

ALEXANDRINA COUNCIL

NOTICE OF MEETING

Notice is hereby given to Development Assessment Panel Members that the next meeting of Development Assessment Panel will be held in the Community Chambers "Wal Yuntu Warrin", on 18th February 2009 commencing at 10:30 am



Your attendance is requested.

10.30 am Commencement of Meeting

11.30 am Close of Meeting

RON DANVERS
CHAIRPERSON

10th February 2009

**REPORT AND AGENDA
FOR DEVELOPMENT ASSESSMENT PANEL MEETING TO BE
HELD ON 18 FEBRUARY 2009
IN THE
COMMUNITY CHAMBERS "WAL YUNTU WARRIN",
COMMENCING AT 10:30 AM**

PRESENT

APOLOGIES

IN ATTENDANCE

ITEM 1 CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on 21 January 2009

RECOMMENDATION

That the minutes of the Alexandrina Council Development Assessment Panel held on 21 January 2009 as circulated to members be received as a true and accurate record.

ITEM 2 DEVELOPMENT APPLICATIONS

ITEM 3 DEVELOPMENT APPLICATIONS - NON COMPLYING

Alexandrina Council

ITEM 4 DEVELOPMENT APPLICATIONS - CATEGORY 3

4.1 455/1075/08 Strath Hub

SUMMARY TABLE

Date of Application	15 th September 2008
Subject Land	2-4 North Parade Strathalbyn Lot 356 North Parade Strathalbyn
Assessment No.	A21976
Relevant Authority	Alexandrina council
Planning Zone	Residential (Strathalbyn) Zone – Central Historic (Conservation) Policy area 21
Nature of Development	Variation to DA 455/2/07 (building siting and signage)
Type of Development	Consent/Merit
Public Notice	Category 3
Referrals	Heritage Advisor (informal)
Representations Received	4
Representations to be heard	4
Date last inspected	February 2009
Recommendation	Approval
Originating Officer	Andrew Sladden

Background

Development application 455/1075/08 for a "Motel- six motel buildings comprising twenty three single storey units, a two storey office and caretakers flat, car and bus parking facilities, landscaping, fencing and demoliton of existing buildings" was approved by the Development Assessment Panel in March 2007.

During construction of the Development it was brought to Councils attention that the buildings were not being constructed in their approved locations and that some additional signage not approved was evident on the buildings.

Resulting from discussions between the applicant/owners, Councils Compliance Officer and Council's Lawyers, the applicant was advised to lodge a development application for these variations.

.../cont.

4.1 455/1075/08 - Strath Hub (continued)

THE PROPOSAL

Nature of Development

Given that the description of the proposed development is "Variation to DA 455/2/07 (building siting and signage)" a development of this nature is not listed as being a complying or non-complying from of development within the Residential (Strathalbyn) Zone. Therefore, the development application is a consent/merit form of development.

Detailed Description

This development application has been lodged so that the applicants/owners can legitimise the variations between the original Development Approval and what has been constructed on the subject site.

These variations include:

- Setbacks from the buildings to the property boundaries which are less than that as approved pursuant to 455/2/07.
- Illuminated advertising signage and structures.

Setbacks

The approved plans depict a minimum 7.5m setback from the edge of the approved buildings to both the East Terrace and southern boundaries of the site. The setbacks as constructed are less than this varying between 6.23m and 7.48m from the East Terrace boundary and 6.95m and 7.01m from the southern boundary. Therefore, the Application seeks approval for these variations.

Advertising

Although some signage and advertising was approved as part of the original application, the application and subsequent conditions of approval did not reflect whether any of these signs were to be illuminated.

Therefore the application also seeks to obtain approval for the following signs, some of which are existing:

- An internally illuminated "No Vacancy" sign on the ground floor facia of the motel's North Terrace frontage which is located immediately above the office and carparks. This sign is interchangeable depending upon whether the motel has vacancies or not, and is a light box measuring .35m x 1.8m (.63m²).

.../cont.

4.1 455/1075/08 - Strath Hub (continued)

- A free standing advertisement located at the intersection of North Parade and East Terrace, which is existing and is approximately 1.2m high. The Advertisement comprises a brick structure and with two advertisements measuring 1m x .47m (.47m²) and illuminated at night by spotlights.
- Illumination of the existing approved signs (2.4m x 1.12m) by way of neon lighting.

REFER ATTACHMENT 4.1 (a) (page 1)

SITE & LOCALITY

This site is mainly flat with a slight slope towards the rear of both allotments towards the southern boundary. The motel consists of seven detached buildings constructed in a semi-circle around a central carpark.

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

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

PUBLIC NOTIFICATION

The application was the subject of Category 3 public notification between the 13th and 27th November 2008. Four representations were received within this period.

All of the representors object to the proposed development and concerns raised range from the perceived injustice of allowing the applicant to get away with not complying with the previous approval to concerns with the signage and light spill.

REFER ATTACHMENT 4.1 (b) (page 14)

.../cont.

4.1 455/1075/08 - Strath Hub (continued)

The applicant has also submitted a response to the representation.

REFER ATTACHMENT 4.1 (c) (page 15)

The issues raised and responded to include:

- Screening and landscaping.
- Setbacks.
- Signage

CONSULTATION

Consultation has been undertaken with Council's Heritage Officer. Although not a formal referral pursuant Schedule 8 of the Development Act 1993, Richard Woods has provided advice regarding the proposed development as he did with the original; application.

The advice of the Heritage Advisor is as follows:

"I refer to correspondence from Hassell dated 10/09/08 and 19/12/08, signage artwork schedule, marked up elevations, photos of the installed signs and the approved landscape plan

Signs

The three signs on the stone tower and fin wall are in the location and of a similar scale to that shown on the approved elevations. Neon illumination of these signs will provide reasonable night visibility without excessive light spill or visual intrusion. Generally neon illumination is less intrusive in heritage areas than internally illuminated signs. These signs are in my view appropriate in scale and location for a commercial building in a residential zone.

I note that the sign on the East Terrace elevation of the corner tower is deleted in this application.

An low stone wall and floodlit sign has been installed on the corner adjacent to the tower on the corner of East and North Terraces. Hedges, walls and fences make an important contribution to the heritage streetscape character of the locality. These elements define and enclose the street edges. This location, defining the corner of the township sub-division is particularly important, and would benefit by a strong wall treatment, reinforcing the corner tower. Architecturally, the low, horizontal nature of the installed stone wall sited at a tangent to the tower, is weak. It lacks the design integrity and confidence of the building. Nevertheless the materials and scale of this sign is acceptable in the locality.

.../cont.

4.1 455/1075/08 - Strath Hub (continued)

The internally illuminated box sign on the fascia above the reception is in my view intrusive and overscaled in relation to the function of this sign. I do not support the use of internally illuminated signs in the heritage policy area.

I note that an additional sign not included in the application has also been erected, fixed to a horizontal corrugated iron sheet next to the entrance. I recommend this sign and the corrugated iron panel be removed."

REFER ATTACHMENT 4.1 (d) (page 24)

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

As the Development Application was lodged on 11 September 2008, the proposal has been assessed against the Development Plan consolidated on 20 March 2008. The following Principles of Development Control are seen as especially relevant to this application:

COUNCIL WIDE

PRINCIPLES OF DEVELOPMENT CONTROL

Outdoor Advertisements

PDC 143 *The location, siting, size, shape and materials of construction, of advertisements should be:*

- (a) consistent with the desired character of areas or zones as described by their objectives;*
- (b) consistent with the predominant character of the urban or rural landscape; or*
- (c) in harmony with any building or site of historic significance or heritage value in the locality.*

PDC 144 *Advertisements should not detrimentally affect by way of their siting, size, shape, scale, glare, reflection, or colour, the amenity of areas, zones, or localities, in which they are situated.*

PDC 145 *Advertisements should not impair the amenity of areas, zones, or localities, in which they are situated by creating, or adding to, clutter, visual disorder, and the untidiness of buildings and spaces.*

PDC 147 *The scale of advertisements should be compatible with the buildings on which they are situated and with nearby buildings and spaces.*

.../cont.

4.1 455/1075/08 - Strath Hub (continued)

Comment

In reference to the above, the desired character statement for Policy Area 21 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. Public spaces and streetscapes shall be improved to enhance the heritage character, with predominate street trees such as Ash continued to be used.

Council's Heritage advisor is the best qualified to comment on whether the proposed development complies or blends with the desired future character of the policy area. It is noted that Richard Wood has not made any comment in the amended setbacks, however, generally supports the signs with the exception of the proposed internally illuminated "No Vacancy" sign.

PDC 153 Advertisements should not obscure a driver's view of other road vehicles, of rail vehicles at or approaching level crossings, of pedestrians, and of features of the road such as junctions, bends, changes in width, traffic control devices and the like, that are potentially hazardous.

PDC 154 Advertisements should not be so highly illuminated as to cause discomfort to an approaching driver, or create difficulty in his perception of the road, or of persons or objects on it.

PDC 155 Advertisements should not be liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals.

PDC 156 Advertisements should not distract drivers from the primary driving task at a location where the demands on driver concentration are high.

Comment

Given the location of the signs, it is not envisaged that they will have any impact or effect on the surrounding road network or drivers using these roads.

Building Set-backs

PDC 233 The distance by which building development is set-back from a road should be related to the effectiveness of the screening of views of the building development from that road by existing vegetation, natural landforms or other natural features or by other existing buildings.

.../cont.

4.1 455/1075/08 - Strath Hub (continued)

Comment

It is noted that the owners have still been able to effectively achieve landscaping with this reduced setback.

PART B - STRATHALBYN DISTRICT

PRINCIPLES OF DEVELOPMENT CONTROL

Heritage

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

Comment

Although there are no state or local heritage places in the immediate locality, the subject site is still located within a heritage policy area and Council's Heritage Advisor has advised that he generally supports the signage.

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

- (a) the allotments fronting the road are substantially developed, the land is either an urban area and the set-back of the proposed building is consistent with the building line of existing buildings on adjoining, or nearby, land particularly where buildings within the locality are of heritage significance;*
 - (b) the proposed building will be screened substantially by existing vegetation, natural form and features of the land or by adjacent buildings;*
 - (c) the bulk or height of the proposed building is less than that of existing development;*
 - (d) the proposed building is to be located on an allotment having two or more boundaries to a road and sited so that no reduction in road safety by restriction of driver visibility will result; in such circumstances the set-back shall be not less than 8.0 metres with respect to the more important road and not less than 4.0 metres with respect to any other road;*
 - (e) the depth or, in respect of a corner allotment, the width of the allotment is insufficient to allow compliance with the distance prescribed; or*
 - (f) the development comprises an addition to an existing farm building.*
- .../cont.*

4.1 455/1075/08 - Strath Hub (continued)

Comment

The variation in the setback of the building from the eastern boundary is acceptable and complies with the above as this setback is considered to be the secondary road setback given that the primary frontage is on North Parade.

RESIDENTIAL (STRATHALBYN) ZONE

PDC 26 Advertising signs and hoardings should not be erected in this zone unless:

- (a) the area of the advertisement does not exceed 3.0 square metres, nor the height exceed 1.8 metres above natural ground surface level;*
- (b) it is to be erected on a site with an existing lawful non-residential use;*
- (c) no more than one sign or hoarding is to be erected on the site; and*
- (d) the sign is not illuminated, flashing or moving.*

Comment

The signs and advertising are considered to be at variance with the above as there are multiple signs and they are illuminated.

Conclusion

The proposed variations to the original approval are considered to be fairly minor in nature and are considered to generally comply with the relevant provisions of the Alexandrina Development Plan. The amended setbacks are fairly insignificant and comply with the Development Plan and the signage is considered to generally blend with the amenity of the locality and have minimal impact upon surrounding land uses. Therefore, the Development Application warrants the granting of Development Approval.

.../cont.

4.1 455/1075/08 - Strath Hub (continued)

RECOMMENDATION

That the Development Assessment Panel grant Development Approval to Development Application 455/1075/08 for Variation to 455/2/07 (Building Siting and Signage) at 2 - 4 North Parade, Strathalbyn subject to the following conditions:

Conditions

1. The development herein approved to be carried out in accordance with plans and details accompanying this application (plans received by Council on 11 September 2008.)
2. The illuminated signs should not be of a light intensity to cause a light overspill nuisance to adjoining residential development.
3. 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 5. DEVELOPMENT APPLICATIONS - LAND DIVISION / COMMUNITY TITLE

ITEM 6. MATTERS REFERED FOR FOLLOW-UP

ITEM 7 GENERAL ITEMS FOR DISCUSSIONS

7.1 Planning Reforms Update

File Ref: 3.14.001
Officer: Sally Roberts

REPORT

As you are aware the new Planning Reforms commenced from the 1 January 2009 with some additional development being included under those developments that are deemed to be exempt.

It is still expected that the new Residential Code will be introduced from 1 March 2009 for alterations and additions to existing homes and ancillary structures. There have been some changes proposed to the original Code which reflects the submissions that the Minister received during the consultation process. Some of the changes include:

- Alterations and additions to dwellings is restricted to single storey development;
- Setbacks and minimum allotment sizes reverts to the Development Plan requirements;
- Removal of row dwellings;
- Removal of new dwellings and dwelling additions on battle-axe sites;
- Increased side and rear setbacks for upper levels of dwellings;
- Clarification of the amount of cut and fill by reducing overall height to 1 metre in total;
- Inclusion of driveway gradients;
- Reduced length of buildings on the boundary; and
- Exclusion of the Code from applying in Flood Plain Zones.

Other matters that are underway as a result of the Planning Reforms are:

- Character Areas

There will be an opportunity for Councils to nominate certain areas that should be exempt from the Code based on 'character'. In Council's submission to the Minister it was indicated that the Residential Zone (Goolwa), which covers the area bounded by the railway line, Oliver Street, Sidmouth Street and part of Admiral Terrace, should be one of these areas. The relevant documentation has now been received for Council to nominate character areas. If there are any other areas that the Panel feel should be exempt, keeping in mind that the Code does not apply to already existing heritage zones and policy areas, please let the Planning Department know.

.../cont.

7.1 Planning Reforms Update

- Fees Review

It has been recognised that with the likely increase of complying development there will be an impact on Council's with respect to the amount of fee income received. A consultant has been engaged by the LGA and the Department of Planning and Local Government to review this. It is likely that any complying development will incur an administration fee that is commensurate to the work that will be undertaken. The findings of the review will be presented to the Minister and Cabinet in February 2009.

Training sessions will be conducted by the LGA and the Department for Planning and Local Government in March/April to assist Council's with the introduction of the Code.

A few weeks into the first stage of the reforms the impacts have been minimal with no applications having been received that fall into the new exemption criteria. To get ourselves prepared for the March introduction we are already coordinating the planners, building officers, health officers and engineers to assess applications together three mornings a week to ensure that if there is any outstanding information it can be identified early and the information sought collectively as there will only be one opportunity to stop the clock on the assessment time. We are also developing specific codes for our Development Application system that will enable identification of the different types of applications so that records can be kept on the types of applications we are receiving and a picture can be gained of the implications of the new Code on our development assessment processes. There will also be a revamp of all of the standard letters and brochures to ensure that they reflect the new legislation.

As new information becomes available and specific details of the new Code and its introduction are known this will be relayed to both Council and the Panel. Should you have any queries about the Planning Reforms please contact the Planning and Development Department.

RECOMMENDATION

That the report be received.

ITEM 8 NEXT MEETING

Meeting Closed.