

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 12 March 2008 commencing at 11:00 am

Your attendance is requested.

11:00 a.m. Development Assessment Panel commencement

2:00 p.m. Conclusion of meeting.

JOHN COOMBE
CHIEF EXECUTIVE

ALEXANDRINA COUNCIL

AGENDA FOR THE DEVELOPMENT ASSESSMENT PANEL MEETING
TO BE HELD ON 12 MARCH 2008 AT 11:00 AM
IN COMMUNITY CHAMBERS "WAL YUNTU WARRIN"

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**Development Assessment Panel
Report and Agenda
on 12 MARCH 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 30th January 2008.

RECOMMENDATION

That the minutes of the Alexandrina Council Development Assessment Panel held on 30th January 2008 as circulated to members be received as a true and accurate record.

ITEM 2. DEVELOPMENT APPLICATIONS

ITEM 3. DEVELOPMENT APPLICATIONS - NON COMPLYING

3.1 455/38/08 KD DEVELOPMENTS

SUMMARY TABLE

Date of Application	16 January 2008
Subject Land	Lot 303 Woodcone Road, Mount Compass
Assessment No.	A16696
Relevant Authority	Alexandrina Council
Planning Zone	General Farming Zone
Nature of Development	Change Of Use from a discontinued Dairy to a Tourist Attraction (to be known as Smallville) with associated outbuildings, car-parking and landscaping (Non-Complying)
Type of Development	Non-Complying
Public Notice	Category 3
Referrals	N/A
Representations Received	N/A
Representations to be heard	N/A
Date last inspected	26 February 2008
Recommendation	To proceed to a full assessment
Originating Officer	Matt Atkinson

ESD IMPACT/BENEFIT

- Environmental Negligible change anticipated as most of the buildings and sealed areas already exist and the proposed land use is not likely to result in a detrimental impact on the environment.
- Social The tourist facility could provide an additional destination for people to gather socially and may have a flow effect on the Mount Compass main street.
- Economic The proposed land use could serve to revive an unutilised facility and could provide employment opportunities for local people, while attracting visitors to the region, which in turn could provide a boost to the local economy.

.../cont.

3.1 455/38/08 KD DEVELOPMENTS (Continued)

BACKGROUND

The subject application is for a form of development that is listed as non-complying within the Council's Development Plan. The purpose of this report is to ascertain whether the Panel is of the view that the proposal warrants a full assessment, notwithstanding the non-complying nature of the development.

THE PROPOSAL

Nature of Development

The applicant proposes to change the use of the land from a discontinued dairy to a tourist attraction (to be known as Smallville) with the construction of associated outbuildings, car-parking and landscaping. The proposed land use is identified as non-complying within the General Farming Zone, as listed within the Council's Development Plan.

Detailed Description

The existing building on the subject land is to be upgraded and refitted to accommodate the proposed tourist attraction. The building facades will be altered to incorporate a 'Tudor' style, while the internal areas will be altered to provide a range of stalls that will accommodate varying displays such as model trains, military models, working scale engines, doll houses, collectables, etc.

Seventeen (17) modest 'tudor' style internal working craft shops of approximately 16m² each are proposed within the tourist attraction. The shopkeepers will be providing regular demonstrations of the skills of their trade. Examples of the proposed trades include quilt-making, glass blowing, wood carving, blacksmith, micro brewery, pottery and lead lighting.

Arts and craft tutorage will be offered from the site, with an emphasis on attracting South Australian schools.

An ancillary café/bistro is also proposed within the existing building with seating for approximately 300 people to be located both inside and outside the building. The café/bistro will not be accessible to the general public, as it is to be located within the facility.

The external areas of the site are proposed to be fenced, with colorbond 'good neighbour' fencing adjacent to Woodcone Road, while the remainder of the site will be fenced with green colorbond post and rail, with extensive hedge planting proposed to screen the fence.

.../cont.

3

3.1 455/38/08 KD DEVELOPMENTS (Continued)

The public will be charged an entrance fee (\$12 – adult, \$10 – pensioner, \$7 – children & \$30 – family) to attend the attraction. The proposed fences are required for both management and security reasons.

The outdoor areas will include the following attractions:

- a miniature village (with models to be provided by local schools);
- a miniature railway capable of carrying 20 passengers with approximately 600 metres of track;
- a lake of approximately 300m² to accommodate stormwater runoff from sealed areas on-site and to be utilised for radio controlled boats; and
- a children's party area with a gingerbread house and other assorted themed buildings and a playground area including mini-golf, 'big-puzzle', 'big-chess', pedal cars and tractors.

The applicant also proposes to provide a managers/caretakers residence on the existing 1st and 2nd floors. These floors were formerly used as laboratories in association with the dairy.

Car-parking areas will be provided on-site with the provision of 98 car spaces and eight bus spaces. The car park will be sealed and line-marked, with access provided directly from Woodcone Road.

The car-park and areas outside the fenced attraction will be landscaped with formal walking paths linking the front gates to the car-parking area.

A copy of the plans and details associated with the development are provided.

REFER ATTACHMENT 3.1(a) (Page 1)

SUBJECT LAND & LOCALITY

The subject land is a regular shaped allotment of approximately 3.6 hectares with a frontage to Woodcone Road of 227.5 metres and a depth of 167 metres. The land slopes from the south-western corner towards both the east and towards Woodcone Road to the north.

The land is currently occupied by a discontinued dairy, which incorporates one large building that still has some of the previous dairy's infrastructure such as cool rooms and laboratories, and several smaller associated buildings. It is understood that weekend markets currently occur on the site.

The subject land is located within the General Farming Zone (Port Elliot/Goolwa District), as identified by the Council's Development Plan.

.../cont.

3.1 455/38/08 KD DEVELOPMENTS (Continued)

Several rural living style allotments are located adjacent to the eastern boundary of the subject land fronting the Victor Harbor Road, although these allotments are rural living in size, they are located within the General Farming Zone.

The remainder of the locality is used predominantly for farming purposes, with dwellings located on these allotments utilised by the farmers. The broader locality includes land uses such as vineyards and an Alpaca farm.

The land located immediately north of the subject land is located within the Water Protection (Mount Compass) Zone.

A locality map of the subject land and surrounding area is provided.

REFER ATTACHMENT 3.1 (b) (Page 21)

PUBLIC NOTIFICATION

Should the Panel resolve to proceed with a full assessment of this proposal, the Application will be publically notified as a Category 3 development, pursuant to Section 38 of the Development Act 1993.

REFERRALS

Should the Panel resolve to proceed with a full assessment of this proposal, the Application will be referred to the Country Fire Service and the Department for Water, Land & Biodiversity Conservation pursuant to Schedule 8 (items 18 & 20 respectively) of the Development Regulations 1993.

DISCUSSION

Where an application is received for a non-complying form of development, the Applicant must provide a brief statement in support of the application pursuant to Regulation 17 of the Development Regulations 1993.

The relevant authority (the Development Assessment Panel under delegation of the Council in this instance) must consider the statement in support and other accompanying documentation, and may resolve to either proceed with a full assessment of the application or to refuse the application pursuant to Section 39(4)(d) of the Development Act 1993.

Mr Phillip Brunning, a Planning Consultant, has submitted a statement in support of the Application on behalf of the Applicant. Mr Brunning is an experienced Certified Practising Planner and is a corporate member of the Planning Institute of Australia.

.../cont.

3.1 455/38/08 KD DEVELOPMENTS (Continued)

A full copy of Mr Brunning's statement in support is provided.

REFER ATTACHMENT 3.1(c) (Page 22)

Mr Brunning submits that the proposed Tourist Attraction is worthy of a full assessment. A summary of Mr Brunning's reasons are set out below.

1. The proposal represents an appropriate reuse of an existing facility within the Zone;
2. The proposal incorporates significant built form improvements;
3. The proposal would provide a unique tourist attraction;
4. Employment opportunities would be created;
5. The development would provide a boost to the local community and economy;
6. The proposal would not result in a loss of agricultural land or impact on existing rural activities;
7. Environmental impacts would be negligible;
8. Appropriate management practices will limit off site impacts;
9. The proposed tourism use is more closely aligned with the provisions of the General Farming Zone than the existing discontinued industrial (dairy) land use; and
10. The visual amenity of the area would be improved significantly.

I have reviewed Mr Brunning's statement in support and the accompanying plans and details associated with the development, and I concur with his recommendation to proceed to a full assessment.

In proceeding to a full assessment, it is not implied that the application will be supported or otherwise. It merely acknowledges that the proposal displays sufficient merit to warrant a full assessment against the Council's Development Plan.

Should the Panel resolve to proceed with a full assessment of the proposal, I will request a full set of detailed plans and documents from the Applicant including a Statement of Effect. Upon receipt of this information, the application will be publically notified and the statutory referrals will commence.

Once the notification and referral process is complete and the assessment is finalised, the Application will be presented to the Panel for a decision. If the Panel resolves to approve the Development, the Application will be sent to the Development Assessment Commission for concurrence.

.../cont.

3.1 455/38/08 KD DEVELOPMENTS (Continued)

RECOMMENDATION

That the Development Assessment Panel resolve to proceed with a full assessment of Development Application No. 455/38/08, for a change of use to a Tourist Attraction with associated outbuildings, car-parking and landscaping (non-complying).

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

4.2 455/742/07 MCCLOUGHLIN ARCHITECTS PTY LTD

SUMMARY TABLE

Date of Application	2 July 2007
Subject Land	Lot 401 Abbots Lane, Strathalbyn
Assessment No.	A19323
Relevant Authority	Alexandrina Council
Planning Zone	Residential (Strathalbyn) Zone
Nature of Development	Retirement Village comprising 84 self contained units and the conversion of an existing dwelling to an internal community centre with associated landscaping, car parking and alterations to the Abbots Lane roadway.
Type of Development	Merit
Public Notice	Category 3
Referrals	Department of Water, Land & Biodiversity Conservation
Representations Received	15
Representations to be heard	4
Date last inspected	6 February 2008
Recommendation	Approval with conditions
Originating Officer	Matt Atkinson

ESD IMPACT/BENEFIT

- Environmental Possible impact upon Dawson Creek and stormwater/flooding issues, however the Applicant is required to put in place measures to minimise any possible impacts. DWLBC have advised no impacts on water quality.
- Social Benefits for retirees and their families in the local area.
- Economic Benefits for the property owner, employment opportunities and business opportunities for local residents.

.../cont.

4.2 455/742/07 MCCLOUGHLIN ARCHITECTS PTY LTD (Continued)

THE PROPOSAL

Nature of Development

The Applicant proposes to construct a retirement village (comprising 84 self contained units and the conversion of an existing dwelling to an internal community centre) with associated landscaping, internal access roads, car-parking and alterations to the Abbots Lane roadway.

Detailed Description

The proposed development incorporates the construction of 84 self contained units within 38 separate buildings (30 duplexes and 8 terrace buildings each incorporating 3 units).

The proposed units are to be constructed of brick and will incorporate pitched roofs and a high solid to void ratio. All of the retirement units include private open space areas at their rear and a frontage to either an internal road or a courtyard area.

All of the units within duplex buildings incorporate a garage under the main roof. The terrace buildings do not have private car parking facilities, although they are designed for retirees that do not own vehicles and, appropriately, these units are located within close proximity of the proposed Community Centre.

The existing dwelling on the subject land is to be converted to a Community Centre to service the retirement village. Building alterations and additions will be required to enable the building to be utilised as a Community Centre, and the resulting floor area will be 605m².

Access is provided to the development via Abbots Lane and all internal roads will be sealed with bitumen or paving. On-site visitor car-parking will be able to accommodate up to 50 vehicles in various locations throughout the development. The internal roads/driveways include delivery and service areas and have adequate turning areas to allow delivery and emergency vehicles to leave the subject land in a forward direction.

Paved walking paths are to be constructed to take advantage of the considerable areas of open space surrounding Dawson Creek, a significant feature of the proposed retirement village. Considerable landscaping is to be undertaken in association with the development to improve the amenity of the village and the creek.

The Applicant proposes to upgrade Abbots Lane at their own cost to ensure that access and stormwater disposal is adequate to accommodate the development.

.../cont.

4.2 455/742/07 MCCLOUGHLIN ARCHITECTS PTY LTD (Continued)

Plans and details of the proposed development are attached.

REFER ATTACHMENT 4.2 (a) (Page 25)

SUBJECT LAND & LOCALITY

The subject land is an irregular shaped allotment of approximately 3.43 hectares, located at the western end of Abbots Lane in Strathalbyn. The northern, western and eastern property boundaries are regular in alignment, whilst the southern boundary largely follows the path of Dawson Creek. Dawson Creek flows through the southern portion of the subject land.

The subject land is undulating with significant banks falling toward the creek bed. However, the area to be utilised for the development is relatively flat with the gentle slope that does exist falling to the south and east, towards the creek.

The subject land is currently occupied by a detached dwelling, which is located adjacent to the northern boundary of the land, approximately at the midpoint of the allotment. An orchard is located to the west of the existing dwelling and the area to the east of the dwelling is largely flat and clear. The creek bed incorporates some significant native vegetation, although much of the creek is overgrown.

A stormwater swale runs north-south adjacent to the east of the existing dwelling, which appears to link the adjacent property to the north with Dawson Creek. An easement is registered to the Certificate of Title that identifies this swale as being for drainage purposes.

The subject land shares its boundary with many other allotments. The locality is characterised by a variety of land uses. Detached dwellings on individual allotments of various sizes are located predominantly in areas to the south and east of the subject land.

The land located to the north and west of the subject land remains largely undeveloped, with the exception of a local heritage listed detached dwelling at 5 Old Bull Creek Road. The detached dwelling at 1 Abbots Lane (adjacent to the south-eastern corner of the subject land) is also listed as a local heritage place, as identified within the Council's Development Plan.

Abbots Lane, which provides the only access point for the development, also provides access for six other allotments and is presently in poor condition.

.../cont.

4.2 455/742/07 MCCLOUGHLIN ARCHITECTS PTY LTD (Continued)

The subject land is located within the Residential (Strathalbyn) Zone, as identified by the Alexandrina Council's Development Plan, as are all of the adjacent allotments with the exception of the large allotment to the northwest, which is located within the Future Urban Zone.

A locality plan is attached.

REFER ATTACHMENT 4.2 (b) (Page 35)

PUBLIC NOTIFICATION

Pursuant to Section 38 (5) of the Development Act (1993), the application was placed on Category 3 public notice and was advertised within the Southern Argus on 30 August 2007. During the public notification period, fifteen (15) representations were received in relation to the development. Fourteen (14) of the representations were opposed to the development.

The key issues raised by the representors included flood risk, stormwater management and quality, access and provision of car-parking, condition of Abbotts Lane, bushfire risk, density of the development, heritage character, privacy and environmental issues.

A copy of the representations is attached.

REFER ATTACHMENT 4.2 (c) (Page 37)

Mr Jamie Botten, a Partner in the firm Botten Levinson Lawyers & Consultants, has responded to the representations on behalf of the Applicant. The Applicant has also submitted reports from Mr Drew Jacobi of Tonkin Consulting in relation to flood and stormwater advice, and Mr Phil Weaver of Phil Weaver & Associates regarding access and car-parking.

Mr Botten 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.

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

A full copy of Mr Botten's response and the associated Engineering and Traffic Consultants reports are attached.

REFER ATTACHMENT 4.2(d) (Page 86), 4.2(e) (Page 95), 4.2(f) (Page 109) respectively.

.../cont.
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4.2 455/742/07 MCCLOUGHLIN ARCHITECTS PTY LTD (Continued)

REFERRALS

Pursuant to Section 37 of the Development Act (1993) and Schedule 8 (20) (e) (ii) of the Development Regulations, the Application was referred to the Department for Water, Land & Biodiversity Conservation (DWLBC).

The DWLBC has notified the Council that it supports the proposal subject to a number of conditions regarding site management. The Applicant has already provided a vegetation management plan, prepared by Environment & Biodiversity Services (EBS), in response to the DWLBC requirements.

The DWLBC report indicates that discharge levels from the subject land to Dawson Creek will be maintained at pre-development levels (1.5 ARI), due to the incorporation of proposed detention basins.

A full copy of the DWLBC response is attached.

REFER ATTACHMENT 4.2 (g) (Page 117)

A copy of the vegetation management plan provided by EBS is also attached.

REFER ATTACHMENT 4.2 (h) (Page 122)

INTERNAL CONSULTATION

The Application has been reviewed by the Council's Infrastructure Manager, Peter Wood, with a particular focus on the reports provided by Mr Drew Jacobi of Tonkin Consulting in relation to flood risk and stormwater management, and Mr Phil Weaver of Phil Weaver & Associates in respect to traffic management, access and Abbots Lane.

Peter Wood agrees in principle with the advice of Mr Jacobi in relation to flood risk and stormwater drainage. A more detailed review is provided under the heading Flood Risk, later in the report.

In respect to access and traffic management, Peter Wood has advised that the design parameters adopted in the Phil Weaver report are generally satisfactory.

The Applicant has advised the Council that Abbots Lane will be upgraded at their own cost. Should the Panel resolve to approve Development Plan Consent, Peter Wood will consult with the Applicant in respect to the final design as a reserved matter, with the final design to be approved by Peter prior to the issuing of Development Approval.

.../cont.

4.2 455/742/07 MCCLOUGHLIN ARCHITECTS PTY LTD (Continued)

The Application was also referred to the Council's CED Manager, Neville Styan, in respect to connecting the development to the Council's common effluent system. The information provided by the Applicant appears satisfactory to ensure that waste disposal occurs via gravity drainage, although full details will be required to be submitted and approved by the Council as a reserved matter prior to full Development Approval, should the Panel be of a mind to grant Development Plan Consent.

Alexandrina Council Development Plan

The Application was lodged with the Council on 2 July 2007. As such, the Alexandrina Council's Development Plan, consolidated on 23 November 2006 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, 9, 18, 21, 32, 38, 67 & 68.

PDC's: 1, 2, 3, 34, 35, 38, 44, 45, 46, 48, 51, 53, 55, 56, 57, 58, 63, 66, 67, 70, 71, 77, 78, 79, 80, 82, 83, 130, 132, 134, 135, 136, 154, 155, 157, 158 & 166.

Strathalbyn District

Objectives: 1, 2, 7, 10, 11 & 16.

PDC's: 1, 2, 3, 4, 6, 23, 25, 26, 34, 43, 45, 46, 48, 50 & 53.

Residential (Strathalbyn) Zone

Objectives: 1, 5 & 6.

PDC's: 1, 4, 7, 10, 12, 13, 14, 15 & 25.

Land Use

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

.../cont.

4.2 455/742/07 MCCLOUGHLIN ARCHITECTS PTY LTD (Continued)

Residential (Strathalbyn) Zone Objective 1 states:

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

Residential (Strathalbyn) Zone Objective 6 states:

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

Retirement Villages are clearly anticipated as appropriate development within the Zone, provided that they are located in areas that are convenient to the District Centre Zone. The nearest part of the subject land is located approximately 400 metres from the District Centre Zone.

In terms of location, the proposed Retirement Village is considered to be appropriate as it is located within 500 metres of the District Centre Zone, and there are no other land holdings of a similar size that could accommodate this type of development nearer to the District Centre.

Council Wide Objective 7 states:

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

The proposed Retirement Village will provide a form of residential accommodation that is in demand within Strathalbyn. Opportunities for retirement villages in Strathalbyn that are located within 500 metres of the District Centre Zone are limited.

Whilst it has been established that a retirement village is appropriate in-principle on the subject land, the Council's Development Plan prescribes Principles of Development Control and Performance Criteria to assist in the assessment of the suitability of the design.

The following Principles of Development control are seen as relevant to retirement villages in general:

.../cont.

4.2 455/742/07 MCCLOUGHLIN ARCHITECTS PTY LTD (Continued)

Council Wide Principle of Development Control 77:

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

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

Council Wide Principle of Development Control 78:

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

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

The proposed Retirement Village is considered to be consistent with the above Principles. It is located within walking distance of the District Centre Zone and its facilities and the site promotes walking due to the relatively flat land and the amenity offered by Dawson Creek.

.../cont.

4.2 455/742/07 MCCLOUGHLIN ARCHITECTS PTY LTD (Continued)

The scale and appearance of the units reflects the residential style and character within the locality, with masonry construction, high solid to void ratios and pitched roofs.

Each of the retirement units incorporates an area of private open space that is large enough to be utilised for entertainment purposes and clothes drying facilities. The overall development also includes excellent public open space areas adjacent to the creek.

The development is entirely single storey and as a result, all access is at ground level. The retirement units either front common driveway areas, the creek or common courtyard areas. The internal living amenity of the units is considered to be appropriate.

The proposed Community Centre will provide facilities for residents and their guests to enjoy, and is centrally located within the Retirement Village to allow convenient access.

No specific storage areas have been provided for the storage of boats, caravans and the like, and this is considered to be a shortfall of the proposal.

Mail box and garbage collection areas have been incorporated in various locations throughout the development, within close proximity to the units.

Overall, the proposed Retirement Village is considered to be consistent with the Council's Development Plan in terms of land use and design.

Flood Risk

Several of the representors raised the issue of flooding within the locality, with some representors providing evidence of floods that occurred in the Abbott's Lane area in 1941, 1948 and 1992. There was also evidence that two additional floods occurred in the area during the 1990's, although the specific years were unclear.

In response to this information, the Council requested an Engineer's report from the Applicant to ensure that the proposed development was appropriate on the subject land and would not be subject to flooding or result in any diversion of flood waters into adjacent properties.

The Applicant engaged Mr Drew Jacobi of Tonkin Consulting to prepare a report on the suitability of the site and the likely impact of the development on the locality.

.../cont.

4.2 455/742/07 MCCLOUGHLIN ARCHITECTS PTY LTD (Continued)

Mr Jacobi's report illustrated that the 100 year ARI flood levels will remain below the top of the bank and within the stream channel. The 100 year ARI flood level would break out from the channel immediately downstream of the site.

Stormwater discharge from the subject land is expected to increase from 0.25m³/s (undeveloped) to 0.90m³/s (developed). However, the Tonkin report anticipates that the additional water entering the system in a storm event would be clear of the area prior to the peak flow of Dawson Creek arriving at the site.

Council Wide Principle of Development Control 157 states:

*"Development should be located such that it is not detrimentally affected by flooding and does not increase the risk of flooding of other properties and in particular development should:
not obstruct or interfere with watercourses;
have primary regard for human safety and the protection of property; and
be located where the risk of flooding is appropriate for the intended use of the land."*

further,

Strathalbyn District Principle of Development Control 46 states:

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

The Tonkin report has illustrated that the subject land is not subject to flooding during a 100 year ARI event, and any increase in stormwater discharge from the subject land would be clear of the area prior to the arrival of the Dawson Creek peak flow.

The Council's Infrastructure Manager, Peter Wood, has reviewed the Tonkin report and agrees with the findings. Several Engineering conditions will be added to ensure stormwater is managed appropriately, should the Panel be of a mind to grant Development Plan Consent.

Accordingly, the risk of flooding to the subject land is minimal and the proposed development is not expected to divert or increase flooding downstream of the site. This aspect of the proposal is considered to be acceptable.

.../cont.

4.2 455/742/07 MCCLOUGHLIN ARCHITECTS PTY LTD (Continued)

Stormwater & water quality

Roof runoff will be harvested and reused in the dwellings and to irrigate common property. Any overflow will be directed via swales to two (2) detention basins to be located on the site, prior to discharge into Dawson Creek.

The Department of Water, Land & Biodiversity Conservation has assessed the proposal from an environment and water quality perspective, and supports the Application subject to standard conditions.

Access & Car-parking

The Applicant has provided a traffic report, prepared by Mr Phil Weaver of Phil Weaver & Associates. Mr Weaver concludes that the proposed development will provide adequate on-site car parking to meet the anticipated parking demands, the design of the car parking areas and internal roadways are appropriate, and provided that Abbots Lane is suitably upgraded (as proposed), no adverse impacts will result on the adjacent road network.

Residential (Strathalbyn) Zone Principle of Development Control 13 states (in part):

"Housing accommodation designed specifically for the aged, disabled or retired persons should be:

(b) provided with convenient parking at a rate of 0.5 car spaces per dwelling or unit plus an adequate number of spaces for staff, visitor and recreational vehicles;"

The proposed development incorporates a total of 110 car parks, including 60 single garages, 42 at-grade parking spaces and 8 potential spaces in front of garages.

At the rate prescribed by Residential (Strathalbyn) Zone Principle of Development Control 13, 42 spaces would be required for residents, which leaves 68 spaces available for staff, visitors and recreational vehicles.

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

A turn around area has been provided on site to enable service and emergency vehicles to enter and exit the land in a forward direction. Access and egress is considered to be safe and convenient.

.../cont.

4.2 455/742/07 MCCLOUGHLIN ARCHITECTS PTY LTD (Continued)

Abbotts Lane

In response to the concerns of the representors and Council Staff, the Applicant has agreed to upgrade Abbotts Lane at their cost. The proposed upgrade includes widening the carriageway to six (6) metres, providing a 1.2 metre wide pedestrian footpath, sealing the roadway and providing concrete 'rollover' kerbs, regrading the lane to drain to West Terrace, constructing new STEDS (common effluent) infrastructure to the Lane with gravity feed to the existing town system, and the reinstatement of all existing crossovers to Abbotts Lane.

The Council's Infrastructure Manager, Peter Wood, has reviewed the Abbotts Lane upgrade plans and would like some minor amendments including the possibility of widening the carriageway to 7 metres. Any further changes to Abbotts Lane can be negotiated between Council Staff and the applicant as a reserved matter, as the upgrade is supported by Council Staff 'in principle'.

Heritage

The subject land is located adjacent to two (2) local heritage places, a detached dwelling at 1 Abbotts Lane and a detached dwelling at 5 Old Bull Creek Road. Each of the local heritage places are situated on large allotments with generous curtilage and are adequately separated from the proposed development to not be adversely affected by the proposal.

The subject land is not located within a Historic (Conservation) Policy Area and, in any case, the proposed buildings are of a bulk, scale and architectural design that will not detract from the adjacent local heritage places.

Late representor information

Mr Darryl Clarke, Solicitor for Mr Peter Semple (one of the representors), has provided the Council with additional information including a review of the Tonkin report, several affidavits and a CFS report. This information has not been included in the report as it was received late and the Applicant has not had an opportunity to respond to the information.

However, the representor will have an opportunity to discuss the information when he addresses the Panel. The Applicant will also have an opportunity at this stage to respond to the information.

.../cont.

4.2 455/742/07 MCCLOUGHLIN ARCHITECTS PTY LTD (Continued)

FINAL COMMENTS

The proposed retirement village is considered to be an appropriate land use within the Residential (Strathalbyn) Zone. The design of the village, including building design, private and public open space, overall site coverage, orientation, access and internal amenity are considered to be appropriate to the locality.

The representors have concerns relating to flooding and the Abbots Lane access. However, the Applicant has provided reports from qualified professionals in relation to these matters and has agreed to upgrade Abbots Lane at their expense.

Council Staff have reviewed the information provided by the Applicant and are satisfied that the development can proceed (subject to the resolution of several reserve matters) without detrimentally impacting on adjacent and nearby land owners and occupiers.

The proposed development is considered to be consistent with the majority of provisions within the Development Plan.

Accordingly, Development Plan Consent is recommended.

RECOMMENDATION

That the Development Assessment Panel grant Provisional Development Plan Consent to Development Application 455/742/07 for a retirement village comprising 84 self contained units and the conversion of an existing dwelling to an internal community centre with associated landscaping, car-parking and alterations to the Abbots Lane roadway, subject to the following conditions:

1. The following 'reserve matters' are resolved and approved by Council staff subject to any further conditions that are deemed appropriate, prior to the issuing of Development Approval, pursuant to Section 33 (3) of the Development Act 1993:
 - (a) full details of the proposed upgrade to Abbots Lane; and
 - (b) details and plans of the proposed waste disposal, including septic tank locations, underfloor plans, connection points and the STEDS extension details.

2. The external finishes to the buildings herein approved, shall be in accordance with the colours and materials specified in the approved plans.

.../cont.

4.2 455/742/07 MCCLOUGHLIN ARCHITECTS PTY LTD (Continued)

3. The landscaped areas illustrated on the approved plans, shall be established and maintained to the reasonable satisfaction of the Council or its delegate.
4. That effective measures be implemented during the construction of the development and on-going use of the land in accordance with this consent to :
 - prevent silt run-off from the land to adjoining properties, roads and drains;
 - control dust arising from the construction and other activities, so as not to, in the opinion of Council, be a nuisance to residents or occupiers of adjacent or nearby land;
 - ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site;
 - ensure that all litter and building waste is contained on the subject site in a suitable bin or enclosure; or
 - ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of the Council, to the occupiers of adjacent land.
5. Excavation of the site shall be kept to a minimum to preserve the natural form of the land, and be managed in such a way as to prevent erosion.
6. All stormwater drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or, in the opinion of the Council, detrimentally affect structures on this site or any adjoining land.
7. External lighting and security lighting shall be directed in such a manner so as to not, in the opinion of Council, create unreasonable overspill onto any adjoining property or roadway which may create a nuisance to any neighbour or road user.

DWLBC Conditions

8. Stormwater discharge points must be designed and located in areas where they will not impact upon bed and bank stability.
9. A Soil Erosion and Drainage Management Plan must be produced in accordance with the Code of Practice for the Building and Construction Industry (Environment Protection Agency).

.../cont.

4.2 455/742/07 MCCLOUGHLIN ARCHITECTS PTY LTD (Continued)

10. The proposed works must not result in any changes to the contours or topography of the creek bed or banks. In particular any filling required to achieve surface levels for units, roadways or car parks must not extend beyond the top of the banks of the creek.
11. Appropriately designed, sited and maintained pollutant traps must be installed to trap any chemical and physical pollutants contained in runoff from roadways and car parks in the development.
12. There must be a minimum distance of 20 metres between a watercourse and the fuelling site for machinery used to undertake the construction works.
13. The proposed development must be planned and implemented in order to minimise damage to native vegetation present on the site. In particular the bed and banks of Dawson Creek contain a number of specimens and patches of indigenous flora including grasses, sedges, trees and shrubs. Construction and landscaping works undertaken on the banks of the creek must identify and protect native vegetation present.

Advice Notes

1. No signs or advertising shall be erected or displayed on the land without the prior written approval of the Council.
2. Allotment boundaries will not be certified by Council staff. The onus of ensuring that the buildings are sited in the approved position is the responsibility of the owner. This may require a survey to be undertaken by a qualified Surveyor.

DWLBC Notes

3. The Applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
4. In South Australia, native vegetation is protected by the Native Vegetation Act 1991. In most cases, the clearance of native vegetation requires the consent of the Native Vegetation Council.

.../cont.

4.2 455/742/07 MCCLOUGHLIN ARCHITECTS PTY LTD (Continued)

5. Under the Notice of Prohibition the capture of surface water from roofs is considered exempt from licensing requirements if the water collected is 500kL or less and used only for commercial, industrial, environmental or recreational use. For further information please contact the Mount Lofty Ranges Program (DWLBC) on 8339 9806.

6. All areas within 200 metres of any watercourse are considered to be of high sensitivity for Aboriginal sites. The River Murray and many of its tributaries and overflow areas, particularly have abundant evidence of Aboriginal occupation. Under Section 20 of the Aboriginal Heritage Act 1988 (The Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister for Aboriginal Affairs and Reconciliation, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. Penalties may apply for failure to comply with the Act.

4.3 455/1460/07 SUSAN VREY

SUMMARY TABLE

Date of Application	27 November 2007
Subject Land	Lot 52 Old Bull Creek Road, Strathalbyn
Assessment No.	A18046
Relevant Authority	Alexandrina Council
Planning Zone	Grazing Zone
Nature of Development	Commercial Forestry (2.64 ha. & 1.91 ha.)
Type of Development	Merit
Public Notice	Category 3
Referrals	DWLBC, CFS
Representations Received	1
Representations to be heard	Nil.
Date last inspected	5 February 2008
Recommendation	Approval with Conditions
Originating Officer	Matt Atkinson

ESD IMPACT/BENEFIT

- Environmental The proposal has been referred to the Department of water, Land & Biodiversity Conservation who have indicated that the proposal should have minimal environmental impacts.
- Social Nil.
- Economic Will provide a benefit to the land owners.

THE PROPOSAL

Nature of Development

The Applicant proposes to change the use of two (2) portions of the subject land from grazing land to commercial forestry.

.../cont.
24

4.3 455/1460/07 SUSAN VREY (Continued)

Detailed Description

The proposal incorporates the planting of trees in two (2) separate areas adjacent to the northern boundary of the subject land. The areas for planting are irregular in shape and are 1.91 hectares and 2.64 hectares in area respectively.

The Applicant intends to plant Eucalyptus Cladocalyx (Sugar Gums), Eucalyptus Saligna (Sydney Blue Gums) and Corymbia Maculata (Spotted Gums) for the intent of commercial forestry.

The trees will be planted at a density of 1000 trees per hectare, with four (4) metres between rows and 2.5 metres between each tree. The rows will follow the contours of the land.

The tree species will be split evenly across the site, Sugar Gums to be located at the top of the hill, Spotted Gums to be located mid-slope and Sydney Blue Gums to be located on the lower reaches of the hill.

Plans and details of the proposed development are attached.

REFER ATTACHMENT 4.3 (a) (Page 142)

SUBJECT LAND & LOCALITY

The subject land is an irregular shaped allotment of 64 hectares. The allotment is bound by Schofields Fire Track to the east and several rural properties surround the remainder of the allotment. The land is used for grazing and no structures exist, aside from three (3) existing dams.

The locality is similar in character to the subject land with most properties utilised for grazing. Land in the locality is undulating with slopes of varying grades throughout the area. There are no watercourses on the subject land. The area proposed to be used for commercial forestry equates to approximately 7.1% of the subject land.

The subject land is located within the Grazing Zone, as identified within the Alexandrina Council's Development Plan.

A locality map is attached.

REFER ATTACHMENT 4.3 (b) (Page 155)

.../cont.

4.3 455/1460/07 SUSAN VREY (Continued)

PUBLIC NOTIFICATION

Pursuant to Section 38 (5) of the Development Act (1993), the application was placed on Category 3 public notice and was advertised within the Southern Argus on 10 January 2008.

During the public notification period, one (1) representation was received in relation to the proposed development. The representor was opposed to the development.

The representor was concerned with a water contract that was issued by the Water Catchment Board, which may have been transferred to the new landholder.

Council staff wrote to the representor to advise that the Application had been referred to the Department of Water, Land and Biodiversity Conservation. The representor did not wish to be heard by the Panel personally in support of the submission.

A copy of the representation is attached.

REFER ATTACHMENT 4.3 (c) (Page 156)

REFERRALS

Pursuant to Section 37 of the Development Act (1993) and Schedule 8 (20) (e) (ii) of the Development Regulations, the Application was referred to the Department for Water, Land & Biodiversity Conservation (DWLBC).

The DWLBC has notified the Council that the proposed commercial forestry is minor in nature and is unlikely to result in any harm to the River Murray system. The DWLBC supports the proposal subject to a couple of conditions regarding site management.

A full copy of the DWLBC response is attached.

REFER ATTACHMENT 4.3 (d) (Page 158)

Although a formal referral to the Country Fire Service (CFS) was not required, Council staff were interested in their opinion regarding potential bush fire risk. The CFS have assessed the subject land as being a medium bush fire risk area and have recommended approval subject to the conditions set out in "CFS Plantation Design Guidelines – Farm Forestry (dated 14 February 2006)" for plantations of 40 hectares or less.

.../cont.

4.3 455/1460/07 SUSAN VREY (Continued)

The Applicant is aware of this condition and has provided a copy of the document to the Council as a part of their Application.

A copy of the CFS response is attached.

REFER ATTACHMENT 4.3 (e) (Page 161)

CONSULTATION

The Council's former Natural Resources Officer, David Cooney, viewed the Application prior to leaving the Council, and was satisfied with the response provided by the Department of Water, Land and Biodiversity Conservation.

Alexandrina Council Development Plan

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

Council Wide

Objectives: 1, 9, 48, 53, 54, 55, 57, 63, 64, 65 & 66.

PDC's: 1, 2, 151, 152, 154, 155, 156, 245, 246, 247 & 250.

Strathalbyn District

Objectives: 1, 6, 8 & 9.

PDC's: 1, 4, 5, 49 & 56.

Grazing Zone

Objectives: 1 & 2.

PDC's: 1, 3 & 10.

COMMENTS

The establishment of Commercial Forestry is not listed as complying, nor is it non-complying within the Grazing Zone, and accordingly it is required to be assessed on its merit.

.../cont.

4.3 455/1460/07 SUSAN VREY (Continued)

Council Wide Objective 48 states:

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

It is clear from Council Wide Objective 48 that forestry is an anticipated land use within rural areas across the Council. Further guidance is given under the Council Wide section of the Development Plan relating to the Mount Lofty Ranges Region.

Council Wide Principle of Development Control 152 states:

"Development (within the Mount Lofty Ranges Region) should primarily be limited to that which is essential for the maintenance of sustainable grazing, commercial forestry and mixed agricultural activities."

The subject land is a rural allotment and is located within the Mount Lofty Ranges Region. In principle, commercial forestry is considered to be an appropriate land use for the subject land.

In addition to being an appropriate land use, development should also be appropriate to its locality in terms of character and any impacts that could arise from the development.

The proposed commercial forestry area is relatively minor in size (approximately 7% of the site is to be utilised) and is unlikely to have any adverse impacts on adjoining property owners or occupiers. The forestry area will not be detrimental to the character or amenity of the locality.

SUMMARY

The proposed development is considered to be minor in terms of commercial forestry developments. The Department of Water, Land and Biodiversity Conservation have recommended approval subject to conditions, as have the Country Fire Service.

The proposed development is considered to be consistent with the majority of provisions within the Development Plan.

As such, Development Plan Consent is recommended.

.../cont.

4.3 455/1460/07 SUSAN VREY (Continued)

RECOMMENDATION

The Development Assessment Panel approve Development Application 455/1460/07 for Commercial Forestry (2.64 ha. & 1.91 ha.) at Lot 52 Old Bull Creek Road, Strathalbyn, subject to the following conditions:

DWLBC:

1. No deep ripping or ploughing should take place within 3 metres of the outer canopy of any tree.
2. The plantation must be designed in accordance with 'Plantation Forestry Design Guidelines for Sustainable Water Resources Management' produced by the Department of Water, Land and Biodiversity Conservation.

CFS:

3. The Development shall comply with the guidelines set out in 'CFS Plantation Design Guidelines - Farm Forestry (dated 14 February 2006) for plantations of 40 hectares or less.

Advice Notes:

DWLBC:

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

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

4.4 455/1293/07 BILL MCKAY

SUMMARY TABLE

Date of Application	24 October 2007
Subject Land	Lot 12 High Street, Strathalbyn Lot 93 Murray Street, Strathalbyn Lot 11 Murray Street, Strathalbyn5080683
Assessment No.	A10413
Relevant Authority	Alexandrina Council
Planning Zone	District Centre Zone – High Street Historic (Conservation) Policy Area 3 & Residential (Strathalbyn) Zone – Central Residential Historic (Conservation) Policy Area 21
Nature of Development	Hotel addition and renovation including Bottle Shop and Tourist Accommodation (Motel) with associated car parking and swimming pool
Type of Development	Consent / Merit
Public Notice	Category 3
Referrals	Heritage (Informal)
Representations Received	7
Representations to be heard	4
Date last inspected	February 2008
Recommendation	That the Development Assessment Panel resolve to allow Alexandrina Council Planning Staff delegated authority to grant Provision Development Plan Consent subject to Council consent to verandah encroachment on Council land
Originating Officer	Andrew Sladden

ESD IMPACT/BENEFIT

- Environmental Likely increase in stormwater.
- Social Possible increase in noise, employment, overnight accommodation for sporting clubs and competitions.
- Economic Possible employment increase, tourism increase. Greater requirement for service provision (rubbish, hospitals, etc) .../cont.

4.4 455/1293/07 BILL MCKAY (Continued)

THE PROPOSAL

Nature of Development

The proposed development involves the renovation of the existing Robin Hood Hotel and the erection of a bottle shop and motel at the rear of the subject site. The site is located within both the District Centre Zone – High Street Historic (Conservation) Policy Area 3 and the Residential (Strathalbyn) Zone – Central Residential (Historic) Conservation Policy Area 21 pursuant to Maps Alex/26 and Alex/38 from the Alexandrina Development Plan. As such the proposed development is considered to be a Consent/Merit form of development within both zones, as neither of the proposed land uses are specifically listed as being non-complying forms of development.

Detailed Description

It is proposed to undertake internal and external renovations to the existing hotel. Also, as part of the external renovations, it is proposed to construct (formalise) beer garden and outdoor dining area, convert a storage room to a function bar room and construct a drive in bottle shop at the rear of the existing hotel.

The proposal involves the demolition of a number of existing buildings at the rear of the site including a dwelling located on the corner of Murray and Grey Streets, and the erection of a motel complex comprising a stand alone Managers Unit and seven single storey buildings proposed to be erected in a “U” shape around the perimeter of the site consisting of nine one bedroom hotel units, one two bedroom hotel unit, four 2 bedroom apartments and eight 1 bedroom motel units. The buildings containing the hotel/motel units are single storey with uniform roof pitches and which will blend with the hotel and proposed bottle shop in terms of bulk and scale, materials and colours and setbacks from the streets. This is particularly true for Grey Street where proposed buildings are located on the boundary in keeping with the existing hotel and historic and reproduction cottages located opposite the site.

Carparking for 24 cars is proposed to be located internally with a single 6.2m wide access point from Grey Street. The swimming pool is located in the centre of the proposed motel site.

It is noted that the proposed bottle shop has a verandah which is encroaching upon the footpath in Grey Street. As this is Council land, Council consent is required to allow this encroachment. Given the time constraints it is not possible to obtain this permission before presentation to this DAP meeting.

.../cont.

4.4 455/1293/07 BILL MCKAY (Continued)

As a result is recommended that should the DAP resolve to support the proposal, that the final decision be delegated to planning staff upon Council's resolution to allow the encroachment permit.

REFER ATTACHMENT 4.4 (a) (Page 162)

SITE & LOCALITY

The subject site currently consists of three existing allotments comprising the following:

- Lot 12, Deposited Plan 34255 (CT: 5080/983) which located on the corner of High and Grey Streets, has a total area of 2660m² on which exists the Robin Hood Hotel.
- Lot 11, Deposited Plan 34255 (CT: 5080/682) which is located directly north on the corner of Grey and Murray Streets, has a total area of 1195m² and contains an existing dwelling which is proposed to be demolished.
- Lot 93, Filed Plan 171236 (CT: 5848/336) which is adjoining both other lots, has a total area of 2265m² and frontage to Murray Street. This allotment is currently vacant.

The locality is varied and essentially consists of a variety of commercial, retail and residential land uses. High Street is characterised by a variety of predominantly historical buildings utilised for commercial and retail purposes and is highlighted within the Alexandrina Development Plan as being an area of high historical significance.

The locality extends along Grey Street which is predominantly residential consisting of a number of historic and reproduction cottages and detached dwellings of varying densities with minimal setbacks to the street. The Murray Street section of the locality also consists of a variety of single storey detached dwellings of varying ages on large residential allotments.

PUBLIC NOTIFICATION

The application was the subject of Category 3 public notification, which was undertaken between 9 and 23 January 2008. A total of seven (7) representations were received with the majority of representors generally in support of the proposed development. However some raised concerns such as; increased noise, perceived increased operating hours of the hotel, setbacks not in keeping with existing residential development, increased residential traffic and lack of on-site hotel carparking.

REFER ATTACHMENT 4.4 (b) (Page 173)

.../cont.

4.4 455/1293/07 BILL MCKAY (Continued)

The applicant has also submitted a response to these representations.

REFER ATTACHMENT 4.4 (c) (Page 182)

The issues raised and responded to include the land use, built form, carparking, setbacks, fencing, access points and noise.

REFERRALS

The Application was referred informally to Council's Heritage Advisor as it involves the redevelopment of a locally heritage listed building and is located within two Heritage Policy Areas. The advice of Council's Heritage Advisor is as follows:

"I support the application for the following reasons:

- 1. The historic features of the site including the hotel, a two room outbuilding fronting Grey Street and a stone outbuilding on the southern boundary are to be retained adapted to active new uses. The exterior form and character of these buildings is proposed to be retained and restored.*
- 2. Two trees which make a significant contribution to the heritage character and amenity of the policy areas are to be retained. These are a large Pepper Tree and a River Red Gum. Appropriate areas free of development have been provided for these trees.*
- 3. The buildings to be demolished do not have any heritage value.*
- 4. The minimal street setbacks are consistent with the character of heritage buildings in High Street and Grey Street. The street setbacks to Murray Street is consistent with the residential character of that policy area. The carparking is concealed from the street in the centre of the development.*
- 5. The accommodation units have their facade and front entrance addressing the street. Fenced front verandahs are sited directly on the Grey Street boundary. There are landscaped front gardens with low timber fences to Murray Street. This pattern of development is consistent with the residential heritage character. It encourages social interaction between visitors and residents.*
- 6. The buildings fronting the streets are articulated and varied, so that the motel development will not dominate the locality. Spaces are provided between each pair of units. The accommodation units fronting Grey Street have gabled roofs and are of a scale and form that reflects row cottages elsewhere within High Street. They step with the slope of the land, providing further articulation.*

.../cont.

4.4 455/1293/07 BILL MCKAY (Continued)

Two of the accommodation units fronting Murray Street are detached double units. The hipped roofs and return verandahs reflect the detached dwellings characteristic of the residential heritage policy area.

- 7. The materials and finishes of the new buildings is appropriate in the heritage policy area.*

I recommend that the following conditions be attached to any approval granted by Council:

- 1. Materials, finishes and details of restoration of the hotel, function bar and outdoor dining/waste collection buildings should be referred to the heritage advice prior to granting of final Development Approval. It is recommended that the applicant consult with the Heritage Adviser during the design development stage.*
- 2. The stone boundary walls along or adjacent to the southern and western site boundaries shall be protected and retained.*
- 3. Details of the placement and concealment of all mechanical plant including compressors and water heaters shall be included in the Building Application Drawings.*
- 4. An Arborists Report shall be provided in relation to the two trees to be retained, and recommended root protection zones and methods shall be incorporated into the Building Application Drawings.*
- 5. Pool heating panels, if roof mounted shall be concealed from view from the surrounding streets.*
- 6. Fencing shall be established prior to occupation."*

REFER ATTACHMENT 4.4 (d) (Page 189)

CONSULTATION

Consultation has been undertaken with Council's Environmental Health Department (EHO Luke Siedel) with regard to the effluent disposal system. The advice of the EHO is that although the applicants have not yet lodged their Waste Control System, it will be possible to accommodate a system on site which is suitable.

Consultation has been undertaken with Council's Engineering & Infrastructure Department (Infrastructure Manager, Peter Woods) on the issues of access, carparking and infrastructure. .../cont.

4.4 455/1293/07 BILL MCKAY (Continued)

The advice of Peter Wood is that the proposed development is generally acceptable with the addition a couple of conditions of approval.

Council's STEDS Manager (Neville Styan) has also been consulted and has advised that the proposed development is acceptable subject to some standard conditions covering Headworks charges and proposed easements.

Alexandrina Council Development Plan

As the Development application was lodged on 23 October 2007, it has been assessed using the Development Plan current at the time of lodgement being that Consolidated 20 September 2007.

Given the split zoning of the site, the assessment of the proposal has been split into three parts.

Council Wide Objectives and Principles covering the whole development.
Hotel and bottle shop assessment against the District Centre Zone – High Street Historic (Conservation) Policy Area 3.
Motel assessment against the Residential (Strathalbyn) Zone – Central Residential Historic (Conservation) Policy Area 21

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

PART A - COUNCIL WIDE

OBJECTIVES

Form of Development

Objective 1: Orderly and economic development.

Comment

Given the locality in which the development is situated (High Street commercial area) and within a tourist hub, it is considered that the proposed development is orderly and economic as it is within an appropriate locality.

Movement of People and Goods

Objective 17: The safe and efficient movement of people and goods.

.../cont.

4.4 455/1293/07 BILL MCKAY (Continued)

Objective 18: The free flow of traffic on roads by minimising interference from adjoining development.

PRINCIPLES OF DEVELOPMENT CONTROL

Movement of People and Goods

PDC 100 Development within the Strathalbyn District as identified on [Map Alex/1 \(Overlay 1\) Enlargement A](#) should have car parking spaces designed to the Australian Standard AS2890.1 (1986), located on the site, or on a suitable site nearby, at a rate not less than that prescribed in [Table Alex/3](#).

PDC 102 Development and associated points of access and egress should not create conditions that cause interference with the free flow of traffic on adjoining roads.

Comment

Although the proposed development may increase traffic flow on the surrounding road system, this is not considered to be significant enough to have a major impact upon the amenity of the locality.

With reference to PDC 100 above, carparking provisions for a Hotel are required at a rate of one space per 2m² of bar floor area and one per 6m² of beer garden floor area. Given the fact that the renovations to the hotel will not increase the floor area, no additional carparks are required to be provided. However, the proposal involves the formalisation of the beer garden and outdoor dining area at the rear of the hotel and function bar which will generate additional carparking requirements of approximately 27 spaces. Given the fact that the applicant is not proposing to provide any additional on site carparks the proposed development will fall short of its carpark requirements and is considered to be at variance with PDC100, above.

In reference to the motel, as 24 carparking spaces are proposed to be provided for 23 units, the proposal meets the requirements of Table Alex/3 (1 per room or residential unit).

Heritage

PDC 204 Uses to which such buildings, structures or sites of heritage significance are put should be those which will support the maintenance and/or restoration of such buildings, structures, or sites.

.../cont.

4.4 455/1293/07 BILL MCKAY (Continued)

PDC 205 Development adjoining buildings, structures or sites of heritage significance should be visually compatible with that building, structure or site.

PDC 206 Uses to which a building, structure or site of heritage significance are put should be those which will support the continuing conservation of the item.

PDC 207 Uses to which a building, structure or site of heritage significance is put should be those which will support the maintenance and/or restoration of such buildings, structures, or sites.

PDC 208 Development or use of a building, structure or site of heritage significance, including buildings and groups of buildings, should only be altered in such a way as to protect or enhance the design or condition which gives the building, structure or site its heritage significance.

Comment

As the external renovations to the locally heritage listed hotel are generally cosmetic only and its use will not be altered, the proposal is considered to comply with PDC's 204, 206, 207 and 208. The other buildings (bottle shop and motel) have been designed to blend with and replicate the other buildings of historical significance within the locality in terms of bulk and scale, materials and colours setbacks etc. This will enhance the locality as is evidenced by the support of Council's Heritage Advisor.

Appearance of Land and Buildings

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

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

.../cont.

4.4 455/1293/07 BILL MCKAY (Continued)

Comment

The proposal is considered to comply with the above as the new buildings have been designed to compliment the existing buildings and structures within the locality.

Tourism Development

PDC 221 Tourism developments should:

- (a) enhance the character of the locality in which they are to be located;
- (b) be compatible with the cultural and heritage values of the locality and the Region;
- (c) be small in scale and designed and sited to be compatible with the local environment;
- (d) enhance the visual amenity of the locality;
- (e) utilise, where possible, existing buildings, and particularly heritage buildings.

PDC 227 Tourism developments should:

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

Comment

As the proposed motel is a tourism development the abovementioned PDC's are relevant to the proposal. The development is considered to generally comply with the above, particularly given the fact that the buildings and land use are of a scale and design which will blend with and enhance the locality within which it is situated. The proposed development is not envisaged to exceed the capacity of infrastructure or facilities to serve it, as is evidenced by the support of Council's STEDS Manager and Infrastructure Manager.

.../cont.

4.4 455/1293/07 BILL MCKAY (Continued)

PART B – STRATHALBYN DISTRICT

Objectives

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

Heritage

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

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

Comment

The proposed development is considered to support the needs of the Strathalbyn community by providing a facility which will provide accommodation to tourists, helping to support the local economy and therefore complies with Objective 7. The renovation of the hotel allow its use to continue and conserve its heritage significance complying with Objective 13 and 14 above.

PRINCIPLES OF DEVELOPMENT CONTROL

Local Heritage Places

PDC 42 In respect to Local Heritage Places listed in [Table Alex/6](#) the extent of control and protection applies to exterior parts of the main portion of the subject buildings as listed in [Table Alex/6](#). This includes exterior walls, facades and roof, and contiguous elements such as verandahs and balconies, including balustrading and lacework, doors and window frames, original materials and finishes and similar features, and other additional elements as specifically described in [Table Alex/6](#) that may affect the heritage value of the place.

PDC 43 Development on properties in close vicinity of or containing a Local Heritage Place should afford recognition to and respect the heritage value, integrity and character of the Place, without necessarily replicating its historic detailing and should:

.../cont.

4.4 455/1293/07 BILL MCKAY (Continued)

- (a) not be undertaken if it is likely to detract by way of design, external appearance or standard of construction from the heritage value of the heritage place;
- (b) complement the external form, massing, fenestration, rhythm, colours, and texture of materials, of the heritage place;
- (c) be consistent with the overall height, proportion, siting and setbacks of adjacent buildings; and
- (d) have a roof shape and pitch consistent with adjacent buildings.

Comment

The design of the proposed development and renovation of the existing heritage listed building is considered to be sympathetic to the character and amenity of the locality within which it is located and therefore the proposal is considered to comply with the above.

Tourist Facilities

- PDC 55** Development of a hotel, motel or related tourist accommodation facilities should only be undertaken where:
- (a) the total floor area of existing development, including outbuildings but excluding driveways and car parking areas, would not exceed 30 percent of the site;
 - (b) the development is limited to a height of one storey where the proposed development is located within 6.0 metres of the boundary of any abutting site;
 - (c) car parking, service and storage areas of rubbish are to be sited and screened suitably with fencing or landscaping;
 - (d) the development is designed, having regard to orientation and siting of buildings, the provision of car parking and manoeuvring areas, and the allocation of landscaped buffer areas to minimise disturbance to adjoining land through noise, lighting spill and intrusion on privacy; and
 - (e) the development is to be sited within a built-up urban area or an area proposed for urban development and adjacent to a secondary arterial or local road shown on Maps.

Comment

In reference to the above, the development is considered to generally comply although the total floor areas of the buildings are approximately 40% of the total site area which is at variance with (a) above.

.../cont.

4.4 455/1293/07 BILL MCKAY (Continued)

This variation is not considered to be significant as there is considered to be sufficient and usable open space. As the total height of all proposed buildings is 6m and they are all single storey with suitable carparking areas and driveways, the proposal is considered to be acceptable.

The following Objectives and Principles of Development Control apply to the redevelopment of the hotel and proposed bottle shop only.

DISTRICT CENTRE ZONE

OBJECTIVES

- Objective 1:** A zone accommodating a wide range of town centre activities located to be compatible with, and reinforce the predominant uses and character of the area.
- Objective 3:** Conservation and enhancement of buildings and items of historical significance.
- Objective 5:** Development of the area shown as DCe(3) on Map Alex/38 with facilities designed to enhance its historic character and contribute to its tourist appeal.
- Objective 6:** Preservation of the visual appeal and historic character of streets.

Comment

The renovation and redevelopment of the existing heritage listed hotel is considered to be in compliance with the abovementioned objectives as it will preserve an existing heritage building.

HIGH STREET HISTORIC (CONSERVATION) POLICY AREA 3

OBJECTIVES

- Objective 1** Development that contributes to the desired character of the policy area.
- Objective 2:** A policy area accommodating a range of small scale retail, office, consulting rooms, other commercial, light and service industry, tourist, community and cultural facilities.

.../cont.

4.4 455/1293/07 BILL MCKAY (Continued)

Objective 3: A policy area in which Heritage Places are retained and reused.

Objective 4: A policy area in which the historic character of the public spaces and streetscape are reinforced to provide a pleasant pedestrian environment.

Comment

In accordance with Objective 1 above, the proposed redevelopment of the hotel is considered to comply with the desired character of the policy area which states:

"The desired character is for commercial, tourist and residential uses, especially antiques, art and food businesses that feature the retention and enhancement of the heritage items and promotes appropriate new tourist and allied business development with the heritage character of the Policy Area."

The restoration of the façade of the hotel and its continued use is entirely appropriate and in compliance with the desired character statement.

PRINCIPLES OF DEVELOPMENT CONTROL

Form of Development

PDC 2 Development should be of a commercial/service or tourist nature, particularly fronting High Street with some residential uses to maintain vibrancy and activity which may be in association with commercial functions.

Appearance of Land and Buildings

PDC 3 Development within the Policy Area should conserve, maintain, enhance and reinforce the existing streetscape and the historic character of the area; exhibiting architectural and roof forms, shop frontages, street frontage widths, materials, finishes, sheds/garages, fences and landscape settings which complement without attempting to reproduce historic buildings or their detailing.

PDC 4 Development should be low scale complementing the existing buildings with more significant structures fronting corners creating landmark development which should not overpower the existing development.

.../cont.

4.4 455/1293/07 BILL MCKAY (Continued)

PDC 6 The siting, scale, setbacks, architectural style and form, materials and external finishes of new development should as far as practical and appropriately complement the character of an existing State Heritage Place, Local Heritage Place or a Contributory Item.

PDC 7 New buildings should be consistent with the predominant eaves and ridge heights of existing buildings of heritage value within the locality and in particular match the eaves height of adjacent buildings.

Tourism Development

PDC 12 Tourism accommodation should preferably involve the restoration and re-use of heritage buildings with any new development being of a scale and form sympathetic to the historic character of the locality.

Comment

As the land use is existing and the development involves the renovation and restoration of the existing hotel, the proposed development is considered to comply with all of the above PDC's. The proposed bottle shop and managers residence have been designed to blend with the scale and character of the hotel which is considered to be sympathetic with the character of the locality.

The following Objectives and Principles of Development Control apply to the proposed motel only.

RESIDENTIAL (STRATHALBYN) ZONE

Objectives

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

Objective 5: Development having a high standard of design and appearance to complement the traditional building styles and design elements typical in the town before the 1950's.

Objective 8: Preservation of the attractive streetscapes along East, South and West Terraces, North Parade, Commercial Road and elsewhere within Historic (Conservation) Policy Areas and their visually important features including, building facades, rooflines, walls, fences, trees and gardens.

.../cont.

4.4 455/1293/07 BILL MCKAY (Continued)

Principles of Development Control

Form of Development

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

Appearance of Land and Buildings

PDC 24 Development should not impair the attractive landscape character and appearance of land adjacent to Adelaide Road.

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

COMMENTS

Although the use is strictly at variance with Objective 1 for the Residential (Strathalbyn) Zone given that it is not a residential, community or recreational land use, the proposed motel is considered to be appropriate within the locality as it is essentially similar to a medium density residential land use. As there is no restaurant, bar or conference component to the proposal, it can be argued that overnight accommodation will have a similar impact upon the locality to a medium residential development particularly given that the design will keep the noise generating activities (carpark, access to rooms etc) within the centre of the site, with the buildings and landscaping buffering these potential noise generating activities from the surrounding residential activities.

CENTRAL RESIDENTIAL HISTORIC (CONSERVATION) POLICY AREA 21

OBJECTIVES

Objective 1: Development that contributes to the desired character of the policy area.

Objective 2: A policy area for residential development that compliments the historic character.

Objective 3: A policy area in which heritage places are retained and reused.

.../cont.

4.4 455/1293/07 BILL MCKAY (Continued)

Objective 4: A policy area in which the historic character of the public spaces and streetscapes are enhanced to provide a pleasant living environment.

Comment

In accordance with Objective 1 above, the desired character of the policy area states:

"The desired character is for residential and related uses, including aged care and tourist accommodation, which retain and enhances the heritage items and promotes appropriate new development for residential and other uses in terms of form, set back, materials, colour and finishes consistent with the heritage character of the Policy Area."

As the proposed development is a tourist accommodation land use and is of a design which is sympathetic to the historic character of the locality in terms of bulk and scale, materials and colours and setbacks, the proposed development is considered to comply with Objective 1, above.

PRINCIPLES OF DEVELOPMENT CONTROL

Form of Development

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

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

Comment

Compliance with the above has been achieved as the proposed motel is a tourist accommodation land use and is located between the District centre and East Terrace. It is considered that this site and locality is entirely appropriate for such a land use.

.../cont.

4.4 455/1293/07 BILL MCKAY (Continued)

Appearance of Land and Buildings

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

PDC 6 The siting, scale, setbacks, architectural style and form, materials and external finishes of new development should as far as practical and appropriately complement the character of an existing State Heritage Place, Local Heritage Place or a Contributory Item.

Comment

As stated previously the design of the motel is considered to be in keeping with the heritage character of the locality.

CONCLUSION

As the proposed land use and built form is considered to be entirely appropriate within the locality as evidenced by its compliance with the relevant provisions of the Alexandrina Development Plan and support of Council's Heritage Advisor, the proposed development warrants the granting of Development Plan Consent.

RECOMMENDATION

That the Development Assessment Panel resolve to allow Alexandrina Council Planning staff delegated authority to grant Development Plan Consent to Development Application 455/1293/07 for a hotel addition and renovation including bottle shop and tourist accommodation (motel) with associated carparking and swimming pool subject to the following conditions and notes and Council consent to the proposed encroachment of the bottle shop verandah on Council land:

Conditions

1. The development herein approved to be carried out in accordance with plans and details accompanying this application (plans received by Council on 23 October 2007)
2. No signs or advertising are to be erected or displayed on or about the buildings or the site without the prior consent of Council.

.../cont.

4.4 455/1293/07 BILL MCKAY (Continued)

3. All of the carparks, driveways, and vehicle manoeuvring areas shall be constructed and bituminised, brick paved or concreted in accordance with sound engineering practice prior to the occupation of the development herein approved.
4. The applicant or other approved persons for the time being making use of the subject land now approved shall at all times maintain in good and substantial condition in all respects the subject land (including carparking areas, driveways and footpaths) all buildings and structures and all landscaped and open space areas.
5. Floodlighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to cause no light overspill to adjacent residential development.
6. The Bottle Shop driveway shall be pavement-marked as 1-way ; IN at the eastern end and OUT at the western end. A 'NO ENTRY' sign in accordance with AS 1742.1 sign R2-4A, shall be installed adjacent to the Bottle Shop at the western-most driveway. All redundant gutter crossings, driveway aprons and kerb across the footpath shall be removed and replaced with kerb and gutter and footpath as appropriate.
7. Every effort shall be made to capture, store and re-use stormwater runoff from the site. Stormwater from the roofs and surrounding paving for 4-A2 and 2-U1 in Murray Street may be discharged to the street gutter in Murray Street via 6 separate piped outlets. Stormwater from the Beer Garden, Outdoor Dining, landscaping, Bottle Shop and unit MA may be discharged to the street gutter in Grey Street via piped outlets from the structures and overland on the Bottle Shop driveway. Stormwater runoff to the street from the balance of the site (units L, 7-U1, 1-U2, 8-M1, pool, carpark, driveway and landscaping) shall be limited to a maximum discharge rate of 15 L/s in a 1 in 20-year storm. Provision shall be made for an overland flow path(s) to discharge site stormwater from the 1 in 100-year storm to surrounding street(s) without risk of flooding to the habitable structures on the site.

.../cont.

4.4 455/1293/07 BILL MCKAY (Continued)

8. Prior to the granting of Development Approval, the Applicant must obtain Waste Control Approval for connection of the Development to Council's Septic Tank Effluent Disposal System (STEDS). The waste control design is to include a trade waste application addressing the capacity of the existing grease arrestor.
9. Materials, finishes and details of restoration of the hotel, function bar and outdoor dining/waste collection buildings should be referred to the heritage advice prior to granting of final Development Approval. It is recommended that the applicant consult with the Heritage Adviser during the design development stage.
10. The stone boundary walls along or adjacent to the southern and western site boundaries shall be protected and retained.
11. Details of the placement and concealment of all mechanical plant including compressors and water heaters shall be included in the Building Application Drawings
12. An Arborists Report shall be provided in relation to the two trees to be retained, and recommended root protection zones and methods shall be incorporated into the Building Application Drawings
13. Pool heating panels, if roof mounted shall be concealed from view from the surrounding streets.
14. Fencing shall be established prior to occupation
15. Proposed Development to be connected to the Common Effluent Drainage Scheme
16. Payment of the Common Effluent Drainage Scheme Levy shall be made to Alexandrina Council for (12) extra connection(s) at the fee set in Council's Schedule of Fees and Charges applicable at the time that payment is made and shall be paid prior to connection to the scheme. The fee for 2006/2007 is \$4125 per additional connection (\$49500).
17. A 3m wide easement shall be provided to Council to allow access to and protection of the existing CED line within the subject land.
18. Effluent drainage must be via gravity only, no pumping systems will be approved.

.../cont.

4.4 455/1293/07 BILL MCKAY (Continued)

19. All plumbing work to be inspected prior to the back filling of trenches. Please contact Councils Technical Officer on 8555 7000 to book an inspection giving at least one working days notice.
20. As constructed drawings showing drain lengths,etc, shall be provided to Council prior to occupation.
21. Installation of effluent drains and allotment connections to be in accordance with Community Wastewater Management Systems Standards document.
22. All backwash water from the swimming pool and spa is to be retained on site.

Notes:

1. **Consultation with Adjoining Owners**
In addition to notification and other requirements under the Development Act and Fences Act, it is recommended that the applicant/owner consult with adjoining owners and occupiers at the earliest possible opportunity after Development Approval, advising them of proposed development work so as to identify and discuss any issues needed resolution such as boundary fencing, retaining walls, trees/roots, drainage changes, temporary access, waste discharges, positioning of temporary toilets etc. The Applicant should consult with all adjoining property owners in relation to fencing, with a view to increasing the height of boundary fences in order to minimise any incidental overlooking between the properties.
2. The Applicant's attention is drawn to the 3 m wide parcel of land, owned by Alexandrina Council, abutting the southern boundary. An approach may be made to Council with a view to consolidating this parcel with the subject land, subject to conditions.
3. 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.

5. DEVELOPMENT APPLICATIONS - LAND DIVISION / COMMUNITY TITLE

6. DEVELOPMENT APPLICATIONS – BUILDING

7. MATTERS REFERRED FOR FOLLOW – UP

8. GENERAL ITEMS FOR DISCUSSION