

**MINUTES OF CITY OF MOUNT GAMBIER
COUNCIL ASSESSMENT PANEL
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON THURSDAY, 27 MAY 2021 AT 5:45 P.M.**

PRESENT: Presiding Member Ian Von Stanke, Cr Paul Jenner and Mr Peter Seebohm

OFFICERS IN ATTENDANCE: Assessment Manager - Mrs T Tzioutziouklaris
Executive Administrator City Infrastructure - Ms S Wilson

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)

COMMITTEE RESOLUTION

Moved: Cr Paul Jenner
Seconded: Peter Seebohm

That the apology from Mr Mark Teakle be received.

CARRIED

3 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Peter Seebohm
Seconded: Cr Paul Jenner

That the minutes of the Council Assessment Panel meeting held on 15 April 2021 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

4 QUESTIONS WITHOUT NOTICE

Question:

Are cars able to be parked on the driveway associated with the shed at 5 Lawrence Street, Mount Gambier, which are advertised for sale?

Answer:

Development Approval was granted for the parking of vehicles for sale within the shed only. Council Officer's will follow this up with the business operator.



5 INVITEES

Nil

6 REPORTS

6.1 DA 381/0292/2020 - 17A DUIGAN STREET, MOUNT GAMBIER

COMMITTEE RESOLUTION

The Council Assessment Panel moved:

1. That Council Assessment Panel Report No. AR21/23135 titled 'DA 381/0292/2020 - 17A Duigan Street, Mount Gambier' as presented on 27 May 2021 be noted.
2. Having had regard the provisions of the Development Plan, the Application and all supporting documents, the development is not seriously at variance to the provisions of the Development Plan and Planning Consent be granted subject to the following conditions:
 - (a) The development shall be carried out in accordance with the Plan/s as approved by Council and with the Conditions of Approval.
 - (b) No panel beating/body building and/or spray painting of vehicles or vehicle parts shall be carried out on the subject land, unless otherwise approved by Council.
 - (c) The external materials and finishes shall match and complement those of the existing building.
 - (d) A stormwater management plan clearly identifying the proposed method of stormwater disposal from the proposed development shall be provided to Council prior to the granting of development approval.

The Applicant shall be required to make satisfactory arrangements with Council in relation to the disposal of stormwater and surface drainage, which may involve the connection to existing street drain and incorporate an inspection/access pit, at the Applicant's expense.
 - (e) The use of the property shall not create a nuisance and/or disturbance for any person/s and/or property in the immediate area.
 - (f) The building/s, surroundings and the subject property shall be maintained in a state of good, tidy and attractive repair and condition at all times.
 - (g) Dense planting shall be established along the western boundary, to the driveway, and shall incorporate the use of established trees and shrubs so as to provide a screen/buffer between the development and the adjacent property.
 - (h) 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.
3. The Applicant be advised the reasons for the Conditions are:
 - (i) To ensure the proposed development does not detract from the amenity and character of the area;
 - (ii) To ensure orderly and proper development.

CARRIED



Cr Jenner disclosed a perceived Conflict of Interest in Item 6.2 due to being a Member of Council, and informed the meeting of the manner in which he intended to deal with the perceived conflict of interest was to “*stay in the meeting*”.

Cr Jenner remained in the room for discussion on the matter.

6.2 DELEGATIONS - PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

COMMITTEE RESOLUTION

The Council Assessment Panel moved:

1. That Council Assessment Panel Report No. AR21/27421 titled ‘Delegations - Planning, Development and Infrastructure Act 2016 ’ as presented on 27 May 2021 be noted.
2. Pursuant to Section 100 of the Planning, Development and Infrastructure Act 2016, the Council Assessment Panel delegates each function or power of the Council Assessment Panel as identified in Attachment 1 to Council Assessment Panel Report No. AR21/27421 (marked as Instrument C) to the Chief Executive Officer and Assessment Manager subject to the following conditions and limitations:
 - a) The delegations may be sub delegated by the Chief Executive Officer or Assessment Manager;
 - b) Each delegation of a power or function granted under this instrument is independent of, and severable from, every other delegation granted under this instrument;
 - c) If two or more (sub)delegates are nominated in respect of a power or function, then each nominated person is granted a (sub)delegation and may exercise the power or function independently of any other (sub)delegate;
 - d) Delegates must exercise a delegate or power in accordance with applicable legislative and legal requirements; and due regard to relevant policies and guidelines adopted by the Council;
 - e) If a delegation of a power or function under this instrument is determined to be invalid or unlawful, the invalid or unlawful delegation will be deemed to be severed from this instrument and remaining delegation will continue to operate according to their terms;
 - f) These delegations will come into operation on Friday 28th May, 2021 and remain in force until varied or revoked by the Council Assessment Panel, or a Regional Assessment Panel established including the City of Mount Gambier.
 - g) Previous delegations granted by the Council Assessment Panel are varied as identified within the report with effect from Friday 28th May 2021.
 - h) Delegation ID 502638 is acknowledged as being deleted and shall be removed from the delegations.

CARRIED

6.3 11-17 WIRELESS ROAD EAST, MOUNT GAMBIER

COMMITTEE RESOLUTION

The Council Assessment Panel moved:

1. That Council Assessment Panel Report No. AR21/31791 titled ‘11-17 Wireless Road East, Mount Gambier’ as presented on 27 May 2021 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 is granted Planning Consent, subject to the following conditions:
 1. The development shall be carried out in accordance with the Plan/s and associated documentation as approved by Council and with the Conditions of Approval.
 2. All of the building, including the roof, shall be constructed using a non-reflective material.
 3. All of the carparking, driveway areas, footpath crossovers and vehicle manoeuvring areas shall be graded, paved and sealed with bitumen or other similar material and be maintained in a good condition at all times.
 4. The carparking spaces shall measure not less than 2.6 metres in width and 5.5 metres in length and shall be linemarked and maintained in a useable condition at all times.
 5. The remainder of the yard areas shall be appropriately graded and surfaced at all times so as to ensure maximum dust suppression and to avoid dust and mud being carried out by vehicles onto public roads.
 6. The footpath crossover area/s shall be constructed in accordance with Council Policy F175 - Footways & Crossovers.
 7. 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.
 8. All waste generated on the site must be managed appropriately and removed on a regular basis so as to not unreasonably impact upon the adjacent properties.
 9. Landscaping shall be established in accordance with the Plan approved by Council and shall incorporate the use of established trees and shrubs, and 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.
 10. The subject land and all improvements thereon shall be maintained in a state of good, tidy and attractive repair and condition at all times.
 11. 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.
 12. Provision shall be made for the onsite disposal of stormwater and surface drainage, unless otherwise agreed to by Council.
 13. A Soil Erosion and Drainage Management Plan must be developed and implemented prior to the commencement of construction on the site in accordance with the principles outlined in the Stormwater Pollution Prevention Code of Practice for Local, State and Federal Government. The plan must be submitted to Council prior to the granting of Development Approval.
 14. The subject land shall not be used/occupied for the purposes approved by Council until conditions 3, 4, 6, 9 and 12 are completed.
3. The Applicant be advised the reasons for the Conditions are:
 - (i) To ensure the development does not detrimentally impact upon the character and amenity of the area.
 - (ii) To ensure orderly and proper development.
 - (iii) To ensure the development minimises adverse impacts on the adjoining properties.

(iv) To ensure the development does not detrimentally impact upon the environment and does not degrade the water quality of the underground aquifer.

4. The Council Assessment Panel is concerned about:

1. The cut and fill that has been undertaken on the subject allotment and requests consideration be given to the management of this cut, so as to ensure the ongoing stability of the subject site is appropriately managed. This may include the construction of retaining walls.
2. The amount of dirt and sand running on to the footpath and road during rainfall events, any dirt and sand on the subject site should be appropriately managed to ensure it remains onsite at all times and does not cause hazard.

.CARRIED

7 MOTIONS WITHOUT NOTICE

Nil

8 MEETING CLOSE

The Meeting closed at 6:35.

The minutes of this meeting were confirmed at the Council Assessment Panel held on 1 July 2021.

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PRESIDING MEMBER

