

**DEVELOPMENT ASSESSMENT PANEL  
MINUTES OF MEETING HELD ON 13 AUGUST 2008  
COMMENCING AT 11:00 AM  
IN THE COMMUNITY CHAMBERS "WAL YUNTU WARRIN"**

**PRESENT**

Ron Danvers (Chair), Madeleine Walker, Mike Galea, Cr R Medlyn, Cr G Gartrell.

**APOLOGIES**

**IN ATTENDANCE**

Pat Cunningham (Administration Co-ordinator),  
Matt Atkinson (Planner).

**ITEM 1      CONFIRMATION OF MINUTES**

Minutes of the Alexandrina Council Development Assessment Panel held on 16<sup>th</sup> July 2008.

Moved Cr Gartrell seconded M Walker that the minutes of the Alexandrina Council Development Assessment Panel held on 16<sup>th</sup> July 2008 as circulated to members be received as a true and accurate record.

**CARRIED**

**ITEM 2.      DEVELOPMENT APPLICATIONS**

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

## ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

### 4.1 455/507/08 - P S Goolwa Investments Pty Ltd

R Danvers, Chair, welcomed Mr Gareth Andrews to the meeting, who gave an overview of his representation.

R Danvers, Chair, welcomed Mr Graham Phillips (the applicant) to the meeting, who gave an overview of the application.

#### SUMMARY TABLE

Date of Application	7 May 2008
Subject Land	Section 356 (Wharf) Cutting Road, Goolwa
Assessment No.	A 6440
Relevant Authority	Alexandrina Council
Planning Zone	Historic Waterfront
Nature of Development	Mooring of the PS Goolwa at Hector's Wharf, to be used as a Cellar Door / Wine Bar with associated Bed & Breakfast and signage.
Type of Development	Merit
Public Notice	Category 3
Referrals	Department for Environment and Heritage, Department of Water, Land and Biodiversity Conservation, Alexandrina Council (for landowner consent)
Representations Received	1
Representations to be heard	1
Date last inspected	29 July 2008
Recommendation	Approval with conditions
Originating Officer	Matt Atkinson

#### ESD IMPACT/BENEFIT

- Environmental Negligible impact expected as the PS Goolwa will remain moveable and all waste will be removed from the boat appropriately.

.../cont.

## 4.1 455/507/08 – PS Goolwa Investments Pty Ltd (Continued)

- Social Benefits to the local community through the provision of an additional tourist facility within a tourism area.
- Economic Boost to the local economy through the addition of a tourism development.

### **BACKGROUND**

This Development Application was initially lodged for the relocation of the PS Goolwa to the Goolwa Wharf. However, as a result of public notification and the cooperation of the Applicant and the Representor, the Application has been amended for the PS Goolwa to be moored at Hector's Wharf, located immediately south of the Goolwa Wharf. Details of this process are included under the heading Public Notification.

### **THE PROPOSAL**

#### **Nature of Development**

Mooring of the PS Goolwa (a Paddle Wheeler River Boat) at Hector's Wharf, to be used as a Cellar Door/Wine Bar with associated Bed and Breakfast and signage.

#### **Detailed Description**

The proposed development incorporates the relocation of the PS Goolwa from its current mooring adjacent to Bristow-Smith Reserve at Barrage Road, Goolwa South, to Hector's Wharf which is located immediately south of the main Goolwa Wharf. The PS Goolwa is to be used as a Cellar Door and Wine Bar with associated Bed and Breakfast accommodation incorporating seven (7) cabins of varying size.

The PS Goolwa consists of three levels, the main deck, the upper deck and the wheel house deck. The main deck incorporates a cellar door wine sales and tasting area, a wine bar area (undercover and on the front deck), a galley (kitchen), two (2) cabins, two (2) bathrooms, a laundry and the engine room. The upper deck incorporates another bar and lounge, five (5) cabins, two (2) bathrooms and a deck. The wheel house deck is a single cabin containing the boats control room (wheel house).

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## 4.1 455/507/08 – PS Goolwa Investments Pty Ltd (Continued)

The proposed development includes two (2) 3m x 800mm signs (banners) to be attached to the upper deck railings on either side of the boat. The Applicant has also proposed three (3) sandwich board signs to be located at various points around the locality. The sandwich board signs do not require Development Approval and, as such, should not be considered as part of this application. A separate application must be made to the Council (as the landowner) for the sandwich board signs to be displayed.

There is adequate area for car parking located on Council land adjacent to Hector's Wharf. Plans and details of the proposed development are attached.

The Gallery were requested to leave the meeting at 11:20 a.m. by the Chair.

The Gallery was invited back to the meeting at 11:26 a.m.

- 14 Moved M Galea seconded Cr Medlyn that the Development Assessment Panel resolve to grant Development Plan Consent to Development Application 455/507/08 for the mooring of the PS Goolwa at Hector's Wharf, to be used as a Cellar Door/Wine Bar and Bed and Breakfast with associated signage, 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, stamped received by the Council on 7 May 2008.
2. The proposed Cellar Door and Wine Bar shall only operate between the hours of 10.00am and 12.00am (midnight) Monday to Saturday and 10.00am and 8.00pm on Sundays.
3. The PS Goolwa must be connected to its own electricity supply that is to be metered independently.
4. The PS Goolwa shall be relocated to an alternate location during times of the Wooden Boat Festival.

.../cont.

4.1 455/507/08 – PS Goolwa Investments Pty Ltd (Continued)

5. During the construction the property shall be managed in a manner as to prevent erosion and pollution of the subject site and the environment, including keeping the area in a tidy state and ensuring any waste materials being placed into bins to ensure no pollutants enter the River Murray.
6. The PS Goolwa shall be maintained in good condition at all times. If the PS Goolwa is not maintained adequately, the Council may revoke its consent to moor the boat at Hector's Wharf.
7. The proprietor of the PS Goolwa shall ensure that the grey water and sewerage holding tank is emptied at regular intervals by an appropriate method to ensure that no spillage occurs into the River Murray system.
8. Noise emanating from the proposed development must be maintained within acceptable levels, as prescribed by the Environment Protection Authority (EPA).

Notes

1. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environmental Protection Act, to take all reasonable and practical measures to ensure that its activities on the whole site do not pollute the environment. This is particularly important for the ongoing management of the operation and with respect to any use of chemicals and prevention of soil erosion.
2. 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.
3. The applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.

.../cont.

4.1 455/507/08 – PS Goolwa Investments Pty Ltd (Continued)

4. Water quality in South Australia is protected using the Environment Protection Act 1993 and the associated Environment Protection (Water Quality) Policy 2003. The latter document prohibits a range of listed pollutants from being 'deposited into any waters or on to land in a place from which it is reasonably likely to enter any waters.' Given the location of the development in the main stream of the River Murray, it is likely that poor management practices will lead to water pollution.
5. The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation. Under section 20 of the Aboriginal Heritage Act 1988 (The Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. Penalties may apply for failure to comply with the Act.
6. 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

4.2 455/588/08 - Port Elliot Bowling Club

Mr Kevin East on behalf of the bowling club answered questions of the Panel.

**SUMMARY TABLE**

Date of Application	23 May 2008
Subject Land	Lot 5 Horseshoe Bay, Port Elliot
Assessment No.	A 2597
Relevant Authority	Alexandrina Council
Planning Zone	Historic (Conservation) Zone – Coastal
Nature of Development	Two (2) additional 10 metre high Light Towers
Type of Development	Merit
Public Notice	Category 3
Referrals	Coast Protection Board, Heritage (informal), Basham's Beach & Horseshoe Bay Advisory Committee
Representations Received	4
Representations to be heard	1
Date last inspected	28 July 2008
Recommendation	Approval with conditions
Originating Officer	Matt Atkinson

**ESD IMPACT/BENEFIT**

- Environmental May impact on the visual amenity experienced within the area.
- Social Will improve facilities for the local community within Port Elliot.
- Economic Benefits for the Bowling Club and the local economy.

.../cont.

4.2 455/588/08 – Port Elliot Bowling Club (Continued)

**THE PROPOSAL**

Nature of Development

Two (2) additional ten metre high light towers with two (2) lights per tower, for the illumination of the Port Elliot Bowling Club greens.

Detailed Description

The Applicant proposes to install two (2) additional ten (10) metre high light towers at the Port Elliot Bowling Club. The towers would each accommodate two (2) 2000 watt lights with light overspill visors. The lights are to be positioned on the sea side (south-east) of the bowling greens facing inland (north-west), with one tower adjacent to each bowling green.

The proposed lights are additional to two (2) existing ten (10) metre high light towers located on the opposite side of the bowling greens (facing towards the sea). The additional light towers are required to improve the illumination of the greens to a level appropriate for competition bowls (the surface has recently been upgraded to a world class standard). The existing lights are used for the social 'Night Owls' competitions.

The Gallery were requested to leave the meeting at 11:40 a.m.

The Gallery were invited back to the meeting at 11:53 a.m.

15 Moved M Walker that the Development Assessment Panel grant Provisional Development Plan Consent to Development Application 455/588/08 for the construction of two (2) additional ten metre high light towers with two (2) lights per tower, at Lot 5 Horseshoe Bay, Port Elliot, subject to the following conditions:

1. The proposed light towers shall be painted grey to reduce their visual dominance throughout the day.
2. The proposed lights shall be screened and directed in such a manner so as to not, in the opinion of Council, create unreasonable overspill onto any adjoining property or roadway which may create a nuisance to any neighbour or road user.

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4.2 455/588/08 – Port Elliot Bowling Club (Continued)

3. The lights shall not be used between the hours of 10.00pm and 7.00am on any day.

Notes:

1. No signs or advertising shall be erected or displayed on the light towers without the prior Development Approval of the Council.
2. The coastline at this location is subject to erosion, and as such, the proposal is considered to be at risk. However, the proposal is considered to be of public benefit and relatively minor in nature, and if considered expendable by the applicant, a lesser standard is acceptable to the Coast Protection Board. Should the application be approved, the applicant shall accept all responsibility for loss as a result of coastal erosion processes.
3. The proposed development is located within Crown Land reserve. Consultation with the Department for Environment & Heritage (Land Administration Branch) is required prior to the commencement of construction.

Lapsed through want of a seconder.

Moved M Walker seconded Cr Medlyn that the Development Assessment Panel grant Provisional Development Plan Consent to Development Application 455/588/08 for the construction of two (2) additional ten metre high light towers with two (2) lights per tower, at Lot 5 Horseshoe Bay, Port Elliot, subject to the following conditions:

1. The proposed light towers shall be painted grey to reduce their visual dominance throughout the day.
2. The proposed lights shall be screened and directed in such a manner so as to not, in the opinion of Council, create unreasonable overspill onto any adjoining property or roadway which may create a nuisance to any neighbour or road user.
3. The lights shall not be used between the hours of 10.00pm and 7.00am on any day.

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4.2 455/588/08 – Port Elliot Bowling Club (Continued)

Notes:

1. No signs or advertising shall be erected or displayed on the light towers without the prior Development Approval of the Council.
2. The coastline at this location is subject to erosion, and as such, the proposal is considered to be at risk. However, the proposal is considered to be of public benefit and relatively minor in nature, and if considered expendable by the applicant, a lesser standard is acceptable to the Coast Protection Board. Should the application be approved, the applicant shall accept all responsibility for loss as a result of coastal erosion processes.
3. The proposed development is located within Crown Land reserve. Consultation with the Department for Environment & Heritage (Land Administration Branch) is required prior to the commencement of construction.

CARRIED

Noted that M Galea voted against the above recommendation.

4.3 455/585/08 - Norich Development Pty Ltd

Mr Harry Richani answered questions from the Panel.

**SUMMARY TABLE**

Date of Application	26 May 2008
Subject Land	Lot 500 Alexandrina Drive, Clayton Bay
Assessment No.	A 20869
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	1
Date last inspected	29 July 2008
Recommendation	Approval – subject to conditions
Originating Officer	Matt Atkinson

**ESD IMPACT/BENEFIT**

- Environmental Potential impact upon the locality through increased stormwater.
- Social Potential benefit to the local community through the provision of additional commercial facilities.
- Economic Benefit to the local economy through job opportunities and increased economic activity.

.../cont.

## 4.3 455/585/08 – Norich Development Pty Ltd (Continued)

The Development Assessment Panel considered an application (455/1518/07) for a tavern and residential flat buildings (comprising 24 units) on the subject land, at its 22 April 2008 meeting. The application was refused Development Plan Consent by the Panel as the residential flat building component of the Application was considered to be at variance with the Development Plan provisions for the Country Township (Clayton) Zone.

The Development Assessment Panel also considered an application (455/1517/07) for a group of shops on adjacent land at the same meeting. The Panel refused this application as the shops were located on two (2) residential sized allotments and the Panel were of the view that the commercial activities should occur on the larger allotment that was created for that purpose.

Accordingly, the Applicant has amended the proposal by removing the residential flat buildings and incorporating the tavern and shops on the same title. The amended proposal is the subject of this Development Application.

### **THE PROPOSAL**

#### **Nature of Development**

The Applicant proposes to construct a tavern and a freestanding group of shops (six tenancies) with associated car-parking and landscaping on the land situated at Lot 500 Alexandrina Drive, Clayton Bay.

#### **Detailed Description**

The proposed tavern is to be located adjacent to Alexandrina Drive with a front setback of 15 metres from the property boundary. The tavern is predominantly single storey, aside from a small caretaker's residence on the second level.

The tavern is open planned with a restaurant, lounge, bar and two (2) outdoor areas, with an associated kitchen, amenities, cool rooms and storage areas. There is seating for a total of 256 patrons, with 164 seats indoors and a further 92 seats outdoors.

The proposed group of shops is to be located at the rear (north) of the property behind the tavern. The group of shops is a single storey building that will be divided into six (6) tenancies with access to a service road behind the building.

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4.3 455/585/08 – Norich Development Pty Ltd (Continued)

Access to the development is via four (4) crossovers from a road that is yet to be constructed on the eastern side of the subject land (the proposed road has been approved for construction by the Council). The overall development includes 115 car-parking spaces and separate areas for the loading and unloading of service vehicles.

The proposed development also includes substantial areas of landscaping and vegetation. The proposed development will occupy approximately 65% of the subject land, with the balance of the allotment (the western portion) remaining vacant.

The Gallery were requested to leave the meeting at 12:15 p.m.

The Gallery were invited back to the meeting at 12:45 p.m.

- 16 Moved Cr Medlyn seconded Cr Gartrell that the Development Assessment Panel defer Development Application 455/585/08 pending receipt of further information regarding site levels, vehicular access points and further advice from Council staff whether it would be an orderly development within the township of Clayton as the proposed shops are located in a no through road.

CARRIED

The Development Assessment Panel adjourned the meeting at 12:55 p.m. for a short break, with the meeting reconvening at 1:05 p.m.

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 Appeals Update

File Ref: 4.14.1(A)  
Officer: Matt Atkinson

REPORT

Appeal Update

455/742/07 - Abbots Lane Retirement Village

The Development Assessment Panel directed the Planner to request an adjournment at the Appeals Direction Hearing for Development Application 455/742/07 for a period of two weeks.

455/955/07 - Axl Beers Airstrip

Verbal report given by Planner and received by Panel.

455/236/08 - Campbell Haig Dwellings, Seaview Road, Port Elliot

Advice received from Planner that Development Application 455/236/08 has now been resolved.

**Clayton PAR**

Moved M Galea seconded Cr Gartrell that the Development Assessment Panel recommends that a review of the Country Township Zone be had, and how it relates to the Clayton Town Centre in the existing Development Plan, and that this be reviewed through a Development Plan amendment process in accordance with Section 25(7) or Section 30 of the Development Act 1993.

CARRIED

Moved Cr Gartrell seconded Cr Medlyn that the Development Assessment Panel wishes to be given details on applications where stormwater requires retention.

CARRIED

8.2 State Government Development Review

File Ref: 4.14.1(A)  
Officer: Matt Atkinson

REPORT

The recent changes to the Development Act proposed by the State Government will be presented to the Panel.

This item was deferred to the next Development Assessment Panel meeting.

MEETING CLOSED AT 1:35 p.m.

MINUTES CONFIRMED .....  
CHAIRMAN

DATED: .....