

**MINUTES OF LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL
HELD IN THE LEVEL 1 MEETING ROOM, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 15 NOVEMBER 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 - Mrs T Tzioutziouklaris
Executive Administrator, City of Mount Gambier - Mrs S Dohnt

OFFICERS AS OBSERVERS: Planning Consultant, Planning Chambers - Mr J Mason (virtual)
Director, Planning Chambers - Mr D Dawson
Planning Officer, Wattle Range - Mr R Shah
Planning Officer, Wattle Range - Ms D Sampat
Administration, Wattle Range - Ms C Loder

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)

Nil

3 CONFIRMATION OF MINUTES

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

Moved: Meg Redman

Seconded: Ian Von Stanke

That the minutes of the Limestone Coast Southern Regional Assessment Panel meeting held on 6 September 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 6.4 – 13 Tenison Drive, Mount Gambier

The Representor – Mrs Heather Teakle spoke in relation to item 6.4 at 5.03 p.m.

The Applicant – Mr Mike Stevens spoke in relation to item 6.4 at 5.05 p.m.

Invitees for Item 6.5 – 19 Foster Street, Beachport

The Representor, Nicole Harris spoke in relation to item 6.5 at 5.16 p.m.

The Representor, Kerry McManus spoke in relation to item 6.5 at 5.19 p.m.

The Representor, Christina Mowbray represented by Tom Mowbray spoke in relation to item 6.5 at 5.24 p.m.

The Representor, Trevor Munro spoke in relation to item 6.5 at 5.28 p.m.

The Applicant, Frank Brennan, Frank Brennan Consulting Services spoke in relation to item 6.5 at 5.30 p.m.

6 REPORTS

6.1 REGIONAL ASSESSMENT PANEL - MEETING PROCEDURES

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Limestone Coast Southern Regional Assessment Panel Moved:

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR22/77630 titled 'Regional Assessment Panel - Meeting Procedures' as presented on 15 November 2022 be noted.

CARRIED

6.2 DELEGATIONS - PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Limestone Coast Southern Regional Assessment Panel Moved:

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR22/78035 titled 'Delegations - Planning, Development and Infrastructure Act 2016' as presented on 15 November 2022 be noted.
2. Pursuant to Section 100 of the Planning, Development and Infrastructure Act 2016, the Limestone Coast Southern Regional Assessment Panel (RAP) delegates each function or power of the Regional Assessment Panel as identified in Attachment 1 Regional Assessment Panel Report No. AR22/78035 (marked as Instrument C) to the Chief Executive Officer of the District Council of Grant, the District Council of Robe, Wattle Range Council, the City of Mount Gambier 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 Wednesday 16th November, 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 Wednesday 16th November, 2022

CARRIED

6.3 DEVELOPMENT APPLICATION 22023649 - CHILD CARE CENTRE - 77-87 SUTTONTOWN ROAD, SUTTONTOWN

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Limestone Coast Southern Regional Assessment Panel Moved:

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR22/77765 titled 'Development Application 22023649 - Child Care Centre - 77-87 Suttontown Road, Suttontown' as presented on 15 November 2022 be noted.
2. Pursuant to Section 108(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 warrants the granting of Planning Consent subject to the following conditions:
 - (a) The development shall be carried out in accordance with the Plan/s as approved by the Council Assessment Panel and with the Conditions of Approval.
 - (b) The carparking and driveway areas and footpath crossover as shown on the plan/s approved by the Council Assessment Panel, shall be graded, paved and sealed with bitumen or other similar material and maintained in a useable condition at all times.
 - (c) The carparking spaces shall measure not less than 2.6 metres in width and 5.5 metres in length and shall be linemarked, with the accessible car parking space appropriately identified.
 - (d) The Applicant shall submit a Works and Service application to establish the new invert and crossover between the subject land and the road carriageway, and close the existing invert/crossover in accordance with the plan approved by the Council Assessment Panel and reinstate the footpath at the Applicant's expense.
 - (e) The Applicant shall be required to make arrangements with Council in relation to the disposal of stormwater and surface drainage, which may involve the connection to existing street drain and incorporate and inspection/access pit, at the Applicant's expense.
 - (f) The stormwater to be directed to Council's stormwater drainage system shall not exceed 20L/s. Should the stormwater drainage exceed 20L/s a downstream

contribution will be required to be paid to Council, which is calculated on the site area of the development at \$0.95 per square metre.

- (g) Landscaping shall be undertaken in accordance with the plans as approved and be maintained at all times.
- (h) The fencing to be constructed on the western and northern property boundaries shall be 2100mm high colorbond fence sealed airtight at all junctions, including the ground, the retaining walls and other fences to achieve the required acoustic performance.
- (i) All commercial waste and refuse generated on the subject site shall be contained within the screened holding place and be removed one regular basis.
- (j) Whomsoever may be making use of this planning consent, shall take all measures that are reasonably possible to keep within the boundaries of the subject land all noise associated with the operation of the business or the coming and going of persons to the subject land, the sound of voices, vehicle noises, radio set or other amplified music, so as to not intrude upon the residential component of the locality.
- (k) Any lights on the subject land must be directed and screened so that overspill of light into nearby residential premises is avoided and drivers are not distracted.
- (l) The building and surroundings shall be maintained in a state of good repair and tidy condition at all times.
- (m) The subject land shall not be used/occupied for the purposes approved by Council until conditions (b), (c), (d), (e), (g) and (h) are completed.

CARRIED

Mr Mark Teakle disclosed an actual conflict of interest in Item 6.4:

Mr Mark Teakle informed the meeting of the manner in which they intend to deal with the *actual conflict of interest in Item 6.4* as follows:

- I will step down as a Presiding Member of the Limestone Coast Southern Regional Assessment Panel and will not take part in the discussion or decision.

Mr Mark Teakle stepped down as Presiding Member at 5.02 p.m.

APPOINTMENT OF ACTING PRESIDING MEMBER

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Limestone Coast Southern Regional Assessment Panel Moved:

Mr Ian Von Stanke be appointed as Acting Presiding Member for item 6.4 in the absence of Mr Mark Teakle.

CARRIED

6.4 DA 22033635 - 13 TENISON DRIVE, MOUNT GAMBIER - SHORT TERM ACCOMMODATION

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Limestone Coast Southern Regional Assessment Panel Moved:

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR22/77804 titled 'DA 22033635 - 13 Tenison Drive, Mount Gambier - Short Term Accommodation' as presented on 15 November 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 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 maintained in a state of good repair and tidy condition at all times.
 - (e) A stop sign is to be installed on the eastern most driveway which is to be used as the exit driveway for the development

CARRIED

Mr Mark Teakle returned to the meeting and resumed the position of Presiding Member at 5.14 p.m.

6.5 DWELLING ADDITIONS AND GARAGE - 19 FOSTER STREET, BEACHPORT

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Limestone Coast Southern Regional Assessment Panel Moved:

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR22/78186 titled 'Dwelling Additions and Garage - 19 Foster Street, Beachport' as presented on 15 November 2022 be noted.
2. That the Limestone Coast Southern 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 22023470, by James Green and Sabina Green is GRANTED Planning Consent, subject to the following conditions and reserved matter:

RESERVED MATTERS

Planning Consent

A wastewater application is to be approved in accordance with Public Health Act 2011 prior to development approval being granted.

CONDITIONS

Planning Consent

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.

Condition 2

Landscaping shall be established along the southern boundary (equal to the length of the additions) with species capable of reaching mature heights exceeding three metres (e.g., Conifers). The landscaping shall be established prior to occupation of the additions and maintained in good conditions.

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 finished floor level of the additions shall be a minimum 300mm above:

- top of kerb, or
- NGL if no kerb, or
- the height of a 1% AEP flood event - whichever is greater.

Condition 5

All first floor and mezzanine level eastern and southern facing windows shall be fixed and obscured to a minimum height of 1.5metres above the relevant Finished Floor Level, prior to occupation of the additions.

Condition 6

All eastern elevations of all upper-level balconies and decks are to incorporate obscured glass balustrades with 25% transparency to a minimum height of 1.5metres above the relevant Finished Floor Level, prior to occupation of the buildings.

Condition 7

A detailed colours and finishes schedule shall be provided to and supported by Council prior to the grant of Development Approval.

Condition 8

The dwelling together with the additions shall be used as one residence. Any conversion of any portion/ level of the dwelling to a separate occupancy will require a separate development application, as it constitutes a change in use of the building.

Conditions imposed by South Australian Country Fire Service under Section 122 of the Act**Condition 9****ACCESS TO HABITABLE BUILDING**

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 6.2) details the mandatory requirements for 'Private' roads and driveways to facilitate safe and effective use, operation and evacuation for firefighting and emergency personnel and evacuation of residents, occupants and visitors where required. These requirements apply when the furthest point of the building is more than 60m from the nearest public road.

SA CFS notes the proposed development is sited less than 60 metres from the public road.

Condition 10

WATER SUPPLY & ACCESS (to dedicated water supply)

Ministerial Building Standard MBS008 “Designated bushfire prone areas - additional requirements” 2020, as published under the Planning, Development and Infrastructure Act 2016, provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone.

In accordance with MBS 008 Table 5.2.1 and the BAL rating, as assessed by SA CFS as BAL Low, there is no requirement for a firefighting water supply.

Condition 11

MAINTAIN AN ASSET PROTECTION ZONE (APZ) - VEGETATION MANAGEMENT

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 4.2) details the mandatory requirements to establish and maintain an asset protection zone. As such, landscaping shall include bushfire protection features that will prevent or inhibit the spread of bushfires and minimise the risk to life and/or damage to buildings and property and maintain a fuel reduced zone for safe movement of occupants and fire fighters.

An APZ shall be implemented and maintained in line with the vegetation management conditions below:

- Vegetation management shall be established and maintained within 20 metres of the habitable building (or to the property boundaries – whichever comes first) as follows:
 1. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
 2. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves
 3. The APZ shall be maintained to be free of accumulated dead vegetation during the fire danger season.

ADVISORY NOTES

Planning Consent

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 note 2

Classification of building

Any Building Rules Assessment should recognise any changes required to the current class of building, noting the assessment has considered the proposal to be additions to a Class 1a building.

Advisory Notes by South Australian Country Fire Service under Section 122 of the Act

Advisory Note 3

BUILDING CONSIDERATIONS

Ministerial Building Standard MBS008 “Designated bushfire prone areas - additional requirements” 2020, as published under the Planning, Development and Infrastructure Act 2016 applies to this site.

Please refer to the National Construction Code (NCC), relevant standards and state provisions for construction requirements and performance provisions.

A site Bushfire Attack Level (BAL) assessment was conducted in accordance with the NCC and Australian Standard™3959 (AS3959) “Construction of Buildings in Bushfire Prone Areas”.

Category of Bushfire Attack Level: BAL LOW

This BAL rating is conditional upon the establishment and maintenance of a 20 metre Asset Protection Zone, in accordance with the Asset Protection Zone – Vegetation Management condition of consent placed on the planning consent with the same application reference.

This report is considered relevant at the date of assessment with respect to the elevations detailed on Site Plans and Elevations (n.d. uploaded 21/10/2022) and shall not be considered as SA CFS endorsement of any subsequent development.

CARRIED**7 MOTIONS WITHOUT NOTICE**

Nil

8 MEETING CLOSE

The Meeting closed at 6.28 pm.

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

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PRESIDING MEMBER