

## **MINUTES OF COUNCIL ASSESSMENT PANEL MEETING**

Meeting held in the Conference Room, Civic Centre, 10 Watson Terrace, Mount Gambier on  
Thursday, 21 February 2019 at 5:45 p.m.

**PRESENT** Mr I Von Stanke (Presiding Member)  
Cr P Jenner  
Mr M Teakle  
Mr P Seebohm

**COUNCIL OFFICERS** Manager Development Services - Mrs T Tzioutziouklaris  
Senior Planning - Mr S Wiseman  
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 17 January 2019

That the minutes of the Council Assessment Panel meeting held on 17 January 2019 as attached be confirmed.

Moved: Cr Jenner

Seconded: Mr 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. 381/0367/2018 - (Item 4.3)**

- Toufic Kaissi, the Applicant, did not attend the meeting.
- Bevan Staude, the Representor, spoke in relation to this matter at 5.50 p.m.

**3.2. Development Application No. 381/0334/2018 - (Item 4.4)**

- Roger Saunders, on behalf of the Owner/Applicant, spoke in relation to this matter at 6.14p.m.
- Kerry Hill, on behalf of the Owner/Applicant, spoke in relation to this matter at 6.21 p.m.
- Fiona Williams, the Representor, did not attend the meeting.
- Rick Macera, the Representor, did not attend the meeting.
- Mark Lane, the Representor, did not attend the meeting.
- Julie Cowley, the Representor, spoke in relation to this matter at 6.10 p.m.
- Nathan Seal, the Representor, spoke in relation to this matter at 6.06 p.m.
- Joy Lorraine Bowd, the Representor, spoke in relation to this matter at 6.13 p.m.
- Tim Rowett (to be represented by Julie Cowely), the Representor, spoke in relation to this matter at 6.10 p.m.

**3.3. Development Application No. 381/0309/2018 - (Item 4.5)**

- Mark and Karen Forster, the Owners, did not attend the meeting
- Jason Cooper, the Applicant, did not attend the meeting.

**3.4. Development Application No. 381/0318/2018 - (Item 4.7)**

- Cameron Scheidl, the Owner, spoke in relation to this matter at 5.58 p.m.



#### 4. COUNCIL ASSESSMENT PANEL REPORTS

##### 4.1. Council Assessment Panel Report No. AR19/1106

<b>DEVELOPMENT NUMBER</b>	N/A	
<b>APPLICANT</b>	N/A	
<b>OWNER</b>	N/A	
<b>DESCRIPTION</b>	A report was prepared for Council detailing the requirements for referral to the Heritage Advisor in Development Applications.	
<b>ADDRESS</b>	N/A	
<b>NATURE OF DEVELOPMENT</b>	N/A	Category 1
<b>ZONING</b>	Residential	
<b>POLICY AREA</b>	N/A	
<b>HERITAGE</b>	N/A	N/A

#### REPORT RECOMMENDATION

- (a) That Council Assessment Panel Report No. AR19/1106 be noted.
- (b) That Operational Standing Committee Report No. AR18/41818 titled 'Heritage Advisor role in Development Applications' as presented to the Operational Standing Committee on 11 December 2018 be noted.

The Council Assessment Panel moved:

Carried



#### 4.2. Council Assessment Panel Report No. AR19/4100

<b>COMMITTEE</b>	Council Development Assessment Panel
<b>MEETING DATE:</b>	21 February 2019
<b>REPORT NO.</b>	AR19/4100
<b>RM8 REFERENCE</b>	AF15/598
<b>AUTHOR</b>	Tracy Tzioutziouklaris
<b>SUMMARY</b>	The Code of Conduct, Terms of Reference and the disclosure of financial interest are all documents to assist in the accountable and transparent operation of the Council Assessment Panel.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

#### REPORT RECOMMENDATION

- (a) That Council Development Assessment Panel Report No. AR19/4100 titled 'Council Assessment Panel – Terms of Reference, Code of Conduct and Return of Financial Interests' as attached be noted.
- (b) That all Members of the CAP are encouraged to familiarise themselves with these documents and disclose his or her financial interests using the prescribed form and provided.

The Council Assessment Panel moved:

Carried



**4.3. Council Assessment Panel Report No. AR19/664**

<b>DEVELOPMENT NUMBER</b>	381/0367/2018	
<b>APPLICANT</b>	TK Building Design	
<b>OWNER</b>	Mr. A. Obaun	
<b>DESCRIPTION</b>	To construct a child care centre with associated car parking, retaining walls and fencing.	
<b>ADDRESS</b>	29 Stafford Street, Mount Gambier	
<b>NATURE OF DEVELOPMENT</b>	Consent	/ Category 2
<b>ZONING</b>	Residential	
<b>POLICY AREA</b>	N/A	
<b>HERITAGE</b>	N/A	N/A

**REPORT RECOMMENDATION**

- (a) That Council Assessment Panel Report No. AR19/664 be noted.
- (b) The Manager Development Services in consultation with the Presiding Member of the Council Assessment Panel be delegated the power, function and/or duty to grant Development Plan Consent upon confirmation of the type of rainwater tank to be located on site and the requirement for this rainwater tank to be appropriately screened.
- (c) Upon the satisfactory resolution of (b) as above 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 that Development Plan Consent be granted 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) Provision shall be made for all loading and unloading of goods on the subject land.



- (6) Provision shall be made for the onsite disposal of stormwater and surface drainage.
- (7) Landscaping shall be undertaken and maintained at all times and shall incorporate the use of established evergreen trees and shrubs.
- (8) All the commercial wastes accumulated on the allotment shall be removed on a regular basis.
- (9) The fit-out and operation of a food business must comply with the relevant SA Food Act, SA Food Regulations and Standards. This includes the Australia New Zealand Food Safety Standards (Code). The Code requires notification to the relevant authority (Council) on the approved form. The food owner/operator is required to submit an application for a food business notification (FBN) number to operate in South Australia prior to any food handling being undertaken (Standard 3.2.2 - 4). The FBN form and a general advice fit-out checklist are available on Council's Food Safety web page or by contacting Council. Reference to the Australian Standard for Design, construction and fit-out of food premises can be used as a guide to meet the Code.

Child care centres may require a food safety program for food service to vulnerable persons (Standard 3.3.1).

The requirements of the Safe Drinking Water Act 2011 must be met.

- (10) The use of the property shall not create a nuisance and/or disturbance for any person/s and/or property in the immediate area.
  - (11) All waste materials and refuse shall be contained within the proposed building or alternatively a screened holding place for waste containers shall be provided and maintained on site of the development at all times.
  - (12) The rainwater tank shall be appropriately screened from view from public spaces at all times.
  - (13) Dust generated during any on site construction work shall be appropriately managed and contained on site.
- (d) The Applicant be advised the reasons for the Conditions of Consent are:
- (1) The proposed development is an envisaged land use within the Residential Zone.
  - (2) So as to ensure the proposed development does not detract from the residential character and amenity within the subject locality.
  - (3) To ensure the proposed development is an orderly and proper development.

The Council Assessment Panel moved:

Carried



**4.4. Council Assessment Panel Report No. PR19/1119**

<b>DEVELOPMENT NUMBER</b>	DA 381/0334/2018	
<b>APPLICANT</b>	Mount Gambier Agricultural and Horticultural Show Society Inc	
<b>OWNER</b>	Mount Gambier Agricultural and Horticultural Show Society Inc	
<b>DESCRIPTION</b>	To establish an additional twenty one (21) camping sites on the site of the existing showgrounds in addition to the eight (8) existing camping sites.	
<b>ADDRESS</b>	1 Pick Avenue, Mount Gambier	
<b>NATURE OF DEVELOPMENT</b>	Consent	/ Category 3
<b>ZONING</b>	Public Purposes (Show Grounds)	
<b>POLICY AREA</b>	N/A	
<b>HERITAGE</b>	N/A	N/A

**REPORT RECOMMENDATION**

- (a) That Council Assessment Panel Report No. PR19/1119 be noted.
- (b) 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, the application be refused Development Plan Consent, for the following reasons;
- (1) The proposed expansion of the camping ground prejudices the delivery of the objectives for the area.
  - (2) The proposed development will detrimentally effect on the amenity of the location.
  - (3) A camping ground is not an envisaged form of development within the Public Purposes (Show Grounds) Zone.
  - (4) The camping ground is not an ancillary use to the use of the land as showgrounds.

The Council Assessment Panel moved.

Carried



**4.5. Council Assessment Panel Report No. PR19/1210**

<b>DEVELOPMENT NUMBER</b>	DA 381/0309/2018	
<b>APPLICANT</b>	Jason Cooper on behalf of Mark and Karen Forster	
<b>OWNER</b>	Mark and Karen Forster	
<b>DESCRIPTION</b>	To demolish an existing garage and to construct a garage and a second dwelling with attached garaging on the site of an existing dwelling which is a Local Heritage Place.	
<b>ADDRESS</b>	83 Bay Road, Mount Gambier	
<b>NATURE OF DEVELOPMENT</b>	Consent	/ Category 1
<b>ZONING</b>	Residential	
<b>POLICY AREA</b>	N/A	
<b>HERITAGE</b>	Local Heritage Place	Bay Road Historic (Conservation) Policy Area

**REPORT RECOMMENDATION**

- (a) That Council Assessment Panel Report No. PR19/120 be noted.
- (b) 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 application be granted Development Plan Consent subject to the following conditions:
- (1) The development shall be constructed in accordance with the amended plans dated 22/01/2019, Drawing Numbers 2018-011-PD01, 2018-011-PD02, 2018-011-PD03, 2018-011-PD04, 2018-011-PD05, 2018-011-PD06, 2018-011-PD07, 2018-011-PD08.
  - (2) The existing landscaping to remain on site shall be kept in a good condition and maintained at all times so as to maintain the existing landscaped character of the subject locality.
  - (3) The onsite garaging shall be used in association with the existing residential land use on the subject site.
- (c) The Applicant be advised the reasons for the conditions of consent are:
- (1) To ensure the development does not detract from the existing character and amenity of the subject locality,
  - (2) To ensure orderly and proper development.

The Council Assessment Panel moved:

Carried



**4.6. Council Assessment Panel Report No. AR19/7174**

<b>DEVELOPMENT NUMBER</b>	381/041/2019	
<b>APPLICANT</b>	Ian & Anthea Duryea	
<b>OWNER</b>	Lano Developments Pty Ltd	
<b>DESCRIPTION</b>	To change the use to a workshop (servicing, repairs of small appliances), office and associated car parking.	
<b>ADDRESS</b>	210 Commercial Street West, Mount Gambier	
<b>NATURE OF DEVELOPMENT</b>	Non-Complying	/ Category 3
<b>ZONING</b>	Local Centre	
<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. AR19/7174 be noted.</p> <p>(b) The Council Assessment Panel resolve to proceed with the assessment of the application.</p>

The Council Assessment Panel moved:

Carried



**4.7. Council Assessment Panel Report No. PR19/1578**

<b>DEVELOPMENT NUMBER</b>	DA 381/0318/2018	
<b>APPLICANT</b>	Adam Fosdike – Mates Rates Australia	
<b>OWNER</b>	Cameron Scheidl	
<b>DESCRIPTION</b>	To demolish an existing garage and to construct a detached garage in association with an existing detached dwelling.	
<b>ADDRESS</b>	3 Quail Place, Mount Gambier	
<b>NATURE OF DEVELOPMENT</b>	Consent	/ Category 1
<b>ZONING</b>	Residential	
<b>POLICY AREA</b>	N/A	
<b>HERITAGE</b>	N/A	N/A

**REPORT RECOMMENDATION**

- (a) That Council Assessment Panel Report No. PR19/1578 be noted.
- (b) 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 be granted Development Plan Consent subject to the following conditions and note:
1. The development shall be undertaken in accordance with the plans as submitted to Council on 17<sup>th</sup> of December, 2018.
  2. The garage shall be used in association with the Residential use of the subject property.
- Note: SA Water approval is required prior to the construction of any structure on the SA Water Easement located at the rear of the subject property.
- (c) The Applicant be advised the reasons for the Conditions of Consent are:
1. To ensure the development does not detract from the character and amenity of the subject locality.
  2. To ensure orderly and proper development.

The Council Assessment Panel moved:

Carried



#### 4.8. Council Assessment Panel Report No.

<b>DEVELOPMENT NUMBER</b>	DA 381/026/2019	
<b>APPLICANT</b>	JAKA Assets Pty Ltd	
<b>OWNER</b>	JAKA Assets Pty Ltd	
<b>DESCRIPTION</b>	To construct nine (9) storage units on the site of ten (10) existing storage units, and bus servicing and repair workshop	
<b>ADDRESS</b>	4 Turnbull Drive, Worrolong	
<b>NATURE OF DEVELOPMENT</b>	Non-Complying	/ Category 3
<b>ZONING</b>	Country Living	
<b>POLICY AREA</b>	N/A	
<b>HERITAGE</b>	N/A	N/A

#### REPORT RECOMMENDATION

- (a) That Council Assessment Panel Report No. PR19/28 be noted.
- (b) As the development is a non-complying form of development, Council Development Assessment Panel as the relevant planning authority must resolve to:
  - 1. proceed with an assessment of the application

The Council Assessment Panel moved:

Carried



**4.9. Council Assessment Panel Report No.**

<b>DEVELOPMENT NUMBER</b>	DA 381/045/2019	
<b>APPLICANT</b>	Bruce and Kelly Morale	
<b>OWNER</b>	Bruce and Kelly Morale	
<b>DESCRIPTION</b>	To construct an addition to an existing outbuilding, including a garage extension and second storey 'rumpus' room	
<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

**REPORT RECOMMENDATION**

- (a) That Council Assessment Panel Report No. PR19/1736 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 not considered to be seriously at variance with Council's Development Plan and Development Plan Consent be issued subject to the following conditions:
1. The development shall be carried out in accordance with the plans as approved by Council, (Plan Reference Project: Proposed Shed Extension. Client: B & K Morale. Location: Lot 202 Tollner Road, Mount Gambier. Plan reference, Drawing No: 19-006 Revision: A. Sheet No: 1 to 3) and in accordance with the Conditions of Approval, and maintained thereafter.
  2. The garage and rumpus room shall only be used for purposes associated with the existing residential land use of the subject property.
- (c) The Applicant be advised the reasons for the Conditions of Consent are:
1. To ensure the development does not detract from the residential character and amenity of the subject locality.
  2. To ensure orderly and proper development.

The Council Assessment Panel moved.

Carried



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

Nil submitted.

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

Nil submitted

Meeting closed at 7.30 p.m.

AR19/7890

