

ALEXANDRINA COUNCIL

NOTICE OF MEETING

Notice is hereby given to the Members that a meeting of the Development Assessment Panel will be held in the Goolwa Council Chambers "Wal Yuntu Warrin" on 30 January 2008 commencing at 11:00 am

Your attendance is requested.

11:00 a.m. Development Assessment Panel commencement

2:00 p.m. Conclusion of meeting.

JOHN COOMBE
CHIEF EXECUTIVE

ALEXANDRINA COUNCIL

AGENDA FOR THE DEVELOPMENT ASSESSMENT PANEL 2008 MEETING
TO BE HELD ON 30 JANUARY 2008 AT 11:00 AM
IN GOOLWA COUNCIL CHAMBERS "Wal Yuntu Warrin"

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**Development Assessment Panel
Report and Agenda
on 30 JANUARY 2008 commencing at 11:00 am
in the Goolwa Council Chambers "Wal Yuntu Warrin"**

PRESENT

APOLOGIES

IN ATTENDANCE

ITEM 1 CONFIRMATION OF MINUTES

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

RECOMMENDATION

That the minutes of the Alexandrina Council Development Assessment Panel held on 19th December 2007 as circulated to members be received as a true and accurate record.

2. DEVELOPMENT APPLICATIONS

2.1 455/1389/07 DAVID ANDREW

SUMMARY TABLE

Date of Application	12.11.2007
Subject Land	15 Oliver Street Goolwa Lot 182 & 183 Oliver St Goolwa
Assessment No.	A5897
Relevant Authority	Alexandrina Council
Planning Zone	District Centre Zone – Bulky Goods Policy Area (4)Commercial
Nature of Development	Commercial New – Carwash with associated Fencing & Signage
Type of Development	Consent/Merit
Public Notice	Category 2
Referrals	N/A
Representations Received	6
Representations to be heard	Nil.
Date last inspected	January 2008
Recommendation	Approval
Originating Officer	Andrew Sladden

ESD IMPACT/BENEFIT

- Environmental Environmental impact through creation of waste water and possible chemicals
- Social Benefit to local community through provision of sought after service but possible negative impact upon adjoining residents through noise and light impacts
- Economic Benefit to local economy through provision of commercial enterprise

.../cont.

2.1 455/1389/07 DAVID ANDREW (Continued)

THE PROPOSAL

Nature of Development

The proposed development covers two existing vacant allotments on the corner of Oliver and Governor Streets, Goolwa. Being located within the District Centre Zone, Bulky Goods Policy Area pursuant to Maps Alex/62 and 72 from the Alexandrina Development Plan, a development of this nature (carwash) is not listed as being a non-complying form of development either in the Zone and Policy Area Principles of Development Control.

Therefore, the proposal is considered to be consent/merit form of development.

Detailed Description

The proposed carwash is to be erected over two existing vacant allotments being 15 Oliver Street, which is on the corner of Governor Street and the adjoining allotment being 17 Oliver Street. Both allotments are fairly level and devoid of any significant or native vegetation.

The plans also show a possible future expansion of the carwash over another adjoining allotment (19 Oliver Street), however this does not form part of the proposal and will be the subject of a future Development Application.

The proposed development involves the erection of a single building in the centre of the allotments (setback 10.5m from the Oliver Street boundary and .5m from the Governor Street boundary) which will consist of three carwash bays (automatic, car and boat), associated plant room and office. The building will have a total height of 5.5m above the finished ground level and is proposed to have colorbond walls (sandbank) and roof cladding (deep ocean). There is also a dog wash area which is located in the north western corner of the subject site.

Access to the site is proposed to be via a 5.4m wide crossover, located on the northern side of 17 Oliver Street, with a single 4m wide exit in the south western corner of the site accessing Governor Street. There is a small landscaping strip proposed along Governor Street and a part of Oliver Street, with a red gum post and rail fence on the road boundaries of the allotments.

There are four underground tanks for the collection and reuse of storm and waste water from the operation of the proposed development.

.../cont.

2.1 455/1389/07 DAVID ANDREW (Continued)

It is also proposed to construct an illuminated advertising sign which will be located on the corner of Oliver and Governor Streets. The sign is proposed to be located 3.5m above ground level and has the dimensions of 3.71m by 1.61m (5.97m²).

REFER ATTACHMENT 2.1(a) (Page 1)

SITE & LOCALITY

The subject site, consisting of two allotments, both of rectangular shape, has a total area of approximately 613m². The site is reasonably level with a slight slope from the road to the rear of the site of approximately .5m. There is no significant vegetation on the site.

The locality is varied and is bounded by Hutchinson Street to the north of the site, a row of cottages and dwellings fronting onto Oliver Street to the east, and the railway line to the west and south of the site. The locality is a mixture of commercial, light industrial and residential development.

To the north and west of the site on the western side of Oliver Street and bounded by the railway line to the west is a mixture of commercial and light industrial development ranging from then Goolwa Vet which is located next door at 19 Oliver Street, to a Real Estate Agency adjoining the vet on the corner of Tiverton Street. Behind these commercial premises along Tiverton Street running down to the railway line to the west, are a mixture of large sheds which appear to be being used for light industrial purposes. The Telstra Exchange is also located along this street. To the immediate west of the subject site on the northern side of Governor Street is a large semi-industrial building which is currently being used as a marine upholstery workshop.

On the northern side of Tiverton Street is an existing carwash, crash repair business and South Coast Marine which is bounded by Oliver Street to the east and Hutchinson Street to the north. South Coast Marine includes a large workshop for the maintenance and repair of boats, a retail sales yard and service station.

On the eastern side of Oliver Street between Hutchinson Street to the north and the railway line to the south is a mixture of residential development ranging from a small number of very old single fronted cottages dating back to before the turn of the 20th century located between Hutchinson Street and Baronet Street, to a couple of detached dwellings and row dwellings dating from the 1970's between Baronet Street and the Railway line.

.../cont.

2.1 455/1389/07 DAVID ANDREW (Continued)

To the south of the subject site on the western side of Oliver Street between Governor Street and the railway line are a mixture of single storey detached dwellings dating from the early 1970's of varying designs and styles.

PUBLIC NOTIFICATION

Pursuant to Schedule 9, Part 2, 16 (b) of the Development Act 1993, the application was the subject of Category 2 public notification as the site is located on the boundary of another zone. Category 2 notification was undertaken between 12 and 28 of December 2007.

Six representations were received within this notification period. All of the representors are opposed to the proposed development and reasons for opposition include noise, traffic, security, flooding, hours of operation, competition and social problems.

REFER ATTACHMENT 2.1(b) (Page 9)

The applicant has also submitted a response to the representations.

REFER ATTACHMENT 2.1(c) (Page 17)

REFERRALS

No formal referrals to any Government Agencies are required.

CONSULTATION

Consultation has been undertaken with Council's Technical Services Department (CED Manager Neville Styan and Environmental Health Officer-Trade Waste Angela Sorger) with regard to the effluent disposal system and operation of the proposed development. The advice is that the proposal meets all guidelines and that it is likely that all STEDS and Trade Waste Approvals and permits will be issued prior to the Development Assessment Panel meeting.

Consultation has been undertaken with Council's Technical Services Department (Engineering Project Officer Stewart Ratcliff) on the issues of access, traffic and the layout of the proposed development. The advice of the Engineering Project Officer is that the proposal is acceptable from their point of view and has recommended a number of conditions be placed on the approval.

.../cont.

2.1 455/1389/07 DAVID ANDREW (Continued)

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

As the Development Application was lodged on 9 November 2007, the proposal has been assessed against the Development Plan consolidated on 20 September 2007. The following Principles of Development Control are seen as especially relevant to this application:

PART A – COUNCIL-WIDE

OBJECTIVES

Form of Development

Objective 1: Orderly and economic development.

Objective 2: A proper distribution and segregation of living, working and recreational activities by the allocation of suitable areas of land for those purposes.

Comment

As the proposed development is located within the District Centre Zone which supports commercial development, it is considered to be orderly and economic and in an appropriate location.

Movement of People and Goods

Objective 18: The free flow of traffic on roads by minimising interference from adjoining development.

Comment

The proposal is considered to comply as evidenced by the Technical Service Officer's support of the development and locality. The access and egress points have been located as far away from the intersections of Oliver and Governor Streets as possible to minimise interference and traffic disruption.

Appearance of Land and Buildings

Objective 38: The amenity of localities not impaired by the appearance of land, buildings, and objects.

PDC 136 The appearance of land, buildings and objects should not impair the amenity or character of the locality in which they are situated...

./cont.

2.1 455/1389/07 DAVID ANDREW (Continued)

Comment

Given the bulk and scale and design of the proposed building (single storey, located in the centre of the site) and the associated landscaping, it is considered that its built form will not significantly impair the amenity of the immediate locality being the adjoining allotments and land to the west and north of the subject site within the District Centre Zone.

However, when viewed from the adjacent residential development on the eastern side of Oliver Street and southern side of Governor Street, it can be argued that the proposed development will impair the amenity of the locality enjoyed by these residents as it will increase light spill and noise within this locality given the fact that the site is currently vacant, despite the proposed conditions of approval covering these issues.

PRINCIPLES OF DEVELOPMENT CONTROL

Movement of People and Goods

PDC 102 Development and associated points of access and egress should not create conditions that cause interference with the free flow of traffic on adjoining roads.

Comment

As evidenced by the support of Council's Engineering Department, the siting of the proposed access and egress points as far away from the intersection as possible will minimise impact upon the existing road network and is not envisaged to interfere with the free flow of traffic on Oliver Street.

Outdoor Advertisements

PDC 137 The location, siting, size, shape and materials of construction, of advertisements should be:

- (a) consistent with the desired character of areas or zones as described by their objectives;
- (b) consistent with the predominant character of the urban or rural landscape; or
- (c) in harmony with any building or site of historic significance or heritage value in the locality.

PDC 138 Advertisements should not detrimentally affect by way of their siting, size, shape, scale, glare, reflection, or colour, the amenity of areas, zones, or localities, in which they are situated.

.../cont.

2.1 455/1389/07 DAVID ANDREW (Continued)

PDC 139 Advertisements should not impair the amenity of areas, zones, or localities, in which they are situated by creating, or adding to, clutter, visual disorder, and the untidiness of buildings and spaces.

PDC 140 Advertisements should not obscure views of attractive landscapes or particular trees or groups of trees.

PDC 141 The scale of advertisements should be compatible with the buildings on which they are situated and with nearby buildings and spaces.

PDC 148 Advertisements should not be so highly illuminated as to cause discomfort to an approaching driver, or create difficulty in his perception of the road, or of persons or objects on it.

Comment

The proposed advertising sign located within the boundaries of the site on the corner of Oliver and Governor Streets is generally considered to comply with the abovementioned PDC's as it is of a similar size and location of that for Goolwa Marine on the corner of Oliver and Hutchinson Streets within the locality. However, it can be argued that the proposed sign is not in harmony with the dwellings opposite the proposed development on the eastern side of Oliver Street.

PART C - PORT ELLIOT AND GOOLWA

OBJECTIVES

Form of Development

Objective 1: Compact living and business areas ensuring residents are within reasonable distance of community facilities.

PRINCIPLES OF DEVELOPMENT CONTROL

Form of Development

PDC 1 Land proposed for living, working and recreational activities should be used only for those purposes.

Comment

The proposed development is considered to comply with the above as it is located within a zone (District Centre) that generally supports commercial development.

.../cont.

2.1 455/1389/07 DAVID ANDREW (Continued)

Outdoor Advertisements

PDC 14 Outdoor advertisements should:

- (a) be situated only on land on which a related business is conducted;
- (b) not disfigure the urban environment or rural landscape;
- (c) be designed and sited having regard to the predominant character of the locality; and
- (d) not create a hazard to traffic.

Comment

The proposed advertising sign is located on the same site as the proposed use which is in compliance with (a) above. However it is arguable whether it has been designed with regard to the predominant character of the locality given its size, illumination and proximity to residential development. As it is proposed to be located 3.5m above ground level and does not incorporate colours such as red or green, it is unlikely to create a hazard to traffic.

DISTRICT CENTRE (GOOLWA) ZONE

OBJECTIVES

- Objective 1:** Accommodation of a range of retail, office, administrative, community, recreation, tourist, cultural activities to serve the population and trade area catchment of Goolwa.
- Objective 3:** Orderly and economic redevelopment and revitalisation of the Goolwa town centre, particularly vacant and under-utilised land and the integration of facilities by the development of pedestrian paths, shared car parking and integrated built form.
- Objective 4:** Conservation and enhancement of the 19th century townscape character existing in the zone, particularly along Cadell Street, Goolwa Terrace and in the vicinity of the Soldiers Memorial Gardens.
- Objective 5:** Enhancement of the pleasant character, image and amenity of the zone through quality development and staged improvement of streetscapes.

Comment

The proposed development is considered to generally comply with the abovementioned Objectives.

.../cont.

2.1 455/1389/07 DAVID ANDREW (Continued)

This commercial development will serve the residents of Goolwa in accordance with Objective 1 and is considered to be an orderly and economic development of an existing vacant and under utilised site in accordance with Objective 3.

It is arguable whether the proposed development will enhance the pleasant character and amenity of the zone (Objective 5), as this is such a subjective Objective. As development within the District Centre Zone within the locality is characterised by a mixture of small shops, large commercial and semi-industrial sheds and buildings, a service station and existing small carwash, all of varying ages, designs and character, it is even arguable whether this locality has a pleasant character, image and amenity at all. Therefore, a development of this nature, with its materials, colours and landscaping is considered to adequately blend with the amenity of this area of the District Centre Zone locality.

PRINCIPLES OF DEVELOPMENT CONTROL

Form of Development

- PDC 1** Development undertaken in the District Centre (Goolwa) Zone should be, primarily, a range of shopping, administrative, cultural, community, recreational, educational, religious and tourist facilities appropriate to the population and trade area catchment it serves.
- PDC 2** Development should provide for the creation of an efficient and convenient pedestrian network establishing linkages between buildings and other parts of the district centre.
- PDC 3** Development along the boundaries of the zone which are opposite or adjacent to adjoining residential areas should provide a transition in bulk, scale and appearance from that within the centre of the zone in recognition of the scale, character and amenity of the residential areas.
- PDC 6** Buildings, building elements and other features that contribute to the heritage value of the area should be retained and conserved.

Comment

Given the fact that the proposed development will provide a service to the residents of Goolwa, the proposal is considered to meet PDC 1, above. Also, as the development is contained entirely within the boundaries of the allotment, it will not impact upon the existing footpath or pedestrian network within the locality.

The design of the proposed building, being single storey with a pitched roof setback significantly from Oliver Street, is considered to mimic many of the elements of the surrounding residential development in terms of its bulk and scale and therefore is considered to comply with PDC 3, above. .../cont.

2.1 455/1389/07 DAVID ANDREW (Continued)

It is noted that the cottages within the locality on the eastern side of Oliver Street between Hutchinson Street and Sidmouth Street (approximately 50m from the subject site) are located within the Goolwa State Heritage area. Although PDC 6, above does not relate to the proposed development, it is relevant as it highlights the importance placed upon these heritage buildings and areas. The proposed development, although 50m away and on the opposite side of the street from the heritage area will impact upon the locality and therefore this part of the state heritage area. However, this impact is considered to be minimal given the 50m distance and road between these areas.

Given the mixed character and amenity of the locality on the western side of Oliver Street, the proposed development is considered to be consistent with this locality in terms of its built form and appearance.

Movement of People and Goods

PDC 7 Development, in particular the location of vehicle access points should not interfere with the free flow of traffic within the zone.

PDC 9 Car parking and service areas should be suitably line marked, and screened with landscaping to enhance the amenity of the locality. Rear servicing of development should occur wherever reasonably possible.

PDC 10 New vehicular access to arterial roads should only be established in safe and convenient locations.

PDC 11 Development should be designed to allow vehicles to enter and exit the site in a forward direction.

Comments

As is evidenced by the support of Council's Engineering Department, the proposed development is not considered to have a negative impact upon the flow of traffic in the locality. Specific carparking spaces are not required to be provided as customers are not likely to leave their cars, apart from washing them. Although Oliver Street is not an arterial road, it is still considered a significant collector road and the access point has been designed to minimise impact upon this street, by being located as far away from the intersection with Governor Street as possible. The design of the carwash and location of access points complies with PDC 11, above.

.../cont.

2.1 455/1389/07 DAVID ANDREW (Continued)

Appearance of Land and Buildings

PDC 12 Development should reinforce the continuity of building facades and the predominant townscape character of the frontages of Cadell Street, Goolwa Terrace, Hays Street and Soldiers Memorial Gardens and on corner sites by:

- (a) minimal building set-backs from these road frontages, particularly on corner sites; and
- (b) locating car parking areas at the rear of development and avoiding their intrusion on to these frontages.

PDC 14 Buildings should be designed to integrate with neighbouring development and contribute to the enhancement of the character and amenity of the locality. In particular development, other than within the State Heritage Area shown on [Fig HA/1](#), should consolidate under-utilised or vacant sites in a manner which promotes shared car parking, and the safe and convenient movement of people and goods.

PDC 15 Development located adjacent to the Goolwa State Heritage Area should:

- (a) conserve, maintain, enhance and reinforce the existing streetscape and the historic character of individual places of heritage value;
- (b) be compatible with the historic development pattern in respect of siting, street frontage widths, scale and articulation, building and roof form, bulk and height, building materials, finishes and colours;
- (c) complement without attempting to replicate or reproduce historic buildings or their detailing;
- (d) maintain or recover the prominence of places of heritage value; and
- (e) not use reflective or bright finishes including zinalume on visible surfaces.

PDC 16 Development should incorporate buildings and landscaping designed to complement the respective development and its immediate environs as well as the desired character of the zone.

Comments

Given the fact that carwashes have to be designed to comply with certain Australian Standards to allow for the free and easy flow of vehicles, it is considered that PDC's 12 and 14 should be given little weight in the assessment of this application.

.../cont.

2.1 455/1389/07 DAVID ANDREW (Continued)

Although not directly adjacent the Goolwa State Heritage Area, this is within the locality. Therefore PDC 15 is relevant to the proposal. However, it is difficult for a development of this nature to comply with this PDC, as the very nature of the development (carwash) is at conflict with the heritage area. Also, as carwashes require vehicles to be able to move freely about the site making it difficult to be able to be designed and sited to comply with this historic development pattern.

In its defence, the design of the building in terms of its bulk and scale, pitched roof etc... is similar to the cottages within the Heritage Area.

Environment and Amenity

PDC 19 Development should incorporate indoor and outdoor pedestrian malls; squares and courtyards and other appropriate outdoor spaces to cater for visitors and employees and facilitate pedestrian movement within the area and to adjacent land, such spaces should incorporate landscaping and amenities for pedestrians including pedestrian paths, seating, lighting and pedestrian shelters as appropriate.

PDC 20 Services, mechanical plant and equipment should be located and where necessary, screened, so as not to be visible from adjacent street and public places.

PDC 21 Buildings should be designed to avoid effects on privacy and views of nearby residential development or have detrimental microclimatic effects of over-shadowing, wind and glare.

PDC 22 Development should not result in emission of noise, atmospheric, liquid or other pollutants which would prejudice the amenity of adjacent properties and public spaces.

PDC 23 Development should be designed and located so as to achieve economy in the provision of public services and should not lead to any pollution of water resources through disposal of effluent or wastewaters or other materials.

Comment

PDC 19, above is considered to be irrelevant to the proposal as it relates to retail development. It is noted, however, that landscaping will be provided along the frontage of the site. Plant and associated equipment will be contained within the confines of the building and therefore adequately screened from public view. Also, the bulk and scale of the building (single storey with a total height of 5.5m) and its location in the centre of the site will not overlook or overshadow adjoining development.

.../cont.

2.1 455/1389/07 DAVID ANDREW (Continued)

The proposed development will have some impact upon surrounding residents in terms of noise, however this will be minimised as much as possible by the design if the development in which plant will be contained within the building and the imposition of a number of conditions requiring the development to comply with relevant Environmental Protection Authority (EPA) noise requirements and standards.

Given the fact that the proposed development has the necessary trade waste permits and is designed to recycle 85% of its waste water, the proposal is considered to meet the requirements of PDC's 22 and 23, above.

Advertising Displays

PDC 24 Advertising displays should enhance the amenity and streetscape of the locality and be designed so that:

- (a) the scale, type, design, location, materials, colour, style and illumination of any advertising display is compatible with the design and character of the buildings and land to which it is related;
- (b) the advertising displays are integrated with the architectural form, style and colour of buildings;
- (c) the supporting structure is concealed from view wherever possible.

PDC 26 Advertising displays including traffic signs should not obscure views of, or the architectural form and detail of heritage buildings.

PDC 27 The scale, type, design and location, and the materials, style and illumination of any sign should be compatible with the historic townscape character of the locality.

PDC 28 Other than in Policy Areas 3 and 4, pylon signs, architecturally integrated roof signs, signs above verandahs, large signs, flashing and animated signs, internally illuminated signs and hoardings should not be established. Sky signs located above the roof ridge or parapet are inappropriate in all policy areas.

Comments

The proposed pylon advertising sign is considered to be at variance with PDC 24 as it is of a size and in a location which is not compatible with the design of the building. However, the sign will not obscure views of the cottages opposite located in the Goolwa State Heritage Area.

Bulky Goods Policy Area 4

PDC 63 Development should primarily include:

.../cont.

2.1 455/1389/07 DAVID ANDREW (Continued)

- (a) retail showrooms; and
- (b) other bulky goods establishments with a gross leasable area of 500 square metres or more, including premises used primarily for the sale, display or offer by retail of hardware, office equipment and supplies or other items (goods or materials) which are predominantly of such a size, shape or weight as to require an extensive area for handling, storage or display.

PDC 64 Development should not include premises used primarily for the sale, display or offer by retail of foodstuffs, clothing, sporting goods and personal effects goods.

Comments

The proposal is considered to be at variance with PDC 63, above as it is a carwash, however, as this PDC states; "Development should primarily include... "it provides scope of other land uses not described by the Principle.

- PDC 65** Development should:
- (a) ensure that there is no significant nuisance or loss of amenity in nearby residential areas;
 - (b) maintain and where necessary improve the safe and efficient movement of traffic on adjoining roads;
 - (c) provide adequate on-site employee and visitor car parking;
 - (d) ensure that all loading and unloading takes place on the site; and
 - (e) provide appropriate landscaping which:
 - (i) softens the appearance of buildings and paved areas and generally enhances the amenity of the locality;
 - (ii) ensures adequate sight lines and vehicle ingress and egress points; and
 - (iii) provides canopy shade trees to car parking areas.

Comments

Although it is difficult to assess the impact or nuisance on the adjoining residential areas, this nuisance will be minimised as much as possible through the imposition of conditions limiting the hours of operation and minimising the noise and light spill from the proposal.

- PDC 66** Buildings should:
- (a) be designed to a high architectural standard;
 - (b) be set-back a distance which ensures that there will be no detrimental impact on the streetscape and allow for appropriate landscaping between the building and the road; and

.../cont.

2.1 455/1389/07 DAVID ANDREW (Continued)

(c) not detract from the form, scale and setting of the dwellings located within the adjacent Goolwa State Heritage Area.

PDC 67 Shade trees should be established adjacent to the frontage of Oliver Street to minimise the impact of development on the adjacent Goolwa State Heritage Area.

Comments

The proposal is considered to generally comply with the above. Although the building has not been designed to a high architectural standard, it is considered to be of a bulk and scale and in a location which is entirely appropriate for the locality and which will not detract significantly from the amenity of the locality and nearby State Heritage Area.

It is noted however, that the proposed development is considered to be at variance with PDC 67 as there has been no provision made for the location and planting of shade trees along the Oliver Street frontage. Given the size of the allotment and type of development proposed there is not sufficient area within the allotment to plant these trees.

CONCLUSION

Being located in a District Centre Zone, a commercial development of this nature is considered to be an appropriate land use and the design of the proposed development is considered to be appropriate within the locality. An assessment of the Development against the relevant Objectives and Principles of Development Control from the Alexandrina Development Plan has revealed that there is enough merit in the proposal to warrant the granting of Development Plan Consent.

Of concern however, is the sites close proximity to existing residential development and the potential impacts upon these areas through noise and light spill as evidenced by the written concerns of local residents. As the site is on the boundary of a number of contrasting zones, conflict between land uses is inevitable. However, these impacts will be minimised through the imposition of conditions which the owner/operator will be required to comply with.

RECOMMENDATION

That the Development Assessment Panel grant Development Plan Consent to Development Application 455/1389/07 for a Carwash at 15 and 15 Oliver Street, Goolwa subject to the following conditions and notes:

.../cont.

2.1 455/1389/07 DAVID ANDREW (Continued)

Conditions:

1. The development herein approved to be carried out in accordance with plans and details accompanying this application (plans and associated details received by Council on 9 November 2007).
2. Site stormwater run-off to be contained, treated and re-used on site.
3. All of the carparks, driveways and vehicle manoeuvring areas shall be constructed and bituminised or brick paved or concreted in accordance with sound engineering practice prior to the occupation or use of the development herein approved.
4. Vegetation planted on the corner of Governor/Oliver Street and along these road frontages (per the Site Plan) shall use plant species which have a maximum mature height of 900mm. This landscaping shall be maintained in good health and condition at all times. Any such vegetation shall be replaced if and when it dies or becomes seriously diseased.
5. External finishes to the building or structure herein approved shall be in accordance with the materials as specified in the application now approved.
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.
7. Management of the property shall be undertaken in such a manner as to prevent denudation, erosion and pollution of the environment.
8. 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.
9. The premises shall only be used between the hours of 6 am to 10 pm inclusive unless written approval to vary the times is given by Council.

.../cont.

2.1 455/1389/07 DAVID ANDREW (Continued)

10. No form of public address system must be installed so as to be audible from outside the building.
11. 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.
12. No sound shall be emitted from any machinery, equipment or device, or from any other source whatsoever on the subject land, in such a manner as to contravene the Noise Control Act and Regulations.
13. The illuminated signs should not be of a light intensity to cause a light overspill nuisance to adjoining residential development, and shall be illuminated only during operating hours (6am to 10pm).
14. All external lighting shall be directed away from residential development and if necessary, shielded to prevent light spill causing nuisance to the occupiers of those residential premises
15. The applicant/owner must obtain all necessary STEDS and Trade Waste Approvals and permits prior to the granting of Development Approval.

Notes:

1. Unless no approval is required, other signs must not be constructed or displayed without the relevant approval.
2. Fences Act 1975
The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 8463 3555.

3. DEVELOPMENT APPLICATIONS - NON COMPLYING

3.1 455/D062/07 NEVILLE JENKINS

SUMMARY TABLE

Date of Application	09.08.2007
Subject Land	Lot 92+Clayton Milang Road, Milang
Assessment No.	A20338
Relevant Authority	Alexandrina Council
Planning Zone	Waterfront Zone, General Farming (Strathalbyn) Zone
Nature of Development	Boundary Realignment
Type of Development	Non-Complying
Public Notice	Category One
Referrals	DWLBC
Representations Received	N/A
Representations to be heard	N/A
Date last inspected	18 January 2008
Recommendation	Approval subject to concurrence from DAC
Originating Officer	Cherry Getsom

ESD IMPACT/BENEFIT

- Environmental Minimal
- Social Positives for property owner
- Economic Positives for Property owner

THE PROPOSAL

Nature of Development

The subject land consists of Certificate of Title (CT) 5485/360, CT 5260/502 and part CT 5640/732, more commonly known as Lots 92 and 93 Public Road, Clayton. The land is located within both the General Farming (Strathalbyn) Zone and the Waterfront Zone of the Alexandrina Development Plan (Consolidated 23rd November 2006).

.../cont.

3.1 455/D062/07 NEVILLE JENKINS (Continued)

The proposed boundary realignment seeks to alter the four existing titles and in doing so creates an additional part allotment within the Waterfront Zone.

The creation of additional allotments within this zone is a non-complying form of development...

Detailed Description

The subject land currently exists as 4 allotments:

1. Pieces 92 and 93 comprises approx. 194ha , the pieces are separated by a closed road. No structures are contained within these pieces. Piece 92 and 93 have existing access via the Clayton- Milang Road
2. Pieces 6 and 7 comprises approx. 139ha, the pieces are separated by a closed road. Two habitable dwellings exist on piece 6 along with associated shedding and outbuildings. These Pieces are bounded by the Clayton- Milang Road, Kindaruar Road, an unmade public road and Pieces 92 and 93.
3. Section 69 comprises approx. 20.6ha and contains no structures. This Section abuts Pieces 6 and 7 and access can be obtained via an unmade public road on both the eastern and western boundaries.
4. Section 62 is approx 25ha and also contains no structures. It abuts Piece 7 and can also obtain access via unmade public roads on both the eastern and western boundaries.

The proposed re-alignment seeks to create:

1. Allotment 23 of approx 4.047ha and will include one of the existing dwellings and shedding. This allotment maintains existing road frontage.
2. Allotment 24 of approx 30.55ha and will include the second existing dwelling and the balance of the shedding. This allotment also maintains existing road frontage.
3. Pieces 21 and 22 of approx 298.75ha containing no structures with existing road frontage.
4. Allotment 20 of approx of 45.75ha containing no structures, with existing road frontage.

All parcels are primarily utilised for grazing purposes and are currently within the one ownership. A number of structures exist on the subject land, principally two farmhouses and associated shedding. These structures are clustered in the central northern portion of existing Piece 6. A number of trees are located around these dwellings.

REFER ATTACHMENT 3.1(a) (Page 19)

.../cont.

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3.1 455/D062/07 NEVILLE JENKINS (Continued)

SITE & LOCALITY

The subject land itself incorporates four existing titles of a variety of sizes and shapes, with old unmade roads separating a number of pieces. As previously noted the land is primarily utilised for grazing purposes.

It is relatively low lying and is located within the vicinity of Lake Alexandrina, existing Pieces 6 and 92 are adjacent the lake. Land surrounding the subject allotments is also used for primary production purposes.

Access to Pieces 6 and 7 and 92 and 93 is available from Kindaruar Road and Clayton - Milang Road. Section 62 and Section 69 have access via two unmade public roads, on the eastern and western boundaries.

PUBLIC NOTIFICATION

The proposal is considered a Non Complying form of development as it involves the creation of an additional part allotment within the Waterfront Zone. The proposal does not, however, increase the number of existing allotments and pursuant to Part 4, Section 17 6 (c) of the Development Regulations (1993) no Statement of Effect is required. Additionally Schedule 9 Section 2, 3 (c) allows for the application to be assessed as a Category One application and therefore no public notification is required.

REFERRALS

A mandatory referral was undertaken with the Department of Water Land and Biodiversity Conservation (DWLBC) in accordance with Section 37 of the Development Act (1993). DWLBC noted:

"The proposed development involves the division of four existing allotments to create four new allotments on land zoned Waterfront and General Farming. No watercourses are located on the site, however, one of the pieces is located adjacent to Lake Alexandrina and a site which may contain vegetation that is associated with Southern Emu Wren (threatened species) habitation. It is unlikely that the approval of this land division would intensify land and result in any changes that might have an affect on this habitat"

DWLBC have included a note advising the applicant of their obligations under the Environment Protection and Biodiversity Conservation Act (1999).

.../cont.

3.1 455/D062/07 NEVILLE JENKINS (Continued)

CONSULTATION

Consultation has been undertaken with Council's Environmental Health Department who had no comments to make regarding this proposal.

Consultation has been undertaken with Council's Engineering and Infrastructure Services who advises access to the newly created allotment 23 will need to be provided to the Council's satisfaction.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

The following Principles of Development Control are seen as especially relevant to this application:

Council Wide:

Objectives	1, 27
Principles of Development Control	6, 7,8,9,10,

Strathalbyn District

Principles of Development Control	9,10
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General Farming (Strathalbyn) Zone

Objectives	1, 2
Principles of Development Control	8

Waterfront Zone:

Objectives	1, 2
Principles of Development Control	4,7,8,9,12

REFER ATTACHMENT 3.1(b) (Page 28)

Zone Objectives

The subject land is located within two zones, the General Farming (Strathalbyn District) Zone and the Waterfront Zone. The proposal in effect reduces the number of allotments within the General Farming Zone whilst increasing by one the number of allotments within the Waterfront Zone. The principal objectives of both these zones relate to retention of land for primary production purposes and protection and retention of the open rural character of the zones.

Whilst the proposal does create an additional title within the Waterfront Zone, the allotments are configured such that those containing existing dwellings are of a size that will limit possibilities for any intensive future development. Additionally, it creates a much larger allotment within the Waterfront Zone, which in effect limits development potential.

.../cont

3.1 455/D062/07 NEVILLE JENKINS (Continued)

The proposal is intended to re-align the boundaries to match the existing dwelling pattern on the subject land. The current allotment pattern includes one allotment containing two existing dwellings, and three allotments that are capable of further development. The proposed allotment pattern, whilst creating a smaller allotment, separates the existing dwellings so that they are on individual titles, and reduces the number of allotments with the potential for future development from three to two.

The proposal is therefore considered to comply with the objectives of both zones.

Conservation

The Application does not include the removal of any native vegetation. A referral to DWLBC has highlighted no major concerns with the proposal and its possible impacts on the locality and in particular Lake Alexandrina.

CONCLUSION

The proposed boundary realignment is considered to be an orderly form of development as it results in the existing dwellings being located on their own allotments. The boundary realignment does not compromise the objectives or principles of either of the affected zones, as such, Approval is recommended.

RECOMMENDATION

The Development Assessment Panel approve Development Application No. 455/D062/07 for a Boundary Realignment at Pieces 92 and 93, Pieces 6 and 7 and Section 62 and 69 Clayton Milang Road, subject to the concurrence of the Development Assessment Commission, and the following conditions:

DAC Requirements:

1. That two copies of a certified survey plan shall be lodged for Certificate purposes.

Council Requirements:

1. Access roads shall be sealed and maintained to the satisfaction of Council.

Advice Notes:

1. This advice does not obviate any considerations that may apply to the Commonwealth Government's Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

4. DEVELOPMENT APPLICATIONS - CATEGORY 3

4.1 455/640/06 GIUSEPPE POLITO

SUMMARY TABLE

Date of Application	8 th June 2006
Subject Land	46 Waterport Road Port Elliot Lot 144 Waterport Road Port Elliot5830549
Assessment No.	A3896
Relevant Authority	Alexandrina Council
Planning Zone	Landscape (Pt Elliot and Goolwa District)
Nature of Development	Change Of Use – Restaurant / Café(Non-Complying)
Type of Development	Non-Complying
Public Notice	Category 3
Referrals	N/A
Representations Received	22
Representations to be heard	Nil
Date last inspected	December 2007
Recommendation	Approval Subject to Development Assessment Commission Concurrence
Originating Officer	Andrew Sladden

ESD IMPACT/BENEFIT

- Environmental Minimal
- Social Benefit to local community and tourism for the region through the provision of another restaurant
- Economic Benefit to owner and local economy through provision of another local business

BACKGROUND

The subject site is currently being used for the baking and sale of wood oven bread and focaccia on weekends. Although not an approved use, this activity has been undertaken on the site by the owners for a considerable length of time.

.../cont.

4.1 455/640/06 GIUSEPPE POLITO (Continued)

The Development Application was presented to the Development Assessment Panel in August 2007 where the Panel resolved to proceed with the assessment of the Application.

THE PROPOSAL

Nature of Development

Given the fact that the subject site is located within the Landscape (Port Elliot and Goolwa) Zone, an application for a partial change of use of this nature (restaurant/cafe) is considered to be a non-complying form of development as it is not specifically listed as an exemption pursuant to Principle of Development control 7 for the Zone.

Detailed Description

The Applicant seeks to operate a restaurant/café on the subject site for one night a week for up to 18 guests. The restaurant will be located in an existing building at the rear of the dwelling and car parking for at least 9 cars will be provided on site.

The building to be used for the restaurant has a total floor area of 195m², of which 85.5m² will be used for the restaurant with the rest of the building being divided into the kitchen, wood ovens, storage room and toilet facilities.

A total of eighteen (18) patrons will be catered for on site and the applicant has applied for a liquor licence in order to be able to serve alcohol to the guests.

It is noted that the owners and operators of the restaurant will continue to live on the property within the existing dwelling.

REFER ATTACHMENT 4.1(a) (Page 31)

SITE & LOCALITY

The subject site is a large residential allotment located on the northern side of Waterport Road. The subject site consists of two existing allotments with an existing dwelling facing Waterport Road setback approximately 10m from the front boundary. The building proposed to be used for the restaurant/cafe is located directly behind the dwelling and is not visible from public view. There are also numerous sheds and outbuildings located on the subject site.

.../cont.

4.1 455/640/06 GIUSEPPE POLITO (Continued)

The locality is varied, ranging from the large residential and rural land holdings on the northern side of Waterport Road, including a health retreat/day spa (Authenticity) located approximately 100m from the subject site, to the large residential allotments located along the southern side of Waterport Road. Land to the north, west and east of the subject site is used for farming (grazing and cropping).

PUBLIC NOTIFICATION

The application notified as a Category 3 development pursuant to Section 38(5) of the Development Act 1993 between 4 December 2007 and 19 December 2007.

Twenty two representations were received within the notification period. All of the representors are in support of the proposed development and none of the representors indicated that they wish to be heard at the Development Assessment Panel meeting.

REFER ATTACHMENT 4.1(b) (Page 45)

REFERRALS

This Development Application does not generate any formal referrals to any Government Agencies.

CONSULTATION

Consultation has been undertaken with Council's Engineering and Infrastructure Services Department (Engineering Project Officer Stewart Ratcliff) with regard to the access and carparking area. The advice of the Engineering Project Officer is that the carpark and access point are generally acceptable and comply with the relevant Australian Standards, but the approval should be reinforced up with a Condition requiring compliance with Australian Standards.

Consultation has been undertaken with Council's Environmental Health Department (EHO Luke Siedel) with regard to the Kitchen and cooking facilities. The advice of the EHO is as follows:

"The kitchen facilities for the above mentioned application mostly comply with the requirements of the Food Safety Standards. Given that the facilities are already in place and the applicant is applying for a retrospective approval, Council's EHOs have already had an opportunity to inspect the premises. The issues highlighted in the June 27, 2007 inspection are minor infringements relating to food safety practices and not the facilities themselves.

.../cont.

26

4.1 455/640/06 GIUSEPPE POLITO (Continued)

Given that there is a commercial grade dishwashing machine on site I would, however, have concerns regarding the size of the existing grease arrestor. The sizing of the grease arrestor must be addressed in the Application to Alter a Waste Control System associated with this application."

It is noted that the Waste Control System Application is being assessed concurrently with this application.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

As the Development Application was lodged in August 2006, the proposal has been assessed against the Development Plan in force at the time of lodgement, being that Consolidated on 24 November 2005. The following Principles of Development Control are seen as especially relevant to this application:

PART A – COUNCIL WIDE

OBJECTIVES

Form of Development

Objective 1: Orderly and economic development.

Comment

Given the fact that there is an existing tourist/commercial development within the locality (Authenticity Health Retreat) it can be argued that the proposed development complies with the above as it is creating another similar development (commercial/tourism) within the same locality. However, it can also be argued that as the locality is predominantly rural/residential, the proposed development is not orderly or economic. As the abovementioned Objective is so subjective, it is difficult to define what constitutes "orderly and economic" and therefore little weight should be placed upon it.

Objective 2: A proper distribution and segregation of living, working and recreational activities by the allocation of suitable areas of land for those purposes.

Comment

The proposal is considered to be at variance with the above as this land has not been set aside (hence the zoning and non-complying nature of the development) for such commercial development.

.../cont.

27

4.1 455/640/06 GIUSEPPE POLITO (Continued)

Movement of People and Goods

Objective 18: The free flow of traffic on roads by minimising interference from adjoining development.

PRINCIPLES OF DEVELOPMENT CONTROL

Movement of People and Goods

PDC 101 Development within the Port Elliot and Goolwa District as identified on [Map Alex/1 \(Overlay 1\) Enlargement G](#) should have car parking spaces on the site, or on a site nearby approved by the planning authority, at a rate not less than that prescribed in [Table Alex/3](#), unless otherwise varied by the specific zone provisions which apply.

PDC 102 Development and associated points of access and egress should not create conditions that cause interference with the free flow of traffic on adjoining roads.

Comment

The proposed carparking area utilises an existing access point and driveway which is 9m wide according to the amended Site Plan. This is wide enough to facilitate forward entry and exit of vehicles and areas to allow vehicles to turn around eliminating the need to reverse a vehicle onto the road. This will help to minimise any impact upon Waterport Road.

Also, Table Alex/3 provides for 1 carparking space per 10m² for restaurants. Given the fact that the restaurant portion of the building is 85.5m² and the applicant has provided plans showing 9 carparking spaces the proposed development is considered to comply with Table Alex/3 and PDC 101, above.

LANDSCAPE (PORT ELLIOT AND GOOLWA DISTRICT) ZONE

OBJECTIVES

Objective 1: A zone comprising land which has significant landscape qualities and which is to be retained in use for farming purposes and for natural open space.

PRINCIPLES OF DEVELOPMENT CONTROL

Conservation

PDC 2 Development of land in this Zone should not prejudice the conservation of water resources, natural bushland and the rural landscape, and should not create noxious weed or bushfire hazards, or other environmental problems.

.../cont.

4.1 455/640/06 GIUSEPPE POLITO (Continued)

PDC3 Development should be undertaken so as to retain existing vegetation in conjunction with provision of adequate bushfire protection measures. Additional landscaping should be provided where building development is proposed.

Comment

Given the fact that the proposed development is of a commercial nature, that the proposed development can be considered to be variance with the above as the site is not being used or retained for farming or open space. However, as the building housing the proposed land use is existing, it is considered that the proposal neither complies or is at variance with the above. Also, as there is no building work involved, there will be minimal impact upon the existing natural environment.

Appearance of Land and Buildings

PDC 5 Development should be of a high standard of design with regard to external appearance, building materials, colours, siting, landscaping and provision for future maintenance, so as to preserve and enhance its appearance of land in the Zone.

PDC6 Buildings and structures should be sited unobtrusively or set-back from roads, and screened from view with vegetation so as to preserve the landscape qualities and amenity of the locality and, in particular, the scenic character of views from Crows Nest Road and the Port Elliot and Goolwa Road.

Comment

As the built form is existing, the proposal is considered to comply with the above.

CONCLUSION

The proposed development, although non-complying in nature, is considered to display enough merit to warrant the granting of Development Plan Consent through its general compliance with the relevant Objectives and Principles of Development Control from the Alexandrina Development plan as evidenced in my assessment above.

This is partly due to the fact that the proposed use will be undertaken in an existing building which will minimise any building work and subsequent impact upon the surrounding environment. Also, as evidenced from the number of representations received supporting the proposed development and lack of complaints regarding the existing operation, it is considered that the proposed development will have minimal impact upon the surrounding locality.

.../cont.

4.1 455/640/06 GIUSEPPE POLITO (Continued)

RECOMMENDATION

That the Development Assessment Panel grant Development Plan Consent to Development Application 455/640/06 for a partial change of use - Restaurant/Cafe at 46 Waterport Road, Port Elliot subject to the following conditions and notes and subject to Approval for the Modified Waste Control System and 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 12 October 2007).
2. Driveways, vehicles manoeuvring and parking areas shall be constructed to Australian Standard AS2890.1 (Carparking Facilities) and be of compacted rubble, bitumen or brick prior to occupation or use of the development herein approved. Such surfaces shall be maintained in a good and substantial condition at all times to the reasonable satisfaction of Council.
3. All kitchen and cooking facilities must comply with the requirements of the Food Act 2001, Food Regulations 2002 and the Food Safety Standards.
4. 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.
5. Floodlighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such manner as to cause no light overspill nuisance to adjacent residential development.
6. The loading and unloading of goods from vehicles must only be carried out on the subject land.
7. No signs are to be erected or displayed on the building or about the site without the prior consent of Council.
8. The land use herein approved (Restaurant) shall only be operated between the hours of 9am to 12am unless written approval to vary these times is given by Council.
9. The restaurant shall have a maximum capacity of eighteen (18) persons at any time.

5. DEVELOPMENT APPLICATIONS - LAND DIVISION / COMMUNITY TITLE

6. DEVELOPMENT APPLICATIONS - BUILDING

7. MATTERS REFERRED FOR FOLLOW - UP

8. GENERAL ITEMS FOR DISCUSSION