

ALEXANDRINA COUNCIL

NOTICE OF MEETING

Notice is hereby given to the Members that a meeting of the Development Assessment Panel 2005 will be held in the Large Meeting Room (old Goolwa Council Chambers) on 19 September 2005 commencing at 9:00 am

Your attendance is requested.

9:00 a.m. Development Assessment Panel commencement

11:00 a.m. Conclusion of meeting.

JOHN COOMBE
CHIEF EXECUTIVE

ALEXANDRINA COUNCIL

AGENDA FOR THE DEVELOPMENT ASSESSMENT PANEL MEETING
TO BE HELD ON 19 SEPTEMBER 2005 AT 9:00 AM
IN LARGE MEETING ROOM (OLD GOOLWA COUNCIL CHAMBERS)

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**Development Assessment Panel
Report and Agenda
on 19 SEPTEMBER 2005 commencing at 9:00 am
in the Large Meeting Room (old Goolwa Council Chambers)**

PRESENT

APOLOGIES

IN ATTENDANCE

ITEM 1. CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on Monday 15th August 2005.

RECOMMENDATION

That the minutes of the Alexandrina Council Development Assessment Panel held on Monday 15th August 2005 as circulated to members be received as a true and accurate record.

ITEM 2. DEVELOPMENT APPLICATIONS

2.2 455/797/05 - Langhorne Creek Winery Pty Ltd

SUMMARY TABLE

Date of Application	20 th July 2005
Subject Land	Lot 1 Milang Road, Angas Plains5300517
Assessment No.	A 16263
Relevant Authority	Alexandrina Council
Planning Zone	General Farming (Strathalbyn)
Nature of Development	Extension to existing winery to 30,000 tonnes
Type of Development	Consent on Merit
Public Notice	Category 2
Referrals	Environment Protection Authority; Dept Water, Land & Biodiversity Conservation
Representations Received	Two
Representations to be heard	Nil
Date last inspected	9 th September 2005
Recommendation	Approve with conditions
Originating Officer	Cherry Getsom

ESD IMPACT/BENEFIT

- Environmental Increased vegetation from watering of buffer with wastewater.
- Social Possible increase in work opportunities, decrease in amenity of area.
- Economic Supporting local grape growers. Benefit to owners, possible rate increase due to valuation increase.

THE PROPOSAL

Nature of Development

This application to extend an existing Winery at Langhorne Creek is a 'consent on Merit' application. No form of development is complying within the General Farming (Strathalbyn) Zone of Alexandrina Development Plan, however included in the list of exceptions to non-complying development is a winery with certain provisions. Additionally, this proposal is an extension to an existing use.

.../cont.

2.2 455/797/05 – Langhorne Creek Winery Pty Ltd (Continued)

Detailed Description

In essence the proposal seeks to expand the capacity of the existing winery from 15,000 tonnes to 30,000 tonnes. This is to be achieved by constructing the winery extensions on a new concrete slab located directly to the east of the existing winery. This slab is to be 52.441m wide by 102.41m long and cover an area of 5,370m². The slab is to be split into two halves, the southern half will contain winery equipment as per sheet 3 of the attached plans, whilst the northern half will be 1.5m lower and is identified as "Future Tank Farm Extension" and will initially contain wine storage tanks of various heights and capacities and other associated infrastructure. The height difference between the two halves of the slab will match the existing winery slab and as with the existing winery infrastructure such as tanks, fermenters, catwalks and pipe bridges will be in open air.

Infrastructure associated with the extension will not exceed the height of the existing winery infrastructure and is to be setback at least 300m from the Strathalbyn-Milang Road. Water for the existing winery is provided by a 120 kilolitre holding tank, with a second 120kl tank to be positioned next to it for the extension.

Winery effluent is currently disposed onto irrigated woodlots, with additional volumes created by the expansion to be disposed of in the same manner, assisted by two new woodlots to be planted between the winery and the Strathalbyn-Milang Road. A decanter is also to be installed which is expected to remove up to 90 per cent of suspended solids from the winery wastewater stream.

Grape marc from the winery is currently composted on a designated approved site and is licensed by the EPA. This area has not previously been used to its full capacity and the winery extension will take advantage of some of this unused capacity.

The location of a second barrel hall, identified as "Future Extension" is shown on the site plan. This barrel hall does not form part of the current application.

REFER ATTACHMENT 2.2(a) (page 1) *(please note: copies of a Waste Water disposal plan, including a soil survey report and a contingency plan for wine leak are available should the panel wish to view them).*

SITE & LOCALITY

The site is currently utilised for a winery and is on the main Strathalbyn Milang Road located between the intersection of Pioneer Avenue and the Strathalbyn-Milang Road. The winery is approximately 10 kms from Strathalbyn and 8kms from Milang with a number of vineyards located in close proximity.

REFER ATTACHMENT 2.2(b) (page 14)

.../cont.

2.2 455/797/05 – Langhorne Creek Winery Pty Ltd (Continued)

PUBLIC NOTIFICATION

Within the General Farming (Strathalbyn) Zone a *"Winery of 500 tonnes or more crush capacity per annum where not within 300 metres of a dwelling or tourist accommodation that is not in the ownership of the winery applicant"* is listed as a Category 2 development for Public Notification purposes. Category 2 Public Notification for this proposal occurred between the 1st and 15th August 2005.

Two representations were received within the prescribed time frame.

The applicant has also submitted a response to the representations.

The issues raised and responded to included; road safety, compost, dust, and hours of business.

REFER ATTACHMENT 2.2(c) (page 15)

The issue of road maintenance was also highlighted during this consultation process. Whilst separate from the current application, Councils Engineering and Infrastructure Department have received a copy of this representation and have responded to these concerns.

REFERRALS

Under Schedule 8 20 (i) of the Development Regulations (1993) pertaining to the River Murray Act a referral to the Department of Water Land and Biodiversity Conservation was sent. Whilst it was later determined that this was an informal referral, the Department took the opportunity to comment, noting that the site is located within the Notices of Prohibition Area and whilst the applicant currently does not use surface water, watercourse water or underground water, the applicant should be advised that there is no guarantee they will be able to gain access to such water should it be required.

A referral to the Environment Protection Agency was also undertaken under Schedule 8 11 of the Development Regulation (1993), and as such, Council is required to take direction from the EPA's response. The EPA determined that the proposed development is not considered to present an unacceptable risk to the environment and should be supported.

REFER ATTACHMENT 2.2(d) (page 20)

.../cont.

2.2 455/797/05 – Langhorne Creek Winery Pty Ltd (Continued)

CONSULTATION

Consultation has been undertaken with Council's Environmental Health Department with regard to the effluent disposal system. The advice of the EHO is that no amendments to the existing waste control system are required.

Consultation has been undertaken with Council's Engineering and Infrastructure Services Department (TSO Matt James and Dennis Zanker) who advise that Cherington Road is not suitable as a transport route due to it being unsealed and containing a deep ford, and alternative routes should be used. Engineering and Infrastructure Services Department also noted that as per a previous approval (DA 455/1082/99) which conditioned the sealing of Pioneer Ave and also discussions with the applicant, a condition be placed on this application to amend the final section of this bitumen seal so as to square the Pioneer Avenue, Strathalbyn – Milang Road junction. This will provide a more suitable and safe road intersection.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

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

COUNCIL WIDE PRINCIPLES

- 58 The appearance of land, buildings and objects should not impair the amenity or character of the locality in which they are situated.
- 114 Development should not detract from the natural and rural landscape character of the region.
- 133 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.
- 173 Buildings should not impair the character of rural areas by reason of their scale or siting. If necessary buildings should be screened by trees or shrubs.
- 178 Wineries should:
 - (a) include at least one of the following activities normally associated with the making of wine:
 - (i) crushing;
 - (ii) fermenting;

.../cont.

2.2

455/797/05 – Langhorne Creek Winery Pty Ltd (Continued)

- (iii) bottling;
 - (iv) maturation/cellaring of wine; and may include ancillary activities of administration, sale and/or promotion of wine product and dining;
 - (b) be located within the boundary of a single allotment which adjoins or is on the same allotment as a vineyard;
 - (c) process primary produce primarily sourced from within the Mount Lofty Ranges Region;
 - (d) only include dining facilities as an ancillary use to the winery;
 - (e) where of 500 tonnes or greater crush capacity per annum be located not closer than 300 metres to a dwelling or tourist accommodation that is not in the ownership of the winery applicant.

- 179 Agricultural industries, home based industries, mineral water extraction and processing plants, wineries should:
 - (a) incorporate all-weather on-site parking (including for commercial vehicles) with safe and convenient access for staff and visitors;
 - (b) utilise existing buildings and, in particular, buildings of heritage value, as an alternative to constructing new buildings;
 - (c) locate any effluent system or effluent drainage field within the allotment of the development;
 - (d) incorporate effluent management systems which ensure protection of surface and ground water and reduce the need for on-site storage systems and should accord with the following:
 - (i) the disposal area consists of soil and vegetation that has the capacity to store and use the effluent without polluting surface or ground water resources;
 - (ii) effluent is irrigated using low trajectory low pressure sprinklers, drip irrigators or agricultural pipe;
 - (iii) on-site storage and disposal of effluent and any malodours not impacting on the local environment, surface or ground water, and nearby soil and crop conditions;
 - (iii) storm water run-off from areas at wineries which are contaminated with grape or grape products be drained to winery effluent management systems during vintage periods;
 - (v) storm water from roofs and clean hard paved surfaces at a winery diverted away from winery effluent management systems and disposed of in an environmentally sound manner or used for productive purposes;
 - (vi) storm water management incorporate techniques which avoid erosion and maintain water quality, through development of on-site detention, retention basins or other appropriate means;

.../cont.

2.2 455/797/05 – Langhorne Creek Winery Pty Ltd (Continued)

- (e) be set back at least 50 metres from any bore, well or watercourse, where a water course is identified as a blue line on a current series 1:50 000 Government standard topographic map, or where there is observed a clearly defined bed and banks and where water flows at any time and includes a;
 - (i) dam or reservoir that collects water flowing in a watercourse;
 - (ii) lake through which water flows;
 - (iii) channel into which water has been diverted;
 - (iv) known underground seepage condition;
 - (f) be located within the boundary of a single allotment including any ancillary uses and there should be not more than one industry located on an allotment;
 - (g) process primary produce that is grown within the Mount Lofty Ranges Region as shown on Figure 1 Mount Lofty Ranges Region and sell goods manufactured and produced by the industry;
 - (h) enhance the rural/agricultural character and/or heritage features and tourist activities of the Mount Lofty Ranges Region;
 - (i) include signage which is designed and located to complement the features of the surrounding area, enhance visitor's experience of the Mount Lofty Ranges Region and facilitate access to the site and which:
 - (i) does not exceed 2 square metres in area per sign;
 - (ii) is limited to 1 sign per establishment (for agricultural and home based industries);
 - (iii) is not internally illuminated.
- 180** Agricultural industries, home based industries, mineral water extraction and processing plants, and wineries should not:
- (a) necessitate significant upgrading of public infrastructure including roads and other utilities, unless upgrading would be required through normal maintenance or was imminent due to growth in demand in the locality;
 - (b) generate traffic beyond the capacity of roads necessary to service the development;
 - (c) result in traffic volumes that would be likely to adversely alter the character and amenity of the locality;
 - (d) generate significant additional traffic noise or other nuisance which would detract from residents' or other land holders' enjoyment of the locality;
 - (e) generate noise of greater than 40 decibels during the hours of 10 pm to 7am and 47 decibels between 7 am to 10 pm respectively as measured at the nearest neighbouring dwelling or boundary of a vacant allotment;
 - (f) be located:
 - (i) on land with a slope greater than 20 percent (1in 5);
 - (ii) on land that is classified as being poorly drained or very poorly drained;

.../cont.

2.2 455/797/05 – Langhorne Creek Winery Pty Ltd (Continued)

- (iii) within 800 metres of the high water level of a public water supply reservoir;
- (iv) closer than 300 metres (other than a home based industry) to a dwelling or tourist accommodation that is not in the ownership of the applicant;
- (v) within a 900 millimetres or greater rainfall per year area in the Watershed, with the exception of:
 - (A) mineral water extraction and processing plants where bottling and packaging of mineral water in non refillable containers for sale and distribution is to be undertaken; and
 - (B) wineries listed in Table Alex/6 (where relevant).

GENERAL FARMING STRATHALBYN ZONE

Principles of Development Control

- 2 Industrial or commercial development should not be undertaken unless it is:
 - (a) of a noxious or otherwise unsuitable nature for location within a built-up urban area or zones designated for urban development;
 - or
 - (b) directly associated with the processing of primary produce from the land in the region.
- 3 Industrial and commercial development should be screened by substantial landscaping.

COMMENTS

This proposal seeks to expand and in effect double the size of an existing winery. As this is already an approved use of the land, assessment should deal primarily with the impacts of such an expansion.

Environmental Impact:

Significant environmental impacts were assessed as part of the EPA referral. In summary, the EPA determined that:

- (a) noise associated with the doubling of capacity should not greatly affect adjoining properties due to the siting of the winery and the nearest neighbour being located 600m from the winery. They advised they had not received any noise complaints regarding the winery.
- (b) In assessing waste the EPA determined that the winery has sufficient capacity to compost additional organic waste.

.../cont.

2.2 455/797/05 – Langhorne Creek Winery Pty Ltd (Continued)

- (c) The issue of odour associated with the proposal has been raised by one of the representors. The applicant has advised that approved compost site is larger than has previously been required, and spare capacity has been utilised by the adjoining Rosemount /Rycroft Winery.

This winery (Rosemount/Rycroft) will no longer be utilising the spare capacity and it will be used by the applicant instead, indicating that no additional composting odour should be created.

- (d) The EPA did note that air quality may be affected during the construction phase and measures should be taken to suppress any excessive dust.
- (e) The area of most concern for the EPA was potential stormwater and wastewater impacts due to the increase in size theoretically doubling the amount of waste water generated. This is to be ameliorated through directing any roof stormwater away from the existing wastewater system to avoid overloading, the improved wastewater treatment system such as the decanter which are included in the application and through increasing the size of the effluent irrigation tree lot. The EPA concluded that the proposal should not present an unacceptable risk to the environment and should be supported.

Amenity Impacts:

A number of concerns were raised from representors regarding the state of roads adjoining the subject land, specifically Cherington Road and Pioneer Avenue. Regarding Cherington Road, Council's Engineering and Infrastructure Department have an ongoing program for road maintenance, they have been made aware of the representors concerns and are responding to the issues raised. They do recommend however that this road is not suitable to be used as a truck route for the winery. An agreement has previously been reached to bitumen seal one kilometre of Pioneer Avenue between the winery entrance and the Strathalbyn-Milang Road work on this is expected to commence in the near future.

The size & bulk of the proposed extension raises issues of visual amenity, particularly as the winery infrastructure will initially be visible from the Strathalbyn – Milang Road. Woodlots have already been established as part of the original approval and these will serve to provide some screening from this road. Two additional woodlots are proposed as part of this application which will provide further screening, with the EPA requiring an additional four hectares of tree lot to be established prior to 31 December 2006.

As an extension to an existing use, with minimal environmental impact expected, and measures such as screening and road surfacing to be undertaken to lessen amenity concerns the proposal is considered to have sufficient merit to warrant approval.

.../cont.

2.2 455/797/05 – Langhorne Creek Winery Pty Ltd (Continued)

RECOMMENDATION

That the Development Assessment Panel approve Development Application 455/797/05 for an extension to an existing winery (to 30,000 tonne capacity) at Lot 1 Milang Road, Angas Plains, subject to the following conditions:

1. The development should be established according to the plans submitted (Master Plan Im:10278LET04.doc)
2. The construction of the Pioneer Avenue and Strath-Milang Road intersection is to be squared up. Costs are to borne by the applicant.

EPA CONDITIONS

3. Wastewater from the development must not be irrigated on land within 25 metres of any property boundary.
4. Four hectares of additional effluent irrigation tree-lot must be established prior to 31 December 2006.

NOTE: The upgrade of Pioneer Avenue has been conditioned under Development Application 455/1082/99.

ITEM 3. DEVELOPMENT APPLICATIONS - NON COMPLYING

3.1 455/304/05 - Leighton Hall Design

SUMMARY TABLE

Date of Application	16 th March 2005
Subject Land	Block A Adelaide Place Currency Creek
Assessment No.	A16899 A17526
Relevant Authority	Alexandrina Council
Planning Zone	Rural (Currency Creek) Zone
Nature of Development	Single storey dwelling with garage & verandah
Type of Development	Non-complying
Public Notice	Category 3 (potentially)
Referrals	Nil
Representations Received	N/A
Representations to be heard	N/A
Date last inspected	5 th September 2005
Recommendation	Not to proceed
Originating Officer	Joanne Nightingale

ESD IMPACT/BENEFIT

- Environmental An increase in stormwater runoff and service requirements. May lead to an increase in vegetation.
- Social A change in the nature of the area with a reduction in land available for primary production and amenity with an increase in visible housing.
- Economic An increased opportunity for rural living type development.

Background

Upon lodgement of this application the applicant was notified that if they agreed to amalgamate titles it would be treated favourably as that was understood to be the policy in this area.

Further assessment proved this to be incorrect and a second letter was sent clarifying the position of Council staff.

.../cont.

3.1 455/304/05 – Leighton Hall Design (Continued)

The applicant has indicated that they want to proceed with the application. This report is a determination upon the statement of support as to whether the application should proceed to further assessment pursuant to Regulation 17(3) of the Development Act and Regulations 1993.

REFER ATTACHMENT 3.1(a) (page 26)

THE PROPOSAL

Nature of Development

The application is for a single storey detached dwelling and detached dwellings are listed as non-complying in the Rural (Currency Creek) zone of the Alexandrina Council Development Plan. As a non-complying application, category three public notice is required if the Development Assessment Panel make the decision to proceed with further assessment of this application.

Detailed Description

The proposal is to construct a single storey detached dwelling including a verandah and garaging of 362 square metres in size on lots 97 and 98 Adelaide Place Currency Creek. The dwelling is to be constructed from red brick and sandstone, with a dark grey roof in a u-shaped design. It is proposed to be setback 17 metres from the Adelaide Place frontage which is the only made road in the locality and 35 metres from the Ellis Street frontage which is an unmade road. The Rural (Currency Creek) zone requires a 25 metre setback.

REFER ATTACHMENT 3.1(b) (page 28)

SITE & LOCALITY

The site includes lots 97 and 98 which form part of the larger holding of 97 to 104 and lots 119 to 124. This land has been cleared of any substantial vegetation many years ago and is open grazing land. There are two hay sheds and one recently approved shed upon the property.

The land is flat to very slightly undulating and rises up from the Strathalbyn to Goolwa road. The properties surrounding the site to the south and east are of a similar nature. The properties to the north are within the General Farming (Port Elliot and Goolwa) zone and are also grazing properties but on a larger scale. To the west of the subject land is a horticultural development of an olive grove.

REFER ATTACHMENT 3.1(c) (page 42)

REFERRALS

No referrals were required.

.../cont.

3.1 455/304/05 – Leighton Hall Design (Continued)

CONSULTATION

Not applicable at this stage.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

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

COUNCIL WIDE OBJECTIVES / PRINCIPLES

Rural Development

Objective 39: The retention of rural areas primarily for agricultural, pastoral and forestry purposes, and the maintenance of the natural character and beauty of such areas.

Pressures for the division of rural land are likely to accelerate because of the commuting possibilities that the Mount Lofty Ranges and other near metropolitan areas offer to people who work in the metropolitan area. The removal of primary production from rural areas places greater dependence upon the diminishing fertile areas. It is in the community interest that as much agricultural land as possible be retained in primary production. The region contains some of the best agricultural land in the State and is ideally situated to serve the food requirements of the metropolitan area.

The protection of the natural beauty, agricultural land and water resources, should remain the overriding consideration governing decisions relating to development of rural land in the Outer Metropolitan area.

PDC74 Development should primarily be limited to that which is essential for the maintenance of sustainable grazing, commercial forestry and mixed agricultural activities.

Rural Development

167 Rural areas should be retained primarily for horticultural, agricultural, pastoral and forestry purposes and other uses compatible with maintaining rural productivity.

168 Development should ensure that genuine agricultural activities are not prejudiced.

169 Development should ensure the sustainable use of land for primary production by the use of sound land management practices.

.../cont.

3.1 455/304/05 – Leighton Hall Design (Continued)

- 171 Development which would remove productive land from agriculture or diminish its overall productivity for primary production, should not be undertaken unless the land is required for essential public purposes.

RURAL CURRENCY CREEK ZONE

OBJECTIVE

Objective 1: The retention of land within the zone for a wide range of farming uses.

- 10 The following kinds of development are **non-complying** in the Rural (Currency Creek) Zone:
- Detached Dwelling

COMMENTS

The single objective for the Rural Currency Creek zone is the retention of land in a wide range of farming uses. Farming as defined by the Development Act Regulations 1993:

Includes the use of land for any purpose of agriculture, cropping, grazing, or animal husbandry, but does not include horticulture, commercial forestry, horse keeping, or any intensive animal keeping or the operation of a stock slaughter works or dairy;

Dwellings are listed as non-complying, the combination of a dwelling's non-complying status with the single objective for the zone being for farming uses clearly indicates the inappropriate nature of the proposal. This is further reinforced by the complying nature of farming and horticulture indicating the intent of this zone.

RECOMMENDATION

That the Development Assessment Panel refuse application 455/304/05 to establish a single storey dwelling, garage and verandah at Block A, Adelaide Place, Currency Creek on the grounds that it is a use not envisaged in the zone and in particular is at variance with:

RURAL CURRENCY CREEK ZONE

- Objective 1: The retention of land within the zone for a wide range of farming uses; and
- Principle 10 The following kinds of development are non-complying - Detached Dwelling.

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

4.1 455/744/05 - Southern Cross Care (SA)

SUMMARY TABLE

Date of Application	1 st July 2005
Subject Land	Lot 100 Washington Street, Goolwa
Assessment No.	A 19742
Relevant Authority	Alexandrina Council
Planning Zone	Residential
Nature of Development	Aged Care Residential Facility
Type of Development	Consent on merit
Public Notice	Category 3
Referrals	N/A
Representations Received	7
Representations to be heard	1
Date last inspected	1 st September 2005
Recommendation	Approval
Originating Officer	Tom Gregory

ESD IMPACT/BENEFIT

- Environmental Further stormwater collection from increase of impermeable surfaces and roof run-off. Increase in number and frequency of vehicular movements in the vicinity.
- Social Positive social impact for both aged persons and remainder of community. Increase of services for the elderly, including additional housing stock with provisions for 24 hour care. Possible expansion of community diversity.
- Economic Financial assistance to Council in sealing sections of road. Increased site value. Sole development of this nature in the community, may encourage further growth of locality.

.../cont.

4.1 455/744/05 – Southern Cross Care (SA) (continued)

BACKGROUND

The proposed Aged Care Residential Facility on the subject land has been a topic of consultation and discussion with Council and the community for some time. The proposed site was created as a result of a successful August 2004 Road Closure, and Gazetted later in April 2005.

THE PROPOSAL

Nature of Development

The proposed development involves the construction of an Aged Care Facility at Lot 100 corner of Byrnes Road and Washington Street, Goolwa North.

The subject land is located within the Residential Zone of the Alexandrina Council Development Plan. The nature of the development is such that the proposal has been classified as an 'on merit' application as it is neither defined as 'complying' or 'non-complying' in the appropriate tables of the Alexandrina Council Development Plan.

Detailed Description

The subject land is located on southernmost corner of Washington Street and Byrnes Road, Goolwa North, with a frontage of 146.46m and 81.65m respectively. It is currently vacant. For legal purposes, the land is described as Allotment 100 in DP 66115 in the area of Goolwa, in the Hundred of Goolwa.

The proposal is designed to cater for the increasing population of aged residents within the region who require specialist care. The proposal has residential land use characteristics as aged residents will live permanently within the facility, and be provided with full health care support. Essentially the Aged Care Facility is self reliant/dependant, and therefore the proximity to Goolwa's District Centre is not critical.

The proposed development entails:

- 60 single bed aged care units clustered within four 'houses', each within an accessible open space area. Each 'house' is provided with an individual kitchen for residents, a lounge room and separate duty stations for staff;
- A central facility containing office and administration areas, a meeting room, central kitchen, chapel, hairdresser and laundry;
- A visitor vehicle access from Washington Street, which will incorporate the use of a porte-cochere. This area will include provisions for 20 lined marked visitor car parks;

.../cont.

4.1 455/744/05 – Southern Cross Care (SA) (continued)

- A designated staff and service vehicle access from Byrnes Road providing 12 additional line marked car parks, ambulance bay, rubbish bin enclosure, loading area and a wash down area;
- Comprehensive fencing and landscaping will be established.

REFER ATTACHMENT 4.1(a) (page43)

The current proposal indicates that Service Infrastructure will be provided and the land will be raised for the building area to ensure no potential for local flooding. Stormwater will be managed on site with over-flow directed to Council stormwater detention basins.

SITE & LOCALITY

The subject land was formerly a road reserve, closed on 13th August 2004, and Gazetted on 7th April 2005. The locality continues to develop in a manner typical to that of its location where some infill housing development is occurring, and where new residential development is possible.

To the east of the subject land, on the adjacent side of Washington Street is the Goolwa Pony Club. The Pony Club is situated on land leased from Council and is currently zoned as Rural Fringe (subject to change with the implementation of the Residential PAR). With the exception of this and the area north of Byrnes Road, land surrounding the subject land is zoned Residential. This zone contains predominantly a mixture of newly constructed and established single storey detached dwellings built primarily on individual titles, and a number of undeveloped allotments remain. Rural land zoned General Farming extends northward towards Currency Creek on the opposite side of Byrnes Road from the subject land, and is mostly utilised for grazing purposes. An existing stormwater detention basin is located to the west fronting Byrnes Road.

The locality can be best described as containing a mixture of rural, semi-rural and peri-urban activities towards the north and east, with urban style allotments to the south and southeast, including a mixture of residential development/activities throughout.

PUBLIC NOTIFICATION

The application was put on Category 3 Public Notification pursuant to Section 38(5) of the Development Act 1993 between the 21st July and 4th August 2005.

A total of 7 representations were received within the prescribed time frame. Of those who responded, one representor stated they wished to be heard at the meeting.

.../cont.

4.1 455/744/05 – Southern Cross Care (SA) (continued)

From all representations received, the consensus was that all were supportive of the proposal, and many emphasised the positive impact this facility will have on the local community. One representor had concerns regarding the sealing of both Byrnes Road and Washington Street. An agreement was established in the Contract for Sale and Purchase of the Land in relation to both roads being sealed prior to the completion of the development.

Copies of the representations submitted are attached, and should be referred to for a comprehensive brief of the representors comments.

REFER ATTACHMENT 4.1(b) (page 46)

REFERRALS

No referrals were required in 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 was that a Waste Control System be submitted and approved by Council. An application has been received, and is now being formally assessed against appropriate legislation.

Consultation has been undertaken with Council's Engineering and Infrastructure Department (Engineer, Dennis Zanker) on the issues of stormwater, car parking and access. The Engineer indicated that an agreement has already been made between the Council and the Developer in relation to the sealing of both Byrnes Road and Washington Street. The Engineer advised that a Stormwater Management plan is to be provided, and that an increase in off street parking is also required. Other than the above concerns, the Engineer indicated his support for the proposed development.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

Form of Development

The Residential Zone promotes dwellings and associated land uses. However there is potential for non-residential development to occur provided it is in accordance with the following objective:

.../cont.

4.1 455/744/05 – Southern Cross Care (SA) (continued)

Objective 1: A zone primarily accommodating a range of dwellings, together with appropriate community uses complementing the permanent and the holiday accommodation requirements of the urban coastal area.

Although the proposal is not a single dwelling, nor holiday accommodation, it is essentially a residential use and one envisaged, if not directly identified, in the Residential Zone.

Council Wide

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.

Port Elliot and Goolwa

Objective 1: Compact living and business areas ensuring residents are within reasonable distance of community facilities.

PDC 1 Non-residential development in the zone should be of a type providing services primarily required by residents in the zone. In particular, such development should not detract from the amenity of the locality by reason of its bulk, appearance, advertising signs, traffic congestion or associated noise or other emissions.

The self contained nature of the proposal allows the facility to be located on the current township boundary without adversely impacting on adjoining built form.

Appearance, Design and Building Setback

Council Wide

Objective 29: The amenity of localities not impaired by the appearance of land, buildings, and objects.

.../cont.

4.1 455/744/05 – Southern Cross Care (SA) (continued)

PDC 58 The appearance of land, buildings and objects should not impair the amenity or character of the locality in which they are situated.

Residential Zone

PDC 2 Buildings should not exceed 8.0 metres in height and should not cover more than 50 percent of the area of the allotment.

PDC 8 Development should be compatible with the character and amenity of the locality.

PDC 9 Buildings and structures should be of a high standard of design with regard to external appearance, building materials, colours, siting, bulk, loss of privacy, overshadowing, landscaping and provision for future maintenance.

The single storey – low profile nature of the building will complement adjacent development whilst also being sympathetic to the natural landscape and adjoining properties. The external materials include the use of Colorbond steel for roof cladding, and an architectural design approach to the external walls including a blend of concrete (with textured paint), solid masonry, profiled horizontal Colorbond, and possible feature stone work to the entrance and porte cochere.

Movement of People and Goods

Council Wide

PDC 23 Development within the Port Elliot and Goolwa District as identified on Map Alex/1 (overlay 1) Enlargement G should have car parking spaces on the site, or on a site nearby approved by the planning authority at a rate not less than that prescribed in Table Alex/3, unless otherwise varied by the specific zone provisions which apply.

PDC 24 Development and associated points of access and egress should not create conditions that cause interference with the free flow of traffic on adjoining roads.

Port Elliot and Goolwa

PDC 7 Development should include appropriate provision on the site to enable the parking, loading, unloading, turning and fuelling of vehicles.

PDC 9 Car parking and vehicular access areas should be paved and parking bays delineated by line marking or other suitable means.

PDC 10 Car parking areas should be landscaped with trees and shrubs to provide shelter and shade and appropriate screening.

.../cont.

4.1 455/744/05 – Southern Cross Care (SA) (continued)

Residential Zone

PDC 7 Development should include sufficient provision for vehicular access which will not unduly affect the amenity of the locality, cause nuisance to any person or adjacent development, or interfere with the free flow of traffic in adjacent streets.

Proposed car parking provisions are adequate to the level prescribed within Table Alex/3 of the Development Plan. The plan requires car parking at the rate of 1 space / 10 residents, plus 1 space / 2 staff, plus 1 space / 5 residents (for visitors). Based on the prescribed requirements, the proposal should provide a minimum of 26 car parks. The development caters for 32 line marked car parking spaces.

Access to the subject land will be via two proposed access points, on Byrnes Road and Washington Street. Delivery vehicles and staff vehicles will access the site via the Byrnes Road access. There is adequate space provided in the service area for service vehicles to undertake turning movements. Ambulances will also access the site via the Byrnes Road access. An ambulance bay will be provided within the rear service area.

Visitor vehicles will access the site via Washington Street. The porte cochere will be provided and accessed via Washington Street. Adequate room is provided to allow a vehicle to be parked in the porte cochere and for another vehicle to pass.

The forecast traffic generation for the proposed development has been based on the rates indicated for aged care developments in the NSW RTA's 'Guide to Traffic Generating Developments'. The RTA guide indicates that 1 to 2 vehicle trips per dwelling can be expected to be generated by the proposed development. This rate includes resident, staff, visitor, and delivery trips associated with the aged care facility. Therefore, based on the rate recommended by the RTA Guide, 60 to 120 trips per day are forecast to be generated by the Aged Care Facility.

The traffic generated by the development is relatively low and will be distributed between the two access points. Provided that Byrnes Road and Washington Street are sealed, as proposed, the generated traffic will be readily accommodated on the adjacent road network.

COMMENT

As can be seen from the assessment above, the proposal for an Aged Care Facility located at Lot 100 Washington Street, Goolwa meets a number of principles and objectives of the Development Plan.

4.1 455/744/05 – Southern Cross Care (SA) (continued)

The proposal essentially provides an appropriate service for the community in the Residential zone, with suitable provision for car parking and access, and a built form which harmonises with, and complements the existing character and amenity of the area.

In conclusion, the proposal displays sufficient merit to warrant approval.

RECOMMENDATION

That the Development Assessment Panel approve Development Application 455/744/05 for an Aged Care Facility at Lot 100 Washington Street, Goolwa subject to the following conditions and notes:

1. A Waste Control System shall be approved by Council prior to the issue of Development Approval.
2. A Stormwater Management plan is to be provided and approved by Council prior to the issue of Development Approval.
3. A Landscaping plan is to be provided and approved by Council prior to the issue of Development Approval.
4. Lower car park is to be raised 300mm (from RL2.1 to RL2.4).

NOTE:

All works are to be carried out in accordance with the Contract for Sale and Purchase of the Land, signed by representatives of the Alexandrina Council, and Southern Cross Care (SA) Inc dated 6th January 2005.

ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION COMMUNITY TITLE

5.1 455/D015/05 - Kathleen Mary Ottewell

SUMMARY TABLE

Date of Application	7 th March 2005
Subject Land	Lot 11 Currency Creek Road, Goolwa North
Assessment No.	A4107
Relevant Authority	Alexandrina Council
Planning Zone	Rural Living Policy Area 18
Nature of Development	Land division creating one extra lot
Type of Development	Merit
Public Notice	N/A
Referrals	Planning SA; SA Water
Representations Received	N/A
Representations to be heard	N/A
Date last inspected	9 th June 2005
Recommendation	Refusal
Originating Officer	Joanne Nightingale

ESD IMPACT/BENEFIT

- Environmental Increased in density and therefore use of services, pollution and a decrease in vegetation.
- Social Greater availability of housing on larger allotment.
- Economic Increase in rate base, but also increase in service provision required.

BACKGROUND

Two land divisions were approved nearby before the implementation of the policy area in October 2004. These divisions have led to the applicant Kathleen Ottewell to pursue an application no longer in accordance with the zone guidelines.

.../cont.

5.1 455/D015/05 – Kathleen Mary Ottewell (continued)

This report was prepared in June this year but the applicant subsequently requested that it be deferred as the recommendation was refusal. Preliminary advice was provided by Council staff to the effect that the proposal was not supported by the Development Plan provisions and was likely to be refused. A request to put the application on hold for six months was denied, with a letter requesting a decision to proceed or withdraw by the end of August. DSC Andrews Surveyors on behalf of the applicant has submitted an additional report in support of the application that is to be decided today.

REFER ATTACHMENT 5.1(a) (page 54)

THE PROPOSAL

Nature of Development

The application is a consent on merit decision under the Rural Living Policy Area 18 Zone as land division is not listed as complying or non-complying. It is a category one form of development both in the Development Plan and the Development Act 1993, not requiring public notice.

Detailed Description

The applicant wishes to divide her allotment of 2.434 hectares into two. A one hectare allotment with a 66.49 metre frontage and a 1.434 hectare allotment with a 94.85 metre frontage. A number of structures will remain on the larger proposed allotment 52.

REFER ATTACHMENT 5.1(b) (page 59)

SITE & LOCALITY

The site is a square shaped allotment with little vegetation covering it other than around the existing dwelling and the boundaries. It is a level block surrounded by similar developments. Of the fifteen allotments in the locality which I have identified as the land bound by Currency Creek Road and Cutler Road containing mainly square allotments of a similar size, there are three allotments which are still vacant. Within the larger locality of the zone there are many more vacant allotments.

REFERRALS

SA Water responded that none of their services are available. Planning SA responded with the reminder that this application would be at variance with Principle 1 of the Rural Living Policy area 18.

.../cont.

5.1 455/D015/05 – Kathleen Mary Ottewell (continued)

CONSULTATION

Consultation has been undertaken with Council's Environmental Health Department (EHO Kim Vivian) with regard to the effluent disposal system. The EHO had no comment.

Consultation has been undertaken with Council's Technical Services Department (TSO Dennis Zanker) on the issues of access. The advice of the TSO is that a rubble crossover would be required between the road and boundary to be constructed by applicant.

Alexandrina Council Development Plan

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

RURAL LIVING ZONE

Public Utilities

27 Development, including the division of land, should not be undertaken unless a water supply can be supplied to the development. Such water supply should be reliable and able to satisfy the anticipated demands for living purposes.

PDC 28 Development, including the division of land, should not be undertaken unless it can be connected to an approved waste disposal system constructed to current health standards.

POLICY AREA 18

PDC 1 The average allotment area within any plan of land division within the Goolwa East, Middleton and Mount Compass Policy Area 18 should be not less than 2.0 hectares (the average allotment area is the total area of all proposed allotments within the plan of division, exclusive of the area of roads and reserves, divided by the number of such allotments).

PDC 3 Land division creating allotments not conforming to the principles of development control expressed in 1 and 2 above should not be undertaken unless no additional allotments are being created.

.../cont.

5.1 455/D015/05 – Kathleen Mary Ottewell (continued)

COMMENTS

The application for division in this policy area is clearly outside the guidelines agreed to and placed through public consultation last year in that it creates an average of a little over 1 hectare. It is understandable that the applicant has seen two existing divisions that have occurred previously and wishes to do the same, however the policy for allotment size in this area is very clear and has been ratified following the previous divisions. There are a number of existing vacant allotments showing that there has not been a change in pressure to develop requiring Council to review allotment sizes at this time.

RECOMMENDATION

That the Development Assessment Panel refuse application 455/D015/05 to create one additional allotment at Lot 11 Currency Creek Road, Goolwa North, on the grounds that it is at variance with:

Principle 1 of the Rural Living Policy Area 18 Zone

The average allotment area within any plan of land division within the Goolwa East, Middleton and Mount Compass Policy Area 18 should be not less than 2.0 hectares (the average allotment area is the total area of all proposed allotments within the plan of division, exclusive of the area of roads and reserves, divided by the number of such allotments).

and;

Principle 3

Land division creating allotments not conforming to the principles of development control expressed in 1 and 2 above should not be undertaken unless no additional allotments are being created.

ITEM 6. DEVELOPMENT ASSESSMENT - BUILDING

ITEM 7. MATTERS REFERRED FOR FOLLOW UP

ITEM 8. GENERAL ITEMS FOR DISCUSSION

8.1 455/706/05 – Mark Hall

This application for a change of use – Agricultural Supplies Shop at Lots 4+5 Wellington Road, Langhorne Creek, was approved by the Development Assessment Panel on 15th August 2005 (Item 4.1).

Advice has now been received from the Environment Resources and Development Court that an appeal has been lodged by Hans-Jorg Levi and Marie-Claire Levi.

The hearing has been set down for Monday 26th September 2005 at 11:00 a.m.

RECOMMENDATION

That the advice be received.

8.2 455/1293/04 – Mark Hall

This application for a change of use – Agricultural Supplies Shop at 9 Scott Road, Langhorne Creek, was refused by the Development Assessment Panel on 25th January 2005 (Item 4.2). An appeal was lodged by the applicant and a compulsory conference was held between the parties. The compromise was put to the Development Assessment Panel on 17th May 2005 (Item 8.1), but was not agreed to.

This application was then put on hold pending the outcome of Development Application 455/706/05.

The hearing date for DA 455/1293/04 was to be Tuesday 13th September 2005 but on request of Nolan Rumsby Planners and agreement by Mr Craig Willson (on behalf of Rebecca Willson) and Council an adjournment has been requested with the Environment Resources and Development Court, pending the outcome of the hearing for DA 455/706/05. The new date had not been set at the time of writing this agenda.

RECOMMENDATION

That the report be received.

ITEM 9. NEXT MEETING

Monday 24th October 2005 with the time to be advised.

Meeting closed at