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

Date: Thursday, 1 July 2021
Time: 5.45 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Council Assessment Panel 1 July 2021

A handwritten signature in black ink, appearing to read 'Tracy Tzioutziouklaris', with a horizontal line above it.

Tracy Tzioutziouklaris
Assessment Manager
25 June 2021

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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)

That the apology(ies) from Mr Mark Teakle be received.

3 CONFIRMATION OF MINUTES

Council Assessment Panel - 20 May 2021 and 27 May 2021

RECOMMENDATION

That the minutes of the Council Assessment Panel meeting held on 20 May 2021 and 27 May 2021 be confirmed as an accurate record of the proceedings of the meeting.

4 QUESTIONS WITHOUT NOTICE

5 INVITEES



6 REPORTS

6.1 SHORT TERM ACCOMMODATION - 3 MOUNTAIN COURT – REPORT NO. AR21/38502

Development No:	21004358
Applicant:	Mr Brian Rowley
Property Address:	3 Mountain Court
Property Owner:	Mr Brian Rowley
Report No:	AR21/38502
CM9 Reference:	AF20/387
Author:	Tracy Tzioutziouklaris, Manager Development Services
Authoriser:	Tim Coote, General Manager City Growth
Nature of Development:	Performance Assessed/Public Consultation
Description:	To change the use of a Detached Dwelling to Short Term Tourist Accommodation
Zoning:	Established Neighbourhood, Overlays – Affordable Housing, Hazards – Flooding, Native Vegetation, Prescribed Wells Area, Water Protection Area
Policy Area:	
Heritage:	

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR21/38502 titled 'Short Term Accommodation - 3 Mountain Court' as presented on 01 July 2021 be noted.
2. Having had regard to the provisions of the Planning and Design Code, the Application and all supporting documentation, the development is not seriously at variance to the provisions of the Planning and Design Code and Planning Consent be granted subject to the following conditions:
 - (a) The development shall be carried out in accordance with the Plan/s as approved by Council and with the Conditions of Approval.
 - (b) At all times whomsoever may be occupying the property, shall take all measures to ensure the residential amenity of the immediate area is not affected by nuisance or disturbance associated with the operation of the Tourist Accommodation.
 - (c) All waste materials and refuse accumulated on the property shall be removed on a regular basis to ensure the property is maintained in a clean and sanitary condition.
 - (d) The building and land shall be maintained in a state of good repair and tidy condition at all times.



BACKGROUND

The subject site is an irregular shaped allotment with road frontage to Mountain Court and Ash Court. A detached dwelling and associated outbuildings are located on the subject site with carparking available on site from Ash and Mountain Courts.

The dwelling is currently being used for residential living.

PROPOSED DEVELOPMENT

The proposed development involves the change of use of the dwelling to short term accommodation for up to eight people.

No food is to be provided as part of the accommodation and no pets will be allowed.

The detached garage will not be available to be used as part of the accommodation.

Parking is available on site for up to four vehicles, including within the Garage and in front of the garage on Ash Court and within the driveway area from Mountain Court.

PLANNING AND DESIGN CODE PROVISIONS

The relevant provisions from the Planning and Design Code for this Development Application is attached to this report for Members perusal and information.

PLANNING ASSESSMENT

Development not identified as either Accepted, Deemed to Satisfy or Restricted, default to a Performance Assessed pathway.

Table 5 within the Code identify the classes of development that are excluded from notification. Tourist accommodation is not identified within Table 5 of the Code as a class of development excluded from notification.

This application has been referred to the CAP for a decision as five representations were received as part of the notification and consultation process. One representation supported the development, another supported the development but raised concerns and three representations opposed the development.

The issues raised within the representations include:

- Concerns about an increase in traffic movements each day and non-residential traffic movements
- Concerns about carparking within the locality
- Feel the operation of tourist accommodation will increase crime
- The subject area is a quiet residential area; and
- Concerns with noise and the property being used for parties.

The Applicant has responded to the representations with the following:

- Ash Court is a through street within the subject locality and carries a reasonable amount of traffic
- The streets are constructed to Council standards and are not narrow streets
- There is adequate parking provided on the subject land
- Local tourism is a vital industry to Mount Gambier
- Is to be operated with the Airbnb Party and Events Policy banning parties being held at Airbnb properties.
- The property is a family home and it is intended to attract clients looking for a quiet accommodation experience.



The Planning and Design Code provides little guidance for this type of development within the Suburban Neighbourhood Zone, other than to identify that non-residential land uses are of a scale and type to maintain residential amenity. As this development involves the change of use of the existing detached dwelling, the scale of the development will appear the exact same as the existing dwelling.

The character of the Suburban Neighbourhood Zone is envisaged to be predominately low density residential development with complementary non-residential uses compatible with a low density residential character. Whilst tourist accommodation is not specifically identified to occur within the zone, the development as proposed is of a scale and type of development which will maintain the residential amenity of the subject locality. The visual impact of the subject property will remain as the existing low rise suburban dwelling and will be maintained in its current form and appearance.

With appropriate management the impacts of the tourist accommodation can be minimised.

The streets within the subject locality are of a suitable width and design to accommodate for the volume of traffic anticipated to be generated by the proposed development. There is also sufficient space located on the subject site to accommodate for the anticipated number of cars which may be at the property at any one time.

CONCLUSION

The development as proposed is envisaged to integrate with the residential character and amenity of the subject locality. The development is not considered to be seriously at variance to the provisions of the Planning and Design Code and warrants the granting of Planning Consent subject to appropriate Conditions and Advice.

INVITES

Nil

ATTACHMENTS

1. Response to Representations - DA 21004358 - Applicant response to representations 
2. Representations Received - DA 21004358 - 3 Mountain Court 
3. DA 21004358 - plans - Tourist Accommodations - 3 Mountain Court 
4. DA 21004358 - Application Summary - 3 Mountain Court 
5. Code Rules - DA 21004358 - 3 Mountain Court 



6.2 EDUCATIONAL/TRAINING FACILITY - 9 WATTLE STREET – REPORT NO. AR21/39036

Development No:	21001495
Applicant:	Limestone Coast Training
Property Address:	9 Wattle Street, Mount Gambier
Property Owner:	4 Blok Pty Ltd
Report No:	AR21/39036
CM9 Reference:	AF20/387
Author:	Tracy Tzioutziouklaris, Manager Development Services
Authoriser:	Tim Coote, General Manager City Growth
Nature of Development:	Performance Assessed/Public Notification
Description:	To change the use of a two-storey warehouse and showroom with associated offices to an educational/training facility
Zoning:	Employment Zone/Overlays – Hazards (Flooding), Native Vegetation, Prescribed Wells Area, Water Protection Area
Policy Area:	
Heritage:	

REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR21/39036 titled 'Educational/Training Facility - 9 Wattle Street' as presented on 01 July 2021 be noted.
2. Having had regard to the provisions of the Planning and Design Code, the Application and all supporting documentation, the development is not seriously at variance to the provisions of the Planning and Design Code and Planning Consent be granted subject to the following conditions:
 - (a) The development shall be carried out in accordance with the Plan/s as approved by Council and with the Conditions of Approval.
 - (b) All waste and refuse shall be contained within the building of a screened holding place for waste materials and refuse bins and be removed on a regular basis.
 - (c) The hours of operation shall be:
 - (i) Monday to Friday 8.30 a.m. to 5.00 p.m.
 - (d) The maximum number of students on site at any one time shall be 40.



BACKGROUND

The subject site is located at 9 Wattle Street and has dual road frontages to both Wattle Street and 10 Oak Street, Mount Gambier.

A two-storey warehouse and showroom with associated offices has been constructed on the subject site. There are six carparking spaces located at the front of the site with access via Wattle Street and an undercover loading bay at the rear of the property with access via Oak Street.

The standard of presentation of the property to Wattle Street is quite high.

The allotment is considered to be fully developed.

PROPOSED DEVELOPMENT

The proposed development is seeking to change the use of the property to an Educational/Training facility.

No changes are envisaged to be undertaken to the exterior of the building.

The Applicant has provided the following additional information:

- Up to ten employees will be located on site
- A maximum of 40 people will attend the site for training
- The days of operation will be Monday to Friday, 8.30a.m. to 5.00p.m.

Three additional toilets and a shower facility is to be constructed within the building, with the reception and training room being located on the ground floor and a training room, lunch room, computer room, conference room and two offices located on the upper level.

The remainder of the building is to be used for storage.

DEVELOPMENT PLAN PROVISIONS

The relevant provisions from the Planning and Design Code for this Development Application is attached to this report for Members perusal and information.

PLANNING ASSESSMENT

This application has been referred to the CAP for a decision as three representations were received as part of the notification and consultation process.

The subject site is located within the Employment Zone. Development not identified as either Accepted, Deemed to Satisfy or Restricted, default to a Performance Assessed pathway.

Table 5 within the Code identify the classes of development that are excluded from notification. An educational/training facility is not identified within Table 5 of the Code as a class of development excluded from notification.

The public consultation period for this Development Application was from the 7th of May, 2021 until the 28th of May, 2021. At the conclusion of the public notification period three representations were received.

Council received an additional representation on the 10th of June, 2021 which is after the conclusion of the public notification period and should not be considered. It is noted that this representation raised similar concerns to the representations received within the prescribed time frame.

The issues raised within the representations include:

- Concerns regarding the lack of carparks on the subject site and within the subject locality
- Inadequate car parking
- No access to public transport



- Business is not suitable or appropriate within the locality
- The street network is not sufficient to facilitate the movement of trucks if there are cars parking on both sides of the road

The subject site was previously zoned within the Industry (Enterprise) Zone as contained within the Development Plan. This zone has now been replaced with the Employment Zone within the Planning and Design Code. The appropriate policies upon which this application is to be assessed is the Employment Zone within the Planning and Design Code.

The Desired Outcomes for the Employment Zone is a diverse range of low impact light industrial, commercial and business activities that complement the role of the other zones accommodating significant industrial, shopping and business activities. Other policies relate to the business that do not detrimentally impact on the amenity of the subject locality.

The proposed development involves the adaptive reuse of a currently vacant warehouse and showroom. While an Educational/training facility is not specifically envisaged to occur within the Employment Zone the land use as proposed is considered acceptable within the subject locality. It is a form of business activity that is low impact and will not detract from the character and amenity of the locality.

It is acknowledged that the character of the subject locality is industrial in nature with residential dwellings located between industrial properties. Some of these industries include car wrecking yards, light industrial workshops, warehouses and storage. The proposed development may experience impacts from other nearby established businesses, mainly through noise.

The biggest area of concern in respect to this application is the lack of car parking provided on site. The Planning and Design Code does not contain any criteria specifying the number of carparks required for this type of development other than:

Office 4 spaces per 100 square metres of gross leasable floor area

Educational 0.4 spaces per student based on the maximum number of students (tertiary)

Based on a floor area of 136 square metres for the office use, 5 carparking spaces would be required to be provided for the office space within the building and 16 carparking spaces would be provided for the training facility, based on maximum student numbers of 40.

The training facility provides training opportunities in Business, Early Childhood, Education and Aged Care is aimed at adult training and education opportunities.

It is acknowledged that there is limited carparking available on the subject site and along Wattle Street, but there are car parking opportunities along Oak Street which is a short walk to the subject property.

CONCLUSION



The development as proposed generally complies with the provisions of the Planning and Design Code apart from the provision of car parking. There are opportunities for carparking in nearby streets which are a short walk from the subject site.

The development is not considered to be seriously at variance to the provisions of the Planning and Design Code and warrants the granting of Planning Consent subject to appropriate Conditions and Advice.





INVITES

Mardi Riley, The Manager, Limestone Coast Training

ATTACHMENTS

1. DA 21001495 - Application Summary - 9 Wattle Street 
2. DA 21001495 - Floor Plans - 9 Wattle Street 



3. Additional Information - DA 21001495 - 9 Wattle Street 
4. Representations Received - DA 21001495 - 9 Wattle Street 
5. Late Representation - DA 21001495 - 9 Wattle Street 
6. Code Rules - DA 21001495 - 9 Wattle Street 



7 URGENT MOTIONS WITHOUT NOTICE

8 MEETING CLOSE

