

**DEVELOPMENT ASSESSMENT PANEL
MINUTES OF MEETING HELD ON 17 OCTOBER 2007
COMMENCING AT 11:00 AM
IN THE COMMUNITY CHAMBERS "WAL YUNTU WARRIN"**

PRESENT

Ron Danvers (Presiding Member), Cr Grant Gartrell, Mike Galea, Madeliene Walker, Cr Rick Medlyn.

APOLOGIES

Nil.

IN ATTENDANCE

Matt Atkinson (Planner), A Sladden (Planner), V Harvey (Personal Assistant), D Commerford (Director Environment & Lifestyle) for part of the meeting, T Gregory (Planner) for part of the meeting.

ITEM 1 CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on 19th September 2007.

Moved M Walker seconded Cr Gartrell that the minutes of the Alexandrina Council Development Assessment Panel held on 19th September 2007 as circulated to members be received as a true and accurate record.

CARRIED

ITEM 2. DEVELOPMENT APPLICATIONS

ITEM 3. DEVELOPMENT APPLICATIONS - NON COMPLYING

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

4.1 455/559/07 Pruszinski Architects

SUMMARY TABLE

Date of Application	21.05.2007
Subject Land	23 Goolwa Channel Drive Hindmarsh Island
Assessment No.	A9320
Relevant Authority	Alexandrina Council
Planning Zone	HOLIDAY HOUSE (HINDMARSH ISLAND)
Nature of Development	DETACHED DWELLING – DOUBLE STOREY (NON-COMPLYING)
Type of Development	NON-COMPLYING
Public Notice	CATEGORY 3
Referrals	DWLBC
Representations Received	1
Representations to be heard	1
Date last inspected	JULY 2007
Recommendation	APPROVAL SUBJECT TO DEVELOPMENT ASSESSMENT COMMISSION CONCURRENCE
Originating Officer	ANDREW SLADDEN

ESD IMPACT/BENEFIT

- Environmental Increase in pollution potential and degradation of natural resources.
- Social Improvements for property owner
- Economic Increase in land value, rate increase, increase in services required in isolated location

.../cont.

4.1 455/559/07 – Pruszinski Architects (Continued)

BACKGROUND

Development application 455/426/06 for a similar dwelling on the subject site was lodged in April 2006 and was subsequently refused by the Development Assessment Panel at its meeting of 21 August 2006 for the following reason:

The proposal is considered to be seriously at variance with Principle of Development Control 18 from the Holiday House (Hindmarsh Island) Zone which states: "The following kinds of development are non-complying in the Holiday House (Hindmarsh Island) Zone:

Development within 25 metres of the foreshore with the exception of jetties, landings or structures required for the stabilisation of the water's edge"

Following subsequent discussions with Council staff in relation to the issue of the setback from the foreshore, the applicant has lodged the subject application.

The Director of Environment and Lifestyle Department has resolved to proceed with the assessment of the Development Application under delegation.

THE PROPOSAL

Nature of Development

The Development Application involves the construction of a detached dwelling on the subject site. The dwelling is proposed to be located approximately 8m from the top of the rip rap bank.

Principle of Development Control 18 for the Holiday House (Hindmarsh Island) Zone states:

PDC 18 The following kinds of development are **non-complying** in the Holiday House (Hindmarsh Island) Zone:

Detached Dwellings with the exception of:

- (a) dwelling extensions;
- (b) dwelling replacement;
- (c) dwelling associated with the Government exchange programme

The proposed development is considered to be a non-complying form of development as it involves the erection of a detached dwelling on an existing vacant allotment.

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4.1 455/559/07 – Pruszinski Architects (Continued)

It is also noted that pursuant to PDC 18, above, Development which is located less than 25m from the foreshore is considered to also be a non-complying form of development. Pursuant to the definition of “foreshore” within the Macquarie Dictionary which states “the forepart of the shore; the part of the shore between the ordinary high-water mark and low water mark”, the applicant has shown the foreshore to be a point between the high and low tide marks and has demonstrated that the dwelling is located greater than 25m from this point. This is considered to be an adequate demonstration that the proposal complies with the above and the previous reason for refusal no longer applies.

Detailed Description

The proposal involves the construction of a double storey detached dwelling on the subject site. It is noted that the lower floor is not habitable, and its purpose is an entrance and stairwell in order to provide access to the dwelling. As this lower portion of the dwelling is not habitable, the proposal is essentially a single storey dwelling. The proposed dwelling is elevated in order to meet the minimum finished floor level as required by the Land Management Agreement (LMA) registered on the site and Principles of Development Control for the zone.

Only a small part of the dwelling (entry) is located at existing ground level, with the rest of the dwelling being located approximately 2.1m above existing ground level. The proposed dwelling is a modern contemporary design with large windows taking advantage of the views and a low pitched roof.

The location of the subject dwelling was amended in August 2007 as a result of an objection received from a representor. The proposed dwelling has been moved a further 4m back from its original position and is 4m further back from the shore than the dwelling located to the immediate west of the proposed dwelling.

It is also noted that there is a Land Management Agreement (LMA) registered to the subject site. The LMA covers the owner's acceptance of risk from erosion and flooding and provides for a minimum Finished Floor Level for all buildings of 2.1 metres AHD in order to minimise this flood and erosion risk. The proposed dwelling is deemed to comply with the requirements of this LMA.

Ron Danvers (Chair) welcomed Tom Jarrett to the meeting on behalf of the applicants, to answer questions from the Development Assessment Panel at 11:00 a.m.

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4.1 455/559/07 – Pruszinski Architects (Continued)

R Danvers (Chair) thanked the Tom Jarrett for his attendance at the meeting and advised that the Development Assessment Panel would now be going into a closed meeting to discuss the application at 11:14 a.m.

22 Moved Cr Medlyn that the Development Assessment Panel grant Development Plan Consent to Development Application 455/559/07 for a Detached Dwelling at 23 Goolwa Channel Drive, Hindmarsh Island subject to the following conditions and notes and subject to concurrence of the Development Assessment Commission.

1. The development herein approved to be carried out in accordance with plans and details accompanying this application (amended plans received by Council on 31 August 2007).
2. The external cladding and trim of the proposed building must be of a non-reflective nature. Cladding materials must be coloured or painted in colours satisfactory to Council, within three (3) months of substantial completion of the building. All paint work must be maintained to the reasonable satisfaction of Council.

DWLBC Conditions

1. The minimum site level being raised to 2.15 metres AHD.
2. Stormwater run-off from the dwelling being directed into a storage tank or tanks. The capacity of tank storage on site is to be equal to or be greater than 20 litres per square metre of total roof area of all buildings on the site. Any overflow from the tank or tanks being managed to prevent erosion or pollution of the site and the river Murray and diverted away from wastewater disposal areas, such as septic tanks and aerobic systems.
3. All greywater or blackwater produced being managed appropriately to prevent pollution of the River Murray system.
4. During the construction the property shall be managed in a manner as to prevent erosion or pollution of the subject site and the environment, including keeping the area in a tidy state and ensuring any waste materials being placed into bins to ensure no pollutants enter the River Murray system.

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4.1 455/559/07 – Pruszinski Architects (Continued)

DWLBC Notes

1. This portion of the coastline is subject to coastal erosion and the integrity and stability of erosion protection structures on the site should be maintained.
2. The applicant is advised that unless their water supply comes from an SA Water connection, a water licence and allocation under the Natural Resources Management Act 2004 may be required. For further information, please contact the Department of Water, Land, Biodiversity and Conservation Office on 8595 2053.
3. The applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
4. All areas within 200m of any watercourse are considered to be of high sensitivity for Aboriginal sites. The River Murray and many of its tributaries and overflow areas, particularly have abundant evidence of Aboriginal occupation. Under section 20 of the Aboriginal Heritage Act 1988 (The Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister for Aboriginal Affairs and Reconciliation, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. Penalties may apply for failure to comply with The Act.

MOTION LAPSED THROUGH WANT OF A SECONDER

Moved M Galea seconded Cr Gartrell that the application be deferred to allow the applicant to provide amended plans depicting a finished floor level of 2.3 AHD and delegate the decision to Council's Director of Environment and Lifestyle Department.

MOTION WAS LOST

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4.1 455/559/07 – Pruszinski Architects (Continued)

Moved M Walker that Development Application 455/559/07 for a Detached dwelling at 23 Goolwa Channel Drive, Hindmarsh Island be refused as it is at serious variance to the following Principles and Objectives of the Development Plan:

- Objective 1 of the Holiday House (Hindmarsh Island) Zone
- Principle 1 & 5
- Non-complying Development according to Principle 18.

MOTION LAPSED THROUGH WANT OF A SECONDER

Moved Cr Medlyn seconded M Galea that the Development Assessment Panel grant Development Plan Consent to Development Application 455/559/07 for a Detached Dwelling at 23 Goolwa Channel Drive, Hindmarsh Island subject to the following conditions and notes and subject to concurrence of the Development Assessment Commission.

1. The development herein approved to be carried out in accordance with plans and details accompanying this application (amended plans received by Council on 31 August 2007).
2. The external cladding and trim of the proposed building must be of a non-reflective nature. Cladding materials must be coloured or painted in colours satisfactory to Council, within three (3) months of substantial completion of the building. All paint work must be maintained to the reasonable satisfaction of Council.

DWLBC Conditions

1. The minimum site level being raised to 2.15 metres AHD.
2. Stormwater run-off from the dwelling being directed into a storage tank or tanks. The capacity of tank storage on site is to be equal to or be greater than 20 litres per square metre of total roof area of all buildings on the site. Any overflow from the tank or tanks being managed to prevent erosion or pollution of the site and the river Murray and diverted away from wastewater disposal areas, such as septic tanks and aerobic systems.
3. All greywater or blackwater produced being managed appropriately to prevent pollution of the River Murray system.

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4.1 455/559/07 – Pruszinski Architects (Continued)

4. During the construction the property shall be managed in a manner as to prevent erosion or pollution of the subject site and the environment, including keeping the area in a tidy state and ensuring any waste materials being placed into bins to ensure no pollutants enter the River Murray system.

DWLBC Notes

1. This portion of the coastline is subject to coastal erosion and the integrity and stability of erosion protection structures on the site should be maintained.
2. The applicant is advised that unless their water supply comes from an SA Water connection, a water licence and allocation under the Natural Resources Management Act 2004 may be required. For further information, please contact the Department of Water, Land, Biodiversity and Conservation Office on 8595 2053.
3. The applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
4. All areas within 200m of any watercourse are considered to be of high sensitivity for Aboriginal sites. The River Murray and many of its tributaries and overflow areas, particularly have abundant evidence of Aboriginal occupation. Under section 20 of the Aboriginal Heritage Act 1988 (The Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister for Aboriginal Affairs and Reconciliation, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. Penalties may apply for failure to comply with The Act.

CARRIED

Mr Jarret was invited back to the meeting at 12:00 noon when the Ron Danvers (Chair) announced the Development Assessment Panel's decision.

4.2 455/876/07 South Coast Concrete Supplies

SUMMARY TABLE

Date of Application	06.08.2007
Subject Land	Lot 6 Forrest Road, Strathalbyn
Assessment No.	A15354
Relevant Authority	Alexandrina Council
Planning Zone	INDUSTRY ZONE
Nature of Development	CONCRETE BATCHING PLANT
Type of Development	MERIT
Public Notice	CATEGORY 3
Referrals	EPA
Representations Received	5
Representations to be heard	Nil.
Date last inspected	18 SEPTEMBER 2007
Recommendation	APPROVAL SUBJECT TO CONDITIONS
Originating Officer	MATT ATKINSON

ESD IMPACT/BENEFIT

- Environmental The Application has been assessed by the Environment Protection Authority and has been determined to have minimal impact on the Environment.
- Social Negligible impact envisaged.
- Economic The establishment of a Concrete Batching Plant within Strathalbyn will provide a boost to the local economy both directly and indirectly via the supply of Concrete to local business.

THE PROPOSAL

Nature of Development:

The development incorporates the construction of a Concrete Batching Plant with associated car-parking on a portion of an existing title on the southern side of Forrest Road, Strathalbyn. The subject land is located in the Industry Zone, as identified within the Alexandrina Council Development Plan.

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4.2 455/876/07 – South Coast Concrete Supplies (Continued)

Concrete Batching Plants are not listed as either Complying or Non-complying development within the Industry Zone, and therefore, are required to be assessed on merit.

Detailed Description

The Applicant proposes to establish a Concrete Batching Plant incorporating a raw material receival bin and associated transfer system, a waste water collection and treatment system, several product bunkers and a batching room.

The proposal incorporates parking for cars and trucks on-site with adequate loading and unloading areas. The parking and access areas are proposed to be surfaced with gravel and there are two access points providing 'in only' and 'out only' traffic movements.

23 Moved M Walker seconded Cr Medlyn that the Development Assessment Panel approve Development Application No. 455/876/07 for a Concrete Batching Plant at Lot 6 Forrest Road, Strathalbyn, subject to the following conditions:

Council Planning Conditions:

1. The Applicant shall provide an acceptable Landscaping Plan, to the satisfaction of the Council or its delegate, prior to the issuing of Development Approval.
2. The Applicant shall obtain the relevant Waste Control Approval for the disposal of effluent on the subject land, prior to the issuing of Development Approval.
3. Management of the property should be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.
4. 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, all aspects of 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.

.../cont.

4.2 455/876/07 – South Coast Concrete Supplies (Continued)

5. No signs are to be erected or displayed on the building without the prior Development Approval of the Council.
6. The site of the proposed building shall be screened with native vegetation that will be of a species appropriate to the area and mature to such a height to reduce the visual impact of the building. The vegetation shall not be planted closer to the building(s) or power lines than the distance equivalent to their mature height and be maintained in a healthy condition at all times.
7. All stormwater 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.

EPA Conditions:

1. The development shall be carried out in accordance with the plans (reference: TE Equipment Sales 07P-016-01,02 Rev A) and details contained in development application 455/876/07, except for as otherwise varied by any conditions that follow.
2. All roadways, entrances, loading / unloading areas, and other vehicle traffic areas on the site shall be maintained at all times so that potential for dust generation is minimised and does not create a nuisance off site.
3. All stockpiles of raw materials must be located within storage bunkers/bays, and stored below the height of the bunker walls. Sprinklers must be installed and utilised as required to keep the material damp.
4. All cement storage silos must be fitted with an appropriately sized fabric filter incorporating an effective fabric-cleaning device to eliminate emissions due to the displacement of air whilst fitting.
5. All cement storage silos are to be fitted with a high level visible and audible alarm, complete with a test circuit, and automatic shutdown to guard against overfilling.

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4.2 455/876/07 – South Coast Concrete Supplies (Continued)

6. Any material likely to degrade water (concrete admixtures, etc) must be stored within a roofed and bunded compound area, which has a capacity of at least 120% of the volume of the largest container to be stored within the bund, and which is designed and constructed to prevent the escape of material into surface or underground water resources. Note: EPA Guideline titled Bunding and Spill Management will assist with appropriate design and management of bunded areas: http://www.epa.sa.gov.au/pdfs/guide_bunding.pdf
7. The operation of the plant must incorporate an effective wastewater management system to collect, treat as necessary, and re-use wastewater generated at the site. The applicant must ensure that waste is not discharged to any waters, or on to land from which it is likely to enter waters either by seepage (or rising water table) or from carriage by wind, rain or stormwater.
8. Any wastewater (e.g. in the wash out pit) generated by the plant that is not suitable for re-use must be collected for off-site disposal by a licensed waste transporter.
9. All solid waste from the plant must be collected, contained in a manner that does not result in contamination, and regularly removed from the site to a licensed waste depot.

Advice 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. Encumbrances, although not administered by Council, may apply to your property. You are therefore advised to check for encumbrances on your Certificate of Title prior to commencing work.
3. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

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4.2 455/876/07 – South Coast Concrete Supplies (Continued)

4. An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements.
5. A licence may be refused where the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.
6. Any information sheets, guidelines documents, codes of practice, technical bulletins, etc. that are referenced in these conditions can be accessed on the following web site: www.epa.sa.gov.au

CARRIED

ITEM 5. DEVELOPMENT APPLICATIONS LAND DIVISION COMMUNITY TITLE

ITEM 6. DEVELOPMENT APPLICATIONS - BUILDING

ITEM 7. MATTERS REFERRED FOR FOLLOW-UP

ITEM 8. GENERAL ITEMS FOR DISCUSSION

M Walker has requested that the Panel members be given A3 size plans along with their agendas.

T Gregory gave a verbal report on recent Development Assessment Panel statistics. This current Panel have had 6 meetings and presided over 12 applications. 85% of the applications the Panel have gone with the Planners recommendations. Three applications have been refused and two have been to appeal at the ERD Court.

R Danvers has requested that every application has the Certificate of Title available on the application at the meeting.

Cr Gartrell advised that he attended a meeting convened at Goolwa at which a PIRSA staff member advised of removal of decision making on blue gum plantations from Development Assessment Panels to the Development Assessment Commission. Council staff will follow this information up.

M Walker commended the Planners on the quality of the reports in the agenda's.

**The next Development Assessment Panel meeting is scheduled for
Wednesday 21st November 2007 with the time to be advised.**

MEETING CLOSED AT 12:13 p.m.

MINUTES CONFIRMED
CHAIRMAN

DATED: