

**DEVELOPMENT ASSESSMENT PANEL
MINUTES OF MEETING HELD ON 18 APRIL 2007
COMMENCING AT 10:00 AM
IN THE COMMUNITY CHAMBERS "WAL YUNTU WARRIN"**

PRESENT

Ron Danvers, Cr Rick Medlyn, Madeleine Walker,
Mike Galea, Cr Grant Gartrell.

APOLOGIES

IN ATTENDANCE

Cherry Getsom (Planner), Andrew Sladden
(Planner), Keziah Lindschau (Acting Personal
Assistant) , Vanessa Harvey (Personal Assistant)

ITEM 1. CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on 26th
March 2007.

Moved R Danvers that the minutes of the Alexandrina Council Development
Assessment Panel held on 26th March 2007 as circulated to members be
received as a true and accurate record.

ITEM 2. DEVELOPMENT APPLICATIONS

ITEM 3. DEVELOPMENT APPLICATIONS - NON COMPLYING

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

Mr Danvers, Chair, welcomed Janice Haynes (representor) to the meeting who
gave a brief summary of her representation, 10:21 a.m. to 10:31 a.m.

.../cont.

4.1 455/1353/06 – ROSE KENTISH (Continued)

Mr Danvers, Chair, welcomed Pam Keen (representor) to the meeting who gave a brief summary of her representation, 10:34 a.m. to 10:41 a.m.

Mr Danvers, Chair, welcomed Mrs Cleave (representor) to the meeting who gave a brief summary of her representation, 10:41 a.m. to 10:46 a.m.

Mr Danvers, Chair, welcomed Rose Kentish (applicant) to the meeting who gave an overview of the application and addressed issues raised by the representor, 10:46 a.m. to 10:56 a.m.

SUMMARY TABLE

Date of Application	22.11.06
Subject Land	7 Goolwa Road Middleton
Assessment No.	A2074
Relevant Authority	Alexandrina Council
Planning Zone	Centre Conservation
Nature of Development	CHANGE OF USE TO WINE BAR/CAFÉ AND FURNITURE SHOP
Type of Development	CONSENT / MERIT
Public Notice	CATEGORY 3
Referrals	HERITAGE SA
Representations Received	5
Representations to be heard	3
Date last inspected	FEBRUARY 2007
Recommendation	APPROVAL
Originating Officer	ANDREW SLADDEN

ESD IMPACT/BENEFIT

- Environmental Nil.
- Social Benefit to residents of Middleton through an additional entertainment / tourist facility.
- Economic Benefit to local economy through encouragement of commercial activities.

.../cont.

4.1 455/1353/06 – ROSE KENTISH (Continued)

BACKGROUND

The subject site comprises two existing titles with frontages to both Mill Terrace and the Victor to Goolwa Road. The subject site contains the old Middleton Mill building which is currently used as a private residence and is State Heritage listed. There are also a number of ancillary buildings and structures on the subject site.

THE PROPOSAL

Nature of Development

The Development Application involves the change of use of a portion of the Mill building, which is located on Mill Terrace, from its current residential use into a Wine Bar / Café and Furniture Shop.

Detailed Description

The development Application involves changing the use of two lower floor rooms with a total floor area of 128m² from residential to a Wine Bar / Café / Furniture Shop, with an area at the rear of the subject building comprising approximately 100m² to be used as an outdoor area for the proposed use. The proposal also involves the construction of toilets for the proposed use.

Access to the proposed development is via Mill Terrace and car parking for 12 cars is proposed on the Mill Terrace road verge, with further car parking spaces to be provided within the adjoining Doctors Surgery located on the corner of the Victor to Goolwa Road and Mill Terrace. The applicant has provided written details of an agreement with the owner of this adjoining site to use this car parking area for the proposed use out of hours.

In establishing the Wine Bar / Café / Furniture Shop the applicant proposes to provide a “relaxed space to come and enjoy interesting ‘hard to come by’ wines from Australia and around the world. It is intended that customers can come and enjoy a glass of wine, a non-alcoholic drink, coffee, tea or a boutique beer”. The applicants also intend to offer a “carry out” service for customers wanting to purchase premium bottles of wine to take away.

The applicants are intending to bring in pre-prepared regional produce and sell platters in the wine bar. Other than arranging this food on the platters, there will be no other food preparation.

.../cont.

4.1 455/1353/06 – ROSE KENTISH (Continued)

The applicants are also proposing to provide entertainment in the form of an acoustic guitarist or singer. It is also proposed to have furniture, books and collectable items for sale within the proposed Wine Bar / Café.

Hours of operation proposed are three days a week (Friday, Saturday and Sunday) during the winter months and up to seven days a week in the summer months. Opening hours proposed are between 8am and 12am (midnight).

The applicant who is a resident of the site will operate the business with a business partner and up to two casual staff during busy periods.

Moved R Danvers seconded Cr Medlyn that the Development Assessment Panel now be a closed meeting at 11:21 a.m.

CARRIED

Moved R Danvers seconded Cr Medlyn that the Development Assessment Panel reopen the meeting to the public at 11:50 a.m.

CARRIED

- 10 Moved Cr Gartrell seconded Cr Medlyn that the Development Assessment Panel defer application 455/1353/06 upon provision of amended plans showing 16 on site car parks to the satisfaction of Council or alternatively a professional traffic study be provided by a qualified engineer justifying alternative car parking arrangements. Council staff will have delegated authority to determine the application.**

CARRIED

4.2 455/1221/06 Steve Delia Building Designers

SUMMARY TABLE

Date of Application	20.10.2006
Subject Land	LOT 475 (59) Newell Avenue Middleton LOT 476 (1) Waikiki Way Middleton
Assessment No.	A1273
Relevant Authority	Alexandrina Council
Planning Zone	Residential – Policy Area 16 (Surfers Beach)
Nature of Development	BOUNDARY AND TENNIS COURT FENCING AND DEMOLITION OF EXISTING DWELLING AND OUTBUILDING
Type of Development	CONSENT / MERIT
Public Notice	CATEGORY 3
Referrals	N/A
Representations Received	1
Representations to be heard	1
Date last inspected	APRIL 2007
Recommendation	APPROVAL
Originating Officer	ANDREW SLADDEN

ESD IMPACT/BENEFIT

- Environmental Benefit to environment through having one less dwelling in locality and therefore one less Waste Control System
- Social Benefit to owners of subject site through enhancement of quality of life
- Economic Nil.

.../cont.

4.2 455/1221/06 STEVE DELIA BUILDING DESIGNERS (Continued)

BACKGROUND

The proposed development covers two existing allotments being 1 Waikiki Way and 59 Newell Avenue, Middleton. Both allotments are owned by the applicant and each currently has a dwelling. Development Application 455/1194/06 for additions to the existing two storey dwelling at 1 Waikiki Way has recently been granted Provisional Development Plan Consent under delegation.

THE PROPOSAL

Nature of Development

The proposed development involves the following:

1. Demolition of the existing dwelling on lot 475.
2. Demolition of an outbuilding on lot 476.
3. Erection of stone wall (fence) with a maximum height of 1.2m above ground level along the frontage of 1 Waikiki Way and 59 Newell Avenue.
4. Erection of a tennis court fence with a maximum height of 3.5m above the tennis court.

It is noted that the applicant is also proposing to construct a Tennis Court, however, as this is ancillary to the existing dwelling on 1 Waikiki Way, the Tennis Court in its self is not Development and does not require Development Approval.

Pursuant to Principles of Development Control 20 and 21 for the Residential Zone, fences are not listed as being either complying or non-complying development. Therefore, by default, the proposed development becomes a Consent/Merit form of development.

It is also noted that the demolition of a dwelling and outbuilding is a complying form of Development pursuant to Schedule 4, 1, (1) (c) of the Development Act 1993. However, as the demolition of the dwelling is a part of the whole application, it becomes a Consent/Merit form of development.

Detailed Description

The Development application covers two existing allotments and has a number of components as follows:

1. Demolition of the existing dwelling on lot 475.
2. Demolition of an outbuilding on lot 476. .../cont.

4.2 455/1221/06 STEVE DELIA BUILDING DESIGNERS (Continued)

3. Erection of stone wall (fence) with a maximum height of 1.2m with stainless steel tension wires providing a maximum height of 2m above ground level along the frontage of 1 Waikiki Way and 59 Newell Avenue.
4. Erection of a tennis court fence with a maximum height of 3.5m above the tennis court.

It is noted that an inspection of the subject site taken on 2 April 2007 has revealed that the dwelling has already been demolished without consent.

The proposed stone fence is located along the Waikiki Way frontage of both allotments and a small section located along Newell Avenue. Due to the topography of the site, the stone wall varies in height to a maximum height of 1.2m. Stainless steel tension wires with a height of 800mm are proposed to be constructed on the top of the wall, providing for a maximum height of 2m above ground level at its highest point.

The plans provided also provide for a 1.8m high colorbond along the remaining frontage facing Newell Avenue. It is noted that this fence is not "development" pursuant to Schedule 3, 4, (1) (e) of the Development act 1993 and does not require Development Approval.

The tennis court fence has a total height of 3.5m above the finished floor of the tennis court and is proposed to be constructed from black powder coated chain mesh wire. This fence is rectangular, measuring 30m by 15m and has a 30m section located along the western side boundary of the subject allotments. It is also noted that there is a retaining wall proposed to be constructed along this boundary, however as its maximum height is 500mm, is not considered to be Development pursuant to Schedule 3, 4, (1) (g) of the Development Act 1993. As the tennis court fence is proposed to be located on this retaining wall, it will have a total height of 4m above natural ground level at its highest point, being the north western corner of the subject site.

It is noted that tennis court lighting was originally proposed as part of this application. However, as a result of the representation received as part of the Category 3 public notification, this aspect has been deleted and no longer forms part of the application.

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4.2 455/1221/06 STEVE DELIA BUILDING DESIGNERS (Continued)

11 Moved Cr Medlyn seconded Cr Gartrell that the Development Assessment Panel grant Provisional Development Plan Consent to Development Application 455/1221/06 for boundary and tennis court fencing and demolition of dwelling and outbuilding at Lot 475 (59) Newell Avenue and Lot 476 (1) Waikiki Way Middleton subject to the following conditions:

1. The development shall proceed in strict accordance with the amended plans received by Council on 14 December 2006, showing the proposed dwelling and outbuilding to be demolished and 23 February 2007, showing the tennis court and boundary fencing subject to the following conditions:
2. The external finishes to the structures herein approval shall be in accordance with the materials as specified in the application now approved.
3. All scarring and physical disturbances of the land surface during any excavation work shall be restricted to only that which is shown on the approved plans as required to building work and/or access purposes. All exposed faces around such scarred areas and spoil shall be screened with trees and shrubs and covered with suitable ground cover to the reasonable satisfaction of Council.

NOTES

A wall retaining a difference in ground levels of more than 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 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.

You should liase with your neighbour and advise of your intentions to build on your common boundary, prior to commencing construction.

Lighting does not form part of this Application and further Development Approval is required for tennis court lighting.

CARRIED

8

ITEM 5. DEVELOPMENT APPLICATIONS LAND DIVISION COMMUNITY TITLE

ITEM 6. DEVELOPMENT APPLICATIONS – BUILDING

ITEM 7. MATTERS REFERRED FOR FOLLOW-UP

ITEM 8. GENERAL ITEMS FOR DISCUSSION

The Development Assessment Panel had a brief discussion on going into Camera for applications. It was decided that the process is currently working well. It may be reviewed at a later date.

M Walker requested that staff ensure that the Development Assessment Panel move as a group during inspections and that they advise applicants not to make representations to the Panel during these inspections.

Moved Cr Medlyn seconded Cr Gartrell that the Development Assessment Panel is concerned that work has already commenced at The Mill prior to Development Approval being granted.

CARRIED

The next Development Assessment Panel will be held on Wednesday 9th May 2007 at 10:30 a.m. Inspections will depart from the Council office at Goolwa at 9:00 a.m.

MEETING CLOSED AT 12:20 p.m.

MINUTES CONFIRMED.....

CHAIRMAN

DATED:.....