



City of
Mount Gambier

Civic Centre, 10 Watson Terrace
Mount Gambier SA 5290

PO Box 56
Mount Gambier SA 5290

Telephone 08 87212555
Facsimile 08 87249791
city@mountgambier.sa.gov.au

mountgambier.sa.gov.au

I hereby give notice that a Council Assessment Panel will be held on:

Date: Thursday, 17 March 2022
Time: 5:45 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Council Assessment Panel 17 March 2022

**Tracy Tzioutziouklaris
Assessment Manager
11 March 2022**

Order Of Business

1	Acknowledgement of Country	3
2	Apology(ies).....	3
3	Confirmation of Minutes.....	3
4	Questions Without Notice	3
5	Invitees	3
6	Reports	4
6.1	40 Margaret Street - Demolition – Report No. AR22/17979.....	4
6.2	Delegations - Planning Development and Infrastructure Act 2016 – Report No. AR22/18022	7
7	Urgent Motions without Notice	9
8	Meeting Close	9



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

Council Assessment Panel - 16 December 2021

RECOMMENDATION

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.

4 QUESTIONS WITHOUT NOTICE

5 INVITEES

Nil



6 REPORTS

6.1 40 MARGARET STREET - DEMOLITION – REPORT NO. AR22/17979

Development No:	21041327
Applicant:	Ampol Australia Petroleum Pty Ltd
Property Address:	40 Margaret Street, Mount Gambier
Property Owner:	Ampol Australia Petroleum Pty Ltd
Report No:	AR22/17979
CM9 Reference:	AF20/387
Author:	Tracy Tzioutziouklaris, Manager Development Services
Authoriser:	Darren Barber, General Manager Corporate and Regulatory Services
Nature of Development:	Performance Assessed/Public Notification/Heritage Area Overlay
Description:	To demolish all of the buildings and associated infrastructure on the subject property
Zoning:	Urban Activity Centre/Overlays – Historic Area, Heritage Adjacency, Hazards (Flooding), Native Vegetation, Prescribed Wells Area, Water Protection Area
Policy Area:	
Heritage:	Heritage Area Overlay/Heritage Adjacency

REPORT RECOMMENDATION

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.



BACKGROUND

The subject site is regular in shape in shape with a road frontage to Margaret Street, with the rear of the allotment adjacent to the Railway Land railway path and public space.

A former fuel depot and associated infrastructure is located on the subject site, with the structures consisting of:

- An office and amenities building
- 7 fuel storage tanks
- Oil and lubricant store shed
- Store Shed and Oily Water Pit
- Driveway areas

The subject site has not been used as a working fuel depot for a significant period of time, with the infrastructure remaining underutilised.

PROPOSED DEVELOPMENT

The proposed development involves the demolition of all of the infrastructure located on the subject site, including the remediation of any on site contamination.

DEVELOPMENT PLAN PROVISIONS

As per the Planning and Design Code extract.

PLANNING ASSESSMENT

Within the Planning and Design Code, the total/complete demolition of a building and/or structure is not development, unless the building and/or structure involves the demolition of a State or Local Heritage Place of a building in a Historic Area Overlay.

The subject property is not a State or Local Heritage Place, however is located within the Historic Area Overlay.

As part of a preliminary assessment of the application the following information was provided to the Applicant:

“Council remains concerned with the wholesale demolition proposed for the site when considering the Heritage Adjacency Overlay in relation to the Railway Historic Zone. Some sense of the former industrial/commercial nature of the site is required to be retained. It is suggested that at least the fuel tanks should be retained as they are the most prominent features on the subject site which are visible from the railway land.”

The Applicant has provided additional justification for the complete demolition of all of the infrastructure associated with the fuel depot being:

- The retention of the fuel tanks is unfeasible
- Ampol has an obligation to remediate the site to mitigate risk to human health and the environment (Environment Protection Act 1993)
- The retention of the fuel tanks increase the risk of further contamination occurring on the subject site
- The retention of the site as an industrial site is inconsistent with the surrounding land uses.



As the proposed development involved the demolition of buildings within an Historic Area Overlay, the application was required to be publicly notified. At the conclusion of the public notification process, no letters of representation were received.

The heritage value of the subject site is its connection to the historical commercial and industrial nature of the railyards. Despite this, it is acknowledged there are no industrial land uses remaining within the subject locality, with the character of the subject locality changing over time. Historical remnants remain with several buildings having frontage to Margaret Street and the railway land, with the Railway station and associated platforms still existing.

It is understood there are technical implications in retaining the fuel tanks and that remediating and maintaining them in future will be expensive for the developer/ future owner(s). If the buildings and the fuel tanks are lost then all the industrial heritage character of site adjacent to the railway will be lost. There are alternatives to retaining some former structure associated with the historical use of the subject land but the land owner is unlikely to consider that an option either. Another alternative would be to ask that a 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.

CONCLUSION

The demolition of the existing infrastructure and remediation of the subject site is generally supported as it is acknowledged it is inappropriate to retain infrastructure that may potentially create additional contamination of the subject site.

As part of the support for the application, the applicant be requested to consider incorporating some form of development to provide a visual echo of the former use of the subject site.

INVITES

N/A

ATTACHMENTS

1. 40 Margaret Street - Site Plan
2. 40 Margaret Street - Planning Report
3. 40 Margaret Street - Response to Heritage Referral
4. 40 Margaret Street - Planning and Design Code Extract



**6.2 DELEGATIONS - PLANNING DEVELOPMENT AND INFRASTRUCTURE ACT 2016 –
REPORT NO. AR22/18022**

Meeting: Council Assessment Panel
Meeting Date: 17 March 2022
Report No: AR22/18022
CM9 Reference: AF20/387
Author: Tracy Tzioutziouklaris, Manager Development Services
Authoriser: Darren Barber, General Manager Corporate and Regulatory Services

Summary:

Community Plan Reference: Goal 1: Our People
Goal 2: Our Location
Goal 3: Our Diverse Economy
Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

REPORT RECOMMENDATION

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.



BACKGROUND

The Council Assessment Panel last considered its delegations pursuant to the Planning, Development and Infrastructure Act, 2016 in March 2021 when the City of Mount Gambier went live in the new development system.

DISCUSSION

There have been some recent updates to the delegations released by the Local Government Association, requiring the delegation instrument as delegated by the Council Assessment Panel to be updated.

Instrument C, which confers the statutory powers onto the CAP directly, has now been amended to reflect the latest updated. The updated instrument is attached for the Panel's consideration.

CONCLUSION

This report includes recommendations for granting of delegations of powers and functions of the Council Assessment Panel as provided for in Instrument C – Instrument of Delegations under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel, and revocation of previous delegations granted by the Council Assessment Panel.

ATTACHMENTS

1. CAP Attachment - Provisions Instrument C Instrument of Delegation



7 URGENT MOTIONS WITHOUT NOTICE

8 MEETING CLOSE

