

**MINUTES OF LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON THURSDAY, 20 JUNE 2024 AT 5.00 P.M.**

PRESENT: Mr Mark Teakle (Presiding Member), Mr Ian Von Stanke, Ms Meg Redman, Ms Lamorna Alexander, Mr Carlin McNeil

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

OFFICERS AS OBSERVERS: Planning Consultant, Ben Green Consulting - Mr B Green (virtual)
Development Officer, District Council of Robe - Ms M Gibbs

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)

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Limestone Coast Southern Regional Assessment Panel moved:

That the apology from Ms Cheryle Pedler be received.

CARRIED

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 16 May 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 - 95 Main Road, Robe

The Representor - Connie and Donald Biddle spoke in relation to item 6.1 at 5:03 pm.

The Applicant - Frank Brennan Consulting Services spoke in relation to item 6.1 at 5:08 pm.

Invitees for Item 6.2 - Borg Manufacturing

The Representor - Anne Yeates spoke in relation to item 6.2 at 5:32 pm.

The Representor - Kelly Klossowski spoke in relation to item 6.2 at 5:36 pm.

The Representor - Anne Bawden spoke in relation to item 6.2 at 5:40 pm.

The Applicant - Frank Brennan Consulting Services spoke in relation to item 6.2 at 5:45 pm.

The Applicant - Victor Bendeovski, Borg Manufacturing Pty Ltd spoke in relation to item 6.2 at 5:49 pm.

Invitees for Item 6.3 - 281-385 & 389 Commercial Street West, Mount Gambier

The Applicant - Frank Brennan Consulting Services spoke in relation to item 6.3 at 6:12 pm.

Invitees for Item 6.4 - 17-19 Anniefield Lane, Mount Gambier

The Applicant - Frank Brennan Consulting Services spoke in relation to item 6.4 at 6:44 pm.

6 REPORTS

6.1 DA:24008479 - CONSTRUCTION OF A FUEL CANOPY STRUCTURE, SITE LIGHTING & ADVERTISING SIGNAGE FOR APPROVED RETAIL FUEL OUTLET - 95 MAIN ROAD, ROBE

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. AR24/41366 titled 'DA:24008479 - Construction of a Fuel Canopy Structure, Site Lighting & Advertising Signage for Approved Retail Fuel Outlet - 95 Main Road, Robe' as presented on 20 June 2024 be noted.
2. The proposed fuel canopy structure, including lights and signage on the site of an approved retail fuel outlet and 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, considering the context of the proposal's location, previous and relating consents already granted, location at interface with the State-maintained road network, and accordingly, it is recommended that the Council Assessment Panel resolve that:
3. 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 within this report.
4. Development Application Number 24008479, by Frank Brennan Consulting Services for the Construction of a Fuel Canopy Structure, Site Lighting & Advertising Signage for Approved Retail Fuel Outlet at 95 Main Road, 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

Vehicle parking areas must be provided with floodlit entry and exit points which are operational between the hours of sunset and sunrise.

Condition 3

- (a) All external lighting must be designed and constructed according to Australian Standard (AS 4282-1997) to minimise impacts such as unreasonable light spill and nuisance on adjoining more sensitive land uses and road users to the satisfaction of the Assessment Manager.
- (b) The illumination from the proposed floodlighting shall not spill over into adjacent areas.

Condition 4

The Free Standing 'Price' Signage shall only be illuminated in accordance with the Code as not to distract road users.

Condition 5

- (a) Effective measures shall be implemented during the construction of the development and the ongoing use of the land in accordance with this consent to:
- (b) prevent silt run-off from the land to adjoining properties, roads and drains
- (c) control dust arising from the construction and other activities, so as not to, in the opinion of Council, be a nuisance to residents or occupiers on adjacent or nearby land
- (d) ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site
- (e) ensure that all litter and building waste is contained on the subject site in a suitable covered bin or enclosure
- (f) ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of Council, to the occupiers of adjacent land.

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

6.2 DA:23036475 - ALTERATIONS AND ADDITIONS TO AN EXISTING TIMBER PROCESSING FACILITY (BORG)

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. AR24/37081 titled 'DA:23036475 - Alterations and additions to an existing Timber Processing Facility (Borg)' as presented on 20 June 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
3. That the Limestone Coast Southern Regional Assessment Panel, pursuant to Section 107(1 and (2) (b) of the Planning, Development and Infrastructure Act 2016, based on an assessment against the provisions of the Planning and Design Code, resolves that Application 23036475, by Borg Manufacturing Pty Ltd is granted Planning Consent subject to the following conditions:

Conditions for City of Mount Gambier

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

All of the building, including the roof, shall be constructed of a colour coated metal material or other similar finish in a non reflective colour.

Condition 3

The building and surroundings shall be maintained in a state of good repair and tidy condition at all times.

Condition 4

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

Condition 5

The car parking and driveway areas and footpath crossover and vehicle manoeuvring area as shown on the plan/s approved by Council, shall be graded, paved and sealed with bitumen or other similar material and line-marked and maintained in a useable condition at all times.

Condition 6

The car parking spaces shall measure not less than 2.6 metres in width and 5.5 metres in length.

Condition 7

An accessible car parking space shall be appropriately identified, line-marked and maintained in a serviceable condition at all times.

Condition 8

Driveways, parking and manoeuvring areas and footpaths must be lit in accordance with the Australian Standards Association Code during the hours of darkness that they are in use. Such lights must be directed and screened so that overspill of light into nearby premises is avoided and drivers are not distracted.

Condition 9

The remainder of the yard area shall be graded and surfaced so as to ensure maximum dust suppression at all times.

Condition 10

Any lights on the subject land must be directed and screened so that overspill of light into nearby premises is avoided and drivers are not distracted.

Condition 11

Landscaping shall be undertaken and maintained at all times.

Condition 12

A detailed landscape plan which is to incorporate landscaping to all noise and batter mounds shall be submitted to Council prior to granting Development Approval. Landscaping shall be established in accordance with the Plan and shall incorporate the use of established trees and shrubs, and be maintained in good condition at all times. Should any tree, shrub, ground cover or other plant die, become diseased or otherwise fail to thrive at any time, it shall be replaced.

Condition 13

All waste materials and refuse accumulated on the site shall be removed on a regular basis.

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

Condition 1

The stormwater management system for the site must be constructed in accordance with the details and design principles specified in the Stormwater Management Report prepared by FMG Engineering, dated 28 November 2023 and the letter from Frank Brennan Consulting Services, dated 20 February 2024 and shall include:

- (a) Vegetated swales sized to capture and retain a 1% annual exceedance probability (AEP) rain event, with bores located in the swales to capture runoff from events greater than a 5% AEP.
- (b) Vegetated swales shall be established in a staged approach, matching the construction works to be conducted on-site.
- (c) Stormwater run-off from all roof areas is directed via downpipes to discharge directly into drainage wells, for the 5% AEP rain event. Any overflow generated from an event larger than this is to be directed to the proposed swales.
- (d) Drainage wells located within detention swales are only engaged in the event of a 5% or less frequent AEP rain event.
- (e) Stormwater is adequately treated to remove gross pollutants, sediment, nutrients and hydrocarbons before entering any drainage wells.
- (f) Oceanguard filters and hydrocarbon socks are to be installed at each swale drainage well inlet to capture hydrocarbons.
- (g) Existing discharge bores (or drainage wells) as labelled in drawing A-0080 to be decommissioned as the development moves across the site, with additional un-documented wells to also be decommissioned should they be identified during construction works.

Condition 2

The regular maintenance of the swales and Oceanguards, including the replacement of the filter socks shall be undertaken in accordance with the manufacturer's recommendations.

Condition 3

All chemicals, fuel and wastewater storages on-site must be contained within impervious bunds or have secondary containment systems in accordance with the EPA *Bunding and spill management guideline 2016*.

Condition 4

All runoff generated during the construction phase of the development must be directed away from any open drainage wells or open bores located on site.

Condition 5

The wastewater management system must be constructed consistent with the design principles as outlined by Newchem Engineering in Appendix 3 of the letter from Frank Brennan Consulting Services dated 20 February 2024. This includes treatment of the wastewater to maximise its reuse on site and appropriate storage and management of the wastewater and any solid and liquid wastes generated from the wastewater treatment process.

Condition 6

Prior to the operation of the development, the noise mitigation measures and the equipment sound power levels as recommended within Section 6.4 (pages 18 – 24) of the Environmental Noise Assessment Report (S6160.1C5) prepared by SONUS dated November 2023, must be implemented at the site.

Conditions imposed by Commissioner of Highways under Section 122 of the Act

Condition 7

All access to the development shall be gained in accordance with the site plan produced by Space Urban, Project no. 7258-01T, drawing no. A-0020, Issue 01, dated 24th November 2023.

Condition 8

The basic left turn treatment on Jubilee Highway West identified in the MFY Report, File No JML/23-0214, Dated 29 November 2023 shall be completed and open to traffic prior to operation of the development. All road works on Jubilee Highway West shall be designed and constructed to the satisfaction of the Department for Infrastructure and Transport and be in accordance with Austroads Guides/Australian Standards. All associated costs (including project management and any necessary road lighting and drainage upgrades) shall be borne by the applicant.

Note: Prior to undertaking any detailed design, the applicant shall contact DIT's Asset Engineer, Mr Tim Wilson on telephone 7133 3705, or via email at Tim.Wilson@sa.gov.au, to obtain approval and discuss any technical issues regarding the required works.

Condition 9

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

Condition 10

Signage and/or line marking shall be installed to reinforce the desired flow of traffic to, from and through the site.

Condition 11

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

ADVISORY NOTES

Advisory Note 1

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).

Advisory Note 2

All road works including footpath crossovers on Commercial Street West shall be designed and constructed to Council's standards and be in accordance with Austroads Guides/Australian Standards. All associated costs (including project management and any necessary road lighting and drainage upgrades) shall be borne by the Applicant.

Prior to undertaking any detailed design, the applicant shall contact Councils Manager Operations and Engineering, Mr Abdullah Mahmud on telephone 0407574629, or via email at amahmud@mountgambier.sa.gov.au to obtain approval and discuss any technical issues regarding the required works.

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

Advisory Note 3

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 4

An environmental authorisation in the form of a licence is currently held for the current operations on the site (EPA Authorisation Number 504540). Before commencing operations, the applicant/operator should contact the Environment Protection Authority on (08) 8204 2058 or email EPALicensing@sa.gov.au to determine any additional licensing requirements for Licence Number (504540).

Advisory Note 5

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

Advisory Note 6

The EPA recommends that a noise management strategy or plan be developed and implemented, if one has not already been developed.

Advisory Note 7

All reasonable and practical operational steps to reduce off-site noise should be undertaken.

Advisory Note 8

All trucks and forklifts should be fitted with broadband reverse beepers.

Advisory Note 9

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

CARRIED

6.3 DA:24005250 - CONSTRUCTION OF TWO (2) WAREHOUSES - 281-385 & 389 COMMERCIAL STREET WEST, MOUNT GAMBIER**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. AR24/40345 titled 'DA:24005250 - Construction of two (2) warehouses - 281-385 & 389 Commercial Street West, Mount Gambier' as presented on 20 June 2024 be noted.
2. Having had regard to the provisions of the Planning and Design Code, the Application and all supporting documentation, the development is not seriously at variance to the provisions of the Planning and Design Code the decision of the Assessment Manager be overturned and Planning Consent be granted subject to the following conditions:
 - (a) The development shall be carried out in accordance with the plan/s as approved by the Council and with the conditions of approval.
 - (b) All the building, including the roof, shall be constructed of a colour coated metal material or other similar finish.
 - (c) The car parking and driveway areas and footpaths crossover as shown on the plan/s approved by Council, shall be graded, paved and sealed with bitumen or other similar material and line marked in accordance with the relevant Australian standards and maintained in a useable condition at all times.
 - (d) The Applicant shall be required to make satisfactory arrangements with Council in relation to the disposal of storm water and surface drainage, which may involve the connection to existing street drain and incorporate an inspection/access pit, at the Applicant's expense.
 - (e) Landscaping shall be undertaken and maintained at all times and shall incorporate the use of established and evergreen trees and shrubs.
 - (f) Any lights on the subject land must be directed and screened so that overspill of light into nearby premises is avoided and drivers are not distracted.
 - (g) All of the commercial wastes accumulated on the allotment shall be stored within the buildings or within a screened holding place and be removed on a regular basis.
 - (h) The building/s and surroundings shall be maintained in a state of good repair and tidy condition at all times.

CARRIED

6.4 DA:24004357 - REVIEW OF COUNCIL DECISION - 17-19 ANNIEFIELD LANE, MOUNT GAMBIER

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. AR24/31734 titled ‘DA:24004357 - Review of Council Decision - 17-19 Anniefield Lane, Mount Gambier’ as presented on 20 June 2024 be noted.
- 2. Having had regard to the provisions of the Planning and Design Code, the Application and all supporting documentation, the development is not seriously at variance to the provisions of the Planning and Design Code the decision of the Assessment Manager be overturned and Planning Consent be granted subject to the following conditions:
 - (a) The development shall be carried out in accordance with the plan/s as approved by the Council and with the conditions of approval.
 - (b) The garage shall be constructed with a 6.0 metre setback to the eastern property boundary at the closest point.
 - (c) Dense planting shall be established along the eastern property boundary so as to provide a screen/buffer between the development and the adjacent property.
 - (d) The garage shall be used in association with the residential land use of the subject property.

Note:

The garage has been approved as an ancillary structure to a dwelling. The garage is unable to be used for human habitation (for living in) or for a commercial type use, unless the necessary approvals have been obtained from Council.

CARRIED

7 MOTIONS WITHOUT NOTICE

Nil

8 MEETING CLOSE

The Meeting closed at 6:59 pm.

The minutes of this meeting were confirmed at the Limestone Coast Southern Regional Assessment Panel held on 18 July 2024.

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PRESIDING MEMBER