



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

Date: Thursday, 19 October 2023
Time: 4.00 p.m.
Location: Civic and Arts Centre
Wattle Range Council
George Street
Millicent

AGENDA

Limestone Coast Southern Regional Assessment Panel 19 October 2023

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

**Tracy Tzioutziouklaris
Assessment Manager
10 October 2023**

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1 ACKNOWLEDGEMENT OF COUNTRY

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

2 APOLOGY(IES)

Nil

3 CONFIRMATION OF MINUTES

Limestone Coast Southern Regional Assessment Panel - 21 September 2023

RECOMMENDATION

That the minutes of the Limestone Coast Southern Regional Assessment Panel meeting held on 21 September 2023 be confirmed as an accurate record of the proceedings of the meeting.

4 QUESTIONS WITHOUT NOTICE**5 INVITEES**

- As from 1 October 2017, every Council is required to establish an Assessment Panel under provisions within the Planning, Development and Infrastructure Act 2016 to determine and make decisions on development applications as delegated to the Panel.
- When the Panel is considering an application, it must assess the proposal against the Planning and Design Code.
- The meeting itself is informal, however, all decisions made by the Assessment Panel are formal.
- Representors will be allocated 5 minutes to make their presentation, after which, Panel Members may ask questions to clarify any issues. It is solely a question and answer session. There will be no debate entered into.
- Council Officers will advise you of the decision as soon as practical after the meeting.

Invitees for Item 6.1 - Lot 2 & Lot 99 North Terrace, Millicent

The Applicant - Millicent Farm Supplies

The Applicant - Frank Brennan on behalf of the Applicant

The Representor - Mr John Drew

The Representor - Mr David Walshaw

Invitees for Item 6.2 - 7 Eltolla Court, Mount Gambier

The Applicant - Thomson Bilt (on behalf of Adam Legutko)

The Applicant - Frank Brennan (for & on behalf of Thomson Bilt/Adam Legutko)

6 REPORTS**6.1 DA:23002615 - SERVICE TRADE PREMISES - LOT 2 & LOT 99 NORTH TERRACE, MILLICENT – REPORT NO. AR23/64475**

Development No:	23002615
Applicant:	Millicent Farm Supplies
Property Address:	Lot 2 North Terrace, Millicent Lot 99 North Terrace, Millicent
Report No:	AR23/64475
CM9 Reference:	AF22/276
Author:	Dhvani Sampat, Planning Officer - Wattle Range Council
Authoriser:	Tracy Tzioutziouklaris, Assessment Manager
Nature of Development:	Expansion to service trade premise including construction of a storage building and outdoor storage and display areas
Zoning:	Zones: <ul style="list-style-type: none"> • Community Facilities Overlays: <ul style="list-style-type: none"> • Hazards (Bushfire - Urban Interface) • Hazards (Flooding - Evidence Required) • Native Vegetation • Prescribed Wells Area • Water Protection Area • Water Resources
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes

REPORT RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/64475 titled 'DA:23002615 - Service Trade Premises - Lot 2 & Lot 99 North Terrace, Millicent' as presented on 19 October 2023 be noted.
2. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
3. Development Application Number 23002615, by Millicent Farm Supplies is REFUSED Planning Consent subject to the following reasons:

The proposed development does not meet the following provisions of the Planning and Design Code:

- *Community Facility Zone PO 1.1*
- *Design PO 1.1, PO 1.5, PO 3.1, PO 7.1*
- *Interface between Land Uses PO 7.1*
- *Transport, Access and Parking PO 5.1*



BACKGROUND

Lot 99 has been used as a service trade premises since approximately 2007 after the land was purchased by Millicent Farm Supplies in 2006. A verandah/carport was approved on Lot 99 in August 2007 (894/241/07) and a shelter (partially enclosed gable canopy structure) was approved on Lot 99 in August 2010 (894/136/10). Refer Appendix (3) and Appendix (4) for attached Decision Notification Form and drawings for reference.

That said and noting the historic record of developments on the subject site, Lot 2 was always a vacant parcel of land and does not currently have a development approval for any land use. It is acknowledged that outdoor storage of goods has commenced on the land, without a relevant development authorisation. No further action has been undertaken in relation to this matter, whilst this development application is under assessment.

Further, Council is in receipt of numerous complaints in regard to the storage of fertilizer products and chemical treated products on the property located at Lot 99. The odours emitting from the property can be quite pungent and noticeable at times.

PROPOSED DEVELOPMENT

The applicant seeks planning consent for the expansion of the existing service trade premise, including a storage building and outdoor storage and display areas. The expansion of the use will extend the existing use on Lot 99 North Terrace, Millicent on onto a vacant allotment (Allotment 2 North Terrace, Millicent).

The proposed building measures 24.63m by 19.87m and will be used for the storage of goods associated with the existing service trade premise that is presently located on Lot 99 North Terrace, Millicent. The building is to be sited on the north-eastern boundary (Cattle Bridge Road) of the subject site and achieves a setback of approximately 29m to the southern boundary (North Terrace).

The proposed structure is to have a wall height of 6m and a roof height of 7.6m. A personal access door is to be provided on the northern and southern elevations and a sliding door is to be provided to the western elevation, which is to face internal to the site. The walls and roof of the proposed structure are to be clad in Colorbond 'Surfmist' and the eastern elevation of the structure comprises a mix of vertical and horizontal hung cladding.

Hours of Operation

The proposed development is to maintain the existing hours of operation i.e., Monday – Friday: 8.00am-5.30pm and Saturday: 8.30am – 11.30am. Also, no changes to product/stock deliveries and waste collection to the site are proposed under this development application.

Number of Employees

There is no proposed increase in number of employees as a result of this proposed development.

Car Parking, Driveways and Access points

Access points to the site fronts North Terrace with two main access points maintained in an 'in only' and 'out only' arrangement. The access points are sized to cater for large delivery vehicles, along with passenger vehicles.

No new carparking area or driveways are proposed as a part of this development application, noting that the proposed development will utilise an existing crossover to North Terrace

Stormwater Management

Stormwater generated from the proposed structure is to be managed by directing the stormwater via roof drainage system to the Council's stormwater system at Cattle Bridge Road. Also, the surface runoff from the site is to be managed by surfacing the site in permeable compacted rubble and connecting it to the existing system.

Waste Management



No changes to the existing waste management process are proposed as a part of this development application. The waste collection is to be managed by both private contractors and Council's kerbside waste collection service.

The subject site is connected to SA Sewer and no alterations to the existing sewerage connections is proposed, nor any additional connections, are required as a result of this proposal.

Site Description:

The subject site comprises of two allotments:

- Lot 2 North Terrace, Millicent (Allotment 2 described in Certificate of Title Volume 6231 Folio 499)
- Lot 99 North Terrace, Millicent (Allotment 99 described in Certificate of Title Volume 5685 Folio 491)

The subject site is an irregular-shaped rectangular allotment having an area of approximately 6477sq m and a frontage to two public roads – North Terrace to the south and Cattle Bridge Road to the east.

The subject site is located centrally within the Millicent township and is approximately 110m south-east of a roundabout at Adelaide Road/Ridge Terrace/ George Street which is an intersection of the major thoroughfares of Princes Highway and the Southern Ports Highway.

The subject site comprises clusters of buildings grouped together located centrally on Lot 99. The buildings consist of an office/administration component with a frontage to North Terrace and associated enclosed storage buildings located towards the rear of it. This building is constructed of brick and is painted white with skillion roof in metal sheet cladding. A partially enclosed gable roof canopy structure, with an approx. wall height of 5.5m is attached to the northern side of the brick building. This building is a later addition and is open sided on its western and eastern elevations with the north and south being enclosed. This structure is used for storage of goods, a drive through area for customers to collect goods and for delivery vehicles to unload.

Further, Lot 2 is subject to various easements for infrastructure purposes namely electricity, water and sewer. A right of way also applies to the western portion of Lot 2, marked on the relevant Certificate of Title, for access purposes. Refer to Appendix (2) for attached Certificate of Title and relevant documents.

The subject site is relatively flat, noting a modest gradient from North Terrace toward the watercourse located on the allotment to the immediate north, which is owned by the Council. There is also no notable vegetation onsite nor is the site subject to any encumbrances or Land Management Agreements.





Figure 1: Subject Site

Location reference: LOT 99 NORTH TCE MILLICENT SA 5280

Title ref.: CT 5685/491 **Plan Parcel:** F206419 AL99 **Council:** WATTLE RANGE COUNCIL

Location reference: LOT 2 NORTH TCE MILLICENT SA 5280

Title ref.: CT 6231/499 **Plan Parcel:** D93282 AL2 **Council:** WATTLE RANGE COUNCIL

Locality:

The subject site is located centrally within the township of Millicent and situated within the Community Facilities Zone. The site is located approximately 110 metres from the intersection of two major transport routes – Princess Highway / Adelaide Road connecting Millicent to the north-west and Southern Ports Highway / Ridge Terrace connecting Millicent to the south-east.

The site in relation to the surrounding Zones is shown below:

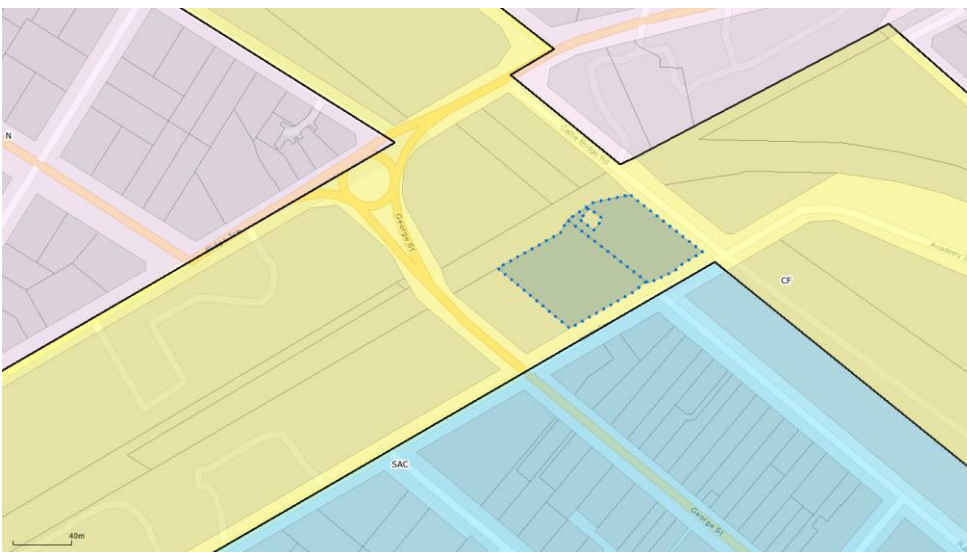


Figure 2: Zoning

CONSENT TYPE REQUIRED:



Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Service trade premises: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
The proposed development is not captured within Table 5 of the Zone and is not considered to be a minor development. It therefore requires public notification.

- **LIST OF REPRESENTATIONS**

Representations Received			
		Support / Oppose	Wish to be Heard
1	John Drew 34 Aitken Street, Millicent SA 5280	Oppose	Yes
2	Moira Neagle PO Box 280, Millicent SA 5280	Oppose	No
3	David Walshaw 6 Grosser Street, Millicent SA 5280	Oppose	Yes
4	Peter Dunnicliff 3 Grosser Street, Millicent SA 5280	Support, with some concerns	No



- SUMMARY**

Representors issues	Applicant's Response
<i>Visual Impact</i>	<p><i>The proposed built form includes materials that will be sympathetic to the surrounding locality, and match/complement existing structures on the subject site. The building contains various roller doors as well as multiple PA doors adding visual interest and aiding in reducing the overall mass in accordance with PO 2.2. Importantly, a section of horizontally hung Colorbond cladding is located on the eastern facing wall adjacent to Cattle Bridge Road which will provide some variation in built form presentation and visual interest to the public realm.</i></p> <p><i>The Zone does not specify a maximum building height, with particular emphasis placed on ensuring that the visual impact at the interface between new buildings and residential-type areas is mitigated. In this case, the overall height of the new building is 7.6m to the peak of the gable, with a 6m wall height. This building height is complementary to the existing canopy structure located on the subject site and comparable with the recently approved fuel station canopy on land to the north of the subject site at Lot B (refer to DA 21033622). Also, the nearest residential-type area is the Neighbourhood Zone, which is some 150m to the north, and not adjacent to, the subject site. As such, the proposal adequately addresses PO 2.2-PO 2.5.</i></p>
<i>Land Use Contrary to Zone Policies</i>	<p><i>Given Millicent Farm Supplies (service trade premises) land use is an existing lawful land use on Lot 99 and requires the construction of an additional storage shed, which is to be operated wholly in conjunction with the existing land use, is a reasonable expansion of the existing land use. The site is located at the northern fringe of the Suburban Activity Centre Zone and acts as an appropriate contribution to the town core which provides essential retail and commercial services to the township and wider community.</i></p>



<i>Impact on Pedestrian and Vehicle Environment</i>	<i>The proposed built form does not encroach beyond the property boundary and therefore will not encroach on the verge, nor limit pedestrian movements in any capacity. The proposed structure is sited on the eastern boundary of the site and is setback some 38m from the intersection of North Terrace and Cattle Bridge Road and sufficient sight lines in all directions are provided for motorists using this local road intersection.</i>
<i>Impact on Future Residential Development and Property Prices</i>	<p><i>There are currently no residential development proposals for the Millicent railway land and indeed the railway land is also located in the Community Facilities Zone, where both land division and dwellings are land uses not considered in the current Planning and Design Code provisions for this Zone.</i></p> <p><i>It is also noted that, the portion of the railway land immediately adjacent the Millicent Farm Supplies site is located in the Suburban Activity Centre Zone where dwellings are only envisaged being developed in conjunction with non-residential uses to support business, entertainment and recreational activities.</i></p> <p><i>Claims of impact on property prices are unsubstantiated, and there are no references in the Planning and Design Code for an assessment against this matter to occur.</i></p>

Officers Response to the Representations

- The applicant has responded satisfactorily to the issues raised by the representors with respect to the visual impacts, land use, impact on pedestrian and vehicle environment and impact on future residential development.
- Plans are considered adequate to detail the proposal and undertake a thorough assessment of the proposal.
- The land use is considered at variance with the land use provisions of the Zone.
- The visual bulk and massing of the proposed structure is further assessed against the relevant provisions of the Planning & Design Code.
- Impact on future residential development is not a valid planning consideration pursuant the *Planning, Development and Infrastructure Act 2016* and *Regulations 2017*, however is captured in Council's *25 Year Strategic Land Use Plan*, as a potential area to develop an active transport corridor along the railway line for walking and cycling.

AGENCY REFERRALS

Nil



INTERNAL REFERRALS

Engineering Services - the initial documentation provided a fence to be located on Council land along Cattle Bridge Road, which was referred to the engineering team for comment. This was not supported, resulting in the fencing to be removed off Council land and be located along the allotment boundary.

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning and Design Code, which are contained in Appendix One (1).

The subject site is located within the Community Facilities Zone. The assessment of the proposal has been limited to the provisions within the Zone along with the relevant Overlays and General Development Policies, as outlined within the attached extract of the Code provisions.

Land Use

The Community Facility Zone contemplates the provision of community, educational, recreational and or health care services, to which the proposal fails to meet.

The proposal is considered at variance with Zone Performance Outcome (PO) 1.1 as the land use is not for the provision of community, educational, recreational and / or health care services. The Zone does contemplate the use of land for some shop and office type uses where these are 'subordinate to the principal community use of the land' (PO 1.2 and 1.5). The existing land use is not subordinate to the intended community use of the land, and the expansion of this use will substantially increase the amount of land used for outdoor storage and display; further removing the ability for the existing land use to align with the intent of the Zone. Consequently, the proposed expansion of the service trade premise, is considered to be an unreasonable expansion in context of the Zone.

For these reasons, the land use is considered at variance with the land use provisions of the Zone.

Building Height and Setbacks

The Community Facilities Zone provides the following guidance in relation to building height:

PO 2.1

Building height is consistent with the maximum height expressed in any relevant Maximum Building Height (Levels) Technical and Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer or is generally consistent with the prevailing character of the locality and height of nearby buildings.

No Technical and Numeric Variation layer applies to the land and therefore, the height should be generally consistent with the prevailing character of the locality.

The existing partially enclosed gable canopy structure located on the contiguous site has a wall height of 5.5m which is lower than the height of the proposed new building. The existing building itself is considered to detract from the character of the locality and therefore the new building with a wall height of 6m and roof height of 7.6m surpasses the height of the existing structure and is considered not to be consistent with the prevailing character of the locality.

In relation to visual impact, the following policies provide guidance:

Although, there are no residential properties within close proximity to the site (closest approx. 150m away on Adelaide Rd) the visual bulk and massing of the proposed structure is considered not to complement the prevailing character of the Zone. Further, absence of landscaping or any form of screening to the proposed development, adds on to the visual impact on the immediate locality.

That said, the proposed development will not overshadow any dwellings or restrict access to sunlight on any residential properties within the locality.



Hazards (Bushfire – Urban Interface) Overlay

The whole township of Millicent, including the subject land, is located within a 'Bushfire - Urban Interface' Overlay and is adjacent to the Hazard (Bushfire – General Risk) Overlay. The design of the proposed development along with its siting is considered to meet the relevant policies of the Overlay as well as is considered to have safe and effective access for fire-fighting vehicles and emergency personnel.

Hazards (Flooding – Evidence Required) Overlay

The proposal is considered to comply with proposing floor levels above the 1:100-year flood levels. There are no floodplains or wetlands located within the locality that will be impacted by the development on the subject land.

The existing watercourse to the north of the subject site is considered not be impacted by the proposal and the finished floor level is to be designed to minimise the risk of flooding.

Native Vegetation Overlay

There is no native vegetation clearance proposed or required as part of the application.

A declaration has been provided with the application which confirms that the proposed development will not, or would not, involve clearance of native vegetation under the *Native Vegetation Act 1991*.

Water Protection Area Overlay

There are no floodplains or wetlands located within the locality that will be impacted by the development on the subject land. The existing watercourse to the north of the subject site is considered not be impacted by the proposal and the proposed development is considered to meet the requirements of the Overlay.

Water Resources Overlay

There are no floodplains or wetlands located within the locality that will be impacted by the development on the subject land. The existing watercourse to the north of the subject site is considered not be impacted by the proposal and the proposed development is considered to meet the requirements of the Overlay.

Clearance from Overhead Powerlines

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.

Design – External Appearance

PO 1.1

Buildings reinforce corners through changes in setback, articulation, materials, colour and massing (including height, width, bulk, roof form and slope).

PO 1.5

The negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and screening them from public view (such as fencing, landscaping and built form) taking into account the form of development contemplated in the relevant zone.

The proposed development is sited on the north-eastern boundary of the allotment and is to have a roof height of 7.6m, which surpasses the height of existing structure. The inclusion of various roller doors and multiple personal access doors to the proposed structure as well as variation to the cladding, is not considered to sufficiently reduce the overall bulk and mass of the building.

Whilst the majority of the operation is to be located within the existing and proposed building, absence of landscaping or any form of screening to the proposed development, adds to the visual impact on the public realm.



PO 3.1

Soft landscaping and tree planting is incorporated to:

- 1. minimise heat absorption and reflection*
- 2. maximise shade and shelter*
- 3. maximise stormwater infiltration*
- 4. enhance the appearance of land and streetscapes*
- 5. contribute to biodiversity.*

The proposed development does not to include any landscaping or any form of screening, which is at variance with PO 3.1.

PO 7.2

Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced and the like.

Access points to the site fronts North Terrace with two main access points maintained in an 'in only' and 'out only' arrangement. No new carparking area or driveways are proposed as a part of this development application.

PO 9.1

Fences, walls and retaining walls are of sufficient height to maintain privacy and security without unreasonably impacting the visual amenity and adjoining land's access to sunlight or the amenity of public places.

Existing chain mesh fence on the site is to be retained for security purposes, however, the operations and activities carried out within the site are considered to be visible from the public realm.

Infrastructure and Renewable Energy Facilities

PO 11.1

Development is connected to an appropriate water supply to meet the ongoing requirements of the intended use.

DTS/DPF 11.1

Development is connected, or will be connected, to a reticulated water scheme or mains water supply with the capacity to meet the on-going requirements of the development.

PO 12.1

Development is connected to an approved common wastewater disposal service with the capacity to meet the requirements of the intended use. Where this is not available an appropriate on-site service is provided to meet the ongoing requirements of the intended use in accordance with the following:

- 1. it is wholly located and contained within the allotment of the development it will service*
- 2. in areas where there is a high risk of contamination of surface, ground, or marine water resources from on-site disposal of liquid wastes, disposal systems are included to minimise the risk of pollution to those water resources*



3. *septic tank effluent drainage fields and other wastewater disposal areas are located away from watercourses and flood prone, sloping, saline or poorly drained land to minimise environmental harm.*

DTS/DPF 12.1

Development is connected, or will be connected, to an approved common wastewater disposal service with the capacity to meet the requirements of the development. Where this is not available it is instead capable of being serviced by an on-site waste water treatment system in accordance with the following:

1. *the system is wholly located and contained within the allotment of development it will service; and*
2. *the system will comply with the requirements of the South Australian Public Health Act 2011.*

Existing reticulated water supply is available to the site and no changes to the existing waste management process are proposed as a part of this development application. The subject site is also connected to SA Sewer and no alterations to the existing sewerage connections is proposed, nor any additional connections, are required as a result of this proposal.

Infrastructure and Renewable Energy Facilities

Existing reticulated water supply is available to the site and no changes to the existing waste management system are proposed as a part of this development application. The subject site is also connected to SA Sewer and no alterations to the existing sewerage connections is proposed, nor any additional connections, are required as a result of this proposal.

Interface between 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.

The proposed development is not adjacent to a sensitive receiver. However, it is noted that the Council has received numerous complaints in regard to the storage of fertilizer products and chemical treated products on the property located at Lot 99. The odours emitting from the property can be quite pungent depending on weather conditions, wind direction, etc. Given the location of the property to Council office, the staff members have also noted the odour emitting from this property which are quite strong and noticeable at times.

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:

1. *the nature of the development*
2. *measures to mitigate off-site impacts*
3. *the extent to which the development is desired in the zone*
4. *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.*

There are no residential properties within close proximity to the site (closest approx. 150m away on Adelaide Road).



The proposed development is to maintain the existing hours of operation i.e., Monday – Friday: 8.00am-5.30pm and Saturday: 8.30am – 11.30am.

PO 4.1

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

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:

- 1. locating openings of buildings and associated services away from the interface with the adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers*
- 2. when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers*
- 3. housing plant and equipment within an enclosed structure or acoustic enclosure*
- 4. providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.*

The proposed development is unlikely to cause any tangible increase in noise that would impact the amenity of sensitive receivers, as the proposed structure is to be used as a storage shed. Also, no changes to product/stock deliveries and waste collection to the site are proposed under this development application.

PO 6.1

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

PO 6.2

External lighting is not hazardous to motorists and cyclists

Lighting of the site will be required, and this should be achieved without creating unreasonable light spill, given the separation to the nearest dwellings.

PO 7.1

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

The overall built form and character of the proposed building is considered to cause visual intrusion, given the zone anticipates smaller type structures that are associated with community type uses. The cladding proposed to the walls and roof of the structure is considered to have a degree of reflectivity, early in its lifecycle, and noting the mass and bulk of the proposed structure, it is considered to be overbearing and intrusive form of development in the locality.

Transport, Access and Parking

PO 1.2

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



PO 1.3

Industrial, commercial and service vehicle movements, loading areas and designated parking spaces are separated from passenger vehicle car parking areas to ensure efficient and safe movement and minimise potential conflict.

PO 1.4

Development is sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths.

The subject site fronts two public roads, namely North Terrace to the south and Cattle Bridge Road to the east. There are two main access points existing and will be maintained in an 'in only' and 'out only' arrangement. The access points are sized to cater for large delivery vehicles, along with passenger vehicles.

No new carparking area or driveways are proposed as a part of this development application.

The traffic impact is considered reasonable, noting that the development will not increase traffic movements through a residential street. In addition, the subject site provides adequate space for vehicles of all anticipated sizes to load and unload within the site.

PO 2.1

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

PO 2.2

Walls, fencing and landscaping adjacent to driveways and corner sites are designed to provide adequate sightlines between vehicles and pedestrians.

No changes to the existing access points are proposed, and the new building is to be sited on the eastern boundary of the subject site. The design of the proposed structure along with its siting is considered to moderately impact the sightlines of an existing pedestrian traffic using the footpath network.

PO 3.1

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

PO 3.8

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

PO 3.9

Development is designed to ensure vehicle circulation between activity areas occurs within the site without the need to use public roads.

The access points to the site are to be maintained and are sized to cater for large delivery vehicles, along with passenger vehicles. The siting of proposed development is not to impact upon the existing carparking on the subject land. All customer carparking is provided on-site, generally in a 'drive-through' nature under the existing rear canopy where vehicle loading and unloading occurs, with staff parking located adjacent to the existing office building adjacent the North Terrace frontage.

PO 5.1

Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:



1. *availability of on-street car parking*
2. *shared use of other parking areas*
3. *in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared*
4. *the adaptive reuse of a State or Local Heritage Place.*

Table 1 – General Off-Street Car Parking Requirements

Service Trade Premises	2.5 spaces per 100m ² of gross leasable area and 1 space per 100m ² of outdoor area used for display purposes
------------------------	--

As a result of the expansion to the service trade premise, including the outdoor storage of goods on approximately 600 square metres, approximately 8 parking spaces are required as per PO 5.1 and Table 1. No additional car parking has been proposed despite the expansion of the existing use.

CONCLUSION

In summary the following conclusions have been reached -

- The proposal is considered at variance with the intent of the Zone, which anticipates smaller type structures that are associated with community type uses.
- The expansion of the use onto a vacant allotment, is not considered to be a reasonable expansion of an existing use within the context of the Zone.
- The overall built form and character of the proposed structure along with its sitting is considered to be overbearing and intrusive form of development in the locality.
- The overall height of the proposed structure is 7.6m to the peak of the gable, which surpasses the height of the existing structure located on the contiguous site and is considered to detract from the character of the locality.
- Noting the subject site is surrounded by well-established vegetation, open spaces along with playgrounds, sporting fields and agricultural drain as well as low density residential land and retail developments, the visual mass and bulk of the proposed structure along with absence of landscaping and any form of screening adds on to the visual impact and intrusion of the proposed development on the immediate locality.
- Proposal of various roller doors and multiple PA doors to the proposed structure as well as variation to the cladding, is not considered to provide justice in breaking up the overall built form and mass of the building and therefore the proposed structure is considered to be visually dominant in the locality.
- Further, considering the location of the subject site, which is situated centrally within Millicent township and considering the background of the subject site and complaints related to odour emissions.

RECOMMENDATION

It is recommended that the Limestone Coast Southern Regional Assessment Panel resolve that:



1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 23002615, by Millicent Farm Supplies is REFUSED Planning Consent subject to the following reasons:

REFUSAL REASON

The proposed development does not meet the following provisions of the Planning and Design Code:

- *Community Facility Zone PO 1.1*
- *Design PO 1.1, PO 1.5, PO 3.1, PO 7.1*
- *Interface between Land Uses PO 7.1*
- *Transport, Access and Parking PO 5.1*

INVITES

Millicent Farm Supplies - The Applicant

Frank Brennan - on behalf of the Applicant

Mr John Drew - The Representor

Mr David Walshaw - The Representor

ATTACHMENTS

1. Appendix and Attachments



6.2 DA:23019593 - 7 ELTOLLA COURT, MOUNT GAMBIER – REPORT NO. AR23/69529

Development No:	DA23019593
Applicant:	Thomson Bilt
Property Address:	7 Eltolla Court, Mount Gambier
Property Owner:	Mr Adam Legutko
Report No:	AR23/69529
CM9 Reference:	AF22/276
Author:	Roslyn Snaauw, Senior Planner
Authoriser:	Tracy Tzioutziouklaris, Manager Development Services
Nature of Development:	To construct an outbuilding
Description:	To construct an outbuilding
Zoning:	Suburban Neighbourhood Zone
Policy Area:	City of Mount Gambier
Heritage:	N/A

REPORT RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/69529 titled 'DA:23019593 - 7 Eltolla Court, Mount Gambier' as presented on 19 October 2023 be noted.
2. Having had regard to the provisions of the Planning and Design Code, the Application and all supporting documentation, the development is seriously at variance to the provisions of the Planning and Design Code and the decision of the Assessment Manager be upheld and Planning Consent be refused for the following reasons:
 - (a) The proposed development is seriously at variance to the provisions of the Planning and Design Code.
 - (b) The proposed development does not ensure orderly and proper development.
 - (c) The outbuilding appearance from the primary street 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.



BACKGROUND

Pursuant to delegated authority, Planning Consent was refused by Notice dated 4 September 2023 for this Development Application seeking to construct an outbuilding at 7 Eltolla Court, Mount Gambier.

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

PROPOSED DEVELOPMENT

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

This application is for the construction of an outbuilding associated with the existing dwelling.

The outbuilding will be located to the rear in the north-western corner of the allotment, with an approximate western and northern boundary setback of 0.6 metres.

The outbuilding will have the dimensions of 8.2 metres by 11.5 metres (total area will be 94.3 metres) and will have an open gable roof facing Eltolla Court.

The outbuilding will have a wall height of 3.2 metres and an overall height of 3.923 metres with the location where the outbuilding is proposed to be constructed to be excavated approximately 1.0 metre in depth with no details of any proposed retaining wall such as height and materials provided as part of this application. Depending upon the level of excavation at the time of erection, the proposed wall height could be 2.2 metres above natural ground level.

The outbuilding will be comprised of four (4) bays each having a bay width of 2.87 metres.

The front elevation will contain two (2) roller doors facing Eltolla Court and a pedestrian door will be located in the eastern elevation along with a window.

It is proposed to remove an existing outbuilding which is in the area of the proposed development footprint of the outbuilding.

The proposed outbuilding is for storage of a caravan, x2 trailers and a motorbike.

DEVELOPMENT PLAN PROVISIONS

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

PLANNING ASSESSMENT

A copy of the assessment report for this development application is attached to this report for Members information and perusal and it should be noted that this type of application for an outbuilding is exempt from Public Notification.

The development is proposing the construction of an outbuilding that will have a floor area of 94.3 square metres a wall height of 3.2 metres on an allotment that has a total area of 960 square metres that contains an existing dwelling and outbuilding.

The subject land is located in the Suburban Neighbourhood Zone (SN) and has the assessment pathway for the outbuilding being 'Performance Assessed' under the Planning and Design Code (Code) as the footprint of the proposed development is greater than 60 square metres as suggested in the Code for this Zone.

The desired outcome for the Zone is for low density housing that is consistent with the existing local context and development pattern.



- Performance Outcome - Site coverage - PO3.1 of the Code states that building footprints are consistent with the character and pattern of the low-density suburban neighbourhood with the designated performance feature that the development does not result in site coverage exceeding 50%.

Council records show the total allotment area as being 960 square metres. The existing dwelling has a footprint of approximately 311 square metres and outbuilding footprint as 45 square metres which equates to a current site coverage of 37%. The proposed development of a new outbuilding with a floor area of 94.3 sqm and the existing dwelling will create a site coverage of 42.21sqm.

- Performance Outcome - Ancillary Buildings and Structures - PO11.1 of the Code states that residential ancillary buildings are sited and design to not detract from the streetscape or appearance of primary residential buildings on the site or neighbourhood properties.

Part 4 - General Development Policies - Design in Urban Areas, details that a desired outcome for development to be contextual by considering, recognising and carefully responding to its natural surroundings or building environment and positively contribute to the character of the locality with 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

Whilst the site coverage is less than 50% the existing immediate streetscape and neighbourhood character of Eltolla Court, Heaver Driver, Lemana Court and Wanderee Court shows that outbuildings have a floor area more in keeping with the Code of approximately 60 square metres or less.

Council advised the Applicant that it considered the current application, with a footprint of 94.3 square metres, not to be representative of the character and development within this area and would likely not support the application in the current form however the Applicant wished to progress this Application in its current design.

It should be noted that prior to this application, a proposal for an outbuilding with a floor area of 112.5 square metres and a wall height of 3.6 metres was not supported by Council advised the Applicant that this proposed development would also be out of character with the neighbourhood suggesting a decrease in the outbuilding footprint to be closer to the 60 square metres as detailed in the Code. No modifications/amendment to the plans were received addressing Council's concerns.

The proposed outbuilding is showing a relative ground level of 0 and the existing dwelling is also being shown having a finished floor level of 0 (Applicant has stated they are proposing to excavate the outbuilding to have the same floor level as the dwelling). The existing residence has a floor to ceiling height of 2.85 metres and the proposed outbuilding is proposing a wall height greater than that of the dwelling, with a proposed height of 3.2 metres and overall height of 3.92 metres which does not support the outbuilding not being a dominant feature.

The purpose of the outbuilding (removal of existing outbuilding) is to store a caravan, trailers and motorbikes within with a structure that is more suited to a commercial storage unit than a residential outbuilding.

Council have determined that the proposal will not be in the context of the desired outcome nor performance criteria as it will not be consistent with the character and pattern of construction within this area. The outbuilding will have a floor area greater than 60 square metres which is not consistent with other outbuilding development within this residential neighbourhood with the appearance from the end of the Court, being a dominant feature when viewed from the Court with the site located on the higher side of the land.

It is highlighted that the Applicant was advised prior to verification of the application that the outbuilding was considered at odds with the policies of the Planning and Design Code, mainly the floor area and neighbourhood character and that design changes should be considered prior to the determination of the application.



CONCLUSION

Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016 and having undertaken an assessment of the application against the Planning and Design Code, the application is considered to be seriously at variance to the provisions of the Planning and Design Code and the Regional Assessment Panel uphold the decision for Planning Consent to be refused.

INVITES

The Applicant - Thomson Bilt (on behalf of Adam Legutko)

The Applicant - Frank Brennan (for & on behalf of Thomson Bilt/Adam Legutko)

ATTACHMENTS

1. Notice - Review of decision - 7 Eltolla Court, Mount Gambier
2. Stamped plans - 7 Eltolla Court, Mount Gambier
3. Decision Notification Form - 7 Eltolla Court, Mount Gambier
4. DAP snapshot
5. Assessment Report - 7 Eltolla Court, Mount Gambier
6. Planning and Design Code - 7 Eltolla Court, Mount Gambier



7 URGENT MOTIONS WITHOUT NOTICE

8 MEETING CLOSE