

MINUTES OF COUNCIL ASSESSMENT PANEL MEETING

Meeting held in the Conference Room, Civic Centre, 10 Watson Terrace, Mount Gambier on Thursday, 20 December 2018 commencing at 5:45 p.m.

PRESENT Mrs E Travers (Presiding Member)
Cr P Jenner
Mr P Seebohm

COUNCIL OFFICERS Manager Development Services - Mrs T Tzioutziouklaris
Senior Planner - Mr S Wiseman
Planning Officer - Mrs E Ruffin

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.

1. APOLOGY(IES)

Apology received from Mrs M Trotter

That the apology from Mrs M Trotter be received.

Moved: Mr P Seebohm

Seconded: Cr Jenner

Carried

2. CONFIRMATION OF COUNCIL ASSESSMENT PANEL MINUTES

Meeting held on 15 November 2018.

That the minutes of the Council Assessment Panel meeting held on 15 November 2018 as attached be confirmed.

Moved: Mr P Seebohm

Seconded: Cr Jenner

Carried

3. INVITES

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 new Planning, Development and Infrastructure Act 2016 to determine and make decisions on development applications as delegated to the Panel.
- The Assessment Panel continues to operate under the Development Act, until such time as the new Planning, Development and Infrastructure Act 2016 is fully functional.
- When the Panel is considering an application, it must assess the proposal against Council's Development Plan.
- This will involve a judgement based on whether or not the proposed development meets and satisfies planning principles.
- The Council Assessment Panel consists of four Independent Members and one Elected Council Member.
- 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.

- Once the Panel has heard your representation, you will be asked to leave as the Assessment Panel holds its discussions and reaches its decision in confidence.
- You may ring the Council tomorrow afternoon to find out the result of tonight's meeting.

3.1. Development Application No. 381/0280/2018 - (Item 4.1)

- Heath Mitchell, the Applicant, attended the meeting but did not speak.
- Frank Brennan, Planning Consultant on behalf of DeBruin Nominees Pty Ltd, spoke in relation to this matter at 5:50 p.m.

3.2. Development Application No. 381/0374/2018 - (Item 4.2)

- Adam Feast, the Owner, spoke in relation to this matter at 5:53 p.m.

3.3. Development Application No. 381/0375/2018 - (Item 4.3)

- Shaun Stafford the Owner/Applicant, spoke in relation to this matter at 5:56 p.m.

3.4. Development Application No. 381/0309/2018 - (Item 4.4)

- M & K Forster, the Owner, spoke in relation to this matter at 6:01 p.m.
- Jason Cooper, the Applicant, spoke in relation to this matter at 6:03 p.m.

4. COUNCIL ASSESSMENT PANEL REPORTS

4.1. Council Assessment Panel Report No. AR18/51304

DEVELOPMENT NUMBER	DA 381/0280/2018 (381/C008/2018)	
APPLICANT	Empak Homes (Heath Mitchell) on behalf of DeBruin Nominees Pty Ltd	
OWNER	DeBruin Nominees Pty Ltd	
DESCRIPTION	To create 12 new community titles allotments	
ADDRESS	L 201 Jardine Street, Mount Gambier	
NATURE OF DEVELOPMENT	Consent	/ Category 1
ZONING	Residential	
POLICY AREA	N/A	
HERITAGE	N/A	N/A



REPORT RECOMMENDATION

- (a) That Council Assessment Panel Report No. AR18/51304 be noted.
- (b) The panel express concern that the proposed built form, as indicated by plans provided in the assessment of the land division, does not provide adequate private open space or functional utility areas, with site coverage generally considered excessive. Whilst the land division has capacity to deliver an appropriate built form and smaller allotments are appropriate in the locality, the panel encourages consideration of the scale of the proposed dwelling to be delivered onsite. Further, no consideration has been given to the provision of onsite water tanks required for the delivery of the proposed stormwater management. The panel encourages consideration of smaller dwellings to improve the amenity and functionality, and to enable delivery of the development plan provisions.
- (c) The Applicant be advised the Council Assessment Panel generally supports the land division for community title seeking to create 12 additional allotments subject to the provision of:
 - (i) a Community Scheme Description which establishes the following criteria;
 1. That allotments 5-8 will articulate the main building façade forward to Jardine Street, with a minimum building setback of 4.1 metres.
 2. Dwellings to be constructed in the Community Scheme development shall have eaves and verges all round, not fascia gutters, to contribute to the streetscape character of the locality and be compatible with the heritage places adjacent and in the locality.
 3. No vehicular access will be provided directly to any of the allotments from Jardine Street or Mitchell Street, with vehicular access to be via the land marked C on Proposed Community Plan Drawing Number 25825-01 Revision 10 onto the common property internal access lane
 4. Fencing will be established in accordance with the Jardine Street streetscape elevation reference Job Number 18_201, page 10 of 13 Revision D. With the solid portion of the fencing to be painted stone with capping and piers, not exceeding 1.8 metres above footpath level
 5. Fencing shall be established along the Mitchell Street Frontage of painted stone walls with capping and piers, not exceeding 1.8 metres above footpath level.
 6. The proposed landscaping, including trees lining the internal access and associated with the proposed dwellings, be detailed in regard to species and be encompassed in the scheme description so as to contribute to the established character of the locality.
 - (ii) A plan showing the proposed finished allotment levels relative to the top of the kerb on Mitchell and Jardine Street, be submitted to Council, confirming the levels as described in the planning report prepared by Frank Brennan Consulting and dated 29th November 2018.



- (iii) The community title access roadway as shown on the plan approved by council, shall be graded, paved and sealed with a hard surface such as bitumen or concrete and maintained in a usable condition at all times.
- (iv) Stormwater design to be in accordance with the stormwater report prepared by Tim Wright and specifically include the following elements
 - 1. 4000 litre rainwater tanks per allotment with 200 litres of storage for stormwater (ie 40mm dia overflow pipe connected to road at half height of tank to allow 50% slow drainage of tank after storm event)
 - 2. 35m length of 525dia storm water pipe for underground storage connected to existing system with restricted outflow.
- (d) The Council Assessment Panel is of the opinion that the mature street trees adjacent to the development add significant value to the character, appearance and amenity to the streetscape in the area. All effort should be made to protect these trees.
- (e) The Manager Development Services be granted the power, function and/or duty to grant Land Division Approval and Development Approval in consultation with the Presiding Member of the Council Assessment Panel subject to the provision of the above in (c) and the advice from the State Commission Assessment Panel.

The Council Assessment Panel moved:

Carried

4.2. Council Assessment Panel Report No. AR18/50467

DEVELOPMENT NUMBER	DA 381/0374/2018	
APPLICANT	Blackbird Industries	
OWNER	Adam Feast	
DESCRIPTION	To construct an outbuilding (garage) on the site of an existing detached dwelling	
ADDRESS	2 Tension Drive, Mount Gambier	
NATURE OF DEVELOPMENT	Consent	/ Category 1
ZONING	Country Living	
POLICY AREA	N/A	
HERITAGE	N/A	N/A



REPORT RECOMMENDATION

- (a) That Council Assessment Panel Report No. AR18/50467 be noted.
- (b) The Applicant and Owner be advised that the Council Assessment Panel has a number of concerns in relation to the proposed garage in its current form as it is considered to be at serious variance to the development plan. The concerns are in relation to:
 - a. The bulk and scale of the proposed garage will dominate the dwelling
 - b. The proposed garage is not appropriately screened from view
 - c. The proposed garage will detract from the established character from the area
 - d. The proposed garage is not considered integral to the residential use of the property
- (c) The Council Assessment Panel would be willing to support the construction of a garage on the subject property in accordance with the following alterations and amendments:
 - a. The setback to the northern property boundary (side boundary) be increased to a distance of 3.0 metres.
 - b. Dense landscaping using mature trees and shrubs shall be planted adjacent to the northern property boundary (the side boundary) and the front property boundary (Tenison Drive) so as to provide a screen/buffer between the garage and the adjoining properties and shall be maintained in good health and condition at all times.
 - c. The landscaping on the western property boundary, directly adjacent to White Avenue shall be maintained in good health and condition at all times.
 - d. The wall height of the garage is reduced to 3.2 metres and the length of the garage is reduced by 4.0 metres.
- (d) The Manager Development Services shall be granted the power, function and/or duty to grant Provisional Development Plan Consent in consultation with the Presiding Member of the Council Assessment Panel subject to the satisfactory resolution of the matters raised in (c) as above.

The Council Assessment Panel moved:

Carried



4.3. Council Assessment Panel Report No. AR18/49953

DEVELOPMENT NUMBER	381/0375/2018	
APPLICANT	Shaun Stafford	
OWNER	Shaun Stafford	
DESCRIPTION	To construct a carport in association with an existing dwelling	
ADDRESS	11 Leray Avenue, Mount Gambier	
NATURE OF DEVELOPMENT	Consent	/ Category 1
ZONING	Residential	
POLICY AREA	N/A	
HERITAGE	N/A	N/A

REPORT RECOMMENDATION

- (a) That Council Assessment Panel Report No. AR18/49953 be noted.
- (b) The Applicant and Owner be advised that having regard to the Development Plan and all supporting documentation, the proposed development is considered to be at serious variance with Council's Development Plan, the application be refused Development Plan Consent for the following reasons:
1. The proposed carport will visually dominate the dwelling.
 2. The setback of the proposed carport from the front property boundary is considered to be unacceptable as it will result in the carport being located closer to Leray Avenue than the dwelling with which it is associated.

The Council Assessment Panel moved:

Carried



4.4. Council Assessment Panel Report No. PR18/10752

DEVELOPMENT NUMBER	DA 381/0309/2018	
APPLICANT	Jason Cooper	
OWNER	M & K Forster	
DESCRIPTION	To demolish an existing garage and to construct a garage and a dwelling with attached garaging on the site of an existing dwelling which is a Local Heritage Place	
ADDRESS	83 Bay Road, Mount Gambier	
NATURE OF DEVELOPMENT	Consent	/ Category 1
ZONING	Residential	
POLICY AREA	N/A	
HERITAGE	Local Heritage Place	Bay Road Historic (Conservation) Policy Area

REPORT RECOMMENDATION

- (a) That Council Assessment Panel Report No. PR18/10752 be noted.
- (b) The proposed development in its current form is deemed seriously at variance to the Development Plan Provisions. The proposed attached garage portion of the second dwelling is seriously out of character with the locality and the landscape setting, and has not considered the Heritage and Historic Conservation Area Provision of the Development Plan.
- (c) That the application be left lay on the table for consideration of the bulk and scale of the garage attached to the second dwelling to be amended in line with the Heritage and Historic Conservation Area requirements of the Development Plan, including that the proposed attached garage;
1. be reduced in height and bulk, including providing articulation to the southern boundary wall.
 2. proposed panel doors be reduced to reflect a height and width which complement the attached dwelling and are of residential scale.
 3. setbacks be increased and landscaping incorporated to provide a visual barrier to side and rear boundaries.

The Council Assessment Panel moved.

Carried



4.5. Council Assessment Panel Report No. PR18/10754

DEVELOPMENT NUMBER	381/0310/2018	
APPLICANT	Adam Fosdike – Mates Rates Australia	
OWNER	Adam O'Neil	
DESCRIPTION	To construct an outbuilding (garage) in association with an existing detached dwelling (existing garage to be demolished)	
ADDRESS	1 Canavan Road, Mount Gambier	
NATURE OF DEVELOPMENT	Consent	/ Category 1
ZONING	Residential	
POLICY AREA	N/A	
HERITAGE	N/A	N/A

REPORT RECOMMENDATION

- (a) That Council Assessment Panel Report No. PR18/10754 be noted.
- (b) 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;
1. The development shall be carried out in accordance with the Plan/s approved by Council and with the Conditions of Approval, and maintained thereafter.
 2. Dense planting shall be established along the western boundary from the northern side of the driveway entry to the rear of the allotment, with a minimum height of 3 meters and maintained in good health, so as to reduce the visual impact of the garage from the Penola Road frontage.
 3. The garage shall only be used for purposes associated with the existing residential land use of the subject property.

The Council Assessment Panel moved.

Carried



5. MOTION(S) - With Notice

Nil submitted.

6. MOTION(S) - Without Notice

Nil submitted.

Meeting closed at 7:15 p.m.

20 December, 2018
AF17/507
AR18/51623

CONFIRMED THIS DAY OF 2019.

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PRESIDING MEMBER

