

**MINUTES OF LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL
HELD AT THE COUNCIL CHAMBER, DISTRICT COUNCIL OF GRANT, 324 COMMERCIAL
STREET WEST, MOUNT GAMBIER
ON THURSDAY, 16 NOVEMBER 2023 AT 5.00 P.M.**

PRESENT: Mr Mark Teakle, Mr Ian Von Stanke, Ms Meg Redman (virtual), Ms Lamorna Alexander, Ms Cheryle Pedler (virtual)

OFFICERS IN ATTENDANCE: Assessment Manager - Mrs T Tzioutziouklaris
Executive Administrator - Mrs A Pasquazzi

OFFICERS AS OBSERVERS: Development Officer, DC Robe - Mrs M Gibbs (virtual)
Administration Officer, DC Grant - Ms C Hardie
Administration Officer, DC Grant - Miss E Pollock
Team Leader Development Services, DC Grant - Mr J Best
Director Environmental Services, DC Grant - Mr L McEvoy
Planning Officer, DC Grant - Mrs T Glynn
Planning Consultant - Mr B Green
Planning Consultant - Mr B Victory

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

COMMITTEE RESOLUTION

Moved: Lamorna Alexander

Seconded: Ian Von Stanke

That the minutes of the Limestone Coast Southern Regional Assessment Panel meeting held on 19 October 2023 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 6.2 - 7 Bill James Court, Compton

The Representor - Mal Sneddon spoken in relation to item 6.2 at 5:03 pm.

The Representor - Kerrie Sneddon spoke in relation to item 6.2 at 5:06 pm.

The Representor - John Williamson on behalf of Wade and Leanne Larsson in relation to item 6.2 at 5:15 pm.

The Applicant - Frank Brennan Consulting Services in relation to item 6.2 at 5:21 pm.

Invitees for Item 6.3 - 120 Orchard Road, Moorak

The Representor - Frank Brennan Consulting Services in relation to item 6.3 at 5:55 pm.

The Applicant - Mark Baade, SAQ Consulting in relation to item 6.3 at 6:03 pm.

Invitees for Item 6.4 - Lot 95 Southern Ports Highway, Robe

The Representor - Ben Griffiths on behalf of Clare Ryan in relation to item 6.4 at 6:32 pm.

The Applicant - Frank Brennan Consulting Services in relation to item 6.4 at 6:40 pm.

6 REPORTS

6.1 DA:23026077 - 19 BOOMERANG AVENUE, MOUNT GAMBIER - REVIEW OF DECISION OF ASSESSMENT MANAGER

THE 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. AR23/75218 titled 'DA:23026077 - 19 Boomerang Avenue, Mount Gambier - Review of Decision of Assessment Manager' as presented on 16 November 2023 be noted.
2. Having had regard to the provisions of the Planning and Design Code, the Application and all supporting documentation, the development is at variance to the provisions of the Planning and Design Code and the decision of the Assessment Manager be upheld and Planning Consent be refused for the following reasons:
 - (i) The carport is to be constructed in front of the existing dwelling to which it is ancillary.
 - (ii) The carport is to be setback less than 5.5 metres to the street frontage.
 - (iii) The carport will detract from the character and amenity of the subject locality.

CARRIED

6.2 DA:23017196 - 7 BILL JAMES COURT, COMPTON - RETAIL PLANT NURSEY (SERVICE TRADE PREMISES)**THE 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. AR23/78062 titled 'DA:23017196 - 7 Bill James Court, Compton - Retail Plant Nursey (Service Trade Premises)' as presented on 16 November 2023 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 23017196, by Frank Brennan Consulting Services, is granted Planning Consent subject to the following conditions:

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 (if any).

Condition 2

The building and site including the driveway, car park, signage and shade cloth fence, must be maintained in good condition at all times with a suitable dust suppressant used whenever necessary to control dust nuisance on the driveway and carparking areas, to the reasonable satisfaction of the council.

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 neighbouring properties, and so that it does not create an unhealthy condition on the site.

Condition 4

The retail plant nursery area shall not exceed 800m², as demarcated by the shade-cloth screens.

Condition 5

No more than one staff member shall be employed in association with the retail plant nursery who is not a resident in the dwelling on the land.

Condition 6

The operating hours of the retail plant nursery are restricted to Thursdays to Sundays, 10am to 2pm.

Condition 7

Deliveries associated with the retail plant nursery shall be restricted to no more than two per week, using a vehicle no larger than a small sized transit van style vehicle with a 4 tonne capacity.

Condition 8

Advertising signage visible from Bill James Court shall be limited to one sign not exceeding 1200mm x 700mm (0.84m²), attached to the front fence near the entrance to the site. The sign shall direct visitors to the driveway entry and confirm the approved operating hours.

Condition 9

Noise that affects sensitive receivers, particularly neighbouring dwellings, shall achieve the relevant Environment Protection Policy criteria, currently set by the *Environment Protection (Commercial and Industrial Noise) Policy 2023*.

ADVISORY NOTES

Planning Consent

1. The details provided in the development application state that a maximum of 10-12 vehicles per day are expected to attend the nursery. The operators of the business are obliged to take all reasonable steps to ensure that this expectation is monitored and adhered to.
2. Other legislation may also apply to operations on the land, including the *Local Nuisance and Litter Control Act 2016*.

CARRIED

6.3 DA:23022267 - 120 ORCHARD ROAD, MOORAK - TELECOMMUNICATIONS FACILITY

THE 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. AR23/78260 titled 'DA:23022267 - 120 Orchard Road, Moorak - Telecommunications Facility' as presented on 16 November 2023 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
3. Development Application 23022267, by Waveconn Operations 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

Construction and maintenance of the telecommunications facility and associated equipment shall only occur between the hours of 7.00am and 7.00pm.

Condition 3

Dense tree/shrub planting shall be established and regularly maintained along the southern side of the development, or the southern property boundary, to the reasonable satisfaction of Council, so as to provide a screen/buffer between the development and the adjacent properties.

Condition 4

The entire structure must be finished in an unobtrusive, natural, earthy colour. The paintwork or pre-coloured steel finish must be maintained in good condition at all times. This condition must be complied with within 2 months of the erection of the structures.

Condition 5

The facility and associated equipment site and surrounds shall be maintained in an attractive clean and tidy condition at all times to the reasonable satisfaction of Council.

ADVISORY NOTES

Planning Consent

Nil

CARRIED

6.4 DA:23018466 - LOT 95 SOUTHERN PORTS HIGHWAY, ROBE - UNMANNED 24 HOUR RETAIL FUEL OUTLET

THE 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. AR23/78129 titled 'DA:23018466 - Lot 95 Southern Ports Highway, Robe - Unmanned 24 Hour Retail Fuel Outlet' as presented on 16 November 2023 be noted.
2. That the proposal Retail Fuel Outlet on the site of an existing car and boat wash facility is considered, 'on-balance' to be acceptable in respect of preserving an acceptable level of amenity for the Neighbourhood Zone, notwithstanding its actual interface is considered to provide reasonable containment and separation from residential land, and the context of the proposal's location, at interface with the State-maintained road network, and accordingly, it is recommended 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, as follows:
 - a. Non-residential uses in the subject Neighbourhood are supported under the Code when sited in an appropriate location and designed to mitigate external impacts which is considered to be achieved by this application as discussed in this report; and
 - b. Access and environmental elements of the proposal have been worked through to the satisfaction of the relevant referral agencies as discussed in this report.

- (b) Development Application Number 23018466, by Frank Brennan Consulting Services for the Construction of an Unmanned 24 Hour Retail Fuel Outlet (in conjunction with an existing Car & Boat Wash Facility) including 4 fuel bowsers, 100,000 litre underground double bunded fuel tank, new access driveway and landscaping at 95 Southern Ports Highway, Robe is granted Planning Consent subject to the following reasons/conditions/reserved matters:

CONDITIONS

Planning Consent

Condition 1

The Development shall be undertaken and completed in accordance with the stamped plan/s and documentation except where varied by condition(s) below (if any).

Condition 2

All stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage will not at any time:

- (a) result in the entry of water into a building; or
- (b) affect the stability of a building or;
- (c) create unhealthy or dangerous conditions on the site or within the building; or
- (d) flow or discharge onto the land or an adjoining owner and not flow across property boundaries and onto the adjoining road.

Condition 3

Landscaping must be designed, undertaken and maintained in accordance with the plans and details forming part of the development authorisation, with planting to be undertaken within the first available planting season following practical completion of building / civil works and maintained thereafter in healthy condition, to the reasonable satisfaction of Council, with any diseased or dying plants being replaced, when required.

Condition 4

Acoustic treatment of northern fence shall be undertaken in accordance with the recommendations contained in the Marshall Day Acoustic Consultants report 'Rp001 20230467', dated 28 July 2023, to achieve compliant acoustic attenuation for the adjacent neighbourhood developments.

Condition 5

The spillceptor infrastructure recovered wastewater shall be lawfully discharged via connection to the Council CWMS infrastructure as trade waste as applicable, with all relevant approvals of the Council Health Authority to be obtained prior to any building or plumbing works occurring on site.

Condition 6

All directional signage and line-marking identified in the MFY Traffic Consultants submission to the Commissioner of Highways, dated 30 October 2023 shall be installed prior to operation, with all such signage and line-marking being maintained in good & functional condition at all times to the reasonable satisfaction of Council.

Condition 7

There shall be no new additional external lighting installed on the subject site.

Condition 8

All noise from the development must at all times achieve the relevant criteria of the Environment Protection Authority, Environmental (Noise) Protection Policy.

Condition 9

All surfaces for vehicle car parks, driveways, vehicle entry and manoeuvring areas shall be hard-standing, sealed, all-weather surface, designed, constructed and maintained in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6.2009, and shall be maintained in good condition to the reasonable satisfaction of Council.

Conditions of Consent applied by the Commissioner of Highways:**Condition 1**

Access to the site to/from the Southern Ports Highway shall be gained via the left turn in only and two-way access points shown on MFY Site Layout, Drawing No. MFY_230019_01_SH01, Revision C dated 10 October 2023.

Condition 2

The new access to Southern Ports Highway shall include shoulder sealing to match into the sealed shoulder associated with the existing left turn lane in to prevent deterioration to the road edge. All road works shall be undertaken to the satisfaction of the Department for Infrastructure and Transport with all costs borne by the applicant. All works shall be completed prior to the development being operational.

Note: The applicant shall contact Mr Victor Ling, DIT Asset Manager – South on telephone (08) 8104 5630 or mobile 0467 784 657 (email: victor.ling@sa.gov.au) to obtain approval and discuss any technical issues regarding the required works.

Condition 3

The (existing and new) access points shall be suitably signed and/or line marked to reinforce the desired traffic flow through the site.

Condition 4

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

Condition 5

Any infrastructure within the road reserve 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 6

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

Conditions of Consent applied by the Environment Protection Authority:**Condition 1**

Prior to operation, all fuel storage tanks (apart from diesel and LPG) must be fitted with a Stage 1 vapour recovery system that directs the displaced vapours back into the tank during filling.

Condition 2

Prior to operation, all fuel dispensers (apart from diesel and LPG) must be fitted with a Stage 2 vapour recovery system that directs vapours back into the tank during refueling.

Condition 3

Stormwater runoff from the trafficable and forecourt areas must be managed in accordance with the letter from Frank Brennan Consulting Services to the EPA, dated 4 September 2023 and the Stormwater Management Plan (Drawing No. 23049), prepared by Southfront, dated August 2023 and must be directed via grade changes and grated inlet pits to the Atlan Spillceptor oil/water separator (no bypass function) that:

- has a minimum spill capture capacity of 8,000 litres.
- reduces oil content in the outlet to less than 5mg/L at all times
- operates effectively in the event of a power failure
- is fitted with high level and maintenance alarms which are connected by telemetry to appropriate maintenance personnel

Condition 4

Prior to operation, all underground fuel storage tanks must be double-walled, fitted with a leak detection system which are 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 5

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

ADVISORY NOTES

Planning Consent

Advisory Notes applied by the Environment Protection Authority:

Advisory Note 1

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 2

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

Advisory Note 3

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 4

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

Advisory Note 5

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

Advisory Notes applied by the Commissioner of Highways:

Nil

General Advisory Notes:

When will this consent or approval lapse? - This consent or approval will lapse at the expiration of 24 months from its operative date, subject to the following.

An approved development must be substantially commenced within 24 months of the date of Development Approval and completed within 4 years from the operative date of the approval, unless this period has been extended by the relevant authority.

Encumbrance Compliance

The owner shall ensure that the requirements of any encumbrance(s) applicable to the property are complied with. You should check your obligations under the encumbrance prior to work commencing.

Street Numbering - Once construction is complete please ensure that your property is identified with a reflective Street Number (not allotment number). Please contact the Council on 87682003 for further information.

Toilets for Workers - Health regulations require that toilet facilities be provided on or adjacent to any Development site prior to commencement of any development work for use by persons involved with the development. Penalties are prescribed for non compliance.

Responsibility for Siting - Allotment boundaries will not be certified by Council staff. The onus of ensuring that the development is sited in the approved position on the correct allotment is the responsibility of the owner and builder.

Building Rubbish Containment and Segregation of Rubbish - The builder must at all times provide and maintain a waste receptacle to the reasonable satisfaction of Council on the site in which and at all times all builders waste shall be **segregated** and contained for the duration of the construction and the contents of such receptacle must be **SEGREGATED** before being emptied as and when required. Upon completion all remaining waste shall be disposed of at a licensed waste disposal depot and the receptacle removed from the site. Reason: To prevent building rubbish being spread onto adjoining public or private land to the detriment of the amenity of the area.

Boundaries - It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

Fences Act 1975 - The Applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence a 'Notice of Intention' must be sent to adjoining owners. Please contact Legal Services Commission for further advice on 8463 3555 or www.lsc.sa.gov.au

Consultation with Adjoining Owners - In addition to notification and other requirements under the *Planning, Development & Infrastructure Act 2016* and *Fences Act 1975*, it is recommended that the Applicant/Owner consult with adjoining Owners and occupiers at the earliest possible opportunity after Development Approval, advising them of proposed development work so as to identify and discuss and issues needing resolution such as boundary fencing, retaining walls, trees/roots, drainage changes, temporary access, waste discharges, positioning of temporary toilets etc.

Construction Hours - That construction shall take place between 7am and 7pm Monday to Saturday and between 9am and 6pm on Sundays and public holidays. All such work shall be undertaken in such a manner so as not to cause any nuisance or annoyance to any of the occupiers of buildings within the locality. For further information on these requirements please contact the Environment Protection Authority on 1800 623 445

Requirements of other authorities - The issue of a development approval does not exempt any person from the responsibility to comply with the relevant requirements of other authorities and or acts.

CARRIED

6.5 MEETING DATE - DECEMBER 2023

COMMITTEE RESOLUTION

Moved: Ian Von Stanke
Seconded: Lamorna Alexander

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/78016 titled 'Meeting Date - December 2023' as presented on 16 November 2023 be noted.
2. The December meeting of the Limestone Coast Southern Regional Assessment Panel be rescheduled to Thursday, 14 December 2023 commencing at 5:00 pm.

CARRIED

7 MOTIONS WITHOUT NOTICE

Nil

8 MEETING CLOSE

The Meeting closed at 7:09 pm.

The minutes of this meeting were confirmed at the Limestone Coast Southern Regional Assessment Panel held on 21 December 2023.

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PRESIDING MEMBER