

11 January 2019

## **COUNCIL ASSESSMENT PANEL MEMBERS**

**NOTICE** is given that the Council Assessment Panel will meet in the following Meeting Room on the day, date and time as follows:

**Council Assessment Panel**  
(Conference Room - Level 1):

Thursday, 17 January 2019 at 5:45 p.m.

An agenda for the meeting is enclosed.



**Mark McSHANE**  
CHIEF EXECUTIVE OFFICER

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## **AGENDA OF COUNCIL ASSESSMENT PANEL MEETING**

Meeting to be held in the Conference Room, Civic Centre, 10 Watson Terrace, Mount Gambier on  
Thursday, 17 January 2019 at 5:45 p.m.

**PRESENT** Mrs E Travers (Presiding Member)  
Cr P Jenner  
Mrs M Trotter  
Mr P Seebohm

**COUNCIL OFFICERS** Manager Development Services - Mrs T Tzioutziouklaris  
Planning Officer - Mrs E Ruffin

**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.**

### **1. APOLOGY(IES)**

Apology(ies) received from

That the apology from be received.

Moved: Seconded:

### **2. CONFIRMATION OF COUNCIL ASSESSMENT PANEL MINUTES**

Meeting held on 20 December 2018

That the minutes of the Council Assessment Panel meeting held on 20 December 2018 as attached be confirmed.

Moved: Seconded:

### **3. INVITES**

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.
- This will involve a judgement based on whether or not the proposed development meets and satisfies planning principles.
- The Council Assessment Panel consists of four Independent Members and one Elected Council Member.
- 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 your representation, you will be asked to leave as the Assessment Panel holds its discussions and reaches its decision in confidence.
- You may ring the Council tomorrow afternoon to find out the result of tonight's meeting.

**3.1. Development Application No. 381/0306/2018 - (Item 4.2)**

- Donna Foster, the Applicant, has been invited for Item 4.2, DA 381/0306/2018
- Jarrad Sim, the Representor, has been invited for Item 4.2, DA 381/0306/2018

**3.2. Development Application No. 381/0381/2018 - (Item 4.3)**

- Brooke Rzepiela, the Owner, has been invited for Item 4.3, DA 381/0381/2018
- Kevin and Carla Pannell, the Representor, has been invited for Item 4.3, DA 381/0381/2018

**3.3. Development Application No. 381/0318/2018 - (Item 4.4)**

- Cameron Scheidl, the Owner, has been invited for Item 4.4, DA 381/0318/2018

**3.4. Development Application No. 381/0386/2018 - (Item 4.5)**

- B Lawrence, the Applicant / Owner, has been invited for Item 4.5, DA 381/0386/2018



#### **4. COUNCIL ASSESSMENT PANEL REPORTS**

Council Assessment Panel Reports commence on the following page.



**4.1. Council Assessment Panel Report No. AR19/1106**

<b>DEVELOPMENT NUMBER</b>	N/A	
<b>APPLICANT</b>	N/A	
<b>OWNER</b>	N/A	
<b>DESCRIPTION</b>	A report was prepared for Council detailing the requirements for referral to the Heritage Advisor in Development Applications.	
<b>ADDRESS</b>	N/A	
<b>NATURE OF DEVELOPMENT</b>	N/A / Category 1	
<b>ZONING</b>	Residential	
<b>POLICY AREA</b>	N/A	
<b>HERITAGE</b>	N/A	N/A

**REPORT RECOMMENDATION**

- (a) That Council Assessment Panel Report No. AR19/1106 be noted.
- (b) That Operational Standing Committee Report No. AR18/41818 titled 'Heritage Advisor role in Development Applications' as presented to the Operational Standing Committee on 11 December 2018 be noted.

Moved:

Seconded:



**4.2. Council Assessment Panel Report No. PR19/122**

<b>DEVELOPMENT NUMBER</b>	DA 381/0306/2018	
<b>APPLICANT</b>	D Foster	
<b>OWNER</b>	D Foster	
<b>DESCRIPTION</b>	To change the use of a detached dwelling and associated outbuilding to two short term accommodation units.	
<b>ADDRESS</b>	106 Wehl Street South, Mount Gambier	
<b>NATURE OF DEVELOPMENT</b>	Consent	/ Category 3
<b>ZONING</b>	Residential	
<b>POLICY AREA</b>	N/A	
<b>HERITAGE</b>	Contributory Place	Wehl Street South Historic (Conservation) Policy Area

**REPORT RECOMMENDATION**

- (a) That Council Assessment Panel Report No. PR19/122 be noted.
- (b) 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;
1. The short term accommodation units (2) shall be used in accordance with the plan and use description as approved by Council, and maintained thereafter.
  2. At all times whomsoever may be occupying the property, shall take all measures to ensure the residential amenity of the immediate area is not affected by nuisance or disturbance associated with the operation of the short term accommodation
  3. All waste materials and refuse accumulated on the property shall be removed on regular basis so that the property is maintained in a clean and sanitary condition.
  4. The buildings and land shall be maintained in a state of good repair and tidy condition at all times
  5. The signage associated with the property shall be maintained in a state of good repair and tidy condition at all times.
  6. The hours of 'check in' to the short term accommodation shall be limited to before 10 pm on any given evening, to minimise disturbance in the immediate area
  7. Any lights on the subject land must be directed and screened so that the overspill of light into nearby premises is avoided.



- (c) The applicant be made aware this assessment has not considered the Building Code requirements for the 'Studio' to be used for human habitation. This will need to be assessed as part of an application for Building Approval. The Planning Approval has only taken into consideration of the proposed land use against the provisions of the Development Plan.

Moved:

Seconded:





**4.3. Council Assessment Panel Report No. AR19/746**

<b>DEVELOPMENT NUMBER</b>	381/0381/2018	
<b>APPLICANT</b>	Mrs Brooke Rzepiela	
<b>OWNER</b>	P & B Rzepiela	
<b>DESCRIPTION</b>	Change of use from a dwelling to short term accommodation.	
<b>ADDRESS</b>	49 Bay Road, Mount Gambier	
<b>NATURE OF DEVELOPMENT</b>	Consent	/ Category 3
<b>ZONING</b>	Residential	
<b>POLICY AREA</b>	N/A	
<b>HERITAGE</b>	N/A	Bay Road Historic (Conservation) Policy Area

**REPORT RECOMMENDATION**

- (a) That Council Assessment Panel Report No. AR19/746 be noted.
- (b) The Applicant and owner be advised that having regard to the Development Plan and all supporting documentation, the proposed development is not considered to be at serious variance with Council's Development Plan and other relevant documentation and be granted Development Plan Consent subject to the following conditions;
- (1) The short term accommodation shall be undertaken in accordance with the approved plan/s as submitted to Council on 30<sup>th</sup> November 2018; and maintained herewith and with the Conditions of Approval.
  - (2) 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 accommodation.
  - (4) All the commercial wastes accumulated on the allotment shall be removed on a regular basis.
  - (5) The building and land shall be maintained in a state of good repair and tidy condition at all times.

Moved:

Seconded:



**4.4. Council Assessment Panel Report No. PR18/10755**

<b>DEVELOPMENT NUMBER</b>	381/0318/2018	
<b>APPLICANT</b>	Adam Fosdike – Mates Rates Australia	
<b>OWNER</b>	Cameron Scheidl	
<b>DESCRIPTION</b>	To demolish an existing garage and to construct a detached garage in association with an existing detached dwelling.	
<b>ADDRESS</b>	3 Quail Place, Mount Gambier	
<b>NATURE OF DEVELOPMENT</b>	Consent	/ Category 1
<b>ZONING</b>	Residential	
<b>POLICY AREA</b>	N/A	
<b>HERITAGE</b>	N/A	N/A

**REPORT RECOMMENDATION**

- (a) That Council Assessment Panel Report No. PR18/10755 be noted.
- (b) The Applicant and Owner be advised that having regard to the Development Plan provisions and all supporting documentation, the proposed development is considered to be at serious variance with the Council's Development Plan, and does not warrant Development Plan Consent for the following reasons;
1. The proposed garage wall height, overall height and floor area is at significant variance to the development plan provisions.
  2. The proposed development does not improve or enhance the amenity and character of the area.
  3. The proposed development does not ensure orderly and proper development.
  4. The proposed development is considered to be at serious variance with Council's Development Plan.
- (c) It is recommend the applicant reconsider the proposed plans, having consideration of the following concerns;
1. The proposal to fill the site to the rear of the proposed shed results in an excessive overall height above natural ground level.
  2. The proposed wall and overall height is at significant variance to the development plan provisions and should be reconsidered.
  3. Landscaping should be shown on plan, established and maintained so as to lessen the visual impact from Dove Place, and the dwelling located to the rear of the subject property.

Moved:

Seconded:



**4.5. Council Assessment Panel Report No. PR19/116**

<b>DEVELOPMENT NUMBER</b>	DA 381/0386/2018	
<b>APPLICANT</b>	BA & CA Lawrence	
<b>OWNER</b>	BA & CA Lawrence	
<b>DESCRIPTION</b>	To construct a carport in association with an existing dwelling.	
<b>ADDRESS</b>	16 Tanglewood Crescent, Mount Gambier	
<b>NATURE OF DEVELOPMENT</b>	Consent	/ Category 1
<b>ZONING</b>	Residential	
<b>POLICY AREA</b>	N/A	
<b>HERITAGE</b>	N/A	N/A

**REPORT RECOMMENDATION**

- (a) That Council Assessment Panel Report No. PR19/116 be noted.
- (b) 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;
1. The development shall be carried out in accordance with the Plan/s approved by Council and with the Conditions of Approval, and maintained thereafter.
  2. The carport shall only be used for purposes associated with the existing residential land use of the subject property
  3. The carport shall not be infilled, nor a vehicle access door installed, to the front or the south eastern side.

Moved:

Seconded:



**5. MOTION(S) - With Notice**

Nil Submitted

**6. MOTION(S) - Without Notice**

Meeting closed at                      p.m.

AR19/329

