

ALEXANDRINA COUNCIL
NOTICE OF MEETING

Notice is hereby given to Councillors and Members that the next meeting of Development Assessment Panel will be held in the Community Chambers "Wal Yuntu Warrin", on 21 January 2009 commencing at 10:30 am



Your attendance is requested.

10.30 am Commencement of meeting

12 noon Conclusion of meeting.

CHAIRPERSON

12th January 2009

**REPORT AND AGENDA
FOR DEVELOPMENT ASSESSMENT PANEL MEETING TO BE
HELD ON 21 JANUARY 2009 IN THE
COMMUNITY CHAMBERS "WAL YUNTU WARRIN",
COMMENCING AT 10:30 AM**

PRESENT

APOLOGIES

IN ATTENDANCE

ITEM 1. CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on 17th December 2008.

RECOMMENDATION

That the minutes of the Alexandrina Council Development Assessment Panel held on 17th December 2008 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

4.1 455/1203/08 - Goolwa Regatta Yacht Club Inc

SUMMARY TABLE

Date of Application	21 st October 2008
Subject Land	Lot P2 Barrage Road, Goolwa South
Assessment No.	A 6420
Relevant Authority	Alexandrina Council
Planning Zone	Urban Waterfront
Nature of Development	Temporary Change of Use Existing Car park for boat storage (12 months)
Type of Development	Consent / Merit
Public Notice	Category 3
Referrals	N/A
Representations Received	9
Representations to be heard	5
Date last inspected	January 2009
Recommendation	Approval
Originating Officer	Andrew Sladden

ESD IMPACT/BENEFIT

- Environmental Minimal
- Social Benefit to Yacht Club members.
- Economic Benefit to Yacht Club through being better able to store members boats.

BACKGROUND

Given the poor state of Lake Alexandrina and the drop in the lake level in the past couple of years, the Goolwa Regatta Yacht Club are proposing to temporarily store boats in an area of their existing car park measuring 25m x 35m (875m²) which is proposed to be fenced with a 1.8m high temporary mesh fence.

.../cont.

4.1 455/1203/08 – Goolwa Regatta Yacht Club Inc (Continued)

As the subject land is controlled by Council and leased to the yacht club, the application was presented to the Council meeting of 3 November 2008 where Council resolved:

“...that Council has no objection to the development application proceeding for a period of 12 months with the opportunity to re-apply after this time, in the area applied for.”

This effectively means that Council has no objections to the application for a period of no more than 12 months from the date of approval.

REFER ATTACHMENT 4.1(a) (page 1)

THE PROPOSAL

Nature of Development

The subject site is located within the Urban Waterfront Zone pursuant to Map Alex/64 from the Alexandrina Development Plan. As a development of this nature (temporary storage) is not listed as a non complying form of development within this zone, the proposed development becomes a consent/merit form of development by default.

Detailed Description

Given the low water levels in the lake, less than 44 of the 106 marina berths are usable and as a result, many boat owners are taking their boats elsewhere. To combat this, the Goolwa Regatta Yacht Club is proposing to fence off a portion (875m²) of their existing car park for the storage of approximately 20 boats. As Council have resolved allow this for a period of no more than 12 months, should the DAP resolve to approved the application, this will become a condition of approval.

The area proposed to be used for the storage of these boats is within the existing car park. The applicants are proposing to erect a 1.8m high temporary fence around this area.

REFER ATTACHMENT 4.1(b) (page 2)

SITE & LOCALITY

The subject site is located within the existing reserve on the banks of the lake. There is a yacht club and marina with an existing car park and boat ramp located between Barrage Road and the river bank.

.../cont.

4.1 455/1203/08 – Goolwa Regatta Yacht Club Inc (Continued)

The existing car park is sealed and fenced with an 800mm high timber fence and there is a single entry/exit point onto Barrage Road.

There are a number of large dwellings in the locality located along Barrage Road and Riverside Drive. The nearest dwelling is approximately 80m from the location of the proposed development separated by Barrage Road and reserve, however many of the dwellings in the locality obtain their views of the lake through the open space that the yacht club car park provides.

PUBLIC NOTIFICATION

The Development Application was the subject of Category 3 Public Notification and was advertised between 3 and 17 December 2008. Nine representations were received within this time frame.

Seven of the nine of the representors are opposed to the proposal and issues raised include:

- Loss of views of the lake.
- Degradation of the environment.
- Noise from masts and ropes/cables when windy.
- Devaluation of surrounding properties.
- Security lighting causing nuisance.
- Accumulation of rubbish on fencing.
- Vandalism of boats and grounds.
- Traffic congestion.
- Reduced car parking and access to the existing boat ramp.
- Potential accommodation on board these boats.

REFER ATTACHMENT 4.1(c) (page 5)

The applicant has also submitted a response to the representation.

The issues raised and responded to include halyards being tied on boats and use of snuffers to reduce noise, security lighting (which is not proposed), access to the boat ramp, etc.....

REFER ATTACHMENT 4.1(d) (page 18)

REFERRALS

There are no referrals relevant to this application.

.../cont.

4.1 455/1203/08 – Goolwa Regatta Yacht Club Inc (Continued)

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

As the Application was lodged on 17 October 2008, it has been assessed against the Development Plan current at the time of lodgement being that consolidated on 20 March 2008. The following Principles of Development Control are seen as especially relevant to this application:

URBAN WATERFRONT ZONE

OBJECTIVES

Objective 1: Provision of community, recreation and visitor facilities of an open nature associated with the recreational use of the River Murray.

Comment

The proposed development is considered to comply with the above as it is a temporary facility enabling the continuation of an existing community and recreational land use being the yacht club.

Objective 2: Enhancement of the area through appropriate planting of trees and rationalisation of car parking and vehicular access paths.

Comment

Although strictly at variance with the above as the proposal will decrease the number of car parks within the locality, as the development is temporary, it is considered to be appropriate. Screening trees and vegetation are not considered to be appropriate given the temporary nature of the development.

PRINCIPLES OF DEVELOPMENT CONTROL

Form of Development

PDC 1 Development should be, primarily, community, recreation and visitor facilities of an open nature associated with the recreational use of the River Murray.

PDC 2 Development should not detrimentally impact on adjoining residential areas by nature of size, scale or character.

.../cont.

4.1 455/1203/08 – Goolwa Regatta Yacht Club Inc (Continued)

Comment

In relation to PDC 1 above, the proposed development is considered to generally comply as the development will enable continuation of an existing community and recreational facility. Given the fact that the development is located approximately 80m from the nearest residence and the applicants have indicated that measures will be undertaken to minimise noise and light spill, the proposed development is not envisaged to detrimentally impact upon the surrounding residential locality.

PDC 3 Development should provide adequate off-street car parking to minimise parking on road reserves. Such development should have access points which do not disrupt the free flow of traffic on Barrage Road.

Comment

The proposed development is considered to be at variance with the above as existing car parking spaces will be lost. However, access points are existing and it is not envisaged that the proposed development will disrupt the free flow of traffic on Barrage Road.

PDC 6 Development should not be undertaken which will cause pollution of surface or underground water.

Comment

The development is not envisaged to cause pollution or have any impact upon surface or ground water, and is therefore considered to comply with the above.

CONCLUSION

The proposed development is considered to generally comply with the relevant Objectives and Principles of Development Control from the Alexandrina Development Plan and therefore warrants the granting of Development Approval. Also, the majority of concerns raised by the representors are considered to have been adequately addressed by the applicants and reflected in the proposed conditions of approval. Therefore, it is envisaged that the proposed development will have minimal impact upon residential development in the locality.

.../cont.

4.1 455/1203/08 – Goolwa Regatta Yacht Club Inc (Continued)

RECOMMENDATION

That the Development Assessment Panel grant Development Approval to Development Application 455/1203/08 for TEMPORARY CHANGE OF USE EXISTING CARPARK FOR BOAT STORAGE (12 MONTHS) subject to the following conditions:

Conditions

1. The development herein approved to be carried out in accordance with plans and details accompanying this application (Plans and details received on 17 October 2008).
2. This approval lapses within 12 months of the date of consent, being..... and all fencing shall be removed on this date unless further approval is granted.
3. All halyards on boats being stored within the facility shall be tied off in order to prevent noise and all masts which cause any wind whistle shall be fitted with a snuffer.
4. The temporary fence shall be no higher than 2m in height.
5. No boats stored within the temporary facility will be advertised for sale or have maintenance work carried out on them.
6. None of the boats stored within the facility will be used for accommodation for any period of time.
7. No signs or advertising to be displayed on or about the premises.
8. All existing external lighting shall be directed away from residential development and if necessary, shielded to prevent light spill causing nuisance to the occupiers of those residential premises. No additional security lighting shall be erected.

ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION / COMMUNITY TITLE

5.1 455/D101/07 - Donald Morison

SUMMARY TABLE

Date of Application	26 November 2007
Subject Land	45 (Lot 121) Tottenham Court Road, Port Elliot
Assessment No.	A 3209
Relevant Authority	Alexandrina Council
Planning Zone	Home Industry Zone
Nature of Development	Land Division creating one additional allotment
Type of Development	Consent on Merit
Public Notice	Category 1
Referrals	Planning SA, SA Water
Representations Received	N/A
Representations to be heard	Nil
Date last inspected	17 December 2009
Recommendation	Refusal
Originating Officer	Tom Gregory

ESD IMPACT/BENEFIT

- Environmental
An allotment being divided for residential purposes at the rear of another is not considered to have a high level of amenity. The close proximity of the proposed allotment to existing and future industrial uses could lead to possible land use conflicts.
- Social
There is a minimal social impact expected, however the creation of the proposed allotment will provide for an additional housing block within the Port Elliot Township.
- Economic
An economic benefit is expected for the owner of the subject land, as approval will allow for an allotment to be marketed for sale. No other economic benefit can be foreseen, other than an additional title being categorised for Council rating purposes.

.../cont.

5.1 455/D101/07 – Donald Morison (Continued)

THE PROPOSAL

This proposal seeks to create an additional allotment within the Home Industry Zone, in a 'hammer-head' type configuration at 45 Tottenham Court Road, Port Elliot.

The subject land is currently 1735m² and contains a detached dwelling, a domestic sized outbuilding, and other small scale shedding towards the rear of the allotment.

The proposal seeks to create an allotment of 827m² at the rear of the subject land (behind the existing dwelling) with a 6 metre wide / 41.37 metre long access drive along the northern side of the subject land. This is to be known as allotment 502.

The existing dwelling and domestic outbuilding will remain on a separate allotment (allotment 501) on the front portion of the subject land with a 21.95 metre frontage to Tottenham Court Road. Allotment 501 is proposed to be 908m² in area, and will contain the existing dwelling and associated outbuilding.

REFER ATTACHMENT 5.1(a) (page 20)

SITE & LOCALITY

The subject land is reasonably rectangular in shape, although the rear boundary is slightly longer than the front. The topography is considered to be fairly flat with a slight rise towards the rear when viewed from the street.

The subject land is void of substantial landscaping, however a number of mature trees exist along the northern boundary, which act as a screening buffer between the neighbouring property and the subject land.

The subject land is bound by allotments within the same Home Industry Zone to the north and south, however a Light Industry Zone abuts the subject land to the west (at the rear). Beyond this zone is an Industrial Zone, and Council's Effluent Ponds.

Land on the opposite side of Tottenham Court Road, is zoned Residential despite having 'existing use rights' for a SA Water depot. Contained on this land is a maintenance office and several storage sheds that house SA Water vehicles when not in use.

The character of the locality comprises detached dwellings on large allotments, light industrial uses, and the SA Water depot. The predominant use of land within the Home Industry Zone is residential with ancillary uses being undertaken within the existing outbuildings.

.../cont.

5.1 455/D101/07 – Donald Morison (Continued)

Allotments that contain detached dwellings within the Home Industry Zone and the general locality are conventional in shape, with limited to no evidence of division or increase in residential densities. Despite this, there is however a number of 'battle axe' or 'hammer-head' style allotments within the adjoining Light Industry Zone (to the west). One such division has occurred on land that is directly adjacent to the subject land. It is not my belief that this produces merit for the proposal, but rather has the opposite effect as it allows for Light Industrial uses to be established in close proximity to the proposed new allotment.

REFER ATTACHMENT 5.1(b) (page 21)

PUBLIC NOTIFICATION

The proposal was deemed to be Category 1 for the purpose of Public Notification (Pursuant to Schedule 9 Part 1, 5 of the Development Regulations 1993)

As such, no Public Notification was required.

REFERRALS

Statutory Referrals were undertaken and distributed by the Development Assessment Commission (DAC) upon classification of the application. The DAC referred the application for comment to Planning SA, and SA Water. These are standard referrals, and the referral to SA Water has no bearing on the SA Water Corporation owning land adjacent to the subject site.

A copy of the referral responses and conditions has been attached to this report.

REFER ATTACHMENT 5.1(c) (page 23)

SA Water indicated a list of requirements that are required to be met, which if approved will become conditions of approval for the land division.

Planning SA have advised that they have no report to make on the proposal, however they have requested a standard list of conditions be adopted should Council approve the application. Planning SA advised there are no planning impacts of State significance; however there may be local planning issues which Council (and the Development Assessment Panel) should consider prior to making its decision on the application.

.../cont.

5.1 455/D101/07 – Donald Morison (Continued)

CONSULTATION

Preliminary consultation has been undertaken with Council's Engineering Project Officer – Stewart Ratcliff on the issues of waste disposal and access. Mr Ratcliff's initial advice indicated that stormwater and effluent disposal from the site may be achievable, however a full and proper assessment of the site including assessment of the land contours would be required prior to Mr Ratcliff providing conditional approval.

Mr Ratcliff has indicated that the proposed access for the rear allotment is acceptable.

Should the Development Assessment Panel not adopt the recommendation of the assessing Planning Officer, an Engineering assessment will be undertaken in order to provide a list of conditions for approval.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

The following is an assessment undertaken against the Objectives and Principles of Development Control that are seen as being especially relevant to this application.

The Home Industry Zone does not provide a specific list of principles that relate to the division of land, however the objective of the Home Industry Zone has been written to provide for *'A zone primarily accommodating detached dwellings in association with light industries of a minor nature only.'*

As the Home Industry Zone does not provide a lot of assistance in assessing Land Division proposal, it is imperative that further weight of assessment must be placed on the Council Wide Objectives and Principles of Development Control. This is deemed to be crucial in order to ascertain and understand the intent behind the policy/zone, in order to facilitate 'good' development whilst achieving desired outcomes for the region and/or a specific locality.

The following Objectives and Principles of Development Control are seen as especially relevant to this Application. Please note that the current Development Plan at the time of lodgement of this proposal was 20 September 2007. Please **REFER ATTACHMENT 5.1(d)** (page 26) for a transcript of the listed Objectives and Principles.

Council Wide

Objectives 1, 2, 5 & 8

Principles of Development Control 6(d), 14, 17, 154, 155

.../cont.

5.1 455/D101/07 – Donald Morison (Continued)

Part C – Port Elliot and Goolwa

Objective 14

Home Industry Zone

Objective 1

Principle of Development Control 1

COMMENTS

It is clear from the above that the intent of the Development Plan is to assist in encouraging development that is 'orderly', by way of creating a safe, convenient and pleasant environment to live, whilst attempting to preserve and enhance the character of each Township.

Further to this, the Development Plan seeks to provide a proper distribution and segregation of living, working and recreational activities, and encourages development to take place on land which is suitable for the intended use, whilst having regard to the location and condition of land within the locality. Development should only take place in a manner which will not interfere with the effective and proper use of other land within the vicinity and which will not prevent the attainment of the objectives for that other land.

This proposal fails to satisfy these intentions, and is therefore considered to be at variance with the Development Plan.

Allotment 502 has a low amenity value as it is sited behind allotment 501 in a 'hammer-head' arrangement. This allotment also directly abuts a Zone that encourages industrial and manufacturing forms of development. These uses are anticipated to be of a small scale, however the introduction of an additional 'residential' use in close proximity to this could lead to an increase in land use conflicts due to incompatible land uses.

It is evident once viewing a Zone map of the broader locality that the Home Industry Zone acts as a buffer between the Residential Zone and the Light Industrial Zone. Similarly the Light Industrial Zone acts as a buffer between the Home Industry Zone and the Industrial Zone. Hence the requirement for a proper distribution and segregation of residential, business, commercial, industrial and recreation development that Objective 2 of the Council Wide section of the Development Plan requires.

REFER ATTACHMENT 5.1(e) (page 27)

.../cont.

5.1 455/D101/07 – Donald Morison (Continued)

Although the Home Industry Zone does not explicitly provide assistance in the assessment of land division proposals, it is clearly evident that the intent of the zone is not to allow for an increase in residential densities, but rather detached dwellings in association with light industrial uses. Despite this, it is apparent that the true nature of the zone is to act as a buffer between the Residential zoning on the east side of Tottenham Court Road, and the industrial land uses observed in Hill Street to the west.

It is my opinion that the nature of the proposed land division promotes an increase in incompatible land uses, and ultimately degrades the existing character of the Home Industry Zone by introducing smaller allotment sizes (ultimately increasing residential densities) in a zone that does not anticipate such development.

It is therefore recommended that the Development Assessment Panel refuse application 455/D101/07 as the proposed land division is at variance to the Alexandrina Council Development Plan.

RECOMMENDATION

That the Development Assessment Panel refuse Development Application 455/D101/07 for the creation of one additional allotment at 45 (lot 121) Tottenham Court Road, Port Elliot CT Vol.5700 Fol.854, as it is considered to be at variance with the Alexandrina Council Development Plan, and in particular the following Objectives and Principles of Development Control:

Council Wide
Objectives 1, 2, 5 & 8
Principles of Development Control 154, 155

Port Elliot and Goolwa District
Objective 14.

ITEM 6. **MATTERS REFERED FOR FOLLOW-UP**

ITEM 7. GENERAL ITEMS FOR DISCUSSIONS

7.1 Complaint Handling Policy

File Ref: 3.14.001
Officer: Sally Roberts
From: Development Assessment Panel meeting 19
November 2008

REPORT

At the 19 November 2008 Development Assessment Panel meeting a proposed Complaint Handling Policy was presented. The meeting resolved that further information was to be obtained about the level of support available to panel members in the event of a complaint.

Contact was made with the relevant person within the Local Government Association to determine this information. Within the policy there are three levels of complaints which are determined by the Public Officer who must receive all complaints. Level 1 complaints are handled by the Presiding Member, Level 2 by an Independent Assessor while Level 3 complaints are to be referred to an external body such as the SA Police or the anti-corruption branch for example. Members should refer to Clause 2.2 of the policy where it details that both the complainant and the CDAP member are given reasonable opportunity to respond to a complaint. In addition to having the ability to adequately put their point of view in relation to a complaint, Section 56A (10) of the Development Act indicates that a CDAP member does not incur any liability for an honest act done in the exercise or performance of their powers or functions.

In addition to these functions CDAP members are afforded the support of Local Government as the CDAP is a delegate of Council. Overall the policy has been developed to assist the Public Officer when and if a complaint is received against a CDAP member.

Provided that the CDAP members are satisfied with this information a report will be presented to the Council who must officially adopt the policy.

RECOMMENDATION

That the Development Assessment Panel accept the Complaint Handling Policy prepared by the Local Government Association and a report be prepared for Council in order for the Complaint Handling Policy to be adopted and incorporated into the Council Development Assessment Panel Code of Conduct.

ITEM 8. NEXT MEETING

To be advised.