

DEVELOPMENT ASSESSMENT PANEL
MINUTES OF MEETING HELD ON MONDAY 20 DECEMBER 2004
COMMENCING AT 10:30 AM
IN THE LARGE MEETING ROOM (OLD GOOLWA COUNCIL CHAMBERS)

PRESENT

Cr A Woolford (Presiding Member), Cr M Beckett, Cr R Potter, Cr P Reedman, Cr R Medlyn (Proxy for Cr Connor), D Commerford (Director Environmental Services).

APOLOGIES

Cr Glenda Connor, D Banks (Director Technical Services)

IN ATTENDANCE

B Green, C Getsom, J Nightingale (Planners), C Hamlyn (Personal Assistant).

ITEM 1 CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on 22nd November 2004.

Moved Cr Beckett, seconded Des Commerford that the minutes of the Alexandrina Council Development Assessment Panel held on 22nd November 2004 as circulated to members be received as a true and accurate record.

CARRIED

ITEM 2 **DEVELOPMENT APPLICATIONS**

2.1 455/739/04 - BJ Hindle

SUMMARY TABLE

Date of Application	18 th June 2004
Subject Land	38 Ocean Road Port Elliot
Assessment No.	A3585
Relevant Authority	Alexandrina Council
Planning Zone	Residential
Nature of Development	Two two-storey semi-detached dwellings
Type of Development	Consent on Merit
Public Notice	Category 1
Referrals	Nil
Representations Received	Nil
Representations to be heard	Nil
Date last inspected	9 th December 2004
Recommendation	Refusal
Originating Officer	Cherry Getsom

ESD IMPACT/BENEFIT

- Environmental Increase in stormwater.
- Social Increase in medium density housing stock.
- Economic Increase in value to property owners.

BACKGROUND

This application was originally to be presented to the Panel at the meeting of 26th October 2004, however it was deferred at the applicants request. Discussions were then held between David Hutchinson (Access Planning) on behalf of the applicant and Ben Green, Team Leader, Planning, Alexandrina Council. David Hutchinson then provided additional information on behalf of the applicant which is included as an attachment.

Following the discussions a compromise was not found and the application is still recommended for refusal.

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2.1 455/739/04 - BJ Hindle (Continued)

THE PROPOSAL

Nature of Development

The proposal is for the development of two two-storey semi-detached dwellings at 38 Ocean Road within the Residential Zone of the Alexandrina Council Development Plan.

Detailed Description

The proposed semi-detached dwellings are to be a mirror image of each other and comprise two storeys; the ground level will include a double garage, 2 bedrooms, a living area, laundry, bathroom and storage room. The upper levels are to include open plan living areas, kitchen and meal areas, master bedrooms and north facing balconies and a south facing deck. The proposed external cladding is to consist of precast concrete panels and glass and the roofing is to be colorbond. A landscaping plan has been submitted with the application.

Each of the proposed dwellings is to be setback 7 metres from the front property boundary to the single storey garage and have a site coverage of 45.38 per cent, the dwellings are to be a maximum of 7.5 metres high.

The subject land has an area of approximately 780m² and a frontage of 18.29 metres to Ocean Road. A proposal for land division is expected should this application be approved, as per correspondence dated 8th September 2004, this would provide for allotments of approximately 390m² per dwelling each with a frontage of approximately 9 metres.

193 It was agreed by consensus that the Development Assessment Panel refuse Development Application 455/739/04 for two two-storey semi detached dwellings at (Lot 219) 38 Ocean Road, Port Elliot as it is considered significantly at variance with:

Council Wide Principle of Development Control 9:

The minimum allotment area within the townships of Goolwa, Port Elliot, Middleton and Mount Compass should generally be 1000 square metres and the minimum road frontage 25 square metres (except at the ends of cul-de-sacs). A smaller number of allotments from 560 to 1000 square metres may be appropriate within the townships of Goolwa, Port Elliot and Middleton where satisfactory provision be made for sewage disposal and existing allotments are of such a size.

and

...cont'd

2.1 455/739/04 - BJ Hindle (Continued)

Principle of Development Control 8

Development should be compatible with the character and amenity of the locality.

and

Proposed setbacks do not meet the requirements established in Table Alex/2 of the Alexandrina Council Development Plan.

AGREED BY CONSENSUS

2.2 455/1180/04 - KE & JH Shea

Mr Geoff Smith and Mr Roger Pitt entered the Meeting at 10.38am.

SUMMARY TABLE

Date of Application	28 th September 2004
Subject Land	136 Fenchurch Street Goolwa
Assessment No.	A 7622
Relevant Authority	Alexandrina Council
Planning Zone	Residential
Nature of Development	Six single storey group dwellings
Type of Development	Consent on Merit
Public Notice	Category 1
Referrals	N/A
Representations Received	Nil
Representations to be heard	Nil
Date last inspected	10 th December 2004
Recommendation	Refuse
Originating Officer	Ben Green

ESD IMPACT/BENEFIT

- Environmental Increase in household waste and stormwater entering Goolwa treatment system. Removal of some existing trees, although is not Native Vegetation.
- Social Provision of smaller allotments with small yards will create an alternative housing stock on the market. Possible impact on adjoining landowners amenity with increased density of the site from one to six dwellings.
- Economic Benefit to owner through increase in site value. Benefit to Council through increased rating value for the property.

BACKGROUND

The proposal for Group Dwellings were originally categorised as a Category 3 form of development under Schedule 9 of the Development Act.

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2.2 455/1180/04 - KE & JH Shea (Continued)

This was based on previous direction by the planner at that time as Group Dwellings were not listed as either Category 1 or Category 2 in the Schedule and therefore by default Planning Staff believed the application to be Category 3.

The applicant sought legal advice on this matter and received a legal opinion that stated that Group Dwellings consist of 'one or more dwellings' and therefore should be treated as Category 1. Council's legal representative agreed Group Dwellings are Category 1 forms of development.

The applicant was written to a month prior to the December Panel Meeting explaining that the Planning Department felt that in this locality the proposal did not meet the requirements of the Development Plan as it was too dense. The applicant was advised that the Planning Staff would support the proposal if it was reduced from six to four dwellings as it would then fall only just short of the 560m² minimum allotment size of the zone. The applicant wanted to proceed with the application in its current form.

Council Staff realise that this proposal for six single storey group dwellings has been approved elsewhere within the same Residential Zone (Brooking Street). The fact that they are in vastly different localities and distances from the heart of the Goolwa Township (Goods & Service Provision) is why the proposed density of this application is believed to be out of character with this particular locality.

THE PROPOSAL

Nature of Development

The proposal is for six single storey group dwellings upon the subject land at 136 (Lot 129) Fenchurch Street, Goolwa. Under the Development Act (1993) Group Dwelling is defined as "one of a group of two or more detached buildings, each of which is used as a dwelling and one or more of which has a site without a frontage to a public road or to a road proposed in a plan of land division that is the subject of a current development authorisation".

Detailed Description

The proposal involves the development of six single storey group dwellings upon a residential allotment currently some 2092m² in size.

The existing dwelling will be demolished.

The development is symmetrical in design in that three dwellings are to be located along each side boundary with an access road running through the centre of the property.

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2.2 455/1180/04 - KE & JH Shea (Continued)

A turnaround area is provided, some open space to each dwelling, both a covered and off street carpark for each site, appropriate Colorbond and brick materials and quality construction and design, which has been seen to work on Brooking Street, Goolwa where the applicant has built before.

The site area for each dwelling is approximately 288 to 340m², with the common driveway comprising some 245m² (these are approximates measured off the plan as the actual survey for each individual site has not been provided).

The setback of the proposed dwellings fronting Fenchurch Street is 5.5m to the roof of the verandah.

195 It was agreed by consensus that the Development Assessment Panel refuse Development Application 455/1180/04 for six single storey group dwellings at 136 (Lot 129) Fenchurch Street, Goolwa as it is considered at variance with:

Council Wide Principle of Development Control 9:

The minimum allotment area within the townships of Goolwa, Port Elliot, Middleton and Mount Compass should generally be 1000 square metres and the minimum road frontage 25 square metres (except at the ends of cul-de-sacs).

A smaller number of allotments from 560 to 1000 square metres may be appropriate within the townships of Goolwa, Port Elliot and Middleton where satisfactory provision be made for sewage disposal and existing allotments are of such a size.

REASON:

The sites proposed for each dwelling will be significantly lower than the 560m² minimum stated in the Development Plan in an area where this is no other allotments of the size proposed.

Principle of Development Control 8

Development should be compatible with the character and amenity of the locality, of the Alexandrina Council Development Plan.

REASON:

The character of the locality is not seen as being of the density to that proposed in this application. The locality is characterised by dwellings on larger allotments.

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2.2 455/1180/04 - KE & JH Shea (Continued)

Table Alex 2
8m Setback in a Residential Zone.

REASON:

The proposal is currently under the 8m requirement being at 5.55m on the two dwellings fronting Fenchurch Street adding to the impact the proposed development will have on the character of this locality.

AGREED BY CONSENSUS

Mr Smith & Mr Pitt left the meeting at 11.00am

2.3 455/1004/04 - RM Leopold

SUMMARY TABLE

Date of Application	18 th August 2004
Subject Land	130 Fenchurch Street Goolwa
Assessment No.	A7628
Relevant Authority	Alexandrina Council
Planning Zone	Residential
Nature of Development	Six single storey group dwellings
Type of Development	Consent on Merit
Public Notice	Category 1
Referrals	N/A
Representations Received	Nil
Representations to be heard	Nil
Date last inspected	10 th December 2004
Recommendation	Refuse
Originating Officer	Ben Green

ESD IMPACT/BENEFIT

- Environmental Increase in household waste and stormwater entering Goolwa treatment system. Removal of some existing trees, although it is not Native Vegetation.
- Social Provision of smaller allotments with small yards will create an alternative housing stock on the market. Possible impact on adjoining landowners amenity with increased density of the site from one to six dwellings, high fencing and walls on the boundary.
- Economic Benefit to owner through increase in site value. Benefit to Council through increased rating value of the property.

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2.3 455/1004/04 - RM Leopold (Continued)

BACKGROUND

The proposal for Group Dwellings were originally categorised as a Category 3 form of development under Schedule 9 of the Development Act. This was based on previous direction by the planner at that time as Group Dwellings were not listed as either Category 1 or Category 2 in the Schedule and therefore by default Planning Staff believed the application to be Category 3. After legal advice was sought on this matter and it was identified that Group Dwellings consist of 'one or more dwellings and therefore should be treated as Category 1. Council reimbursed the advertising fees paid by the applicant.

The applicant was written to a month prior to the December Panel Meeting explaining that the Planning Department felt that in this locality the proposal did not meet the requirements of the Development Plan as it was too dense. The applicant was advised that the Planning Staff would support the proposal if it was reduced from six to four dwellings as it would then fall only just short of the 560m² minimum allotment size of the zone. The applicant wanted to proceed with the application in its current form.

Council Staff realise that this proposal for six single storey group dwellings has been approved elsewhere within the same Residential Zone (Brooking Street). The fact that they are in vastly different locality's and distances from the heart of the Goolwa Township (Goods & Service Provision) is why the proposed density of this application is believed to be out of character with this particular locality.

THE PROPOSAL

Nature of Development

The proposal is for six single storey group dwellings upon the subject land at 130 (Lot 126) Fenchurch Street, Goolwa. Under the Development Act (1993) Group Dwelling is defined as "one of a group of two or more detached buildings, each of which is used as a dwelling and one or more of which has a site without a frontage to a public road or to a road proposed in a plan of land division that is the subject of a current development authorisation".

Detailed Description

The proposal involves the development of six single storey group dwellings upon a residential allotment currently some 2021m² in area.

The development is symmetrical in design in that three dwellings are to be located along each side boundary with an access road running through the centre of the property.

...cont'd

2.3 455/1004/04 - RM Leopold (Continued)

A turnaround area is provided, some open space to each dwelling, both a covered and off street carpark for each site, appropriate Colorbond and brick materials and quality construction and design, which has been seen to work on Brooking Street, Goolwa where the applicant has built before.

The site area for each dwelling is approximately 288 to 340m², with the common driveway comprising some 245m² (these are approximates measured off the plan as the actual survey for each individual site has not been provided).

The setback of the proposed dwellings fronting Fenchurch Street is 6m.

Significant fill is required on the site to create the required fall back to Fenchurch Street from the back of the block.

196 It was agreed by consensus that the Development Assessment Panel refuse Development Application 455/1004/04 for six single storey group dwellings at 130 (Lot 126) Fenchurch Street, Goolwa as it is considered at variance with:

Council Wide Principle of Development Control 9:

The minimum allotment area within the townships of Goolwa, Port Elliot, Middleton and Mount Compass should generally be 1000 square metres and the minimum road frontage 25 square metres (except at the ends of cul-de-sacs). A smaller number of allotments from 560 to 1000 square metres may be appropriate within the townships of Goolwa, Port Elliot and Middleton where satisfactory provision be made for sewage disposal and existing allotments are of such a size.

REASON:

The sites proposed for each dwelling will be significantly lower than the 560m² minimum stated in the Development Plan in an area where this is no other allotments of the size proposed.

Principle of Development Control 8

Development should be compatible with the character and amenity of the area and this proposal presents a density that conflicts with the dominant urban form of the locality.

AGREED BY CONSENSUS

ITEM 3 DEVELOPMENT APPLICATIONS - NON-COMPLYING

NIL

ITEM 4 DEVELOPMENT APPLICATIONS - CATEGORY 3

NIL

ITEM 5 DEVELOPMENT APPLICATIONS - LAND DIVISION COMMUNITY TITLE

5.1 455/D098/04 - B Barton

SUMMARY TABLE

Date of Application	31 st August 2004
Subject Land	Pc 3 & 5 Barton Road, Hindmarsh Island
Assessment No.	A17016
Relevant Authority	Alexandrina Council
Planning Zone	Rural Waterfront General Farming & Conservation (Hindmarsh Island)
Nature of Development	Boundary realignment
Type of Development	Consent on Merit
Public Notice	Category 1
Referrals	Planning SA, SA Water Corporation, Transport SA, Native Vegetation Council, Dept Admin & Information Services (DAIS), Primary Industry & Resources SA (PIRSA), Education (DETE), Dept Water Land & Biodiversity Conservation
Representations Received	Nil
Representations to be heard	Nil
Date last inspected	10 th December 2004
Recommendation	Approve, subject to approval from Department of Water Land and Biodiversity
Originating Officer	Cherry Getsom

ESD IMPACT/BENEFIT

- Environmental The environmental impact of this boundary realignment will largely depend on the management of the land rather than the layout of the allotments. Creating smaller allotments on the riverfront is generally regarded as creating greater pressure on a fragile ecosystem.

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5.1 455/D098/04 - B Barton (continued)

- Social The social impact of the development is the possible retention of areas of natural beauty and environmental significance, combined with the restriction of water front access and an increase in visible development on the island.
- Economic The economic gain would be principally for the applicant through increases in land value from the creation of the Waterfront allotments.

BACKGROUND

This application is a variation to a proposal that was originally approved by the Development Assessment Panel at its meeting of 29th June 2004. The original proposal (Application 455/9677/03) was a non complying form of development as it involved the creation of additional titles within the Rural Waterfront (HI) zone of less than 20 hectares (proposed allotment sizes were approximately 4.4 ha). The Development Assessment Commission did not concur with Councils decision to approve the application and the proposal was refused.

The proposal has since been amended to allow the creation of two 20ha titles within the Rural Waterfront (HI) Zone and it is this application that is presented today.

THE PROPOSAL

Nature of Development

The application is for a boundary realignment, involving nine titles. It is a consent on merit application as the allotments being created by the realignment of titles from the Conservation (HI) Zone to the Rural Waterfront (HI) Zone meet the minimum requirement of 20 hectares.

Detailed Description

The proposal involves a rather complex boundary re-alignment involving nine contiguous titles. From the Southernmost title:

- Allotment 91, a closed road, will be amalgamated with existing Allotment 92, to form Allotment 20, this will provide one additional title.
- Existing Pieces 94 and 95, which currently exist as one title but separated by Denver Road, will remain as one title but be re-numbered Pieces 18 and 19. (Allotment 91 is contiguous to these Pieces, located along the eastern boundary)
- Existing Sections 84 and 85 will be amalgamated to form Allotment 17 (this will provide for a second additional title).
- Section 71, Section 80 and Allotment 2, north of Randell Road will be re-aligned to form Allotments 14, 15 and 16.

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5.1 455/D098/04 - B Barton (continued)

- The two titles created through the amalgamation of Allotment 91 and Allotment 92 and Sections 84 and 85 will then be re-aligned with existing Piece 3 to create Allotments 12 and 13 (these new allotments are to be 20ha each).
- Piece 3 and Piece 5, which form one allotment, will be re-numbered Piece 10 and Piece 11

The proposal will result in one less allotment in the General Farming (HI) Zone, one less allotment in the Conservation (HI) Zone and two additional allotments in the Rural Waterfront (HI) Zone.

Proposed allotment sizes range from 20ha for proposed allotment 12 within the Rural Waterfront (HI) Zone to 66.7 ha for proposed allotment 17 in the Conservation (HI) Zone.

194 It was agreed by consensus that Council approve Land Division application 455/D098/04 subject to, approval from the Department of Water Land and Biodiversity incorporating whatever conditions they impose, along with the following conditions:

1. That a Land Management Agreement (LMA) be entered into between the owner/applicant and Council:
 - Requiring the applicant to effectively fence and revegetate with indigenous vegetation the land nominated in attachments (part of proposed lot 17) and the land nominated in proposed Piece 18 of the report on the application to the Development Assessment Panel on the 20th December 2004.
 - That the work described in this LMA shall be established within three months of the issuing of the new titles for proposed lots 12 and thirteen.
2. Section of road reserve between Grundy and Barton Road to be constructed from Grundy Road to western boundary of Allotment 12. Road to be constructed to Council specification 6.0 formation with 3 % cross fall, 150mm sub base and 150mm base course.

NOTE:

LMA's will require attachments in the form of detailed and accurate maps of the land describing the conditions of the LMA.

AGREED BY CONSENSUS

5.2 455/D564/03 - L Veska

SUMMARY TABLE

Date of Application	20 th May 2003
Subject Land	Lot 489 Barker Road, Hindmarsh Island
Assessment No.	A 9307 & A 9308
Relevant Authority	Alexandrina Council
Planning Zone	General Farming & Rural Waterfront (Hindmarsh Island)
Nature of Development	Land division creating one additional allotment
Type of Development	Non-complying
Public Notice	Category 3
Referrals	Primary Industries & Resources SA (PIRSA), Native Vegetation Council, SA Water, Development Assessment Commission
Representations Received	Two
Representations to be heard	Nil
Date last inspected	24 th November 2004
Recommendation	Refusal
Originating Officer	Ben Green

ESD IMPACT/BENEFIT

- Environmental Impacts associated with additional dwelling on rural/water front land and intensification of existing rural land.
- Social Minor impacts associated with additional dwelling in the locality. Broader impact on community of planning decisions that are consistent with the Development Plan.
- Economic Significant increase in property value due to potential for a second allotment and dwelling.

BACKGROUND

This application was originally put to the Panel back in October 2003. The applicant deferred the application so that further information and clarification could be provided to Council Planning Staff. That information has been provided in this report.

...cont'd

5.2 455/D564/03 - L Veska (continued)

THE PROPOSAL

Nature of Development

Principle of Development Control 18 of the Rural Waterfront (Hindmarsh Island) Zone states that land division is non-complying except for:

- (a) boundary adjustments where no resultant allotment is below 20 hectares; or
- (b) the creation of an allotment for a public road or reserve.

The General Farming Zone is worded the same in terms of the creation of new Titles being Non Complying.

The application proposes an additional Torrens Title, and is therefore not a boundary re-alignment and it proposes allotments under 20 hectares, it is not for the purpose of creating an allotment for a public road or reserve. The application is therefore clearly non-complying within this zone.

Should Council decide to approve this application then the Development Assessment Commission will be required to concur with Council's decision. If the Council decides to refuse the application it is refused without the applicant having appeal rights in the ERD Court.

Detailed Description

The applicant wishes to subdivide a block of land in the Rural Waterfront and General Farming (Hindmarsh Island) Zones on Hindmarsh Island. The land has an existing 100 year lease arrangement that has been in operation for 18 years (1985), and the proposal is to permanently subdivide the land along the existing lease boundaries.

The land division will create an allotment that is in the form of two pieces 1* and 3* as marked on the land division plan. Piece 1 (7170m²) will be located entirely within the Rural Waterfront Zone and Piece 3 (6.594ha) will be located within the General Farming Zone. Proposed Lot 2 (1.619ha) currently under a 100 year Lease will also be located within the General Farming Zone.

197 **It was agreed by consensus that the application be deferred by request of the applicant.**

AGREED BY CONSENSUS

5.3 455/C041/04 - Chris Rodgers

SUMMARY TABLE

Date of Application	6 th May 2004
Subject Land	Lot 100 HighStreet, Strathalbyn
Assessment No.	A 17979
Relevant Authority	Alexandrina Council
Planning Zone	Residential
Nature of Development	Community land division creating four extra lots
Type of Development	Non-complying
Public Notice	Category 1
Referrals	Transport SA, Dept Administration & Information Services, SA Water
Representations Received	Nil
Representations to be heard	Nil
Date last inspected	8 th December 2004
Recommendation	Proceed with application
Originating Officer	Cherry Getsom

ESD IMPACT/BENEFIT

- Environmental Increase in stormwater runoff through increase in housing density.
- Social Increase land available for medium density housing stock.
- Economic Advantages for land owner.

BACKGROUND

This application was originally received as a proposal for the creation of an additional six allotments upon the subject land, with allotment sizes ranges from 180m² to 255m² (a non complying form of development within the Strathalbyn Residential Zone). A report was written and was to be presented to the Panel in September. The applicant was advised that the recommendation would be that the proposal be refused and he decided to re-assess the proposal.

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5.3 455/C041/04 - Chris Rodgers (continued)

An amended plan has now been received for the creation of four community title allotments upon the subject land and it is this proposal that is presented today.

THE PROPOSAL

Nature of Development

The proposal involves a land division creating an additional 4 community title allotments within the Residential Zone of Strathalbyn. The application is a non complying form of development as the proposed allotment sizes fall below 450 m² required within the Alexandrina Council Development Plan.

Detailed Description

The proposal involves the creation of an additional 4 allotments upon a hammerhead shaped allotment within the Residential Zone of Strathalbyn. The subject land is currently 1655m² with the new allotments to be created ranging in size from 316m² to 380m² and separated by a community titled access driveway of approximately 240m².

- Proposed Allotment 1 is to be 326m² with an 11m frontage to High St and a 24m frontage to the common driveway
- Proposed Allotment 2 is to be 316m², have 24.3m frontage to the common driveway and be 13m deep.
- Proposed Allotment 3 is at the rear of the subject land and is 378m², it is 18m deep and 21m wide, with a frontage of 8m to the common driveway.
- Proposed Allotment 4 is located in the hammerhead section of the allotment and is to be 380m², it is to be 13.67m deep and 27.94m wide with a frontage of approximately 10m to the common driveway.
- The common driveway is to be 6 metres wide at the entrance narrowing to 4 metres for most of its length before widening to 8 metres at the rear of the subject land.

198 It was agreed by consensus that the application did not demonstrate merit to process due to the proposed configuration and sizes of allotments.

AGREED BY CONSENSUS

ITEM 6 DEVELOPMENT ASSESSMENT – BUILDING

NIL

ITEM 7 MATTERS REFERRED FOR FOLLOW-UP

NIL

ITEM 8 GENERAL ITEMS FOR DISCUSSION

8.1 Proxies for DAP Meetings

Query whether the Panel members need to name the proxies who will be attending meetings in lieu of other members and also whether staff members who are unable to attend should also provide a proxy to the meeting?

Suggested that whoever is relieving that person's position, they should be the one to attend the Panel meetings.

It was agreed by consensus that Des Commerford will provide a report to the next available Council Meeting re proxies for DAP Meetings.

AGREED BY CONSENSUS

8.2 Dwellings on Small Allotments

Council to seek advice from relevant party re these types of developments.

8.3 Re Item 5.3 and grounds for refusal "Non-Complying – No merit to Proceed"

Principle No. of Non-Complying list – size and scope of land would be at variance of Principle 9 Out of Character. This non complying application was considered not to have sufficient merit to warrant support as it was considered to be at variance with the 950m² minimum lot size described in Principle No. 28 of the Residential Zone in the Alexandrina Development Plan.

8.4 2005 DAP Meetings

Request that DAP meetings be held the same day as Council Meetings with inspections to take place prior to DAP meetings.

ITEM 9 CLOSURE

The meeting closed at 11.36am

MINUTES CONFIRMED..... DATE.....