



DISTRICT COUNCIL OF GRANT PLANNING AND DEVELOPMENT COMMITTEE

Agenda for a Meeting of the Committee to be held

On 12 March 2019
At Council Chambers, 324 Commercial Street West, Mount Gambier
Commencing 5.30pm

OUR MISSION

**“To provide a range of services which meet
the environmental, social and economic
needs of our community.”**



NOTICE OF MEETING

Pursuant to Section 87(4) of the Local Government Act 1999, notice is hereby given that the Meeting of the Grant District Council Planning and Development Committee will be held on **Tuesday, 12 March 2019 at 5.30pm** at the Council Chambers, 324 Commercial Street West, Mount Gambier.

Leith McEvoy
DIRECTOR OF ENVIRONMENTAL SERVICES

DISTRIBUTION LIST -

COMMITTEE MEMBERS

<i>Mayor Richard Sage</i>	<i>(Chairman)</i>
<i>Cr Barry Kuhl</i>	<i>(Council Member)</i>
<i>Cr Gill Clayfield</i>	<i>(Council Member)</i>
<i>Cr Brad Mann</i>	<i>(Council Member)</i>
<i>Cr Shirley Little</i>	<i>(Council Member)</i>
<i>Cr Jody Elliott</i>	<i>(Council Member)</i>

COUNCIL OFFICERS

Chief Executive Officer, Mr David Singe
Director of Environmental Services, Mr Leith McEvoy
Team Leader - Environmental Health and Compliance, Aaron Price
Planning Officer, Ms Trudy Glynn
Building Officer, Jack Cortolezzis

ORDER OF BUSINESS

- 1. OPENING & WELCOME**
- 2. ATTENDANCE**
- 3. APOLOGIES FOR ABSENCE**
- 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
 - 4.1 Committee Meeting held 11 September 2017
- 5. BUSINESS ARISING FROM THE MINUTES**
- 6. REPORTS FROM OFFICERS**
 - 6.1 Domestic Outbuildings in association with Dwellings
 - 6.2 Director of Environmental Services Update Report – March 2019
- 7. INFORMATION BULLETIN**
- 8. BUSINESS WITH NOTICE**
- 9. BUSINESS WITHOUT NOTICE**
- 10. CONFIDENTIAL ITEMS**
 - 10.1 Rural Living and Township Zones – Boundaries Review and Master Plan
- 11. NEXT MEETING**
- 12. CLOSURE**

1. OPENING & WELCOME

2. ATTENDANCE

3. APOLOGIES FOR ABSENCE

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Committee Meeting held 11 September 2017

Recommendation:

Moved Cr _____ that the minutes of the District Council of Grant Planning and Development Committee meeting held 11 September 2017 be taken as read and confirmed as a true and accurate record of the proceedings of that meeting.

Seconded Cr _____

Attachment

DISTRICT COUNCIL OF GRANT

MINUTES OF PLANNING AND DEVELOPMENT COMMITTEE

MEETING HELD AT THE DISTRICT COUNCIL OF GRANT

MONDAY 11 SEPTEMBER 2017 AT 5.33 PM

ATTENDANCE

Committee Members

Mayor Richard Sage (Presiding Member)
Cr AH Hill
Cr BR Kuhl
Cr GM Clayfield

Council Officers

TJ Smart, Chief Executive Officer
LJ McEvoy, Director of Environmental Services
TF Glynn, Planning Officer
HL Michell, Administration Officer

APOLOGIES FOR ABSENCE

Cr BJ Collins

17001 - CONFIRMATION OF MINUTES

1. Moved Cr Clayfield that the minutes of the Planning and Development Committee meeting held 28 November 2016 be taken as read and confirmed as a true and correct record of the proceedings of that meeting.
Seconded Cr Slarks CARRIED

17002 - REPORTS FROM OFFICERS

1. Industrial Land Review and Master Plan – Industry Development Plan Amendment – [4.3.2/6] – Item 6.1

Moved Cr Hill that:

1. Council receive and note the Report.
2. At this time Council not proceed any further to undertake the preparation of an Industry Development Plan Amendment.
3. Council reallocate the \$35,000 in the 2017/2018 Annual Budget from the Industry Development Plan Amendment (Industrial Land Review and Master Plan) towards undertaking the preparation of a Rural Living and Township Zones and Boundaries Review, and Master Plan.
4. Council undertake a selective Request for Quote process seeking submissions and fee proposals from appropriate consultants to undertake the preparation of a Rural Living and Township Zones and Boundaries Review, and Master Plan.
5. Council authorise the Planning and Development Committee to oversee this project.

Attachment

PLANNING AND DEVELOPMENT COMMITTEE
Minutes of Meeting held Monday 11 September 2017

6. Council authorise the Chief Executive Officer and/or the Director of Environmental Services to take any other actions considered necessary in relation to progressing this project.

Seconded Cr Clayfield

CARRIED

17003 – BUSINESS WITH NOTICE

1. Planning, Development and Infrastructure Act 2016

The Director of Environmental Services reported that Councillor Alan Hill and Councillor Julie Reis and the Director participated in the Local Government Association session via livestream on the proposed Community Engagement Charter on Wednesday, 23 August 2017. The Community Engagement Charter forms an integral part of the new Act. Council may wish to make a submission on the proposed Community Engagement Charter.

The Planning and Development Committee also discussed the recently received document from the State Planning Commission entitled 'Community Engagement Charter 2017 – Discussion Draft – Outputs from Stage 1'. The Discussion Draft is on consultation for 6 weeks. A separate Report is intended to be prepared for Council on the Discussion Draft.

Cr Kuhl moved that the Discussion Guide on The Community Engagement Charter be received and noted.

Seconded Cr Clayfield

CARRIED

2. State Government Local Heritage Discussion Paper 2016

Cr Clayfield moved that the letter and Report from the National Trust of South Australia be received and noted.

Seconded Cr Hill

CARRIED

3. Port MacDonnell and Environs (Part 2) Cape Northumberland Lighthouse Development Plan Amendment

The Director of Environmental Services provided an update on the Port MacDonnell and Environs (Part 2) Cape Northumberland Lighthouse Development Plan Amendment (DPA). The DPA will be on concurrent public and Government Agency consultation from 12 September 2017 until 9 November 2017. If required, a Public Meeting on the DPA will be held at the Port MacDonnell Community Complex at 5.30 pm on Tuesday 14 November 2017.

Committee Members received and noted the Report.

Attachment

PLANNING AND DEVELOPMENT COMMITTEE
Minutes of Meeting held Monday 11 September 2017

17004 - BUSINESS WITHOUT NOTICE

1. Use and Condition of Property - Lot 435 Megaw Road, Compton

The Director of Environmental Services provided an update on the property at Lot 435 Megaw Road, Compton. Council's Chief Executive Officer granted an extension of time for the removal of semi-trailers, a container and other scrap material from the roadside. The extension of time was not complied with and accordingly Council has engaged a local contractor to remove items along the roadside.

2. Use and Condition of Property – 21 Dohle Road, Yahl

The Director of Environmental Services advised that Council Officers have continued to monitor the condition and use of the property at 21 Dohle Road, Yahl. At this time the property is reasonably tidy.

3. Junkyard activities/unsightly property – 63 Blockers Lane, OB Flat

The Director of Environmental Services provided an update on the property at 63 Blockers Lane, OB Flat. Council is still awaiting further clarification from the Bank in relation to potential actions on the property. Council may proceed and undertake the outstanding required actions/works in the near future.

17005 - NEXT MEETING

The next meeting of the District Council of Grant Planning and Development Committee is scheduled to be held on 27 November 2017. Members will be notified should this meeting be changed.

Meeting closed at 6.17pm.

.....
PRESIDING MEMBER

/ /2017

5. BUSINESS ARISING FROM THE MINUTES

Nil

6. REPORTS FROM OFFICERS

6.1 Domestic Outbuildings in association with Dwellings

MEETING:	Planning and Development Committee
DATE:	12 March 2019
AUTHOR:	Trudy Glynn – Planning Officer
RESPONSIBLE OFFICER:	Leith McEvoy – Director of Environmental Services
APPLICANT/PROPONENT:	Nil
DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING	Nil
REFERENCES:	
FILE NO:	3.36.1/2
ATTACHMENTS:	Nil
IN CONFIDENCE:	No

PURPOSE OF REPORT:

This Report has been prepared to provide the Planning and Development Committee with information on Council's policies and practices when considering Development Applications for Domestic Outbuildings.

BACKGROUND

Policy

Council's Development Plan refers specifically to domestic outbuildings in many Zones and also the General Section as follows:

In the *Coastal Settlement, Residential, Rural Living, Settlement, and Township* Zones specifically, the Principles of Development Control (PDC's) list '**a domestic outbuilding in association with a detached dwelling**' as a form of development envisaged in the zone.

In the General Section, PDC 13 under *Residential Development* states that '**Residential outbuildings, including garages and sheds, should not be constructed unless in association with an existing dwelling**'.

History

Domestic outbuildings were allowed historically without a dwelling, particularly in coastal areas with the intent that; '*when sheds are approved in coastal areas, the generally accepted principle is that they are to be used as an area to store beach/fishing items and clean up after beach/fishing, prior to returning home*'. Many sheds were approved based on this proposed use.

There are also a number of existing domestic outbuildings in some other areas of Council that were approved without a dwelling. These were approved with the expectation that the owner would be applying for a dwelling soon after the domestic outbuilding was approved/constructed. Unfortunately in many cases, a dwelling application did not follow due to the owners circumstances changing, and often owners illegally occupied the domestic outbuilding giving them the benefit of a dwelling from a domestic outbuilding.

Compliance of these matters must be addressed in these cases and this can be costly, time-consuming and problematic for Council staff. Many properties have already changed ownership before Council is aware of the illegal occupation of the building. This means that the new owners, who did not undertake these works, inherit the problem.

There is often illegal plumbing, illegal building works including, but not limited to mezzanines, stairs, internal walls etc. Often insulation, glazing, and ventilation has not been addressed in accordance with the Building Code to meet the energy efficiency requirements of a Class 1A building (dwelling).

Of most concern however is that a Class 10A building (domestic outbuilding) does not require smoke detectors like a Class 1A building (dwelling) which means that if the owners are occupying the 'shed' and sleeping/living there, they may not be protected in the case of a fire, as smoke detectors are often not installed.

Council generally become aware of the illegal occupation of a shed when they receive a complaint, or a potential purchaser enquires about a property and states that it is being advertised as a 'dwelling;' with bedrooms, wet areas etc. Council officers have often had to contact real estate agents to bring this to their attention and request that they alter their advertisements to reflect the approved use of the building. Again this is time-consuming and costly for both Council and these agents.

COMMENTS

Current practices

Based on the compliance issues experienced with these historic practices, Council's Planning staff are now only approving domestic outbuildings if a dwelling is existing, or if an application for a dwelling is lodged with the domestic outbuilding application seeking approval.

This more stringent adherence to planning policy has created discussion amongst Applicants and landowners with many believing that the '*rules have changed*'. Council staff have often discussed this with individuals who enquire, and may show them Council's Development Plan, particularly the PDC's which show that these rules were always in place, but not strictly adhered to.

Most have accepted this once it has been explained, and can see that Council's intention to reduce the ongoing issues with illegal occupation of sheds, and prevent sheds being built on properties where a dwelling may never be constructed is fair. There have only been a few who do not agree with Council's stricter adherence to policy as it does not meet their individual needs.

In consultation with other Councils, it was found that many Councils have similar problems with domestic outbuildings. City of Mount Gambier have advised me that they will not approve a domestic outbuilding until the dwelling is substantially commenced, generally up to timber framework. District Council of Robe will approve a domestic outbuilding if it is accompanied by a dwelling application, and often place a condition that the *'dwelling must be built within six months from the approval date'* to assist with their efforts to prohibit illegal occupation of domestic outbuildings.

Council's current practices of approving a domestic outbuilding if an application for a dwelling is also lodged, generally works well, however there is still the risk that after the domestic outbuilding is constructed, a dwelling may not be constructed due to changing circumstances.

If this current practice becomes problematic, or if the character and amenity of some areas is affected, it is likely that domestic outbuilding applications in future may only be approved once a dwelling is existing.

Aside from the planning policy and compliance implications, there are many other reasons to adhere to policy which are often of benefit to the landowner. In applying for the domestic outbuilding, the dwelling and also an onsite wastewater system collectively, any issues with the siting of these on an allotment can be resolved before any construction is undertaken.

In some cases landowners are not aware of 'setback' requirements for dwellings, domestic outbuildings and onsite wastewater systems to boundaries and other structures. Council officers often discuss submitted site plans with Applicants to ensure that legislative setback requirements are adhered to, particularly with onsite wastewater systems. The function of these can be affected if not sited correctly.

Another consideration is that it may be easier to construct the dwelling first for builders and associated tradesmen on smaller allotments if the domestic outbuilding is not yet existing as it creates more room for builders to work, building materials to be stored, and for building machinery and equipment to work and manoeuvre on site.

In my opinion Council is heading in the right direction with stricter adherence to planning policy, as it meets and complies with the PDC's of Council's Development Plan and reduces the amount of compliance generally experienced with allotments only containing a domestic outbuilding.

There may be some 'grief' in the interim from applicants and landowners, however based on my experience with the number of applications received and enquiries dealt with since this change, I believe that this is only temporary.

The character and amenity of each zone will be further enhanced by adhering to planning policy in only approving domestic outbuildings ancillary to existing/approved dwellings.

If required, I am able to verbally outline many examples of some of the issues associated with domestic outbuildings being approved without dwellings.

POLICY REQUIREMENTS:

Council's Development Plan – consolidated 4 July 2017

LEGISLATIVE REQUIREMENTS:

Development Act 1993 and Development Regulations 2008

STRATEGIC IMPLICATIONS:

Outcome – Land developed in line with Council's planning policy, meets and complied with the PDC's of Council's Development Plan.

FINANCIAL IMPLICATIONS:

Costs/resources associated with compliance.

STAFF RECOMMENDATION:

That the Planning and Development Committee Receive and note the Report.

6.2 Director of Environmental Services Update Report – March 2019	
PLANNING AND DEVELOPMENT COMMITTEE	
MEETING DATE:	12 March 2019
AUTHOR:	Leith McEvoy, Director of Environmental Services
RESPONSIBLE OFFICER:	Leith McEvoy, Director of Environmental Services
PREVIOUS MEETING:	Nil
REFERENCES:	Nil
FILE NO:	9.24.1/9
ATTACHMENTS:	Nil
IN CONFIDENCE:	No
POLICY REFERENCE:	There are some planning policy matters associated with items in this Report.
LEGISLATIVE REFERENCE:	There are legislative matters associated with items in this Report.
STRATEGIC MANAGEMENT PLAN REFERENCE:	Goal: Various Goals
	Outcome: Various Outcomes
	Strategy: Various Strategies
FINANCIAL CONSIDERATIONS:	2018/2019 Budget Legal and Planning Consultant costs
	Actual (YTD): -
	Budget Variations Required: Yes
CONSULTATION UNDERTAKEN:	Various consultation associated with items in this Report.

PURPOSE OF REPORT:

The purpose of this Report is to provide the Planning and Development Committee with an update on any projects, issues, information and events from the Director of Environmental Services in the areas of planning and development.

BACKGROUND:

This Report is to inform the Planning and Development Committee of existing or new business, as it arises, which may be of interest to Members.

COMMENT:

1. Planning, Development and Infrastructure Act 2016 – Transition Process

The Planning, Development and Infrastructure Bill 2015 was passed by Parliament on Tuesday 12 April 2015, and is now the new *Planning, Development and Infrastructure (PDI) Act 2016*. The Act has been proclaimed and came into operation on 1 April 2017, with a number of suspended provisions. The new PDI Act 2016 will largely replace the current Development Act 1993 by July 2020.

All Councils are now working through a transition process with the Department of Planning, Transport and Infrastructure (DPTI) in relation to the new legislation. It is anticipated that the transition process will increase during 2019.

The following outlines some of the key bodies of work which have been released for consultation (during 2018, and into 2019):

- Community Engagement Charter;
- State Planning Polices;
- Accredited Professionals – Council Officers, and members on the Council Assessment Panel;
- Assessment Pathways;
- Planning & Design Code – Technical Paper (the Planning and Design Code will replace all Council Development Plans);
- Planning & Design Code – Policy Discussion Papers;
- Planning & Design Code – Code Library;
- Design Discussion Paper;
- ePlanning (online planning system / Development Applications);
- Performance Indicators Discussion Paper;
- Joint Planning Boards and Joint Assessment Panels; and,
- Infrastructure Schemes.

The State Government recently released the draft Planning, Development and Infrastructure (General) (Development Assessment) Variation Regulations 2019.

The State Government has also released the first iteration of the Planning and Design Code as it applies to Land Not Within a Council Area. The new Planning and Design Code for regional areas, which includes the District Council of Grant, is to be released mid-late 2019.

Council Officers participated in a regional workshop session on the PDI Act and PDI Regulations on 15 February 2019, which was conducted by Kelledy Jones Lawyers.

DPTI are also looking at ways of improving change management associated with the new planning, development and infrastructure system.

The LGA and/or DPTI will continue to run various briefing sessions and workshops to support Councils in considering these matters.

Information concerning the new PDI Act and new PDI Regulations is available on the new SA Planning Portal.

2. Industrial Land Review and Master Plan

The Industrial Land Review and Master Plan (2016) is still proposed to be incorporated into the new Planning and Design Code.

3. Port MacDonnell Urban Design Framework and Master Plan

Funding for Stage 2 of The Waterfront Project is currently being sought through the State Government's Places for People Program.

4. Building Compliance Matters

Council Officers are currently dealing with two (2) residential properties in Tarpeena where illegal building work has been undertaken.

5. Cape Douglas – East End Shacks

A change of land ownership has recently occurred involving the existing shacks at the eastern end of Cape Douglas – being Allotment comprised of Pieces 23 and 24 on Deposited Plan 53261, Cape Douglas Road, Cape Douglas. The land is now owned by Nature Glenelg Pty Ltd as Trustee for Nature Glenelg Trust (NGT).

6. Glenelg River Shacks

Council Officers met with representatives of the Glenelg River Shack Owners Association on 5 March 2019 to discuss the current status of issues associated with the shacks. A Report to Council and a Delegation from the Association is anticipated to occur in the near future. Similarly, it is also proposed to have the Department for Environment and Water (DEW) attend a Council Meeting to outline and discuss the draft Retaining Shacks Implementation Policy/Guidelines.

7. Limestone Coast Local Government Association

The Limestone Coast Local Government Association (LCLGA) has a number of environmental related projects underway. These projects include work associated with climate adaptation and coastal management.

STAFF RECOMMENDATION:

That the Planning and Development Committee receive and note the Report.

7. INFORMATION BULLETIN

Nil

8. BUSINESS WITH NOTICE

Nil

9. BUSINESS WITHOUT NOTICE

Nil

10. CONFIDENTIAL ITEMS

PURPOSE OF REPORT:

To exclude the public from attendance at so much of a meeting as it is necessary to receive, discuss or consider in confidence any information or matter listed, as per Section 90 of the Local Government Act 1999.

STAFF RECOMMENDATION:

That:-

- 1. Pursuant to section 90(2) of the Local Government Act 1999 the Planning and Development Committee orders that all members of the public, except DJ Singe (Chief Executive Officer), LJ McEvoy (Director of Environmental Services), TF Glynn (Planning Officer), AM Price (Team Leader – Environmental Health and Compliance), and HL Michell (Administration Officer – Environmental Services, be excluded from attendance at the meeting for Agenda Item Rural Living and Township Zones – Boundaries Review and Master Plan.*
- 2. The Planning and Development Committee is satisfied that, pursuant to section 90(3)(m) of the Act, the information to be received, discussed or considered in relation to this Agenda Item 6.1 is information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Development Plan Amendment proposal relating to the amendment is released for public consultation under that Act. (Note: This may also apply to a proposed amendment of the Planning and Design Code under the new Planning, Development and Infrastructure Act 2016).*
- 3. In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Planning and Development Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because such disclosure to the public may compromise the processes and outcomes associated with a proposed amendment to the Council's Development Plan before being released for public consultation.*

10.1 Rural Living and Township Zones – Boundaries Review and Master Plan	
PLANNING AND DEVELOPMENT COMMITTEE	
MEETING DATE:	
AUTHOR:	
RESPONSIBLE OFFICER:	
PREVIOUS MEETING:	
REFERENCES:	
FILE NO:	
ATTACHMENTS:	
IN CONFIDENCE:	
POLICY REFERENCE:	
LEGISLATIVE REFERENCE:	
STRATEGIC MANAGEMENT PLAN REFERENCE:	
FINANCIAL CONSIDERATIONS:	
CONSULTATION UNDERTAKEN:	
DELEGATION AT MEETING:	

STAFF RECOMMENDATION:

1. *Having considered Agenda Item 6.1 Rural Living and Township Zones – Boundaries Review and Master Plan in confidence under section 90(2) and (3)(m) of the Local Government Act 1999, the Planning and Development Committee, pursuant to section 91(7) of that Act orders that the documents and minutes relevant to the Agenda Item be retained in confidence until the Council resolves to release the draft Rural Living and Township Zones – Boundaries Review and Master Plan as a public document, and that this order be reviewed every 12 months [if the confidentiality period is longer than 12 months in duration].*
2. *The Planning and Development Committee recommends that Council delegates to the Chief Executive Officer, pursuant to Section 91(9)(c) of the Local Government Act 1999, the power, at his discretion, to revoke the order made by Council under Section 91(7) and (9) of the Act at part (1) of this resolution at any time prior to the expiration of the period of the order specified therein.*

11. NEXT MEETING

The next meeting of the District Council of Grant Planning and Development Committee will be held on Monday, 13 May 2019 unless otherwise determined.

12. CLOSURE