



I hereby give notice that a Limestone Coast Southern Regional Assessment Panel will be held on:

Date: Tuesday, 20 June 2023
Time: 5.00 p.m.
Location: Level 1 Large Meeting Room
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Limestone Coast Southern Regional Assessment Panel 20 June 2023

A handwritten signature in black ink, appearing to read "Tracy Tzioutziouklaris".

Tracy Tzioutziouklaris
Manager Development Services
14 June 2023

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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 FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGY(IES)

Nil

3 CONFIRMATION OF MINUTES

Limestone Coast Southern Regional Assessment Panel - 16 May 2023

RECOMMENDATION

That the minutes of the Limestone Coast Southern Regional Assessment Panel meeting held on 16 May 2023 be confirmed as an accurate record of the proceedings of the meeting.

4 QUESTIONS WITHOUT NOTICE**5 INVITEES**

Nil

6 REPORTS

6.1 DA:23005162: 5 BURONGA AVENUE, MOUNT GAMBIER - DEVELOPMENT OF THE SUBJECT LAND FOR THE USE AS CONSULTING ROOMS – REPORT NO. AR23/35520

Development No: DA:23005162
Applicant: MICHAEL SILVY
Property Address: 5 BURONGA AVENUE, MOUNT GAMBIER
Property Owner: DR MICHAEL NASHED
Report No: AR23/35520
CM9 Reference: AF22/276
Author: Roslyn Snaauw, Senior Planner
Authoriser: Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services
Nature of Development: CHANGE OF USE TO CONSULTING ROOMS
Description: DEVELOPMENT OF THE SUBJECT LAND FOR THE USE AS CONSULTING ROOMS
Zoning: SUBURBAN NEIGHBOURHOOD ZONE
Policy Area: N/A
Heritage: N/A

REPORT RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/35520 titled 'DA:23005162: 5 Buronga Avenue, Mount Gambier - Development of the subject land for the use as consulting rooms' as presented on 20 June 2023 be noted.
2. Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having regard to the provisions of the Planning and Design Code, the Applicant, the representation received and all supporting documentation, it is considered that the application is not at variance with the provisions of the Planning and Design Code and consent is recommended subject to the following conditions:
 1. The development shall be carried out in accordance with the Plan/s as approved by Council and with the Conditions of Approval.
 2. The subject land and all improvements thereon shall be maintained in a state of good, tidy and attractive repair and condition at all times.
 3. The building and land shall not be used for purposes other than that approved by Council.
 4. The car parking and driveway areas and footpath crossover as shown on the plan/s approved by Council, shall be graded, paved and sealed with bitumen or other similar material and line-marked and maintained in a useable condition at all times.
 5. The car parking spaces shall measure not less than 2.6 metres in width and 5.5 metres in length and shall be line-marked and maintained in a useable condition at all times.



6. The car parking space for people with a disability shall be appropriately identified, line marked and maintained within the car parking area.
7. All vehicle car parks, driveways, vehicle entry and manoeuvring areas must be designed, constructed and maintained in accordance with Australian Standards (AS/NZ 2890.1:2004 and AS/NZS 2890.6:2009).
8. Common vehicle parking areas are provided with lighting to entry and exit point in accordance with Australian Standard (AS 4282-1997).
9. Provisions shall be made for the disposal of stormwater and surface drainage to the reasonable satisfaction of Council.
10. Landscaping shall be undertaken and maintained at all times.
11. The hours of operation of the 'Consulting Rooms' shall not create a nuisance and/or disturbance for any person/s and/or property in the immediate area.
12. The trading hours of the use of the land hereby approved shall not exceed the following/shall be limited to:
Monday to Friday 8.30am to 5.20pm
Saturday 9.00 am to 1.00pm
13. All external lighting must be designed and constructed according to conform to Australian Standard (AS 4282-1997).
14. No signs are to be erected or displayed on the land or on any building, structure, gate or fence. Further permission is required from Council for the erection or display of any sign.

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
- 5) A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).



BACKGROUND

The subject land is currently established with a single storey dwelling with access existing from the south from Buronga Avenue in Mount Gambier.

The subject land is located to the east (rear) of an existing Medical Centre that is within a Local Activity Zone and contains consulting rooms, a pharmacy and a pathology area with land to the north, east and south located within the Suburban Neighbourhood Zone and is developed with residential dwellings.

PROPOSED DEVELOPMENT

This application is for the change of use from a dwelling to 'Consulting Rooms' which will have a total floor area of approximately 216 square metres and will include the following areas:

- reception and waiting area,
- staff and printing rooms,
- toilet amenities,
- cosmetic rooms (x2), treatment room, rooms (x4) which is a total of seven (7) consulting rooms

The proposed structure will be setback from the western boundary approximately 1.5 metres, 7.7 metres from the eastern boundary, 6.0 metres from the southern/front boundary and approximately 15.5 metres to the northern/rear boundary and will contain a total of three (3) entry and exit doors located along the southern, western and eastern elevations and will provide seven (7) car spaces on-site which will be located to the rear of the subject land.

The proposed development will have a wall height of approximately 3.0 and an overall height of approximately 4.1 metres. The external elevations will be constructed of a variety of building materials such as ACM cladding and textured and painted masonry walls with the southern elevation incorporating full height feature walls of glass. The structure will have a flat roof and will include parapet walls.

Landscaping is proposed within the front boundary setback, along 7.7 metres of the eastern elevation and along the eastern boundary and rear northern boundary.

It is proposed to use the existing 2.5 metre wide accessway which is to provide access along the eastern boundary to the rear car parking area.

DEVELOPMENT PLAN PROVISIONS

As per the Planning and Design Code extracts.

PLANNING ASSESSMENT

The subject land is located within the following zone and overlays pursuant to the Planning and Design Code (Code) and the defined use was required to be 'performance assessed' on its merits against the Code.

Zone:

- Suburban Neighbourhood (SN)

Overlays:

- Affordable Housing
- Hazards (Flooding – Evidence Required)
- Native Vegetation
- Prescribed Wells Area
- Water Protection Area



The subject land is located within the SN and approval is required for the change of use to 'Consulting Rooms'.

This application is for a total of seven (7) consulting rooms to be located within a structure to be developed on the subject land.

The application was required to be notified pursuant to Table 5 - Procedural Matter – Notification of the Code – consulting room is identified as a class of performance assessed development that is not excluded from notification as the subject land abuts an Activity Centre and has a gross floor area of 200 square metres.

The application received one (1) representation who did not object to the proposal however raised concerns which can be summarised as follows:

1. Representor 1 summarised

Supports the proposal however raises concerns with regards to car parking and traffic.

Applicant response summarised

Opportunity to access the twenty-five (25) car spaces available for the existing Village Medical Centre which is rarely at full capacity with additional eighteen (18) car spaces available adjacent to the Village Medical Centre which is also rarely at full capacity.

It is estimated that there are forty-nine (49) on street carparking available is estimated to be available within 60 metres of the proposal.

Council Response

The use of the site for the purpose of seven (7) consulting rooms, requires, pursuant to the Code, that the subject land provide four (4) car spaces per consulting room. The applicant is not providing the required twenty-eight (28) and it is proposed to provide only seven (7) car spaces with one of those car spaces being allocated for people with mobility concerns. The Code does not differentiate between staff and clientele for the use of the provision of these car spaces.

Council have considered the availability of car parking within the area including what is provided for the Village Medical Centre and consider sufficient car spaces are available within this area.

Council will monitor any complaints received from the community with regards to congestion etc and the future use of the subject land would investigate parking restrictions within this area if it required in the future.

When an application is for new a car parking area, all vehicle car parks, driveways, vehicle entry and manoeuvring areas must be designed, constructed and maintained in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009) with common vehicle parking areas to be provided with lighting to entry and exit points in accordance with the Australian Standard (AS 4282-1997). Any light spill must be designed and constructed according to and conform to Australian Standard (AS 4282-1997). Conditions will also be provided if this application is supported.

The Applicant has stated that the proposed hours of operation for the proposed 'Consulting Rooms' will be Monday to Friday 8.30am to 5.30pm and on Saturdays between 9.00am and 1.00pm. Conditions will be provided if this application is supported stating these hours.

It is considered that the proposed use and development of the land for the purpose of seven(7) 'Consulting Rooms' is contextual to the character of the immediate area. The subject land is located lower than the road surface and will integrate a modern design having design concepts from the surrounding areas with the southern elevation and entrance orientated to the primary street frontage of Buronga Avenue complementing the streetscape with the further provision of landscaping within this front setback.

It is proposed to located car parking to the rear of the subject land, behind the proposed development with landscaping being provided along the driveway and eastern elevation and to the rear separating the carparking spaces and the northern boundary assisting in minimising any amenity impacts.










CONCLUSION

The proposed use of the existing dwelling for the purpose of 'Consulting Rooms' is considered an appropriate use in this instance on the subject land and is recommended for support.

INVITES

Nil

ATTACHMENTS

1. Attachment 1 ApplicationDocuments 
2. Appendix 1 Relevant P & D Code Policies 
3. Attachment 2 Subject Land aerial map 
4. Attachment 3 Zoning map 
5. Attachment 4 Representation Map 
6. Attachment 5 Representation 
7. Attachment 6 Applicant response to representaion 



7 URGENT MOTIONS WITHOUT NOTICE

8 MEETING CLOSE