

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 24 October 2005 commencing at 11:00 am

Your attendance is requested.

11:00 a.m. Development Assessment Panel commencement

1:00 p.m. Conclusion of meeting.

JOHN COOMBE
CHIEF EXECUTIVE

ALEXANDRINA COUNCIL

AGENDA FOR THE DEVELOPMENT ASSESSMENT PANEL MEETING
TO BE HELD ON 24 OCTOBER 2005 AT 11:00 AM
IN LARGE MEETING ROOM (OLD GOOLWA COUNCIL CHAMBERS)

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**Development Assessment Panel
Report and Agenda
on 24 OCTOBER 2005 commencing at 11:00 am
in the Large Meeting Room (old Goolwa Council Chambers)**

PRESENT

APOLOGIES

Cr A Woolford (Presiding Member)

IN ATTENDANCE

ITEM 1 CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel meeting held on Monday 19th September 2005.

RECOMMENDATION

That the minutes of the Alexandrina Council Development Assessment Panel held on 19th September 2005 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/D031/05 - Bill Scutchings

SUMMARY TABLE

Date of Application	6 th April 2005
Subject Land	Lots 444 Mount Barker Road, Langhorne Creek
Assessment No.	A 11570
Relevant Authority	Alexandrina Council
Planning Zone	Flood Zone and Country Township Zone (Langhorne Creek)
Nature of Development	Boundary realignment
Type of Development	Non-complying
Public Notice	Category 1
Referrals	Department Water Land Biodiversity Conservation (River Murray Act 2003)
Representations Received	N/A
Representations to be heard	N/A
Date last inspected	13 th October 2005
Recommendation	Approval with conditions subject to concurrence from Development Assessment Commission
Originating Officer	Cherry Getsom

ESD IMPACT/BENEFIT

- Environmental Probable environmental positives through improved land management and control.
- Social None expected.
- Economic Expected economic benefits to land owner through improved land management and control.

THE PROPOSAL

Nature of Development:

The development involves the re-alignment of seven (7) existing titles along either side of the Mount Barker Road, Langhorne Creek. The site is located in the Flood Zone and the Country Township Zone of the Alexandrina Development Plan with the subject land located between Kent Road and Scott Road.

.../cont.

3.1 455/D031/05 – Bill Scutchings (Continued)

Boundary realignments creating no additional allotments, are not in themselves a non-complying form of development within the Flood zone. However, a section of this proposal falls within Area A, identified in Figure FI/1 of this zone, which removes it from the list of exclusions to non-complying development. The proposal has therefore been classified as non-complying.

Detailed Description

The proposal intends to realign seven existing titles in order to better suit the existing land uses. All allotments are in the same ownership and worked as one property.

Proposed Lots 11 and 12 are located along the eastern side of Mount Barker Road. They currently exist as a vineyard and land which is predominately vacant except for a shed and existing vegetation. The boundary between these allotments separates the vineyard in two. The proposal involves altering this boundary so that the vineyard (Lot 11) and the vacant allotment (Lot 12) are on separate titles.

The other five allotments are located along the western side of Mount Barker Road. They are to be re-aligned so that proposed Lot 13 and 15 will contain existing vineyards, each growing a different grape variety. Proposed Lot 16 is to contain the existing dwelling and surrounding gardens and vegetation. Proposed Lot 14 is to remain vacant, with the exception of an existing shed. Proposed Lot 17, is to be a smaller than the other allotments at 413m² but is to contain only a water pump and filter system and be utilised solely for water supply management purposes.

All of the proposed allotments with the exception of the south eastern corner of proposed allotment 16 are located within the Flood Zone. This portion of allotment 16 is zoned Country Township (Langhorne Creek). The current alignment has two allotments falling within both zones.

Included with this report are copies of aerial photographs showing the existing boundary alignment and the proposed alterations which clearly demonstrate the relationship between the use of the land and the proposed realignment.

REFER ATTACHMENT 3.1 (page 1)

.../cont.

3.1 455/D031/05 – Bill Scutchings (Continued)

SITE & LOCALITY

The land is located on the northern side of the township of Langhorne Creek, along the Mount Barker Road. The allotments currently display a mixture of uses, including vineyards growing three different grape varieties, a woodlot and a residential dwelling. A number of trees exist on the property, the majority of which were planted by the landowner, however some native vegetation exists to the rear of proposed allotment 14.

The balance of the locality displays vineyards and associated agricultural uses, with much of the surrounding land recognised for its high flood potential and zoned accordingly. The vineyards on proposed allotments 11,13,15 and the woodlot area on proposed allotment 16 are subject to controlled flooding through a series of levee banks and open drains used to direct flood waters.

The River Bremer runs east of the subject land.

PUBLIC NOTIFICATION

This application has been treated as a non-complying form of development under the Development Act (1993). A Statement of Support was received and accepted under delegation. A Statement of Effect has also been received.

Schedule 9 Part 1(3) (c) allows for the proposal to be treated as Category One for public notification purposes and as such no public notification was required.

REFERRALS

Section 37 of the Development Act (1993) requires that this application be referred to the Department of Water, Land and Biodiversity Conservation, under the River Murray Act (2003). The Department of Water, Land and Biodiversity Conservation determined that the proposal warranted approval.

CONSULTATION

Consultation has been undertaken with Council's Environmental Health Department (EHO Kim Vivian) who had no comments.

Consultation has also been undertaken with Council's Engineering and Infrastructure Department (Matt James) who again had no comments, simply noting that the proposal makes better use of what is currently existing on the ground.

.../cont.

3.1 455/D031/05 – Bill Scutchings (Continued)

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

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

Flood Zone

- Objective 1:** Maintenance of the open rural character and productive use of land.
- Objective 3:** Restricted development in recognition of the hazards associated with flood events, minimising structures and changes to existing natural ground levels.
- Objective 4:** Maintenance of existing flood flow-paths through the Langhorne Creek township such that flood conditions are not worsened.

PDC 1 Development should be limited to that required to maintain and enhance production from the land and, where flood hazards are minor, the single residential occupation of the land.

PDC 11 The division of land involving the realignment of existing boundaries should:

- (a) render more practical or convenient the management of the land; and
- (b) be configured to provide for the erection of any future dwelling(s), should there be none on the land, which are outside the zone; and
- (c) where the land is wholly within the Flood Zone, provide for the erection of any future dwellings in conformity with the Flood Zone provisions,

and in any event not add to the potential for additional dwelling(s) in the zone.

PDC 16 All kinds of development are **non-complying** in the Flood Zone except the following:

Land division where no additional allotments are created, either partly or wholly, within the Flood Zone, and no boundary re-alignments occur within Area A (Fig F1/1), and where the development of the proposed allotments does not result in a greater risk of pollution of surface or underground waters than would the development of the existing allotments, and provided a suitable site for a detached dwelling is available which complies with the following criteria:

- (a) is not located in areas subject to inundation by a 100 year return period flood event or sited on land fill which would interfere with the flow of such waters;

.../cont.

3.1 455/D031/05 – Bill Scutchings (Continued)

- (b) is connected to an approved sewerage or common effluent disposal scheme or has an onsite 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 and B) as prepared by the South Australian Health Commission;
- (c) not have any part of a septic tank effluent drainage field or any other waste water disposal area (eg irrigation area) located within 50 metres of a water course identified in a current series 1:50 000 Government Standard topographic map;

Country Township Zone

- Objective 3:** Exclusion of township development from major flood flow-paths which pass through Langhorne Creek.
- Objective 4:** Protection of the Bremer River and its associated flood plain and minimisation of property damage or safety risk from the periodic flooding.

Strathalbyn District

- Objective 10:** Protection of life and property from the hazards associated with flooding by:
- (a) the careful siting and design of dwellings to minimise the risk of inundation and to allow for emergency access and departure in a major flood event;
 - (b) precluding structures and earthworks which interfere with the flow of flood waters in a manner which increases the flood hazard; and
 - (c) limiting development to that which is essential for the maintenance and enhancement of primary production and also, where appropriate for the resident occupation of the property.
- Objective 11:** The prevention of development which could lead to hazards in a major flood event.

Council Wide

- PDC 79** Development should be located such that it is not detrimentally affected by flooding and does not increase the risk of flooding of other properties and in particular development should:
- (a) not obstruct or interfere with watercourses;
 - (b) have primary regard for human safety and the protection of property; and
 - (c) be located where the risk of flooding is appropriate for the intended use of the land.

.../cont.

3.1 455/D031/05 – Bill Scutchings (Continued)

PDC 162 The size, shape and layout of allotments should be determined with regard to physical characteristics and the intended use of the land.

COMMENTS

The proposed boundary re-alignment will not alter the status quo in regard to land use, rather it simply reorganises existing titles to better align with existing uses. The proposal will provide a number of benefits in that there will be a reduction in the number of allotments with the potential for residential development. Proposed Lot 17 is to contain the water pump and filter system and will provide a legal means to effect an orderly and equitable distribution of the water supply to the property as a participant in the Langhorne Creek Water Supply Company. The size of such an allotment in a locality with no common effluent and the strong policies of the flood zone would make the possibility of any future residential use extremely unlikely. All vegetation types on the subject land will be separated to be contained wholly within separate and distinct allotments.

In addition the Country Township Zone boundary currently runs between two allotments, the proposed realignment of boundaries will leave only allotment 16, which contains the existing dwelling, as covered by both the Flood Zone and the Country Township Zone.

The flood prone nature of the locality has been well recognised and controlled on the site through levee banks and flood gates. Flooding is controlled to the extent that allotments 14 and 12 are basically flood free. The controlled flooding allows for the retention of agricultural activities on the land.

The proposed land division is rearranging seven (7) existing titles into a more ordered and appropriate configuration based on existing agricultural vineyard and woodlot uses, and for improved management of the land. As such it displays sufficient merit to warrant approval, subject to concurrence from the Development Assessment Commission.

RECOMMENDATION

The Development Assessment Panel approves Development Application 455/D031/05 to realign boundaries at Lots 444 Mount Barker Road, Langhorne Creek, subject to the following conditions and notes and seeks the concurrence of the Development Assessment Commission:

DAC Condition: Two copies of a certified survey plan shall be lodged for Certificate purposes.

Note: Any clearance of native vegetation for the development will require approval from the Native Vegetation Council.

3.2 455/D019/05 - Ashlee McMurtrie

SUMMARY TABLE

Date of Application	11 th March 2005
Subject Land	20-34 Batson Parade, Hindmarsh Island
Assessment No.	A5863
Relevant Authority	Alexandrina Council
Planning Zone	General Farming (Hindmarsh Island)
Nature of Development	Boundary realignment
Type of Development	Non-complying
Public Notice	Category 3
Referrals	PIRSA, SA Water, Dept Water Land Biodiversity Conservation, Planning SA
Representations Received	1
Representations to be heard	Nil
Date last inspected	11 th October 2005
Recommendation	Refusal
Originating Officer	Joanne Nightingale

ESD IMPACT/BENEFIT

- Environmental Potential for better land management of site as a whole. Intensification of use on small piece of land.
- Social Another dwelling opportunity close to water.
- Economic Possible add on benefits from tourism expansion.

THE PROPOSAL

Nature of Development

The application is for a land division by boundary realignment, changing two large titles into one larger title and one small title. The proposed boundary realignment is in the General Farming (Hindmarsh Island) Zone. The proposal is non-complying pursuant to PDC 11 as the resultant allotments will be less than 20 hectares in area.

.../cont.

3.2 455/D019/05 – Ashlee McMurtrie (Continued)

Detailed Description

The proposal is over the land of the former Narnu Park Homestead (now renamed Karinga Park to avoid confusion with Narnu Farm) to purchase an adjoining allotment on the northern side of the land holding adjacent to Randell Road to extend their land holding and allow for greater wooded areas and walking trails (following a fire lit by children in the Polish Camp destroying much of the trees around Karinga). This addition to the existing title would also allow for an eco tourism aspect to the existing tourism function on the site to be explored.

To achieve this expansion the applicant seeks to realign the additional title down to the Batson Parade frontage into an allotment of 817 square metres.

REFER ATTACHMENT 3.2(a) (page 15)

SITE & LOCALITY

The subject land involves two titles of 3.7 and 4 hectares. The northern most title - allotment 10 - is irregular in shape with a large irregular rectangle with a tail running down to the south of only 20.42 metres in width. The southern title - allotment 482 - is bound on the eastern side by the tail of allotment 10. The land is sloping to a central ridge which runs east/west and is covered with dense vegetation to the south which becomes sparse around Karinga Homestead in the north where the fire impacted.

The locality varies in character with greater density in a single row of housing between Batson Parade and the river. Allotments range from 800 square metres to 3600 square metres but would average 1000 square metres. The land south of Batson Parade is zoned General Farming and is made up of larger allotments ranging in size from four hectares through to 12 hectares with an average size being 7 hectares. The land use varies from tourist accommodation, recreation, holiday home to grazing.

REFER ATTACHMENT 3.2(b) (page 19)

PUBLIC NOTIFICATION

Category Three public notice was commenced on the 1st September 2005. One response was received.

REFER ATTACHMENT 3.2(c) (page 20)

The applicant has also submitted a response to the representation.

REFER ATTACHMENT 3.2(d) (page 21)

.../cont.

3.2 455/D019/05 – Ashlee McMurtrie (Continued)

The applicant clarified that the representor's easement was not on land affected by the boundary realignment.

REFERRALS

The Development Assessment Commission referred the application to PIRSA, SA Water, DWLBC and Planning SA. All agencies had no comment to make with the exception of Planning SA. The response from Planning SA indicated that an intensification of non-farming uses in a General Farming Zone could increase the potential for interface conflicts with the subject land and neighbouring farming land. Upon viewing aerial photography and land uses attributed by the Valuer General's office the only land utilised for Primary Production is the land adjacent to the north east corner of the subject site.

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 was no comment.

Consultation has been undertaken with Council's Technical Services Department (TSO Dennis Zanker) on the issues access. The advice of the TSO is that there was no comment.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

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

COUNCIL WIDE

Land Division

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;

.../cont.

3.2 455/D019/05 – Ashlee McMurtrie (Continued)

- (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.

7 When land is divided:

- (a) any reserves or easements necessary for the provision of public utility services should be provided;
- (b) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in a satisfactory manner;
- (c) a water supply sufficient for the purpose for which the allotment should be made available to each allotment;
- (d) provision should be made for the disposal of wastewaters, sewage and other effluents from each allotment without risk to health including connection to a common effluent drainage system where available in the general area or preferably, the use of envirocycle systems where appropriate;
- (e) roads or thoroughfares should be provided where necessary for safe and convenient communication with adjoining land and neighbouring localities;
- (f) each allotment resulting from the division should have safe and convenient access to the carriageway of an existing or proposed public road or thoroughfare;
- (g) proposed roads should be graded, or capable of being graded to connect safely and conveniently with an existing road or thoroughfare;
- (h) for urban purposes, provision should be made for suitable land to be set aside for useable local open space; and
- (i) and which borders a river, lake or creek, the land immediately adjoining the river, lake or creek should become public open space, wherever suitable.

GENERAL FARMING (HINDMARSH ISLAND)

Objective 1: The retention of land within the zone in large allotments for a wide range of farming uses, with buildings and structures located in such a way that they will not detract from the views obtainable from designated tourist roads or scenic lookout points.

.../cont.

3.2 455/D019/05 – Ashlee McMurtrie (Continued)

Land Division

6 Land should not be divided except for the adjustment of existing property boundaries for the purpose of maintaining or improving the efficiency and viability of farming or horticulture, provided that no additional allotments are created and the minimum size of any resultant allotment is not less than 20 hectares.

Non-complying Development

11 The following kinds of development are non-complying in the General Farming (Hindmarsh Island) Zone:

Land Division, except for:

(a) boundary adjustments where no resultant allotment is below 20 hectares;

COMMENTS

The single objective for the zone seeks the retention of land in large allotments for a wide range of farming uses. This boundary realignment will retain two parcels of land in a larger allotment, although this will not be for farming uses. The tourist accommodation use will not prejudice a future farming use by this realignment, rather it creates a more viable parcel.

The smaller allotment created is the same size as the smallest allotment in the locality. This does not prejudice farming uses but would be more suitable at a size of 2000 square metres which would allow for a buffering against any future farming uses (and the existing tourist accommodation use) and would be more in keeping with the character of allotment sizes to the north. Furthermore, it would ensure the allotment is a suitable size for on site waste control considering the Department of Health is recommending on site waste control requires a minimum of 1500 square metres.

At its current size the allotment is not in keeping with the character of the locality, could present issues of conflict with surrounding uses and is below recommended sizes for on-site waste disposal.

RECOMMENDATION

That the Development Assessment Panel refuse application 455/D019/05 to realign boundaries at 20-34 Batson Parade, Hindmarsh Island on the grounds that it creates an allotment significantly smaller than envisaged in the Development Plan and out of character with the prevailing pattern in the locality. In particular it is at variance with:

.../cont.

3.2 455/D019/05 – Ashlee McMurtrie (Continued)

General Farming (Hindmarsh Island) Zone
Land Division

6 Land should not be divided except for the adjustment of existing property boundaries for the purpose of maintaining or improving the efficiency and viability of farming or horticulture, provided that no additional allotments are created and the minimum size of any resultant allotment is not less than 20 hectares.

Non-complying Development

11 The following kinds of development are non-complying in the General Farming (Hindmarsh Island) Zone:

Land Division, except for:

(a) boundary adjustments where no resultant allotment is below 20 hectares;

3.3 455/249/05 - C Davenport & C Anderson

SUMMARY TABLE

Date of Application	7 th March 2005
Subject Land	Sec. 2085+ Wattle Flat Road, Ashbourne
Assessment No.	A 14854
Relevant Authority	Alexandrina Council
Planning Zone	Grazing
Nature of Development	Single storey dwelling
Type of Development	Non-complying
Public Notice	Category 3
Referrals	Dept Water Land Biodiversity & Conservation
Representations Received	Nil
Representations to be heard	Nil
Date last inspected	19 th September 2005
Recommendation	Approval with conditions – subject to concurrence from Development Assessment Commission
Originating Officer	Tom Gregory

ESD IMPACT/BENEFIT

- Environmental Positive impact from revegetation of native species. Minimal impact on watercourse, considering its distance from the dwelling.
- Social Nil.
- Economic Increased site value.

THE PROPOSAL

The proposed dwelling is single storey with a total floor area of 100 square metres. The property is situated within the Grazing zone of the Alexandrina Development Plan and is located on Wattle Flat Road, Ashbourne. The subject land is roughly divided by a section of Giles Creek, with existing studded strands of remnant native vegetation, generally along the creek line and in other isolated strands. The remainder of the property has been cleared over time for stock grazing, and is currently used for grazing of sheep and alpaca. There is currently no dwelling on site.

.../cont.

3.3 455/249/05 – C Davenport & C Anderson (Continued)

The dwelling is a bridge-like structure, 4 metres wide and 28 metres long, spanning the Giles Creek. It comprises one bedroom, an open plan living/kitchen area, a study and a utility room. The dwelling's design is simple and transparent, with large north and south facing glass areas and a low profile slightly curved roof. The walls and roof are to be clad in grey coloured corrugated 'colorbond' steel. The supporting structure is of steel construction.

REFER ATTACHMENT 3.3(a) (page 26)

The dwelling is to be located adjacent to an area containing an existing farm shed, sheep yards, small orchard, and vehicle access track, manoeuvring area and parking area inclusive.

The site of the proposed dwelling is not visible from outside the irregular-shaped allotment, and is located approximately 185 metres from the Wattle Flat Road boundary.

REFER ATTACHMENT 3.3(b) (page 27)

In association with the dwelling is an approved sealed and self-contained waste water treatment system. The irrigation area will be located in excess of 50 metres from Giles Creek watercourse. The associated infrastructure for the disposal of waste is to be located adjacent to the dwelling and within 50 metres of the watercourse, but will be fully sealed.

SITE & LOCALITY

The subject land is described as Section 2085+Hundred of Kondoparinga, Certificate of Title Volume 5433 Folio 605. There are no registered easements or encumbrances on the Title.

The irregular-shaped allotment of 20.23 hectares in area is divided by a section of the Giles Creek, bound by Wattle Flat Road to the east and south, and a closed road reserve, now forming part of Bullock Hill Conservation Park to the west.

PUBLIC NOTIFICATION

The application was put on Category 3 Public Notification pursuant to Section 38(5) of the Development Act 1993 between the 21st July and 4th August 2005.

No representations were received regarding this application.

.../cont.

3.3 455/249/05 – C Davenport & C Anderson (Continued)

REFERRALS

The subject land is located outside (but adjacent to) the Bushfire Prone Area defined on Map AlexBPA/5, and therefore was not referred to the Country Fire Service (CFS). Despite this, the applicant has indicated that access to the site and dwelling will be designed to CFS standards.

The proposal was referred to the Department of Water, Lands, Biodiversity and Conservation as they are currently responsible for the administration of the *River Murray Act 2003*, and was referred in accordance with Section 37 of the Development Act 1993. The allotment is within the area defined as the River Murray Protection Area of the *River Murray Act 2003*, and was assessed in accordance with Section 6 and 7 of this Act.

In accordance with Section 37(4)(b) of the Development Act 1993, and Schedule 8, Item 20(b) of the Development Regulations, Council must take *Direction* from the above mentioned agency. In this case, Council was advised that this application may be approved, subject to a number of conditions.

CONSULTATION

Consultation has been undertaken with Council's Environmental Health Department (Manager of Environment and Regulatory Services - Kim Vivian) with regard to the effluent disposal system. A Waste Control System was submitted and subsequently approved for the proposed dwelling.

Consultation and an on site meeting was undertaken with Council's Natural Resource Officer – David Cooney. The Natural Resource Officer had no concerns other than those expressed by the DWLBC referral response, and the subsequent 'directed' conditions of approval (should the succeeding recommendation be supported and concurred with by the Development Assessment Commission).

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

The following list of Objectives, Policies and Principles of Development Control from the Alexandrina Council Development Plan are seen to be relevant to this application. There is repetition in the Development Plan with regard to Objectives and Principles of Development Control as they apply to the subject land. Rather than repeating these, the following key Objectives and Principles have been extracted in support of this application, and where there is repetition or similar Objectives and Principles applying in other affecting sections of the Development Plan, the comments can be read as also applying to those.

.../cont.

3.3 455/249/05 – C Davenport & C Anderson (Continued)

Grazing Zone

Objective 1 Retention of land for primary production.

Objective 2 Preservation of the open rural character and natural beauty of land within the zone.

Form of Development

PDC 1 Development undertaken in this zone should be directly associated with primary production, or the needs of the rural community.

Conservation

PDC 5 Development should not be undertaken where it is liable to contribute pollution to the Angas River, Bremer River, Mount Barker Creek or other existing surface or underground water resource.

PDC 7 Development should not be undertaken where it will require the removal of significant mature vegetation or increase the risk of erosion.

Appearance of Land and Buildings

PDC 8 Buildings should not be sited in prominent locations where they would be obtrusive on the skyline when viewed from public roads. Buildings should be designed, constructed and sited to harmonise with and enhance the character of the surrounding landscape.

In addressing the above, the primary use of the land will remain as Grazing. The dwelling supports the retention of a primary production land use and allows the owners to more effectively manage the land.

The dwelling is to be sited to retain the open rural character of the land and will not be visible from outside the site. The dwelling is designed to have a light footprint, and is small in floor area.

The potential for pollution of water resources is to be effectively managed through the design of the waste water treatment system.

The application stipulates that erosion and potential for pollution of the watercourse is to be managed through the construction period coinciding with the dry period of the year. The application also indicates that constructing during this period will cause minimal ground disturbance, and specifies the intention to immediately consolidate disturbed ground and replant indigenous native species.

.../cont.

3.3 455/249/05 – C Davenport & C Anderson (Continued)

Non-Complying Development

PDC 10 All kinds of development are non-complying in the Grazing Zone, except the following:

Detached Dwelling where the detached dwelling is to be erected on an existing allotment and where a habitable dwelling or tourist accommodation for up to ten guests, unless in association with a State or Locally listed heritage building does not already exist on the allotment and where:

- a) no valid planning authorisation to erect a dwelling on that allotment exists; and
- b) no other application for planning authorisation is being made or has been made and is not yet determined for a dwelling on that allotment; and
- c) where the detached dwelling and allotment complies with the following criteria:
 - i. is not located in areas subject to inundation by a 100 year return period flood event or sited on landfill 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 wastewater treatment and disposal method which complies with the Standard for the Installation and Operation of Septic Tank Systems in South Australia (including supplements A and 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 (e.g. irrigation area) located within 50 metres of a watercourse identified on a current series 1:50 000 Government Standard topographic map;
 - iv. not have a wastewater disposal area located on any land with a slope greater than 20 percent (one in five), or depth to bedrock or seasonal or permanent water table less than 1.2 metres;
 - v. not have a septic tank or any other wastewater treatment facility located on land likely to be inundated by a ten 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.**

The components of this principle in bold are those against which the proposed development fails to meet the criteria for a 'consent on merit' application for a detached dwelling in the Grazing Zone, thereby rendering the proposal a non-complying development.

.../cont.

3.3 455/249/05 – C Davenport & C Anderson (Continued)

The principles applying to this non-complying development generally relate to the management of risks associated with the watercourse – flood risk, and the risk of polluting the watercourse. The proposal demonstrates that these risks will be satisfactorily addressed by:

- appropriate siting of the dwelling 3 meters above the 100 annual return interval flood level (ARI), and location of the supporting structures so as to not materially impede the watercourse or increase risk of flooding to other land ; and
- an effluent management system designed to South Australian Health Commission standards. The effluent irrigation area will be located in excess of 50 metres from the Giles Creek watercourse on land with less than a 20% gradient. The 'Biocycle' tank will be located above the 1 in 100 ARI flood level, comfortable exceeding the requirement to be located above the 1 in 10 ARI flood level.

Council Wide Provisions

Form of Development

Objective 1 Orderly and economic development

The proposed development is orderly and economic in that it contributes to the retention of rural land for the purposes of primary production by not removing land from primary production by being located on a part of the subject land which is not used for this purpose. By introducing a residential use to the land, allows for its more effective management for primary production.

Conservation

Objective 25 The retention of environmentally significant areas of native vegetation.

Objective 26 The retention of native vegetation where clearance is likely to lead to problems of soil erosion, soil slip and soil salinisation, flooding or deterioration in quality of surface waters.

Objective 27 The retention of native vegetation for amenity purposes, for livestock shade and shelter, and for the movement of native wildlife.

No native vegetation of significance is to be removed for the proposed development. The owners are also proposing significant and on-going tree planting and revegetation, along with on-going weed management. The development is designed to take full advantage of its setting, and preserving its uniqueness.

.../cont.

3.3 455/249/05 – C Davenport & C Anderson (Continued)

Appearance of Land and Buildings

Objective 29 The amenity of localities not impaired by the appearance of land, buildings, and objects.

The proposed dwelling is sited away from the road, and not visible from beyond the boundaries of the site. The proposed siting does not impair, but maintains the existing open rural appearance of the land.

Mount Lofty Ranges Region

PDC 79 Development should be located such that it is not detrimentally affected by flooding and does not increase the risk of flooding of other properties and in particular development should:

- a) not obstruct or interfere with watercourses;
- b) have primary regard for human safety and the protection of property; and
- c) be located where the risk of flooding is appropriate for the intended use of the land.

A comprehensive assessment of the impact of the dwelling upon the water course and the flood risk was undertaken by consulting engineers. The proposed floor level of the dwelling is at 96 AHD, approximately 3 metres above the 100 year (ARI) level. The exceeds Council's minimum requirement of 300mm above the 100 year ARI level.

The construction of the two supporting structures for the dwelling, within the 100 year ARI level were assessed by the same consulting engineers who stated that the supporting structure will have an 'insignificant' effect through any increase in water level upstream of the proposed dwelling.

PDC 87 Buildings, including structures, should be designed in such a way and be of such a scale as unobtrusive and not detract from the desired natural character of the Mount Lofty Ranges Region and, in particular:

- a) the profile of buildings should be low and the rooflines should complement the natural form of the land;

PDC 88 The external materials of buildings should:

- b) have surfaces which are of a low light reflective nature; and
- c) be of natural colours so as to be unobtrusive, blend with a natural rural landscape and minimise any visual intrusion.

The dwelling's small floor area, low scale and grey coloured exterior assist with blending in with the surrounding natural landscape.

.../cont.

3.3 455/249/05 – C Davenport & C Anderson (Continued)

Conservation

PDC 104 Development should be undertaken with the minimum effect on natural features, land adjoining water, scenic routes or scenically attractive areas.

PDC 107 The natural character of rivers and creeks should be preserved.

PDC 108 Important natural resources including watercourses and water catchment areas, scenic areas and significant flora and fauna areas should be conserved and protected from development which would affect them adversely.

As mentioned previously, the dwelling is sited and designed to minimise its impact upon native vegetation. Access to the site does not require further clearance as an existing access track from Wattle Flat Road to a farm shed will be utilised to access the dwelling.

The proposal is at odds with Principle 107 as it relates to maintaining the natural character of the creek. Clearly, a building spanning the creek will adversely affect its natural character. However, there will be no adverse impacts upon the watercourse itself, the building is small and not visible from beyond the immediate area.

Strathalbyn District

PDC 6 Development which is likely to be affected by flooding should not take place where:

- a) significant flood events, and impacts, are known or suspected; and
- b) measures otherwise required to protect the development, such as levees and landfill, are likely to increase the risk of flooding or worsen flood impacts on other land; or
- c) there is a likelihood that life or property would be at risk in the event of a 100-year average return interval (ARI) flood.

As discussed earlier, the engineer's report that forms a part of the application addresses in detail flood risk and design for flood mitigation. The structure is designed as a bridge over the watercourse, and does not require measures to protect it from flooding.

.../cont.

3.3 455/249/05 – C Davenport & C Anderson (Continued)

COMMENTS

Despite being prescribed as a non-complying type of development, it can be seen from the above assessment, that the proposed single storey 'bridge-like' dwelling located at Section 2085+ Wattle Flat Road, Ashbourne, satisfies a number of policies and objectives of the Alexandrina Council Development Plan, and will not have an adverse effect on the subject land, associated water course, or remnant native vegetation.

The applicant has submitted a Statement of Effect, as required by the Development Act, which argues that there will be little, if any, adverse impact on the environment or the watercourse.

In summing up, the proposal fails to meet the criteria of a 'consent on merit' application, therefore leaving the application as 'non-complying' for the following two reasons:

- the location of the support structure for the dwelling is within the 1:100 year ARI flood level;
- the location of the dwelling is within 25 metres of the Giles Creek watercourse.

The application demonstrates that these risks are satisfactorily addressed, and do not pose significant pressures on the existing natural landscape or other land in the locality. The proposal displays sufficient merit and warrants approval, subject to concurrence from the Development Assessment Commission.

RECOMMENDATION

That the Development Assessment Panel approve application 455/249/05 for a single storey dwelling at Section 2085+ Wattle Flat Road, Ashbourne subject to the following conditions, notes and concurrence from the Development Assessment Commission:

Conditions imposed by Deptment of Water, Land & Biodiversity Conservation

1. The construction works must not adversely impact on the ecology of the watercourse or the migration of aquatic biota.
2. The construction works and final structure must not result in erosion and/or sedimentation to the watercourse.

.../cont.

3.3 455/249/05 – C Davenport & C Anderson (Continued)

3. The construction works and final structure must not have a detrimental impact on the amenity of the watercourse or affect the ability of downstream users to take water (where authorised).
4. The construction works and final structure must not result in a decline in water quality.
5. If any work is undertaken when there is water present in the watercourse, sediment control measures, such as hay bale barriers and sediment forces must be employed to prevent sediment washing downstream.
6. There must be a minimum distance of 20 metres between the watercourse and fuelling/servicing site for machinery used to undertake work.
7. Upon completion of the pier construction, the watercourse (including the floodplain) must be restored to its original soil profile.
8. The use of effluent must not pose a risk to human health.
9. The use of effluent must not cause a rise in underground water levels that would adversely impact on land, other water resources or natural resources and their beneficial uses.
10. The use of effluent must not result in land degradation.
11. Stormwater run-off from the dwelling being directed to the storage tank or tanks. The capacity of tank storage on site is to be equal to or be greater than 20 litres per square metre of total roof area of all buildings on the site. Any overflow from the tank or tanks shall be managed to prevent erosion or pollution of the site and the watercourse and diverted away from wastewater disposal areas, such as septic tanks and aerobic systems.
12. The building being unobtrusive and harmonising with the surroundings through the use of paint or finishes being of natural colours.

NOTES

1. The applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray and its tributaries through his or her actions or activities.

.../cont.

3.3 455/249/05 – C Davenport & C Anderson (Continued)

2. The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council.

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

3. Where possible, habitat must be protected during the undertaking of the construction works.

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

4.1 455/261/05 - Hardy Milazzo Architects

SUMMARY TABLE

Date of Application	9 th March 2005
Subject Land	4 North Parade, Strathalbyn
Assessment No.	A 12950 & A 12949
Relevant Authority	Alexandrina Council
Planning Zone	Residential (Strathalbyn)
Nature of Development	Motel
Type of Development	Consent on merit
Public Notice	Category 3
Referrals	Transport SA
Representations Received	9
Representations to be heard	3
Date last inspected	11 th October 2005
Recommendation	Approval
Originating Officer	Joanne Nightingale

ESD IMPACT/BENEFIT

- Environmental Likely increase in stormwater, decrease in vegetation.
- Social Possible increase in noise, employment, overnight accommodation for sporting club competitions.
- Economic Possible employment increase, tourism increase. Greater requirement for service provision.

THE PROPOSAL

Nature of Development

The application is for a 26 unit Motel incorporating caretakers residence, office, laundry, kitchen and associated car parking. The Alexandrina Council Development Plan Residential (Strathalbyn) Zone does not list a Motel as a non-complying form of development, therefore the application is consent on merit. The Development Plan does not describe categories of notice. Accordingly, the application under the Development Act 1993 is Category three as Schedule 9 does not define it as Category one or two, and it cannot be considered minor.

.../cont.

4.1 455/261/05 – Hardy Milazzo Architects (Continued)

A Motel is defined under the Development Act 1993 as:

A building or group of buildings providing temporary accommodation for more than five travellers, and includes an associated restaurant facility but does not include a hotel or residential flat building.

Detailed Description

The motel application seeks to construct five detached buildings four of which are single storey and contain the 26 motel units. The fifth is two storey with a ground floor office, kitchen and laundry and upstairs caretakers residence.

The total site area of the proposal is 4323.43 square metres, with a site coverage of 1316 square metres and includes 1450 square metres of landscaping with 29 car parks internally within the site with room to park a bus.

Two types of unit are proposed, each with decking. Type one has the beds in the main suite, type two has a separate main room and two single beds in the main suite.

The access and egress to the site is via an eight metre wide driveway crossover on the northern side of the site.

Setbacks for the buildings are:

- 4 metres from the building alignment to East Terrace at the closest point with an average of 6 metres and 3 metres from the deck.
- 4 metres from the building alignment to North Parade with an average of 6 metres and 3 metres from the deck.
- The western boundary (adjoining the tennis club) has the screened refuse area on the boundary and then alternates in setback from 1.2 metres, to 1.5 metres and up to 2 metres.
- The southern boundary (adjoining a residence) has a small portion of the building alignment setback 3 metres, with the bulk of the building setback 5 metres and the decking setback 1.8 metres from the boundary.

The materials proposed to be used in the construction of the motel are stone and face brickwork for the walls, windows in natural anodised aluminium, the decking in plantation hardwood and the roof in galvanised corrugated iron.

The walls of the motel are predominately 4.8 metres with the top of the gabled roof at approximately 8 metres. The two storey dwelling/reception building is a maximum of 9.8 metres high with a minor element at 11 metres.

REFER ATTACHMENT 4.1(a) (page 28)

.../cont.

4.1 455/261/05 – Hardy Milazzo Architects (Continued)

SITE & LOCALITY

The subject land is the north western corner site of North Parade and East Terrace in Strathalbyn. The land comprises two existing allotments both with existing dwellings and vegetation which would require demolition and removal to allow the motel to be built. There is little vegetation on the allotment directly adjoining the tennis club, however the corner allotment has many large trees presenting a canopy to the street of vegetation, thick enough to effectively screen the dwelling.

This site is mainly flat with a slight slope down to the rear of the allotments.

The locality is primarily residential, although the site is directly adjacent to the Strathalbyn Tennis Club, a recreational use, which includes floodlit night tennis. To the North and East large road reserves lie between the subject land and any other activities. To the east there are single storey detached dwellings. To the north currently is vacant grazing land, however a land division is approved for residential development which will be set well back from the road frontage. The southern side of the subject land abuts a single storey dwelling and dwellings continue uninterrupted into the township. South of the Tennis Courts a unit development exists. The locality extends to include all of the block bounded by Murray Street, Grey Street, East Terrace and North Parade. The land facing East Terrace and North Parade is included in the locality. The locality reflects a predominately low density character allowing for large trees to dominate streetscapes with the setbacks along East Terrace all exceeding 8 metres with the exception of the existing dwelling on the corner of East Terrace and North Parade, which fronts North Parade with East Terrace its secondary frontage, and the dwelling on the corner of East Terrace and Marchant Road, which has a front setback of roughly 5.5 metres.

PUBLIC NOTIFICATION

The application was placed on Category Three Public Notice on the 31st March 2005. Six representations were received.

REFER ATTACHMENT 4.1(b) (page 51)

The applicant has also submitted a response to the representation.

REFER ATTACHMENT 4.1(c) (page 59)

The issues raised and responded to included:

- Scale of building not in keeping with existing character;
- Increase in traffic;

.../cont.

4.1 455/261/05 – Hardy Milazzo Architects (Continued)

- “Commercial” development in residential area; and
- Loss of privacy

REFERRALS

Under Section 37 Schedule 8(3)(b) of the Development Act 1993 the application was referred to the Commissioner for Highways for comment regarding the access. The response was that all access should be from North Parade which is designated a local road under the care and control of Council.

CONSULTATION

Consultation has been undertaken with Council's Environmental Health Department (EHO Kim Vivian) with regard to the effluent disposal system. A waste control system has been approved for the development.

Consultation has been undertaken with Council's Technical Services Department (TSO Dennis Zanker) on the issues of access and stormwater. The advice of the TSO is that all stormwater to the site shall be directed to the street stormwater system and that an upgrade of the 450 mm pipe downstream to 600 mm is required to allow for increased runoff through intensification.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

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

COUNCIL WIDE

Appearance of Land and Buildings

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

Building Set-backs

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

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;

.../cont.

4.1 455/261/05 – Hardy Milazzo Architects (Continued)

- (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.

144 Major tourism developments should preferably be located within existing townships, settlements, urban areas or designated zones.

STRATHALBYN DISTRICT

OBJECTIVES

Appearance of Land and Buildings

Objective 15: Attractive appearance of towns and their main road approaches.

Objective 16: Urban development designed and constructed to retain and enhance the amenity of the area and blend with existing development in the locality.

Principles of Development Control

Tourist Facilities

PDC49 Development of a hotel, motel or related tourist accommodation facilities should only be undertaken where:

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

.../cont.

4.1 455/261/05 – Hardy Milazzo Architects (Continued)

RESIDENTIAL (STRATHALBYN) ZONE

Objectives

- Objective 1:** A zone primarily accommodating detached dwellings and other types of low-density residential development, with medium density residential development and supportive community, educational and recreational facilities in appropriate locations.
- Objective 5:** Development having a high standard of design and appearance to complement the traditional building styles and design elements typical in the town before the 1950's.
- Objective 8:** Preservation of the attractive streetscapes along East and West Terraces, North Parade and Commercial Road and their visually important features such as the churches, building facades, rooflines, walls, fences, trees and gardens.

Principles

- PDC1** Development other than for residential purposes or the provision of community, educational or recreational facilities should not be undertaken.
- PDC25** Buildings and structures should be designed with regard to scale, height and proportions, as well as external appearance, materials, colours, siting and landscaping to complement and enhance the positive characteristics of the locality.

COMMENTS

The Residential (Strathalbyn) Zone clearly is looking for residential development with only a few exceptions for community, recreation and educational uses. A motel is identified within the Development Plan as a tourist facility. However, without a restaurant attached as part of the development, in practical terms the use of the site will be very similar to a residential use. The purpose will be overnight accommodation without any other activities available on the site. The activities associated with a Motel of traffic movement and cleaning of rooms etc has been designed to occur internally within the site allowing buffering to the adjoining areas of both the building themselves and the landscaping proposed.

.../cont.

4.1 455/261/05 – Hardy Milazzo Architects (Continued)

The built form of the motel has been considered in an informal process by Council's heritage consultant Richard Woods. His comments led to the reduction in the height of the canopy over the porte cochere, which provided greater articulation to the building. The height of the building has been identified as an issue by representors and has been discussed by staff as part of the assessment process. The utilisation of a varied roof form reminiscent of Strathalbyn's old school buildings, combined with the utilisation of stone as a material of construction attempts to address the heritage character of the township. It also allows for the building to be a unique landmark feature at the entrance to the township. A single storey scale building would not achieve this result, but would still have a significant impact without any benefit.

Principle 49 (Strathalbyn District) relating to Tourism Development calls for single storey height within 6m of the boundary of an adjoining site. This is achieved for the most part. Only a small part of the building, in the north – western corner is two storey, (mostly) 2 metres from the western boundary (with the tennis club). This is considered an acceptable departure as there is no adverse impact.

The Fliether's residence to the South will be impacted by overshadowing to a degree in mid winter. However, given the distance of the dwelling from the boundary, and the fact that the motel units adjacent are single storey, the overshadowing is not considered excessive. In response to concerns about privacy, the applicant lowered the level of the decks on the southern boundary from 1m above ground level to 300mm.

The landscaping that is proposed has been considered by Head Gardener David Mullins who has reported that it is not a waterwise garden. High water use will be required with a good irrigation system to ensure that the plants will do well. The Acers predominantly proposed as screening trees prefer an acidic soil, where Strathalbyn is alkaline.

The objectives and principles for the zone clearly call for residential development as the primary use for the zone. However, a motel is a consent use in the zone and is envisaged in the Strathalbyn District provisions. On balance the proposal shows merit to be approved, due to the design internalising traffic movement, light and noise, the design attempting to complement the historic character while remaining a modern building, and the structure providing an entrance to the township on a landmark site which benefits from a strong feature.

RECOMMENDATION

That the Development Assessment Panel approve development application 455/261/05 with the following conditions:

.../cont.

4.1 455/261/05 – Hardy Milazzo Architects (Continued)

- 1) A fence shall be provided to the southern boundary of the site of a height not less than 1.7 metres above the finished floor level of the decking at any point.
- 2) Any lighting to the site shall be contained within the site and not spill onto adjoining property.
- 3) No flashing or illuminated signage shall be used as part of the development.
- 4) A revised landscaping plan shall be provided, and agreed with Council, prior to the issue of Development Approval, incorporating some exotic trees suitable to the area and native shrubs to reduce water consumption and increase the robustness of the landscaping.

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

8.1 455/706/05 – Mark Hall – Langhorne Creek – Agricultural Supply Shop

Following a Court Conference held on Monday 26th September 2005 a compromise was reached with the Appellants (Hans Jorg Levi and Marie Claire Levi). This compromise involved 5 (five) additional conditions which addressed the Levi's concerns.

RECOMMENDATION

That the information be received.

ITEM 9. NEXT MEETING

Monday 21st November 2005 – time to be advised.

CLOSURE