

AGENDA OF ORDINARY OPERATIONAL STANDING COMMITTEE MEETING

Meeting to be held in the Conference Room, Civic Centre, 10 Watson Terrace, Mount Gambier
on Tuesday, 8 May 2018 at 7:30 a.m.

PRESENT

Mayor Andrew Lee

Cr Mark Lovett (Presiding Member)
Cr Christian Greco
Cr Ian Von Stanke
Cr Steven Perryman
Cr Des Mutton

COUNCIL OFFICERS

Chief Executive Officer
General Manager Community Wellbeing
General Manager Council Business Services
General Manager City Growth
General Manager City Infrastructure
Manager Governance and Property
Administration Officer Executive Support

- Mr M McShane
- Ms B Cernovskis
- Mrs P Lee
- Dr J Nagy
- Mr N Serle
- Mr M McCarthy
- Mrs F McGregor

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 Cr

That the apology from Cr _____ be received.

Moved:

Seconded:

2. CONFIRMATION OF OPERATIONAL STANDING COMMITTEE MINUTES

Meeting held on 10 April 2018.

That the minutes of the Operational Standing Committee meeting held on 10 April 2018 be confirmed as an accurate record of the proceedings of that meeting.

Moved:

Seconded:

3. QUESTIONS

3.1. With Notice

Nil submitted.

3.2. Without Notice

4. DEPUTATIONS

Nil



8. CONFIDENTIAL ITEMS

8.1 Consideration for Exclusion of the Public

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Mayor A Lee, Councillors - M Lovett, C Greco, D Mutton, S Perryman and I Von Stanke and Council Officers - M McShane, B Cernovskis, P Lee, J Nagy, N Serle, M McCarthy and F McGregor) be excluded from the meeting in order for the Agenda Item (Illegal Development – Occupation of an outbuilding) to be considered in confidence.

The Operational Standing Committee is satisfied that, pursuant to section 90(3)(a) of the Act the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of:

- Information concerning the personal affairs of any person (living or dead), which could reasonably be expected to prejudice the maintenance of law;
- Affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence or the right to a fair trial.

The Council is satisfied that the information to be received, discussed or considered in relation to this item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the occupier of the property.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances as the matter is personal to the occupier of the property.

Item No.	Subject Matter	S90(3) Grounds
8.2	Illegal Development – Development constructed at variance to the Development Approval - Report No. AR18/16548	(a) & (f)

Moved:

Seconded:



8.2. Illegal Development - Development constructed at variance to the Development Approval - Report No. AR18/16548

COMMITTEE	Operational Standing Committee
MEETING DATE:	8 May 2018
REPORT NO.	AR18/16548
RM8 REFERENCE	DA15/329
AUTHOR	Tracy Tzioutziouklaris
SUMMARY	The garage as constructed is significantly at variance to what was approved and is a clear breach of the Development Act 1993.
COMMUNITY PLAN REFERENCE	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

REPORT RECOMMENDATION

- (a) That Operational Standing Committee AR18/16548 *'Illegal Development - Development constructed at variance to the Development Approval'* Operational Standing Committee 8 May 2018
- (b) Council commence enforcement action and negotiations to ensure compliance with the Development Approval granted by Council on 6th October 2016, including the cessation of living within the garage, to correct the breach of the Development Act 1993.
- (c) Council engage legal representation to assist in the enforcement action, negotiations and compliance with the Development Approval granted by Council on 6th October, 2016, including the cessation of living within the garage and to correct the breaches of the Development Act, 1993.
- (d) Council advise the property owner/occupier:
 - (i) of (b) as above;
 - (ii) Council wishes to again express disappointment that the development has not be undertaken in accordance with the Development Approval issued by Council dated 6th October, 2016 which is a breach of Development Act 1993 and the South Australian On-Site Wastewater Systems Code.

Moved:

Seconded:



Background

Council by Notice dated 31st March, 2015 granted Development Approval for a land division creating one additional allotment at 151 Pinehall Avenue, Mount Gambier subject to 3 requirements (Development Application 381/020/2015). This land division created the allotment upon which the matters of this report refer to. An existing dwelling and associated outbuildings were to be retained upon Allotment 101 and Allotment 102 consisted of vacant land. Allotment 101 is 4.099 hectares in area and Allotment 102 is 4.104 hectares in area.

Council by Notice dated 6th October, 2016 granted Development Approval to construct a detached dwelling with associated garage and landscaping at 139-145 Pinehall Avenue, Mount Gambier subject to 2 Conditions of Approval (Development Application 381/0288/2015). This relates to Allotment 102 created within the earlier Development Application for the subdivision of the land.

At the time of writing this report the garage has been constructed but work has not yet commenced on the dwelling.

The garage as granted Development Approval was to:

- have a wall height of 3.6 metres
- have a total building height of 4.393 metres
- be 18.0 metres in length
- be 9.0 metres wide
- have a floor area of 162 square metres; and
- be constructed using colorbond custom orb

Construction of the garage has been completed.

Work has not yet been undertaken on the construction of the detached dwelling.

Discussion

The subject property is located within the Residential Zone. Within the Residential Zone the Development Plan identifies that garages are to be designed with the following parameters:

Maximum floor area	60 square metres
Maximum building height	4 metres
Maximum wall height	3 metres

Despite these parameters, garages may be constructed at variance to these requirements if there are circumstances warranting consideration as part of the assessment process such as design and siting, allotment size, siting of the building, screening, impact on the use of the dwelling and potential impact on neighboring properties.

In June 2017 Council Officers became aware that the owners of the subject property were living within the garage constructed on the subject property. Around this time the owners/occupiers of the garage advised that they had arranged alternative premises within which to live. At this time Council Officers also had concerns that the waste water being generated on site was not being appropriately managed and disposed of. The Owners of the subject property were advised that if they wished to reside within the garage a Development Application to change the use of the garage would need to be submitted and approved by Council.



In January 2018, Council Officers became aware that the garage was still being used for residential purposes.

In February 2018 Council Officers identified that the garage that had been constructed on site was 12.5 metres wide by 20.0 metres long, with a floor area of approximately 250 square metres. This is significantly larger than what was approved.

Around this time Council's attention was also drawn to the installation of wet areas within the garage. Council was again advised that a Development Application would be submitted seeking approval to occupy the garage for residential purposes.

Council by letter dated 7th February, 2018 sought clarification from the owners/occupiers of the subject land as to why the garage had not been constructed in accordance with the approved plans. Council also reminded the owners that the dwelling needed to be constructed by 19th October, 2019 or the Development Approval would lapse.

In March 2018, Council Officers further advised in writing that the domestic wastewater management system failed to comply with the South Australian On-Site Wastewater Systems Code, April, 2013. A waste water application for the installation of the domestic waste water management system was requested. At the time of writing a waste water application has not yet been received by Council.

Mr Frank Brennan of Frank Brennan Consulting Services by email dated 13th February, 2018 advised Council that he was now acting on behalf on the owners of the subject land. It was advised that:

- The garage had been built contrary to the approved plans to accommodate a dwelling in portion of the garage and to provide additional storage space.
- A Development Application would be submitted for the garage as currently constructed.

Council by email dated 19 March, 2018 advised it was willing to allow an extension in time in which to submit a Development Application for both to reside within the garage and for the change in size of the garage. Council again requested that the owners cease to occupy the garage.

Council by letter dated 11th April, 2018 advised the property owners:

- Council acknowledges receipt of the Development Applications seeking retrospective development approvals to change the use of the existing garage (To be used as a "temporary dwelling") and to construct a carport and additions to the existing shed.
- Council is concerned that there are on going breaches of the Development Act occurring in relation to the developments on the subject property.
- These breaches will be referred to Council at its meeting to be held in May 2018 for consideration.
- To provide clarification as to why developments have been occurring on the property without first seeking the required approvals from Council.
- No decisions will be made on any outstanding Development Applications until such a time Council has had an opportunity to consider the current breaches of the Development Act, 1993.



Discussions have occurred between Council Officers and Mr Frank Brennan on behalf of the Applicant on Friday 20th April, with Mr Brennan advising:

- The owner will remove the carport but would like to keep the lean to where the bathroom is and the lean to on the back of the building.
- The owners will move out of and stop living within the garage by 25th April, 2018.
- Work will begin on the construction of the house early in May.

Frank Brennan, by email dated 26th April, 2018 has provided additional information from the property owned in relation to this matter, as well as an explanation for undertaking the work without seeking the necessary approvals from Council.

The owner of the subject land works within the building industry and would have been aware of the requirement to obtain Development Approval for any building work. In particular the owner of the subject property would be aware of the requirements to install waste water domestic wastewater management systems in accordance with the South Australian On-Site Wastewater Systems Code, April, 2013.

Conclusion

The garage as approved was significantly larger than what is envisaged within the Development Plan for garages associated with residential dwellings.

The garage has been constructed significantly at variance to what was approved, is significantly larger than the garage as granted Development Approval and extensive modifications have occurred to the garage to enable it to be used as a residential dwelling.

What has been constructed is significantly at variance to what was approved and is a clear breach of the Development Act 1993.

Council now has a number of actions it can consider to remedy the breach of the Development Act, 1993 which include:

1. Enforcement action requiring the garage to be constructed as per the Development Approval;
or
2. Accepting a Development Application to retrospectively assess the amended development.

It is highlighted that any Development Application for a garage the size of what has been constructed is significantly at variance to the provisions contained within the Development Plan.

Attachments

[Attachment 1 \(AR18/16547\): Plans illustrating the garage](#)

[Attachment 2 \(AR/18/16633\): Email from Frank Brennan on behalf of the Property Owner](#)





Tracy TZIOUTZIOUKLARIS
MANAGER DEVELOPMENT SERVICES



Judy NAGY
GENERAL MANAGER CITY GROWTH

26 April 2018
MTT



8.3 Consideration for Keeping Items Confidential

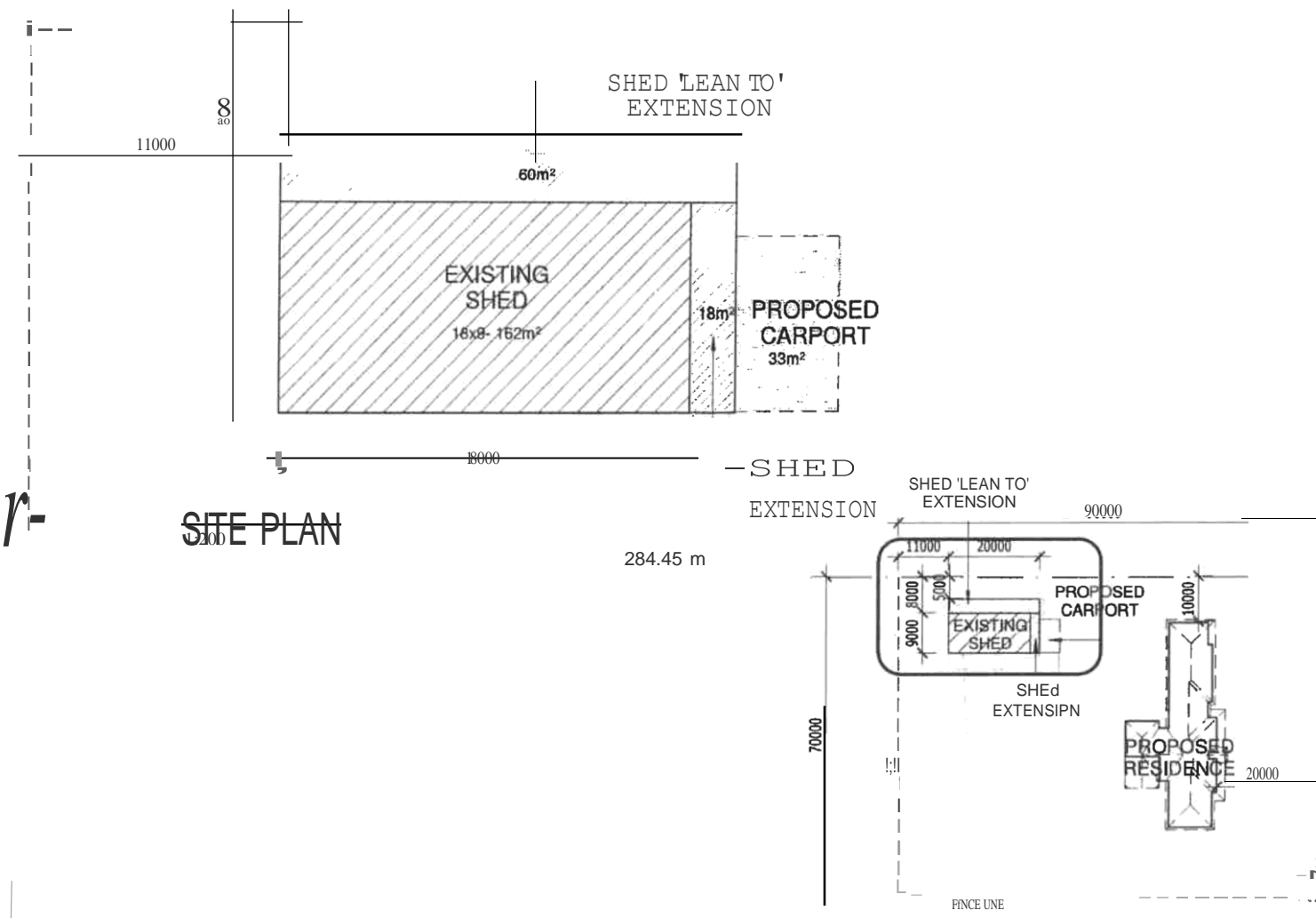
That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 8.8 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
8.2	Illegal Development - Development constructed at variance to the Development Approval Report No. AR18/16548	(a) & (f)	All details	Until the matter has been resolved. Where duration exceeds 12 months. To be reviewed at least once.



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SITE PLAN

SITE PLAN

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SITE CONDITIONS

BUSHFIRE ATTACK LEVEL:
BAL
 WIND CLASSIFICATION:
 N?
 SOIL CLASSIFICATION:
 CLASS ?

AMENDMENTS

REV	DATE	COMMENT	OWN	CHK
A	26.03	WORKING DRAWINGS	AP	CC

PROJECT: **PROPOSED SHED**
A & K JANEWAY
 LOCATION: **145 PINEHALL AVENUE**
SUTTONTOWN

DRAWN BY: **AP** DATE: **26.03.2018**
 CHECKED BY: **CC** DATE:

CONCEPTDESIGN@(!R1@!))J W>
 BUILDING DESIGNERS:



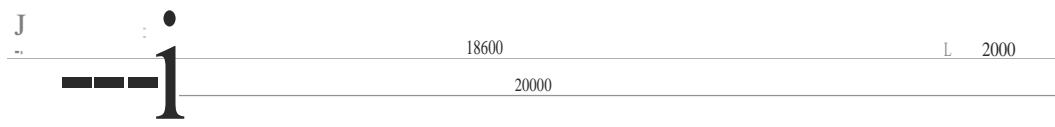
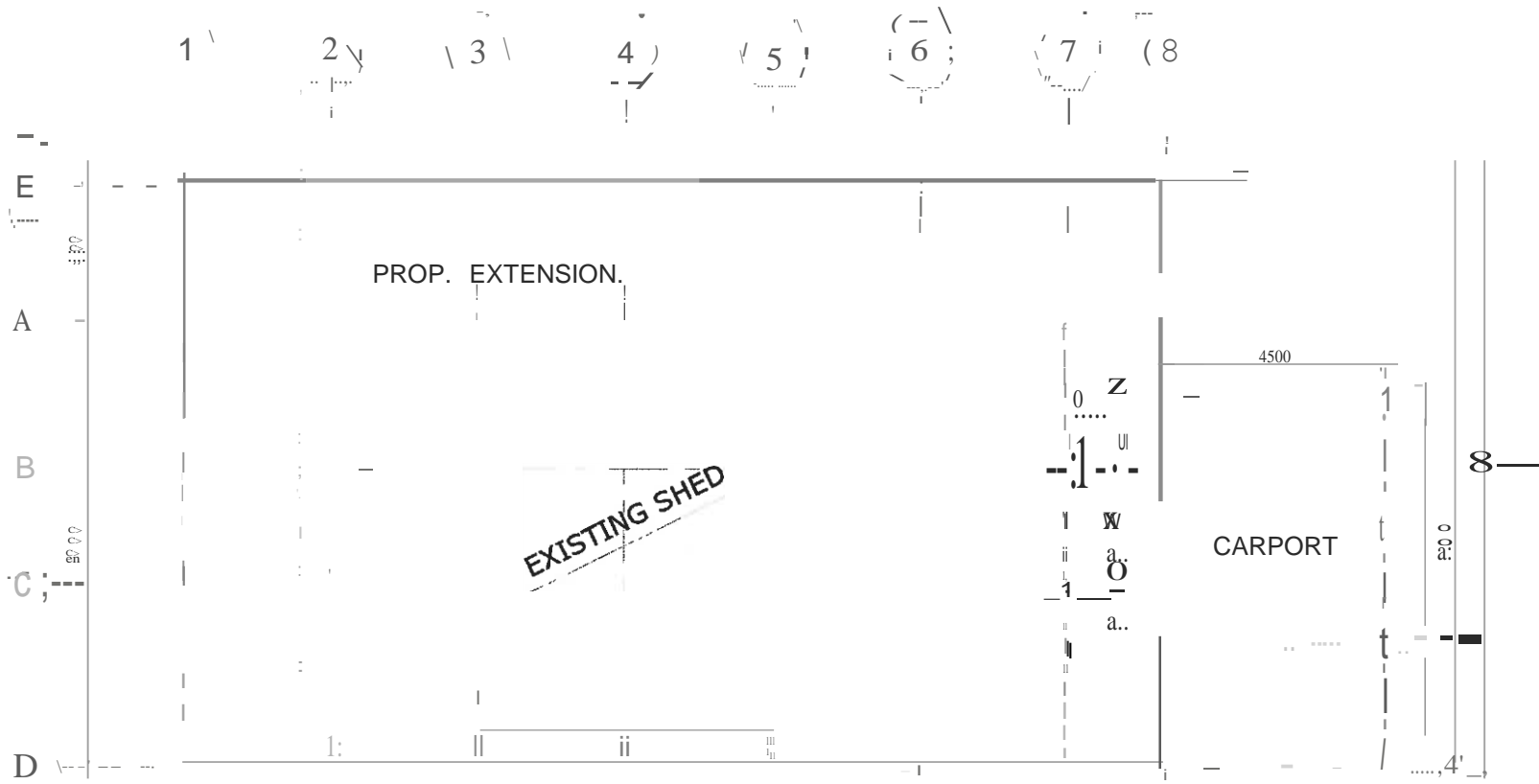
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SHED PLAN
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SITE CONDITIONS

BUSHFIRE ATTACK LEVEL:
BAL

WIND CLASSIFICATION:
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SOIL CLASSIFICATION:
CLASS ?

AMENDMENTS

REV.	DATE	COMMENT	APP.	CHK.
A	28.03	WORKING DRAWINGS	AP	CC

PROJECT: PROPOSED SHED

CLIENT: A & K JANEWAY

LOCATION: 145 PINEHALL AVENUE
 SUTTONTOWN
 AP

DATE: 26.03.2018

DAAWNBY: AP

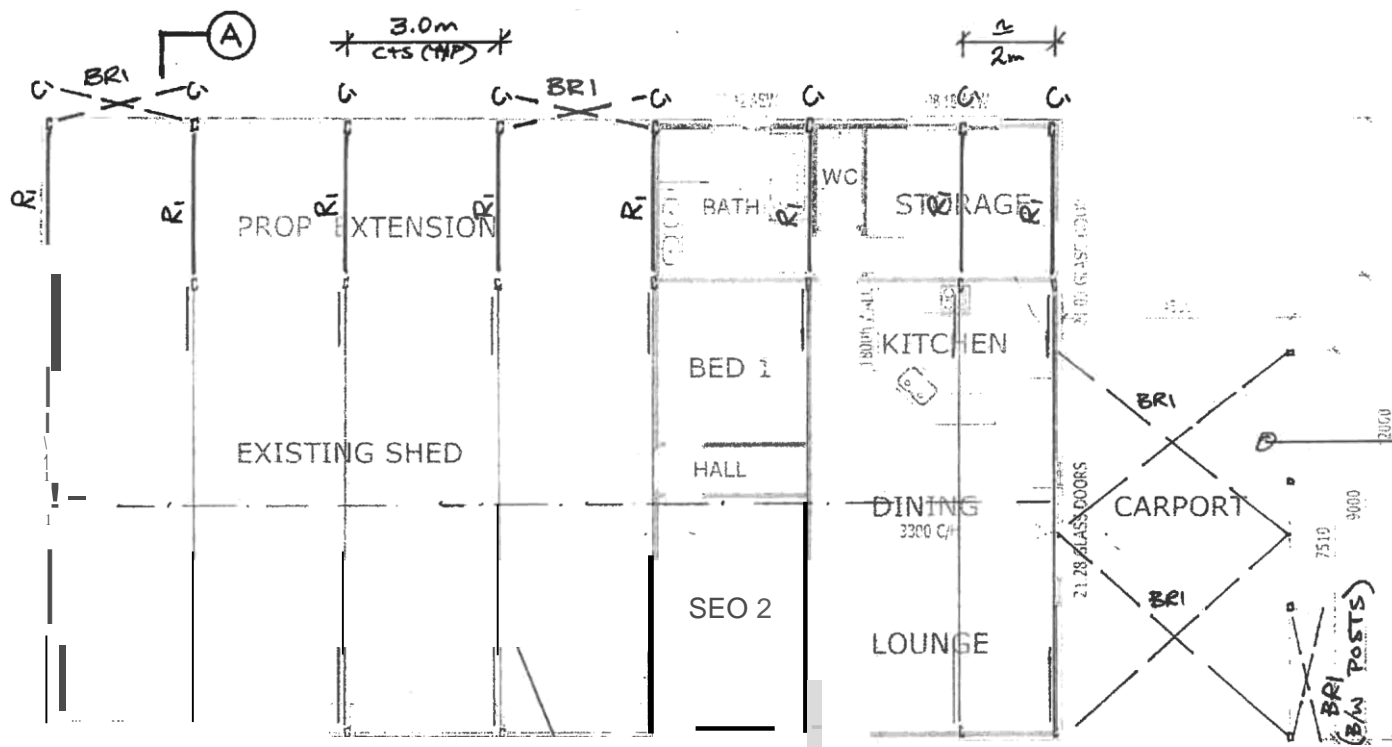
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CONCEPT DESIGN @RIC@JJWJ

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29 Ferrers Street, Mount Gambler P DS 8723 0558
 South Australia 5290 F 08 8724 9193
 dm.lgn@conceptdesigngroup.com.au www.conceptdesigngroup.com.au
 VIC Building Practitioners Registration Number: OP-AD43445

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 "MUNICIPALITY"
 "R.F.C.I.V.I.E.N.C.N.S."
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SHED MODIFICATIONS

www.tonlan.com.au

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145 PINEHALL AVENUE, SUTTONTOWN
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AT CONTRACTORS
 ELEVATION NOTES

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SITE CONDITIONS

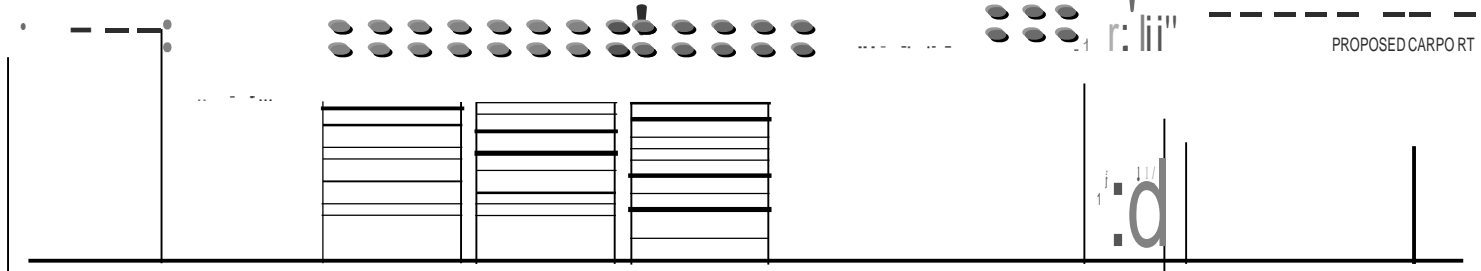
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AMENDMENTS

REV	DATE	COMMENT	DWN	Q-CK
26.03		WORKING DRAWINGS	AP	CC

PROJECT: PROPOSED SHED

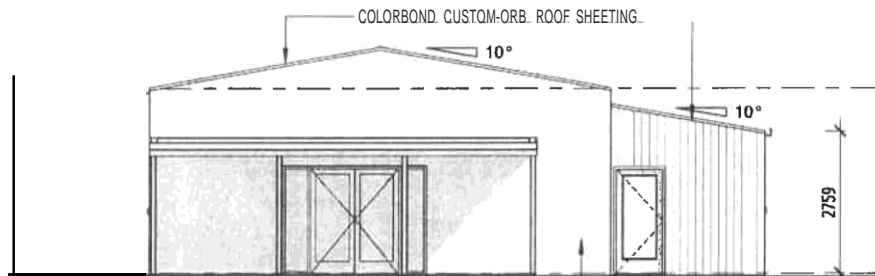
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EAST ELEVATION

1:100

-COLORBOND EXTERNAL CLADDING
 TO MATCH EXISTING



NORTH ELEVATION

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-COLORBOND CUSTOM-ORB ROOF SHEETING

-COLORBOND EXTERNAL CLADDING
 TO MATCH EXISTING

PROPOSED CARPORT



WEST ELEVATION

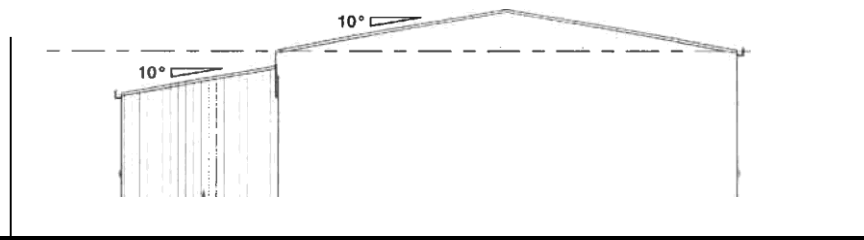
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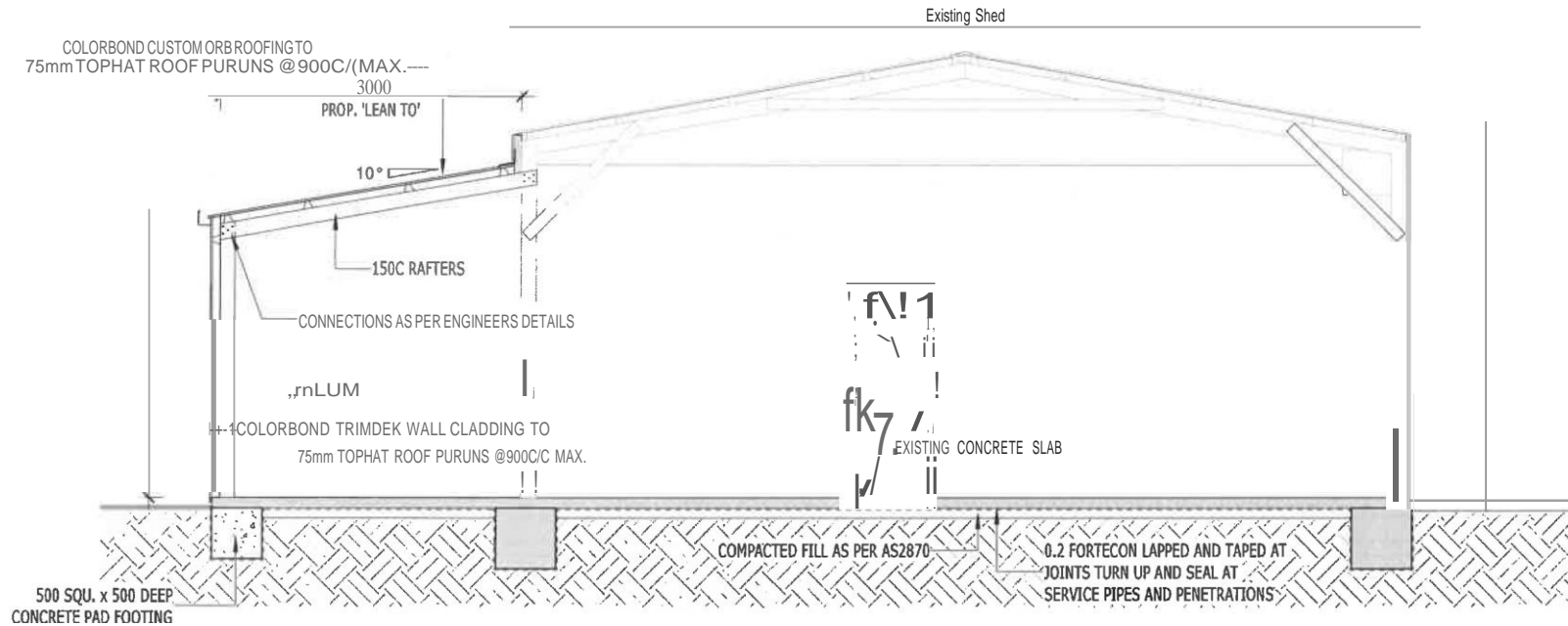
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SOUTH ELEVATION

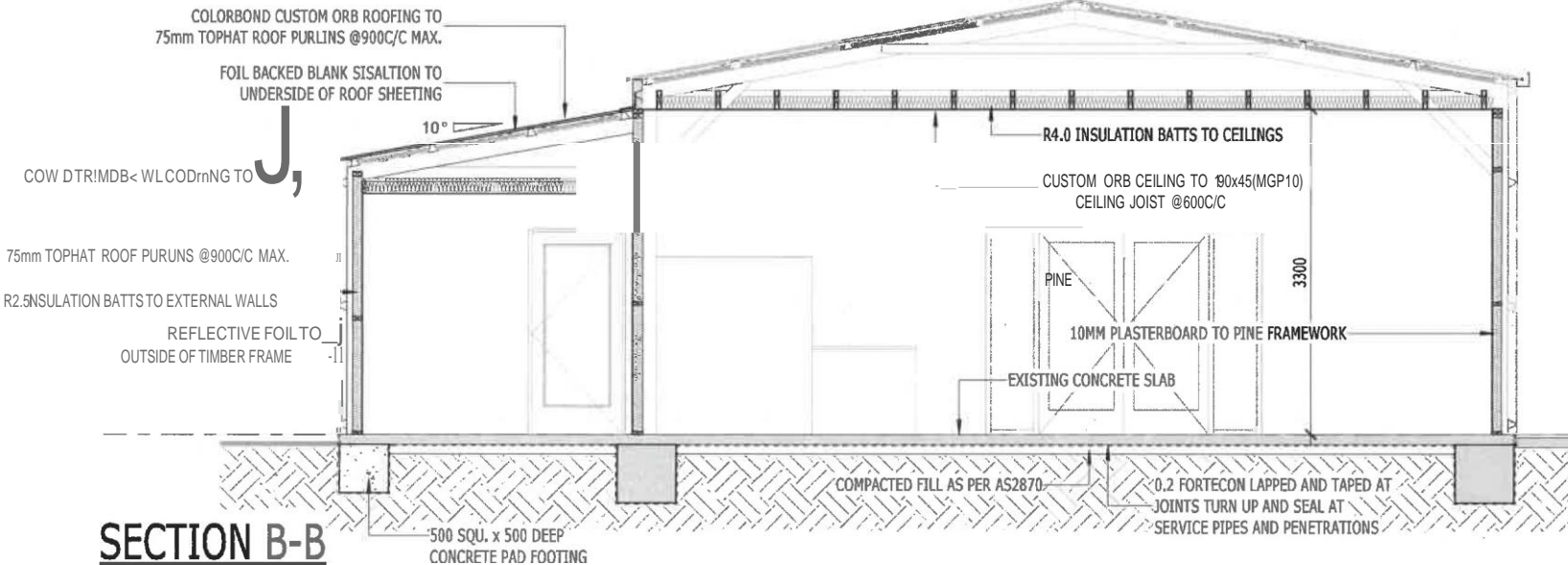
-COLORBOND EXTERNAL CLADDING
 TO MATCH EXISTING





SECTION A-A

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SECTION B-B

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CONCEPT DESIGN

SITE CONDITIONS

BUSHFIRE ATTACK LEVEL:

B.A.L

WIND CLASSIFICATION:

N?

SOIL CLASSIFICATION:

CLASS ?

AMENDMENTS

REV	DATE	COMMENT	OWN	CHK
A	26.03	WORKING DRAWINGS	AP	CC

PROPOSED SHED

PROJECT:
CLIENT:

A & K JANEWAY

LOCATION:

145 PINEHALL AVENUE
SUTIONTOWN

DRAWN BY: AP

DATE: 26.03.2018

CHECKED BY: CC

DATE:

CONCEPT DESIGN@RICOIJJIP>
B U I L D I N



29 FERRERS STREET, MOUNT GAMBLER P 08 8723 0558
SOUTH AUSTRALIA 5290 F 08 8724 9193
design@conceptdesigngroup.com.au www.conceptdesigngroup.com.au

VIC Building Practitioners Registration Number: DP-AD43445

DRAWING NO:

REVISION: SHEET NO:

18-019

A

5

Melissa Telford

From: Frank Brennan <frank@frankbrennanconsulting.com.au>
Sent: Thursday, 26 April 2018 3:25 PM
To: Tracy Tzioutziouklaris
Cc: Jessica Porter; Plumbing; Kristy Janeway (kristymjphotography@gmail.com)
Subject: Janeway - Unapproved Landuse and Building Without Approval

Hi Tracy

I refer to our recent meeting and conversations in relation to the Janeway's unapproved landuse and building without approval (contrary to approved plans) at 139-145 Pinehall Avenue, Mount Gambier and to the 2 Development Applications lodged with Council on behalf of the Janeway's addressing these matters on 6 April 2018 addressing these matters.

Following our meeting on Friday 20 April I have liaised with the Janeway's regarding our discussions and I can confirm as follows -

1. The Janeway's have moved out of the unapproved dwelling located within the shed building.
2. The Janeway's will be proceeding with the construction of their approved detached dwelling on the subject land. It is expected that the dwelling will take 6 months to complete.
3. In relation to the unapproved extensions to the shed building the Janeway's wish to -

(i). remove the carport structure attached to the northern end of the shed or convert it to a pergola structure (ie: remove roof cladding and install shade cloth);

(ii). retain the 2 metre extension to the length of the shed;

(iii). retain the bathroom extension at the rear of the shed (currently within the unapproved lean-to to the shed); and

(iv). remove the balance of the unapproved lean-to structure.

4. The Janeway's wish to retain the structure built within the shed building (and previously used as a dwelling) and utilise it in conjunction with the garage building for maintaining and repairing their own motorbikes (a dust free environment) and displaying their trophies - this is not to be used as a dwelling for residential purposes.

I further confirm that Council will continue with the assessment of the Janeway's land division application (DA 381/D009/2017 - 381/0370/2017). In this regard your advice as to any outstanding issues with the land division that need to be addressed by the Janeway's would be appreciated.

In relation to the background to the Unapproved Landuse (living in a dwelling within the shed) and Building Without Approval issues I advise as follows -

- The Janeway's were undertaking the land division to raise capital to go towards the construction of their new (approved) dwelling - this has taken longer than expected;
- (Confidential) A project in which the Janeway's plumbing business was engaged as a sub-contractor failed and left the Janeway's financially out of pocket, again impacting on their ability to commence their new (approved) dwelling; and
- This necessitated the Janeway's to look for alternative (albeit temporary) residential accommodation upon which they saw constructing a temporary dwelling structure within the shed building as a cost effective alternative. This reduced the size of the (approved) shed and the Janeway's subsequently constructed a lean-to to the rear (western side) of the shed.

The Janeway's regret their actions in not lodging Development Applications with Council seeking approval for the temporary dwelling and shed extensions.

If you require any further information please do not hesitate to contact me at your convenience.

Regards
Frank



FN Brennan Family Trust
t/a Frank Brennan Consulting Services
ABN 91 376 720 132

PO Box 335
MILLICENT SA 5280

M: (0418) 838 152

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MINUTES OF ORDINARY OPERATIONAL STANDING COMMITTEE MEETING

Meeting held in the Conference Room, Civic Centre, 10 Watson Terrace, Mount Gambier
on Tuesday, 8 May 2018 at 7:30 a.m.

PRESENT Mayor Andrew Lee

Cr Mark Lovett (Presiding Member)
Cr Christian Greco
Cr Ian Von Stanke
Cr Des Mutton

**COUNCIL MEMBERS
AS OBSERVERS:** Cr Sonya Meziniec
Cr Frank Morello (arrived at 7.34 a.m.)

COUNCIL OFFICERS General Manager Community Wellbeing - Ms B Cernovskis
General Manager City Infrastructure - Mr N Serle
Manager Development Services - Mrs T Tzioutziouklaris
Media Communications Coordinator - Ms S McLean
Administration Officer Executive Support - Mrs F McGregor

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 Cr Perryman

That the apology from Cr Perryman be received.

Moved: Cr Greco

Seconded: Cr Von Stanke

Carried

2. CONFIRMATION OF OPERATIONAL STANDING COMMITTEE MINUTES

Meeting held on 10 April 2018.

That the minutes of the Operational Standing Committee meeting held on 10 April 2018 as previously circulated be confirmed as an accurate record of the proceedings of that meeting.

Moved: Cr Greco

Seconded: Cr Mutton

Carried

3. QUESTIONS

3.1. With Notice

Nil submitted.

3.2. Without Notice

Nil received.

4. DEPUTATIONS

Nil



8. CONFIDENTIAL ITEMS

8.1 Consideration for Exclusion of the Public

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Mayor A Lee, Councillors - M Lovett, C Greco, D Mutton, I Von Stanke, S Mezinac and F Morello and Council Officers - B Cernovskis, N Serle, T Tzioutziouklaris, S McLean and F McGregor) be excluded from the meeting in order for the Agenda Item (Illegal Development – Occupation of an outbuilding) to be considered in confidence.

The Operational Standing Committee is satisfied that, pursuant to section 90(3)(a) of the Act the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of:

- Information concerning the personal affairs of any person (living or dead), which could reasonably be expected to prejudice the maintenance of law;
- Affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence or the right to a fair trial.

The Council is satisfied that the information to be received, discussed or considered in relation to this item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the occupier of the property.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances as the matter is personal to the occupier of the property.

Item No.	Subject Matter	S90(3) Grounds
8.2	Illegal Development – Development constructed at variance to the Development Approval - Report No. AR18/16548	(a) & (f)

Moved: Mayor Lee

Seconded: Cr Greco

Carried



8.2. Illegal Development - Development constructed at variance to the Development Approval - Report No. AR18/16548

COMMITTEE RECOMMENDATION

- (a) That Operational Standing Committee Report No. AR18/16548 *‘Illegal Development - Development constructed at variance to the Development Approval’* Operational Standing Committee 8 May 2018 be noted.
- (b) Council commence enforcement action and negotiations to ensure compliance with the Development Approval granted by Council on 6th October 2016, including the cessation of living within the garage, to correct the breach of the Development Act 1993.
- (c) Council engage legal representation to assist in the enforcement action, negotiations and compliance with the Development Approval granted by Council on 6th October, 2016, including the cessation of living within the garage and to correct the breaches of the Development Act, 1993.
- (d) Council advise the property owner/occupier:
 - (i) of (b) as above;
 - (ii) Council wishes to again express disappointment that the development has not been undertaken in accordance with the Development Approval issued by Council dated 6th October, 2016 which is a breach of Development Act 1993 and the South Australian On-Site Wastewater Systems Code.

Moved: Cr Lovett

Seconded: Cr Greco

Carried



8.3 Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 8.8 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
8.2	Illegal Development - Development constructed at variance to the Development Approval Report No. AR18/16548	(a) & (f)	All details	Until the matter has been resolved. Where duration exceeds 12 months. To be reviewed at least once.

Moved: Cr Lovett

Seconded: Cr Greco

Carried



AGENDA OF ORDINARY COUNCIL MEETING

Meeting to be held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier
on Tuesday, 15 May 2018 at 6.00 p.m.

PRESENT

Mayor Andrew Lee
Cr Christian Greco
Cr Mark Lovett
Cr Josh Lynagh
Cr Sonya Meziniec
Cr Frank Morello
Cr Des Mutton
Cr Steven Perryman
Cr Hanna Persello
Cr Penny Richardson
Cr Ian Von Stanke

COUNCIL OFFICERS

Chief Executive Officer	- Mr M McShane
General Manager Community Wellbeing	- Ms B Cernovskis
General Manager City Growth	- Dr J Nagy
General Manager City Infrastructure	- Mr N Serle
Manager Finance and Customer Service	- Mr J Zwijnenburg
Manager Governance and Property	- Mr M McCarthy
Manager Development Services	- Mrs T Tzioutziouklaris
Media and Communications Coordinator	- Ms S McLean
Administrative Officer Executive Support	- Mrs M Telford

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 Cr

That the apology from Cr _____ be received.

Moved:

Seconded:

2. LEAVE OF ABSENCE

Nil

3. CONFIRMATION OF COUNCIL MINUTES

Ordinary Meeting held on 17 April 2018

Special Meeting held on 24 April 2018

That the minutes of the Ordinary Council meeting held on 17 April 2018 and the Special Council meeting held 24 April 2018 be confirmed as accurate records of proceedings of the meetings.

Moved:

Seconded:



17. CONFIDENTIAL ITEMS

17.1. Consideration for Exclusion of the Public

Item 17.2

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Council Members Mayor A Lee, Councillors - C Greco, M Lovett, J Lynagh, S Mezinec, F Morello, D Mutton, S Perryman, H Persello, P Richardson and I Von Stanke and Council Officers - M McShane, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, M McCarthy, T Tzioutziouklaris, S McLean and M Telford now present) be excluded from the meeting in order for the Agenda Item (Illegal Development – Occupation of an outbuilding) to be considered in confidence.

The Council is satisfied that, pursuant to section 90(3)(a) of the Act the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of:

- Information concerning the personal affairs of any person (living or dead), which could reasonably be expected to prejudice the maintenance of law;
- Affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence or the right to a fair trial.

The Council is satisfied that the information to be received, discussed or considered in relation to this item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the occupier of the property.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances as the matter is personal to the occupier of the property.

Item No.	Subject Matter	S90(3) Grounds
17.2	Illegal Development – Development constructed at variance to the Development Approval - Report No. AR18/16548	(a) & (f)

Moved:

Seconded:



IN-CONFIDENCE

17.2. Illegal Development - Development constructed at variance to the Development Approval - Report No. AR18/16548

- (a) That Operational Standing Committee Report No. AR18/16548 *'Illegal Development - Development constructed at variance to the Development Approval'* Operational Standing Committee 8 May 2018 be noted.
- (b) Council commence enforcement action and negotiations to ensure compliance with the Development Approval granted by Council on 6th October 2016, including the cessation of living within the garage, to correct the breach of the Development Act 1993.
- (c) Council engage legal representation to assist in the enforcement action, negotiations and compliance with the Development Approval granted by Council on 6th October, 2016, including the cessation of living within the garage and to correct the breaches of the Development Act, 1993.
- (d) Council advise the property owner/occupier:
 - (i) of (b) as above;
 - (ii) Council wishes to again express disappointment that the development has not been undertaken in accordance with the Development Approval issued by Council dated 6th October, 2016 which is a breach of Development Act 1993 and the South Australian On-Site Wastewater Systems Code.

Moved:

Seconded:



17.3. Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 8.8 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
17.2	Illegal Development - Development constructed at variance to the Development Approval Report No. AR18/16548	(a) & (f)	All details	Until the matter has been resolved. Where duration exceeds 12 months. To be reviewed at least once.

Moved:

Seconded:



MINUTES OF ORDINARY COUNCIL MEETING

Meeting held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier
on Tuesday, 15 May 2018 at 6.00 p.m.

PRESENT

Mayor Andrew Lee
Cr Christian Greco
Cr Mark Lovett
Cr Josh Lynagh
Cr Sonya Meziniec
Cr Frank Morello
Cr Des Mutton
Cr Steven Perryman (arrived at 6.10 pm)
Cr Hanna Persello
Cr Ian Von Stanke (arrived at 6.02 pm)

COUNCIL OFFICERS

Chief Executive Officer	-	Mr M McShane
General Manager Community Wellbeing	-	Ms B Cernovskis
General Manager City Growth	-	Dr J Nagy
General Manager City Infrastructure	-	Mr N Serle
A/General Manager Council Business Services	-	Mr J Zwijnenburg
Manager Governance and Property	-	Mr M McCarthy
Manager Development Services	-	Mrs T Tzioutziouklaris
Media and Communications Coordinator	-	Ms S McLean
Communications Officer	-	Mrs A Watson
Administrative Officer Executive Support	-	Mrs M Telford
Customer Service Officer	-	Ms S Moretti

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 Cr Richardson

That the apology from Cr Richardson be received.

Moved: Cr Meziniec

Seconded: Cr Greco

Carried

2. LEAVE OF ABSENCE

Nil



17. CONFIDENTIAL ITEMS

17.1. Consideration for Exclusion of the Public

Item 17.2

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Council Members Mayor A Lee, Councillors - C Greco, M Lovett, J Lynagh, S Mezinac, F Morello, D Mutton, S Perryman, H Persello, P Richardson and I Von Stanke and Council Officers - M McShane, B Cernovskis, J Nagy, N Serle, J Zwijnenburg, M McCarthy, T Tzioutziouklaris, S McLean, M Telford and S Moretti now present) be excluded from the meeting in order for the Agenda Item (Illegal Development – Occupation of an outbuilding) to be considered in confidence.

The Council is satisfied that, pursuant to section 90(3)(a) of the Act the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of:

- Information concerning the personal affairs of any person (living or dead), which could reasonably be expected to prejudice the maintenance of law;
- Affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence or the right to a fair trial.

The Council is satisfied that the information to be received, discussed or considered in relation to this item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the occupier of the property.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances as the matter is personal to the occupier of the property.

Item No.	Subject Matter	S90(3) Grounds
17.2	Illegal Development – Development constructed at variance to the Development Approval - Report No. AR18/16548	(a) & (f)

Moved: Cr Lovett

Seconded: Cr Greco

Carried



IN-CONFIDENCE

17.2. Illegal Development - Development constructed at variance to the Development Approval - Report No. AR18/16548

- (a) That Operational Standing Committee Report No. AR18/16548 *'Illegal Development - Development constructed at variance to the Development Approval'* Operational Standing Committee 8 May 2018 be noted.
- (b) Council commence enforcement action and negotiations to ensure compliance with the Development Approval granted by Council on 6th October 2016, including the cessation of living within the garage, to correct the breach of the Development Act 1993.
- (c) Council engage legal representation to assist in the enforcement action, negotiations and compliance with the Development Approval granted by Council on 6th October, 2016, including the cessation of living within the garage and to correct the breaches of the Development Act, 1993.
- (d) Council advise the property owner/occupier:
 - (i) of (b) as above;
 - (ii) Council wishes to again express disappointment that the development has not been undertaken in accordance with the Development Approval issued by Council dated 6th October, 2016 which is a breach of Development Act 1993 and the South Australian On-Site Wastewater Systems Code.

Moved: Cr Lovett

Seconded: Cr Greco

Carried



17.3. Consideration for Keeping Items Confidential

That an order be made pursuant to Section 91(7) and recorded in the publicly released version of the minutes in accordance with Section 91(9) of the Local Government Act, 1999 that the document in relation to Item 17.2 which has been considered by the Council on a confidential basis pursuant to Section 90(3) be kept confidential.

Item No.	Subject Matter	S90(3) Grounds	Element To Be Kept Confidential	Duration
17.2	Illegal Development - Development constructed at variance to the Development Approval Report No. AR18/16548	(a) & (f)	All details	Until the matter has been resolved. Where duration exceeds 12 months. To be reviewed at least once.

Moved: Cr Lovett

Seconded: Cr Greco

Carried

