

12 October 2018

## **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, 18 October 2018 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, 18 October 2018 at 5:45 p.m.

**PRESENT** Mrs E Travers (Presiding Member)  
Cr I Von Stanke  
Mrs M Trotter  
Mr P Seebohm

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

**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 September 2018

That the minutes of the Council Assessment Panel meeting held on 20 September 2018 as previously circulated be confirmed as an accurate record of the proceedings of that meeting.

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. 381/0286/2018 - (Item 4.1)**

- Parham Construction Pty Ltd (Luke Parham), the Applicant has been invited for Item 4.1, DA 381/0286/2018
- Bruce and Kelly Morale, the owner has been invited for Item 4.1, DA 381/0286/2018

**3.2. Development Application No. 381/0216/2018 - (Item 4.2)**

- Mr Frank Brennan, Planning Consultant on behalf of Mr & Mrs Janeway, has been invited for Item 4.2, DA 381/0216/2018
- Mr A and Mrs K Janeway the Applicant & Owner has been invited for Item 4.2, DA 381/0216/2018

**3.3. Development Application No. 381/0221/2018 - (Item 4.3)**

- Mr John Sinkinson the Applicant has been invited for Item 4.3, DA 381/0221/2018

**4. COUNCIL ASSESSMENT PANEL REPORTS**

**Council Assessment Panel Reports commence on the following page.**



**4.1. Council Assessment Panel Report No. PR/8951**

<b>DEVELOPMENT NUMBER</b>	DA 381/0286/2018	
<b>APPLICANT</b>	Parham Construction Pty Ltd	
<b>OWNER</b>	Bruce and Kelly Morale	
<b>DESCRIPTION</b>	Proposed outbuilding extension	
<b>ADDRESS</b>	3/90 Tollner Road, Mount Gambier	
<b>NATURE OF DEVELOPMENT</b>	Consent / Category 1	
<b>ZONING</b>	Country Living	
<b>POLICY AREA</b>	N/A	
<b>HERITAGE</b>	N/A	N/A

<b>REPORT RECOMMENDATION</b>
<p>(a) That Council Assessment Panel Report No. PR/8951 be noted.</p> <p>(b) That the Applicant and Owner be advised that having regard to the Development Plan and all the supporting documentation, the proposal is considered to be at serious variance with Council's Development Plan. The application be refused Development Plan Consent for the following reasons:</p> <ol style="list-style-type: none"> <li>(1) The proposed outbuilding extension does not contribute to the desired character of the area</li> <li>(2) The proposed outbuilding extension bulk and scale does not complement the existing improvements on site.</li> <li>(3) The proposed outbuilding extension will dominate the streetscape, and is not appropriately screened from view.</li> </ol>

Moved:

Seconded:



**4.2. Council Assessment Panel Report No. AR18/40380**

<b>DEVELOPMENT NUMBER</b>	DA18/234 (381/0216/2018)	
<b>APPLICANT</b>	Mr Frank Brennan on behalf of Mr and Mrs Janeway	
<b>OWNER</b>	Mr A and Mrs K Janeway	
<b>DESCRIPTION</b>	Alteration and additions to an existing garage.	
<b>ADDRESS</b>	139 -145 Pinehall Avenue, Mount Gambier	
<b>NATURE OF DEVELOPMENT</b>	Consent / Category 1	
<b>ZONING</b>	Residential	
<b>POLICY AREA</b>	Suttontown Road Policy Area 8	
<b>HERITAGE</b>	N/A	N/A

**REPORT RECOMMENDATION**

- (a) That Council Assessment Panel Report No. AR18/40380 be noted.
- (b) The Applicant be advised:  
That the Council Assessment Panel expresses concern and disappointment that the garage was constructed significantly differently to what was approved. This constitutes a breach of the Development Act, 1993.
- (c) Having regard to all of the documentation forming part of the Development Application and the provisions of the Development Plan, the development is considered to be seriously at variance to the Development Plan and Provisional Development Plan Consent be refused.
- (d) The Applicant be advised the reasons are:
  - (i) The proposed development is not a proper and orderly development.
  - (ii) The garage is significantly larger than what is specified within the Development Plan for garages and outbuildings.
  - (iii) The garage does not contribute to the residential character of the area.
  - (iv) The bulk and scale of the garage is not considered appropriate within the Residential Zone.
  - (v) The garage is not considered to be used in association with the proposed dwelling.

Moved:

Seconded:



**4.3. Council Assessment Panel Report No. AR18/39822**

<b>DEVELOPMENT NUMBER</b>	DA 381/0221/2018	
<b>APPLICANT</b>	John Sinkinson	
<b>OWNER</b>	Brendon and Lynette Hirth	
<b>DESCRIPTION</b>	Proposed Storage Unit Complex	
<b>ADDRESS</b>	39 Crouch Street, MOUNT GAMBIER, SA 5290	
<b>NATURE OF DEVELOPMENT</b>	Consent / Category 2	
<b>ZONING</b>	Light Industry	
<b>POLICY AREA</b>	N/A	
<b>HERITAGE</b>	N/A	N/A

**REPORT RECOMMENDATION**

- (a) That Council Assessment Panel Report No. AR18/39822 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 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) *A detailed design for the proposed stormwater disposal system, as conceptually described in Woodlands Consulting Services Pty Ltd report dated 9<sup>th</sup> September 2018, shall be approved by Council prior to Development Approval being granted.*



- (6) *The footpath and crossover areas shall be constructed in accordance with Council Policy F175 – Footpaths and Crossovers*
- (7) *Landscaping shall be undertaken and maintained at all times in accordance with the Plan approved by Council.*
- (8) *At all times particularly during hours of darkness, whomsoever may be making use of this planning consent, shall take measures that are reasonably possible to keep within the boundaries of the subject land all noise associated with the operation of the business or the coming and going of persons to the subject land, the sound of voices, vehicle noises, radio sets and other amplified music, so as to not intrude upon the residential component of the locality, all to the reasonable satisfaction of the Council.*
- (9) *The trading hours of the use of the land hereby approved shall not exceed 7 am – 10 pm daily.*
- (10) *Any lights on the subject land must be directed and screened so that overspill of light into nearby premises is avoided.*
- (11) *All the waste materials accumulated on the property shall be screened from view, and removed on a regular basis.*

The reasons for approval being;

- (1) To ensure the development promotes orderly and proper development.
- (2) To ensure the development improves and enhances the character and amenity of the area.
- (3) To ensure appropriate and adequate management of sites in the interface zone between zone boundaries.





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

**5.1.** Nil Submitted

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

Meeting closed at                      p.m.

AR18/42000

