zone adjoining a Golf Course to the east and is located within the Hazards (Bushfire – Medium Risk) Overlay as identified in the Planning and Design Code (Code) (in effect) Version 2024.3 15/02/2024.

The subject land is located within a residential area that is developed with newly constructed dwellings and outbuildings.

This is a rectangular shaped allotment that has a front boundary length of 22.37 metres, rear boundary length of 22.38 metres, northern boundary length of 34.96 metres and a southern boundary length of 34.78 metres equating to a total area of approximately 794 sqm.

Proposed access to the subject land will be to the south-west from St Andrews Drive with the eastern boundary adjoining the Golf Course.

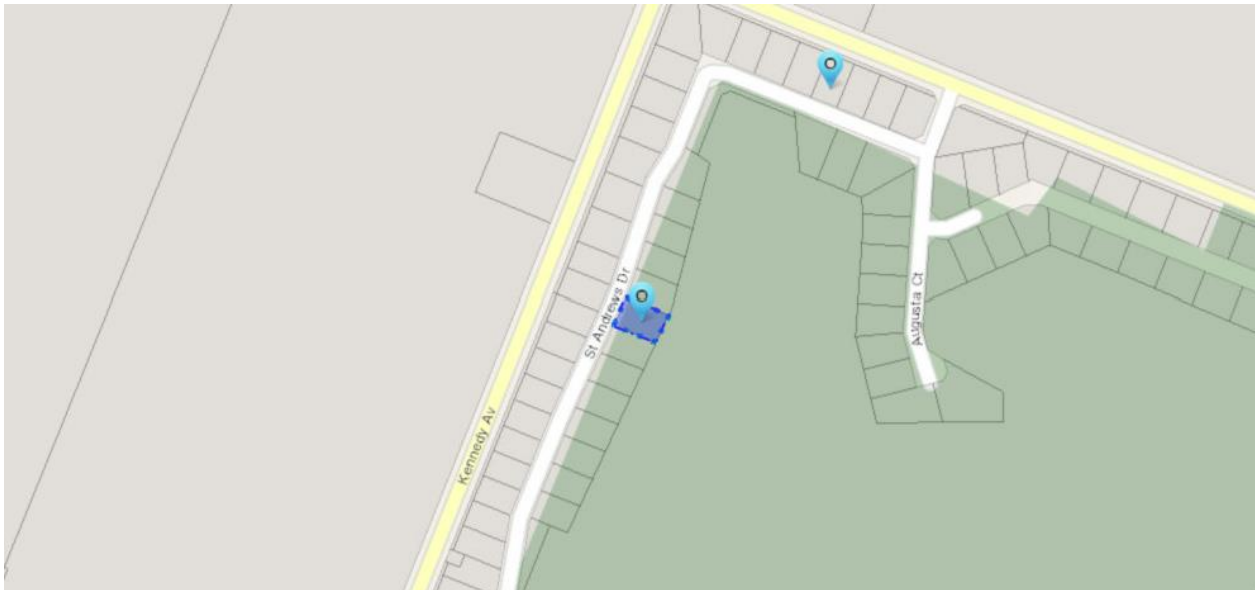


Figure 3: Subject land highlighted in blue

Location reference: 44 ST ANDREWS DR WORROLONG SA 5291

Title ref.: CT 6173/129 **Plan Parcel:** C27733 FL6 **Council:** CITY OF MOUNT GAMBIER

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

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

PUBLIC NOTIFICATION

Pursuant to Table 5 of the Planning and Design Code public notification of a detached dwelling is exempt.

AGENCY REFERRALS

N/A

INTERNAL REFERRALS



None

PLANNING & DESIGN CODE POLICIES

In assessing the merits of the proposal, Council has reviewed the Zone, Overlays, and General Development policies within the Planning and Design Code (Code) (in effect) Version 2024.3 15/02/2024.

The following provisions for the Golf Course Estate Zone and the subject site have been considered by Council. The most relevant policies are as follows:

Part 2 – Zones and Sub Zones

Golf Course Estate Zone

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	A golf course and associated club facilities as well as housing and tourism development sensitively integrate with natural features such as topography, vegetation and watercourses. Services and facilities support recreation and tourism.

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
PO 1.1 Recreation, housing and complementary uses support tourism and residential living in a golf course setting.	DTS/DPF 1.1 Development comprises one or more of the following: (a) <u>Consulting room</u> (b) <u>Dwelling</u> (c) Golf course (d) <u>Office</u> (e) <u>Outbuilding</u> (f) <u>Residential flat building</u> (g) <u>Retirement facility</u> (h) <u>Shop</u> (i) Sporting clubrooms (j) <u>Tourist accommodation.</u>
Building Height	
PO 3.1 Buildings of a height that complements the open natural character of the golf course.	DTS/DPF 3.1 <u>Building height</u> (excluding garages, carports and outbuildings) are no greater than 2 building levels and 9m and <u>wall height</u> is no greater than 7m except in the case of gable end.
Primary Street Setback	



PO 4.1

Buildings are set back from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.

DTS/DPF 4.1

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

<p>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>.</p>	<p>The setback of the existing building.</p>
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For the purposes of DTS/DPF 4.1:

- (a) the setback of an existing building on an abutting site to the street boundary that it shares with the site of the proposed building is to be measured from the closest building wall to that street boundary at its closest point to the building wall and any existing projection from the building such as a verandah, porch, balcony, awning or bay window is not taken to form part of the building for the purposes of determining its setback
- (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

Side Boundary Setback

PO 7.1

Buildings are set back from side boundaries to provide:

- (a) separation between buildings in a way that complements the established character of the locality
- (b) access to natural light and ventilation for neighbours.

DTS/DPF 7.1

Building walls are set back from the side boundary in accordance with the following:

- (b) On sites 800m² or less:
 - (iii) for a wall that is south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level – at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level.

Rear Boundary Setback



<p>PO 8.1</p> <p>Building walls (excluding ancillary buildings and structures) are set back from rear boundaries to provide:</p> <ul style="list-style-type: none"> (a) separation between buildings in a way that contributes to a suburban character (b) access to natural light and ventilation for neighbours (c) <u>private open space</u> (d) space for landscaping and vegetation (e) a consistent character when viewed from a golf course. 	<p>DTS/DPF 8.1</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"> (a) where the rear boundary fronts a golf course, no less than the average rear setback of any existing buildings (excluding ancillary buildings and structures) on adjoining allotments. (b) where the rear boundary adjoins a laneway – 0m (c) In all other cases: <ul style="list-style-type: none"> (i) 3m for the first <u>building level</u> and (ii) 5m for any second <u>building level</u>.
<p>PO 11.1</p> <p>Dwellings on sites/allotments that overlook the golf course are designed to take advantage of golf course views while providing attractive frontages to public streets.</p>	<p>DTS/DPF 11.1</p> <p>None are applicable.</p>
<p>PO 11.2</p> <p>Service areas associated with dwellings such as open storage and clothes drying are screened from the golf course and public view.</p>	<p>DTS/DPF 11.2</p> <p>None are applicable.</p>

Part 3 – Overlays

Hazards (Bushfire – General Risk) Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Development, including land division responds to the general level of bushfire risk by siting and designing buildings in a manner that mitigates the threat and impact of bushfires on life and property taking into account the increased frequency and intensity of bushfires as a result of climate change.
DO 2	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Siting	
<p>PO 1.1</p> <p>Buildings and structures are located away from areas that pose an unacceptable bushfire risk as a result of vegetation cover and type, and terrain.</p>	<p>DTS/DPF 1.1</p> <p>None are applicable.</p>



Built Form	
<p>PO 2.1</p> <p>Buildings and structures are designed and configured to reduce the impact of bushfire through using designs that reduce the potential for trapping burning debris against or underneath the building or structure, or between the ground and building floor level in the case of transportable buildings and buildings on stilts.</p>	<p>DTS/DPF 2.1</p> <p>None are applicable.</p>
Habitable Buildings	
<p>PO 3.1</p> <p>To minimise the threat, impact and exposure to bushfires on life and property, residential and <u>tourist accommodation</u> and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, <u>student accommodation</u> and <u>workers' accommodation</u>) is sited on the flatter portion of allotments away from steep slopes.</p>	<p>DTS/DPF 3.1</p> <p>None are applicable.</p>
<p>PO 3.2</p> <p>Residential and <u>tourist accommodation</u> and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, <u>student accommodation</u> and <u>workers' accommodation</u>) is sited away from vegetated areas that pose an unacceptable bushfire risk.</p>	<p>DTS/DPF 3.2</p> <p>Residential and <u>tourist accommodation</u> and habitable buildings for vulnerable communities are provided with <u>asset protection zone(s)</u> in accordance with (a) and (b):</p> <p>(a) the <u>asset protection zone</u> has a minimum width of at least:</p> <p>(i) 50 metres to unmanaged grasslands</p> <p>(ii) 100 metres to hazardous bushland vegetation</p> <p>(b) the <u>asset protection zone</u> is contained wholly within the allotment of the development.</p>
<p>PO 3.3</p> <p>Residential and <u>tourist accommodation</u> and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, <u>student accommodation</u> and <u>workers' accommodation</u>) has a dedicated area available that is capable of accommodating a bushfire protection system comprising firefighting equipment and water supply in accordance with <i>Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements</i>.</p>	<p>DTS/DPF 3.3</p> <p>None are applicable.</p>
Vehicle Access – Roads, Driveways and Fire Tracks	
<p>PO 5.2</p> <p>Access to habitable buildings is designed and constructed to facilitate the safe and effective:</p> <p>(a) access, operation and evacuation of fire-fighting vehicles and emergency personnel</p> <p>(b) evacuation of residents, occupants and visitors</p>	<p>DTS/DPF 5.2</p> <p>Access is in accordance with (a) or (b):</p> <p>(a) a clear and unobstructed vehicle or pedestrian pathway of not greater than 60 metres in length is available between the most distant part of the habitable building and the nearest part of a formed public access road</p>



- (b) driveways:
 - (i) do not exceed 600m in length
 - (ii) are constructed with a formed, all-weather surface
 - (iii) are connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than 7 degrees (1-in-8)
 - (iv) have a gradient of not more than 16 degrees (1-in-3.5) at any point along the driveway
 - (v) have a cross fall of not more than 6 degrees (1-in-9.5) at any point along the driveway
 - (vi) have a minimum formed width of 3m (4m where the gradient of the driveway is steeper than 12 degrees (1-in-4.5)) plus 0.5 metres clearance either side of the driveway from overhanging branches or other obstructions, including buildings and/or structures (Figure 1)
 - (vii) incorporate passing bays with a minimum width of 6m and length of 17m every 200m (Figure 5)
 - (viii) provide overhead clearance of not less than 4.0m between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures (Figure 1)
 - (ix) allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around driveway curves by constructing the curves with a minimum external radius of 12.5m (Figure 2)
 - (x) allow fire-fighting vehicles to safely enter and exit an allotment in a forward direction by using a 'U' shaped drive through design or by incorporating at the end of the driveway either:
 - A. a loop road around the building
 - B. a turning area with a minimum radius of 12.5m (Figure 3)
 - C. a 'T' or 'Y' shaped turning area with a minimum formed length of 11m and minimum internal radii of 9.5m (Figure 4)
 - (xi) incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
All Residential development	
Garage appearance	
<p>PO 14.1</p> <p>Garaging is designed to not detract from the streetscape or appearance of a <u>dwelling</u>.</p>	<p>DTS/DPF 14.1</p> <p>Garages and carports facing a street:</p> <ul style="list-style-type: none"> (a) are situated so that no part of the garage or carport is in front of any part of the <u>building line</u> of the <u>dwelling</u> (b) are set back at least 5.5m from the boundary of the <u>primary street</u> (c) have a garage door / opening not exceeding 7m in width (d) have a garage door / opening width not exceeding 50% of the <u>site</u> frontage unless the <u>dwelling</u> has two or more building levels at the <u>building line</u> fronting the same public street.
Car parking, access and manoeuvrability	
<p>PO 19.1</p> <p>Enclosed parking spaces are of a size and dimensions to be functional, accessible and convenient.</p>	<p>DTS/DPF 19.1</p> <p>Residential car parking spaces enclosed by fencing, walls or other structures have the following internal dimensions (separate from any <u>waste</u> storage area):</p> <ul style="list-style-type: none"> (a) single width car parking spaces: <ul style="list-style-type: none"> (i) a minimum length of 5.4m per space (ii) a minimum width of 3.0m (iii) a minimum garage door width of 2.4m (b) double width car parking spaces (side by side): <ul style="list-style-type: none"> (i) a minimum length of 5.4m (ii) a minimum width of 5.4m (iii) minimum garage door width of 2.4m per space.



Table 1 – Private Open Space

Dwelling Type	Minimum Rate
Dwelling (at ground level)	<p>Total <u>private open space</u> area:</p> <p>(a) <u>Site</u> area <301m²: 24m² located behind the <u>building line</u>.</p> <p>(b) <u>Site</u> area ≥ 301m²: 60m² located behind the <u>building line</u>.</p> <p>Minimum directly accessible from a living room: 16m² / with a minimum dimension 3m.</p>

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
Vehicle Parking Rates	
<p>PO 5.1</p> <p>Sufficient on-<u>site</u> vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-<u>site</u> rate such as:</p> <p>(a) availability of on-street car parking</p> <p>(b) shared use of other parking areas</p> <p>(c) in relation to a mixed-use development, where the <u>hours of operation</u> of commercial activities complement the residential use of the <u>site</u>, the provision of vehicle parking may be shared</p> <p>(d) the adaptive reuse of a State or Local Heritage Place.</p>	<p>DTS/DPF 5.1</p> <p>Development provides a number of car parking spaces on-<u>site</u> at a rate no less than the amount calculated using one of the following, whichever is relevant:</p> <p>(a) Transport, Access and Parking Table 2 – Off-Street Vehicle Parking Requirements in Designated Areas if the development is a class of development listed in Table 2 and the <u>site</u> is in a Designated Area</p> <p>(b) Transport, Access and Parking Table 1 – General Off-Street Car Parking Requirements where (a) does not apply</p> <p>(c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.</p>

Table 1 – General Off-Street Car Parking Requirements

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.
Residential Development	
<u>Detached Dwelling</u>	<p><u>Dwelling</u> with 1 bedroom (including rooms capable of being used as a bedroom) – 1 space per <u>dwelling</u>.</p> <p><u>Dwelling</u> with 2 or more bedrooms (including rooms capable of being used as a bedroom) – 2 spaces per <u>dwelling</u>, 1 of which is to be covered.</p>



PLANNING ASSESSMENT

Planning and Design Code

Part 1 - Rules of Interpretation - This Part 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), and instructs the user on how the Code is to be read and applied to development assessed under the Act, and provides for other matters relevant to the interpretation and operation of the Code.

The Code divides development into 3 categories depending on whether it is classified under the Code as:

- (a) **Accepted Development**
- (b) **Code Assessed Development** which includes *Deemed to satisfy and Performance assessed development*
- (c) **Impact Assessed Development** – *restricted development*

All development is classified firstly by reference to its location and the zone, subzone and overlays that are applicable to the location.

This development was required to be assessed as Performance Assessed development as it is located within the Golf Course Estate Zone.

The Code specifies the policies and rules for the application that apply to this class of development within the zone and the relevant general development policies including rules relating to the application of Desired Outcome policies, Performance outcomes and Designated Performance Features.

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.

In assessing the merits of the proposal, Council have reviewed the Zone, Overlays, and General Development Policies as contained within the Planning and Design Code (Code) (in effect) Version 2024.3 15/02/2024.

Part 2 - Zoning

The proposal is for the construction of a single storey dwelling on the subject land which has a Zoning desired outcome DO 1 of a *golf course and associated club facilities as well as housing and tourism development sensitively integrate with natural features such as topography, vegetation and watercourses. Services and facilities support recreation and tourism.*



Performance Outcome PO 1.1 for Land Use and intensity is to support residential living in a golf course setting.

The proposed use of the land for a dwelling is an acceptable use of the subject land within the golf course setting.

Performance Outcome PO 3.1 Building Height detailing that buildings are of a height (this excludes garages) that complements the open natural character of the golf course. The proposed dwelling is single storey in height with wall heights proposed for the dwelling, similar that which is characteristic of this area.

This Zone has a Performance Outcome with regards to Primary Street Setback PO 4.1 that buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape. The Designated Performance Feature for PO 4.1 is for buildings to be setback from the primary street boundary the same as the existing building on the northern abutting site (there is an existing building on only one abutting site sharing the same street frontage not on a corner lot). The dwelling to the north has a 5.5 metre primary street setback (Bedroom 2) to St Andrews Drive and from the garage door 8.0 metres to St Andrews Drive.

The minimum primary street boundary setback of the proposed development is 5.5 metres to the garage with the proposed dwelling setback a minimum of 6.45 metres. Council note that the garage is not located in line or behind the building line of the dwelling (Part 4 - General Development Policies – Garage appearance – PO 14.1) which Council does not support as an acceptable design, detracting from the streetscape and the appearance of the dwelling. This will be discussed further below in this Report.

Council note that the Applicant provided amended plans that show an increase in the porch area so that the primary street setback to the porch is reduced. Pursuant to Designated Performance Feature 4.1 (b) any proposed projections such as a porch may encroach not more than 1.5 metres into the minimum setback (at 5.5 metres in this instance) which remains satisfactory.

Performance Outcome PO 7.1 Site Boundary Setback has an outcome that buildings are setback from side boundaries to provide separation between buildings in a way that complements the established character of the locality and allows access to natural light and ventilation for neighbours with a Designated Performance Feature that on a site 800sqm or less for a wall that is south facing and exceeds 3 metres measured from the lower of natural or finished ground level should be setback at least 1.9 metres from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3 metres from the lower of natural or finished floor level. Plans provided with this application show the southern garage will be setback from the southern boundary 1.05 metres and this wall will have a height of approximately 3.36 metres with the setback proposed satisfactory. Council note that the land to the south is vacant.

Part 3 – Overlay

The subject land is located within the Hazards (Bushfire – General Risk) Overlay which has a desired outcome that *DO 1 Development, including land division responds to the general level of bushfire risk by siting and designing buildings in a manner that mitigates the threat and impact of bushfires on life and property taking into account the increased frequency and intensity of bushfires as a result of climate change and to DO 2 to facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.*

The subject land is to the west of a golf course that has manicured grasses and scattered established trees. The proposed location of the dwelling does not pose an unacceptable bushfire risk with an asset protection zone of 100 metres showing manicured grasses on the Golf Course and a proposed driveway that does not exceed 600 metres in length with a gradient not more than 16 degrees (1 in 3.5) at any point along the driveway and does not have a cross fall of not more than 6 degrees (1 in 9.5) at any point along the driveway. The driveway will have a minimum width of 3.0 metres. The subject site has access to a bitumen road to the west that can provide exit from the general area.

Part 4 – General Development Policies



Design – has a Desired Outcome DO 1 that *Development is (a) contextual – by considering, recognising and carefully responding to its natural surroundings or building environments and positively contributes to the character of the immediate area.*

Performance Outcome for All Residential development – Garage appearance - PO 14.1 states that Garaging is designed to not detract from the streetscape or appearance of a dwelling with a Designated Performance Feature for a garage, facing a street that:

- (a) Are situated so that no part of the garage is in front of any part of the building line of the dwelling

Not being met.

The proposed garage is proposed to be constructed 1.5 metres in front of the building line of the dwelling (porchs do not form part of the building line as detailed in the Code as detailed earlier in this Report).

- (b) Are setback at least 5.5 metres from the boundary of the primary street boundary.

The proposed garage is located 5.5 metres from the primary street boundary.

- (c) Have a garage door/opening not exceeding 7.0 metre in width.

Not being met.

The garage panel lift doors will have a width of 5.4 metres plus 3.3 metres totalling a width of 8.7 metres.

- (d) Have a garage door/opening width not exceeding 50% of the site frontage unless the dwelling has two or more building levels at the building line fronting the same public street.

Not being met.

The dwelling is one level and the length of the proposed western elevation of the dwelling is 19.0 metres. The proposed garage door opening will be greater than 50% of the western elevation.

The Code defines Building Line (for the purpose of the garage):

In relation to a building on a site, means a line drawn parallel to the wall of the building closest to the boundary of the site that faces the primary street and any existing projection from that wall of the building such as a veranda, porch, balcony, awning or by window is not to be taken to form part of the building for the purposes of determining the relevant wall of the building.



Term (Column A)	Definition (Column B)	Illustrations (Column C)
Building line	In relation to a building on a site, means a line drawn parallel to the wall of the building closest to the boundary of the site that faces the primary street and any existing projection from that wall of the building such as a verandah, porch, balcony, awning or bay window is not to be taken to form part of the building for the purposes of determining the relevant wall of the building.	

The Code defines Dwelling:

Means a building or part of a building used as a self-contained residence.

When assessing this application, Council have taken into consideration the existing development of the neighbourhood and note:

- Front primary street boundary setbacks of garages from St Andrews Drive are not 1.5 metres forward of the building line of the dwelling with a wall height greater than 3.0 metres, do not have garage door openings exceeding 7.0 metres in width which exceeds 50% of the site frontage (western elevation) (single storey dwelling).

The location of the garage forward of the building line will detract from the streetscape and appearance of the dwelling as can be seen in the elevation plans provided with this application.

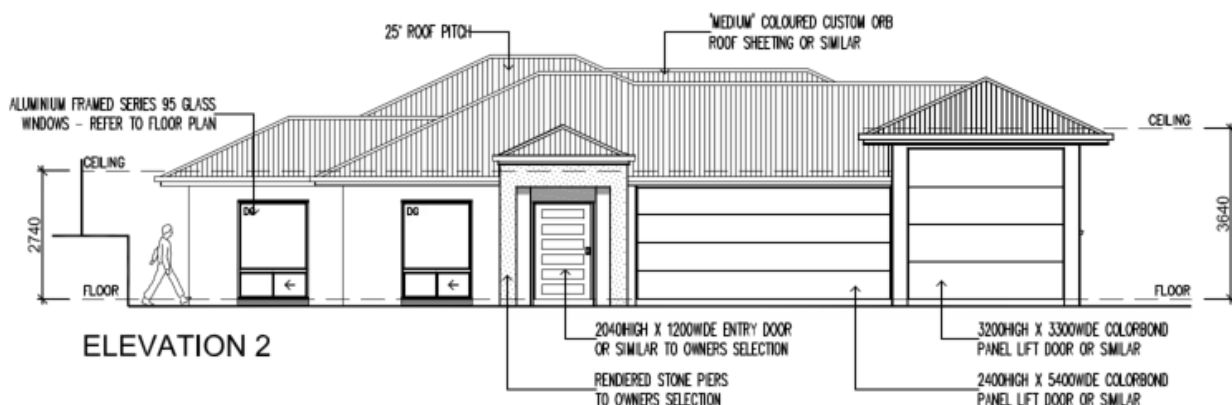


Figure 4. Western Elevation of proposed dwelling

Council consider that the proposed garage location does not respond to its surrounding built form and is not contextual by considering, recognising and carefully responding to its natural surroundings or building environment and positively contribute to the character of the locality. Examples of other garages and also same façade – but not setbacks of what is being proposed, are not forward of the building line within the immediate neighbourhood character.



Council advised the Applicant that this proposed development would be out of character with the neighbourhood character and suggested amending plans to show the garage not to be in front of any part of the building line of the dwelling. The applicant provided an amended site plan showing the porch area being increased.

Council have determined that the proposal will not be in the context with the desired outcome nor performance criteria as it will not be consistent with the character and pattern of construction within this area with the garage not subordinate to the dwelling and thus being a visually dominant feature.

Having regard to the context and nature of the subject site and locality within the Golf Course Estate, the relevant policies within the Planning and Design Code, the proposal is not considered appropriate for the subject site and neighbourhood.

CONCLUSION

Council, having regard to the context and nature of the subject site and locality, the relevant provisions of the Planning and Design Code, in particular neighbourhood character of garages in line or behind the building line, that the construction of a detached dwelling with the garage in front of the building line of the dwelling by 1.5 metres, is not an appropriate form of development within the subject locality and does not warrant support or the granting of Planning Consent.

INVITES

The Applicant - Mr Frank Brennan

ATTACHMENTS

1. Application for Review
2. DAP verification snapshot
3. Request for Further Information
4. Council response to amended plan
5. Refusal Planning Assessment Report
6. Decision Notification Form
7. Refused Stamped Plans
8. Near maps aerial map
9. Code Rules Detached Dwelling
10. Zoning Map



6.2	DA:24001575 - CHANGE OF USE - RESPONSE TO FURTHER INFORMATION REQUEST - 4 SCOTT COURT, MOUNT GAMBIER – REPORT NO. AR24/25153
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Development No:	DA:24001575
Applicant:	Dean Linder-Leighton
Property Address:	4 Scott Court, Mount Gambier
Property Owner:	Challons Investments Pty Ltd
Report No:	AR24/25153
CM9 Reference:	AF22/276
Author:	Roslyn Snaauw, Senior Planner
Authoriser:	Tracy Tzioutziouklaris, Assessment Manager
Nature of Development:	Change of use to indoor recreation facility (gym) and advertisement including illumination of advertisement
Description:	Change of use to indoor recreation facility (gym) and advertisement including illumination of advertisement
Zoning:	Employment
Policy Area:	City of Mount Gambier
Heritage:	N/A

REPORT RECOMMENDATION

1. That the Limestone Coast Southern Regional Assessment Panel Report No. AR24/25153 titled 'DA:24001575 - Change of Use - Response to Further Information Request - 4 Scott Court, Mount Gambier' as presented on 18 April 2024 be noted.
2. That the Limestone Coast Southern Regional Assessment Panel, 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, resolve that the development application is NOT seriously at variance with the Planning and Design Code, for the following reasons:
 - (a) The proposed land use is not prejudicial to the Desired Outcome of the Employment Zone.
 - (b) The identified departures from the Planning and Design Code are not considered to be "important or grave".
 - (c) The proposed development is for a commercial type purpose and is the reuse of an existing building.
3. That the Limestone Coast Southern Regional Assessment Panel resolve that pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016* having undertaken an assessment of the application against the Planning and Design Code and relevant legislation, the application is at variance with the provisions of the Planning and Design Code and the application be refused subject to the following reason:
 - (a) The proposed development is at variance to Part 4 – General Development Policies – Transport, Access and Parking - Performance Outcomes PO 1.1 and PO 5.1 of the Planning and Design Code with regards to safety, the inability to provide sufficient car parking on site and the functional performance of Scott Court to accommodate the volume of traffic likely to be generated by the change of use.



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BACKGROUND

The Limestone Coast Regional Assessment Panel, at its meeting held on Thursday 21 March 2024, considered this application and requested the Applicant, to assist the determination of the application, clarify and confirm how the proposed facility is to be operated including:

- i. Confirmation of the maximum number of people to be using the facility at any one time, including the maximum number of people to be using each space including the two studio rooms, the main gymnasium area and the mezzanine floor.
- ii. A schedule identifying when each area is available for use, including a schedule for the use of the studio's including the times and duration of gym classes.

The subject land is located within the Employment Zone and is developed with a warehouse that contains an office area downstairs (119sqm) and upstairs (110sqm). The total building area is 1,272 square metres.

It is noted the warehouse and upstairs office were previously leased separately from each other.

PROPOSED DEVELOPMENT

This application is for change of use from a warehouse and office (Studform) to an indoor recreation facility (gym) with advertisement including illumination of advertisement.

An additional internal mezzanine is proposed to the rear of the existing warehouse (100sqm).

Indoor recreation facility

- It is proposed that there will be two (2) staff with additional staff required for classes as necessary
- Average of fifteen (15) to twenty-five (25) clients (this has been amended to 16 per session).
- Proposed to primarily operate between the hours of 6.00am to 11.00am and 3.00pm to 6.30pm (this has been amended to 5.00am to 8.00am and 5.00pm to 7.00pm).
- Nine (9) car spaces are being provided on-site.





Figure 1: Site plan

Advertisement

The north/front elevation facing Scott Court (Figure 2 below) contains a circular sign is proposed to be illuminated and is flush with the wall with a height above ground level being 4.4 metres and having a diameter of 2.4 metres.

A sign is located on the entrance canopy in the form of a fascia sign that will have the dimensions of 0.300 metres in height and 8.0 metres in length. This sign is not illuminated.





Figure 2: Northern/front elevation signage

The southern/rear elevation contains a high wall sign that is flush with the wall and has the dimensions of 1.5 metres in height and 8.9 metres in width and is 4.5 metres above the ground level. This sign is not illuminated.



Figure 3: Southern/rear elevation



The western elevation contains a high wall sign that is flush with the wall and has the dimensions of 1.8 metres in height and 10.7 metres in length and is 4.5 metres above the ground level. This sign is not illuminated.



Figure 4: Western elevation

Council note that the advertisement aspect of the application have already been installed prior to any development consent (as noted in photographs provided above)

Internal works

The internal works will provide for three (3) gymnasium areas, locker room, customer service area, office/reception area, café area, storeroom and toilet areas. The existing upper mezzanine area to the north/front of the structure will include a member's lounge, kitchen, recreation room, toilets and two (2) further rooms not labelled for purpose.

Council note that an additional internal mezzanine floor of 100sqm is to be constructed to the rear/south of the structure.

LOCATION OF DEVELOPMENT:

The subject land has a rectangular configuration and is located within the Employment Zone as identified by the Planning and Design Code (Code) P&D Code (in effect) Version 2024.1 - 18/01/2024.

The subject land has an allotment/site area of approximately 1,500sqm and contains an existing concrete, two (2) level warehouse and office with vehicle access to the north from Scott Court.

The surrounding area is located within the Employment Zone that contains low impact light industrial, commercial and business activities.

Minimal carparking is provided in the neck of Scott Court and none in the Court bowl.





Figure 5: Location of off-site carparking in the Court

Location reference: 4 SCOTT CT MOUNT GAMBIER SA 5290

Title ref.: CT 5457/590 **Plan Parcel:** D48283 AL12 **Council:** CITY OF MOUNT GAMBIER

DEVELOPMENT PLAN PROVISIONS

As noted in LCRAP Report dated 21 March 2024

RESPONSE FROM APPLICANT TO THE LCRAP REQUEST

The Applicant has responded (as attached) to the LCRAP request as follows:

The Limestone Coast Regional Assessment Panel, at its meeting held on Thursday 21 March 2024, advised the Applicant, to assist the determination of the application, requested clarification and confirmation as to how the facility is to be operated with a summary provided below:

- i. Confirmation of the maximum number of people to be using the facility at any one time, including the maximum number of people to be using each space including the two studio rooms, the main gymnasium area and the mezzanine floor.
- ii. A schedule identifying when each area is available for use, including a schedule for the use of the studio's including the times and duration of gym classes.

Area 1 (Studio 1):

Classes at: 5.00am to 5:45am

6.00am to 6:45am

7.00am to 7:45am

9.00am to 9:45am

Class capacity of 16 participants

Area 2 (Studio 2):

Classes at: 4.00pm to 4:45pm

5.00pm to 5:45pm

6.00pm to 6:45pm

Class capacity of 16 participants

Area 3 (Open P/T Area) shown as Area 1 on floor plan 392sqm:

Available for personal training and open gym sessions

Class capacity of 16 participants (does not include individual trainers for members).

Mezzanine Area:

No information provided

On site parking (9 car spaces only) and 50 public car spaces available for clients within a 200 metre radius.

ASSESSMENT MANAGER RESPONSE TO APPLICANT

From information provided Council provide the following response:

- Gym will be open from 5.00am to 6:45pm daily
- Mention of three (3) areas only. Mezzanine level has not been mentioned.
- Group classes will be capped at 16 participants each session.
- Overlap of personal training and open gym sessions capped at 16 participants
- Total number of participants (not including trainers) is 32 participants at any given time.
- Proposed 4 staff has a total number of people on site as 36 people on site at any given time.
- Planning and Design Code recommends that for the proposed use of the site for an Indoor Recreational Facility, 4.5 car spaces are to be provided per 100sqm of total floor area. The proposed floor area is approximately 1,300sqm which requires 58 car spaces be provided on site with only 9 car spaces being proposed as part of this proposal with the requirement that members use on street parking within a 200 metre locality to pick up overflow.
- Council raise concerns that on street car parking is provided to other members of the public and businesses within this area and not solely for the use of gym members.
- Council raise concerns that 16 participants per class, plus 16 participants in the open/PT area, plus four (4) staff, that the business may not be viable and that numbers may increase with Council then having to monitor and undertake enforcement of conditions if consent were to be issued.

CONCLUSION

Having regard to the context and nature of the subject site and locality, the relevant provisions of the Planning and Design Code, in particular car parking requirements, the change of use to an Indoor Recreational Facility (gym) is not an appropriate form of development within the subject locality. This Application does not warrant support or the granting of Planning Consent and the recommendation for a Refusal be supported.

INVITES

Nil

ATTACHMENTS

1. Limestone Coast Regional Assessment Panel Minutes 21 March 2024
2. Response from Applicant to RAP request
3. Limestone Coast Regional Assessment Panel Report 21 March 2024
4. Application snapshot



5. Application documents
6. Code Assessment - Policies at start of Assessment
7. Subject land aerial map
8. Zoning map
9. Representation
10. Applicant response to Representation
11. Location of Representer highlighted in blue



6.3 DA: 23010745 - INERT WASTE RECEPTION AND REPROCESSING FACILITY WITHIN THE AREA OF AN EXISTING QUARRY - 14 LEECH ROAD, MIL-LEL – REPORT NO. AR24/25709

Development No:	23010745
Applicant:	GT Bobcat Pty Ltd
Property Address:	14 Leech Road, Mil-Lel
Report No:	AR24/25709
CM9 Reference:	AF22/276
Author:	Ben Victory, Planning Consultant
Authoriser:	Tracy Tzioutziouklaris, Assessment Manager
Nature of Development:	Performance Assessed/EPA Referral/Public Notification
Description:	Inert waste reception and reprocessing facility within the area of an existing quarry
Zoning:	Zones: <ul style="list-style-type: none"> • Rural Overlays: <ul style="list-style-type: none"> • Dwelling Excision • Hazards (Acid Sulfate Soils) • Hazards (Bushfire - General) • Hazards (Flooding - Evidence Required) • Limited Land Division • Native Vegetation • Prescribed Wells Area • Water Protection Area • Water Resources Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Finished Ground and Floor Levels (Minimum finished ground level is 1.85m AHD; Minimum finished floor level is 2.1m AHD) • Minimum Dwelling Allotment Size (Minimum dwelling allotment size is 20 ha)
Category of Development:	Code Assessed – Performance Assessed

REPORT RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR24/25709 titled 'DA: 23010745 - Inert waste reception and reprocessing facility within the area of an existing quarry - 14 Leech Road, Mil-Lel' as presented on 18 April 2024 be noted.
2. That the Limestone Coast Southern Regional Assessment Panel, 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, resolve that the development application is NOT seriously at variance with the Planning and Design Code, for the following reasons:
 - (a) The proposed land use is not prejudicial to the Desired Outcome of the Rural Zone.
 - (b) The identified departures from the Planning and Design Code are not considered to be "important or grave".

- (c) The proposed development is for an industrial type purpose within the site of an existing quarry.

3. That the Limestone Coast Southern Regional Assessment Panel resolve that:

- (a) Development Application Number 23010745 by GT Bobcat Pty Ltd is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

Condition 1

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

Condition 2

Noise associated with the operations of the facility shall achieve the relevant Environment Protection Policy criteria, currently set by the Environment Protection (Commercial and Industrial Noise) Policy 2023. This shall include operations being confined to the daytime criteria of 7am to 10pm.

Condition 3

The incidence of windblown litter and weed/ vermin infestation shall be suitably managed to the reasonable satisfaction of council.

Condition 4

All external lighting shall be designed, constructed and operated to conform to the relevant Australian Standards (currently AS 4282-1997).

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

The waste and recycling depot must only receive Construction and Demolition (inert) waste at the site. Note: Refer to the EPA Guideline Waste definitions, updated April 2019, which can be found at:

https://www.epa.sa.gov.au/files/4771336_guide_waste_definitions.pdf

ADVISORY NOTES

Planning Consent

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

Advisory Note 1

The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.

Advisory Note 2

An environmental authorisation (licence) is required for this development. Before commencing operation, the applicant/operator should contact the Environment Protection Authority on (08) 8204 2058 or email EPALicensing@sa.gov.au for information about the licensing application process and requirements.

Advisory Note 3



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

Advisory Note 4

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



BACKGROUND

Nil

PROPOSED DEVELOPMENT

The proposal is described as an inert waste reception and reprocessing facility within the area of an existing quarry.

At lodgement, the applicant described the proposal as follows:

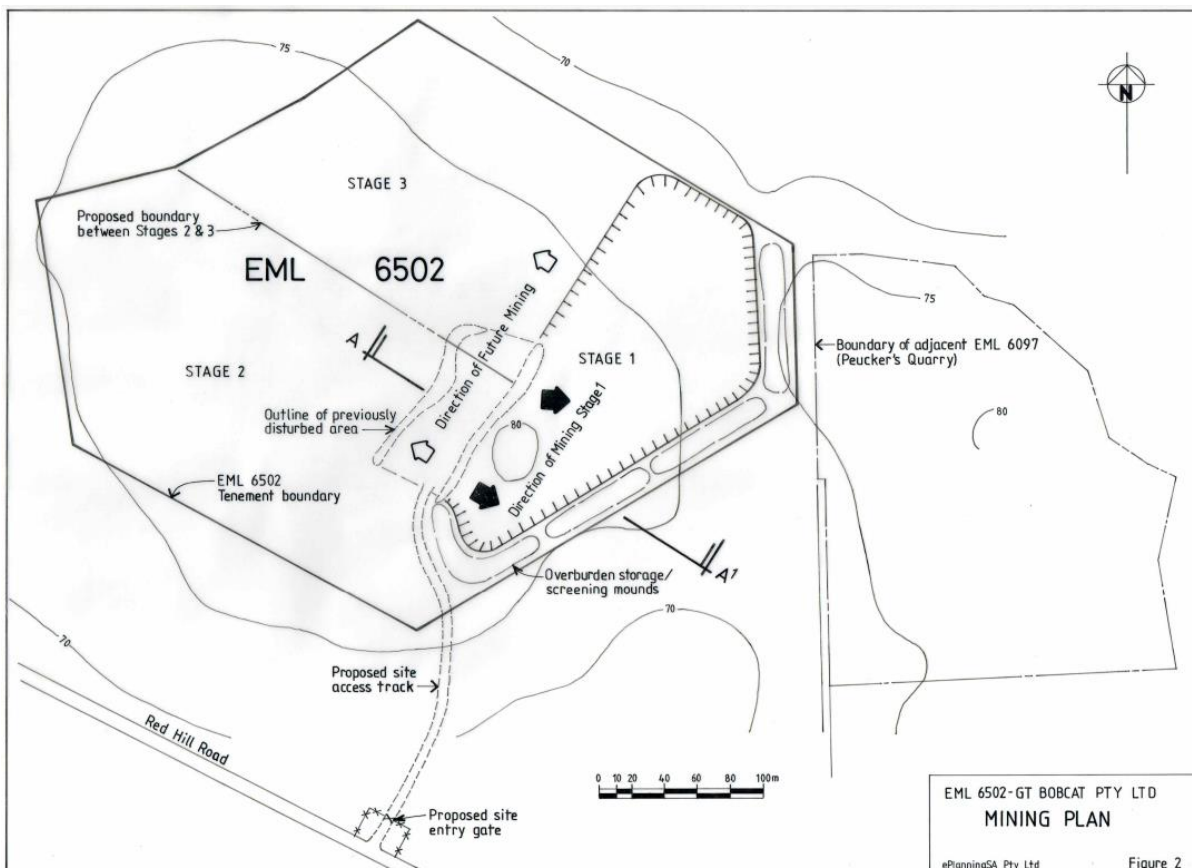
GT Bobcat Pty Ltd wish to relocate their existing landfill depot and associated waste transport activities currently situated at Lot 122 Attamura Road, Worrolong (EPA licence 492) to an existing DEM approved quarry site (Extractive Mineral Lease 6502) located within Section 42 Red Hill Road, Mil-Lel.

In their referral response, the Environment Protection Authority (EPA) described the proposal as follows:

It is understood that the proposal seeks approval to receive, stockpile and process inert construction and demolition (C&D) waste materials (including steel, concrete and bricks) to produce waste derived fill (WDF). The WDF is proposed to be used for road base and construction purposes.

While the development application states that it is for "the relocation of the existing landfill depot", after a review of the information returned as a result of the RFI, it is clear that the actual proposal is to operate an inert waste reception and reprocessing facility within the area of an existing quarry (EML 6502) which is approved and regulated under Department of Energy and Mines. The applicant does not propose disposing or using any inert waste or waste derived fill produced at the site for backfilling/rehabilitating the quarry area, and as such the EPA considers that they will not be a landfill.

Further application details are provided in Attachment 1. A site/mining plan is provided below as Figure 1:



Referring to the Land Use Definitions Table in Part 7 of the Planning and Design Code (the Code), the proposal would best fit the definition of an 'Industry', and subject to assessment of impacts on the amenity of the locality and traffic conditions, could either be a 'Light Industry' or 'General Industry':

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

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

The proposal is to receive, stockpile and process inert C&D waste materials to produce waste derived fill, to be used for road base and construction purposes. Stockpiles to be crushed for recycling are periodically crushed, stockpiled, and when required taken off site for use in civil construction works. The process of breaking up/ demolition of the articles (C&D waste materials), getting or treating the materials and altering or making these articles/materials to be used for road base and construction purposes is therefore considered to be a form of 'industry'.

Light industry means an industry where the process carried on, the materials and machinery used, the transport of materials, goods or commodities to and from the land on or in which (wholly or in part) the industry is conducted and the scale of the industry does not:

- a) *detrimentally affect the amenity of the locality or the amenity within the vicinity of the locality by reason of the establishment or the bulk of any building or structure, the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, spilled liquid, or otherwise howsoever;*
or
- b) *directly or indirectly cause dangerous or congested traffic conditions in any nearby road.*

General industry means any industry other than a light industry or special industry.

Given the advice of the EPA (including the need for an ongoing EPA licence) and council's Works Department (summarised further below), the proposal is not considered to detrimentally affect the amenity of the locality or cause dangerous/ congested traffic conditions in any nearby road. Accordingly, the proposal can be considered to be a form of light industry.

However, while being considered as a form of light industry, the nature of development is more specific than a generic light industry. It more narrowly fits the definitions in the EPA referral table in Part 9.1 of the Code, for a waste recovery/reprocessing facility. In this particular case, it is considered appropriate to restrict the nature of development to a narrow definition, as a future change of use to a generic light industry may not be appropriate for this site, and that is not what has been applied for. The Code provisions for light industry can assist with the assessment process, however the nature of development is best described as 'inert waste reception and reprocessing facility within the area of an existing quarry'.

DEVELOPMENT PLAN PROVISIONS

Subject Land & Locality:

Site Description:

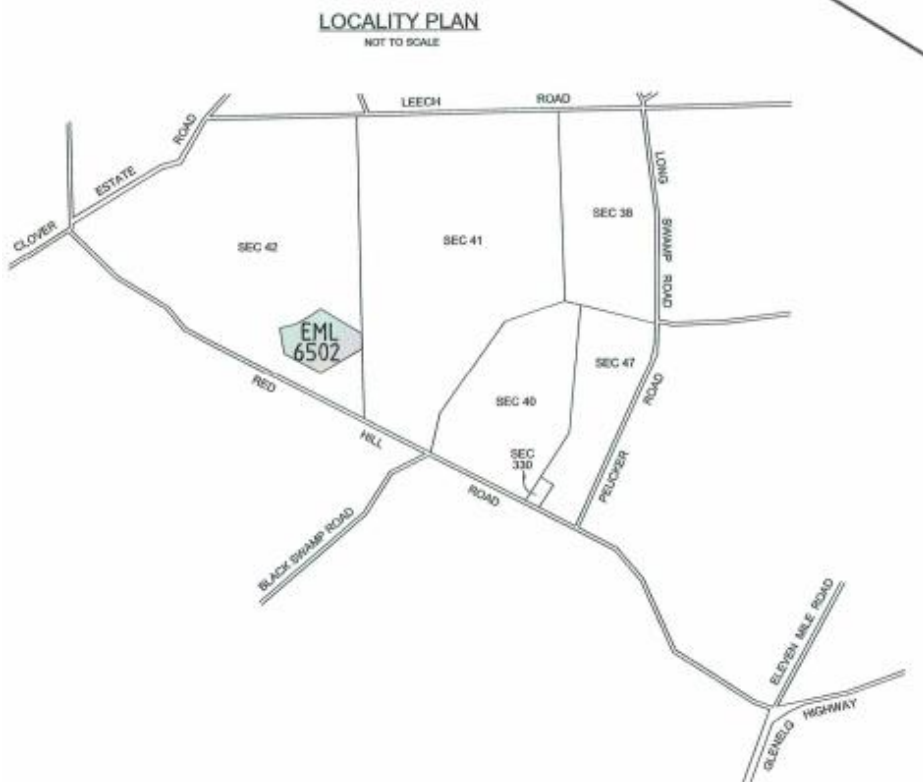


Location reference: 14 LEECH RD, MIL-LEL SA 5291

Title ref.: CL 6206/600 **Plan Parcel:** H420400 SE42 **Council:** THE DC OF GRANT

The subject land is a large allotment of approximately 170ha. It is predominantly used for farming with irrigated pastures. A dwelling and farm buildings are sited in the northwest part of the land, accessed via Clover Estate Road and Leech Road.

However, the site is within an area of approximately 10ha in the southeastern part of the allotment, within the western portion of an existing quarry accessed from Red Hill Road. This area is Extractive Minerals Lease (EML) 6502, shown below in Figures 2 and 3:



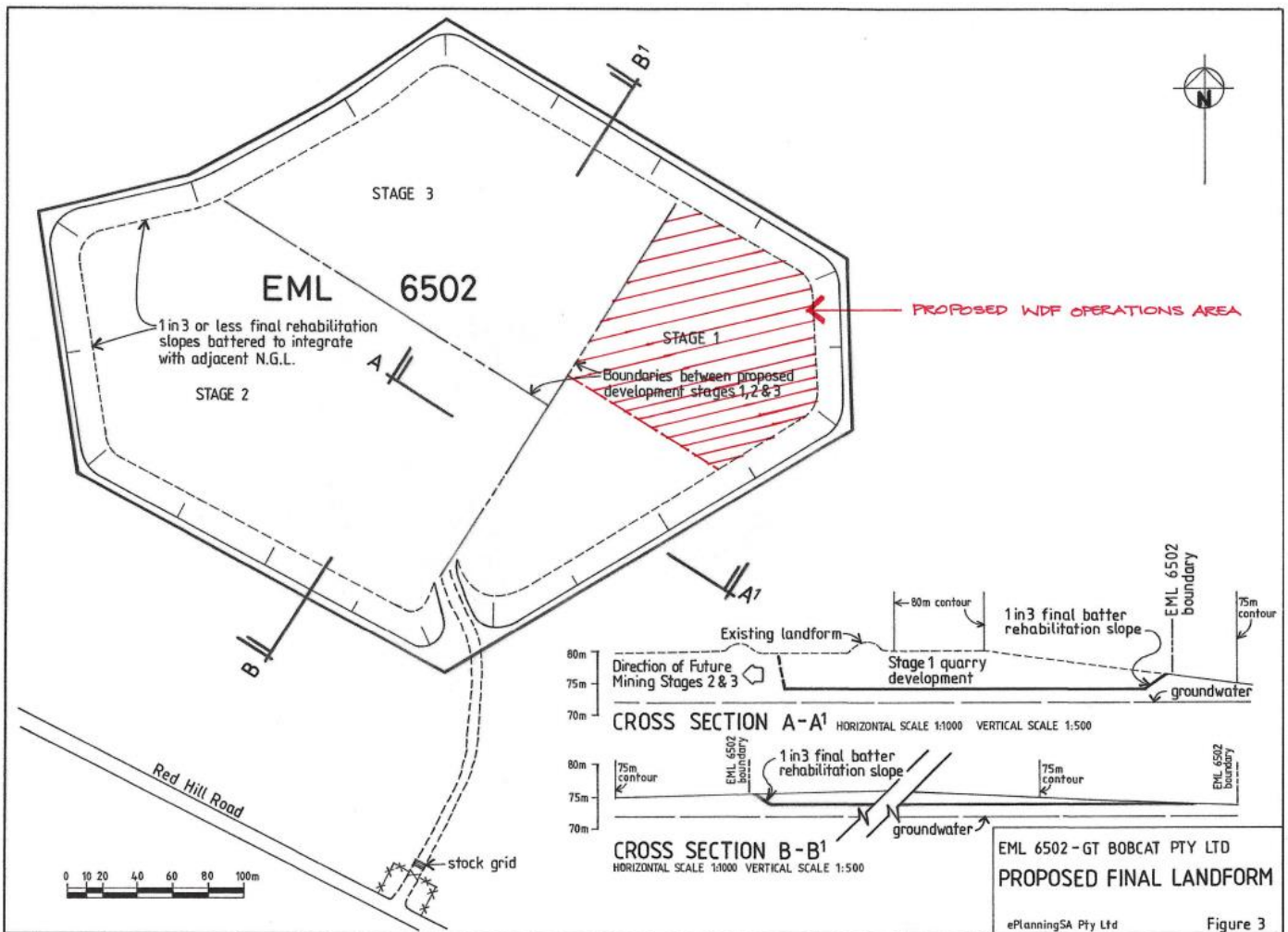
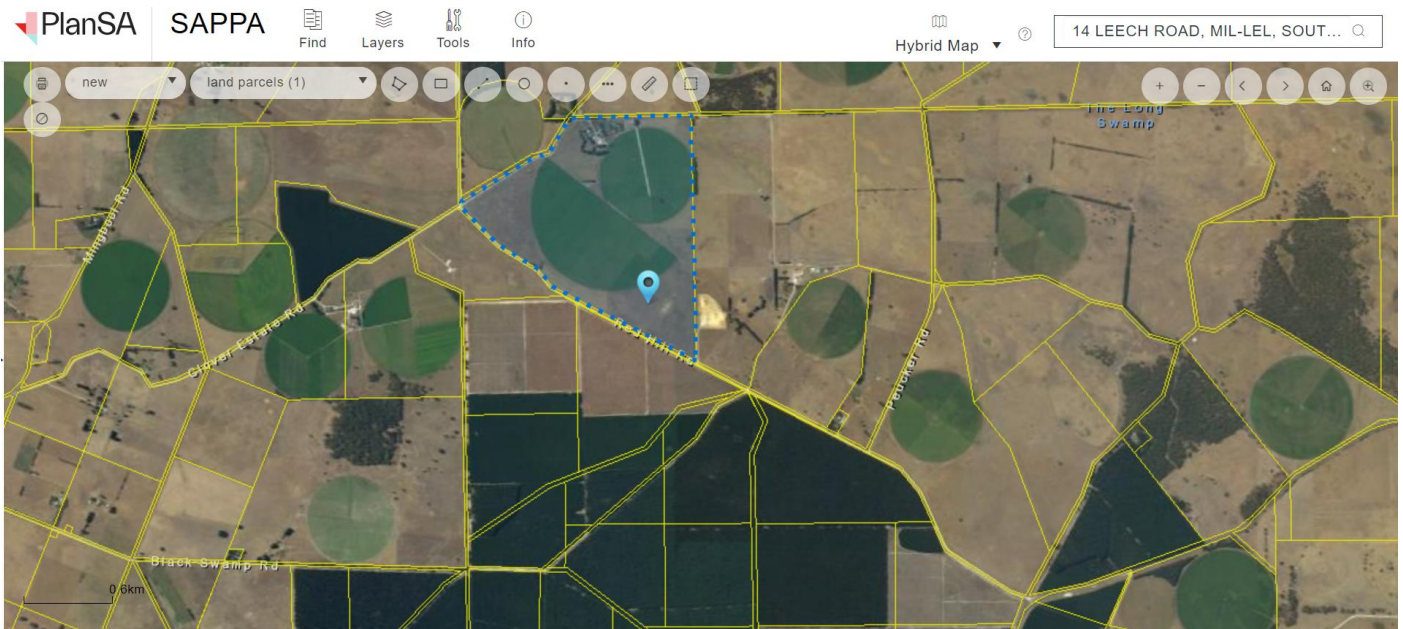
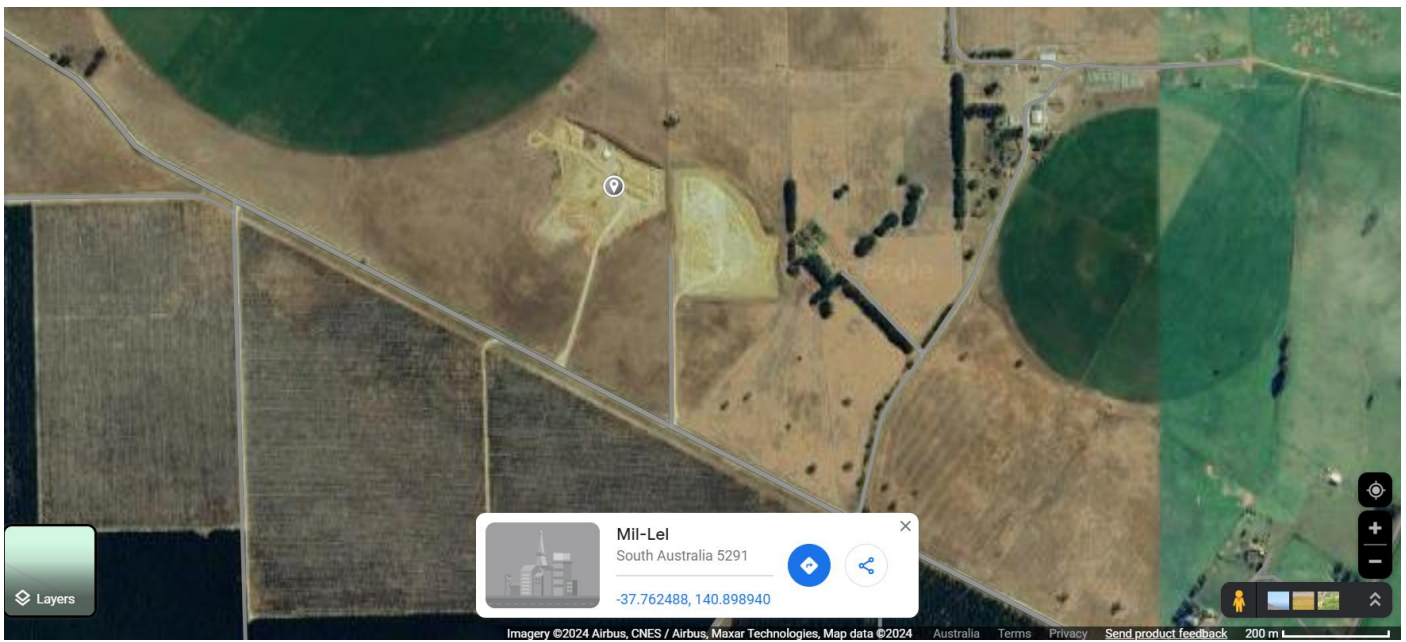


Figure 4 below highlights the subject land taken from the SAPPA hybrid mapping:



The SAPPA aerial mapping above is somewhat outdated by not showing much of the existing quarry site. However, the Google image below shows a more up to date aerial photo as Figure 5:





The photographs below as Figures 6 and 7 were taken on 17 November 2023 at the entry from Red Hill Road:





Locality

As noted from the images above, the locality is typical of the Rural Zone in the areas around Mount Gambier (this site is approximately 10km northeast of Mount Gambier). Land uses are generally farming (cropping/grazing and often with irrigated pastures), commercial forestry and quarrying. As seen in Figures 1, 4 and 5 above, and noted in the EPA response, there is another active limestone quarry (EML 6097/EML 6528) located immediately adjacent to the east.

Allotments are generally relatively large with some associated rural living. The sealed Glenelg Highway runs to the east and Mingbool Road to the west, while other roads in the locality are unsealed.

PLANNING ASSESSMENT

Consent Type Required:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Change of use: Code Assessed - Performance Assessed
Industry/Light Industry: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
Not captured in Table 5 of the Zone.



- LIST OF REPRESENTATIONS**

Name & Address	Issues	Heard?
1. David Clayfield 238 Clover Estate Rd	Only supports the development if trucks are conditioned to use Red Hill Rd to Mingbool Rd or Glenelg Hwy, rather than other roads including Clover Estate Rd.	Yes
2. Kay Harten 14 Leech Rd	Supports but with concerns about materials being received. Accepts rubble or timber than can be burnt, but not tyres, iron or metal.	No
3. Ed Peucker 254 Red Hill Rd	Supports but with concerns about materials being received. Accepts rock, stone and concrete without reinforcing, and maybe timber to burn, but no other material.	No

Refer to Attachment 2 for copies of the representations, and Figure 8 below for the location of the representors (orange numbers) and the site tagged in blue. Mingbool Road is to west and Glenelg Highway to the southeast.



- APPLICANT RESPONSE**

Access

GT Bobcat Pty Ltd are aware of one complaint about trucks using Clover Estate Road, but not of any other property owner complaints. They wish to refute the assertion that their company trucks speed or disobey any road rules when using Clover Estate Road. It has also been separately confirmed that they do not accept a condition preventing their trucks from using Clover Estate Road.

Materials

GT Bobcat Pty Ltd has not applied for a general waste disposal licence and wish to confirm that no timber or tyres will be received or burnt at the Red Hill Quarry site. GT Bobcat Pty Ltd has only applied for Development Approval to receive Waste Derived Fill (WDF) in the form of inert Construction and Demolition (C&D) waste at the existing Red Hill Quarry site, EML 6502 in Section 42 Red Hill Road, Mil-Lel. The only steel to be received at the Red Hill Quarry site will be reinforcing iron contained in demolition concrete waste. The reinforcing iron (steel) will be removed to enable the crushing and processing of waste concrete by a concrete-breaker machine operating within the quarry. The extracted reinforcing steel will be stockpiled for a short period of



time until there is a sufficient quantity that can be taken off site to a suitably licensed scrap metal disposal facility.

Refer to Attachment 3 for the applicant's response to the representations.

AGENCY REFERRALS

- Environment Protection Authority

As above, the development application was referred to the EPA under Part 9.1 of the Code, as a waste recovery/ reprocessing facility. The EPA assessment noted that the nearest residential dwelling is located approximately 290 metres away, and with another active limestone quarry located immediately between that dwelling and the site of the proposed waste facility. Given this and the topography of the site within an existing quarry below natural ground level, the potential for noise and air quality nuisance from this facility is considered to be low and acceptable.

Truck movements and crushing, loading and unloading activities are likely to be similar in noise level, character, duration and frequency to existing quarry activity at the site. Water quality and waste management considerations were also assessed by the EPA and considered to be acceptable and able to be controlled through the ongoing EPA licence.

The EPA conclude that provided the development operates in accordance with the details provided with the development application documentation and their directed condition, the risk of environmental harm arising from the proposed inert construction and demolition waste reprocessing facility is considered to be low. Any operational issues that may arise can be managed via the ongoing EPA licence.

Refer to Attachment 3 for the complete EPA advice.

INTERNAL REFERRALS

In relation to the representation from David Clayfield, advice was sought from the council's Works Department on the suitability of GT Bobcat trucks using Clover Estate Road, or whether there's reason to impose the suggested condition of the trucks only using Red Hill Road via Glenelg Highway or Mingbool Road.

The advice was that Clover Estate Road is a public road and is suitable for use by the types of trucks associated with the proposed development, and is already used by a variety of heavy vehicles for a range of purposes. It would be very difficult to enforce such a restriction and to determine which trucks were using the road at any given time and for what purpose. Rather, any allegations of dangerous driving should be reported to South Australian Police as the relevant authority.

PLANNING ASSESSMENT

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

The most relevant Desired Outcomes (DOs), Performance Outcomes (POs) and Deemed To Satisfy/ Designated Performance Features (DTS/DPFs) are provided and assessed below.

Rural Zone

DO 1 - A zone supporting the economic prosperity of South Australia primarily through the production, processing, storage and distribution of primary produce, forestry and the generation of energy from renewable sources.

DO 2 - A zone supporting diversification of existing businesses that promote value-adding such as industry, storage and warehousing activities, the sale and consumption of primary produce, tourist development and accommodation.

PO 1.1 - The productive value of rural land for a range of primary production activities and associated value adding, processing, warehousing and distribution is supported, protected and maintained.



DTS/DPF 1.1 - Development comprises one or more of the following:

(o) Industry

PO 4.2

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

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

While 'industry' is an envisaged land use, it is more specifically envisaged in the zone as a 'rural industry' that value-adds to primary production activities such as beverage production and washing, processing, bottling and packaging activities. The proposed form of industry as an inert waste reception and reprocessing facility doesn't fit the type of industry normally envisaged in the Rural Zone.

However, in this case, it is necessary to acknowledge that the site is within an existing quarry and can operate without any appreciable impacts on the surrounding locality beyond the existing quarry use. Quarries are part of the immediate and broader locality, and relatively common in the Rural Zone, but are also not listed as being an envisaged form of development in the Zone. They are generally not assessed by councils or the State Planning Commission as a form of development under the Planning, Development and Infrastructure Act 2016, but by the Department for Energy and Mining (DEM) under the Mining Act 1971.

The proposed inert waste reception and reprocessing facility within a portion of the existing quarry is considered to be a reasonable use of this space. Quarrying activity can continue to occur for the remaining area of the Extractive Mineral Lease. The facility will be subject to an ongoing EPA licence and the overall quarry area subject to the DEM lease. These authorities can monitor the use to ensure it continues to be appropriate and the site can eventually be rehabilitated.

PO 4.3

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

DTS/DPF 4.3 - Buildings and associated activities:

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

PO 9.1

Renewable energy facilities and ancillary development minimises significant fragmentation or displacement of existing primary production.

The above Zone provisions provide further guidance for the industrial-type use to be sited, designed and of a scale that maintains rural character and function and respects landscape amenity. The activities satisfy DPF 4.3 in terms of setbacks from the road boundary and dwellings, and loading/unloading within the confines of the allotment. Although not a renewable energy facility, the guidance of minimising significant fragmentation or displacement of existing primary production is satisfied by the facility being within a portion of a quarry rather than using productive farming land.

PO 2.1 - Development is provided with suitable vehicle access.



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

Red Hill Road provides suitable vehicle access in the form of an all-weather trafficable public road. As above, the surrounding road network is also considered to be satisfactory for the anticipated truck movements, including the potential use of Clover Estate Road and/or Red Hill Road to connect to Mingbool Road or Glenelg Highway. Any allegations of dangerous driving can be reported to South Australian Police as the relevant authority.

Similar provisions to the zone access provisions above are also found in the General Development Policies for Transport, Access and Parking. They are also considered to be satisfied by the above assessment and are unnecessary to repeat.

Overlays

None of the Code Overlays cited in the table on page 1 of this report have particular relevance to this proposal needing assessment in this report.

General Development Policies

Interface Between Land Uses

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

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

PO 2.1 - Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:

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

PO 4.1 - Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).

DTS/DPF 4.1 - Noise that affects sensitive receivers achieves the relevant Environment Protection (Commercial and Industrial Noise) Policy criteria.

PO 4.2 - Areas for the on-site manoeuvring of service and delivery vehicles, plant and equipment, outdoor work spaces (and the like) are designed and sited to not unreasonably impact the amenity of adjacent sensitive receivers (or lawfully approved sensitive receivers) and zones primarily intended to accommodate sensitive receivers due to noise and vibration by adopting techniques including:

- a) *locating openings of buildings and associated services away from the interface with the adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers*
- b) *when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers*
- c) *housing plant and equipment within an enclosed structure or acoustic enclosure*



d) *providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.*

PO 5.1 - Development with the potential to emit harmful or nuisance-generating air pollution incorporates air pollution control measures to prevent harm to human health or unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) within the locality and zones primarily intended to accommodate sensitive receivers.

The above provisions are generally satisfied in accordance with the EPA assessment and directions. However, hours of operation have not been specified. Although the hours and operational impacts can be controlled through various means including the general environmental duty, EPA licence and legislation including the Environment Protection Act 1993 and the Local Nuisance and Litter Control Act 2016, it is considered appropriate for certainty to impose a condition limiting operations to the daytime criteria of 7am to 10pm. This will assist with ensuring the relevant Environment Protection (Commercial and Industrial Noise) Policy criteria is achieved.

Waste Treatment and Management Facilities

DO 1 - Mitigation of the potential environmental and amenity impacts of waste treatment and management facilities.

PO 1.1 - Waste treatment and management facilities incorporate separation distances and attenuation measures within the site between waste operations areas (including all closed, operating and future cells) and sensitive receivers and sensitive environmental features to mitigate off-site impacts from noise, air and dust emissions.

PO 3.1 - Waste treatment and management facilities are screened, located and designed to minimise adverse visual impacts on amenity.

PO 3.2 - Access routes to waste treatment and management facilities via residential streets is avoided.

PO 3.3 - Litter control measures minimise the incidence of windblown litter.

PO 3.4 - Waste treatment and management facilities are designed to minimise adverse impacts on both the site and surrounding areas from weed and vermin infestation.

PO 4.1 - Traffic circulation movements within any waste treatment or management site are designed to enable vehicles to enter and exit the site in a forward direction.

PO 4.2 - Suitable access for emergency vehicles is provided to and within waste treatment or management sites.

PO 5.1 - Security fencing provided around waste treatment and management facilities prevents unauthorised access to operations and potential hazard to the public.

Again, the provisions above are generally considered to have been satisfied through the EPA assessment and directions, as well as the ongoing licence and lease controls by the EPA and DEM. Details of measures to control the incidence of windblown litter and weed/ vermin infestation have not been provided, but can be suitably referenced as a condition of consent.

CONCLUSION

The proposal is a form of light industry and best described as 'inert waste reception and reprocessing facility within the area of an existing quarry'. It is performance assessed in the Rural Zone, subject to an ongoing licence to the EPA and the quarry is also subject to a DEM lease. These additional controls, supported by the advice and directed conditions and notes from the EPA, ensure the land



use and impacts are low and acceptable in the locality. The proposal is not seriously at variance with the Planning and Design Code and warrants Planning Consent subject to conditions and advisory notes.

INVITES

The Representor - Mr David Clayfield

The Applicant - GT Bobcat Pty Ltd

ATTACHMENTS

1. Application Documents
2. Public Notice Representations
3. EPA Referral Response (and Applicants communications - chronological order)
4. Appendix 1 - Relevant P&D Code Policies



7 URGENT MOTIONS WITHOUT NOTICE

8 MEETING CLOSE