

**MINUTES OF CITY OF MOUNT GAMBIER
COUNCIL ASSESSMENT PANEL
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON THURSDAY, 18 FEBRUARY 2021 AT 5.45 P.M.**

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

OFFICERS IN ATTENDANCE:	Acting Chief Executive Officer	- Ms B Cernovskis
	General Manager City Infrastructure	- Mr N Serle
	General Manager City Growth	- Mr T Coote
	Manager Development Services	- 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)

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 21 January 2021 be confirmed as an accurate record of the proceedings of the meeting, with the following amendment.

ITEM 5.1 26 ALEXANDER STREET, MOUNT GAMBIER

Part 2 (a) - replace the word 'significant' with 'some' to read as follows:

The applicant be advised:

- (a) The Council Assessment Panel (CAP) has some concern with the proposal in its current form, in particular:
 - (i) The length and height of the walls to be built on the southern, eastern and western property boundaries;
 - (ii) The carparking provided on site; and
 - (iii) The lack of onsite landscaping.

CARRIED



4 INVITEES

Item 5.3 DA 381/0446/2021

- Representor - Mr C and Mrs J Proud spoke in relation to this matter at 5:53pm.
- Representor - Mrs A Ryan spoke in relation to this matter at 6:00pm.
- Mr Frank Brennan, Planning Consultant on behalf of the Applicant, spoke in relation to this matter at 6:05pm.

Item 5.4 DA 381/0517/2020

- Mr Frank Brennan, Planning Consultant on behalf of the Applicant, spoke in relation to this matter at 6:33pm.

5 REPORTS

5.1 DELEGATIONS - PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

COMMITTEE RESOLUTION

The Council Assessment Panel moved:

1. That Council Assessment Panel Report No. AR21/7110 titled 'Delegations - Planning, Development and Infrastructure Act 2016' as presented on 18 February 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 Council Assessment Panel Report No. AR21/7110 (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 and 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 19th March, 2021;
 - (g) The delegations granted by these resolutions will remain in force until varied or revoked by resolution of the Council Assessment Panel, or a Regional Assessment Panel has been established which includes the City of Mount Gambier.

CARRIED



5.2 8 RAMSAY AVENUE, MOUNT GAMBIER

COMMITTEE RESOLUTION

The Council Assessment Panel moved:

1. That Council Assessment Panel Report No. AR21/7679 titled '8 Ramsay Avenue, Mount Gambier' as presented on 18 February 2021 be noted.
2. The Applicant and Owner be advised that having regard to the Mount Gambier (City) 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, with the following conditions;
 - (a) The development shall be carried out in accordance with the Plan/s as approved by Council, and maintained in a good condition thereafter.
 - (b) The carparking and driveway areas as shown on the plan approved by Council, shall be graded, paved, sealed and line marked, and maintained in a usable condition at all times.
3. The applicant and owner be advised of the following reasons for Council's conditions of approval:
 - (a) To ensure that the proposed development improves and enhances the amenity and the character of the area.
 - (b) To ensure orderly and proper development.

CARRIED

5.3 DA 381/0446/2021 - 102-124 SUTTONTOWN ROAD, MOUNT GAMBIER

COMMITTEE RESOLUTION

The Council Assessment Panel moved:

1. That Council Assessment Panel Report No. AR21/7938 titled 'DA 381/0446/2021 - 102-124 Suttontown Road, Mount Gambier' as presented on 18 February 2021 be noted.
2. Having had regard to the Development Application, all supporting documents and the provisions of the Development Plan, the development is considered to not be at serious variance to the Development Plan and Development Plan Consent be granted subject to the following conditions:
 - (a) Prior to operation, as per the recommendation contained in the Marshall Day Acoustics report dated 1 May 2013, on sheet of 13 millimetre plasterboard with a minimum surface density to frame a minimum 100 millimetre gap must be installed on the western and southern walls of the shed. The plasterboard lining must extend the full length of the walls to the underside of the roof and each layer must be sealed at all junctions.
 - (b) Prior to operation, as per the recommendation contained in the Marshall Day Acoustics report dated 1 May 2013, the full extent of the underside of the roof must be lined with 50 millimetre thick (36 kilograms per cubic metre) factory liner.
 - (c) Any substances stored on site which have the potential to pollute water or are likely to degrade water (such as oils/lubricants, paints and fuels and whether or not they are



waste) must be stored within a bunded compound or area suitable for preventing the escape of material/liquids into surface or underground water resources.

- (d) The development shall be carried out in accordance with the Plan/s as approved by the Council and with the Conditions of Approval.
- (e) The building and land shall not be used for purposes other than those approved by Council.
- (f) The use of the property shall not create a nuisance and/or disturbance for any person/s and / or property in the immediate area.
- (g) Dense landscaping shall be established between Mill 1 and the Suttontown Road property boundary so as to prevent a screen/buffer between the development and the adjacent properties.
- (h) Landscaping must be completed in the first planting season concurrent with or following commencement of the use of this development and shall incorporate the use of established trees and shrubs.
- (i) Landscaping shall be maintained in good heart and condition at all times. Should any trees, shrubs, ground cover or other plan die, become diseased or otherwise fail to thrive at any time, it shall be forthwith replaced.
- (j) The building and surroundings shall be maintained in a state of good repair and tidy condition at all times.

Notes

The Applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which cause or may cause environmental harm.

The Applicant is reminded that all reasonable and practicable operational steps should be taken to reduce off site noise. This includes fitting all trucks and forklifts with broadband reverse beepers.

The applicant/operator prepare is advised to prepare and implement an Environmental Management Plan that documents continued vigilance and ongoing mitigation measures to manage or reduce noise impacts at nearest sensitive receivers.

The applicant is reminded that noise from construction, demolition and site preparation is required to meet the mandatory provision of part 6 Division 1 of the Environment Protection (Noise) Policy 2007.

An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements. Information on applying for a licence (including licence application forms) can be accessed here: http://www.epa.sa.gov.au/business_and_industry/applying_for_a_licence

A licence may be refused where the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.

EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site: <http://www.epa.gov.au>

- 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) To ensure the proposed development does not detrimentally impact on the amenity and character of the area.
 - (c) To ensure the development complies with the requirements of the Environment Protection (Noise) Policy.
4. The Panel advise the Applicant that a number of representations raised issues in respect to the trees, spill of lights and dust and requests these matters be addressed.

CARRIED

5.4 DA 381/0517/2020 - 26 ALEXANDER STREET, MOUNT GAMBIER

COMMITTEE RESOLUTION

The Council Assessment Panel moved:

1. That Council Assessment Panel Report No. AR21/8506 titled 'DA 381/0517/2020 - 26 Alexander Street, Mount Gambier' as presented on 18 February 2021 be noted.
2. Having had regard to the provision of the Development Plan, the Development Application and all supporting documentation the development as proposed is considered not at variance to the provisions of the Development Plan and Development Plan Consent be granted subject to the following conditions and advice:
 - (a) The development shall be carried out in accordance with the Plan/s as approved by Council and with the Conditions of Approval.
 - (b) 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 linemarked and maintained in a useable condition at all times prior to the building being occupied.
 - (c) The Applicant shall submit a Works and Service application to establish the new invert and crossover between the subject land and the road carriageway and close the existing invert/crossover if required in accordance with the plan approved by Council and reinstate the footpath at the Applicant's expense.
 - (d) All loading and unloading shall be undertaken on the subject land.
 - (e) The Applicant shall make satisfactory arrangements with Council in relation to the disposal of stormwater and surface drainage, which may involve the connection to the existing street drain and incorporate an inspection/access pit, at the Applicant's expense prior to Development Approval being obtained.
 - (f) Landscaping shall be undertaken and maintained at all times.
 - (g) All waste materials and refuse shall be contained within the proposed building and removed on a regular basis.
 - (h) The use of the property shall not create a nuisance and/or disturbance for any person/s and/or property in the immediate area.
 - (i) The building and surroundings 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 consent are:
 - (a) To ensure the proposed development does not impact upon the amenity and character of the area; and
To ensure orderly and proper development.

CARRIED



6 MOTIONS WITHOUT NOTICE

6.1 MOTION - COUNCIL ASSESSMENT PANEL MEETING PROCEDURES

COMMITTEE RESOLUTION

The Council Assessment Panel moved:

1. That the meeting procedures be amended to allow the Council Assessment Panel agenda to include questions without notice and for these to be recorded in the minutes.

CARRIED

6.2 MOTION - AIR BED AND BREAKFASTS

COMMITTEE RESOLUTION

The Council Assessment Panel moved:

1. That the Council Assessment Panel notes a thesis is being written with regards to Air Bed and Breakfasts. When the thesis is completed, can it be presented to the Council Assessment Panel and City of Mount Gambier.

CARRIED

7 MEETING CLOSE

The Meeting closed at 7:30pm.

The minutes of this meeting were confirmed at the Council Assessment Panel held on 18 March 2021.

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PRESIDING MEMBER

