



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

**Date:** Tuesday, 18 July 2023  
**Time:** 5.00 p.m.  
**Location:** City Hall  
1 Bay Road  
Mount Gambier

# **AGENDA**

## **Limestone Coast Southern Regional Assessment Panel 18 July 2023**

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

**Tracy Tzioutziouklaris  
Assessment Manager  
17 July 2023**

## Order Of Business

<b>1</b>	<b>Acknowledgement of Country .....</b>	<b>3</b>
<b>2</b>	<b>Apology(ies).....</b>	<b>3</b>
<b>3</b>	<b>Confirmation of Minutes.....</b>	<b>3</b>
<b>4</b>	<b>Questions Without Notice .....</b>	<b>3</b>
<b>5</b>	<b>Invitees .....</b>	<b>3</b>
<b>6</b>	<b>Reports.....</b>	<b>4</b>
6.1	DA:23013003 - 14 Elle Court, Mount Gambier - Change of use to Tourist Accommodation – Report No. AR23/45397 .....	4
6.2	DA:23012169 - 11 Wehl Street South, Mount Gambier - Change of use from an office to a short term supported accommodation – Report No. AR23/45301.....	8
<b>7</b>	<b>Urgent Motions without Notice .....</b>	<b>14</b>
<b>8</b>	<b>Meeting Close .....</b>	<b>14</b>

## 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 - 20 June 2023

### **RECOMMENDATION**

That the minutes of the Limestone Coast Southern Regional Assessment Panel meeting held on 20 June 2023 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 - 11 Wehl Street South, Mount Gambier**

The Applicant - Lisa Trigg as Agent for Uniting Communities

The Representor - Ahmad Husain

The Representor - Camille Batson

The Representor - Sarah Jablonski

The Representor - John Jablonski

The Representor - Aaron Heemskerck

The Representor - Emma Telford

The Representor - Ryan Telford

The Representor - Marilyn Horrigan

## 6 REPORTS

### 6.1 DA:23013003 - 14 ELLE COURT, MOUNT GAMBIER - CHANGE OF USE TO TOURIST ACCOMMODATION – REPORT NO. AR23/45397

<b>Development No:</b>	<b>DA:23013003</b>
<b>Applicant:</b>	<b>Mrs Naomi Pearce</b>
<b>Property Address:</b>	<b>14 Elle Court, Mount Gambier</b>
<b>Property Owner:</b>	<b>Mrs Naomi Pearce</b>
<b>Report No:</b>	<b>AR23/45397</b>
<b>CM9 Reference:</b>	<b>AF22/276</b>
<b>Author:</b>	<b>Roslyn Snaauw, Senior Planner</b>
<b>Authoriser:</b>	<b>Tracy Tzioutziouklaris, Manager Development Services</b>
<b>Nature of Development:</b>	<b>Change of use to Tourist Accommodation</b>
<b>Description:</b>	<b>Change of use to Tourist Accommodation</b>
<b>Zoning:</b>	<b>Suburban Neighbourhood</b>
<b>Policy Area:</b>	<b>N/A</b>
<b>Heritage:</b>	<b>N/A</b>

#### REPORT RECOMMENDATION

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/45397 titled 'DA:23013003 - 14 Elle Court, Mount Gambier - Change of use to Tourist Accommodation' as presented on 18 July 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.

#### 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 developed with a single storey residential dwelling.

## **PROPOSED DEVELOPMENT**

This application is proposing to use the existing dwelling for the proposed use for 'tourist accommodation'.

## **DEVELOPMENT PLAN PROVISIONS**

As per the Planning and Design Code extracts.

## **PLANNING ASSESSMENT**

This application is for the use of an existing dwelling for the purpose of 'tourist accommodation'

The subject land is located within the

### **Zones:**

- Suburban Neighbourhood

### **Overlays:**

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

The proposed change of use to 'tourist accommodation' has no assessment pathway identified within the Planning and Design Code (Code) for this proposed use and as such will be 'performance assessed' on its merits against the Code.

The dwelling is existing and located within a residential area and will be used for residential purposes, in this instance, 'tourist accommodation'. Pursuant to Table 5 of the Code, the use of the site for the purpose of 'tourist accommodation' is not identified and as such is not exempt from notification.

The application was placed on public notice pursuant to the zone, in which one (1) representation was received and can be summarised as follows:

### Representation

- safety and security
- potential noise issues
- car parking congestion
- safety of neighbourhood children

### Applicant response

- House is setup for families with children
- Off street parking being provided for on site with three (3) car spaces provided
- Believe street could be less congested with a B&B as opposed to a rental property
- Cameras are being installed for personal security to self and neighbours

### Council response

The proposed use of the site will remain for residential purposes.



Concerns raised by the Representation received are concerns that can be generic with normal residential habitation and is not confined to tourist accommodation.

### **CONCLUSION**

The proposed use of the existing dwelling for the purpose of 'tourist accommodation' is considered an appropriate residential use and is supported.

### **INVITES**

Nil

### **ATTACHMENTS**

1. Application Snapshot
2. Floor Plan
3. Application document
4. Aerial map of subject site
5. Representation
6. Representation map
7. Applicant response to Representation
8. Relevant P&D Code Policies
9. Zoning map



**6.2 DA:23012169 - 11 WEHL STREET SOUTH, MOUNT GAMBIER - CHANGE OF USE FROM AN OFFICE TO A SHORT TERM SUPPORTED ACCOMMODATION – REPORT NO. AR23/45301**

<b>Development No:</b>	<b>DA: 23012169</b>
<b>Applicant:</b>	<b>Ms Lisa Trigg as Agent for Uniting Communities</b>
<b>Property Address:</b>	<b>11 Wehl Street South, Mount Gambier</b>
<b>Property Owner:</b>	<b>Mr Kevin Stafford</b>
<b>Report No:</b>	<b>AR23/45301</b>
<b>CM9 Reference:</b>	<b>AF22/276</b>
<b>Author:</b>	<b>Roslyn Snaauw, Senior Planner</b>
<b>Authoriser:</b>	<b>Tracy Tzioutziouklaris, Manager Development Services</b>
<b>Nature of Development:</b>	<b>Change of use from an office to Short Term Supported Accommodation</b>
<b>Description:</b>	<b>Change of use from an office to Short Term Supported Accommodation</b>
<b>Zoning:</b>	<b>Business Neighbourhood Zone</b>
<b>Policy Area:</b>	<b>N/A</b>
<b>Heritage:</b>	<b>Historia Area Overlay Heritage Adjacency Overlay</b>

**REPORT RECOMMENDATION**

1. That Limestone Coast Southern Regional Assessment Panel Report No. AR23/45301 titled 'DA:23012169 - 11 Wehl Street South, Mount Gambier - Change of use from an office to a short term supported accommodation' as presented on 18 July 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. 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 hours of operation 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 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.

#### 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 site is located within the Business Neighbourhood Zone with a Suburban Neighbourhood Zone located to the west.

The site contains an existing building that has been used as a 'Community Centre' which ran multiple community serve programs in one on one and group sessions with clients during standard business hours.

The building currently contains a number of offices including a reception, storage room, kitchen, toilet and bathroom amenities and a workspace internally along with a conference room internally. Entry was through a double door to the west with additional entry off a verandah at the rear of the site along the southern elevation.

Car parking is provided to the front and rear of the building with vehicle access off Wehl Street.

## DEVELOPMENT PLAN PROVISIONS

As per the Planning and Design Code extracts.

## PROPOSED DEVELOPMENT

This application is for a change of use of the site from an office to short term supported accommodation.

The location of entries into the building will remain unchanged. The internal areas proposed include an entry area, admin area, conference room, office, counselling room, activity room, kitchen, store, bathroom x2, all accessible amenities, lounge room and seven (7) bedrooms.

## 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:

- Business Neighbourhood (BN)

### Overlays:

- Historic Area
- Heritage Adjacency
- Hazards (Flooding – Evidence Required)
- Native Vegetation
- Prescribed Wells Area
- Water Protection Area

The subject land is located within the Business Neighbourhood Zone and approval is required for the change of use from an office to short term supported accommodation.

Majority of the work will be internal which does not require planning consent pursuant to Schedule 4 of the *Planning, Development and Infrastructure (General) Regulations 2017* (Regulations) and the Planning and Design Code (Code). Planning consent is required for the proposed change of use.

The Code defines 'Supported Accommodation' as meaning *premises in which residential accommodation is provided to persons requiring/together with regular medical and/or personal car assistance..*

The proposed short term supported accommodation will provide for the facilitation by United Communities to run a 'New Roads' program on the subject land. This program will provide supported assistance for people who are actively making changes in relation to substance use.



The program will have a rigorous schedule that will involve group therapy, counselling, recreation (on and off site), education, household or site maintenance and car and supported community engagement with the hours of operation to be 24 hours a day, 7 days a week with a maximum of six (6) participants in the program at any one time.

The facility will be staffed at all times with 4-5 members accessing the site and program at anyone time with two (2) staff across the evening and at least one (1) staff member undertaking a passive shift from 11.00pm until other staff come on board between 6.00 am to 7.00am.

The Code requires that the use of the site for 'supported accommodation' requires the provision of 0.3 car spaces per bed (7 beds proposed) which equates to the provision of two (2) car spaces to be provided.

The subject land currently provides for approximately five (5) car spaces with two (2) at the front of the site and three (3) to the rear. The proposed use of the site will require one (1) car space for the van the remaining will be utilised by staff vehicles.

The Applicant has stated that participants in the 'New Roads' program will not have access to vehicles on or around the site, for any reason, with any transportation to be undertaken with the company/program vehicle (this will likely be an 8 seater van) and staff will utilised the other four (4) spaces with no provisions for visitors being provided.

There participants in the program will not be able to come and go as they please and will have to apply for any planned leave to ensure appropriate use and security of the site.

The application was required to be notified pursuant to Table 5 - Procedural Matter – Notification of the Code – 'supported accommodation' is identified as a class of performance assessed development that is not excluded from notification.

The application received a total of thirty-seven (37) representations who have objected to the proposed with a summary of concerns raised below:

Impacts on the operation of the Childcare Centre to the north	Negative effect of the proposed use of the site on children, parents and workers of the Childcare centre
Childcare centre staff, parents and children will be at risk from program participants	Jeopardising the safety of children within the area including the Childcare, Primary Schools and Kindergarten from the participants of the proposed use.
Community safety concerns with regards to participants of the proposed use.	Aging community vulnerable from the proposed use of the site and may live in fear.
Negative impact on residential living	Negative impact of proposed use on bike path and families using Wulunda
Negative impact on Heritage values of the area	Concerns regarding any visitor 'hanging out' in front of the subject site.
To close to businesses and the centre of town	Personal safety
Carparking on the street	Increased criminal behaviour which may require additional security measures by residents
Property values will decline	Past mistake of building a prison & primary school next to each other
Description not descriptive of proposed use	Anyone close to the building is in danger



Applicant response summarised

*This therapeutic service will focus on those recovering from alcohol and other drug dependency.*

*It is a drug-free, voluntary program to help promote behaviour change*

*It is a highly structured program*

*It is not a dry-out centre or boarding house*

*There is no medical detoxing*

*Participants are pre-screened before joining the program.*

*Uniting Communities believe that the service will add no additional risk for neighbours or community with the facility being staffed 24 hours a day*

*Strict no visitor policy*

*Previous use of site was deemed higher risk due to people access the site who were still actively using for services such as clean needle exchange with no incident or impact to the local community.*

*Uniting Communities are registered under the National Principles for Child Safe Organisations and are required to adhere to and provide rigorous auditing and internal policies and procedures to ensure the organisation is compliant with this including the training of staff in Child Safe Environments*

*All participants in the program will sign a residential agreement*

Council Response

The Code describes that the Business Neighbourhood Zone has a desired outcome of a variety of housing and accommodation types and compatible employment-generating land uses in an environment characterised by primarily low-rise building with buildings of a scale and design that complements surrounding built form, streetscapes and local character and provide for landscaping and open space.

The structure is existing and it is proposed to undertake internal works to accommodate for the proposed change of use of the site.

The Code encourages changes in the use of land between similar businesses which encourages the efficient reuse of commercial premises and supports continued local access to a range of services compatible to the locality. As noted above, the site will be a drug-free facility with no visitors allowed and highly structured.

This program will provide supported assistance for people who are actively making changes in relation to substance use.

The program will have a rigorous schedule that will involve group therapy, counselling, recreation (on and off site), education, household or site maintenance and car and supported community engagement with the hours of operation to be 24 hours a day, 7 days a week with a maximum of six (6) participants in the program at any one time.

The facility will be staffed at all times with participants not having access to vehicles, not allowed visitors and having to schedule any leave from the site.

A northern boundary fence with a height of 2.0 metres will be required to be constructed to maintain privacy and security.

No referral was required to the Minister for the administration of the *Heritage Places Act* nor Council's Heritage Advisor for the proposed change of use, as the proposed use is not a class of development that requires this referral pursuant to the Code or the Regulations.



**CONCLUSION**

The proposed use of the existing building for the purpose of short term supported accommodation is considered an appropriate use in this instance on the subject land and is recommended for support.

**INVITES**Applicant

Ms Lisa Trigg as Agent for Uniting Communities	GPO Box 2243 ADELAIDE SA 5000	<a href="mailto:Lisa.trigg@colliers.com">Lisa.trigg@colliers.com</a>
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Representations

Ahmad	Husain	47 Helen Street, Mount Gambier SA 5290	<a href="mailto:ahusain@managementgurus.com.au">ahusain@managementgurus.com.au</a>
Camille	Batson	24 Montebello Drive, Mount Gambier SA 5290	<a href="mailto:batsonfamily2512@icloud.com">batsonfamily2512@icloud.com</a>
Sarah	Jablonski	26 Wehl Street South, Mount Gambier SA 5290	<a href="mailto:sarahj@syc.net.au">sarahj@syc.net.au</a>
John	Jablonski	17 Allison Street, Mount Gambier SA 5290	<a href="mailto:Jabbawave@gmail.com.au">Jabbawave@gmail.com.au</a>
Aaron	Heemskerk	62 Wehl Street South, Mount Gambier SA 5290	<a href="mailto:aaron.heemskerk@gmail.com">aaron.heemskerk@gmail.com</a>
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Marilyn	Horrigan	20 Wehl Street South, Mount Gambier SA 5290	N/A

**ATTACHMENTS**

1. Submission Snapshot
2. Plans provided with application
3. Aerial map of subject site
4. Aerial map of Representations
5. Representations
6. Late Representations x2
7. Applicant response to Representations
8. Relevant P&D Code Policies
9. Zoning map



**7 URGENT MOTIONS WITHOUT NOTICE**

**8 MEETING CLOSE**

