

**DEVELOPMENT ASSESSMENT PANEL
MINUTES OF MEETING HELD ON 30 JANUARY 2008
COMMENCING AT 11:00 AM
IN THE GOOLWA COUNCIL CHAMBERS, CADELL STREET, GOOLWA**

PRESENT

Ron Danvers (Chair), Madeleine Walker, Mike Galea, Cr Grant Gartrell.

APOLOGIES

Cr Rick Medlyn.

IN ATTENDANCE

Cherry Getsom (Team Leader – Planner), Andrew Sladden (Planner), Vanessa Harvey (Personal Assistant).

ITEM 1 CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on 19th December 2007.

Moved M Galea, seconded M Walker that the minutes of the Alexandrina Council Development Assessment Panel held on 19th December 2007 as circulated to members be received as a true and accurate record.

CARRIED

ITEM 2. DEVELOPMENT APPLICATIONS

2.1 455/1389/07 David Andrew

Representors

Mr Ron Danvers, Chairman, read from the representors listing:

Mrs Dawson was at the meeting but did not speak.

Mr Rob Leany spoke on behalf of his parents representation, Mr and Mrs Leaney from 11:05 a.m. to 11:08 a.m.

Mr Jolly, representor concurred with Mr Leany and answered questions of the panel from 11:10 a.m. to 11:16 a.m.

Mr Andrews, the applicant responded and answered questions of the panel from 11:16 a.m. to 11:28 a.m.

Mr Ron Danvers, Chairman, declared that the meeting would now moved into a closed meeting and asked the Gallery to please the Community Chambers.

SUMMARY TABLE

Date of Application	12.11.2007
Subject Land	Lot 182 & 183 Oliver St Goolwa
Assessment No.	A5897
Relevant Authority	Alexandrina Council
Planning Zone	District Centre Zone – Bulky Goods Policy Area (4)Commercial
Nature of Development	Commercial New – Carwash with associated Fencing & Signage
Type of Development	Consent/Merit
Public Notice	Category 2
Referrals	N/A
Representations Received	6
Representations to be heard	Nil.

.../cont.

2.1 455/1389/07 David Andrew (Continued)

Date last inspected	January 2008
Recommendation	Approval
Originating Officer	Andrew Sladden

ESD IMPACT/BENEFIT

- Environmental Environmental impact through creation of waste water and possible chemicals
- Social Benefit to local community through provision of sought after service but possible negative impact upon adjoining residents through noise and light impacts
- Economic Benefit to local economy through provision of commercial enterprise

THE PROPOSAL

Nature of Development

The proposed development covers two existing vacant allotments on the corner of Oliver and Governor Streets, Goolwa. Being located within the District Centre Zone, Bulky Goods Policy Area pursuant to Maps Alex/62 and 72 from the Alexandrina Development Plan, a development of this nature (carwash) is not listed as being a non-complying form of development either in the Zone and Policy Area Principles of Development Control.

Therefore, the proposal is considered to be consent/merit form of development.

Detailed Description

The proposed carwash is to be erected over two existing vacant allotments being 15 Oliver Street, which is on the corner of Governor Street and the adjoining allotment being 17 Oliver Street. Both allotments are fairly level and devoid of any significant or native vegetation.

The plans also show a possible future expansion of the carwash over another adjoining allotment (19 Oliver Street), however this does not form part of the proposal and will be the subject of a future Development Application.

.../cont.

2.1 455/1389/07 David Andrew (Continued)

The proposed development involves the erection of a single building in the centre of the allotments (setback 10.5m from the Oliver Street boundary and .5m from the Governor Street boundary) which will consist of three carwash bays (automatic, car and boat), associated plant room and office. The building will have a total height of 5.5m above the finished ground level and is proposed to have colorbond walls (sandbank) and roof cladding (deep ocean). There is also a dog wash area which is located in the north western corner of the subject site.

Access to the site is proposed to be via a 5.4m wide crossover located on the northern side of 17 Oliver Street with a single 4m wide exit in the south western corner of the site accessing Governor Street. There is a small landscaping strip proposed along Governor Street and a part of Oliver Street with a red gum post and rail fence on the road boundaries of the allotments.

There are four underground tanks for the collection and reuse of storm and waste water from the operation of the proposed development.

It is also proposed to construct an illuminated advertising sign which will be located on the corner of Oliver and Governor Streets. The sign is proposed to be located 3.5m above ground level and has the dimensions of 3.71m by 1.61m (5.97m²).

SITE & LOCALITY

The subject site, consisting of two allotments, both of rectangular shape, has a total area of approximately 613m². The site is reasonably level with a slight slope from the road to the rear of the site of approximately .5m. There is no significant vegetation on the site.

The locality is varied and is bounded by Hutchinson Street to the north of the site, a row of cottages and dwellings fronting onto Oliver Street to the east, and the railway line to the west and south of the site. The locality is a mixture of commercial, light industrial and residential development.

To the north and west of the site on the western side of Oliver Street and bounded by the railway line to the west is a mixture of commercial and light industrial development ranging from then Goolwa Vet which is located next door at 19 Oliver Street, to a Real Estate Agency adjoining the vet on the corner of Tiverton Street. Behind these commercial premises along Tiverton Street running down to the railway line to the west, are a mixture of large sheds which appear to be being used for light industrial purposes.

.../cont.

2.1 455/1389/07 David Andrew (Continued)

The Telstra Exchange is also located along this street. To the immediate west of the subject site on the northern side of Governor Street is a large semi-industrial building which is currently being used as a marine upholstery workshop.

On the northern side of Tiverton Street is an existing carwash, crash repair business and South Coast Marine which is bounded by Oliver Street to the east and Hutchinson Street to the north. South Coast Marine includes a large workshop for the maintenance and repair of boats, a retail sales yard and service station.

On the eastern side of Oliver Street between Hutchinson Street to the north and the railway line to the south is a mixture of residential development ranging from a small number of very old single fronted cottages dating back to before the turn of the 20th century located between Hutchinson Street and Baronet Street, to a couple of detached dwellings and row dwellings dating from the 1970's between Baronet Street and the Railway line.

To the south of the subject site on the western side of Oliver Street between Governor Street and the railway line are a mixture of single storey detached dwellings dating from the early 1970's of varying designs and styles.

1 Moved M Galea, seconded Cr Gartrell that the Development Assessment Panel refuse Development Application 455/1389/07 for a Carwash at 13 and 15 Oliver Street Goolwa, on the grounds that it is in conflict with the surrounding residential area. In particular, the proposed development is considered to be at variance with the following Objectives and Principles of Development Control from the Alexandrina Development Plan:

PART A - COUNCIL-WIDE

OBJECTIVES

Form of Development

Objective 2: A proper distribution and segregation of living, working and recreational activities by the allocation of suitable areas of land for those purposes.

Movement of People and Goods

Objective 18: The free flow of traffic on roads by minimising interference from adjoining development

.../cont.

2.1 455/1389/07 David Andrew (Continued)

PRINCIPLES OF DEVELOPMENT CONTROL

Movement of People and Goods

PDC 102 Development and associated points of access and egress should not create conditions that cause interference with the free flow of traffic on adjoining roads.

PRINCIPLES OF DEVELOPMENT CONTROL

Movement of People and Goods

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Outdoor Advertisements

PDC 137 The location, siting, size, shape and materials of construction, of advertisements should be:

- (a) consistent with the desired character of areas or zones as described by their objectives;
- (b) consistent with the predominant character of the urban or rural landscape; or
- (c) in harmony with any building or site of historic significance or heritage value in the locality.

PDC 138 Advertisements should not detrimentally affect by way of their siting, size, shape, scale, glare, reflection, or colour, the amenity of areas, zones, or localities, in which they are situated.

PDC 139 Advertisements should not impair the amenity of areas, zones, or localities, in which they are situated by creating, or adding to, clutter, visual disorder, and the untidiness of buildings and spaces.

DISTRICT CENTRE (GOOLWA) ZONE

Movement of People and Goods

PDC 7 Development, in particular the location of vehicle access points should not interfere with the free flow of traffic within the zone.

.../cont.

2.1 455/1389/07 David Andrew (Continued)

PRINCIPLES OF DEVELOPMENT CONTROL

Movement of People and Goods

PDC 7 Development, in particular the location of vehicle access points should not interfere with the free flow of traffic within the zone.

Appearance of Land and Buildings

PDC 14 Buildings should be designed to integrate with neighbouring development and contribute to the enhancement of the character and amenity of the locality. In particular development, other than within the State Heritage Area shown on Fig HA/1, should consolidate under-utilised or vacant sites in a manner which promotes shared car parking, and the safe and convenient movement of people and goods.

Environment and Amenity

PDC 22 Development should not result in emission of noise, atmospheric, liquid or other pollutants which would prejudice the amenity of adjacent properties and public spaces.

PDC 23 Development should be designed and located so as to achieve economy in the provision of public services and should not lead to any pollution of water resources through disposal of effluent or wastewaters or other materials.

Advertising Displays

PDC 24 Advertising displays should enhance the amenity and streetscape of the locality and be designed so that:

- (a) the scale, type, design, location, materials, colour, style and illumination of any advertising display is compatible with the design and character of the buildings and land to which it is related;
- (b) the advertising displays are integrated with the architectural form, style and colour of buildings;
- (c) the supporting structure is concealed from view wherever possible.

.../cont.

2.1 455/1389/07 David Andrew (Continued)

- PDC 26 Advertising displays including traffic signs should not obscure views of, or the architectural form and detail of heritage buildings.
- PDC 27 The scale, type, design and location, and the materials, style and illumination of any sign should be compatible with the historic townscape character of the locality.
- PDC 28 Other than in Policy Areas 3 and 4, pylon signs, architecturally integrated roof signs, signs above verandahs, large signs, flashing and animated signs, internally illuminated signs and hoardings should not be established. Sky signs located above the roof ridge or parapet are inappropriate in all policy areas.

Bulky Goods Policy Area 4

- PDC 63 Development should primarily include:
- (a) retail showrooms; and
 - (b) other bulky goods establishments with a gross leasable area of 500 square metres or more, including premises used primarily for the sale, display or offer by retail of hardware, office equipment and supplies or other items (goods or materials) which are predominantly of such a size, shape or weight as to require an extensive area for handling, storage or display.
- PDC 65 Development should:
- (a) ensure that there is no significant nuisance or loss of amenity in nearby residential areas;
 - (b) maintain and where necessary improve the safe and efficient movement of traffic on adjoining roads;
 - (c) provide adequate on-site employee and visitor car parking;
 - (d) ensure that all loading and unloading takes place on the site; and
 - (e) provide appropriate landscaping which:
 - (i) softens the appearance of buildings and paved areas and generally enhances the amenity of the locality;
 - (ii) ensures adequate sight lines and vehicle ingress and egress points; and
 - (iii) provides canopy shade trees to car parking areas.
- PDC 67 Shade trees should be established adjacent to the frontage of Oliver Street to minimise the impact of development on the adjacent Goolwa State Heritage Area.

CARRIED

ITEM 3. DEVELOPMENT APPLICATIONS - NON COMPLYING

3.1 455/D062/07 Neville Jenkins

SUMMARY TABLE

Date of Application	09.08.2007
Subject Land	Lot 92+Clayton Milang Road, Milang
Assessment No.	A20338
Relevant Authority	Alexandrina Council
Planning Zone	Waterfront Zone, General Farming (Strathalbyn) Zone
Nature of Development	Boundary Realignment
Type of Development	Non-Complying
Public Notice	Category One
Referrals	DWLBC
Representations Received	N/A
Representations to be heard	N/A
Date last inspected	18 January 2008
Recommendation	Approval subject to concurrence from DAC
Originating Officer	Cherry Getsom

ESD IMPACT/BENEFIT

- Environmental Minimal
- Social Positives for property owner
- Economic Positives for Property owner

THE PROPOSAL

Nature of Development

The subject land consists of Certificate of Title (CT) 5485/360, CT 5260/502 and part CT 5640/732, more commonly known as Lots 92 and 93 Public Road, Clayton. The land is located within both the General Farming (Strathalbyn) Zone and the Waterfront Zone of the Alexandrina Development Plan (Consolidated 23rd November 2006).

.../cont.

3.1 455/D062/07 Neville Jenkins (Continued)

The proposed boundary realignment seeks to alter the four existing titles and in doing so creates an additional part allotment within the Waterfront Zone. The creation of additional allotments within this zone is a non-complying form of development.

Detailed Description

The subject land currently exists as 4 allotments:

1. Pieces 92 and 93 comprises approx. 194ha , the pieces are separated by a closed road. No structures are contained within these pieces. Piece 92 and 93 have existing access via the Clayton- Milang Road
2. Pieces 6 and 7 comprises approx. 139ha, the pieces are separated by a closed road. Two habitable dwellings exist on piece 6 along with associated shedding and outbuildings. These Pieces are bounded by the Clayton-Milang Road, Kindaruar Road, an unmade public road and Pieces 92 and 93.
3. Section 69 comprises approx. 20.6ha and contains no structures. This Section abuts Pieces 6 and 7 and access can be obtained via an unmade public road on both the eastern and western boundaries.
4. Section 62 is approx 25ha and also contains no structures. It abuts Piece 7 and can also obtain access via unmade public roads on both the eastern and western boundaries.

The proposed re-alignment seeks to create:

1. Allotment 23 of approx 4.047ha and will include one of the existing dwellings and shedding. This allotment maintains existing road frontage.
2. Allotment 24 of approx 30.55ha and will include the second existing dwelling and the balance of the shedding. This allotment also maintains existing road frontage.
3. Pieces 21 and 22 of approx 298.75ha containing no structures with existing road frontage.
4. Allotment 20 of approx of 45.75ha containing no structures, with existing road frontage.

All parcels are primarily utilised for grazing purposes and are currently within the one ownership. A number of structures exist on the subject land, principally two farmhouses and associated shedding. These structures are clustered in the central northern portion of existing Piece 6. A number of trees are located around these dwellings.

.../cont.

3.1 455/D062/07 Neville Jenkins (Continued)

SITE & LOCALITY

The subject land itself incorporates four existing titles of a variety of sizes and shapes, with old unmade roads separating a number of pieces. As previously noted the land is primarily utilised for grazing purposes. It is relatively low lying and is located within the vicinity of Lake Alexandrina, existing Pieces 6 and 92 are adjacent the lake. Land surrounding the subject allotments is also used for primary production purposes.

Access to Pieces 6 and 7 and 92 and 93 is available from Kindaruar Road and Clayton - Milang Road. Section 62 and Section 69 have access via two unmade public roads, on the eastern and western boundaries.

- 2 Moved Cr Gartrell, seconded M Walker that the Development Assessment Panel approve Development Application No. 455/D062/07 for a Boundary Realignment at Pieces 92 and 93, Pieces 6 and 7 and Section 62 and 69 Clayton Milang Road, subject to the concurrence of the Development Assessment Commission, and the following conditions:

DAC Requirements:

1. That two copies of a certified survey plan shall be lodged for Certificate purposes.

Council Requirements:

1. Access roads shall be sealed and maintained to the satisfaction of Council.

Advice Notes:

1. This advice does not obviate any considerations that may apply to the Commonwealth Government's Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

CARRIED

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

M Walker declared an interest in Item 4.1 and left the meeting at 11:50 a.m.

4.1 455/640/06 Giuseppe Polito

SUMMARY TABLE

Date of Application	8 th June 2006
Subject Land	Lot 144 Waterport Road Port Elliot
Assessment No.	A3896
Relevant Authority	Alexandrina Council
Planning Zone	Landscape (Pt Elliot and Goolwa District) Zone
Nature of Development	Change Of Use – Restaurant / Café(Non-Complying)
Type of Development	Non-Complying
Public Notice	Category 3
Referrals	N/A
Representations Received	22
Representations to be heard	Nil
Date last inspected	December 2007
Recommendation	Approval Subject to Development Assessment Commission Concurrence
Originating Officer	Andrew Sladden

ESD IMPACT/BENEFIT

- Environmental Minimal
- Social Benefit to local community and tourism for the region through the provision of another restaurant
- Economic Benefit to owner and local economy through provision of another local business

.../cont.

4.1 455/640/06 Giuseppe Polito (Continued)

BACKGROUND

The subject site is currently being used for the baking and sale of wood oven bread and focaccia on weekends. Although not an approved use, this activity has been undertaken on the site by the owners for a considerable length of time.

The Development Application was presented to the Development Assessment Panel in August 2007 where the Panel resolved to proceed with the assessment of the Application.

THE PROPOSAL

Nature of Development

Given the fact that the subject site is located within the Landscape (Port Elliot and Goolwa) Zone, an application for a partial change of use of this nature (restaurant/cafe) is considered to be a non-complying form of development as it is not specifically listed as an exemption pursuant to Principle of Development control 7 for the Zone.

Detailed Description

The Applicant seeks to operate a restaurant/café on the subject site for one night a week for up to 18 guests. The restaurant will be located in an existing building at the rear of the dwelling and car parking for at least 9 cars will be provided on site.

The building to be used for the restaurant has a total floor area of 195m², of which 85.5m² will be used for the restaurant with the rest of the building being divided into the kitchen, wood ovens, storage room and toilet facilities.

A total of eighteen (18) patrons will be catered for on site and the applicant has applied for a liquor licence in order to be able to serve alcohol to the guests.

It is noted that the owners and operators of the restaurant will continue to live on the property within the existing dwelling.

.../cont.

4.1 455/640/06 Giuseppe Polito (Continued)

SITE & LOCALITY

The subject site is a large residential allotment located on the northern side of Waterport Road. The subject site consists of two existing allotments with an existing dwelling facing Waterport Road setback approximately 10m from the front boundary. The building proposed to be used for the restaurant/cafe is located directly behind the dwelling and is not visible from public view. There are also numerous sheds and outbuildings located on the subject site.

The locality is varied, ranging from the large residential and rural land holdings on the northern side of Waterport Road, including a health retreat/day spa (Authenticity) located approximately 100m from the subject site, to the large residential allotments located along the southern side of Waterport Road. Land to the north, west and east of the subject site is used for farming (grazing and cropping).

3 **Moved Cr Gartrell seconded M Galea that the Development Assessment Panel grant Development Plan Consent to Development Application 455/640/06 for a partial change of use - Restaurant/Cafe at 46 Waterport Road, Port Elliot subject to the following conditions and notes and subject to Approval for the Modified Waste Control System and concurrence of the Development Assessment Commission.**

1. The development herein approved to be carried out in accordance with plans and details accompanying this application (amended plans received by Council on 12 October 2007).
2. Driveways, vehicles manoeuvring and parking areas shall be constructed to Australian Standard AS2890.1 (Carparking Facilities) and be of compacted rubble, bitumen or brick prior to occupation or use of the development herein approved. Such surfaces shall be maintained in a good and substantial condition at all times to the reasonable satisfaction of Council.
3. All kitchen and cooking facilities must comply with the requirements of the Food Act 2001, Food Regulations 2002 and the Food Safety Standards.
4. 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.

.../cont.

4.1 455/640/06 Giuseppe Polito (Continued)

5. 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 residential development.
6. The loading and unloading of goods from vehicles must only be carried out on the subject land.
7. No signs are to be erected or displayed on the building or about the site without the prior consent of Council.
8. The land use herein approved (Restaurant) shall only be operated between the hours of 9am to 12am unless written approval to vary these times is given by Council.
9. The restaurant shall have a maximum capacity of eighteen (18) persons at any time.

CARRIED

M Walker returned to the meeting at 11:55 a.m. at the conclusion of Item 4.1

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

For any applications that the Development Assessment Panel give the Planners delegated powers to be brought back to the Panel with the outcomes. This could include any applications that go to appeal. A verbal report would be sufficient.

The February meeting is the last meeting that this current Development Assessment Panel are contracted for. A reminder that Council need to advise the Panel Members of a decision and any documentation or requests for the next 12 months.

A review to be held at the end of the next meeting and this could include what the Panel require from the Planners at the meetings.

Ron Danvers is an apology for any meeting scheduled for May.

M Walker will be an apology for the April meeting if one is held.

The March meeting will need to be rescheduled to the fourth Wednesday (26th) is one is required as the Chambers are booked for something else.

Meeting closed at 12:15 p.m.

MINUTES CONFIRMED
Chairman

DATED