

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

**Date:** Thursday, 19 May 2022  
**Time:** 5.45 p.m.  
**Location:** Council Chamber  
Civic Centre  
10 Watson Terrace  
Mount Gambier

# **AGENDA**

## **Council Assessment Panel 19 May 2022**



**Tracy Tzioutziouklaris**  
**Manager Development Services**  
**10 May 2022**

## Order Of Business

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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)**

Nil

**3 CONFIRMATION OF MINUTES**

Council Assessment Panel - 17 March 2022

**RECOMMENDATION**

That the minutes of the Council Assessment Panel meeting held on 17 March 2022 be confirmed as an accurate record of the proceedings of the meeting.

**4 QUESTIONS WITHOUT NOTICE**

**5 INVITEES**

- 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 the Planning and Design Code.
- 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.

**Invitees for Item 6.2 DA 22009405 - 80 Crouch Street North, Mount Gambier**

The Applicant - Mr Dennis Carolane



## 6 REPORTS

### 6.1 17 WEHL STREET SOUTH - SHORT TERM TOURIST ACCOMMODATION – REPORT NO. AR22/26476

<b>Development No:</b>	<b>22008118</b>
<b>Applicant:</b>	<b>Miss Zoe Wighton</b>
<b>Property Address:</b>	<b>17 Wehl Street South, Mount Gambier</b>
<b>Property Owner:</b>	<b>Miss Zoe Wighton</b>
<b>Report No:</b>	<b>AR22/26476</b>
<b>CM9 Reference:</b>	<b>AF20/387</b>
<b>Author:</b>	<b>Tracy Tzioutziouklaris, Manager Development Services</b>
<b>Authoriser:</b>	<b>Darren Barber, General Manager Corporate and Regulatory Services</b>
<b>Nature of Development:</b>	<b>Performance Assessed, Public Notification</b>
<b>Description:</b>	<b>To change the use of a detached dwelling to short term tourist accommodation</b>
<b>Zoning:</b>	<b>Business Neighbourhood Zone, Overlays – Historic Area, Heritage Adjacency, Hazards (Flooding), Native Vegetation, Prescribed Wells Area</b>
<b>Policy Area:</b>	<b>Historic Area</b>
<b>Heritage:</b>	<b>Historic Area/Heritage Adjacency</b>

#### REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR22/26476 titled '17 Wehl Street South - Short Term Tourist Accommodation' as presented on 19 May 2022 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 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 regular in shape with a regular shaped allotment with a street frontage to Wehl Street South. The southern property boundary is directly adjacent to the Railway Lands open space area. To the north, east and west of the subject site are detached dwellings, consulting rooms, offices and shops.

A detached dwelling is located on the subject site.

## **PROPOSED DEVELOPMENT**

The proposed development involves the change of use of the dwelling to short term accommodation. No changes are to be made to the external appearance of the dwelling.

A separate development application is currently being considered by Council to construct alterations and additions to the existing dwelling. This application has yet to obtain Planning, Building and Development Consent.

## **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 Council Assessment Panel for a decision as one representation was received as part of the public notification process.

The issues raised within the representation include the following:

- Will cause the loss of another home for purchase or rent.
- There are other short term accommodation available within the area
- Mount Gambier has a range of accommodation options

The Applicant has responded with the following:

- Is providing an alternative choice of accommodation for families to stay within Mount Gambier
- There is a market within the City for this type of accommodation
- The accommodation is close to the city centre and associated facilities

It is important to note the representation received raised concerns with this type of accommodation throughout the City of Mount Gambier and did not raise concerns specific to this development application.

The subject property is located within the Business Neighbourhood Zone, with envisaged development to include a variety of housing and accommodation types and compatible employment generating land uses in an environment characterised by primarily low-rise buildings. The proposed development is for tourist accommodation which is a type of accommodation development and is a form of employment generating land use.

A wide range of land uses are envisaged to occur within this zone including community facilities, consulting rooms, dwellings, offices and shops. The subject locality is comprised of a mixture of land uses including consulting rooms, shops, offices, residential dwellings and public open space.

The proposed development involves the use of the existing dwelling and will retain the existing presentation of the building to the street. This development will not impact upon the heritage character of the area.

Tourist accommodation operated within the existing building will not detract from the character and amenity of the subject site or the surrounding locality and will not impact on the adjoining and nearby residential dwellings and warrants the support of the Council Assessment Panel.



## **CONCLUSION**

The development as proposed is envisaged to integrate with the character and amenity of the subject locality and is a form of development envisaged to occur within the Business Neighbourhood Zone. 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. Application Snapshot - 17 Wehl Street South
2. Planning and Design Code - 17 Wehl Street South
3. Floor Plan - 17 Wehl Street South
4. Representation - 17 Wehl Street South
5. Response to representations - 17 Wehl Street South



**6.2 APPEAL TO THE COUNCIL ASSESSMENT PANEL - 80 CROUCH STREET NORTH, MOUNT GAMBIER - TO CONSTRUCT A CARPORT – REPORT NO. AR22/30985**

<b>Development No:</b>	<b>22009405</b>
<b>Applicant:</b>	<b>Mr Dennis Carolane</b>
<b>Property Address:</b>	<b>80 Crouch Street North, Mount Gambier</b>
<b>Property Owner:</b>	<b>Mr Dennis Carolane</b>
<b>Report No:</b>	<b>AR22/30985</b>
<b>CM9 Reference:</b>	<b>AF20/387</b>
<b>Author:</b>	<b>Tracy Tzioutziouklaris, Manager Development Services</b>
<b>Authoriser:</b>	<b>Darren Barber, General Manager Corporate and Regulatory Services</b>
<b>Nature of Development:</b>	<b>Performance Assessed</b>
<b>Description:</b>	<b>To construct a carport on the site of a detached dwelling</b>
<b>Zoning:</b>	<b>Suburban Neighbourhood – Overlays (Affordable Housing/Hazards (flooding)/Native Vegetation/Prescribed Wells Area/Water Protection Area</b>
<b>Policy Area:</b>	<b>N/A</b>
<b>Heritage:</b>	<b>N/A</b>

**REPORT RECOMMENDATION**

1. That Council Assessment Panel Report No. AR22/30985 titled 'Appeal to the Council Assessment Panel - 80 Crouch Street North, Mount Gambier - To construct a carport' as presented on 19 May 2022 be noted.
2. Having had regard to the provisions of the Planning and Design Code, the Application and all supporting documentation, the development is seriously at variance to the provisions of the Planning and Design Code the decision of the Assessment Manager be upheld and Planning Consent be refused subject to the following reasons:
  - (a) The carport is to be constructed in front of the existing dwelling to which it is ancillary.
  - (b) The carport is to have a setback less than 5.5 metres to the street frontage.
  - (c) The carport is out of character with the amenity and character of the area.



## **BACKGROUND**

The Assessment Manager by notice dated 8 April 2022 refused to grant planning consent for this Development Application seeking to construct a carport on the site of an existing detached dwelling.

The subject site is regular in shape with a street frontage of 20.30 metres, is 40.2 metres in depth, having a total site area of 816 square metres. A detached dwelling is located on the subject site, with a setback of 8 metres to Crouch Street North, Mount Gambier. The dwelling is constructed with Minimal setbacks to the side (north and south) property boundaries which limits the further development of the subject site. The subject site is a sloping site upwards from the north to the south.

## **PROPOSED DEVELOPMENT**

The proposed development involves the construction of a carport in front of the existing dwelling and will have a setback of 1.851 metres to Crouch Street North and a 480mm setback to the northern property boundary.

The carport is to be 6 metres in length, 6 metres wide, having a total floor area of 36 square metres. The carport is to have a post height of 2.5 metres and a total building height of approximately 3.9 metres to the top of the apex. The carport is to have a colorbond roof.

The carport is to be constructed in front of the existing garages/carport and over the existing driveway. The carport is to be located on the lower side of the property.

## **DEVELOPMENT PLAN PROVISIONS**

The extract from the Planning and Design Code is attached to this report for the perusal and information of the Council Assessment Panel Members.

## **PLANNING ASSESSMENT**

The Planning, Development and Infrastructure Act 2016 introduces new appeal options for Applicants. As this Development Application was for a form of development to be determined by the Assessment Manager, the Applicant is provided the opportunity to appeal the decision to the Council Assessment Panel. Should the Applicant be aggrieved by the decision of the Council Assessment Panel, the Applicant is able to lodge a further appeal to the Environment, Resources and Development Court.

The proposed development complies with the provisions of the Planning and Design Code except:

- The primary street setback is less than 5.5 metres; and
- is to be located in front of the building line of the building to which it is ancillary.

Whilst this is just two provisions of the Planning and Design Code which the proposed development does not meet, the construction of a carport in front of the existing dwelling will have a significant impact on the visual character of the subject locality with the carport becoming the visually dominant feature of the subject allotment.

The character of the subject site and surrounding locality is of dwellings being the primary visual built form of the allotments and garages/carports located with the same setback or behind the main face of dwellings.

The development as proposed is at variance with the character and visual appearance of properties within the subject locality and does not warrant support or the granting of Planning Consent.

## **CONCLUSION**

The construction of a carport in front of the existing dwelling is:

- Out of character with the form of development within the subject locality





- Is to be constructed in front of the existing dwelling; and
- Is to have a setback less than 5.5 metres to the front property boundary.

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 seriously at variance with the provisions of the Planning and Design Code and Planning Consent be refused.

### **INVITES**

Mr Dennis Carolane

### **ATTACHMENTS**

1. Application of Appeal to the Council Assessment Panel - 80 Crouch Street North
2. Decision Notification Form - 80 Wehl Street North
3. Application Snapshot - 80 Crouch Street North
4. Carport Plans - 80 Crouch Street North
5. Planning and Design Code - 80 Crouch Street North



**6.3 LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL – REPORT NO. AR22/30991**

**Development No:** N/A  
**Applicant:** District Council of Grant, District Council of Robe, Wattle Range Council and the City of Mount Gambier  
**Report No:** AR22/30991  
**CM9 Reference:** AF20/387  
**Author:** Tracy Tzioutziouklaris, Manager Development Services  
**Authoriser:** Darren Barber, General Manager Corporate and Regulatory Services  
**Description:** Formation of the Limestone Coast Southern Regional Assessment Panel

**REPORT RECOMMENDATION**

1. That Council Assessment Panel Report No. AR22/30991 titled 'Limestone Coast Southern Regional Assessment Panel' as presented on 19 May 2022 be noted.



## **BACKGROUND**

The City of Mount Gambier by letter dated 20 December 2021 wrote to the Minister for Planning seeking agreement to form the Limestone Coast Southern Regional Assessment Panel with the District Council of Grant, District Council of Robe and the Wattle Range Council.

The agreement to form the Limestone Coast Southern Regional Assessment Panel was the result of lengthy discussions and negotiations between the four Councils.

## **PROPOSED DEVELOPMENT**

The Limestone Coast Southern Regional Assessment Panel will result in the dissolution of the four (4) existing Council Assessment Panels into one (1) Regional Assessment Panel. A joint Memorandum of Understanding (MOU) for the formation of the Regional Assessment Panel was developed and endorsed by each of the four Councils.

The Minister for Planning by Notice in the South Australian Government Gazette dated 5 May 2022 has published the *Limestone Coast Southern Regional Assessment Panel Notice 2022* which comes into operation on 1 July 2022.

The four Councils will now undertake further negotiations and discussions to form the Regional Assessment Panel which will include calling for nominations for Members to sit on the Regional Assessment Panel.

A copy of the Limestone Coast Southern Regional Assessment Panel Notice 2022 is attached for Members information and perusal.

## **DEVELOPMENT PLAN PROVISIONS**

N/A

## **PLANNING ASSESSMENT**

N/A

## **CONCLUSION**

The formation of the Limestone Coast Southern Regional Assessment Panel has been agreed to by the Minister for Planning, with the commencement date of the operation of the RAP to commence on 1 July 2022. The RAP will replace each of the Council Assessment Panels operated by each individual Council.

## **INVITES**

N/A

## **ATTACHMENTS**

1. Government Gazette Notice - Limestone Coast Southern Regional Assessment Panel Notice - Page 1049 - Published 05/05/2022



**7 URGENT MOTIONS WITHOUT NOTICE**

**8 MEETING CLOSE**

