

**DEVELOPMENT ASSESSMENT PANEL  
MINUTES OF MEETING HELD ON 18 AUGUST 2009  
COMMENCING AT 11:30 AM  
IN THE COMMUNITY CHAMBERS "WAL YUNTU WARRIN"**

**PRESENT** Mr S Nicholson (Deputy Chair), Mrs R Sage, Cr R Medlyn, Cr G Gartrell.

**APOLOGIES** Mr D Donaldson

**IN ATTENDANCE** Andrew Sladden (Senior Town Planner), Andrew Houlihan (Town Planner), Vanessa Harvey (Executive Administration Coordinator) David Zanker (Town Planner), Tom Gregory (Senior Town Planner).

**ITEM 1. CONFIRMATION OF MINUTES**

Minutes of the Alexandrina Council Development Assessment Panel held on 15<sup>th</sup> July 2009.

Moved Cr Medlyn seconded Cr Gartrell that the minutes of the Alexandrina Council Development Assessment Panel held on 15 July 2009 as circulated to members be received as a true and accurate record.

**CARRIED**

**ITEM 2. DEVELOPMENT APPLICATIONS**

The gallery were asked to leave the meeting at 11:33 a.m.

ITEM 3. DEVELOPMENT APPLICATIONS - NON COMPLYING

3.1 455/1137/08 - Darryl Phillips / Class

SUMMARY TABLE

Date of Application	30 <sup>th</sup> September 2008
Subject Land	Lot 806 Sandergrove Road, Strathalbyn
Assessment No.	A10250
Relevant Authority	Alexandrina Council
Planning Zone	Residential (Strathalbyn) – Western Residential Historic (Conservation) Policy Area 20
Nature of Development	Change of use – Residential Dwelling to Offices
Type of Development	Non-complying
Public Notice	Category 3
Referrals	Heritage (informal)
Representations Received	1
Representations to be heard	Nil
Date last inspected	June 2009
Recommendation	Approval subject to Development Assessment Commission concurrence
Originating Officer	Andrew Sladden

BACKGROUND

The subject site, located on the corner of Milnes Road and Sandergrove Road, Strathalbyn has an area of approximately 780m<sup>2</sup> and is currently used as a residential dwelling. There is an existing bungalow (circa 1930's) fronting Sandergrove Road with a couple of outbuildings at the rear of the site fronting Milne Road. The existing dwelling is listed as a heritage contributory item pursuant to Fig Alex (HC)/5 from the Alexandrina Development Plan.

The application was lodged in September 2008 and involved a proposed change of use from residential dwelling to offices with associated car park at the rear of the site. Council's former Director, Environment and Lifestyle Department, Des Commerford resolved to "proceed with the assessment of the application" under delegation in January 2009.

.../cont.

## 3.1 455/1137/08 – Darryl Phillips / Class (Continued)

The Application has since been taken over by CLASS (Community Living and Support Services) who have amended the application to include an addition at the rear of the dwelling to incorporate additional office space.

### THE PROPOSAL

#### Nature of Development

The subject dwelling, located on the corner of Sandergrove Road and Milnes Road, Strathalbyn is located within the Residential (Strathalbyn) Zone and the Western Residential Historic (Conservation) Policy Area 20, pursuant to Maps Alex/26 and Alex/38 from the Alexandrina Development Plan.

The proposal involves the change of use of the dwelling on the subject site to offices, with reception area, additions and car parking for seven vehicles. Principle of Development Control 29 for the Residential (Strathalbyn) Zone states:

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

*Office*

Therefore, pursuant to the above, the proposed development is non-complying.

#### Detailed Description

The existing dwelling has three bedrooms, bathroom, lounge and dining room and is listed as being a contributory item pursuant to Fig Alex (HC)/5 from the Alexandrina Development Plan. It is proposed to convert the existing dwelling to offices, demolish the lean to and sheds at the rear of the allotment and erect a 197m<sup>2</sup> addition at the rear to be utilised for further office space. There will also be a car park at the rear with provision for 7 car parking spaces.

The addition is proposed to be setback 1m from the Milnes Road boundary and 1m from the other side boundary. This addition has been designed to blend with the existing dwelling.

- 17 Moved R Sage seconded Cr Medlyn that the Development Assessment Panel grant Development Plan Consent to Development Application 455/1137/08 for a change of use - residential dwelling to offices at 2 Sandergrove Road, Strathalbyn subject to the following conditions and notes and subject to concurrence of the Development Assessment Commission.

.../cont.

3.1 455/1137/08 – Darryl Phillips / Class (Continued)

Conditions

1. The development herein approved to be carried out in accordance with plans and details accompanying this application (amended plans received by Council on 20 July 2009 and supporting documentation received on 17 June 2009).
2. The external appearance, materials and finishes of the new structure/building must match or blend with the principal building as near as practical and be of a non reflective finish.
3. All car parking areas, driveways and vehicle manoeuvring areas shown on the approved plans shall conform to Australian Standards and be constructed, drained in accordance with sound engineering practice and be of a porous and permeable nature to the reasonable satisfaction of Council, and car parking bays shall be permanently delineated prior to the occupation or use of the development herein approved to the reasonable satisfaction of Council.
4. No signs are to be erected or displayed on the building without the prior consent of Council.
5. The applicant or other approved persons for the time being making use of the subject land now approved shall at all times maintain in good and substantial condition to the reasonable satisfaction of the Council in all respects the subject land (including car parking areas, driveways and footpaths) all buildings and structures (and the external painting thereof), and all tree and shrub plantings and grassed areas.
6. Floodlighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such manner as to cause no light overspill nuisance to adjacent residential development.
7. Lodgement and approval of an Application for a Waste Control System shall be undertaken prior to the granting of Building Rules consent and Development Approval.
8. Sub-floor ventilation should be maintained to all areas of the existing dwelling. The new concrete raft should not bridge any existing damp proof courses.

Reason: To protect the Contributory Place from future deterioration and damp.

.../cont.

3.1 455/1137/08 – Darryl Phillips / Class (Continued)

9. The fences to Milnes Road and Sandergrove Road shall be no higher than 1.5m above ground level.

Reason: To maintain views to the building.

10. Air conditioning compressors, ductwork, hot water units etc shall not be located between the buildings and Milnes Road or Sandergrove Road.

Reason: To protect the visual amenity of the Contributory Place and the streetscape.

11. Details of tree selection shall be submitted for Council Approval. Landscaping shall be established within 3 months of occupation of the building and shall be watered until established and shall be replaced if it dies.

12. The applicant shall construct a driveway crossover though the existing barrier kerb in Sandergrove Rd ( at their cost ) only if a 1.0m separation is maintained between the existing pram ramp edge AND the neighbouring side boundary. This results in the driveway throat being limited to approx. 3.0 - 3.5m only. Plans and details will need to be submitted and approved by Council prior to Development Approval being granted.

Notes

1. Allotment boundaries will not be certified by Council staff. The onus of ensuring that the building is sited in the approved position on the current allotment is the responsibility of the owner. This may necessitate a survey being carried out by a licensed land surveyor.
2. The proposed demolition shall be carried out in accordance with the following:
  - Access to and in the vicinity of the site by the public before, during and after demolition, until the site is cleared; is to be restricted and as such the area must be secured by an approved barrier;
  - Any dust or similar products arising from the demolition must be controlled and kept within the site as far as is reasonable;
  - All demolition materials are to be removed from the site, and the site is to be left in a clean and tidy condition;

.../cont.

3.1 455/1137/08 – Darryl Phillips / Class (Continued)

- The demolition, transport and disposal of asbestos products, is subject to legislative control and must be handled in accordance with those requirements. Contact the Department for Administrative and Information Services, Industrial Affairs - Mineral Fibres Branch (asbestos enquiries) on 8303 0400 for further information and relevant approvals.
- Australian Standard AS2601 Demolition of Structures, should be referred to for demolition procedures.

Note: Disconnection of services and the undertaking of public liability insurance is the responsibility of the person supervising the works.

CARRIED

3.2 455/302/08 - Michelle Pederson

**SUMMARY TABLE**

Date of Application	14 <sup>th</sup> March 2008
Subject Land	Lot 27 Jaensch Road, Hartley
Assessment No.	A13405
Relevant Authority	Alexandrina Council
Planning Zone	General Farming (Strathalbyn District)
Nature of Development	Change of use – Animal Boarding Facility (Intensive Animal Keeping) – Non-complying
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	November 2008
Recommendation	Approval subject to Development Assessment Commission concurrence.
Originating Officer	Andrew Sladden

**BACKGROUND**

The subject site is a large rural allotment of approximately 30 hectares located on Jaensch Road at Hartley. It is currently used for grazing and the owner/applicant is proposing to utilise a number of existing buildings for an animal boarding facility.

Councils former Director, Environment and Lifestyle Department, Des Commerford resolved to "proceed with the assessment of the Development Application" under delegation in August 2008.

.../cont.

3.2 455/302/08 – Michelle Pederson (Continued)

**THE PROPOSAL**

**Nature of Development**

The development application involves the establishment of an Animal Boarding Facility for all types of animals. As it is understood by the applicant, the previous owner constructed the existing infrastructure for their greyhound breeding and racing program and therefore all infrastructure for the proposed animal boarding facility is already existing.

An animal boarding facility is considered to be “intensive animal keeping” pursuant to the following definition from Schedule 1 of the Development Act 1993.

*“intensive animal keeping means the keeping or husbandry of animals in a broiler shed, chicken hatchery, feedlot, kennel, piggery, poultry battery, or other like circumstances but does not include horse keeping:”*

Given the fact that the subject site is located within the General Farming (Strathalbyn) Zone, an application for a partial change of use of this nature (intensive animal keeping) is considered to be a non-complying form of development as it is not specifically listed as an exemption pursuant to Principle of Development control 8 for the Zone.

**Detailed Description**

The proposal involves the establishment of an animal boarding facility which is to operate from the subject land in existing kennels already established onsite. The existing building has an enclosed office; a large working area with a concrete floor and seven (7) enclosed boarding kennels. The applicants are proposing to use the existing facilities for the boarding of cats, dogs (no more than 7 at any time), guinea pigs, rabbits and birds.

Additional existing outbuildings are proposed to be used to accommodate cats, guinea pigs, pet rabbits and birds. Surrounding the building are two (2) fully fenced yards, which can accommodate sheep, pigs and goats.

**SITE & LOCALITY**

The subject site is approximately 30 hectares and located 2.2 kilometres off the main Strathalbyn/Callington road via Jaensch Road. The proposed kennels are located approximately 160 meters from the North and South boundaries and approximately 400 meters for the East and 300m from the West (road) boundary. The property is situated in a rural setting and the closest neighbouring dwelling is approximately 700m from the subject location.

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3.2 455/302/08 – Michelle Pederson (Continued)

16 Moved Cr Medlyn seconded R Sage that the Development Assessment Panel grant Development Approval to Development Application 455/302/08 Change of Use - Animal Boarding Facility (Intensive Animal Keeping) subject to the following conditions and notes and subject to concurrence of the Development Assessment Commission.

Conditions

1. The Development shall proceed in strict accordance with the Plans and details submitted on 12 March 2008, 23 July 2008 and the Statement of Effect received by Council on 28 May 2009, subject to the following Conditions and Notes:
2. Management of the property should be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.
3. The use and any associated processes or activities carried on shall not detrimentally effect the amenity of the locality by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
4. No signs are to be erected or displayed on the building or about the property without the prior consent of Council.
5. Wastes generated by the approved use are to be collected regularly and placed in a receptacle. The collected wastes to be removed regularly and disposed of so as to prevent offensiveness and the access to the breeding of flies in such waste.

Department of Water, Land, Biodiversity and Conservation Conditions and Notes

Conditions

1. During construction the property must be appropriately managed as to prevent erosion and pollution of the subject site and the environment, including keeping the area in a tidy state and ensuring any waste materials are placed into bins, to ensure no pollutants (including excavation or fill material) enter the River Murray system.

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3.2 455/302/08 – Michelle Pederson (Continued)

2. Stormwater run-off from the 740 square metre roof must be directed to a 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 must be managed to prevent erosion or pollution of the site, and the River Murray, and diverted away from wastewater disposal areas, such as septic tanks and aerobic systems.

Notes

1. The applicant is advised that if surface water, watercourse water or underground water is to be utilised, or if there are any existing uses that may be impacted by the proposed development, then interested parties should contact the DWLBC Mount Lofty Ranges Water Licensing Group (telephone 8339 9807). This should be done to ensure that the proposal complies with the Notice of Prohibition and the Prescription of water resources in the Eastern Mount Lofty Ranges.

As discussed with the applicant it is likely that an authorisation for use of underground water may need to be transferred. Prior to this it must be established that an existing user was taking the underground water for a development, project or undertaking (prospective use), to which they were legally committed, or had committed significant financial or other resources during the period 1 July 2000 to 15 October 2003. Any existing use would need to be established with the user of the resource during the relevant period. Once existing use has been established, the authorisation can be transferred to the new owner. The applicant should contact the DWLBC Mount Lofty Ranges Program for further guidance.

2. The applicant is advised that under the Prescription of Water Resources in the Eastern Mount Lofty Ranges, the taking of less than or equal to 500 KL of roof run-off (surface water) is exempt for the purposes of commercial (not including irrigation), industrial, environmental and recreational use, providing:
  - a) All water taken pursuant to this authorisation must be directed to closed water storage facilities (holding tanks); and

.../cont.

3.2 455/302/08 – Michelle Pederson (Continued)

- b) Any water collected pursuant to this authorisation that overflows from a holding tank (s) must be released into the environment through the existing surface water drainage arrangements and must not be recaptured or redirected, unless otherwise authorised.
3. The kennels and yards should be cleaned at least daily to ensure that there is no accumulation of wastes and the generation of offensive odours is minimised.
  4. Feed for boarding animals should be stored and provided, such that it will not attract introduced pest animals (e.g. mice and rats). This may include storing feed in a sealed room off the ground and the removal and cleaning of feed bowls as soon as practicable.
  5. Wastewater from washing out the kennels must be either drained to an appropriately sized on-site wastewater treatment system or be collected for appropriate treatment and disposal off-site. Any on-site system must be designed and constructed in accordance with the South Australian Health Commission's Waste Control Systems - Standard for the Construction, Installation and Operation of Septic Tank Systems in South Australia (<http://www.health.sa.gov.au/PEHS/publications/Septic-tank-book.pdf>).
  6. Disposal of hard waste (e.g. faecal matter, bones and waste food) should be undertaken through collection of the waste twice per day, temporary storage in sealed bins and removal by an appropriate waste disposal service. While burying of such waste is acceptable in a domestic situation, it is generally not acceptable for a commercial operation. Please note than used medication must also be disposed of appropriately (e.g. if radioactive).
  7. The facility must be inspected daily by the owner or operator for any mortalities. If mortalities can not be disposed of by owners then disposal should be undertaken by taking them to a vet for disposal, burial on-site in a mortality pit, or cremation. Please note that a mortality pit must:
    - a) Be greater than 50 metres away from any watercourse, well or bore;
    - b) Not intercept the water table (i.e. if water begins seeping into the hole then the water table has been reached);

.../cont.

3.2 455/302/08 – Mishelle Pederson (Continued)

- c) Not exceed 1.2 metres in depth; and
- d) Be backfilled with a minimum of 600 millimetres of earth, slightly mounded and compacted to control odour, vermin and fly breeding.

Lime should be added at the time of deposition to assist decomposition.

- 8. The applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
- 9. The applicant is advised that any proposal to clear 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. Note that 'clearance' means any activity that could cause any substantial damage to native plants. Not only does it include cutting down and removing plants, but also burning, poisoning, slashing of understorey, removal of branches, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information about Native Vegetation Act 1991 requirements, visit: <http://www.dwlbc.sa.gov.au/native>.
- 10. The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation. Under section 20 of the Aboriginal Heritage Act 1988 (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains.

It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act.

- 11. This advice does not obviate any considerations that may apply to the Australian Government's Environment Protection and Biodiversity Conservation Act 1999 (EPBC).

CARRIED

3.3 455/1449/08 - Matthew & Sarah Viney

**SUMMARY TABLE**

Date of Application	29 <sup>th</sup> August 2008
Subject Land	Lot 2 Jacobs Road, Mount Compass
Assessment No.	A 15013
Relevant Authority	Alexandrina Council
Planning Zone	Landscape (Pt Elliot & Goolwa District)
Nature of Development	Detached dwelling, rainwater tank & demolition of existing detached dwelling
Type of Development	Non-complying
Public Notice	Category 3
Referrals	SA Country Fire Service
Representations Received	3
Representations to be heard	Nil
Date last inspected	30 July 2009
Recommendation	Approval with conditions
Originating Officer	David Zanker

**THE PROPOSAL**

**Nature of Development**

This application seeks to develop a detached dwelling on a single allotment where a dwelling exists in a Landscape (Port Elliot and Goolwa District) Zone. The development of a dwelling where an original dwelling exists is listed as a non-complying form of development within this zone.

The applicant is seeking to construct the second dwelling whilst residing in the existing detached dwelling, thus resulting in two dwellings on a single title. The original dwelling is to be removed entirely from the subject site within six months of completion of the proposed dwelling.

**Detailed Description**

The proposed dwelling consists of 5 bedrooms (one with an ensuite), lounge, family and dining area, kitchen, study store, bathroom, laundry, toilet and verandah and deck around the entire dwelling.

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### 3.3 455/1449/08 – Matthew & Sarah Viney (Continued)

The proposed dwelling is to be constructed of hardiflex sheeting 'beige', and will incorporate a colorbond roof ('slate grey') with a pitch of 27.5 degrees. Overall the height of the dwelling (inclusive of site works) does not exceed 8 meters in height.

The proposal includes three rainwater tanks, each with 5,600 gallon (25,458 litre) capacity and a 20,000 litre tank for fire fighting purposes.

Due to the slope of the land, the proposed dwelling is required to be constructed on stumps and will be elevated 3.45 metres from the finished floor level and ground level. A small amount of site works is required due to the design of the proposed dwelling. Access is provided by Jacobs Road, that is an existing gravel road.

The proposed dwelling is to be sited approximately 110 metres from the western boundary, 130 metres to the northern (road) boundary, 150 metres to the southern boundary and 500 metres from the eastern boundary.

Effluent disposal will be via an Enviro Cycle System with associated 200 sq m irrigation area sited south west of the proposed dwelling.

#### **SUBJECT LAND & LOCALITY**

The subject land consists of an irregular shaped allotment comprising an area of some 30 hectares located approximately 1.5 km north west of the Mount Compass Township. The subject site is located within the Landscape (Port Elliot and Goolwa District) Zone, as depicted on Map Alex/45 of the Council's Development Plan, Consolidated 20 March 2008.

The land is formally identified as Lot 2 in FP 11428, Hundred of Nangkita contained within Certificate of Title Volume 5493 Folio 62.

The subject land contains an existing single storey detached dwelling and an associated outbuilding located within the north west portion of the site. Located approximately in the centre of the site is a large zincalume shed.

There is a large dam located in the northern portion of the site, with three smaller dams scattered throughout the property. A great deal of native vegetation has been cleared from the site in previous years, with the majority of the land being used for grazing purposes. A portion of vegetation exists in the eastern and south west corners of the allotment, valley areas traversing the site, and surrounding the existing dwelling.

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3.3 455/1449/08 – Matthew & Sarah Viney (Continued)

A telecommunications tower is located in the north west corner of the site, and is adjacent to the vehicle access point to the land.

There are a number of dwellings located on large rural allotments (average 2 hectares) to the west in between the subject site and Victor Harbor Road. Land to the north and east of the allotment is generally free of development and is used for grazing purposes. Land to the South, fronting Bahloo Glen Road is used for a mixture of horticulture purposes.

- 18 Moved Cr Gartrell seconded R Sage that the Development Assessment Panel grant Approval to Development Application 455/1449/08, for the construction of a detached dwelling, rain water tanks, and the removal of the existing detached dwelling at Lot 2 Jacobs Road, Mount Compass, subject to the concurrence of the Development Assessment Commission, and following the following Conditions.

**Council Conditions**

1. Any additional excavated material not required as fill for the site shall be removed immediately after excavation to prevent bogging and soil washing away.
2. The development herein approved is to be carried out in accordance with plans and details accompanying this application (amended plans received by Council on 2 July 2009)
3. No part of the approved dwelling, inclusive of fill, shall be higher than eight (8) metres as measured from the existing natural ground level to the top of the building.
4. Excavation of the site shall be kept to a minimum to preserve the natural form of the land, and be managed in such a way as to prevent erosion.
5. All stormwater drainage shall discharge so that it does not flow or discharge onto land adjoining owners or, in the opinion of Council, Detrimentially affect structures on this site or any adjoining land.
6. The proposed demolition shall be carried out in accordance with the following:

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3.3 455/1449/08 – Matthew & Sarah Viney (Continued)

- Access to and in the vicinity of the site by the public before, during and after demolition (until the site is cleared) is to be restricted and as such the area must be secured by an approved barrier;
  - Any dust or similar products arising from the demolition must be controlled and kept within the site as far as is reasonable;
  - All demolition materials are to be removed from the site, and the site is to be left in a clean and tidy condition;
  - The demolition, transport and disposal of asbestos products, is subject to legislative control and must be handled in accordance with those requirements. Contact the Dept for Administrative and Information Services, Industrial Affairs - Mineral Fibres Branch (asbestos enquiries) on 8303 0400 for further information and relevant approvals. Australian Standard AS 2601 Demolition of Structures, should be referred to for demolition procedures.
7. Complete demolition of the existing dwelling is to be completed within 3 months of completion and occupation of the approved dwelling.

Note: Disconnection of services and the undertaking of public liability insurance is the responsibility of the person supervising the works.

Council Notes

- Any clearance of native vegetation will require approval from the Native Vegetation Council.
- Encumbrances, although not administered by Council, may apply to your property. You are therefore advised to check for encumbrances on your Certificate of Title prior to commencing work.
- Owners of adjoining land shall be advised of the proposed demolition at least 24 hours before the work commences.

South Australian Country Fire Service Conditions

1. Landscaping shall include Bushfire protection features that will prevent or inhibit the spread of bushfire and minimise the risk of life and damage to buildings and property.
2. Maintain existing garden to be free of accumulated dead vegetation.

CARRIED



3.4 455/210/09 - River Gum Homes Pty Ltd

**SUMMARY TABLE**

Date of Application	12 March 2009
Subject Land	Lot 11 Goolwa Channel Drive, Hindmarsh Island
Assessment No.	A 9316
Relevant Authority	Alexandrina Council
Planning Zone	Holiday House (Hindmarsh Island) Zone
Nature of Development	Detached Dwelling – Single Storey
Type of Development	Non-complying
Public Notice	Category 3
Referrals	Dept Water, Land Biodiversity & Conservation
Representations Received	1
Representations to be heard	Nil
Date last inspected	14 March 2009
Recommendation	Approval subject to conditions and notes, and concurrence from the Development Assessment Commission
Originating Officer	Andrew Houlihan

**BACKGROUND**

General Manager of Planning and Development Services has resolved to proceed with the assessment of the Development Application under delegation.

The site is located at Lot 11 Goolwa Channel Drive and has an area of 1040m<sup>2</sup>.

The Application is subject to the Development plan consolidated on the 19 January 2009.

A Land Management Agreement (LMA) currently exists on the property and has specific conditions relating to the erosion and health of the site and surroundings. The Application is considered to generally comply with the LMA. A copy of this LMA has been included in the attachments for the readers convenience.

3.4 455/210/09 – River Gum Homes Pty Ltd (Continued)

**THE PROPOSAL**

**Nature of Development**

The Development Application involves the construction of a single storey detached dwelling on the subject site. The dwelling is proposed to be located 12.3m from the waters edge.

Principle of Development Control 18 for the Holiday House (Hindmarsh Island) Zone states:

***PDC 18*** *The following kinds of development are non-complying in the Holiday House (Hindmarsh Island) Zone:*

*Detached Dwellings with the exception of:*

*(a) dwelling extensions;*

*(b) dwelling replacement;*

*(c) dwelling associated with the Government exchange programme*

*Development within 25 metres of the foreshore with the exception of jetties, landings or structures required for the stabilisation of the water's edge*

A proposed new dwelling is considered to be a non-complying form of development and as the development is proposed to be located less than 25m from the foreshore pursuant to the above this also triggers the non-complying nature.

**Detailed Description**

The proposal involves the construction of a single storey detached dwelling on the subject site. From the plans provided, the dwelling is setback approximately 13.60m from the front (road) boundary, 1m from the western side boundary, and 3.33m from the eastern side boundary and 12.4m from the Southern boundary or waters edge, as shown on the Site Plan.

The proposed dwelling is a rectangular shape with a footprint measuring 25.3m x 14.7m (343.28m<sup>2</sup>) and is proposed to be finished in colorbond cladding (sandbank 0962) with a 14 degree pitch roof a with a colorbond finish (Woodland Grey).

3.4 455/210/09 – River Gum Homes Pty Ltd (Continued)

**SITE & LOCALITY**

The subject site is one of a group of 26 residential sized allotments located along the southern side of Hindmarsh Island directly adjoining the Murray River and opposite the Murray Mouth. The subject site is one of the last remaining blocks to be developed.

The subject site is a rectangular allotment measuring 18.5m wide and is approximately 55m in depth. The subject site includes the waters edge and rises up approximately 1m to a level plateau.

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

The subject site is relatively level and devoid of any significant vegetation. There is an existing shed located on the Northern (road) boundary.

19 **Moved R Sage seconded Cr Gartrell that the Development Assessment Panel grant Development Plan Consent to Development Application 455/210/09 for a Detached Dwelling at 33 Goolwa Channel Drive Hindmarsh Island subject to the following conditions and notes, and subject to concurrence of the Development Assessment Commission.**

**Council Conditions**

1. The development herein approved to be carried out in accordance with the plans and details accompanying this application (amended plans received by Council on the 23 March 2009).
2. The external finishes to the building or structure shall be in accordance with the materials as specified in the application as approved.
3. Where cut and fill in excess of 300m is required as a result of the proposed development, retaining walls or other suitable soil retention devices shall be employed.

3.4 455/210/09 – River Gum Homes Pty Ltd (Continued)

4. All storm water drainage shall discharge so that it does not flow or discharge onto land of adjoining land owners or, in the opinion of Council, detrimentally affect the structures on this site or adjoining land.
5. The area between the finished floor level and finished ground level shall be in filled with an appropriate material and colour to match the dwelling to the satisfaction of Council prior to occupation of the of the dwelling.
6. Finished Floor Level shall be a minimum of 2.10 AHD
7. Waste Control approval must be granted before Development Approval can be issued.

DWLBC Condition

1. During construction the property must be appropriately managed as to prevent erosion and pollution of the subject site and the environment, including keeping the area in a tidy state and ensuring any waste materials are placed into bins, to ensure no pollutants (including excavation and fill material) enter the River Murray system.
2. Storm water run-off from the dwelling must be directed to a 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 must be managed to prevent erosion or pollution of the site and the River Murray, and diverted away from wastewater disposal areas, such as septic tanks and aerobic systems.
3. All fill brought to the site must be clean and not be contaminated by construction or demolition debris, industrial or chemical matter, or pest plant material.

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 through his or her actions or activities.

3.4 455/210/09 – River Gum Homes Pty Ltd (Continued)

2. The applicant is advised that any proposal to clear 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. Note that 'clearance' means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal of branches, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information on native vegetation and Native Vegetation Act 1991 requirements visit: <http://www.dwlbc.sa.gov.au/native>.
3. If the applicant wishes to use water from the River Murray, which is a prescribed watercourse, they will be required to apply to the Department of Water, Land and Biodiversity Conservation (DWLBC) for a Water Licence. Further, should the applicant wish to drill a bore, they will also need to apply to the DWLBC for a Well Construction Permit. For further information contact the DWLBC Water Licensing Unit on 8595 2203 or visit <http://www.dwlbc.sa.gov.au/licensing/forms/index.html>.
4. The applicant is strongly encouraged to incorporate locally indigenous native plant species into any landscaping activities at the site to enhance the natural character of the locality, stabilise soils and provide habitat for native species. For information on appropriate species to be planted, please contact State Flora at Bremer Road, Murray Bridge on telephone 8539 2105, or visit [www.stateflora.com.au](http://www.stateflora.com.au).
5. The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation. Under section 20 of the Aboriginal Heritage Act 1988 (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains.
6. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act.

.../cont.

3.4 455/210/09 – River Gum Homes Pty Ltd (Continued)

7. The applicant is advised that there is an Aboriginal site located in the vicinity of the subject land. The applicant should consult with the relevant Aboriginal organisation prior to the commencement of any works:

Ngarrindjeri Heritage Committee  
Chairperson: Tom Trevorrow  
PO Box 126  
MENINGIE SA 5264  
Tel: (08) 8575 1557  
Fax: (08) 8575 1448

This advice does not obviate any considerations that may apply to the Australian Government's Environment Protection and Biodiversity Conservation Act 1999 (Cwth).

These conditions and notes include consideration of social and cultural issues and they are applied in order to help achieve the balance between the economic and environmental sustainability of the regions that include the River Murray system.

In determining this response I have had regard to, and have sought to further, the Objects and Objectives of the River Murray Act 2003. Please forward a copy of the decision notification marked to the attention of:

Mr Daniel Walton  
NRM Planning Unit  
Department of Water, Land and Biodiversity Conservation  
GPO Box 2834  
ADELAIDE SA 5001

Any comments or queries relating to the contents of this correspondence may be directed to Mr Daniel Walton on telephone 8463 6850 or via e-mail at [Walton.Daniel2@saugov.sa.gov.au](mailto:Walton.Daniel2@saugov.sa.gov.au).

CARRIED

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION / COMMUNITY TITLE

ITEM 6. MATTERS REFERED FOR FOLLOW-UP

ITEM 7. GENERAL ITEMS FOR DISCUSSIONS

7.1 Ben Stokes - Sapot - Operator Training Application - Lot 592 Yundi Road, Yundi

File Ref: 3.14.001

REPORT

Earthworks that were seen to be undertaken on the Yundi property were not undertaken by the Applicant of the Operator Training business (applicant Ben Stokes – SAPOT) but rather Mr Wooding – the land owner.

Previous advice was that if Mr Wooding was only using his own excavated material for his own purposes on his own land and not for financial gain, Council could not consider the activity to be development. It was a consideration that if the SAPOT application was refused, SAPOT would leave the site and not undertake repatriation of the damage caused by Mr Wooding.

It would not be possible to determine what work, if any, was undertaken by SAPOT to issue any type of enforcement notice to them.

Any enforcement direction to Mr Wooding would have to be made under other legislation if the activities he is undertaking on site are not development.

20 Moved Cr Gartrell seconded Cr Medlyn that the report be received.

CARRIED

ITEM 8. NEXT MEETING

The next Development Assessment Panel meeting will be held on Tuesday 29<sup>th</sup> September 2009 with the time to be advised.

Meeting closed at 12:02 p.m.

MINUTES CONFIRMED .....

Chair

DATED: .....