

**MINUTES OF CITY OF MOUNT GAMBIER  
COUNCIL ASSESSMENT PANEL  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT  
GAMBIER  
ON THURSDAY, 17 MARCH 2022 AT 5:45 P.M.**

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

**OFFICERS IN ATTENDANCE:** General Manager Corporate and Regulatory Services - Mr D Barber  
Manager Development Services - Mrs T Tzioutziouklaris  
Executive Administrator - Mrs A Pasquazzi

**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: Mark Teakle

That the minutes of the Council Assessment Panel meeting held on 16 December 2021 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**

**4 QUESTIONS WITHOUT NOTICE**

Nil

**5 INVITEES**

Nil



## 6 REPORTS

### 6.1 40 MARGARET STREET - DEMOLITION

#### COMMITTEE RESOLUTION

The Council Assessment Panel moved:

1. That Council Assessment Panel Report No. AR22/17979 titled '40 Margaret Street - Demolition' as presented on 17 March 2022 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 Development Plan Consent be granted subject to the following conditions:
  - (a) The development shall be carried out in accordance with the plans as approved by Council and the Conditions of Approval.
  - (b) Any contamination on the subject site be identified and remediated in accordance with the provisions of the Environment Protection Act 1993.
  - (c) The potential for dust generation on site must be controlled during all activity involving the excavation and movement of soil such that dust does not become a nuisance off site.
3. The following note be included to any approval:
  - (a) To retain a connection to the historical use of the subject site and surrounding locality it is requested any future development incorporate at least one cylindrical built feature of the same proportions as one of the fuel tanks, preferably white in colour, to provide a visual echo of the fuel tanks.
  - (b) The Council Assessment Panel is aware the subject site has been used as a fuel depot for a substantial period of time prior to 2003 and the panel is concerned there may be areas of contamination on the subject site that have not yet been identified.

**CARRIED**

### 6.2 DELEGATIONS - PLANNING DEVELOPMENT AND INFRASTRUCTURE ACT 2016

#### COMMITTEE RESOLUTION

The Council Assessment Panel moved:

1. That Council Assessment Panel Report No. AR22/18022 titled 'Delegations - Planning Development and Infrastructure Act 2016' as presented on 17 March 2022 be noted.
2. Pursuant to Section 100 of the Planning Development and Infrastructure Act 2016, the Council Assessment Panel delegates each function or power of the Council Assessment Panel as identified in Attachment 1 to Council Assessment Panel Report No. AR21/27421 (marked as Instrument C) to the Chief Executive Officer and Assessment Manager subject to the following conditions and limitations:
  - a) The delegations may be sub delegated by the Chief Executive Officer or Assessment Manager;
  - b) Each delegation of a power or function granted under this instrument is independent of, and severable from, every other delegation granted under this instrument;



- c) If two or more (sub)delegates are nominated in respect of a power or function, then each nominated person is granted a (sub)delegation and may exercise the power or function independently of any other (sub)delegate;
- d) Delegates must exercise a delegate or power in accordance with applicable legislative and legal requirements; and due regard to relevant policies and guidelines adopted by the Council;
- e) If a delegation of a power or function under this instrument is determined to be invalid or unlawful, the invalid or unlawful delegation will be deemed to be severed from this instrument and remaining delegation will continue to operate according to their terms;
- f) These delegations will come into operation on Friday 18 March, 2022 and remain in force until varied or revoked by the Council Assessment Panel, or a Regional Assessment Panel established including the City of Mount Gambier.
- g) Previous delegations granted by the Council Assessment Panel are varied as identified within the report with effect from Friday 18 March 2022.

**CARRIED**

## **7 MOTIONS WITHOUT NOTICE**

Nil

## **8 MEETING CLOSE**

**The Meeting closed at 6.13 p.m.**

**The minutes of this meeting were confirmed at the Council Assessment Panel held on 21 April 2022.**

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**PRESIDING MEMBER**

