

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 17 December 2008 commencing at 10:00 am

Your attendance is requested.

10:00 a.m. Development Assessment Panel commencement

11:30 a.m. Conclusion of meeting.

JOHN COOMBE
CHIEF EXECUTIVE

ALEXANDRINA COUNCIL

AGENDA FOR THE DEVELOPMENT ASSESSMENT PANEL MEETING
TO BE HELD ON 17 DECEMBER 2008 AT 10:00 AM
IN COMMUNITY CHAMBERS "WAL YUNTU WARRIN"

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**Development Assessment Panel
Report and Agenda
on 17 DECEMBER 2008 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 19th November 2008.

RECOMMENDATION

That the minutes of the Alexandrina Council Development Assessment Panel held on 19th November 2008 as circulated to members be received as a true and accurate record.

ITEM 2. DEVELOPMENT APPLICATIONS

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

3.1 455/1237/08 - Luxury Lifestyle Group Pty Ltd

SUMMARY TABLE

Date of Application	29 October 2008
Subject Land	Lot 201 Waterport Road, Port Elliot
Assessment No.	A3906
Relevant Authority	Alexandrina Council
Planning Zone	Landscape (Port Elliot and Goolwa District) Zone
Nature of Development	Shop (Cellar Door)
Type of Development	Non-Complying
Public Notice	Category 3
Referrals	N/A
Representations Received	N/A
Representations to be heard	N/A
Date last inspected	-
Recommendation	Resolve to Proceed with Assessment
Originating Officer	Andrew Sladden

ESD IMPACT/BENEFIT

- Environmental Minimal
- Social Minimal
- Economic Benefit to owners

BACKGROUND

The subject allotment, located on the northern side of Waterport Road, contains an existing dwelling and ancillary outbuildings including pool and tennis court which have approval to be used for tourist accommodation purposes. Also there is an existing small vineyard located on the subject site.

.../cont.

3.1 455/1237/08 – Luxury Lifestyle Group Pty Ltd (Continued)

THE PROPOSAL

Nature of Development

It is proposed to construct a building at the front of the allotment which will be used for the storage, tasting and sale of wines. A car park for approximately 14 vehicles is also proposed to be constructed.

Although for the tasting and sale of wine, the proposed development cannot be classified as a “cellar door” as is not ancillary to an existing winery on the subject site. Therefore, it is considered to be a “shop” pursuant to the following definition from Schedule 1 of the Development Regulations 1993:

shop means—

- (a) premises used primarily for the sale by retail, rental or display of goods, foodstuffs, merchandise or materials; or*
- (b) a restaurant; or*
- (c) a retail showroom; or*
- (d) a personal service establishment,*

Pursuant Principle of Development Control 7 for the Landscape (Port Elliot and Goolwa District) Zone an application for a shop is considered to be a non-complying form of development as it is not specifically listed as an exemption.

Detailed Description

It is proposed to construct a single storey building resembling a dwelling at the front of the allotment setback 8m from the front (Waterport Road) boundary and 1.5m from the eastern side boundary. The building is proposed to be used for the storage, tasting and sale of wines. The building consists of a kitchen, toilets, cellar and large storage and sales room.

To the west of the proposed building, a car park is proposed to be constructed with separate entry and exit points to accommodate approximately 14 vehicles. There is no signage proposed as part of the proposal.

REFER ATTACHMENT 3.1 (page 1)

SITE & LOCALITY

The subject site is a large rectangular rural living style allotment of approximately 1.2ha. There is an existing two storey residence with swimming pool, tennis court and associated outbuilding located at the rear (northern side) of the allotment. An existing vineyard is located on the southern half of the allotment.

.../cont.

3.1 455/1237/08 – Luxury Lifestyle Group Pty Ltd (Continued)

Council records reveal that there is an approval for tourist accommodation on the property.

The locality, located along both sides of Waterport Road has a rural feel with large rural living style allotments located along the northern side of the road. A few of these properties have approved commercial land uses such as a restaurant and health and spa retreat. There are predominantly large residential allotments and dwellings located along the southern side of Waterport Road.

PUBLIC NOTIFICATION

Should the Development Assessment Panel resolve to proceed with an assessment of the proposed development, Category 3 Public Notification will be required to be undertaken.

COMMENTS

The proposed development is not a “cellar door”, a land use which is considered appropriate within semi-rural areas such as this because it is not ancillary to an existing winery. However, as the grapes are grown on site and the use is essentially a cellar door by land use, not definition, the proposed land use displays some merit.

Also given the fact that there are a couple of other approved commercial land uses within the vicinity of the site, the proposed development warrants further assessment.

RECOMMENDATION

That the Development Assessment Panel determine to proceed with the assessment of Development Application 455/1237/08 for a shop (cellar door) at 52-58 Waterport Road, Port Elliot.

3.2 455/D011/08 - David Knight

SUMMARY TABLE

Date of Application	5 February 2008
Subject Land	Lot 94 Burleigh Street, Lot 92+ Burleigh Street, Lot 96 Burleigh Street, Lots 3,5,54,55 Leslies Road, Lot 6 Chapel Road, Langhorne Creek
Assessment No.	A18587
Relevant Authority	Alexandrina Council
Planning Zone	Flood
Nature of Development	Boundary Realignment (6 Lots into 5 Lots)
Type of Development	Non-Complying
Public Notice	Category 1
Referrals	Planning SA, PIRSA, SA Water, Native Vegetation Council
Representations Received	N/A
Representations to be heard	N/A
Date last inspected	October 2008
Recommendation	Approval Subject to Development Assessment Commission Concurrence
Originating Officer	Andrew Sladden

ESD IMPACT/BENEFIT

- Environmental N/A
- Social Benefit to land owners through opportunities for better management of the land
- Economic Benefit through better utilisation and management of the subject sites

BACKGROUND

There have been two previous Development Approvals (455/D103/04 & 455/D081/05) granted for land divisions of this nature on adjoining allotments. Both of these Development Applications were very similar in that they involved the amalgamation of allotments in area "A" pursuant to Fig F/1 and transfer of titles via a contiguous allotment arrangement to create titles some distance away.

.../cont.

3.2 455/D011/08 – David Knight (Continued)

Both of these Development Applications were assessed as Consent applications (although non-complying) on the advice of the Development Assessment Commission and granted Development Approval.

THE PROPOSAL

Nature of Development

The proposal involves the rearrangement of allotment boundaries in which 6 existing allotments will be rearranged into 5 allotments. The subject land consists of sixteen contiguous allotments located east and south of the Langhorne Creek Township.

The subject allotments are all located within the Flood Zone. Principle of Development Control 16 for the Flood Zone from the Alexandrina Development Plan states:

*16 All kinds of development are **non-complying** in the Flood Zone except the following:*

Land division where no additional allotments are created, either partly or wholly, within the Flood Zone, and no boundary re-alignments occur within Area A (Fig FI/1), and where the development of the proposed allotments does not result in a greater risk of pollution of surface or underground waters than would the development of the existing allotments, and provided a suitable site for a detached dwelling is available which complies with the following criteria:

- (a) is not located in areas subject to inundation by a 100 year return period flood event or sited on land fill which would interfere with the flow of such waters;*
- (b) is connected to an approved sewerage or common effluent disposal scheme or has an onsite waste water treatment and disposal method which complies with the Standard for the Installation and Operation of Septic Tank Systems in South Australia (including supplements A and B) as prepared by the South Australian Health Commission;*
- (c) not have any part of a septic tank effluent drainage field or any other waste water disposal area (eg irrigation area) located within 50 metres of a water course identified in a current series 1:50 000 Government Standard topographic map;*
- (d) not have a waste water disposal area located on any land with a slope greater than 20 percent (one in five), or depth to bedrock or seasonal or permanent water table less than 1.2 metres;*
- (e) not have a septic tank or any other waste water treatment facility located on land likely to be inundated by a ten year return period flood event;*

.../cont.

3.2 455/D011/08 – David Knight (Continued)

(f) is sited at least 25 metres from any water course identified on a current series 1:50 000 Government Standard topographic map;

As four of the existing allotments located within Area A (Fig F/1) are proposed to be amalgamated into one allotment, this constitutes a boundary realignment which is considered to be a non-complying form of development pursuant to the above.

REFER ATTACHMENT 3.2 (a) (page 12)

Detailed Description

The proposed boundary realignment will rearrange allotment boundaries to create 5 allotments from 6 allotments. The subject land consists of 16 contiguous allotments situated east and south of the township of Langhorne Creek.

It is proposed to amalgamate 4 existing allotments located within the township of Langhorne Creek onto 1 lot and transfer the titles, via contiguous allotment arrangement to create two additional allotments (still located within the Flood Zone) within the rural area approximately 5km away.

REFER ATTACHMENT 3.2 (b) (page 13)

SITE & LOCALITY

The subject sites vary, but are all located within rural areas located to the east and south of the Langhorne Creek Township. The four existing allotments located within the Langhorne Creek township (lots 92, 94, 96 & 96) and are all utilised as a vineyard. These are proposed to be amalgamated into one allotment (proposed lot 62) and the titles transferred (via contiguous allotment arrangement) over 16 allotments to create three additional allotments approximately 5 km to the south. The two existing allotments (lots 5 & 6) proposed to be split into 5 allotments are all currently used for grazing / farming uses. There is an existing dwelling and associated outbuildings on existing lot 6 (proposed lot 74) which will not be affected by the proposed development.

As the proposed land division is spread over a wide area, the localities vary, but are all rural in nature with land uses varying from viticulture to grazing (dairy farming).

PUBLIC NOTIFICATION

Schedule 9 (Public Notice Categories), Part 1 (Category 1 Development), 3 from the Development Regulations 1993 states:

.../cont.

3.2 455/D011/08 – David Knight (Continued)

3 Any development classified as non-complying under the relevant Development Plan which comprises—

(c) the division of land where the number of allotments resulting from the division is equal to or less than the number of existing allotments.

As the number of allotments proposed to be created will be less than the number of existing allotments, the proposed development has been classified as a Category 1 form of development pursuant to the above.

REFERRALS

Planning SA, responsible for undertaking the government agency referrals have provided a Development Assessment Commission (DAC) Referral report which states:

“As you would be aware, this amended proposal constitutes a merit application within the Flood Zone subject to compliance with the criteria listed within Principle of Development Control 16 of the Zone. In particular, the proposed new allotments should not result in a greater risk of pollution than would the development of the existing allotments. If Council considers that the new allotments will result in a greater risk of water pollution, then the application should be categorised as a non-complying kind of development.”

The above comments are not entirely correct in that the application is a non-complying form of development regardless of water pollution risk and has been assessed accordingly. However, it is an indication that Planning SA do not oppose the proposed development.

It is also noted that should the Panel resolve to approve the proposed development, concurrence of DAC will need to be provided.

Both PIRSA and the Native Vegetation Council have no comments to make and SA Water have no concerns or issues.

REFER ATTACHMENT 3.2 (c) page 61)

CONSULTATION

Consultation has been undertaken with Council's Engineering and Infrastructure Department (Engineering Project Officer Stewart Ratcliff) on engineering issues. The advice of the Engineering Project Officer is that the proposed development is acceptable subject to the following conditions of approval being added to the consent:

.../cont.

3.2 455/D011/08 – David Knight (Continued)

1. *A 6m x 6m corner cutoff on the north-west corner of lot 64 at the intersection of Wellington Road and Public Road, a 6m x 6m corner cutoff on the south-west corner of lot 64 at the intersection of Wellington Road and Public Road, a 6m x 6m corner cutoff on the eastern corner of lot 67 at the intersection of Wellington Road and Public Road, a 6m x 6m corner cutoff on the north-west corner of lot 68 at the intersection of Step Road and Public Road, a 6m x 6m corner cutoff on the south-west corner of lot 69 at the intersection of Chapel Road and Karanto Road, a 6m x 6m corner cutoff on the north-east corner of lot 70 at the intersection of Chapel Road and Cross Road, a 6m x 6m corner cutoff on the north-east corner of lot 72 at the intersection of Chapel Road and Davidson Road and a 6m x 6m corner cutoff on the north-west corner of lot 76 at the intersection of Wellington Road and Public Road, shall vest in Council for road purposes.*

Note: The Applicant is advised that Council holds no obligation to upgrade the existing un-sealed sections of Giles Road, Burleigh Road, Step Road, Karanto Road, Cross Road, Chapel Road, Leslie Road or any other un-made sections of Public Road, relative to this Development Application.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

As the Application was lodged on 25 January 2008, it has been assessed against the Development Plan current at the time of lodgement being that consolidated on 17 January 2008.

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

PART A – COUNCIL-WIDE

PRINCIPLES OF DEVELOPMENT CONTROL

Land Division

PDC 6 Land should not be divided:

- (a) in a manner which would prevent the satisfactory future division of the land, or any part thereof;*
- (b) if the proposed use, or the establishment of the proposed use, is likely to lead to undue erosion of the land or land in the vicinity thereof;*

.../cont.

3.2 455/D011/08 – David Knight (Continued)

- (c) unless wastes produced by the proposed use of the land, or any use permitted by the principles of development control, can be managed so as to prevent pollution of a public water supply or any surface or underground water resources;*
- (d) if the size, shape and location of, and the slope and nature of the land contained in, each allotment resulting from the division is unsuitable for the purpose for which the allotment is to be used;*
- (e) if any part of the land is likely to be inundated by tidal or flood waters and the proposed allotments are to be used for a purpose which would be detrimentally affected when the land is inundated;*
- (f) where community facilities or public utilities are lacking or inadequate;*
- (g) where the proposed use of the land is the same as the use of other existing allotments in the vicinity, and a substantial number of the existing allotments have not been used for that purpose, or purposes meeting the objectives of the Plan; or*
- (h) if it would cause an infringement of any provisions of the Building Act or any by-law or regulation made thereunder.*

Comment

The proposal is considered to generally comply with the above as it is not envisaged to lead to erosion of land pursuant to (b) and (c) as there will be no physical change to the land. Food risk will not increase as there is no physical change and the existing land uses are not going to change as a result of the proposed development.

PDC 7 *When land is divided:*

- (a) any reserves or easements necessary for the provision of public utility services should be provided;*
- (b) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in a satisfactory manner;*
- (c) a water supply sufficient for the purpose for which the allotment should be made available to each allotment;*
- (d) provision should be made for the disposal of wastewaters, sewage and other effluents from each allotment without risk to health including connection to a common effluent drainage system where available in the general area or preferably, the use of envirocycle systems where appropriate;*
- (e) roads or thoroughfares should be provided where necessary for safe and convenient communication with adjoining land and neighbouring localities;*
- (f) each allotment resulting from the division should have safe and convenient access to the carriageway of an existing or proposed public road or thoroughfare;*

.../cont.

3.2 455/D011/08 – David Knight (Continued)

- (g) proposed roads should be graded, or capable of being graded to connect safely and conveniently with an existing road or thoroughfare;*
- (h) for urban purposes, provision should be made for suitable land to be set aside for useable local open space; and*
- (i) and which borders a river, lake or creek, the land immediately adjoining the river, lake or creek should become public open space, wherever suitable.*

Comment

The proposal generally complies with the above Principle as all lots have road access and no direct access to utility services such as water and sewerage which will remain this way.

Mount Lofty Ranges Region

Land Division

PDC 243 *Land should not be divided, nor allotment boundaries rearranged, in such a way that development of the resulting allotments in accordance with the objectives and principles of development control would result in a greater risk of pollution of surface or underground waters than would development of the existing allotments.*

PDC 247 *No land division should take place which may lead to or result in the over exploitation or pollution of a water resource.*

Comment

It is not envisaged that the proposed development will result in a greater pollution risk, particularly as all of the land uses are existing and are unlikely to change. If anything, the pollution risk resulting from the proposal will be diminished as there will be one less allotment within the Flood Zone and therefore, potentially one less dwelling.

PDC 244 *Land should not be divided, or allotment boundaries rearranged in a way which increases the number of allotments or part allotments over areas of native vegetation.*

Comment

The proposal complies as no additional allotments are being created.

PDC 245 *The size, shape and layout of allotments should be determined with regard to physical characteristics and the intended use of the land.*

.../cont.

3.2 455/D011/08 – David Knight (Continued)

PDC 246 Allotment boundaries should be located where interference with native vegetation and drainage lines will be minimal and in locations which enhance the management of the natural features.

PDC 248 Land division should only occur where:

- (a) the land is suitable for its intended or particular use;*
- (b) the development proposed for the land will not destroy or impair materially significant natural features on the land or the character thereof; and*
- (c) convenient interconnection with other roads and allotments is provided where appropriate.*

PDC 249 Land division in rural areas should not occur where the proposed or potential use is liable to:

- (a) result in the pollution of water resources; or*
- (b) cause the loss of productive agricultural land.*

Comment

As the land uses exist, the proposed allotment arrangement will enable the owners of the allotments to better utilise and manage their properties, particularly with the amalgamation of lots 92, 94, 96 & 96 of which there is an existing vineyard covering all of these lots.

PART B - STRATHALBYN DISTRICT

OBJECTIVES

Rural Development

Objective 8: *The maintenance of optimal production from rural land within the constraints of recurrent flooding within the Bremer River and Angas River flood plains.*

Objective 9: *Retention of productive agricultural, farming and horticultural land and consolidation of rural holdings.*

Comment

As the rural land uses are existing, the proposed development will facilitate better management of these properties. Also, on reference to Objective 9, above, the proposal complies as it involved the consolidation of 6 existing allotments into 5 lots.

.../cont.

3.2 455/D011/08 – David Knight (Continued)

PRINCIPLES OF DEVELOPMENT CONTROL

PDC 6 Development which is likely to be affected by flooding should not take place where:

- (a) significant flood events, and impacts, are known or suspected; and*
- (b) measures otherwise required to protect the development, such as levees and landfill, are likely to increase the risk of flooding or worsen flood impacts on other land; or*
- (c) there is a likelihood that life or property would be at risk in the event of a 100-year average return interval (ARI) flood.*

Conservation

PDC 46 Development subject to flooding or which may aggravate flooding elsewhere should not take place where the risk of flooding is inappropriate to the intended use of the land.

Comment

Although located within a flood prone area, the proposal generally complies with the above as it will result in one less allotment within this flood area and therefore potentially one less dwelling.

FLOOD ZONE

OBJECTIVES

Objective 1: Maintenance of the open rural character and productive use of land.

Objective 2: Preservation of the natural land contours and significant natural features including the mature remnant vegetation lining the Bremer River and Angas River.

Objective 3: Restricted development in recognition of the hazards associated with flood events, minimising structures and changes to existing natural ground levels.

Objective 4: Maintenance of existing flood flow-paths through the Langhorne Creek township such that flood conditions are not worsened.

.../cont.

3.2 455/D011/08 – David Knight (Continued)

Comment

As the existing allotments are being used for agricultural purposes, it is not envisaged that any of these land uses will be changed as a result of the proposed development. Therefore it is envisaged that the open rural character and productive use of the land will be retained. As there will be no physical change to any of the land, the proposed development will have no impact upon existing vegetation or waterways.

PRINCIPLES OF DEVELOPMENT CONTROL

Form of Development

PDC 1 *Development should be limited to that required to maintain and enhance production from the land and, where flood hazards are minor, the single residential occupation of the land.*

Land Division

PDC 10 *The division of land should not create additional allotments wholly within the zone. The addition of a part allotment or allotments should not be undertaken:*

- (a) except where there is an area of land outside the zone of no less than 2000 square metres which is capable of supporting a dwelling; and*
- (b) the minimum land area of any allotment is no less than 40 hectares.*

PDC 11 *The division of land involving the realignment of existing boundaries should:*

- (a) render more practical or convenient the management of the land; and*
- (b) be configured to provide for the erection of any future dwelling(s), should there be none on the land, which are outside the zone; and*
- (c) where the land is wholly within the Flood Zone, provide for the erection of any future dwellings in conformity with the Flood Zone provisions, and in any event not add to the potential for additional dwelling(s) in the zone.*

Comment

As the proposed development will not physically alter the land in any way it is considered to maintain the primary production capability of the allotments in accordance with PDC 1 above. As the proposal is amalgamating 6 existing allotments into 5, it complies with PDC 10. In reference to PDC 11, the proposal is considered to comply particularly as the amalgamation of existing lots 92, 94, 96 and 96 will help to better manage the existing vineyard on these allotments.

.../cont.

3.2 455/D011/08 – David Knight (Continued)

As the whole development site is entirely located within the Flood Zone, compliance with 11 (b), above cannot be achieved. However it must be noted that as the result of the proposed development will be one less allotment, this will result in one less dwelling eventually being built within this Zone.

CONCLUSION

The proposed development, although listed as being a Non-complying form of Development within the Flood Zone is likely to lessen any impact upon the flood prone area and lessen any potential risk of water pollution as one allotment, and therefore one additional dwelling will potentially be removed from the Flood Zone

RECOMMENDATION

That the Development Assessment Panel grant Development Plan Consent to Development Application 455/D011/08 for Land Division - Boundary Realignment (6 lots into 5 lots) at Burleigh Street, Langhorne Creek subject to the following conditions and notes and the concurrence of the Development Assessment Commission.

1. The development herein approved to be carried out in accordance with plans and details accompanying this application (Plan of Division Ref: 3344daB prepared by Olden and Van Senden P/L.
2. A 6m x 6m corner cutoff on the north-west corner of lot 64 at the intersection of Wellington Road and Public Road, a 6m x 6m corner cutoff on the south-west corner of lot 64 at the intersection of Wellington Road and Public Road, a 6m x 6m corner cutoff on the eastern corner of lot 67 at the intersection of Wellington Road and Public Road, a 6m x 6m corner cutoff on the north-west corner of lot 68 at the intersection of Step Road and Public Road, a 6m x 6m corner cutoff on the south-west corner of lot 69 at the intersection of Chapel Road and Karanto Road, a 6m x 6m corner cutoff on the north-east corner of lot 70 at the intersection of Chapel Road and Cross Road, a 6m x 6m corner cutoff on the north-east corner of lot 72 at the intersection of Chapel Road and Davidson Road and a 6m x 6m corner cutoff on the north-west corner of lot 76 at the intersection of Wellington Road and Public Road, shall vest in Council for road purposes.

.../cont.

3.2 455/D011/08 – David Knight (Continued)

Note: The Applicant is advised that Council holds no obligation to upgrade the existing un-sealed sections of Giles Road, Burleigh Road, Step Road, Karanto Road, Cross Road, Chapel Road, Leslie Road or any other un-made sections of Public Road, relative to this Development Application.

Development Assessment Commission Conditions

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

ITEM 4. **DEVELOPMENT APPLICATIONS - CATEGORY 3**

4.1 455/585/08 - Norich Development Pty Ltd

SUMMARY TABLE

Date of Application	26 May 2008
Subject Land	Lot 500 Alexandrina Drive, Clayton Bay
Assessment No.	A20869
Relevant Authority	Alexandrina Council
Planning Zone	Country Township
Nature of Development	Tavern & freestanding group of shops (six tenancies) with associated car parking and landscaping
Type of Development	Merit
Public Notice	Category 3
Referrals	N/A
Representations Received	3
Representations to be heard	Nil
Date last inspected	29 July 2008
Recommendation	Approval – subject to conditions
Originating Officer	Matt Atkinson

BACKGROUND

The Development Assessment Panel considered this matter at its meeting on 13 August 2008 and resolved to defer its decision to enable the Applicant to provide the following details:

- A detailed stormwater disposal plan incorporating surveyed site levels;
- Details of vehicle access points and the proposed (approved) road network within the locality; and
- Evidence that the proposed development is 'orderly'.

The Applicant has provided the requested details, copies are attached for the Panel's convenience.

REFER ATTACHMENT 4.1(a) (page 63)

.../cont.

4.1 455/585/08 – Norich Development Pty Ltd (Continued)

The original report presented to the Panel in August is also attached (including the Minutes).

REFER ATTACHMENT 4.1 (b) (page 64)

Advice from Council's Infrastructure Manager – Peter Wood has indicated that details provided since the August DAP meeting are acceptable with regards to stormwater and vehicular access.

The applicant has also received approval from Council for the installation of an Aerobic Waste Control System, pursuant to the SA Health Commission code.

The merits of this proposal are outlined in the previous report (**REFER ATTACHMENT 4.1 (b)**), and as such I therefore recommend that the Development Assessment Panel resolve to grant Development Plan Consent for a Tavern & freestanding group of shops (six tenancies) with associated car-parking and landscaping at Lot 500 Alexandrina Drive, Clayton Bay, subject to conditions.

RECOMMENDATION

That the Development Assessment Panel grant Provisional Development Plan Consent to Development Application 455/585/08 for a Tavern and freestanding group of shops (six tenancies) with associated car-parking and landscaping, at lot 500 Alexandrina Drive, Clayton Bay, subject to the following conditions and notes:

Conditions

1. The development herein approved shall be carried out in accordance with plans and details accompanying this Application, received by the Council on 28 May 2008.
2. No signs or advertising are to be erected or displayed on or about the buildings, or the site, without the prior consent of Council.
3. All of the car-parks, driveways, and vehicle manoeuvring areas shall be constructed to Australian Standard AS2890.1 (Car-parking Facilities) and be of bituminised, brick paved or concrete materials, in accordance with sound engineering practice, prior to the occupation of the development herein approved. The car-parking areas shall be appropriately line-marked.

.../cont.

- 4.1 455/585/08 – Norich Development Pty Ltd (Continued)
4. The subject land and buildings must be maintained in good condition at all times (including car-parking areas, driveways, footpaths and landscaping).
 5. 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.
 6. All scarring or physical disturbances of the land surface during any excavation work shall be restricted to only that which is shown on the approved plan as required for building work and/or access purposes. All exposed faces around such scarred areas and spoil shall be screened with suitable ground cover to the reasonable satisfaction of the Council.
 7. All external cladding and trim of the proposed buildings must be of a non-reflective nature to the reasonable satisfaction of Council.
 8. Temporary silt control devices in the form of hay bales or silt fences to be installed on the development site prior to commencement of works. The devices are to be maintained throughout the construction period and dismantled at the conclusion of works. Any silt captured by the device/s to be disposed of to the satisfaction of Council.
 9. All mechanical plant installed as part of this development should meet the noise output requirements of the Environment Protection Authority (EPA). If the noise output exceeds these requirements, an acoustic enclosure shall be installed around the plant to ensure it complies.
 10. All kitchen and cooking facilities must comply with the requirements of the Food Act 2001, Food Regulations 2002 and the Food Safety Standards.
 11. The noise emanating from the subject land shall be restricted to levels meeting the reasonable requirements of the Environment Protection Authority.
 12. The hours of operation for the proposed Hotel shall be 7.00am to 12.00am (midnight) from Monday to Saturday, and 8.00am to 10.00pm on Sundays.
 13. The hours of operation for the proposed shops shall be 8.00am to 10.00pm.

.../cont.

4.1 455/585/08 – Norich Development Pty Ltd (Continued)

Notes

1. 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.
2. Allotment boundaries will not be certified by Council staff. The onus of ensuring that the buildings are sited in the approved position is the responsibility of the owner. This may necessitate a survey being carried out by a licensed land surveyor.

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

8.1 455/308/08 – Variation to 455/102/00 – Change of Condition 9 to allow the use of three Audible Bird Scaring Devices in association with the existing Vineyard

Verbal report to be given at Meeting.

8.2 455/955/07 – Private Air Strip

Verbal report to be given at Meeting.

Next meeting scheduled for Wednesday 21st January 2009 – date and time to be confirmed.

Meeting Closed at