

# ALEXANDRINA COUNCIL

## NOTICE OF MEETING

Notice is hereby given to the Members that a meeting of the Development Assessment Panel will be held in the Community Chambers "wal Yuntu Warrin" on 16 July 2008 commencing at 11:00 am

Your attendance is requested.

11:00 a.m.            Development Assessment Panel commencement

12:00 p.m.           Conclusion of meeting.

JOHN COOMBE  
CHIEF EXECUTIVE

ALEXANDRINA COUNCIL

AGENDA FOR THE DEVELOPMENT ASSESSMENT PANEL MEETING  
TO BE HELD ON 16 JULY 2008 AT 11:00 AM  
IN COMMUNITY CHAMBERS "WAL YUNTU WARRIN"

TABLE OF CONTENTS

<u>ITEM NO.</u>	<u>SUBJECT</u>	<u>PAGE NO.</u>
ITEM 1	<u>CONFIRMATION OF MINUTES</u> .....	1
2.	<u>DEVELOPMENT APPLICATIONS</u> .....	2
2.1	455/215/08 - Prime Building Company.....	2
2.2	455/521/08 - Damile Developments Pty Ltd.....	11
3.	<u>DEVELOPMENT APPLICATIONS - NON COMPLYING</u> .....	21
3.1	455/198/08 - Michael David Daniel Boerema.....	21
4.	<u>DEVELOPMENT APPLICATIONS - CATEGORY 3</u> .....	28
5.	<u>DEVELOPMENT APPLICATIONS - LAND DIVISION / COMMUNITY TITLE</u> .....	28
6.	<u>DEVELOPMENT APPLICATIONS - BUILDING</u> .....	28
7.	<u>MATTERS REFERRED FOR FOLLOW - UP</u> .....	28
8.	<u>GENERAL ITEMS FOR DISCUSSION</u> .....	28

**Development Assessment Panel  
Report and Agenda  
on 16 JULY 2008 commencing at 11:00 am  
in the Community Chambers "Wal Yuntu Warrin"**

**PRESENT**

**APOLOGIES**

**IN ATTENDANCE**

**ITEM 1      CONFIRMATION OF MINUTES**

Minutes of the Alexandrina Council Development Assessment Panel held on 18<sup>th</sup> June 2008.

**RECOMMENDATION**

That the minutes of the Alexandrina Council Development Assessment Panel held on 18<sup>th</sup> June 2008 as circulated to members be received as a true and accurate record.

**ITEM 2. DEVELOPMENT APPLICATIONS**

**2.1 455/215/08 - Prime Building Company**

**SUMMARY TABLE**

Date of Application	21 February 2008
Subject Land	9-13 (Lot 67) Beaumont Street, Port Elliot
Assessment No.	A A3036
Relevant Authority	Alexandrina Council
Planning Zone	Residential (Policy Area 13)
Nature of Development	Construction of nine (9) two-storey dwellings (including three detached dwellings, two semi-detached dwellings and two residential flat buildings with two dwellings in each building) and associated driveways and landscaping.
Type of Development	Merit
Public Notice	Category 2
Referrals	Nil
Representations Received	3
Representations to be heard	Nil
Date last inspected	3 July 2008
Recommendation	Approval with conditions
Originating Officer	Matt Atkinson

**ESD IMPACT/BENEFIT**

- Environmental                      Minor impact through increased stormwater runoff as a result of additional hard surfaces.
- Social                                      Negligible.
- Economic                                Benefits for the property owner and the local economy.

**THE PROPOSAL**

**Nature of Development**

The Applicant proposes to construct nine (9) two-storey dwellings. The nine dwellings are comprised of three (3) detached dwellings, two (2) semi-detached dwellings and two (2) residential flat buildings with two (2) dwellings per building. A common driveway and landscaping will also be established.

.../cont.

## 2.1 455/215/08 – Prime Building Company (Continued)

Detached dwellings, semi-detached dwellings and residential flat buildings are not listed as either complying or non-complying within the Residential Zone. Accordingly, the Application is required to be assessed on its merit with regard to the provisions of the Alexandrina Council Development Plan.

### **Detailed Description**

The proposed development incorporates the construction of nine (9) two-storey dwellings. The nine dwellings are comprised of three (3) detached dwellings, two (2) semi-detached dwellings and two (2) residential flat buildings with two (2) dwellings per building.

The dwellings are contemporary and varied in design. Common elements of each dwelling include flat roofs and a reduced second storey bulk and mass. The ground floor of each dwelling is constructed of brick/veneer and the second storey is constructed of harditex external cladding with a texture coat finish. The front facades are varied in design and incorporate a range of materials including stonework, rendered masonry, colorbond, aluminium and zincalume.

All of the dwellings incorporate three (3) bedrooms, two (2) bathrooms, two (2) living areas and a double garage. The floor plans are varied in design. A common driveway and landscaping will also be established.

Plans and details of the proposed development are attached.

REFER ATTACHMENT 2.1(a)

### **SUBJECT LAND & LOCALITY**

The subject land is located on the southern side of Beaumont Street in Port Elliot. The land is a regular shaped allotment with a 70.3 metre street frontage and a depth of 62.4 metres, resulting in an overall area of 4601 square metres.

The subject land slopes from the rear (south) of the allotment towards the street and is currently vacant. The subject land enjoys vistas of the hills and the hinterland behind Port Elliot.

The locality is characterised by a mixture of residential development, with both single storey and two-storey dwellings located adjacent to the subject land. Whilst the majority of development adjacent to the subject land consists of detached dwellings, a group dwelling development was approved by the Environment, Resources and Development Court abutting the southern boundary of the subject land (fronting Battunga Avenue).

.../cont.

2.1 455/215/08 – Prime Building Company (Continued)

The subject land is located within the Residential Zone (Boomer Beach Policy Area 13), as identified by the Alexandrina Council's Development Plan, as are all the adjacent allotments.

A locality plan is attached.

REFER ATTACHMENT 2.1(b)

**PUBLIC NOTIFICATION**

Neighbouring properties were notified of the proposed development as a Category 2 development, pursuant to Section 38 (4) of the Development Act, 1993. During the notification period, three (3) representations were received regarding the proposed development.

Two (2) of the representations opposed the proposed development, citing issues such as overdevelopment, traffic and parking, noise, bulk and scale, building profiles and vistas.

One of the representors assumed that eighteen (18) dwellings were to be constructed on the subject land due to the wording of the proposal when it was notified. Council officers contacted the representor and clarified that only nine (9) dwellings were proposed. The representor indicated that whilst nine (9) dwellings is better than eighteen (18), the proposal was still an overdevelopment of the land.

Complete copies of the representations are attached.

REFER ATTACHMENT 2.1(c)

Mr Garth Heynen, of Heynen Planning Consultants, has responded to the representations on behalf of the Applicant. Mr Heynen has addressed the concerns of the representors and submits that the proposed development is generally consistent with the provisions of the Development Plan and warrants Development Plan Consent.

I will address the key issues individually under their respective headings later in the report.

A full copy of Mr Heynen's response is attached.

REFER ATTACHMENT 2.1(d)

.../cont.

2.1 455/215/08 – Prime Building Company (Continued)

**REFERRALS**

No statutory referrals were required.

**INTERNAL CONSULTATION**

The Application has been reviewed by the Council's Engineering Project Officer, Stewart Ratcliff, with a particular focus on stormwater and effluent disposal. Mr Ratcliff has indicated that the proposal will be able to dispose of both stormwater and effluent appropriately and has recommended several conditions of consent should the Panel be of a mind to grant Development Plan Consent.

**ALEXANDRINA COUNCIL DEVELOPMENT PLAN**

The Application was lodged with the Council on 21 February 2008. As such, the Alexandrina Council's Development Plan, consolidated on 17 January 2008 applies.

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

**Council Wide**

Objectives: 1, 2, 5, 6, 7, 8 and 17.

PDC's: 1, 2, 3, 35, 36, 37, 38, 39, 40, 41, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 83, 84, 107, 108, 109 and 142.

**Port Elliot & Goolwa District**

Objectives: 1.

PDC's: 1, 2 & 68.

**Residential Zone**

Objectives: 1, 2, 3 & 4.

PDC's: 1, 5, 6, 7, 8, 9, 10 & 13.

**Residential (Boomer Beach) Policy Area 13**

Objectives: 1 & 2.

.../cont.

2.1 455/215/08 – Prime Building Company (Continued)

PDC's: 1, 2, 3, 4, 6, 7 & 8.

Land Use

The subject land is located within the Residential Zone and, more specifically, Residential (Boomer Beach) Policy Area 13. The following Objectives as listed within the Zone provisions are considered most relevant when determining the appropriateness of the land use:

Residential (Boomer Beach) Policy Area 13, Objective 1 states:

*"A policy area accommodating detached dwellings up to two storeys in height."*

The proposed development incorporates a variety of dwelling types. Boomer Beach Policy Area Objective 1 nominates only detached dwellings as being envisaged within the Policy Area. Residential (Boomer Beach) Policy Area 13, Principle of Development Control 3 provides additional guidance:

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

The proposal includes detached dwellings, semi-detached dwellings and residential flat buildings. Whilst semi-detached dwellings and residential flat buildings are not anticipated within this policy area, it would not be possible to develop the subject land to its maximum potential (in accordance with the minimum areas prescribed by the Development Plan for this Policy Area) with detached dwellings due to the depth of the allotments. A common driveway is required to access the rear portion of the allotments.

In addition, the Environment Resources and Development Court granted Development Plan Consent (Development Application 455/391/06) for four (4) group dwellings on land abutting the rear of the subject land at 10 Battunga Avenue. This development is located in the same Policy Area as the subject land. It is considered that this Court judgement provides additional guidance regarding the appropriateness of alternative forms of residential development in this locality.

In principle, residential land uses are appropriate within the Residential Zone, and given the constraints of the allotment (the size and depth) and the precedent of group dwellings abutting the subject land, the proposed development of a mixture of dwelling types is considered appropriate in this instance.

.../cont.



2.1 455/215/08 – Prime Building Company (Continued)

Given the appropriateness of the proposed land use 'in principle', this report will focus on the general design principles of the Development Plan relevant to residential development and the potential impact of the development on the adjacent property owners and the broader locality. The issues have been separated into headings for easy reference, and are set out below:

**Dwelling Density**

The proposed development incorporates nine (9) dwellings on a total land holding of 4601m<sup>2</sup>, resulting in an average allotment size of 511m<sup>2</sup> per dwelling.

Residential (Boomer Beach) Policy Area 13, Principle of Development Control 8 prescribes minimum allotment sizes for dwellings of 450m<sup>2</sup>. The average allotment size proposed is greater than the minimum allotment size prescribed for the Policy Area.

If the common driveway and landscaping areas are removed from the calculations, the resulting individual allotment sizes range from 443m<sup>2</sup> to 453m<sup>2</sup>. The proposed deviation from the minimum allotment size of 7m<sup>2</sup> (or 1.6%) is considered to be negligible and not significantly at variance with the Development Plan.

Accordingly, the proposed dwelling density is considered to be appropriate within this locality and Policy Area.

**Two-storey development**

Residential (Boomer Beach) Policy Area 13, Objective 1 states:

*"A policy area accommodating detached dwellings up to two storeys in height."*

Additional guidance is provided by Residential (Boomer Beach) Policy Area 13, Objective 2, which states:

*"Development which is designed and located so that the profiles of buildings complement the slope of the land."*

To assist in determining the impact of two-storey development on adjacent properties in terms of building profiles and the slope of the land, Residential (Boomer Beach) Policy Area 13, Principle of Development Control 6 provides assistance. Residential (Boomer Beach) Policy Area 13, Principle of Development Control 6 states:

.../cont.

2.1 455/215/08 – Prime Building Company (Continued)

*“Dwellings of more than one storey in height should take account of the following factors:*

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

Whilst the proposed dwellings are two-storey, the design of the dwellings is considered to be consistent with the above Principle for the following reasons:

- The overall height of the proposed dwellings does not exceed 6.5 metres above the natural ground level (the maximum height allowed in the Residential Zone is 8 metres);
- There are other two-storey dwellings within the locality;
- The finished floor levels are ‘stepped’ to follow the contours of the land; and
- The dwellings are well articulated (the bulk/mass of the second storeys are markedly reduced from the ground level and incorporate more generous setbacks from all boundaries).

Other issues commonly associated with two-storey development include overlooking and overshadowing. The Applicant proposes to incorporate high level or obscure windows (up to 1500mm above the floor level) to all second storey elevations, other than where windows directly overlook a public road or common property.

In terms of overshadowing, the Council’s planning staff are satisfied that overshadowing resulting from the proposed development will not have an unreasonable impact on adjacent properties. Council staff considered the orientation of the allotment, the siting of the dwellings (setbacks) and the overall building heights when forming this view.

The two-storey form of development is considered to be appropriate in this instance, as it will complement other built form within the locality and will not unreasonably impact on adjacent development.

**Car-parking and Traffic**

Each dwelling incorporates a double garage and adequate area for two visitor car-parks in their respective driveways, resulting in four (4) car-parking spaces per dwelling. This is considered to be ample car-parking to service the proposed development.

.../cont.

2.1 455/215/08 – Prime Building Company (Continued)

The additional traffic generated by the proposed development is not anticipated to have any discernable impact on the existing street network within the locality. The roads within the Residential Zone are designed to accommodate traffic flows should the area be fully developed. Access to and from Beaumont Street is considered to be safe and convenient.

The proposed provision of car-parking and the resulting traffic generated by the development is considered to be acceptable.

**SUMMARY**

The Council's Planning staff are satisfied that the proposed development is generally consistent with the Objectives and Principles of Development Control within the Development Plan, and will not have an unreasonable impact on the owners and occupiers of adjacent land.

The proposed construction of nine (9) two-storey dwellings (including three detached dwellings, two semi-detached dwellings and two residential flat buildings with two dwellings in each building, and associated driveways and landscaping), is considered to be generally consistent with the majority of provisions within the Development Plan and, accordingly, Development Plan Consent is recommended.

**RECOMMENDATION**

That the Development Assessment Panel grant Provisional Development Plan Consent to Development Application 455/215/08 for the construction of nine (9) two-storey dwellings (including three detached dwellings, two semi-detached dwellings and two residential flat buildings with two dwellings in each building) and associated driveways and landscaping, at 9-13 (lot 67) Beaumont Street, Port Elliot, subject to the following conditions:

1. The external finishes to the buildings herein approved shall be in accordance with the materials as specified in the application now approved.
2. All plants, shrubs, trees and lawn and/or ground cover shall be maintained in good condition at all times. Any diseased or dying plants, shrubs, trees or lawn and/or ground cover shall be replaced whenever necessary.

.../cont.

- 2.1 455/215/08 – Prime Building Company (Continued)
3. With reference to Alexandrina Council Design Guidelines (copy attached) - Appendix A, the Applicant (or others) shall provide details/calculations of proposed stormwater discharge from the subject land. Stormwater discharge to be limited to approximately 3 L/second per dwelling. Total stormwater discharge from the site to a public road shall be limited to approximately 12 L/second. The Applicant shall provide further details of methods proposed for the on-site control, retention or treatment of site stormwater prior to discharge and stormwater treatment proposed at the discharge point. The above details shall be provided to the Council prior to the issuing of Development Approval.
4. All stormwater drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or, in the opinion of Council, detrimentally affect structures on this site or any adjoining land.
5. All upper floor windows shall incorporate fixed obscure glazing to a minimum of 1500 millimetres above the floor level, other than where the window overlooks a public road or common driveway area.
6. The Applicant must submit a Waste Control Application with the Council. An appropriate Waste Control System must be approved by the Council prior to the issuing of Development Approval.

Notes:

1. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environmental Protection Act, to take all reasonable and practical measures to ensure that its activities on the whole site do not pollute the environment. This is particularly important for the ongoing management of the operation and with respect to any use of chemicals and prevention of soil erosion.
2. Allotment boundaries will not be certified by Council staff. The onus of ensuring that the building is sited in the approved position on the current allotment is the responsibility of the owner. This may necessitate a survey being carried out by a licensed land surveyor.
3. Encumbrances, although not administered by Council, may apply to your property. You are therefore advised to check for encumbrances on your Certificate of Title prior to commencing work.
4. You should advise your neighbour of your intentions to build on your common boundary, prior to commencing construction.

2.2 455/521/08 - DAMILE DEVELOPMENTS PTY LTD

**SUMMARY TABLE**

Date of Application	8 May 2008
Subject Land	63 (Lot 2) Barrage Road, Goolwa South
Assessment No.	A A7745
Relevant Authority	Alexandrina Council
Planning Zone	Tourist Accommodation
Nature of Development	Demolition of a detached dwelling and the construction of four (4) two-storey group dwellings.
Type of Development	Merit
Public Notice	Category 2
Referrals	Nil
Representations Received	3
Representations to be heard	Nil
Date last inspected	30 June 2008
Recommendation	Approval with conditions
Originating Officer	Matt Atkinson

**ESD IMPACT/BENEFIT**

- Environmental                      Minor impact through increased stormwater runoff as a result of additional hard surfaces.
- Social                                      Negligible.
- Economic                                Benefits for the property owner.

**THE PROPOSAL**

**Nature of Development**

The Applicant proposes to demolish the existing single storey detached dwelling and construct four (4) two-storey group dwellings. Group dwellings are not listed as either complying or non-complying within the Tourist Accommodation Zone. Accordingly, the Application is required to be assessed on its merit with regard to the provisions of the Alexandrina Council Development Plan.

.../cont.

2.2 455/521/08 – Damile Developments Pty Ltd (Continued)

**Detailed Description**

The proposed development incorporates the demolition of an existing single storey dwelling and the construction of four (4) two-storey group dwellings. The demolition of the existing single storey dwelling is a complying form of development as identified within Schedule 4 (Part 1 (c)) of the Development Regulations, 1993.

All four (4) of the proposed dwellings are two-storey and freestanding (separate buildings). The dwellings are not classified as detached dwellings as they do not have an active frontage to a public road (all of the proposed dwellings rely on access via a 'right of way').

Three (3) of the dwellings (Dwellings 1-3) are proposed adjacent to the north-eastern boundary of the subject land facing the River Murray, whilst the fourth dwelling (Dwelling 4) is to be located at the rear of the allotment.

Dwellings 1-3 are the same design (Dwellings 2-3 are a mirror image of Dwelling 1) and incorporate three (3) bedrooms, two (2) bathrooms, a combined kitchen/meals/living area, a balcony and a double garage with access directly across the grassed 'right of way' from Barrage Road.

Dwelling 4 is located at the rear of the allotment and incorporates three (3) bedrooms, two (2) bathrooms, a combined kitchen/meals/living area, a balcony and a single width carport with access via an existing 'right of way' that is shared with the adjacent developments.

Plans and details of the proposed development are attached.

REFER ATTACHMENT 2.2(a)

**SUBJECT LAND & LOCALITY**

The subject land is an irregular shaped allotment of approximately 760 square metres, located on the south-western side of Barrage Road in Goolwa South. The land is almost completely enveloped by an adjacent allotment, although the subject land enjoys a 'right of way' over the said land for access purposes.

The subject land is relatively flat and is currently occupied by a single storey detached dwelling, which is proposed to be demolished. The subject land is located adjacent to the River Murray and enjoys vistas of the river and Hindmarsh Island.

.../cont.

2.2 455/521/08 – Damile Developments Pty Ltd (Continued)

The locality is characterised by predominantly two-storey development including both tourist accommodation uses and private residences. A public reserve is located opposite the subject land following the River Murray. The South Lakes Golf Club is located within the broader locality to the south-west of the subject land.

The Barrage Road streetscape is characterised by a 'greenscape' verge, which is relatively unique to the area in that a green (lawn) strip separates the private allotments from the Barrage Road edge. Formed driveways are discouraged within this 'greenscape' verge and, importantly, the Applicant intends to maintain this feature as a part of the proposed development.

The subject land is located within the Tourist Accommodation Zone, as identified by the Alexandrina Council's Development Plan, as are all the adjacent allotments.

A locality plan is attached.

REFER ATTACHMENT 2.2(b)

**PUBLIC NOTIFICATION**

Neighbouring properties were notified of the proposed development as a Category 2 development, pursuant to Section 38 (4) of the Development Act, 1993. During the notification period, three (3) representations were received regarding the proposed development.

All of the representations opposed the proposed development, citing issues such as access, rights of way, bulk & scale, vistas, construction of driveways on the 'greenscape', streetscape, lack of on-site parking, access to sunlight, setbacks and finished floor levels.

A fourth representation was received outside the prescribed notification period and, as such, was not able to be included with this report.

Complete copies of the valid representations are attached.

REFER ATTACHMENT 2.3(c)

Mr Tibor Cseh, of Aspex Building Designers, has responded to the representations on behalf of the Applicant. Mr Cseh submits that the information presented in response to the representations clearly illustrates that the proposed development is appropriate on the subject land and warrants Development Plan Consent.

.../cont.

2.2 455/521/08 – Damile Developments Pty Ltd (Continued)

I will address the key issues individually under their respective headings later in the report.

A full copy of Mr Cseh's response is attached.

REFER ATTACHMENT 2.4(d)

**REFERRALS**

No statutory referrals were required.

**INTERNAL CONSULTATION**

The Application has been reviewed by the Council's Engineering Project Officer, Stewart Ratcliff, with a particular focus on stormwater and effluent disposal. Mr Ratcliff has indicated that the proposal will be able to dispose of both stormwater and effluent appropriately and has recommended several conditions of consent should the Panel be of a mind to grant Development Plan Consent.

**ALEXANDRINA COUNCIL DEVELOPMENT PLAN**

The Application was lodged with the Council on 8 May 2008. As such, the Alexandrina Council's Development Plan, consolidated on 20 March 2008 applies.

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

**Council Wide**

Objectives: 1, 2, 5, 6, 7, 8, 18 and 38.

PDC's: 1, 2, 3, 36, 37, 38, 39, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 62, 66, 67, 68, 69, 70, 71, 72, 83, 141 and 142.

**Port Elliot & Goolwa District**

Objectives: 1.

PDC's: 1, 2 & 68.

**Tourist Accommodation Zone**

Objectives: 1.

PDC's: 2, 3, 5, 6, 7, 8 & 13.

.../cont.



2.2 455/521/08 – Damile Developments Pty Ltd (Continued)

**Land Use**

The subject land is located within the Tourist Accommodation Zone. The following Objectives as listed within the Zone provisions are considered most relevant when determining the appropriateness of the land use:

Tourist Accommodation Zone, Objective 1 states:

**“A zone primarily accommodating residential development catering for tourists and travellers, together with suitable entertainment and recreation facilities.”**

The proposed group dwellings are a form of residential development, although they are not proposed to cater for tourists or travellers. The proposed dwellings are for private permanent use.

Many of the adjacent properties are also occupied by permanent dwellings as opposed to tourist accommodation and, and such, the proposed development is considered to be consistent with existing land uses within the locality. Importantly, the establishment of a new permanent residential land use is not considered to have an adverse affect on the objectives of the Zone.

The appropriateness of permanent dwellings within the Tourist Accommodation Zone is further evidenced by the presence of Zone Principles of Development Control (PDC's) regarding this type of development (PDC's 1 & 2).

Given the appropriateness of the proposed land use 'in principle', this report will focus on the issues identified by the Representors and how they relate to the Council's Development Plan. The issues have been separated into headings for easy reference, and are set out below:

**Access, rights of way, driveways & on-site parking**

The Representors have identified that the subject land is enveloped by their property (the adjacent allotment) and that they would object to driveways being constructed and/or vehicles being parked on the 'greenscape' adjacent to the front of the allotment.

The Applicant has provided a Certificate of Title that illustrates a 'right of way' over the portion of land referred to as a 'greenscape'. The Applicant is entitled to access the land via the 'right of way' and has advised Council staff that they intend to retain the greenscape by not constructing driveways across this area.

.../cont.

### 2.2 455/521/08 – Damile Developments Pty Ltd (Continued)

They have also informed the Council that they are aware of the 'right of way' and do not intend to allow car-parking on the 'greenscape'. The Applicant provided several examples of where similar garages and carports are accessed from a 'greenscape' area adjacent to Barrage Road.

Council's staff are satisfied that the allotment has legal 'rights of way' to obtain access to each of the proposed dwellings.

In terms of on-site car parking, Council Wide Principle of Development Control 66 provides guidance. Design Technique 66.2 prescribes the number of car parking spaces that are considered appropriate for group dwellings, as follows:

Large dwellings (3+ bedrooms) – 1.25 spaces per dwelling; +  
Visitor spaces – 0.25 spaces per dwelling.

According to the above Principle, the four (4) proposed group dwellings result in an overall demand for six (6) on-site car parking spaces. The proposed development is provided with seven (7) on-site spaces, although six of these are within enclosed garages and are not suitable for visitors.

However, the Development Plan only prescribes the need for one (1) visitor space for the entire development and PDC 66 also requires consideration of the availability of on-street parking, which there is in this locality.

As such, the provision of on-site car parking is considered to be consistent with the Council's Development Plan, and therefore appropriate.

#### **Vistas, 'Bulk & scale' and solar access**

One of the representors lives directly adjacent to the north-western property boundary and identified a concern with the loss of their view to the river from the kitchen window. However, upon inspection of the land, it was observed that the kitchen window in question is located well back from the front facade and would most likely be obscured by any form of two-storey dwelling, irrespective of whether the dwelling was sited on the side boundary.

The Applicants have responded to this effect and have provided a photograph of the elevation in question as part of their response. The Representor will continue to enjoy views from their front windows and balcony.

Council Wide Principle of Development Control 36 is considered most appropriate in assessing the bulk and scale of the proposed development. Council Wide PDC 36 states:

.../cont.

2.2 455/521/08 – Damile Developments Pty Ltd (Continued)

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

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

The proposed group dwellings are considered to complement the existing built form of buildings within the locality. Buildings within the locality are almost exclusively two-storey and dwellings fronting Barrage Road are generally built from boundary to boundary. The form, mass, proportions, materials and articulation of the proposed dwellings are appropriate to the locality.

In respect to solar access, the orientation of the allotment is such that most of the overshadowing will occur over the common driveway area to the south of the development. The Representors properties are located to the north of the subject land and will not be affected by overshadowing or impacted by loss of sunlight.

**Setbacks**

The proposed primary setback from Barrage Road is considered to be consistent with adjacent developments. One of the representors questioned the front setback by submitting that the proposed development should be set back in line with the adjacent dwelling frontages.

However, the proposed setback is considered appropriate as the balcony areas of the adjacent building are also enclosed at the side. The proposed setback of the dwellings is not dissimilar to the existing buildings and is not expected to have an adverse impact on the amenity of the locality or streetscape.

**Finished floor levels**

The Applicant has illustrated the proposed finished floor levels on the proposed site plan. The finished floor levels are similar to the adjacent buildings (the FFL of proposed Residence 3 is 5 centimetres lower than the representors FFL). The resulting building heights (7.8 metres at the peak) are also considered to be acceptable (8 metres is the maximum height prescribed by the Development Plan).

.../cont.

2.2 455/521/08 – Damile Developments Pty Ltd (Continued)

**Summary**

The Council's Planning staff are satisfied that the Applicant has addressed the concerns of the Representors and that the proposed development generally complies with the Objectives and Principles of Development Control as listed within the Council's Development Plan.

The main point of contention is the access rights associated with the 'right of way'. However, the Applicant has illustrated the appropriate 'rights of way' and any further disputes about the ownership of the land must be addressed as a civil matter between the neighbours. This report is an assessment against the Development Plan for the purpose of granting Development Plan Consent only. Civil disputes must be settled between the relevant parties and the Council's Development Assessment Panel has no role to play from this perspective.

The proposed demolition of an existing dwelling and the construction of four (4) group dwellings is considered to be generally consistent with the majority of provisions within the Development Plan and, accordingly, Development Plan Consent is recommended.

**RECOMMENDATION**

That the Development Assessment Panel grant Provisional Development Plan Consent to Development Application 455/521/08 for the demolition of an existing dwelling and the construction of four (4) two-storey group dwellings at 63 (lot 2) Barrage Road, Goolwa South, subject to the following conditions:

1. The external finishes to the buildings herein approved shall be in accordance with the materials as specified in the application now approved.
2. All plants, shrubs, trees and lawn and/or ground cover shall be maintained in good condition at all times. Any diseased or dying plants, shrubs, trees or lawn and/or ground cover shall be replaced whenever necessary.

.../cont.

2.2 455/521/08 – Damile Developments Pty Ltd (Continued)

3. With reference to Alexandrina Council Design Guidelines (copy attached) - Appendix A, the Applicant (or others) shall provide details/calculations of proposed stormwater discharge from the subject land. Stormwater discharge to be limited to approximately 3 L/second per dwelling. Total stormwater discharge from the site to a public road shall be limited to approximately 12 L/second. The Applicant shall provide further details of methods proposed for the on-site control, retention or treatment of site stormwater prior to discharge and stormwater treatment proposed at the discharge point. The above details shall be provided to the Council prior to the issuing of Development Approval.
  4. The proposed demolition shall be carried out in accordance with the following;
    - Access to and in the vicinity of the site by the public before, during and after demolition, until the site is cleared; is to be restricted and as such the area must be secured by an approved barrier;
    - Any dust or similar products arising from the demolition must be controlled and kept within the site as far as is reasonable;
    - All demolition materials are to be removed from the site, and the site is to be left in a clean and tidy condition;
    - The demolition, transport and disposal of asbestos products, is subject to legislative control and must be handled in accordance with those requirements. Contact the Department for Administrative and Information Services, Industrial Affairs - Mineral Fibres Branch (asbestos enquiries) on 8303 0400 for further information and relevant approvals. Australian Standard AS2601 Demolition of Structures should be referred to for demolition procedures.
- Note: Disconnection of services and the undertaking of public liability insurance is the responsibility of the person supervising the works.
5. The areas between the front of the dwellings and the road reserve shall be maintained as lawn.
  6. No part of the approved dwellings, inclusive of fill, shall be higher than eight (8) metres measured from ground level to the top of the building.
  7. All stormwater drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or, in the opinion of Council, detrimentally affect structures on this site or any adjoining land.

.../cont.

2.2 455/521/08 – Damile Developments Pty Ltd (Continued)

Notes:

1. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environmental Protection Act, to take all reasonable and practical measures to ensure that its activities on the whole site do not pollute the environment. This is particularly important for the ongoing management of the operation and with respect to any use of chemicals and prevention of soil erosion.
2. Allotment boundaries will not be certified by Council staff. The onus of ensuring that the building is sited in the approved position on the current allotment is the responsibility of the owner. This may necessitate a survey being carried out by a licensed land surveyor.
3. Encumbrances, although not administered by Council, may apply to your property. You are therefore advised to check for encumbrances on your Certificate of Title prior to commencing work.
4. You should advise your neighbour of your intentions to build on your common boundary, prior to commencing construction.
5. 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.

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

3.1 455/198/08 - Michael David Daniel Boerema

**SUMMARY TABLE**

Date of Application	15 February 2008
Subject Land	Lot 12 Woodcone Road, Mount Compass
Assessment No.	A A4950
Relevant Authority	Alexandrina Council
Planning Zone	General Farming (Pt Elliot & Goolwa)
Nature of Development	Change of use from a dwelling to tourist accommodation (bed & breakfast) (Non-complying)
Type of Development	Non-Complying
Public Notice	Category 3
Referrals	CFS
Representations Received	Nil
Representations to be heard	Nil
Date last inspected	May 2008
Recommendation	Approval with conditions
Originating Officer	David Zanker

**ESD IMPACT/BENEFIT**

- Environmental Impact is expected to be minor as the structure is existing.
- Social Benefits to the owner and the local community through the provision of an additional tourist facility.
- Economic Boost to the local economy through the addition of tourist accommodation and a small business.

**BACKGROUND**

A single storey detached dwelling was approved (Development Application 455/22/04) on the 27 April 2004. This is relevant as Tourist Accommodation is listed as non-complying within the Development Plan (General Farming Zone Principle of Development Control 5), in instances where a dwelling has been constructed after 21 September 2000.

.../cont.

3.1 455/198/08 – Michael David Daniel Boerema (Continued)

**THE PROPOSAL**

**Nature of Development**

The proposed development incorporates changing the use of an approved dwelling to a bed and breakfast (tourist accommodation).

As previously mentioned, this application is non-complying as the existing dwelling was granted Development Approval after 21 September 2000.

**Detailed Description**

It is proposed to change the use of a detached dwelling to a tourist accommodation land use (bed and breakfast). The bed and breakfast will not be hosted by the property owners, however food and cooking utensils will be provided. The existing dwelling incorporates an open planned area with combined living, kitchen and sleeping areas. The dwelling also incorporates a separate bathroom and laundry. It is anticipated that the dwelling will primarily accommodate either two people or a family of four. There is adequate area on the allotment for car parking.

The balance of the land will continue to be used for viticulture purposes by the owners of the land. The proposed bed and breakfast will be an additional use of the subject land.

Plans and details of the proposed development are attached.

REFER ATTACHMENT 3.1(a)

**SITE & LOCALITY**

The subject land is an existing rural allotment used predominantly for viticulture. The land also comprises of 60 hectares of native scrub and areas that are utilised for grazing. The proposed development will have a negligible impact on the other uses of the land.

The existing dwelling (proposed to be used as a bed and breakfast) is located approximately 900 metres from Woodcone Road and 200 metres from the nearest property boundary. The dwelling is accessed via a private gravel road. The subject land is undulating although the location of the proposed bed and breakfast is relatively flat.

.../cont.



3.1 455/198/08 – Michael David Daniel Boerema (Continued)

The locality consists of a mixture of land uses including viticulture, grazing, general farming and native vegetation. A sand mine, golf course and caravan park are located within the broader locality.

A plan of the subject land and locality is attached.

REFER ATTACHMENT 3.1(b)

**PUBLIC NOTIFICATION**

The Application was publicly notified as a Category 3 development, pursuant to Section 38(5) of the Development Act 1993, (The Times) between 13<sup>th</sup> May 2008 and 28<sup>th</sup> May 2008.

No representations were received.

**REFERRALS**

The proposed development was referred to the Country Fire Service (CFS) as the subject land is located within a High Bushfire Risk area as identified by Figure Alex (BPA)/13 from the Alexandrina Council Development Plan. As such, the Development Application was referred to the CFS pursuant to Schedule 8, 18 of the Development Regulations, 1993. The CFS have assessed the bushfire hazard for the area as being LOW and have advised that there are no objections to the proposed development, subject to three conditions.

A copy of the CFS response is attached.

REFER ATTACHMENT 3.1(c)

**ALEXANDRINA COUNCIL DEVELOPMENT PLAN**

The Application was lodged with the Council on 15 February 2008. As such, the Alexandrina Council's Development Plan, consolidated on 17 January 2008 applies.

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

**Council Wide**

Objectives: 1, 2, 27, 30, 33, 34, 38, 48, 56, 57, 58, 60, 63, 64, 65 & 66.

.../cont.

3.1 455/198/08 – Michael David Daniel Boerema (Continued)

PDC's: 2, 107, 142, 157, 160, 161, 188, 203, 215, 221, 225, 227, 229, 230, 232, 233, 234, 235, 251, 252 & 254.

**Port Elliot & Goolwa District**

Objectives: 18

PDC's: 1, 7, 10, 11 & 15.

**General Farming Zone (Port Elliot and Goolwa District)**

Objectives: 1.

PDC's: 3 & 5.

The key considerations of this assessment relate to the appropriateness of the proposed land use, with regard to its impact on the general intent of the zone and any resulting impact on the environment, notwithstanding the non-complying nature of development.

Accordingly, the key issues are discussed in detail below.

**Land Use**

The subject land is located within the General Farming (Port Elliot and Goolwa District) Zone. The following Objective as listed within the Zone provisions is considered most relevant when determining the appropriateness of the land use:

General Farming (Port Elliot and Goolwa District) Zone Objective 1 states:

*"The retention of land within the zone for a wide range of farming uses."*

The proposed development will not impact on the primary use of the land and is not considered to prejudice Objective 1 as listed above. The proposed bed and breakfast is to be located within an existing building and is considered to be a compatible land use.

The Council Wide provisions of the Development Plan provide further guidance in respect to the appropriateness of the land use. Council Wide Objective 60 states (in part):

.../cont.

## 3.1 455/198/08 – Michael David Daniel Boerema (Continued)

*"Tourism development within the rural areas should be small in scale and appropriate to the rural amenity and environment. Larger tourism developments and related retail activities should remain primarily focussed on townships and centres".*

The proposed bed and breakfast is considered to be of a scale that is appropriate to the rural amenity and environment, as prescribed by Council Wide Objective 60.

Further, Council Wide Objective 58 states:

*"The development of a sustainable tourism industry with accommodation, attractions and facilities which relate to and interpret the natural and cultural resources of the Mount Lofty Ranges Region, and increase the opportunities for visitors to stay overnight."*

The proposed development provides an accommodation option that is compatible with Council Wide Objective 58, as the bed and breakfast is located within close proximity to tourism activities such as bushwalking and wineries.

The following Council Wide Principles of Development Control provide further guidance regarding tourism developments.

Council Wide PDC 227 states:

*"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."*

The proposed bed and breakfast is situated within an existing building and the use is not considered to have an adverse impact on the character and amenity of the locality. The use is considered to be of a scale that is compatible with existing uses on the land and will not prejudice the general intent of the General Farming Zone.

Council Wide PDC 229 states:

*"Tourism developments in rural areas should ensure that agricultural activities are maintained as the predominant land use in the Region, and are situated on land with lower agricultural potential."*

.../cont.

3.1 455/198/08 – Michael David Daniel Boerema (Continued)

As mentioned above, the predominant uses of the land (viticulture and grazing) will be maintained as a result of this development. Council Wide Principle of Development Control 232 prescribes guidance for tourism developments in rural areas.

Council Wide PDC 232 states:

*“Tourism developments in rural areas should provide visitor experiences and be developed in association with:*

- (a) agriculture, viticulture and winery development;*
- (b) heritage buildings and areas;*
- (c) linear parks;*
- (d) walking and cycling trails*
- (e) interpretive infrastructure; or*
- (f) recreation and sporting venues.”*

The proposed bed and breakfast is to be developed in association with an existing viticulture use and provides an opportunity for visitors to experience areas of native vegetation with several marked walking trails.

It is considered in this instance that the proposed land use will not detract from the objectives of the General Farming Zone. The Council Wide provisions of the Development Plan seek to encourage tourist accommodation in appropriate locations. The subject land is considered to be well suited for a bed and breakfast due to its proximity to walking trails and wineries. The proposed land use is therefore considered to be appropriate.

*Environment*

General Farming (Port Elliot and Goolwa District) Zone, Principle of Development Control 3 states:

*“Development should not prejudice the conservation of water resources, natural bushland and the rural landscape, and should not create noxious weed or bushfire hazards, or other environmental problems.”*

The proposed development is not expected to result in any adverse impacts on the environment. There will be no requirement for any additional water resources and all the existing native vegetation will be retained.

.../cont.

3.1 455/198/08 – Michael David Daniel Boerema (Continued)

**SUMMARY**

The proposed change of use from a dwelling to Tourist Accommodation (Bed and Breakfast) is considered to be of a minor nature and will have minimal impact upon the surrounding rural area. The broader Council Wide provisions of the Development Plan encourage tourism related developments. In addition, the proposed development is not expected to have an adverse impact on the rural land uses already existing on the land, nor the primary objectives of the General Farming (Port Elliot and Goolwa) Zone.

It is therefore considered that the proposed development is generally consistent with the Objectives and Principles of Development Control as listed within the Development Plan, notwithstanding the non-complying nature of development. Accordingly, it is recommended that Development Plan Consent be granted subject to the concurrence of the Development Assessment Commission.

**RECOMMENDATION**

That the Development Assessment Panel resolve to grant Development Plan Consent to Development Application 455/198/08 for a change of use from a detached dwelling to tourist accommodation (bed and breakfast), subject to the concurrence of the Development Assessment Commission and the following conditions and notes:

**Conditions**

1. The development herein approved to be carried out in accordance with plans and details accompanying this application (amended plans received by the Council on 15 February 2008).
2. No signs or advertising are to be erected or displayed on or about the buildings or the site without the prior consent of the Council.

**CFS Conditions**

- An Emergency Operations Manual is to be created and held on the premises to provide occupant guidance on what actions are to take place in the event of fire, flood, medical etc. emergencies.
- Needs to include how to operate fire pump and a copy is to be kept attached to the fire pump.
- All fire fighting hoses, pumps and water need to be clearly labeled.

.../cont.

3.1 455/198/08 – Michael David Daniel Boerema (Continued)

CFS Notes

1. A site bushfire attack assessment was conducted in accordance with the Building Code of Australian Standard 3959 (AS3959) 'Construction of Buildings in Bushfire-Prone Areas' The Category of Bushfire Attack is LOW.
2. Compliance with the fire protection requirements is not a guarantee the dwelling will not burn, but provides a refuge from the approach, impact and passing of a bushfire.

Notes

1. The applicant remains bound to comply with conditions of previous consents with respect to the subject land, unless such conditions have been expressly superseded by this consent.

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION / COMMUNITY TITLE

ITEM 6. DEVELOPMENT APPLICATIONS - BUILDING

ITEM 7. MATTERS REFERRED FOR FOLLOW - UP

ITEM 8. GENERAL ITEMS FOR DISCUSSION

Meeting closed at