

MINUTES OF COUNCIL ASSESSMENT PANEL MEETING

Meeting 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
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)

Nil

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: Cr I Von Stanke

Seconded: Mr P Seebohm

Carried

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)

- Mr Bruce Morale, the owner, spoke in relation to this matter at 5:48 p.m.

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

Cr Von Stanke Moved that Mr Brennan be able to speak in Confidence at the meeting as they were discussing personal affairs of a legal and financial matter.

Mrs Trotter seconded

Carried

- Mr Frank Brennan, Planning Consultant on behalf of Mr & Mrs Janeway, spoke in relation to this matter at 5:55 p.m.

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

- Mr John Sinkinson the Applicant, spoke in relation to this matter at 5:50 p.m.

4. COUNCIL ASSESSMENT PANEL REPORTS

4.1. Council Assessment Panel Report No. PR/8951

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

REPORT RECOMMENDATION
(a) That Council Assessment Panel Report No. PR/8951 be noted.
(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:

- (1) The proposed outbuilding extension does not contribute to the desired character of the area
- (2) The proposed outbuilding extension bulk and scale does not complement the existing improvements on site.
- (3) The proposed outbuilding extension will dominate the streetscape, and is not appropriately screened from view.

The Council Assessment Panel moved:

Carried

4.2. Council Assessment Panel Report No. AR18/40380

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

REPORT RECOMMENDATION

- (a) That Council Assessment Panel Report No. AR18/40380 be noted.
- (b) The Applicant be advised:
 - (i) 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.
 - (ii) The Council Assessment Panel is willing to favourably consider the garage being constructed in accordance with the amended plan as provided to the Panel illustrating all additions of the garage being removed, with the exception of the additional 2.0 metres extension constructed to the northern end of the garage. The additional 2.0 metre



	extension constructed to the northern end of the garage can remain as constructed.
(iii)	The Council Assessment Panel willingness to accept this amendment to the construction of the garage is on the basis that all internal modifications to the garage are removed. This includes the kitchen, with all associated fittings/fixtures and plumbing, the internal walls creating the store rooms and the trophy rooms are removed, so as to ensure that the garage is used as a garage in association with the approved dwelling.
(iv)	The Council Assessment Panel requests that an amended plan be submitted clearly illustrating the garage in this form so as to remove any confusion as to what is being considered and granted provisional development plan consent. It is noted that there are some errors on the plan, such as reference to the floor area of the bathroom has remained on the documentation. An amended plan illustrating these amendments will need to be submitted to Council within 28 eight days of the date of this decision and prior to any further approvals being granted.
(c)	Council's Manager Development Services be granted the power, function and duty to grant provision development plan consent upon the receipt of an amended plan in accordance with the decision of the Council Assessment Panel subject to the following conditions of consent:
(1)	The garage shall not be used for any residential purposes or human occupation.
(2)	The garage shall be used in association with and ancillary to the detached dwelling approved on the subject site.

The Council Assessment Panel moved:

Carried

4.3. Council Assessment Panel Report No. AR18/39822

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



HERITAGE	N/A	N/A
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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 9th 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.
- (c) 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.

The Council Assessment Panel moved:

Carried

5. MOTION(S) - With Notice

Nil Submitted

6. MOTION(S) - Without Notice

Nil Submitted

Meeting closed at 6.34 p.m.

18 October, 2018

AF17/507
AR18/42180

CONFIRMED THIS DAY OF 2018

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PRESIDING MEMBER

