

# 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 18 December 2006 commencing at 10:00 am

Your attendance is requested.

10:00 a.m.            Development Assessment Panel commencement

12:00 p.m.           Conclusion of meeting.

JOHN COOMBE  
CHIEF EXECUTIVE

ALEXANDRINA COUNCIL

AGENDA FOR THE DEVELOPMENT ASSESSMENT PANEL MEETING  
TO BE HELD ON 18 DECEMBER 2006 AT 10:00 AM  
IN COMMUNITY CHAMBERS "WAL YUNTU WARRIN"

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**Development Assessment Panel  
Report and Agenda  
on 18 DECEMBER 2006 commencing at 10:00 am  
in the Community Chambers "Wal Yuntu Warrin"**

**PRESENT**

**APOLOGIES**

**IN ATTENDANCE**

**ITEM 1. CONFIRMATION OF MINUTES**

Minutes of the Alexandrina Council Development Assessment Panel held on 16<sup>th</sup> October 2006.

**RECOMMENDATION**

That the minutes of the Alexandrina Council Development Assessment Panel held on 16<sup>th</sup> October 2006 as circulated to members be received as a true and accurate record.

ITEM 2. **DEVELOPMENT APPLICATIONS**

2.1 455/391/06 - Roger Haysman

**SUMMARY TABLE**

Date of Application	5 <sup>th</sup> April 2006
Subject Land	10 Battunga Avenue, Port Elliot
Applicant	Roger Haysman
Owner	Roger Haysman
Assessment No.	A3048
Relevant Authority	Alexandrina Council
Planning Zone	Residential – Policy Area 13
Nature of Development	Group dwellings – double storey x 4
Type of Development	Consent / Merit
Public Notice	Category 2
Referrals	N/A
Representations Received	3
Representations to be heard	0
Date last inspected	November 2006
Recommendation	Refusal
Originating Officer	Andrew Sladden

**ESD IMPACT/BENEFIT**

- Environmental Environmental impact through increase in density and removal of existing vegetation.
- Social Provision of housing choice.
- Economic Economic benefit to owner through maximising yield from lots.

**BACKGROUND**

The subject site is located on the northern side of Battunga Road between Carfax Street and Seaview Road, Port Elliot. The existing site consists of two rectangular shaped allotments with an existing single storey detached dwelling located in the centre of the site and shed located adjacent the western side boundary. The total area of the site (both allotments) is approximately 2181m<sup>2</sup>.

.../cont.

2.1 455/391/06 – Roger Haysman (Continued)

**THE PROPOSAL**

**Nature of Development**

The proposal involves the construction of four double storey detached dwellings on the subject site. Two of the proposed dwellings will have direct frontage to Battunga Avenue and two of the dwellings are proposed to be constructed behind and accessed via a 5m wide access road (6m wide at the driveway entrance) located along the eastern side of the subject site. Although a Land Division Application has not yet been lodged, each of the proposed dwellings will be located on separate allotments ranging in size from 450.39m<sup>2</sup> to 500.08m<sup>2</sup>. Given that two of the dwellings do not have frontage to a public road, the proposal has been assessed as four double storey group dwellings pursuant to the following definition from Schedule 1 of the Development Act 1993.

*“group dwelling means one or more of a group of two or more detached buildings, each of which is used as a dwelling and one or more of which has a site without frontage to a public road or to a road proposed in a plan of division that is the subject of a current development authorisation.”*

**Detailed Description**

The proposal involves the construction of four double storey detached dwellings of varying design. Two of the proposed dwellings have a frontage to Battunga Avenue and are setback 6m from the front boundary. These two dwellings are proposed to be on individual allotments of 450.52m<sup>2</sup> and 450.39m<sup>2</sup> respectively. Proposed dwelling 1 is setback a minimum of 1m from the western side boundary with a 1m side setback between dwellings 1 and 2. There is a 5m wide driveway, which widens to 6m at the entrance located between proposed dwelling 2 and the western side boundary.

Proposed dwellings 3 and 4 are located behind dwellings 1 and 2 on individual allotments of 500.01m<sup>2</sup> and 500.08m<sup>2</sup> respectively. A minimum 5m wide access driveway is proposed to be located along the eastern side of the subject site, providing access to dwellings 3 and 4. Dwelling 3 is setback 2m from the western side boundary with a 3m setback separating proposed dwellings 3 and 4. Dwelling 4 is setback 2m from the eastern side boundary. The proposal also involves the construction of a 1.8m high colorbond fence at the rear of the subject site. From the plans provided, none of the proposed dwellings are greater than 8m in height measured from existing natural ground level.

REFER ATTACHMENT 2.1(a) (page 1)

.../cont.

2.1 455/391/06 – Roger Haysman (Continued)

**SITE & LOCALITY**

The subject site is located on the northern side of Battunga Avenue and slopes upwards from the road boundary to the rear approximately 2m. The subject site consists of two existing allotments with an approximate total width of 29m and depth of 76m. There is an existing single storey detached dwelling and shed on the subject site.

The locality consists predominantly of single storey detached dwelling of varying ages, styles and condition on large allotments with consistent separation distances between buildings. The dwellings located on the northern side of Battunga Avenue are predominantly single storey of varying styles, materials and colours. The dwellings located on the southern side of Battunga Avenue generally present as single storey dwellings to the street, with some having a second storey element facing the sea to take advantage of the coastal views.

**PUBLIC NOTIFICATION**

The application underwent Category 2 Public Notification pursuant to Section 38(5) of the Development Act and Schedule 9, Part 2, 16 (ab) of the Development Act 1993 Regulations, between 19 September 2006 and 3 October 2006.

Three representations were received within the prescribed timeframe. As the application is the subject of Category 2 Public Notification, neither the representors or applicant can be afforded the right to address the panel in person.

The issues raised by the representors include the bulk and scale and visual appearance, setbacks, hammerhead allotment pattern, increase in density, overshadowing of existing development within the locality and potential removal of an existing tree on the subject site.

REFER ATTACHMENT 2.1(b) (page 21)

The applicant has also submitted a response to the representation.

The issues responded to include character and amenity, allotment size and proposed allotment pattern.

REFER ATTACHMENT 2.1(c) (page 29)

.../cont.

2.1 455/391/06 – Roger Haysman (Continued)

**CONSULTATION**

Although no consultation has been undertaken with Council's Environmental Health Department, the Applicant has lodged an Application for the Waste Control Systems on the subject site, which is currently "on-hold" awaiting the receipt of information. It is noted that should DAP decide to grant Provisional Development Plan Consent to the proposed development, this consent will not be issued until the Waste Control System has been approved.

**ALEXANDRINA COUNCIL DEVELOPMENT PLAN**

As the Development Application was lodged in April 2006, it has been assessed against the Alexandrina Development Plan Consolidated 24 November 2005.

The following Objectives and Principles of Development Control are seen as especially relevant to this application:

**Council Wide Objectives**

**Residential**

**Objective 5:** The establishment of safe, attractive and pleasant residential areas comprising residential development of a scale, form, density and appearance that maintains or achieves the desired character of specific zones and, where applicable, policy areas.

**Objective 8:** The creation and maintenance of an attractive living environment.

**Comment**

The desired future character statement for Policy area 13 states the following:

*"The area is generally not serviced by either SA Water sewer infrastructure or the Council's common effluent disposal scheme. Accordingly, an increase in dwelling densities is not encouraged in this policy area unless land can be connected to the common effluent disposal scheme.*

*While a variety of housing forms including one and two storey detached dwellings are considered appropriate in this zone, future development should be built in response to the slope of the land in order to minimise the amount of cutting and filling of the natural ground profile. Buildings should not be sited on side boundaries in order to maintain space between buildings and to assist in the maintenance in coastal views between buildings."*

.../cont.

## 2.1 455/391/06 – Roger Haysman (Continued)

The proposal is generally considered to comply with the above, particularly as the site can be serviced with STEDS. Therefore, according to the above, an increase in the density of the locality is appropriate. Also, as the site is on the top of a hill, it is relatively level site and earthworks will be minimal.

### Conservation

**Objective 28:** The preservation of trees of historic, local, or particular, visual significance.

### Appearance of Land and Buildings

**Objective 38:** The amenity of localities not impaired by the appearance of land, buildings, and objects.

### Comment

It is questionable whether the amenity of the locality will be impaired by the proposed development. However, as the locality currently consists of single storey detached dwellings on large residential allotments, the proposed development is not considered to blend with this locality.

### Council Wide Principles of Development Control

#### Residential Development

- PDC 34** Development should:
- (a) protect existing site features, including significant trees, other substantial vegetation, natural creek lines and items or features of conservation or heritage value;
  - (b) minimise the need for cut and fill;
  - (c) provide sufficient open space for the planting of trees to:
    - (i) complement an existing tree landscape character; or
    - (ii) enhance the landscape character of a neighbourhood deficient in trees; or
  - (iii) screen storage, service and parking areas;
  - (d) where practicable and cost effective, protect trees\* from damage to their root systems; and
  - (e) incorporate building footing designs where necessary and cost effective that allow root growth of existing large trees.

.../cont.



2.1 455/391/06 – Roger Haysman (Continued)

**Comment**

The proposed development is considered to comply with the above, particularly given the fact the site is fairly level and the proposed dwellings will be constructed on the most level areas of the subject site. It is noted that a Norfolk Island pine tree has been highlighted by one of the representors as displaying significant visual amenity for the locality. The subject tree is approximately 10m in height with a trunk circumference of approximately 1m and barely visible from the surrounding streets and public areas. It is also noted that Council does not have any specific legislation governing the protection of trees, particularly those which are not native to the area.

- PDC 35** Building appearance should not detract from the existing or desired future character of the locality in terms of built form elements such as:
- (a) building height;
  - (b) building mass and proportion;
  - (c) external materials, patterns, textures, colours and decorative elements;
  - (d) ground floor height above natural ground level;
  - (e) roof form and pitch;
  - (f) facade articulation and detailing and window and door proportions;
  - (g) verandahs, eaves and parapets; and
  - (h) driveway crossovers, fence style and alignment.

**Comment**

It is arguable whether the proposed development complies with the above, particularly given the fact that it generally complies with the desired future character statement for the policy area which supports higher density development. It is noted however, that the proposed dwellings are considered not to blend with the existing dwelling stock and character of the locality which consists predominantly of single storey dwellings on large residential allotments.

- PDC 38** Buildings should be designed and sited to minimise the impact of building bulk on the private open space of adjacent sites by:
- (a) separating upper storey parts of buildings from neighbouring private open space;
  - (b) using articulation, colour, materials and detailing.

- PDC 44** Dwelling setbacks from side and rear boundaries should be progressively increased as height increases to:
- (a) minimise the visual impact of buildings from adjoining properties;
  - (b) minimise the overshadowing of adjoining properties; and

.../cont.

2.1 455/391/06 – Roger Haysman (Continued)

(c) maintain adequate daylight to existing and future adjoining dwellings and private open space.

**PDC 45** Side boundary walls should be located and limited in length and height to:

- (a) minimise the visual impact of buildings from adjoining properties;
- (b) minimise the overshadowing of adjoining properties;
- (c) maintain adequate daylight to adjoining dwellings; and
- (d) reduce risk damage to mature vegetation on adjoining properties taking into account potential major damage to root systems.

**Comment**

Proposed dwellings 3 and 4 are envisaged to impact upon the private open space areas of the neighbouring residential allotments given their close proximity to side boundaries. Dwelling 1 is setback 1m from the side boundary and is directly adjacent the front yard area of the adjoining property given the fact that the adjoining dwelling (12 Battunga Avenue) is setback a considerable distance (45m approximately) from the front boundary. Dwelling 2 is setback 5m from the adjoining property and this distance, along with the balcony being setback 7m from the eastern side boundary is considered to be sufficient to meet the requirements of the abovementioned Principle. Dwelling 3 is setback 2m from the western side boundary, and given the position of the neighbouring dwelling, will potentially overshadow the neighbouring dwelling and side and rear private open space. Dwelling 4 also is setback only 2m from the eastern side boundary, which may impact upon the rear private open space area (overshadow) of the adjoining properties being 3 and 5 Seaview Road.

It is noted that the proposed development is also at variance with PDC 44 and 45 above, as the dwellings are not progressively increased in height to minimise the bulk and may overshadow neighbouring properties.

**PDC 59** Direct overlooking from upper level living room windows\* and external balconies, terraces and decks to habitable room windows and the useable private open spaces of other dwellings should be minimised except in areas where dwellings in the locality have a primary orientation to the coast, or other significant natural feature.

**Comment**

All of the proposed dwellings are considered to comply with the above as they have been designed in accordance with Council and Good Residential Design Guidelines regarding the use of obscured glazing for all upper floor habitable windows to a height of 1.6m above the finished floor level.

.../cont.

2.1 455/391/06 – Roger Haysman (Continued)

- PDC 71** Site facilities for group dwellings and residential flat buildings should include:
- (a) a common mail box structure located close to the major pedestrian entrance to the site;
  - (b) garbage and recyclable material collection areas located for efficient collection; and
  - (c) for dwellings which do not incorporate ground level private open space, external clothes drying areas, which are readily accessible to each dwelling and complement the development and streetscape character.

**Comment**

From the plans provided, no provision has been made for these facilities. Also, given the requirement for a 6m wide driveway needed for forward entry and exit of vehicles, there appears to be little available area for such an area.

**Appearance of Land and Buildings**

- PDC 209** Trees, other vegetation and earth mounding should be retained or provided as part of the development where the environment will be visually improved by such a provision.

**Comment**

There is an existing Norfolk Island Pine Tree located in the centre of the subject site. As this tree is not shown on the plans, it is assumed that it will be removed. Due to the size of this tree (approximately 10m in height), it is debatable whether it contributes to the visual amenity of the locality beyond the private open space areas of the surrounding dwellings. However, the proposal is considered to be at variance with the above, particularly as the subject tree contributes to the visual amenity of surrounding residents.

- PDC 211** Development should take place in a manner which will not visually interfere with the achievement of the objective for an area or, otherwise the existing character of scenically or environmentally important areas, or areas which are prominently visible from other land or which are frequented by the public.

.../cont.

2.1 455/391/06 – Roger Haysman (Continued)

**PDC 216** Building development should be located and designed in respect of the size, colour, form, siting, architectural style and materials of construction of buildings to harmonise with, the objectives for an area, other buildings of historical significance or heritage value or, in the absence of guidance from these, the predominant character of existing building development.

**PDC 218** Buildings or structures should be sited unobtrusively and be of a character and design which will blend naturally with the landscape.

**Comment**

Given the location of the development, on top of a hill, the subject site is considered to be visible from surrounding public areas. As the dwellings will generally be 8m above the natural ground level, it is considered that they will be visible from these public areas. As the locality consists of a wide variety of single storey dwellings it is difficult to define the predominant character, however, it primarily consists of single storey dwellings on large residential allotments. A development of this nature on such a visible site, is considered to be at variance with the above.

**PART C - PORT ELLIOT AND GOOLWA**

**Principles of Development Control**

**PDC 2** Development involving the erection of any building of more than one storey in height, should only be undertaken where:

- (a) the building will be in visual harmony with existing buildings in the locality;
- (b) the building is designed and sited to minimise any resultant loss in privacy or natural light with respect to existing development; and
- (c) the development will not detract from the amenity of the locality.

**Comment**

The proposed development is considered to be at variance with the above given the fact that the majority of adjoining dwellings are single storey and the proposed development may overshadow existing adjoining development.

**RESIDENTIAL ZONE**

**Objectives**

**Objective 2:** A zone primarily accommodating dwellings of various types up to two storeys in height located throughout the zone.

.../cont.

2.1 455/391/06 – Roger Haysman (Continued)

**Comment**

As the dwellings are two storeys and varying in design to the existing built form within the locality, the proposed development is considered to comply with the above.

**Objective 3:** A predominance of medium density residential accommodation in areas in close proximity to:  
(a) centre zones or nodes of activity; or  
(b) areas of public open space.

**Comment**

The proposal is considered to generally be at variance with the above given the fact that the development will increase the density and is not considered to be in close proximity to the Port Elliot Centre. It is noted, however, that it is located close to Boomer Beach which is an area of public open space.

**Objective 4:** Development should enhance the existing character of residential areas with buildings that create an attractive and amenable environment through a variety of designs. The built form should respect and enhance the need for amenity and privacy.

**Comment**

As there is no real definable character within the immediate locality apart from the predominance of single storey dwellings, the proposal is creating a locality with a variety of dwelling designs. Given the two storey nature of the development and its close proximity to side boundaries (Dwellings 3 and 4) it is not considered to respect or enhance the need for amenity and privacy of some of the surrounding residences.

**Principles of Development Control**

**PDC 1** Residential development should comprise a range of housing types and styles up to two storeys in height, and designed to meet the diverse needs of the population.

**PDC 5** Dwellings should not be greater than two storeys or 8.0 metres high as measured from existing natural ground level immediately below the highest point of the building.

.../cont.

2.1 455/391/06 – Roger Haysman (Continued)

**Comment**

The proposal complies with the above given the fact that it will provide for a range of housing types not evident in the locality. It is also noted that the dwellings are two storey and no greater than 8m in height.

- PDC 6** Dwellings and outbuildings located in elevated or undulating areas should be designed and sited so not to be obtrusive or detract from the desired future character of the policy area. In these elevated or undulating areas:
- (a) buildings should be single storey;
  - (b) the profile of buildings should be low and the roof lines should complement the natural form of the land;
  - (c) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land; and
  - (d) large eaves, verandahs and pergolas should be incorporated into designs so as to create shadowed areas which reduce the bulky appearance of buildings.

**Comment**

As the location of the dwellings is atop a hill, the proposed development is considered to be at variance with the above, given the fact that the dwellings are all two storey and do not have roof lines which compliment the natural form of the land. The buildings, particularly dwellings 3 and 4 have not been designed with consideration given to reducing the mass particularly given the height of the side and rear walls which are generally 6m in height. Consideration has been given to (d) above, particularly as all of the dwellings have front verandahs and balconies which help to reduce the bulky appearance, but only when viewed from the road.

- PDC 7** Residential development should conform with each of the following requirements in all circumstances except where application of this principle would be inconsistent with an objective or principle of development control of the zone or, where relevant, policy area:
- (a) a total ground floor area (including verandah area, carport and garage) not exceeding 40 percent of the area of the site;
  - (b) the area of the site covered by impervious surfaces, including buildings, not exceeding 60 percent of the area of the site; and
  - (c) a floor area ratio not exceeding 0.5 (i.e. the total floor area of buildings on the site not exceeding half of site area).

.../cont.

2.1 455/391/06 – Roger Haysman (Continued)

**Comment**

It is noted that all of the dwellings generally meet the ground floor area requirements pursuant to (a), above. However, all of the proposed dwellings are at variance with (c), above as evidenced by the following table:

Dwelling	Ground Floor Area	Total Floor Area
1	37%	55%
2	39%	62%
3	27%	52%
4	27%	52%

It is noted that as no Land Division Application has yet been lodged, the driveway area servicing proposed lots 3 and 4 as shown on the Site Plan has not been included as part of the lot areas as there is no evidence that this will become common property. Therefore, the above has been based on the allotment areas as shown on the Site Plan.

**PDC 8** When consistent with the other relevant provisions of the Development Plan, dwellings can be designed to take advantage of **distant** coastal, river or scenic rural views providing reasonable measures are undertaken to minimise the **direct** view into the private areas of neighbouring properties. Views to habitable room windows and useable private open space areas should be minimised by incorporating design features such as external screens, return walls and landscaping where necessary, together with careful siting and design of living room windows, balconies and access doors.

**Comment**

Given the location of the proposed dwellings, it can be reasonably assumed that they have been designed to take advantage of the coastal views. It is also noted that they all incorporate design features (obscured glazing and balcony screening) aimed at minimising overlooking.

**PDC 9** All buildings in the Residential Zone should be setback a minimum distance of 8.0 metres from the primary road frontage, except where a lesser setback distance is specifically contemplated in any policy area.

.../cont.

2.1 455/391/06 – Roger Haysman (Continued)

**Comment**

It is noted that dwelling 1 is setback 6.5m and dwelling 2 is setback 6m from the front boundary. As no lesser distance is specified for the Policy Area, the proposal is considered to be at variance with the above.

**RESIDENTIAL (BOOMER BEACH) POLICY AREA 13**

**Objective 1:** A policy area accommodating detached dwellings up to two storeys in height.

**Comment**

As the dwellings are 2 storeys in height, the proposal is considered to comply with Objective 1, above.

**Principles of Development Control**

**PDC 1** The density, form and appearance of residential development should be consistent with the desired future character of the policy area.

**Comment**

The desired future character statement for the Boomer Beach Policy area generally supports higher density development in association with connection to the common effluent disposal scheme. As this site can be serviced with STEDS, the proposed development is considered to generally comply with the above.

**PDC 2** Development undertaken in the Residential (Boomer Beach) Policy Area 13 should consist of one and two storey detached dwellings on individual allotments at low densities.

**PDC 3** Semi-detached, row dwellings, group dwellings and residential flat buildings should not be established.

**Comment**

The proposed development involves the erection of group dwellings pursuant to the following definition pursuant to the following definition from Schedule 1 of the Development Act 1993:

*“group dwelling means one of a group of two or more detached buildings, each of which is used as a dwelling and one or more of which has a site without frontage to a public road or to a road proposed in a plan of division that is the subject of a current development authorisation”*

.../cont.



2.1 455/391/06 – Roger Haysman (Continued)

As proposed dwellings 3 and 4 do not have any direct frontage to the public road, Battunga Avenue, they are considered to be group dwellings pursuant to the above definition. Therefore, the proposed development is considered to be at variance with the above.

- PDC 6** Dwellings of more than one storey in height should take account of the following factors:
- (a) the height and bulk of the proposed building relative to adjoining dwellings;
  - (b) the design of the building being stepped in accordance with the slope of the land; and
  - (c) the form of the building being articulated to break down its apparent bulk.

**Comment**

Although the majority of adjoining dwellings are single storey, it is noted that there are a number of two storey dwellings within the locality. However, as (a) above relates to its bulk and appearance in relation to adjoining dwellings, it is noted that the proposal is at variance given that all but one of the adjoining dwellings are single storey. The front of the dwellings have been sufficiently articulated through the use of balconies to help reduce the visual bulk, however, articulation is not evident on the side and rear elevations of these dwellings, resulting in their bulky appearance.

- PDC 7** Dwellings should be setback a minimum of 2.0 metres from both side property boundaries in order to provide visual separation between buildings and afford opportunities for landscaping.

Dwellings 1 and 2 are at variance with the above given the 1m setback of dwelling 1 from the western side boundary and the 1m setback between these two dwellings.

**CONCLUSION**

Although the proposed development generally complies with the desired future character statement for the policy area in that the site is easily able to be connected to the common effluent system which then allows for higher density development, it is considered to be too seriously at variance with the existing amenity of the locality which is predominantly single storey dwellings on large residential allotments. Of particular interest is Principle of Development Control 3 for the Policy Area which specifically states that group dwellings should not be established.

.../cont.

2.1 455/391/06 – Roger Haysman (Continued)

The reason for this is that the Policy Area envisages development in the form of detached dwellings, in keeping with the existing character of the locality.

Given the number of Objectives and Principles within the Alexandrina Development Plan which require future development to blend with the existing character and amenity of the locality, the proposed development is considered to be at variance with these given its bulk and density. Also, given the topography of the site (being on the top of a hill), it is considered that a two storey development of this nature will be very visible when viewed from the surrounding low lying areas.

**RECOMMENDATION**

That the Development Assessment Panel refuse Development application 455/391/06 for Four Two Storey Group Dwellings at 10 Battunga Avenue, Port Elliot on the grounds that it is at variance with the existing character and amenity of the locality. In particular, the proposed development is considered to be at variance with the following Objectives and Principles of Development Control from the Development plan.

**COUNCIL WIDE**

**Objectives:**

Objective 38: The amenity of localities not impaired by the appearance of land, buildings, and objects.

**Principles of Development Control**

- PDC 35 Building appearance should not detract from the existing or desired future character of the locality in terms of built form elements such as:
- (a) building height;
  - (b) building mass and proportion;
  - (c) external materials, patterns, textures, colours and decorative elements;
  - (d) ground floor height above natural ground level;
  - (e) roof form and pitch;
  - (f) facade articulation and detailing and window and door proportions;
  - (g) verandahs, eaves and parapets; and
  - (h) driveway crossovers, fence style and alignment.

.../cont.

2.1 455/391/06 – Roger Haysman (Continued)

PDC 211 Development should take place in a manner which will not visually interfere with the achievement of the objective for an area or, otherwise the existing character of scenically or environmentally important areas, or areas which are prominently visible from other land or which are frequented by the public.

PDC 216 Building development should be located and designed in respect of the size, colour, form, siting, architectural style and materials of construction of buildings to harmonise with, the objectives for an area, other buildings of historical significance or heritage value or, in the absence of guidance from these, the predominant character of existing building development.

PDC 218 Buildings or structures should be sited unobtrusively and be of a character and design which will blend naturally with the landscape.

PART C - PORT ELLIOT AND GOOLWA

Principles of Development Control

PDC 2 Development involving the erection of any building of more than one storey in height, should only be undertaken where:

- (a) the building will be in visual harmony with existing buildings in the locality;
- (b) the building is designed and sited to minimise any resultant loss in privacy or natural light with respect to existing development; and
- (c) the development will not detract from the amenity of the locality.

RESIDENTIAL ZONE

Principles of Development Control

PDC 6 Dwellings and outbuildings located in elevated or undulating areas should be designed and sited so not to be obtrusive or detract from the desired future character of the policy area. In these elevated or undulating areas:

- (a) buildings should be single storey;
- (b) the profile of buildings should be low and the roof lines should complement the natural form of the land;
- (c) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land; and

.../cont.

2.1 455/391/06 – Roger Haysman (Continued)

(d) large eaves, verandahs and pergolas should be incorporated into designs so as to create shadowed areas which reduce the bulky appearance of buildings.

PDC 9 All buildings in the Residential Zone should be setback a minimum distance of 8.0 metres from the primary road frontage, except where a lesser setback distance is specifically contemplated in any policy area.

RESIDENTIAL (BOOMER BEACH) POLICY AREA 13

Principles of Development Control

PDC 3 Semi-detached, row dwellings, group dwellings and residential flat buildings should not be established.

PDC 6 Dwellings of more than one storey in height should take account of the following factors:

- (a) the height and bulk of the proposed building relative to adjoining dwellings;
- (b) the design of the building being stepped in accordance with the slope of the land; and
- (c) the form of the building being articulated to break down its apparent bulk.

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

3.1 455/541/06 - Wendy Bell

**SUMMARY TABLE**

Date of Application	9 <sup>th</sup> May 2006
Subject Land	12 Goolwa Road, Middleton
Applicant	Wendy Bell
Owner	Warren Surfield
Assessment No.	A15836
Relevant Authority	Alexandrina Council
Planning Zone	Rural Living (Policy Area 18)
Nature of Development	Store (storage shed)
Type of Development	Non-complying
Public Notice	Category 3
Referrals	N/A
Representations Received	1 formal, 1 late
Representations to be heard	1
Date last inspected	6 <sup>th</sup> June 2006
Recommendation	Refusal
Originating Officer	Andrew Burley

**ESD IMPACT/BENEFIT**

- Environmental Minor impacts from construction and increased stormwater run-off.
- Social May cause visual impact and noise impact to adjoining landowners.
- Economic Potential to enhance owners business on adjoining land through storage of associated vehicles.

**BACKGROUND**

The land is currently vacant and has been used for occasional grazing, the parking of several private vehicles and several other vehicles associated with the owner's adjoining business, Middleton Pergolas, Sand and Metal.

.../cont.

## 3.1 455/541/06 – Wendy Bell (Continued)

This business was granted consent by way of an appeal to the Environment, Resources and Development Court in 2001, and must be acknowledged as a separate issue on a separate title.

Previous to this application, on the 20<sup>th</sup> October 2005 an application similar to this was lodged with Council by the owner of Middleton Pergolas, Sand and Metal, for an extension to the existing service trade premises. This application constituted a non-complying development and subsequently was withdrawn on the 11<sup>th</sup> May 2005.

The Development Assessment Panel resolved to proceed with assessment of the application on the 17<sup>th</sup> of July 2006.

### **THE PROPOSAL**

#### **Nature of Development**

The development proposal involves the construction of a large storage shed which will store private vehicles and other vehicles associated with the adjoining business which are currently being stored on the existing site. After seeking legal advice, Council is of the opinion that the proposal constitutes a change of land use to a 'store', which is listed as a non-complying use according to Rural Living Zone. This is due to the fact that there is no dwelling on the allotment and therefore cannot be considered as an outbuilding associated with a residential use.

A 'store' is defined under the Development Act, which means '*a building or enclosed land used for the storage of goods, and within or upon which no trade (whether wholesale or retail) or industry is carried on..*'

#### **Detailed Description**

The development proposal involves the construction of storage shed which will store: a private boat and trailer, pneumatic and 4 wheel trolley associated with the private use of draft horses grazed on the site; and vehicles currently parked on the adjoining Sand and Metal premises which include; a 3.5 ton small excavator, vibrating roller, and 4 wheel tipper trailer.

The proposed shed has dimensions of 30.64m x 18m x 4.8m and will cover an area of 551.52m<sup>2</sup>. The walls and roof are to be clad with 'Rivergum Green' pre-coated steel. The shed is to be setback 6 metres from the southern boundary and 16 metres from the western boundary.

.../cont.

3.1 455/541/06 – Wendy Bell (Continued)

The allotment is a 'hammer head' shape which has a narrow access link providing access to Goolwa Road. In addition to this access link, there is an existing gate on the western boundary which provides access through to the owners business of 18 Goolwa Road.

REFER ATTACHMENT 3.1(a) (page 37)

**SITE & LOCALITY**

The subject site is located at 12 Goolwa Road, Middleton and is currently vacant property with an area of 1.29 hectares. The site has a slight slope in ground level to from the north to the south and has several reasonably large trees scattered across the site.

The site is located within the Port Elliot and Goolwa district and almost entirely in the Rural Living (Policy Area 18) zone; however a small portion to the south of the site is also situated within the Tourist Accommodation zone. The locality is at the edge of the Middleton Township and as a result exhibits a mixture of activities and uses, ranging from some commercial uses directly abutting Goolwa Road, to more rural uses to the north and the east.

**PUBLIC NOTIFICATION**

The application was put on Category 3 Public Notification pursuant to Section 38(5) of the Development Act 1993 between the 25<sup>th</sup> September and 16<sup>th</sup> October 2006.

One representation was received within the prescribed timeframe and one was received late.

The concerns of the representor can be summarised as follows:

- Location of the proposed shed
- Size of the proposed Shed
- Noise generated from trucks and machinery entering and leaving the which currently stored on-site
- Use of property to store overflow from adjoining Sand and Metal business
- Storage of construction rubbish on the site
- Dust generated by traffic movements
- Visual impact of the proposed shed
- Stormwater run-off

The representor wished to be heard in support of this submission at the meeting.

.../cont.

3.1 455/541/06 – Wendy Bell (Continued)

Copies of the representations are attached. The applicant has submitted a response to the representation, which is also attached.

REFER ATTACHMENT 3.1(b) (page 40)

**ALEXANDRINA COUNCIL DEVELOPMENT PLAN**

The following Objectives and Principles of Development Control of the Alexandrina Council Development Plan are seen as especially relevant to this application:

**Council Wide**

Form of Development

**Objective 1:** Orderly and economic development.

**Objective 2:** A proper distribution and segregation of living, working and recreational activities by the allocation of suitable areas of land for those purposes.

**PDC 2** Development should be orderly and economic.

**PDC 3** New housing and other urban development should:  
(a) form a compact and continuous extension of an existing built-up area;  
(b) be located so as to achieve economy in the provision of public services; and  
(c) create a safe, convenient and pleasant environment in which to live.

Appearance of Land and Buildings

**Objective 38:** The amenity of localities not impaired by the appearance of land, buildings, and objects.

**PDC 136** The appearance of land, buildings and objects should not impair the amenity or character of the locality in which they are situated.

**PDC 154** Development should take place on land which is suitable for the intended use of that land having regard to the location and condition of that land and the objectives for the zone in which it is located.

.../cont.



3.1 455/541/06 – Wendy Bell (Continued)

**Comment:**

The size of the proposed shed and nature of its proposed use has the potential to impact negatively on the amenity of the locality, due to the storage and movement of heavy vehicles associated with the owner's adjoining business, and the size of the shed (approximately 500m<sup>2</sup>). The proposal is also considered to be at variance with the objectives and principles of the Rural Living Zone.

**Port Elliot and Goolwa District**

Form of Development

**PDC 1** Land proposed for living, working and recreational activities should be used only for those purposes.

**Comment:**

In accordance with the Alexandrina Council Development Plan, the subject land is situated within the Rural Living zone. The intent of this zone, according to its objectives and principles, is intended for residential development of a rural character and associated low intensity rural activities. This proposal is considered to be at variance with these intentions as a 'Store' is not considered to be a residential use.

**Rural Living Zone**

**Objective 1:** A zone accommodating detached dwellings in association with a range of low intensity rural activities on various sized allotments.

**Objective 2:** Development maintaining the rural character and amenity of the zone

**Objective 3:** Incorporation of significant vegetation buffers addressing potential land use conflict.

**Objective 6:** Development of a high standard with respect to external materials, colours, siting and landscaping so as to blend with the semi-rural character of the locality.

**PDC 1** Development within the zone should be for residential, agricultural and recreational purposes only and should be of a scale and intensity that is compatible with the rural living nature of the zone.

**PDC 2** Commercial or retail development should not occur within the zone.

.../cont.

3.1 455/541/06 – Wendy Bell (Continued)

- PDC 11** Buildings and structures should be designed in such a way that:
- (a) the profile of the building is low and complements the natural form of the land;
  - (b) they utilise materials of a low light reflective nature which will blend with the natural landscape; and
  - (c) the bulk is reduced through the utilisation of large eaves, verandahs and pergolas and the variation in wall and roof lines.

**Comment:**

Whilst the proposed use does not meet the above principles and objectives of the zone, the location of the subject land is such that the proposed shed may not be highly visible from the main road as it will be screened by existing development. The shed is also proposed to be clad in 'Rivergum Green' pre-coated steel which is of non-reflective and may reasonably blend in with the surrounding environment.

As discussed, the above Objectives and Principles of Development Control are seen to be relevant to this application. Despite this, it should be noted that the applicant has also provided a 'planning statement', which indicates additional areas of compliance with Objectives and Principles. However, this statement did not correctly address the nature of the proposed development. In this statement, the proposal was treated as a 'normal outbuilding on a rural living allotment'. This proposed development can not be considered as a 'normal outbuilding' as it is my opinion a 'normal outbuilding' is a store unless an associated land use accompanies the development.

**COMMENTS**

It is evident from the above assessment that the proposal for a store at 12 Goolwa Road, Middleton does not meet a number of principles and objectives of the Alexandrina Council Development Plan and more specifically, the Rural Living Zone.

I believe that the proposal will impact negatively on the character and amenity of the locality and will also compromise the future development of the site.

It is my opinion that the proposed development is not an appropriate form of development within the Rural Living Zone (Goolwa East, Middleton & Mount Compass – Rural Living Policy Area 18) and does not have sufficient merit to warrant approval.

**RECOMMENDATION**

**That the Development Assessment Panel resolve to refuse Development Application 455/541/06 for a 'store'.**

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

4.1 455/844/06 - Martin Fluri

**SUMMARY TABLE**

Date of Application	26 <sup>th</sup> July 2006
Subject Land	157 Liverpool Road, Goolwa
Applicant	Martin Fluri
Owner	Alexandrina Council
Assessment No.	A 4341
Relevant Authority	Alexandrina Council
Planning Zone	Urban Waterfront
Nature of Development	Other – Conversion of boat shed to Tourist Accommodation
Type of Development	Consent on merit
Public Notice	Category 3
Referrals	N/A
Representations Received	2
Representations to be heard	2
Date last inspected	September 2006
Recommendation	Approval
Originating Officer	Andrew Sladden

**ESD IMPACT/BENEFIT**

- Environmental Nil
- Social Benefit to users of the marina through increased accommodation options.
- Economic Benefit to local economy through increased accommodation options.

**BACKGROUND**

The subject site contains an existing marina. Development Application 455/260/05 for the construction of two accommodation units on the subject site was granted Provisional Development Plan Consent by the ERD Court in February 2006.

.../cont.

4.1 455/844/06 – Martin Fluri (Continued)

This application was the subject of a mandatory River Murray Referral and Council was directed by the River Murray Minister to refuse the Application. The applicant subsequently amended the plans which was supported by the River Murray Minister and subsequently approved.

**THE PROPOSAL**

**Nature of Development**

The proposal involves the conversion of an existing boat shed/workshop to a tourist accommodation use consisting two self contained units to be used in conjunction with the two existing approved accommodation units.

**Detailed Description**

The existing shed/workshop is located on the north eastern side of the subject allotment, setback approximately 8m from the Liverpool Road boundary. It is 12.090m in length and 6m wide (72m<sup>2</sup>) with a total height of 4m. The shed is located on the eastern boundary and setback 8m from the front boundary.

It is proposed to convert this building into two tourist accommodation units, each comprising a living area with double bed and table with small kitchen and separate bathroom. The proposed works also involve the erection of two sets of double glass doors and a 1.5m by 6.1m (9.15m<sup>2</sup>) verandah on the western side of the building.

There are also two car parking spaces proposed for each accommodation unit which are located between the subject building and front boundary.

REFER ATTACHMENT 4.1(a) (page 46)

**SITE & LOCALITY**

The subject site is located on the river side of Liverpool Road and is leased by the owner from Council. There is an existing small marina/boating facility with jetties for boats and houseboats, a small workshop and car parking/manoeuvring area. There is a large informal car parking area located on the western side of the subject site adjacent the existing slipway and jetties. There is existing vegetation which partly screens the site from Liverpool Road.

The locality is essentially residential consisting a mixture of detached and semi-detached dwellings on medium to large residential allotments all located on the northern side of Liverpool Road.

.../cont.

## 4.1 455/844/06 – Martin Fluri (Continued)

### **PUBLIC NOTIFICATION**

The Application underwent Category 3 Public Notification pursuant to Section 38(5) of the Development Act 1993, between 7 September 2006 and 21 September 2006.

Two representations were received within this prescribed time frame with one late representation received approximately 1 week after the public notification period ended. All three representors are opposed to the proposed development and the two formal representors both wish to be heard at the Development Assessment Panel meeting.

The issues raised and responded to include flooding, previous removal of tourist accommodation buildings on crown land in the 1950's and 1960's, the fact that this type of use is not supported by the Development Plan, the blocking of river access by such structures, environmental impact of the proposed development, population density within the subject site, water supply and potential future development on the subject site.

REFER ATTACHMENT 4.1(b) (page 50)

The applicant has also submitted a response to the representations. As only two of the representations are considered to be valid, the Applicant has only responded to these two representations. The applicant has addressed the issues raised such as public access, flooding, environmental impact, population density and water supply.

REFER ATTACHMENT 4.1(c) (page 63)

### **CONSULTATION**

Consultation has been undertaken with Council's Environmental Health Department (EHO Kim Vivian) with regard to the effluent disposal system. It is noted that the propose development will be connected to an approved Waste Control System.

### **ALEXANDRINA COUNCIL DEVELOPMENT PLAN**

The following Principles of Development Control are seen as especially relevant to this application:

.../cont.

4.1 455/844/06 – Martin Fluri (Continued)

**COUNCIL WIDE OBJECTIVES**

**Conservation**

**Objective 27:** The conservation, preservation, or enhancement, of scenically attractive areas including land adjoining water and scenic routes.

**Appearance of Land and Buildings**

**Objective 38:** The amenity of localities not impaired by the appearance of land, buildings, and objects.

**PDC 136** The appearance of land, buildings and objects should not impair the amenity or character of the locality in which they are situated.

**Comment**

The proposed development is considered to comply with the above given the fact that the proposed land use is to be undertaken within an existing building.

**PRINCIPLES OF DEVELOPMENT CONTROL**

**PDC 157** Development should be located such that it is not detrimentally affected by flooding and does not increase the risk of flooding of other properties and in particular development should:

- (a) not obstruct or interfere with watercourses;
- (b) have primary regard for human safety and the protection of property;
- and
- (c) be located where the risk of flooding is appropriate for the intended use of the land.

**Comment**

The proposal is considered to comply with the above given the fact that the proposal will utilise an existing building which will not increase the risk of flooding down stream. It is noted that as the proposal will utilise an existing approved building the risk of flooding of the building will be no greater.

.../cont.

4.1 455/844/06 – Martin Fluri (Continued)

**Conservation**

**PDC 182** Development should be undertaken with the minimum effect on natural features, land adjoining water, scenic routes or scenically attractive areas.

**PDC 185** The natural character of rivers and creeks should be preserved.

**PDC 186** Important natural resources including watercourses and water catchment areas, scenic areas and significant flora and fauna areas should be conserved and protected from development which would affect them adversely.

**PDC 197** No change of land use should occur in or near areas of native vegetation which are likely to adversely impact on the vegetation.

**PDC 200** No development or change in land use should occur where its proximity to a swamp or wetland, whether permanently or periodically inundated, has the potential to damage or interfere with the hydrology or water regime of the swamp or wetland.

**PDC 203** Development should take place in a manner which will not interfere with the utilisation, conservation or quality of water resources and protects the natural systems that contribute to natural improvements in water quality.

**Comment**

Given the fact that the proposed land use is to be undertaken within an existing building and will be connected to an approved waste control system, the proposal is considered to comply with the abovementioned Principles of Development Control. Although potentially increasing the number of people staying at the site, is not envisaged that the proposed land use will have many negative impacts upon the river or water quality. The existing use of the shed (boat workshop) will have more of an impact upon the water resources and river than the proposal.

**Tourism Development**

**PDC 221** Tourism developments should:

- (a) enhance the character of the locality in which they are to be located;
- (b) be compatible with the cultural and heritage values of the locality and the Region;
- (c) be small in scale and designed and sited to be compatible with the local environment;

.../cont.

4.1 455/844/06 – Martin Fluri (Continued)

- (d) enhance the visual amenity of the locality;
- (e) utilise, where possible, existing buildings, and particularly heritage buildings.

**PDC 227** Tourism developments should:

- (a) not exceed the capacity of the infrastructure or facilities required to service them;
- (b) use external materials of construction that are in keeping with traditional building styles, incorporating by way of example; stone, masonry or weatherboard walls, timber framed windows, pitched corrugated steel roofs in either naturally weathered galvanised iron or similar, verandahs where appropriate and outbuildings, fences and other structures to complement the major buildings;
- (c) provide vehicle parking and access ways which are surfaced with materials appropriate to maintaining the character of the locality;
- (d) be designed and sited to prevent overshadowing and overlooking;
- (e) provide safe and convenient vehicle access that is compatible with the surrounding uses.

**PDC 229** Tourism developments should protect the water resources of the Region by:

- (a) being located away from water sensitive areas;
- (b) having safe and efficient effluent disposal systems;
- (c) incorporating an adequate area for waste disposal on the allotment of the proposed development;
- (d) disposing of waste water and effluent onto land and at a rate within the capacity of the allotment to retain and treat effluent;
- (e) not disposing of waste water and effluent into watercourses;
- (f) avoiding the use of holding tanks for waste water and effluent.

**PDC 233** Tourist accommodation, when proposed to be located in existing building(s) should ensure that development is in keeping with the existing form and scale of the building(s).

**Comment**

The proposed development is considered to comply with the abovementioned Principles of Development Control particularly given the fact that is utilising an existing building and is considered to be small in nature, being only two units. Adequate car parking is provided for and the proposed development will be connected to appropriate services.

.../cont.



4.1 455/844/06 – Martin Fluri (Continued)

**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 proposal is considered to comply with the above as it can be argued that the proposal is providing a recreation and visitor facility in association with the use of the River Murray, particularly given the fact that the tourist accommodation units are envisaged to be used by people who have boats moored at the marina.

**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.

**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.

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

**Comment**

The proposal complies with the above as it will provide a recreation and visitor facility in association with the recreational use of the river. Carparking is considered to be adequate and the proposal is not envisaged to cause any pollution given that it will be connected to an approved Waste Control system.

**Appearance of Land and Buildings**

**PDC 10** The design, scale and siting of buildings should not unduly restrict views to the River Murray from adjoining residential areas and public roads.

.../cont.

## 4.1 455/844/06 – Martin Fluri (Continued)

**PDC 12** Buildings should be limited to one storey, with the exception of slender masts or towers associated with boating activity or architecture that has a river theme, which should not exceed; 6.0 metres in height.

### **Comment**

The proposed development is considered to comply given that it will utilise an existing single storey building.

### **CONCLUSION**

Given the fact that the subject site already has an approved tourist accommodation use (455/260/05), the proposal is considered to be a reasonable expansion of this use. As the proposal will be utilising an existing building and will be connected to an approved Waste Control System, its impact upon the surrounding environment, particularly the river will be minimal. As it is envisaged that the proposed units will be utilised by the owners of boats moored within the marina, the proposed change of land use is considered to be compatible with and ancillary to, the existing land use on the subject site.

Also, as the proposal is considered to generally comply with the Alexandrina Development Plan, the proposal warrants the granting of Provisional Development Plan Consent.

### **RECOMMENDATION**

That the Development Assessment Panel grant Provisional Development Plan Consent to Development Application 455/844/06 for a Change of Use - Conversion of Boat shed to Tourist Accommodation at 157 Liverpool Road, Goolwa subject to the following conditions:

- This approval is for tourist accommodation only, and does not imply Council approval for the building to be used as a permanent and/or independent residence.
- The building shall not be used for its approved use until all of the necessary infrastructure has been provided to the building.
- 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
- No signs are to be erected or displayed on the building or property without the prior consent of Council

- Driveways, vehicles manoeuvring and parking areas shall be constructed of compacted rubble prior to occupation or use of the development herein approved. Such surfaces shall be maintained in a good and substantial condition at all times to the reasonable satisfaction of Council.

4.2 455/982/06 - Townsend House Incorporated

**SUMMARY TABLE**

Date of Application	25 <sup>th</sup> August 2006
Subject Land	Lot 10 Parker Avenue, Strathalbyn
Applicant	Townsend House Incorporated
Owner	Dorothy Hamilton Lewis
Assessment No.	A13100
Relevant Authority	Alexandrina Council
Planning Zone	Residential (Strathalbyn)
Nature of Development	Retirement village comprising of 80 dwellings and community facilities
Type of Development	Consent on merit
Public Notice	Category 3
Referrals	N/A
Representations Received	4
Representations to be heard	0
Date last inspected	4 <sup>th</sup> October 2006
Recommendation	Approval
Originating Officer	Andrew Burley

**ESD IMPACT/BENEFIT**

- Environmental                      Increased stormwater runoff, increase in housing density within the locality. Increase in number and frequency of vehicular movements in the locality.
- Social                                      Benefits for the aged through the provision of independent aged care and associated community facilities.
- Economic                                Increase in site value. Increase of business within the township of Strathalbyn.

**BACKGROUND**

Council was in discussions with the applicant prior to lodgement of the development application.

.../cont.

4.2 455/982/06 – Townsend House Incorporated (Continued)

**THE PROPOSAL**

***Nature of Development***

The proposal involves the construction of a Retirement Village comprising of 80 dwellings at lot 10 Parker Avenue, Strathalbyn.

The subject land is located within the Residential (Strathalbyn) Zone of the Alexandrina Council Development Plan. The proposal has been classified as a 'consent on merit' application as it is not listed as either 'complying' or 'non-complying' in accordance with the Alexandrina Council Development Plan.

***Detailed Description***

The subject land, described as lot 10 Parker Avenue, Strathalbyn is a currently vacant allotment with a Primary frontage of approximately 195m to Parker Avenue and a secondary frontage of approximately 15m to Hooper Road.

The proposed facility is designed to provide permanent independent accommodation for the elderly. The facility includes associated community facilities which will provide for recreation and other services for residents. The facility will also provide services such as meals, cleaning, laundry and home care to residents on a 'user pays' basis.

The proposal includes:

- 80 independent living units, in the form of single storey detached dwellings, ranging between 118.6m<sup>2</sup> and 141.7m<sup>2</sup> in floor area. The units have either two or three bedrooms, a kitchen, laundry, dining and living area, two way or separate bathrooms, attached single carport and private outdoor living space.
- Central community facilities in the form of two main single storey buildings (300m<sup>2</sup> total floor area) which include: Receptions and Managers office, café/bar/kiosk, lounge, games room, library, arts and crafts, gym, day spa and medical practitioners room.
- 2,000m<sup>2</sup> of community open space will be provided as part of the community facilities.
- Parking area for the storage of up to nine recreation vehicles (i.e. caravans, boats)

The facility is proposed to be constructed in four stages; however the timeframe for the stages has not yet been indicated by the applicant. Stage 1 consists of the community facility and 28 houses and the remaining stages consist of 18, 18 and 16 dwellings respectively.

.../cont.

4.2 455/982/06 – Townsend House Incorporated (Continued)

REFER ATTACHMENT 4.2(a) (page 66)

**SITE & LOCALITY**

The subject land is located on Parker Avenue, Strathalbyn approximately 400 metres south from the 'District Centre' of Strathalbyn.

The subject land and other land within the immediate locality could be described as being 'relatively flat'. Over the entire subject land, there is a fall of approximately 2metres from Parker Avenue, towards the rear (western) boundary of up to 300metres.

Surrounding development in the locality is comprised of primarily single storey detached dwellings on medium to large sized 'residential' allotments, including the recently created Strathmont Drive estate. This said, the character of the surrounds is ultimately residential at a 'low' density

The land is currently vacant and represents a quality land parcel for 'infill' development of the proposed nature, particularly with respect to its relatively close proximity to exiting services and infrastructure.

REFER ATTACHMENT 4.2(b) (page 71)

**PUBLIC NOTIFICATION**

The application was Category 3 Publicly Notified pursuant to Section 38(5) of the Development Act 1993 between the 9<sup>th</sup> October and 26<sup>th</sup> October 2006.

A public meeting was held on the 19<sup>th</sup> October 2006 by Forme Projex to provide information and discuss any concerns residents had with the proposed development.

Having said this, a total of 4 representations were received within the prescribed timeframe. None of the representors wished to be heard.

The concerns of the representors can be summarised as follows:

- Opposed to two storey development
- Impacts of an access road at rear of the subject land
- Landscaping and establishment of trees and choice of species
- Density of proposal
- Insufficient on-site parking

.../cont.

4.2 455/982/06 – Townsend House Incorporated (Continued)

Copies of the representations are attached. The applicant has submitted a response to the representations.

REFER ATTACHMENT 4.2(c) & 4.2(d) (page 73 & 78)

**REFERRALS**

No referrals were required for the assessment of this application.

**CONSULTATION**

Consultation has been undertaken with Council's Environmental Health Department (EHO Kim Vivian) with regard to the effluent disposal system. The advice of the EHO is that a Waste Control System application shall be submitted and approved before full development approval is issued. This will be made a condition of approval.

Consultation has also been undertaken with Council's Engineering and Infrastructure Department (Infrastructure Coordinator Matt James) on the issues of infrastructure and stormwater management. The advice from Council's Infrastructure Coordinator was such that he has obtained a financial contribution for the implementation and management of stormwater infrastructure.

All advice has been generally supportive of this application.

**ALEXANDRINA COUNCIL DEVELOPMENT PLAN**

The following Objectives and Principles of Development Control of the Alexandrina Council Development Plan are seen as especially relevant to this application:

**Council Wide**

**Form of Development**

**Objective 1:** Orderly and economic development.

**PDC 2** Development should be orderly and economic

**PDC 3** New housing and other urban development should:  
(a) form a compact and continuous extension of an existing built-up area;  
(b) be located so as to achieve economy in the provision of public services; and  
(c) create a safe, convenient and pleasant environment in which to live.

.../cont.

4.2 455/982/06 – Townsend House Incorporated (Continued)

**Comment:**

This development is an example of orderly and economic in-fill development, which is an example of the continuous extension of the 'urban' area. The location of this development is considered to be well-located with respect to public services.

**Residential Development**

**Objective 5** The establishment of safe, attractive and pleasant residential areas comprising residential development of a scale, form, density and appearance that maintains or achieves the desired character of specific zones and, where applicable, policy areas.

**Objective 7** A range of dwellings that meets the needs of residents, including accommodation designed and located to meet the specific needs of the aged and people with disabilities.

**Comment:**

The application assists in providing a range of choice in dwelling stock for the needs of aged persons in Strathalbyn. The form, density and appearance maintain the desired character, and meet the needs to aged persons with disabilities.

**Building Appearance and Neighbourhood Character**

**PDC 35**

Building appearance should not detract from the existing or desired future character of the locality in terms of built form elements such as:

- (a) building height;
- (b) building mass and proportion;
- (c) external materials, patterns, textures, colours and decorative elements;
- (d) ground floor height above natural ground level;
- (e) roof form and pitch;
- (f) facade articulation and detailing and window and door proportions;
- (g) verandahs, eaves and parapets; and
- (h) driveway crossovers, fence style and alignment.

**PDC 41**

- Fences and walls abutting streets (excluding service lanes) should:
- (a) be compatible with the associated development and with any existing attractive fences and walls in the locality; and
  - (b) enable some visibility of buildings from and to the street to enhance safety and allow surveillance.

.../cont.



4.2 455/982/06 – Townsend House Incorporated (Continued)

**Comment:**

The built form of the proposal is compatible with the locality, which displays a residential character comprised of single storey, detached dwellings. A 1.8m high, wooden paling fence is proposed fronting Parker Avenue which is also considered to be of compatible appearance. However, the fence is of a height and design which will limit visibility of the proposed dwellings which may not allow for adequate surveillance of the street and therefore may not enhance safety.

**Private Open Space**

**PDC 55** Dwellings should have private open space areas which are of sufficient area, shape and gradient, and appropriately located to be functional for likely occupant needs.

**Comment:**

The proposal conforms to Council's Council wide private open space requirements.

**Dependent Accommodation**

**PDC 77** Older person's accommodation (high care or low care places including nursing homes, hostels and retirement homes) and accommodation for people with disabilities should be:

- (a) located within easy walking distance to essential facilities such as convenience shops, health and welfare services and public transport;
- (b) located where on-site movement of older persons is not unduly restricted by the slope of the land;
- (c) located and designed to promote interaction with other sections of the community;
- (d) of a scale and appearance that reflects the residential style and character of the locality; and
- (e) provided with public and private open space and landscaping to meet the needs of residents.

**Comment:**

The proposed facility is located approximately 400 metres from the district centre of Strathalbyn, which will provide access to services and shops within walking distance. The site of the facility is located within an established residential area and may encourage interaction with other sections of the community. The design of the facility includes landscaping and adequate private and public open space.

.../cont.

4.2 455/982/06 – Townsend House Incorporated (Continued)

**PDC 79** Access roads within older person's accommodation developments should:

- (a) not have steep gradients;
- (b) provide convenient access for emergency vehicles, visitors and residents;
- (c) provide space for car and community bus manoeuvring;
- (d) include kerb ramps at pedestrian crossing points; and
- (e) have level surface passenger loading areas.

**PDC 80** Car parking associated with older person's accommodation should:

- (a) be conveniently located on-site within easy walking distance to resident units;
- (b) be adequate for residents, staff, service providers and visitors;
- (c) include private parking spaces for independent living units;
- (d) include separate and appropriately marked places for people with disabilities and spaces for small electrically powered vehicles;
- (e) include covered and secure parking for residents vehicles;

80.1 In relation to PC 80(b), car parking is provided at the following rates:

- (a) 1 space for each dwelling;
- (b) 1 space per 2 dwellings for staff, service providers and visitors; and
- (c) 1 space for every 3 beds in any nursing home, rest home or hostel component.
- (f) have slip-resistant surfaces with gradients not steeper than 1:40;
- (g) allow ease of vehicle manoeuvrability by older motorists;
- (h) be designed to allow the full opening of all vehicle doors; and
- (i) minimise the impact of car parking on adjacent residences due to visual intrusion, noise and emission of fumes.

**Comment:**

An internal loop road provides access to the proposed village, with a main access point onto Parker Avenue. The network is based on a primary access road, which is comprised of two 4.5 metre carriageways, separated by a 6 metre wide, landscaped median strip. The secondary roads which provide access throughout the site consist of 5.5 metre carriageways. A pedestrian network is included within the road network, which consists of concrete pathways of up 2 metres wide.

**Appearance of Land and Buildings**

**PDC 136** The appearance of land, buildings and objects should not impair the amenity or character of the locality in which they are situated.

.../cont.

4.2 455/982/06 – Townsend House Incorporated (Continued)

**Comment:**

The appearance of the proposed facility in terms of design and built form will not impair the amenity of the locality. However, the units along Parker Avenue are proposed to be inward facing, which will not present an interesting façade to the street.

**Strathalbyn District**

**Appearance of Land and Buildings**

**Objective 15** Attractive appearance of towns and their main road approaches.

**Objective 16** Urban development designed and constructed to retain and enhance the amenity of the area and blend with existing development in the locality.

**Form of Development**

**PDC 4** Development should not occur on land which is unsuitable for the purpose.

**PDC 5** Development which is incompatible with other uses within the locality should not be undertaken.

**Comment:**

The subject land is relatively level and is considered appropriate for large scale development, such as a retirement village.

**Movement of people and goods**

**PDC 23** Car parking areas should be designed, constructed and landscaped to facilitate the efficient movement and parking of vehicles, ensure long term stability and ease of maintenance and screen the areas from adjoining roads.

**Comment:**

The internal roads have been designed in accordance with Australian Standards, which will accommodate turning movements for large trucks and emergency vehicles. Adequate parking has been provided.

.../cont.

4.2 455/982/06 – Townsend House Incorporated (Continued)

**Building Setbacks**

**PDC 70** Buildings should not be erected, or added to, on land so that any portion of a building is sited nearer to the existing boundary of a road than the distances prescribed for each road or portion thereof in [Table Alex/2](#). However, a lesser distance than that prescribed may be appropriate where:

- (a) the allotments fronting the road are substantially developed, the land is either an urban area and the set-back of the proposed building is consistent with the building line of existing buildings on adjoining, or nearby, land particularly where buildings within the locality are of heritage significance;
- (b) the proposed building will be screened substantially by existing vegetation, natural form and features of the land or by adjacent buildings;

**Comment:**

The required primary frontage setback for dwellings within the Residential (Strathalbyn) Zone is 8 metres. The proposed facility does not meet this principle as the dwellings fronting Parker Avenue are setback five metres. However, the proposed fence and landscaping along Parker Avenue may help to reduce the impact of this setback.

**Residential (Strathalbyn) Zone**

**Objective 1** A zone primarily accommodating detached dwellings and other types of low density residential development, with medium-density residential development and supportive community, educational and recreational facilities in appropriate locations.

**Objective 6** Medium-density residential development including accommodation for the aged, primarily located between the district centre and East Terrace, or in other locations within 500 metres of the District Centre Zone.

**Comment:**

The proposed development is located approximately 400 metres from the District Centre Zone.

.../cont.

4.2 455/982/06 – Townsend House Incorporated (Continued)

**Form of Development**

**PDC 1** Development other than for residential purposes or the provision of community, educational or recreational facilities should not be undertaken.

**Residential Development**

**PDC 2** Residential development adjacent to non-residential uses should be designed and sited to minimise nuisances, inconvenience and visual impact to residents.

**PDC 4** Residential development should generally be of one storey. Development may be of two storeys, however, it should be sited and designed having due regard to the characteristics of adjoining development, the topography of the site and the amenity of the locality in order to create an attractive, unified streetscape, compatible with land form.

**Comment:**

The proposed development comprises of single storey, detached dwellings, which is consistent with surrounding development.

The proposed includes landscaping along Parker Avenue, along the internal roads and in the communal facilities. The landscaping along Parker Avenue will enhance the streetscape and also reduce the bulk and scale of the development by softening its appearance.

**PDC 10** Residential development should be sited and designed so that:

- (a) all habitable rooms and private open spaces of each new and existing dwelling, within the development site or adjoining site, have a reasonable degree of privacy;
- (b) noise, vibration, glare, odour or other nuisances are minimised;
- (c) ground floor window or doorway openings are set-back at least 1.5 metres from common open spaces, parking areas, pathways or driveways;
- (d) an adequate amount of sunlight measured on the shortest day of the year (21 June) can reach each new and existing dwelling and be available for the practical use of solar energy; and
- (e) suitable and attractive landscaping, including existing trees retained where practicable, and internal/external fencing, form an integral part of the development.

.../cont.

4.2 455/982/06 – Townsend House Incorporated (Continued)

- PDC 13** Housing accommodation designed specifically for the aged, disabled or retired persons should be:
- (a) designed to maximise the safety, convenience and comfort of people with impaired mobility, eye sight, hearing or other disabilities;
  - (b) provided with convenient parking at a rate of 0.5 car spaces per dwelling or unit plus an adequate number of spaces for staff, visitor and recreational vehicles;
  - (c) provided with on-site support services and facilities, general living and communal areas and protected open spaces to suit the needs of the likely residents; and
  - (d) of domestic, residential scale and character.

**Comment:**

The proposed facility provides one secure and one additional car parking space per dwelling (total of 160) and there are an additional 8 visitor car parking spaces along the internal access road and 6 car parking spaces adjacent to the community facilities. A total of 174 on site parks are provided which exceeds the minimum requirement of 0.5 per dwelling as stated in the above principle.

**Appearance of Land and Buildings**

- PDC 25** Buildings and structures should be designed with regard to scale, height and proportions, as well as external appearance, materials, colours, siting and landscaping to complement and enhance the positive characteristics of the locality.

The scale and external appearance of the proposed buildings are considered appropriate for the area, however the proposal

As discussed, the above Objectives and Principles of Development Control are seen to be relevant to this application. Despite this, it should be noted that the applicant has also provided a 'planning statement', which indicates additional areas of compliance with Objectives and Principles. Due to the rested length and nature of this brief report these were not included, although the intent is of course similar.

REFER ATTACHMENT 4.2(e) (page 80)

**COMMENTS**

It is evident from the above assessment that the proposal for a Retirement Village at lot 10 Parker Avenue, Strathalbyn, meets a number of principles and objectives of the Alexandrina Council Development Plan.

.../cont.

4.2 455/982/06 – Townsend House Incorporated (Continued)

It is my opinion that the proposed development is a legitimate and desirable form of residential development within the Residential (Strathalbyn) zone. I believe that the proposal does not prejudice the character and amenity of the locality, nor should it impact greatly on the surrounding developments.

The proposed development will provide for residential development in Strathalbyn, albeit for the accommodation of aged/elderly residents. This is important considering the projected influx of aged person's within the Council area, moreover the Strathalbyn District.

It is considered that the proposal displays sufficient merit to warrant Provisional Development Plan consent, subject to conditions.

**RECOMMENDATION**

That the Development Assessment Panel resolve to issue Provisional Planning Consent for Development Application 455/744/05 for a Retirement Village at Lot 10 Parker Avenue, Strathalbyn subject to the following conditions and notes:

1. Payment of the Common Effluent Drainage Scheme Levy shall be made to Alexandrina Council for 80 extra connections at the fee set in Council's Schedule of Fees and Charges applicable at the time that payment is made and shall be paid prior to connection to the scheme. The fee for 2006/2007 is \$4,125 per additional connection. This development being a retirement village attracts a fee of 2/3 the total fee. Therefore the fee payable for STEDs headworks is \$220,000
2. Effluent drainage for the entire site must be gravity only. No rising main connection to Council existing STEDs infrastructure will be allowed
3. Vehicular access shall be provided to septic tank(s) to allow for regular pumping
4. Suitable grease trap to be installed for cafe/bar/kiosk and kitchen facility
5. Septic tank(s) shall have adequate access to ensure the tank can be fully emptied

.../cont.

- 4.2 455/982/06 – Townsend House Incorporated (Continued)
6. a 4.0m wide easement is required along the full length of the existing 150mm drain adjacent the northern boundary of the property
  7. The kerb and channel shall be a maximum of 1.0m offset from the northern boundary to ensure that the existing 150mm drain does not sit directly under the kerb.
  8. Should the 150mm main need to be repaired, the reinstatement of the pavement and seal shall be at the applicant/owners expense
  9. a full set of final for construction drawing produced by a suitably qualified engineer shall be provide to council for approval prior to any construction work being carried out
  10. a full set of final for construction drawing produced by a suitably qualified engineer shall be provide to council for approval prior to any construction work being carried out
  11. The developer shall be responsible for the provision of all necessary infrastructure
  12. All new roads created shall be paved and kerbed
  13. A system for the collection and disposal of stormwater runoff
  14. Each allotment shall be connected to Electricity and Telecommunications
  15. Adequate easements for stormwater and STED Scheme lines shall be provided
  16. Protection of significant vegetation
  17. A Soil Erosion and Drainage Management Plan (SEDMP) prepared
  18. Applicant to provide a staging and timeframe plan of the proposed development, which is to be endorsed by the Development Assessment Panel prior to full Development Approval
  19. A waste control system shall be lodged and approved by Council prior to full Development Approval



ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION COMMUNITY TITLE

ITEM 6. DEVELOPMENT ASSESSMENT - BUILDING

ITEM 7. MATTERS REFERRED FOR FOLLOW UP

ITEM 8. GENERAL ITEMS FOR DISCUSSION

8.1 Adelaide Blue Gum Pty Ltd V Alexandrina Council

File Ref: 455/1457/05 & 455/1456/05  
Officer: Cherry Getsom  
From: Lempriere Abbott McLeod

REPORT

These applications were refused by the Development Assessment Panel on 15<sup>th</sup> May 2006 item 4.2 (455/1455/05) and item 4.3 (455/1456/05).

Phil Broderick from Lempriere Abbott McLeod, Council's legal representative, will give a verbal report to the Panel in regards to Jamie Botten & Associates and an agreement reached between the Developer and the Minister with respect to the proposed Blue Gum Plantations at Waldaree and Little Hills.

REFER ATTACHMENT 8.1 (page 101)

RECOMMENDATION

That the verbal report be received.

8.2 455/C083/04 - C Sweatman

File Ref: 455/8083/04  
Officer: Cherry Getsom  
From: Ann Owen & Janelle Owen

**BACKGROUND**

The application for land division was presented to the Panel on 22<sup>nd</sup> November 2004 and was approved with three conditions:

1. Fencing height be no greater than 1 metre along the common land and not colorbond/corrugated iron but appropriate material to fit in with the character of the area.
2. The peppercorn tree indicated in plans dated 14<sup>th</sup> September 2004 centrally on the allotment shall be retained.
3. Landscaping shall be established and maintained as depicted in plans dated 14<sup>th</sup> September 2004 with the minimum height on the northern boundary to be 3 metres when mature.

The new owners of the property have subsequently written to Council requesting that condition two be amended to allow the Peppercorn tree to be removed. The minutes of this meeting make no mention as to why Condition 2 was included.

REFER ATTACHMENT 8.2(a) (page 107)

**THE PROPOSAL**

The subject land is located at 35 East Tce, Strathalbyn. The original proposal was assessed as consent on merit application involving the division on one allotment into three community titled allotments. These allotments have sizes of 671m<sup>2</sup>, 557m<sup>2</sup> and 602m<sup>2</sup> respectively with a 7m wide access driveway along the northern boundary.

During the Panel meeting of the 22<sup>nd</sup> November 04 the applicant provided a concept plan showing that dwellings could be built on the proposed allotments.

REFER ATTACHMENT 8.2(b) (page 113)

**CONSULTATION**

Council's Infrastructure and Engineering Department have also been consulted, The Director of Infrastructure and Engineering, D Zanker is of the opinion that whilst access is still possible the overhanging branches will impede this access.

.../cont.

8.2 455/C083/04 – C Sweatman (Continued)

**RECOMMENDATION**

That the Development Assessment Panel make a decision in regard to amending Condition 2 of Development Application 455/C083/04 to allow the existing peppercorn tree to be removed.

ITEM 9. **NEXT MEETING**

Meeting closed at