

**DEVELOPMENT ASSESSMENT PANEL
MINUTES OF MEETING HELD 21 FEBRUARY 2013
COMMENCING AT 11:00 AM
IN THE COMMUNITY CHAMBERS "WAL YUNTU WARRIN", GOOLWA,**

PRESENT

Mr Don Donaldson (Chair), Mr S Nicholson,
Ms Rosemary Sage, Cr Anne Woolford,
Cr Grant Gartrell

APOLOGIES

IN ATTENDANCE

Andrew Sladden (Senior Town Planner),
David Zanker (Town Planner),
Rebecca Panuccio (Planning & Development
administration), Bianca Veenstra (Planning &
Development administration)

CONFLICT OF INTEREST

Alexandrina Development Assessment Panel Members are reminded of the requirements for disclosure by Members of direct or indirect personal or pecuniary interest in a matter listed for consideration on the Agenda.

Section 56A of the Development Act 1993 requires that any Member declares any interest and provide full and accurate details of the relevant interest to the Panel prior to consideration of that item on the Agenda.

Each Member of the Development Assessment Panel has a duty to vote at all meetings unless excepted by legislation.

The major exception being where a Member has a conflict of interest.

All discussion and consideration of decisions about development applications before Council's Development Assessment Panel will be made in public unless otherwise determined by the Panel in accordance with Section 56A(12) (b) of the Development Act 1993.

ITEM 1. CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on 17 January 2013.

Moved Cr Grant Gartrell seconded R Sage that the minutes of the Alexandrina Council Development Assessment Panel held on 17 January 2013 as circulated to members be received as a true and accurate record.

CARRIED

ALEXANDRINA COUNCIL

ITEM 2. DEVELOPMENT APPLICATIONS

ITEM 2.1 455/846/12 - M Ciganovic - Outbuilding

SUMMARY TABLE

Date of Application	11.10.2012
Subject Land	6 Railway Terrace Port Elliot 6 (LOT 129) RAILWAY TERRACE PORT ELLIOT 5264801
Assessment No.	A3061A3061
Relevant Authority	Alexandrina Council
Planning Zone	RESIDENTIAL ZONE – RESIDENTIAL (BOOMER BEACH) POLICY AREA 13Residential
Nature of Development	OUTBUILDING (GARAGE)
Type of Development	MERIT
Public Notice	CATEGORY 2
Referrals	N/A
Representations Received	1
Representations to be heard	Nil
Date last inspected	JANUARY 2013
Recommendation	DEVELOPMENT PLAN CONSENT
Originating Officer	ANDREW SLADDEN

- 4 Moved S Nicholson and seconded Cr A Woolford that the Development Assessment Panel resolve that the proposed development is not seriously at variance with the Alexandrina Development Plan and grant Development Plan Consent to Development Application 455/846/12 for an outbuilding (garage) at 6 Railway Terrace, Port Elliot subject to the following conditions and notes:

Conditions

1. The development herein approved to be carried out in accordance with plans and details accompanying this application (Plans and details received by Council on 11 October 2012).

Reason: To maintain and enhance the visual amenity of the locality in which the subject land is situated

2. All storm water drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or, in the opinion of Council, detrimentally affect structures on this site or any adjoining land.

Reason: To ensure storm water is disposed of in a controlled manner. .../cont

ALEXANDRINA COUNCIL

ITEM 2.1 455/846/12 - M Ciganovic - Outbuilding (continued)

3. The external materials of the building shall be non-reflective (zincalume and certain colorbond colours, ie: 'surfmist' is considered highly reflective and not considered appropriate).

Reason: To maintain and enhance the visual amenity of the locality in which the subject land is situated.

4. The building/structure herein approved must not be used for human habitation, commercial or industrial purposes. Only those activities normally associated with domestic outbuildings may be undertaken provided such activities do not impair the residential amenity of the locality.

Reason: To maintain the amenity of the locality.

5. External lighting and security lighting shall be directed in such a manner so as to not, in the opinion of Council, create unreasonable overspill onto any adjoining property or roadway which may create a nuisance to any neighbour or road user.

Reason: To ensure that floodlighting does not cause nuisance or danger to adjoining occupiers or road users thereby reducing the amenity of the locality and/or making road use unsafe.

6. All scarring or physical disturbances of the land surface during any excavation work shall be restricted to only that which is shown on the approved plan as required for building work and/or access purposes. All exposed faces around such scarred areas and spoil shall be screened with trees and shrubs and covered with suitable ground cover to the reasonable satisfaction of Council.

Reason: To ensure that excavations and filled land is stable and will not result in any adverse impact on adjoining properties.

Notes

1. Allotment boundaries will not be certified by Council staff. The onus of ensuring that the building is sited in the approved position on the current allotment is the responsibility of the owner. This may necessitate a survey being carried out by a licensed land surveyor.

2. **Building Site Management**
Upon granting of Development Approval, any person undertaking the development shall be required to conform to the following guidelines:

Construction Hours: That construction shall take place between 7am and 7pm Monday to Saturday and between 9am and 6pm on Sundays and public holidays. All such work shall be undertaken in such a manner so as not to cause any nuisance or annoyance to any of the occupiers of buildings within the locality. .../cont

Dust Emissions: That dust emissions from the site shall be controlled by a dust suppressant or by watering regularly.

Waste Receptacle: That the builder shall at all times provide and maintain a waste receptacle on the site for the storage of builder's waste. This receptacle shall be located on site for the duration of the construction period and be emptied as required. **Storm water Runoff:** That all runoff and storm water from the subject site during the construction period must be either contained on site or directed through a temporary sediment trap, prior to discharge to the storm water system.

Hard Waste Litter Storage: That all hard building materials be stored in a manner that secures it on site during the construction works.

Site Security: That the site shall be secured at all times to prevent unauthorised access and that adjoining properties are secure at all times during the period of construction works where fences have been removed.

Public Realm: That any work in the public realm requiring street occupation or hoardings requires Council consent, which must be granted prior to the commencement of the construction works.

Damage to Council's Footpath/Kerbing/Road Pavement/Verge: Section 779 of the Local Government Act provides that where damage to Council footpath/kerbing/road pavement/verge occurs as a result of the construction, the owner/Applicant shall be responsible for the cost of Council repairing the damage.

CARRIED

ITEM 3. DEVELOPMENT APPLICATIONS - NON COMPLYING

ITEM 3.1 Rework Pump Suction For Rm Licence Sa 2490-1-10009

SUMMARY TABLE

Date of Application	26 April 2012
Subject Land	26 Fiegert Road Currency Creek Sa 5214 5845107 5994853
Assessment No.	A21340
Relevant Authority	Alexandrina Council
Planning Zone	General Farming
Nature of Development	Rework pump suction for RM Licence SA 2490-1-10009 (non-complying)
Type of Development	Non-Complying
Public Notice	Category 1
Referrals	Environmental Protection Authority & Department For Water
Representations Received	0
Representations to be heard	0
Date last inspected	29 January 2013
Recommendation	The Development Assessment Panel to concur with the decision of Development Plan Consent as issued by the Development Assessment Commission
Originating Officer	David Zanker

- 5 Moved Cr G Gartrell and seconded S Nicholson that the Development Assessment Panel resolves to concur with the decision issued by the Development Assessment Commission to Rework the pump suction for RM Licence SA 2490-1-10009 (non-complying) as the proposal is not considered to be significantly at variance with Alexandrina Council Development Plan Consolidated on the 24 November 2011 and warrants consent, subject to the conditions as detailed by the Environmental Protection Authority and Department of Environment Water and Natural Resources.**

CARRIED

SUMMARY TABLE

Date of Application	21 November 2012
Subject Land	Section 501 Sugars Beach, Hindmarsh Island, Hundred of Nangkita Volume 5763 Folio 644
Assessment No.	A9223
Relevant Authority	Development Assessment Commission
Planning Zone	Conservation
Nature of Development	The reconstruction of a length of approximately 115 metres of Foreshore Embankment by extending the existing Rock Revetment Wall to a height of 2.5 metres by 6 metres in width. (Retrospective) pursuant to Section 54 of the Development Act 1993)
Type of Development	Non-Complying
Public Notice	Category 3
Referrals	Referred by Development Assessment Commission to Environment Protection Authority, Coastal Protection Board, Dept for Water & Aboriginal Affairs & Reconciliation Division
Representations Received	0
Representations to be heard	0
Date last inspected	30 September 2012
Recommendation	The Development Assessment Panel resolve to grant concurrence with the decision of the Development Assessment Commission's recommendation of consent
Originating Officer	Andrew Sladden

- 6 Moved R Sage and seconded Cr A Woolford that the Development Assessment Panel resolve to grant concurrence with the decision of the Development Assessment Commission for the reconstruction of a length of approximately 115 metres of Foreshore Embankment by extending the existing Rock Revetment Wall to a height of 2.5 metres by 6 metres in width (Retrospective pursuant to Section 54 of the Development Act 1993), at Section 501 Shugars Beach, Hindmarsh Island, Hundred of Nangkita CR Volume 5763 Folio 644.**

CARRIED

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

ITEM 4.1 455/685/12 - Strathalbyn Football Club - Alterations And Additions

SUMMARY TABLE

Date of Application	23.08.2012
Subject Land	9-25 Coronation Road Strathalbyn9 – 25, (LOT P11) CORONATION ROAD STRATHALBYN 5452336 5452336 5452336
Assessment No.	A15700A15700
Relevant Authority	Alexandrina Council
Planning Zone	RESIDENTIAL (STRATHALBYN)Residential
Nature of Development	COMMERCIAL ADDITIONS AND ALTERATIONS TO EXISTING FOOTBALL CLUB CLUBROOMS
Type of Development	MERIT
Public Notice	CATEGORY 3
Referrals	N/A
Representations Received	FOUR (4)
Representations to be heard	TWO (2)
Date last inspected	FEBRUARY 2013
Recommendation	DEVELOPMENT PLAN CONSENT
Originating Officer	ANDREW SLADDEN

Mr Don Donaldson, Chair welcomed Ms P Alexander (representor) to the meeting from 11.04am to 11.08am.

Mr Don Donaldson, Chair welcomed Andrew Batten President Strathalbyn football club (applicant) from 11.09am to 11.23am.

7 Moved R Sage and seconded Cr A Woolford that the Development Assessment Panel resolve that the proposed development is not seriously at variance with the Alexandrina Development Plan and grant Development Plan Consent to Development Application 455/685/12 for COMMERCIAL ADDITIONS AND ALTERATIONS TO EXISTING FOOTBALL CLUB CLUBROOMS at 9 - 25 (lot P11) Coronation Road, Strathalbyn subject to the following reserve matter, conditions and notes:

Reserve Matter

1. That pursuant to Section 33 (3) of the Development Act 1993, the applicant shall submit a detailed proposals for the following reserved matters requiring further assessment by Alexandrina Council prior to Development Approval of the application:

1.1 An Application and approval for a Waste Control System.

1.2 A detailed proposal for stormwater management, including the capture and diversion of stormwater runoff from the building.

.../cont

ALEXANDRINA COUNCIL

ITEM 4.1 455/685/12 - Strathalbyn Football Club - Alterations And Additions

Conditions

1. All development shall be completed in accordance with the plan(s) and documentation submitted with and forming part of the Development Application (Plans and supporting documentation received by Council on 17 August 2012 and 2 January 2013) except where varied by the following condition(s).

Reason: To ensure the proposal is established in accordance with the submitted and approved plans.

2. The external appearance, materials and finishes of the new structure/building must match, compliment or blend with the principal building as near as practical and be of a non reflective finish.

Reason: To maintain and enhance the visual amenity of the locality in which the subject land is situated.

3. All scarring or physical disturbances of the land surface during any excavation work shall be restricted to only that which is shown on the approved plan as required for building work and/or access purposes. All exposed faces around such scarred areas and spoil shall be screened with trees and shrubs and covered with suitable ground cover to the reasonable satisfaction of Council.

Reason: To ensure that excavations and filled land is stable and will not result in any adverse impact on adjoining properties.

4. Temporary debris and sediment control measures must be installed to ensure debris, soil, soil sediments, and litter are maintained within the construction site. Debris, soil, soil sediments, and litter from the construction site must not enter Council's drainage system, Council's road network, or neighbouring properties.

NOTE: Pollution prevention measures must be in accordance with the Environmental Protection Authority's 'Storm water Pollution Prevention Codes of Practice';

- ' For the Community
- ' For Local, State and Federal Government
- ' For the Building and Construction Industry

Reason: To inform owners, developers, builders etc. of their obligation in regard to the environment and to the appropriate measures of storm water disposal from building sites.

5. The applicant or other approved persons for the time being making use of the subject land now approved, shall at all times maintain in good and substantial condition to the reasonable satisfaction of the Council in all respects the subject land (including car parking areas, driveways and footpaths) all buildings and structures (and the external painting thereof), and all tree and shrub plantings and grassed areas.

Reason: To maintain the amenity of the locality. .../cont

ITEM 4.1 455/685/12 - Strathalbyn Football Club - Alterations And Additions (continued)

6. The use and any associated processes or activities carried on shall not detrimentally affect the amenity of the locality by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Reason: To maintain the amenity of the locality.

7. No signs are to be erected or displayed on the building or about the curtilage of the property without the written consent of Council.

Reason: To restrict the proliferation of advertisements on site.

8. The driveway and parking areas shall be maintained in a good and substantial condition to the reasonable satisfaction of Council at all times.

Reason: To ensure that access to the subject land is functional and to enhance the appearance of the development.

9. All mechanical plant installed as part of this development should meet the noise output requirements of the Environment Protection Authority (EPA). If the noise output exceeds these requirements, an acoustic enclosure shall be installed around the plant to ensure it complies, if an enclosure is required, these details shall be submitted to the satisfaction of Council.

Reason: To ensure the proposed development meets the requirements of the EPA.

10. External lighting and security lighting shall be directed in such a manner so as to not, in the opinion of Council, create unreasonable overspill onto any adjoining property or roadway which may create a nuisance to any neighbour or road user.

Reason: To ensure that floodlighting does not cause nuisance or danger to adjoining occupiers or road users thereby reducing the amenity of the locality and/or making road use unsafe.

11. All kitchen and cooking facilities must comply with the requirements of the Food Act 2001, Food Regulations 2002 and the Food Safety Standards.

12. The Clubrooms and surrounding locality shall have a maximum capacity of three hundred and fifty (350) persons at any time.

13. No change to the existing liquor licencing hours shall occur without the Approval of Council.

14. The building and land use herein approved shall not involve the playing of amplified music and the external PA system shall be used for public address purposes and not for the wholesale playing of entertainment.

.../cont

Notes

1. The applicant is reminded of their general environmental duty, as required by Section 25 of the Environmental Protection Act, to take all reasonable and practical measures to ensure that any activities on the site do not pollute the environment.
2. The applicant remains bound to comply with conditions of previous consents with respect to the subject land, unless such conditions have been expressly superseded by this consent.
3. In addition to the provisions of the Building Code of Australia relating to access for people with disabilities, you must comply with the Commonwealth Disability Discrimination Act, 1992. Compliance with the Act is the responsibility of the property owner.

CARRIED

ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION/COMMUNITY TITLE

ITEM 6. MATTERS REFERRED FOR FOLLOW-UP

ITEM 7. GENERAL ITEMS FOR DISCUSSIONS

ITEM 7.1 APPEAL - RESTHAVEN DEVELOPMENT APPLICATION 455/650/11

DA: 455/650/11
Applicant: BROWN FALCONER GROUP
Owner: RESTHAVEN INC.
Proposal: Aged care facility comprising of 4 independent living units, 94 aged care beds together with associated amenities including a hairdresser and shop, and the change of use from a school building to a meeting hall, kitchen, office and landscaping.

DAP Decision: Development Plan Consent subject to reserved matter pursuant to Section 33 (3) of the Development Act 1993.

The Applicant is appealing two conditions and the Reserved matter of Development Plan Consent that relate to road safety measures that are associated with accessibility to North Terrace which is located adjacent to the subject site.

These conditions are detailed below:

That pursuant to Section 33 (3) of the Development Act 1993, Council as the relevant authority Reserves its rights to make comment on the following matters and the applicant shall satisfactorily address the following reserve matters for further assessment by the prior to Development Approval being granted:

- **The applicant shall enter into an Infrastructure Agreement with the Alexandrina Council to be signed prior to Development Approval being granted for the Community Waste Management Scheme, Stormwater and traffic management provisions. For the Purposes of this reserved matter, such Infrastructure Agreement will be consistent with the acknowledgement correspondence by Resthaven Incorporated dated 4th October 2012 and the subsequent findings and recommendations contained in the correspondence from Murray F Young and Associates dated 16 October 2012.**
- **The applicant shall enter into a “developer agreement” with DPTI for all road works on North Terrace.**
- **All road works required to facilitate the traffic management plan shall be implemented prior to the development becoming operational. All costs associated with the works (including, but not limited to, project management, detailed design and construction) are the responsibility of the applicant.**

.../cont

**ITEM 7.1 APPEAL - RESTHAVEN DEVELOPMENT APPLICATION 455/650/11
(continued)**

The appellant agreed in writing to the works throughout the application and accepted to enter into an Infrastructure Agreement. Whilst the appellant were accepting of the abovementioned safety measures, it was agreed that an Infrastructure Agreement was necessary in order to satisfy Council's requirements of not only traffic movements, but wastewater and stormwater disposal also.

The Applicant/appellant after receiving Development Plan Consent are disputing the need and legality of these works as they are external to the subject site, despite the proposal having proven significant impacts on the surrounding road network.

A preliminary meeting at the ERD court is scheduled for 11 February 2013 between all parties involved. Any matters resolved or discussed will be detailed to the Development Assessment Panel at the next available meeting.

3 Moved A Woolford Seconded Grant Gartrell that the report be received.

CARRIED

ITEM 8. NEXT MEETING

Scheduled for Thursday 21 March 2013 commencing at 11.00 am

MEETING CLOSED AT 11.33 am.

MINUTES CONFIRMED.....

Chair

DATED:.....