

MINUTES

Limestone Coast Southern Regional Assessment Panel

Thursday 19 June 2025



Minutes of Limestone Coast Southern Regional Assessment Panel held at:

Time: 5:00 pm

Date: Thursday 19 June 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
Executive Administrator - Mrs S Spears

OFFICERS AS OBSERVERS: **District Council of Grant:**
Planning Officer - Trudy Glynn
Planning Cadet - Emma Pollock
Environmental Services Officer - Hayley Michell

City of Mount Gambier:
Planning Officer - Otis Wong

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 10 April 2025 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 - 418 Worrolong Road, Worrolong

The Applicant – Mark Kwiatkowski spoke in relation to item 6.1 at 5:38pm

Invitees for Item 6.2 - 176 Pelican Point Road, Pelican Point

The Applicant - Frank Brennan on behalf of Jason Cooper spoke in relation to item 6.2 at 5:27pm.

Invitees for Item 6.3 - Compton SA 5291

The Applicant - Heath Mitchell on behalf of Empak Homes spoke in relation to item 6.3 at 5:07pm.

The Applicant - Frank Brennan spoke in relation to item 6.3 at 5:14pm

6 REPORTS

With the Representors for Items 6.1 and 6.2 no longer present, the Panel sought approval to consider Item 6.3 prior to these items.

6.3 DA 24036196 - COMPTON SA 5291 - LAND DIVISION - STAGED TO CREATE 19 ALLOTMENTS

Independent Member Carlin McNeil declared a conflict of interest in relation to item 6.3 Development Application 24036196, stating prior professional involvement in the land division and residency in the local area.

Carlin McNeil advised that he would not take part in the hearing of representors or applicant representatives, deliberations or decision/s relating to item 6.3.

Carlin McNeil left the meeting at 5.05pm.

Presiding Member Mark Teakle declared a conflict of interest in relation to item 6.3 Development Application 24036196, stating prior professional involvement in the land division.

Mark Teakle advised that he would not take part in the hearing of representors or applicant representatives, deliberations or decision/s relating to item 6.3, and the Panel would need to appoint an acting Presiding Member during the deliberation and determination of item 6.3.

Mark Teakle left the meeting at 5:05 pm. Lamorna Alexander nominated to be Acting Presiding Member for item 6.3 in the absence of Mark Teakle.

The Assessment Manager called for nominations for the position of Acting Presiding Member for the meeting.

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Limestone Coast Southern Regional Assessment Panel moved:

Lamorna Alexander be appointed as Acting Presiding Member for item 6.3.

CARRIED

With no further nominations received Lamorna Alexander assumed the position of Presiding Member for item 6.3.

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Limestone Coast Southern Regional Assessment Panel moved:

1. It acknowledges the applicant's presentation in support of the Review of the Assessment Managers Decision for Development Application 24036196.
2. Defers consideration of the application to seek further clarification from the Assessment Manager regarding:
 - (a) confirmation of the locality area used to assess the application compared to that presented by the applicant
 - (b) clarification on the meaning of semi rural and semi natural environments as intended by the Planning and Design Code
 - (c) information regarding the number and sizes of the allotments within the locality and the use of those allotments
 - (d) clarification regarding the interaction between applicable legislation covering bores and wells, and the Prescribed Wells Area Overlay
 - (e) information regarding road speed limits adjacent the proposed development

CARRIED

Presiding Member Mark Teakle returned to the meeting and resumed the chair at 5:25 pm.

Carlin McNeil returned to the meeting at 5.25pm.

6.2 DA 24037292 - 176 PELICAN POINT ROAD, PELICAN POINT - OUTBUILDING AND VERANDAH**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 24037292 - 176 Pelican Point Road, Pelican Point - Outbuilding and Verandah' as presented on Thursday 19 June 2025 be noted.
2. It is recommended that the Limestone Coast Southern Regional Assessment Panel resolve that:
 - 1.The proposed development comprising an Outbuilding (Garage) and associated Verandah 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* for the following reasons:
 - (a) The proposed land use is not prejudicial to the Desired Outcome of the Open Space 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 Open Space zone supports many existing built form land uses (including dwellings and ancillary outbuildings) amongst the areas of natural and landscaped open space.

2. 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 24037292, by Ian Weber, that planning consent is **granted** subject to the following conditions:
1. The development must be undertaken in accordance with the plans and associated documentation comprising the Development Application 24037292, 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.
 2. The use of the building herein approved shall be restricted to storage only of domestic vehicles and/or articles, as stated in the application documents.
 3. All stormwater from the building must discharge directly into a rainwater tank, unless otherwise agreed to by Council.
 4. All stormwater and/or rainwater tank overflow shall discharge away from the effluent system.
 5. All stormwater and/or rainwater tank overflow shall be discharged so as not to affect adjoining properties.
 6. Any hazardous chemicals including fuel, plus mechanical and electrical equipment vulnerable to water ingress, should be made safe from a coastal flooding risk and therefore be raised to the Coast Protection Board's minimum recommended level of 2.85 metres Australian Height Datum.
 7. 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

1. You are reminded that this property is subject to a Land Management Agreement (LMA), whereby you may be required to seek other approvals or to meet other requirements. You should check your obligations under this Agreement prior to commencing work. Your attention is drawn to Clause 15 of the Land Management Agreement which identifies:

"No variation, addition to or modification of any provision of this Agreement shall be binding upon the parties unless such variation, addition or modification is made in writing, signed by each party and expressed to be either supplemental to or in substitution for the whole or a part of this Deed."

2. Based upon current knowledge and information, the development and development site is at some risk of coastal erosion and inundation due to extreme tides notwithstanding any recommendations or advice herein, or may be at future risk. Neither erosion nor the effect of sea level change on this can be predicted with certainty. Also, mean sea level may rise by more than the 0.3 metres assumed in assessing this application.

Accordingly, neither the South Australian Coast Protection Board/District Council of Grant nor any of its servants, agents or officers accept any responsibility for any loss of life and property that may occur as a result of such circumstances.

3. The *Native Vegetation Data Report* prepared by Peter Tucker, Consultant has identified the requirement to pay an offset amount to the Native Vegetation Council. The Applicant shall seek advice from the Native Vegetation Council regarding his obligations under the *Native Vegetation Act 1991* and make any necessary application or payments prior to the removal of any native vegetation.

CARRIED

6.1 DA 25006007 - 418 WORROLONG ROAD, WORROLONG - 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 25006007 - 418 Worrolong Road, Worrolong - Renewable Energy Facility' as presented on Thursday 19 June 2025 be noted.
2. It is recommended that the Limestone Coast Southern Regional Assessment Panel resolve that: 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 25006007, by Distribution Energy Storage Project No 31 Pty Ltd is granted Planning Consent subject to the following conditions.

CONDITIONS

Planning Consent

Condition 1

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

In accordance with the Traffic Impact Statement by Phil Weaver & Associates, traffic movements after the construction period shall be limited to left turn entry and exit. The driveway crossover to Preece Road shall be completed to the reasonable satisfaction of the District Council of Grant.

Condition 3

The recommendations in the Bushfire Risk Assessment by Practical Ecology shall be implemented, including for an Asset Protection Zone, maintenance of vegetation, access and water supply to the Country Fire Service standards, and an emergency management plan that shall be provided to the District Council of Grant.

Condition 4

In accordance with the recommendations in the report by WMG Acoustics, the finalised design shall be reviewed by an acoustic consultant to ensure that the outcomes comply with relevant noise criteria. A copy of this finalised design shall be provided to the District Council of Grant.

Condition 5

Outdoor lighting shall accord with the relevant Australian Standard, currently AS/NZS 4282:2019.

Condition 6

The buildings shall be finished in low-reflective, muted colours to blend with the surrounding landscape.

Condition 7

A landscaping plan, clearly identifying the landscape buffer around the perimeter of the development shall be submitted to the satisfaction of the Assessment Manager prior to the granting of Development Approval, with the landscaping to be planted in the first planting season after construction, with a mix of trees, shrubs and ground covers indigenous to South Australia and the locality. This landscaping shall also accord with the bushfire risk considerations, and be maintained and replaced whenever necessary.

Condition 8

At the end of the Renewable Energy Facility on the subject site, all associated infrastructure shall be removed and the subject site reinstated to its current condition within 12 months of the facility closing.

Condition 9

Provision shall be made for the on site disposal of stormwater and surface drainage with the land graded to prevent water from running onto land in other occupation or over any street or way.

Condition 10

The facility shall only operate at times where it achieves the noise levels established by Part 5 Clause 19 of the *Environment Protection (Commercial and Industrial) Noise Policy 2023* (the Policy) at all existing or approved dwellings at the time of this consent when measured and adjusted in accordance with Part 3 of the Policy.

Condition 11

A post operative acoustic assessment report must be submitted incorporating actual readings RO1 – RO6, within 3 months of the completion of construction of the Renewable Energy Facility, measured against the Policy, at the applicant's cost, to the satisfaction of the

Council. If any additional acoustic treatments are required to meet the provisions of the Policy, these shall be installed at the applicant's cost and shall be undertaken prior to further use of the facility.

ADVISORY NOTES

Planning Consent

Advisory Note 1

In accordance with the Native Vegetation Clearance report by Ecosphere Ecological Solutions, the Significant Environmental Benefit payment for Level 1 clearance shall be made to the Native Vegetation Fund.

CARRIED

7 URGENT MOTIONS WITHOUT NOTICE

Nil

8 MEETING CLOSE

The meeting closed at 5:56 pm.

The minutes of this meeting were confirmed at the Limestone Coast Southern Regional Assessment Panel held on 17 July 2025.

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PRESIDING MEMBER