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**I hereby give notice that a Council Assessment Panel will be held on:**

**Date:** Thursday, 27 May 2021  
**Time:** 5:45 p.m.  
**Location:** Council Chamber  
Civic Centre  
10 Watson Terrace  
Mount Gambier

# **AGENDA**

## **Council Assessment Panel 27 May 2021**

A handwritten signature in black ink, appearing to read 'Tracy Tzioutziouklaris', with a horizontal line above it.

**Tracy Tzioutziouklaris  
Assessment Manager**

**21 May 2021**

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**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 INDIGENOUS PEOPLES HAVE WITH THIS LAND.**

**2 APOLOGY(IES)**

Nil

**3 CONFIRMATION OF MINUTES**

Council Assessment Panel - 15 April 2021

**RECOMMENDATION**

That the minutes of the Council Assessment Panel meeting held on 15 April 2021 be confirmed as an accurate record of the proceedings of the meeting.

**4 QUESTIONS WITHOUT NOTICE**

**5 INVITEES**

Nil



## 6 REPORTS

### 6.1 DA 381/0292/2020 - 17A DUIGAN STREET, MOUNT GAMBIER – REPORT NO. AR21/23135

<b>Development No:</b>	<b>381/0292/2020</b>
<b>Applicant:</b>	<b>Mr David Coombe</b>
<b>Property Address:</b>	<b>17A Duigan Street</b>
<b>Property Owner:</b>	<b>Mr David Coombe</b>
<b>Report No:</b>	<b>AR21/23135</b>
<b>CM9 Reference:</b>	<b>AF20/387</b>
<b>Author:</b>	<b>Tracy Tzioutziouklaris, Manager Development Services</b>
<b>Authoriser:</b>	<b>Tim Coote, General Manager City Growth</b>
<b>Nature of Development:</b>	<b>Non-Complying/Category 3</b>
<b>Description:</b>	<b>To construct an extension to the existing storage shed and workshop</b>
<b>Zoning:</b>	<b>Residential</b>
<b>Policy Area:</b>	<b>N/A</b>
<b>Heritage:</b>	<b>N/A</b>

#### REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR21/23135 titled 'DA 381/0292/2020 - 17A Duigan Street, Mount Gambier' as presented on 27 May 2021 be noted.
2. Having had regard the provisions of the Development Plan, the Application and all supporting documents, the development is not seriously at variance to the provisions of the Development Plan 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 Council and with the Conditions of Approval.
  - (b) No panel beating/body building and/or spray painting of vehicles or vehicle parts shall be carried out on the subject land, unless otherwise approved by Council.
  - (c) The external materials and finishes shall match and complement those of the existing building.
  - (d) Provision shall be made for the on-site disposal of stormwater unless otherwise negotiated with Council, with the land graded to prevent water running onto land in other occupation or over any street or way.
  - (e) The use of the property shall not create a nuisance and/or disturbance for any person/s and/or property in the immediate area.
  - (f) The building/s, surroundings and the subject property shall be maintained in a state of good, tidy and attractive repair and condition at all times.
3. The Applicant be advised the reasons for the Conditions are:



- (i) To ensure the proposed development does not detract from the amenity and character of the area;
- (ii) To ensure orderly and proper development.



## BACKGROUND

The Council Assessment Panel considered this Development Application at its meeting held on the 3 December, 2020 and determined:

1. *That Council Assessment Panel Report No. AR21/23135 titled 'DA 381/0292/2020 - 17A Duigan Street, Mount Gambier' as presented on 27 May 2021 be noted.*
2. *The Council Assessment Panel resolve to proceed with the assessment of the application.*
3. *The Applicant be requested to provide the following information to assist in the assessment of the Development Application:*

*A Statement of Effect which provides a brief statement in support of the application identifying where the development complies with the provisions of the Development Plan and the anticipated impacts of the development upon the surrounding locality."*

The Statement of Effect has now been provided to Council.

The existing approved land use for the subject site is for a workshop and associated storage.

## PROPOSED DEVELOPMENT

The proposed development involves the construction of an extension to the existing storage building and workshop, providing an undercover link between the existing workshop and the storage building.

The proposed building is to be 13.96 meters wide, 24 meters long, with a total floor area of 335.04 square meters. The total floor area for the development as a whole once the proposed development has been constructed will be approximately 502 square metres.

The proposed building has a wall height of 3.6 meters and a total height of 5.1 meters.

The proposed building is an open sided canopy, with zincalume gutters and roofing.

The proposed building is setback 2.796 meters from the western boundary, 3.5 metres from the northern boundary and 11.62 metres from the rear boundary.

The proposed development is to be used for storage of:

- 11 historic vehicles.
- Camper trailer
- 5 motorcycles
- Sports car; and
- Three 4Wheel Drives

## DEVELOPMENT PLAN PROVISIONS

The objectives and principles relevant to this proposal are contained within the Mount Gambier (City) Development Plan – Consolidated 21 April 2016 and include the following:

### **Residential Zone**

Objectives 3

Principles of Development Control 1, 2, 6, 7, 18, 19



## **Mount Gambier (City)**

### **Design and Appearance**

Objectives 1

Principles of Development Control 1, 3, 4, 5, 7, 11, 15, 17, 18, 19

### **Industrial and Commercial Development**

Objectives 1, 2, 6, 7

Principles of Development Control 1, 7, 11, 12, 13, 29, 35, 38, 41, 42, 43, 44, 45, 49, 51, 53, 54

### **Interface Between Land Uses**

Objectives 1, 2

Principles of Development Control 1, 2, 3, 6

### **Orderly and Sustainable Development**

Objectives 1, 3, 4

Principles of Development Control 1, 8

## **PLANNING ASSESSMENT**

This Development Application is referred to the Council Assessment Panel for determination as it is for a non-complying form of development.

Within the Residential Zone, a store is a non-complying form of development. The proposed development involves the construction of a canopy in association with an existing workshop and storage building which will be used for cover for the storage of a number of vehicles.

As the development is for a non-complying form of development it was publicly notified. At the conclusion of the public notification period no statement of representations were received from the adjoining owners and/or occupiers.

The subject site is owned and used by the property owner and occupier of 15 Duigan, Mount Gambier which is a detached dwelling located immediately to the north of the subject site.

The subject site is currently used for open air storage of the items which are proposed to be stored under the proposed canopy extension. This is not considered to be an intensification of the existing use of the site. The purpose of the proposed development is to store the property owners car collection out of the weather. All vehicles are used for private use only.

To the west and north of the subject site are detached dwellings, to the east is a motor repair workshop and associated office and to the south is a light industrial workshop and associated office.

The subject site is a battleaxe allotment with access provided via an eight meter wide driveway from Duigan Street.

The storage of collectable vehicles is to be considered a relatively passive form of land use and is unlikely to detrimentally impact upon the amenity of the adjoining residential properties. Due to the siting of the proposed building it is not considered to cause problems through overshadowing of the adjoining residential properties. Being an open canopy style of development, this will also help to reduce the visual impact of the bulk and scale of the building. The wall height of the canopy is to be 3.6 metres, with the canopy have a total height of 5.1 metres. It is noted than within the new Planning and Design Code, outbuildings are a 'Deemed to Satisfy' form of development if they have a total



height of 5 metres and a wall height of 3 metres. Planning Consent must be granted for a 'Deemed to Satisfy' form of development. Apart from the total floor area, the proposed development is not significantly taller than what is currently able to be constructed within a residential area.

The existing trees on the subject site will be retained.

No details have been provided in relation to the proposed method of stormwater from the proposed development, however there is sufficient space on site to be able to manage any stormwater generated appropriately.

Whilst zoned Residential, the character of the subject locality is a mixture of small industrial scale buildings directly adjacent to residential development. It is not anticipated that the proposed development will significantly detract from the existing character and nature of the subject locality.

The development as proposed is considered to be a very low scale form of non-residential development and will not create any adverse impacts through noise, dust or odours or cause a nuisance to the adjoining residential properties.






## CONCLUSION

When considering the character and amenity of the subject locality and the use of the subject land the proposed development is not considered to be seriously at variance to the provisions of the Development Plan and warrants the granting of Planning Consent subject to conditions.

## INVITES

Nil

## ATTACHMENTS

1. Statement of Effect - DA 381/0292/2020 - 17 Duigan Street, Mount Gambier 
2. Updated Lodgement Form - DA 381/0292/2020 - 17A Duigan Street, Mount Gambier 
3. Statement of Merit - DA 381 0292 2020 - 17A Duigan Street, Mount Gambier 
4. Planning Only Lodgement - DA 381/0292/2020 - 17A Duigan Street, Mount Gambier - Blackbird Industries 
5. Working Copy - DA 381/0292/2020 - 17A Duigan Street, Mount Gambier 





**6.2 DELEGATIONS - PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 –  
REPORT NO. AR21/27421**

<b>Meeting:</b>	<b>Council Assessment Panel</b>
<b>Meeting Date:</b>	<b>27 May 2021</b>
<b>Report No:</b>	<b>AR21/27421</b>
<b>CM9 Reference:</b>	<b>AF20/387</b>
<b>Author:</b>	<b>Tracy Tzioutziouklaris, Manager Development Services</b>
<b>Authoriser:</b>	<b>Tim Coote, General Manager City Growth</b>
<b>Summary:</b>	<b>This report presents the instrument of delegation under the Planning, Development and Infrastructure Act 2016 as they apply to the Council Assessment Panel as a relevant authority.</b>
<b>Community Plan Reference:</b>	<b>Goal 1: Our People</b> <b>Goal 2: Our Location</b> <b>Goal 3: Our Diverse Economy</b> <b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>

**REPORT RECOMMENDATION**

1. That Council Assessment Panel Report No. AR21/27421 titled 'Delegations - Planning, Development and Infrastructure Act 2016' as presented on 27 May 2021 be noted.
2. Pursuant to Section 100 of the Planning, Development and Infrastructure Act 2016, the Council Assessment Panel delegates each function or power of the Council Assessment Panel as identified in Attachment 1 to Council Assessment Panel Report No. AR21/27421 (marked as Instrument C) to the Chief Executive Officer and Assessment Manager subject to the following conditions and limitations:
  - a) The delegations may be sub delegated by the Chief Executive Officer or Assessment Manager;
  - b) Each delegation of a power or function granted under this instrument is independent of, and severable from, every other delegation granted under this instrument;
  - c) If two or more (sub)delegates are nominated in respect of a power or function, then each nominated person is granted a (sub)delegation and may exercise the power or function independently of any other (sub)delegate;
  - d) Delegates must exercise a delegate or power in accordance with applicable legislative and legal requirements; and due regard to relevant policies and guidelines adopted by the Council;
  - e) If a delegation of a power or function under this instrument is determined to be invalid or unlawful, the invalid or unlawful delegation will be deemed to be severed from this instrument and remaining delegation will continue to operate according to their terms;
  - f) These delegations will come into operation on Friday 28<sup>th</sup> May, 2021 and remain in force until varied or revoked by the Council Assessment Panel, or a Regional Assessment Panel established including the City of Mount Gambier.
  - g) Previous delegations granted by the Council Assessment Panel are varied as identified within the report with effect from Friday 28<sup>th</sup> May 2021.



## BACKGROUND

The Council Assessment Panel at its meeting held on Thursday 18<sup>th</sup> March, 2021 considered its delegations pursuant to the Planning, Development and Infrastructure Act, 2016. These delegations came into operation on 19<sup>th</sup> March, 2021 when the City of Mount Gambier went live in the new development system.

## DISCUSSION

There have been some minor amendments to the Instrument of Delegation for the Council Assessment Panel. These amendments include the following new provision:

- The power pursuant to Section 119(9) of the PDI Act to:  
If there is an inconsistency between any documents lodged with the relevant authority for the purposes of Part 7 of the PDI Act (whether by an applicant or any other person), or between any such document and a development authorisation that has already been given that is relevant in the circumstances, return or forward any document to the applicant or to any other person and determine not to finalise the matter until any specified matter is resolved, rectified or addressed.

The following delegation has been deleted:

- Waiver or Refund of Fee. The power pursuant to Regulation 7 of the Fees Regulations to, as the delegate considered appropriate to do so, waive the payment of the fee, or payment of part of the fee, or refund the whole or part of the fee of the fee.

Subsequent to this report being prepared for the agenda of the adjourned meeting on 20 May 2021 further updates were issued by the Local Government Association. Combined these changes comprise:


- 13 new provisions
- 51 changed provisions
- 3 deleted provisions - cl2(d)(ii)(B), cl2(d)(ii)(B) & r7

Attachment 1 for the re-adjourned meeting on 27 May 2021 includes an updated Instrument C.

## CONCLUSION

This report includes recommendations for granting of delegations of powers and functions of the Council Assessment Panel as provided for in Instrument C – Instrument of Delegations under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel, and revocation of previous delegations granted by the Council Assessment Panel.

## ATTACHMENTS

1. Provisions - Instrument of Delegation under the Planning, Development and Infrastructure Act - Powers of an Assessment Panel (Instrument C) 



**7 URGENT MOTIONS WITHOUT NOTICE**

**8 MEETING CLOSE**

