



City of
Mount Gambier

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I hereby give notice that a Council Assessment Panel will be held on:

Date: Thursday, 27 August 2020
Time: 5.45 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Council Assessment Panel 27 August 2020

**Tracy Tzioutziouklaris
Assessment Manager**

21 August 2020

Order Of Business

1	Acknowledgement of Country	3
2	Apology(ies).....	3
3	Confirmation of Minutes.....	3
4	Invitees	3
5	Reports.....	4
5.1	62 Wehl Street South, Mount Gambier – Report No. AR20/51644	4
5.2	89 Commercial Street West, Mount Gambier – Report No. AR20/51646.....	8
6	Urgent Motions without Notice	13
7	Meeting Close	13



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

Council Assessment Panel - 23 July 2020

RECOMMENDATION

That the minutes of the Council Assessment Panel meeting held on 23 July 2020 be confirmed as an accurate record of the proceedings of the meeting.

4 INVITEES

The Presiding Member read the following statement to the Applicant/Owner/Representor that attended the meeting:

- As from 1 October 2017, every Council is required to establish an Assessment Panel under provisions within the Planning, Development and Infrastructure Act 2016 to determine and make decisions on development applications as delegated to the Panel.
 - When the Panel is considering an application, it must assess the proposal against Council's Development Plan.
 - The meeting itself is informal, however, all decisions made by the Assessment Panel are formal.
 - Representors will be allocated 5 minutes to make their presentation, after which, Panel Members may ask questions to clarify any issues. It is solely a question and answer session. There will be no debate entered into.
 - Council Officers will advise you of the decision as soon as practical after the meeting.
-
- Aaron and Toni Heemskerk the Applicant have been invited for Item 5.1, DA 381/0142/2020



5 REPORTS

5.1 62 WEHL STREET SOUTH, MOUNT GAMBIER – REPORT NO. AR20/51644

Development No:	DA 381/0142/2020
Applicant:	Aaron and Toni Heemskerk
Property Address:	62 Wehl Street South, Mount Gambier
Property Owner:	Aaron and Toni Heemskerk
Report No:	AR20/51644
CM9 Reference:	AF19/488
Author:	Emily Ruffin, Planning Officer
Authoriser:	Tracy Tzioutziouklaris, Manager Development Services
Nature of Development:	Consent/Category 1
Description:	To demolish part of the existing shop and dwelling, and to construct a detached dwelling in association with the existing shop and outbuilding (garage)
Zoning:	Residential
Policy Area:	Wehl Street South Historic (Conservation) Policy Area
Heritage:	N/A

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR20/51644 titled '62 Wehl Street South, Mount Gambier' as presented on 27 August 2020 be noted.
2. The Applicant be advised that following the onsite inspection and reviewing the streetscape elevation the panel move that the having regard to the Development Plan provisions and all supporting documentation, the proposed development is not considered to be at serious variance with the Council's Development Plan. Development Plan Consent be granted subject to the following condition:
 - (a) The development shall be carried out in accordance with the Plan/s as approved by Council, and maintained in good condition thereafter.
4. The applicant and owner be advised of the following reasons for Council's conditions of approval:
 - (a) The development is not seriously at variance with the provisions of the Council Development Plan.
 - (b) To promote orderly and proper development.



BACKGROUND

The Council Assessment Panel Meeting first considered this application at its meeting held on 23rd July 2020. At this time the CAP resolved the following;

- “1. *The Applicant be advised that the Council Assessment Panel has deferred making a decision of the application and requests:*
 - (a) *An on site inspection be organised to enable the Council Assessment Panel to view the subject site immediately prior to the next meeting of the Council Assessment Panel scheduled to be held on Thursday 20th August, 2020.*
 - (b) *The provision of a streetscape elevation of the proposed development illustrating the bulk, scale and size of the proposed dwelling in context with the existing building at the front of the subject property when viewing the subject property from the street.”*

The subject property is a regular shaped allotment, with a street frontage to Wehl Street South of 22 metres and a depth of 61 metres, with a total land area of approximately 1,342 square metres.

A shop and dwelling, and associated residential outbuilding (garage) is currently located on the subject site.

The allotment is set slightly above street level.

The allotment is located adjacent established residential dwellings, including a group of circa 1980s units to the south, to the rear of the allotment an access driveway to a Place of Worship exists, and opposite the property is open land associated with the Old Gaol. The immediate area is characterised by a variety of dwelling styles, including historic cottages, and multiple sets of circa 1980/early 1990 unit developments.

The property is located within the Residential Zone and the Wehl Street South Historic (Conservation) Policy Area.

PROPOSED DEVELOPMENT

The proposed development involves the:

- Demolition of the rear (dwelling) portion of the existing shop and dwelling; and
- The construction of a single story detached dwelling with garage, portico and verandah under the main roofline with;
 - (i) *a total floor area of 327 square metres (sqm), comprising 217 sqm living area, 44 sqm verandah, 7 sqm portico, and 59 sqm garage;*
 - (ii) *wall height of 2.6 metres;*
 - (iii) *maximum roof height of 5.54 metres;*
 - (iv) *Hipped pitch roofing, and;*
 - (v) *flush pointed Mount Gambier store walls and custom orb colourbond roofing,*
 - (vi) *D gutters*
 - (vii) *Roll type barge cap*

The dwelling is proposed to have a 22.5 degree roof pitch, 600 mm eaves all round, D profile gutters and roll type barge capping. The dwelling will be separated from the shop by 2.4 metres, and will have a minimum side boundary setback of 0.90 metres, and rear boundary setback of 19 metres.

The established palm tree onsite is proposed to be retained, along with existing landscaping to the northern side of the driveway.



DEVELOPMENT PLAN PROVISIONS

The development plan provisions as contained with the Mount Gambier (City) Development Plan as consolidated 21 April 2016 which relate to this application include;

Residential Zone

Objectives 1, 2 and 3

Desired Character Statement

Principle of Development Control 1, 3,

Form and Character 8, 10

Mount Gambier (City)

Historic Conservation Area

Objectives 1, 2, 3, 4, 5

Desired Character Statement

Principles of Development Control 1, 4, 5, 6, 8, 10, 12, 13, 16, 18

PLANNING ASSESSMENT

The application was referred to the Council Assessment Panel as the development as proposed is not supported by Council's Heritage Advisor.

The additional information as requested by the Council Assessment Panel has now been provided.

After consultation with the Council Assessment Panel Presiding Member by the Assessment Manager it was considered an inspection of the subject site by the Council Assessment Panel was not necessary as the additional information requested has been provided.

The proposed development meets the residential provisions of the Development Plan, including boundary setbacks, wall and overall height, private open space and site coverage provisions.

There are no concerns in relation to the demolition of the rear half of the shop and dwelling, this being a lean to fibro clad addition to the original cottage building.

The portion of the building used for the shop will remain in its current form and will continue to be used as a shop. Whilst this is not a traditional pattern of development, it is not dissimilar to the separation of residential dwellings within the immediate locality, and is not considered out of character with the area.

The dwelling design has integrated eave overhangs, roof pitch, gutter profiling and boundary setbacks patterns which reflect the character of the locality, and take cues from the existing historic built form.

The proposed development maintains the width of frontage of the allotment, and does not propose to amend the existing established access arrangements, and will retain the existing established tree located onsite.

Whilst the proposed garage under the main roofline does not have a single vehicle width garage door or separated doors, this faces inward to the allotment, and does not directly address the street. The applicant has considered this design element and requires a double width door for site functionally.

No changes to the onsite boundary fences are proposed.

The desired character statement for the Wehl Street South Historic (Conservation) Policy Area makes note of existing small side boundary setbacks, and seeks to maintain boundary setbacks and avoid boundary to boundary development, the proposed new dwelling delivers on this objective.



The Historic Conservation Area policies support infill development at the rear of larger allotments, with this development having the capacity to deliver on this objective.

The immediate locality and existing built form within the subject locality vary significantly, with many examples of infill development not complementing the historical character of the area. As a result the character of the area is now mixed, with the proposed development considered to be more complementary to the character of the historic conservation area than many of the existing infill development examples within the immediate locality.

The applicant has indicated they wish to retain the roof span and ridge heights as they are installing cathedral ceilings internally.

The southern elevation does indicate eave heights are similar to the existing cottage, albeit achieved by the rear portion of the allotment being retained.

This detailing reflects the minimum standard in regard to an infill dwelling within a heritage area. The dwelling will be visible from the Wehl Street South Frontage. Whilst there are opportunities for further refinement to ensure the proposed dwelling complements the existing cottage (shop) on site, including refining the roof span to reduce bulk and scale, when viewed in the content of existing built form improvements in the locality it would be difficult to argue the proposal is at significant variance from the Development Plan Provisions, and as such it is difficult to support the refusal recommendation of the Heritage Advisor.

The existing cottage (shop) onsite is not identified as a contributory, local or state heritage place, and as such could be demolished and the allotment redeveloped for residential development. The proposal to retain the cottage as a shop and to set the new dwelling further back on the allotment minimises the streetscape impact, and delivers a sympathetic repurposing of a cottage that does not deliver on the current standard expected in a residential dwelling.

CONCLUSION

The proposed dwelling warrants the support of the Council Assessment Panel. The proposed development is not considered to be at serious variance to the provisions of the Development Plan and it is recommended Development Plan Consent be granted subject to the conditions as detailed in the recommendation.

INVITES

The Applicant – Aaron and Toni Heemskerek

ATTACHMENTS

1. Map - DA 381/0142/2020 - 62 Wehl Street South, Mount Gambier
2. Plans of proposed dwelling
3. Streetscape elevation



5.2 89 COMMERCIAL STREET WEST, MOUNT GAMBIER – REPORT NO. AR20/51646

Development No: DA 381/0115/2020
Applicant: Yurek Jarnevic
Property Address: 89 Commercial Street West, Mount Gambier
Property Owner: Yurek Jarnevic
Report No: AR20/51646
CM9 Reference: AF19/488
Author: Emily Ruffin, Planning Officer
Authoriser: Tracy Tzioutziouklaris, Manager Development Services
Nature of Development: Consent/Category1
Description: To construct additions to the rear of the existing shop, to be used a dwelling in association with the existing shop
Zoning: City Centre
Policy Area: N/A
Heritage: N/A

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR20/51646 titled '89 Commercial Street West, Mount Gambier' as presented on 27 August 2020 be noted.
2. The Applicant and Owner be advised that having regard to the Development Plan provisions and all supporting documentation, the proposed development is not considered to be at serious variance with the Council's Development Plan, and the applicant be granted Development Plan Consent subject to the following conditions;
 - (a) The development shall be carried out in accordance with the Plan/s as approved by Council, and maintained thereafter.
 - (b) All waste materials and refuse shall be contained within the proposed building or alternatively a screened holding place for the waste material and refuse containers shall be provided and maintained on the site of the development.
3. The applicant and owner be advised of the following reasons for Council's conditions of approval;
 - (a) To promote orderly and proper development.
 - (b) To ensure the outbuilding has an acceptable streetscape impact



BACKGROUND

The subject property is an allotment approximately 734 square metres in area and is located within the City centre Zone.

The allotment has its primary street frontage to Commercial Street West, and secondary street frontage to Engelbrecht Lane.

A single storey shop, with a floor area of approximately 450 square metres, is located at the front of the allotment with frontage to Commercial Street West, and a rear access/service area with frontage to Engelbrecht Lane. At the rear of the shop is an existing storage area of approximately 75 square metres exists, which is proposed to be incorporated into the proposed development.

The existing site layout incorporates approximately 6 car spaces to the rear of the shop, with access from Engelbrecht lane.

PROPOSED DEVELOPMENT

The proposed development is to construct a dwelling to the rear of the existing shop, comprising a double storey extension located above the existing store area at the rear of the shop, extending to the rear boundary. This dwelling is to be occupied in association with the existing shop, and includes shared waste storage areas, direct access to the shop, and shared car parking spaces.

The proposed dwelling is to comprise:

- Two bedrooms, ensuite, shared laundry/bathroom, kitchen dine living to the upper storey and balcony with a total living area of approximately 140 square metres, and balcony area of 33 square metres.
- An open area to be utilised for pool table/additional living area (man cave) to the lower storey of approximately 60 square metres, including a undercover patio space of 47 square metres, small storage room of 11 square metres and a double car garage (in one line) of 40 square metres.
- A stairwell area acts as a common area providing access to the upper and lower storey of the dwelling, and direct access to the shop.

Adequate space remains in front of the dwelling from Engelbrecht Lane to accommodate 4 car parking spaces in front of the dwelling, and two undercover car spaces (in one line) in association with the dwelling.

DEVELOPMENT PLAN PROVISIONS

The development plan provisions as contained with the Mount Gambier (City) Development Plan as consolidated 21 April 2016 which relate to this application include;

City Centre Zone

Objectives 1, 2, 3 4, 5, 6, 7, 11

Desired Character Statement

Principle of Development Control 1, 3,

Form and Character 7, 8, 10, 13

Mount Gambier (City)

Design and Appearance



Objective 1

Principle of Development Control 1, 2, 3, 4, 9, 11, 12, 14, 15, 16, 17

Interface Between Land Uses

Objective 1, 2

Principles of Development Control 4

Residential Development

Objectives 1, 2, 3

Principles of Development Control 1, 5, 6, 14, 17, 18, 19, 20, 21, 22, 23, 26, 27, 32, 34,

PLANNING ASSESSMENT

The application is referred to the Council Assessment Panel as the proposed new dwelling to be utilised in association with the existing shop:

- Does not provide adequate private open space for the dwelling;
- Reduces the number of car parking spaces available the existing shop, resulting in an overall car parking deficiency;
- Has not provided a screened utility areas (cloths drying, rain water tank, household waste and recycling) or any onsite landscaping
- Has not indicated measures to be implemented in the building design to mitigate the impact of non-residential activities on the subject dwelling

The City Centre Zone Objectives specifically envisage a centre accommodating medium density residential development that contribute to the public realm as a safe, secure and attractive, whilst minimising adverse impact and conflict between and uses.

Dwellings are listed as a non-complying form of development in the City Centre, except where in conjunction with non-residual development. The proposed dwelling in association with the existing shop is an envisaged use with the City Centre.

External noise and light intrusion into bedrooms should be prevented by separating or shielding rooms/ bedrooms located away from noise sources noise attenuation.

The applicant has not identified elements with the proposal that minimise adverse impacts resulting from the non-residential uses in the City Centre, including after hours activity and light intrusion. It is noted the bedrooms are located to the rear of the dwelling well set back from the public laneway, have no external facing windows which should assist in minimising impacts of light and afterhours activity.

There are no overlooking concerns resulting from the upper level windows, given there are no other dwellings in the immediate vicinity, and a balcony separates the windows of the living areas from the street frontage. Whilst the development plan does consider upper level windows should be screened to 1.5 metres to avoid overlooking into habitable rooms or onto private open space of other dwellings, this is not necessary in this instance.

Buildings are generally envisaged to be single storey except where adjoining existing two storey with unifying architectural elements that complement the adjoining properties, and the service area be screened. The proposed dwelling is double storey, however when viewed alongside the existing shop, and given the residential scale, skillion roof design and setback from Engelbrecht Lane the proposal does complement the adjoining property and delivers a high architectural standards that



responds to and reinforces positive aspects of the local environment and built form, reducing visual bulk and provides interest. The integration of a balcony area, cantilevered forward of the lower storey of the dwelling provides visual interest and is appropriately orientated facing west to provide solar access.

The setback from Engelbrecht Lane enables the provision of car parking spaces for the shop forward of the dwelling, reducing the impact on site functionality. The shop, at 450 square metres in area, should provide 25 onsite car spaces based on the requirements for car parking within the Development Plan. The current development provides for 6 onsite car spaces, with this reduced to 4 as a result of the proposed dwelling construction, with two of these spaces to be associated with the dwelling. The location within the City Centre, and the intent that the dwelling be occupied in conjunction with the shop, mitigates the concern resulting from the car parking deficiency. The Development Plan encourages the use of public car parking spaces, and given the occupant of the dwelling occupier is the operator of the shop, this reduces the need for the provision of on onsite car parking.

The Development Plan also identifies site coverage should be limited to enable adequate space to deliver on pedestrian and vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tank/s, private open space and landscaping, incorporating appropriate front, side and rear setbacks and convenient storage of household waste and recycling.

The proposal seeks to co-locate waste storage with the existing shop storage, this is perhaps not the most convenient location in regard to access from the dwelling as it is behind a roller door, however it is functional. There is adequate lower level space to provide for utility areas, and it is recommended that a condition of approval be that if any lower ground utility areas are established they be appropriately screened. Revised plans, as attached, have been provided which screen the balcony to each end, providing capacity and provision to enable outdoor clothes drying, and screened private open space.

Private open space, where a site of the dwelling is less than 250 square metres, should be minimum of 35 square metres, part of which can be provided by balconies if this area is greater than 8 square metres and has a minimum dimension of 2 metres. The only area identified to provide private open space for the proposed development is the upper balcony area, give the lower patio area remains open to the laneway and is forward of the dwelling. The balcony area does not provide adequate private open space, which by technical measurement delivers approximately 7.8 square metres at a minimum width of 2 metres. There is however some 33 square metres in total balcony area with a minimum width of 1.75 metres, that does deliver some functionality. There is also capacity to deliver additional private outdoor space with screening to the lower level, however this has not been included as part of the proposed development.

The private open space as part of the balcony area delivers on the changing needs and expectations of the community, and the desire to have low maintenance, higher density living. Whilst no landscaping is provided onsite, the site configuration does not lend itself to the provision of landscaping without impacting functionally, including limiting car parking, and with the absence of landscaping the proposal is not considered to be out of character with the established built form.

CONCLUSION

The proposed dwelling warrants the support of the Council Assessment Panel. Whilst there remains opportunities for further design improvements, the proposed development in its current form is not considered to be at serious variance to the provisions of the Development Plan and it is recommended Development Plan Consent be granted subject to the conditions.

INVITES

Nil



ATTACHMENTS

1. Map - DA 381/0115/2020 - 89 Commercial Street West, Mount Gambier
2. Plans of proposed dwelling addition
3. Additional detail regarding proposed development



6 URGENT MOTIONS WITHOUT NOTICE

7 MEETING CLOSE

