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 Community Chambers "wal Yuntu Warrin" on 13 August 2008 commencing at 11:00 am

Your attendance is requested.

11:00 a.m. Development Assessment Panel commencement

12:30 p.m. Conclusion of meeting.

JOHN COOMBE CHIEF EXECUTIVE

ALEXANDRINA COUNCIL

AGENDA FOR THE DEVELOPMENT ASSESSMENT PANEL MEETING TO BE HELD ON 13 AUGUST 2008 AT 11:00 AM IN COMMUNITY CHAMBERS "WAL YUNTU WARRIN"

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Development Assessment Panel Report and Agenda on 13 AUGUST 2008 commencing at 11:00 am in the Community Chambers "Wal Yuntu Warrin"

PRESENT

APOLOGIES

IN ATTENDANCE

ITEM 1 <u>CONFIRMATION OF MINUTES</u>

Minutes of the Alexandrina Council Development Assessment Panel held on 16th July 2008.

RECOMMENDATION

That the minutes of the Alexandrina Council Development Assessment Panel held on 16th July 2008 as circulated to members be received as a true and accurate record.

ITEM 2. <u>DEVELOPMENT APPLICATIONS</u>

ITEM 3. <u>DEVELOPMENT APPLICATIONS - NON COMPLYING</u>

ITEM 4. <u>DEVELOPMENT APPLICATIONS - CATEGORY 3</u>

4.1 455/507/08 - P S Goolwa Investments Pty Ltd

SUMMARY TABLE

Date of Application	7 May 2008	
Subject Land	Section 356 (Wharf) Cutting Road, Goolwa	
Assessment No.	A 6440	
Relevant Authority	Alexandrina Council	
Planning Zone	Historic Waterfront	
Nature of Development	Mooring of the PS Goolwa at Hector's Wharf, to be used as a Cellar Door / Wine Bar with associated Bed & Breakfast and signage.	
Type of Development	Merit	
Public Notice	Category 3	
Referrals	Department for Environment and Heritage, Department of Water, Land and Biodiversity Conservation, Alexandrina Council (for landowner consent)	
Representations Received	1	
Representations to be heard	1	
Date last inspected	29 July 2008	
Recommendation	Approval with conditions	
Originating Officer	Matt Atkinson	

ESD IMPACT/BENEFIT

 Environmental 	Negligible impact expected as the PS Goolwa
	will remain moveable and all waste will be
	removed from the boat appropriately.
 Social 	Benefits to the local community through the
	provision of an additional tourist facility within a
	tourism area.
 Economic 	Boost to the local economy through the addition
	of a tourism development.

BACKGROUND

This Development Application was initially lodged for the relocation of the PS Goolwa to the Goolwa Wharf. However, as a result of public notification and the cooperation of the Applicant and the Representor, the Application has been amended for the PS Goolwa to be moored at Hector's Wharf, located immediately south of the Goolwa Wharf. Details of this process are included under the heading Public Notification.

THE PROPOSAL

Nature of Development

Mooring of the PS Goolwa (a Paddle Wheeler River Boat) at Hector's Wharf, to be used as a Cellar Door/Wine Bar with associated Bed and Breakfast and signage.

Detailed Description

The proposed development incorporates the relocation of the PS Goolwa from its current mooring adjacent to Bristow-Smith Reserve at Barrage Road, Goolwa South, to Hector's Wharf which is located immediately south of the main Goolwa Wharf. The PS Goolwa is to be used as a Cellar Door and Wine Bar with associated Bed and Breakfast accommodation incorporating seven (7) cabins of varying size.

The PS Goolwa consists of three levels, the main deck, the upper deck and the wheel house deck. The main deck incorporates a cellar door wine sales and tasting area, a wine bar area (undercover and on the front deck), a galley (kitchen), two (2) cabins, two (2) bathrooms, a laundry and the engine room. The upper deck incorporates another bar and lounge, five (5) cabins, two (2) bathrooms and a deck. The wheel house deck is a single cabin containing the boats control room (wheel house).

The proposed development includes two (2) 3m x 800mm signs (banners) to be attached to the upper deck railings on either side of the boat. The Applicant has also proposed three (3) sandwich board signs to be located at various points around the locality. The sandwich board signs do not require Development Approval and, as such, should not be considered as part of this application. A separate application must be made to the Council (as the landowner) for the sandwich board signs to be displayed.

There is adequate area for car parking located on Council land adjacent to Hector's Wharf. Plans and details of the proposed development are attached.

REFER ATTACHMENT 4.1(a) (page 1)

SITE & LOCALITY

The PS Goolwa is to be moored at Hector's Wharf, which is located at the southern end of the historic Goolwa Wharf area. The subject land is located within the Historic Waterfront Zone, as identified within the Council's Development Plan. The subject land is also within a State Heritage Area.

The locality consists of a mixture of land uses including the Steam Exchange Brewery, the Goolwa Railway Station, a boat shed (used for wooden boat building and restorations) and Hector's on the Wharf café. Signal Point Information Centre and the Hindmarsh Island Bridge are located within the broader locality.

A plan of the subject land and locality is attached.

REFER ATTACHMENT 4.1(b) (page 8)

PUBLIC NOTIFICATION

The Application was publicly notified as a Category 3 development, pursuant to Section 38(5) of the Development Act 1993, (within The Times) between 20th May 2008 and 4th June 2008.

One (1) representation was received opposing the development. The key concerns of the Representor are set out below:

Approximately 50% of the vessel could be used for private use;

A private mooring would not be appropriate;

In principle, the proposed land use is not objected to:

The proposed mooring location is inappropriate, as it will obstruct views of the river obtained from the Steam Exchange Brewery;

Parking is a problem on weekends and during school holidays;

Other smaller vessels will not be able to access the Goolwa Wharf;

An alternate appropriate site would be Hector's Wharf to the immediate south of the Goolwa Wharf, this location would not obstruct any views and has ample car parking areas nearby.

A full copy of the representation is attached.

REFER ATTACHMENT 4.1(c) (page 9)

The Applicant was sent a copy of the representation and subsequently met with the representor to discuss their issues. As a result of this discussion, the Applicant agreed to amend the Application to alter the mooring location of the PS Goolwa to Hector's Wharf.

An amended mooring plan was subsequently lodged with the Council. The amended plans are now the subject of this Development Application.

REFERRALS

The proposed development was referred to the Department for Environment and Heritage (Heritage Branch) as the subject land is located within a State Heritage Area. The Heritage Branch considered that the proposed development was acceptable for the following reasons:

The proposed use is consistent with the desired uses for the Goolwa Wharf; Permanent mooring has no more or less impact on the State Heritage Area than temporary mooring; and

The proposed signage will not affect the State Heritage Value of the locality.

A full copy of the Heritage Branch response is attached.

REFER ATTACHMENT 4.1(d) (page 13)

The proposed development was also referred to the Department of Water, Land and Biodiversity Conservation (DWLBC) as the subject land is located within the River Murray Protection Area. The DWLBC considered that the proposed development was acceptable as it will not result in any loss of native vegetation, it will not impair the natural flow regime of the River and it is unlikely to have any adverse impact on water quality.

Should the Panel be of a mind to grant Development Plan Consent to this application, the DWLBC has directed that one (1) condition and four (4) advice notes be attached to the decision.

A full copy of the DWLBC advice and proposed conditions is attached.

REFER ATTACHMENT 4.1(e) (page 14)

In addition to the statutory referrals, the Application was referred to the Council's Governance Area for permission to relocate the PS Goolwa to Hector's Wharf on a semi-permanent basis. The Council's Governance Officer, Pauline Bence, presented the proposal to a meeting of the Alexandrina Council on 7 July 2008. The Council resolved to support the relocation of the PS Goolwa to Hector's Wharf, subject to the Applicant gaining Development Approval for the Development.

A full copy of the relevant item from the Council Minutes dated 7 July 2008 is attached.

REFER ATTACHMENT 4.1(f) (page 17)

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

The Application was lodged with the Council on 7 May 2008. As such, the Alexandrina Council's Development Plan, consolidated on 20 March 2008 applies.

The following Objectives and Principles of Development Control (PDC's) are seen as especially relevant to this application:

Council Wide

Objectives: 1, 2, 27, 34, 36, 38, 51, 52 & 53.

PDC's: 1, 2, 107, 142, 143, 144, 145, 147, 194, 195, 198, 199, 205, 217, 218,

219, 220, 221, 224, 225, 227, 231, 234, 238, 240, 242, 248 & 249.

Port Elliot & Goolwa District

Objectives: 4, 14, 15 & 18.

PDC's: 1, 7, 9, 11 12, 13, 14 & 31, 33 & 59.

Historic Waterfront Zone

Objectives: 1, 2, 3, 4, 5, 7 & 8.

PDC's: 1, 2, 4, 7, 8, 9, 10, 13, 16, 19, 20 & 21.

The key considerations of this assessment relate to the appropriateness of the proposed land use, the impact on the historic character of the State Heritage Area, and the impact on the environment with an emphasis on the River Murray.

Accordingly, the key issues are discussed in detail below.

Land Use

The subject land is located within the Historic Waterfront Zone. The following Objectives as listed within the Zone provisions are considered most relevant when determining the appropriateness of the land use:

Historic Waterfront Zone Objective 1 states:

"Promotion and development of the zone as an historic river port through the conservation of buildings, places of local heritage significance, and sympathetic new buildings, landscaping and other works."

The Historic Waterfront Zone Principles of Development Control (PDC's) reflect Zone Objective 1. Waterfront Zone PDC 1 states:

"Development should comprise a range of tourist, visitor, community, cultural, entertainment and education/interpretation facilities that enhance the historic river port character and image of the zone."

Historic Waterfront Zone PDC 2 provides guidance for development located specifically within the wharf precinct. Historic Waterfront Zone PDC 2 states:

"Buildings and development within that part of the zone comprising the wharf and railway station should relate primarily to wharf and river activities."

The proposed development is considered to be consistent with the Objectives and Principles of Development Control for the Historic Waterfront Zone. The proposal incorporates the reuse of a river boat for tourism purposes, which is consistent with the desired land uses within the Zone. The mooring of a river boat at Hector's Wharf is consistent with the historic use of the wharf.

The Council Wide provisions of the Development Plan provide further guidance in respect to the appropriateness of the land use. Council Wide Objective 36 states:

"The facilitation and encouragement of the continued use or adaptive reuse of places of heritage value."

The proposed relocation of the PS Goolwa to Hector's Wharf and the adaptive reuse of the boat for a Cellar Door and Wine Bar with an associated Bed and Breakfast is considered to be consistent with the Objectives of the Zone and an excellent example of the intent of Council Wide Objective 36.

Further, Council Wide PDC 234 states:

"Tourism developments should:

- (a) enhance the character of the locality in which they are to be located;
- (b) be compatible with the cultural and heritage values of the locality and the Region;
- (c) be small in scale and designed and sited to be compatible with the local environment;
- (d) enhance the visual amenity of the locality;
- (e) utilise, where possible, existing buildings, and particularly heritage buildings."

It is considered in this instance that the proposed land use is consistent with all of the criteria listed in PDC 234 above. The Council Wide provisions of the Development Plan seek to encourage tourist accommodation in appropriate locations. The subject land is considered to be well suited for its intended use due to its location within the historic wharf area of Goolwa. The proposed land use is therefore considered to be appropriate.

State Heritage Area

The proposed development is located within the Goolwa State Heritage Area. As such, the development was referred to the Department for Environment and Heritage (Heritage Branch). The Heritage Branch has assessed the impact of the proposed development on the character of the locality and has considered the proposed development to be appropriate.

Council Wide Principles of Development Control 217 to 221 relate specifically to heritage with an emphasis on appropriate land uses within heritage areas. As previously mentioned, the proposed adaptive reuse of the PS Goolwa and its mooring at Hector's Wharf is considered to be appropriate in terms of the historic character of the area.

Environment & River Murray

Historic Waterfront Zone, Principle of Development Control 13 states:

"Development should be designed to protect and enhance the water quality of the River Murray by ensuring that stormwater from roofs, parking areas and other hard surface is appropriately managed."

The PS Goolwa incorporates two large holding tanks. A fresh water tank with a capacity of 4000 litres and a grey water and sewerage tank with a capacity of 5000 litres. The grey water and sewerage holding tank will be emptied at regular intervals and there is very little chance of any spillage into the River system.

The Application was also referred to the Department of Water, Land and Biodiversity Conservation (DWLBC). The DWLBC considered that the proposed development was acceptable as it will not result in any loss of native vegetation, it will not impair the natural flow regime of the River and it is unlikely to have any adverse impact on water quality.

Accordingly, the proposed development is not expected to result in any adverse impacts on the environment.

SUMMARY

The proposed mooring of the PS Goolwa at Hector's Wharf, to be used as a Cellar Door/Wine Bar with associated Bed and Breakfast, is considered to be appropriate in terms of land use, heritage character and the environment. Tourism land uses are encouraged within the Historic Waterfont Zone, provided that the use is compatible with the historic uses of the wharf.

Utilising a river boat for the purpose of providing a tourist destination (Cellar Door and Wine Bar) and tourist accommodation (Bed & Breakfast) is considered to be an appropriate reuse of the wharf area. The proposed development is also considered to complement the existing land uses at the wharf by providing another destination for visitors to the area. The other businesses within the Wharf area are expected to benefit from the establishment of this new use.

The proposed signage is considered to be appropriate in scale and materials, and the development has been endorsed by the State Heritage Branch. Similarly, the Department of Water, Land and Biodiversity Conservation has also recommended that the proposal be approved as the development is not expected to have any adverse impacts on the environment.

It is therefore considered that the proposed development is generally consistent with the Objectives and Principles of Development Control as listed within the Development Plan. Accordingly, it is recommended that Development Plan Consent be granted.

RECOMMENDATION

That the Development Assessment Panel resolve to grant Development Plan Consent to Development Application 455/507/08 for the mooring of the PS Goolwa at Hector's Wharf, to be used as a Cellar Door/Wine Bar and Bed and Breakfast with associated signage, subject to the following conditions and notes:

Conditions

- 1. The development herein approved shall be carried out in accordance with plans and details accompanying this application, stamped received by the Council on 7 May 2008.
- 2. The proposed Cellar Door and Wine Bar shall only operate between the hours of 10.00am and 12.00am (midnight) Monday to Saturday and 10.00am and 8.00pm on Sundays.
- 3. The PS Goolwa must be connected to its own electricity supply that is to be metered independently.
- 4. The PS Goolwa shall be relocated to an alternate location during times of the Wooden Boat Festival.
- During the construction the property shall be managed in a manner as
 to prevent erosion and 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.
- 6. The PS Goolwa shall be maintained in good condition at all times. If the PS Goolwa is not maintained adequately, the Council may revoke its consent to moor the boat at Hector's Wharf.
- 7. The proprietor of the PS Goolwa shall ensure that the grey water and sewerage holding tank is emptied at regular intervals by an appropriate method to ensure that no spillage occurs into the River Murray system.
- 8. Noise emanating from the proposed development must be maintained within acceptable levels, as prescribed by the Environment Protection Authority (EPA).

Notes

 The applicant is reminded of its general environmental duty, as required by Section 25 of the Environmental Protection Act, to take all reasonable and practical measures to ensure that its activities on the whole site do not pollute the environment. This is particularly important for the ongoing management of the operation and with respect to any use of chemicals and prevention of soil erosion.

- 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.
- 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. Water quality in South Australia is protected using the Environment Protection Act 1993 and the associated Environment Protection (Water Quality) Policy 2003. The latter document prohibits a range of listed pollutants from being 'deposited into any waters or on to land in a place from which it is reasonably likely to enter any waters.' Given the location of the development in the main stream of the River Murray, it is likely that poor management practices will lead to water pollution.
- 5. The River Murray and many of its tributaries and overflow areas 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 responsible for the administration of the Act, 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.
- This advice does not obviate any considerations that may apply to the Commonwealth Government's Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

4.2 455/588/08 - Port Elliot Bowling Club

SUMMARY TABLE

Date of Application	23 May 2008	
Subject Land	Lot 5 Horseshoe Bay, Port Elliot	
Assessment No.	A 2597	
Relevant Authority	Alexandrina Council	
Planning Zone	Historic (Conservation) Zone – Coastal	
Nature of Development	Two (2) additional 10 metre high Light Towers	
Type of Development	Merit	
Public Notice	Category 3	
Referrals	Coast Protection Board, Heritage (informal), Basham's Beach & Horseshoe Bay Advisory Committee	
Representations Received	4	
Representations to be heard	1	
Date last inspected	28 July 2008	
Recommendation	Approval with conditions	
Originating Officer	Matt Atkinson	

ESD IMPACT/BENEFIT

Environmental
 May impact on the visual amenity experienced

within the area.

Social Will improve facilities for the local community

within Port Elliot.

• Economic Benefits for the Bowling Club and the local

economy.

THE PROPOSAL

Nature of Development

Two (2) additional ten metre high light towers with two (2) lights per tower, for the illumination of the Port Elliot Bowling Club greens.

Detailed Description

The Applicant proposes to install two (2) additional ten (10) metre high light towers at the Port Elliot Bowling Club. The towers would each accommodate two (2) 2000 watt lights with light overspill visors. The lights are to be positioned on the sea side (south-east) of the bowling greens facing inland (north-west), with one tower adjacent to each bowling green.

The proposed lights are additional to two (2) existing ten (10) metre high light towers located on the opposite side of the bowling greens (facing towards the sea). The additional light towers are required to improve the illumination of the greens to a level appropriate for competition bowls (the surface has recently been upgraded to a world class standard). The existing lights are used for the social 'Night Owls' competitions.

Plans and details of the proposed development are attached.

REFER ATTACHMENT 4.2(a) (page 18)

SUBJECT LAND & LOCALITY

The subject land is an irregular shaped allotment located directly adjacent to the Horseshoe Bay foreshore in Port Elliot. The subject land is relatively flat and is currently occupied by the Port Elliot Bowling Club. The Port Elliot Bowling Club consists of two (2) bowling greens, a shelter area and the main club rooms.

The bowling greens are capable of being illuminated by two (2) existing ten (10) metre high light towers. There is one (1) light tower for each green, with both towers located on the north-western side of the greens facing towards the sea. The bowling greens have recently been re-laid with a world class artificial surface.

Access is provided to the Bowling Club via Basham Parade and there is ample car-parking located on either side of the Bowling Club within the Horseshoe Bay car-park and the Commodore Reserve car-park. The Bowling Club is also accessible to pedestrians and cyclists via trails along the foreshore.

The locality consists of a mixture of land uses including the Flying Fish Cafe to the south, the Soldier's Memorial Gardens to the south-west, residential properties to the west and the north, Commodore Reserve to the north-east and the beach (Horseshoe Bay) to the south-east. Whilst the subject land is relatively flat, the land within the locality falls substantially towards the sea, with the residential properties to the north and west located on much higher land than the Bowling Club.

The subject land is located within the Historic (Conservation) Zone - Coastal, as identified by the Alexandrina Council's Development Plan, as is the Flying Fish Cafe and all of the adjacent reserves. The adjacent residential properties are located within the Residential Zone.

A locality plan is attached.

REFER ATTACHMENT 4.2(b) (page 24)

PUBLIC NOTIFICATION

Pursuant to Section 38 (5) of the Development Act (1993), the application was placed on Category 3 public notice and was advertised within the Times on 12 June 2008. During the public notification period, four (4) representations were received regarding the proposed development. One (1) representation supported the development whilst the other three (3) opposed the development.

The key concerns of the Representors are set out below:

- Loss of visual amenity (seascape views);
- The lights should be retractable to maintain views when not in use;
- The existing light should also be removed; and
- The Council should consider relocating the Bowling Club to a more suitable site.

A full copy of each representation is attached.

REFER ATTACHMENT 4.2(c) (page 25)

The Applicant was sent a copy of the representations and has provided a response. In summary, the key points from the Applicant's response are:

- The Port Elliot Bowling Club has been an integral part of Horseshoe Bay since 1913;
- The Club intends to spend approximately \$500,000 to upgrade the clubrooms and bowling surfaces to international standard;
- The Port Elliot Bowling Club intends to involve the whole community by introducing 'Barefeet Bowls' during summer, local school visits and expanding the 'Night Owls' concept;
- The recent upgrade of the bowling surface was designed with an environmental focus to reduce the reliance on water;
- The Bowling club has sought professional advice regarding the minimum number of towers required to achieve the best possible lighting;
- The lights are to be fitted with shields to reduce light overspill;

- The lights will only be used until 10.00pm each day (approximately 1.5 to 2 hours per day); and
- The new poles will be fitted with surveillance cameras to increase security and safety within the area.

A full copy of response to the representations is attached.

REFER ATTACHMENT 4.2(d) (page 30)

REFERRALS

The proposed development was referred to the Coast Protection Board as the subject land is located within 100 metres of the foreshore. The Coast Protection Board considered that the proposed development was acceptable for the following reasons:

The proposed development is minor in nature;

All risk associated with erosion is the responsibility of the Port Elliot Bowling Club; There is minimal risk of flooding.

A full copy of the Coast Protection Board's response is attached.

REFER ATTACHMENT 4.2(e) (page 31)

INTERNAL CONSULTATION

The proposed development was referred to the Council's Heritage Advisor, Richard Woods, as the subject land is located within a Historic (Conservation) Zone (Coastal). As the Port Elliot Bowling Club is not listed as a Heritage Place, the Application was referred to Mr Woods informally for his advice on how the proposed development may impact on the heritage character of the locality. Mr Woods advised the Council that he could not support the proposed development in its current form.

A summary of Mr Woods' comments is set out below:

The proposed two (2) ten metre high light towers on the beach edge of the Bowling Club would impair the open space character of Horseshoe Bay;
The proposed light towers lack aesthetics and design qualities; and Additional lights along the coastal edge are not opposed in general, although the Club should consider four (4) or six (6) additional towers at no more than six (6) metres high and one light per tower.

A full copy of Richard Woods' response is attached.

REFER ATTACHMENT 4.2(f) (page 34)

The proposed development was also presented to the Basham's Beach & Horseshoe Bay Advisory Committee. The Basham's Beach & Horseshoe Bay Advisory Committee is a working group of volunteers coordinated by the Council that provide 'hands on' maintenance, care, education and advice regarding all matters relevant to the Basham's Beach and Horseshoe Bay areas.

The Basham's Beach and Horseshoe Bay Advisory Committee unanimously supported the proposal at its most recent meeting. The Committee were of the view that two (2) additional ten (10) metre high light towers would not adversely impact on the character of the locality to an unreasonable degree. This view was reached by considering the presence of the existing lights, and that any negative impacts on the character of the locality would be offset by the benefits to the community of a redeveloped Bowling Club and the additional security of surveillance cameras on the towers.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

The Application was lodged with the Council on 23 May 2008. As such, the Alexandrina Council's Development Plan, consolidated on 20 March 2008 applies.

The following Objectives and Principles of Development Control (PDC's) are seen as especially relevant to this application:

Council Wide

Objectives: 1, 2, 8, 9, 27, 34, 38 & 39.

PDC's: 1, 2, 142, 218, 224, 229 & 231.

Port Elliot & Goolwa District

Objectives: 4, 8 & 18.

PDC's: 1, 7, 11, 31, 33 & 38.

Historic (Conservation) Zone - Residential

Objectives: 4.

PDC's: 1, 3 & 5.

The land use is existing (the Bowling Club was established in 1913) and light towers are considered to be ancillary to modern Bowling Clubs. The key considerations of this assessment, therefore, relate to the appropriateness of the additional lights, in terms of visual amenity and the impact on the historic character of the locality.

Accordingly, the key issues are discussed in detail below.

Visual Amenity & Character

The subject land is located within the Historic (Conservation) Zone -Coastal. The following Objective as listed within the Zone provisions is considered the most relevant when determining the appropriateness of the development:

Historic (Conservation) Zone – Coastal, Objective 4 states:

"Maintenance and improvement of the open space character and recreational opportunities of the coast."

It is clear that the proposed additional light towers will have some impact on the open space character experienced within Horseshoe Bay. However, the proposed development will also improve recreational opportunities within the area. It is critical to find a balance between the two objectives.

The Council's Heritage Advisor, Richard Woods, is of the opinion that two (2) additional ten (10) metre high towers is inappropriate in the proposed location as there are no other similar structures located adjacent to the foreshore and the development is therefore out of character with other development within the area and the resulting impact on the locality is unacceptable. The existing ten (10) metre high towers are acceptable as they are located adjacent to existing power supply poles and pine trees.

Richard Woods does not oppose the development in principle, and suggested that either four (4) or six (6) towers with a maximum height of six (6) metres would be more appropriate adjacent to the foreshore. This would allow for a transition in structure heights between the coast and the township.

In light of Richard Woods' advice, the Council's Planning staff inspected the subject land to assess whether amending the proposal to four (4) or six (6) sixmetre high towers would improve the outlook for adjacent residents and the character of the locality. The Council's Planning staff determined that two (2) tenmetre high light towers would be more appropriate for the following reasons:

- Ten (10) metre high light towers would be consistent with the two (2) existing light towers located on the opposite side of each green and would present a uniform lighting configuration;
- The subject land is considerably lower than the adjacent residential land, and the lights would only partially obscure vistas during the day; and
- Four (4) or six (6) six-metre high towers would lead to a proliferation of structures adjacent to the foreshore, two (2) ten-metre high towers is considered to be a better outcome.

Should the Panel be of a mind to grant Development Plan Consent to the proposed development, the Council's Planning staff recommend that a condition be imposed on the Consent for the towers to be painted grey. Grey is considered to be the least obtrusive colour when set against a sky and water background, hence its use for telecommunications towers. Painting the proposed towers grey is considered to reduce the visual impact of the development during daylight hours to an acceptable level.

The addition of two (2) light towers will assist in improving the quality of lighting associated with the Port Elliot Bowling Club. The improved lighting is expected to result in additional people using the facility during the evening. The Applicant also intends to mount surveillance cameras on each tower to improve security within the Horseshoe bay area.

The combined additional lighting and security should result in a more visitors to the area and a vibrant community atmosphere. The benefits of the proposal are considered to outweigh the negative impacts to the visual amenity, provided that the towers are painted or constructed in a grey colour.

Summary

The proposed two (2) additional ten (10) metre high light towers are considered to merit Development Plan Consent for the following reasons:

- The light towers are consistent with the two (2) existing light towers located on the opposite side of each green both in terms of height and style, and will present a uniform lighting configuration;
- The proposed additional light towers will improve lighting to a level capable of hosting international events, and complements the other works currently being undertaken at the Bowling Club to bring it to international standard;
- Two (10) metre high towers is considered to have less impact on the character and amenity of the locality than four (4) or eight (8) six-metre high towers;

- Whilst there will be some impact on the visual amenity of neighbouring properties and the character of Horseshoe Bay, painting the towers grey will reduce the visual impact of the development; and
- The proposed towers will contribute to bringing more people to the area at dusk and the early evening and will improve security within the Horseshoe Bay area through the establishment of surveillance cameras.

The proposed development is considered to be generally consistent with the majority of provisions within the Development Plan, and accordingly, Development Plan Consent is recommended.

RECOMMENDATION

That the Development Assessment Panel grant Provisional Development Plan Consent to Development Application 455/588/08 for the construction of two (2) additional ten metre high light towers with two (2) lights per tower, at Lot 5 Horseshoe Bay, Port Elliot, subject to the following conditions:

- 1. The proposed light towers shall be painted grey to reduce their visual dominance throughout the day.
- 2. The proposed lights shall be screened and directed in such a manner so as to not, in the opinion of Council, create unreasonable overspill onto any adjoining property or roadway which may create a nuisance to any neighbour or road user.
- 3. The lights shall not be used between the hours of 10.00pm and 7.00am on any day.

Notes:

- 1. No signs or advertising shall be erected or displayed on the light towers without the prior Development Approval of the Council.
- 2. The coastline at this location is subject to erosion, and as such, the proposal is considered to be at risk. However, the proposal is considered to be of public benefit and relatively minor in nature, and if considered expendable by the applicant, a lesser standard is acceptable to the Coast Protection Board. Should the application be approved, the applicant shall accept all responsibility for loss as a result of coastal erosion processes.

- 4.2 455/588/08 Port Elliot Bowling Club (Continued)
 - 3. The proposed development is located within Crown Land reserve. Consultation with the Department for Environment & Heritage (Land Administration Branch) is required prior to the commencement of construction.

4.3 455/585/08 - Norich Development Pty Ltd

SUMMARY TABLE

Date of Application	26 May 2008	
Subject Land	Lot 500 Alexandrina Drive, Clayton Bay	
Assessment No.	A 20869	
Relevant Authority	Alexandrina Council	
Planning Zone	Country Township	
Nature of Development	Tavern & freestanding group of shops (six tenancies) with associated car parking and landscaping.	
Type of Development	Merit	
Public Notice	Category 3	
Referrals	N/A	
Representations Received	3	
Representations to be heard	1	
Date last inspected	29 July 2008	
Recommendation	Approval – subject to conditions	
Originating Officer	Matt Atkinson	

ESD IMPACT/BENEFIT

• Environmental Potential impact upon the locality through

increased stormwater.

• Social Potential benefit to the local community through

the provision of additional commercial facilities.

• Economic Benefit to the local economy through job

opportunities and increased economic activity.

THE PROPOSAL

The Development Assessment Panel considered an application (455/1518/07) for a tavern and residential flat buildings (comprising 24 units) on the subject land, at its 22 April 2008 meeting. The application was refused Development Plan Consent by the Panel as the residential flat building component of the Application was considered to be at variance with the Development Plan provisions for the Country Township (Clayton) Zone.

/cont

The Development Assessment Panel also considered an application (455/1517/07) for a group of shops on adjacent land at the same meeting. The Panel refused this application as the shops were located on two (2) residential sized allotments and the Panel were of the view that the commercial activities should occur on the larger allotment that was created for that purpose.

Accordingly, the Applicant has amended the proposal by removing the residential flat buildings and incorporating the tavern and shops on the same title. The amended proposal is the subject of this Development Application.

THE PROPOSAL

Nature of Development

The Applicant proposes to construct a tavern and a freestanding group of shops (six tenancies) with associated car-parking and landscaping on the land situated at Lot 500 Alexandrina Drive, Clayton Bay.

Detailed Description

The proposed tavern is to be located adjacent to Alexandrina Drive with a front setback of 15 metres from the property boundary. The tavern is predominantly single storey, aside from a small caretaker's residence on the second level.

The tavern is open planned with a restaurant, lounge, bar and two (2) outdoor areas, with an associated kitchen, amenities, cool rooms and storage areas. There is seating for a total of 256 patrons, with 164 seats indoors and a further 92 seats outdoors.

The proposed group of shops is to be located at the rear (north) of the property behind the tavern. The group of shops is a single storey building that will be divided into six (6) tenancies with access to a service road behind the building.

Access to the development is via four (4) crossovers from a road that is yet to be constructed on the eastern side of the subject land (the proposed road has been approved for construction by the Council). The overall development includes 115 car-parking spaces and separate areas for the loading and unloading of service vehicles.

The proposed development also includes substantial areas of landscaping and vegetation. The proposed development will occupy approximately 65% of the subject land, with the balance of the allotment (the western portion) remaining vacant.

A copy of the plans and details submitted by the Applicant are attached.

REFER ATTACHMENT 4.3(a) (page 36)

SITE & LOCALITY

The subject land was created by a land division (455/D004/05) for 62 allotments and internal roads. The allotment is located on the northern side of Alexandrina Drive, at the intersection with a road approved (but not yet constructed) by the overall land division. The allotment is "L" shaped and has a total area of 1.35ha, with a frontage to Alexandrina Drive of approximately 39 metres and a frontage to the secondary road of approximately 145 metres.

At the time of the land division, reference was made to a commercial development on this larger allotment within the documentation associated with the land division application. It was anticipated at that time that this site be utilised for commercial purposes.

The allotment is generally devoid of significant vegetation and slopes steadily from the rear (north) of the allotment towards Alexandrina Drive to the south.

The locality consists predominantly of vacant residential allotments with a few single storey detached dwellings located on the southern side of Alexandrina Drive. It is also worth noting that the Clayton Bay CFS building and Clayton Bay Community Hall are located on the southern side of Alexandrina Drive, approximately 100m and 120m respectively from the subject land.

The subject land is located within the Country Township (Clayton) Zone, as identified by Map Alex/35 within the Alexandrina Council Development Plan. The proposed development is not listed as complying or non-complying within the Zone, and accordingly, the application must be assessed on its merit.

A plan of the subject land and locality is attached.

REFER ATTACHMENT 4.3(b) (page 44)

PUBLIC NOTIFICATION

The Application was publicly notified as a Category 3 development, pursuant to Section 38(5) of the Development Act 1993, (within The Southern Argus) between 24th June 2008 and 10th July 2008.

Three (3) representations were received in response to the notification, with one (1) representor in support of the development and two (2) representors opposed to the development. The key issues identified by the representors are set out below:

Inappropriate location – commercial development should be on Island View Drive; The local economy cannot support six shops and a tavern; Lighting, additional noise and traffic would reduce the ambience of the area; and Essential services (police, ambulance, etc.) are quite a distance away.

Full copies of the representations are attached.

REFER ATTACHMENT 4.3(c) (page 45)

It is also noted that six (6) late representations were received. However, as the representations were received after the closing date and as the Applicant did not have the opportunity to respond, the late representations could not be included (pursuant to Part 6, 35 (a) of the Development Regulations, 1993.

The Applicant has provided a response to the representations. In short, the Applicant has agreed to address the issues that they can control such as lighting and security. A full copy of the Applicant's response is attached.

REFER ATTACHMENT 4.3(d) (page 49)

REFERRALS

The proposed development did not require any statutory referrals.

CONSULTATION

The Application was referred to the Council's Environmental Health Department (Environmental Health Officer (EHO) - Karen Rokicinski) with regard to the effluent disposal system. The advice of the EHO is that a Waste Control System Application should be lodged and approved prior to issuing full Development Approval.

The Applicant has advised that their preference is to obtain Development Plan Consent in the first instance, before they go to the expense of preparing a Waste Control Application and detailed Engineering plans. It is therefore proposed to require a Waste Control Application and detailed Engineering plans as a reserved matter pursuant to Section 33 (3) of the Development Act, 1993, should the Panel resolve to grant Development Plan Consent.

Consultation has also been undertaken with the Council's Engineering and Infrastructure Department (Infrastructure Manager - Peter Wood). The advice of the Infrastructure Manager is that access to the development and the provision of car-parking are acceptable.

As previously mentioned, full Engineering plans will need to be approved prior to issuing Development Approval. The Engineering plans will need to include details of stormwater disposal from the buildings and car-parking areas including gross pollutant traps, connections to the adjacent drainage basin, details of the construction of the new road, and lighting.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

The Application was lodged with the Council on 26 May 2008. As such, the Alexandrina Council's Development Plan, consolidated on 20 March 2008 applies.

The following Objectives and Principles of Development Control (PDC's) are seen as especially relevant to this application:

Council Wide

Objectives: 1, 2, 3, 4, 10, 16, 17, 18, 38 & 50.

PDC's: 1, 2, 3, 94, 95, 96, 97, 101, 104, 105, 106, 108, 109, 110, 142 & 257.

Strathalbyn District

Objectives: 1, 3, 4, 6, 7, 15 & 16.

PDC's: 1, 3, 4, 5, 23, 53, 55 & 70.

Country Township Zone

Objectives: 1, 5, 6, 7 & 8.

PDC's: 9, 10, 11.

The key considerations of this assessment relate to the proposed land use, the location of the proposed land use, whether the development can be considered to be orderly and economic, character and amenity, and car-parking.

Accordingly, the key issues are discussed in detail below.

Land Use

Country Townships provide goods and services for the local community. Clayton Bay is considered to be a local community, in that it serves the local region (in addition to providing a high quality of life to residents and an excellent tourist destination). The level of goods and services provided within the town should reflect its local status.

In contrast, larger district towns such as Strathalbyn and Goolwa contain much more services, and a wider range of commercial, industrial and community uses would be expected in these locations.

The hierarchy of townships continues with regional townships such as Victor Harbor and Mount Barker, which are intended to supply regional land uses and services such as hospitals, major shopping centres, cinemas and the like. Major cities such as metropolitan Adelaide generally cater for all other state-wide services.

Country Township Zone, Objective 1 states:

"A zone mainly accommodating a range of urban development and facilities serving the surrounding district."

The proposed development of a tavern and group of shops is considered to be of a local scale and consistent with intent of Zone Objective 1. It is likely that the tavern and shops will serve the community of Clayton and the surrounding district. Residents of Finniss and the surrounding area may also find the development of a tavern and shops at Clayton an attractive alternative, as Strathalbyn and Goolwa are both slightly further away.

In general terms, the development of a tavern and a group of six (6) shops is deemed to be of a local scale and the land use is therefore considered appropriate within the Country Township Zone at Clayton.

Location of the proposed land use

Whilst the development is considered generally appropriate within the Country Township Zone, it is also important to consider the location of the development with regard to the existing land uses within the area and any structure plans that may be appropriate.

Strathalbyn District, Objective 1 states:

"Development in accordance with the Structure Plans for the Strathalbyn district and the townships of Strathalbyn, Langhorne Creek, Milang and Clayton as shown on Maps Alex/1(Overlay 1) Enlargements B, C, D, E and F."

The structure plan for Clayton illustrates a preferred town centre location that is adjacent to Island View Drive, adjacent to the existing shop. However, the allotments within this location are of a residential scale and it is unlikely that a development of this nature could be accommodated on these allotments. It should be highlighted that the Island View Drive location is a preferred location only, and in no way is it mandatory for commercial development to occur in this location.

There is evidence on the original land division file (455/D004/05) that when the subject land was created, it was anticipated that this allotment would be used for commercial purposes. This is reflected in the size of the allotment and its location adjacent to a stormwater basin and collection area.

The subject land is considered to be conveniently located adjacent to a main road and relatively centrally located for both Clayton Bay and 'Old Clayton'. Access to the land is also considered to be safe and convenient.

As such, the location of the proposed development at Lot 500 Alexandrina Drive, Clayton Bay, is considered to be acceptable.

Orderly and Economic?

Objective 1 of the Alexandrina Council's Development Plan relates to orderly and economic development. Country Township Objective 8 provides some guidance in respect to orderly and economic development.

Country Township, Objective 8 states:

"Substantial development of vacant allotments within Clayton prior to extension of the township."

This provision was written prior to the recent broad-acre land division applications that created the subject land and approximately 120 additional allotments. It was determined from an aerial photograph that approximately 75% of the allotments within the original Clayton Township contain a dwelling.

The determination to approve the abovementioned land divisions is evidence in itself that the Council had determined that Clayton Bay had developed sufficiently to warrant the approval of over 100 additional allotments.

It is therefore considered that the town of Clayton Bay has development substantially enough to warrant the provision of additional commercial developments such as the proposed tavern and shops.

Character & Amenity

The proposed development is considered to complement the built form character of Clayton Bay. The bulk and scale of the buildings is consistent with other community use buildings within the locality. The buildings are predominantly single storey and incorporate generous setbacks and the subject land contains a reasonable proportion of landscaping.

Strathalbyn District, Principle of Development Control 53 states:

"The external walls of any building should be principally composed of masonry, brick, stone, rendered masonry, timber or painted fibrous cement planking or boarding or visually similar fibrous cement panelling, except for:

- a) a farm building or outbuilding; or
- b) buildings used for industrial, commercial storage or warehouse purposes."

The proposed buildings are to be constructed with 'tilt wall' painted masonry and colorbond roofing. The shop building will also incorporate a bull nose verandah that will extend the entire width of the building facade.

The proposed development is considered to be appropriate in terms of character and amenity.

Car-parking

The proposed development incorporates the provision of 115 car-parking spaces. Council Wide Principle of Development Control 106 states:

"Development within the Strathalbyn District as identified on <u>Map Alex/1 (Overlay 1) Enlargement A</u> should have car parking spaces designed to the Australian Standard AS2890.1 (1986), located on the site, or on a suitable site nearby, at a rate not less than that prescribed in <u>Table Alex/3</u>."

Table Alex/3 prescribes car-parking ratios for specific land uses. The following ratios are specific to the proposed development:

- Hotel (Lounge & Beer Garden) 1 per 6m²;
- Restaurant 1 per 10m²; and
- Shops 1 per 15m².

The following table illustrates the required provision of car-parking spaces:

Hotel (Lounge)	110m ² @ 1 per 6m ²	18 spaces
Hotel (Beer garden)	66m ² @ 1 per 6m ²	11 spaces
Restaurant	172m ² @ 1 per 10m ²	17 spaces
Shops	560m ² @ 1 per 15m ²	37 spaces
TOTAL REQUIRED		83 spaces

The proposed development incorporates the provision of 115 car-parking spaces, which is well in excess of the required 83 car-parking spaces, as prescribed by Council Wide Principle of Development Control 106 and Table Alex/3.

The provision of car-parking is therefore considered to be acceptable.

SUMMARY

The key considerations of this assessment related to the proposed land use, whether the development can be considered to be orderly and economic, character and amenity, car-parking and the location of the proposed land use.

It has been illustrated that proposed land use, character and amenity, and carparking are appropriate. The more contentious aspects of the proposal relate to the location of the proposed development and whether the development is 'orderly and economic'.

Ultimately, both of these aspects were considered to be acceptable. The location was deemed appropriate as the site highlighted for commercial development by the Clayton Structure Plan was inappropriate for this development, and the subject land was clearly anticipated for commercial use when it was created.

The issue of 'orderly and economic' development is subjective. However, more than 75% of allotments within Clayton Bay (prior to the land division that created the subject land) have been developed. The proposed development is considered to be an orderly expansion of the township of Clayton Bay.

The proposed development is therefore considered to be generally consistent with the Council's Development Plan and accordingly, Development Plan Consent is recommended.

RECOMMENDATION

That the Development Assessment Panel grant Provisional Development Plan Consent to Development Application 455/585/08 for a Tavern and freestanding group of shops (six tenancies) with associated car-parking and landscaping, at lot 500 Alexandrina Drive, Clayton Bay, subject to the following conditions and notes:

Conditions

- The development herein approved shall be carried out in accordance with plans and details accompanying this Application, received by the Council on 28 May 2008.
- 2. No signs or advertising are to be erected or displayed on or about the buildings, or the site, without the prior consent of Council.
- All of the car-parks, driveways, and vehicle manoeuvring areas shall be constructed to Australian Standard AS2890.1 (Car-parking Facilities) and be of bituminised, brick paved or concrete materials, in accordance with sound engineering practice, prior to the occupation of the development herein approved. The car-parking areas shall be appropriately line-marked.
- 4. The subject land and buildings must be maintained in good condition at all times (including car-parking areas, driveways, footpaths and landscaping).
- 5. Floodlighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to cause no light overspill to adjacent residential development.
- 6. Prior to the granting of Development Approval, the Applicant must obtain Waste Control Approval for connection of the Development to Council's Septic Tank Effluent Disposal System (STEDS). The waste control design is to include a trade waste application addressing the capacity of the grease arrestor.
- 7. Prior to the granting of Development Approval, a landscaping plan drawn to scale and dimensioned must be submitted to and approved by the Council. The plan must show the proposed landscape treatment and maintenance of the site including details of species and their mature height. When approved, the plan will be endorsed and will then form part of the approval.

- 4.3 455/585/08 Norich Development Pty Ltd (Continued)
 - 8. Prior to granting Development Approval, a Stormwater Management Plan must be submitted and approved by the Council. Please contact the Council's Engineering Department on 8555 7000 for further information of the details required to be illustrated.
 - 9. All scarring or physical disturbances of the land surface during any excavation work shall be restricted to only that which is shown on the approved plan as required for building work and/or access purposes. All exposed faces around such scarred areas and spoil shall be screened with suitable ground cover to the reasonable satisfaction of the Council.
 - 10. All external cladding and trim of the proposed buildings must be of a non-reflective nature to the reasonable satisfaction of Council.
 - 11. Temporary silt control devices in the form of hay bales or silt fences to be installed on the development site prior to commencement of works. The devices are to be maintained throughout the construction period and dismantled at the conclusion of works. Any silt captured by the device/s to be disposed of to the satisfaction of Council.
 - 12. 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.
 - 13. All kitchen and cooking facilities must comply with the requirements of the Food Act 2001, Food Regulations 2002 and the Food Safety Standards.
 - 14. The noise emanating from the subject land shall be restricted to levels meeting the reasonable requirements of the Environment Protection Authority.
 - 15. The hours of operation for the proposed Hotel shall be 7.00am to 12.00am (midnight) from Monday to Saturday, and 8.00am to 10.00pm on Sundays.
 - 16. The hours of operation for the proposed shops shall be 8.00am to 10.00pm.

Notes

- 1. A wall retaining a difference in ground levels of more then 1 metre requires consent under the building rules as they apply to the Development Act 1993.
- Allotment boundaries will not be certified by Council staff. The onus of
 ensuring that the buildings are sited in the approved position is the
 responsibility of the owner. This may necessitate a survey being carried
 out by a licensed land surveyor.
- ITEM 5. <u>DEVELOPMENT APPLICATIONS LAND DIVISION / COMMUNITY TITLE</u>
- ITEM 6. DEVELOPMENT APPLICATIONS BUILDING
- ITEM 7. MATTERS REFERRED FOR FOLLOW UP

ITEM 8. GENERAL ITEMS FOR DISCUSSION

8.1 <u>Appeals Update</u>

File Ref: 4.14.1(A)
Officer: Matt Atkinson

REPORT

Appeal Update

455/742/07 - Abbotts Lane Retirement Village

455/955/07 - Axl Beers Airstrip

455/236/08 - Campbell Haig Dwellings, Seaview Road, Port Elliot

At the time of preparing this Agenda, no further action had occurred on any of the abovementioned appeals since the previous meeting. A verbal report will be presented to the Panel if there are any changes to the status of these matters.

8.2 <u>State Government Development Review</u>

File Ref: 4.14.1(A)
Officer: Matt Atkinson

<u>REPORT</u>

The recent changes to the Development Act proposed by the State Government will be presented to the Panel.

Next meeting scheduled for 17th September 2008, time to be confirmed.

Meeting closed at