City of
Mount Gambier

Civic Centre, 10 Watson Terrace
Mount Gambier SA 5290

PO Box 56
Mount Gambier SA 5290

Telephone 08 87212555
Facsimile 08 87249791
city@mountgambier.sa.gov.au

mountgambier.sa.gov.au

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

Date:	**Wednesday, 22 May 2019**
Time:	**5.45 p.m.**
Location:	**Civic Centre** **10 Watson Terrace** **Mount Gambier**

AGENDA

Council Assessment Panel
22 May 2019

Graeme Maxwell
Chief Executive Officer

17 May 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 - 1 May 2019

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 381/062/2019 – (Item 5.1)

- Kelly Beard, the Applicant, has been invited for Item 5.1 DA 381/062/2019
- Selina Hutchesson (does not wish to be heard), the Representor has been invited for Item 5.1 DA 381/062/2019

Development Application 381/026/2019 – (Item 5.2)

- Jamie Pohlner, the Applicant, has been invited for Item 5.2 DA 381/026/2019
- Belinda Williams, the Representor, (does not wish to be heard) has been invited for Item 5.2 DA 381/026/2019

Development Application 381/041/2019 – (Item 5.3)

- Mr. Ian Duryea, the Applicant, has been invited for Item 5.3 DA 381/041/2019

Development Application 381/084/2019 – (Item 5.4)

- Steven Perryman, R4E Pty Ltd - the Applicant has been invited for Item 5.4 381/084/2019
- Ian Harris, the Representor, has been invited for Item 5.4 381/084/2019
- Bruno Stoka, the Representor, has been invited for Item 5.4 381/084/2019

Development Application 381/110/2019 – (Item 5.5)

- Carol Downing, the Applicant has been invited for Item 5.5 381/110/2019

Development Appplication 381/035/2019 – (Item 5.6)

- David Pike, the Applicant has been invited for Item 5.6 381/035/2019

5 REPORTS

5.1 2 MEGAN PLACE, MOUNT GAMBIER – REPORT NO. AR19/20462

Development No:	**DA 381/062/2019**
Applicant:	**'Megan House' – Kelly Beard**
Property Address:	**2 Megan Place, MOUNT GAMBIER**
Property Owner:	**Kelly Beard**
Report No:	**AR19/20462**
CM9 Reference:	**AF18/470**
Author:	**Emily Ruffin, Planning Officer**
Authoriser:	**Judy Nagy, General Manager City Growth**
Nature of Development:	**Consent/Category 3**
Description:	**To change the use of the existing semi detached dwelling to that of short term accommodation**
Zoning:	**Residential**
Policy Area:	**Northern Residential Policy Area**
Heritage:	**N/A**

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/20462 titled '2 Megan Place, Mount Gambier' as presented on 22 May 2019 be noted.

   (a) 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 unit 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 building and land shall be maintained in a state of good repair and tidy condition at all times

      5. 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

      6. Any lights on the subject land must be directed and screened so that the overspill of light into nearby premises is avoided.

5.2 4 TURNBULL DRIVE, WORROLONG – REPORT NO. AR19/20461

Development No:	**DA 381/026/2019**
Applicant:	**JAKA Assets Pty Ltd**
Property Address:	**4 Turnbull Drive, WORROLONG 5291**
Property Owner:	**JAKA Assets Pty Ltd**
Report No:	**AR19/20461**
CM9 Reference:	**AF18/470**
Author:	**Emily Ruffin, Planning Officer**
Authoriser:	**Judy Nagy, General Manager City Growth**
Nature of Development:	**Non-Complying/Category 3**
Description:	**To construct nine (9) additional storage units on the site of ten (10) existing storage units, and a bus servicing and repair workshop.**
Zoning:	**Country Living**
Policy Area:	**N/A**
Heritage:	**N/A**

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/20461 titled '4 Turnbull Drive, Worrolong' as presented on 22 May 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 Development Assessment Commission 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. All of the building, including the roof, shall be constructed of a colour coated metal material that is of an unobtrusive, non-reflective colour.
    4. The car parking and driveway areas and footpath crossover as shown on the Plan/s as approved by Council, shall be graded, paved and sealed with bitumen or other similar material and be maintained in a useable condition at all times.
    5. Car parking spaces shall be appropriately identified, line-marked and maintained in a useable condition at all times.
    6. The car park shall be sealed and line-marked prior to the occupation of the building.
    7. All loading and unloading of goods must be carried out on the subject land.
    8. No loading or unloading of goods is to occur on the adjacent public roadways.
    9. Vehicular access to the subject land shall not be permitted from Turnbull Drive.
    10. Provision shall be made for the disposal of stormwater and surface drainage in accordance with the Plan/s approved by Council, all pipes shall have suitable end treatments to prevent scour and adequately terminate the pipe ends.
    11. Landscaping shall be established in accordance with the Plans as approved by the Council and shall incorporate the use of established trees and shrubs. 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.
    12. All waste materials and refuse accumulated on the subject land shall be removed on a regular basis.
    13. The hours of operation of the storage facility and the use of the property shall not create nuisance and/or disturbance for any person/s and/or property in the immediate area.
    14. The storage facility shall only be accessible during the following times:
        6:00am to 10:00pm, seven (7) days per week
    15. Any lighting on the subject land must be directed and screened so that overspill of light into nearby premises is avoided and drivers are not distracted.
    16. The building/s and surroundings shall be maintained in a state of good repair and tidy condition at all times.
    17. The subject land shall not be used/occupied for the purposes as approved by Council, until conditions 3, 4, 6, 10 and 11 are completed.

3. The Applicant and Owner be advised that the reasons for Council's Condition of Consent are:

    1. To ensure orderly and proper development.

5.3 210 COMMERCIAL STREET WEST, MOUNT GAMBIER – REPORT NO. AR19/21249

Development No:	**381/041/2019**
Applicant:	**Ian Duryea**
Property Address:	**210 Commercial Street West, Mount Gambier**
Property Owner:	**Lano Developments Pty Ltd**
Report No:	**AR19/21249**
CM9 Reference:	**AF18/470**
Author:	**Simon Wiseman, Senior Planning Officer**
Authoriser:	**Tracy Tzioutziouklaris, Manager Development Services**
Nature of Development:	**Non Complying/ Category 3**
Description:	**To change the use to a workshop (servicing, repairs of small appliances) and office**
Zoning:	**Local Centre**
Policy Area:	**N/A**
Heritage:	**N/A**

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/21249 titled '210 Commercial Street West, Mount Gambier' as presented on 22 May 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 Development Assessment Commission 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.

5.4 1-3/37 BERTHA STREET, MOUNT GAMBIER – REPORT NO. AR19/22575

Development No:	**DA 381/084/2019**
Applicant:	**R4E Pty Ltd**
Property Address:	**1-3/37 Bertha Street, MOUNT GAMBIER**
Property Owner:	**R4E Pty Ltd**
Report No:	**AR19/22575**
CM9 Reference:	**AF18/470**
Author:	**Emily Ruffin, Planning Officer**
Authoriser:	**Tracy Tzioutziouklaris, Manager Development Services**
Nature of Development:	**Category 3/Consent**
Description:	**To change the use of the three (3) existing group dwellings to that of a Tourist Accommodation Complex for the provision of short term accommodation.**
Zoning:	**Residential**
Policy Area:	**Wehl Street South Historic (Conservation) Policy Area**
Heritage:	**N/A**

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/22575 titled '1-3/37 Bertha Street, Mount Gambier' as presented on 22 May 2019 be noted.

   (a) 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 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 building and land shall be maintained in a state of good repair and tidy condition at all times.
   5. 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.
   6. Any lights on the subject land must be directed and screened so that the overspill of light into nearby premises is avoided.

5.5 1/6 LANSELL STREET, MOUNT GAMBIER – REPORT NO. AR19/23890

Development No:	**DA 381/0110/2019**
Applicant:	**Carol Downing**
Property Address:	**1/6 Lansell Street, Mount Gambier**
Property Owner:	**Carol Downing**
Report No:	**AR19/23890**
CM9 Reference:	**AF18/470**
Author:	**Emily Ruffin, Planning Officer**
Authoriser:	**Tracy Tzioutziouklaris, Manager Development Services**
Nature of Development:	**Consent/Category 3**
Description:	**To change the use of a group dwelling to short term accommodation.**
Zoning:	**Residential**
Policy Area:	**Bay Road Historic Conservation Policy Area**
Heritage:	**N/A**

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/23890 titled '1/6 Lansell Street, Mount Gambier ' as presented on 22 May 2019 be noted.

   (a) 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 unit 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 building and land shall be maintained in a state of good repair and tidy condition at all times

      5. 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

      6. Any lights on the subject land must be directed and screened so that the overspill of light into nearby premises is avoided.

5.6 8 LAKE TERRACE EAST, MOUNT GAMBIER – REPORT NO. AR19/24105

Development No:	**381/035/2019**
Applicant:	**Pike Design and Construction**
Property Address:	**8 Lake Terrace East**
Property Owner:	**Maria and Wally Gentile**
Report No:	**AR19/24105**
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 second dwelling on the site of an existing detached dwelling, replace existing garage and construct a retaining wall.**
Zoning:	**Residential**
Policy Area:	**Bay Road Historic (Conservation) Policy Area**
Heritage:	**Bay Road Historic (Conservation) Policy Area**

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/24105 titled '8 Lake Terrace East, Mount Gambier' as presented on 22 May 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 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;
   (a) 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;
      (i) The development shall be carried out in accordance with the Plan/s as approved by the Council and with the Conditions of Approval
      (ii) Provision shall be made for the disposal of stormwater and surface drainage

6 URGENT MOTIONS WITHOUT NOTICE

7 MEETING CLOSE