

**DEVELOPMENT ASSESSMENT PANEL
MINUTES OF MEETING HELD ON 17 DECEMBER 2008
COMMENCING AT 10:00 AM
IN THE COMMUNITY CHAMBERS "WAL YUNTU WARRIN"**

PRESENT

R Danvers (Chair), Cr R Medlyn, Cr G Gartrell,
M Galea, M Walker

APOLOGIES

IN ATTENDANCE

Vanessa Harvey (Personal Assistant),
Rebecca Swain (Environmental Customer Service
Officer), Tom Gregory (Planner), Andrew Sladden
(Planner)

ITEM 1 CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on 19th November 2008.

Moved Cr R Medlyn seconded M Walker that the minutes of the Alexandrina Council Development Assessment Panel held on 19th November 2008 as circulated to members be received as a true and accurate record.

CARRIED

ITEM 2. DEVELOPMENT APPLICATIONS

ITEM 3. DEVELOPMENT APPLICATIONS - NON COMPLYING

3.1 455/1237/08 - Luxury Lifestyle Group Pty Ltd

SUMMARY TABLE

Date of Application	29 October 2008
Subject Land	Lot 201 Waterport Road, Port Elliot
Assessment No.	A3906
Relevant Authority	Alexandrina Council
Planning Zone	Landscape (Port Elliot and Goolwa District) Zone
Nature of Development	Shop (Cellar Door)
Type of Development	Non-Complying
Public Notice	Category 3
Referrals	N/A
Representations Received	N/A
Representations to be heard	N/A
Date last inspected	-
Recommendation	Resolve to Proceed with Assessment
Originating Officer	Andrew Sladden

ESD IMPACT/BENEFIT

- Environmental Minimal
- Social Minimal
- Economic Benefit to owners

BACKGROUND

The subject allotment, located on the northern side of Waterport Road, contains an existing dwelling and ancillary outbuildings including pool and tennis court which have approval to be used for tourist accommodation purposes. Also there is an existing small vineyard located on the subject site.

.../cont.

3.1 455/1237/08 – Luxury Lifestyle Group Pty Ltd (Continued)

THE PROPOSAL

Nature of Development

It is proposed to construct a building at the front of the allotment which will be used for the storage, tasting and sale of wines. A car park for approximately 14 vehicles is also proposed to be constructed.

Although for the tasting and sale of wine, the proposed development cannot be classified as a “cellar door” as is not ancillary to an existing winery on the subject site.

Detailed Description

It is proposed to construct a single storey building resembling a dwelling at the front of the allotment setback 8m from the front (Waterport Road) boundary and 1.5m from the eastern side boundary. The building is proposed to be used for the storage, tasting and sale of wines. The building consists of a kitchen, toilets, cellar and large storage and sales room.

To the west of the proposed building, a car park is proposed to be constructed with separate entry and exit points to accommodate approximately 14 vehicles. There is no signage proposed as part of the proposal.

M Walker declared a conflict of interest at 10.06am and left the Chambers.

Gallery were requested to leave the Chambers at 10.06am.

- 25 Moved M Galea seconded Cr R Medlyn that it be refused as the proposal is seriously at variance with the provisions of the Development Plan.

REFUSED

The Gallery returned to the Chambers at 10.15am.

M Walker returned to the Chambers at 10.15am.

The Development Assessment Panel moved to item 4.1 at 10.20am.

The Development Assessment Panel returned to Item 3.2 at 11.06am

3.2 455/D011/08 - David Knight

SUMMARY TABLE

Date of Application	5 February 2008
Subject Land	Lot 94 Burleigh Street, Lot 92+ Burleigh Street, Lot 96 Burleigh Street, Lots 3,5,54,55 Leslie Road, Lot 6 Chapel Road, Langhorne Creek
Assessment No.	A18587
Relevant Authority	Alexandrina Council
Planning Zone	Flood
Nature of Development	Boundary Realignment (6 Lots into 5 Lots)
Type of Development	Non-Complying
Public Notice	Category 1
Referrals	Planning SA, PIRSA, SA Water, Native Vegetation Council
Representations Received	N/A
Representations to be heard	N/A
Date last inspected	October 2008
Recommendation	Approval Subject to Development Assessment Commission Concurrence
Originating Officer	Andrew Sladden

ESD IMPACT/BENEFIT

- Environmental n/a
- Social Benefit to land owners through opportunities for better management of the land
- Economic Benefit through better utilisation and management of the subject sites

.../cont.

3.2 455/D011/08 – David Knight (Continued)

BACKGROUND

There have been two previous Development Approvals (455/D103/04 & 455/D081/05) granted for land divisions of this nature on adjoining allotments. Both of these Development Applications were very similar in that they involved the amalgamation of allotments in area "A" pursuant to Fig F/1 and transfer of titles via a contiguous allotment arrangement to create titles some distance away. Both of these Development Applications were assessed as Consent applications (although non-complying) on the advice of the Development Assessment Commission and granted Development Approval.

THE PROPOSAL

Nature of Development

The proposal involves the rearrangement of allotment boundaries in which 6 existing allotments will be rearranged into 5 allotments. The subject land consists of sixteen contiguous allotments located east and south of the Langhorne Creek Township.

The subject allotments are all located within the Flood Zone

As four of the existing allotments located within Area A (Fig F/1) are proposed to be amalgamated into one allotment, this constitutes a boundary realignment which is considered to be a non-complying form of development pursuant to the above.

Detailed Description

The proposed boundary realignment will rearrange allotment boundaries to create 5 allotments from 6 allotments. The subject land consists of 16 contiguous allotments situated east and south of the township of Langhorne Creek.

It is proposed to amalgamate 4 existing allotments located within the township of Langhorne Creek onto 1 lot and transfer the titles, via contiguous allotment arrangement to create two additional allotments (still located within the Flood Zone) within the rural area approximately 5km away.

.../cont.

3.2 455/D011/08 – David Knight (Continued)

SITE & LOCALITY

The subject sites vary, but are all located within rural areas located to the east and south of the Langhorne Creek Township. The four existing allotments located within the Langhorne Creek township (lots 92, 94, 96 & 96) and are all utilised as a vineyard. These are proposed to be amalgamated into one allotment (proposed lot 62) and the titles transferred (via contiguous allotment arrangement) over 16 allotments to create three additional allotments approximately 5 km to the south. The two existing allotments (lots 5 & 6) proposed to be split into 5 allotments are all currently used for grazing / farming uses. There is an existing dwelling and associated outbuildings on existing lot 6 (proposed lot 74) which will not be affected by the proposed development.

As the proposed land division is spread over a wide area, the localities vary, but are all rural in nature with land uses varying from viticulture to grazing (dairy farming).

26 Moved M Galea seconded M Walker that the Development Assessment Panel grant Development Plan Consent to Development Application 455/D011/08 for Land Division - Boundary Realignment (6 lots into 5 lots) at Burleigh Street, Langhorne Creek subject to the following conditions and notes and the concurrence of the Development Assessment Commission.

1. The development herein approved to be carried out in accordance with plans and details accompanying this application (Plan of Division Ref: 3344daB prepared by Olden and Van Senden P/L.
2. A 6m x 6m corner cutoff on the north-west corner of lot 64 at the intersection of Wellington Road and Public Road, a 6m x 6m corner cutoff on the south-west corner of lot 64 at the intersection of Wellington Road and Public Road, a 6m x 6m corner cutoff on the eastern corner of lot 67 at the intersection of Wellington Road and Public Road, a 6m x 6m corner cutoff on the north-west corner of lot 68 at the intersection of Step Road and Public Road, a 6m x 6m corner cutoff on the south-west corner of lot 69 at the intersection of Chapel Road and Karanto Road, a 6m x 6m corner cutoff on the north-east corner of lot 70 at the intersection of Chapel Road and Cross Road, a 6m x 6m corner cutoff on the north-east corner of lot 72 at the intersection of Chapel Road and Davidson Road and a 6m x 6m corner cutoff on the north-west corner of lot 76 at the intersection of Wellington Road and Public Road, shall vest in Council for road purposes.

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3.2 455/D011/08 – David Knight (Continued)

Note: The Applicant is advised that Council holds no obligation to upgrade the existing un-sealed sections of Giles Road, Burleigh Road, Step Road, Karanto Road, Cross Road, Chapel Road, Leslie Road or any other un-made sections of Public Road, relative to this Development Application.

Development Assessment Commission Conditions

1. Two copies of a certified survey plan shall be lodged for Certificate purposes.

CARRIED

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

The Development Assessment Panel moved to Item 4.1 at 10.20am.

The Gallery left the Chambers at 11.21am.

4.1 455/585/08 - Norich Development Pty Ltd

SUMMARY TABLE

Date of Application	26 May 2008
Subject Land	Lot 500 Alexandrina Drive, Clayton Bay
Assessment No.	A20869
Relevant Authority	Alexandrina Council
Planning Zone	Country Township
Nature of Development	Tavern & freestanding group of shops (six tenancies) with associated car parking and landscaping
Type of Development	Merit
Public Notice	Category 3
Referrals	N/A
Representations Received	3
Representations to be heard	Nil
Date last inspected	29 July 2008
Recommendation	Approval – subject to conditions
Originating Officer	Matt Atkinson

.../cont.

4.1 455/585/08 – Norich Development Pty Ltd (Continued)

BACKGROUND

The Development Assessment Panel considered this matter at its meeting on 13 August 2008 and resolved to defer its decision to enable the Applicant to provide the following details:

- A detailed stormwater disposal plan incorporating surveyed site levels;
- Details of vehicle access points and the proposed (approved) road network within the locality; and
- Evidence that the proposed development is 'orderly'.

Advice from Council's Infrastructure Manager – Peter Wood has indicated that details provided since the August DAP meeting are acceptable with regards to stormwater and vehicular access.

The applicant has also received approval from Council for the installation of an Aerobic Waste Control System, pursuant to the SA Health Commission code.

- 24 Moved Cr G Gartrell seconded M Walker that the Development Assessment Panel grant Provisional Development Plan Consent to Development Application 455/585/08 for a Tavern and freestanding group of shops (six tenancies) with associated car-parking and landscaping, at lot 500 Alexandrina Drive, Clayton Bay, subject to the following conditions and notes:

Conditions

1. The development herein approved shall be carried out in accordance with plans and details accompanying this Application, received by the Council on 28 May 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. All of the car-parks, driveways, and vehicle manoeuvring areas shall be constructed to Australian Standard AS2890.1 (Car-parking Facilities) and be of bituminised, brick paved or concrete materials, in accordance with sound engineering practice, prior to the occupation of the development herein approved. The car-parking areas shall be appropriately line-marked.

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- 4.1 455/585/08 – Norich Development Pty Ltd (Continued)
4. The subject land and buildings must be maintained in good condition at all times (including car-parking areas, driveways, footpaths and landscaping).
 5. Floodlighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to cause no light overspill to adjacent residential development.
 6. All scarring or physical disturbances of the land surface during any excavation work shall be restricted to only that which is shown on the approved plan as required for building work and/or access purposes. All exposed faces around such scarred areas and spoil shall be screened with suitable ground cover to the reasonable satisfaction of the Council.
 7. All external cladding and trim of the proposed buildings must be of a non-reflective nature to the reasonable satisfaction of Council.
 8. Temporary silt control devices in the form of hay bales or silt fences to be installed on the development site prior to commencement of works. The devices are to be maintained throughout the construction period and dismantled at the conclusion of works. Any silt captured by the device/s to be disposed of to the satisfaction of Council.
 9. All mechanical plant installed as part of this development should meet the noise output requirements of the Environment Protection Authority (EPA). If the noise output exceeds these requirements, an acoustic enclosure shall be installed around the plant to ensure it complies.
 10. All kitchen and cooking facilities must comply with the requirements of the Food Act 2001, Food Regulations 2002 and the Food Safety Standards.
 11. The noise emanating from the subject land shall be restricted to levels meeting the reasonable requirements of the Environment Protection Authority.
 12. The hours of operation for the proposed Hotel shall be 7.00am to 12.00am (midnight) from Monday to Saturday, and 8.00am to 10.00pm on Sundays.
 13. The hours of operation for the proposed shops shall be 8.00am to 10.00pm.

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4.1 455/585/08 – Norich Development Pty Ltd (Continued)

Notes

1. A wall retaining a difference in ground levels of more than 1 metre requires consent under the building rules as they apply to the Development Act 1993.
2. Allotment boundaries will not be certified by Council staff. The onus of ensuring that the buildings are sited in the approved position is the responsibility of the owner. This may necessitate a survey being carried out by a licensed land surveyor.

LOST

Moved Cr R Medlyn seconded M Galea that the Development Application 455/585/08 for a Tavern and freestanding group of shops (six tenancies) with associated car-parking and landscaping, at lot 500 Alexandrina Drive, Clayton Bay be refused as it is considered to be at variance with the following Objectives and Principles of Development Control of the Alexandrina Development Plan:

- Council Wide Objective 1
- Country Township Zone PDC 9, 10

CARRIED

V Harvey left the Chambers at 11.00am.

P Cunningham entered the Chamber at 11.02am.

The Gallery returned to the Chambers at 11.02am.

The Development Assessment Panel moved back to Item 3.2 at 11.06am.

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

8.1 455/308/08 – 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

Andrew has received the draft Court Order and is awaiting the final copy before issuing the Approval with the agreed conditions.

8.2 455/955/07 – Private Air Strip

Tom advised that the matter has been adjourned until the 5th February 2009.

8.3 455/742/07 - Abbots Lane Retirement Village

Sally Roberts advised that the final documentation for the Abbots Lane Development Application has been filed with the Court. The Court has approved the development and Council is awaiting the Court determination prior to issuing the Approval.

8.4 Clayton Bay – Development Plan

The Development Assessment Panel would like to advise the Alexandrina Council of the difficulty they are having assessing Development Applications in Clayton Bay. The Development Assessment Panel is of the opinion that the current Development Plan is out of date.

ACTION: Sally Roberts

8.5 455/600/07 – Knights Beach Walk

Owners of surrounding land have lodged Judicial Review proceedings within the Supreme Court to ascertain whether Council acted appropriately in categorising the approved development as a Category 1 Detached Dwelling.

The matter has been adjourned until 19th December 2008.

8.6 Planning Assistance

Moved M Galea seconded M Walker that the Development Assessment Panel formally thank the Council Planners for their assistance to the Development Assessment Panel and their professionalism during the year.

CARRIED

8.7 Allotment size enquiry – Middleton

Cr G Gartrell made note to the Planning staff of a number of inconsistencies of allotment sizes within Middleton. The Residential Plan Amendment Report of 2005 strengthened Policy relating to Land Divisions, however Council are still witnessing Land Division proposals that were approved under the old Development Plan, which are now finally coming through the system and onto the Real Estate market for sale. These inconsistencies should not occur within the future.

8.8 455/D091/08 – Areti Pty Ltd

T Gregory tabled a letter addressed to the Chair of the Development Assessment Panel received from the Authenticity Health and Wellness Retreat, regarding a non-complying application refused by the Development Assessment Panel at its last meeting. The letter requests time be allocated to the Applicant to present to the Development Assessment Panel their proposal, outlining their objectives and how they believe their proposal fits in with the South Australia Strategic Plan.

It was agreed by members of the Development Assessment Panel that they have seen all that they need to on the proposal, and that they believe the Development Application was 'seriously at variance' to the Development Plans intent, policy and objectives, and they refused to allow time for a presentation.

A letter will be sent to the Applicant advising them of this, and signed on behalf of the Presiding Member.

ACTION: T Gregory

MEETING CLOSED AT 11.40am

MINUTES CONFIRMED.....

CHAIRMAN

DATED:.....