

**MINUTES OF CITY OF MOUNT GAMBIER
COUNCIL ASSESSMENT PANEL
HELD AT THE COMMITTEE ROOM, LEVEL 4, CIVIC CENTRE, 10 WATSON TERRACE,
MOUNT GAMBIER
ON THURSDAY, 19 SEPTEMBER 2019 AT 5.45 P.M.**

PRESENT: Ian Von Stanke (Presiding Member) Cr Paul Jenner, Mr Mark Teakle, Mr Peter Seebohm.

OFFICERS IN ATTENDANCE: Manager Development Services - Mrs T Tzioutziouklaris
Senior Planning Officer - Mr S Wiseman
Planning Officer - Mrs E Ruffin

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 RESOLUTION

Moved: Cr Paul Jenner
Seconded: Mark Teakle

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.

CARRIED

4 INVITEES

DEVELOPMENT APPLICATION 381/053/2019 - (ITEM 5.4)

- Mr Sam Ryan and Amy Lennerth, the Applicant and Owner spoke in relation to Item 5.4 at 5.50 p.m.

DEVELOPMENT APPLICATION 381/0199/2019 - (ITEM 5.6)

- MR CHRIS MCGOWAN, THE REPRESENTOR SPOKE IN RELATION TO ITEM 5.6 at 6.00 P.M.
- Mr Nick Serle, the Applicant Spoke in relation to Item 5.6 at 6.10 P.M.



5 REPORTS

5.1 294 COMMERCIAL STREET WEST, MOUNT GAMBIER

COUNCIL ASSESSMENT PANEL RESOLUTION

The Council Assessment Panel moved:

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
4. The Applicant be further advised that the construction of a structure at variance to the Development Plan Consent and prior to Development Approval being issued is a breach of the Development Act 1993. Whilst the Council Assessment Panel is willing to support the structure in its built form, should a structure be built prior to Development Approval being granted and it is at variance to the approved plans Council will undertake legal action involving prosecution to correct the breach of the Development Act, 1993.

CARRIED

5.2 19 & 19A LAKE TERRACE EAST, MOUNT GAMBIER

COUNCIL ASSESSMENT PANEL RESOLUTION

The Council Assessment Panel moved:

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

CARRIED

5.3 8 WEHL STREET NORTH, MOUNT GAMBIER

COUNCIL ASSESSMENT PANEL RESOLUTION

The Council Assessment Panel Moved:

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.

CARRIED

5.4 116 JUBILEE HIGHWAY WEST, MOUNT GAMBIER

COUNCIL ASSESSMENT PANEL RESOLUTION

The Council Assessment Panel moved:

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.

CARRIED

5.5 50 WHITE AVENUE, MOUNT GAMBIER

COUNCIL ASSESSMENT PANEL RESOLUTION

The Council Assessment Panel moved;

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) To ensure the light towers do not detrimentally impact upon the character and amenity of the surrounding locality.

CARRIED

5.6 80 SHEPHERDSON ROAD, MOUNT GAMBIER

COUNCIL ASSESSMENT PANEL RESOLUTION

The Council Assessment Panel moved:

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

CARRIED



5.7 117 CROUCH STREET NORTH, MOUNT GAMBIER

COUNCIL ASSESSMENT PANEL RESOLUTION

The Council Assessment Panel moved:

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.
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.
4. The Applicant be advised that it has been noted that the proposed carparking for the development is to be established on the adjoining property. Should the proposed carparking become unavailable to be used in association with the development as approved by Council, a new Development Application will be required to amend the carparking layout as approved.

CARRIED



5.8 36 MARGARET STREET, MOUNT GAMBIER

COUNCIL ASSESSMENT PANEL RESOLUTION

The Council Assessment Panel moved:

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 necessary meet all of the deemed to comply requirements. For this reason the Development Act recognises that for heritage places, heritage objectives can take precedence.

CARRIED

5.9 19 WERONA STREET, MOUNT GAMBIER

COUNCIL ASSESSMENT PANEL RESOLUTION

The Council Assessment Panel moved:

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.

CARRIED

Mr Mark Teakle disclosed an actual conflict of interest in Item 5.10:

"I am a part owner of the property to which this Item relates".

Mr Mark Teakle left the room and did not participate in the discussion for Item 5.10

5.10 29 FERRERS STREET, MOUNT GAMBIER

COUNCIL ASSESSMENT PANEL RESOLUTION

The Council Assessment Panel moved:

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.

CARRIED



Mr Mark Teakle resumed the meeting after Item 5.10

5.11 15 MAHONEY AVENUE, MOUNT GAMBIER

COUNCIL ASSESSMENT PANEL RESOLUTION

The Council Assessment Panel moved:

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.

CARRIED

5.12 27 ST ANDREWS DRIVE, MOUNT GAMBIER

COUNCIL ASSESSMENT PANEL RESOLUTION

The Council Assessment Panel moved:

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.

CARRIED

5.13 27 VICTOR STREET, MOUNT GAMBIER

COUNCIL ASSESSMENT PANEL RESOLUTION

The Council Assessment Panel moved:

1. That Council Assessment Panel Report No. AR19/49679 titled '27 Victor 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.
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.

CARRIED

6 URGENT MOTION WITHOUT NOTICE

COUNCIL ASSESSMENT PANEL RESOLUTION

The Council Assessment Panel moved:

That the Chief Executive Officer be advised the Council Assessment Panel is of the opinion that the Level 4 Committee Room is inappropriate in layout and configuration when considering the attendance of and presentations made by the general public to the Panel at the meetings. The Council Assessment Panel requests that all future Panel meetings be scheduled to be held in the Level 1 Committee Room.

CARRIED

7 MEETING CLOSE

The Meeting closed at 7.20 p.m.

The minutes of this meeting were confirmed at the Council Assessment Panel held on 17 October 2019.

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PRESIDING MEMBER

