

**DEVELOPMENT ASSESSMENT PANEL  
MINUTES OF MEETING HELD ON 27 SEPTEMBER 2004  
COMMENCING AT 10:50 AM  
IN THE ALEXANDRINA COUNCIL STRATHALBYN MAYOR'S PARLOUR,  
COLMAN TERRACE, STRATHALBYN**

**PRESENT**

Councillors A Woolford (Presiding Member), R Medlyn (Proxy for R Potter), A Oliver (Proxy for P Reedman), G Connor, M Beckett, D Commerford.

**APOLOGIES**

Councillors P Reedman, R Potter & D Banks (Director Technical Services).

**IN ATTENDANCE**

B Green, C Getsom (Planners), V Harvey (Personal Assistant).

**ITEM 1      CONFIRMATION OF MINUTES**

Minutes of the Alexandrina Council Development Assessment Panel held on 6<sup>th</sup> September 2004.

**Moved Cr Connor seconded Cr Oliver that the minutes of the Alexandrina Council Development Assessment Panel held on 6<sup>th</sup> September 2004 as circulated to members be received as a true and accurate record.**

**CARRIED**

**The Development Assessment Panel moved onto Item 3.1 at 10:51 a.m.**

The Development Assessment Panel commenced Item 2.1 at 10:59 a.m.

**ITEM 2. DEVELOPMENT APPLICATIONS**

**2.1 455/423/04 - Langhorne Creek Winery Pty Ltd**

**Councillor Woolford, the Presiding Member, welcomed Mr G Burns (Masterplan) and Mr R Hunt (Applicant) who gave a brief outline and answered questions of the Panel from 11:00 a.m. to 11:13 a.m.**

**SUMMARY TABLE**

Date of Application	7 <sup>th</sup> April 2004
Subject Land	Lot 1 Milang Road, Angas Plains
Assessment No.	A 16263
Relevant Authority	Alexandrina Council
Planning Zone	General Farming
Nature of Development	Wine Barrell Hall & Amenities
Type of Development	Consent on Merit
Public Notice	Category 1
Referrals	Environment Protection Authority
Representations Received	N/A
Representations to be heard	N/A
Date last inspected	15 <sup>th</sup> September 2004
Recommendation	No compromise
Originating Officer	Joanne Nightingale

**ESD IMPACT/BENEFIT**

- Environmental Increased vegetation from watering of buffer with wastewater. Possibility of groundwater pollution if procedures of dealing with wastewater not carefully monitored.
- Social Possible increase in work opportunities, decrease in amenity of area.
- Economic Supporting local grape growers. Benefit to owners, possible rate increase due to valuation increase.

.../cont.

2.1 **455/423/04 – Langhorne Creek Winery Pty Ltd (Continued)**

**BACKGROUND**

This application was subject to extensive negotiation between the applicant and myself during the assessment process due to the highly visible location of the twelve metre high shed, from the Strathalbyn-Milang Road.

The application was approved with four conditions on the 13<sup>th</sup> August 2004. Of the four conditions placed on the application two conditions were placed on the approval under direction from the EPA and two Council conditions were placed on the approval. The first condition related to the colour of the shed, requiring colorbond 'bushland' which was a compromise from the original darker colour of 'woodland grey' that had been required. The second condition was to reinforce the requirement of landscaping to be provided as per an additional plan lodged during the assessment process.

The applicant has subsequently appealed the decision regarding the condition relating to colour with the ERD Court. Langhorne Creek Winery Pty Ltd was detail in their letter of appeal to the court the reasons for the appeal.

The applicant has appointed planning consultants MasterPlan utilising Graham Burns to support their grounds for appeal. The consultant has requested that as the decision has been made under delegation that the case be brought to the Development Assessment Panel to determine if a compromise can be reached.

**THE PROPOSAL**

**Nature of Development**

This application is a 'consent on merit' application because there is no complying list in the General Farming (Strathalbyn) Zone in the Alexandrina Development Plan, all development is non-complying with exceptions, one being a winery with certain provisions.

The application for a wine barrel store was treated as a Category 1 form of development, incorrectly as I have since discovered. The store was treated as an extension to the existing use of a winery and therefore it should have been treated as Category 2 as I do not consider the development to be "of a minor nature only" or "unlikely to be the subject of reasonable objection".

**Detailed Description**

The application was made for a wine barrel storage building which would encompass a shed 50 metres long by 30 metres wide and 12.347 metres high at the uppermost point. An annexe to the southern side of the building will incorporate 10 of the 30 metre width.

.../cont.

**2.1 455/423/04 – Langhorne Creek Winery Pty Ltd (Continued)**

This annexe would be for the handling of barrels as the aim with barrel storage is to retain a constant temperature. The proposed shed is large enough that it will largely block the unsightly wine vats from the main road, as the landscaping although some years old is not higher than a metre and ineffectual. Woodland grey was requested as the colour for the shed due to its size, location and visibility. This was argued against by the applicant on the grounds of heat transference. Following contact with the Barossa Council and receipt of their copy of the CSIRO Colorbond Thermal Efficiency ratings, I was able to offer the compromise of the colour bushland with a thermal rating of 140 watts, merino being 100 watts per square metre of absorbed radiant energy. The Barossa Council staff members informed me that they had been told that the between 100 to 125 watts was a negligible difference and that following this advice tank farms in the Barossa are now required to be river gum in colour.

However the compromise of bushland was still not acceptable to the applicant and issues relating more to amenity and continuity of colour scheme began to emerge.

- 174 Moved Cr Oliver seconded Cr Beckett that the Development Assessment Panel compromise on Condition One regarding the colour (Paperbark) and that the applicant consult with Councils Natural Resource Officer regarding the planting of semi-matured trees adjoining the woodlot to soften the impact of the bulk of the proposed building and that the Environment Resources and Development Court be accordingly advised.**

**CARRIED**

**The Development Assessment Panel then moved to Item 4.1 at 11:14 a.m.**

The Development Assessment Panel commenced Item 3.1 at 10:51 a.m.

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

**3.1 455/622/02 - R Day**

**SUMMARY TABLE**

Date of Application	30 <sup>th</sup> April 2004
Subject Land	Section 172 Blackfellows Creek Road, Yundi
Assessment No.	A 9817
Relevant Authority	Alexandrina Council
Planning Zone	Watershed Protection
Nature of Development	Dwelling and office for horse breeding and training complex
Type of Development	Non-complying
Public Notice	Category 3
Referrals	Environment Protection Authority Country Fire Service Native Vegetation Council
Representations Received	Nil
Representations to be heard	Nil
Date last inspected	16 <sup>th</sup> September 2004
Recommendation	Refuse
Originating Officer	Georgia West

**ESD IMPACT/BENEFIT**

- Environmental Potential impact due to increase intensity of land use in the watershed area.
- Social Increase in visitors to the area.
- Economic Establishment of a new business should benefit the applicant.

**BACKGROUND**

The application for the office building was lodged in response to enquiries by Council staff raised by a newspaper story about the building/shipping container, which was already and still is in place on the site.

.../cont.

**3.1 455/622/02 – R Day (Continued)**

An application for horse training facilities on the same site was lodged in May 2002, no fees were paid until January 2003, and a statement of support and plans were provided in March 2003. This Development Assessment Panel chose to continue with an assessment of both applications at its meeting in April 2003.

The applicant was notified of the decision to proceed with an assessment of both applications, and the requirements for a Statement of Effect, Category 3 Public Notice, and various referrals, and invoiced for the required fees to continue with the assessment of the application in May 2003.

No response was received from the applicant. Another letter requesting a response from the applicant was sent in May 2004. No response has been received.

**THE PROPOSAL**

**Nature of Development**

The two applications are linked and relate to different elements of a single proposal. The focus of this report is application 455/622/04 for the dwelling/office.

Principle of Development Control 12 of the Watershed Protection Zone states that all kinds of development are non-complying, and lists the exceptions to this rule. Horse keeping, horse training, and an associated office is not listed as exceptions. If the shipping container were to be used as a dwelling it would also be classified as non-complying due to the fact that there is already a dwelling within the allotment boundaries.

**Description**

The applicant also proposes to convert a shipping container to office and temporary accommodation facilities.

**175 It was agreed by consensus that Development Application 455/622/02 be refused.**

**Reason for refusal:**

**Additional information required for the assessment and referral of the application, in particular a statement of effect, has not been supplied within the time frame required by Section 39 and Regulation 19 of the Development Act 1993.**

**AGREED BY CONSENSUS**

**The Development Assessment Panel then moved to Item 5.1 at 10:55 a.m.**

The Development Assessment Panel commenced with Item 4.1 at 11:14 a.m.

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

**4.1 455/276/04 - Emmanuel Christian Fellow**

Councillor Woolford, the Presiding Member, welcomed Mrs H Geue at 11:15 a.m. who gave a brief outline of her representation.

Councillor Woolford, the Presiding Member, welcomed Mrs S West at 11:20 a.m. (on behalf of the applicant) who gave a brief overview of the application.

**SUMMARY TABLE**

Date of Application	4 <sup>th</sup> March 2004
Subject Land	30 East Terrace, Strathalbyn
Assessment No.	A10901
Relevant Authority	Alexandrina Council
Planning Zone	Residential
Nature of Development	Christian Community Centre
Type of Development	Consent on Merit
Public Notice	Category 3
Referrals	Transport SA
Representations Received	2
Representations to be heard	1
Date last inspected	15 <sup>th</sup> September 2004
Recommendation	Approval
Originating Officer	Cherry Getsom

**ESD IMPACT/BENEFIT**

- Environmental Increased stormwater runoff.
- Social Positive social impact for both the school and religious community with the provision of an additional meeting space/recreation space/community space.
- Economic Increase in the value of the property. Possible financial gain for owners should the building be used for occasional hire.

**4.1 455/276/04 – Emmanuel Christian Fellow (Continued)**

**Nature of Development**

The proposal is for a multi- purpose education centre / worship centre to be incorporated within the existing Murraylands Christian College. The college will be utilising the facility for student assemblies and educational activities such as drama and music whilst the church will use the facility for worship and training. Church use will occur mainly during weekends.

**Detailed Description**

The proposal is for a two storey detached building located at 30 East Terrace, Strathalbyn. The site currently displays a number of school buildings such as a science building, home economics, an administration centre and staff rooms. The proposed multi- purpose centre is to be located at the East Terrace section of the school complex.

The proposed building will be 7 metres high however from East Terrace it will have the appearance of a single storey building as the site slopes to the south and there is a considerable drop between the front property boundary and the proposed building site. The ground floor will incorporate a kitchen and toilet facilities, an auditorium and a lecture room, the upper floor will have a lecture room, a store room, and administration office and a reception area.

The multi-purpose centre is to be setback 9 metres from the East Terrace frontage. The walls of the building are to be clad in 'Sandstone' and the roofing is to be Grey colorbond in order to match the existing administration block of the Murraylands Christian College.

Landscaping is proposed in the form of native species utilised in garden beds with shrubs and ground covers, a schedule of proposed species will be submitted to Council for final approval.

Forty three car parks are included in the proposal.

**176 Moved D Commerford seconded Cr Oliver that the Development Assessment Panel defer Development Application 455/276/04 for approximately 4 weeks to await a report on the car parking situation from Technical Services.**

**CARRIED**

**Councillor Woolford, thanked both Mrs Geue and Mrs West for their attendance at 11:50 a.m.**

**The Development Assessment Panel then moved to Item 5.2 at 11:52 a.m.**



The Development Assessment Panel commenced with Item 5.1 at 10:55 a.m.

**ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION COMMUNITY TITLE**

**5.1 455/D522/03 - L Veska**

**SUMMARY TABLE**

Date of Application	26 <sup>th</sup> February 2003
Subject Land	8 Higgins Terrace, Middleton
Assessment No.	A 2107
Relevant Authority	Alexandrina Council
Planning Zone	Residential
Nature of Development	Land division
Type of Development	Consent on Merit
Public Notice	N/A
Referrals	SA Water Department for Human Services Planning SA
Representations Received	Nil
Representations to be heard	Nil
Date last inspected	16 <sup>th</sup> September 2004
Recommendation	Refusal
Originating Officer	Georgia West

**ESD IMPACT/BENEFIT**

- Environmental Increase in stormwater and other wastes in environmentally sensitive creek frontage area.
- Social Minimal impact.
- Economic Advantage to owner due to increase in value of property, corresponding rates increase may benefit Council.

The applicant proposes to demolish an existing residence and divide an existing residential block of in Higgins Terrace at Middleton land in to two. One of the proposed allotments is approximately 10m wide and 43.45m deep (427m<sup>2</sup>) and the other is L – shaped with a road frontage of approximately 10m, and a total area of 1054m<sup>2</sup>.

.../cont.

5.1 455/D522/03 – L Veska (Continued)

177 It was agreed by consensus that the Development Assessment Panel refuse Development Application 455/D522/02.

**Reasons for refusal:**

1. Additional information required for the assessment and referral of the application, in particular demonstrating that waste control requirements can be met, has not been supplied within the time frame required by Section 39 and Regulation 19 of the Development Act 1993.
2. The proposed allotments do not appear to have sufficient useable area for on site waste control and stormwater systems, and hence could not be developed for residential purposes.
3. The useable area of the proposed allotments are below the minimum size of 1000 m2 required in Council Wide Principle of Development Control 9, and incompatible with the low density character of the locality.

**AGREED BY CONSENSUS**

The Development Assessment Panel then moved to Item 5.3 at 10:57 a.m.

Councillor M Beckett declared an interest in Item 5.2 and left the meeting at 11:52 a.m.

5.2 455/D054/04 - Hennig & Co Pty Ltd

Councillor Woolford, the Presiding Member, welcomed Mr Pollock (on behalf of the applicant) from 11:52 a.m. to 12:05 p.m. who gave a brief overview of the application.

**SUMMARY TABLE**

Date of Application	18 <sup>th</sup> May 2004
Subject Land	31 Mason Street, Port Elliot
Assessment No.	A 2847; A2848
Relevant Authority	Alexandrina Council
Planning Zone	Residential
Nature of Development	Land division creating 1 extra lot
Type of Development	Merit
Public Notice	N/A
Referrals	Planning SA SA Water
Representations Received	N/A
Representations to be heard	N/A
Date last inspected	3 <sup>rd</sup> September 2004
Recommendation	Approval
Originating Officer	Joanne Nightingale

**ESD IMPACT/BENEFIT**

- Environmental Additional stormwater from additional dwelling, reduction in vegetation on allotment when redeveloped.
- Social Increased availability of smaller allotment size close to township centre. Attractive allotment location overlooking Lakala Reserve.
- Economic Increase in affordable housing allotment, possible rate benefit from increase in value when redeveloped. Further services required to be provided.

.../cont.

5.2            **455/D054/04 – Hennig & Co Pty Ltd (Continued)**

**Nature of Development**

The application for a boundary realignment and creation of an additional allotment in the residential zone is a consent on merit application under the Alexandrina Development Plan. The application is a category one development and does not require public notification under schedule 9(2)e of the Development Regulations 1993

**Detailed Description**

The proposal consists of two allotments each with frontage to both Young Street and Mason Street. The corner allotment or proposed allotment 603 is currently some 569m<sup>2</sup> with the adjoining allotment comprising proposed lots 601 and 602 being 746m<sup>2</sup>. The proposed division will result in the proposed allotments 601 being 424m<sup>2</sup>, 602 being 402m<sup>2</sup> and 603 being 490m<sup>2</sup>. The frontages to Mason Street will not be altered and proposed allotment 601 will have a frontage to Young Street of nearly 20 metres.

178            **Moved Cr Conner seconded Cr Medlyn that the Development Assessment Panel refuse Development Application 455/D054/04 for the following reason:**

**The application did not comply with Council Wide Principle of Development Control 9 as the allotment sizes proposed were under the minimum allotment size requirement defined by the Development Plan.**

**CARRIED**

**The Development Assessment Panel then continued onto Item 5.3 at 10:57 a.m.**

5.3 455/D037/04 - S Short

**SUMMARY TABLE**

Date of Application	27 <sup>th</sup> April 2004
Subject Land	150 Byrnes Road Goolwa
Assessment No.	A16992
Relevant Authority	Alexandrina Council
Planning Zone	Rural Living (Port Elliot & Goolwa District) Rural Living
Nature of Development	Land division creating one extra lot
Type of Development	Consent on Merit
Public Notice	Category One
Referrals	Development Assessment Commission SA Water
Representations Received	Nil
Representations to be heard	Nil
Date last inspected	12 <sup>th</sup> September 2004
Recommendation	Refusal
Originating Officer	Cherry Getsom

**ESD IMPACT/BENEFIT**

- Environmental                      Potential development will reduce open space, increase stormwater runoff and increase waste generated with increase in density. No STEDS is provided in the area.
- Social                                      The creation of an additional allotment will provide for an opportunity for additional development and intensification within the Rural Living Zone.
- Economic                                Benefits available for the owner/developer through the creation of an additional allotment. Additional rate revenue will be raised.

.../cont.

5.3 455/D037/04 – S Short (Continued)

**Nature of Development**

The development involves sub-division of an allotment of 5264m<sup>2</sup> to create two allotments. One is to be 4264m<sup>2</sup> (proposed allotment 65) and the other (proposed allotment 66) to be 1000m<sup>2</sup>. The subject land is located at 150 Byrnes Road, Goolwa within the Rural Living (Port Elliot and Goolwa Zone) of the Alexandrina Development Plan.

**Detailed Description**

The current allotment is unusual in its shape, having a one metre wide strip of approximately 40 metres in length from Sumner Street used to assist in the provision of services ie. SA Water. This strip leads to the rear of the allotment which is some 49 metres wide, the allotment then narrows to Byrnes Road with a frontage of approximately 32 metres.

The applicant proposes to sub divide 1000m<sup>2</sup> from the front section of the existing allotment. The proposed new allotment (Lot 66) will have a frontage to Byrnes Road of 27.66 metres, be 43.35 metres deep on the southern boundary, 37.15 metres deep at the northern boundary and 37.38 metres wide at the rear or western boundary. The remaining land will become Lot 65 and have a frontage of 6.34 metres to Byrnes Road, this strip of frontage will run 43.34 metres (the depth of the proposed new allotment) before widening to approximately 42 metres. Proposed Lot 65 will be approximately 4264m<sup>2</sup> and will include the approximately 40 metres strip of 1 metre wide frontage from Sumner Street and the approximately 43 metre strip of 4.5metre wide strip from Byrnes Road.

The subject land currently contains a single storey dwelling and garage located towards the rear of the existing allotment (setback approximately 87 metres from Byrnes Road). This dwelling is to remain on proposed Lot 65. A three metre wide stormwater easement exists along the northern boundary and extends half way down the rear or western boundary. A number of trees are located along the southern boundary.

179 **It was agreed by consensus that the Development Assessment Panel refuse application 455/D037/04, as the proposal is at variance with:  
Council Wide**

**Principle of Development Control 2**

**Development should be orderly and economic.**

**Principle of Development Control 6**

**Land should not be divided:**

- (a) **in a manner which would prevent the satisfactory future division of the land, or any part thereof;**

.../cont.

5.3 455/D037/04 – S Short (Continued)

**Rural Living (Port Elliot and Goolwa) Zone**

**Objective 1**

A zone primarily accommodating detached dwellings in association with small-scale farming and related rural activities of a minor nature on various sized allotments.

**Principle of Development Control 1**

The average allotment area within any plan of land division should be not less than:

- (a) 0.5 hectares for land contained within that part of the Rural Living Zone bounded by Bayview Road, Liptrott Lane and Port Elliott Road;
- (b) 0.75 hectares for land contained within that part of the Rural Living Zone that has boundaries to Waterport Road and Port Elliott Road and contains Stock Drive, Vanali Drive and Frenchmans Drive; and
- (c) 2.0 hectares for land within the zone other than that described in (a) and (b) above.

**Principle of Development Control 3**

The minimum allotment area within any plan of land division should be not less than:

- (a) 0.25 hectares for land contained within that part of the Rural Living Zone bounded by Bayview Road, Liptrott Lane and Port Elliott Road;
- (b) 0.5 hectares for land contained within that part of the Rural Living Zone that has boundaries to Waterport Road and Port Elliot Road and contains Stock Drive, Vanali Drive and Frenchman Drive; and
- (c) 1.0 hectare for land contained within the zone, other than that described in (a) and (b) above.

**Principle of Development Control 4**

Land division creating allotments not conforming to the principles of development control expressed in 1 and 3 above should not be undertaken unless no additional allotments are being created.

**Principle of Development Control 5**

Land should not be divided if the resultant mode of division would prejudice effective and proper management of the land for rural purposes.

**AGREED BY CONSENSUS**

The Development Assessment Panel then moved back to Item 2.1 at 10:59 a.m.

ITEM 6.     **DEVELOPMENT ASSESSMENT - BUILDING**

ITEM 7.     **MATTERS REFERRED FOR FOLLOW-UP**

ITEM 8.     **GENERAL ITEMS FOR DISCUSSION**

ITEM 9.     **NEXT MEETING**

To be advised. Possible date Tuesday 26<sup>th</sup> October 2004 commencing at 10:00 a.m. in the Goolwa Meeting Room.

**MEETING CLOSED AT 12:10 P.M.**

**MINUTES CONFIRMED** .....  
PRESIDING MEMBER

**DATED** .....