

15 February, 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, 21 February 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, 21 February 2019 at 5:45 p.m.

**PRESENT** Mr I Von Stanke (Presiding Member)  
Cr P Jenner  
Mr M Teakle  
Mr P Seebohm

**COUNCIL OFFICERS** Manager Development Services - Mrs T Tzioutziouklaris  
Senior Planner - Mr S Wiseman  
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 17 January 2019

That the minutes of the Council Assessment Panel meeting held on 17 January 2019 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. 381/0367/2018 - (Item 4.3)**

- Toufic Kaissi, the Applicant, has been invited for Item 4.3, DA 381/0367/2018
- Bevan Staude, the Representor, has been invited for Item 4.3, DA 381/0367/2018

**3.2. Development Application No. 381/0334/2018 - (Item 4.4)**

- Kerry Hill, the Owner/Applicant, has been invited for Item 4.4, DA 381/0334/2018
- Fiona Williams, the Representor, has been invited for Item 4.4, DA 381/0334/2018
- Rick Macera, the Representor, has been invited for Item 4.4, DA 381/0334/2018
- Mark Lane, the Representor, has been invited for Item 4.4, DA 381/0334/2018
- Julie Cowley, the Representor, has been invited for Item 4.4, DA 381/0334/2018
- Nathan Seal, the Representor, has been invited for Item 4.4, DA 381/0334/2018
- Joy Lorraine Bowd, the Representor, has been invited for Item 4.4, DA 381/0334/2018
- Tim Rowett (to be represented by Julie Cowley), the Representor, has been invited for Item 4.4, DA 381/0334/2018

**3.3. Development Application No. 381/0309/2018 - (Item 4.5)**

- Mark and Karen Forster, the Owners, have been invited for Item 4.5, DA 381/0309/2018
- Jason Cooper, the Applicant, has been invited for Item 4.5, DA 381/0309/2018

**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. AR19/4100

|                                 |  |
|---------------------------------|--|
| <b>COMMITTEE</b>                | Council Development Assessment Panel   |
| <b>MEETING DATE:</b>            | 21 February 2019   |
| <b>REPORT NO.</b>               | AR19/4100  |
| <b>RM8 REFERENCE</b>            | AF15/598   |
| <b>AUTHOR</b>                   | Tracy Tzioutziouklaris   |
| <b>SUMMARY</b>                  | The Code of Conduct, Terms of Reference and the disclosure of financial interest are all documents to assist in the accountable and transparent operation of the Council Assessment Panel. |
| <b>COMMUNITY PLAN REFERENCE</b> | Goal 2: Our Location   |
|                                 | Goal 3: Our Diverse Economy  |
|                                 | Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage   |

#### REPORT RECOMMENDATION

- (a) That Council Development Assessment Panel Report No. AR19/4100 titled 'Council Assessment Panel – Terms of Reference, Code of Conduct and Return of Financial Interests' as attached be noted.
- (b) That all Members of the CAP are encouraged to familiarise themselves with these documents and disclose his or her financial interests using the prescribed form and provided.

Moved:

Seconded:



**4.3. Council Assessment Panel Report No. AR19/664**

|                              |  |              |
|------------------------------|--|--------------|
| <b>DEVELOPMENT NUMBER</b>    | 381/0367/2018  |              |
| <b>APPLICANT</b>             | TK Building Design   |              |
| <b>OWNER</b>                 | Mr. A. Obaun   |              |
| <b>DESCRIPTION</b>           | To construct a child care centre with associated car parking, retaining walls and fencing. |              |
| <b>ADDRESS</b>               | 29 Stafford Street, Mount Gambier  |              |
| <b>NATURE OF DEVELOPMENT</b> | Consent  | / Category 2 |
| <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. AR19/664 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 that Development Plan Consent be granted subject to 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.
  - (2) The building and land shall not be used for purposes other than those approved by Council.
  - (3) The car parking and driveway areas and footpath 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 and maintained in a usable condition at all times.
  - (4) Directional signs for traffic shall be placed on the site of the proposed development.
  - (5) Provision shall be made for all loading and unloading of goods on the subject land.
  - (6) Provision shall be made for the onsite disposal of stormwater and surface drainage.
  - (7) Landscaping shall be undertaken and maintained at all times and shall incorporate the use of established evergreen trees and shrubs.



(8) All the commercial wastes accumulated on the allotment shall be removed on a regular basis.

(9) The fit-out and operation of a food business must comply with the relevant SA Food Act, SA Food Regulations and Standards. This includes the Australia New Zealand Food Safety Standards (Code). The Code requires notification to the relevant authority (Council) on the approved form. The food owner/operator is required to submit an application for a food business notification (FBN) number to operate in South Australia prior to any food handling being undertaken (Standard 3.2.2 - 4). The FBN form and a general advice fit-out checklist are available on Council's Food Safety web page or by contacting Council. Reference to the Australian Standard for Design, construction and fit-out of food premises can be used as a guide to meet the Code.

Child care centres may require a food safety program for food service to vulnerable persons (Standard 3.3.1).

The requirements of the Safe Drinking Water Act 2011 must be met.

(10) The use of the property shall not create a nuisance and/or disturbance for any person/s and/or property in the immediate area.

Moved:

Seconded:





**4.4. Council Assessment Panel Report No. PR19/1119**

|                              |   |              |
|------------------------------|---|--------------|
| <b>DEVELOPMENT NUMBER</b>    | DA 381/0334/2018  |              |
| <b>APPLICANT</b>             | Mount Gambier Agricultural and Horticultural Show Society Inc   |              |
| <b>OWNER</b>                 | Mount Gambier Agricultural and Horticultural Show Society Inc   |              |
| <b>DESCRIPTION</b>           | To establish an additional twenty one (21) camping sites on the site of the existing showgrounds in addition to the eight (8) existing camping sites. |              |
| <b>ADDRESS</b>               | 1 Pick Avenue, Mount Gambier  |              |
| <b>NATURE OF DEVELOPMENT</b> | Consent   | / Category 3 |
| <b>ZONING</b>                | Public Purposes (Show Grounds)  |              |
| <b>POLICY AREA</b>           | N/A   |              |
| <b>HERITAGE</b>              | N/A   | N/A          |

**REPORT RECOMMENDATION**

- (a) That Council Assessment Panel Report No. PR19/1119 be noted.
- (b) 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, the application be refused Development Plan Consent, for the following reasons;
- (1) The proposed expansion of the campsite prejudices the delivery of the objectives for the area.
  - (2) The proposed expansion is considered to have a detrimental effect on the amenity of the location.
  - (3) A camping ground is not an envisaged form of development within the Public Purposes (Show Grounds) Zone.

Moved:

Seconded:



**4.5. Council Assessment Panel Report No. PR19/1210**

|                              |  |  |
|------------------------------|--|--|
| <b>DEVELOPMENT NUMBER</b>    | DA 381/0309/2018   |  |
| <b>APPLICANT</b>             | Jason Cooper on behalf of Mark and Karen Forster   |  |
| <b>OWNER</b>                 | Mark and Karen Forster   |  |
| <b>DESCRIPTION</b>           | To demolish an existing garage and to construct a garage and a second dwelling with attached garaging on the site of an existing dwelling which is a Local Heritage Place. |  |
| <b>ADDRESS</b>               | 83 Bay Road, Mount Gambier   |  |
| <b>NATURE OF DEVELOPMENT</b> | Consent  | / Category 1                                 |
| <b>ZONING</b>                | Residential  |  |
| <b>POLICY AREA</b>           | N/A  |  |
| <b>HERITAGE</b>              | Local Heritage Place   | Bay Road Historic (Conservation) Policy Area |

**REPORT RECOMMENDATION**

- (a) That Council Assessment Panel Report No. PR19/120 be noted.
- (b) The Council Assessment Panel to determine if the propose development as amended appropriately addresses the issues raised by Council Assessment Panel at its meeting held on 20<sup>th</sup> December, 2018.

Moved:

Seconded:



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

Nil submitted.

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

Meeting closed at                      p.m.

AR19/6075

