

**MINUTES OF LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON THURSDAY, 15 FEBRUARY 2024 AT 5.00 P.M.**

PRESENT: Mr Mark Teakle (Presiding Member), Mr Ian Von Stanke, Ms Meg Redman, Ms Lamorna Alexander, Ms Cheryle Pedler (virtual)

OFFICERS IN ATTENDANCE: Assessment Manager - Mrs T Tzioutziouklaris

OFFICERS AS OBSERVERS: Nil

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 RESOLUTION

The Limestone Coast Southern Regional Assessment Panel moved:

That the minutes of the Limestone Coast Southern Regional Assessment Panel meeting held on 14 December 2023 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

4 QUESTIONS WITHOUT NOTICE

Nil

5 INVITEES

Invitees for Item 6.1 - 381-385 Commercial Street West, Mount Gambier

The Applicant - Frank Brennan Consulting Services spoke in relation to item 6.1 at 6:35 pm.

Invitees for Item 6.2 - Lot 32 Pinehall Avenue, Suttontown

The Representor - Alex Trnovsky spoke in relation to item 6.2 at 5:02 pm.

The Applicant - Frank Brennan Consulting Services spoke in relation to item 6.2 at 5:06 pm

Invitees for Item 6.3 - Unit 20/184 Jubilee Highway West, Mount Gambier

The Applicant - Natasha Srpacic spoke in relation to item 6.3 at 5:18 pm.

6 REPORTS

6.1 DA:23030834 - 381-385 COMMERCIAL STREET WEST, MOUNT GAMBIER - REVIEW OF COUNCIL DECISION

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Limestone Coast Southern Regional Assessment Panel moved:

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/88979 titled 'DA:23030834 - 381-385 Commercial Street West, Mount Gambier - Review of Council Decision' as presented on 15 February 2024 be noted.
2. The Limestone Coast Southern Regional Assessment Panel, pursuant to section 107(2)(c) of the Planning Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the provisions of the Planning and Design Code, determines that Application 23030834 is not seriously at variance with the Planning and Design Code.
3. The Limestone Coast Southern Regional Assessment Panel, pursuant to section 107(1) and (2)(b) of the Planning, Development and Infrastructure Act, based on an assessment against the provisions of the Planning and Design Code, resolves that Application 23030834 is sufficiently at variance with the Code that the application should be refused, for the following reason:
 - (a) The development does not contribute to a consistent streetscape, in particular as outlined in Performance Outcome 3.3 of the Strategic Employment Zone, as the building setback from the primary street boundary is inconsistent with the adjacent and nearby properties.

CARRIED

6.2 DA:23024465 - LOT 32 PINEHALL AVENUE, SUTTONTOWN - RETAIL SHOPPING CENTRE

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Limestone Coast Southern Regional Assessment Panel moved:

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR24/692 titled 'DA:23024465 - Lot 32 Pinehall Avenue, Suttontown - Retail Shopping Centre' as presented on 15 February 2024 be noted.
2. That the Limestone Coast Southern Regional Assessment Panel resolve that:
 - (a) Pursuant to Section 107(2) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of the application determined the development is not at variance to the provisions of the Planning and Design Code and Planning Consent be granted subject to the following conditions:

Conditions

Condition 1

The development shall be carried out in accordance with the Plan/s as approved by Council and with the Conditions of Approval.

Condition 2

The buildings and surroundings shall be maintained in a state of good repair and tidy condition at all times.

Condition 3

The buildings and land shall not be used for purposes other than those approved by Council.

Condition 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.

Condition 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.

Condition 6

The car parking space for people with a disability shall be appropriately identified, line marked and maintained within the car parking areas.

Condition 7

All vehicle car parks, driveways, vehicle entry and maneuvering areas must be designed, constructed and maintained in accordance with Australian Standards (AS/NZ 2890.1:2004 and AS/NZS 2890.6:2009).

Condition 8

Provisions shall be made for the disposal of stormwater and surface drainage to the reasonable satisfaction of Council.

Condition 9

Landscaping shall be undertaken and maintained at all times.

Condition 10

All waste materials and refuse shall be contained within the proposed building or alternatively a screened holding place for waste materials and refuse containers shall be provided and maintained on the site of the development at all times.

Condition 11

Any lights on the subject land must be directed and screened so that overspill of light into nearby premises is avoided and drivers are not distracted.

Condition 12

All fences shall be constructed in accordance with the approved plans and be maintained in a useable condition at all times.

Condition 13

All waste materials and refuse accumulated on the allotment shall be removed on a regular basis.

Condition 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

ADVISORY NOTES

Planning Consent

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).

CARRIED

6.3 DA:23035165 - UNIT 20/184 JUBILEE HIGHWAY WEST, MOUNT GAMBIER - CHANGE OF USE FOR SHORT TERM TOURIST ACCOMMODATION

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Limestone Coast Southern Regional Assessment Panel moved:

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR24/7376 titled 'DA:23035165 - Unit 20/184 Jubilee Highway West, Mount Gambier - Change of use for short term tourist accommodation' as presented on 15 February 2024 be noted.
2. That the Limestone Coast Southern Regional Assessment Panel resolve that:
 - (a) Pursuant to Section 107(2) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of the application, determined the development is not seriously at variance to the provisions of the Planning and Design Code and Planning Consent should be granted subject to the following conditions:

Conditions

Condition 1

The development shall be carried out in accordance with the Plan/s as approved by Council and with the Conditions of Approval.

Condition 2

The buildings/and surrounding shall be maintained in a state of good repair and tidy condition at all times.

Condition 3

At all times whomsoever may be occupying the property, shall take all measures to ensure that the residential amenity of the immediate area is not affected by nuisance or disturbance associated with the operation of the '*Short Term Tourist Accommodation*'.

Condition 4

All waste materials and refuse accumulated on the property shall be removed on a regular basis to ensure that the property is maintained in a clean and sanitary condition.

Condition 5

The maximum number of people to be accommodated within the Short Term Accommodation shall be four (4) people, not including children under the age of two (2).

STANDARD ADVISORY NOTES/PLANNING CONSENT/GENERAL NOTES

CARRIED

6.4 INSTRUMENT C - AMENDMENTS - DELEGATIONS

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Limestone Coast Southern Regional Assessment Panel moved:

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR24/1908 titled 'Instrument C - Amendments - Delegations' as presented on 15 February 2024 be noted.
2. Pursuant to Section 100 of the Planning, Development and Infrastructure Act 2016, the Limestone Coast Southern Regional Assessment Panel (RAP) delegates each function or power of the Regional Assessment Panel as identified in Attachment 1 Regional Assessment Panel Report No. AR23/53485 (marked as Instrument C) to the Chief Executive Officer of the District Council of Grant, the District Council of Robe, Wattle Range Council, the City of Mount Gambier and Assessment Manager subject to the following conditions and limitations:
 - a) The delegations may be sub delegated by the Chief Executive Officer or Assessment Manager;
 - b) Each delegation of a power or function granted under this instrument is independent of, and severable from, every other delegation granted under this instrument;
 - c) If two or more (sub)delegates are nominated in respect of a power or function, then each nominated person is granted a (sub)delegation and may exercise the power or function independently of any other (sub)delegate;
 - d) Delegates must exercise a delegate or power in accordance with applicable legislative and legal requirements; and due regard to relevant policies and guidelines adopted by the Council;
 - e) If a delegation of a power or function under this instrument is determined to be invalid or unlawful, the invalid or unlawful delegation will be deemed to be severed from this instrument and remaining delegation will continue to operate according to their terms;

- f) These delegations will come into operation on Friday 16 February, 2024 and remain in force until varied or revoked by the stone Coast Southern Regional Assessment Panel.
- g) Previous delegations granted by the Limestone Coast Southern Regional Assessment Panel are varied as identified within this report with effect from Friday 16 February, 2024.

CARRIED

7 MOTIONS WITHOUT NOTICE

Nil

8 MEETING CLOSE

The Meeting closed at 6:24 pm.

The minutes of this meeting were confirmed at the Limestone Coast Southern Regional Assessment Panel held on 21 March 2024.

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PRESIDING MEMBER