

**DEVELOPMENT ASSESSMENT PANEL
MINUTES OF MEETING HELD ON 24 OCTOBER 2005
COMMENCING AT 11:00 AM
IN THE LARGE MEETING ROOM (OLD GOOLWA COUNCIL CHAMBERS)**

PRESENT Cr B Featherston, Cr G Connor, Cr M Beckett, Cr P Reedman, Cr R Potter, D Commerford (Director of Environment & Lifestyle Services), D Banks (Director of Engineering & Infrastructure).

APOLOGIES Cr A Woolford (Presiding Member)

IN ATTENDANCE Tom Gregory, Cherry Getsom, Joanne Nightingale (Planners), Judith Urquhart (Manager Development Services), Vanessa Harvey (Personal Assistant).

D Commerford declared the meeting open at 10:05 a.m. and called for nominations for Presiding Member.

Cr Reedman nominated Cr Featherston as Presiding Member.

No further nominations being received, Cr Featherston accepted the nomination:

Moved Cr Reedman seconded Cr Connor that Cr Featherston be appointed Presiding Member for the Development Assessment Panel meeting on 24th October 2005.

CARRIED

ITEM 1 CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel meeting held on Monday 19th September 2005.

Moved Cr Connor seconded Cr Potter that the minutes of the Alexandrina Council Development Assessment Panel held on Monday 19th September 2005 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/D031/05 - Bill Scutchings

SUMMARY TABLE

| | |
|-----------------------------|--|
| Date of Application | 6 th April 2005 |
| Subject Land | Lots 444 Mount Barker Rd, Langhorne Creek |
| Assessment No. | A 11570 |
| Relevant Authority | Alexandrina Council |
| Planning Zone | Flood Zone and Country Township Zone (Langhorne Creek) |
| Nature of Development | Boundary realignment |
| Type of Development | Non-complying |
| Public Notice | Category 1 |
| Referrals | Department Water Land Biodiversity Conservation (River Murray Act 2003) |
| Representations Received | N/A |
| Representations to be heard | N/A |
| Date last inspected | 13 th October 2005 |
| Recommendation | Approval with conditions subject to concurrence from Development Assessment Commission |
| Originating Officer | Cherry Getsom |

ESD IMPACT/BENEFIT

- Environmental Probable environmental positives through improved land management and control.
- Social None expected.
- Economic Expected economic benefits to land owner through improved land management and control.

THE PROPOSAL

Nature of Development:

The development involves the re-alignment of seven (7) existing titles along either side of the Mount Barker Road, Langhorne Creek. The site is located in the Flood Zone and the Country Township Zone of the Alexandrina Development Plan with the subject land located between Kent Road and Scott Road.

.../cont.

3.1 455/D031/05 – Bill Scutchings (Continued)

Boundary realignments creating no additional allotments, are not in themselves a non-complying form of development within the Flood zone. However, a section of this proposal falls within Area A, identified in Figure FI/1 of this zone, which removes it from the list of exclusions to non-complying development. The proposal has therefore been classified as non-complying.

Detailed Description

The proposal intends to realign seven existing titles in order to better suit the existing land uses. All allotments are in the same ownership and worked as one property.

Proposed Lots 11 and 12 are located along the eastern side of Mount Barker Road. They currently exist as a vineyard and land which is predominately vacant except for a shed and existing vegetation. The boundary between these allotments separates the vineyard in two. The proposal involves altering this boundary so that the vineyard (Lot 11) and the vacant allotment (Lot 12) are on separate titles.

The other five allotments are located along the western side of Mount Barker Road. They are to be re-aligned so that proposed Lot 13 and 15 will contain existing vineyards, each growing a different grape variety. Proposed Lot 16 is to contain the existing dwelling and surrounding gardens and vegetation. Proposed Lot 14 is to remain vacant, with the exception of an existing shed. Proposed Lot 17, is to be a smaller than the other allotments at 413m² but is to contain only a water pump and filter system and be utilised solely for water supply management purposes.

All of the proposed allotments with the exception of the south eastern corner of proposed allotment 16 are located within the Flood Zone. This portion of allotment 16 is zoned Country Township (Langhorne Creek). The current alignment has two allotments falling within both zones.

Included with this report are copies of aerial photographs showing the existing boundary alignment and the proposed alterations which clearly demonstrate the relationship between the use of the land and the proposed realignment.

DAP200537 Moved D Commerford seconded Cr Connor that the Development Assessment Panel defer Development Application 455/D031/05 for the Planner to seek a reconfiguration of the boundaries from the applicant to amalgamate Lots 14 and 17 together with a Land Management Agreement and maintenance of the existing Lot 105 within the Country Township Zone.

CARRIED

3.2 455/D019/05 - Ashlee McMurtrie

SUMMARY TABLE

| | |
|-----------------------------|---|
| Date of Application | 11 th March 2005 |
| Subject Land | 20-34 Batson Parade, Hindmarsh Island |
| Assessment No. | A5863 |
| Relevant Authority | Alexandrina Council |
| Planning Zone | General Farming (Hindmarsh Island) |
| Nature of Development | Boundary realignment |
| Type of Development | Non-complying |
| Public Notice | Category 3 |
| Referrals | PIRSA, SA Water, Dept Water Land Biodiversity Conservation, Planning SA |
| Representations Received | 1 |
| Representations to be heard | Nil |
| Date last inspected | 11 th October 2005 |
| Recommendation | Refusal |
| Originating Officer | Joanne Nightingale |

ESD IMPACT/BENEFIT

- Environmental Potential for better land management of site as a whole. Intensification of use on small piece of land.
- Social Another dwelling opportunity close to water.
- Economic Possible add on benefits from tourism expansion.

THE PROPOSAL

Nature of Development

The application is for a land division by boundary realignment, changing two large titles into one larger title and one small title. The proposed boundary realignment is in the General Farming (Hindmarsh Island) Zone. The proposal is non-complying pursuant to PDC 11 as the resultant allotments will be less than 20 hectares in area.

.../cont.

3.2 455/D019/05 – Ashlee McMurtrie (Continued)

Detailed Description

The proposal is over the land of the former Narnu Park Homestead (now renamed Karinga Park to avoid confusion with Narnu Farm) to purchase an adjoining allotment on the northern side of the land holding adjacent to Randell Road to extend their land holding and allow for greater wooded areas and walking trails (following a fire lit by children in the Polish Camp destroying much of the trees around Karinga). This addition to the existing title would also allow for an eco tourism aspect to the existing tourism function on the site to be explored.

To achieve this expansion the applicant seeks to realign the additional title down to the Batson Parade frontage into an allotment of 817 square metres.

DAP200538 Moved D Commerford seconded Cr Reedman that the Development Assessment Panel support Land Division 455/D019/05 subject to an amended plan being lodged (with the Development Assessment Commission and Council) indicating an allotment size between 1000 and 1500 square metres.

CARRIED

The Development Assessment Panel moved to Item 4.1 at 11:29 a.m. as the applicant for Item 3.3 had not arrived.

The Development Assessment Panel returned to Item 3.3 at 12:13 p.m.

3.3 455/249/05 - C Davenport & C Anderson

SUMMARY TABLE

| | |
|-----------------------------|--|
| Date of Application | 7 th March 2005 |
| Subject Land | Sec. 2085+ Wattle Flat Road, Ashbourne |
| Assessment No. | A 14854 |
| Relevant Authority | Alexandrina Council |
| Planning Zone | Grazing |
| Nature of Development | Single storey dwelling |
| Type of Development | Non-complying |
| Public Notice | Category 3 |
| Referrals | Dept Water Land Biodiversity & Conservation |
| Representations Received | Nil |
| Representations to be heard | Nil |
| Date last inspected | 19 th September 2005 |
| Recommendation | Approval with conditions – subject to concurrence from Development Assessment Commission |
| Originating Officer | Tom Gregory |

ESD IMPACT/BENEFIT

- Environmental Positive impact from revegetation of native species. Minimal impact on watercourse, considering its distance from the dwelling.
- Social Nil.
- Economic Increased site value.

THE PROPOSAL

The proposed dwelling is single storey with a total floor area of 100 square metres. The property is situated within the Grazing zone of the Alexandrina Development Plan and is located on Wattle Flat Road, Ashbourne. The subject land is roughly divided by a section of Giles Creek, with existing studded strands of remnant native vegetation, generally along the creek line and in other isolated strands. The remainder of the property has been cleared over time for stock grazing, and is currently used for grazing of sheep and alpaca. There is currently no dwelling on site.

.../cont.

3.3 455/249/05 – C Davenport & C Anderson (Continued)

The dwelling is a bridge-like structure, 4 metres wide and 28 metres long, spanning the Giles Creek. It comprises one bedroom, an open plan living/kitchen area, a study and a utility room. The dwelling's design is simple and transparent, with large north and south facing glass areas and a low profile slightly curved roof. The walls and roof are to be clad in grey coloured corrugated 'colorbond' steel. The supporting structure is of steel construction.

The dwelling is to be located adjacent to an area containing an existing farm shed, sheep yards, small orchard, and vehicle access track, manoeuvring area and parking area inclusive.

The site of the proposed dwelling is not visible from outside the irregular-shaped allotment, and is located approximately 185 metres from the Wattle Flat Road boundary.

In association with the dwelling is an approved sealed and self-contained waste water treatment system. The irrigation area will be located in excess of 50 metres from Giles Creek watercourse. The associated infrastructure for the disposal of waste is to be located adjacent to the dwelling and within 50 metres of the watercourse, but will be fully sealed.

DAP200539 Moved Cr Reedman seconded Cr Potter that the Development Assessment Panel approve application 455/249/05 for a single storey dwelling at Section 2085+ Wattle Flat Road, Ashbourne subject to the following conditions, notes and concurrence from the Development Assessment Commission:

Conditions imposed by Department of Water, Land & Biodiversity Conservation:

1. The construction works must not adversely impact on the ecology of the watercourse or the migration of aquatic biota.
2. The construction works and final structure must not result in erosion and/or sedimentation to the watercourse.
3. The construction works and final structure must not have a detrimental impact on the amenity of the watercourse or affect the ability of downstream users to take water (where authorised).
4. The construction works and final structure must not result in a decline in water quality.
5. If any work is undertaken when there is water present in the watercourse, sediment control measures, such as hay bale barriers and sediment forces must be employed to prevent sediment washing downstream.
6. There must be a minimum distance of 20 metres between the watercourse and fuelling/servicing site for machinery used to undertake work.

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3.3 455/249/05 – C Davenport & C Anderson (Continued)

7. Upon completion of the pier construction, the watercourse (including the floodplain) must be restored to its original soil profile.
8. The use of effluent must not pose a risk to human health.
9. The use of effluent must not cause a rise in underground water levels that would adversely impact on land, other water resources or natural resources and their beneficial uses.
10. The use of effluent must not result in land degradation.
11. Stormwater run-off from the dwelling being directed to the storage tank or tanks. The capacity of tank storage on site is to be equal to or be greater than 20 litres per square metre of total roof area of all buildings on the site. Any overflow from the tank or tanks shall be managed to prevent erosion or pollution of the site and the watercourse and diverted away from wastewater disposal areas, such as septic tanks and aerobic systems.
12. The building being unobtrusive and harmonising with the surroundings through the use of paint or finishes being of natural colours.

NOTES

1. The applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray and its tributaries through his or her actions or activities.
2. The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council.

Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8124 4744.

3. Where possible, habitat must be protected during the undertaking of the construction works.

DIVISION WAS CALLED BY COUNCILLOR BECKETT

Voting in favour of motion DAP200539L

Councillors Reedman; Potter; Des Commerford (Director of Environment & Lifestyle Services); David Banks (Director Engineering & Infrastructure).

Voting against the motion of DAP200539

Councillors Connor; Beckett.

CARRIED

The Development Assessment Panel moved to Item 4.1 at 11:29 a.m.

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

4.1 455/261/05 - Hardy Milazzo Architects

Cr Featherston, the Presiding Member, welcomed Kathy Fliether (representor), to the meeting who gave a summary of her representation from 11:30 a.m. to 11:35 a.m.

Cr Featherston, the Presiding Member, welcomed Ian Woods on behalf of the Residents for a Future Strathalbyn Inc (representor), to the meeting who gave a summary of the representation by Residents from 11:36 a.m. to 11:45 a.m.

Ian Woods also spoke on behalf of Mrs Heather Geue (representor), who had phoned earlier in the week and wished it to be noted that due to the meeting being held in Goolwa she could not attend and would ask Ian Woods to speak on her behalf. 11:45 a.m. to 11:50 a.m.

Cr Featherston, the Presiding Member, welcomed Brenton Burman, Senior Associate of Hassell (on behalf of the applicants) to the meeting who addressed issues in relation to representations received from 11:50 a.m. to 12:10 p.m.

SUMMARY TABLE

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|-----------------------------|-------------------------------|
| Date of Application | 9 th March 2005 |
| Subject Land | 4 North Parade, Strathalbyn |
| Assessment No. | A 12950 & A 12949 |
| Relevant Authority | Alexandrina Council |
| Planning Zone | Residential (Strathalbyn) |
| Nature of Development | Motel |
| Type of Development | Consent on merit |
| Public Notice | Category 3 |
| Referrals | Transport SA |
| Representations Received | 9 |
| Representations to be heard | 3 |
| Date last inspected | 11 th October 2005 |
| Recommendation | Approval |
| Originating Officer | Joanne Nightingale |

.../cont.

4.1 455/261/05 – Hardy Milazzo Architects (Continued)

ESD IMPACT/BENEFIT

- Environmental Likely increase in stormwater, decrease in vegetation.
- Social Possible increase in noise, employment, overnight accommodation for sporting club competitions.
- Economic Possible employment increase, tourism increase. Greater requirement for service provision.

THE PROPOSAL

Nature of Development

The application is for a 26 unit Motel incorporating caretakers residence, office, laundry, kitchen and associated car parking. The Alexandrina Council Development Plan Residential (Strathalbyn) Zone does not list a Motel as a non-complying form of development, therefore the application is consent on merit. The Development Plan does not describe categories of notice. Accordingly the application under the Development Act 1993 is Category three as Schedule 9 does not define it as Category one or two, and it cannot be considered minor.

A Motel is defined under the Development Act 1993 as:

A building or group of buildings providing temporary accommodation for more than five travellers, and includes an associated restaurant facility but does not include a hotel or residential flat building.

Detailed Description

The motel application seeks to construct five detached buildings four of which are single storey and contain the 26 motel units. The fifth is two storey with a ground floor office, kitchen and laundry and upstairs caretakers residence.

The total site area of the proposal is 4323.43 square metres, with a site coverage of 1316 square metres and includes 1450 square metres of landscaping with 29 car parks internally within the site with room to park a bus.

Two types of unit are proposed, each with decking. Type one has the beds in the main suite, type two has a separate main room and two single beds in the main suite.

The access and egress to the site is via an eight metre wide driveway crossover on the northern side of the site.

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4.1 455/261/05 – Hardy Milazzo Architects (Continued)

Setbacks for the buildings are:

- 4 metres from the building alignment to East Terrace at the closest point with an average of 6 metres, and 3 metres from the deck.
- 4 metres from the building alignment to North Parade with an average of 6 metres, and 3 metres from the deck.
- The western boundary (adjoining the tennis club) has the screened refuse area on the boundary and then alternates in setback from 1.2 metres, to 1.5 metres and up to 2 metres.
- The southern boundary (adjoining a residence) has a small portion of the building alignment setback 3 metres, with the bulk of the building setback 5 metres and the decking setback 1.8 metres from the boundary.

The materials proposed to be used in the construction of the motel are stone and face brickwork for the walls, windows in natural anodised aluminium, the decking in plantation hardwood and the roof in galvanised corrugated iron.

The walls of the motel are predominately 4.8 metres with the top of the gabled roof at approximately 8 metres. The two storey dwelling/reception building is a maximum of 9.8 metres high with a minor element at 11 metres.

The Presiding Member asked that the following statement be minuted:

“The Development Assessment Panel does understand that Development Application 455/261/05 is being assessed under the current Development Plan and not possible Plan Amendment Reports that are currently underway”.

DAP200540 It was agreed by consensus that the Development Assessment Panel refuse Development Application 455/261/05 on the grounds that it will detrimentally affect the character and amenity of the locality. In particular, it is contrary to the following Development Plan provisions:

**Council-wide
Appearance of Land and Buildings**

Objective 29: The amenity of localities not impaired by the appearance of land, buildings, and objects.

Principle 58 The appearance of land, buildings and objects should not impair the amenity or character of the locality in which they are situated.

.../cont.

4.1 455/261/05 – Hardy Milazzo Architects (Continued)

Mt Lofty Ranges Region
Tourism Development

Principle 143 Tourism developments should:

- (a) enhance the character of the locality in which they are to be located;
- (b) be compatible with the cultural and heritage values of the locality and the Region;
- (c) be small in scale and designed and sited to be compatible with the local environment;
- (d) enhance the visual amenity of the locality.

PART B - STRATHALBYN DISTRICT

Appearance of Land and Buildings

Objective 15: Attractive appearance of towns and their main road approaches.

Objective 16: Urban development designed and constructed to retain and enhance the amenity of the area and blend with existing development in the locality.

Tourist Facilities

Principle 49 Development of a hotel, motel or related tourist accommodation facilities should only be undertaken where:

- (d) the development is designed, having regard to orientation and siting of buildings, the provision of car parking and manoeuvring areas, and the allocation of landscaped buffer areas to minimize disturbance to adjoining land through noise, lighting spill and intrusion on privacy.

Building Set backs

Principle 64 Buildings should not be erected, or added to, on land so that any portion of a building is sited nearer to the existing boundary of a road than the distances prescribed for each road or portion thereof in Table Alex/2. However, a lesser distance than that prescribed may be appropriate where:

.../cont.

4.1 455/261/05 – Hardy Milazzo Architects (Continued)

- (a) the allotments fronting the road are substantially developed, the land is either an urban area and the set-back of the proposed building is consistent with the building line of existing buildings on adjoining, or nearby, land particularly where buildings within the locality are of heritage significance;
- (b) the proposed building will be screened substantially by existing vegetation, natural form and features of the land or by adjacent buildings;
- (c) the bulk or height of the proposed building is less than that of existing development.

RESIDENTIAL (STRATHALBYN) ZONE

Objective 8: Preservation of the attractive streetscapes along East and West Terraces, North Parade and Commercial Road and their visually important features such as the churches, building facades, rooflines, walls, fences, trees and gardens.

Conservation

Principle 23 Development fronting East, West and South Terraces and Coronation, Ashbourne and Commercial Roads should not impair the appearance or visibility of existing buildings of traditional style first constructed prior to 1950.

Appearance of Land and Buildings

25 Buildings and structures should be designated with regard to scale, height and proportions, as well as external appearance, materials, colours, siting and landscaping to complement and enhance the positive characteristics of the locality.

AGREED BY CONSENSUS

Des Commerford (Director of Environment & Lifestyle Services) congratulated Joanne Nightingale of the report for Item 4.1.

The Development Assessment Panel then returned to Item 3.3 at 12:13 p.m.

ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION COMMUNITY TITLE

ITEM 6. DEVELOPMENT ASSESSMENT - BUILDING

ITEM 7. MATTERS REFERRED FOR FOLLOW UP

7.1 455/1408/04 – Telstra Corporation Limited

Advice has been received from Lempriere Abbot McLeod regarding the Telstra telecommunications facility - Development Application 455/1408/04 at Sec. 2249 Petersen Road, Middleton, being listed for Full Court hearing on Monday 28th and Tuesday 29th November 2005. Des Commerford will be attending as the expert witness on behalf of Council.

7.2 Judicial Review of Proceedings

Advice has been received of a Judicial Review of proceedings with the Supreme Court, issued by Strath Hub in relation to 455/16/05 – Fabcot Pty Ltd which was approved by the Development Assessment Panel on 21st June 2005 (Item 2.1). More information will be given at the Council meeting commencing at 4:30 p.m. today.

ITEM 8. GENERAL ITEMS FOR DISCUSSION

8.1 455/706/05 – Mark Hall – Langhorne Creek – Agricultural Supply Shop

Following a Court Conference held on Monday 26th September 2005 a compromise was reached with the Appellants (Hans Jorg Levi and Marie Claire Levi). This compromise involved 5 (five) additional conditions which addressed the Levi's concerns.

It was agreed by consensus that the Development Assessment Panel receive the information.

AGREED BY CONSENSUS

It was advised by Joanne Nightingale that written confirmation of the withdrawal for the appeal against 455/1293/04 had now been received.

ITEM 9. NEXT MEETING

Monday 21st November 2005 with the time to be advised.

MEETING CLOSED AT

MINUTES CONFIRMED
PRESIDING OFFICER

DATED: