

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
Large Meeting Room (old Goolwa Council Chambers)
on 19 June 2006 commencing at 11:00 am

Your attendance is requested.

11:00 a.m. Development Assessment Panel commencement

12:30 p.m. Conclusion of meeting.

JOHN COOMBE
CHIEF EXECUTIVE

ALEXANDRINA COUNCIL

AGENDA FOR THE DEVELOPMENT ASSESSMENT PANEL MEETING
TO BE HELD ON 19 JUNE 2006 AT 11:00 AM
IN LARGE MEETING ROOM (OLD GOOLWA COUNCIL CHAMBERS)

TABLE OF CONTENTS

<u>ITEM NO.</u>	<u>SUBJECT</u>	<u>PAGE NO.</u>
ITEM 1	<u>CONFIRMATION OF MINUTES</u>	1
ITEM 2.	<u>DEVELOPMENT APPLICATIONS</u>	1
ITEM 3.	<u>DEVELOPMENT APPLICATIONS - NON COMPLYING</u>	2
3.1	455/464/06 & 455/D029/06 - Stuart Burford	2
3.2	455/D083/05 - Community Corporation No. 21499 Inc.....	5
ITEM 4.	<u>DEVELOPMENT APPLICATIONS - CATEGORY 3</u>	11
4.1	455/34/06 - Donato Pilla	11
4.2	455/63/06 - Peter Cannon	21
ITEM 5.	<u>DEVELOPMENT APPLICATIONS - LAND DIVISION COMMUNITY TITLE</u>	30
ITEM 6.	<u>DEVELOPMENT ASSESSMENT - BUILDING</u>	30
ITEM 7.	<u>MATTERS REFERRED FOR FOLLOW UP</u>	30
ITEM 8.	<u>GENERAL ITEMS FOR DISCUSSION</u>	30
ITEM 9.	<u>NEXT MEETING</u>	30

**Development Assessment Panel
Report and Agenda
on 19 JUNE 2006 commencing at 11:00 am
in the Large Meeting Room (old Goolwa Council Chambers)**

PRESENT

APOLOGIES

IN ATTENDANCE

ITEM 1 CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on 15th May 2006.

RECOMMENDATION

That the minutes of the Alexandrina Council Development Assessment Panel held on 15th May 2006 as circulated to members be received as a true and accurate record.

ITEM 2. DEVELOPMENT APPLICATIONS

ITEM 3. DEVELOPMENT APPLICATIONS - NON COMPLYING

3.1 455/464/06 & 455/D029/06 - Stuart Burford

SUMMARY TABLE

Date of Application	19 th April 2006
Subject Land	16 Mundoo Channel Drive, Hindmarsh Island
Applicant	Stuart Burford
Owner	Gregory Holbrook Turner
Assessment No.	A7202
Relevant Authority	Alexandrina Council
Planning Zone	Holiday House (Hindmarsh Island)
Nature of Development	Single storey detached dwelling and land division by lease
Type of Development	Non-complying
Public Notice	N/A
Referrals	N/A
Representations Received	N/A
Representations to be heard	N/A
Date last inspected	5 June 2006
Recommendation	Proceed with assessment
Originating Officer	Andrew Sladden

ESD IMPACT/BENEFIT

- Environmental Increase in pollution potential and degradation of natural resources.
- Social Nil.
- Economic Increase in land value, rate increase, increase in services required in isolated location.

BACKGROUND

The Applicant has been in discussions with the under-lessor of lot 92 with a view to lease this allotment and construct a holiday house for their enjoyment. These Development Applications are the result of these discussions.

The subject site is currently vacant with no existing buildings or structures and no significant vegetation.

.../cont.

3.1 455/464/06 & 455/D029/06 – Stuart Burford (Continued)

THE PROPOSAL

Nature of Development

The development proposal involves two Development Applications, both of which are Non-Complying. Development Application 455/464/06 involves the construction of a detached dwelling which is proposed to be used as a holiday house by the owners. Principle of Development Control 18 for the Holiday House (Hindmarsh Island) Zone states that dwellings which are not additions, replacements or associated with the Government exchange program are considered to be a non-complying form of Development. As this proposal does not fit within the abovementioned exceptions, being a new dwelling on an existing vacant allotment, the Application (455/464/06) is a non-complying form of development.

Development Application 455/D029/06 involves a Land Division by lease to allow for the Applicant to enter into an under-lease for lot 92 until 30 December 2060. Principle of Development Control 18 for the Holiday House (Hindmarsh Island) Zone states that Land Divisions which are not for the purpose of transferring land into public ownership are a non-complying form of development. Therefore this Development Application is also considered to be a non-complying form of Development.

Detailed Description

The proposed dwelling is a rectangular pole frame dwelling with a colorbond light grey roof at a 10 degree pitch and colorbond light grey cladding. The floor level of the dwelling is 2.1m above the natural ground level in order to comply with Principle of Development Control 4 for the Holiday House (Hindmarsh Island) Zone which provides for a minimum Finished Floor Level of 2.1 Australian Height Datum (AHD). The total height of the dwelling is 6.2m above the existing ground level. The dwelling is proposed to be located in the centre of the allotment, 19m from the front boundary, 15m from the rear (waterfront) boundary and 2.6m from both side boundaries. This location is consistent with the setbacks of adjoining dwellings.

REFER ATTACHMENT 3.1 (page 1)

SITE & LOCALITY

The subject site is an existing allotment on Mundoo Channel Drive. It is part of a strip of existing leasehold allotments, most of which have been developed with single or two storey detached dwellings facing Mundoo Channel and associated garaging facing the road (Mundoo Channel Drive). The locality displays a varied mixture of dwelling styles, colours and materials of construction.

.../cont.

3.1 455/464/06 & 455/D029/06 – Stuart Burford (Continued)

The subject site is level and devoid of any significant vegetation. There are no existing buildings and structures on the allotment.

PUBLIC NOTIFICATION

Should the Development Assessment Panel resolve to proceed with the assessment of these Applications, then Category 3 Public Notification will be required to be undertaken.

REFERRALS

These applications will be formally referred to the River Murray Minister pursuant to Schedule 8, (g) (h) and (j) of the Development Act 1993.

COMMENTS

Although the Development Applications are considered to be non-complying forms of development pursuant to the Alexandrina Development Plan, the proposal is considered to display some merit in the fact that there are many other examples of detached dwellings within the locality. It is also noted that the Applicants have provided a letter of "in principle" approval for the proposed lease and dwelling from the River Murray Minister.

RECOMMENDATION

That the Development Assessment Panel determine to proceed with an assessment of Development Applications 455/464/06 and 455/D029/06 for a single storey detached dwelling and land division by lease.

3.2 455/D083/05 - Community Corporation No. 21499 Inc

SUMMARY TABLE

Date of Application	26 th September 2005
Subject Land	Pcs 1+2 Murray Street, Strathalbyn
Applicant	Community Corporation No. 21499 Inc
Owner	Community Corporation No. 21499 Inc
Assessment No.	A 10614
Relevant Authority	Alexandrina Council
Planning Zone	Residential (Strathalbyn)
Nature of Development	Land division creating two allotments
Type of Development	Non-complying
Public Notice	Category One
Referrals	Dept of Water Land & Biodiversity Conservation
Representations Received	Nil
Representations to be heard	N/A
Date last inspected	
Recommendation	Approve subject to concurrence from Development Assessment Commission
Originating Officer	Cherry Getsom

ESD IMPACT/BENEFIT

- Environmental Minimal environmental impact is envisaged.
- Social Positives for the Community Corporation, as the property will formally become part of their title.
- Economic Positives for the existing land owners.

THE PROPOSAL

Nature of Development

The proposed land division seeks to create two allotments within the Residential Strathalbyn zone that are less than 450m² in size. The creation of allotments less than 450m² is a non complying form of development within this zone.

The existing allotment in its current form is only 220m². The history of how this allotment was originally created is unknown.

.../cont.

3.2 455/D083/05 – Community Corporation No. 21499 Inc (Continued)

Detailed Description

The subject land is located within the Murray St, North Parade and East Terrace section of the Strathalbyn township. It currently exists as one allotment comprising two pieces. Both these pieces of land are comprised in Limited Certificate of Title Volume 5700 Folio 781 with the registered proprietor, Lloyd Herbert of Strathalbyn presumed dead.

Piece 1 (proposed Allotment 101) currently exists at 41m² and is located between 1 East Terrace, 2 Murray St (Strathalbyn Tennis Club), and 4 North Parade and has no street frontage. It is not clear which on of these properties utilises the existing Piece however aerial photographs indicate that it is the adjoining land owner at 1 East Terrace.

Piece 2 (proposed Allotment 102) currently exists at 179m² located behind two Community Title allotments at Units 1 and 2, 8 Murray Street and 5 East Terrace. This piece also has no street frontage and is occupied as rear yards of the Community Title development.

The Community Corporation (Community Corporation No 21499 Inc) which manages the community title allotments at 8 Murray Street, have been using the land at Piece 2 (proposed Allotment 102) for a number of years (as had previous owners of the land). The corporation are in the process of applying for a 'possessory title' for this piece of land which will give them formal ownership of land which they have informally 'possessed' for some time. This piece of land will then be amalgamated into Units 1 and 2 Murray St.

As the existing title shows Piece 1 and Piece 2 as forming one allotment the two pieces must first be subdivided to allow for the future amalgamation to occur. The allotments created by this sub division are below 450m² and are required to be assessed as a non-complying form of development.

REFER ATTACHMENT 3.2(a) (page 22)

SITE & LOCALITY

The two pieces of land are located within the Residential (Strathalbyn) Zone of the Alexandrina Development Plan. Neither Piece 1 nor 2 has any street frontage. Both Pieces display land uses associated with the adjoining properties and have been used by these properties for a number of years. Piece 1 appears to be utilised by 1 East Terrace and Piece 2 forms the rear yard of Unit 1 and Unit 2, 8 Murray Street Strathalbyn. Both are currently used for residential purposes.

.../cont.

3.2 455/D083/05 – Community Corporation No. 21499 Inc (Continued)

PUBLIC NOTIFICATION

Whilst the application is non-complying under the provisions of the Residential (Strathalbyn Zone) of the Alexandrina Development Plan, Schedule 9, Part 1, clause 3 (c) of the Development Regulations (1993) allows for the application to be assessed as a Category One application for public notification purposes.

No Statement of Effect is required under Part 4 Section 17.6 (c) of the Development Regulations (1993). This states that non complying applications where the proposed land division creates a number of allotments equal to or less than the number of existing allotments and is of a minor nature applicants are not required to supply a statement of effect. As proposed allotment 102 is to be immediately amalgamated into Community title allotments then no statement effect has been requested, however a Statement of Support has been provided.

REFER ATTACHMENT 3.2(b) (page 28)

REFERRALS

The Development Assessment Commission conducted a mandatory referral to the Department of Water Land and Biodiversity Conservation, who had no objections to the proposal.

REFER ATTACHMENT 3.2(c) (page 30)

CONSULTATION

Consultation has been undertaken with Council's Environmental Health Department who had no comment.

Consultation has been undertaken with Council's Engineering and Infrastructure Department who also had no comment to make on the proposal.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

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

Council Wide

Objective 1: Orderly and economic development.

.../cont.

3.2 455/D083/05 – Community Corporation No. 21499 Inc (Continued)

Land Division

- PDC 6** Land should not be divided:
- (a) in a manner which would prevent the satisfactory future division of the land, or any part thereof;
 - (b) if the proposed use, or the establishment of the proposed use, is likely to lead to undue erosion of the land or land in the vicinity thereof;
 - (c) unless wastes produced by the proposed use of the land, or any use permitted by the principles of development control, can be managed so as to prevent pollution of a public water supply or any surface or underground water resources;
 - (d) if the size, shape and location of, and the slope and nature of the land contained in, each allotment resulting from the division is unsuitable for the purpose for which the allotment is to be used;
 - (e) if any part of the land is likely to be inundated by tidal or flood waters and the proposed allotments are to be used for a purpose which would be detrimentally affected when the land is inundated;
 - (f) where community facilities or public utilities are lacking or inadequate;
 - (g) where the proposed use of the land is the same as the use of other existing allotments in the vicinity, and a substantial number of the existing allotments have not been used for that purpose, or purposes meeting the objectives of the Plan; or
 - (h) if it would cause an infringement of any provisions of the Building Act or any by-law or regulation made thereunder.

Strathalbyn District

- PDC 1** Development should be orderly and economic. Division of land for urban purposes should be by infilling or compact and contiguous extensions to existing developed areas.
- PDC 8** Division of land within the Residential (Strathalbyn), Residential (Milang), Rural Living (Strathalbyn District) or Country Township Zones should not be undertaken unless:
- (a) the depth of each allotment is not greater than three times the frontage; and
 - (b) the dimensions of the allotment will enable the erection of a building on a parcel of land having dimensions of at least 15.0 metres by 15.0 metres set-back from a public roadway in accordance with [Table Alex/2](#).
- 9** Land capable of being connected to an existing common effluent drainage system should not be divided unless appropriate financial and, where necessary, easement arrangements for connection are made.
- 10** Land should not be divided where the plan of division does not take account of any significant natural features on, or associated with the land.

.../cont.

3.2 455/D083/05 – Community Corporation No. 21499 Inc (Continued)

Residential Strathalbyn

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

PDC 18 Land should not be divided unless:

- (a) the average allotment area in a plan of land division for residential purposes creating five or more allotments is at least 900 square metres and any subsequent plan of division preserves the average previously established and approved;
- (b) all allotments have a minimum area of 450 square metres;
- (c) not more than one allotment exceeds more than 2000 square metres in area; and
- (d) the frontage of each allotment created is at least 15.0 metres, except in locations where it may match the pattern of existing allotments with smaller road frontage, or facilitate semi-detached or row dwelling development.

PDC 29 The following kinds of development are **non-complying** in the Residential (Strathalbyn) Zone:

Land Division creating any allotment less than 450 square metres in area

COMMENTS

This proposal partially seeks to formalise a land use arrangement that currently exists on the ground. The amalgamation of proposed allotment 102 will provide for better land management practices. Whilst the existing Piece is currently used as part of Units 1 and 2, 8 Murray Street it is not part of that title. The creation of its own title will then allow it to be amalgamated into these existing titles.

The creation of allotment 101 at 41m² does not meet the requirements of the Alexandrina Development Plan. The statement of support provided by the applicant indicates that the creation of this title will allow for a possessory title application by the current occupier if required in the future however he is unable to guarantee this will occur.

.../cont.

3.2 455/D083/05 – Community Corporation No. 21499 Inc (Continued)

Should the Panel approve this application, the status of this parcel of land will change from a Piece of an allotment to an allotment in its own right. This title will be surrounded by three existing allotments; the Tennis Club at 2 Murray St at approx 5100m², 4 North Terrace a residential dwelling at 2280m², and 1 East Terrace, a residential dwelling at 1750m². The existing 41m² piece is currently being used by 1 East Terrace. Should this piece be created as a title and amalgamated with one of the existing allotments other than 1 East Terrace the addition of an additional 41m² is unlikely to play a significant role in any future subdivision potential of these allotments.

Whilst the proposal is non complying it allows for more orderly development in relation to proposed lot 102. Proposed lot 101 can not be considered orderly however it does already exist in the form of a Piece of an existing allotment. It is expected that this piece will eventually be amalgamated into an adjoining parcel of land and the current land division proposal will make this possible. Should an amalgamation into any adjoining property not occur the title will remain in its existing ownership.

RECOMMENDATION

The Development Assessment Panel approve Development Application 455/D083/05 for land division of Pieces 1 & 2 Lot 1 Murray St, Strathalbyn subject to concurrence from the Development Assessment Commission and the following conditions:

Payment of \$1985 shall be made into the Planning and Development Fund (1 allotment at \$1985 per allotment).

Cheques shall be made payable and marked Not Negotiable to the Development Assessment Commission and payment made at Level 5, 136 North Terrace, Adelaide, or sent to GPO Box 1815 Adelaide, 5001, or via the internet at www.planning.sa.gov.au.

Plans shall be in accordance with the requirements for plans under the Real Property Act (Land Division) Regulations 1982

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

4.1 455/34/06 - Donato Pilla

SUMMARY TABLE

Date of Application	11 th January 2006
Subject Land	Lot 1 Dodd Road Pages Flat
Applicant	Donato Pilla
Owner	Donato Pilla
Assessment No.	A9781
Relevant Authority	Alexandrina Council
Planning Zone	Watershed Protection
Nature of Development	Plantation of olives and roses (Horticulture)
Type of Development	Consent on Merit
Public Notice	Category 3
Referrals	CFS Dept Water Land & Biodiversity Conservation
Representations Received	1
Representations to be heard	Nil
Date last inspected	19 th May 2006
Recommendation	Approval subject to conditions
Originating Officer	Tom Gregory

ESD IMPACT/BENEFIT

- Environmental Improved management of land with limited risk of pollution or contamination to the Mount Lofty Ranges Watershed. The potential risk of olives spreading is minimised with strict conditions of approval.
- Social Minimal social impacts expected.
- Economic Economic benefit to owner from the sale of goods. Potential increased land value.

BACKGROUND

The subject site is Lot 1 Dodd Road, Pages Flat. The site involves one allotment of approximately 47 hectares, and is situated within the Watershed Protection Zone.

.../cont.

4.1 455/34/06 – Donato Pilla (Continued)

The existing use of the land is that associated with general farming practices, and more specifically the growing of hay and the grazing of cattle. The land could be described as gently undulating, and contains 3 dams of varying size, one detached dwelling and outbuildings associated with the current land use.

It should be noted that the existing dwelling and associated structures are clustered together halfway along the eastern property boundary, and will be directly adjacent the site proposed for planting.

REFER ATTACHMENT 4.1(a) (page 32)

THE PROPOSAL

The proposal includes the plantation of Olives and Roses, fenced off from the remainder of the property, and of a size comparable to the following:

Olives – 8.0hectares - approximately 480 Olive Trees

Roses – 2.3hectares - approximately 50,000 Bush Roses and
- approximately 6,000 Standard Roses

REFER ATTACHMENT 4.1(a) (page 32)

The fenced off site proposed for plantation is less than one quarter of the subject land. The total area of the subject land is approximately 47 hectares, and the proposed plantation site is 10.3hectares.

The proposed use has been defined as 'Horticulture', Schedule 1 of the Development Regulations 1993 specifies this use to mean:

'Horticulture means the use of land for market gardening, viticulture, floriculture, orchards, wholesale plant nurseries or commercial turf growing'.

As per Principle of Development Control 12 of the Watershed Protection Zone, a proposed land use of 'Horticulture' is considered to be exempt from a non-complying form of development, and therefore must be considered on it's own merits.

The proposal inherently seeks to intensify the use of part of the subject land, which may lead to an overall better management of the land.

The applicant proposes to plant approximately 480 Olive Trees at a spacing of 5 metres over the 10 hectare area. The spraying of herbicides and pesticides is not required. The trees will mature for approximately 5 to 6 years before they are of substantial size to be utilised for the production of quality fruit.

.../cont.

4.1 455/34/06 – Donato Pilla (Continued)

As indicated above, the Rose plantation is to be a mix of both bush and standard roses. These plants are not permanent, and will be dug out every 2-3 years as whole bushes. These plants will be relocated off the site for potting and sale at a different location. Some hand spraying is involved, and will generally be on a 3-4 week cycle during the primary growing season (between September and May). Chemicals intended for use are indicated as having a 'low impact' on its surroundings. The predominant spray for fungicide is Eco-Carb (Potassium Bicarbonate), and Eco-Oil (Canola Oil) is intended for the main insecticide.

SITE & LOCALITY

The subject land is within the Watershed Protection Zone, and is accessed by Dodd Road. This road is predominately unsealed, yet has a sealed section 200 metres north of the subject land, close to nearby residences.

The surrounding land is characterised as gently sloping. The subject land is almost void of trees besides those that screen the existing dwelling, and the eastern property boundary. Scattered vegetation exists across adjoining properties, whilst small patches of more dense plantations of Pine Trees exist on the property immediately to the south. Small clusters of other vegetation are also noted on surrounding properties. Some native vegetation does exist on the property immediately to the north, and the proximity of this will be discussed in further detail later in this report.

The locality displays a medium to high level of amenity. Elements that contribute to the level of amenity include the natural landscape and low density development.

Upon inspection of land within the locality, it became apparent that other olive plantations of similar and differing sizes currently exist with the vicinity.

PUBLIC NOTIFICATION

The application was put on full Category 3 Public Notification pursuant to Section 38 of the Development Act 1993 for a period of 15 days up and until Friday 17th March 2005. During this period, one representation was received.

REFER ATTACHMENT 4.1(b) (page 33)

The concerns raised in this representation was the perceived increase of vehicular activity associated with the proposal, should the application be approved.

Pursuant to the provisions of Section 38 Development Act 1993 the applicant responded to the Representor's concerns. The applicant indicated that an increase of traffic may occur, but this would be at a rate of no more than approximately 1 car per day.

.../cont.

4.1 455/34/06 – Donato Pilla (Continued)

REFER ATTACHMENT 4.1(c) (page 34)

REFERRALS

Pursuant to Section 37 Development Act 1993 and Schedule 8 of the Development Regulations 1993, the application was referred to both the Country Fire Service (CFS), and the State Government's Department of Water, Lands, Biodiversity, and Conservation (DWLBC) for comment and direction.

CFS

The South Australian CFS Development Assessment Unit assessed the proposed development against the following objectives:

- To provide safe and effective fire breaks and access tracks in a manner that is environmentally sound, cost effective and practical.
- To compliment fire prevention and suppression planning at District, Regional and State levels.
- To maximise fire fighting crew safety.

The SA CFS has no objection to the proposed development providing the applicant adheres to a number of conditions and notes. These will become conditions and notes of approval, should the recommendation be supported.

DWLBC

DWLBC assessed the application and its likely impact on water related issues, and other natural resources including soil conservation and biodiversity. DWLBC indicated that the applicant currently has authorisation, under the Notice of Prohibition that currently applies in the Western Mount Lofty Ranges Prescribed Water Resources Area, to irrigate 8hectares of olives and 2.3hectares of roses.

DWLBC indicated that there are no watercourses located on the site, however one minor watercourse is located 100metres to the north of the property.

The implementation of effective land management priorities is essential in order to slow the velocity of water over the ground surface and mitigate effects on water erosion.

It is the opinion of DWLBC that should this application be approved, it will not result in decreased biodiversity values on the immediate site and in the general locality.

DWLBC concluded to advise Council that it may approve the application subject to a number of notes.

.../cont.

4.1 455/34/06 – Donato Pilla (Continued)

CONSULTATION

Consultation has been undertaken with Council's Natural Resource Officer (NRO David Cooney) with regard to the natural resources, native vegetation and the environment in general. The advice of the NRO was that with sufficient land management procedures, and appropriate conditions relating to this, the proposal may not have an undue effect on the environment.

The NRO indicated that the proposed plantation site is situated suitably with respect to the Native Vegetation directly north of the subject land. The distance between the native vegetation is considerable, and the proposal should not pose as a threat to this vegetation if managed correctly.

The following conditions and notes should be factored into the approval to reinforce appropriate management of the proposal:

Vegetation buffers to a width of 20metres must be established around the proposed site of plantation, and must consist of a mix of locally occurring native species (a mix of ground covers, shrubs and canopy plants), to be planted densely either via tubestock or direct seeding (or a mixture of both).

The vegetation planting shall occur within 12months of approval.

That all stock are to be excluded from the revegetation area.

All species selection and plant layout is to be negotiated with Council's Natural Resource Officer – David Cooney prior to planting.

NOTE: That a risk assessment and approval is also required by the Natural Resource Management Board prior to the planting of olives.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

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

Council Wide

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

Objective 48: The retention of rural areas primarily for agricultural, pastoral and forestry purposes, and the maintenance of the natural character and beauty of such areas.

Objective 63: Minimise the threat and impact of bushfires on life and property while protecting the natural and rural character.

.../cont.

- 4.1 455/34/06 – Donato Pilla (Continued)
- Objective 64:** Direct development away from sites and areas with an unacceptably high level of bushfire hazard.
- Objective 65:** Ensure new development and land users are adequately protected from the impact of bushfires.
- Objective 66:** Ensure new development, together with associated bushfire management measures, can be accommodated with minimal clearance of or impact on native vegetation.
- Objective 67:** Retention of native vegetation.
- PDC 153** Activities which produce strong organic, chemical, or other intractable wastes, should not be established in the Mount Lofty Ranges Watershed.
- PDC 154** Development should take place on land which is suitable for the intended use of that land having regard to the location and condition of that land and the objectives for the zone in which it is located.
- PDC 155** Development should take place in a manner which will not interfere with the effective and proper use of other land in the vicinity and which will not prevent the attainment of the objectives for that other land.
- PDC 182** Development should be undertaken with the minimum effect on natural features, land adjoining water, scenic routes or scenically attractive areas.
- PDC 192** Development should not detract from the natural and rural landscape character of the region.
- PDC 245** Rural areas should be retained primarily for horticultural, agricultural, pastoral and forestry purposes and other uses compatible with maintaining rural productivity.
- PDC 247** Development should ensure the sustainable use of land for primary production by the use of sound land management practices.

PART D – WILLUNGA DISTRICT

- PDC 7** Development should have the minimum effect on natural features, land adjoining water, scenic routes or scenically attractive areas.

.../cont.

4.1 455/34/06 – Donato Pilla (Continued)

PDC 12 Rural areas should be retained primarily for agricultural, pastoral and forestry services.

Watershed Protection Zone

Objective 1: Protection of the Mount Lofty Ranges Watershed from pollution and contamination.

Objective 2: Prevention of development which could lead to a deterioration in the quality of surface or underground water within the Mount Lofty Ranges Watershed.

Objective 3: Retention of the scenic attractiveness of the rural landscape and bushland remnants.

PDC 1 Development should be primarily for agriculture of a scale and nature compatible with water catchment requirements.

PDC 4 Development within the Mount Lofty Ranges Watershed should be compatible with its use as a water catchment and storage area.

PDC 5 Development should primarily be limited to that which is essential for the maintenance of sustainable grazing and mixed agricultural activities.

PDC 7 Horticulture and the keeping of animals should not be undertaken if likely to contribute to pollution of the watersheds.

PDC 12 All kinds of development are **non-complying** in the Watershed Protection Zone, except the following:
... Horticulture...

COMMENTS

The implementation of an olive and rose plantation of this scale in this locality will not have an adverse impact on the current character and amenity of the area. The scenic attractiveness of the rural landscape and bushland remnants will not be negatively impacted. It should also be noted that if managed correctly, the proposal will not impact significantly on the environment.

As can be seen from the list of objectives and principles above, Council's Development Plan is focussed on the protection of the Mount Lofty Ranges Watershed, and has considerable principles relating to surface water, underground water, and the storage of water. Taking into consideration the advice from DWLBC and the enforcements of conditions imposed by Council's NRO, the proposal does not present a great hazard with respect to water.

.../cont.

4.1 455/34/06 – Donato Pilla (Continued)

Considerable organic waste will not be produced, and the use of hazardous chemicals will not be used, and therefore the likelihood of water pollution or contamination within the Mount Lofty Ranges Watershed is considered to be minimal.

Throughout assessing the application, it became apparent that Council's Development Plan does not have a large number of Objectives or Principles of Development Control that specifically relate to Horticulture as a land use (Council Wide or within the Watershed Protection zone). Despite this, in general terms, the Development Plan encourages land uses that do not adversely impact on the amenity of a locality, and comply with other principles relating to the environment, conservation, built form and character. It is my opinion that the intent of the Development Plan is to assess all Horticultural land uses on very site specific, and individual basis.

Given all of the above, and the fact that the proposal is not at variance to the relevant objectives and principles of the Alexandrina Council Development plan, it is my opinion that this application poses significant merit to warrant approval.

RECOMMENDATION

That the Development Assessment Panel approve application 455/34/06 for the plantation of Olives and Roses at Lot1 Dodd Road, Pages Flat subject to the following conditions and notes.

Conditions Council

- Vegetation buffers to a width of 20metres must be established around the proposed site of plantation, and must consist of a mix of locally occurring native species (a mix of ground covers, shrubs and canopy plants), to be planted densely either via tubestock or direct seeding (or a mixture of both).
- The vegetation planting shall occur within 12months of approval.
- That all stock are to be excluded from the revegetation area.
- All species selection and plant layout is to be negotiated with Council's Natural Resource Officer - David Cooney prior to planting.

.../cont.

4.1 455/34/06 – Donato Pilla (Continued)

CFS

ACCESS:

- Private roads and access tracks shall provide safe and convenient access for firefighting vehicles as follows:
- Access to the Orchard shall be a minimum formed road surface width of 4 metres.
- All dead end roads shall be constructed to allow firefighting vehicles to turn around with safety by use of either:
 - (a) a turn around area with a minimum formed road surface diameter of 25 metres, OR
 - (b) a 'T' or 'Y' shaped turnaround area with minimum formed road surface leg lengths of 11 metres and minimum inside road radii of 8.5 metres.
- All road curves shall have minimum inside road radii of 8.5metres.
- The gradient of the access road shall not exceed 16 degrees (29%).
- Solid road crossings over watercourses shall be provided to withstand the weight of large fire appliances (GVW 21 tonnes/minimum weight).

VEGETATION:

The Plantation Management Plan and Practices shall include Bushfire protection which will prevent or inhibit the spread of Bushfire and minimize the risk of damage to property.

VIZ:

- A 6metre wide fuel reduced buffer zone shall be established around the perimeter of the plantation. The buffer zone may include adjoining a 4metre wide access track.
- The buffer zone should be grassland or similar vegetation, cleared of obstructions top allow mechanical slashing in order to reduce the vegetation to a maximum height of 10cms for the duration of the Fire Danger Season.
- Vegetation overhanging the access road and tracks shall be pruned to achieve a minimum vertical height clearance of 4metres.

.../cont.

4.1 455/34/06 – Donato Pilla (Continued)

- All perimeter leaf foliage shall be pruned to maintain the 4metre wide access track.
- Flammable ground fuels (grasses) within the plantation to be reduced by mowing, slashing or stock grazing.
- No interconnection of tree or tree canopies, maintain 2-3metre spacing.
- Branches on mature trees shall be pruned to provide a vertical clearance above ground of 1.5-2metres.

WATER SUPPLY:

- A minimum of 36,000 litre water storage supply on the property will ensure water availability for Fire Fighting purposes.
- The water supply shall be clearly identified and be accessible to firefighting vehicle at all times.

Notes Council

- That a risk assessment and approval is also required by the Natural Resource Management Board prior to the planting of olives.

DWLBC

- In respect to the Notice of Prohibition on Taking Water from Wells in the Western Mount Lofty Ranges Area, authorization has been given to the taking of underground water from well unit #6627-9452 and well unit #6627-1421 for the irrigation of 8ha of olives and 2.3ha of roses, A volumetric limit of 44,800 kilolitres has been endorsed on the authorization.
- If it is proposed to irrigate an area of olives/roses at variance to the authorized use, this must be requested in writing to the Department.

4.2 455/63/06 - Peter Cannon

SUMMARY TABLE

Date of Application	19 th January 2006
Subject Land	1B Goyder Street, Goolwa
Applicant	Peter Cannon
Owner	Peter Cannon
Assessment No.	A 20141
Relevant Authority	Alexandrina Council
Planning Zone	Historic Waterfront Zone
Nature of Development	Dwelling – double storey
Type of Development	Non-complying
Public Notice	Category 3
Referrals	Heritage SA
Representations Received	1
Representations to be heard	1
Date last inspected	5 June 2006
Recommendation	Approval subject to Development Assessment Commission concurrence
Originating Officer	Andrew Sladden

ESD IMPACT/BENEFIT

- Environmental An increase in stormwater runoff and service requirements.
- Social Nil.
- Economic Increased site value.

BACKGROUND

An application was made to Alexandrina Council in 2003 to divide the corner site on Admiral Terrace and Goyder Street (application 455/D9622/03). This application was supported by Council staff and approved with the principle guiding land division in this zone requiring that common effluent, stormwater and flood prevention requirements could be met. Following the approval of the land division an application for demolition for the existing dwelling was applied for, application 455/158/04 and subsequently approved on 12 February 2004.

.../cont.

4.2 455/63/06 – Peter Cannon (Continued)

THE PROPOSAL

Nature of Development

The Development application involves the proposed construction of a two storey detached dwelling on the subject site which is located within the Historic Waterfront Zone. Principle of Development Control 25 for the Historic Waterfront Zone specifically lists a Detached Dwelling as a non-complying form of development.

Detailed Description

It is proposed to construct a two storey detached dwelling on the subject site. The dwelling is proposed to be "L" shaped orientated towards the front of the allotment. The majority of the dwelling consists of a single storey component with an attic area located within the south western wing of the proposed structure. The total height of the proposed building is 6.7m above the finished floor level. The proposed building is a replication of a late 19th Century symmetrical cottage, which was the predominant dwelling style of this period in South Australia. The subject dwelling is proposed to be setback 2m from the Goolwa Terrace Street boundary with a front verandah protruding from the front of the dwelling to the front boundary. The side of the proposed dwelling is also proposed to be located on the Goyder Street boundary for a length of 7m. This will allow for sufficient private open space at the rear of the subject site. The materials and colours have been carefully chosen to replicate the appearance of an historical building which will help to blend with the locality.

It is also proposed to construct appropriate hardwood timber panel and corrugated iron fencing to a height of 1.8m around the remainder of the site.

REFER ATTACHMENT 4.2(a) (page 35)

SITE & LOCALITY

The site of the proposed dwelling is on the corner of Goyder Street and Admiral Terrace in Goolwa, overlooking the Murray River. The land is described as 1B or Lot 102 Goyder Street Goolwa, certificate of title volume 5958 folio 844. The site appears to have been filled at some point to make it relatively flat as the natural slope is from the north western corner down to the south eastern corner. The southern portion of the site abuts a large road reserve that is partially grassed with only a narrow section sealed. The site is located at a high point from which the land drops away steeply beyond the road reserve down to the river. The land slopes more gently back to Hay Street.

.../cont.

4.2 455/63/06 – Peter Cannon (Continued)

The site incorporates an area of 301.55 square metres, in a rectangular shape with the longer side facing Goyder Street and being 18.5 metres long and the shorter side facing Admiral Terrace which is 16.3 metres long

The locality is a varied one with the land to the south of the site fronting the River Murray and to the east fronting the public open space and wharves that lead to the waters edge. Admiral Terrace has a number of dwellings along its length all fronting the river. The land drops away down an embankment to the water from the road verge. Goyder Street is a short component of the area with dwellings and vacant land adjacent to the subject land and public open space opposite in the form of a park, leading down to the railway and wharf.

The bulk of the zone comprises this public open space and wharf area including some important and visible public buildings, such as the old courthouse gallery, Signal Point and the Centre for Positive Ageing which is located at the top of the main street.

To the north of the site is a dwelling across with Hay Street being the continuation of the main street and main thoroughfare through Goolwa. To the west of the subject land are dwellings that comprise the area known as 'Little Scotland' due to the small size of the allotments which today still mostly contain small workers cottages. The area directly adjacent to the west does in fact contain row cottages that front Hutchison Street but have rear access via a small lane. The four allotments to the east comprise Brock Real Estate Office on the corner of Hay and Porter Streets, then Goolwa Cottage a dwelling, another dwelling and on the corner of Goyder and Hay Street is the Whistlestop Café and Restaurant. The locality forms part of a State Heritage Area.

PUBLIC NOTIFICATION

The application was put on Category 3 Public Notification pursuant to Section 38(5) of the Development Act 1993 between 17 April and 1 May 2006.

One representation was received within the prescribed time frame. This representor has stated that they wish to be heard at the meeting.

This representor does not support the proposed development. The main reason for the objection are the two storey nature of the proposed dwelling and the potential precedence that this may create for the other existing vacant allotments within the immediate locality which in their opinion, may change the historic character of the locality.

This representor also has concerns with the proposed materials and colours, the height and possible overlooking and overshadowing that the proposed development may create for adjoining properties.

.../cont.

4.2 455/63/06 – Peter Cannon (Continued)

REFER ATTACHMENT 4.2(b) (page 59)

The applicant has also submitted a response to the representation.

They have highlighted the fact that the representors property at 2A Hutchinson Street is sufficiently removed from the subject site that the proposed dwelling will have no impact.

They have also highlighted the fact that although the proposed dwelling is two storey, its low ceilings allow the total height to be comparable with the existing historical buildings within the surrounding area. They have also noted that the proposed design and materials and colours have been generated from extensive discussions and direction from Council's Heritage Advisor

REFER ATTACHMENT 4.2(c) (page 62)

REFERRALS

The Development Application was formally referred to Heritage SA pursuant to Schedule 8, 5 (1) of the Development Act 1993.

Heritage SA have advised that they consider the proposal to be acceptable given the building form, setbacks, scale, details, materials and colours and fencing are sympathetic to the heritage character of the locality.

CONSULTATION

Consultation has been undertaken with Council's Environmental Health Department (EHO Kim Vivian) with regard to the effluent disposal system, through the lodgement and approval of a Waste Control system Application.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

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

Council Wide Objectives

Heritage

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

.../cont.

4.2 455/63/06 – Peter Cannon (Continued)

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

Comment

The proposal is considered to comply with these objectives given its design which will blend with the surrounding locality and support from Heritage SA.

Council Wide Principles of Development Control

Form of Development

PDC 3 New housing and other urban development should:

- (a) form a compact and continuous extension of an existing built-up area;
- (b) be located so as to achieve economy in the provision of public services; and
- (c) create a safe, convenient and pleasant environment in which to live.

Comment

The proposal is considered to comply given the proposal will form an extension of the existing built up area and given the fact that the site is provided with the necessary utilities.

Residential Development

PDC 35 Building appearance should not detract from the existing or desired future character of the locality in terms of built form elements such as:

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

PDC 38 Buildings should be designed and sited to minimise the impact of building bulk on the private open space of adjacent sites by:

- (a) separating upper storey parts of buildings from neighbouring private open space;
- (b) using articulation, colour, materials and detailing.

.../cont.

4.2 455/63/06 – Peter Cannon (Continued)

- PDC 40** Garages and carports should:
- (a) not visually dominate the street elevation of the associated dwelling in terms of their width; and
 - (b) have a roof form and pitch, scale, building materials and detailing that complement those of the associated dwelling.
- PDC 42** Dwellings including associated verandahs and decks should be setback from public roads to:
- (a) contribute to the desired future character of the area (as described in the Residential Zone and Policy Area provisions);
 - (b) provide adequate visual and acoustic privacy by separating habitable rooms from pedestrian and vehicle movement; and
 - (c) provide for the efficient use of the site.
- PDC 43** Carports and garages should be setback so as to:
- (a) not diminish the attractiveness of the streetscape;
 - (b) not dominate views of the dwelling from the street;
 - (c) provide for adequate on-site car parking; and
 - (d) ensure safe and convenient access.

Comment

As the proposed development has been designed to blend with the surrounding locality, and the proposed carport and fence have been endorsed by Heritage SA, the proposal is considered to comply with the above. It is noted that the proposed garage has been sited at the rear of the site in the least visible location when viewed from the streets. It is noted however, that the proposal is at variance with PDC 42 above as the dwelling is located on the street boundaries. This is considered to be acceptable in this instance as the location is replicating the existing development within the locality.

Site Coverage and Private Open Space

- PDC 48** The site coverage of a site should provide sufficient space for:
- (a) pedestrian and vehicle access and vehicle parking;
 - (b) storage and clothes drying;
 - (c) private open space and landscaping;
 - (d) front, side and rear boundary setbacks appropriate to the locality; and
 - (e) opportunities to establish landscaping.
- PDC 54** Private open space should be provided for each dwelling.

.../cont.

4.2 455/63/06 – Peter Cannon (Continued)

PDC55 Dwellings should have private open space areas which are of sufficient area, shape and gradient, and appropriately located to be functional for likely occupant needs.

Comment

Given the constraints of the allotment (302m²) the dwelling has been designed to maximise private open space by locating the dwelling at the front of the site which will allow for sufficient area at the rear for this open space. The proposed private open space is considered to be adequate to meet the needs of the owners of the proposed dwelling.

Historic Waterfront Zone Objectives

Objective 1: Promotion and development of the zone as an historic river port through the conservation of buildings, places of local heritage significance and sympathetic new buildings, landscaping and other works.

Objective 4: Staged development of sensitively designed new buildings in a manner which will compliment existing development and the character of the zone.

Comment

The proposal is considered to comply with the above given the fact that it has been designed to be sympathetic with the heritage character of the surrounding area

Historic Waterfront Zone – Principles of Development Control

PDC1 Development should comprise a range of tourist, visitor, community, cultural, entertainment and education/interpretation facilities that enhance the historic river port character and image of the zone.

PDC 2 Buildings and development within that part of the zone comprising the wharf and railway station should relate primarily to wharf and river activities.

Comment

Although the proposal does not comply with the above as it is a detached dwelling for the enjoyment of the owners, the proposal is considered to be acceptable given the fact that it is replacing an existing detached dwelling.

.../cont.

4.2 455/63/06 – Peter Cannon (Continued)

- PDC 6** Buildings should not be erected unless:
- (a) the buildings are able to gain connection to an approved common effluent drainage system;
 - (b) the buildings are able to gain connection to an approved stormwater disposal system; and
 - (c) the floor levels, vents and gully traps of any buildings and the access to any buildings will be at least 300 millimetres above the 1956 flood level.

Comment

The waste control system for the proposed dwelling has been Approved and the dwelling is considered to be well above the 1956 flood level. Therefore, the proposal is considered to comply with the above.

- PDC 13** Development should be designed to protect and enhance the water quality of the River Murray by ensuring that stormwater from roofs, parking areas and other hard surfaces is appropriately managed.

Comment

Stormwater will be disposed to the street watertable as per Council requirements. This will be reinforced with a condition of approval.

- PDC 15** Development on the scarp overlooking the historic wharf area should be carefully sited with particular attention given to the composition and modelling of building forms and facades to create attractive buildings which provide a functional and visual transition to the waterfront.

- PDC 16** Development in that part of the zone comprising the historic wharf and railway station should be carefully designed and sited to enhance the areas role as a focus for tourism and cultural activities.

- PDC 17** Development in that part of the zone bounded by Hay Street, Porter Street, Admiral Terrace and Goyder Street should be similar in character and scale to development in Cadell Street.

Comment

The proposed dwelling is considered to comply with the above given the fact that it has been endorsed by Heritage SA.

.../cont.

4.2 455/63/06 – Peter Cannon (Continued)

PDC 18 Development in the zone between Goyder Street and Cutting Road should maintain a generally open nature by careful attention to the siting, scale and articulation of buildings and integration with existing and proposed areas of open space and vegetation.

PDC 19 Development should reflect and strengthen the zone's strong historical associations with colonial river trade and railways and the heritage buildings these activities generated, by utilising building designs, shapes and materials compatible with these heritage buildings and evocative of the zone's history and physical relationship to the River Murray and adjacent zones.

RECOMMENDATION

That the Development Assessment Panel approve Development Application 455/63/06 for a Two Storey Detached Dwelling at 1B (Lot 102) Goyder Street, Goolwa subject to the following conditions and noted and subject to concurrence from the Development Assessment Commission.

Conditions

- The external finishes to the building herein approved shall be in accordance with the materials and colours as specified in the application now approved.
- All stormwater drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or, in the opinion of Council, detrimentally affect structures on this site or any adjoining land.
- Fencing depicted in the application shall be erected to a height of not less than 1.8m prior to the occupation of any dwelling herein approved.

Notes

- 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.
- Advisory Note - Note that you should advise your neighbour of your intentions to build on your common boundary, prior to commencing construction.

ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION COMMUNITY TITLE

ITEM 6. DEVELOPMENT ASSESSMENT - BUILDING

ITEM 7. MATTERS REFERRED FOR FOLLOW UP

ITEM 8. GENERAL ITEMS FOR DISCUSSION

ITEM 9. NEXT MEETING

Monday 17th July 2006 with the time to be advised.