

**MINUTES OF LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON THURSDAY, 18 APRIL 2024 AT 5.00 P.M.**

PRESENT:	Mr Mark Teakle, Mr Ian Von Stanke, Ms Meg Redman, Ms Lamorna Alexander, Ms Cheryle Pedler	
OFFICERS IN ATTENDANCE:	Assessment Manager Executive Administrator	- Mrs T Tzioutziouklaris - Mrs A Pasquazzi
OFFICERS AS OBSERVERS:	Team Leader Development Services, DC Grant	- Mr J Best

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

The Limestone Coast Southern Regional Assessment Panel moved:

That the minutes of the Limestone Coast Southern Regional Assessment Panel meeting held on 21 March 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 - 44 St Andrews Drive, Worrolong

The Applicant - Mr Frank Brennan spoke in relation to item 6.1 at 5:07 pm.

Invitees for Item 6.3 - 14 Leech Road, Mil-Lel

The Applicant - Mr Paul Whiffen on behalf of GT Bobcat Pty Ltd spoke in relation to item 6.3 at 5:35 pm.

Presiding Member Mark Teakle declare a conflict of interest in relation to item 6.1 Development Application 24002968 as he has a personal relationship with the Applicant.

Mark Teakle advised that he would not take part in the hearing of representors or applicant representatives, deliberations or decision/s relating to item 6.1, and the Panel would need to appoint an acting Presiding Member during the deliberation and determination of item 6.1.

Mark Teakle left the meeting at 5:06 pm

Lamorna Alexander nominated to be Acting Presiding Member for item 6.1 in the absence of Mark Teakle.

6 REPORTS

6.1 DA:24002968 - REVIEW OF DECISION - 44 ST ANDREWS DRIVE, WORROLONG

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. AR24/25065 titled 'DA:24002968 - Review of Decision - 44 St Andrews Drive, Worrolong' as presented on 18 April 2024 be noted.
2. That the Limestone Coast Southern Regional Assessment Panel, 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, resolve that the development application is NOT seriously at variance with the Planning and Design Code, for the following reasons:
 - (a) The proposed land use is not prejudicial to the Desired Outcome of the Golf Course Estate Zone.
 - (b) The identified departures from the Planning and Design Code are not considered to be "important or grave".
 - (c) The proposed development is for a residential dwelling within a residential development.
3. Having had regard to the provision of the Planning and Design Code, the Application and all supporting documentation, Council consider that the development is at variance to the provisions of the Planning and Design Code and the decision of the Assessment Manager should be upheld and Planning Consent be refused for the following reasons:

The proposal is at variance with General Development Policies Design Module PO14.1

- (a) The proposed location of the garage does not ensure orderly and proper development.
- (b) The garage appearance from the primary street, St Andrews Drive, will dominate and detract from the streetscape and appearance of the dwelling to which it is associated with and will dominate the character and amenity of the subject locality.
- (c) The proposed development does not improve or enhance the amenity and character of the area - Golf Course Estate.

CARRIED

Mr Mark Teakle returned to the meeting and resumed the chair at 5:19 pm.

6.2 DA:24001575 - CHANGE OF USE - RESPONSE TO FURTHER INFORMATION REQUEST - 4 SCOTT COURT, MOUNT GAMBIER**LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION**

The Limestone Coast Southern Regional Assessment Panel moved:

1. That the Limestone Coast Southern Regional Assessment Panel Report No. AR24/25153 titled 'DA:24001575 - Change of Use - Response to Further Information Request - 4 Scott Court, Mount Gambier' as presented on 18 April 2024 be noted.
2. That the Limestone Coast Southern Regional Assessment Panel, 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, resolve that the development application is NOT seriously at variance with the Planning and Design Code, for the following reasons:
 - (a) The proposed land use is not prejudicial to the Desired Outcome of the Employment Zone.
 - (b) The identified departures from the Planning and Design Code are not considered to be "important or grave".
 - (c) The proposed development is for a commercial type purpose and is the reuse of an existing building.
3. That the Limestone Coast Southern Regional Assessment Panel resolve that pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016* having undertaken an assessment of the application against the Planning and Design Code and relevant legislation, the application is at variance with the provisions of the Planning and Design Code and the application be refused subject to the following reason:
 - (a) The proposed development is at variance to Part 4 – General Development Policies – Transport, Access and Parking - Performance Outcomes PO 1.1 and PO 5.1 of the Planning and Design Code with regards to safety, the inability to provide sufficient car parking on site and the functional performance of Scott Court to accommodate the volume of traffic likely to be generated by the change of use.

CARRIED

6.3 DA: 23010745 - INERT WASTE RECEPTION AND REPROCESSING FACILITY WITHIN THE AREA OF AN EXISTING QUARRY - 14 LEECH ROAD, MIL-LEL**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. AR24/25709 titled 'DA: 23010745 - Inert waste reception and reprocessing facility within the area of an existing quarry - 14 Leech Road, Mil-Lel' as presented on 18 April 2024 be noted.
2. That the Limestone Coast Southern Regional Assessment Panel, 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, resolve that the development application is NOT seriously at variance with the Planning and Design Code, for the following reasons:
 - (a) The proposed land use is not prejudicial to the Desired Outcome of the Rural Zone.

- (b) The identified departures from the Planning and Design Code are not considered to be “important or grave”.
- (c) The proposed development is for an industrial type purpose within the site of an existing quarry.

3. That the Limestone Coast Southern Regional Assessment Panel resolve that:

- (a) Development Application Number 23010745 by GT Bobcat Pty Ltd 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 the following conditions.

Condition 2

Noise associated with the operations of the facility shall achieve the relevant Environment Protection Policy criteria, currently set by the Environment Protection (Commercial and Industrial Noise) Policy 2023. This shall include operations being confined to the daytime criteria of 7am to 10pm.

Condition 3

The incidence of windblown litter and weed/ vermin infestation shall be suitably managed to the reasonable satisfaction of council.

Condition 4

All external lighting shall be designed, constructed and operated to conform to the relevant Australian Standards (currently AS 4282-1997).

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

The waste and recycling depot must only receive Construction and Demolition (inert) waste at the site. Note: Refer to the EPA Guideline Waste definitions, updated April 2019, which can be found at:

https://www.epa.sa.gov.au/files/4771336_guide_waste_definitions.pdf

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 5:51 pm.

The minutes of this meeting were confirmed at the Limestone Coast Southern Regional Assessment Panel held on 16 May 2024.

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PRESIDING MEMBER