

**DEVELOPMENT ASSESSMENT PANEL  
MINUTES OF MEETING HELD ON 25 JANUARY 2005  
COMMENCING AT 11:03 AM  
IN THE LARGE MEETING ROOM (OLD GOOLWA COUNCIL CHAMBERS)**

**PRESENT**

Cr A Woolford (Presiding Member), Cr A Oliver (Proxy for Cr Beckett), Cr R Potter, Cr G Connor, D Commerford (Director Environmental Services).

**APOLOGIES**

Cr Beckett, Cr Reedman, D Banks.

**IN ATTENDANCE**

C Getsom, J Nightingale (Planners), V Harvey (Personal Assistant).

**ITEM 1. CONFIRMATION OF MINUTES**

Minutes of the Alexandrina Council Development Assessment Panel held on 20<sup>th</sup> December 2004.

Moved Cr Connor seconded D Commerford that the minutes of the Alexandrina Council Development Assessment Panel held on 20<sup>th</sup> December 2004 as circulated to members be received as a true and accurate record.

**ITEM 2. DEVELOPMENT APPLICATIONS**

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

## ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

### 4.1 455/1040/04 - Graham Crisp

Councillor Woolford, the Presiding Member, welcomed Mr Goudie to the meeting who gave an overview of his representation from 11:05 a.m. to 11:14 a.m.

Councillor Woolford, the Presiding Member, welcomed Mr McKay to the meeting who gave an overview of his and Christine Cox's representation from 11:15 a.m. to 11:39 a.m.

Councillor Woolford, the Presiding Member, welcomed Mrs Goudie to the meeting who gave a brief summary of the representations from 11:40 a.m. to 11:44 a.m.

Councillor Woolford, the Presiding Member, welcomed Mr Crisp to the meeting who gave an overview of the application from 11:44 a.m. to 11:50 a.m.

### SUMMARY TABLE

Date of Application	31 <sup>st</sup> August 2004
Subject Land	26 Ocean Parade Middleton
Assessment No.	A 2175
Relevant Authority	Alexandrina Council
Planning Zone	Residential
Nature of Development	Garage & Wine Cellar
Type of Development	Consent on Merit
Public Notice	Category 3
Referrals	N/A
Representations Received	Four
Representations to be heard	Three
Date last inspected	17 <sup>th</sup> January 2004
Recommendation	Approve
Originating Officer	Cherry Getsom

### ESD IMPACT/BENEFIT

- Environmental Possible impact relating to previous applications that involved the introduction of fill.
- Social Impact upon adjoining property owners and nearby residents.
- Economic Increase in the value of the property.

.../cont.

## 4.1 455/1040/04 – Graham Chrisp (Continued)

### **BACKGROUND**

This site has a long and complex history, with a number of dwelling applications, and variations to those applications received. After a Supreme Court ruling in December 2002, a complying two storey dwelling was approved. An application for an additional balcony to this dwelling was approved at the Environment Resource and Development Court in September 2004.

The Court action taken against Council in 2002 was by neighbours concerned regarding the impact of the development based on setbacks and the fill on site. The Supreme Court held that Council handled the application incorrectly and set aside the Provisional Planning Consent dated 23 January 2001. This Provisional Planning consent incorporated approval for a garage under the main dwelling.

### **THE PROPOSAL**

#### **Nature of Development**

The application is for a garage and wine cellar to be located in an existing partially constructed dwelling.

#### **Detailed Description**

The proposal involves the excavation of an area of the partially constructed dwelling that is currently utilised as footings for the dwelling. The applicants original approval of January 2001, as amended by the application approved in August 2002 involved a garage under the main dwelling. This approval was overturned by the Supreme Court and a separate application was received and approved for a double storey dwelling. The applicant states that he commenced work on the dwelling prior to the Courts decision to overturn the approval; that is to say he commenced building work under the approval of Development Application 455/743/01. As this approval was overturned, the work started was then re-engineered and fill was introduced in order to form the footings of the current approval. This current application seeks to re-instate the garage area and utilise part of this space as a wine cellar.

Legal advice was sought as to whether or not Council can approve a garage which is in effect part of an approval that was overturned by the Supreme Court. The advice received was that the previous application was overturned on a technical ground, in that Council did not assess the application correctly, not on grounds relating to the dwelling and garage.

**Moved D Commerford seconded Cr Oliver that the Development Assessment Panel move onto Item 4.2 for consideration and will then move into Camera to discuss the application.**

**CARRIED**

## 4.2 455/1293/04 - Mark Hall

Councillor Woolford, the Presiding Member, welcomed R Wilson to the meeting who gave an overview of her representation from 11:54 a.m. to 12:05 p.m.

Councillor Woolford, the Presiding Member, welcomed M Hall to the meeting who gave a summary of his application from 12:05 p.m. to 12:25 p.m.

### SUMMARY TABLE

Date of Application	19 <sup>th</sup> October 2004
Subject Land	9 Scott Road Langhorne Creek
Assessment No.	A 10057
Relevant Authority	Alexandrina Council
Planning Zone	Country Township
Nature of Development	Change of use – Agricultural Supplies
Type of Development	Consent on Merit
Public Notice	Category 3
Referrals	Environment Protection Authority
Representations Received	Three
Representations to be heard	One
Date last inspected	12 <sup>th</sup> January 2005
Recommendation	Approve with conditions
Originating Officer	Joanne Nightingale

### ESD IMPACT/BENEFIT

- Environmental Slight risk of contamination, better access to chemicals may lead to improved use.
- Social Industrial / commercial type use alongside residential use. Better access to chemicals essential to viticulture.
- Economic Additional business in town, competitive chemical pricing.

### BACKGROUND

Until recently this site has been used for an engineering workshop performing light industrial work on site as well as commercial functions with customers visiting the site.

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4.2 455/1293/04 – Mark Hall (Continued)

**THE PROPOSAL**

**Nature of Development**

The application is a consent on merit application. The definition of the proposal is for a shop which is not defined as complying or non-complying in the Country Township Zone. The application's category of notice is Category Three in accordance with the Development Act 1993 Regulations Schedule 9.

**Detailed Description**

The proposed use for the site is an agricultural supplies shop. The outlet would service all agricultural users and focus on pest and disease monitoring, only a limited amount of chemical stock will be kept on the premises as it will be freighted daily on a order delivery system. A list of proposed stock to be stored at the premises includes; insecticides, herbicides, fungicides, fertilizers, secateurs and hardware supplies. There will be no mixing or decanting of chemicals on site and all products will be stored in individual containers no larger than 110 litres. Containers in the quantity of 110 litres will be by order as required and not stored on site.

The existing shed is intended to operate as a drive through service so that all loading and unloading can be performed within the bunded area. The shop will consist of two buildings the shop front and warehouse to the rear. Both of the sheds will be bunded independently, with a total surface area bunded in the warehouse of 168 square metres and the shop front 48 square metres.

The site is proposed to be landscaped with a dirt mound surrounding the site to contain site water and provide height to the landscaping to reduce the impact of the use.

The proposed hours of operation are 8.30am to 2.00pm which if the venture is successful would extend to 5.00pm Monday to Friday. Strathalbyn Freight is the proposed carrier for delivery of stock and have a truck that is able to enter the shed for loading and unloading, only a semi-trailer would be unable to do so.

The fence to the rear is proposed to increase in height in consultation with the owner to the rear to ensure privacy.

An amendment was made to the application removing the proposed use of 7 Scott Road for car parking following the discovery that it was not able to be leased as the applicant had intended. Other car parking locations were identified on site.

**Moved D Commerford seconded Cr Oliver that the Development Assessment Panel move into Camera at 12:27 p.m.**

**CARRIED**

Moved D Commerford seconded Cr Connor that the Development Assessment Panel move out of Camera at 1:20 p.m.

CARRIED

ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION COMMUNITY TITLE

ITEM 6. DEVELOPMENT ASSESSMENT - BUILDING

ITEM 7. MATTERS REFERRED FOR FOLLOW-UP

ITEM 8. GENERAL ITEMS FOR DISCUSSION

8.1 UPDATE ON RAMOTH GILEAD APPEAL

D Commerford advised the Development Assessment Panel that Development Application 455/11/04 is to be heard in the Environment Resources and Development Court the week commencing 21<sup>st</sup> February 2005 and that he has been called as an expert witness.

8.2 STRATEGY PTY LTD – 455/1180/04

D Commerford advised the Development Assessment Panel that to date no appeal information had been received from the Environment Resources and Development Court in regards to Development Application 455/1180/04 which was refused by the Panel on 20<sup>th</sup> December 2004.

ITEM 9. NEXT MEETING

General discussion was held by the Panel in regards to dates for Development Assessment Panel meetings.

It was agreed by consensus that the next Development Assessment Panel meeting be held on Tuesday 22<sup>nd</sup> February 2005 commencing at 11:00 a.m. with site inspections leaving the Council office prior to the meeting. All other Development Assessment Panel meetings will then be held on the third Tuesday of the month, with inspections being undertaken prior to the meeting, unless there is an urgent item for which a special meeting would be called.

AGREED BY CONSENSUS

MEETING CLOSED AT 1:20 P.M.

MINUTES CONFIRMED

.....  
PRESIDING OFFICER

DATED .....

CONFIDENTIAL ITEM

Moved D Commerford seconded Cr Oliver that in accordance with the 1999 Local Government Act, Section 90 Subsection (2) and (3)(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 purpose of subsection (2):

(h) legal advice, or advice from a person employed or engaged by the council to provide specialist professional advice;

That the Planners (Cherry Getsom and Joanne Nightingale and Personal Assistant (V Harvey) remain in the Chambers.

CARRIED

Moved D Commerford seconded Cr Oliver that the Development Assessment Panel move into Camera at 12:27 p.m.

CARRIED

4.1 455/1040/04 – Graham Chrisp

199 It was agreed by consensus that Development Application 455/1040/04 be deferred for the Development Assessment Panel to gather further information.

AGREED BY CONSENSUS

4.2 455/1293/04 – Mark Hall

200 It was agreed by consensus that Development Application 455/1293/04 be refused for the following reason:

The form of land use was not considered orderly in a residential area such as Scott Road and the development is not in accordance with Principle of Development Control 8 within the Country Township Zone requiring that development for business, retail or commercial purposes should not be undertaken in Langhorne Creek unless located adjacent the Strathalbyn Road in proximity to existing business development.

AGREED BY CONSENSUS