

ALEXANDRINA COUNCIL

NOTICE OF MEETING

Notice is hereby given to the Members that a meeting of the Development Assessment Panel 2007 will be held in the Community Chambers "Wal Yuntu Warrin" on 26 March 2007 commencing at 2:00 pm

Your attendance is requested.

2:00 p.m. Development Assessment Panel commencement

5:00 p.m. Conclusion of meeting.

JOHN COOMBE
CHIEF EXECUTIVE

ALEXANDRINA COUNCIL

AGENDA FOR THE DEVELOPMENT ASSESSMENT PANEL MEETING
TO BE HELD ON 26 MARCH 2007 AT 2:00 PM
IN COMMUNITY CHAMBERS "WAL YUNTU WARRIN"

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**Development Assessment Panel
Report and Agenda
on 26 MARCH 2007 commencing at 2:00 pm
in the Community Chambers "Wal Yuntu Warrin"**

PRESENT

APOLOGIES

Councillor R Medlyn

IN ATTENDANCE

ITEM 1. PROCEDURES FOR ADOPTION

Formally adopt the Code of Conduct – Section 21A of the Development Act 1993

REFER ATTACHMENT (a) (Page 2)

**That the Development Assessment Panel adopts the Code of Conduct –
Section 21 A of the Development Act 1993 as attached.**

Election of Deputy Presiding Member.

Development Assessment Panel to agree to specific meeting dates and times.

The role of officers.

ITEM 2. DEVELOPMENT APPLICATIONS

ITEM 3. DEVELOPMENT APPLICATIONS - NON COMPLYING

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

4.1 455/813/06 - GHD

SUMMARY TABLE

Date of Application	14 th July 2006
Subject Land	15a Langhorne Creek Road Strathalbyn
Assessment No.	A15446
Relevant Authority	Alexandrina Council
Planning Zone	Residential
Nature of Development	50 bed residential aged care facility including one 2.5 metre retaining wall and one 1.5 metre retaining wall and associated earthworks, two 1.5m entrance walls and demolition of existing dwelling.
Type of Development	Consent on Merit
Public Notice	Category 3
Referrals	Dept Water Land & Biodiversity Conservation Heritage SA Transport SA
Representations Received	8
Representations to be heard	2
Date last inspected	6 th March 2007
Recommendation	Approve with conditions
Originating Officer	Cherry Getsom

ESD IMPACT/BENEFIT

- Environmental Possible impact upon Angas River and stormwater issues, however applicant required to put in place measures to minimise any possible impacts. DWLBC have advised no impacts on water quality.
- Social Benefits for the aged and their families in the local area.
- Economic Benefit for property owner and employment opportunities for local residents.

.../cont.

4.1 455/813/06 – GHD (Continued)

THE PROPOSAL

Nature of Development

The application is described as a 50 bed residential aged care facility including one 2.5 metre retaining wall and one 1.5 metre retaining wall and associated earthworks, two 1.5m entrance walls and demolition of existing detached dwelling and outbuilding on allotment 242.

Residential aged care is defined in the Commonwealth Aged Care Act (1987) as personal care and/ or nursing care.

The subject site is located within the Residential (Strathalbyn) Zone of the Alexandrina Development.

Detailed Description

The proposed aged care facility consists of one single storey building approximately 3000m² in area. The building is to be constructed in red colonial brick with grey roof tiles. Bedrooms are clustered around courtyards at the eastern and western ends of the complex, with the main administrative and community areas centrally located, adjacent the principle entrance. The administrative and community uses include nurses stations, two dining areas, a private dining area, kitchen, laundry, consulting rooms, a gym, a cinema, café, reception area and meeting and staff rooms. A number of lounge areas, seven in total, separate these bedroom clusters. A deck and ramp are proposed at the rear of the complex to allow access to the grounds.

The complex is expected to employ a maximum of fifteen staff; seven carers, three administrative staff and five staff involved in cleaning, cooking and laundry duties. Management functions will occur off site. It is expected that three to four deliveries per week will be required for kitchen supplies, with the laundry being serviced on site and waste being collected weekly by a contractor.

Entrance to the complex is to be via Lot 242 Langhorne Creek Rd, where the existing dwelling is to be demolished and replaced by 30 car parks (two of which are disabled). A 1.5 metre high stone face wall is proposed for either side of the driveway. A six metre landscape buffer will separate the car park from Langhorne Creek Road. The car park leads to a tear-drop shaped 'drop off zone / ambulance sweep path', providing access to the main complex. The car parks and internal roadways have been designed to comply with Australian Standard 2890.1 (2004)

A secondary access is available to Langhorne Creek Rd via a six metre wide strip. This will be for egress only

.../cont.

4.1 455/813/06 – GHD (Continued)

The proposal incorporates significant landscaping, principally to serve as buffers between the proposed development and adjoining residences. A large portion of the subject land will, due to its topography remain undeveloped, existing vegetation is to be retained, with supplementary vegetation to be planted.

Significant earthworks are also involved in this proposal. The topography of the site is such that a finished floor level of 60.5 AHD has been adopted for the whole of the proposed building, this level takes into account expected floor levels and disability access. This has necessitated a retaining wall of approximately 2.5 metres in height to be located immediately behind an adjoining property at 5 Langhorne Crk Rd, a 1.5m high retaining wall will also be required at the southern section of the entrance road.

REFER ATTACHMENT 4.1(a) (page 9)

SITE & LOCALITY

The subject land consists of two parcels; Lot 101, number 15A Langhorne Creek Road, Strathalbyn and Lot 242 number 7 Langhorne Creek Rd, Strathalbyn.

15 A (Lot 101) Langhorne Creek Rd is approximately 1.28 hectares and is irregular in shape. It is currently accessed via a six metre access strip located on Langhorne Creek Road, which widens to an almost triangular shape, the longest side forming the rear of the allotment. The allotment slopes steeply away to the south and southwest, towards the Angas River. There is a fall of approximately 6.5 metres from highest to lowest point of the site. The west and south west section of this allotment is located within the 1 in 100 ARI flood area (the applicant has provided a Flooding Investigation Report in relation to this). The allotment is currently vacant save for existing vegetation. A Council easement runs parallel to the Angas River. This easement is for drainage purposes.

7 (Lot 242) Langhorne Creek Rd is rectangular in shape and approximately 1177m² and is relatively flat. It currently exhibits a residential dwelling, out building and minor vegetation.

The subject land is within a residential locality, characterised by single storey detached dwellings on medium to large allotments. A local heritage listed barn is located on the adjoining property to the east.

The Angas River forms the southern boundary of the property.

.../cont.

4.1 455/813/06 – GHD (Continued)

PUBLIC NOTIFICATION

Pursuant to Section 38 (5) of the Development Act (1993), the application was placed on public notice, in both the Times and the Argus from 14th September to 28th September 2006. During this time eight representations were received in response to this public notice.

REFER ATTACHMENT 4.1(b) (page 52)

The applicant has also submitted a response to the representations.

REFER ATTACHMENT 4.1(c) (page 63)

The issues raised and responded to included; impacts of flooding, proximity to and impact upon the Angas River, appropriateness of site for proposed development, stormwater runoff, increased vehicle movements and car parking impacts.

REFERRALS

Pursuant to Section 37 of the Development Act (1993) and Schedule 8 (3) (b) of the Regulations the application was referred to the Commissioner for Highways. Who whilst raising no objections to the proposal provided a number of comments which will be incorporated and conditioned should the application be approved.

An informal referral was also undertaken with Council's Heritage Consultant, Mr Richard Woods, who advised he had no objections to the proposal.

Pursuant to Section 37 of the Development Act (1993) and Schedule 8 of the Development Regulations a referral to the Department of Water Land and Biodiversity was also undertaken for an assessment against the River Murray Act 2003. The Department of Water, Land and Biodiversity directed that the application could be approved subject to a number of conditions (It should be noted that this referral encompassed consultation with the South Australian Murray-Darling Basin Natural Resources Management Board).

REFER ATTACHMENT 4.1(d) (page 71)

CONSULTATION

Consultation has been undertaken with Council's Environmental Health Department (Mr Luke Seidel) with regard to the effluent disposal system. The advice of the EHO is that whilst a full assessment has not been completed the concept appears adequate.

.../cont.

4.1 455/813/06 – GHD (Continued)

Consultation has been undertaken with Council's Infrastructure and Engineering Department (Mr Matt James), advice received was that flooding issues seem to be resolved and with a FFL of 60.5m AHD. Stormwater and traffic control appears to be fine but will need to be examined closely in the final design stage. A number of conditions were provided should the application be approved.

Consultation has been undertaken with Council's Natural Resources Officer (Mr David Cooney) who has provided a number of conditions should the application be approved.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

The application was first received by Council on 14th July 2006, as such the Alexandrina Development Plan Consolidated 22 June 06 applies. The following Principles of Development Control are seen as especially relevant to this application. Principles and Objectives have been grouped into appropriate sub headings.

Appropriateness of development within locality:

Council Wide

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

Objective 9: Protection and enhancement of eco-systems and natural site features.

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.

Strathalbyn District:

Objective 2: Development of the town of Strathalbyn as the main service and community centre within the Strathalbyn District.

.../cont.

4.1 455/813/06 – GHD (Continued)

- Objective 6:** Separation of incompatible land use.
- Objective 7:** Satisfaction of the social, cultural and economic needs of the local community.
- 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.
- PDC 2** Development should not be undertaken if it is likely to affect adversely the health, safety and convenience of residents in the locality.
- PDC 3** Urban development should be confined to designated areas identified for containment of urban growth.
- 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.

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 2:** Retention of a defined edge between urban and rural development and protection of the main road approaches from ribbon or premature development.
- Objective 3:** Development of the banks of the Angas River for open space purposes.
- 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.
- PDC 1** Development other than for residential purposes or the provision of community, educational or recreational facilities should not be undertaken.

.../cont.

4.1 455/813/06 – GHD (Continued)

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

Comments in relation to appropriateness of development:

The proposed development meets the requirements of Strathalbyn District Objectives 2 and 7 and PDCs 2,3, 5 and Residential (Strathalbyn) Zone Objectives 1 and 2 and PDCs 1 and 2. In that it is a type of development that provides for the needs of a growing community and an ageing population located within the urban boundary. The property is located approximately 530 metres from the East Tce, South Tce intersection and whilst this does not technically meet the requirements of Residential (Strathalbyn) Zone Objective 6 it is close enough to be considered acceptable.

It could be argued that the proposal does not meet PDC 4 of the Strathalbyn District or Objective 3 of the Residential (Strathalbyn) Zone. The slope of the allotment and its proximity to the Angas River is such that it is considered unsuitable for the intended purpose. The applicant has however made efforts through design and engineering to mitigate these effects. Objective 3 of the Residential (Strathalbyn) Zone call for the banks of the Angas River to be used for open space purposes. This proposal provides for 3000m² development on the site with terracing and landscaping on the bank area itself.

Design and Appearance Council Wide

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

PDC 48 The site coverage of a site should provide sufficient space for:

- (a) pedestrian and vehicle access and vehicle parking;
- (b) storage and clothes drying;
- (c) private open space and landscaping;
- (d) front, side and rear boundary setbacks appropriate to the locality; and
- (e) opportunities to establish landscaping.

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

.../cont.

4.1 455/813/06 – GHD (Continued)

- (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.

PDC 78 Older persons accommodation should be designed to provide safe, secure, attractive, convenient and comfortable living conditions for residents, including:

- (a) ground level access to all units (unless lifted access is provided);
- (b) internal communal areas and private spaces;
- (c) an interesting and attractive outlook for all residents, including those in wheelchairs from units and communal areas;
- (d) useable recreation areas for residents and visitors including visiting children;
- (e) adequate living space allowing for the use of wheelchairs with an attendant;
- (f) spaces to accommodate social needs and activities including social gatherings, gardening, keeping pets, preparing meals and doing personal laundry;
- (g) storage areas for items such as boats, trailers and caravans in association with some independent living units;
- (h) storage for items such as small electric powered vehicles and other personal items, including facilities for recharging small electric powered vehicles; and
- (i) mail boxes and waste disposal areas within easy walking distance of all units.

PDC 79 Access roads within older persons 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.

.../cont.

4.1 455/813/06 – GHD (Continued)

Residential (Strathalbyn) Zone

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.

PDC 25 Buildings and structures should be designated 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

Comments in relation to Design and appearance

The proposed aged care complex consists of one single storey complex, totalling approximately 3000m² in area, with red brick construction, cream powder coated window frames and grey roof tiles. The design of the complex involves a number of courtyards and articulation of frontages to reduce the bulk of the appearance.

The internal design allows for freedom of movement for residents, a number of on site services and protected open spaces.

The proposal meets requirements in terms of setback distances, being setback 62 m from Langhorne Creek Rd and providing landscaped buffer zones between the development and existing dwellings.

The total site area of the combined allotments is 1.39 hectares, technically therefore the proposal meets Council provisions in relation to site coverage. However the steep slope of the allotment renders much of the site unsuitable for development and restricting the ability of the proposal to meet Council Wide PDC 77(b).

The proposal is considered to generally comply with the above Principles of Development Control.

.../cont.

4.1 455/813/06 – GHD (Continued)

Conservation, Flooding And Earthworks
Council Wide

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

PDC 87 Earthworks resulting in the filling of land more than 1.5 metres above natural ground surface should be avoided, and only undertaken where existing vegetation, proposed landscaping, or the form of the building would assist in screening the earthworks from view from the adjoining road.

In addition, retaining walls over one metre in height are to be:

- (a) located a minimum of one metre inside the boundary of dwelling site; and
- (b) if located closer to a road boundary than a dwelling, constructed to allow landscaping to be installed above and over the wall.

Strathalbyn District

Objective 1: Development in accordance with the Structure Plans for the Strathalbyn district and townships of Strathalbyn, Langhorne Creek, Milang and Clayton as shown on Maps Alex/1(Overlay 1) Enlargement B, C, D, E and F. The Strathalbyn Structure Plan (Maps Alex/1 (Overlay 1) Enlargement B and C) show, in general terms, the plan for the future development of the urban area of Strathalbyn and its environs based upon:

- (h) identification of watercourses which should be conserved and protected to retain their visual amenity and drainage functions;

Objective 6 Development which is likely to be affected by flooding should not take place where:

- (a) significant flood events, and impacts, are known or suspected; and
- (b) measures otherwise required to protect the development, such as levees and landfill, are likely to increase the risk of flooding or worsen flood impacts on other land; or
- (c) there is a likelihood that life or property would be at risk in the event of a 100-year average return interval (ARI) flood.

.../cont.

4.1 455/813/06 – GHD (Continued)

Site survey and engineering evidence will be required to demonstrate, in flood prone areas, that the development can be undertaken with acceptable risk, and in a manner which will not impact significantly on the flood characteristics. Development will also be required to conform with accepted flood engineering practices.

Objective 7 Development on poorly drained land should not take place until effective remedial measures have been taken.

Objective 10: Protection of life and property from the hazards associated with flooding by:
(a) the careful siting and design of dwellings to minimise the risk of inundation and to allow for emergency access and departure in a major flood event;
(b) precluding structures and earthworks which interfere with the flow of flood waters in a manner which increases the flood hazard; and
(c) limiting development to that which is essential for the maintenance and enhancement of primary production and also, where appropriate for the resident occupation of the property.

Objective 11: The prevention of development which could lead to hazards in a major flood event.

PDC 44 Development liable to cause soil erosion or contribute to the silting of any watercourse should not be undertaken.

PDC 45 Development should not take place unless served by an adequate water supply and wastewater disposal system.

PDC 46 Development subject to flooding or which may aggravate flooding elsewhere should not take place where the risk of flooding is inappropriate to the intended use of the land.

PDC 47 Development should take place in a manner which will not interfere with or obstruct watercourses.

PDC 48 Development should not be undertaken unless all wastes produced can be treated so as to prevent pollution of surface or underground water resources or risk to health or be removed from the site and be disposed of in an approved location and manner.

.../cont.

4.1 455/813/06 – GHD (Continued)

PDC 49 Development should not take place if it may result in over exploitation of surface or underground water resources.

PDC 50 Development involving the alteration of natural drainage systems should not be undertaken unless there will be no adverse effects to existing vegetation within adjoining land or roads, and no increase in the risk of flooding of existing development or erosion downstream.

PDC 51 Development should not be undertaken which is liable to cause:
(a) unsanitary conditions;
(b) unsightly accumulation and storage of materials;
(c) unsafe conditions;
(d) degraded appearance of the locality; or
(e) the unsatisfactory disposal of waste products and materials.

PDC 52 Buildings should not be erected where they would require substantial earthworks which would be prominently visible from adjoining areas or be susceptible to erosion.

Residential (Strathalbyn) Zone

Objective 3: Development of the banks of the Angas River for open space purposes.

PDC 21 To preserve the drainage and amenity function of the Angas River, buildings should not be erected closer than 50 metres to the edge of the bank of the river.

Comments on Conservation, Flooding and Earthworks

Stormwater & water quality

The applicant has indicated that approximately 70% of stormwater runoff from roofed areas will be captured and stored in underground tanks for reuse in toilet flushing. Overflows from the storage tanks and stormwater runoff will be directed to pit and pipe systems that discharge to the Council easement. A detention pond / water feature is to be located on the southern side of the aged care facility, this is expected to provide a water quality benefits. Further details on stormwater and water quality are located in the response to representations supplied by the applicant and the additional information provided to Department of Water Land and Biodiversity Conservation, all of which form part of this application and are included as Attachment 4.1(d) to this report. The Department of Water Land and Biodiversity Conservation have determined that “the proposed development is unlikely to have any negative impacts on water quality”.

.../cont.

4.1 455/813/06 – GHD (Continued)

A soil erosion and drainage management plan (SEDMP) is to be provided as part of any building rules consent prior to full Development Approval being granted.

Flooding

The proposal is located within the 100-year average return interval (ARI) flood area and the applicant has provided engineering detail as to how this will be dealt with. Councils Engineering and Infrastructure Department have viewed these details and are satisfied they will mitigate any possible flooding impacts. Investigations undertaken by the applicant have determined that due to the steep slope of the subject land it is not highly sensitive to increases or decreases in flow width resulting from changes in flow rate. The proposed development will have a finished floor level of 60.5 AHD which is greater than the 59.3 AHD deemed suitable for an 100 year ARI flood event. The proposal is therefore considered to meet requirements in terms of flooding.

Earthworks

Council Wide PDC 87 and Strathalbyn District PDC 52 specifically relates to earthworks associated with a development. The proposed development involves extensive earthworks, resulting in at least two retaining walls above 1.5 metres in height. The proposal is considered not to comply with these principles.

The western section of the complex is located less than 50 metres from the Angas River and therefore does not comply with Residential (Strathalbyn) Principle of Development Control 21.

Movement of People And Goods

Council Wide

- Objective 17:** The safe and efficient movement of people and goods.
- Objective 18:** The free flow of traffic on roads by minimising interference from adjoining development.
- Objective 66** Car parking areas servicing more than one dwelling should be located and dimensioned to:
- (a) efficiently, conveniently and safely serve users, including pedestrians, cyclists and motorists;
 - (b) provide adequate space for vehicles to manoeuvre between the street and the parking area;
 - (c) provide ingress and egress from streets having the environmental capacity to accommodate projected vehicle movements; and
 - (d) reinforce or contribute to attractive streetscapes.

.../cont.

4.1 455/813/06 – GHD (Continued)

- PDC 80** Car parking associated with older persons 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;
 - (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.

Strathalbyn District

Objective 12: A road network providing safe and efficient movement of traffic within the council area.

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.

Comments Movement of People and Goods:

The proposal is not expected to significantly increase traffic in the locality, deliveries will be a maximum of four per week, associated with kitchen requirements. The proposal also incorporates 30 car parks, the Planning SA Bulletin (Parking Provision for selected land uses) notes that a rate of one car park per four beds is required for nursing homes. This proposal is defined as an aged care complex rather than a nursing home, however using this guideline, the 30 parks provided is more than double the 12 parks required. The proposal is therefore considered to comply with provisions in relation to car parking and traffic movement.

Heritage
Council Wide

Objective 34: The conservation of land, buildings, structures and their settings, which are of aesthetic, architectural, historical, cultural, archaeological, geological, palaeontological, technological or scientific significance.

Objective 35: The conservation and maintenance of the integrity of places of identified local heritage value.

.../cont.

4.1 455/813/06 – GHD (Continued)

Strathalbyn District

Objective 13: Conservation of land, buildings, structures and other items of aesthetic, architectural, historical, cultural, archaeological, technological, scientific, Aboriginal and European heritage significance.

Objective 14: Encouragement to the continuation of the original uses, or the sympathetic adaptation of new uses of existing land, buildings and structures of heritage significance as expressed in the Desired Future Character statements within the zone policy areas.

Comments on Heritage:

As previously noted the subject land is located adjacent a local heritage listed barn, as such the application was informally referred to Councils Heritage Advisor, Mr Richard Woods. The advice received was that the proposal would not impact upon the local heritage listed place. The proposal is therefore considered to comply with the above provisions.

FINAL COMMENTS

Assessment of this proposal is finely balanced: it meets the requirements of the Alexandrina Development Plan in terms of design and appearance, heritage, movement of people and goods and is located within an acceptable zone, at a satisfactory distance from the town centre and the services it provides. The proposal also meets the needs of the community. Concerns arise as to the suitability of the subject site for such a development, its proximity to the Angas River and its topography, sloping steeply towards the river bank. In this regard the applicant has provided a Flood Assessment Report and raised the floor level of the complex to assist with flooding concerns. The proposal does not comply with Council provisions in regard to excessive earthworks and whilst site coverage is technically acceptable it could be argued that the balance of the site is unsuitable for development so should be discounted from any calculations. The retaining walls required on this site raise questions of amenity impacts.

The Department of Water Land and Biodiversity Conservation have assessed the proposal and deemed it suitable subject to a number of conditions and have noted that it is unlikely to have negative impacts on water quality.

Council's Engineering and Infrastructure staff are satisfied the proposal can meet requirements in terms of stormwater and traffic.

This application is a Consent on Merit application, the proposal displays sufficient merit to warrant approval.

.../cont.

4.1 455/813/06 – GHD (Continued)

RECOMMENDATION

That the Development Assessment Panel grant Provisional Development Plan Consent to Development Application 455/813/06 for a 50 bed residential aged care facility including one 2.5metre retaining wall and one 1.5 metre retaining wall and associated earthworks, two 1.5m entrance walls and demolition of existing dwelling, subject to the following conditions:

1. The development being undertaken in accordance with the information submitted with the development application received by Alexandrina Council on 14 July 2006 and the additional information submitted to the Department of Water, Land and Biodiversity Conservation dated 24th January 2007.
2. Stormwater discharge from the developed site must not exceed that of the existing undeveloped site
3. Stormwater run-off from the development being directed to a storage tank or tanks. The capacity of tank storage on site is to be equal to or be greater than 20 litres per square metre of total roof area of all buildings on the site. Any overflow from the tank or tanks being managed to prevent erosion or pollution of the site and the River Murray system and diverted away from waste water disposal areas, such as septic tanks and aerobic systems.
4. Existing septic tanks and internal drains are to be demolished and removed prior to full Development Approval being granted.
5. Payment for an additional 15 STEDS connections will be required, with the applicant being advised that the current fee is \$4125 per connection.
6. All drainage is to be gravity only. No pumping systems will be permitted.
7. Stormwater is to be directed to 'humceptor' or similar to prevent potential impact on watercourse.
8. That the landscaping plan be designed to the satisfaction of Council's Natural Resource Officer and will not include any species which may be environmentally invasive.

.../cont.

4.1 455/813/06 – GHD (Continued)

9. That a detailed SEDMP be submitted demonstrating how site works will be undertaken in such a way to ensure that no adverse impact occur on the surrounding land and watercourse prior to full development approval being issued.
10. That the proponent provide a vegetation survey of the site detailing any vegetation which may be removed or compromised during the construction process prior to full development approval being issued.
11. All non native plant species that are considered invasive or 'non-desirable' by Councils Natural Resource Officer be removed from the site under the direction of Council.
12. The proposed 6.2m wide two way access point shall be sealed to the edge of the carriageway and should sealing on each side of the road shall be undertaken to prevent any restriction to the free flow of traffic along Langhorne Creek Road with vehicles turning into the proposed development.
13. The proposed 3.0m wide egress point, shall be sealed and widened to 4.0 with suitable flaring to the road. This access shall be suitably signed and line marked to discourage access.
14. Both crossovers shall incorporate measures to assist in the longitudinal drainage along the road.
15. Stormwater run off shall be collected on site and discharged without jeopardising the safety of the adjoining road.
16. Floodlighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to cause no light overspill to adjacent residential development
17. Before undertaking any detailed design the applicant should contact the Eastern Region, Murray Bridge Office of the Department for Transport Energy and Infrastructure, Ms Alison Allen on telephone (087) 8532 8122 to discuss the requirements of these works prior to undertaking any construction activities. All costs associated with the above works will be borne by the applicant.

.../cont.

4.1 455/813/06 – GHD (Continued)

NOTES:

Due to the current Notice of Prohibition and the prescription of the water resources in the Eastern Mount Lofty, there is no guarantee that the proponents will be able at any time in the future to gain access to surface (including roof run off) watercourse or underground water for any additional.

The proponents should be advised that the collection and use of surface water from the roof of the proposed aged care facility for commercial use needs to be authorised. It is noted, however that on 16th March 2006, the minister announced in the South Australian Government Gazette, that surface water collected from roofs would be considered exempt from licensing requirements if the water collected was 500kL or less, and used only for commercial, industrial, environmental or recreational use.

Based upon the current construction specifications provided with the development application and the proposed surface area of the roof, the proponent will collect more than 500 kL of surface water for commercial purposes and will therefore require authorisation and licensing. For enquiries on this matter, the Department of Water Land and Biodiversity Conservation can be contacted on 8339 9806.

All areas within 200 metres of any watercourse are considered to be of high sensitivity for Aboriginal sites. The River Murray and many of its tributaries and overflow areas, particularly have abundant evidence of Aboriginal occupation.

Under Section 20 of the Aboriginal Heritage Act 1998 (The Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal site, objects or remains to the Minister for Aboriginal Affairs and Reconciliation, as soon as practicable giving the particulars of the nature and location of the Aboriginal sites, objects or remains. Penalties may apply for failure to comply with the Act

The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. For further information visit: <http://www.dwlbc.sa.gov.au/biodiversity/vegetation/nvinforesources.html>

Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8124 4744.

The applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray System through his or her actions or activities.

4.2 455/2/07 - STRATH LAND HOLDINGS

SUMMARY TABLE

Date of Application	22/12/06
Subject Land	2 & 4 North Parade, Strathalbyn
Assessment No.	A12950
Relevant Authority	Alexandrina Council
Planning Zone	Residential (Strathalbyn) Zone – Policy Area 21 Central Historic (Conservation)
Nature of Development	Motel - six motel buildings comprising twenty-three single storey units, a two storey office and caretakers flat, car and bus parking facilities, landscaping, fencing and demolition of existing buildings.
Type of Development	Consent on merit
Public Notice	Category Three
Referrals	Transport SA Heritage SA (informal)
Representations Received	12
Representations to be heard	6
Date last inspected	06 March 2007
Recommendation	Approve with conditions
Originating Officer	Cherry Getsom

ESD IMPACT/BENEFIT

- Environmental Likely increase in stormwater, decrease in existing vegetation.

- Social Possible increase in noise, local employment, overnight accommodation.

- Economic Possible employment increase, tourism increase. Greater requirement for service provision (rubbish, Hospitals, etc)

.../cont.

4.2 455/2/07 – Strath Land Holdings (Continued)

THE BACKGROUND

Development Application 455/261/05 for a similar motel development was lodged with Council in 2005. The Application was presented to Development Assessment Panel (DAP) in October 2005 with a recommendation for approval. The Panel subsequently resolved to refuse the application and the applicants appealed the refusal decision to the Environment Resources and Development (ERD) Court. At the compulsory court conference, a compromise was reached and the application was approved with the consent of DAP. A third party appeal was subsequently lodged with the ERD Court where it was discovered that Council had made a fundamental error in the assessment of the application and the appeal was struck out.

A second motel application (455/387/06) was lodged on 29.03.06 on the subject land. This was essentially a very similar to that agreed upon by DAP and the applicant at the ERD Court conference. This application was presented to and refused by the DAP on 17th July 2006. The reasons for refusal predominately related to the appropriateness of a commercial (tourist accommodation) use within a Residential zone, the bulk and scale of the proposed development and its subsequent impacts upon the character and amenity of the locality.

This decision was appealed to the ERD court who handed down a determination on 21 November 2006 refusing Provisional Development Plan Consent. It should be noted that in making this determination the Court resolved that the Alexandrina Development Plan does envisage tourist accommodation in several areas of the Strathalbyn Township and that the subject land is an appropriate location for a motel. The reasons for refusal were related to amenity, to the scale and bulk of the proposed development, its impact on the existing character of the locality and heritage focus.

REFER ATTACHMENT 4.2(a) (page 86)

THE PROPOSAL

Nature of Development

The proposal involves demolition of the existing detached dwellings and outbuildings located on the subject site. Construction of six (6) motel buildings, comprising a total of twenty-three single storey units. Construction of a free standing two storey building comprising an office and caretakers flat. Associated car and bus parking facilities are also proposed as part of this development.

.../cont.

4.2 455/2/07 – Strath Land Holdings (Continued)

The Alexandrina Council Development Plan Residential (Strathalbyn) Zone does not list a Motel as a non-complying form of development, and as such the application is assessed as 'consent on merit'. The Development Plan does not describe categories of notice and accordingly, the application was determined to be a Category 3 form of development under the Development Act 1993 as it cannot be considered to be a minor form of Development.

A "Motel" is defined pursuant to Schedule 1 of the Development Act 1993 as:

"A building or group of buildings providing temporary accommodation for more than five travellers, and includes an associated restaurant facility but does not include a hotel or residential flat building."

It is noted however that this proposal does not include restaurant or conference facilities.

Detailed Description

The built form of the proposal involves six freestanding buildings comprising a total of 23 single storey motel units ranging from single room to two room units. The buildings are located towards the outer perimeter of the site, surrounding a central car park. Each of the units with frontage to either North Parade or East Tce incorporates some form of decking. The motel units are slightly staggered and are to be set back a minimum of 4.09 metres from the deck area to the East Tce boundary and a minimum of 5.05 metres from the deck area to the North Parade boundary. Units along the southern boundary are setback 6.5m from this boundary, with a 1.5m setback distance to the western boundary.

The colours and materials of the proposed motel include brickwork and stone walls, galvanised corrugated iron roofing, natural anodised aluminium windows and plantation hardwood decking.

The subject land involves a site area of 4323 m², with the proposed motel have a floor area of 1181m² (exclusive of covered walkways). This provides for a site coverage of 27.5 per cent.

A two storey office/ caretakers residence building is proposed for the north west portion of the site and is to be utilised for office administration purposes and as a caretakers facility. This building is to be no higher than 9 metres and includes a balcony to the upper floor facing North Parade.

A canopy is proposed to join the office/caretakers residence to a section of the motel to provide a defined entry and sheltered area adjacent the reception.

.../cont.

4.2 455/2/07 – Strath Land Holdings (Continued)

On site parking is provided for twenty nine vehicles and one bus with access & egress achieved via a single eight metre wide driveway and cross over located on North Parade. This section of North Parade is closed to through traffic, due to the recent introduction of a round about at the East Tce, Adelaide Road and North Parade intersection.

Proposed landscaping includes informal street frontages with a three to six metre uninterrupted landscape buffer along both the North Parade and East Tce frontages. Landscaping has also been included between each of the six motel buildings and as a buffer to the car parking area.

REFER ATTACHMENT 4.2(b) (page 98)

SITE & LOCALITY

The subject site is located on the corner of North Parade and East Terrace in Strathalbyn. The land comprises two existing allotments both with existing dwellings and vegetation which would require demolition and removal to allow the motel to be built. There is little vegetation on 4 North Parade, however the corner allotment (2 North Parade) has many large trees presenting to the street a canopy of vegetation, thick enough to effectively screen the dwelling.

This site is mainly flat with a slight slope towards the rear of both allotments towards the southern boundary.

The locality is primarily residential, although the site is directly adjacent to the Strathalbyn Tennis Club, a recreational use, which includes floodlit night tennis competitions. To the North and East, large road reserves lie between the subject land and the currently vacant land on the western side of Adelaide Road. To the east there are single storey detached dwellings. Land to the north is currently vacant, however a land division is approved for residential development which will be set well back from the road frontage and includes a large area intended for open space. The southern side of the subject land abuts a single storey dwelling and dwellings continue uninterrupted into the township. South of the Tennis Courts a unit development currently exists. The locality extends to include the entire block bounded by Murray Street, Grey Street, East Terrace and North Parade.

The land facing East Terrace and North Parade is included in the locality. The locality reflects a predominately low density character providing for large trees to dominate streetscapes with the setbacks along East Terrace all averaging 8 metres with the exception of the existing dwelling on the subject site, which fronts North Parade with East Terrace its secondary frontage, and the dwelling on the corner of East Terrace and Marchant Road, which has a front setback of roughly 5.5 metres.

.../cont.

4.2 455/2/07 – Strath Land Holdings (Continued)

PUBLIC NOTIFICATION

The Development Application was subject to Category 3 Public Notification pursuant to Section 38(5) of the Development act 1993, between 25th January and 9th February 2007. Notification was placed in both the Southern Argus and the Times.

Twelve representations were received within this prescribed timeframe. Six of these representors have stated that they wish to be heard at the DAP meeting.

REFER ATTACHMENT 4.2(c) (page 130)

The applicant has also submitted a response to the representation.

REFER ATTACHMENT 4.2(d) (page 160)

The issues raised and responded to included; access to the appropriateness of the proposed use within the zone, appearance, bulk and scale, setbacks, heritage and traffic.

REFERRALS

The application has been referred to Transport SA pursuant to Schedule 8, 3 (c) of the Development Act 1993. Transport SA raised no objections to the proposal.

It is noted that the car parking area meets the numerical requirements for the proposed land use pursuant to Table Alex/3 – Car Parking Requirements of the Alexandrina Development Plan.

An informal referral to Councils Heritage Advisory was also undertaken.

CONSULTATION

Consultation has been undertaken with Council's Technical Services Department (Infrastructure Coordinator Matt James) on the issues of effluent disposal and car parking. The advice is that the proposal is satisfactory in its current form.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

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

.../cont.

4.2 455/2/07 – Strath Land Holdings (Continued)

Appropriateness of proposed use / Tourist Accommodation

Council Wide

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

PDC 222 Major tourism developments should preferably be located within existing townships, settlements, urban areas or designated zones.

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.

Strathalbyn District

Objective 7: Satisfaction of the social, cultural and economic needs of the local community.

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

PDC 55 Development of a hotel, motel or related tourist accommodation facilities should only be undertaken where:

.../cont.

4.2 455/2/07 – Strath Land Holdings (Continued)

- (a) the total floor area of existing development, including outbuildings but excluding driveways and car parking areas, would not exceed 30 percent of the site;
- (b) the development is limited to a height of one storey where the proposed development is located within 6.0 metres of the boundary of any abutting site;
- (c) car parking, service and storage areas of rubbish are to be sited and screened suitably with fencing or landscaping;
- (d) the development is designed, having regard to orientation and siting of buildings, the provision of car parking and manoeuvring areas, and the allocation of landscaped buffer areas to minimise disturbance to adjoining land through noise, lighting spill and intrusion on privacy; and
- (e) the development is to be sited within a built-up urban area or an area proposed for urban development and adjacent to a secondary arterial or local road shown on Maps.

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.

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

Policy Area 21

PDC 2 Development in this area should be for residential tourist accommodation and community uses.

PDC 3 Medium density residential development, including accommodation for the aged and tourists, should be between the District Centre and East Terrace or on other larger or consolidated sites within this policy area.

The subject land is located within the Central Residential Historic (Conservation) Policy Area 21, of the Residential (Strathalbyn) Zone. This zone neither supports nor specifically discourages tourist accommodation as a desired use, it is a consent on merit use. Tourist accommodation is however listed within the 'desired future character' statement for this policy area.

When making its determination in relation to previous motel applications on the same site (ERD Court judgement of 21st November 06), the court noted that the proposed use of the subject land was not an issue of contention;

.../cont.

4.2 455/2/07 – Strath Land Holdings (Continued)

“The position of the land within the township and its location to both a secondary arterial and local road enables the development to meet principle 55 (e)”

And

“We reject the argument put to us to the effect that the provisions for other zones in the scheme of the Plan are more specific in respect of the development proposed and should thus be preferred for motel development. This line of reasoning might have some foundation if the Plan was silent concerning tourist accommodation in the Policy Area or if a motel development was strongly discouraged within it. The fact remains that the scheme of the Plan does envisage tourist accommodation in several areas of the Strathalbyn township, subject to compliance with many other provisions”.

With the Court having reached this conclusion it is felt there is little need to question the legitimacy of the proposed use on the subject land.

Appearance of Land and Buildings

Council Wide

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 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 220 The distance by which building development is set-back from a road should be related to the effectiveness of the screening of views of the building development from that road by existing vegetation, natural landforms or other natural features or by other existing buildings.

Strathalbyn District

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.

.../cont.

4.2 455/2/07 – Strath Land Holdings (Continued)

- PDC 53** The external walls of any building should be principally composed of masonry, brick, stone, rendered masonry, timber or painted fibrous cement planking or boarding or visually similar fibrous cement panelling, except for:
- (a) a farm building or outbuilding; or
 - (b) buildings used for industrial, commercial storage or warehouse purposes.
- 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;
 - (c) the bulk or height of the proposed building is less than that of existing development;

Residential (Strathalbyn) Zone

- Objective 5:** Development having a high standard of design and appearance to complement the traditional building styles and design elements typical in the town before the 1950's.
- Objective 8:** Preservation of the attractive streetscapes along East, South and West Terraces, North Parade, Commercial Road and elsewhere within Historic (Conservation) Policy Areas and their visually important features including, building facades, rooflines, walls, fences, trees and gardens.
- PDC 23** Development fronting East, West and South Terraces and Coronation, Ashbourne and Commercial Roads should not impair the appearance or visibility of existing buildings of traditional style first constructed prior to 1950.
- PDC 24** Development should not impair the attractive landscape character and appearance of land adjacent to Adelaide Road.

.../cont.

4.2 455/2/07 – Strath Land Holdings (Continued)

PDC 25 Buildings and structures should be designated 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.

As evidenced by the number of character and amenity Objectives Principles listed above from the Alexandrina Development Plan, the design and appearance of development within this area is of a primary concern. The proposed development has been designed in accordance with the Objectives and Principles of the Alexandrina Development Plan and is considered to blend with the surrounding area in terms of design (roof pitch, setbacks, materials and colours, landscaping etc).

Density

The proposal involves a footprint of 1181m² on a 4323m² allotment, which provides a 27.5 per cent site coverage, which is below the 30 per cent prescribed in Strathalbyn District PDC 55.

Setbacks

The proposed development includes the following setbacks:

Motel Units

- 4.09 to 4.89m from deck area, 5.5 to 6.0m from building alignment to the East Tce boundary
- 4.25 to 5.05m from deck area, 6.0 to 6.7 m from building alignment to North Parade boundary
- 6.5m from building alignment to the southern boundary
- 1.5 – 3m from building alignment to the western boundary
- Caretakers residence/ office
- 4.5m from building alignment to the North Pde boundary
- 2.0m from building alignment to the western boundary.

These setbacks are not consistent with the setback guidelines as established in Alex Table/2, however setbacks within the locality vary.

Comments provided by Councils Heritage advisor Mr Richard Woods, included:
“Setbacks of the single storey building from the street and southern boundaries are in keeping with the locality, and are proposed to be well landscaped. The spaces between each building are to be planted with trees, I consider these to be appropriate”

.../cont.

4.2 455/2/07 – Strath Land Holdings (Continued)

Mr Woods however did not support the setback distance for the two storey element, facing North Parade, which when combined without the height and lack of screening he felt had a negative impact on the heritage character. As the proposal is a consent on merit application, it generally complies with Strathalbyn District PDC 70.

REFER ATTACHMENT 4.2(e) (page 172)

Heritage

Council Wide

Objective 34: The conservation of places and their settings, which are of aesthetic, architectural, historical, cultural, archaeological, geological, palaeontological, technological or scientific significance.

Objective 36: The facilitation and encouragement of the continued use or the adaptive reuse of places of heritage value.

Objective 37: The conservation and maintenance of the distinctive architectural and historic character of areas identified as Historic (Conservation) Policy Areas as expressed in desired character statements.

Strathalbyn District

PDC 33 Development should not impair the character, nature, or fabric of places of aesthetic, architectural, historical, cultural, archaeological or scientific interest or importance, or sites of significant natural beauty and they should where relevant or practical, be protected, conserved and restored.

Residential (Strathalbyn) Zone

Central Residential Historic (Conservation) Policy Area 21

PDC 4 Development within the Policy Area should conserve, maintain, enhance and reinforce the existing streetscape and the historic character of the area; exhibiting architectural and roof forms, designs, street frontage widths, materials, finishes, sheds/garages, fences and landscape settings which complement without attempting to reproduce historic buildings or their detailing.

.../cont.

4.2 455/2/07 – Strath Land Holdings (Continued)

Comments in relation to Heritage.

Councils Heritage advisor has viewed the proposal on an informal basis and does not support the application, as “the two storey building will have a serious adverse impact on the heritage character of the locality and the town entrance due to its inadequate setbacks, lack of screening and height”

He does however support the single storey elements of the proposal, noting that “the design includes contemporary elements that should complement the heritage character, without mimicry”. Additionally, he notes:

“I support the proposed stone tower on the NE corner of the site. In urban design terms, a distinctive visual corner statement will anchor the junction of North Parade and East Terrace, two important townscape edges. It will reinforce the sense of arrival”.

The applicant has provided an alternative heritage response from Mr Ron Danvers of Ron Danvers Cultural Landscapes. Mr Danvers notes;

“The Court substantially agrees with my opinion that the two storey component of the design of the western boundary adjoining tennis courts is satisfactory, in deciding that it is not an issue of the ‘of itself does not require consent to be refused’. The two storey element is integrated in a satisfactory way into the modelling of the complex as a whole and I see no reason to alter that component”

Whilst this is a separate application from that which was determined by the Court, the courts comments in relation to the two storey element, that “of itself does not require consent to be refused” remain relevant. Given that it is the two storey element of the proposal which is an issue in terms of heritage impact it is not considered sufficient reason not to refuse the proposal as a whole.

FINAL COMMENTS

On balance the proposal displays enough merit to warrant provisional planning consent being granted. It has been determined by the ERD Court that the use is appropriate for the site, the proposal meets the provisions of the Alexandrina Development Plan in regard to built form and appearance. As this is a consent on merit application issues raised in relation to Heritage whilst relevant are not sufficient to require the proposal as whole be refused.

.../cont.

4.2 455/2/07 – Strath Land Holdings (Continued)

RECOMMENDATION

That the Development Assessment Panel grant Provisional Development Plan Consent to Development Application 455/2/07 for a Motel- six motel buildings comprising twenty three single storey units, a two storey office and caretakers flat, car and bus parking facilities, landscaping, fencing and demolition of existing buildings subject to the following conditions:

- The external finishes to the building or structure herein approved shall be in accordance with the materials as specified in the application now approved.
- No additional signs are to be erected or displayed on or about the buildings without the prior consent of Council.
- All of the car parks, driveways, and vehicle manoeuvring areas shall be constructed and bituminised, brick paved or concreted in accordance with sound engineering practice prior to the occupation of the development herein approved.
- Before the development hereby permitted starts, three copies of a site layout plan drawn to scale and dimensioned must be submitted to and approved by council. The plan must show the proposed landscape treatment and maintenance of the site including details of species and their mature height. When approved, the plan will be endorsed and will then form part of the approval.
- The applicant or other approved persons for the time being making use of the subject land now approved shall at all times maintain in good and substantial condition in all respects the subject land (including car parking areas, driveways and footpaths) all buildings and structures and all landscaped and open space areas.
- Floodlighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to cause no light overspill to adjacent residential development.
- Site stormwater to be detained on site and reused where possible. overflow from site is to be controlled and restricted to a maximum of 5 litres per second
- Approval for an appropriate Waste Control System be obtained prior to full Development Approval being granted.

4.3 455/1486/06 - Southern Cross Care

SUMMARY TABLE

Date of Application	22.12.06
Subject Land	2a Goyder Street Goolwa
Assessment No.	A6326
Relevant Authority	Alexandrina Council
Planning Zone	Tourist Accommodation - Goolwa
Nature of Development	Change of Use
Type of Development	Non-Complying
Public Notice	N/A
Referrals	N/A
Representations Received	N/A
Representations to be heard	N/A
Date last inspected	14 th March 2007
Recommendation	Proceed with full assessment
Originating Officer	Tom Gregory

BACKGROUND

The subject land is located at 2A Goyder Street, Goolwa. It is also known as Certificate of Title – Volume 5965 Folio 248. The allotment has an approximate area of 510 square metres, with a frontage to Goyder Street of 11.6metres and a frontage to Hay Street of 27.69metres.

REFER ATTACHMENT 4.3(a) (page 175)

The subject land is located with the Tourist Accommodation (Goolwa) Zone, of the Alexandrina Council Development Plan. Principle of Development Control 23 of this zone list's an 'office' as being a form of 'non-complying' development.

THE PROPOSAL

The proposed development involves the change in land use from a single storey detached dwelling to small scale 'office accommodation' together with associated car parking, landscaping and signage. The proposed use is to accommodate an area for offices, rather than creating offices with an accommodation component. Internal alterations are required, and the proposed plans can be seen on the following attachment.

.../cont.

4.3 455/1486/06 – Southern Cross Care (Continued)

REFER ATTACHMENT 4.3(b) (page 176)

On site parking will be provided, and will be fully assessed, should the Development Assessment Panel resolve to proceed with a full and proper assessment of this application.

The proposed offices are intended to accommodate the regional offices for Southern Cross Cares' Southern Fleurieu outreach program. Southern Cross Care operates a number of aged care facilities as well providing a range of community service programs. The office will operate as a base for five staff members, including one administration officer, and provide for the storage of equipment and client files.

SITE & LOCALITY

Hays Street forms part of the main thoroughfare through Goolwa. It is the continuation of Cadell Street, which changes from Cadell to Hays to then become Hutchinson Street.

REFER ATTACHMENT 4.3(c) (page 178)

The locality contains a mixture of single and double storey dwellings of various styles. Hays Street contains a range of small businesses, shops and offices, most of which are contained in the two adjoining zones, namely the Historic Waterfront zone, and the District Centre zone.

PUBLIC NOTIFICATION

If the Development Assessment Panel resolves to proceed with assessment of this application, Category 3 Public Notification will be required, pursuant to Schedule 9 Development Act 1993.

REFERRALS

The subject land is within the Goolwa Historic Area, which is listed as a State Heritage Item on the relevant Register and Inventory. Pursuant to Schedule 8 Development Act 1993, a formal referral to the State Government's Department of Environment and Heritage will be required during formal assessment.

.../cont.

4.3 455/1486/06 – Southern Cross Care (Continued)

CONSULTATION

Should the Panel resolve to proceed, consultation will include Council's Environmental Health Department with regard to the effluent disposal system, and Councils Engineering and Infrastructure Department on car parking, access and stormwater issues.

COMMENTS

ATTACHMENT 3 indicates the subject site in relation to the adjoining District Centre, and Historic Waterfront Zones.

The District Centre (Goolwa) Zone provides for a range of development consisting of a shopping, administrative, cultural, community, recreation, educational, and tourist facilities, whilst the Historic Waterfront Zone aims to promote and develop the historic river port as the focus for tourism, visitor, community, cultural, entertainment and educational facilities in Goolwa. It is noted that an application for 'office accommodation' in these two adjoining zones would be a 'merit' form of development.

The Tourist Accommodation (Goolwa) Zone, endeavours to provide accommodation primarily of detached and semi-detached, together with small scale community and tourist related issues.

It could be argued that the subject land is positioned well to accommodate a small office, due to the existing non-residential land uses in the surrounding locality. Therefore, despite being listed as a form of 'non-complying' development, the proposal is considered to display some merit in order to proceed further with a full and proper assessment against the relevant principles and objectives of Council's Development Plan.

RECOMMENDATION

That the Development Assessment Panel determine to proceed with an assessment of Development Application 455/1486/06 for a change of use to office accommodation.

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

NEXT MEETING