

**MINUTES OF LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL
HELD AT THE CIVIC AND ARTS CENTRE, WATTLE RANGE COUNCIL , GEORGE STREET,
MILLICENT
ON TUESDAY, 6 SEPTEMBER 2022 AT 5.00 P.M.**

PRESENT: Mr Mark Teakle (Presiding Member), Mr Ian Von Stanke, Ms Meg Redman, Ms Lamorna Alexander

OFFICERS IN ATTENDANCE: Assessment Manager, City of Mount Gambier - Mrs T Tzioutziouklaris
Executive Administrator, City of Mount Gambier - Mrs A Pasquazzi
Planning Consultant, Planning Chambers - Mr J Mason

OFFICERS AS OBSERVERS: Director Development Services, Wattle Range Council - Ms E Clay
Planning Officer, Wattle Range Council - Mr R Shah
Planning Officer, Wattle Range Council - Ms D Sampat
Director, Planning Chambers - Mr D Dawson (virtual)

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 APOLOGY(IES)

COMMITTEE RESOLUTION

Moved: Ian Von Stanke

Seconded: Meg Redman

That the apology from Dr Jessica Porter be received.

CARRIED

3 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Ian Von Stanke

Seconded: Lamorna Alexander

That the minutes of the Limestone Coast Southern Regional Assessment Panel meeting held on 10 August 2022 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

4 QUESTIONS WITHOUT NOTICE

Nil

5 INVITEES

- As from 1 October 2017, every Council is required to establish an Assessment Panel under provisions within the Planning, Development and Infrastructure Act 2016 to determine and make decisions on development applications as delegated to the Panel.
- When the Panel is considering an application, it must assess the proposal against the Planning and Design Code.
- The meeting itself is informal, however, all decisions made by the Assessment Panel are formal.
- Representors will be allocated 5 minutes to make their presentation, after which, Panel Members may ask questions to clarify any issues. It is solely a question and answer session. There will be no debate entered into.
- Council Officers will advise you of the decision as soon as practical after the meeting.

Invitees for Item 6.1 - Unit 3/10 William Street, Mount Gambier

The Representor - Mr Trevor Clark spoke in relation to item 6.1 at 5:31 pm

The Representor - Mr Frank Brennan, Frank Brennan Consulting Services spoke in relation to item 6.1 at 5:40 pm on behalf of the applicant.

Invitees for Item 6.2 - Unit 9/6 Jardine Street, Mount Gambier

The Applicant - Mr Heath Mitchell, Empak Homes spoke in relation to item 6.2 at 5:56 pm

Invitees for Item 6.3 - Lot B and R1074A Ridge Terrace, Millicent

The Representor - Mr Frank Brennan, Frank Brennan Consulting Services spoke in relation to item 6.3 at 5:01 pm.

The Representor - Mr Mark Hodges spoke in relation to item 6.3 at 5:16pm

The Applicant - Mr Philip Harnett, URPS spoke in relation to item 6.3 at 5:10 pm.

The Applicant - Mr Thomas Wilson, CIRQA spoke in relation to item 6.3 at 5:12 pm.

6 REPORTS

6.1 SHORT TERM TOURIST ACCOMMODATION - UNIT 3/10 WILLIAM STREET, MOUNT GAMBIER

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Regional Assessment Panel Moved:

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR22/59729 titled 'Short Term Tourist Accommodation - Unit 3/10 William Street, Mount Gambier' as presented on 06 September 2022 be noted.
2. Having had regard to the provisions of the Planning and Design Code, the Application and all supporting documentation, the development is not seriously at variance to the provisions of the Planning and Design Code and Planning Consent be granted subject to the following conditions:
 - (a) The development shall be carried out in accordance with the Plan/s as approved and with the Conditions of Approval.
 - (b) At all times whomsoever may be occupying the property, shall take all measures to ensure the residential amenity of the immediate area is not affected by nuisance or disturbance associated with the operation of the Tourist Accommodation.
 - (c) All waste materials and refuse accumulated on the property shall be removed on a regular basis to ensure the property is maintained in a clean and sanitary condition.
 - (d) The building and land shall be maintain in a state of good repair and tidy condition at all times.

CARRIED

6.2 REVIEW OF THE DECISION OF THE REGIONAL ASSESSMENT MANAGER - UNIT 9/6 JARDINE STREET, MOUNT GAMBIER

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Regional Assessment Panel Moved:

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR22/59574 titled 'Review of the Decision of the Regional Assessment Manager - Unit 9/6 Jardine Street, Mount Gambier' as presented on 06 September 2022 be noted.
2. Having had regard to the provisions of the Planning and Design Code, the Application and all supporting documentation, the development is not seriously at variance to the provisions of the Planning and Design Code the decision of the Assessment Manager be overturned and Planning Consent be granted subject to the following condition:
 - (a) The development be carried out in accordance with the plans as approved.

CARRIED

6.3 UNSTAFFED FUEL OUTLET - LOT B AND R1074A RIDGE TERRACE, MILLICENT

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Regional Assessment Panel Moved:

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR22/59669 titled 'Unstaffed Fuel Outlet - Lot B and R1074A Ridge Terrace, Millicent' as presented on 06 September 2022 be noted.
2. That the Regional Assessment Panel resolve that:
 - (a) 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
 - (b) Development Application Number 21033622, by Perry's Fuel Distributors is granted Planning Consent subject to the following conditions:

Condition 1

The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation except where varied by conditions below (if any).

Condition 2

The building and site must be maintained in good condition at all times.

Condition 3

Stormwater from the proposed development shall be disposed of so that it does not affect the stability of the proposed development or any other building on the site or the neighbouring property, and so that it does not create an unhealthy condition on the site.

Condition 4

The footpath network on Ridge Terrace shall be designed to be retained with the development and plans illustrating this provided to and supported by Council prior to development approval being granted.

Conditions imposed by Commissioner of Highways under Section 122 of the Act

Condition 5

Access to/from Ridge Terrace shall cater for left turn in, left turn out and right turn in movements only and the access points shall be designed and constructed as shown on CIRQA, Project No. 21475, Sheet #01_SH01, Revision E dated 26 April 2022 and associated correspondence dated 27 May 2022.

These works shall be designed and constructed in accordance with the relevant Austroads Guides, Australian Standards and to the satisfaction of the Department for Infrastructure and Transport with all associated costs (including and not limited to project management and any necessary road lighting, signage and drainage upgrades) to be borne by the applicant.

Condition 6

All vehicles shall enter and exit the site in a forward direction.

Condition 7

Any infrastructure within the road reserve (including stobie pole, street light and directional sign/s) that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.

Condition 8

All off-street parking and vehicle manoeuvring areas shall be designed in accordance with *AS/NZS 2890.1:2004*, *AS/NZS 2890.6:2009* and *AS2890.2:2018*. Additionally, clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in *AS/NZS 2890.1:2004*, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.

Condition 9

Stormwater run-off shall be collected on-site and discharged without impacting the safety or integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Conditions imposed by Environment Protection Authority under Section 122 of the Act

Condition 10

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.

Condition 11

Prior to operation, all underground fuel storage tanks must be double-walled and fitted with a leak detection system designed and installed in accordance with clause 4.5 of *Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems*.

Condition 12

Prior to operation, all fuel lines between the underground storage tanks and fuel dispensers must be double contained and fitted with a leak detection system, designed and installed in accordance with clause 4.5 of *Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems*.

Condition 13

Stormwater runoff from all hardstand areas of the petrol station (including the refueling and fuel delivery areas) must be managed in accordance with the 'Response to

Information Request' prepared by URPS and dated 5 April 2022 and the Site Drainage Plan with Drawing No. C-211104-01 and C-211104-02 prepared by Epic Projects and Consulting and dated 18 March 2022 and must be directed via grates and grade changes to the SPEL Purceptor full retention oil/water separator (no bypass function) that:

- (a) has a minimum spill capture capacity of 10,000 litres.
- (b) reduces oil content in the outlet to less than 5mg/L at all times (as confirmed by independent third-party scientific testing).
- (c) operates effectively in the event of a power failure.

Advisory Note 1

Certificate of Title

If a current (within the last 3 months) copy of the property's Certificate of Title has not been provided to the relevant authority, the owner(s) is advised to obtain a Certificate of Title from Land Services SA. The Certificate of Title provides additional information not available to the relevant authority. It is the owner(s) responsibility to ensure that development does not breach an encumbrance on the title such as a restrictive covenant, or other obligation such as an easement (e.g. water, power, gas, wastewater) or building envelope. A Certificate of Title can be purchased from <https://www.landservices.com.au/publications-and-reports/get-a-copy-of-your-certificate-of-title>.

Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act

Advisory Note 2

The applicant shall contact DIT Road Assets - South, Asset Enhancement Engineer, Mr Victor Ling (08) 8104 5630 or mobile 0467 784 657 (victor.ling@sa.gov.au) to obtain approval and discuss any technical issues regarding the required works.

Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act

Advisory Note 3

The applicant/owner/operator are 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 activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.

Advisory Note 4

The applicant/owner/operator are reminded that any sludge or oily residue collected within the forecourt full retention oil/water separator is required to be removed by an EPA licensed waste transporter to a licensed waste depot.

Advisory Note 5

An environmental authorisation (licence) is required for this development. Before commencing operation, the applicant/operator should contact the Environment Protection Authority on (08) 8204 2058 or email EPALicensing@sa.gov.au for information about the licensing application process and requirements.

Advisory Note 6

A licence application may be refused where conditions of Development Approval directed by the Environment Protection Authority have not been complied with.

Advisory Note 7

More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au.

CARRIED

7 MOTIONS WITHOUT NOTICE

Nil

8 MEETING CLOSE

The Meeting closed at 6:20 pm.

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

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PRESIDING MEMBER