

**Development Assessment Panel
Report and Agenda
on 21 JUNE 2005 commencing at 1:00 pm
Alexandrina Community Chambers "Wal Yuntu Warrin"
11 Cadell Street, Goolwa**

PRESENT

APOLOGIES

IN ATTENDANCE

ITEM 1 CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on 17th May 2005.

RECOMMENDATION

That the minutes of the Alexandrina Council Development Assessment Panel held on 17th May 2005 as circulated to members be received as a true and accurate record.

ITEM 2. DEVELOPMENT APPLICATIONS

2.1 455/16/05 - Fabcot Pty Ltd

SUMMARY TABLE

Date of Application	11 th January 2005
Subject Land	4,6,8 Dawson Street Strathalbyn
Assessment No.	A12272
Relevant Authority	Alexandrina Council
Planning Zone	District Centre
Nature of Development	2503m ² supermarket and offices
Type of Development	Consent on merit
Public Notice	Not required
Referrals	Heritage (under RMA) Dept Transport
Representations Received	Nil
Representations to be heard	Nil
Date last inspected	3 rd June 2005
Recommendation	Approval
Originating Officer	Joanne Nightingale

ESD IMPACT/BENEFIT

- Environmental Increase in stormwater runoff due to an increase in impermeable surfaces.
- Social Larger shopping chain with associated benefits available in Strathalbyn.
- Economic Possible increase in number of residents shopping in Strathalbyn.

THE PROPOSAL

Nature of Development

The nature of the proposed development is for a Supermarket, associated offices and off street parking. Under schedule 9 any development within a District Centre Zone is Category one, not requiring public notice.

.../cont.

2.1 455/16/05 – Fabcot Pty Ltd (Continued)

Detailed Description

A detailed description of the proposal is available in the Planning Consultants report with important information available in the amendments dated 6th June 2005. Briefly the proposal is for 2 500 square metres of ground floor retail area, with 320 square metres of mezzanine office space. The supermarket is setback from Dawson Street in contravention of the concept plan (Figure DC(S)/1) within the Alexandrina Council Development Plan, however, the 6th June amendment included the retention of the dwelling nominated for local heritage listing, that fronts Dawson Street. This streetscape retention in association with the proposed clock tower on the Donald and Dawson Street corner assists in maintaining an active main street frontage.

REFER ATTACHMENT 2.1(a) (page 1)

SITE & LOCALITY

The site is in the District Centre Zone in the township of Strathalbyn. It is a prominent site on the corner of the main street, Dawson Street and South Terrace, a major thoroughfare through the town (barring the very corner which is currently a car yard). The land is currently held in eight allotments totalling 6,334 square metres. There are a number of existing structures on the allotments with only the two dwellings identified in a heritage survey as of local heritage significance being retained, one dwelling is on Donald Street and one is facing Dawson Street.

The locality is predominately retail, with some residential to the west. The South Terrace streetscape will have a significant addition to it with the loading dock accessed from this road. This access was subject to consideration by the Department of Transport under referral.

A detailed site and locality description is available both in the Planning Consultants report and also the response to the Heritage referral under the River Murray Act 2003.

REFER ATTACHMENT 2.1(b) (page 4)

REFERRALS

The application was referred to the Department of Transport and to the Heritage Branch through the Department of Water Land and Biodiversity, administering the River Murray Act 2003.

The Department of Transport referral response required that:

.../cont.

2.1 455/16/05 – Fabcot Pty Ltd (Continued)

- A condition limit the length of delivery vehicles to 19 metres that access the site and that they enter and exit in a forward direction.
- Access in and out due to the median strip can only be in a left direction. The access should be signed as only appropriate for delivery vehicles.
- On street parking at the access location was proposed to be banned to ensure sight lines.
- Sufficient on site parking in accordance with Australian/New Zealand standard 2890.3-1993 should be sought.
- Due to the development being a shop, on site bicycle parking facilities should be provided.
- Council should ensure that all stormwater is collected and disposed of on site.
- Any redundant crossovers should be reinstated with kerb and gutter with all costs being borne by the applicant.

The heritage referral under the River Murray Act 2003 recommended refusal of the current proposal, but then provided an extensive list of recommended changes. The applicant submitted amended plans on 6th June 2005 making all the alterations that were requested under the referral.

REFER ATTACHMENT 2.1(c) (page 32)

CONSULTATION

Consultation has been undertaken with Council's Environmental Health Department (EHO Kim Vivian) with regard to the effluent disposal system. The advice of the EHO is that an application has been received and is being assessed.

Consultation has been undertaken with Council's Technical Services Department (TSO Dennis Zanker) on the issues of access, stormwater and car parking. The advice of the TSO is that:

CONDITIONS

- The site shall be connected to STED's
- The stormwater system shall be designed to a 1 in 10 year return period and overland flow path from site to a 1 in 100 year return period.
- Alterations to on street parking, vehicle entry and exit points and pedestrian pathways and crossings to be constructed to Australian Standards and to Councils requirements.

NOTES

- A STED's contribution fee is to be negotiated.

.../cont.

2.1 455/16/05 – Fabcot Pty Ltd (Continued)

- Donald Street to have:
- The kerb extensions reconstructed
- Make on street parking alterations
- Construct pedestrian pathways and crossings
- Dawson Street:
- Reconstruct on street angle parking including footpath

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

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

COUNCIL WIDE

Centres and Shops

Objective 4: Shopping, administrative, cultural, community, entertainment, educational, religious and recreational facilities located in integrated centres.

Objective 7: District centres to include shopping facilities that provide mainly “convenience” goods and sufficient range of “comparison” goods to serve the major weekly shopping trips, as well as a comparable range of other community facilities.

DISTRICT CENTRE ZONE

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 6: Preservation of the visual appeal and historic character of streets.

PDC 2 Development of shops should not be undertaken unless they front onto Albyn Terrace or Dawson, High, Donald, Swale or Catherine Streets or Gollan Crescent, or onto the northern side of South Terrace or onto West Terrace.

PDC 4 Development should be located and designed in accord with the general concept for development shown on [Fig DC\(S\)/1](#).

.../cont.

2.1 455/16/05 – Fabcot Pty Ltd (Continued)

PDC 10 Within the area delineated on Concept Plan [Fig DC\(S\)/1](#), development should:

- a) seek to retain and integrate within the development layout and concept, existing buildings of historic significance shown on the Plan and incorporate additional small scale building elements in the general positions shown;
- b) be designed to minimise the visual impact of a large building on West, South and Albyn Terraces and Dawson Street streetscapes; and
- c) utilise materials, colours and design elements to complement historic buildings in the locality.

PDC 11 Advertising signs and advertising hoardings should not be erected within any part of the zone excluding the land depicted within Concept Plan, [Fig DC\(S\)/1](#), unless:

- a) they are of a style and type compatible with the character of buildings of historic significance within the locality;
- b) they are not more than 1.5 square metres in total area of the face of the sign or hoarding;
- c) they are not freestanding or mounted above the roofline of the supporting building; and
- d) where located on or within proximity to buildings of historic character, they display lettering in a style appropriate to buildings of historic character and are not animated or internally illuminated.

PDC 12 Within the area shown on Concept Plan, [Fig DC\(S\)/1](#), advertising displays and hoardings should:

- a) in the case of a major free-standing identification display, be located near to the South Terrace frontage;
- b) not be positioned above the roofline or above the parapet of a building or in the case of a free-standing display or hoarding, not be more than 6.0 metres in height above natural ground surface level;
- c) have a maximum advertisement area of 10.0 square metres on each face;
- d) not be animated; and
- e) display lettering adopting traditional styles.

.../cont.

2.1 455/16/05 – Fabcot Pty Ltd (Continued)

COMMENTS

The proposal is for a retail use that is encouraged and appropriate in this zone. The concept plan DC(S)/1 has not been followed precisely, however some of the departures from this design may have positive outcomes.

The main departure from the concept plan has been the proposal to set the building back between 30 and 35 metres from the Dawson Street frontage, 12 metres from the Donald Street frontage. This has reversed those areas nominated for built form and those for car parking. However, the scale of the supermarket building (ranging between 7 and 9 metres in height) is significantly higher than the building north of Donald Street which is 6 metres in height, therefore the impact of the supermarket building is greatly reduced by its setback, the retention of the Dawson Street dwelling maintains the streetscape and is assisted by the clock tower, fencing and landscaping forming part of the application.

The requirements for car parking have included a mix of private and public car parking. The number of private car parks total 107. The number of public car parks total 58 giving a number of possible car parks totalling 165. At one car park being required per 15 square metres of shop area a total of 166 car parks are required. Therefore the provision of car parking for the site has been adequately considered.

RECOMMENDATION

That the Development Assessment Panel approve Development Application 455/16/05 with the following conditions and notes:

1. The development shall proceed in strict accordance with the amended plans received by Council on the 6th June 2005.
2. A professional landscaping plan shall be submitted to Council before building work commences, including both deciduous and evergreen shade trees, with professional landscaping advice informing the selection of appropriate tree species including a management plan, to form part of the application, detailing successful establishment methods and shaping and pruning to achieve trees of more than three metres in height.
3. The development shall gain a waste control system approval with the site connecting to the STED's scheme and meeting the costs of this infrastructure connection.

.../cont.

2.1 455/16/05 – Fabcot Pty Ltd (Continued)

4. The storm water system shall be designed to a one in ten year return period and overland flow path from the site designed to a one in one hundred year return period.
5. Alterations to on street parking, vehicle entry and exit points, and pedestrian pathways and crossings to be constructed to Australian Standards and to Council's requirements.
6. Any redundant crossovers to South Terrace shall be reinstated with kerb and gutter, with all costs being borne by the applicant.
7. The South Terrace access shall have signage that clearly identifies it for delivery vehicles only.
8. Vehicles greater than 19 metres in length shall not use the South Terrace access.
9. The South Terrace access shall be utilised in a forward direction both entering and exiting the development site.
10. Servicing of the delivery dock shall not occur between 10pm and 6am.
11. Bike racks, bins and seating shall be included in the development.
12. The development site shall be amalgamated into one title inclusive of car park two. The Donald Street and Dawson Street dwellings may have individual titles.

NOTES:

Agreements are to be reached with Council regarding a contribution toward Council's STED's scheme; Donald Street works including: reconstruction of kerb extensions, on street parking alterations and the construction of pedestrian pathways and crossings; Dawson Street Works: reconstruction of street angle parking including footpath.

ITEM 3. DEVELOPMENT APPLICATIONS - NON COMPLYING

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

4.1 455/907/04 - Finniss Lodge

SUMMARY TABLE

Date of Application	2 nd August 2004
Subject Land	Lot 31 Strath-Goolwa Road, Finniss
Assessment No.	A 16050
Relevant Authority	Alexandrina Council
Planning Zone	General Farming (Strathalbyn)
Nature of Development	Tourist Accommodation - 19 self contained units and ancillary uses
Type of Development	Consent on merit
Public Notice	Category three
Referrals	Transport SA
Representations Received	11
Representations to be heard	4
Date last inspected	7 th June 2005
Recommendation	Approval
Originating Officer	Joanne Nightingale

ESD IMPACT/BENEFIT

- Environmental The development may through an intensification of land use increase pollution, it will certainly require an increased use of resources such as water.
- Social Tourist Accommodation in a rural area may result in conflicts in land use between farming and more recreational uses.
- Economic The development may provide the region with grater tourist revenue; however the site will be set up to be quite insulated and self sufficient without the need for tourists to leave the site.

BACKGROUND

The site has been and still is used for grazing purposes. A boundary realignment in 2004 increased the site to include the land fronting the Strathalbyn to Goolwa Road.

.../cont.

4.1 455/907/04 – Finnis Lodge (Continued)

This application was put on hold on the 12th October 2004 while water availability issues and road investigations were carried out. A response to representations was received on the 10th January 2005 with a water licence still pending, due to the notice of prohibition slowing the application for ground water. A water licence for the taking of 33 700 kilolitres per annum has been issued as Council was notified on the 30th May 2005.

REFER ATTACHMENT 4.1(a) (page 41)

THE PROPOSAL

Nature of Development

The application is for a Tourist Accommodation Facility comprising:

- 19 self contained units
- a management/administration/lodge building
- landscaping
- recreation facilities; including tennis courts and swimming pool
- associated car parking

A brief description of the proposal is therefore Tourist Accommodation – 19 self contained units and ancillary uses.

The General Farming Zone (Strathalbyn) states that all development is non-complying with a number of exceptions. One of these exceptions includes:

Tourist Accommodation and ancillary uses (not including caravan or camping grounds)

- a) within part of or as an extension to a dwelling or lawful tourist accommodation existing as at 21 September 2000 and where up to eight guests are accommodated in hosted accommodation; or
- b) wholly within a dwelling or lawful tourist accommodation existing as at 21 September 2000, and where up to ten guests are accommodated in non-hosted accommodation; or
- c) wholly within or within part of or as an extension to a State or Locally listed heritage building (which may be in association with a new or existing dwelling), and where no more than 30 guests are accommodated on a single allotment; or

.../cont.

4.1 455/907/04 – Finnis Lodge (Continued)

- d) in any combination of State or Locally listed heritage buildings or other existing buildings or new buildings, and where from 31 to 55 guests are accommodated;

and which in all cases complies with the following criteria:

- i. is not located in areas subject to inundation by a 100 year return period flood event or situated on land fill which would interfere with the flow of such flood waters;
- ii. is connected to an approved sewerage or common effluent disposal scheme or has an on-site waste water treatment and disposal method which complies with the Standard for the Installation and Operation of Septic Tank Systems in South Australia (including Supplements A & B) as prepared by the South Australian Health Commission;
- iii. not have any part of a septic tank effluent drainage field or any other wastewater disposal area (eg irrigation area) located within 50 metres of a watercourse identified on a current series 1:50 000 Government standard topographic map and when accommodating eleven guests or more any effluent generated is not disposed onto land within 200 metres of a major watercourse (3rd or higher order);
- iv. not have a waste water disposal area located on any land with a slope greater than 20 percent (1 in 5), or depth to bedrock or seasonal or permanent water-table less than 1.2 metres;
- v. not have a septic tank or any other waste water treatment facility located on land likely to be inundated by a 10 year return period flood event;
- vi. is sited at least 25 metres from any watercourse identified on a current series 1:50 000 Government standard topographic map;
- vii. has a secure, potable water supply that can provide at least 125 litres per person per day (including staff) that meets the South Australian Health Commission standards;

The General Farming (Strathalbyn) zone has a number of uses listed as Category two kinds of development but Tourist Accommodation is not one of those listed uses. The Development Act 1993 Regulations under Schedule 9 does not describe Tourist Accommodation within a General Farming zone making the development a Category Three level of public notice application.

.../cont.

4.1 455/907/04 – Finniss Lodge (Continued)

The kind of development is not listed as complying or non-complying either within the General Farming (Strathalbyn) zone or the Development Regulations 1993 making the application a consent on merit decision.

Detailed Description

The proposal is for 19 self contained units with the capacity to accommodate up to 46 people. Each accommodation unit will contain a kitchen, bathroom, bedroom and living areas. The accommodation will feature open plan living, opening onto a covered deck area. Uncovered car parking is to be provided alongside each unit. One car park will be provided for the single units, with two provided for the 2 and 3 bedroom units. The units will be self contained and operate as bed and breakfast units. Each unit will have a rainwater tank for toilet and garden use.

The accommodation units will be arranged around a circular access road. A single entry and exit point will be provided for the access road from the Strathalbyn-Goolwa Road.

The access road will also service the administration/lodge building. The lodge building will contain the administration and reception area, as well as a lounge area, local produce tasting area, bar and breakfast/dining area. An open deck area will be located along the north western façade adjoining the building and dining areas. The deck will overlook the landscaped area to the north west, to the north east a picnic area is proposed.

Tennis Courts, a swimming pool and car parking are proposed to be located to the south of the northern most group of units.

Trees are proposed to be retained where possible with additional landscaping to be introduced along the access road, tennis courts, swimming pool, units and lodge building. The bulk of the site is proposed to retain its open rural character.

The proposal has been presented for a tourist facility and the consultants planning report reinforces that the proposal is for a self contained tourist facility and that:

“it is not proposed as part of this application, to provide meals or other services to passers-by, or local residents.”

REFER ATTACHMENT 4.1(b) (page 43)

.../cont.

4.1 455/907/04 – Finnis Lodge (Continued)

SITE & LOCALITY

The subject land is on the eastern side of the Strathalbyn-Goolwa Road, to the north of the Finnis township approximately 1.25 kilometres. The site has a total area of 93.3 hectares, in an irregular shape. There are 477 metres of frontage to the Strathalbyn-Goolwa Road, the allotment extends east some 1330.7 metres, with an eastern boundary of 704 metres.

The land is largely cleared of vegetation having been used for grazing purposes.

To the north, east and west the adjoining land is used for grazing purposes, in large allotments. To the south there are more rural living land uses occurring, on smaller allotments due to the zone change to rural living in this area.

(Please see Planning Consultants report for further detail)

REFER ATTACHMENT 4.1(c) (page 78)

PUBLIC NOTIFICATION

The application was placed on Category three public notice on the 9th of September 2004 with representations requiring to be received by the 23rd of September 2004. Eleven representations were received, with two additional representations received. One after the required date and therefore invalid, the other did not wish to be given to the developer, raising a question regarding its validity.

REFER ATTACHMENT 4.1(d) (page 80)

The applicant has also submitted a response to the representation. This has been supplied to the representors with their notice of the meeting.

REFER ATTACHMENT 4.1(e) (page 97)

The issues raised and responded to include;

- Water supply
- Effluent disposal
- Issues related to a large collection of non-residents gathering (ie noise, drunkenness, dogs and gates being left open in relation to livestock, privacy concerns)
- Conflict in land use restricting farming.

.../cont.

4.1 455/907/04 – Finniss Lodge (Continued)

REFERRALS

The Department of Transport received a copy of the application under Schedule 8 of the Development Act Regulations due to the change in access onto the Strathalbyn-Goolwa Road. The response from this agency recommends all access be sought from the local roads.

REFER ATTACHMENT 4.1(f) (page 102)

CONSULTATION

Consultation has been undertaken with Council's Environmental Health Department (EHO Kim Vivian) with regard to the effluent disposal system. The applicant has requested that waste control system approval be a condition of development approval, rather than outlaying considerable cost without any clear indication of approval.

Consultation has been undertaken with Council's Technical Services Department (TSO Dennis Zanker) on the issue of access. The advice of the TSO is that the access via the main Strath-Goolwa Road is supported.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

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

COUNCIL WIDE

Rural Development

Objective 39: The retention of rural areas primarily for agricultural, pastoral and forestry purposes, and the maintenance of the natural character and beauty of such areas. Pressures for the division of rural land are likely to accelerate because of the commuting possibilities that the Mount Lofty Ranges and other near metropolitan areas offer to people who work in the metropolitan area. The removal of primary production from rural areas places greater dependence upon the diminishing fertile areas. It is in the community interest that as much agricultural land as possible be retained in primary production. The region contains some of the best agricultural land in the State and is ideally situated to serve the food requirements of the metropolitan area.

.../cont.

4.1 455/907/04 – Finnis Lodge (Continued)

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

Appearance of Land and Buildings

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

Tourism Development

- 143** 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.
- 145** Tourism developments in rural areas should ensure that agricultural activities are maintained as the predominant land use in the Region, and are situated on land with lower agricultural potential.
- 146** Tourism developments, where proposed to be located in proximity to rural industry and seasonal activities should be designed and sited to reduce the potential for disturbance or disruption to the tourist activity and should be located in a manner which is compatible with surrounding uses.
- 148** Tourism developments in rural areas should provide visitor experiences and be developed in association with:
- (a) agriculture, viticulture and winery development;
 - (b) heritage buildings and areas;
 - (c) linear parks;
 - (d) walking and cycling trails;
 - (e) interpretive infrastructure; or
 - (f) recreation and sporting venues.
- 149** Tourism developments should:
- (a) not exceed the capacity of the infrastructure or facilities required to service them;

.../cont.

4.1 455/907/04 – Finniss Lodge (Continued)

- (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;
 - (f) provide safe and convenient vehicle access that is compatible with the surrounding uses.
- 150 Tourism developments in rural areas should:
- (a) ensure the retention of native vegetation is maximised by only locating in areas which consist of a modified landscape;
 - (b) not require changes to natural features;
 - (c) be designed and sited to ensure the bed and banks of watercourses are protected from inappropriate development and management practices.
- 151 Tourism developments should protect the water resources of the Region by:
- (a) being located away from water sensitive areas;
 - (b) having safe and efficient effluent disposal systems;
 - (c) incorporating an adequate area for waste disposal on the allotment of the proposed development;
 - (d) disposing of waste water and effluent onto land and at a rate within the capacity of the allotment to retain and treat effluent;
 - (e) not disposing of waste water and effluent into watercourses;
 - (g) avoiding the use of holding tanks for waste water and effluent.
- 152 Stormwater should be contained on the allotment of the tourism development and run off directed from hard-paved areas, car parks and access roads to landscaped areas or dedicated grassed swales.
- 153 Tourism developments should only occur if a water source of acceptable quality, quantity and reliability is secured.
- 156 Tourist accommodation ancillary uses such as recreation, leisure, conference/meeting rooms and dining facilities should be limited to the requirements of guests being catered for.

.../cont.

4.1 455/907/04 – Finnis Lodge (Continued)

- 157 Advertisements in association with and as part of tourism developments should:
- (a) not exceed 0.5 square metres in area for each display area;
 - (b) be limited to no more than two per site;
 - (c) not be internally illuminated.
- 158 Interpretive signs should be constructed, designed and located so as to complement the features of the surrounding area, enhance visitor's understanding of the Region and facilitate access to sites in a manner that minimises impacts on the environment.

The tourist accommodation exemption from non-complying in the General Farming (Strathalbyn) zone previously outlined in the nature of the development.

COMMENTS

This development has carefully fit the criteria of the Alexandrina Council Development Plan's General Farming (Strathalbyn) zoning. The site is a substantial size allowing for the impact of the development to be minimised in association with extensive landscaping and access being directly from the Strathalbyn-Goolwa Road. As proposed the development has the merit of promoting tourism in the area, utilises good design in terms of energy and resource use and seeks to increase vegetation and understanding of our rural areas.

The development will however, have an impact on the surrounding land holders, especially the rural living allotments to the south, through the increase in activity in the area. The units are described as self contained bed and breakfast accommodation with kitchens included, but then there is a breakfast/dining area in the lodge which appears superfluous if the units are truly self contained B&B's. The Planning Consultant's report outlines that the services within the lodge are not for passers-by, or local residents but only those staying on the site. However, there is no explanation of how this restriction of use will be administered.

The application with conditions and following waste control system approvals shows merit.

RECOMMENDATION

That the Development Assessment Panel approve Development Application 455/907/04 with the following conditions:

.../cont.

4.1 455/907/04 – Finniss Lodge (Continued)

1. The access to the Strath-Goolwa Road shall be designed and constructed to the satisfaction of the Department of Transport with a sealed surface from the carriageway to the property boundary as per agreement.
2. Waste control system approvals shall be sought upon provisional development plan consent being granted and no work will commence before waste control system approvals are granted.
3. All electricity connection shall be underground in accordance with information supplied as part of the application.
4. The constructed access shall be a minimum of six metres wide and be a constructed surface not bitumen.
5. A landscape buffer shall be maintained until established along the Southern boundary, 10 metres wide, consisting of a triple row of SA Blue Gum, Pink Gum and Messmate Stringybark.
6. Any signage will require approval.
7. All site stormwater to be retained and disposed of on site.
8. Water supply is from independent on site source as indicated in Department Water Land & Biodiversity Conservation letter dated 11th May 2005. The Council managed supply is not available for this development.

ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION COMMUNITY TITLE

5.1 455/D015/05 - Kathleen Mary Ottewell

SUMMARY TABLE

Date of Application	7 th March 2005
Subject Land	Lot 11 Currency Creek Road, Goolwa North
Assessment No.	A 4107
Relevant Authority	Alexandrina Council
Planning Zone	Rural Living Policy Area
Nature of Development	Land division creating one extra lot.
Type of Development	Merit
Public Notice	N/A
Referrals	Planning SA, SA Water
Representations Received	N/A
Representations to be heard	N/A
Date last inspected	9 th June 2005
Recommendation	Refusal
Originating Officer	Joanne Nightingale

ESD IMPACT/BENEFIT

- Environmental Increased in density and therefore use of service, pollution, decrease in vegetation.
- Social Greater availability of housing on larger allotment.
- Economic Increase in rate base.

BACKGROUND

The rural living policy area 18 has two land division decisions that have occurred before the zone policy area was approved in October 2004 that have led to the applicant Kathleen Ottewell wishing to pursue an application not in accordance with the zone guidelines.

.../cont.

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

THE PROPOSAL

Nature of Development

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

Detailed Description

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

REFER ATTACHMENT 5.1(a) (page 104)

SITE & LOCALITY

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

It is a planning principle not to support land division when there are many vacant allotments still available.

REFER ATTACHMENT 5.1(b) (page 106)

REFERRALS

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

CONSULTATION

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

.../cont.

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

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

Alexandrina Council Development Plan

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

RURAL LIVING ZONE

Public Utilities

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

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

POLICY AREA 18

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

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

COMMENTS

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

.../cont.

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

RECOMMENDATION

That the Development Assessment Panel refuse Land Division Application 455/D015/05 due to it being at variance with:

Principle 1 of the Rural Living Policy Area 18 Zone

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

And;

Principle 3

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

5.2 455/C125/04 - BE & DM Paech

SUMMARY TABLE

Date of Application	5 th November 2004
Subject Land	14 Coxe Street, Milang
Assessment No.	A 14579
Relevant Authority	Alexandrina Council
Planning Zone	Residential (Milang)Residential
Nature of Development	Community title creating one extra title
Type of Development	Non-Complying
Public Notice	N/A
Referrals	N/A
Representations Received	Nil
Representations to be heard	Nil
Date last inspected	10 th June 2005
Recommendation	Refuse to proceed
Originating Officer	Joanne Nightingale

ESD IMPACT/BENEFIT

- Environmental Density increase therefore increase in pollution and stormwater. Decrease in possible vegetation but also a decrease in sprawl.
- Social Increase in smaller allotments for ageing population requiring less garden and proximity to services within township.
- Economic Increase in population for the township.

THE PROPOSAL

Nature of Development

The application is for a community title land division creating one additional allotment in the Residential Milang Zone, which describes the creation of allotments below 900 square metres as non-complying. The applicant was sent correspondence making them aware of the non-complying nature of the application and offered the options of withdrawal or providing a statement of support. A statement of support has been submitted.

.../cont.

5.2 455/C125/04 – BE & DM Paech (Continued)

Detailed Description

The subject land is a corner allotment of 1821 square metres, with a 33.8 metre frontage to Stirling Street and a 52.91 metre frontage to Coxe Street. The proposal is to create a rear allotment with a frontage to Coxe Street of 19.1 metres and a site area of 662 square metres. The nominated common land is one square metre on the Coxe Street frontage of the two allotments. The allotment remaining will have frontage to Coxe and Stirling Streets both of 33 metres with a site area of 1159 square metres. It was suggested to the applicant that if the allotments were evenly divided this would not be a non-complying application, however the applicant did not wish to pursue this option. It was at this time that it was identified to the applicant that the common property was not considered meaningful.

REFER ATTACHMENT 5.2(a) (page 111)

SITE & LOCALITY

This particular site appears to be shallower than the surrounding allotments, meaning that the overall allotment size is less, this is combined with the frontage being considerably smaller than other allotments.

The locality is predominately within the guidelines of the Residential Milang zone with some exceptions that have been identified. The bulk of allotments do have at least a 20 metre frontage and the bulk of allotments have been created for so long that no land division information is available on the Development Application system.

REFER ATTACHMENT 5.2(b) (page 113)

REFERRALS

Planning SA, response has been received identifying non-complying status and questioning the merit of the application.

REFER ATTACHMENT 5.2(c) (page 116)

CONSULTATION

Consultation has been undertaken with Council's Environmental Health Department (EHO Kim Vivian) with regard to the effluent disposal system. The advice of the EHO is that there are no concerns.

.../cont.

5.2 455/C125/04 – BE & DM Paech (Continued)

Consultation has been undertaken with Council's Technical Services Department (TSO Dennis Zanker) on the issues of STED's and access. The advice of the TSO is that a \$3 000 STED's connection fee would be required and a 3 by 3 metre corner cut off.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

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

RESIDENTIAL MILANG

Land Division

- 3 Land should not be divided unless:
 - a) the average allotment area is at least 1200 square metres, and any subsequent plan of division preserves the average previously established and approved;
 - b) all allotments have a minimum area of 900 square metres;
 - c) not more than one allotment exceeds 2000 square metres in area; and
 - d) the frontage of each allotment created is at least 22 metres.

Non-complying Development

Land Division creating any allotment less than 900 square metres in area

COMMENTS

The zone provisions are very clear in this instance. Land division has clear guidelines relating to allotment size and frontage. The description of non-complying is also clear. Furthermore seeking a community title style of land division application with frontage available to both proposed allotments is not appropriate. The common land nominated is not meaningful and makes the proposed allotments needlessly disorderly. This common land was amended to two square metres when brought to the applicants attention but, this is still not meaningful even if the land is used for letterboxes. It is not land that **has** to be shared by the two titles such as a common driveway in a standard community title.

The applicant has the opportunity to (and was offered the opportunity to withdraw with this in mind) of re-lodging the application once the Residential PAR is in place.

.../cont.

5.2 455/C125/04 – BE & DM Paech (Continued)

It must be noted that development is not to be allowed to be less than 900 square metres in Milang unless connected to common effluent under the Residential PAR and that there are capacity issues in regard to further connections. However, this application can only be dealt with under the existing zoning, which it was lodged under and which it does not comply with.

RECOMMENDATION

That the Development Assessment Panel refuse to proceed with the assessment of application 455/C125/04 as it is at variance with:

Residential Milang

Principle 3 Land should not be divided unless:

- (b) all allotments have a minimum area of 900 square metres;
- (d) the frontage of each allotment created is at least 22 metres.

And,

The common land is not considered meaningful or an orderly kind of development.

ITEM 6. **DEVELOPMENT ASSESSMENT - BUILDING**

ITEM 7. **MATTERS REFERRED FOR FOLLOW UP**

ITEM 8. **GENERAL ITEMS FOR DISCUSSION**

ITEM 9. **NEXT MEETING**

Monday 18th July 2005

Meeting closed at