

**DEVELOPMENT ASSESSMENT PANEL
MINUTES OF MEETING HELD ON 18 DECEMBER 2006
COMMENCING AT 10:00 AM
IN THE COMMUNITY CHAMBERS "WAL YUNTU WARRIN"**

PRESENT

Cr A Woolford; Cr A Oliver; Cr G Gartrell; Cr T Rusby; Cr R Potter; Cr M Beckett.

APOLOGIES

Cherry Getsom (Planner Team Leader).

IN ATTENDANCE

Tom Gregory (Planner); Andrew Sladden (Planner); Andrew Burley (Planner); Heather Atkinson (Relief Personal Assistant).

1 CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on 16th October 2006.

RECOMMENDATION

Moved Cr Oliver, Seconded Cr Potter that the minutes of the Alexandrina Council Development Assessment Panel held on 16th October 2006 as circulated to members be received as a true and accurate record.

CARRIED

Moved Cr Alan Oliver, Seconded Cr Pod Potter that Cr Woolford be nominated the Presiding Member of the Interim Panel of the Development Assessment Panel until such time as the new panel is formed in 2007.

CARRIED

2. **DEVELOPMENT APPLICATIONS**

2.1 455/391/06 - Roger Haysman

SUMMARY TABLE

Date of Application	5 th April 2006
Subject Land	10 Battunga Avenue Port Elliot
Applicant	Roger Haysman
Owner	Roger Haysman
Assessment No.	A3048
Relevant Authority	Alexandrina Council
Planning Zone	Residential – Policy Area 13 Residential
Nature of Development	Group dwellings – double storey x 4
Type of Development	Consent / Merit
Public Notice	Category 2
Referrals	N/A
Representations Received	3
Representations to be heard	0
Date last inspected	November 2006
Recommendation	Refusal
Originating Officer	Andrew Sladden

ESD IMPACT/BENEFIT

- Environmental Environmental impact through increase in density and removal of existing vegetation.
- Social Provision of housing choice.
- Economic Economic benefit to owner through maximising yield from lots.

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2.1 455/391/06 - Roger Haysman (continued)

BACKGROUND

The subject site is located on the northern side of Battunga Road between Carfax Street and Seaview Road, Port Elliot. The existing site consists of two rectangular shaped allotments with an existing single storey detached dwelling located in the centre of the site and shed located adjacent the western side boundary. The total area of the site (both allotments) is approximately 2181m².

THE PROPOSAL

Nature of Development

The proposal involves the construction of four double storey detached dwellings on the subject site. Two of the proposed dwellings will have direct frontage to Battunga Avenue and two of the dwellings are proposed to be constructed behind and accessed via a 5m wide access road (6m wide at the driveway entrance) located along the eastern side of the subject site. Although a Land Division Application has not yet been lodged, each of the proposed dwellings will be located on separate allotments ranging in size from 450.39m² to 500.08m². Given that two of the dwellings do not have frontage to a public road, the proposal has been assessed as four double storey group dwellings pursuant to the following definition from Schedule 1 of the Development Act 1993.

"group dwelling means one or more of a group of two or more detached buildings, each of which is used as a dwelling and one or more of which has a site without frontage to a public road or to a road proposed in a plan of division that is the subject of a current development authorisation."

Detailed Description

The proposal involves the construction of four double storey detached dwellings of varying design. Two of the proposed dwellings have a frontage to Battunga Avenue and are setback 6m from the front boundary. These two dwellings are proposed to be on individual allotments of 450.52m² and 450.39m² respectively. Proposed dwelling 1 is setback a minimum of 1m from the western side boundary with a 1m side setback between dwellings 1 and 2. There is a 5m wide driveway, which widens to 6m at the entrance located between proposed dwelling 2 and the western side boundary.

.../cont

2.1 455/391/06 - Roger Haysman (continued)

Proposed dwellings 3 and 4 are located behind dwellings 1 and 2 on individual allotments of 500.01m² and 500.08m² respectively. A minimum 5m wide access driveway is proposed to be located along the eastern side of the subject site, providing access to dwellings 3 and 4. Dwelling 3 is setback 2m from the western side boundary with a 3m setback separating proposed dwellings 3 and 4. Dwelling 4 is setback 2m from the eastern side boundary. The proposal also involves the construction of a 1.8m high colorbond fence at the rear of the subject site. From the plans provided, none of the proposed dwellings are greater than 8m in height measured from existing natural ground level.

- 36 Moved Cr Beckett seconded Cr Oliver that the Development Assessment Panel refuse Development application 455/391/06 for Four Two Storey Group Dwellings at 10 Battunga Avenue, Port Elliot on the grounds that it is at variance with the existing character and amenity of the locality. In particular, the proposed development is considered to be at variance with the following Objectives and Principles of Development Control from the Development plan.

COUNCIL WIDE

Objectives:

Objective 38:The amenity of localities not impaired by the appearance of land, buildings, and objects.

Principles of Development Control

PDC 35 Building appearance should not detract from the existing or desired future character of the locality in terms of built form elements such as:

- (a) building height;
- (b) building mass and proportion;
- (c) external materials, patterns, textures, colours and decorative elements;
- (d) ground floor height above natural ground level;
- (e) roof form and pitch;
- (f) facade articulation and detailing and window and door proportions;
- (g) verandahs, eaves and parapets; and
- (h) driveway crossovers, fence style and alignment.

.../cont

2.1 455/391/06 - Roger Haysman (continued)

PDC 211 Development should take place in a manner which will not visually interfere with the achievement of the objective for an area or, otherwise the existing character of scenically or environmentally important areas, or areas which are prominently visible from other land or which are frequented by the public.

PDC 216 Building development should be located and designed in respect of the size, colour, form, siting, architectural style and materials of construction of buildings to harmonise with, the objectives for an area, other buildings of historical significance or heritage value or, in the absence of guidance from these, the predominant character of existing building development.

PDC 218 Buildings or structures should be sited unobtrusively and be of a character and design which will blend naturally with the landscape.

PART C - PORT ELLIOT AND GOOLWA

Principles of Development Control

PDC 2 Development involving the erection of any building of more than one storey in height, should only be undertaken where:

- (a) the building will be in visual harmony with existing buildings in the locality;
- (b) the building is designed and sited to minimise any resultant loss in privacy or natural light with respect to existing development; and
- (c) the development will not detract from the amenity of the locality.

RESIDENTIAL ZONE

Principles of Development Control

PDC 6 Dwellings and outbuildings located in elevated or undulating areas should be designed and sited so not to be obtrusive or detract from the desired future character of the policy area. In these elevated or undulating areas:

- (a) buildings should be single storey;
- (b) the profile of buildings should be low and the roof lines should complement the natural form of the land;
- (c) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land; and

.../cont

2.1 455/391/06 - Roger Haysman (continued)

(d) large eaves, verandahs and pergolas should be incorporated into designs so as to create shadowed areas which reduce the bulky appearance of buildings.

PDC 9 All buildings in the Residential Zone should be setback a minimum distance of 8.0 metres from the primary road frontage, except where a lesser setback distance is specifically contemplated in any policy area.

RESIDENTIAL (BOOMER BEACH) POLICY AREA 13

Principles of Development Control

PDC 3 Semi-detached, row dwellings, group dwellings and residential flat buildings should not be established.

PDC 6 Dwellings of more than one storey in height should take account of the following factors:

- (a) the height and bulk of the proposed building relative to adjoining dwellings;
- (b) the design of the building being stepped in accordance with the slope of the land; and
- (c) the form of the building being articulated to break down its apparent bulk.

CARRIED

3. **DEVELOPMENT APPLICATIONS - NON COMPLYING**

3.1 455/541/06 - Wendy Bell

SUMMARY TABLE

Date of Application	9 th May 2006
Subject Land	12 Goolwa Road Middleton, 5866788
Applicant	Wendy Bell
Owner	Warren Surfield
Assessment No.	A15836
Relevant Authority	Alexandrina Council
Planning Zone	Rural Living (Policy Area 18)Rural Living
Nature of Development	Store (storage shed)
Type of Development	Non-complying
Public Notice	Category 3
Referrals	N/A
Representations Received	1 formal, 1 late
Representations to be heard	1
Date last inspected	6 th June 2006
Recommendation	Refusal
Originating Officer	Andrew Burley

ESD IMPACT/BENEFIT

- Environmental Minor impacts from construction and increased stormwater run-off.
- Social May cause visual impact and noise impact to adjoining landowners.
- Economic Potential to enhance owners business on adjoining land through storage of associated vehicles.

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3.1 455/541/06 - Wendy Bell (continued)

BACKGROUND

The land is currently vacant and has been used for occasional grazing, the parking of several private vehicles and several other vehicles associated with the owner's adjoining business, Middleton Pergolas, Sand and Metal. This business was granted consent by way of an appeal to the Environment, Resources and Development Court in 2001, and must be acknowledged as a separate issue on a separate title.

Previous to this application, on the 20th October 2005 an application similar to this was lodged with Council by the owner of Middleton Pergolas, Sand and Metal, for an extension to the existing service trade premises. This application constituted a non-complying development and subsequently was withdrawn on the 11th May 2005.

The Development Assessment Panel resolved to proceed with assessment of the application on the 17th of July 2006.

THE PROPOSAL

Nature of Development

The development proposal involves the construction of a large storage shed which will store private vehicles and other vehicles associated with the adjoining business, which are currently being stored on the existing site. After seeking legal advice, Council is of the opinion that the proposal constitutes a change of land use to a 'store', which is listed as a non-complying use according to Rural Living Zone. This is due to the fact that there is no dwelling on the allotment and therefore cannot be considered as an outbuilding associated with a residential use.

A 'store' is defined under the Development Act, which means '*a building or enclosed land used for the storage of goods, and within or upon which no trade (whether wholesale or retail) or industry is carried on..*'

Detailed Description

The development proposal involves the construction of storage shed which will store: a private boat and trailer, pneumatic and 4 wheel trolley associated with the private use of draft horses grazed on the site; and vehicles currently parked on the adjoining Sand and Metal premises which include; a 3.5 ton small excavator, vibrating roller, and 4 wheel tipper trailer.

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3.1 455/541/06 - Wendy Bell (continued)

The proposed shed has dimensions of 30.64m x 18m x 4.8m and will cover an area of 551.52m². The walls and roof are to be clad with 'Rivergum Green' pre-coated steel. The shed is to be setback 6 metres from the southern boundary and 16 metres from the western boundary.

The allotment is a 'hammer head' shape which has a narrow access link providing access to Goolwa Road. In addition to this access link, there is an existing gate on the western boundary which provides access through to the owners business of 18 Goolwa Road.

NOTES

Cr Woolford, Presiding Member welcomed Geoff Emmerson to the meeting who gave a brief representation of his objections at 10.15am.

Cr Woolford, Presiding Member welcomed Warren Surfield to the meeting who gave a brief representation of his proposal at 10.20.

Moved Cr Beckett, seconded Cr Potter that the Development Assessment Panel move into camera at 10.26am.

CARRIED

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

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

.../cont

3.1 455/541/06 - Wendy Bell (continued)

That Andrew Sladden (Planner); Andrew Burley (Planner); Tom Gregory (Planner); Heather Atkinson (Relief Personal Assistant) remain in the meeting.

Moved Cr Beckett, seconded Cr Oliver that the Development Assessment Panel moves out of camera at 10.52am.

38 It was agreed by Consensus that approval subject to concurrence from the Development Assessment Commission and the following Conditions:

1. The site of the proposed building shall be screened with native vegetation that will be of a species appropriate to the area and mature to such a height to reduce the visual impact of the building. The vegetation shall not be planted closer to the building or power lines than the distance equivalent to their mature height.
2. All stormwater drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or, in the opinion of the Council, detrimentally affect structures on this site or any adjoining land.
3. The structure is not to be used for any other purpose i.e. for 'living' purposes without first gaining approval from the Council for a 'change of use' under the Development Act. NOTE - that 'living' includes temporary staying overnight or at weekends. The 'change of use' of a structure without the approval of Council can result in legal action being taken under the Development Act 1993, and can incur substantial fines.
4. The building shall be only be used for the storage of items as specified in the information provided for this application, which are as follows: 3.5 ton excavator, vibrating roller, 4 wheel tipper trailer, private boat and trailer, pneumatic training trolley and four wheel trolley. Any additional items or use will require approval from Council under the Development Act 1993

AGREED BY CONSENSUS

4. **DEVELOPMENT APPLICATIONS - CATEGORY 3**

4.1 **455/844/06 - Martin Fluri**

SUMMARY TABLE

Date of Application	26 th July 2006
Subject Land	157 Liverpool Road, Goolwa
Applicant	Martin Fluri
Owner	Alexandrina Council
Assessment No.	A 4341
Relevant Authority	Alexandrina Council
Planning Zone	Urban Waterfront
Nature of Development	Other – Conversion of boat shed to Tourist Accommodation
Type of Development	Consent on merit
Public Notice	Category 3
Referrals	N/A
Representations Received	2
Representations to be heard	2
Date last inspected	September 2006
Recommendation	Approval
Originating Officer	Andrew Sladden

ESD IMPACT/BENEFIT

- Environmental Nil
- Social Benefit to users of the marina through increased accommodation options.
- Economic Benefit to local economy through increased accommodation options.

.../cont

4.1 455/844/06 - Martin Fluri (continued)

BACKGROUND

The subject site contains an existing marina. Development Application 455/260/05 for the construction of two accommodation units on the subject site was granted Provisional Development Plan Consent by the ERD Court in February 2006. This application was the subject of a mandatory River Murray Referral and Council was directed by the River Murray Minister to refuse the Application. The applicant subsequently amended the plans which was supported by the River Murray Minister and subsequently approved.

THE PROPOSAL

Nature of Development

The proposal involves the conversion of an existing boat shed/workshop to a tourist accommodation use consisting two self contained units to be used in conjunction with the two existing approved accommodation units.

Detailed Description

The existing shed/workshop is located on the north eastern side of the subject allotment, setback approximately 8m from the Liverpool Road boundary. It is 12.090m in length and 6m wide (72m²) with a total height of 4m. The shed is located on the eastern boundary and setback 8m from the front boundary.

It is proposed to convert this building into two tourist accommodation units, each comprising a living area with double bed and table with small kitchen and separate bathroom. The proposed works also involve the erection of two sets of double glass doors and a 1.5m by 6.1m (9.15m²) verandah on the western side of the building.

There are also two car parking spaces proposed for each accommodation unit which are located between the subject building and front boundary.

NOTES

Cr Woolford, Presiding Member welcomed Anthony Presgrave to the meeting who gave a brief representation of his objections at 10.55am.

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4.1 455/844/06 - Martin Fluri (continued)

Cr Woolford, Presiding Member welcomed Jocelyn Bailey to the meeting who gave a brief representation of objections at 11.04am. Jocelyn provided the Panel members with a document containing questions/comments relating to the application.

Cr Woolford, Presiding Member welcomed Joanne Nightingale to the meeting who gave a brief representation of the proposal at 11.06.

35 It was agreed by Consensus that the Development Assessment Panel grant Provisional Development Plan Consent to Development Application 455/844/06 for a Change of Use - Conversion of Boat shed to Tourist Accommodation at 157 Liverpool Road, Goolwa subject to the following conditions and Council consent to a variation of the terms of the lease:

1. This approval is for tourist accommodation only, and does not imply Council approval for the building to be used as a permanent and/or independent residence.
2. The building shall not be used for its approved use until all of the necessary infrastructure has been provided to the building.
3. External lighting and security lighting shall be 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
4. No signs are to be erected or displayed on the building or property without the prior consent of Council
5. Driveways, vehicles manoeuvring and parking areas shall be constructed of compacted rubble 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.

AGREED BY CONSENSUS

4.2 455/982/06 - Townsend House Incorporated

SUMMARY TABLE

Date of Application	25 th August 2006
Subject Land	29-43 Parker Avenue Strathalbyn
Applicant	Townsend House Incorporated
Owner	Dorothy Hamilton Lewis
Assessment No.	A13100
Relevant Authority	Alexandrina Council
Planning Zone	Residential (Strathalbyn) Residential
Nature of Development	Retirement village comprising of 80 dwellings and community facilities
Type of Development	Consent on merit
Public Notice	Category 3
Referrals	N/A
Representations Received	4
Representations to be heard	0
Date last inspected	4 th October 2006
Recommendation	Approval
Originating Officer	Andrew Burley

ESD IMPACT/BENEFIT

- Environmental Increased stormwater runoff, increase in housing density within the locality. Increase in number and frequency of vehicular movements in the locality.
- Social Benefits for the aged through the provision of independent aged care and associated community facilities.
- Economic Increase in site value. Increase of business within the township of Strathalbyn.

.../cont

4.2 455/982/06 - Townsend House Incorporated (Continued)

BACKGROUND

Council was in discussions with the applicant prior to lodgement of the development application.

THE PROPOSAL

Nature of Development

The proposal involves the construction of a Retirement Village comprising of 80 dwellings at lot 10 Parker Avenue, Strathalbyn.

The subject land is located within the Residential (Strathalbyn) Zone of the Alexandrina Council Development Plan. The proposal has been classified as a 'consent on merit' application as it is not listed as either 'complying' or 'non-complying' in accordance with the Alexandrina Council Development Plan.

Detailed Description

The subject land, described as lot 10 Parker Avenue, Strathalbyn is a currently vacant allotment with a Primary frontage of approximately 195m to Parker Avenue and a secondary frontage of approximately 15m to Hooper Road.

The proposed facility is designed to provide permanent independent accommodation for the elderly. The facility includes associated community facilities which will provide for recreation and other services for residents. The facility will also provide services such as meals, cleaning, laundry and home care to residents on a 'user pays' basis.

The proposal includes:

- 80 independent living units, in the form of single storey detached dwellings, ranging between 118.6m² and 141.7m² in floor area. The units have either two or three bedrooms, a kitchen, laundry, dining and living area, two way or separate bathrooms, attached single carport and private outdoor living space.
- Central community facilities in the form of two main single storey buildings (300m² total floor area) which include: Receptions and Managers office, café'/bar/kiosk, lounge, games room, library, arts and crafts, gym, day spa and medical practitioners room.

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4.2 455/982/06 - Townsend House Incorporated

- 2,000m² of community open space will be provided as part of the community facilities.
- Parking area for the storage of up to nine recreation vehicles (i.e. caravans, boats)

The facility is proposed to be constructed in four stages; however the timeframe for the stages has not yet been indicated by the applicant. Stage 1 consists of the community facility and 28 houses and the remaining stages consist of 18, 18 and 16 dwellings respectively.

NOTES

Cr Woolford, Presiding Member welcomed Greg Vincent to the meeting who gave a brief representation of the proposal at 11.15am.

39 It was agreed by Consensus that the Development Assessment Panel resolve to issue Provisional Planning Consent for Development Application 455/744/05 for a Retirement Village at Lot 10 Parker Avenue, Strathalbyn subject to the following conditions and notes:

1. Payment of the Common Effluent Drainage Scheme Levy shall be made to Alexandrina Council for 80 extra connections at the fee set in Council's Schedule of Fees and Charges applicable at the time that payment is made and shall be paid prior to connection to the scheme subject to negotiations with the applicant.
2. Effluent drainage for the entire site must be gravity only. No rising main connection to Council existing STEDs infrastructure will be allowed.
3. Vehicular access shall be provided to septic tank(s) to allow for regular pumping.
4. Suitable grease trap to be installed for cafe/bar/kiosk and kitchen facility.

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4.2 455/982/06 - Townsend House Incorporated (Continued)

5. Septic tank(s) shall have adequate access to ensure the tank can be fully emptied.
6. A 4.0m wide easement is required along the full length of the existing 150mm drain adjacent the northern boundary of the property.
7. The kerb and channel shall be a maximum of 1.0m offset from the northern boundary to ensure that the existing 150mm drain does not sit directly under the kerb..
8. Should the 150mm main need to be repaired, the reinstatement of the pavement and seal shall be at the applicant/owners expense.
9. A full set of final for construction drawing produced by a suitably qualified engineer shall be provide to council for approval prior to any construction work being carried out.
10. The developer shall be responsible for the provision of all necessary infrastructure.
11. All new roads created shall be paved and kerbed.
12. A system for the collection and disposal of stormwater runoff.
13. Each allotment shall be connected to Electricity and Telecommunications.
14. Adequate easements for stormwater and STED Scheme lines shall be provided.
15. A Soil Erosion and Drainage Management Plan (SEDMP) approved by Council rpopr to development application.
16. Applicant to provide a staging and timeframe plan of the proposed development, which is to be endorsed by the Development Assessment Panel prior to full Development Approval.
17. A waste control system shall be lodged and approved by Council prior to full Development Approval.

AGREED BY CONSENSUS

5. DEVELOPMENT APPLICATIONS - LAND DIVISION COMMUNITY TITLE
6. DEVELOPMENT ASSESSMENT - BUILDING
7. MATTERS REFERRED FOR FOLLOW UP

8. GENERAL ITEMS FOR DISCUSSION

8.1 Adelaide Blue Gum Pty Ltd V Alexandrina Council

File Ref: 455/1457/05 & 455/1456/05
Officer: Cherry Getsom
From: Lempriere Abbott McLeod

REPORT

These applications were refused by the Development Assessment Panel on 15th May 2006 item 4.2 (455/1455/05) and item 4.3 (455/1456/05).

Phil Broderick from Lempriere Abbott McLeod, Council's legal representative, will give a verbal report to the Panel in regards to Jamie Botten & Associates and an agreement reached between the Developer and the Minister with respect to the proposed Blue Gum Plantations at Waldaree and Little Hills.

RECOMMENDATION

That the verbal report be received. The panel recieved the verbal report from Phil Broderick and will not reconsider it's decision. Panel awaiting determination from Court proceedings currently taking place. Phil Broderick to advise of outcome.

Development Assessment Panel determined that Council and Planning staff should investigate the possibilities of a PAR for Commercial Forestry sometime in the future.

8.2 455/C083/04 - C Sweatman

File Ref: 455/8083/04
Officer: Cherry Getsom
From: Ann Owen & Janelle Owen

BACKGROUND

The application for land division was presented to the Panel on 22nd November 2004 and was approved with three conditions:

1. Fencing height be no greater than 1 metre along the common land and not colorbond/corrugated iron but appropriate material to fit in with the character of the area.
2. The peppercorn tree indicated in plans dated 14th September 2004 centrally on the allotment shall be retained.
3. Landscaping shall be established and maintained as depicted in plans dated 14th September 2004 with the minimum height on the northern boundary to be 3 metres when mature.

The new owners of the property have subsequently written to Council requesting that condition two be amended to allow the Peppercorn tree to be removed. The minutes of this meeting make no mention as to why Condition 2 was included.

40 It was agreed by Consensus that the Development Assessment Panel agreed condition no: 2 shall be removed from the decision notification form of 455/C083/04 as the condition is invalid, to allow the existing peppercorn tree to be removed.

AGREED BY CONSENSUS

Development Assessment Panel agreed Land Management Agreements should be sought if Council wish to protect existing trees on properties being removed subject to approval of a Development Application as it is not Councils preference to see trees removed.

9. NEXT MEETING

To Be Advised.

10. CLOSURE

MEETING CLOSED AT 12.08pm.

MINUTES CONFIRMED.....
CHAIRMAN

DATED:.....