



# Development Assessment Panel

16 December 2013

# MID MURRAY COUNCIL

## DEVELOPMENT ASSESSMENT PANEL

### Agenda

Meeting to be held in the Meeting Room of the Council Offices,  
49 Adelaide Road, Mannum

Monday 16 December 2013, 11.30am

1. **PRESENT**

Bruce Ballantyne (Presiding Member), David Hughes, James Miller,  
Graham Gaston, Inez Bormann, Peter Raison and Brian Taylor

2. **IN ATTENDANCE**

Geoff Parsons, Acting Director – Development & Environmental Services  
Aaron Curtis, Senior Development Officer – Planning  
Jake McVicar, Development Officer – Planning  
Melissa Marschall, Minute Secretary

3. **COMMENCEMENT AND WELCOME** AM

4. **APOLOGIES**

5. **CONFIRMATION OF PREVIOUS MINUTES**

(Page 2946 – 18/11/2013)

Minutes of the Mid Murray Council Development Assessment Panel meeting  
held on 18 November 2013.

**RECOMMENDATION**

**moved that the minutes of the Mid Murray Council Development  
Assessment Panel Meeting held on 18 November 2013 be taken as read  
and confirmed.**

**Seconded**

6. **DECLARATION OF INTEREST BY MEMBERS OF PANEL**

**MID MURRAY COUNCIL**

7. **DEVELOPMENT REPORT**

**RECOMMENDATION**

                  moved that the report be received.  
**Seconded**

8. **LATE CORRESPONDENCE**

9. **OTHER BUSINESS**

10. **NEXT MEETING**

To be held in the Council Chambers, Main Street, Cambrai on Tuesday,  
28 January 2014, commencing at 10.00am.

11. **CLOSURE**

**MID MURRAY COUNCIL**

**DEVELOPMENT ASSESSMENT PANEL**

**Development Report**

**Meeting to be held in the Meeting Room of the Council Offices,  
49 Adelaide Road, Mannum**

**Monday 16 December 2013, 11.30am**

**Table of Contents**

Item No.	Subject	Page No.
	Development Report	
7.1	711/254/13 – D Lymn .....	1

**MID MURRAY COUNCIL – DEVELOPMENT REPORT**  
**7.1 DEVELOPMENT APPLICATION 711/254/13 – D LYMN**

*Reporting Officer:* Aaron Curtis  
*Position:* Senior Development Officer - Planning

**Development No.** 711/254/13  
**Applicant** D Lymn  
**Subject Land** Lot 104 of DP57717, 4 Neil Street, Mannum, Hundred of Finniss  
**Proposal** Alterations to Existing Gem and Mineral Display Centre (New Display Shed) and Shipping Containers (3)

***INTRODUCTION***

The applicant lodged the above development application with Council on 22 July 2013 for alterations to existing gem and mineral display centre (new display shed) and shipping containers (3), at Lot 104 of DP57717, 4 Neil Street, Mannum, Hundred of Finniss.

Copies of the plans and details submitted with the application are attached.

***BACKGROUND***

Some 4 years ago, 3 shipping containers were placed on the land by Kym Loechel with the permission of the landowners, Don and Nancy Lymn. The owner of the containers, Kym Loechel, is long time friends and business partners with the landowners. Together, the two parties operate the Mannum Gem and Mineral Display Centre on this site.

The containers were first placed on the property in response to ongoing flooding issues with Kym's house and shed at 4 Berryman Avenue. I understand the dwelling and shed have been flooded on several occasions, leading Kym to the point where his personal effects could no longer be kept at his property until the flooding issue is resolved.

At the time the containers were put on the land, Kym was unaware the shipping containers would need development approval. Some period later, Council received a complaint about the appearance of the site, including with respect to the appearance of the unapproved containers. Council subsequently wrote to the owner's in May 2012.

After some period of inactivity, a development application was received in July of this year, from Don Lymn, seeking approval for the containers as well as a large shed.

***SUBJECT LAND***

The subject land is Lot 104 of DP57717, 104 Neil Street, Mannum, Hundred of Finniss. The site is an irregular shaped allotment of 7,196m<sup>2</sup>, having a varied frontage to Neil Street of some 62.34m along its north-western boundary and a secondary frontage to Elizabeth Street along its south-western boundary of 60.10m.

**MID MURRAY COUNCIL – DEVELOPMENT REPORT**  
**7.1 DEVELOPMENT APPLICATION 711/254/13 – D LYMN**

The site contains a single storey detached dwelling with attached verandah, carport and solar panels (fixed to roof), in the north-western corner of the site, fronting Neil Street, occupied by Don and Nancy Lymn. The dwelling and its curtilage is fenced, occupying an area of some 800m<sup>2</sup>, and being separate from the remainder of the site.

The remainder of the site (some 6,000m<sup>2</sup> or so) is generally open, with a few main buildings and large areas of either vacant land or land used for general storage. At the rear of the dwelling and its yard is the main gem and mineral display centre building including attached verandah with another smaller shed and tank situated behind.

Aside from the main building, the site also contains another shed with attached open canopy, rainwater tank and three shipping containers, all clustered in the north-eastern corner of the site, as shown on the submitted site plan. At this point, I understand the shipping containers and shed are used for general storage.

The site is accessible via two existing access points, one serving the dwelling, direct onto Neil Street and the other serving the remainder of the site, accessible via the end of the bitumen seal at the Neil Street 'dead-end'. This driveway extends into the site with a loop track formed opposite to the gem and mineral display building.

Within the site, some revegetation has taken place in clusters as shown on the submitted site plan. In terms of slope, the site falls gently to moderately from north-west down to south-east. I also note the site is not traversed by any watercourses, and is situated wholly above the 1956 flood level of the River Murray.

Photos taken while on-site on 15 August 2013 are attached with written annotations confirming the viewing angle of the photos taken.

***DESCRIPTION OF LOCALITY***

The site is located centrally within the Mannum township, at the interface between residential, commercial and vacant land uses. This locality has the following characteristics:

- a) Older residential subdivisions (60's and 70's) to the north-west, south-west and also fronting Neil Street, consisting of large residential sized allotments in the order of about 1,000m<sup>2</sup>, occupied predominantly by single storey detached dwellings.
- b) A closed road of 10m wide by 80m long abutting the subject land along its north-western boundary, owned by the Mid Murray Council. Access is prevented between Elizabeth Street and Neil Street by existing bollards.
- c) The Adelaide – Mannum pipeline, owned by SA Water, traverses the adjacent road reserve within Elizabeth Street, rising from the existing pump station at the River Murray, south-east of the site. High voltage powerlines traverse the land above.
- d) Land immediately to the south-east comprising a large vacant parcel of land of some 1.7ha (Lot 105). This land has a frontage of some 200m to Elizabeth Street, extending almost all the way to the intersection with Berryman Avenue.

**MID MURRAY COUNCIL – DEVELOPMENT REPORT**  
**7.1 DEVELOPMENT APPLICATION 711/254/13 – D LYMN**

- e) At the intersection of Elizabeth Street and Berryman Avenue is a small substation owned by SA Power Networks. Less than 100m north-west of the substation is TK Tyres tyre fitting and repair shop and Tabe's automotive repairs.
- f) Abutting Lot 105 along its north-western boundary is the Mannum Works Depot, owned by Mid Murray Council. This land borders the north-eastern corner of the subject land and extends south-east to the rear of the Tabe's automotive repairs.
- g) The Mannum Works Depot does not directly front Randell Road except where it gains access to this road. Flanking the site on either side between it and Randell Road are smaller allotments used for some residential and some commercial uses.

***DESCRIPTION OF PROPOSAL***

The applicant seeks approval for alterations to the existing gem and mineral display centre in the form of a new display shed and 3 shipping containers. The proposed works have the following characteristics:

- a) New display shed of 21.30m long by 9.10m wide, sited in the north-western corner of the site, 24m from the Elizabeth Street boundary and 1m from the northern side boundary, having a wall height of 3.048m, total height of 4.017m with roof pitch of 13 degrees, clad in Colorbond in "Rivergum Green".
- b) Shipping containers 1 and 2, being 12m long by 2.5m wide, positioned in the south-eastern corner of the site, sited parallel to one another with their long sides oriented 'north-south', positioned 7m from the south-eastern boundary and 12m from the north-eastern boundary, having a total height of 2.59m, painted in "Rivergum Green".
- c) Shipping container 3, being 12m long by 2.5m wide, also positioned in the south-eastern corner of the site, sited at 90 degrees perpendicular to shipping containers 1 and 2, positioned 19m from the south-eastern boundary and 22m from the north-eastern boundary, having a total height of 2.9m, painted in "Rivergum Green".

The new display shed will be used to display an Australian dinosaur collection which the applicant has recently acquired. With respect to the containers, as mentioned earlier, these will be used for storage.

***CLASSIFICATION OF DEVELOPMENT***

The site is located within the Residential Zone of the Mid Murray Council Development Plan. Development of the kind proposed is neither listed as being a complying or non-complying form of development. On this basis, the application shall be assessed "on-merit" against the relevant provisions of the Mid Murray Council Development Plan.

***REFERRALS***

The application is not subject to any referrals under Schedule 8 of the Development Regulations 2008.

***PUBLIC NOTIFICATION***

Development of the kind proposed is neither listed as being a Category 1 or Category 2 form of development under Principles of Development Control 23 or 24 of the Residential Zone. In addition, I note the development is neither listed as being a Category 1 or Category 2 form of development under Schedule 9 of the Development Regulations 2008. Therefore, the application must be a default Category 3 form of development.

The application underwent the Category 3 public notification period with one representation being received from:

- Paul and Michele Edwards (owners of Lot 105, Elizabeth Street).

Mr & Mrs Edwards wish to be heard at the Development Assessment Panel meeting.

A summary of the concerns raised by Mr & Mrs Edwards is given below as well as a summary response from the applicant. Copies of the representation and the applicant's reply are also contained as attachments.

*Items/issues raised by Mr & Mrs Edwards (owner's of Lot 105, Elizabeth Street)*

- *The shipping containers will not add to the amenity of the area.*

*Response from Applicant, Kym Loechel & Don Lymn*

- *The shipping containers have been on the land for some time, and have not received any complaint with regard to their appearance in this time.*
- *There are other examples of shipping containers in the locality, for example in the Council works depot and at the rear of TK Tyres, which have a greater impact on the amenity of the locality than the subject containers.*
- *I plan to enclose the containers in a shed or alternatively clad the containers, such that they will be far less intrusive than the other containers in the locality.*
- *Even without modification to the containers, they are largely shielded from view by an existing shed and by vegetation planted by the owner, Don Lymn.*

I have considered the above issues, raised by Mr & Mrs Edwards and the applicant's reply under the "Assessment" section of this report. In particular, the discussion is given under sub-heading "appearance of development".

***RELEVANT PROVISIONS OF THE MID MURRAY COUNCIL DEVELOPMENT PLAN***

***Residential Zone***

*Objectives: 1, 2, 3, 5, 6 & 7*

*Principles of Development Control: 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 20, 21, 23 & 24*

## **ASSESSMENT**

### Land Use

Principle of Development Control of the Residential Zone states:

1 *The following forms of development are envisaged in the Residential Zone:*

- *Affordable housing;*
- *Community centre;*
- *Dwelling;*
- *Domestic outbuilding in association with a dwelling;*
- *Domestic structure;*
- *Pre-school;*
- *Primary and secondary schools;*
- *Recreation areas;*
- *Supported accommodation;*
- *One mooring for a vessel with overnight accommodation per dwelling located on the waterfront.*

Development of the kind proposed is not envisaged within the Residential Zone. That said, I note the gem and mineral display has operated on the subject land for some time, and most probably has 'existing use rights', in which case Council would likely regard the gem and mineral display as being a 'lawful' activity.

The Desired Character Statement in the Residential Zone provides some guidance with respect to existing non-residential uses as follows:

*Expansion of non-residential uses is not encouraged and the relocation of non-conforming and inappropriate development to more suitable sites outside the zone is desirable unless the development does not conflict with residential amenity.*

The applicant seeks approval for alterations to the existing gem and mineral display in the form of a new shed. While I note expansion of existing non-residential uses is not encouraged, as stated above, I believe the proposed expansion can occur without adversely affecting residential amenity, as summarised under headings further below.

With respect to the shipping containers, the containers are regarded as an associated component to the other activities undertaken on the site, being the existing dwelling, outbuildings and gem and mineral display. I am also of the view that this form of development can occur without adversely affecting the residential amenity.

### Appearance of Development

"Appearance of Development" is taken here to refer to the height, setbacks and bulk and scale of the new buildings. All of these issues are to some extent inter-related with one another and so are difficult to separate into distinct elements. For ease of understanding, they have been grouped under sub-headings below.

**MID MURRAY COUNCIL – DEVELOPMENT REPORT**  
**7.1 DEVELOPMENT APPLICATION 711/254/13 – D LYMN**

*Building Height*

Principle of Development Control 7 of the Residential Zone states that dwellings should achieve a maximum building height of 9m. In addition, Principle of Development Control 11 of the Residential Zone states that sheds, garages and similar outbuildings should achieve a maximum wall height of 3m and total height of 4m.

I appreciate the above provisions apply to dwellings and sheds, not buildings of the kind proposed in this application. While these provisions do not strictly apply, I believe it is reasonable to use them as a guide, given that they are the only provisions that deal with building height in the Residential Zone.

The proposed buildings are single storey in height, consistent with the height of the majority of buildings in the locality. In addition, I note they will all achieve a maximum wall height of no greater than 3m and in the case of the new display shed, not greater than 4m in total height.

Given the above, I believe the building heights as proposed are acceptable.

*Side Building Setbacks*

Principle of Development Control 9 of the Residential Zone states:

- 9** *Dwelling and outbuilding setbacks should be designed to comply with Council Wide Objectives and Principles of Development Control.*

Council-wide Principle of Development Control 262 states that buildings with a wall height of up to 3m should be setback 1m from a side boundary.

The proposed buildings will each achieve a wall height of less than 3m, and will each be setback at least 1m from a side boundary, consistent with the above.

*Front Building Setback*

Council-wide Principle of Development Control 260 states that:

- 260** *Setback of dwellings from public roads should:*

- a) Contribute to the desired character of the streetscape;*
- b) Be similar to or compatible with setbacks of buildings on adjoining land and dwellings in the locality; and*
- c) Not dominate the streetscape character of the locality.*

All of the proposed building works will achieve generous setbacks from the street boundaries. The new display shed will be setback some 24m from the Elizabeth Street boundary while the shipping containers will be setback at least 38m from the Neil Street boundary.

The generous building setbacks achieved substantially mitigate the bulk and size of the display shed and containers when viewed from either street, while also allowing vegetation to grow between the buildings and the road, having a positive screening effect. For these reasons, I find the building setbacks from the public roads acceptable.

**MID MURRAY COUNCIL – DEVELOPMENT REPORT**  
**7.1 DEVELOPMENT APPLICATION 711/254/13 – D LYMN**

*Bulk and Scale*

There are also a limited number of quantitative provisions in the Residential Zone with respect to building size. The only provision that might be relevant to this application is Principle of Development Control 11, which states that sheds, garages and similar outbuildings should have a maximum floor area of 75m<sup>2</sup>.

The shipping containers each have a floor area of 30m<sup>2</sup>, in which case their footprint is clearly acceptable and consistent with the size of other outbuildings in the locality. However, with respect to the display shed, I note this building is 193m<sup>2</sup> in area, some 118m<sup>2</sup> more than the maximum size permitted for an outbuilding.

While this departure is noted, I place limited weight on this provision, given that the new display shed is clearly not an ancillary building. This is a new standalone building to house a new dinosaur display, to be used in conjunction with the existing gem and mineral display centre. As such, I don't necessarily believe its size is excessive.

I note this building will sit upon a considerable sized parcel of land, meaning that generous setbacks from all allotment boundaries can be achieved in conjunction with low overall site coverage. Further, the building is of a 'residential' scale in terms of its wall height and total height and will be clad in new Colorbond material in "Rivergum Green".

With respect to the containers, I note they are not typical of what Council would usually consider within a Residential Zone, given their plain, bland and box type appearance. However, in this case, I don't believe they have any excessive impact on the site and/or locality given that:

- a) They are temporary structures (36 months from date of Development Approval);
- b) They are sited on a large allotment of some 7,196m<sup>2</sup>;
- c) They achieve generous setbacks from all allotment boundaries;
- d) They are sited in the south-eastern corner of the site, as far as possible away from residential use, and nearest to the non-residential uses (i.e. works depot);
- e) They are painted in "Rivergum Green";
- f) They will be screened by perimeter fencing and native plantings.

For all of the above reasons, I find the bulk and scale of new buildings to be acceptable.

*Site Appearance*

Council-wide Principle of Development Control 72 states that:

**72** *Development having areas for storage of refuse, plant, equipment, machinery or materials, or car parking or service purposes should not be undertaken unless such areas are sited and suitably screened from view from public roads and adjoining allotments by fencing or landscaping.*

**MID MURRAY COUNCIL – DEVELOPMENT REPORT**  
**7.1 DEVELOPMENT APPLICATION 711/254/13 – D LYMN**

As mentioned earlier, Council has on at least one occasion, received complaint with respect to the poor appearance of the site. Inspection of the site on several occasions has revealed that various items are left out in the open, including scrap metal, pavers, trailers, vehicles and other similar loose items.

The site's appearance is noted as being average to poor, however, I could not describe the site as being 'unsightly'. While noting this is presently the case, the proposed development in conjunction with other activities being undertaken by the owners will improve its appearance, in the form of fencing of the site perimeter and revegetation.

The proposed development will further improve the site's appearance, as desired by Council-wide Principle of Development Control 72, by allowing much of the gear that is presently stored out in the open to be stored within the building, thereby reducing the amount of clutter, visible from Elizabeth Street and Neil Street.

Given the substantial amount of storage now available on the site, in the form of the various sheds and containers, I believe it is reasonable to request that vehicle bodies, vehicle parts, scrap metal, building materials and/or other materials or objects of a like nature, shall not be stored in the open on the land.

Subject to this condition, I believe this aspect of the development is acceptable.

Overshadow Impact

Council-wide Principles of Development Control 244 and 245 state that:

- 244** *Development, except a dwelling in the River Murray Zone Shack Settlement Policy Area, should ensure that north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9am and 5pm on the 21 June.*
- 245** *Development, except a dwelling in the River Murray Zone Shack Settlement Policy Area, should ensure that ground-level open space of existing buildings receives direct sunlight for a minimum of two hours between 9:00am and 3:00pm on 21 June to at least the smaller of the following:*
- a) Half of the existing ground-level open space; or*
  - b) 35 square metres of the existing ground-level open space (with at least one of the area's dimensions measuring 2.5 metres).*

The proposed building works are single storey in height and are setback a considerable distance from adjacent privately owned land. Given this, the proposed building works will not offend either of the above Council-wide Principles of Development Control.

Native Vegetation/Revegetation

Council-wide Principle of Development Control 168 states that:

- 168** *Development should retain existing areas of native vegetation and where possible contribute to revegetation using locally indigenous plant species.*

**MID MURRAY COUNCIL – DEVELOPMENT REPORT**  
**7.1 DEVELOPMENT APPLICATION 711/254/13 – D LYMN**

All proposed building works are sited in areas devoid of any native vegetation, consistent with Council-wide Principle of Development Control 168. In addition, I note the owner's have undertaken new plantings within the site (see attached photos), as also desired by Council-wide Principle of Development Control 168.

The additional plantings have been undertaken in clusters within the site, and also in the form of perimeter planting, particularly adjacent the Elizabeth Street boundary and adjacent a portion of the site's south-eastern boundary. Some of these plantings are now at semi-mature height and offer some screening and habitat for fauna.

This aspect of the development is clearly acceptable.

Stormwater Discharge

Council-wide Principle of Development Control 50 states that:

**50** *Stormwater systems should be located and designed to minimise the hydraulic impact of discharges on streams by mitigating peak flows and providing erosion protection at entry points.*

The majority of the stormwater generated by the development will be in the form of the new display shed of 193.83m<sup>2</sup>. All roof water from the display shed will be captured into a new rainwater tank via gutters, downpipes and stormwater pipe, having a capacity of at least 5,000 litres. Overflow will be conveyed out to the Elizabeth Street water table.

The stormwater management system for the new shed will minimise the hydraulic impact of discharges on the Council stormwater network, as desired by Council-wide Principle of Development Control 50, by providing detention of roof water on-site from the main building, being the new display shed.

The rainwater tank can be used to irrigate the new plantings, thereby ensuring that continued capacity is available within the tank to detain rainwater from the shed. While a larger tank (i.e. 22,000 litres) would be desired to increase capacity, a tank of 5,000 litres would still be adequate, provided the water is regularly used (i.e. for watering vegetation).

Roof water from the containers is not proposed to be captured. I note the shipping containers are of lesser building footprint and are broken up into 3 separate units. Water falling on the container roofs is expected to be quickly absorbed into the adjacent ground. This approach is considered reasonable, given that:

- a) The containers are of limited size in comparison to the site's area. Roof water can trickle down the sides and ends of the containers and be absorbed into the soil.
- b) The containers will be setback at least 7m from the site boundaries, thereby offering falling water some opportunity to absorb into the soil prior to crossing boundaries.

Overall, this aspect of the development is considered to be acceptable.

Car Parking

Council-wide Principle of Development Control 36 states that:

- 36** *Development should be provided with off-street car parking on the site, or on a suitable site nearby, in accordance with the standards in Table MiMu/1 and provide parking areas with suitable access for the disabled.*  
(my underlining)

A specific car parking rate is not provided for the type of development proposed under Table MiMu/1. Consequently, it is difficult to ascertain the exact number of car parking spaces, required under this application against the Development Plan.

The development provides for five designated car parking spaces in the north-western corner of the site, one of these being a disabled car park, and the other being a bus park. All parking spaces are accessible via an internal access road.

In the absence of a set car parking rate, I must make a judgement as to whether the number of car parks provided on-site is adequate to service the development. After consideration, I believe this aspect of the development is acceptable because:

- a) I understand the majority of visitors enter by appointment only, which tends to limit the number of visitors at the site at any one time.
- b) The site is of considerable area. Additional spaces can be accommodated within the site in the event of high patronage without excessive load on adjacent public roads.
- c) To my knowledge, the activity has not been subject to any complaints with respect to car parking in adjacent public roads.

Vehicular Access

Council-wide Principle of Development Control 37 states that:

- 37** *Development should include an appropriate provision on the site to enable the parking, loading, unloading, turning and fuelling of vehicles and pedestrian or cycle movement in a safe and convenient manner. Shared parking areas or sites located elsewhere other than on site should only be provided where such an arrangement is to the benefit of the community.*

The site is to be accessible via an extension of the existing loop track, from the 'dead-end' of Neil Street. From the existing loop track, a new 6.5m wide driveway will extend in a south-westerly direction some 45m up to the dedicated car park and turn-around area, located immediately west of the new display shed.

The driveway is designed to utilise an existing access point, which I note is acceptable. Within the site, the driveway will be of sufficient width and dimensions to enable simultaneous two way movement, with adequate manoeuvring area provided to allow vehicles opportunity to safely enter and exit the car parking spaces in a forward direction.

**MID MURRAY COUNCIL – DEVELOPMENT REPORT**  
**7.1 DEVELOPMENT APPLICATION 711/254/13 – D LYMN**

A condition is included in the recommendation, requiring that the driveway and manoeuvring area be formed of all-weather material and that it be maintained in good and useable condition at all times. In addition, the applicant will need to erect 'keep left' signs at either end of the 'island', to ensure vehicles stay left of the 'island' at all times.

Subject to condition, this aspect of the development is considered to be acceptable.

**CONCLUSION**

The applicant seeks approval for alterations to an existing gem and mineral display centre (new display shed) and shipping containers (3). Such development is neither envisaged or listed as non-complying in the Residential Zone. Therefore, Council processed the application "on-merit" as a Category 3 form of development.

While the development is not envisaged within the Zone, the Zone does envisage expansion of non-residential uses where they can be accommodated without adversely affecting the residential amenity. Detailed assessment of various aspects of the proposal suggests that negative impacts on the locality can be avoided.

While the gem and mineral display shed is large in terms of its size, its overall bulk and scale is mitigated substantially by virtue of the considerable site area, its generous building setbacks and its 'residential' scale wall height. The building will also be clad in Colorbond materials in natural tone to fit with the site and locality.

The shipping containers are not typical of what Council would usually consider within a Residential Zone. However, in this case they are considered reasonable, given they are temporary in nature, are to be sited on a large allotment in close proximity to other non-residential uses, will be painted in "Rivergum Green" and will be screened.

To improve the site's appearance, the applicant is in the process of erecting fencing around the site boundaries, in conjunction with revegetation in clusters on the site and around the perimeter of the site boundaries. Such activity in conjunction with the new building on the site will assist in tidying up the site.

Finally, an all-weather driveway and manoeuvring area will be extended, to enable access up to a designated car parking area for up to 5 vehicles, 1 of which will be designated as a visitor car parking space and the other for a bus. This aspect of the development is considered to be acceptable.

Overall, the development is considered to have sufficient merit to warrant Development Plan Consent.

**RECOMMENDATION**

moved that pursuant to Section 35(2) of the Development Act 1993 that the proposed development is not “Seriously at Variance” with the relevant provisions of the Mid Murray Council Development Plan (Consolidated 6 December 2012) and that pursuant to Section 33(1)(a) of the Development Act 1993, Development Plan Consent be granted to Development Application 711/254/13, subject to the following conditions and notations:-

**Conditions**

1. The development shall be carried out in accordance with the details submitted with the application and the following approved plans, other than where required to be varied by conditions 2-14 inclusive:

Plan Number	Plan Type	Dated	Prepared By
Not Stated	Floor Plan and Elevation Plan	Received by Council dated 22.07.13	Olympic Industries
Not Stated	Site Plan	Received by Council dated 26.09.13	D Lymn and K Loechel
Not Stated	Shipping Container Specifications	Received by Council dated 26.09.13	D Lymn and K Loechel
Not Stated	Response to Council letter	Received by Council dated 26.09.13	D Lymn and K Loechel

2. The gem and mineral display centre shall only operate between the hours of 9:00am and 5:00pm.
3. The display shed and shipping containers (3) shall not be used for human habitation at any time.
4. Except where otherwise approved, all exterior surfaces of the display shed and shipping containers shall:
  - a) In the case of the display shed and shipping container 3, be of new non-reflective materials; and
  - b) In the case of shipping containers 1 and 2, be painted in at least two coats of freshly applied paint; and
  - c) In the case of shipping container 3, be externally clad in corrugated Colorbond cladding; and
  - d) Be of “Rivergum Green”, in accordance with the Approved Response to Council letter, prepared by D Lymn and K Loechel, received by Council dated 26<sup>th</sup> September 2013; and
  - e) Be maintained in good and reasonable condition at all times.

Works required under items (b) and (c) above shall be carried out within 3 months from the date of Development Approval.

- 5. The shipping containers shall be removed from the site, within 36 months from the date of Development Approval.**

**Note: If the applicant wishes to keep the containers on the land for longer than 24 months, then a separate development application and subsequent approval will be necessary from the Council.**

- 6. Native trees shall be planted, in accordance with the Approved Site Plan, prepared by D Lymn and K Loechel, received by Council dated 26 September 2013. The native trees shall be planted within 6 months from the date of Development Approval, and shall be maintained in good health and condition thereafter. Any dead or diseased plants shall be replaced.**
- 7. In the event of damage being caused to Council infrastructure, the damaged infrastructure shall be repaired and/or reinstated, at the applicant's cost, to the satisfaction of Council's Director – Infrastructure Services:**
  - a) To it's original condition; or**
  - b) Where (a) is not achievable, in accordance with the relevant Australian Standard (applicable to that particular type of infrastructure).**
- 8. Stormwater shall be managed on the site at all times, such that:**
  - a) All roof water from the display shed shall be directed into a rainwater tank or tanks having a total capacity of at least 5,000 litres, at all times; and**
  - b) Any rainwater tank overflow, in the event that the tank (or tanks) under (a) is/are full, is discharged to the Elizabeth Street water table, at all times; and**
  - c) Any surface stormwater collected by impervious areas such as driveways, car parking areas etc, shall be directed away from buildings and from adjoining privately owned land at all times; and**
  - d) Stormwater (roof water and/or surface stormwater) does not flow onto, or cause nuisance to adjoining privately owned land at any time.**
- 9. The display shed shall be connected (by way of gutters, downpipes and stormwater pipe) to a rainwater tank or tanks, having a total capacity of at least 5,000 litres, at all times, so as to provide a form of stormwater detention on-site, to alleviate peak flows into the Council stormwater network.**
- 10. All refuse generated by the activity shall be collected (i.e. Council waste bin) and disposed of by appropriate means at all times.**

- 11. An internal access driveway and manoeuvring area shall be constructed, from the edge of the Neil Street property boundary, up to the designated car parking area, prior to the commencement of use (of the display shed and shipping containers), in accordance with the Approved Site Plan, prepared by D Lymn and K Loechel, received by Council dated 26 September 2013 and as follows:**
  - a) The driveway and manoeuvring area shall be formed of materials which enable all year round use such as rubble, limestone or scalps;**
  - b) The driveway shall not be used (i.e. at the property boundary or within the site) during operating hours; and**
  - c) “Keep Left” signs shall be erected at either end of the central ‘island’ (i.e. north and south) to ensure entering and exiting vehicles stay left of the ‘island’ at all times; and**
  - d) The driveway and manoeuvring area shall be maintained in good and reasonable condition at all times.**
  
- 12. On-site car parking shall be provided, in accordance with the Approved Site Plan, prepared by D Lymn and K Loechel, received by Council dated 26 September 2013, and shall be constructed, prior to commencement of use (of the display shed and shipping containers) as follows:**
  - a) Three (3) visitor car parking spaces shall be provided, having dimensions of at least 2.7m wide by 5.5m long; and**
  - b) One (1) disabled car parking space shall be provided, having dimensions of at least 3.5m x 5.5m long; and**
  - c) One (1) bus park shall be provided, having dimensions of at least 3m wide by 12m long; and**
  - d) The disabled car parking space shall be clearly identified in a prominent way that it is for “disabled parking only”;**
  - e) The bus park shall be clearly identified in a prominent way that it is for “bus parking only”;**
  - f) The base of the car parking spaces shall be constructed of all-weather material such as rubble, limestone or scalps;**
  - g) Wheel stops (concrete, permapine or similar) shall be provided at the ends of all car parking spaces to delineate them;**
  - h) All car parking spaces shall remain available for this purpose at all times; and**
  - i) The car parking spaces shall be maintained in good and useable condition at all times.**
  
- 13. The applicant and/or owner must not cause, suffer or permit the land to be used for the storage, placement or depositing of any vehicle bodies, vehicle parts, scrap metal, building materials and/or other materials or objects of a like nature in the open (i.e. not contained within a fully enclosed lawful building) on the land.**
  
- 14. Any security lighting illuminating the subject land shall be designed such that light overspill is avoided onto adjacent land at all times.**

**Notations**

- 1. This approval does not imply compliance with the Electricity Act 1996 (as amended), or the Regulations thereunder. It is the responsibility of the owner and the person undertaking development to ensure compliance with the same.**

**You are advised to contact appropriate authorities including ETSA, Telstra, SA Water and Council's CWMS department in relation to the location of supply lines and other requirements prior to commencing work.**

- 2. Expiry Date for Planning and Building Consents and Development Approvals**

**Development Plan Consent is valid for 12 months. The applicant must obtain Development Approval within 12 months of the date of the decision or the consent will lapse.**

**It is necessary to obtain Building Rules Consent (if shown as STILL REQUIRED on this Decision Notification Form) before full Development Approval is granted.**

**Once Development Approval is obtained, substantial work on the approved development must be commenced within twelve months of the date of Development Approval or the approval will lapse.**

**The approved development must be substantially completed within 36 months (3 years) of the operative date of Development Approval, or the approval will lapse and a new application must be lodged with the relevant authority.**

- 3. During the period that the development is being undertaken, all waste materials associated with the building work is to be secured and contained within the site. Upon completion of the development all wastes are to be removed and appropriately disposed of.**
- 4. All building work shall be carried out in accordance with the requirements of the Development Act 1993 as amended and its Regulations.**
- 5. All existing trees on the site are to be retained wherever practicable.**
- 6. The applicant is responsible for the correct siting of the building work and shall ensure that the building work is sited on the allotment in accordance with the approved site plan.**
- 7. The granting of this consent does not absolve the applicant from obtaining all other consents which they may be required to do, pursuant to the provisions of any other statutes.**

- 8. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in any way which causes or may cause environmental harm.**
- 9. You are advised to contact other authorities such as Telstra, SA Water etc. in relation to the location of their supply lines and requirements prior to commencing work on-site.**
- 10. The applicant is advised that any proposal to clear, remove limbs or trim native vegetation, unless subject to an exemption under the Native Vegetation Act 1991 requires the approval of the Native Vegetation Council. Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8124 4744.**
- 11. Please note that a rainwater tank (and any support structure) requires Council Development Approval where it does not comply with the following criteria:**
  - a) is part of a roof-drainage system; and**
  - b) has a total floor area not exceeding 10 square metres; and**
  - c) is located wholly above ground; and**
  - d) has no part higher than 4 metres above the natural surface of the ground.**
- 12. The applicant is advised of their obligation under the Electricity Act 1996 and Regulations to comply with relevant safe working procedures, including legislated distances between persons or machinery and powerlines. Given this, it is recommended that you have regard to the “Working Safely near Overhead Powerlines” Brochure, prepared by the Department for Transport, Energy and Infrastructure. For further information, you can contact the Office of the Technical Regulator on 8226 5500.**
- 13. A building owner who proposes to carry out any excavation and/or filling of a nature prescribed in Regulation 75 of the Development Regulations 2008 is required to serve upon the owner a notice of their intention to perform that work at least 28 days prior to commencing work as required by Section 60 of the Development Act 1993.**
- 14. The “Barn Style” shed referred to in the Approved Response to Council, prepared by D Lymn and K Loechel, received by Council dated 26 September 2013, does not form part of this Consent. Separate Development Approval will be required for such a building.**

**Seconded**

Geoff Parsons  
**Acting Director – Development & Environmental Services**