

**MINUTES OF LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL
HELD AT THE LEVEL 1 LARGE MEETING ROOM, CIVIC CENTRE, 10 WATSON TERRACE,
MOUNT GAMBIER
ON TUESDAY, 15 AUGUST 2023 AT 5:00 PM**

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

OFFICERS IN ATTENDANCE: Assessment Manager - Mrs T Tzioutziouklaris
Executive Administrator - Mrs A Pasquazzi

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

COMMITTEE RESOLUTION

Moved: Ian Von Stanke

Seconded: Meg Redman

That the minutes of the Limestone Coast Southern Regional Assessment Panel meeting held on 18 July 2023 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

4 QUESTIONS WITHOUT NOTICE

Nil

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 6.3 - 14 Elle Court, Mount Gambier

The Applicant - Naomi Pearce attended the meeting but did not speak to item 6.3.

Invitees for Item 6.4 - 11 Wehl Street South, Mount Gambier

The Applicant - Adam Williams on behalf of Uniting Communities spoke in relation to item 6.4 at 5:09 pm.

6 REPORTS**6.1 LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL - MEETING PROCEDURES****COMMITTEE RESOLUTION**

The Limestone Coast Southern Regional Assessment Panel Moved:

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/50420 titled 'Limestone Coast Southern Regional Assessment Panel - Meeting Procedures' as presented on 15 August 2023 be adopted.
2. That the Limestone Coast Southern Regional Assessment Panel Meeting Procedures as attached to Report No. AR23/50420 be adopted with the following change:
 - Ordinary meetings of the Limestone Coast Regional Assessment Panel (RAP) will be held on the third Thursday of the month, unless there are no items to be considered, in which case no meeting will be held.
 - Clause 10.3.5.3 be removed.

CARRIED

6.2 DELEGATIONS - PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016**COMMITTEE RESOLUTION**

The Limestone Coast Southern Regional Assessment Panel Moved:

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/53485 titled 'Delegations - Planning, Development and Infrastructure Act 2016' as presented on 15 August 2023 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 Wednesday 16 August, 2023 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 Wednesday 16 August, 2023.

CARRIED

6.3 DA:23013003 - 14 ELLE COURT, MOUNT GAMBIER - CHANGE OF USE TO TOURIST ACCOMMODATION

COMMITTEE RESOLUTION

The Limestone Coast Southern Regional Assessment Panel Moved:

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/52296 titled 'DA:23013003 - 14 Elle Court, Mount Gambier - Change of use to Tourist Accommodation as presented on 15 August 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. 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 *Tourist Accommodation*.
 3. The building and land shall be maintained in a state of good repair and tidy condition at all times.
 4. The maximum term for a booking shall be 3 months.
 5. The maximum number of people at any time will be 6.

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

6.4 DA:23012169 - 11 WEHL STREET SOUTH, MOUNT GAMBIER - CHANGE OF USE FROM AN OFFICE TO SHORT TERM SUPPORTED ACCOMMODATION

COMMITTEE RESOLUTION

Moved: Ian Von Stanke

Seconded: Cheryle Pedler

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/53235 titled 'DA:23012169 - 11 Wehl Street South, Mount Gambier - Change of use from an office to Short Term Supported Accommodation' as presented on 15 August 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 seriously 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. 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).
 5. Provisions shall be made for the disposal of stormwater and surface drainage to the reasonable satisfaction of Council.
 6. The use of the 'Short Term Supported Accommodation' shall not create a nuisance and/or disturbance for any person/s and/or property in the immediate area.
 7. No additional 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.
 8. A northern boundary divisional fence shall be constructed to a height of not less than 2.0 metres of colour coated metal or similar material.
 9. 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 supported accommodation.

- 10. 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.
- 11. The maximum number of residents on site at any one time shall be 6.
- 12. The landscaping and fence shall be installed to the front of the property to the satisfaction of the Assessment Manager.
- 13. 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.

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

7 MOTIONS WITHOUT NOTICE

Nil

8 MEETING CLOSE

The Meeting closed at 6:11 pm.

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

.....
PRESIDING MEMBER