

**MINUTES OF CITY OF MOUNT GAMBIER
COUNCIL ASSESSMENT PANEL
HELD AT THE COMMITTEE ROOM, LEVEL 1, CIVIC CENTRE, 10 WATSON TERRACE,
MOUNT GAMBIER
ON WEDNESDAY, 14 AUGUST 2019 AT 5:45 P.M.**

PRESENT: Mr Ian Von Stanke (Presiding Member), Cr Paul Jenner, Mr Mark Teakle,
Mr Peter Seebohm

OFFICERS IN ATTENDANCE: Manager Development Services - Mrs T Tzioutziouklaris
Planning Officer - Mrs E Ruffin

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 INDIGENOUS PEOPLES HAVE WITH THIS LAND.

2 APOLOGY(IES)

Nil

3 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Paul Jenner
Seconded: Peter Seebohm

That the minutes of the Council Assessment Panel meeting held on 18 July 2019 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

4 INVITEES

Development Application 381/0154/2019 – (Item 5.1)

- Mr Craig Bruins, the Representors spoke in relation to Item 5.1 at 5:49 p.m.
- Mr Martin Stephenson, the Applicant spoke in relation to Item 5.1 at 5:52 p.m.

Development Application 381/049/2019 – (Item 5.3)

- Mr Frank Brennan, the Consultant on behalf of the Applicant spoke in relation to Item 5.3 at 5:57 p.m.

Development Application 381/0365/2018 – (Item 5.4)

- Mr Frank Brennan, the Consultant on behalf of the Applicant spoke in relation to Item 5.4 at 6:05 p.m.



5 REPORTS

Mr Mark Teakle disclosed a perceived conflict of interest in Item 5.1:

"I provided initial advice on the proposed development application".

Mr Mark Teakle informed the meeting of the manner in which they *intend to deal with the perceived conflict of interest in Item 5.1 as follows:*

- I will not participate in the discussion and will not vote on the matter"

Mr Mark Teakle did not participate in the discussion for Item 5.1.

5.1 114 NORTH TERRACE, MOUNT GAMBIER

COUNCIL ASSESSMENT PANEL RESOLUTION

The Council Assessment Panel moved:

1. That Council Assessment Panel Report No. AR19/36285 titled '114 North Terrace, Mount Gambier' as presented on 14 August 2019 be noted.
2. That the Applicant and Owner be advised that having regard to the Development Plan and all supporting documentation, the proposed development is not considered to be at serious variance with the Councils Development Plan, and should be granted Development Plan Consent subject to the following conditions;
 - (a) The Development shall be carried out in accordance with the Plan/s as approved by Council, reference Proposed Early Learning Centre, revision B 2.08, and maintained thereafter.
 - (b) The building and surrounds shall be maintained in a state of good repair and tidy condition at all times
 - (c) Before the building is occupied; The carparking and driveway areas and footpath crossovers as shown on the plan/s approved by council, shall be graded, paved and sealed with bitumen or other similar material, linemarked and maintained in a usable condition at all times
 - (d) Before the building is occupied; Landscaping shall be undertaken in accordance with the Plan approved by Council and shall incorporate the use of established trees and shrubs, and shall be maintained in good health and condition at all times. Should any trees, shrub or ground cover or other plant die, become diseased or otherwise fail to thrive at any time, it shall be forthwith replaced.
 - (e) Before the building is occupied;
 - (i) All fences shall be constructed in accordance with the approved plans and be maintained in a usable condition at all times.
 - (ii) The boundary fence along the eastern property boundary shall be constructed 2.1m in height to provide a visual screen of the development from the adjoining residential property.
 - (f) All waste materials and refuse accumulated on the allotments shall be contained within a screened holding area, or within the building, and removed on a regular basis.
 - (g) Directional signs for traffic shall be placed on the site of the proposed development.



- (h) Before Development Approval is issued a Storm Water Management plan shall be provided to Council in accordance with the preliminary stormwater management plan as approved by Council and dated 2 August 2019, reference number 20181858LOO1A/NC/TPT.
- (i) Any lights on the subject land must be directed and screened so that overspill of light into the adjacent premises does not occur
- (j) The advertising sign/s shall be maintained in a state of good repair and tidy condition at all times.

3. The Applicant and Owner be advised that the reasons for Council's Condition of Consent are;

- (a) To ensure orderly and proper development
- (b) The development is not at serious variance with Council's Development Plan
- (c) To minimise any potential for detrimental impacts on the adjoining property owners and/or occupiers.
- (d) To minimise any potential for the development to detract and/or impact on the adjoining residential properties and the character and amenity of the subject locality.

CARRIED

5.2 2 BURKE DRIVE, MOUNT GAMBIER

COUNCIL ASSESSMENT PANEL RESOLUTION

The Council Assessment Panel moved:

1. That Council Assessment Panel Report No. AR19/40661 titled '2 Burke Drive, Mount Gambier' as presented on 14 August 2019 be noted.
2. The Council Assessment Panel move that that having regard to the Development Plan provisions and all supporting documentation, the proposed development is not considered to be at serious variance with the Council's Development Plan, and the Council Assessment Panel grant Development Plan Consent subject to the following conditions;
 - (a) The development shall be carried out in accordance with the Plan/s as approved by the Council and the Conditions of Approval
 - (b) The garage shall only be used for the purposes associated with the existing residential land use of the subject property.

Reason for conditions;

- (a) To ensure orderly and proper development

CARRIED



5.3 PETROL FILLING STATION, 193-195 JUBILEE HIGHWAY, GLENBURNIE

COUNCIL ASSESSMENT PANEL RESOLUTION

The Council Assessment Panel moved:

- (a) That Council Assessment Panel Report No. AR19/42522 titled 'Petrol Filling Station, 193-195 Jubilee Highway, Glenburnie' as presented on 14 August 2019 be noted.
- (b) The applicant and owner be made aware that this approval does not guarantee the internal road networks will be gazetted or permitted by National Heavy Vehicle Regulator for the design vehicle, this process is a separate requirement to that of a Development Plan Consent.
- (c) Having regard to the provisions of the relevant Development Plan and all supporting documentation, the proposal is not consider to be at serious variance with the provisions of the Mount Gambier (City) Development Plan and that Development Plan Consent be granted upon receipt of concurrence from the Development Assessment Commission subject to the following Conditions (and including any DAC conditions that may be applicable):
 1. The development shall be carried out in accordance with the plan/s as approved by the Council, reference;
Site Plan – Proposed Fuel Station/Truck Stop, Oct 18, Project Number 18243, TP03, Revision D
Floor Plan - Proposed Fuel Station/Truck Stop, Oct 18, Project Number 18243, TP04, Revision Ø
Elevations - Proposed Fuel Station/Truck Stop, Oct 18, Project Number 18243, TP05, Revision Ø
Signage - Proposed Fuel Station/Truck Stop, Oct 18, Project Number 18243, TP06, Revision Ø;
in accordance with or as varied by the Conditions of Approval, and maintained thereafter.
 2. The building and land shall not be used for purposes other than those approved by Council.
 3. The site and associated noise impacts including noise from vehicles, people, fuel deliveries, pumping equipment and fixed plant and equipment shall operate with the provisions of the Environmental Protection (Noise) Policy 2007.
 4. The hours of operation of the business and use of the property shall not create a nuisance and/or disturbance for any person/s and/or property in the immediate area.
 5. Stormwater shall be managed in accordance with the Southfront report, reference number 19007-1, dated 13 May 2019.
 6. Direction signs for traffic shall be placed on the site of the proposed development.
 7. Provision shall be made for all loading and unloading of goods on the subject land.
 8. Landscaping shall be undertaken and maintained at all times.
 9. Onsite lighting shall not overspill into nearby premises, in accordance with the provisions of AS4282/2019 Control of the Obtrusive Effects of Outdoor lighting
 10. All commercial wastes accumulated on the allotment shall be removed on a regular basis.



11. The advertising sign/s shall be maintained in a state of good repair and tidy condition at all times.
12. The building/s and surroundings shall be maintained in a state of good repair and tidy condition at all times.
13. The car parking and driveway areas and footpath crossovers as shown on the plan approved by Council, shall be graded, paved and sealed with bitumen or other similar material and line marked and maintained in a usable condition at all times.
14. Onsite signage shall be in accordance consistent with the following principles;
 - Signage should not contain any element of LED or LCD display, except for the fuel prices on the pylon sign.
 - Signage should not flash, scroll, move, change or imitate a traffic control device, with the exception of the LED fuel price signs, which may change on an as-needs basis.
 - Signage should not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare.

Accordingly, all illuminated signs visible from the arterial road should be limited to a low level of illumination (i.e. < 150Cd/m²), except in the case of electronic signage, which should be limited to the following stepped luminance levels:

Ambient Conditions	Sign Illuminance Vertical Component (Lux)	Sign Luminanc Max
Sunny Day	40000	6300
Cloudy Day	4000	1100
Twilight	400	300
Dusk	40	200
Night	<4	150

- Signage should, in the case of electronic signage, incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.

CONDITIONS OF THE ENVIRONEMNTAL PROTECTION AUTHORITY (EPA)

15. Prior to operation, all fuel storage tanks (apart from diesel and LPG) must be fitted with a Stage 1 vapour recovery system (which includes underground storage tank vent pipes being fitted with a pressure vacuum relief valve) that directs the displaced vapours back into the tank during filling.
16. Prior to operation, all fuel dispensers (apart from diesel and LPG) must be fitted with a Stage 2 vapour recovery system that directs vapours back into the tank during vehicle refuelling.
17. All underground fuel storage tanks must be double-walled and fitted with a leak detection system.
18. Prior to use, all fill lines between the underground storage tanks and fuel dispensers must be double-contained and fitted with a leak detection system.



19. All runoff from the hard paved areas (including the refuelling and fuel delivery areas) must be directed via grates and grade changes to a forecourt full retention oil/water separator (no bypass function) that:
 - a. has as a minimum spill capture capacity of 10,000 litres
 - b. reduces oil content in the outlet to less than 5 mg/L (as confirmed by independent third party scientific testing)
 - c. operates effectively in the event of a power failure
 - d. has an alarm connected by telemetry to appropriate maintenance personnel.
20. Any sludge or residues collected within the forecourt full retention oil/water separator is considered waste and must be removed by an EPA licensed waste transporter

CONDITIONS OF DEPARTMENT OF TRANSPORT AND INFRASTRUCTURE (DPTI)

21. All vehicles shall enter and exit the site in a forward direction.
22. The access points should be in general accordance with proposed site plan, Project No. 18243, Drawing No. TP03, Revision B dated 19 July 2019.
23. The entry and exit points shall be designed, line marked and signed to facilitate the desired traffic movements.
24. The proposed entry and exit points from and to Jubilee Highway East shall be sealed from the sealed carriageway to the property boundary and the impacts of turning movements on the integrity of the sealed carriageway of Jubilee Highway East shall be addressed to the satisfaction of DPTI and Council.
25. All off-street car parking shall be designed in accordance with ASINZS 2890. 1:2004 and ASINZS 2890.6:2009.
26. All off-street commercial vehicle facilities shall be designed in accordance with AS 2890.2:2018.
27. Any floodlighting associated with the site shall be positioned and/or shielded so as to not produce glare or create a distraction for passing motorists on the abutting roads.
28. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

The following notes provide important information for the benefit of the applicant and are requested to be included in any approval:

- 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 practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm. To demonstrate the general environmental duty has been met, the design of the leak detection systems associated with the fuel storage tanks and fuel lines should meet the requirements of Australian Standard 4897-2008 *The design, installation and operation of underground petroleum storage systems*.



- EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site: <http://www.epa.sa.gov.au>.

(d) The Applicant and Owner be advised that the reasons for Councils Conditions of Consent are:

1. The proposed development is not at serious variance to the relevant Development Plan.
2. The proposed development improves and enhances the amenity and character of the subject site and the area.
3. To ensure orderly and proper development.

(e) All relevant plans, reports and documentation be forwarded through to the Development Assessment Commission seeking their concurrence for the granting of the Development Plan Consent and therefore Development Approval of the development application.

CARRIED

5.4 LAND DIVISION - 193-195 JUBILEE HIGHWAY, GLENBURNIE

COUNCIL ASSESSMENT PANEL RESOLUTION

Council Assessment Panel moved:

- (a) That Council Assessment Panel Report No. AR19/42523 titled 'Land Division - 193-195 Jubilee Highway, Glenburnie' as presented on 14 August 2019 be noted.
- (b) The Applicant and Owner be made aware this this approval does not guarantee the internal road networks will be gazetted or permitted by the National Heavy Vehicle Regulator for the design vehicle, this process is a separate requirement to that of a Development Plan Consent AND Land Division Consent.
- (c) The proposed land division is not considered to be seriously at variance with the provisions of the Mount Gambier (City) Development, and should be granted Development Plan Consent and Land Division Consent subject to or as amended by the following conditions;
 1. The development shall be carried out in accordance with the Plan/s as approved by Council, except where varied by the Conditions of Approval.
 2. The Stormwater shall be managed is accordance with Wright Civil Engineering, Stormwater Management Plan, Reference SCDD 068 dated 3 May 2019.
 3. Binding arrangements between the applicant and Council of the construction of roads, disposal of stormwater, construction of watertables and kerbing and profiling of footpaths in accordance with Council Policy – L130 – Land Divisions and to the reasonable satisfaction and specification of Council.
 4. To consult all relevant service providers (ie telecommunications, gas, electricity etc) regarding the provision of services
 5. The new road with access from Jubilee Highway shall be called Dunning Court
 6. The applicant shall provide Council with a Construction Environmental Management Plan (CEMP), addressing the onsite and offsite impacts resulting from the site works, prior to commencing site works as part of this land division



7. (i) A screening reserve shall be located along the southern property boundary of allotments 39 and 40 so as to prevent direct vehicular access from these allotments to and from Jubilee Highway East.
- (ii) A screening reserve shall be located along the southern property boundary of allotment 30 on either side of the proposed inverts so as to prevent further locations for vehicular access to and from Jubilee Highway East.

CONDITIONS OF THE ENVIRONMENTAL PROTECTION AUTHORITY (EPA)

8. The detailed design of the stormwater management system including the detention infiltration basin and drainage system must be designed for all inflows into the system and must meet the following quality targets:
 - a. Suspended solids (SS) 80% reduction in average annual pollutant load compared to an equivalent urban catchment with no water quality management
 - b. Total phosphorus (TP) 60% reduction in average annual pollutant load compared to an equivalent urban catchment with no water quality management
 - c. Total nitrogen (TN) 45% reduction in average annual pollutant load compared to an equivalent urban catchment with no water quality management.
9. A final Soil Erosion and Drainage Management Plan (SEDMP) must be prepared and implemented in accordance with the *Code of Practice for the building and construction industry* (https://www.epa.sa.gov.au/files/47790_bccop1.pdf) to prevent soil sediment and pollutants leaving the site or entering watercourses during development of the site.

The following notes provide important information for the benefit of the applicant and are requested to be included in any approval:

- 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 practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements. Information on applying for a licence (including licence application forms) can be accessed here: page 4 of 5 http://www.epa.sa.gov.au/business_and_industry/applying_for_a_licence
- A licence may be refused where the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.
- EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site: <http://www.epa.sa.gov.au>.

CONDITIONS OF THE DEPARTMENT OF TRANSPORT AND INFRASTRUCTURE (DPTI)

10. The Jubilee Highway East/New Road junction (including the median opening and associated sheltered right turn lane) shall be designed and constructed in accordance with the relevant Austroads Guidelines/Australian Standards and to DPTI's and Council's satisfaction, with all associated costs (including project management and any necessary road lighting, drainage upgrades etc.) being borne by the applicant.



Furthermore, the adjacent access to Lot 1 in DP 731121 shall be relocated to the new road to DPTI 's and Council's satisfaction. The applicant shall contact DPTI's Tim Wilson, Senior Technical Officer, Rural, telephone (08) 7223 6079 or via email at tim.wilson@sa.gov.au, to discuss the proposed road works prior to undertaking any detailed design.

11. Prior to Section 51 certificates being issued a final plan of division shall be prepared to the satisfaction of DPTI and Council.
12. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

The following note provides important information for the benefit of the applicant and is required to be included in any approval:

- The applicant must ensure that all necessary approvals are obtained from the National Heavy Vehicle Regulator (www.nhvr.gov.au) for any Restricted Access Vehicles expected to utilise the Jubilee Highway East/New Road junction.

REQUIREMENTS OF THE STATE COMMISSION ASSESSMENT PANEL (SCAP)

13. The financial and augmentation requirements of the S A Water Corporation shall be met for the provision of water supply and sewerage services. (SA Water 2018/00479).The necessary easements shall be granted to the S A Water Corporation free of cost. On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.
 14. Payment of \$29,120.00 into the Planning and Development Fund (10 allotment/s @ \$2,912.00 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.
 15. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.
- (d) The Applicant and Owner be advised that the reasons for Councils Conditions of Consent are:
1. The proposed development is not at serious variance to the relevant Development Plan.
 2. To ensure the proposed development does not affect the amenity of the locality.
 3. To ensure orderly and proper development

CARRIED

6 URGENT MOTIONS WITH NOTICE

Nil



7 MOTIONS WITHOUT NOTICE

7.1 71 SUTTONTOWN ROAD, MOUNT GAMBIER

COUNCIL ASSESSMENT PANEL RESOLUTION

The Council Assessment Panel moved:

1. That Council Assessment Panel Report No. AR19/43172 titled '71 Suttontown Road, Mount Gambier' as presented on 14 August 2019 be noted.
2. The Council Assessment Panel resolves to proceed with an assessment of the application.

CARRIED

8 MEETING CLOSE

The Meeting closed at 6.35 p.m.

The minutes of this meeting were confirmed at the Council Assessment Panel held on 19 September 2019.

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PRESIDING MEMBER

