

# MINUTES

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| Committee    | <b>Council Development Assessment Panel</b>      |
| Meeting Held | <b>Wednesday, 27 August 2008 at 5.00pm</b>       |
| Location     | <b>Council Chambers, Bay Road, Victor Harbor</b> |

## 1. PRESENT

M Canny (Chair)  
D Donnon  
K Ewens  
D Michelmores  
M Battye

In Attendance:  
B Coventry - Planning Officer  
K Walker - Para Planner  
Dennis Batge - Planning Consultant

## 2. APOLOGIES

K Shierlaw  
T Rose

### 3. MINUTES OF THE PREVIOUS MEETINGS

## LDA 08/0021      Confirmation of the Minutes of the Previous Meeting

**Moved:** D Donnon                      **Seconded:** D Michelmores

That the Minutes of the Previous Council Development Assessment Panel Meeting held on Tuesday, 29 July 2008 as per copies supplied to members be adopted as a true and correct record of that meeting.

CARRIED UNANIMOUSLY

## 4. DEVELOPMENT APPLICATIONS

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| <b>4.1. Proposal:</b> | <b>Change of use to place of worship</b> |
| Location:             | No. 9a/35 Maude Street, Encounter Bay    |
| Applicant:            | TJ & KE Glazbrook                        |
| Recommendation:       | Approval                                 |

In accordance with the Development Act & Regulations 1993, the following parties addressed the Panel in support of their representations.

1. Mr Alan Rumbsy from Nolan Rumbsy Planners (on behalf of Nankivell Holdings Pty Ltd)
2. Ian Ogilvie (Spirit FM) did not address the panel
3. Chad Mansbridge (on behalf of Bayside Church International)

Craig Rowe from Connor Holmes Pty Ltd addressed the panel on behalf of the applicant TJ and KE Glazbrook.

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| <b>LDA 08/0022</b> | <b>No. 9a/35 Maude Street, Encounter Bay</b> |
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**Moved: D Michelmores**

**Seconded: K Ewens**

**That the Council Development Assessment Panel:**

1. **RESOLVE that the proposed development is NOT seriously at variance with the provisions in the Development Plan.**
2. **RESOLVE to grant Development Plan Consent to TJ & KE Glasbrook, Development Application 453/384/08, for a change of the land use of the subject land to a place of worship (Church) with associated activities, administration and car parking at Unit 9 Enterprise Avenue located in the Maude Street Industrial Park (Strata Corporation No. 11862 Incorporated) at number 35 Maude Street, Encounter Bay:**
  1. **The development shall be in accordance with the plans and details (including the submitted to Council as part of the application, except as varied by any of the following conditions.**
  2. **The 11 onsite car parking spaces shall be constructed and finished in permeable paving material in accordance with sound engineering practice prior to the occupation or use of the development herein approved.**
  3. **The 11 onsite car parking spaces abutting a walkway, footpath, landscaped area, fence or building frontage shall be provided with a vehicle wheel stop or 900mm high bollard prior to the occupation or use of the development herein approved.**
  4. **All site generated stormwater shall be directed into the existing storm water disposal system for the site.**
  5. **All material used in the construction of the approved amenities addition shall be non-reflective in nature and match the existing structure.**
  6. **The site shall be landscaped as per Sheet 5 of 5 of the plans prepared by JB Design and dated 6th June 2007, such landscaping shall achieve a high level of amenity to complement the locality and to the reasonable satisfaction of Council.**
  7. **No wedding services or funeral services shall be conducted from the site at any time.**

**CARRIED**

**4.2. Proposal:** Retrospective application for the use of land as a detached dwelling and store, including the parking of vehicles and storage of plant and materials (duration of two years)

Location: No. 6 Meyer Street, Victor Harbor

Applicant: Mr M Mill

Recommendation: Refusal

In accordance with the Development Act & Regulations 1993, the following parties addressed the Panel in support of their representations.

1. Paul Tonkin
2. Andrew Horrocks

Craig Rowe from CL Rowe and Associates addressed the panel on behalf of his applicant Mr M Mills in support of his application.

**LDA 08/0023**

**No. 6 Meyer Street, Victor Harbor**

**Moved: D Michelmores**

**Seconded: D Donnon**

**That the Development Assessment Panel:**

- 1. RESOLVE that the proposed development is NOT seriously at variance with the provisions in the Development Plan.**
- 2. RESOLVE to refuse Development Plan Consent to M Mill, Development Application No. 453/368/08 for the a change in the use of land as detached dwelling and store, including the parking of vehicles and storage of plant and materials for a period of two years for the following reasons:**
  - 1. The proposed use of the land is of a kind and scale of activity that is not consistent with the provisions of the Home Industry in which the subject land is located.**
  - 2. The proposed activities are not minor light industry and cannot be undertaken in a building of 60 square metres and/or a maximum area of 30 square metres of unroofed area and involves the use of a greater number of vehicles and persons involved in the activity than contemplated by the provisions of the Home Industry Zone.**
  - 3. The proposed land use would be detrimental to the character and amenity of the locality in which the subject land is situated through the creation of noise, fumes and appearance of the land.**

**The proposal is in particular, contrary to the following provisions of the Development Plan:**

**Council Wide**

**Objective 7: Avoidance of nuisance from pollution, noise, light or any other source.**

**Objective 9:** A proper distribution and segregation of living, working and recreational activities by the allocation of suitable areas of land for those purposes.

**Objective 74:** The amenity of localities not impaired by the appearance of land, buildings, and objects.

**Objective 76:** Improvement of the appearance of all development throughout the district.

#### Principles of Development Control

**2** Development should be undertaken in accordance with the relevant provisions of the zone and/or policy area and having regard to the location and condition of that land concerned.

**6** The condition of:

(c) land which interferes with the reasonable use of other land;

(d) land or buildings in which objects or materials are stored or kept in a manner which is unsightly or prejudicial to the health or safety of the community; or

should be remediated and improved.

**11** Development should not contribute to the pollution of air, water or land.

**12** Development should take place in a manner which is not liable to cause an unreasonable nuisance to the community:

(a) by the emission of noise, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, waste products, electrical interference or light;

#### Home Industry Zone

**Objective 1:** A Zone primarily accommodating detached dwellings in association with light industries of a minor nature only.

#### Principles of Development Control:

**1** Development should be primarily for residential purposes and compatible with light or service industrial purposes.

**2** Light industry should not be undertaken in the Zone unless it is to be carried on in a building on the same allotment containing the dwelling occupied by the person who carries on the industry. In such cases;

a. the building should not occupy a floor area greater than 60 square metres;

b. the industry should not detract from the amenity of the locality by emitting noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or electrical interference, so as to cause nuisance within the locality;

- c. goods or materials used or produced by the industry should not be exposed to view from any adjacent premises or from any public place;
  - e. the total number of persons occupied or employed in the industry should be limited to five with at least three of these persons residing continuously in the building or premises used for carrying on the industry;
  - f. the industry should not involve the operation of more than two vehicles from the premises;
  - g. the area for the external roofed or unroofed storage of materials should be limited to 30 square metres;
- 3 The open storage of materials or other use of land should not be located or carried out where it will present an untidy appearance as seen from Maud Street or George Main Street.
- 5 Industrial or commercial activities should be small in scale and minor in nature so as to be compatible with the residential function of the Zone.
- 6 Development should not generate significant traffic movements of a heavy nature or large volume.

**CARRIED UNANIMOUSLY**

**4.3. Proposal:** Single Storey detached dwelling incorporating fill up to 1.8m

**Location:** No. 13 Cygnet Court, Encounter Bay

**Applicant:** Construction Services Australia Pty Ltd

**Recommendation:** Approval

In accordance with the Development Act & Regulations 1993, the following parties addressed the Panel in support of their representations.

1. S & R Palmer did not attend the meeting

M/s T and S Greer were present on behalf of the applicant Construction Services Pty Ltd, but did not address the panel.

**LDA 08/0024**

**No. 13 Cygnet Court, Encounter Bay**

**Moved:** K Ewens

**Seconded:** M Battye

**That the Council Development Assessment Panel:**

1. **RESOLVE** that the proposed development is NOT seriously at variance with the provisions in the Development Plan.

2. RESOLVE to grant Development Plan Consent to Construction Services Australia, Development Application 453/181/08, for the construction of a single storey detached dwelling at number 13 Cygnet Court, Encounter Bay, subject to the following conditions:

1. The development shall be in accordance with the plans and details submitted to Council as part of the application, except as varied by any of the following conditions.
2. All site generated stormwater shall be directed underground via drainage infrastructure that shall be provided by the applicant. All stormwater flows are to be discharged directly to existing internal underground storm water drain.
3. All required retaining walls shall be constructed as part of the construction phase of the approved development and shall be completed prior to the occupation of the approved dwelling.

Note: There may be a requirement to give the adjoining owner 28 days notification under the Building Rules, to check whether this is the case please contact your Builder, Private Certifier or Council as the case may be.

4. All material used in the construction of the approved shed shall be non-reflective in nature.
5. The site shall be landscaped to achieve a high level of amenity to complement the locality and to the reasonable satisfaction of Council.

**CARRIED UNANIMOUSLY**

5. **CLOSURE**

Meeting was declared closed at 7pm

6. **NEXT MEETING**

Tuesday 23<sup>rd</sup> September 2008 at 5pm