

MINUTES

Limestone Coast Southern Regional Assessment Panel

Thursday 19 September 2024



Minutes of Limestone Coast Southern Regional Assessment Panel held at:

Time: 5:00 pm
Date: Thursday 19 September 2024
Location: Council Chamber
District Council of Grant
324 Commercial Street West, Mount Gambier

PRESENT: Carlin McNeil
Cheryle Pedlar (Virtual)
Ian Von Stanke
Lamorna Alexander

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

OFFICERS AS OBSERVERS: **District Council of Grant:**
Director Environmental Services - Mr L McEvoy
Planning Officer - Mrs T Glynn
Planning Consultant - Mr B Victory (virtual)

Wattle Range Council:
Planning Consultant - Ms K Gaskin-Harvey (virtual)
Planning Work Placement - Mr B Gosh

City of Mount Gambier:
Planning Work Placement - Mr O Wong

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.

The Assessment Manager called for nominations for the position of Acting Presiding Member for the meeting.

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Limestone Coast Southern Regional Assessment Panel moved:

Lamorna Alexander be appointed as Acting Presiding Member for the meeting.

CARRIED

With no further nominations received Lamorna Alexander assumed the position of Presiding Member for the meeting.

2 APOLOGIES

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Limestone Coast Southern Regional Assessment Panel moved:

That the apology from Mark Teakle 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 15 August 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 - 101 Jubilee Highway West, Mount Gambier

The Applicant - Georgia Quick and Brandon Pitts spoke in relation to item 6.1 at 5:03pm

Invitees for Item 6.2 - 4 Allan Drive, Mount Gambier

The Applicant - Frank Brennan on behalf of Shanae Coppick spoke in relation to item 6.2 at 5:36pm.

Invitees for Item 6.3 - 125 Tarrant Road, Moorak

The Representor - Trudi Derbyshire spoke in relation to item 6.3 at 5:12pm.

The Representor - Trudi Derbyshire on behalf of William Morrison spoke in relation to item 6.3 at 5:10pm.

The Applicant - Bryan & Toni Haywood spoke in relation to item 6.3 at 5:19pm.

Invitees for Item 6.4 - 48 Greenhill Road, Hatherleigh

The Applicant - Frank Brennan on behalf of Darren and Noeleen Sneath spoke in relation to item 6.4 at 5:44pm.

Invitees for Item 6.5 - 764 Cafpirco Road, Compton

The Representor - Mark Wells, Green Triangle Forrest Products spoke in relation to item 6.5 at 6:00pm.

The Representer - Wolfgang Drexler, Green Triangle Forrest Products spoke in relation to item 6.5 at 5:54pm.

The Applicant - Frank Brennan spoke in relation to item 6.5 at 6:06pm.

6 REPORTS

6.1 DA 24021103 - 101 JUBILEE HIGHWAY WEST, MOUNT GAMBIER - CHANGE OF USE

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 24021103 - 101 Jubilee Highway West, Mount Gambier - Change of Use' as presented on Thursday 19 September 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 24021103, by Georgia Quick and Brandon Pitts is granted Planning Consent subject to the following reasons/conditions/reserved matters:

CONDITIONS

1. The development shall be carried out in accordance with the Plan/s as approved by Council and with the Conditions of Approval.
2. The building/s and surroundings shall be maintained in a state of good repair and tidy condition at all times.
3. At all times whomsoever may be occupying the property, shall take all measures to ensure that the residential amenity of the immediate area is not affected by nuisance or disturbance associated with the operation of the 'Short Term Tourist Accommodation'.
4. All waste materials and refuse accumulated on the property shall be removed on a regular basis to ensure that the property is maintained in a clean and sanitary condition.
5. The maximum number of people to be accommodated within the Short Term Accommodation shall be six (6) people.

ADVISORY NOTES

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).
5. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate-
 - (a) until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - (b) if an appeal is commenced-
 - (i) until the appeal is dismissed, struck out or withdrawn; or
 - (ii) until the questions raised by the appeal have been finally determined (other than any question as to costs).

CARRIED

6.2 DA 24019483 - 4 ALLAN DRIVE, MOUNT GAMBIER - CHANGE OF USE

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 24019483 - 4 Allan Drive, Mount Gambier - Change of Use' as presented on Thursday 19 September 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 24019483, by Shanae Coppick 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 by Council and with the Conditions of Approval.
2. The building/s and surroundings shall be maintained in a state of good repair and tidy condition at all times.
3. The building and land shall not be used for purposes other than those approved by Council.
4. All waste materials and refuse accumulated on the property shall be removed on a regular basis to ensure that the property is maintained in a clean and sanitary condition.
5. The maximum number of dogs to be accommodated within the Dog Day Care Facility must not exceed 39.

6. The trading hours of the use of the land hereby approved shall not exceed the following:
Monday to Saturday 6:30am to 6:30pm.

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).
5. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

CARRIED

6.3 DA 24012093 - 125 TARRANT ROAD, MOORAK - CAMPGROUND AND ADVERTISING SIGNAGE

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 24012093 - 125 Tarrant Road, Moorak - Campground and Advertising Signage' as presented on Thursday 19 September 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 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 Horticulture Zone.
 - (b) The identified departures from the Planning and Design Code are not considered to be 'important or grave.'
 - (c) The proposed development does not represent a grave departure from the Planning and Design Code zone for the purpose of the Seriously at Variance assessment under Section 107(2)(c) of the Act, given that the Rural Horticulture Zone contemplates a range of commercial development, with the proposal being a commercial use which supports the envisaged land use of value adding enterprises and activities and Tourist Accommodation.
3. That the Limestone Coast Southern Regional Assessment Panel resolve that:
 4. Pursuant to Section 107 (2) 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
 5. Development Application Number 24012093, by Bryan Haywood, that planning consent is **granted** subject to the following conditions:

CONDITIONS

Condition 1

The development must be undertaken in accordance with the plans and associated documentation comprising Development Application 24012093, except where varied by the following conditions and/or where changes are required to comply with the National Construction Code of Australia or relevant Australian Standards and Codes.

Condition 2

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.

Condition 3

No generators are permitted on site.

Condition 4

No earthworks are to occur on the site. A separate development application will be required seeking Development Approval should earthworks be proposed in future.

Condition 5

Maximum length of stay on-site per occupant is one (1) month within a calendar year.

Condition 6

The landowner must maintain an accurate record of all occupants including the following minimum details with regard to every guest, which shall be provided to Council upon request:

- Name(S)
- Home Address
- Arrival Date
- Departure Date

Condition 7

There shall be no more than six (6) occupants per designated site at any given time unless otherwise agreed to by Council in writing.

Condition 8

Private roads and access tracks shall provide safe and convenient access for bushfire fighting vehicles as follows:

- Access to the building sites shall be of all-weather construction, with a minimum formed road surface width of 4 metres and must allow forward entry and exit for large bushfire fighting vehicles.
- All dead-end roads shall be constructed to allow large bushfire vehicles to turn around with safety.

Condition 9

A vegetation plan must be provided to the satisfaction of the Assessment manager, with the plantings to be established within 3 months of Development Approval being issued. The plantings must be irrigated and maintained, with diseased and dying plants replaced, to the satisfaction of the Council.

Condition 10

The parking area shall only be used by self-contained recreational vehicles (RV's) and shall not exceed 15 vehicles at any given time.

Condition 11

No effluent or grey water shall be discharged to the ground and must be disposed of at a designated dump point or other suitable facility.

Condition 12

The operator must ensure that all users of the parking area are provided with information (either physically or electronically) to inform visitors about park management rules and emergency procedures, including but not limited to:

- Bushfire management response and evacuation of patrons;
- Grey water and effluent disposal management;
- Supervision and assistance (including out of hours contact details)
- Location of nearest RV effluent disposal point
- Waste disposal
- Management of camp fires
- Maximum number of people and vehicles per site
- Maximum length of stay

Condition 13

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

Condition 14

Levels of dust and other airborne particulate matter are not to exceed those specified by the Environment Protection Authority.

Condition 15

Noise levels are not to exceed those specified by the Environment Protection Authority in its in the '*Environment Protection (Commercial and Industrial Noise) Policy 2023*'.

Condition 16

All campfires/fire pits must comply with the *Fire and Emergency Services Act 2005*, *Environment Protection (Air Quality) Policy 2016*, and the *Local Nuisance and Litter Control Act 2016*.

Condition 17

The proposed sign is approved for erection in the location specified.

Condition 18

Any new access and gateway for the development proposal shall be flared and include setback of gates at least ten (10) metres into the property, to ensure that vehicles can be parked off the carriageway of Tarrant Road when gates are closed.

Condition 19

Any new access point and gateway shall be undertaken and constructed in consultation with Council's Director of Works and Infrastructure or their delegate.

ADVISORY NOTES**Advisory Note 1**

The Planning Consent granted does not imply, allow or consider that any approval has been granted by any other authority. The applicant/owner shall consider if any other approval is required in relation to an encumbrance or easement over the land (if any) and where required obtain the relevant approval from the other authority.

You can confirm if there are any encumbrances or easements affecting the land by obtaining a copy of the Certificate of Title here:

<https://sailis.lssa.com.au/products/titleSearch/titleDetailsSearch?form>

CARRIED

The Limestone Coast Southern Regional Assessment Panel moved that item 6.4 be deferred the end of the meeting.

6.5 DA 24008749 - 764 CAFPIRICO ROAD, COMPTON - EXPANSION OF EXISTING TIMBER PROCESSING FACILITY

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 24008749 - 764 Cafpirco Road, Compton - Expansion of Existing Timber Processing Facility' as presented on Thursday 19 September 2024 be noted.
2. It is recommended that the Limestone Coast Southern Regional Assessment Panel resolve that:

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*.

3. Development Application Number 24008749, by Frank Brennan Consulting Services is granted Planning Consent subject to the following reserved matters, conditions and advisory notes:

RESERVED MATTERS

Pursuant to section 102(3) of the Planning, Development and Infrastructure Act 2016, the following matters are reserved for further assessment to the satisfaction of the Assessment Manager, prior to the granting of Development Approval:

1. A Traffic Management Plan shall be provided that identifies suitable engineering controls/ solutions to address potential conflict between vehicles that will operate between the eastern and western sites on either side of Marte Siding Road, and other road users, including consideration of:
 - adequate sight lines
 - speed limits
 - warning signs
 - traffic lights
 - stop signs/ lines
 - give way signs/ lines
 - suitable surface treatments or engineering solutions to prevent wear and tear on the surface of the road occurring as a result of vehicle movement (including heavy vehicles) traversing the public road between the two portions of the operation. This may include sealing a portion of the road reserve and/or realigning the road, with any costs to be borne by the applicant.

The Traffic Management Plan should be provided by a suitably qualified and experienced traffic engineer, in consultation with the Council's Director of Works and Infrastructure.

2. Updated plans shall be provided to confirm the site levels, excavation and batters, particularly in relation to any native trees that may be affected by the proposed development. This may require advice from a suitably qualified arborist and/or accredited native vegetation consultant, to avoid, minimise or confirm any impacts on native vegetation, and potentially require a clearance application to the Native Vegetation Council. The final siteworks plan shall also include details of landscaping to be established over any batters and/or where practicable at the edges of the new eastern site.

Note - Further conditions may be imposed on the Planning Consent in respect of the above matters.

CONDITIONS

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 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.

Condition 3

The draft Emergency Management Plan by AAM Timber, including procedures for a bushfire emergency response, shall be completed and updated as appropriate in consultation with the Country Fire Service. Updated versions shall be provided to the District Council of Grant.

Condition 4

Any outdoor lighting shall accord with the relevant Australian Standard, currently AS/NZS 4282:2023.

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

Condition 5

The stormwater management for the site (including vegetated swales and detention basins) should be established and maintained in the manner proposed in the Stormwater Management Plan by Tonkin, dated 15 March 2024 and be sized to capture and retain a 1% AEP rain event.

ADVISORY NOTES**Planning Consent****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 acting on this approval, 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. It is noted the land at 764 Capirco Road, Compton should be added to the existing EPA licence.

Advisory Note 3

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

Advisory Note 4

Other legislation may also apply to the development, including the *Native Vegetation Act 1991*, *Landscape South Australia Act 2019*, *Local Nuisance and Litter Control Act 2016*, *Environment Protection Act 1993*, *Local Government Act 1999*, *Road Traffic Act 1961*, and the *Roads (Opening & Closing) Act 1991*.

Advisory Note 5

Section 233 of the *Local Government Act 1999* makes provision for council to recover any damages to a road and/or associated structures belonging to council.

Advisory Note 6

Activities associated with the operations of the site must not encroach on the road reserve.

Advisory Note 7

No heavy vehicles should be parked on the road reserve without express permission from Council, in accordance with Council By-Laws and relevant provisions of the *Local Government Act 1999*.

Advisory Note 8

It is recommended to set the land use operations back from the property boundary to create a clear delineation between the site operations and the roadway, and assist to reduce the potential for the site operations to encroach into the road reserve over time.

CARRIED

RESOLUTION LCSRAP 2024/0

The Limestone Coast Southern Regional Assessment Panel Moved:

EXCLUSION OF THE PUBLIC FROM ATTENDANCE TO RECEIVE, DISCUSS OR CONSIDER INFORMATION/MATTERS - (IF REQUIRED)

1. That, pursuant to Section 13(2) of the Planning Development and Infrastructure (General) Regulations 2017, the public be excluded from this part of the Limestone Coast Southern Regional Assessment Panel meeting dated 19 September 2024 (with the exception of members of Council staff who are hereby permitted to remain), to enable the Panel to receive, discuss or consider information or matters as listed in Section 13(2)(a)(viii) or to discuss or determine any application or other matter that falls to be decided by the panel.

CARRIED

6.4 DA 24009814 - 48 GREENHILL ROAD, HATHERLEIGH - 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 24009814 - 48 Greenhill Road, Hatherleigh - Review of Decision' as presented on Thursday 19 September 2024 be noted.
2. Section 107(2)(c) of the Act requires the Relevant Authority (the Limestone Coast Southern Regional Assessment Manager or delegate) to determine whether the development is seriously at variance with the Planning and Design Code (The Code), disregarding minor variations. A development that is seriously at variance with the Code must not be granted consent.

The Supreme Court previously explained:

"The expression "seriously at variance with the Development Plan" refers to that which is an important or grave departure in either quantity or degree from the Development Plan) It denotes something which is plainly not light or trifling. It is not enough that the proposal might conflict

with the Development Plan; it must be seriously at variance with it (Mar Mina SA Pty Ltd v City of Marion [008] SASC 120)."

A more recent judgment of the Supreme Court has confirmed that planning authorities are to approach the 'seriously at variance question' in the same way it was approached under the predecessor Act.

When considering the above question it has been determined that the proposal is not seriously at variance with the Planning and Design Code.

3. Having had regard to the provisions of the Planning and Design Code, the Application and all supporting documentation, the development is considered to be at variance to the provisions of the Planning and Design Code and the decision to issue a Refusal for Planning Consent be affirmed pursuant to section 203(4) of the *Planning Development and Infrastructure Act 2016* for the following reason:

The proposed development will create an additional allotment within the Limited Land Division Overlay, contrary to Overlay PO 1.1.

CARRIED

7 URGENT MOTIONS WITHOUT NOTICE

Nil

8 MEETING CLOSE

The meeting closed at 6:42 pm.

The minutes of this meeting were confirmed at the Limestone Coast Southern Regional Assessment Panel held on 17 October 2024.

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PRESIDING MEMBER