

DEVELOPMENT ASSESSMENT PANEL
MINUTES OF MEETING HELD ON 21 JANUARY 2009
COMMENCING AT 10:30 AM
IN THE COMMUNITY CHAMBERS "WAL YUNTU WARRIN"

PRESENT

R Danvers (Chair), Cr R Medlyn, Cr G Gartrell,
M Galea, M Walker

APOLOGIES

IN ATTENDANCE

Vanessa Harvey (Personal Assistant),
Pat Cunningham (Administration Coordinator),
Sally Roberts (General Manager, Planning &
Development Services), Andrew Sladden
(Planner), Andrew Houlihan (Planner)

ITEM 1. CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on 17th December 2008.

Moved M Walker Seconded Cr Medlyn that the minutes of the Alexandrina Council Development Assessment Panel held on 17th December 2008 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

4.1 455/1203/08 - Goolwa Regatta Yacht Club Inc

SUMMARY TABLE

R Danvers, Chair, welcomed Mr Sinclair to the meeting, who gave an overview of his representation from 10:30 a.m. to 10:42 a.m.

R Danvers, Chair, welcomed Mrs Bailey to the meeting, who gave an overview of her representation from 10:42 a.m. to 10:52 a.m.

Cr Medlyn asked if Mr Parkes on behalf of the applicant, Goolwa Regatta Yacht Club, could speak in relation to extra car parking areas.

R Danvers, Chair, welcomed Mr Parkes to the meeting, to respond to the car parking question only at this stage from 10:52 a.m. to 10:54 a.m.

R Danvers, Chair, welcomed Mr Botten on behalf of Dr Johnson to the meeting, who gave an overview of the representation from 10:54 a.m. to 11:07 a.m.

R Danvers, Chair, welcomed Mr Hancock to the meeting, who gave an overview of his representation from 11:08 a.m. to 11:17 a.m.

R Danvers, Chair, welcomes Mr Parkes on behalf of the applicant, Goolwa Regatta Yacht Club, to the meeting who responded in relation to the representations from 11:17 a.m. to 11:31 a.m.

M Galea left the Chambers at 11:24 a.m.

M Galea returned to the Chambers at 11:27 a.m.

SUMMARY TABLE

Date of Application	21 st October 2008
Subject Land	Lot P2 Barrage Road, Goolwa South
Assessment No.	A 6420
Relevant Authority	Alexandrina Council
Planning Zone	Urban Waterfront
Nature of Development	Temporary Change of Use Existing Car park for boat storage (12 months)
Type of Development	Consent / Merit
Public Notice	Category 3

.../cont.

4.1 455/1203/08 - Goolwa Regatta Yacht Club Inc (continued)

Referrals	N/A
Representations Received	9
Representations to be heard	5
Date last inspected	January 2009
Recommendation	Approval
Originating Officer	Andrew Sladden

ESD IMPACT/BENEFIT

- Environmental Minimal
- Social Benefit to Yacht Club members.
- Economic Benefit to Yacht Club through being better able to store members boats.

BACKGROUND

Given the poor state of Lake Alexandrina and the drop in the lake level in the past couple of years, the Goolwa Regatta Yacht Club are proposing to temporarily store boats in an area of their existing car park measuring 25m x 35m (875m²) which is proposed to be fenced with a 1.8m high temporary mesh fence.

As the subject land is controlled by Council and leased to the yacht club, the application was presented to the Council meeting of 3 November 2008 where Council resolved:

"...that Council has no objection to the development application proceeding for a period of 12 months with the opportunity to re-apply after this time, in the area applied for."

This effectively means that Council has no objections to the application for a period of no more than 12 months from the date of approval.

THE PROPOSAL

Nature of Development

The subject site is located within the Urban Waterfront Zone pursuant to Map Alex/64 from the Alexandrina Development Plan. As a development of this nature (temporary storage) is not listed as a non complying form of development within this zone, the proposed development becomes a consent/merit form of development by default.

.../cont.

4.1 455/1203/08 – Goolwa Regatta Yacht Club Inc (continued)

Detailed Description

Given the low water levels in the lake, less than 44 of the 106 marina berths are usable and as a result, many boat owners are taking their boats elsewhere. To combat this, the Goolwa Regatta Yacht Club is proposing to fence off a portion (875m²) of their existing car park for the storage of approximately 20 boats. As Council have resolved allow this for a period of no more than 12 months, should the DAP resolve to approve the application, this will become a condition of approval.

The area proposed to be used for the storage of these boats is within the existing car park. The applicants are proposing to erect a 1.8m high temporary fence around this area.

SITE & LOCALITY

The subject site is located within the existing reserve on the banks of the lake. There is a yacht club and marina with an existing car park and boat ramp located between Barrage Road and the river bank.

The existing car park is sealed and fenced with an 800mm high timber fence and there is a single entry/exit point onto Barrage Road.

There are a number of large dwellings in the locality located along Barrage Road and Riverside Drive. The nearest dwelling is approximately 80m from the location of the proposed development separated by Barrage Road and reserve, however many of the dwellings in the locality obtain their views of the lake through the open space that the yacht club car park provides.

The Gallery were requested to vacate meeting at 11:31 a.m.

Moved Cr Gartrell, seconded M Galea that the application be refused as it is considered to be at variance with the following Objectives and Principles of Development Control of the Alexandrina Development Plan:

Urban Waterfront Zone

Objective 2

Principles of Development Control 3 and 9

REFUSED

The Gallery were invited to return to the meeting at 11:56am.

M Walker declared an interest in Item 5.1 and removed herself from the Development Assessment Panel at 12:00 p.m.

ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION / COMMUNITY TITLE

5.1 455/D101/07 - Donald Morison

R Danvers, Chair, welcomed Mr Wood and M Walker to the meeting, who spoke on behalf of the applicant, from 12:05 p.m. to 12:30 p.m.

SUMMARY TABLE

Date of Application	26 November 2007
Subject Land	45 (Lot 121) Tottenham Court Road, Port Elliot
Assessment No.	A 3209
Relevant Authority	Alexandrina Council
Planning Zone	Home Industry Zone
Nature of Development	Land Division creating one additional allotment
Type of Development	Consent on Merit
Public Notice	Category 1
Referrals	Planning SA, SA Water
Representations Received	N/A
Representations to be heard	Nil
Date last inspected	17 December 2009
Recommendation	Refusal
Originating Officer	Tom Gregory

ESD IMPACT/BENEFIT

- Environmental
An allotment being divided for residential purposes at the rear of another is not considered to have a high level of amenity. The close proximity of the proposed allotment to existing and future industrial uses could lead to possible land use conflicts.
- Social
There is a minimal social impact expected, however the creation of the proposed allotment will provide for an additional housing block within the Port Elliot Township.

.../cont.

5.1 455/D101/07 – Donald Morison (Continued)

- Economic An economic benefit is expected for the owner of the subject land, as approval will allow for an allotment to be marketed for sale. No other economic benefit can be foreseen, other than an additional title being categorised for Council rating purposes.

THE PROPOSAL

This proposal seeks to create an additional allotment within the Home Industry Zone, in a 'hammer-head' type configuration at 45 Tottenham Court Road, Port Elliot.

The subject land is currently 1735m² and contains a detached dwelling, a domestic sized outbuilding, and other small scale shedding towards the rear of the allotment.

The proposal seeks to create an allotment of 827m² at the rear of the subject land (behind the existing dwelling) with a 6 metre wide / 41.37 metre long access drive along the northern side of the subject land. This is to be known as allotment 502. The existing dwelling and domestic outbuilding will remain on a separate allotment (allotment 501) on the front portion of the subject land with a 21.95 metre frontage to Tottenham Court Road. Allotment 501 is proposed to be 908m² in area, and will contain the existing dwelling and associated outbuilding.

SITE & LOCALITY

The subject land is reasonably rectangular in shape, although the rear boundary is slightly longer than the front. The topography is considered to be fairly flat with a slight rise towards the rear when viewed from the street.

The subject land is void of substantial landscaping, however a number of mature trees exist along the northern boundary, which act as a screening buffer between the neighbouring property and the subject land.

The subject land is bound by allotments within the same Home Industry Zone to the north and south, however a Light Industry Zone abuts the subject land to the west (at the rear). Beyond this zone is an Industrial Zone, and Council's Effluent Ponds.

Land on the opposite side of Tottenham Court Road, is zoned Residential despite having 'existing use rights' for a SA Water depot. Contained on this land is a maintenance office and several storage sheds that house SA Water vehicles when not in use.

.../cont.

5.1 455/D101/07 – Donald Morison (continued)

The character of the locality comprises detached dwellings on large allotments, light industrial uses, and the SA Water depot. The predominant use of land within the Home Industry Zone is residential with ancillary uses being undertaken within the existing outbuildings. Allotments that contain detached dwellings within the Home Industry Zone and the general locality are conventional in shape, with limited to no evidence of division or increase in residential densities. Despite this, there is however a number of 'battle axe' or 'hammer-head' style allotments within the adjoining Light Industry Zone (to the west). One such division has occurred on land that is directly adjacent to the subject land. It is not my belief that this produces merit for the proposal, but rather has the opposite effect as it allows for Light Industrial uses to be established in close proximity to the proposed new allotment.

The Gallery were requested to vacate the meeting at 12:30 p.m.

Moved M Galea, seconded Cr Gartrell that Development Application 455/D101/07 for the creation of one additional allotment at 45 (Lot 121) Tottenham Court Road, Port Elliot be approved.

MOTION WITHDRAWN

Moved M Galea, seconded Cr Gartrell that Development Application 455/D101/07 be deferred to allow planning staff to negotiate an alternative allotment pattern and investigate infrastructure requirements, and that the decision be delegated to planning staff.

CARRIED

The Gallery were invited to return to the meeting at 12:41pm.

M Walker returned to the Panel at 12:43pm.

ITEM 6. MATTERS REFERED FOR FOLLOW-UP

ITEM 7. GENERAL ITEMS FOR DISCUSSIONS

Clayton Tavern, 455/585/08. A Sladden gave verbal report and advised that the matter would be going to appeal.

Private Airstrip, 455/955/07. A Sladden advised that a directions hearing was held. No report available to date.

7.1 Complaint Handling Policy

File Ref: 3.14.001
Officer: Sally Roberts
From: Development Assessment Panel meeting 19
November 2008

REPORT

At the 19 November 2008 Development Assessment Panel meeting a proposed Complaint Handling Policy was presented. The meeting resolved that further information was to be obtained about the level of support available to panel members in the event of a complaint.

Contact was made with the relevant person within the Local Government Association to determine this information. Within the policy there are three levels of complaints which are determined by the Public Officer who must receive all complaints. Level 1 complaints are handled by the Presiding Member, Level 2 by an Independent Assessor while Level 3 complaints are to be referred to an external body such as the SA Police or the anti-corruption branch for example. Members should refer to Clause 2.2 of the policy where it details that both the complainant and the CDAP member are given reasonable opportunity to respond to a complaint. In addition to having the ability to adequately put their point of view in relation to a complaint, Section 56A (10) of the Development Act indicates that a CDAP member does not incur any liability for an honest act done in the exercise or performance of their powers or functions.

In addition to these functions CDAP members are afforded the support of Local Government as the CDAP is a delegate of Council. Overall the policy has been developed to assist the Public Officer when and if a complaint is received against a CDAP member.

Provided that the CDAP members are satisfied with this information a report will be presented to the Council who must officially adopt the policy.

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7.1 Complaint Handling Policy (continued)

Moved Cr Medlyn seconded M Galea that having previously accepted the Complaint Handling Policy, the Panel requests that a report be prepared for Council in order for the Complaint Handling Policy to be adopted and incorporated into the Council Development Assessment Panel Code of Conduct.

CARRIED

ITEM 8. NEXT MEETING

Wednesday, 18 February 2009.
NB: M Walker will be an apology for this meeting.

MEETING CLOSED AT 1:00 P.M.

MINUTES CONFIRMED:.....
CHAIRMAN

DATED: