

# ALEXANDRINA COUNCIL

## NOTICE OF MEETING

Notice is hereby given to the Members that a meeting of the Development Assessment Panel 2007 will be held in the Community Chambers "Wal Yuntu Warrin" on 19 February 2007 commencing at 12:00 pm

Your attendance is requested.

12:00 noon            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 19 FEBRUARY 2007 AT 12:00 PM  
IN COMMUNITY CHAMBERS "WAL YUNTU WARRIN"

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**Development Assessment Panel  
Report and Agenda  
on 19 FEBRUARY 2007 commencing at 12:00 pm  
in the Community Chambers "Wal Yuntu Warrin"**

PRESENT

APOLOGIES

IN ATTENDANCE

ITEM 1      CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on 18<sup>th</sup> December 2006 with the following amendments:

- Add **Councillor R Medlyn** to the apologies.
- Item 8.1 Adelaide Blue Gum Pty Ltd v Alexandrina Council  
Resolution for this item should read as follows:  
**The Development Assessment Panel determined that although they did not support Development Applications 455/1455/05 and 455/1456/05 for Commercial Forestry they had no option but to follow the advice of Council's legal representative and allow him to take the best course of action on the Panels behalf, realising that this would probably lead to approval by the ERD Court.**

RECOMMENDATION

That the minutes of the Alexandrina Council Development Assessment Panel held on 18<sup>th</sup> December 2006 as circulated to members be received as a true and accurate record with the following amendments:

- Add **Councillor R Medlyn** to the apologies.
- Item 8.1 Adelaide Blue Gum Pty Ltd v Alexandrina Council  
Resolution for this item should read as follows:  
**The Development Assessment Panel determined that although they did not support Development Applications 455/1455/05 and 455/1456/05 for Commercial Forestry they had no option but to follow the advice of Council's legal representative and allow him to take the best course of action on the Panels behalf, realising that this would probably lead to approval by the ERD Court.**

ITEM 2. **DEVELOPMENT APPLICATIONS**

2.1 455/D073/06 - Kinsmen Developments Pty

**SUMMARY TABLE**

Date of Application	11 <sup>th</sup> August 2006
Subject Land	Lot 500+ O'Connell Avenue, Hindmarsh Island
Assessment No.	A16085
Relevant Authority	Alexandrina Council
Planning Zone	Residential West (Hindmarsh Island)
Nature of Development	Land division creating 54 extra lots
Type of Development	Consent / Merit
Public Notice	Category 2
Referrals	Planning SA, EPA, DWLBC, SA Water, Transport SA, DAIS, DECS, Native Vegetation Council
Representations Received	2
Representations to be heard	Nil
Date last inspected	February 2007
Recommendation	Approval
Originating Officer	Andrew Sladden

**ESD IMPACT/BENEFIT**

- Environmental Increase in density and therefore use of services, pollution, etc.
- Social Greater availability of housing on Hindmarsh Island.
- Economic Increase in rate base, but also increase in service provision required.

**BACKGROUND**

The subject site is relatively flat and devoid of vegetation, being previously used for cropping and grazing. The site consists of nine existing allotments, all with frontages to O'Connell Avenue. Two applications have been lodged over the subject site comprising:

.../cont.

2.1 455/D073/06 – Kinsmen Developments Pty (Continued)

1. Development Application 455/D072/06 – Land Division involving the amalgamation of these nine allotments into two allotments comprising proposed allotment 1 (1.36ha) which contains most of the existing buildings and Allotment 777 (7.25ha). This was the subject of Category 2 Public Notification and as no representations were received, will be granted Development Approval under delegation as it complies with the Alexandrina Development Plan.
2. Development Application 455/D073/06 – Land Division creating 54 additional allotments from lot 777 created pursuant to Development Application 455/D072/07. As this was the subject of Category 2 Public Notification and two representations have been received, this application is being presented to DAP for a decision.

**THE PROPOSAL**

**Nature of Development**

The Development involves the creation of 54 additional allotments from proposed lot 777 (7.25ha) along with associated roads and infrastructure.

Principle of Development Control 29 for the Residential West (Hindmarsh Island) Zone states the following:

29: The following kinds of development are **non-complying** in the Residential West (Hindmarsh Island) Zone.

Land division within Conservation Areas A & B unless Principle 28 is met

Principle of Development Control 28 for the Residential West (Hindmarsh Island) Zone states:

28: Conservation Area A and B should be designated as a separate allotment within a plan of division or part of the common land under a community title scheme.

Conservation Area A and B referenced by the abovementioned Principle are shown on Fig RW (HI)/1. Pursuant to Principle 28 above, Conservation area B falls within this Plan of division and has been designated as a separate allotment (1.65ha reserve). Therefore, the proposed development is considered to comply with Principle 28 and hence is considered to be a Consent/Merit form of development

.../cont.

## 2.1 455/D073/06 – Kinsmen Developments Pty (Continued)

### Detailed Description

Allotment 777 created from Land division 455/D072/06 is approximately 7.25ha. It is proposed to divide this allotment into a further 54 residential lots with a 1.65ha section of land in proposed Conservation Area B being designated as a reserve which acts as a buffer between the River Murray and the proposed residential development.

The proposed residential allotments (lots 2 to 55) all have frontages to either O'Connell Avenue or the roads proposed to be constructed as part of this application and vary in size from 449m<sup>2</sup> to 2096m<sup>2</sup>. It is also noted that all of the proposed allotment are located at least .3m above the 1956 flood level.

Although the majority of allotments are of average residential size, being 700m<sup>2</sup> to 900m<sup>2</sup>, there are a number of smaller lots between 450m<sup>2</sup> and 600m<sup>2</sup> and a small number of larger lots over 1000m<sup>2</sup>.

REFER ATTACHMENT 2.1(a) (page 1)

### SITE & LOCALITY

The subject site is a 7.25ha allotment created as the result of Land Division 455/D072/06. The allotment is L shaped with frontage to O'Connell Avenue and the River Murray. The subject site is grazing land which consists of gently sloping hills and is currently used for grazing and farming. As a result, it is devoid of any significant vegetation.

The locality is a mix of large residential allotments located along the northern side of O'Connell Avenue with frontages to the River Murray and grazing land to the southern, western and eastern side of O'Connell Avenue. The residential allotments contains large dwellings of varying design and appearance.

### PUBLIC NOTIFICATION

Principle of Development Control 31 for the Residential West (Hindmarsh Island) Zone states the following:

- 31: For the purpose of Section 38(2) of the Development Act 1993, the following kinds of development are assigned as Category 2 Development in the Residential West (Hindmarsh Island) Zone.

Land division

.../cont.

## 2.1 455/D073/06 – Kinsmen Developments Pty (Continued)

Pursuant to the above, the proposed development has been treated as Category 2 for the purposes of Public Notification.

Adjoining land owners were notified on 12 December 2006 and invited to lodge representations by 29 December 2006. Two representations were received within the prescribed timeframe. Although neither representor specifically objected to the proposed development, they both commented that larger allotments would be more appropriate.

REFER ATTACHMENT 2.1(b) (page 31)

The applicant has also submitted a response to the representation. They have provided a justification of the allotment sizes.

REFER ATTACHMENT 2.1(c) (page 33)

### REFERRALS

The application was referred by the Development Assessment Commission (DAC) to the following external agencies:

- Planning SA
- SA Water
- Department of Water, Land, Biodiversity and Conservation (DWLBC)
- Transport SA
- DAIS
- DECS
- Native Vegetation Council
- Environment Protection Authority

Transport SA, the Native Vegetation Council, DECS and DAIS all had no comments to make. Planning SA are incorrect in their assessment in that they have declared the proposed development to be non-complying, however have recommended two conditions of approval.

The Development Application was referred to the EPA by DAC pursuant to Schedule 8, 10 (b); Schedule 21, 7(7)(b) of the Development Act 1993 as it is a land division creating 50 or more allotments.

The EPA has advised that as long as appropriate wastewater and stormwater management plans are in place they support the development subject to two conditions and two notes.

.../cont.

## 2.1 455/D073/06 – Kinsmen Developments Pty (Continued)

SA Water have no objections to the proposed development provided that their financial and augmentation requirements are met.

DWLBC have advised that they have no objections to the proposed land division provided that their standard note advising the applicant to be aware of their general duty of care to prevent any harm to the river is attached to the approval.

### CONSULTATION

Consultation has been undertaken with Council's Technical Services Department (TSO Matt James) on the issues of infrastructure. The applicant was requested to provide Council with a Stormwater and Wastewater Management Plan which was subsequently submitted and approved by the Technical Services Officer.

### ALEXANDRINA COUNCIL DEVELOPMENT PLAN

As the application was lodged in August 2006, it has been assessed against the Alexandrina Development Plan consolidated 22 June 2006. The following Principles of Development Control are seen as especially relevant to this application:

#### Council wide Objectives

##### Form of Development

**Objective 1:** Orderly and economic development.

**Objective 2:** A proper distribution and segregation of living, working and recreational activities by the allocation of suitable areas of land for those purposes.

##### Comment

It is noted that as the subject site is located within a residential zone and the allotments meet the minimum standards, the development is appropriate and complies with the above.

##### Residential

**Objective 5:** The establishment of safe, attractive and pleasant residential areas comprising residential development of a scale, form, density and appearance that maintains or achieves the desired character of specific zones and, where applicable, policy areas.

.../cont.



2.1 455/D073/06 – Kinsmen Developments Pty (Continued)

**Objective 6:** The location, design and density of residential development providing an efficient and effective use of established and new urban infrastructure and services.

**Objective 7:** A range of dwellings that meets the needs of residents, including accommodation designed and located to meet the specific needs of the aged and people with disabilities.

**Objective 8:** The creation and maintenance of an attractive living environment.

**Objective 9:** Protection and enhancement of eco-systems and natural site features.

**Comment**

The proposed land division is considered to comply with the above, particularly given that it is located within an area which has been designated for this type of residential development. The development provides a range of residential allotments (449m<sup>2</sup> to 2096m<sup>2</sup>) and the location of the reserve along the river frontage will help to protect the river and its ecosystems.

**Movement of People and Goods**

**Objective 17:** The safe and efficient movement of people and goods.

**Comment**

As the road pattern has been approved by Council's Technical Services Officer, it is considered to comply with the above.

**Waste Management**

**Objective 24:** The orderly and economic development of waste management facilities inappropriate locations.

**Objective 25:** Minimisation of environmental impacts from the location and operation of waste management facilities.

**Objective 26:** Waste management facilities to be protected from incompatible development.

.../cont.

2.1 455/D073/06 – Kinsmen Developments Pty (Continued)

**Comment**

A Stormwater and Wastewater Management Plan has been provided by the applicant which has been assessed and approved by Council's Technical Services Officer. The applicants are proposing to construct a reticulated full sewerage scheme which will drain into the existing Hindmarsh Island Sewerage Treatment Works located at the Hindmarsh Island Marina. On this basis, the proposal is considered to comply with the above.

**Conservation**

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

**Open Space**

**Objective 33:** The conservation and preservation of flora, fauna, and significant areas of bushland, and the creation of recreation areas by establishing parks and reserves.

**Comment**

As the waterfront area will be utilised as a reserve, the proposal is considered to comply with the above.

**Council Wide Principles of Development Control**

**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;
  - (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;

.../cont.

2.1 455/D073/06 – Kinsmen Developments Pty (Continued)

- (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.

8: Land capable of being connected to an existing common effluent drainage system should not be divided unless appropriate financial and, where necessary, easement arrangements for connection are made.

.../cont.

2.1 455/D073/06 – Kinsmen Developments Pty (Continued)

- 9: Land should not be divided where the plan of division does not take account of any significant natural features on, or associated with the land.
- 10: Division of land which is not capable of being connected to a public water supply should not be undertaken unless it is to be connected to an existing, or proposed, private water supply scheme with a source of water of acceptable magnitude and reliability, a standard of construction and operation, and quality of water, capable of meeting the ongoing requirements of the communities served, and a satisfactory legal arrangement between the parties concerned.

**Comment**

The proposal is generally considered to comply with the abovementioned Land Division Principles of Development Control, particularly given the fact that the subject site is generally level, devoid of vegetation and located within a Zone which supports this particular type of Land Division.

**Movement of People and Goods**

- 178: The construction of access ways onto public roads should:  
(a) not interfere with or restrict drainage channels or watercourses;  
(b) be located in a safe and convenient location; and  
(c) provide adequate parking/turning areas on site.
- 179: Road construction should be designed to blend with the landscape and be in sympathy with the terrain.

**Comment**

As the road design has been approved by Council's Technical Services Officer, the proposal is considered to comply with the above.

**Land division**

- 237: Land should not be divided, or allotment boundaries rearranged, in such a way that development of the resulting allotments in accordance with the objectives and principles of development control would result in a greater risk of pollution of surface or underground waters than would development of the existing allotments.
- 238: Land should not be divided, or allotment boundaries rearranged in a way which increases the number of allotments or part allotments over areas of native vegetation.

.../cont.

2.1 455/D073/06 – Kinsmen Developments Pty (Continued)

- 239: The size, shape and layout of allotments should be determined with regard to physical characteristics and the intended use of the land.
- 240: Allotment boundaries should be located where interference with native vegetation and drainage lines will be minimal and in locations which enhance the management of the natural features.
- 241: No land division should take place which may lead to or result in the over exploitation or pollution of a water resource.
- 242: Land division should only occur where:  
(a) the land is suitable for its intended or particular use;  
(b) the development proposed for the land will not destroy or impair materially significant natural features on the land or the character thereof; and  
(c) convenient interconnection with other roads and allotments is provided where appropriate.

**Comment**

Given the topography of the site, the lack of vegetation and the proposal's compliance with the allotment standards and general provisions of the Zone, it is considered to comply with the above.

**Residential West (Hindmarsh Island) Zone**

- Objective 1:** The establishment of a compact residential precinct in accordance with Fig RW(HI)/2, comprising primarily of detached dwellings together with public and private recreational facilities clustered in appropriate locations.
- Objective 2:** Retention of a defined edge between urban and rural development.
- Objective 3:** The maintenance of the water quality of Lake Alexandrina and the River Murray.
- Objective 4:** The protection and enhancement of the amenity of the waterfront.
- Objective 5:** Protection of the foreshore and biodiversity including important bird habitat areas and native vegetation.

.../cont.

2.1 455/D073/06 – Kinsmen Developments Pty (Continued)

**Objective 6:** Provide public access to and along the foreshore in areas where the environmental impacts can be appropriately managed.

**Objective 7:** Conservation of Aboriginal sites, items and areas that are of archaeological, cultural, mythological or anthropological significance.

**Comment**

As the development involves the creation of a 1.65ha reserve along the river frontage which will provide access to the public and protect the foreshore from development, the proposed development is considered to comply with the abovementioned objectives.

**Principles of Development Control**

- 1: Development undertaken in the Residential West (Hindmarsh Island) Zone should primarily be detached dwellings, with individual designs that contribute to the riverfront location through compatible and appropriate external building colours and materials, inclusion of verandas and appropriate pitch and forms of roof lines.
- 2: Allotment sizes should vary in order to promote an interesting streetscape.
- 3: Development design, construction and the use of land should take place in a manner which:
  - (a) does not cause existing vegetation to be viewed as a fire hazard requiring removal;
  - (b) provides linkages and corridors between key areas of native vegetation; and
  - (c) rehabilitates degraded areas that are an intrinsic component of the nature conservation network.

**Comment**

The proposal is generally considered to comply with the above, particularly as the allotment pattern is mixed and will provide a wide variety of allotments for residential purposes. As there is no existing native vegetation it is considered to comply with Principle 3, above.

**Public Utilities**

- 18: No allotments should be created without a substantial quantity and quality of potable and non potable water supply being provided.

.../cont.

2.1 455/D073/06 – Kinsmen Developments Pty (Continued)

- 19: Underground electricity, telephone and other services should be provided to all forms of development.
- 20: All allotments created by land division should be connected to, or be capable of connection to an approved package sewerage treatment plant.
- 21: Development should, where practicable, cater for the boating needs of the community by including a boat launching facility and boardwalk in accordance with [Fig RW\(HI\)/2](#).
- 22: Adequate fire fighting facilities should be provided throughout the zone.

**Comment**

As Council's Technical Services Officer has provided consent to the application and SA water have provided a favourable referral response, it considered that the infrastructure requirements are met.

**Land Division**

- 23: Land division should be designed and orientated to ensure that:  
(a) dwellings are sited to minimise the amount of cut and fill on the land;  
(b) the need for retaining walls is avoided or minimised;  
(c) residential streets generally follow the contours of the land;  
(d) the disposition and form of the allotments encourage energy efficient housing siting and design;  
(e) appropriate stormwater management principles are applied to ensure that the development does not adversely affect the water quality of the River Murray; and  
(f) existing natural features such as ridgelines, any remnant vegetation and opportunities for linkages shall be taken into consideration.
- 24: Land should not be divided unless for residential purposes and:  
(a) the average allotment area in the plan of division be not greater than 600 square metres; and  
(b) all allotments have a minimum area of 400 square metres and a maximum area of 1200 square metres.
- 25: Land should not be divided in a manner that may prevent or impede the satisfactory future division of the land, or any part thereof, for residential use in accordance with the primary objective of the zone and the desired range of allotment area for the zone.

.../cont.

2.1 455/D073/06 – Kinsmen Developments Pty (Continued)

- 26: Allotment boundaries to be created adjacent the foreshore should maintain an average width of 14.0 metres, and have a minimum width of 12.0 metres so as to provide a range of allotment sizes, which will serve to diminish the density of resultant residential development.
- 27: Plans of land division should identify building envelopes on each of the proposed allotments that take into account the topography and natural features of the site.
- 28: Conservation Area A and B should be designated as a separate allotment within a plan of division or part of the common land under a community title scheme.

**Comment**

Given the fact that the proposed land division generally complies with the objectives of the Zone it is considered to comply with the above. It is noted however, that pursuant to Principle 24 above, although the average allotment area is over 1000m<sup>2</sup>, the proposal is at variance with part (b) in that there are five allotments with an area greater than 1200m<sup>2</sup>. As these allotments are located closest to the river front and directly abutting the proposed reserve, the size of these allotments are considered to be acceptable as they provide a suitable buffer between the development and the reserve. It is also noted that pursuant to Principle 27 above, the applicant has not provided plans and details of building envelopes. Due to the topography of the site and the fact that it is reasonably level and devoid of vegetation, it is not envisaged that there will be any problems in locating dwellings on these lots.

**RECOMMENDATION**

That the Development Assessment Panel grant Development Approval to Development Application 455/D073/06 for a Land Division creating 54 Additional Allotments at Lot 500 O'Connell Avenue, Hindmarsh Island subject to the following conditions:

**Council Conditions**

1. The developer shall be responsible for the provision of all necessary infrastructure.
2. All new roads created shall be paved and kerbed.
3. A paved footpath is to be provided on one side of each new road.

.../cont.



2.1 455/D073/06 – Kinsmen Developments Pty (Continued)

4. A system for the collection and disposal of stormwater runoff including any upstream catchments is to be provided to a standard conforming to Councils 'Guidelines'. The stormwater infrastructure is to be design, installed and all encumbrances enforced as per The Stormwater & Wastewater Management Plan supplied by MCE Consulting Engineers Pty Ltd.
5. Each allotment shall be connected to Electricity and Telecommunications.
6. Street lighting shall be provided to each new road.
7. Each allotment to be connected to a Septic Tank Effluent Disposal (STED) Scheme or approved similar. All sewer infrastructure shall be designed and constructed as per SA Water requirements. No onsite disposal will be allowed.
8. Adequate easements for stormwater and STED/Sewer Scheme lines shall be provided and vested in Council or appropriate authority.
9. Reserve, Drainage Reserve or Open Space shall be cleared of any pest plants and long grass etc.
10. Protection of significant vegetation.
11. A Soil Erosion and Drainage Management Plan (SEDMP) prepared and approved by Council prior to Section 51 Clearance being issued.

Planning SA Conditions

12. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and argumentation. (SA Water 90121/06)
13. Two copies of a certified survey plan shall be lodged for Certificate purposes.

DWLBC Condition

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

.../cont.

2.1 455/D073/06 – Kinsmen Developments Pty (Continued)

EPA Conditions and Notes:

15. The Development must be undertaken according to the amended plan of division, the report 'Stormwater and Wastewater Management' by MCE Engineering, October 2006, and the 'Construction Soil Erosion & Drainage Management Plan', w/s439 SEDMP-V 1&2.
16. An appropriate Construction Management Plan must be prepared, prior to construction, by the applicant and submitted to the Council. This plan must address the mitigation or minimisation of impacts (especially from noise and dust) during the construction phase. Dust generated by machinery and vehicular movement during site works, and any open stockpiling of soil or building materials at the site, must be suppressed by regular application of water to ensure that dust generation does not become a nuisance off-site. Site development machinery should generally not be operated outside the hours of 7am to 6pm Monday to Saturday and 9am to 6pm Sundays and public holidays.

Note: The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

Note: Any information sheets, guidelines, documents, codes of practice, technical bulletins etc.. that are referenced in this response can be accessed on the following website:  
<http://www.epa.sa.gov.au/pub.html>

ITEM 3. **DEVELOPMENT APPLICATIONS - NON COMPLYING**

3.1 455/1285/05 - Clarrhysa Vale Pty Ltd

**SUMMARY TABLE**

Date of Application	4 <sup>th</sup> November 2005
Subject Land	Lot 51 Sneyd Road Mosquito Hill
Assessment No.	A4862
Relevant Authority	Alexandrina Council
Planning Zone	Watershed Protection 2
Nature of Development	Change of use – Rabbit Breeding Program (Intensive Animal Keeping)
Type of Development	Non-complying
Public Notice	Category 3
Referrals	Dept Water Land Biodiversity & Conservation Environment Protection Authority
Representations Received	2
Representations to be heard	2
Date last inspected	May 2006
Recommendation	Approval
Originating Officer	Andrew Sladden

**ESD IMPACT/BENEFIT**

- Environmental Potential for pollution of the environment.
- Social Provides meaningful employment for residents of the property.
- Economic Economic benefit to the property owner.

**BACKGROUND**

The subject site is a 44ha rural property located on Sneyd Road, Mosquito Hill. The subject site is being used for the breeding and grazing of cattle, sheep, goats and horses. The property currently is managed using Biodynamic Organic Farming Practices.

.../cont.

## 3.1 455/1285/05 – Clarrhysa Vale Pty Ltd (Continued)

There is an existing dwelling on the subject site. The owner of the property, Lorraine Eschenberg, has teenage foster children with moderate to severe intellectual disabilities, autism and psychiatric disorders and has set up the rabbit breeding program on the property to provide an activity and income for these children.

The Application was presented to the Development Assessment Panel meeting of 15 May 2006 where the Panel resolved to “proceed with the assessment of the Application”.

### **THE PROPOSAL**

#### **Nature of Development**

The Application involves a “change of use” of the land to allow commercial rabbit breeding to be undertaken on the subject site. Although the activity is already occurring, the purpose of this Development application is to obtain formal Development Approval for the change in land use. An activity of this nature falls within the definition of “Intensive Animal Keeping” pursuant to Schedule 1 of the Development Act 1993.

It is noted that Principle of Development Control 7 for the Watershed Protection 2 Zone states:

7: *All kinds of development are non-complying in the Watershed Protection 2 Zone, except the following:*

As “intensive animal keeping” is not listed under the above, it is considered to be a non-complying form of development.

#### **Detailed Description**

The program is being undertaken within an existing shed which was previously used for hay and equipment storage supporting the existing agricultural activities being undertaken on the site. There are currently 34 breeding does and 40 maiden or unmated does, however there is potential for expansion in the future. There is no slaughtering of the rabbits on site as they are removed from the property and sent to an abattoir.

The application involves the conversion of the existing storage sheds to a rabbit farming complex for the breeding of up to 300 Does and progeny (farrow/grower shed and workshop/store).

.../cont.

3.1 455/1285/05 – Clarrhysa Vale Pty Ltd (Continued)

A dry effluent sump is sited to the west of the proposed farrowing/grower shed and is 105 metres from the front boundary of the property, 165 metres from the eastern side boundary, 134 metres from the detached dwelling and 103 metres from the existing shearing shed. Worm pits (used for the disposal of waste) are sited to the north west of the proposed farrowing/grower shed and are 12 metres from the front boundary, 252 metres from the eastern side boundary and 201 metres from the detached dwelling.

The existing uses contained within the shearing shed to the south of the proposed complex, and the detached dwelling (situated on the highest point of the subject land), will continue. Indigenous vegetation has been planted to the edges of existing paddock boundaries to form wind breaks and native vegetation exists within the road reserve to each side of Sneyd Road. The existing buildings are serviced by an existing all-weather, rubble driveway. The existing driveway entrance is to the west of a slight bend in Sneyd Road. Sneyd Road is currently a 'No Through Road', as it is unmade to the north west of the subject land.

The complex is established on one level, towards the highest point of the subject land. The total floor area for the two sheds combined is approximately 912 m<sup>2</sup>. No slaughtering of rabbits will occur on the subject land, as they are transported to an off-site abattoir.

The existing buildings are uncomplicated in design and each comprise of one large, rectangular open area, to be occupied with several rows of cages and walkways. The dominant material used for the external surfaces is corrugated zincalume roof and wall cladding. A closed Dry Effluent Disposal System which involves no water usage, are incorporated into the existing sheds.

The Rabbit Farming Complex is to be operated in accordance with PIRSA's "Guidelines for Establishment of Commercial Domestic Rabbit Farms in SA", June 2000. It is proposed that up to six employees will be needed when the complex is fully operational. The application has been prepared in accordance with those guidelines and Planning SA's Advisory Notice 14 on Commercial Rabbit Farming.

The rabbit breeding operation is a closed dry operation, meaning that it is entirely contained within the existing shed and involves minimal water usage.

There are currently three employees (who all reside on the property) however more employees may be needed in the future should the operation expand.

REFER ATTACHMENT 3.1(a) (page 35)

.../cont.

3.1 455/1285/05 – Clarrhysa Vale Pty Ltd (Continued)

**SITE & LOCALITY**

The subject site is a large rural property of 44ha. It is relatively level and there is an existing dwelling located in the north eastern corner of the site and three existing rural sheds located within 100m of the dwelling. The shed used for the proposed rabbit breeding program is within the north eastern corner of the property, located approximately 100m from the Sneyd Road boundary and 120m from the nearest (eastern) side boundary.

The locality exhibits an open rural character, with properties being utilised for grazing of cattle sheep and horses. A number of single storey detached dwellings can be found scattered around the locality with the nearest of these being located approximately 200m from the subject shed.

**PUBLIC NOTIFICATION**

The application was put on Category 3 Public Notification pursuant to Section 38(5) of the Development Act 1993 between 1 September 2006 and 14 September 2006.

Two representations were received within the prescribed time frame. Both of these representors have stated that they wish to be heard at the meeting.

It is noted that many of the issues raised these representations are not valid planning issues and should not be taken into consideration. However, the valid issues raised include, potential escape of rabbits, potential traffic increase, waste disposal and water catchment issues.

REFER ATTACHMENT 3.1(b) (page 67)

The applicant has also submitted a response to the representation. All of the valid issues raised have been addressed.

REFER ATTACHMENT 3.1(c) (page 77)

**REFERRALS**

The Application was formally referred to the River Murray Minister (Department of Water, Land, Biodiversity and Conservation) pursuant to Schedule 8, 20 (c) of the Development Act 1993 as the proposed development is located within the Murray River Tributaries Area.

The DWLBC have advised that the proposed development is unlikely to result in any harm to the River Murray System and have no objections to the application being approved subject to five conditions and five notes.

.../cont.

3.1 455/1285/05 – Clarrhysa Vale Pty Ltd (Continued)

Also, pursuant to Schedule 8, 10 (a) of the Development Act 1993, the application was referred to the environmental Protection Authority (EPA) as it involves a Non-complying development within the Mount Lofty Ranges Watershed Protection Area.

The EPA have advised that they have no objections to the proposed development provided that two conditions and two notes are added to the Approval.

**ALEXANDRINA COUNCIL DEVELOPMENT PLAN**

As the Development Application was lodged in November 2005, it has been assessed against the Alexandrina Development Plan Consolidated 1 September 2005.

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

**Council Wide Objectives**

**Mount Lofty Ranges Region**

**Objective 49:** The long term sustainability of rural production in the Mount Lofty Ranges Region ensured.

**Comment**

The proposed development is considered to comply with the above as it will allow the owner of the property to diversify in their farming practices in order to ensure the sustainability of the property.

**Watershed Protection**

**Objective 55:** The protection of the Mount Lofty Ranges Watershed against pollution and Contamination.

**Objective 66:** The prevention of development which could lead to a deterioration in the quality of surface or underground waters within the Mount Lofty Ranges Watershed.

.../cont.

3.1 455/1285/05 – Clarrhysa Vale Pty Ltd (Continued)

**Comment**

It is noted that although the proposed development has the potential to lead to pollution of the surface and underground water resources, the applicant has demonstrated that they have appropriate practices and management plans in place to minimise any potential pollution risk. This is evidenced by the support of both DWLBC and the EPA.

**Council Wide Principles of Development Control**  
**Mount Lofty Ranges Region**

- 73: Development within the Mount Lofty Ranges Region should be compatible with its use as a water catchment and storage area, and with its values as an area of agricultural production and scenic quality.
- 74: Development should primarily be limited to that which is essential for the maintenance of sustainable grazing, commercial forestry and mixed agricultural activities.
- 75: Activities which produce strong organic, chemical, or other intractable wastes, should not be established in the Mount Lofty Ranges Watershed.

**Comment**

The proposed development is considered to generally comply with the above particularly as it is a farming activity and is ancillary to the existing farming activities being undertaken on the subject site. Although the proposed activity has the potential to create waste, the management of this waste is considered to be acceptable as is evidenced by the support of DWLBC and the EPA.

**Form of Development**

- 76: Development should take place on land which is suitable for the intended use of that land having regard to the location and condition of that land and the objectives for the zone in which it is located.
- 78: Development should not take place if it may result in over exploitation of surface or underground water resources.

.../cont.



3.1 455/1285/05 – Clarrhysa Vale Pty Ltd (Continued)

- 80: Development should not detrimentally affect the amenity of its locality or cause nuisance to the community:
- (a) by the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, wastewater, waste products, electrical interference or light; or
  - (b) by stormwater, or the drainage of run-off from the land; or
  - (c) by the loss of privacy.
- 85: Development should not be undertaken if the construction, operation and/or management of such development is likely to result in:
- (a) the pollution of surface or groundwater;
  - (b) degradation of watercourses or wetlands;
  - (c) unnecessary loss or damage to native vegetation;
  - (d) the denudation of pastures;
  - (e) erosion;
  - (f) dust;
  - (g) noise nuisance;
  - (h) the introduction of or an increase in the number of pest plants or vermin;
  - (i) increased risk of flooding or impairment of stream water quality through the disposal of stormwater; or
  - (j) sealing of large areas of ground likely to result in increased stormwater run-off.

**Comment**

As the proposed activity is to be undertaken within an existing shed on the subject site, it is considered to comply with Principle 80, above. As the shed is located 122m from the eastern side boundary it is not considered to have any adverse impacts upon the adjoining property.

**Conservation**

- 104: Development should be undertaken with the minimum effect on natural features, land adjoining water, scenic routes or scenically attractive areas.
- 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.
- 114: Development should not detract from the natural and rural landscape character of the region.

.../cont.

3.1 455/1285/05 – Clarrhysa Vale Pty Ltd (Continued)

**Comment**

As the development is being undertaken within an existing building, it is considered to comply with Principle 104 and 114, above. Although the subject site is within the Mount Lofty Ranges Watershed, it is considered to comply with 108, above as its management is sufficient to not impact upon the water catchment area.

**Mount Lofty Ranges Watershed**

- 181: Development within the South Mount Lofty Ranges should be compatible with its use as a water catchment and storage area for a major urban water supply system.
- 182: Development should primarily be limited to that which is essential for the maintenance of sustainable grazing, commercial forestry and mixed agricultural activities.
- 183: Activities which produce strong organic, chemical, or other intractable wastes, should not be established in the Mount Lofty Ranges Watershed.
- 184: Activities which produce large amounts of wastewater should not be established in the watershed unless they can be connected to an approved sewerage or common effluent scheme.

**Comment**

Although the proposed development has the potential to produce waste which can potentially impact upon water supplies, the management practices for the controlling and disposal of this waste is considered to be appropriate and in accordance with the guidelines outlined in the relevant Planning SA guideline "Commercial Rabbit Farming".

**Watershed Protection 2 Zone**

**Objectives**

- Objective 1:** Protection of land within the zone from development which could contribute to the pollution of surface or underground water resources.

.../cont.

3.1 455/1285/05 – Clarrhysa Vale Pty Ltd (Continued)

**Principles of Development Control**

- 4: Development should ensure retention of existing vegetation in conjunction with safeguards for proper bushfire protection. Additional landscaping should be provided to screen development where appropriate.

**Comment**

The waste management practices being undertaken on the subject site will ensure compliance with the above objective. As the buildings being utilised for the development are existing, the proposal is also considered to generally comply with Principle 4, above as it will not involve the removal of any vegetation.

**CONCLUSION**

As the proposed development is utilising existing buildings and infrastructure on the subject site which are located a significant distance from the neighbouring property boundaries, the proposed development is considered to have little direct impact upon these neighbouring land owners, particularly given the fact that it is not an activity which generates any significant noise, smoke, dust or fumes.

Of some concern is the potential for pollution of the surrounding natural environment, particularly as the area is part of the Mount Lofty Water catchment area. It is noted, however, that the applicant has extensive management practices and waste disposal procedures in place which comply with Planning SA guidelines and are supported by both the Department of Water, Land, Biodiversity and Conservation and the Environment Protection Authority.

**RECOMMENDATION**

**That the Development Assessment Panel grant Development Approval to Development Application 455/1285/05 Change of Use - Rabbit Breeding Program (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 details submitted on 7 November 2005, the Statement of Effect and Plans and Details received by Council on 21 August 2006, subject to the following Conditions:**

.../cont.

- 3.1 455/1285/05 – Clarrhysa Vale Pty Ltd (Continued)
2. No slaughtering of animals shall be undertaken on the subject site.
  3. Management of the property should be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.
  4. 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.

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

5. During the construction the property shall be managed in a manner 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 being placed into bins to ensure no pollutants enter the River Murray.
6. Stormwater run-off from the buildings being directed into a storage tank or tanks. The capacity of the tank storage on site is to be equal to or greater than 20 litres per square metre of total roof area of all buildings on the site.
7. The development being able to manage stormwater and effluent so as to contain the quantity and quality of run-off by appropriate means. This may include, but are not limited to, measures such as:
  - a) Directing roof stormwater overflow from rainwater tanks to soakage trenches or to retention/overflow wells or sumps where large roof catchments are involved;
  - b) Utilizing grassed swales or natural drainage lines to accommodate the major flows from the land development; and
  - c) Establishing effluent sumps and proposed worm pits in such a way as to not catch stormwater runoff; and
  - d) Designing and bunding compost bins and transfer points so as to contain rainfall intensities of all average storm recurrence intervals to 25 years and a maximum duration of 24 hours.
8. The development not compromising the utilisation, conservation or quality of water resources or the capacity for natural systems to restore or maintain water quality.
9. The buildings being unobtrusive and harmonising with the surroundings through the use of paint or finishes being of natural colours.

.../cont.

3.1 455/1285/05 – Clarrhysa Vale Pty Ltd (Continued)

Note: The Applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray system through his or her actions or activities.

Note: 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.

Note: The River Murray and many of its tributaries and overflow areas, particularly 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 for Aboriginal Affairs and Reconciliation, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. Penalties may apply for failure to comply with the Act.

Note: The owner of land on which a watercourse or lake is situated or that adjoins a watercourse or lake must take reasonable measures to prevent damage to the bed or banks of the watercourse or the bed, banks or shores of the lake and to the ecosystems that depend on the watercourse or lake.

Note: The subject property is within the area of the Notices of Prohibition on taking Surface Water, Water from Watercourses and Wells in the Eastern Mount Lofty Ranges prescribed Water Resources Area.

If the proponent plans to utilise the surface water collected from the roofs of the two sheds they should be aware of:

- a) The area of the Notice of Prohibition on Taking Surface Water, Water from Watercourses and Wells in the Eastern Mount Lofty Ranges ('Notices of Prohibition'). This control would prevent the establishment of any new or additional use of watercourse, surface or underground water for any use other than stock and domestic during the period of the Notice (7 October 2005-7 October 2007).

.../cont.

3.1 455/1285/05 – Clarrhysa Vale Pty Ltd (Continued)

- b) The Eastern Mount Lofty Ranges Prescribed Water Resources. This means that should the proponents intend to use water on the property in the future, they must apply for a water licence. A water licence will be issued in accordance with the future water allocation plan that is yet to be developed; this plan will determine the status and feasibility of any proposed water use at the site.

Due to the current Notice of Prohibition and the prescription of water resources in the Eastern Mount Lofty Ranges, there is no guarantee that the proponents will be able at any time in the future to gain access to surface (including roof runoff), watercourse or underground water.

The collection and use of surface water from the roofs of sheds and other infrastructure for commercial, industrial or irrigation use needs to be authorised. It is noted however, that on March 16, 2006, the Minister announced in the South Australian Government Gazette, that surface water collected from roofs would be considered exempt from licensing requirements if the water collected was 500kL or less, and only used for commercial, industrial environmental or recreational use.

Initial estimates indicate that if the proponent collects water from both shed roofs, between 650 and 730kL could be captured and this activity would therefore require authorisation and licensing. Due to the Notice of Prohibition and the prescription of the Eastern Mount Lofty water resources, the proponent would only be able to take water from roof runoff (surface water) for the proposed development provided the water collection does not exceed 500kL per annum. For further information on this matter, the applicant should contact the Water Licensing unit on 8339 9806.

Environmental Protection Authority Conditions and Notes

10. The worm pits used for decomposition of rabbit dung must be lined with a minimum of 300mm of compacted clay, and have a sloping bottom in which straw, sawdust or other absorbent material is placed.
11. Pits used for the burying of dead rabbits must be at least 100metres from the nearest well, dam, watercourse or wetland. They must be dug where there is a seasonal or permanent watertable within 1.2 metres of the soil surface.

.../cont.

3.1 455/1285/05 – Clarrhysa Vale Pty Ltd (Continued)

Note: The applicant is reminded of its general environmental duty, as required by Section 25 of the Environmental Protection Act, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

Note: Any information sheets, guidelines, documents, codes of practice, technical bulletins etc...that are referenced in this response can be accessed on the following website:  
<http://www.epa.sa.gov.au/pub.html>

3.2 455/1325/06 - John Eiffe

**SUMMARY TABLE**

Date of Application	13 <sup>th</sup> November 2006
Subject Land	12 Mundoo Channel Drive, Hindmarsh Island
Assessment No.	A7196
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	N/A
Referrals	N/A
Representations Received	N/A
Representations to be heard	N/A
Date last inspected	February 2007
Recommendation	Proceed with assessment
Originating Officer	Andrew Sladden

**ESD IMPACT/BENEFIT**

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

**BACKGROUND**

Development Application 455/330/06 was lodged and approved under delegation in April 2006 for the demolition of the existing dwelling on the subject site. This proposed dwelling, although much larger than that demolished, is proposed to be located in the same location as the previous dwelling although located 1.2m closer to the watercourse (Mundoo Channel).

**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 12.8m from the waters edge.

.../cont.



3.2 455/1325/06 – Jon Eiffe (Continued)

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

Although the proposed development is replacing an existing dwelling it is still considered to be a non-complying form of development as it is proposed to be located less than 25m from the foreshore pursuant to the above.

**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 22.5m from the front (road) boundary, 2m from the western side boundary, 7m from the eastern side boundary and 12.8m from the northern boundary or waters edge, as shown on the Site Plan.

The proposed dwelling is a rectangular shape with a footprint measuring 20m x 9m (180m<sup>2</sup>) and is proposed to be finished in colorbond cladding (Wattyll "Tender Beige") with a 25 degree colorbond roof (Dune).

The dwelling, in its current format, appears to be at variance with Principle of Development Control 4 for the Holiday House (Hindmarsh Island) Zone which states:

**4** No building should have a floor level below 2.10 metres Australian Height Datum (AHD).

The plans submitted do not demonstrate compliance with the above, and the applicant will be asked to amend the plans and demonstrate compliance with the above should the DAP resolve to proceed with the assessment of the Development Application.

REFER ATTACHMENT 3.2 (page 80)

.../cont.

3.2 455/1325/06 – Jon Eiffe (Continued)

**SITE & LOCALITY**

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

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

**PUBLIC NOTIFICATION**

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

**REFERRALS**

Should the Development Assessment Panel Resolve to proceed with the assessment, these Applications will be formally referred to the River Murray Minister pursuant to Schedule 8, (g) (h) and (j) of the Development Act 1993.

**COMMENTS**

Although the Development Application is considered to be non-complying form of development pursuant to the Alexandrina Development Plan (less than 25m from the foreshore), the proposal is considered to display some merit in the fact that there are many other examples of detached dwellings within the locality which are also setback less than 25m from the foreshore, particularly the two dwellings adjacent the subject site. Therefore, the proposed development warrants further assessment.

**RECOMMENDATION**

That the Development Assessment Panel determine to proceed with an assessment of Development Application 455/1325/06 for a single storey detached dwelling.

ITEM 4. **DEVELOPMENT APPLICATIONS - CATEGORY 3**

ITEM 5. DEVELOPMENT APPLICATIONS LAND DIVISION COMMUNITY TITLE

ITEM 6. DEVELOPMENT APPLICATIONS - BUILDING

ITEM 7. MATTERS REFERRED FOR FOLLOW-UP

ITEM 8. GENERAL ITEMS FOR DISCUSSION

This will be the last meeting of this Development Assessment Panel. The new Panel will be in place as of 26<sup>th</sup> February 2007.