



City of
Mount Gambier

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

Date: Thursday, 20 June 2019
Time: 5.45 p.m.
Location: Committee Room, Level 1
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Council Assessment Panel 20 June 2019

Andrew Meddle
Chief Executive Officer

14 June 2019

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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 - 22 May 2019

RECOMMENDATION

That the minutes of the Council Assessment Panel meeting held on 22 May 2019 be confirmed as an accurate record of the proceedings of the meeting.

4 INVITEES

The Presiding Member read the following statement to the Applicant/Owner/Representor that attended the meeting:

- As from 1 October 2017, every Council is required to establish an Assessment Panel under provisions within the new Planning, Development and Infrastructure Act 2016 to determine and make decisions on development applications as delegated to the Panel.
- The Assessment Panel continues to operate under the Development Act, until such time as the new Planning, Development and Infrastructure Act 2016 is fully functional.
- When the Panel is considering an application, it must assess the proposal against Council's Development Plan.
- The meeting itself is informal, however, all decisions made by the Assessment Panel are formal.
- Representors will be allocated 5 minutes to make their presentation, after which, Panel Members may ask questions to clarify any issues. It is solely a question and answer session. There will be no debate entered into.
- Once the Panel has heard all representations, you will be asked to leave as the Assessment Panel holds its discussions and reaches its decision in confidence.
- Council Officer's will advise you of the decision as soon as practical after the meeting.

Development Application 381/053/2019 – (Item 5.1)

- Mr Sam Ryan – Owner and Mr Frank Brennan – Consultant have been invited for Item 5.1 DA 381/053/2019

Development Application 381/0140/2019 – (Item 5.2)

- Nil

Development Application 381/092/2019 – (Item 5.3)

- Mr David Hutchison, The Applicant has been invited for Item 5.3 DA 391/092/2019



Development Application 381/0391/2018 – (Item 5.4)

- Nil

Development Application 381/159/2019 – (Item 5.5)

- Mr Geoff Shaw the Applicant has been invited for Item 5.5 381/159/2019

Development Appplication 381/039/2019 – (Item 5.6)

- Mr Lou Fantasia (Applicant) and Mr Frank Brennan (CAT 3 representor) have been invited for Item 5.6 381/039/2019



5 REPORTS

5.1 116 JUBILEE HIGHWAY WEST, MOUNT GAMBIER – REPORT NO. AR19/16331

Development No: 381/053/2019
Applicant: Adam Fosdike
Property Address: 116 Jubilee Highway West, Mount Gambier
Property Owner: Sam Ryan
Report No: AR19/16331
CM9 Reference: AF18/470
Author: Simon Wiseman, Senior Planning Officer
Authoriser: Judy Nagy, General Manager City Growth
Nature of Development: Consent/ Category 1
Description: To construct a garage in association with an existing dwelling.
Zoning: Residential
Policy Area: N/A
Heritage: N/A

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/16331 titled '116 Jubilee Highway West, Mount Gambier' as presented on 20 June 2019 be noted.
2. The applicant and owner be advised that having regard to the Development Plan and all supporting documentation, the proposed development is considered to be at serious variance with the Council's Development Plan and Development Plan Consent be refused.
3. The Applicant and Owner be advised that the reasons for refusal are;
 1. The wall height and the total height of the garage is excessive and at variance with Council's Development Plan in relation to wall heights of garages;
 2. The garage will dominate the streetscape due to its height and size; and
 3. The proposed garage won't be sympathetic to the scale of development in the locality.



5.2 6 LAKES PARK DRIVE, OB FLAT – REPORT NO. AR19/28367

Development No:	381/0140/2019
Applicant:	Belinda Kelly
Property Address:	6 Lakes Park Drive, OB Flat
Property Owner:	Paul and Belinda Kelly
Report No:	AR19/28367
CM9 Reference:	AF18/470
Author:	Emily Ruffin, Planning Officer
Authoriser:	Tracy Tzioutziouklaris, Manager Development Services
Nature of Development:	Consent/Category 1
Description:	To construct a detached dwelling with garage, portico and verandah under main roofline and a detached residential outbuilding (garage)
Zoning:	Residential
Policy Area:	McCormick Road Policy Area 6
Heritage:	n/a



REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/28367 titled '6 Lakes Park Drive, OB Flat' as presented on 20 June 2019 be noted.
2. The Applicant and Owner be advised that having regard to the Development Plan provisions and all supporting documentation, the proposed development is not considered to be at serious variance with the Council's Development Plan, and the applicant be granted Development Plan Consent subject to the following conditions;
 - (a) The development shall be carried out in accordance with the Plan/s as approved by Council, and maintained thereafter.
 - (b) The garage shall only be used for purposes associated with the existing residential land use of the subject property
3. The applicant and owner be advised of the following reasons for Council's conditions of approval;
 - (a) The development is not seriously at variance with the provisions of the Council Development Plan.
 - (b) To promote orderly and proper development.
 - (c) To maintain the amenity of the location in which the subject land is situated.



5.3	DA 381/092/2019 - SHOP (FAST FOOD RESTAURANT) - 182-202 PENOLA ROAD MOUNT GAMBIER – REPORT NO. AR19/28371
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Development No:	381/092/2019
Applicant:	Bird Group Pty Ltd
Property Address:	182-202 Penola Road, Mount Gambier
Property Owner:	Shopping Centres Australasia Property Group Re Ltd
Report No:	AR19/28371
CM9 Reference:	AF18/470
Author:	Emily Ruffin, Planning Officer
Authoriser:	Tracy Tzioutziouklaris, Manager Development Services
Nature of Development:	Non Complying/Category 3/DPTI
Description:	To construct a shop (fast food restaurant) and associated drive thru, signage, car parking and landscaping The terminology used in the description should be consistent with the heading. Is it a shop or a fast food restaurant?
Zoning:	District Centre Zone
Policy Area:	N/A
Heritage:	N/A



REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/28371 titled 'DA 381/092/2019 - Shop (Fast Food Restaurant) - 182-202 Penola Road MOUNT GAMBIER' as presented on 20 June 2019 be noted.
2. 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 at serious variance with Council's Development Plan and is granted Development Plan Consent (subject to the concurrence of the State Commission Assessment Panel (SCAP) along with any additional condition applied), with the following conditions;
 1. The development shall be carried out in accordance with the plan/s as approved by the Council and with the Conditions of Approval, and maintained thereafter.
 2. The building and land shall not be used for purposes other than those approved by Council.
 3. The carparking, driveway and footpath areas as shown on the plan approved by council, shall be graded, paved and sealed with an all-weather surface and maintained in a useable condition at all times.
 4. The car parking spaces shall be line marked and maintained in a usable condition at all times.
 5. Direction signs for traffic shall be placed on the site of the proposed development.
 6. Provision shall be made for all loading and unloading of goods on the subject land.
 7. Landscaping shall be carried out in accordance with the approved plans. Should any tree, shrub, groundcover or other plant die, become diseased or otherwise fail to thrive at any time, it shall be forthwith replaced.
 8. All commercial wastes accumulated on the allotment shall be removed on a regular basis.
 9. The advertising sign/s shall be maintained in a state of good repair and tidy condition at all times.
 10. The building/s and surroundings shall be maintained in a state of good repair and tidy condition at all times.
 11. Provision shall be made for the onsite disposal of stormwater and surface drainage.
 12. Illuminated signage associated with the development shall be permitted to use LED lighting for internal illumination of a lightbox only
 13. Illuminated signs associated with the development shall be limited to a low level of illumination so as to minimize distraction to motorists (< 150Cd/m2)
 14. Signage associated with the development shall not contain any element that flashed, scrolls, moves, changes or imitates a traffic control device
 15. Any floodlighting associated with the development shall be appropriately located and shielded in order to minimize the potential for driver distraction or discomfort
 16. No stormwater from this development shall be permitted to discharge on-surface to the adjacent road. In addition, any existing drainage of the roads is to be accommodated in this development and any alterations to the road drainage infrastructure as a result of this development are to be at the expense of the applicant.
- (c) The Applicant and Owner be advised that the reasons for Councils Conditions of Consent are:
 1. The proposed development is not at serious variance to the relevant Development Plan.
 2. To ensure the proposed development does not detract from the amenity and character of the subject site and the area.
 3. To ensure orderly and proper development.



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| (d) All relevant plans, reports and documentation be forwarded to the State Commission Assessment Panel seeking their concurrence for the granting of the Development Plan Consent of the development application. |
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5.4 22-30 MCCORMICK ROAD, OB FLAT – REPORT NO. AR19/28561

Development No: 381/0391/2018
Applicant: Empak Homes
Property Address: 22-30 McCormick Road, OB Flat
Property Owner: Steve & Abbey Kleeman
Report No: AR19/28561
CM9 Reference: AF18/470
Author: Simon Wiseman, Senior Planning Officer
Authoriser: Tracy Tzioutziouklaris, Manager Development Services
Nature of Development: Consent/ Category 1
Description: To construct a detached dwelling with an associated freestanding garage
Zoning: Residential
Policy Area: McCormick Road Policy Area 6
Heritage: N/A

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/28561 titled '22-30 McCormick Road, OB Flat' as presented on 20 June 2019 be noted.
2. 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 at serious variance with Council's Development Plan and be granted Development Plan Consent subject to the following condition:
 - (a) The development shall be carried out in accordance with the Plan/s as approved by Council.
 - (b) The building and land shall not be used for purposes other than those approved by Council
 - (c) The garage shall only be used for purposes associated with the existing residential land use of the subject property.
3. The applicant and Owner be advised that the reasons for Council's Condition of Consent are:
 - (a) To ensure orderly and proper development
 - (b) It is not at serious variance with Council's Development Plan



5.5 3 BETHPAGE PLACE, WORROLONG – REPORT NO. AR19/28672

Development No:	381/0159/2019
Applicant:	Thomson Bilt
Property Address:	3 Bethpage Place, Worrolong
Property Owner:	Nicola Barrows
Report No:	AR19/28672
CM9 Reference:	AF18/470
Author:	Simon Wiseman, Senior Planning Officer
Authoriser:	Tracy Tzioutziouklaris, Manager Development Services
Nature of Development:	Consent/ Category 1
Description:	To construct a freestanding garage in association with an existing detached dwelling
Zoning:	Residential Zone
Policy Area:	Attamurra Golf Course Policy Area 3
Heritage:	N/A

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/28672 titled '3 Bethpage Place, Worrolong' as presented on 20 June 2019 be noted.
2. The Applicant and Owner be advised that having regard to the Development Plan and all supporting documentation, the proposed development is considered to be at serious variance with Council's Development Plan and Development Plan Consent be refused.
3. The Applicant and Owner be advised that the reasons for Council's Refusal:
 - (1) The wall height and total height of the garage is excessive and is a serious variance with Council's Development Plan in relation to wall heights and total heights of garages;
 - (2) The proposed garage won't be sympathetic to the scale of development in the locality



5.6	166-168 JUBILEE HIGHWAY WEST, MOUNT GAMBIER – REPORT NO. AR19/29097
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Development No:	381/039/2018
Applicant:	Lou Fantasia Planning
Property Address:	166-168 Jubilee Highway, Mount Gambier
Property Owner:	HMA Property Enterprises Pty Ltd
Report No:	AR19/29097
CM9 Reference:	AF18/470
Author:	Simon Wiseman, Senior Planning Officer
Authoriser:	Tracy Tzioutziouklaris, Manager Development Services
Nature of Development:	Non Complying/ Cat 3
Description:	To change the use from a Service trade premise (for the display of cars) to that of a shop and associated offices, car parking and landscaping.
Zoning:	Commercial Zone
Policy Area:	N/A
Heritage:	N/A



REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/29097 titled '166-168 Jubilee Highway West, Mount Gambier' as presented on 20 June 2019 be noted.
2. Having regard to the provisions of the relevant Development Plan and all supporting documentation, Development Plan Consent be granted upon receipt of concurrence from the State Commission Assessment Panel subject to the following Conditions (and including any DAC conditions that may be applicable):
 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. Provision shall be made for all loading and unloading of goods on the subject land.
 3. All commercial wastes accumulated on the allotment shall be removed on a regular basis to the reasonable satisfaction of Council.
 4. The building/s and surroundings shall be maintained in a state of good repair and tidy condition at all times.
 5. The use of the property shall not create a nuisance and/or disturbance for any person/s and/or property in the immediate area.
 6. All vehicles shall enter and exit the site in a forward direction
 7. All obsolete crossovers (and/or any portion thereof) shall be reinstated to Council's kerb and gutter standards at the applicant's expense prior to operation of the development.
 8. All off-street parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. Additionally, clear sightlines as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
 9. All off-street commercial vehicle facilities shall be designed in accordance with AS 2890.2:2018. The largest vehicle permitted to service the completed development shall be a MRV as defined in AS 2890.2:2018. Furthermore, loading and refuse collection shall occur outside of operating hours for the development.
 10. No stormwater from this development shall be permitted to discharge on-surface to the adjacent roads. In addition, any existing drainage of the roads is to be accommodated in the development and any alterations to road drainage infrastructure as a result of this development are to be at the expense of the applicant.
 11. The Applicant shall submit a Works and Service application to establish the new invert and crossover between the subject land and the road carriageway in accordance with the plan approved by Council at the Applicant's expense.
3. The Applicant and Owner be advised that the reasons for Council's Condition of Consent are;
 - (a) To ensure orderly and proper development
 - (b) It is not at serious variance with Council's Development Plan
 - (c) The development enhances the amenity of the locality



6 URGENT MOTIONS WITHOUT NOTICE

7 MEETING CLOSE

