

**MINUTES OF LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON THURSDAY, 21 MARCH 2024 AT 5.00 P.M.**

PRESENT: Mr Mark Teakle (Presiding Member), Ms Lamorna Alexander, Ms Cheryle Pedler (virtual), Mr Carlin McNeil

OFFICERS IN ATTENDANCE: Assessment Manager - Mrs T Tzioutziouklaris
Executive Administrator - Miss T Chant

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)

LIMESTONE COAST SOUTHERN REGIONAL ASSESSMENT PANEL RESOLUTION

The Limestone Coast Southern Regional Assessment Panel moved:

That the apology(ies) from Mr Ian Von Stanke and Ms Meg Redman be received.

CARRIED

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 15 February 2024 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 – Unit 2, 6 Jardine Street, Mount Gambier

The Applicant – Carol Smith spoke in relation to Item 6.1 at 5:01 pm.

Invitees for Item 6.2 – 4 Fitzgibbon Court, Suttontown

The Owner – Jim Lavia spoke in relation to Item 6.2 at 5:16 pm.

Invitees for Item 6.3 – 4 Scott Court, Mount Gambier

The Applicant – Mr Dean Linder-Leighton spoke in relation to Item 6.3 at 5:27 pm.

The Representor – Michael Parker spoke in relation to Item 6.3 at 5:24 pm.

6 REPORTS

6.1 DA:24000959 - UNIT 2, 6 JARDINE STREET, 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. AR24/13659 titled 'DA:24000959 - Unit 2, 6 Jardine Street, Mount Gambier - Change of use for short term tourist accommodation' as presented on 21 March 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 Planning and Design Code, resolve that the development application is NOT seriously at variance with the Planning and Design Code, for the following reasons:
 - (a) The proposed land use is not prejudicial to residential forms of development.
 - (b) The identified departures from the Planning and Design Code are not considered to be "important or grave". Specifically, it is of a suitable scale when considering other development within the subject locality.
 - (c) The proposed development is for a residential type purpose albeit for short term periods.
3. 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 granted *Planning Consent* shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

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 six (6) people, not including children under the age of two (2) years.

CARRIED

6.2 APPLICATION FOR REVIEW - 4 FITZGIBBON COURT, SUTTONTOWN**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. AR24/15373 titled 'Application for Review - 4 Fitzgibbon Court, Suttontown' as presented on 21 March 2024 be noted.
2. The Limestone Coast Southern Regional Assessment Panel resolves to VARY the decision of the Assessment Manager:
 - (a) That pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, having undertaken an assessment of the application against the Planning and Design Code, the Limestone Coast Southern Regional Assessment Panel determines that application 23038023 is NOT seriously at variance with the provisions of the Planning and Design Code, as the application comprises a dwelling and outbuilding on land zoned for that purpose.
 - (b) The Limestone Coast Southern Regional Assessment Panel determines that application 23038023 is at variance to the Planning and Design Code and is REFUSED Planning Consent for the following reasons:
 - i. The proposed dwelling is at variance to the provisions of Performance Outcome 5.1 of the Suburban Neighbourhood Zone in that the setback is not consistent with the established streetscape of the locality, which is generally in excess of 8 metres.
 - ii. The proposed outbuilding is at variance to the provisions of Performance Outcomes 11.1 and 11.3 of the Suburban Neighbourhood Zone in that the height, length and scale of the development would detract from the amenity of the locality when viewed from Fitzgibbon Avenue and O'Leary Road, and adjoining allotments.

CARRIED

6.3 CHANGE OF USE TO INDOOR RECREATION FACILITY (GYM) AND ADVERTISEMENT INCLUDING ILLUMINATION OF ADVERTISEMENT

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. AR24/16746 titled 'Change of use to indoor recreation facility (gym) and advertisement including illumination of advertisement' as presented on 21 March 2024 be noted.
2. That 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 Planning and Design Code, resolve that the development application is NOT seriously at variance with the Planning and Design Code, for the following reasons:
 - (a) The proposed land use is not prejudicial to the Desired Outcome of the Employment Zone.
 - (b) The identified departures from the Planning and Design Code are not considered to be "important or grave".
 - (c) The proposed development is for a commercial type purpose and is the reuse of an existing building.
3. The Applicant be advised:
 - (a) To assist the determination of the application the Regional Assessment Panel requests clarification and confirmation as to how the facility is to be operated including
 - i. Confirmation of the maximum number of people to be using the facility at any one time, including the maximum number of people to be using each space including the two studio rooms, the main gymnasium area and the mezzanine floor.
 - ii. A schedule identifying when each area is available for use, including a schedule for the use of the studio's including the times and duration of gym classes.

CARRIED

7 MOTIONS WITHOUT NOTICE

Nil

8 MEETING CLOSE

The Meeting closed at 5:55 pm.

The minutes of this meeting were confirmed at the Limestone Coast Southern Regional Assessment Panel held on 18 April 2024.

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PRESIDING MEMBER