

# ALEXANDRINA COUNCIL

## NOTICE OF MEETING

Notice is hereby given to the Members that a meeting of the Development Assessment Panel will be held in the Community Chambers "Wal Yuntu Warrin" on 21 May 2008 commencing at 10:00 am

Your attendance is requested.

10:00 a.m.            Development Assessment Panel commencement

11:00 a.m.            Conclusion of meeting.

JOHN COOMBE  
CHIEF EXECUTIVE

ALEXANDRINA COUNCIL

AGENDA FOR THE DEVELOPMENT ASSESSMENT PANEL 2008 MEETING  
TO BE HELD ON 21 MAY 2008 AT 10:00 AM  
IN COMMUNITY CHAMBERS "WAL YUNTU WARRIN"

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**Development Assessment Panel  
Report and Agenda  
on 21 MAY 2008 commencing at 10:00 am  
in the Community Chambers "Wal Yuntu Warrin"**

**PRESENT**

**APOLOGIES**

Ron Danvers, Cr Grant Gartrell.

**IN ATTENDANCE**

**ITEM 1      CONFIRMATION OF MINUTES**

Minutes of the Alexandrina Council Development Assessment Panel held on 22<sup>nd</sup> April 2008.

**RECOMMENDATION**

That the minutes of the Alexandrina Council Development Assessment Panel held on 22<sup>nd</sup> April 2008 as circulated to members be received as a true and accurate record.

**ITEM 2.      DEVELOPMENT APPLICATIONS**

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

3.1 455/86/08 - George & Cathryn Kerry

**SUMMARY TABLE**

Date of Application	29 January 2008
Subject Land	46 (Lot 3) North Terrace, Port Elliot
Assessment No.	A 2713
Relevant Authority	Alexandrina Council
Planning Zone	Historic (Conservation) Zone – Residential
Nature of Development	Change of use from consulting rooms to an office (non-complying)
Type of Development	Non-complying
Public Notice	Category 3
Referrals	Nil
Representations Received	1
Representations to be heard	Nil
Date last inspected	7 May 2008
Recommendation	Approval with conditions
Originating Officer	Matt Atkinson

**ESD IMPACT/BENEFIT**

- Environmental Nil.
- Social Contributes to a variety of land uses for the local community.
- Economic Benefits for the property owner, employment opportunities and business opportunities for local residents.

**THE PROPOSAL**

**Nature of Development**

The Applicant proposes to change the use of the subject land from Consulting Rooms to an Office. Offices are listed as non-complying within the Historic (Conservation) Zone - Residential.

.../cont.

## 3.1 455/86/08 – George & Cathryn Kerry (Continued)

### Detailed Description

The proposed development incorporates a change in the use of the subject land from Consulting Rooms (approved on Development Application 455/1477/06) to Offices with associated car parking and landscaping.

The development does not include any building work, as there are no plans for alterations or additions to the building, car parking or landscaping.

Plans and details of the proposed development are attached.

REFER ATTACHMENT 3.1(a) (page 1)

### SUBJECT LAND & LOCALITY

The subject land is a rectangular shaped allotment of approximately 661 square metres, located on the northern side of North Terrace in Port Elliot. The land incorporates a frontage to North Terrace of 20.42 metres and is 32.39 metres deep.

The subject land is relatively flat and is currently occupied by a detached building, which is approved as Consulting Rooms.

Access is provided to the subject land via an existing crossover from North Terrace. North Terrace is a secondary arterial road, as identified by the Port Elliot (Town) Structure Plan within the Council's Development Plan. Car parking is currently available at the rear of the allotment, with the provision of eight (8) car parking spaces, including one (1) staff car park and one (1) accessible car park.

The locality consists of a mixture of land uses including a church, which is located adjacent to the eastern boundary of the subject land. Two (2) offices are located opposite the subject land on the southern side of North Terrace. Residential properties are located adjacent to the northern and western boundary of the subject land. The subject land is one allotment removed from the vacant 'Old Port Elliot Primary School', which is located to the west of Frederick Street.

The subject land is located within the Historic (Conservation) Zone - Residential, as identified by the Alexandrina Council's Development Plan, as are all of the adjacent allotments. The subject land is one allotment removed from the Historic (Conservation) Centre Zone, which is located to the east of William Street.

A locality plan is attached.

REFER ATTACHMENT 3.1(b) (page 10)

.../cont.

3.1 455/86/08 – George & Cathryn Kerry (Continued)

**PUBLIC NOTIFICATION**

Pursuant to Section 38 (5) of the Development Act (1993), the application was placed on Category 3 public notice and was advertised within the Times on 26 March 2008. During the public notification period, one (1) representation was received in relation to the development. The representation was lodged in support of the proposal.

A copy of the representation is attached.

REFER ATTACHMENT 3.1(c) (page 11)

**REFERRALS**

The subject land is located adjacent to a secondary arterial road (North Terrace). However, the proposal is not considered to alter an existing access or change the nature of movement through an existing access. Therefore, no referral is required to the Commissioner of Highways pursuant to Schedule 8, Part 3 of the Development Regulations 1993.

No other statutory referrals were required.

**INTERNAL CONSULTATION**

As no changes are proposed to the built form or the access point, no internal consultation was required.

**ALEXANDRINA COUNCIL DEVELOPMENT PLAN**

The Application was lodged with the Council on 29 January 2008. As such, the Alexandrina Council's Development Plan, consolidated on 17 January 2008 applies.

The following Objectives and Principles of Development Control (PDC's) are seen as especially relevant to this application:

**Council Wide**

Objectives: 1, 2, 17, 18, 34, 36, 37, 38, 49, 50 & 52.

PDC's: 1, 2, 4, 107, 108, 160, 161, 164, 210-214 & 250.

.../cont.

3.1 455/86/08 – George & Cathryn Kerry (Continued)

**Port Elliot & Goolwa District**

Objectives: 1 & 2.

PDC's: 1 & 14.

Objectives: 1, 2 & 3

PDC's: 1, 3, 4, 6, 9 & 11.

**Land Use**

The subject land is located within the Historic (Conservation) Zone - Residential. The following Objectives as listed within the Zone provisions are considered most relevant when determining the appropriateness of the land use:

Historic (Conservation) Zone – Residential, **Objective 1** states:

*"A zone accommodating residential development which preserves and enhances the existing historical character of the zone."*

Historic (Conservation) Zone – Residential, **Objective 2** states:

*"A zone accommodating primarily detached dwellings at low densities on individual allotments where the existing building stock is retained."*

Historic (Conservation) Zone – Residential, **Objective 3** states:

*"A zone in which historic buildings and features are retained."*

It is clear from the Objectives listed above that land uses should be primarily residential within this Zone. This is further evidenced by the appearance of Offices within the non-complying list for the Zone.

However, the subject land is currently used for a non-residential purpose (consulting rooms) and the property is set-up to accommodate a commercial activity, i.e. the rear of the building is almost exclusively covered by car-parking and landscaping.

The subject land is located within close proximity (approximately 30 metres) to the Historic (Conservation) Centre Zone. Offices are a merit based land use within the H(C)C Zone. The subject land is separated from the H(C)C Zone by another non-residential land use (the Uniting Church).

.../cont.

### 3.1 455/86/08 – George & Cathryn Kerry (Continued)

Whilst the proposed land use (Offices) is not generally anticipated within the Historic (Conservation) Zone – Residential, the subject land is located at the interface with a Centre Zone (Historic (Conservation) Zone – Centre) and is currently used for a non-residential use (Consulting Rooms). Accordingly, in this instance it is considered that the proposed offices are an acceptable land use, notwithstanding the non-complying nature of development.

#### Amenity

Offices are generally less obtrusive to neighbouring properties than Consulting Rooms as they tend to incorporate less traffic movements. The nature of Consulting Rooms is that people come and go from appointments throughout the day (and sometimes into the evening), whereas Offices are generally occupied by people that work there throughout the day. It is also less likely that an Office will be occupied during the evening.

The location of the subject land adjacent to a secondary arterial road and the accompanying traffic noise would result in a reduced amenity for future occupants should the building be converted back to a dwelling.

In any case, the Office as proposed is not considered to have an adverse impact on the residential amenity of adjacent properties.

#### Access & Car-parking

Access is to be provided via an existing crossover from North Terrace and there is adequate manoeuvring area to allow for vehicles to enter and exit the subject land in a forward direction.

In terms of car parking provision, the following Development Plan Principle is considered to be most relevant.

Table Alex/3 – Car Parking Requirements:

*“Office – one per 25 square metres of total floor area with a minimum of four car parking spaces;”*

and,

*“Consulting Rooms – four for the first surgery, plus two per each additional surgery.”*

.../cont.



## 3.1 455/86/08 – George & Cathryn Kerry (Continued)

At the rates prescribed by Table Alex/3, the proposed office use would require four (4) car parking spaces. The car parking demand associated with the subject land, as determined by Table Alex/3, would reduce from six (6) spaces (there are two approved consulting rooms) to four (4) spaces.

The subject land incorporates an existing car park that can accommodate eight (8) vehicles including one (1) staff car park and one (1) accessible car park.

The provision of on-site car parking is therefore considered to be appropriate.

### Heritage

The subject land is located within the Historic (Conservation) Zone – Residential. One of the main objectives for the Zone is to ensure that the existing historic character of the area is maintained.

The proposed change of use to Offices does not incorporate any alterations to the exterior of the building or its curtilage. In addition, the subject building is not listed as Heritage Place in its own right.

The proposed change of use is not considered to have any impact on the existing character of the locality and/or the North Terrace streetscape.

### Summary

Although the proposed change of use to Offices is listed as non-complying within the Historic (Conservation) Zone – Residential, the proposal is considered to merit Development Plan Consent for the following reasons:

- The subject land is currently approved and utilised as a non-residential land use (Consulting Rooms);
- The subject land is located at the interface with a Centre Zone (the Historic (Conservation) Zone – Centre) and is adjacent to other non-residential land uses (a church and offices);
- The amenity of adjacent residents will not be adversely affected by the proposal;
- There is adequate car parking provision located on-site; and
- The existing historic character of the locality will be retained.

The proposed change of use to Offices is considered to be generally consistent with the majority of provisions within the Development Plan, notwithstanding the non-complying nature of development.

Accordingly, Development Plan Consent is recommended.

.../cont.

3.1 455/86/08 – George & Cathryn Kerry (Continued)

RECOMMENDATION

That the Development Assessment Panel grant Provisional Development Plan Consent to Development Application 455/86/08 for a change of use from Consulting Rooms to an Office (non-complying) at 46 (lot 3) North Terrace, Port Elliot, subject to the following conditions:

1. All plants, shrubs, trees and lawn and/or ground cover shall be maintained in good condition at all times. Any diseased or dying plants, shrubs, trees or lawn and/or ground cover shall be replaced whenever necessary.
2. External lighting and security lighting shall be directed in such a manner so as to not, in the opinion of Council, create unreasonable overspill onto any adjoining property or roadway which may create a nuisance to any neighbour or road user.

Notes:

1. No signs or advertising shall be erected or displayed on the subject land without the prior Development Approval of the Council.

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

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

Meeting closed at