

**MINUTES OF CITY OF MOUNT GAMBIER  
COUNCIL ASSESSMENT PANEL  
HELD AT THE COMMITTEE ROOM, LEVEL 1, CIVIC CENTRE, 10 WATSON TERRACE,  
MOUNT GAMBIER  
ON THURSDAY, 17 OCTOBER 2019 AT 5.45 P.M.**

**PRESENT:** Presiding Member Ian Von Stanke, 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**

**COMMITTEE RESOLUTION**

Moved: Mark Teakle  
Seconded: Cr Paul Jenner

That the minutes of the Council Assessment Panel meeting held on 19 September 2019 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**

**4 INVITEES**

- Mr Nick Serle, on behalf of the Applicant spoke in relation to Item 5.1, DA 381/0231/2019 at 6.03 p.m.
- Mr Albey Feil the Representor spoke in relation to Item 5.4, DA 381/0211/2019 at 5.50 p.m.
- Ms Carol Downing, the Applicant spoke in relation to Item 5.4, DA 381/0211/2019 at 5.53 p.m.



## 5 REPORTS

### 5.1 1 & 2/46 PENOLA ROAD, MOUNT GAMBIER

#### COMMITTEE RESOLUTION

The Council Assessment Panel moved:

1. That Council Assessment Panel Report No. AR19/49762 titled '1 & 2/46 Penola Road, Mount Gambier' as presented on 17 October 2019 be noted.
2. Refuse the application pursuant to Section 39(4)(d) of the Development Act and notify the Applicant accordingly.
3. The Applicant and Owner be advised that the reason for refusal is;
  - (a) The development is seriously at variance with the provisions of Council's Development Plan and not consistent with the desired character of the Residential Zone.
4. The Council Assessment Panel wishes to express disappointment that Council has undertaken development, namely the erection of an advertising sign, without first obtaining Development Approval when it is responsible for the administration of the Development Act 1993 and the Planning, Development and Infrastructure Act 2016. The undertaking of development without first obtaining Development Approval is a breach of the Development Act. The Council Assessment Panel is of the opinion that Council should ensure all of its activities comply with relevant legislation and set the standard for the community. The Council Assessment Panel is also concerned about the length of time this Development Application has taken to be processed and referred to the Council Assessment Panel for consideration.
5. The Council Assessment Panel requests that the advice as contained in 4 as above be referred to Council for its advice.

**CARRIED**

### 5.2 6 WILSON STREET, MOUNT GAMBIER

#### COMMITTEE RESOLUTION

The Council Assessment Panel moved:

1. That Council Assessment Panel Report No. AR19/50371 titled '6 Wilson Street, Mount Gambier' as presented on 17 October 2019 be noted.
2. The Council Assessment Panel resolve to proceed with the assessment of the application.

**CARRIED**

### 5.3 71 SUTTONTOWN ROAD, MOUNT GAMBIER

#### COMMITTEE RESOLUTION

The Council Assessment Panel moved:

1. That Council Assessment Panel Report No. AR19/52454 titled '71 Suttontown Road, Mount Gambier' as presented on 17 October 2019 be noted.



- (a) 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 Development Plan Consent (subject to the concurrence of the Development Assessment Commission along with any additional condition applied), with the following conditions;
- (i) The development shall be carried out in accordance with the Plan/s as approved by Council and maintained thereafter.
  - (ii) The building and surrounds shall not be used for purposes other than those approved by Council.
  - (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 usable conditions at all times.
  - (iv) The car parking spaces shall measure not less than 2.6 metres in width and 5.5 metres in length.
  - (v) A car parking space for people with a disability shall be appropriately identified, line marked and maintained in a serviceable conditions at all times.
  - (vi) 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.
  - (vii) 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.

2. The Applicant and Owner be advised that the reasons for Council's Condition of Consent are:
- 1. To ensure orderly and proper development.
  - 2. To maintain the amenity of the residential locality.

**CARRIED**

#### **5.4 25 STURT STREET, MOUNT GAMBIER**

##### **COMMITTEE RESOLUTION**

The Council Assessment Panel moved:

- 1. That Council Assessment Panel Report No. AR19/53894 titled '25 Sturt Street, Mount Gambier' as presented on 17 October 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 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
  - (a) 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;
    - (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) At all times whomsoever may be occupying the property, shall take all measures to ensure that the amenity of the immediate area is not affected by nuisance or disturbance associated with the operation of the short term accommodation.
- (iii) All waste materials and refuse accumulated on the property shall be removed on a regular basis to ensure that the property is maintained in a clean and sanitary condition.
- (iv) The building and land shall be maintained in a state of good repair and tidy condition at all times.

3. The Applicant be advised the reasons for the Conditions of Approval are:

- (i) To ensure the development does not detract from the character and amenity of the subject locality.
- (ii) To ensure the development promotes proper and orderly development.

**CARRIED**

## **5.5 11 BLACKWOOD STREET, MOUNT GAMBIER**

### **COMMITTEE RESOLUTION**

The Council Assessment Panel moved:

1. That Council Assessment Panel Report No. AR19/54711 titled '11 Blackwood Street, Mount Gambier' as presented on 17 October 2019 be noted.
2. The Council Assessment Panel resolves to proceed with an assessment of the application.

**CARRIED**

## **6 MOTION WITHOUT NOTICE**

### **6.1 CONFIRMATION OF ROLE**

#### **COMMITTEE RESOLUTION**

The Council Assessment Panel moved:

1. The Council Assessment Panel requests written confirmation outlining the role and responsibility of the Council Member appointed to the Council Assessment Panel, in particular in respect to where a conflict of interest would be deemed to exist, i.e. where a development matter has been considered by Council.

**CARRIED**

## **7 MEETING CLOSE**

**The Meeting closed at 6.45 p.m.**

**The minutes of this meeting were confirmed at the Council Assessment Panel held on 21 November 2019.**



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**PRESIDING MEMBER**

