

**DEVELOPMENT ASSESSMENT PANEL  
MINUTES OF MEETING HELD ON 9 FEBRUARY 2004  
COMMENCING AT 11:00 AM  
IN THE MILANG INSTITUTE SUPPER ROOM**

**PRESENT**

Councillors A Woolford (Presiding Member), G Connor, M Beckett, P Reedman, R Potter, J Coombe (Chief Executive, Proxy for D Commerford), D Banks (Director Technical Services).

**APOLOGIES**

D Commerford.

**IN ATTENDANCE**

Ben Green, Graham Webster, G West (Planners), V Harvey (Personal Assistant Environment Services)

**ITEM 1      CONFIRMATION OF MINUTES**

Minutes of the Alexandrina Council Development Assessment Panel held on 19<sup>th</sup> January 2004.

**Moved Cr Connor seconded Cr Reedman that the minutes of the Alexandrina Council Development Assessment Panel held on 19<sup>th</sup> January 2004 as circulated to members be received as a true and accurate record.**

**CARRIED**

**ITEM 2.      DEVELOPMENT APPLICATIONS**

**ITEM 3.      DEVELOPMENT APPLICATIONS - NON-COMPLYING**

**3.1            455/1096/03 - GJ & CD Hambling**

**SUMMARY TABLE**

Date of Application	22 <sup>nd</sup> August 2003
Subject Land	7 Fresian Drive, Strathalbyn (Dawson Creek Estate)
Assessment No.	A 10568
Relevant Authority	Alexandrina Council
Planning Zone	Residential (Strathalbyn)
Nature of Development	Erection of a 13.7 metre telecommunications tower and 64m <sup>2</sup> antenna on top.
Type of Development	Non-complying
Public Notice	Category 3
Referrals	Telephone discussion with M W Grzesiak, Aust. Telecommunications Authority 13/1/04 Katnich Dodd for structural calcs.
Representations Received	9
Representations to be heard	1 (applicant)
Date last inspected	21 <sup>st</sup> January 2004
Recommendation	Refuse as the application is seriously at variance with the Principles and Objectives of the Development Plan.
Originating Officer	Graham Webster

**ESD IMPACT/BENEFIT**

- Environmental      Loss of amenity due to possible interference to neighbours' televisions, radios and other electronic equipment. Degradation of the character of this exclusive offering of land known as "Dawson Creek Estate" that clearly did not envisage a 13.7 high telecommunications tower to be constructed virtually in the centre of the Estate. Loss of amenity due to size, shape and proportions of the tower not anticipated by other property owners in the Estate. Loss of amenity due to a possible increase in wind noise.

.../cont.

3.1 455/1096/03 – GJ & CD Hambling (Continued)

- Social Possible loss of amenity due to a perceived effect on the type of lifestyle afforded by living in a “planned” estate that carries strict encumbrances.
- Economic Possible effect on the value of properties given that a 13.7m tower may not be seen as attractive by potential purchasers in future.

**Councillor Woolford, the Presiding Members, welcomed Mr Hambling (applicant) who gave a brief report at 11:02 a.m.**

**THE PROPOSAL**

The Applicant being licensed as an amateur radio operator, wishes to erect a 13.7 metre high tower. A 64 square metre antenna will be attached to the top of this tower.

The tower is to be located in the rear yard 6.8 metres from the closest property boundary.

**Moved D Banks seconded Cr Connor that the Development Assessment Panel refuse Application 455/1096/03 on the grounds that this application is seriously at variance with the Principles and Objectives of the Alexandrina Council Development Plan and in particular:**

1. **That this structure is incompatible to the amenity being strived for under Council's Development Plan Residential Zoning and contrary to Council Wide Objective 2. 'A proper distribution and segregation of living, working and recreational activities by the allocation of suitable areas of land for those purposes.'**
2. **That it is reasonable to envisage that the amenity of this locality will be impaired by the appearance of this object in contravention of Council Wide Objectives 29 & 62 and Council Wide Principle 58.**

**'The amenity of localities not impaired by the appearance of land, buildings, and objects'.**

**'The construction of new (telecommunications) facilities is encouraged in preferred industrial and commercial and appropriate non residential zones'.**

**'The appearance of land, buildings and objects should not impair the amenity or character of the locality in which they are situated.'**

.../cont.

3.1 455/1096/03 – GJ & CD Hambling (Continued)

3. That on advice received from the Australian Telecommunications Authority there exists the possibility of loss of amenity and nuisance due to possible electrical interference in contravention of Council Wide Principle 80.

**'Development should not detrimentally affect the amenity of its locality or cause nuisance to the community:**

- (a) **by the emission of noise, vibration, ... electrical interference ...'**

**CARRIED**

Councillor Woolford, the Presiding Members, thanked Mr Hambling (applicant) at 11:20 a.m. for his summary.

3.2 455/D588/03 - L Veska / CN & JL Crabtree

**SUMMARY TABLE**

Date of Application	26 <sup>th</sup> June 2003
Subject Land	Lot 2 Island View Drive, Clayton
Assessment No.	A13587
Relevant Authority	Alexandrina Council
Planning Zone	Waterfront
Nature of Development	Land division – creating 1 extra allotment
Type of Development	Non-complying
Public Notice	Category 3
Referrals	Dept Environment & Heritage SA Water PIRSA DAC
Representations Received	20
Representations to be heard	5
Date last inspected	14 <sup>th</sup> January 2004
Recommendation	Refusal
Originating Officer	Ben Green

**ESD IMPACT/BENEFIT**

- Environmental                      Creation of additional allotments in the Waterfront Zone will increase development pressures and wastes in these environmentally sensitive areas.
- Social                                      The possible impact on adjoining landowners in the Country Township Zone with the potential loss of natural outlook and views if another dwelling is constructed on the new title. The perception of a development of this nature being a Non-complying development and therefore that it should not be approved.
- Economic                                Benefit to the applicant due to an increase in land value and potential sale of the additional allotment. Also to the Council with additional rating revenue.

.../cont.

3.2 455/D588/03 – L Veska / CN & JL Crabtree (Continued)

Councillor Woolford, the Presiding Member, welcomed Mr R Bridle (representor) who gave a brief representation from 11:23 a.m. to 11:27 a.m.

Councillor Woolford, the Presiding Member, welcomed Mr Crouch (representor) who gave a brief representation from 11:27 a.m. to 11:33 a.m.

Councillor Woolford, the Presiding Member, welcomed Mr Crabtree (applicant) who called upon Mr Graham Gaston (Planner) to speak on the applicants behalf from 11:34 a.m. to 11:38 a.m.

**THE PROPOSAL**

The applicants' proposal is to divide Lot 2 Island View Drive, Clayton to create one additional allotment. The allotments proposed will be 1.0ha and 1.7ha in area and will each have a substantial frontage to Island View Drive. The larger northern allotment proposed will retain the dwelling currently under construction with associated sheds and carport. The smaller southern allotment will retain the existing boatshed and tractor shed complex.

**It was agreed by consensus that the Development Assessment Panel refuse the non-complying land division application 455/D588/03 creating an additional allotment in the Waterfront Zone at Lot 2 Island View Drive, Clayton as it is at variance with the following relevant requirements of the Alexandrina Development Plan;**

**Strathalbyn District**

**Objective 1 (Clayton Structure Plan)**

- b) **identification of the waterfront land which should be kept free from unsightly development, and maintenance of public access to that land;**
  
- g) **identification of a future urban area where control over rural or urban development will ensure that the attractive waterfront characteristics of the town are retained.**

**Principle 1      Development should be orderly and economic. Division of land for urban purposes should be by infilling or compact and contiguous extensions to existing developed areas.**

**Waterfront Zone**

**Objective 1:      A zone containing land developed for low intensity primary production purposes or managed for conservation.**

**Objective 2:      Protection of the natural open character and features of the zone.**

.../cont.

3.2 455/D588/03 – L Veska / CN & JL Crabtree (Continued)

**Principle 1 Buildings should not be erected other than those:**

- (a) necessary for navigation, public works, public recreation facilities or park management;
- (b) located at Clayton between Gorge and Lowther Streets for residential and associated domestic purposes;
- (c) required for the establishment of recreation, tourist facilities or facilities for boat mooring, servicing or storage of boats adjacent to Milang or Clayton; or
- (d) associated with management of primary production.

**Principle 4 New allotments should not be created within land inundated by the 1956 flood, except where required to facilitate development in accordance with the objectives of the zone where the zone adjoins Milang or Clayton.**

**AGREED BY CONSENSUS**

**Councillor Woolford, Presiding Officer, thanked Mr Bridle, Mr Crouch and Mr Gaston for their representations.**

**ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3**

**ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION COMMUNITY TITLE**

**ITEM 6. DEVELOPMENT ASSESSMENT - BUILDING**

**ITEM 7. MATTERS REFERRED FOR FOLLOW-UP**

**ITEM 8.      GENERAL ITEMS FOR DISCUSSION**

**8.1            455/D584/03 - Weber, Frankiw & Associates On Behalf Of A & G Bennetts Nominees Pty Ltd**

**SUMMARY TABLE**

Date of Application	16 <sup>th</sup> June 2003
Subject Land	Lot 606 in DP 54155 & lots 113 & 114 in DP 56009, Eyre Court, Mount Compass
Assessment No.	A 9418 & A 16781
Relevant Authority	Alexandrina Council
Planning Zone	Country Living
Nature of Development	Land division – creating 6 additional allotments
Type of Development	Consent on Merit
Public Notice	Category 1
Referrals	N/A
Representations Received	N/A
Representations to be heard	N/A
Date last inspected	
Recommendation	Refuse to support amended plans
Originating Officer	Georgia West

**ESD IMPACT/BENEFIT**

- Environmental                      The subject land is steep, partly covered with vegetation, which is holding fragile, predominantly sandy soil, having the potential for erosion and other environmentally unsustainable impacts. Although the land is zoned for development, consideration has to be given to the topography and vegetation and micro eco system, prior consent is granted.
  
- Social                                      The “creation” of six allotments will provide accommodation for six households, in a pleasant country living environment on reasonable size allotments, overlooking an existing golf course.

.../cont.



8.1 **455/D584/03 – Weber, Frankiw & Associates on behalf of A & G Bennetts Nominees Pty Ltd (Continued)**

- Economic Benefits accrue to the applicant who will have the potential to develop six additional allotments in the sub division, subject to extensive earthworks and engineering, that will need to be carried out to provide essential street construction and development, in difficult terrain, within a Bushfire Prone Area.

**BACKGROUND**

This application was refused by the Development Assessment Panel at its meeting on the 7<sup>th</sup> of October 2003. The applicant has appealed to the Environment, Resources and Development Court against the refusal.

**THE PROPOSAL**

The applicant has submitted amended plans for discussion at the Environment, Resources and Development Court Conference to be held on the 17<sup>th</sup> of February 2004.

The amended plans seek to take into account the existing vegetation on the allotments. The applicant has also stated that they are willing to place building envelopes over the proposed allotments to be managed with a Land Management Agreement or encumbrance.

**It was agreed by consensus that the Development Assessment Panel does not support the amended plans lodged for discussion at the Environment, Resources and Development Court conference.**

**AGREED BY CONSENSUS**

**8.2 455/D677/03 - Vaudan Nominees**

**File Ref:** 455/D677/03  
**Officer:** Joanne Nightingale

Council received a Land Division 455/D576/03 on 11<sup>th</sup> June 2003. This application was refused at a meeting of the Development Assessment Panel on 21<sup>st</sup> July 2003. The applicants then submitted an amended plan for direction from the Panel at a meeting held 25<sup>th</sup> August 2003. Application 455/D677/03 (received 2<sup>nd</sup> December 2003) constitutes these amended plans presented as a new application.

This application has been deemed to be Non-complying and therefore required a Statement of Support. This Statement was requested in writing on 29<sup>th</sup> December 2003 and received by Council on 27<sup>th</sup> January 2004. This did not enable enough time for the Officer to write a comprehensive report on the application but due to its urgent nature we request a Development Assessment Panel meeting prior to the March Council meeting.

**It was agreed by consensus that the Development Assessment Panel convene on Monday 16<sup>th</sup> February 2004 commencing at 3:30 p.m. for Development Application 455/D677/03.**

**ITEM 9. NEXT MEETING**

Monday 16<sup>th</sup> February 2004 commencing at 3:30 p.m.

Meeting closed at 12 noon.

**MINUTES CONFIRMED** .....  
PRESIDING MEMBER

**DATED** .....