

District Council of Robe
Council Assessment Panel

The SA Government announced Covid-19 Level 4 restrictions effective from midnight Monday, 20th July 2021. Due to this announcement the District Council of Robe's Chief Executive Officer declared that the Council Assessment Panel be held remotely by Zoom and that the development application for 22 McIntyre Street, Robe be the only matter for this meeting. Development applications listed in the Agenda as 10.1 and 10.2 are to be held over to the next meeting to allow for site visits if required and for representors to attend in person.

Minutes of the Council Assessment Panel Meeting held 21 July, 2021 commencing at 12 noon at the District Council of Robe Chambers, 3 Royal Circus, Robe.

PRESENT

Liz Travers (Presiding Member), Cr Ned Wright (Elected Member), Meg Redman (Independent Member), Mark Teakle (Independent Member) and Michael Talanskas (Independent member)

APOLOGIES

James Holyman, Chief Executive Officer and Rob Moir, Director of Infrastructure

IN ATTENDANCE

Damian Dawson (Assessment Manager) and Michelle Gibbs (Development Officer)

IN GALLERY

Orso Osti and Tim Rogers

Mr Osti addressed the Panel in response to his representation relating to Development Application 21000972 to allow him to return to work and left the meeting at 12.06pm

OPENING, WELCOME AND INTRODUCTIONS

Acknowledgement of Traditional Owners.

Presiding Member welcomed members, staff and the gallery to the meeting.

The Presiding Member outlined the process of the Council's Assessment Panel (CAP) meeting to the members of the gallery, advising that the role of the CAP is to assess Development Applications against the relevant planning provisions.

The Presiding Member advised that the Representors and the Applicants would be invited to address CAP and answer any questions from Panel Members, and then there would be a closed section of the meeting, where the public is excluded, to discuss and consider the Application. The public gallery was advised that they could contact Council the next day and find out the outcome.

CONFIRMATION OF MINUTES

Mr M Teakle moved that the minutes of the CAP meeting held on the 24 March 2021, as circulated are confirmed as an accurate record of the proceedings of the meeting.

Seconded Cr N Wright

Carried

BUSINESS WITH NOTICE

Nil

BUSINESS WITHOUT NOTICE

Nil

CONFLICT OF INTEREST

None declared

DELEGATIONS

1. Application No. 21000972 – S Legoe, 22 McIntyre Street, Robe
Mr Tim Rogers addressed the Panel in support of the application and left the meeting at 12.33pm

EXCLUSION OF PUBLIC

Mr M Talanskas moved that the Panel resolves that it will exclude the public from attendance during that part of the meeting that consists of its discussion or determination by the Panel under Regulation 13 (2) (b) of the Planning, Development and Infrastructure (General) Regulations 2017, excepting for the following persons:-

- Damian Dawson (Assessment Manager)
- Michelle Gibbs (Development Officer/Minute Taker)

Seconded Mr M Teakle

Carried

The Panel moved into "Confidence" at 12.34pm

DEVELOPMENT APPLICATIONS

Development No. 21000972
Applicant: Tim Rogers and Sonia Legoe
Address: 22 McIntyre Street, Robe
Nature of Development: Two storey dwelling

Moved Cr N Wright that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 21000972 by Timothy Rogers and Sonia Legoe is granted Planning Consent subject to the following conditions:

CONDITIONS

1. The Development shall be carried out in accordance with plan/s and details as approved by Council except where required to be varied by an condition of consent or where approval is sought from and granted by Council, for any variation. Reason: To ensure the development proceeds in an orderly manner.
2. The front setback area (between the front property boundary and front of the dwelling) shall be landscaped with suitable trees, shrubs, lawn and/or ground cover and may include some paving, retaining and the like. Such landscaping shall be completed within 2 years of completion of the dwelling and shall be maintained in good condition at all times and any dead or diseased vegetation shall be promptly replaced to the reasonable satisfaction of Council.
3. All stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage will not at any time:
 - (a) Result in the entry of water into a building; or
 - (b) Affect the stability of a building; or
 - (c) Create unhealthy or dangerous conditions on the sit or within the building; or
 - (d) Flow or discharge onto the land or an adjoining owner and not flow across property boundaries and onto the adjoining road.
4. Approval shall be obtained from the District Council of Robe for a new On-Site Wastewater system or alteration to an existing system prior to issue of Development Approval. An application form can be downloaded from Council's website and submitted with a wastewater engineers report (if applicable) and relevant plans. Once approval has been granted, please upload the Wastewater Approval to the PlanSA ePlanning Platform.

ADVISORY NOTES

General Notes

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

Seconded Mr M Talanskas

MOTION WAS PUT AND WAS LOST

Moved Ms M Redman that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and

2. The Assessment Panel **refuse** the Development Application from Tim Rogers and Sonia Legoe to construct a Two storey dwelling at 22 McIntyre Street, Robe as detailed in Development Application 21000972 as the proposed development is not consistent with the Planning and Design Code and is at odds with:
- (a) The terms of the Neighbourhood Zones Desired Character statement which calls for:-
 - (i) *Housing supports a range of needs and complements the existing local context. Services and community facilities contribute to making a convenient place to live without compromising the residential amenity and character of the neighbourhood.*
 - (b) The terms of the General Development Policies, Design's Desired Outcomes which calls for:-
Development is:
 - (a) *Contextual – by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area*
 - (c) The terms of the General Development Policies, Design, All development, Massing which calls for:-
 - (a) The visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets.

Reasons for refusal:

The proposed development fails to meet, to the necessary extent, the relevant polices of the Planning and Design Code in relation to streetscape appearance and visual bulk, and in particular fails to satisfy:

- Neighbourhood Zone Desired Outcome 1; and
- General Polices Design Desired Outcome 1 and Performance Outcome 15.1.

Seconded Mr M Teakle

Carried

REPORTS

Delegation of Powers – Planning, Development and Infrastructure Act and Regulations

Moved Cr N Wright that:

1. Revocation
 - a. The District Council of Robe Council Assessment Panel hereby revokes, its previous delegations of those powers and functions under the Planning, Development and Infrastructure Act 2016 and Regulations contained in the Instrument of Delegation titled "Instrument C" attached to this report (identified as Attachment 1).

2. Delegations under the Planning, Development and Infrastructure Act 2016 – to the District Council of Robe’s Assessment Manager

- a. In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 each of the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation titled “Instrument C” (identified as Attachment 1) are hereby delegated this 20th day of July 2021 to the identified delegate(s) as referenced in the attached tables, subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
- b. Such powers and functions may be further delegated by the identified delegate(s), in accordance with Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the identified delegate(s) sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
- c. For the purposes of these delegations, should the Assessment Manager at the time of making these delegations change, all delegations made to the Assessment Manager extend to any person appointed as a replacement to the Assessment Manager (as long as that person is also given the appropriate appointment as the Assessment Manager by the Council).
- d. For the purposes of these delegations, all delegations to the Chief Executive Officer extend to any person appointed to act in the position of Chief Executive Officer.
- e. For the purposes of these delegations all further delegations made by the Chief Executive Officer extend to any person who is appointed to act in the position of the delegate.
- f. The District Council of Robe Council Assessment Panel (“Panel”) determines to act under Section 99(1)(b) of the Planning, Development and Infrastructure Act 2016 in relation to all development applications received by it that involve the performance of building work.
- g. Pursuant to Section 99(1)(c) of the Planning, Development and Infrastructure Act 2016, where the Panel has determined to act under Section 99(1)(b) of the Act, the Panel refers the assessment of the development in respect of the Building Rules to the District Council of Robe.

Seconded Ms M Redman

Carried

CONCLUSION OF CLOSED MEETING

Moved Cr Wright that the Panel resolves to conclude its exclusion of the public from attendance at the meeting under Regulation 13(2)(b) of the Planning, Development and Infrastructure (General) Regulations 2017.

The Panel moved out of “In Confidence” at 1.13pm.

Seconded Mr M Talanskas

Carried

NEXT MEETING

The date of the next CAP Meeting is yet to be determined. Notification of the meeting will be sent no less than 5 days prior to the meeting.

CLOSURE

Meeting closed at 1.17pm



ASSESSMENT MANAGER

PRESIDING MEMBER