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

Date: Thursday, 19 September 2019
Time: 5.45 p.m.
Location: Committee Room, Level 1
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Council Assessment Panel 19 September 2019

**Andrew Meddle
Chief Executive Officer**

12 September 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 - 14 August 2019

RECOMMENDATION

That the minutes of the Council Assessment Panel meeting held on 14 August 2019 be confirmed as an accurate record of the proceedings of the meeting.

4 INVITEES

- Mr Sam Ryan, the Owner has been invited for Item 5.4, DA 381/053/2019
- Mr Chris McGowan, the Representor has been invited for Item 5.6, DA 381/0199/2019
- Mr Nick Serle, the Applicant has been invited for Item 5.6, DA 381/0199/2019
- Mr Jesse Sypott, the Applicant has been invited for Item 5.7, DA 381/0138/2019
- Mr Lloyd Urquhart, the Representor has been invited for Item 5.7, DA 381/0138/2019
- Mr Daniel and Mrs Nicole Tumminello, the Representor has been invited for Item 5.7, DA 381/0138/2019



5 REPORTS

5.1 294 COMMERCIAL STREET WEST, MOUNT GAMBIER – REPORT NO. AR19/45980

| | |
|-------------------------------|--|
| Development No: | 381/0151/2019 |
| Applicant: | Thomson Bilt – Geoff Shaw |
| Property Address: | 294 Commercial Street West, Mount Gambier |
| Property Owner: | Steven Reid |
| Report No: | AR19/45980 |
| CM9 Reference: | AF18/470 |
| Author: | Jessica Porter, Planning Officer |
| Authoriser: | Tracy Tzioutziouklaris, Manager Development Services |
| Nature of Development: | Consent/Category 1 |
| Description: | To demolish two existing stone outbuildings and to construct a new freestanding garage (15.0m x 6.0m x 3.2m) in association with an existing dwelling |
| Zoning: | Residential |
| Policy Area: | N/A |
| Heritage: | N/A |

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/45980 titled '294 Commercial Street West, Mount Gambier' as presented on 19 September 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 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



5.2 19 & 19A LAKE TERRACE EAST, MOUNT GAMBIER – REPORT NO. AR19/46395

| | |
|-------------------------------|--|
| Development No: | 381/0191/2019 |
| Applicant: | Andrew and Sofia Hoskings |
| Property Address: | 19 & 19A Lake Terrace East, Mount Gambier |
| Property Owner: | Andrew & Sofia Hoskings |
| Report No: | AR19/46395 |
| 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 dwelling |
| Zoning: | Residential |
| Policy Area: | N/A |
| Heritage: | N/A |

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/46395 titled '19 & 19A Lake Terrace East, Mount Gambier' as presented on 19 September 2019 be noted.
2. The Council Assessment Panel move that 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 Council Assessment Panel grant Development Plan Consent subject to the following conditions;
 - (a) The development shall be carried out in accordance with the Plan/s as approved by the Council and the Conditions of Approval.
 - (b) The garage shall only be used for the purposes associated with the existing residential land use of the subject property.
 - (c) All parcels of land comprised in the particular Certificate/s of Title on which this development is proposed shall be amalgamated to form the one allotment as defined for the purposes of the Development Act, 1993. A copy of the Deposited Plan of Amalgamation and a copy of the new Certificate of Title shall be forwarded to Council when the amalgamation is complete.
3. The applicant and Owner be advised that the reasons for Council's Condition of Consent are;
 - (a) To ensure orderly and proper development.



5.3 8 WEHL STREET NORTH, MOUNT GAMBIER – REPORT NO. AR19/46708

Development No: 381/0220/2019
Applicant: Harrison Maddern
Property Address: 8 Wehl Street North, Mount Gambier
Property Owner: Harrison Maddern
Report No: AR19/46708
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 from an existing dwelling to Consulting Rooms with associated signage
Zoning: Residential
Policy Area: St Andrews Historic (Conservation) Policy Area
Heritage: Contributory Place

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/46708 titled '8 Wehl Street North, Mount Gambier' as presented on 19 September 2019 be noted.
2. The Council Assessment Panel resolve to proceed with the assessment of the application.



5.4 116 JUBILEE HIGHWAY WEST, MOUNT GAMBIER – REPORT NO. AR19/46729

Development No: 381/053/2019
Applicant: Adam Fosdike/ Frank Brennan
Property Address: 116 Jubilee Highway West, Mount Gambier
Property Owner: Sam Ryan
Report No: AR19/46729
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 garage in association with an existing dwelling.
Zoning: Residential Zone
Policy Area: N/A
Heritage: N/A

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/46729 titled '116 Jubilee Highway West, Mount Gambier' as presented on 19 September 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;
 - (a) 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;
 - (b) The garage will dominate the streetscape due to its height and size; and
 - (c) The proposed garage won't be sympathetic to the scale of development in the locality.



5.5 50 WHITE AVENUE, MOUNT GAMBIER – REPORT NO. AR19/47271

Development No: DA 381/0164/2019
Applicant: Brenton James – President West Gambier Football Club
Property Address: 50 White Avenue, Mount Gambier
Property Owner: City of Mount Gambier
Report No: AR19/47271
CM9 Reference: AF18/470
Author: Emily Ruffin, Planning Officer
Authoriser: Tracy Tzioutziouklaris, Manager Development Services
Nature of Development: Consent/Category 3
Description: To install light towers in association with the existing sporting oval use
Zoning: Recreation
Policy Area: N/A
Heritage: N/A

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/47271 titled '50 White Avenue, Mount Gambier' as presented on 19 September 2019 be noted.
2. 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 Council Assessment Panel grant Development Plan Consent subject to the following conditions;
 - (a) The development shall be carried out on accordance with the Plan/s as approved by Council and the Conditions of Approval
 - (b) The hours of operation of the light towers shall not exceed 8pm on any day.
 - (c) The light towers shall be operated with the provisions of AS 4282:2019 – Control of the Obtrusive Effects of Outdoor Lighting



5.6 80 SHEPHERDSON ROAD, MOUNT GAMBIER – REPORT NO. AR19/47340

| | |
|-------------------------------|---|
| Development No: | 381/0199/2019 |
| Applicant: | City of Mount Gambier |
| Property Address: | 80 Shepherdson Road, Mount Gambier |
| Property Owner: | City of Mount Gambier |
| Report No: | AR19/47340 |
| CM9 Reference: | AF18/470 |
| Author: | Simon Wiseman, Senior Planning Officer |
| Authoriser: | Tracy Tzioutziouklaris, Manager Development Services |
| Nature of Development: | Consent/Category 3 |
| Description: | To construct a recreational activity (bicycle ‘pump track’) on the site of an existing reserve |
| Zoning: | Residential |
| Policy Area: | N/A |
| Heritage: | N/A |

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/47340 titled ‘80 Shepherdson Road, Mount Gambier’ as presented on 19 September 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/s:
 - (a) The development shall be carried out in accordance with the Plan/s as approved by Council.
 - (b) The bicycle ‘pump track’ and surroundings shall be maintained in a good state of repair and tidy condition at all times.
 - (c) The car parking and driveway areas as shown on the plan/s approved by Council, shall be graded, paved and sealed with bitumen or other similar material and maintained in a useable condition at all times.
 - (d) Provision shall be made for the disposal of stormwater and surface drainage to the reasonable satisfaction of Council.
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



5.7 117 CROUCH STREET NORTH, MOUNT GAMBIER – REPORT NO. AR19/47350

| | |
|-------------------------------|---|
| Development No: | DA 381/0138/2019 |
| Applicant: | Jesse Sypott |
| Property Address: | 117 Crouch Street North and part 119 Crouch Street North, Mount Gambier |
| Property Owner: | CM & AM Heemskerk |
| Report No: | AR19/47350 |
| 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 from a wool processing facility to that of a twenty four (24) hour gymnasium, with associated carparking and signage |
| Zoning: | Commerce/Industry |
| Policy Area: | N/A |
| Heritage: | N/A |

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/47350 titled '117 Crouch Street North, Mount Gambier' as presented on 19 September 2019 be noted.
2. 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 Council Assessment Panel grant 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 with/or as varied by the conditions of approval, and maintained thereafter.
 - (b) The recommendations as detailed in the Sonus report conclusion, Document Reference Number S6163C1, Dated August 2019, shall be implemented prior to occupation of the building.
 - (c) The building and surroundings shall be maintained in a state of good repair and tidy condition at all times.
 - (d) 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 useable condition at all times.
 - (e) All of the commercial wastes accumulated on the allotment shall be removed on a regular basis.
 - (f) The hours of operation of the business and use of the property shall not create a nuisance and/or disturbance for any person/s and/or property in the immediate area.



- (g) Any lights on the subject land must be directed and screened so that overspill of light into nearby premises is avoided and drivers are not distracted, and be in accordance with AS 4282:2019 – Control of the Obtrusive Effects of Outdoor Lighting.
- (h) The advertising sign/s shall be maintained in a state of good repair and tidy condition at all times.



5.8 36 MARGARET STREET, MOUNT GAMBIER – REPORT NO. AR19/47351

| | |
|-------------------------------|--|
| Development No: | 381/0186/2019 |
| Applicant: | Kylie & Chris Ind |
| Property Address: | 36 Margaret Street, Mount Gambier |
| Property Owner: | CR & KL Ind |
| Report No: | AR19/47351 |
| CM9 Reference: | AF18/470 |
| Author: | Emily Ruffin, Planning Officer |
| Authoriser: | Tracy Tzioutziouklaris, Manager Development Services |
| Nature of Development: | Consent/Category 2 |
| Description: | To change the use of an existing Local Heritage Place from a storage facility and light industrial workshop to a storage facility, gymnasium, brewery and taproom, with associated car parking, refuse storage area, outdoor lighting and landscaping; and to undertake associated building work, including the restoration of the existing loading platforms/verandah and replacement of damaged asbestos sheeting on the Local Heritage Place |
| Zoning: | City Centre |
| Policy Area: | Railway Historic (Conservation) Policy Area |
| Heritage: | Local Heritage Place |

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/47351 titled '36 Margaret Street, Mount Gambier' as presented on 19 September 2019 be noted.
2. 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 Council Assessment Panel grant 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) The hours of operation of the business and use of the property shall not create a nuisance and/or disturbance for any person/s and/or property in the immediate area, by way of noise, odour or other means.
 - (iii) 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 useable condition at all times.
 - (iv) The car parking spaces shall measure not less the 2.6 metres in width and 5.5 metres in length and shall be line-marked and maintained in a useable condition at all times.



- (v) A car parking space for people with a disability shall be provided and appropriately identified within the car parking area.
- (vi) The footpath crossover area/s shall be constructed in accordance with Council Policy F175 - Footways & Crossovers.
- (vii) Driveways, parking and manoeuvring areas and footpaths must be lit in accordance with the Australian Standards Association Code AS1158 during the hours of darkness that they are in use. Such lights must be directed and screened so that overspill of light into nearby premises is avoided and drivers are not distracted.
- (viii) The Applicant shall submit a Works and Service application to close the existing invert/s and crossover/s in accordance with the plan approved by Council and reinstate the footpath at the Applicant's expense and to the satisfaction of Council.
- (ix) All loading and off-loading of goods shall be conducted on the subject land.
- (x) The Applicant shall be required to make satisfactory arrangements with Council in relation to the disposal of storm water and surface drainage, which may involve the connection to existing street drain and incorporate an inspection/access pit, at the Applicant's expense
- (xi) Landscaping shall be undertaken and maintained at all times in accordance with the plan/s approved by Council
- (xii) Landscaping must be completed in the first planting season concurrent with or following commencement of the use of this development and shall be maintained in good heart and condition at all times. 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.
- (xiii) All of the commercial wastes accumulated on the allotment shall be removed on a regular basis to the reasonable satisfaction of the Council.
- (xiv) A screened holding place for waste materials and refuse containers shall be provided and maintained on the site of the development at all times and in accordance with the plan/s approved by Council
- (xv) Any lights on the subject land must be directed and screened so that overspill of light into nearby premises is avoided and drivers are not distracted.
- (xvi) No signs are to be erected or displayed on the land or on any building, structure, gate or fence. Further permission is required from Council for the erection or display of any sign.
- (xvii) The subject land and all improvements thereon shall always be maintained in a state of good, tidy and attractive repair and condition at all times.
- (xviii) A Bicycle Park (rack) shall be provided onsite for no less than two (2) bicycles
- (xix) All existing unpainted plaster, stonework, brickwork, or other masonry surfaces shall be preserved and remain unpainted (as per Council Wide Heritage Principle of Development Control)
- (xx) Original building materials, finishes and surfaces should be retained and repaired wherever possible. Parts that are unserviceable should be cut out and replaced, retaining as much as possible of the original.
- (xxi) Services for the building and new uses shall be carefully planned and installed to minimise visual intrusion. Compressors, equipment, conduits and service



pipework shall not be installed on external walls or visible roofs.

(xxii) Any changes or additional impacts arising from Building Code or authority requirements should be referred to the Heritage Adviser for further advice and comments.

(xxiii) The subject land shall not be used/occupied for the purposes approved by Council until conditions (i), (ii), (iii), (iv), (x), (xi), and (xiii) are completed.

3. The reasons for the conditions of approval being;

- (a) The proposed development is not at serious variance to the relevant Development Plan.
- (b) To ensure the proposed development does not affect the amenity of the locality.
- (c) To ensure orderly and proper development.
- (d) Over-restoration, where original surfaces and materials are replaced with new, or are repaired or painted can inadvertently erode heritage qualities. Unserviceable parts, where there is decay or damage so that the element is unsafe or no longer functional clearly need to be replaced. But parts that are weathered but sound can and should be retained. Where possible cut out only the bad parts and joining in new materials. Verandah posts for example often decay at the base. A new base can be spliced in to make the post safe, while preserving the original. Repairing fragile parts in-situ is preferred to dismantling, repair and re-erection.
- (e) The uncontrolled installation of services can have serious and irreversible unintended adverse impacts.
- (f) The safety objectives of the Building Code are mandated, but the code is intended for new buildings. Existing buildings subject to a change of use cannot necessarily meet all of the deemed to comply requirements. For this reason the Development Act recognises that for heritage places, heritage objectives can take precedence.



5.9 19 WERONA STREET, MOUNT GAMBIER – REPORT NO. AR19/47355

Development No: DA 381/0230/2019
Applicant: Thomson Bilt
Property Address: 19 Werona Street, Mount Gambier
Property Owner: Leah Sarah Raggio
Report No: AR19/47355
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 carport in association with an existing detached residential dwelling
Zoning: Residential
Policy Area: N/A
Heritage: N/A

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/47355 titled '19 Werona Street, Mount Gambier' as presented on 19 September 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 carport shall not be infilled, and shall remain open to all sides, front and rear
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.



5.10 29 FERRERS STREET, MOUNT GAMBIER – REPORT NO. AR19/47411

Development No: 381/0246/2019
Applicant: Rowan Williamson
Property Address: 29 Ferrers Street
Property Owner: William Kent Pty Ltd
Report No: AR19/47411
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 from offices to consulting rooms with associated car parking and signage.
Zoning: Residential
Policy Area: Bay Road Historic (Conservation) Area
Heritage: Local Heritage Place

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/47411 titled '29 Ferrers Street, Mount Gambier' as presented on 19 September 2019 be noted.
2. The Council Assessment Panel resolve to proceed with the assessment of the application.



5.11 15 MAHONEY AVENUE, MOUNT GAMBIER – REPORT NO. AR19/47903

| | |
|-------------------------------|--|
| Development No: | DA 381/0206/2019 |
| Applicant: | Andrew Telford |
| Property Address: | 15 Mahoney Avenue, Mount Gambier |
| Property Owner: | Andrew Telford |
| Report No: | AR19/47903 |
| 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 outbuilding (garage) in association with an existing residential dwelling |
| Zoning: | Residential |
| Policy Area: | N/A |
| Heritage: | N/A |

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/47903 titled '15 Mahoney Avenue, Mount Gambier' as presented on 19 September 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.



5.12 27 ST ANDREWS DRIVE, MOUNT GAMBIER – REPORT NO. AR19/48238

| | |
|-------------------------------|---|
| Development No: | DA 381/0250/2019 |
| Applicant: | Empak Homes |
| Property Address: | 27 St Andrews Drive, Mount Gambier |
| Property Owner: | Glenn and Tracey Henley |
| Report No: | AR19/48238 |
| 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 residential dwelling, with garage/s, portico and verandah under main roofline and an associated residential outbuilding (Garage) |
| Zoning: | Residential |
| Policy Area: | Attamurra Golf Course Policy Area 3 |
| Heritage: | N/A |

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR19/48238 titled '27 St Andrews Drive, Mount Gambier' as presented on 19 September 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 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.



6 URGENT MOTIONS WITHOUT NOTICE

7 MEETING CLOSE

