

**DEVELOPMENT ASSESSMENT PANEL  
MINUTES OF MEETING HELD ON 21 AUGUST 2006  
COMMENCING AT 12:00 PM  
IN THE LARGE MEETING ROOM (OLD GOOLWA COUNCIL CHAMBERS)**

**PRESENT**

Cr A Woolford (Presiding Member), Cr A Oliver, Cr G Connor, Cr M Beckett, Cr P Reedman, Cr R Potter.

**APOLOGIES**

**IN ATTENDANCE**

Cherry Getsom (Planner – Team Leader), Andrew Sladden (Planner), Phil Broderick (Council's Legal Adviser), Des Commerford (Director Environment & Lifestyle Services), Heather Atkinson (Acting Personal Assistant), David Zanker (Trainee Planner), Vanessa Harvey (Personal Assistant).

**ITEM 1. CONFIRMATION OF MINUTES**

Minutes of the Alexandrina Council Development Assessment Panel held on 17<sup>th</sup> July 2006.

Moved Cr Oliver seconded Cr Connor that the minutes of the Alexandrina Council Development Assessment Panel held on 17<sup>th</sup> July 2006 as circulated to members be received as a true and accurate record.

**CARRIED**

**ITEM 2. DEVELOPMENT APPLICATIONS**

**ITEM 3. DEVELOPMENT APPLICATIONS - NON COMPLYING**

**3.1 455/161/06 - Heritage Park Woodside Pty Ltd**

Cr Woolford, Presiding Member, welcomed Mr Graham Foristal, (applicant) to the meeting, who answered questions of the Panel from 12:15 p.m. to 12:24 p.m.

**SUMMARY TABLE**

Date of Application	7 <sup>th</sup> February 2006
Subject Land	33 North Terrace Port Elliot
Applicant	Heritage Park Woodside Pty Ltd
Owner	Balnero Pty Ltd
Assessment No.	A 2642
Relevant Authority	Alexandrina Council
Planning Zone	Historic Conservation – Centre
Nature of Development	Commercial addition involving the construction of 8 tenancies (office/retail) with associated decking and car parking.
Type of Development	Non-complying (Minor)
Public Notice	Category 3
Referrals	Heritage Advisory
Representations Received	1
Representations to be heard	Nil
Date last inspected	July 2006
Recommendation	Approval subject to concurrence of the Development Assessment Commission and approval of the encroachment upon Council's footpath.
Originating Officer	Andrew Sladden

**ESD IMPACT/BENEFIT**

- Environmental Improved site conditions as contamination from previous uses will be remediated.
- Social Benefit to residents of Port Elliot through an increase in the number of retail and commercial services.

.../cont.

## 3.1 455/161/06 – Heritage Park Woodside Pty Ltd (Continued)

- Economic Benefit to local economy through encouragement of commercial activities.

### **BACKGROUND**

The subject site is located on the corner of North Terrace and The Strand at Port Elliot. There is an existing building on the site which has previously been used as a Service Station including petrol pumping facilities and workshop and more recently as a retail outlet (shop).

### **THE PROPOSAL**

#### **Nature of Development**

The proposal involves additions to the existing building in order to create eight (8) commercial tenancies, varying in area from 33.8m<sup>2</sup> to 85.8m<sup>2</sup>. Proposed tenancy 8 has direct access to a proposed deck at the front of the site which is envisaged to be used for outdoor dining. The proposal also involves the creation of a car parking area at the rear of the site and service yard along the eastern side boundary. The existing building on the subject site has a total floor area of 428m<sup>2</sup> with the additions increasing this floor area by 92m<sup>2</sup> to 520m<sup>2</sup>.

Principle of Development Control 22 for the Historic Conservation – Centre Zone states:

- 22 The following kinds of development are non-complying in the Historic (Conservation) Zone – Centre:

*Shop or group of shops with gross leasable area greater than 200 square metres*

The existing site and building pursuant to the above definition is already a non-complying form of development as it has a gross leasable area of 428m<sup>2</sup>. As the proposal involves an addition to this existing building of 92m<sup>2</sup>, it is considered to be a minor addition to the existing non-complying use. Due to the minor nature of this addition, the proposal has been assessed as a Consent/Merit form of Development, however, should DAP resolve to grant consent, the proposal will also need to obtain concurrence of the Development Assessment Commission.

.../cont.

3.1 455/161/06 – Heritage Park Woodside Pty Ltd (Continued)

**Detailed Description**

The proposed additions to the existing building will create eight commercial tenancies of varying size which are all proposed to be contained within the single building and all of which have direct access to the proposed car park or street. All the proposed tenancies have rear access to a corridor which leads to communal toilet facilities.

The exterior of the building will be constructed using colorbond (Windspray) in keeping with the original garage on the site, timber finishes and large sections of glass. The final design of the development has been developed in consultation with Council's Heritage Advisor.

There is proposed to be a car park for eight cars with an option for an additional eight along the rear boundary subject to the neighbouring land owners consent to this encroachment along their boundary. The access to the car park is proposed to be obtained from The Strand and the car park is to be bituminised and line marked with a landscaped strip located along the Strand boundary which will help to screen the car park from public view.

The building is located within the northern (road) side of the subject site, with a deck proposed to be located along the corner of North Terrace and The Strand which has direct access to tenancy 8 and is proposed to be used for alfresco dining.

As the site was previously used as a petrol station and mechanical workshop, it can reasonably be assumed that the site may be contaminated. Planning SA have provided guidelines regarding contamination issues which state the following:

*"When the relevant authority has a reason to suspect that the subject land is, or has the potential to be contaminated, it is essential that an applicant be requested to demonstrate to that authority that the site is suitable for the use proposed."*

The applicant was asked to provide a Site Contamination Report in accordance with Planning SA's Site Contamination Guidelines which state the following:

*"The Auditor issues a Site Audit Report which states, in the opinion of the Auditor, that the site is suitable for the intended use(s), or for certain stated use(s) and also states any conditions pertaining to the use(s). The Auditor provides a copy of the Site Audit Report to the relevant planning authority. For the development or continuation of an existing commercial, industrial or similar use, assessment by an experienced environmental consultant should generally be acceptable."*

.../cont.

## 3.1 455/161/06 – Heritage Park Woodside Pty Ltd (Continued)

*The consultant's report however, should state that the site assessment has been carried out in accordance with Schedules A and B of the NEPM and should include definitive statements that, in regard to site contamination, the site does not pose unacceptable risks to human health and the environment taking into account the intended use(s)."*

The Soil contamination report provided by the Applicant has provided details of a number of areas which show signs of being contaminated. The report also provides details of how these areas will be remediated. Should DAP resolve to grant provisional Development plan consent to the proposal, the undertaking of these remedial works will become a condition of approval.

The Site Auditor has advised that he cannot provide any statements stating that the site does not pose any unacceptable risk to human health until the remediation works have been undertaken. As these form part of the application, they cannot be undertaken until consent has been granted. Therefore, should DAP resolve to grant consent, the Certificate of Occupancy will not be issued until such time that the Auditor has issued a Certificate to Council stating that the remediation works have been undertaken in accordance with the report and the site no longer poses a threat to human health.

It is also noted that a section of verandah (2.2m x 13.3m) is proposed to be located over the footpath along The Strand. This placement is subject to Council consent for an encroachment. A report in relation to this will be presented at the Council Meeting this afternoon. Therefore, consent to this proposed development will be subject to Council agreeing to the encroachment. Should the Development Assessment Panel agree to grant consent to the proposed development, yet Council not agree to the encroachment, then the applicant will be requested to amend the design accordingly and the amended plans will subsequently be presented to the Panel at a later date.

- 23 **It was agreed by consensus that the Development Assessment Panel grant Provisional Development Plan Consent to Development Application 455/161/06 for a Commercial Addition involving the construction of 8 Tenancies (Office / Retail) with associated Decking and Car parking at 33 North Terrace, Port Elliot subject to the following conditions and notes and subject to concurrence from the Development Assessment Commission.**

.../cont.

3.1 455/161/06 – Heritage Park Woodside Pty Ltd (Continued)

Conditions

1. The development shall proceed in strict accordance with the amended plans received by Council on 3 July 2006, showing the amendments requested by Council's Heritage Advisor, and subject to the proposed remediation works highlighted in the Soil Contamination Report (Ref No: 060208\_004) prepared by Factor Consulting Engineers P/L and submitted to Council on 20 July 2006 and 8 August 2006 subject to the following conditions:
2. A Certificate of Occupancy shall not be issued and the subject site shall not be occupied until a Certificate indicating that the remedial works have been undertaken in accordance with the Soil Contamination Report (Ref No: 060208\_004) and stating that the site does not pose an unacceptable risk to human health is submitted to Council.
3. The external finishes to the building herein approved shall be in accordance with the materials and colours as specified in the application now approved.
4. All stormwater drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or, in the opinion of Council, detrimentally affect structures on this site or any adjoining land.
5. All of the car parks, driveways and vehicle manoeuvring area shall be constructed and bituminised or brick paved or concreted in accordance with sound engineering practice prior to the occupation or use of the development herein approved.
6. Each car parking space shall measure not less than 2.5m x 5.5m long and the manoeuvring area shall be a strip not less than 6.2m wide along the whole of the car parking area. Such car parking spaces shall be line marked with continuous white lines along the whole of each side of each car parking space prior to the use of the development herein approved and such line marking shall be maintained in good and substantial condition at all times to the reasonable satisfaction of Council.
7. Before the development hereby permitted starts, three copies of a site layout plan drawn to scale and dimensioned must be submitted to and approved by Council. The plan must show the proposed landscape treatment of the site including the location of all proposed species. When approved the plan will be endorsed and will then form part of the approval.

.../cont.

3.1 455/161/06 – Heritage Park Woodside Pty Ltd (Continued)

8. The applicant or other approved persons for the time being making use of the subject land now approved shall at all times maintain in good and substantial condition to the reasonable satisfaction of the Council in all respects the subject land (including car parking areas, driveways and footpaths) all buildings and structures (and the external painting thereof), and all tree and shrub plantings and grassed areas.
9. The use and any associated processes or activities carried on shall not detrimentally affect the amenity of the locality by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
10. Floodlighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such manner as to cause no light overspill nuisance to adjacent development.
11. The structure herein approved is for Retail / Office purposes only, and approval must be granted by Council prior to any change of use.
12. No signage and advertising shall be displayed on or about the curtilage of the building or site without the prior consent of Council.

Notes

- 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 advise your neighbour of your intentions to build on your common boundary, prior to commencing construction.

AGREED BY CONSENSUS

3.2 455/426/06 - Pruszinski Architects

**SUMMARY TABLE**

Date of Application	13 <sup>th</sup> April 2006
Subject Land	23 Goolwa Channel Drive Hindmarsh Island
Applicant	Pruszinski Architects
Owner	V Niehus
Assessment No.	A 9320
Relevant Authority	Alexandrina Council
Planning Zone	Holiday House (Hindmarsh Island) Zone
Nature of Development	Detached Dwelling – double storey
Type of Development	Non-complying
Public Notice	N/A
Referrals	N/A
Representations Received	Nil
Representations to be heard	Nil
Date last inspected	May 2006
Recommendation	Proceed with assessment
Originating Officer	Andrew Sladden

**ESD IMPACT/BENEFIT**

- Environmental Increase in pollution potential and degradation of natural resources.
- Social Nil.
- Economic Increase in land value, rate increase, increase in services required in isolated location.

**BACKGROUND**

This application was presented to Council's Development Assessment Panel (DAP) meeting of 17 July 2006 for a resolution to proceed with the assessment as per Regulation 17 (3) of the Development Act 1993. DAP, at this meeting resolved the following:

.../cont.



3.2 455/426/06 – Pruszinski Architects (Continued)

*"...that the Development Assessment Panel determine to proceed with an assessment of Development Application 455/426/06 for a double storey detached dwelling at 23 (lot 6) Goolwa Channel Drive, subject to amended plan showing a 25 metre setback from the watercourse."*

The Applicant has advised that this is an invalid resolution as it essentially changes the nature of the application and has requested that the Application be presented to DAP with a resolution to either proceed with the assessment of the Application or refuse the application as it currently stands.

**THE PROPOSAL**

**Nature of Development**

The Development Application involves the construction of a detached dwelling on the subject site. The dwelling is proposed to be located approximately 4m from the waters edge.

Principle of Development Control 18 for the Holiday House (Hindmarsh Island) Zone states:

**PDC 18** The following kinds of development are non-complying in the Holiday House (Hindmarsh Island) Zone:

Detached Dwellings with the exception of:

- (a) dwelling extensions;
- (b) dwelling replacement;
- (c) dwelling associated with the Government exchange programme

Development within 25 metres of the foreshore with the exception of jetties, landings or structures required for the stabilisation of the water's edge

The proposed development is considered to be a non-complying form of development on two grounds as it involves the erection of a detached dwelling on an existing vacant allotment and is also proposed to be located less than 25m from the foreshore.

.../cont.

3.2 455/426/06 – Pruszinski Architects (Continued)

**Detailed Description**

The proposal involves the construction of a double storey detached dwelling on the subject site. It is noted that the lower floor is not habitable, and its purpose is an entrance and stairwell in order to provide access to the dwelling. The proposed dwelling is elevated in order to meet the minimum finished floor level as required by the Land Management Agreement (LMA) registered on the site and Principles of Development Control for the zone.

Only a small part of the dwelling (entry) is located at existing ground level, with the rest of the dwelling being located approximately 2.5m above existing ground level. The proposed dwelling is a modern contemporary design with large windows taking advantage of the views and a flat roof.

It is proposed to locate the dwelling towards the front of the allotment setback approximately 4m from the waters edge. The reason for this setback is to bring the proposed dwelling in line with the adjoining dwelling.

- 24 **Moved Cr Beckett seconded Cr Oliver that the Development Assessment Panel resolve to refuse Development Application 455/426/06 in its present form.**

**CARRIED**

## ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

### 4.1 455/220/06 - Wegener Constructions

Cr Woolford, Presiding Member, welcomed Carolyn Bush (representor) to the meeting, who spoke regarding her representation from 12:27 p.m. to 12:37 p.m.

#### SUMMARY TABLE

Date of Application	22 <sup>nd</sup> February 2006
Subject Land	Lt 10 Trainers Way Strathalbyn
Applicant	Wegener Constructions
Owner	Peter Day
Assessment No.	A 20063
Relevant Authority	Alexandrina Council
Planning Zone	Agjstment
Nature of Development	Shed – machinery
Type of Development	Consent/Merit
Public Notice	Category 3
Referrals	N/A
Representations Received	1
Representations to be heard	1
Date last inspected	April 2006
Recommendation	Approve with conditions
Originating Officer	Andrew Sladden

#### ESD IMPACT/BENEFIT

- Environmental Minimal.
- Social Nil.
- Economic Increased site value.

.../cont.

## 4.1 455/220/06 – Wegener Constructions (Continued)

### BACKGROUND

The subject site is one of a number of newly created allotments located within the Agistment Zone on Trainers Way at Strathalbyn. The subject site is a triangular shaped allotment with a total area of 2.02ha. A single storey detached dwelling (455/264/06) has been approved on this allotment.

### THE PROPOSAL

#### **Nature of Development**

The development Application involves the construction of a 30.4m x 10.7m (325.28m<sup>2</sup>) x 6m high shed which is proposed to be used for general farming purposes and the storage of farm machinery.

#### **Detailed Description**

The proposed shed is to be located in the north western corner of the allotment, 10.6m from the western (rear) boundary and 14m from the northern (side) boundary. Cut and fill will result in the proposed shed being located 1m below the existing natural ground level.

It is noted that the applicants originally lodged their plans with the proposed shed being located 4m from the northern side boundary, however have amended the location (14m from this boundary) as a result of the issues raised by the representation received from category 3 public notification.

- 25 It was agreed by consensus that the Development Assessment Panel approve Development Application 455/220/06 for a shed at lot 10 Trainers Way, Strathalbyn subject to the following conditions and notes:

#### **Conditions**

1. The building shall be clad with steel, pre-coated in a dark range grey, green, or brown colour to blend with the surrounding natural landscape.
2. The structure is not to be used for any other purpose i.e. for 'living' purposes without first gaining approval from the Council for a 'change of use' under the Development Act. NOTE - that 'living' includes temporary staying overnight or at weekends.

.../cont.

4.1 455/220/06 – Wegener Constructions (Continued)

3. The 'change of use' of a structure without the approval of Council can result in legal action being taken under the Development Act 1993, and can incur substantial fines
4. The development shall proceed in strict accordance with the amended plans received by Council on 5 July 2006, 18 July 2006 and 3 August 2006, showing an amended setback from the northern side boundary of 14m and 10.6m from the western boundary and cut and fill, subject to the following conditions:
5. The site of the proposed building shall be screened with native vegetation that will be of a species appropriate to the area and mature to such a height to reduce the visual impact of the building. The vegetation shall not be planted closer to the building(s) or powerlines than the distance equivalent to their mature height and be maintained in a healthy condition at all times.
6. All stormwater drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or, in the opinion of Council, detrimentally affect structures on this site or any adjoining land.
7. All external lighting shall be directed away from residential development and if necessary, shielded to prevent light spill causing nuisance to the occupiers of those residential premises.
8. The noise emanating from the the subject land shall be restricted to levels meeting the reasonable requirements of the Environment Protection Authority.

AGREED BY CONSENSUS

ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION COMMUNITY TITLE

ITEM 6. DEVELOPMENT ASSESSMENT - BUILDING

ITEM 7. MATTERS REFERRED FOR FOLLOW UP

ITEM 8. GENERAL ITEMS FOR DISCUSSION

Moved Cr Beckett seconded Cr Potter that the Development Assessment Panel move into camera at 12:38 p.m.

CARRIED

Moved Cr Beckett seconded Cr Potter that in accordance with the 1999 Local Government Act, Section 90 subsection (2) and (3)(c)(h):

- (2) A Council or Council Committee may order that the public be excluded from attendance at so much of a meeting as is necessary to receive, discuss, consider in confidence any information or matter listed in subsection (3).
- (3) The following information and matters are listed for the purposes of subsection (2):
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, or prejudice the commercial position of the Council.
  - (h) legal advice.

That Cherry Getsom (Team Leader – Planning), Andrew Sladden (Planner), Des Commerford (Director Environment & Lifestyle Services), Phil Broderick (Council's Legal Advisor), David Zanker (Trainee Planner), Heather Atkinson (Acting Personal Assistant), Vanessa Harvey (Personal Assistant) remain in the meeting.

8.1 455/1454/05, 455/1455/05, 455/1456/05, 455/1457/05 - Adelaide Blue Gums Pty Ltd

File Ref: 455/1454/05  
Officer: Cherry Getsom  
From: Phil Broderick

REPORT

Council's Legal Advisor, Mr Phil Broderick was welcomed to the meeting. Mr Broderick then proceeded to give a verbal report to the Panel Members.

8.2 455/387/06 - Hassell Pty Ltd - 42 North Parade, Strathalbyn

File Ref: 455/387/06  
Officer: Cherry Getsom  
From:

**REPORT**

Mr Phil Broderick, Council's Legal Advisor updated the Development Assessment Panel on the appeal process for Development Application 455/387/06.

Moved Cr Oliver seconded Cr Connor that the Development Assessment Panel move out of camera at 1:20 p.m.

**CARRIED**

The gallery were then invited back to the meeting wherein Mr Phil Broderick, (Council's Legal Advisor) advised the gallery of the decisions made by the Development Assessment Panel.

**NEXT MEETING**

Monday 18<sup>th</sup> September 2006 – time to be advised.

Councillor Beckett advised that she will be an apology for the meeting 18<sup>th</sup> September 2006.