

MINUTES

Limestone Coast Southern Regional Assessment Panel

Thursday 20 February 2025



Minutes of Limestone Coast Southern Regional Assessment Panel held at:

Time: 5:00 pm

Date: Thursday 20 February 2025

Location: 324 Commercial Street West, Mount Gambier

PRESENT: Mark Teakle (Presiding Member)
Carlin McNeil
Cheryle Pedler (Virtual)
Ian Von Stanke
Lamorna Alexander

OFFICERS IN ATTENDANCE: Assessment Manager - Mrs T Tzioutziouklaris

OFFICERS AS OBSERVERS: **District Council of Grant:**
Planning Officer - Mrs T Glynn
Cadet Planner - Miss E Pollock
City of Mount Gambier:
Para Planner - Miss B Shaughnessy

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 APOLOGIES

Nil

3 CONFIRMATION OF MINUTES

3.1 CONFIRMATION OF MINUTES

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Limestone Coast Southern Regional Assessment Panel moved:

That the minutes of the Limestone Coast Southern Regional Assessment Panel Meeting held on 19 December 2024 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

4 QUESTIONS WITHOUT NOTICE

Nil

5 INVITEES

Invitees for Item 6.1 - 2 Sturt Street, Mount Gambier

The Applicant - Mr Frank Brennan, Frank Brennan Consulting Services spoke in relation 6.1 at 6:00pm.

Invitees for Item 6.2 - Lot 634 Sherwin Road, Mil-Lel

The Representor - Andrew Paltridge spoke in relation 6.2 at 5:10pm.

The Representor - James Gilham spoke in relation 6.2 at 5:15pm.

The Representor - Andrew Jenkins on behalf of Marijan Tos spoke in relation 6.2 at 5:20pm.

The Applicant - Frank Brennan, Frank Brennan Consulting Services spoke in relation 6.2 at 5:25pm.

Invitees for Item 6.3 - 269 Square Mile Road, Yahl

The Applicant - Frank Brennan, Frank Brennan Consulting Services spoke in relation 6.3 at 6:22pm.

6 REPORTS

6.1 DA 24038952 - 2 STURT STREET, MOUNT GAMBIER - HOTEL

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Limestone Coast Southern Regional Assessment Panel moved:

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 24038952 - 2 Sturt Street, Mount Gambier - Hotel' as presented on Thursday 20 February 2025 be noted.
2. It is recommended that the Limestone Coast Southern Regional Assessment Panel resolve that:
 1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the Planning, Development and Infrastructure Act 2016.
 2. Development Application Number 24038952, by Frank Brennan Consulting Services is granted Planning Consent subject to the following conditions:
 1. The development shall be carried out in accordance with the Plans as approved and with the conditions of consent.
 2. The carparking, driveway areas and footpath crossover as shown on the approved plans shall be graded, paved and sealed with bitumen or other similar material and line marked in accordance with the relevant Australian Standard prior to the occupation of the building and maintained in a useable condition at all times.

3. All loading and unloading of motor vehicles shall be conducted on the subject land.
4. The stormwater to be directed to Council's stormwater drainage system shall not exceed 20l/s and the Applicant shall make satisfactory arrangements with Council in relation to the disposal of storm water and surface drainage, which may involve connection to existing street drain and incorporate an inspection/access pit, at the Applicants expense.
5. A stormwater treatment device shall be installed, to ensure that all surface run off, stormwater, or other liquid, discharging from the site is equal to or better than the water quality of the underground aquifer so as to not pollute the underground aquifer.
6. Landscaping shall be established in accordance with the Plan as approved and shall incorporate the use of established trees and shrubs, if available or such variations to the landscaping design, numbers and selection of species as may be requisite to meet the conditions of availability at the relevant time and be maintained in good health and condition.
7. All waste and refuse shall be contained within the proposed building or alternatively a screened holding place for waste materials and refuse containers shall be provided and maintained on the site of the development at all times with the waste and refuse removed on a regular basis.
8. Any lights on the subject land must be directed and screened so that overspill of light into nearby premises is avoided and drivers are not distracted.
9. The advertising signs shall be maintained in a state of good repair and tidy condition at all times.
10. The building and surroundings shall be maintained in a state of good repair and tidy condition at all times.

CARRIED

6.2 DA 24030384 - LOT 634 SHERWIN ROAD, MIL-LEL - CONSTRUCTION OF A RENEWABLE ENERGY FACILITY

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Limestone Coast Southern Regional Assessment Panel moved:

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 24030384 - Lot 634 Sherwin Road, Mil-Lel - Construction of a Renewable Energy Facility' as presented on Thursday 20 February 2025 be noted.
2. That the Limestone Coast Southern Regional Assessment Panel 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, resolve that the application is NOT seriously at variance with the Planning and Design Code for the following reasons:
 - (a) The proposed land use is not prejudicial to the Desired Outcome of the Rural Zone.
 - (b) The identified departures from the Planning and Design Code are not considered to be 'important or grave.'

The proposed development does not represent a grave departure from the Planning and Design Code zone for the purpose of the Seriously at Variance assessment under Section 107(2)(c) of the Act, given that the Rural Zone contemplates a range of renewable energy facilities, with the proposal being a Solar Farm with BESS which

supports the desired outcome of the zone being '*the generation of energy from renewable sources*'.

3. That the Limestone Coast Southern Regional Assessment Panel resolve that:
- (a) Pursuant to Section 107 (2) 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
 - (b) Development Application Number 24030384, by Frank Brennan Consulting Services, that planning consent is granted subject to the following conditions:

CONDITIONS

Condition 1

The development must be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted for Development Application 24030384, except where varied by the following conditions and/or where changes are required to comply with the National Construction Code of Australia or relevant Australian Standards and Codes.

Condition 2

Any security lighting associated with the development must be shielded and/or adjusted, so as not to create nuisance to adjacent owners and occupiers, or to road users.

Condition 3

All exterior surfaces of the solar panels shall be:
Of new, non-reflective materials; and

Maintained in good and reasonable condition at all times

Condition 4

Landscaping shall be undertaken in accordance with 'Landscape Plan – DWG NO: LP01 – dated 12/12/24' within six (6) months from the date of this approval.

Condition 5

Existing Tree/shrub planting and proposed landscaping is to be maintained and/or enhanced where necessary, with prompt replacement of any trees/shrubs that may die to maintain a landscaped screen to adjoining landowners.

Condition 6

Prior to the issue of Development Approval, a Construction Operational and Management Plan (COEMP) for the proposed development must be submitted for assessment. The COEMP should identify potential issues and appropriate measures to minimise impacts and disruption to surrounding residents and business owners during the construction phase of the development. The plan shall also detail the type, volume, and distribution of traffic and how such traffic will be managed. Appropriate weed hygiene methods should also be implemented as part of the COEMP to reduce the spread of weeds at the site and the ongoing threat of weed establishment.

Condition 7

The Road Dilapidation Report (including photographs) for pre and post construction project, must also include 'high- definition' video footage of the Sherwin Road/Attamura Road intersection and continue footage to the property entrance on Sherwin Road.

Condition 8

The construction of the driveway entrance to internal access road will need to comply with Council's Policy - *WKSPOL 15 - Design, Construction & Development of Infrastructure Assets (Points 5.1, and 5.2)*, which can be found on Council's website at https://www.dcgrant.sa.gov.au/_data/assets/pdf_file/0032/417398/Design,-Construction-and-Development-of-Infrastructure-Assets-Policy-WKSPOL15-2-May-2022.pdf

Condition 9

Before any new driveway access point or rectification road works can be installed or undertaken, the developer must submit a '*Section 221 – Authorisation to Alter a Public Road*', which must be completed and submitted along with relevant plans for the approval of Council's Director of Works and Infrastructure or their delegate prior to commencement of any works. This form can be found on Council's website at https://www.dcgrant.sa.gov.au/_data/assets/pdf_file/0017/1080521/WKS007-Authorisation-to-Alter-a-Public-Road-Sec-221-FINAL.pdf

Condition 10

Noise levels are not to exceed those specified by the Environment Protection Authority in its '*Environment Protection (Commercial and Industrial Noise) Policy 2023*'. All recommendations contained in the acoustic report reference S8426C1 dated December 2024 must be implemented prior to operation of the facility.

Condition 11

A post operative acoustic assessment report must be submitted, including measurements at the nearest sensitive receivers, measuring the operation of the development measured against the Environment Protection (Commercial and Industrial Noise) Policy. The report must be provided to the Council within 60 days of full capacity operation of the development. Should the acoustic report recommend additional acoustic treatments or other acoustic measures, then these must be installed at the applicant's cost within 60 days, to the Council's satisfaction.

Condition 12

All vehicles shall enter and exit the site in a forward direction during the construction phase and any future maintenance periods.

Condition 13

The operators of the Mil-Lel Solar Farm shall remain contactable at all times during the operation of the approved use, on a telephone number which must be displayed on the sign at the driveway entrance to the subject land.

Condition 14

The subject land and all improvements thereon shall be maintained in a state of good, tidy and attractive repair and condition at all times to the reasonable satisfaction of Council.

ADVISORY NOTES

Planning Consent

Nil

CARRIED**6.3 DA 24035674 - 269 SQUARE MILE ROAD, YAHL - CHANGE OF USE - ANIMAL KEEPING (DOG DAY CARE FACILITY) AND ADVERTISING SIGN****LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION**

The Limestone Coast Southern Regional Assessment Panel moved:

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 24035674 - 269 Square Mile Road, Yahl - Change of Use - Animal Keeping (Dog Day Care Facility) and Advertising Sign' as presented on Thursday 20 February 2025 be noted.
2. That the Limestone Coast Southern Regional Assessment Panel 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, resolve that the application is NOT seriously at variance with the Planning and Design Code for the following reasons:
 - (a) The proposed land use is not prejudicial to the Desired Outcome of the Rural Horticulture Zone.
 - (b) The identified departures from the Planning and Design Code are not considered to be 'important or grave.'

The proposed development does not represent a grave departure from the Planning and Design Code zone for the purpose of the Seriously at Variance assessment under Section 107(2)(c) of the Act, given that the Rural Horticulture Zone, contemplates other land uses that may have an interface conflict with horticulture and other land uses if managed.

3. That the Limestone Coast Southern Regional Assessment Panel resolve that:
 - (a) Pursuant to Section 107 (2) 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
 - (b) Development Application Number 24035674, by Frank Brennan Consulting Services, that planning consent is **granted** subject to the following conditions:

CONDITIONS

Condition 1

The development must be undertaken, used, maintained and operated in accordance with the plans and associated documentation comprising the Development Application

24035674, except where varied by the following conditions and/or where changes are required to comply with the National Construction Code of Australia and/or relevant Australian Standards and Codes.

Condition 2

A maximum of 24 dogs (Monday to Wednesday) and a maximum of 4 dogs (Thursday to Sunday) are to be cared for at the Dog Daycare Facility at any one time and as stated in the Applicant's plans and documentation.

Condition 3

Dogs shall not be transported to the site any earlier than 8.30am and be present at the site any later than 5.00pm, 7 days per week as stated in the Applicant's plans and documentation.

Condition 4

The approved Dog Daycare Facility shall not cause any unreasonable nuisance or unreasonable adverse impacts to the owners or occupiers of adjoining land.

Condition 5

The approved Dog Daycare Facility yards shall remain fenced at no less than currently exists (1.85 metres) with the fence regularly checked and maintained to ensure to holes or damage has occurred.

Condition 6

Noise levels are not to exceed those specified by the Environment Protection Authority in its in the '*Environment Protection (Commercial and Industrial Noise) Policy 2023*'.

Condition 7

Existing Tree/shrub planting and landscaping is to be maintained and/or enhanced where necessary, with prompt replacement of any trees/shrubs that may die to maintain a landscaped screen to adjoining landowners.

Condition 8

The operators of the Dog Daycare Facility shall remain contactable at all times during the operation of the approved use, on a telephone number which must be displayed on the sign at the driveway entrance to the subject land.

Condition 9

The subject land and all improvements thereon shall be maintained in a state of good, tidy and attractive repair and condition at all times to the reasonable satisfaction of Council.

CARRIED

6.4 DA 23027592 - 83 BAY ROAD, MOUNT GAMBIER - DWELLING ALTERATIONS, ADDITIONS AND PARTIAL DEMOLITION OF AN EXISTING DWELLING

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Limestone Coast Southern Regional Assessment Panel moved:

1. That Limestone Coast Southern Regional Assessment Panel report titled 'DA 23027592 - 83 Bay Road, Mount Gambier - Dwelling Alterations, Additions and Partial Demolition of an Existing Dwelling' as presented on Thursday 20 February 2025 be noted.
2. The Limestone Coast Southern Regional Assessment Panel determine the proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
3. Development Application Number 23027592, by Mark Forster and Karen Forster is granted Planning Consent subject to the following reasons conditions:
 - a) The development shall be carried out in accordance with the Plans as approved.
 - b) The window frames shall be a pale colour to match the existing dwelling and not black.

CARRIED

7 URGENT MOTIONS WITHOUT NOTICE

Nil

8 MEETING CLOSE

The meeting closed at 6:57pm.

The minutes of this meeting were confirmed at the Limestone Coast Southern Regional Assessment Panel held on 20 March 2025.

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PRESIDING MEMBER