

**DEVELOPMENT ASSESSMENT PANEL
MINUTES OF MEETING HELD ON 7 OCTOBER 2003
COMMENCING AT 10:50 AM
IN THE GOOLWA COUNCIL CHAMBERS, CADELL STREET, GOOLWA**

PRESENT

Councillors A Woolford (Presiding Member), R Potter, G Connor, M Beckett, P Reedman, D Banks (Director Technical Services), D Commerford (Director Environmental Services).

APOLOGIES

IN ATTENDANCE

B Green, M Dancis (Planner), Cr R Medlyn, V Harvey (Personal Assistant Environmental Services).

ITEM 1 CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on 1st September 2003.

Moved Cr Beckett seconded Cr Potter that the minutes of the Alexandrina Council Development Assessment Panel held on 1st September 2003 as circulated to members be received as a true and accurate record subject to the correct spelling of Mr Hewes not Hughes for Item 3.1 who made representation on behalf of the Middleton Town & Foreshore Improvement Association.

AMENDMENT TO MINUTES OF 25TH AUGUST 2003

Item 2.1 GW & CW Wylie – 455/872/03

The motion should have read:

It was agreed by consensus that the Development Assessment Panel delegate authority to the Planner to grant Provisional Development Plan Consent to DA 455/872/03, on receipt of amended plans, subject to conditions.

CARRIED

ITEM 2. DEVELOPMENT APPLICATIONS

ITEM 3. DEVELOPMENT APPLICATIONS - NON-COMPLYING

3.1 455/1004/03 - J & K Easling

Cr Woolford, the Presiding Member, welcomed Mr R Manser at 10:50 a.m. who gave a brief presentation on behalf of his wife and self regarding their representation.

Cr Woolford, the Presiding Member, welcomed Mr M Osborn, at 10:59 p.m. who made representation on behalf of the applicant.

Cr Woolford, thanked both Messrs Manser and Osborn for their representations at 11:05 p.m.

Date of Application	31 st July 2003
Subject Land	Lot 16 Goolwa Channel Drive, Pt Sec 73, Hindmarsh Island. Certificate of Title Volume 5850, Folio 880
Assessment No.	A 9317
Relevant Authority	Alexandrina Council
Planning Zone	Holiday House (Hindmarsh Island)
Nature of Development	Single storey detached dwelling
Type of Development	Non-complying
Public Notice	Category 3
Referrals	N/A
Representations Received	Two
Representations to be heard	One
Date last inspected	17 th September 2003
Recommendation	Approval subject to the concurrence of the Development Assessment Commission.
Originating Officer	Georgia West

ESD IMPACT/BENEFIT

- Environmental: Minor impacts associated with single additional dwelling.

.../cont.

3.1 455/1004/03 – J & K Easling (Continued)

- Social: Localised impact of new dwelling and therefore new residents (neighbours) on a currently vacant block.
- Economic: Benefit to land owner through increase in land value, increase in rateable value of the property for Council.

Detailed Description

The applicant proposes to erect a single storey timber frame dwelling with decking and verandahs. The structure has a southerly aspect, with the main living area and master bedroom facing away from Goolwa Channel Drive to take advantage of views towards the Goolwa Channel and Murray Mouth, as are the rest of the existing dwellings in the locality.

The proposed dwelling will be positioned 1m from the eastern boundary (shared with lot 15) and 4.5m from the western boundary (shared with lot 17). The dwelling will cover 225.08m², creating a site coverage of approximately 18% on the allotment.

The proposed dwelling has a Colourbond roof, and will have a maximum height of approximately 4.5m above 2.1m AHD, and 5m above the existing natural ground level. The proposed dwelling has Hardies "Primeline Heritage" external cladding, and is set on stump footings with a matching base infill.

A statement of effect has been submitted on behalf of the applicant in accordance with Regulation 17 of the Development Regulations.

Moved D Commerford seconded Cr Beckett that the Development Assessment Panel approves DA 455/1004/03 subject to the setback of the front wall of the proposed dwelling, as shown on plans submitted, being in line with the main wall of the original alignment of the adjoining house at Lot 17.

CARRIED

3.2 455/D576/03 - W Barton & Others

Cr Woolford, the Presiding Member, welcomed Mr C Rowe who gave a brief overview on behalf of the applicant at 11:20 a.m.

Date of Application	26 th June 2003
Subject Land	Barton Road, Hindmarsh Island – 10 parcels of land
Assessment No.	A6761, A17015, A17016, A6755, A6764, A6848.
Relevant Authority	Alexandrina Council
Planning Zone	Rural Waterfront (HI), Conservation (HI) and General Farming (HI) Zones
Nature of Development	Land division – boundary realignment
Type of Development	Non-complying
Public Notice	Nil
Referrals	DAC
Representations Received	Nil
Representations to be heard	Nil
Date last inspected	10 th July 2003
Recommendation	Refuse
Originating Officer	Mikelis Dancis

ESD IMPACT/BENEFIT

- Environmental Realignment of boundaries of the larger allotments will not create environmental impacts for the land will not change. However the two smaller waterfront allotments and roadway will attract intensification of land use and impact on the sensitive lakeside vegetation and habitat.
- Social The "creation" of the two waterfront allotments would add to the incremental linear creep along the waterfront, alienating land from public use. Land to the south would be transferred to the Minister for Environment at no cost for public enjoyment.
- Economic Benefits accrue to the applicant who will have the potential to develop the waterfront allotments contrary to the Objectives for the zone to retain the land in farming uses. Also the applicant would be able to purchase additional land to consolidate farming unit.

.../cont.

3.2 455/D576/03 – W Barton & Others (Continued)

Benefit to the community is the transfer of land to the Minister and increase the size of the adjoining conservation park, be it marginal.

BACKGROUND

At its meeting held on the 21st July 2003, the Development Assessment Panel considered DA 455/9576/03, Land Division on Hindmarsh Island as a non-complying kind of development. The Panel heard the applicant and his consultant in support of the proposal. A consensus was reached that assessment of the application should not proceed and pursuant to Reg 17(c), section 39(4)(d) of the Act, refuse the application.

At the Panel meeting on the 8th August 2003, a tabled item containing a report prepared by CL Rowe & Associates, dated 6th August 2003, was received. The applicant, through his consultant sought direction from the Panel.

It was agreed, by consensus, that a report is prepared by the Planners on the submitted plan.

THE PROPOSAL

The subject land consisting of ten contiguous parcels of land which are held in separate ownership and collectively form a contiguous group of allotments. The application seeks to re-align the boundaries without increasing the number of titles.

The proposal was based on a report prepared by CL Rowe and Associates, dated 19 June 2003, detailing the proposed re-alignment boundaries of existing allotments to "create" waterfront allotments 4.4ha in size likely to be utilized for rural living and minor agricultural and farming pursuits.

The creation of the waterfront allotments and proceeds of their sale would enable the purchase of two sections 84 and 85 (Lot 14) to increase land holdings, expand current farming activities, enhance financial resources and economic viability of farm holdings.

It was agreed by consensus that the Development Assessment Panel reconsider Development Application 455/D576/03 due to the additional information prepared.

AGREED BY CONSENSUS

3.3 455/D564/03 - L Veska

Mr C Rowe also gave an overview for this item on behalf of the applicant at 11:25 a.m.

Date of Application	20 th May 2003
Subject Land	Lot 489 Barker Road, Hindmarsh Island
Assessment No.	A 9307
Relevant Authority	Alexandrina Council
Planning Zone	General Farming (Hindmarsh Island)
Nature of Development	Land Division
Type of Development	Non-complying
Public Notice	Category 3
Referrals	PIRSA, Native Vegetation Council, SA Water, Development Assessment Commission
Representations Received	Nil
Representations to be heard	Nil
Date last inspected	23 rd September 2003
Recommendation	Refusal
Originating Officer	Georgia West

ESD IMPACT/BENEFIT

- Environmental Impacts associated with additional dwelling on rural/water front land.
- Social Minor impacts associated with additional dwelling in the locality. Broader impact on community of planning decisions that are consistent with the Development Plan – generates greater certainty for developers.
- Economic Significant increase in property value due to potential for a second dwelling.

Detailed Description

The applicant wishes to subdivide a block of land in the Rural Waterfront and General Farming (Hindmarsh Island) Zones. The land has an existing 100 year lease arrangement that has been in operation for 18 years (1985), and the proposal is to permanently subdivide the land along the existing lease boundaries.

.../cont.

3.3 455/D564/03 – L Veska (Continued)

It was agreed by consensus that the Development Assessment Panel defer Development Application 455/D564/03 for further clarification.

AGREED BY CONSENSUS

Cr Woolford thanked Mr Rowe for his presentation at 11:38 a.m.

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

4.1 455/900/03, 455/901/03, 455/902/03, 455/903/03 and 455/904/03 - L Veska

Cr Woolford, the Presiding Member, welcomed Mr and Mrs Pearce, representors to the meeting at 11:40 a.m.

Date of Application	9 th July 2003
Subject Land	17 (Lot 152) Chrystal Street, Goolwa
Assessment No.	A 7588
Relevant Authority	Alexandrina Council
Planning Zone	Residential
Nature of Development	Five group dwellings (single storey)
Type of Development	Merit
Public Notice	Category 3
Referrals	N/A
Representations Received	Four
Representations to be heard	One
Date last inspected	17 th September 2003
Recommendation	Approve with conditions
Originating Officer	Joanne Nightingale

ESD IMPACT/BENEFIT

- Environmental Increase in household waste and stormwater entering Goolwa treatment system.
- Social Provision of smaller allotments relatively close to the town centre may increase accessibility of central services to elderly or disabled people.

.../cont.

4.1 455/900/03, 455/901/03, 455/902/03, 455/903/03 and 455/904/03 – L Veska (Continued)

- Economic Benefit to owner through increase in site value. Some benefit to Council through increased rating value for the property.

The applicant proposes to build five group dwellings on allotment 152 Chrystal Street which has an area of 2126m². Dwellings one (455/900/03) and two (455/901/03) will have Chrystal Street frontage, with dwellings three (455/902/03), four (455/903/03) and five (455/904/03) being at the rear of dwellings one and two without street frontage.

The dwellings are a brick veneer construction with colourbond roofs. Each dwelling has at a minimum 10m by 5m of private open space to the rear of the dwelling.

The two dwellings with road frontage are the subject of a Torrens Title Land Division Application . This would provide the dwellings with 12.5m frontages and 382m² and 384m² per dwelling. The three rear dwellings are the subject of a Community Title Land Division Application including a driveway access that is designated common land. These dwellings would have site areas of 348m² for dwellings three and four and 301m² for dwelling five.

Moved D Commerford seconded Cr Reedman that the Development Assessment Panel refuse Development Applications 455/900/03, 455/901/03, 455/902/03, 455/903/03 and 455/904/03 for the following reasons:

1. **The proposed allotments do not comply with Principle 9 of the Alexandrina Council Development Plan for division of land.**
2. **The development does not comply with Principle 8 for the Residential Zone as the proposal does not comply within the character and amenity of the street in which the development is proposed.**

CARRIED

Cr Woolford thanked Mr and Mrs Pearce at 11:45 a.m. for the representation.

4.2 P Cirocco - 455/798/03

Cr Woolford, the Presiding Member, welcomed Mr and Mrs Cirocco, the applicants, to the meeting at 11:47 a.m.

Date of Application	26 th June 2003
Subject Land	63 (Lot 39) Beach Road, Goolwa Beach
Assessment No.	A 982
Relevant Authority	Alexandrina Council
Planning Zone	Residential
Nature of Development	Restaurant & four residential flats
Type of Development	Merit
Public Notice	Category 3
Referrals	N/A
Representations Received	Five
Representations to be heard	One
Date last inspected	26 th February 2003
Recommendation	Refusal
Originating Officer	Ben Green

ESD IMPACT/BENEFIT

- Environmental With a multi-use and high density development such as this to retain stormwater and waste on site would be extremely difficult so impact on the surrounding area could be imminent.
- Social High density living in this locality could be seen as out of character yet could provide a mixture of housing type to the area. A commercial business in this location could be seen as improving provision of facilities but could impact on the surrounding residents.
- Economic Benefit to owner through increase in site value and possible reduction in patronage to other businesses in the town.

The applicant proposes to establish a single storey Hardiplank Restaurant and four attached brick two storey residential units all having rooves constructed of Colorbond, on the one allotment.

The Restaurant is proposed to be located on the corner of Beach & Norton Road with indoor and outdoor dining available.

.../cont.

4.2 P Cirocco – 455/798/03 (Continued)

12 outdoor tables with 4 at a table (48 seats) will be located outside under shade sale structures with a landscape buffer provided to the road. Inside there are 10 tables (40 seats) proposed with a Kitchen, Cool room, and a toilet. Therefore there are 88 seats proposed in total. There are 4 formal car parks proposed and a single lane garage that could cater for maybe 3 cars "back to back", so 7 car parks in total with one designated disabled car park.

The four units will appear as the one building and to the front deck of the building is setback 6m from the Norton Street frontage. The building is 8m in height and there is provision for 4 visitor car parks and 2 unit car parks all uncovered and there has been no provision made for any yard space for the units.

It was agreed by concurrence that the Development Assessment Panel refuses Development Application 455/D798/03 for a Restaurant & 4 Residential Flats as it is at variance with the following Principles of Development Control in the Residential Zone:

- 1 Non-residential development in the zone should be of a type providing services primarily required by residents in the zone. In particular, such development should not detract from the amenity of the locality by reason of its bulk, appearance, advertising signs, traffic congestion or associated noise or other emissions.**
- 2 Buildings should not exceed 8.0 metres in height and should not cover more than 50 percent of the area of the allotment.**
- 7 Development should include sufficient provision for vehicular access which will not unduly affect the amenity of the locality, cause nuisance to any person or adjacent development, or interfere with the free flow of traffic in adjacent streets.**
- 8 Development should be compatible with the character and amenity of the locality.**
- 9 Buildings and structures should be of a high standard of design with regard to external appearance, building materials, colours, siting, bulk, loss of privacy, overshadowing, landscaping and provision for future maintenance.**

AGREED BY CONSENSUS

Cr Woolford thanked Mr & Mrs Cirocco for their representation at 11:50 a.m.

ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION COMMUNITY TITLE

5.1 455/D584/03 - Weber Frankiw & Associates on behalf of A & G Bennetts Nominees Pty Ltd

Cr Woolford, the Presiding Member, welcomed Mr C Rowe back to the table who gave a brief overview on behalf of the applicant at 11:50 a.m.

Date of Application	16 th June 2003
Subject Land	Lot 606 in DP 54155 and Lots 113 and 114 in DP 56009, Eyre Court, Mount Compass
Assessment No.	A 9418
Relevant Authority	Alexandrina Council
Planning Zone	Country Living
Nature of Development	Land Division – creation of 6 additional allotments
Type of Development	Consent on merit
Public Notice	Category 1
Referrals	DAC Technical Services
Representations Received	N/A
Representations to be heard	N/A
Date last inspected	15 th September 2003
Recommendation	Refuse
Originating Officer	Mikelis Dancis

ESD IMPACT/BENEFIT

- Environmental The subject land is steep, partly covered with vegetation, which is holding fragile, predominantly sandy soil, having the potential for erosion and other environmentally unsustainable impacts. Although the land is zoned for development, consideration has to be given to the topography and vegetation and micro ecosystem, prior consent is granted.
- Social The “creation” of six allotments will provide accommodation for six households, in a pleasant country living environment on reasonable size allotments, overlooking an existing golf course.

.../cont.

5.1 **455/D584/03 – Weber Frankiw & Associates on behalf of A & G Bennetts Nominees Pty Ltd (Continued)**

- Economic Benefits accrue to the applicant who will have the potential to develop six additional allotments in the subdivision, subject to extensive earthworks and engineering, that will need to be carried out to provide essential street construction and development, in difficult terrain, within a Bushfire Prone Area.

The subject land will be accessed via an existing allotment 113, in Eyre Court, which will be made into a road, that will service the six created allotments, ranging from 1,023 sq m, to 1,560 sq m, in size and backing onto existing northern boundary of allotments 115 to 123.

The subject land is located at the southern extremities of the Country Living Zone adjoining sub-divided land to the south(Lots 115 to 123), which fronts George Francis Drive, being the main “spinal” road in the whole development.

It was agreed by consensus that the Development Assessment Panel refuse DA 455/D584/03, lodged by Weber, Frankiw & Associates, on behalf of A & G Bennetts Nominees Pty Ltd, to a Land Division to create six allotments, detailed in Plan Ref. 4499, dated 12 June 2003.

Reasons for refusal:

The proposal is seriously at variance with,

Council Wide

PDC 6 and

Country Living Zone

Objectives 1,2,3,5and 6 and PDC 1,6,7,and 9

AGREED BY CONSENSUS

Cr Woolford thanked Mr Rowe for his attendance at 12:00 noon.

ITEM 6. DEVELOPMENT ASSESSMENT - BUILDING

ITEM 7. MATTERS REFERRED FOR FOLLOW-UP

ITEM 8. GENERAL ITEMS FOR DISCUSSION

8.1 Request For An Extension To The Provisional Development Plan Consent For D/A 455/1023/01

File Ref: 455/1023/01
Officer: Georgia West
From: D'Andrea & Associates Pty Ltd

The applicant has requested a six month extension to the Provisional Development Plan Consent. If this is granted the consent will remain operative until the 17th of April 2004.

It was agreed by consensus that the Development Assessment Panel refuses to grant an additional extension to the Provisional Development Plan Consent for DA 455/1023/01.

Reasons for refusal;

- 1. The scale and bulk of the proposal, including the height, side boundary setbacks, semi-detached design and overlooking and overshadowing impacts, is incompatible with the character of the locality.**

- 2. The proposal does not comply with Council Wide Principles of Development Control 9, 56 & 136, Port Elliot & Goolwa District Principles of Development Control 2 & 43, and Residential Zone Principles of Development Control 8 & 9, and is therefore considered to inconsistent with the provisions of the Development Plan.**

- 3. Substantial extensions have already been granted to the original Provisional Development Plan Consent, giving the applicant a generous amount of time to resolve all technical issues.**

AGREED BY CONSENSUS

8.2 455/D545/03 - RJ Cooper

File Ref: 455/9545/03
Officer: Ben Green

The above application was considered by the Development Assessment Panel on 7th July 2003 and refused. The applicant has appealed the decision with the Environment, Resources and Development Court and the 15th October 2003 at been set for the Conference date.

It was agreed by consensus that the report be received.

AGREED BY CONSENSUS

8.3 NOTICE OF APPEAL – 455/D603/03

File Ref: 455/D603/03
Officer: Mikelis Dancis
From: Environment, Resources and Development Court.

The Development Assessment Panel considered the above application at its meeting held 25th August 2003. Mr Stewart, the application, was aggrieved with the Panel's decision and has lodged an appeal.

It was agreed by consensus that the Development Assessment Panel receive and notes the report and the Panel support the view that PDC 3(c) is the predominant clause in the Development Plan that guidance should be taken when assessing applications and that this should be referred to as a basis for support of Council's decision at a forthcoming Conference in the Environment, Resources and Development Court.

AGREED BY CONSENSUS

LATE ITEMS

Adelaide Dealer Support Pty Ltd – 2-4 Dawson Street, Strathalbyn

Correspondence has been received from Adelaide Dealer Support Pty Ltd seeking Council approval to conduct a used vehicle dealership at 2-4 Dawson Street, Strathalbyn, a site previously used as a service station by Mobil Australia.

Ramoth Gilead Ministries – 455/186/03

Councillor Beckett would like any further information brought back to the Panel regarding any appeal by the applicant.

ITEM 9. NEXT MEETING

Monday 3rd November 2003 at the Centenary Hall Supper Room, Dawson Street,
Goolwa, time to be advised.

Meeting closed at 12:10 p.m.

MINUTES CONFIRMED
PRESIDING MEMBER

DATED