

MINUTES

Limestone Coast Southern Regional Assessment Panel

Thursday 17 October 2024



Minutes of Limestone Coast Southern Regional Assessment Panel held at:

Time: 5:00 pm

Date: Thursday 17 October 2024

Location: Council Chamber
City of Mount Gambier

10 Watson Terrace, Mount Gambier

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

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

OFFICERS AS OBSERVERS: **City of Mount Gambier:**
Senior Planner - Ms R Snaauw

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

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Limestone Coast Southern Regional Assessment Panel moved:

That the apology from Mr Ian Von Stanke be received.

CARRIED

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 September 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 - 8 Altinio Drive, Mount Gambier

The Applicant - Frank Brennan Consulting Services spoke in relation to item 6.1 at 5:03 pm.

Invitees for Item 6.2 - 1 Marston Drive, Mount Gambier

The Applicant - Frank Brennan Consulting Services spoke in relation to item 6.2 at 5:19 pm.

Invitees for Item 6.3 - 280 Jubilee Highway West, Suttontown

The Applicant - Frank Brennan Consulting Services spoke in relation to item 6.3 at 5:25 pm.

6 REPORTS

6.1 DA 24017011 - 8 ALTINIO DRIVE, MOUNT GAMBIER - REVIEW OF DECISION

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 'Review of Council Decision - 8 Altinio Drive, Mount Gambier' as presented on 17 October 2024 be noted.
2. The Limestone Coast Southern Regional Assessment Panel resolves to AFFIRM the decision of the Assessment Manager:
 - (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, application 24017011 is NOT seriously at variance with the provisions of the Planning and Design Code.
 - (b) The proposal is at variance to the Planning and Design Code is REFUSED Planning Consent for the following reasons:
 1. The application is at variance with Performance Outcomes 3.1, 5.1 and 11.1 of the Suburban Neighbourhood Zone, Performance Outcomes 7.2 and 19.1 of the Design in Urban Areas - All Development - External Appearance General Development Policies, in that:
 - (a) The proposed location of the carport being forward of the dwelling does not ensure orderly and proper development as it is not a character of the locality.
 - (b) The carport, being located forward of the dwelling and having a reduced front boundary setback, will become a dominant feature within this locality and will detract from the streetscape.
 - (c) The proposed development does not improve or enhance the amenity and character of the area with regards to location of the carport.
 - (d) There are no carports and/or outbuildings constructed in front of the main face of a dwelling within the locality.

CARRIED

6.2 DA 24004806 - 1 MARSTON DRIVE, MOUNT GAMBIER - REVIEW OF DECISION**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 24004806 - 1 Marston Drive, Mount Gambier - Review of Decision' as presented on Thursday 17 October 2024 be noted.
2. Considering the amended plans provided at Attachment 6.2.1 of the agenda dated 17 October 2024, the Limestone Coast Southern Regional Assessment Panel resolves to SET ASIDE the decision of the Assessment Manager to refuse Planning Consent to application 24004806 and substitute the following decision:
 - (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, application 24004806 is NOT seriously at variance with the provisions of the Planning and Design Code.
 - (b) Application 24004803 is granted Planning Consent subject to the following conditions:
 1. The outbuilding shall be carried out in accordance with the Plan/s as approved by the Panel.
 2. The outbuilding shall only be used for purposes associated with the existing residential land use of the subject property.
 3. All of the building shall be constructed using pre colour treated material of painted in a non reflective colour.
 4. Stormwater shall be diverted to the existing stormwater system, and not be allowed to flow across adjacent land.

CARRIED

6.3 DA 24024130 - 280 JUBILEE HIGHWAY WEST, SUTTONTOWN - CONSTRUCTION OF A TRANSPORT DEPOT**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 24024130 - 280 Jubilee Highway West, Suttontown - Construction of a Transport Depot' as presented on Thursday 17 October 2024 be noted.
2. It is recommended that the Limestone Coast Southern Regional Assessment Panel resolve that:
 - (a) 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.
 - (b) Development Application Number 24024130, by Frank Brennan Consulting Services is granted Planning Consent subject to the following conditions:

CONDITIONS

1. The development shall be carried out in accordance with the Plan/s as approved and with the Conditions of Approval.
2. All of the building, including the roof, shall be constructed of a colour coated non-reflective metal material or similar finish.
3. The car parking and driveway areas and footpath crossover as shown on the plan/s as approved, shall be graded, paved and sealed with bitumen or other similar material and line marked and maintained in a useable condition as all times in accordance with the relevant Australian Standard.
4. The remainder of the yard areas shall be graded and surfaced to ensure maximum dust suppression and to avoid dust and mud being carried out by vehicles onto public roads at all times.
5. The accessible carparking spaces shall be appropriately identified, line marked and maintained in a useable condition at all times in accordance with the relevant Australian Standard.
6. The stormwater to be directed to Council's stormwater drainage system shall not exceed 20l/s unless otherwise agreed to by Council.
7. The stormwater management system shall be designed to minimise pollutants entering the stormwater.
8. The carparking area and access ways incorporate stormwater management techniques such as permeable or porous surfaces, infiltration systems, drainage swales or rain gardens that integrate with soft landscaping.
9. The truck wash facility and any area used for the washing, cleaning or degreasing of vehicles shall be paved and graded to an appropriately designed grease trap connected to the sewer carriage system to the satisfaction of SA Water.
10. A landscaping plan must be provided to the satisfaction of the Assessment Manager prior to Development Approval being issued. Landscaping shall be undertaken in accordance with the approved plan within 3 months of the certificate

of occupancy being provided for the development and maintained at all times and incorporate the use of established and evergreen trees and shrubs.

11. Landscaping incorporating dense trees and shrubs shall be planted along the boundary adjacent to the rail bike/pedestrian path to provide a screen/buffer of the development.
12. All waste materials 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 removed on a regular basis.
13. The Hours of operation shall not exceed the following:
 - Office – 6:00 am to 6:00 pm Monday to Friday
 - Workshop – 7:00 am to 5:00 pm Monday to Friday
 - Truck Depot – 6:00 am to 10:00 pm
14. The development shall be consistent with the relevant provisions identified within the current Environment Protection (Noise) Policy as identified by the Environment Protection Authority, specifically in the potential for noise impact from the movement of heavy vehicles.
15. Any lights on the subject land must be directed and screened so that overspill of light into nearby premises is avoided.
16. The advertising sign shall be maintained in a state of good repair and tidy condition at all times.
17. The buildings in surroundings shall be maintained in a state of good repair and tidy condition at all times.
18. The subject land shall not be used/occupied for the purposes approved until conditions 3, 4, 5, 7, 8, 9, 10 and 11 are completed.

ADVISORY NOTES

Planning Consent

General Notes

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. Appeal rights - General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
3. This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
4. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

CARRIED

6.4 INSTRUMENT C - AMENDMENTS - DELEGATIONS

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Limestone Coast Southern Regional Assessment Panel moved:

1. That Council report titled 'Instrument C - Amendments - Delegations' as presented on Thursday 17 October 2024 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 to this report (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 Friday 18 October, 2024 and remain in force until varied or revoked by the stone Coast Southern Regional Assessment Panel.
 - (g) Previous delegations granted by the Limestone Coast Southern Regional Assessment Panel are varied as identified within this report with effect from Friday 18 October, 2024.

CARRIED

7 URGENT MOTIONS WITHOUT NOTICE

Nil

8 MEETING CLOSE

The meeting closed at 5:41 pm.

The minutes of this meeting were confirmed at the Limestone Coast Southern Regional Assessment Panel held on 21 November 2024.

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PRESIDING MEMBER