

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 18 April 2007 commencing at 10:00 am

Your attendance is requested.

10:00 a.m. Development Assessment Panel commencement

12:00 p.m. Conclusion of meeting.

JOHN COOMBE
CHIEF EXECUTIVE

ALEXANDRINA COUNCIL

AGENDA FOR THE DEVELOPMENT ASSESSMENT PANEL MEETING
TO BE HELD ON 18 APRIL 2007 AT 10:00 AM
IN COMMUNITY CHAMBERS "WAL YUNTU WARRIN"

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**Development Assessment Panel
Report and Agenda
on 18 APRIL 2007 commencing at 10:00 am
in the Community Chambers "Wal Yuntu Warrin"**

PRESENT

APOLOGIES

IN ATTENDANCE

ITEM 1 CONFIRMATION OF MINUTES

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

RECOMMENDATION

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

4.1 455/1353/06 ROSE KENTISH

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.

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.

.../cont.

4.1 455/1353/06 ROSE KENTISH (Continued)

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.

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.

.../cont.

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4.1 455/1353/06 ROSE KENTISH (Continued)

REFER ATTACHMENT 4.1 (a) (page 1)

SITE & LOCALITY

The subject site comprises two existing allotments with a number of buildings. Located on the Mill Terrace frontage is the old mill building which is State Heritage listed. The building is three storeys and is currently being used as a residential dwelling. There are also a number of outbuildings scattered around the subject site.

The locality is a mixture of commercial and residential development. To the immediate north of the subject building is a Doctors Surgery which has a frontage to the Victor to Goolwa Road. Adjoining the subject site on the south western boundary is the Middleton Caravan Park and the Steam Ranger railway line is located on the southern boundary of the site. Located to the east of the site on the eastern side of Mill Terrace is a residential dwelling with further residential land uses located to the south west across the railway line approximately 60m from the subject building.

PUBLIC NOTIFICATION

The Development Application was subject to Category 3 Public Notification pursuant to Section 38(5) of the Development act 1993, between 25 January 2007 and 9 February 2007.

Five representations were received within this prescribed timeframe. Three of these representors have stated that they wish to be heard at the DAP meeting.

All of the representors have raised objections to the proposed development. The main concerns raised relate to car parking and noise.

REFER ATTACHMENT 4.1 (b) (page 4)

The applicant has also submitted a response to the representation.

REFER ATTACHMENT 4.1 (c) (page 13)

The issues raised and responded to include car parking and noise.

REFERRALS

The application has been referred to Heritage SA pursuant to Schedule 8, 5 (1) of the Development Act 1993. Heritage SA has advised that they consider the proposed development to be acceptable.

.../cont.

4.1 455/1353/06 ROSE KENTISH (Continued)

REFER ATTACHMENT 4.1 (d) (page 19)

CONSULTATION

Consultation has been undertaken with Council's Environmental Health Department (EHO Luke Seidel) with regard to the effluent disposal system and food preparation area. The advice of the EHO is that the proposal is acceptable and that the Application for a Waste Control System to cope with the proposed development has been approved.

Consultation has been undertaken with Council's Technical Services Department (TSO Matt James) on the issues of access and car parking. The advice of the TSO is that the proposed on street car parking arrangement is considered to be acceptable.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

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

Council wide Objectives

Heritage

Objective 35: The preservation and maintenance of the integrity of places of identified local heritage value.

Objective 36: The facilitation and encouragement of the continued use or the adaptive reuse of places of heritage value.

Comment

The proposed development is considered to comply with the above as it involves a change of use of an existing heritage building. As there are no proposed changes to the external façade of the building along the Mill Terrace frontage, the proposed development is considered to preserve the integrity of the building.

Council Wide Principles of Development Control

Heritage

PDC 204 Uses to which such buildings, structures or sites of heritage significance are put should be those which will support the maintenance and/or restoration of such buildings, structures, or sites.

.../cont.

4.1 455/1353/06 ROSE KENTISH (Continued)

PDC 206 Uses to which a building, structure or site of heritage significance are put should be those which will support the continuing conservation of the item.

PDC 207 Uses to which a building, structure or site of heritage significance is put should be those which will support the maintenance and/or restoration of such buildings, structures, or sites.

PDC 208 Development or use of a building, structure or site of heritage significance, including buildings and groups of buildings, should only be altered in such a way as to protect or enhance the design or condition which gives the building, structure or site its heritage significance.

Comment

The proposed use of part of this building as a Wine Bar / Café will make this historic building much more accessible to the public. This in turn, may encourage the owners to preserve and maintain this building. As the internal and much of the external façade of the building is to be maintained, the proposed development is considered to comply with the above.

Centre Conservation Zone - Objectives

Objective 1: The conservation of buildings and sites of heritage significance.

Objective 2: The development of community, cultural, entertainment, office, and administrative facilities required by the community.

Comment

The proposed development is considered to comply with the above, particularly as a change in use such as this will provide an entertainment and potential tourist facility for the residents of Middleton and general public.

Centre Conservation Zone – Principles of Development Control

Movement of People and Goods

PDC 2 Car parking and service areas should be sited and suitably screened with fencing, or landscaped to preserve the amenity of the locality.

PDC3 Development should include sufficient provision for vehicular access, and for the manoeuvring and loading of service vehicles so as best to ensure the safety of the public and free flow of traffic in the locality.

.../cont.

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4.1 455/1353/06 ROSE KENTISH (Continued)

Comment

Given the fact that Mill Terrace is a small cul-de-sac servicing a small number of dwellings, Council's Technical Services Officer, Matt James has advised that the proposed car parking arrangement involving 12 spaces located on the road reserve is sufficient for the proposed land use. It is also noted that in response to the representors concerns regarding car parking, the applicant has also provided written consent from the owner of the adjoining property stating that this car park (10 spaces) can be used after hours.

Appearance of Land and Buildings

PDC 4 Buildings erected, added to or altered in any part of the Centre Conservation Zone:

- (a) should not impair or degrade the historic character of the locality or particular buildings or structures of heritage value within the locality;
- (b) should be of a scale and height similar to existing buildings of historic significance within the locality;
- © should be in a style similar to existing buildings of historic significance with respect to their form and appearance with emphasis on square or rectangular ground plans, gable, hipped or pitched roofs and veranda's;
- (d) in proximity to buildings of historic character, should be constructed of materials which are in visual harmony with materials used in those buildings of historic character; appropriate materials include limestone, bluestone, or rendered masonry walling and corrugated iron roofing, with mid to dark earth colours for Middleton; and
- (e) should be designed and sited as to avoid the removal, topping or pruning of significant mature trees.

Comment

As the proposed use will result in minimal alterations to the heritage building, the proposed development is considered to comply with the above. As no advertising is proposed, there will be no external alterations to the Mill Terrace side of the existing heritage listed building. Building.

CONCLUSION

The proposed change of use will result in a land use which is entirely supported by the Zone in which it is located. This, along with the fact that the proposed land use will allow the general public to enjoy a significant historic building is sufficient reason to warrant approval.

.../cont.

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4.1 455/1353/06 ROSE KENTISH (Continued)

RECOMMENDATION

That the Development Assessment Panel grant Provisional Development Plan Consent to Development Application 455/1353/06 for a Change of use to a Wine Bar / Café / Furniture Shop at 29 Mill Terrace Middleton subject to the following conditions:

1. No signs are to be erected or displayed on the building or about the site without the prior consent of Council.
2. All of the carparks located on Mill Terrace as per the Approved plan shall measure no less than 5.6m x 2.6m and shall be constructed of compacted rubble and suitably linemarked prior to occupation or use of the development herein approved.
3. The applicant or other approved persons for the time being making use of the subject land use now approved shall at all times maintain in good and substantial condition to the reasonable satisfaction of Council all respects of the subject land (including carparking areas the part of the subject building used for the change of use).
4. The land use (Wine Bar / Café and Furniture Shop) shall only be operated between the hours of 8am to 12am seven days a week unless written approval to vary these times is given by Council.
5. The use and any associated processes and activities carried on shall not detrimentally affect the amenity of the locality by reason of noise, smell, fumes, smoke, ash, soot, dust or grit.
6. 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.
7. Entertainment shall be limited to acoustic guitar/singer only and shall be undertaken within the building itself.

4.2 455/1221/06 STEVE DELIA BUILDING DESIGNERS

SUMMARY TABLE

Date of Application	20.10.2006
Subject Land	LOT 475 (59) Newell Avenue & 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.

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.

.../cont.

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

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.
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.

.../cont.

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

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.

REFER ATTACHMENT 4.2 (a) (page 23)

SITE & LOCALITY

The subject site consists of two existing allotments, each of which contains an existing dwelling (the dwelling on lot 475 has since been demolished). The subject site is fairly level and devoid of any significant stands of vegetation. Both allotments are rectangular in shape with lot 476 having frontage to Waikiki Way and lot 475 being a corner allotment with frontages to both Waikiki Way and Newell Avenue.

The locality is predominantly residential consisting of a wide variety of single and double storey dwelling on large allotments (>700m²). There is a reserve across the road from the subject site on the eastern side of Waikiki way.

.../cont.

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

PUBLIC NOTIFICATION

The Development Application was subject to Category 3 Public Notification pursuant to Section 38(5) of the Development Act 1993, between 10 January 2007 and 24 January 2007.

One representation was received within this prescribed timeframe. This representor does not object to the proposed development, however has expressed concerns with the lighting which originally formed part of the application, fencing along the western side of the tennis court, the demolition of the dwelling on lot 475 and the retaining walls.

This representor has stated that they do not wish to be heard at the meeting.

REFER ATTACHMENT 4.2 (b) (page 33)

The applicant has also submitted a response to the representation.

REFER ATTACHMENT 4.2 (c) (page 35)

The issues raised and responded to included; lighting (which has subsequently been deleted), fencing, the demolition of the dwelling and the retaining walls.

REFERRALS

There are no mandatory referrals pursuant to Schedule 8 of the Development Act 1993.

CONSULTATION

Consultation has been undertaken with Council's Technical Services Department (TSO Matt James) on the issues of site lines on the corner of Newell Avenue and Waikiki Way. The advice of the TSO is that in this instance, the site lines and location of the fence are acceptable.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

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

.../cont.

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

Council Wide Objectives

Appearance of Land and Buildings

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

Council Wide Principles of Development Control

Appearance of Land and Buildings

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

Comment

The proposed development is considered to comply with the above as the fences are of a scale and design which will blend with existing development on the subject site and the locality. It is noted that the tennis court fence is of a scale which is far in excess of the existing fencing in the locality, however as a tennis court in association with a residential land use is not considered to be development, therefore does not require Development Approval it is reasonable to assume that the fence is reasonable as it is a standard height for tennis courts.

Residential Development

PDC 41 Fences and walls abutting streets (excluding service lanes) should:

- (a) be compatible with the associated development and with any existing attractive fences and walls in the locality; and
- (b) enable some visibility of buildings from and to the street to enhance safety and allow surveillance.

Comment

The proposed fencing is considered to comply with the above, particularly the boundary fence which is of a design and scale which allows for the protection of privacy of the owners of the subject site yet will be constructed of materials and colours which will blend with the amenity of the locality. When compared to the 1.8m high colorbond fence proposed along the Newell Avenue boundary which does not require Development approval, the proposed boundary fence will enhance the amenity of the locality.

.../cont.

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

Residential Zone – Objectives

Objective 1: A safe, pleasant, convenient and distinctive coastal and semi rural living environment for all residents provided by housing and local community facilities that complement the existing positive elements of the living environment.

Objective 4: Development should enhance the existing character of residential areas with buildings that create an attractive and amenable environment through a variety of designs. The built form should respect and enhance the need for amenity and privacy.

Comment

The proposed development is considered to generally comply with the above as it will enhance the amenity and quality of life for the owners of the subject site. It is also noted that by siting the tennis court in the location as shown on the plans provided, the Applicant has effectively given up the right to construct a new dwelling on lot 475. This will ensure that there will be no more dwellings constructed on the subject site, reinforcing the low density character of the locality.

CONCLUSION

As there are very few Objectives and Principles of Development Control relating to fencing and given the fact that the proposed development is ancillary to the residential dwelling, the proposed development warrants the granting of Provisional Development Plan Consent.

RECOMMENDATION

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.

.../cont.

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

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 liaise 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.

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

NEXT MEETING