

**DEVELOPMENT ASSESSMENT PANEL
MINUTES OF MEETING HELD ON 18 JUNE 2008
COMMENCING AT 11:30 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

Vanessa Harvey (Personal Assistant), Matt Atkinson (Planner), Andrew Sladden (Planner), Tom Gregory (Planner).

ITEM 1 CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on Wednesday 21st May 2008.

Moved Cr Medlyn seconded M Walker that the minutes of the Alexandrina Council Development Assessment Panel held on 21st May 2008 as circulated to members be received as a true and accurate record.

CARRIED

The Development Assessment Panel resolved to commence with Item 4.1 at 11:32 a.m.

ITEM 2. DEVELOPMENT APPLICATIONS

ITEM 3. DEVELOPMENT APPLICATIONS - NON COMPLYING

Returned to Item 3.1 at 12:25 p.m.

3.1 455/121/08 - Warren Foster

SUMMARY TABLE

Date of Application	5 th February 2008
Subject Land	Lot 6 Candys Road, Finniss
Assessment No.	A 4473
Relevant Authority	Alexandrina Council
Planning Zone	General Farming (Pt Elliot & Goolwa)
Nature of Development	Change of Use – Tourist Accommodation (Bed & Breakfast)
Type of Development	Non-Complying
Public Notice	Category 3
Referrals	CFS
Representations Received	N/A
Representations to be heard	N/A
Date last inspected	December 2007
Recommendation	Approval subject to DAC concurrence
Originating Officer	Andrew Sladden

ESD IMPACT/BENEFIT

- Environmental N/A
- Social Benefit to community through provision of additional tourist accommodation facility.
- Economic Benefit to owners and local economy through provision of small business on site and additional accommodation for tourists.

.../cont.

3.1 455/121/08 – Warren Foster (Continued)

BACKGROUND

Development application 455/1123/07 for a single storey detached dwelling on the subject site was granted Development Plan Consent on 8 November 2007. This application does not have Development Approval yet.

THE PROPOSAL

Nature of Development

The proposed development involves changing the use of a portion (bedroom, lounge room and ensuite) of a recently approved dwelling to a bed and breakfast (tourist accommodation).

As the dwelling (455/1123/07) was only granted Development Plan Consent (DPC) on 8 November 2007, the proposed development is considered to be a Non-Complying form of Development pursuant to Principle of Development Control (PDC) 5 for the General Farming (Pt Elliot & Goolwa) Zone.

As the proposed dwelling has not yet been granted Development Approval, the proposed change of use is considered to be a non-complying form of development pursuant to the above.

Detailed Description

It is proposed to change the use of a bedroom, lounge room and ensuite, approved as part of the dwelling (455/1123/07), to a tourist accommodation land use. The bed and breakfast will be hosted as the owners of the property will reside within the dwelling. As the property is rural there is plenty of area on the allotment for car parking.

SITE & LOCALITY

The subject site is an existing rural allotment used predominantly for grazing. Two machinery sheds were approved on the site in 2005 (DA: 455/735/05) although it is not clear whether they have been constructed. There is very little vegetation on the subject site.

The locality is rural in character with the majority of surrounding properties being utilised for grazing purposes. There also appears to be some cropping within the vicinity of the subject site.

.../cont.

3.1 455/121/08 – Warren Foster (Continued)

- 7 Moved Cr Medlyn seconded M Galea that the Development Assessment Panel grant Provisional Development Plan Consent to Development Application 455/121/08 for a Change of Use - Tourist Accommodation (Bed & Breakfast), subject to concurrence of the Development Assessment Commission and the following conditions and notes:

Conditions

1. The development herein approved to be carried out in accordance with plans and details accompanying this application (amended plans received by Council on 4 February 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. 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.

Notes

1. The applicant remains bound to comply with conditions of previous consents with respect to the subject land, unless such conditions have been expressly superseded by this consent.

CFS Conditions

1. Landscaping shall include bushfire protection features which will prevent or inhibit the spread of bushfire and minimise the risk of damage to buildings and property, as follows:
 - Trees and shrubs shall not be planted closer to the building(s) or power lines than the distance equivalent to their mature height.
 - Grasses within 20 metres of the dwelling or the property boundaries, whichever comes first, should be reduced to a height of 10cms during the Fire Danger Season.

.../cont.

- 3.1 455/121/08 – Warren Foster (Continued)
2. Private roads and access tracks shall provide safe and convenient access for fire fighting vehicles, as follows:
 - The existing access is satisfactory.
 3. A supply of water independent of reticulated mains supply shall be available at all times for fire-fighting purposes:
 - A supply of 5000 (five thousand) litres of water shall be available for firefighting purposes at all times.
 - This supply shall be fitted with a fuel driven pump or an equivalent system that operates independent of mains electricity and is capable of pressurising the water for firefighting purposes
 - All non metal firefighting water supply pipes other than flexible connections to firefighting pumps shall be buried at least 300mm below finished ground level.
 - The diameter of all fittings and flexible reinforced suction hose connecting the water supply to the fuel driven pump shall be no smaller than the diameter of the pump inlet valve.
 - All above ground bushfire fighting water supply pipes shall be metal.
 - Hose / hoses and nozzle / nozzles capable of withstanding the pressures of the supplied water and of sufficient length to reach all parts of the building shall be readily available at all times.

CFS Notes

1. A site bushfire attack assessment was conducted in accordance with the Building Code of Australian Standard 3959 (AS3959) 'Construction of Buildings in Bushfire-Prone Areas' The Category of Bushfire Attack is MEDIUM.
2. Compliance with the fire protection requirements is not a guarantee the dwelling will not burn, but provides a refuge from the approach, impact and passing of a bushfire.

CARRIED

3.2 455/1078/07 - Adrian Cavanagh

SUMMARY TABLE

Date of Application	19 September 2007
Subject Land	Lot 101 Admiral Terrace, Goolwa
Assessment No.	A 20140
Relevant Authority	Alexandrina Council
Planning Zone	Historic Waterfront Zone
Nature of Development	Detached Dwelling – Single Storey (Non-Complying)
Type of Development	Non-complying
Public Notice	Category 3
Referrals	Dept Environment & Heritage
Representations Received	Nil
Representations to be heard	Nil
Date last inspected	3 June 2008
Recommendation	Approval subject to Development Assessment Commission concurrence.
Originating Officer	Tom Gregory

ESD IMPACT/BENEFIT

- Environmental
As the subject land is currently vacant, it is anticipated that the introduction of a dwelling and additional impermeable surfaces will increase stormwater runoff.
- Social
The construction of a new dwelling on a currently vacant allotment within the Goolwa State Heritage Area will make a positive contribution to the town. New residents will add to the social mix and diversity of Goolwa.
- Economic
An economic benefit to the owner of the land for the improvements on site – increased site value.

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3.2 455/1078/07 – Adrian Cavanagh (Continued)

BACKGROUND

This locality was surveyed in the 1840s and 1850s to provide for the working riverside town. The main roads within this precinct - Hutchinson Street and Admiral Terrace are interspersed with tiny narrow but deep allotments, which have allowed for typical two-room cottages with almost no setback from the street. Other housing styles are evident along Admiral Terrace in particular, with examples from the 1890s and others more recent including the 1950s. This proposal is set adjacent to this type of development, and abuts a new dwelling approved in 2006 under the same planning policy regime that applies today.

THE PROPOSAL

Nature of Development

The development involves the construction of a single storey detached dwelling at 1A (lot101) Goyder Street, Goolwa, however the subject has its primary frontage towards Admiral Terrace.

The allotment is located within the Historic Waterfront Zone, as identified by the Alexandrina Council Development Plan, consolidated 23 November 2006. The Historic Waterfront Zone is small in size, and encompasses the area surrounding Goolwa Wharf, Signal Point, the Alexandrina Council Centre for Positive Ageing, and a small number of shops, office's and dwellings along the southern side of Hay Street – the Street that connects Goolwa's main roads (Cadell Street with Hutchinson Street). The main focus of the zone is directed at the public spaces surrounding the Wharf.

Principle of Development Control 25 of the Historic Waterfront Zone specifies the types of development that are non-complying. The construction of a 'Detached Dwelling' is listed as a form of non-complying development within this zone.

Detailed Description

The subject land is located within the Goolwa State Heritage Area, which is of enormous significance to the township of Goolwa. This Heritage Area is unlike other Heritage Areas or policy areas for that matter, as it is of 'State' significance. Furthermore, the area is listed as a State Heritage Place on the national register.

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3.2 455/1078/07 – Adrian Cavanagh (Continued)

This proposal incorporates the construction of a single storey detached dwelling on the subject land. The dwelling has been designed by Adrian Cavanagh Architects to blend and complement the historic significance of the surrounding area, and with the existing forms and patterns of development.

The front portion of the dwelling is sited on both side boundaries, which is consistent with other development within the locality. The remainder of the dwelling is set back well from both side boundaries. The northern side of the dwelling has a 23 square metre courtyard which will assist in light and warmth in the front portion of the dwelling.

The dwelling is setback 1.7 metres from the front property boundary and 4.2metres from the rear boundary, which is consistent with the locality.

The overall height of the dwelling is 5.2metres, which incorporates a roof pitch of 30 degrees for the front portion, stepping down to 24 degrees for the remainder of the dwelling.

The dwelling is best described as traditional in appearance, providing a typical corrugated iron pitched roof with a dutch gable. The dwelling presents well to the street with a façade of cement rendered Hebel PowerPanel in a sandstone like colour, timber framed double hung windows, and a single car garage that is set well behind the main face of the dwelling (some 4 metres so as to not dominate the street presence).

The applicant has varied the wall and gutter heights on the front façade, in order to draw more attention to the dwelling component rather than the garage, which has assisted in producing an attractive and sympathetic design.

SITE & LOCALITY

The subject site is located on the north-west side of Admiral Terrace, and has access via a large Council road reserve to the front. The total site area is 303.4 square metres, and the land is currently vacant. This allotment has the added value of direct views to the River Murray and Hindmarsh Island, partly obscured by trees on the opposite side of Admiral Terrace.

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3.2 455/1078/07 – Adrian Cavanagh (Continued)

The subject land is relatively flat and is fairly conventional by dimension, as it somewhat reflects a typical rectangular shaped allotment, despite its north (rear) corner being 'cut-off' at an angle similar to 45 degrees. The width of the subject land is 12.2 metres at the front, and its longest boundary (south-west) has a total length of 26.83 metres. The north-east boundary has a length of 20metres, and is adjacent to a two storey dwelling, which was approved by the Development Assessment Panel at its 19 June 2006 meeting, which subsequently obtained the concurrence of the Development Assessment Commission.

The locality is comprised of a mix of single and two storey residential dwellings, and abuts the Tourist Accommodation (Goolwa) Zone, which incorporates the majority of the Little Scotland area.

A small café/restaurant is located nearby on Hays Street, a street that is used as a main thoroughfare from Cadell Street to Hutchinson Street, and holds a number of small shops, offices and other like businesses.

The locality comprises a range of building forms and styles including residential architecture of various forms and periods. The predominant built form is generally comprised of single storey buildings, however a small number of two storey dwellings are in close proximity to the subject land. The dwelling directly to the north-east which abuts the subject land is double storey, and another example is south of the subject land.

Hays Street is located north of the subject land (at a distance of approximately 50metres), which is the continuation of the main street and thoroughfare through Goolwa. 'Workers Cottages' are located to the west of the subject site, located in the area known as Little Scotland. Directly adjacent are a number of row cottages that front Hutchinson Street, and have access from a rear lane off Admiral Terrace, which is directly in front of the subject land.

The bulk of the zone is comprised of public open space and the Goolwa Wharf area. This area includes a number of important visible public buildings, such as the Old Courthouse Gallery, Forestors Lodge and Signal Point.

- 8 Moved M Galea seconded M Walker that the Development Assessment Panel grant Development Plan Consent to application 455/1078/07, for a Single Storey Detached Dwelling at 1A (lot 1010) Goyder Street, Goolwa, subject to the concurrence of the Development Assessment Commission, and the following conditions.**

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3.2 455/1078/07 – Adrian Cavanagh (Continued)

Council conditions:

- Waste Control approval must be obtained from the Council prior to the issuing of full Development Approval, pursuant to Section 33 (3) of the Development Act 1993.
- All stormwater drainage shall be discharge so that it does not flow or discharge onto land of adjoining owners or, in the opinion or Council, detrimentally affect structures on this site or any other adjoining land.

Council notes:

- Allotment boundaries will not be certified by Council staff. The onus of ensuring that the building is sited in the approved position of the current allotment is the responsibility of the owner. This may necessitate a survey being carried out by a licensed land surveyor.
- Please note that you should advise your neighbour/s of your intentions to build on your common boundary, prior to commencing constructions.

Heritage Branch conditions:

- Roof shall be pre-coated corrugated steel or unpainted galvanised corrugated steel. Zinalume shall not be used. If pre-coated colour is used the colour should be submitted to the satisfaction of Council.
- The finial and curved gable decoration should be deleted.
- The garage door opening should be centered in its wall.
- The proposed open post and wire fence to the street frontage should be not less than 1000mm high.

CARRIED

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

The Development Assessment Panel resolved to commence with Item 4.1 at 11:32 a.m.

4.1 455/308/08 - Pinehill Ridge Pty Ltd

R Danvers, Chair, welcomed Neil & Ann Rollins to the meeting, who gave an overview of their representation, from 11:33 a.m. to 11:42 a.m.

R Danvers, Chair, welcomed Leslie Hancock to the meeting, who gave an overview of her representation, from 11:43 a.m. to 11:45 a.m.

R Danvers, Chair, welcomed Darren Evans to the meeting, who gave an overview of his representation, from 11:46 a.m. to 11:52 a.m.

R Danvers, Chair, welcomed Mr Vounassis on behalf of the applicant, to the meeting, who gave an overview of the application and answered questions of the Panel from 11:52 a.m. to 12:07 p.m.

The Gallery were requested to leave the meeting at 12:10 p.m. by the Chair.

SUMMARY TABLE

Date of Application	18 March 2008
Subject Land	Lot 100 Victor Harbor Road, Mount Jagged
Assessment No.	A 15612
Relevant Authority	Alexandrina Council
Planning Zone	Watershed Protection 2
Nature of Development	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.
Type of Development	Consent / Merit
Public Notice	Category 3
Referrals	N/A
Representations Received	5

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4.1 455/308/08 – Pinehill Ridge Pty Ltd (Continued)

Representations to be heard	5
Date last inspected	March 2008
Recommendation	Approval
Originating Officer	Andrew Sladden

ESD IMPACT/BENEFIT

- Environmental Potential noise impact upon the amenity of the locality.
- Social Potential aggravation between neighbours through noise impacts of said development.
- Economic N/A

BACKGROUND

The proposed development involves the variation of a condition of approval for development application 455/102/00 (Vineyard) to allow the use of three audible bird scaring devices in the approved vineyard. Development Application 455/102/00 was approved by the Development Assessment Panel in October 2000 subject to 11 conditions of which condition number 9 states:

9. **The use of gas guns and other bird scaring devices are prohibited.**
REASON: Noise Control

The reason for the subject condition prohibiting bird scaring devices was as a result of the supporting statement provided by the Applicant, which states:

"We will give an undertaking that gas guns will not be utilised on the property and are happy to make that a condition of approval."

As a result, condition 9 was added to the Development Approval. The property has since changed ownership and the new owners have subsequently been using audible bird scaring devices at various times, until being reminded of their obligations to comply with condition 9 of the Development Approval, resulting from a number of complaints to Council's Compliance Officer. Subsequently, they have lodged this application in order to vary the condition.

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4.1 455/308/08 – Pinehill Ridge Pty Ltd (Continued)

THE PROPOSAL

Nature of Development

The proposal involves the proposed deletion of condition 9 from Development Approval 455/102/00 to allow the use of audible bird scaring devices to be used in the subject vineyard. As a result, it is considered to be ancillary to this approved land use (viticulture) which falls under the definition of "horticulture" as defined in Schedule 1 of the Development Regulations 1993 as follows:

"Horticulture" means the use of land for market gardening, viticulture, floriculture, orchards, wholesale plant nurseries or commercial turf growing;"

Principle of Development Control 8 for the Watershed Protection 2 Zone states:

PDC 8 All kinds of development are **non-complying** in the Watershed Protection 2 Zone, except the following:

Horticulture

Therefore, pursuant to Principle 8 above, as the application is ancillary to the horticultural land use approval the development application is considered to be a Consent / Merit form of development.

Detailed Description

The application involves a variation of development approval 455/102/00 to delete condition 9 which will enable the new owners of the subject vineyard to use audible bird scaring devices on the subject site.

From the information provided with the application, three audible bird scaring devices (Mickim Predators) are proposed to be used between the hours of 7am to 7pm from January to March. Three approximate locations of these devices are shown in the supporting documentation, which are located approximately 650m from the nearest adjoining dwelling.

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4.1 455/308/08 – Pinehill Ridge Pty Ltd (Continued)

SITE & LOCALITY

The subject site is a large rural land holding with frontage to Victor Harbor Road. There are a number of rural sheds but no dwelling. The existing dwelling was removed from the subject allotment via Land Division (Boundary Realignment) Application 455/9515/02. The subject allotment has an area of approximately 115ha of which approximately 90% has been approved for use as a vineyard. The topography of the site consists of rolling hills with very little level land.

The locality is rural in nature predominantly consisting of medium to large rural landholdings being used for a mixture of uses, including viticulture, cropping, grazing and horse keeping. There are a couple of smaller “rural living” style allotments within the locality, along the Victor Harbor Road, with the closest adjoining the subject site being 3.8ha and created as a result of the previous mentioned land division (455/9515/02). This allotment contains the dwelling which was originally located on the subject site.

- 9 Moved Cr Gartrell seconded Cr Medlyn that the Development Assessment Panel refuse Development Application 455/308/08 for a variation to 455/102/00 - change of condition 9 to allow the use of three (3) audible bird scaring devices in association with an existing vineyard at Lot 500, Victor Harbor Road, Mount Jagged on the grounds that it will negatively affect the amenity of the surrounding area through noise. In particular, the proposed development is considered to be at variance with the following Objectives and Principles of Development Control from the Alexandrina Development Plan:

PDC 164 Development should not detrimentally affect the amenity of its locality or cause nuisance to the community:

- (a) by the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, wastewater, waste products, electrical interference or light; or
- (b) by stormwater, or the drainage of run-off from the land; or
- (c) by the loss of privacy.

PDC 169 Development should not be undertaken if the construction, operation and/or management of such development is likely to result in:

- (a) the pollution of surface or groundwater;
- (b) degradation of watercourses or wetlands;
- (c) unnecessary loss or damage to native vegetation;

.../cont.

4.1 455/308/08 – Pinehill Ridge Pty Ltd (Continued)

- (d) the denudation of pastures;
- (e) erosion;
- (f) dust;
- (g) noise nuisance;
- (h) the introduction of or an increase in the number of pest plants or vermin;
- (i) increased risk of flooding or impairment of stream water quality through the disposal of stormwater; or
- (j) sealing of large areas of ground likely to result in increased stormwater run-off.

CARRIED

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

455/742/07 - Abbots Lane Retirement Village – Update

Following on from the ERD Court Directions Hearing this application has been set down before a Full Bench for a 5 day hearing in August. If the amended plans are received prior to the next Panel meeting, they will be available for viewing.

455/955/07 – Private Air Strip - Update

The Directions hearing has been postponed for 4 weeks upon request of the appellant.

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ITEM 8 GENERAL ITEMS FOR DISCUSSIONS (Continued)

455/236/08 – 6 Seaview Road, Port Elliot

The Development Application was for two detached double storey dwellings.

The application was refused under delegation.

Reasons for refusal and concerns relate to the bulk and scale of the dwellings, and also the pattern of development which proposed a large two storey dwelling at the rear of another.

ERD Court Conference is to be held at 3:30pm Monday 23 June 2008.

MEETING CLOSED AT 12:36 p.m.

MINUTES CONFIRMED
CHAIR

DATED: