

**MINUTES OF LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 18 APRIL 2023 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 Administration - Mrs S Dohnt

OFFICERS IN

ATTENDANCE: Planning Officer (DC Grant) - Ms Trudy Glynn
Planning Consultant - Mr John Mason

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: Ian Von Stanke

Seconded: Lamorna Alexander

That the minutes of the Limestone Coast Southern Regional Assessment Panel meeting held on 21 March 2023 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

4 QUESTIONS WITHOUT NOTICE

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 – 4A Morphett Street, Robe

The Applicant – Frank Brennan (virtual) spoke at 5:02 p.m.

The Owner – Paul McArd (virtual) spoke at 5:12 p.m.

Invitees for Item 6.2 – 20 Harold Street, Robe

The Applicant – Frank Brennan (virtual) spoke at 5:17 p.m.

Invitees for Item 6.3 – 352 Spain Road, Suttontown

The Applicant – Frank Brennan (virtual), on behalf of Adrian Izzo, spoke at 5:25 p.m.

Invitees for Item 6.4 – 10 Sunnybrae Road, Suttontown

The Representor – Ross Peters spoke at 5:32 p.m.

The Representor – Shane Taylor spoke at 5:37 p.m.

The Representor – Daryl Ferguson at 5:45 p.m.

The Representor – Matthew Hoare, on behalf of John Hoare, spoke at 5:53 p.m.

The Representor - Marie Hoare spoke at 6:03 p.m.

The Representor – Richard Wilson spoke at 6:10 p.m.

The Representor – Kerry Guerin spoke at 6:14 p.m.

The Applicant – Adam Borchers (virtual), on behalf of Mondelez, spoke at 6:19 p.m.

The Applicant – Mitchell Laginestra from GHD (virtual), on behalf of Mondelez, spoke at 6:24 p.m.

6 REPORTS

6.1 DA 22032742 - REVIEW OF THE DECISION OF THE REGIONAL ASSESSMENT MANAGER - 4A MORPHETT STREET, ROBE

The Limestone Coast Southern Regional Assessment Panel moved:

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/23313 titled 'DA 22032742 - Review of the decision of the Regional Assessment Manager - 4A Morphett Street, Robe' as presented on 18 April 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 seriously 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:
 - (a) The proposed dwelling is considered at variance with the following policies of the Planning and Design Code:
 - (i) Neighbourhood Zone – PO 0.1

- (ii) Historic Area Overlay – DO 1, PO 1.2, PO 2.1, PO 2.3 and PO 2.5
- (iii) General Development Policies – Design – DO 1

CARRIED**6.2 DA 22033768 - TWO STOREY DETACHED DWELLING - 20 HAROLD STREET, ROBE**

The Limestone Coast Southern Regional Assessment Panel moved:

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/24072 titled 'DA 22033768 - Two Storey Detached Dwelling - 20 Harold Street, Robe' as presented on 18 April 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 Number 22033768, by Frank Brennan Consulting Services is GRANTED Planning Consent subject to the following conditions/reserved matters:

RESERVED MATTERS**Planning Consent**

Pursuant to section 102 (3) of the Planning, Development and Infrastructure Act of 2016, the following matter(s) shall be reserved for further assessment prior to the granting of Development Approval:

- 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 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

A detailed stormwater management plan shall be provided to Council and supported prior to the grant of Development Approval.

Condition 3

A landscaping plan shall be provided that captures plantings along the western rear boundary and in areas immediately to the northwest of the dwelling (along the northern boundary) to assist with privacy and minimising bulk and scale impacts. The plan is to be supported prior to the grant of Development Approval.

Condition 4

Landscaping shall be maintained at all times and established within six months of occupation of the dwelling.

Condition 5

Details of the privacy screen for the second storey northern balcony shall be provided and endorsed by Council prior to the grant of Development Approval.

Conditions imposed by Native Vegetation Council under Section 122 of the Act

Condition 5

Prior to any clearance of native vegetation, the Native Vegetation Council must provide written confirmation that the Significant Environmental Benefit requirements under the *Native Vegetation Act 1991* have been satisfied.

Condition 6

Construction vehicles, equipment, and stockpiled materials (including cleared vegetation and excavated soil) are not to be stored or placed on native vegetation outside the approved clearance area.

ADVISORY NOTES**Planning Consent**

Advisory Notes imposed by Native Vegetation Council under Section 122 of the Act

Advisory Note 1

The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the *Native Vegetation Act 1991* as set out in Decision Notification 2023/3019/822.

CARRIED

6.3 DA 23003150 - CONSTRUCTION OF A CABINETRY WORKSHOP, SHOWROOM & OFFICE WITH AMENITIES - 352 SPAIN ROAD, SUTTONTOWN

The Limestone Coast Southern Regional Assessment Panel moved:

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/23728 titled 'DA 23003150 - Construction of a Cabinetry Workshop, Showroom & Office with Amenities - 352 Spain Road, Suttontown' as presented on 18 April 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 Number 23003150, by Adrian Izzo 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

The business is to operate in strict accordance with the plans and supporting documentation.

The operating hours for the Cabinetry business are 7:00 am to 5:30 pm (Monday to Friday); and 8:00 am to 1:30 pm (Saturday). No deliveries should occur outside of these hours.

Condition 3

The business and any noise generating machinery shall comply at all times with the Environment Protection Authority's '*Environment Protection (Noise) Policy 2007*'.

Condition 4

Any floodlighting associated with the cabinetry business shall be adjusted so as not to cause any glare or nuisance to adjoining landowners or road users.

Condition 5

The buildings and land shall not be used for purposes other than those approved by Council.

Condition 6

All stormwater and/or rainwater tank overflow shall discharge away from the effluent system.

Condition 7

All stormwater from the building must discharge directly into a rainwater tank, unless otherwise agreed to by Council.

Condition 8

Existing landscaping along the boundaries (areas surrounding the building) shall be maintained and/or enhanced for the life of the development, with prompt replacement of any trees/shrubs that die.

Condition 9

The building herein approved must not be occupied until an approved and fully functioning domestic effluent disposal system is installed.

Condition 10

Any advertising displays/signs proposed on the subject land shall be the subject of a separate development application.

Condition 11

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

Planning Consent

Advisory Note 1

An Onsite Wastewater Works Application must be submitted to Council for an acceptable effluent disposal system for the development proposal herein approved.

CARRIED

Ms Meg Redman declared a Conflict of Interest in relation to Item 6.4 and left the room at 5:30 p.m. and did not return.

6.4 DA 22007587 - WASTEWATER TREATMENT PLANT - 10 SUNNYBRAE ROAD, SUTTONTOWN

The Limestone Coast Southern Regional Assessment Panel moved:

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/23909 titled 'DA 22007587 - Wastewater Treatment Plant - 10 Sunnybrae Road, Suttontown' as presented on 18 April 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 Number 22007587, by Mondelez Australia (Foods) Limited is GRANTED Planning Consent subject to the conditions/reserved matters:

RESERVED MATTERS

1. A detailed landscaping is to be provided which includes a mixture of trees and shrubs to be established in areas to the south of the lagoon and along the northern boundary and eastern boundary.

CONDITIONS

Planning Consent

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

Condition 1

Prior to operation, a Bio-filter Commissioning Plan must be prepared to the reasonable satisfaction of the Environment Protection Authority and must be implemented during commissioning. The Bio-filter Commissioning Plan must include (but not be limited to) the following:

- a. planned activities and associated timeframes
- b. odour management strategies during commissioning
- c. operational contingencies during commissioning
- d. monitoring of bio-filter media to ensure appropriate establishment of microorganisms prior to directing all odour emissions through the system
- e. complaints management system (including the recording and acknowledgment of complaints during the commissioning phase).

Condition 2

Prior to commissioning the covered anaerobic treatment system, a detailed Commissioning Plan must be submitted to the reasonable satisfaction of the Environment Protection Authority. The commissioning plan must include technical details to commission the lagoon, as well as include stakeholder management and communication and a complaints management process.

Condition 3

Operation of the facility must be undertaken in accordance with the noise mitigation recommendations as listed in Section 7.3 of the acoustic report titled Noise Impact Assessment for Mondelez Suttontown, Mondelez Foods Australia Ltd. Prepared by GHD and dated 11 August 2022.

Condition 4

Prior to construction commencing, the detailed design of the wastewater management system must be provided to the reasonable satisfaction of the Environment Protection Authority and must include (but is not limited to) the following:

- a. key design parameters
- b. details of the processing wastewater collection system and pre-treatment system
- c. details of the de-sludge system for the covered anaerobic lagoon (CAL)
- d. details of gas collection and flaring system
- e. details of lagoon leakage detection system
- f. details of the automated engineering control systems to monitor wastewater treatment performance, detect abnormalities, equipment malfunction or pipeline breakage and emergency shut-off
- g. a construction quality assurance plan for the CAL, guidance can be found in the EPA guideline *Wastewater lagoon construction (updated April 2019)*, which can be found at: https://www.epa.sa.gov.au/files/4771372_guide_lagoon.pdf

Condition 5

Prior to construction commencing, the detailed design for the stormwater management system must be provided to the reasonable satisfaction of the Environment Protection Authority in the form of a Stormwater Management Plan and must:

- a. meet the following targets:
 - i. total nitrogen - 45 per cent reduction of the typical urban annual load with no treatment
 - ii. total phosphorus - 60 per cent of the typical urban annual load with no treatment
 - iii. suspended solids - 80 per cent reduction of typical urban annual load with no treatment
 - iv. litter - 90 percent reduction in litter/gross pollutants
- b. ensure runoff is maintained at pre-development levels.

Condition 6

The storage of chemicals, fuels, oils and lubricants and the wastewater tank farm must be located within a bunded area (being a spill containment system constructed of impervious material) with a net capacity of at least 120 per cent (or 133 percent for flammable liquids

such as fuels) the volume of the largest tank/container. Further information can be found in the EPA guideline *Bunding and spill management*, which can be found at: https://www.epa.sa.gov.au/files/47717_guide_bunding.pdf

Condition 7

Development shall be undertaken in accordance with the plans and documents submitted with and forming part of the application, unless expressly varied by other conditions of consent.

Condition 8

The new driveway is to be treated with an all weather surface and maintained to the reasonable satisfaction of Council.

Condition 9

The banks/ embankments of the lagoon shall be landscaped and compacted to improve the stabilisation of them and minimise the risk of erosion, to the reasonable satisfaction of Council.

Condition 10

Operation of the WWTP shall occur in accordance with the *Environment Protection Noise Policy 2007*.

Condition 11

Stormwater is to be effectively managed within the confines of the site and is not to impact on neighbouring properties, to the reasonable satisfaction of Council.

ADVISORY NOTES

Planning Consent

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

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

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 3

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

Advisory Note 4

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 6:39 p.m.

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

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PRESIDING MEMBER