

## COUNCIL DEVELOPMENT ASSESSMENT PANEL

Meeting held on Thursday, 16<sup>th</sup> April 2015 at 5.45 p.m. in the  
Conference Room, Level One - Operational Services, Civic Centre

### MINUTES

PRESENT: Mrs E Travers (Presiding Member)  
Cr C Greco, Cr I Von Stanke and Ms E Finnigan

APOLOGY/IES: Cr Von Stanke moved the apology received from Mrs M Trotter be accepted.  
Ms Finnigan seconded Carried

NOT PRESENT: Cr M Lovett and Mr P Seebohm

COUNCIL OFFICERS: Senior Planner, Simon Wiseman  
Planning Officer, Jessica Porter  
Administrational Officer - Operational Services, Sarah Moretti  
Administrational Officer - Operational Services, Elisa Solly

**WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THE LAND.**

MINUTES: Ms Finnigan moved that the minutes of the Meeting held on Thursday, 19<sup>th</sup> March 2015 be taken as read and confirmed.  
Cr Greco seconded Carried

REPRESENTATIONS: The Presiding Member read the following statement to the Representor and Applicant that attended the meeting:

- Every Council is required to establish a Development Assessment Panel to determine and make decisions on development applications as delegated to the Panel,.
- The Panel operates under the Development Act.
- When the Panel is considering an application, it must assess the proposal against Council's Development Plan.
- This will involve a judgement based on whether or not the proposed development meets and satisfies planning principles.
- The Development Assessment Panel consists of four (4) Independent Members and three (3) elected Council Members.
- The meeting itself is informal, however all decisions made by the Development Assessment Panel are formal.
- There will be no talking or interacting from the public gallery. If there is, you may be asked to leave.
- Once the Panel has heard your representation we will ask you to leave as the Development Assessment Panel reaches its decision in confidence. You may ring your Council tomorrow afternoon to find out the results of tonight's meeting.
- You will each have five (5) minutes to make your presentation.

Development Application No: 381/0345/2014

- Ian Tollner, the Representor, spoke in relation to this matter at 5:50 p.m.
- Jamie Ferguson (Hazkem Pty Ltd), the Applicant, spoke in relation to this matter at 5:57 p.m.

1. Development Number: 381/0345/2014  
 Applicant: Hazkem Pty Ltd  
 Owner: Peter Whitehead Properties Pty Ltd  
 Description: To change the use of an existing warehouse with associated shop, offices, car parking and signage to include a fuel depot and the installation of four (4) above ground fuel tanks on the site of an existing warehouse with associated shop, offices, car parking and signage  
 Address: 389 Commercial Street West, Mount Gambier  
 Nature of Development: Consent / Category 3  
 Zoning: General Industry  
 Report: Council Development Assessment Panel Report No. 8 / 2015  
 Correspondence: Letter from EPA L.14, Correspondence from Applicant L.15, Correspondence from Applicant L.16, Statement of Representation from I & M Tollner L.17, Correspondence from Applicant L.18

The Council Development Assessment Panel moved it be recommended:

- (a) Council Development Assessment Panel Report No. 8 / 2015 be received;
- (b) The applicant and owner be advised that having regard to the Development Plan and all supporting documentation, that the proposed development is considered not to be at serious variance with the relevant Development Plan and is granted Development Plan consent, subject to the following conditions:

#### CONDITIONS OF THE CITY OF MOUNT GAMBIER

1. The development shall be carried out in accordance with the Plan/s as approved by the Council and with the Conditions of Approval.
2. The building and land shall not be used for purposes other than those approved by Council.
3. The use of the property and hours of operation shall not create a nuisance and/ disturbance for any person/s and/or property in the immediate area.
4. All of the driveway area and yard areas shall be appropriately graded and surfaced at all times so as to ensure maximum dust suppression and to avoid dust and mud being carried out by vehicles onto public roads.
5. All of the commercial wastes accumulated on the allotment shall be removed on a regular basis to the reasonable satisfaction of the Council.
6. A landscaping buffer of not less than 2.5 metres wide, shall be established along the length of the northern and western boundary of the leased area, as detailed on the overall site layout plan – drawing HAZ-1895-A01, and shall incorporate the use of established trees and landscaping that will achieve a minimum height of 3.0 metres.
7. Landscaping must be completed within the first planting season concurrent with or following the commencement of the use of this development and shall be maintained in good heart and 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 forthwith replaced.
8. The buildings and surroundings shall be maintained in a state of good repair and tidy condition at all times.

CONDITIONS OF THE ENVIRONMENT PROTECTION AUTHORITY

1. All trafficked areas must be hard surfaced using either bitumen, concrete or other impervious material.
2. All above ground fuel storage tanks must be self bunded.
3. All stormwater runoff from the site must be directed to the SPEL Puraceptor Class 1 Full Retention Separator (with alarm) prior to discharge to the Council stormwater system.
4. Any sludge and oily residue collected within the SPEL Puraceptor Class 1 Full Retention Separator is considered waste and must be removed by an EPA licensed waste transporter to a licensed waste depot authorised to receive such waste.
5. All above ground pipework must be contained within or directed to the spill collection area.
6. All new fuel storage tanks (apart from diesel) must be fitted with a Stage 1 vapour recovery system that directs the displaced vapours back into the tanker during filling.
7. Above ground storage tank vent pipes must be fitted with a pressure vacuum relief valve.

NOTES OF THE ENVIRONMENT PROTECTION AUTHORITY

1. The applicant is 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 the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
  2. Any information sheets, guidelines documents, codes of practice, technical bulletins etc. that are referenced in this response can be accessed on the following web site: <http://www.epa.sa.gov.au>.
  3. For further information regarding vapour recovery systems, please refer to the NSW Department of Environment Climate Change and Water document entitled 'Standards and best practice guidelines for vapour recovery at petrol service stations', which can be found at: [www.environment.nsw.gov.au/resources/air/vapoureco09758.pdf](http://www.environment.nsw.gov.au/resources/air/vapoureco09758.pdf).
- (c) The applicant and owner be advised that the reasons for Council's Conditions of Development Plan Consent are:
1. To ensure that the proposed development is used for purposes associated with the existing industrial land use of the subject site.
  2. To ensure orderly and proper development.
  3. The proposed development is not at serious variance to Council's Development Plan.

Carried

2. Development Number: 381/065/2015  
Applicant: Thomson Bilt  
Owner: B R & J L Creek  
Description: to construct a garage in association with a detached dwelling

Address: 12 Lumidin Boulevard, Mount Gambier  
 Nature of Development: Consent / Category 1  
 Zoning: Residential  
 Report: Council Development Assessment Panel Report No. 9 / 2015  
 Correspondence: Correspondence from Applicant L.19

The Council Development Assessment Panel moved it be recommended:

- (a) Council Development Assessment Panel Report No. 9 / 2015 be received;
- (b) The Applicant and Owner be advised that having regard to the Development Plan and all supporting documentation, the proposed development is considered not to be seriously at variance with Councils Development Plan and be granted Development Plan Consent subject to the following 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 garage shall only be used for purposes associated with the existing residential land use of the subject property.
- (c) The Applicant and Owner be advised that the reasons for Councils approval are:
  - 1. It is not at serious variance with Councils Development Plan.
  - 2. It is to be used for residential use/ storage and by no means Commercial use/ storage.

Carried

The meeting closed at 6:22 p.m.

17 April 2015  
 AF14/354  
 SM

CONFIRMED THIS

DAY OF

2015.

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 PRESIDING MEMBER