

ALEXANDRINA COUNCIL

NOTICE OF MEETING

Notice is hereby given to the Members that a meeting of the
Development Assessment Panel will be held in the
Large Meeting Room (old Goolwa Council Chambers)
on 15 May 2006 commencing at 9:30 am

Your attendance is requested.

9:30 a.m. Development Assessment Panel commencement

12:00 noon Conclusion of meeting.

JOHN COOMBE
CHIEF EXECUTIVE

ALEXANDRINA COUNCIL

AGENDA FOR THE DEVELOPMENT ASSESSMENT PANEL MEETING
TO BE HELD ON 15 MAY 2006 AT 9:30 AM
IN LARGE MEETING ROOM (OLD GOOLWA COUNCIL CHAMBERS)

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**Development Assessment Panel
Report and Agenda
on 15 MAY 2006 commencing at 9:30 am
in the Large Meeting Room (old Goolwa Council Chambers)**

PRESENT

APOLOGIES

IN ATTENDANCE

ITEM 1 CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on 20th March 2006.

RECOMMENDATION

That the minutes of the Alexandrina Council Development Assessment Panel held on 20th March 2006 as circulated to members be received as a true and accurate record.

ITEM 2. DEVELOPMENT APPLICATIONS

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

3.1 455/1285/05 - Clarrhysa Vale Pty Ltd

SUMMARY TABLE

Date of Application	4 th November 2005
Subject Land	Lot 51 Sneyd Road Mosquito Hill
Applicant	Clarrhysa Vale Pty Ltd
Owner	As above
Assessment No.	A4862
Relevant Authority	Alexandrina Council
Planning Zone	Watershed Protection 2
Nature of Development	Other – Rabbit Breeding Program
Type of Development	Non-complying
Public Notice	N/A
Referrals	Nil
Representations Received	N/A
Representations to be heard	Nil
Date last inspected	12 th April 2006
Recommendation	Proceed with assessment
Originating Officer	Andrew Sladden

ESD IMPACT/BENEFIT

- Environmental Potential impacts of waste products from the proposed land use on the surrounding environment.
- Social Provide meaningful employment for the teenage foster children of the owner who suffer from intellectual disabilities, Autism and Psychiatric disorders.
- Economic Potential to create employment.

.../cont.

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

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.

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 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.

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 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 (page 1)

.../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

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

REFERRALS

Should the Development Assessment Panel resolve to proceed with the assessment, the Application will be formally referred to the Environment Protection Authority (EPA) pursuant to Schedule 8, part 10 of the Development Act 1993 and informally referred to Primary Industries and Resources SA (PIRSA).

COMMENTS

The subject site is located within the Watershed Protection 2 Zone and the primary objective of this zone is the protection of land from development which could contribute to the pollution of surface or underground water resources. As the Applicants have adopted a closed dry breeding operation which involves minimal water use and have adopted organic sustainability practices for the management of the minimal waste water, the proposal is considered to generally comply with this objective, however further advice in relation to these practices will be sought from the EPA and PIRSA through the referral process, should the Panel resolve to proceed with the assessment of the Application.

RECOMMENDATION

That the Development Assessment Panel determine to proceed with an assessment of Development Application 455/1285/05 for a Change of Use for Rabbit Breeding.

3.2 455/D059/05 - Agon Berry Farm

SUMMARY TABLE

Date of Application	29 th June 2005
Subject Land	Lt 647+ Bahloo Glen Road Mount Compass
Applicant	Agon Berry Farm
Owner	Rodney Allan Lewis
Assessment No.	A4992
Relevant Authority	Alexandrina Council
Planning Zone	Water Protection (Mount Compass) / Landscape (Port Elliot and Goolwa)
Nature of Development	Boundary realignment
Type of Development	Non-complying
Public Notice	Category 3
Referrals	PIRSA, Dept Water Land Biodiversity & Conservation, Transport SA, SA Water
Representations Received	Nil
Representations to be heard	Nil
Date last inspected	28 th April 2006
Recommendation	Approval subject to Development Assessment Commission concurrence
Originating Officer	Tom Gregory

ESD IMPACT/BENEFIT

- Environmental Improved management of potential risks to water resources, while attempting to maintain the natural characteristics of the land within the Landscape (Port Elliot and Goolwa District) Zone.
- Social No detrimental impacts are expected, and it is anticipated that the reduced risk of potential pollution to the water resources will indirectly benefit the broader community.
- Economic Possible economic benefit to owner. Able to sell parcel's of land, whilst retaining the existing strawberry plantation.

.../cont.

3.2 455/D059/05 – Agon Berry Farm (Continued)

BACKGROUND

The subject site is Lot 647 Bahloo Glen Road, Mount Compass. The site involves 5 allotments separated by Bahloo Glen Road, and involves two zones, namely the Landscape (Port Elliot and Goolwa District) Zone, and the Water Protection (Mount Compass) Zone.

The 4 allotments currently south of Bahloo Glen Road are zoned Water Protection (Mount Compass), and the remaining allotment on the northern side of Bahloo Glen Road is zoned Landscape (Port Elliot and Goolwa District).

The existing use of the land south of Bahloo Glen Road is that of an extensive Strawberry Plantation. The land to the north could be described as a natural open landscape with scattered vegetation.

THE PROPOSAL

The proposal is unique in that it involves the realignment of boundaries to reduce the number of allotments within the Water Protection (Mount Compass) Zone by 'transferring' three Titles to the Landscape (Port Elliot and Goolwa District) Zone.

REFER ATTACHMENT 3.2(a) (page 11)

Whilst the proposal is not non-complying by virtue of Principle of Development Control 7 of the Landscape (Port Elliot and Goolwa District) Zone (as it will not be creating any additional allotments partly or wholly within the Mount Lofty Ranges Primary Production Area), Principle of Development Control 9 of the Water Protection (Mount Compass) Zone lists all land division as non-complying. Upon initial receipt of the application, the non-complying status was confirmed with the Development Assessment Commission. (Policies are listed in full in the following 'Alexandrina Council Development Plan' section).

As indicated, the proposal is not a non-complying use in the Landscape (Port Elliot & Goolwa District) zone, while a detached dwelling is not listed as a non-complying development in the Water Protection (Mount Compass) Zone. That is to say, it is currently possible for an additional three dwellings to be developed within the Water Protection (Mount Compass) Zone.

The proposal inherently seeks to lead to a higher protection of water resources and maintenance of the landscape character by transferring this development potential to other land.

.../cont.

3.2 455/D059/05 – Agon Berry Farm (Continued)

SITE & LOCALITY

The site involves four allotments in the Water Protection (Mount Compass) Zone (southern side of Bahloo Glen Road), and one allotment in the Landscape (Port Elliot and Goolwa District) Zone (northern side of Bahloo Glen Road).

All allotments are serviced by Bahloo Glen Road.

The existing four allotments on the southern side of Bahloo Glen Road have a combined area of 16.13 hectares, and a combined road frontage of 578.25 metres. The existing allotment north of Bahloo Glen Road has an area of 10.42 hectares and a road frontage of 236.77 metres.

The land to the south is characterised as gently sloping. A portion of the site feeds a watercourse that flows along the eastern edge of the Victor Harbor Road, and adjacent to the township of Mount Compass. The land is primarily vacant of trees, and accommodates a detached dwelling adjacent to the Bahloo Glen Road, approximately halfway along the property frontage. The proposal indicates that the dwelling and its services are to remain unchanged.

The land to the north is characterised by more steeply sloping land (approximate 60 metre fall over 450 metres). Despite this, the land increases more noticeably to the north towards the hilltop and associated ridgeline. Allotment 204 currently contains a detached dwelling in this location, and therefore the potential for an additional dwelling on the ridgeline would be minimal.

Scattered vegetation exists across the southern two thirds of this allotment, while trees are found more densely throughout the northern third of this land. A dam is located in the south-eastern quarter of the land.

This land also currently accommodates an existing strawberry plantation along its south western frontage (corner of Victor Harbor Road and Bahloo Glen Road) The existing strawberry plantation use is to remain.

REFER ATTACHMENT 3.2(b) (page 12)

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

.../cont.

3.2 455/D059/05 – Agon Berry Farm (Continued)

PUBLIC NOTIFICATION

The application was put on full Category 3 Public Notification pursuant to Section 38 of the Development Act 1993 for a period of 15 business days from 24/02/2006.

During this period, no representations were received.

REFERRALS

The proposal was referred to 4 State Government agencies for comment, namely the Department of Water - Lands - Biodiversity and Conservation (DWLBC), Primary Industries of South Australia (PIRSA), SA Water, and Transport SA (TSA).

DWLBC indicated that Council may approve the application, subject to DAC concurrence and 2 notes.

REFER ATTACHMENT 3.2(c) (page 13)

PIRSA stated that although they do not support the creation of rural living sized allotments, the amalgamation of the titles on the southern side of Bahloo Glen Road would enhance the viability of the existing strawberry plantation's operation.

REFER ATTACHMENT 3.2(d) (page 15)

SA Water had no comment as the corporation's water supply and sewage services are not available to the proposed allotments.

REFER ATTACHMENT 3.2(e) (page 16)

TSA signified policy to minimise access points onto arterial roads, and indicated that vehicular access to/from all proposed allotments should be via the local road, Bahloo Glen Road.

REFER ATTACHMENT 3.2(f) (page 17)

CONSULTATION

Consultation has been undertaken with Council's Natural Resource Officer (David Cooney) with regard environmental and native vegetation issues. Mr. Cooney advised that removing titles with development potential from the Water Protection (Mount Compass) Zone should be supported. Mr. Cooney also requested one condition and one note to be attached to any Decision Notification regarding this proposal.

.../cont.

3.2 455/D059/05 – Agon Berry Farm (Continued)

Condition

- That all driveway and access points to the new allotments must be nominated by Council prior to construction.

Note

- ALL vegetation (native) clearance requires approval under the Native Vegetation Act.

Consultation has been undertaken with Council's Infrastructure Coordinator (Matt James) on the issues vehicular access. The advice from Mr. James reiterated the response from the Transport SA referral. Furthermore, Mr. James requested that this be enforced by way of condition, should the application be approved.

Condition

- No new access points to Victor Harbor Road can be created to serve allotment 204. Access must be from Bahloo Glen Road.

Alexandrina Council Development Plan

As previously indicated, the proposal is a non-complying form of development. A Statement of Effect was received, and although its content was based on the incorrect Development Plan, the main themes were consistent with the intent of the principles and objectives of the Development Plan current at time of lodgement.

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

Form of Development

Part A - Council Wide:

Objective 1: Orderly and economic development.

PDC 167 Rural areas should be retained primarily for horticultural, agricultural, pastoral and forestry purposes and other uses compatible with maintaining rural productivity.

Comment

The proposal will achieve a rationalisation of allotments that preserves an existing agricultural use, while transferring the potential to construct dwellings from land located in a water protection policy area to an area that is less environmentally sensitive.

.../cont.

3.2 455/D059/05 – Agon Berry Farm (Continued)

The proposal will realign boundaries within the same proximity to the Mount Compass township. As a result, the allotments in their new configuration would not significantly alter their link to the township. It is noted that similar sized allotments within the same locality are located north of the proposed site, accessible from Jacobs Road.

REFER ATTACHMENT 3.2(b) (page 12)

Objective 60: Land division, including boundary rearrangement, which retains areas of native vegetation on single or the least number of allotments.

PDC 6 Land should not be divided:

- in a manner which would prevent the satisfactory future division of the land, or any part thereof;
- if the proposed use, or the establishment of the proposed use, is likely to lead to under erosion of the land or land in the vicinity thereof;
- 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;
- 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;
- 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;
- where community facilities or public utilities are lacking or inadequate;
- 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
- if it would cause an infringement of any provisions of the Building Act or any by-law or regulation made there-under.

PDC 7 When land is divided:

- any reserves or easements necessary for the provision of public utility services should be provided.
- stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in a satisfactory manner;

.../cont.

3.2 455/D059/05 – Agon Berry Farm (Continued)

- a water supply sufficient for the purpose for which the allotment should be made available to each allotment;
- 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;
- roads or thoroughfares should be provided where necessary for safe and convenient communication with adjoining land and neighbouring localities;
- each allotment resulting from the division should have safe and convenient access to the carriageway of an existing or proposed public road or thoroughfare;
- proposed roads should be graded, or capable of being graded to connect safely and conveniently with an existing road or thoroughfare;
- for urban purposes, provision should be made for suitable land to be set aside for useable local open space; and
- and which borders a river, lake or creek, the land immediately adjoining the river, lake or creek should become public open space, wherever suitable.

PDC 161 The size, shape and layout of allotments should be determined with regard to physical characteristics and the intended use of the land.

PDC 162 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.

Comment

The Alexandrina Council Development Plan specifically seeks division of land that recognizes the functional needs of future land users, the constraints associated with land and the preservation of native vegetation.

Lot 200 (south of Bahloo Glen Road) will preserve one dwelling on a large rural allotment, the use of which will remain as a strawberry plantation.

With regard to the allotments on the northern side of Bahloo Glen Road, Lot 204 will see the preservation of the current strawberry farm and the fence that runs parallel to the northern boundary. This allotment will effectively formalize the current physical segregation of the land and its use.

.../cont.

3.2 455/D059/05 – Agon Berry Farm (Continued)

Remaining Lots 201, 202 and 203 are all of appropriate size and dimensions to allow a detached dwelling and associated effluent disposal systems. Smaller scale horticulture pursuits could be undertaken on these site, obviously in accordance with the objectives and principles of Landscape (Port Elliot and Goolwa District) Zone.

Furthermore, these lots provide flexibility to enable buildings and uses to occur, mindful of physical characteristics. It has been identified that no allotment boundaries will interfere with native vegetation. Lot 204 adopts an existing fence line that separates the majority of the native vegetation to the northern third of the site.

Part C - Port Elliot and Goolwa:

PDC 17 Development should have the minimum effect on natural features, land adjoining water, scenic routes or scenically attractive areas.

PDC 21 Development should not impair the character or nature of buildings or sites of architectural, historical, or scientific or sites of natural beauty.

Landscape (Port Elliot and Goolwa District) Zone

Objective 1: A zone comprising land which has significant landscape qualities and which is to be retained in use for farming purposes and for natural open space.

Comment

The proposed land division itself will not alter the landscape qualities to the north, provided that attention to detail is given to the design, siting and bulk of a dwelling, should Council receive an application for such a development. The aesthetic qualities of the land to the south would be retained as there is unlikely to be any reasonable justification for re-division of this land, should this proposal be approved.

Movement of People and Goods

Part A – Council wide

Objective 11: The safe and efficient movement of people and goods.

Objective 12: The free flow of traffic on roads by minimising interference from adjoining development.

.../cont.

3.2 455/D059/05 – Agon Berry Farm (Continued)

PDC 24 Development and associated points of access and egress should not create conditions that cause interference with the free flow of traffic on adjoining roads

Comment

The proposal will not result in a change in the number of allotments provided with access to Bahloo Glen Road, while the width of each proposed allotment and proximity to the intersection of Victor Harbor or Bahloo Glen Roads leaves clear lines of sight, which should ensure that a free flow of traffic is maintained, and not adversely impacted upon by the development.

Some vegetation will need to be cleared in order to provide access to the proposed allotments. In order to obtain access to the existing blocks south of Bahloo Glen Road, vegetation clearance would also be required. As indicated previously, Council's Natural Resource Officer – David Cooney insists that the location of driveway's and access points be approved by Council before construction

Conservation and Mount Lofty Ranges Region

A number of the provisions relating to conservation and the Mount Lofty Ranges region replicate or are consistent with the specific Zone policy intents and/or broader Council Wide provisions of the Alexandrina Council Development Plan.

Part A – Council Wide

Objective 21: The conservation, preservation, or enhancement, of scenically attractive areas including land adjoining water and scenic routes.

Objective 44: The maintenance and enhancement of the national resources of the Mount Lofty Ranges Region.

Objective 45: The enhancement of the Mount Lofty Ranges Region catchments as sources of high quality water.

Objective 52: The protection of the Mount Lofty Ranges Watershed against pollution and contamination.

Objective 53: The prevention of development which could lead to a deterioration in the quality of surface or underground waters within the Mount Lofty Ranges Watershed.

Objective 58: Retention of native vegetation.

.../cont.

3.2 455/D059/05 – Agon Berry Farm (Continued)

PDC 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.

PDC 164 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

Water Protection (Mount Compass) Zone:

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

PDC 3 Development should, where possible, contribute to an improvement of water quality in the catchment, through appropriate land use and land management strategies, which may include planting of indigenous vegetation.

PDC 7 Land should not be divided:
(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;
(f) without due regard being given to the surface drainage of each allotment created; or
(g) if it will lead to the sterilisation of mineral resources.

Comment

As previously discussed, the result of this development will transfer the potential for pollution of water resources within the Water Protection (Mount Compass) Zone to land outside the Water Protection Zone boundary. The result should not increase the risk of pollution to other land.

Having regard to the area, slope and nature of the proposed new allotments, it is anticipated that the proposed land division will preserve the farming opportunities associated with the land, while ensuring the long term sustainability of the Mount Lofty Ranges.

.../cont.

3.2 455/D059/05 – Agon Berry Farm (Continued)

Land Division

Part A – Council Wide

PDC 159 Land should not be divided, nor 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.

PDC 163 No land division should take place which may lead to or result in the over exploitation or pollution of a water resource.

Part C – Port Elliot and Goolwa

PDC 19 No development should be undertaken which would present any risk of pollution or contamination to Lake Alexandrina, the River Murray, or adjoining bodies of water.

Landscape (Port Elliot and Goolwa)Zone

Objective 1: A zone comprising land which has significant landscape qualities and which is to be retained in use for farming purposes and for natural open space.

PDC 2 Development of land in this Zone should not prejudice the conservation of water resources, natural bushland and the rural landscape, and should not create noxious weed or bushfire hazards, or other environmental problems.

PDC 3 Development should be undertaken so as to retain existing vegetation in conjunction with provision of adequate bushfire protection measures. Additional landscaping should be provided where building development is proposed.

Comment

The creation of additional titles within the Landscape (Port Elliot and Goolwa) Zone of the Alexandrina Development Plan is a non complying form of development, with the intent to maintain the open rural character of the area and retain the land for primary production purposes.

With regard to the above, the land division may result in the improvement of the land and/or the conservation of its natural features, whilst minimizing the present risk of pollution. The open rural character of the Landscape (Port Elliot and Goolwa) Zone will be retained, despite the possibility of one dwelling being approved per title.

.../cont.

3.2 455/D059/05 – Agon Berry Farm (Continued)

The average allotment area of Lots 201, 202 & 203 is 1.99 Hectares, which is a sufficient size to cater for a detached dwelling, whilst not compromising the main objective and intent of the zone.

The transferring of allotments from the Water Protection Zone to the Landscape (Port Elliot and Goolwa) Zone in this instance does present some merit.

CONCLUSION

The proposal is consistent with the provisions of the Alexandrina Council Development Plan. Notwithstanding the non-complying nature of the development, it is my opinion that the proposal is an appropriate form of development having regard to:

- The transfer of development potential from the Water Protection (Mount Compass) Zone to the Landscape (Port Elliot and Goolwa) Zone;
- The protection of native vegetation
- The use of existing infrastructure and utilities servicing an existing land use operation
- Preservation of the amenity of the locality.

In my opinion, the proposal displays sufficient merit to warrant approval, subject to concurrence from the Development Assessment Commission.

RECOMMENDATION

That the Development Assessment Panel approve application 455/D059/05 for Boundary Realignment at LT647+ Bahloo Glen Road, Mount Compass subject to the following conditions and notes, and subject to concurrence from the Development Assessment Commission.

Conditions

- That all driveway and access points to the new allotments must be nominated by Council prior to construction.
- No new access points to Victor Harbor Road can be created to serve allotment 204. Access must be from Bahloo Glen Road.
- That two copies of a certified survey plan shall be lodged for Certificate purposes.

.../cont.

3.2 455/D059/05 – Agon Berry Farm (Continued)

Notes

- ALL vegetation (native) clearance requires approval under the Native Vegetation Act.

DWLBC Notes

- 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 action or activities.
- The proponents should be made aware of the existing controls in the area:
 - The Notice of Prohibition on new or additional water use development in the Eastern Mount Lofty Ranges. These controls would prevent the establishment of any new irrigation or commercial water use activity from dams, wells or watercourses.
 - Prescription of Water Resources in the Eastern Mount Lofty Ranges this means that with the exception of stock and domestic users, all users of watercourse, surface or underground water in the Eastern Mount Lofty Ranges are required to obtain a water license.

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

4.1 455/1454/05 - Adelaide Blue Gum Pty Ltd

SUMMARY TABLE

Date of Application	15 th December 2005
Subject Land	Lot 30 Cleland Gully Road, Tooperang
Applicant	Adelaide Blue Gum Pty Ltd
Owner	Inter-Continental Travels Pty Ltd
Assessment No.	A 5168
Relevant Authority	Alexandrina Council
Planning Zone	General Farming (Port Elliot & Goolwa)
Nature of Development	Commercial forestry
Type of Development	Consent on merit
Public Notice	Category three
Referrals	CFS (informal) Dept Water, Land, Biodiversity & Conservation
Representations Received	2 specific to this application 8 relating to commercial forestry in general
Representations to be heard	2
Date last inspected	4 th May 2006
Recommendation	Approve with conditions
Originating Officer	Cherry Getsom

ESD IMPACT/BENEFIT

- Environmental The full environmental impact of this proposal is not ascertainable at this stage. Panel members and Council staff must rely on the advice of others more expert in the field when assessing possible environmental impacts. As such the proposal has been referred to the Department of Water, Land & Biodiversity Conservation who have indicated that the proposal should have minimal environmental impacts.

.../cont.

4.1 455/1454/05 – Adelaide Blue Gum Pty Ltd (Continued)

- Social Possible impacts on adjoining owners in the immediate future. Future social impacts are an unknown.
- Economic Immediate positives for the applicant and landowner, future impacts are an unknown.

THE PROPOSAL

Nature of Development

Commercial forestry is included on the list of activities in Principle of Development Control 5 of the General Farming (Pt Elliot & Goolwa) Zone that are exempt from *non-complying* status. Commercial forestry is not listed in the Alexandrina Development Plan or the Development Regulations as a *complying* use, therefore it is a *consent on merit* use, and must be considered by Council against the relevant provisions of the Development Plan.

Detailed Description

The application is for change of land use for a property located at (Lot 30) 431 Cleland Gully Rd, Mount Compass, where the applicant is seeking to establish a 20.3 hectare Tasmanian Blue Gum (*Eucalyptus globulus*) tree farm.

The property is located within the General Farming (Port Elliot & Goolwa) Zone of the Alexandrina Development Plan, approximately 3.1 kilometres along the Cleland Gully Rd, east of the Victor Harbor Rd intersection. The applicant proposes to plant 20.3 ha of the 85 ha property with Tasmanian Blue Gum. The planted area is to be divided into two sections; 14.1ha located in the north-western corner of the allotment and 6.2ha located in the north-eastern section of the allotment.

Development Timeframe

The project is expected to operate on a ten to twelve year rotation cycle; expected time frames provided by the applicant are;

- May/June 2006 – site preparation & establishment activities.
- August 2006 – Row cultivation, pre-plant herbicide application, hand planting and fertilising.
- Year 2 - Autumn – weed control
- Year 3 – Expected canopy closure should render further weed control unnecessary, with the exception of control of noxious weeds.
- 2016- 2018 – Expected commencement of harvesting.
- 2017 -2019 – Site preparation for a second rotation of planting.

Ongoing maintenance will be undertaken throughout the life of the plantation.

.../cont.

4.1 455/1454/05 – Adelaide Blue Gum Pty Ltd (Continued)

Harvest and Haulage

Logging from the proposed development is expected to be undertaken over an eight day period once every ten years. Wood product is to be transported to Outer Harbour by truck via the following route:

- Cleland Gully Road
- Victor Harbor – Adelaide Road
- Main South Rd to Outer Harbour

Fire Protection and Prevention

Ten metre fire breaks are to be provided around all external boundaries of the tree farm, this will extend to 20 metres along sections of the western boundary. Internal access tracks are to be a minimum of 7 metres wide.

Chemical Usage

A list of proposed chemicals, their likelihood of use and application method has been provided by the applicant and is included with the attachments (refer attachment 2).

No chemicals will be stored on site and ground based application will be utilised wherever possible.

Water

The applicant has indicated that a water licence is not required for this proposal as irrigation is not proposed for this tree farm.

REFER ATTACHMENT 4.1(a) (page 18)

SITE & LOCALITY

The property is located within the General Farming (Port Elliot & Goolwa) Zone. The subject site is currently used for grazing which correlates with other land uses in the area that are predominately rural. One dwelling and a number of outbuildings currently exist on the property, with the main access provided from Cleland Gully Road. Seven dams are located on the property, six in the northern end and one in the south western quadrant. There are four 1st order and one 2nd order watercourses on the property, with a 5 metre buffer provided for each watercourse. The site is located within the Tookayerta Creek Subcatchment. The applicant advises that rainfall on the property is approximately 830 mm per annum.

REFER ATTACHMENT 4.1(b) (page 19)

.../cont.

4.1 455/1454/05 – Adelaide Blue Gum Pty Ltd (Continued)

PUBLIC NOTIFICATION

Pursuant to Schedule 9 of the Development Regulations (1993) the application was placed on Category 3 public notification. Two specific representations were received in response to this application. The issues raised and responded to included:

- the social impacts of increased Commercial Forestry,
- Impacts on ground water recharge and
- Reduction of streamflows.
- Assessing applications in isolation
- Impacts on biodiversity

As this proposal was notified concurrently with three other Commercial Forestry proposals by the same applicant all issues raised were responded to in one response. A total of eight representations were received for all four applications. Other issues raised and responded to included:

- Fire Risks
- Chemical Drift
- Vermin
- Impacts of additional traffic particularly logging trucks.
- Impacts on rural land uses

REFER ATTACHMENT 4.1(c) (page 40)

REFER ATTACHMENT 4.1(d) (page 59)

REFERRALS

The proposal was referred informally to the CFS who had no objections to the proposal, subject to a number of conditions.

A referral to Department of Water Land and Biodiversity Conservation was also undertaken under Section 37, Schedule 8 (20) (c) of the Development Act and Regulations (1993). The Department assessed the proposal having regard to the River Murray Act (2003) and determined that the net harm to the River Murray System is likely to be minor. The Department of Water Land and Biodiversity Conservation determined that the application may be approved.

REFER ATTACHMENT 4.1(e) (page 89)

.../cont.

4.1 455/1454/05 – Adelaide Blue Gum Pty Ltd (Continued)

CONSULTATION

Consultation has been undertaken with Council's Engineering and Infrastructure Department; initial concerns were raised regarding access issues for all four applications. A meeting was later held between Matt James of Council and Shane Kelly of Adelaide Blue Gum P/L where these issues were resolved.

Council's Natural Resources Officer, David Cooney has viewed the application and is satisfied with the response provided by the Department of Water Land and Biodiversity Conservation.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

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

Council Wide

Objectives 17,18,48,53,54,55,57,61,62,63,64,65,66.

Principles of Development Control 102, 151, 152, 153, 154, 155, 156, 186, 200, 245, 246, 247, 250, 259, 260, 261.

Port Elliot & Goolwa District

Principles of Development Control: 9,15.

General Farming Zone (Port Elliot & Goolwa)

Objective 1.

Principles of Development Control: 3.

REFER ATTACHMENT 4.1(f) (page 93)

COMMENTS

Environmental flows and Water related issues

An assessment on the proposal by the Department of Water Land and Biodiversity Conservation has determined that the plantation site is on a fracture rock system. An inter-Departmental Forestry Working group meeting of February 2006 determined that Eucalypt plantations are an appropriate land use in fractured rock systems, depending upon existing levels of water use and the presence of water dependent ecosystems. The Departments assessment determined that there will be a low risk of impact to downstream water dependent ecosystems.

As the proposal does not require irrigation for the tree farm no water licence is required.

.../cont.

4.1 455/1454/05 – Adelaide Blue Gum Pty Ltd (Continued)

The proposal includes minimal and responsibly applied applications of fertiliser and herbicide for weed control which are unlikely to have an impact on ground or surface water quality. Cultivation will follow the contours of the land and vegetated strips will remain between rows to minimise water and wind erosion of the soil. Appropriate buffer distances are proposed around watercourses and drainage lines.

Transport

Council's Engineering & Infrastructure Department has consulted with the applicant regarding the proposal and are satisfied with what is presented in the application. They have recommended that Adelaide Blue Gum pay for and administer traffic management to council's satisfaction during the harvest process to make safe for entering and exiting the forestry development.

Bushfire safety

Acceptable firebreaks, internal access tracks, and dam water for fire fighting are proposed as part of the application.

Native Vegetation

The Department of Water Land and Biodiversity Conservation have advised that the application does not proposed the removal of any native vegetation, or any destruction of any vegetation that forms part of a vegetation corridor for the movement of native species of animal.

Amenity of adjoining residents

Apart from the initial establishment phase and later harvesting, the activity on the site will be less than what currently occurs with grazing and cropping. The harvesting phase in 10-12 years time will involve some machinery and noise, and is planned to last only approximately three weeks. This level of impact is considered within the acceptable range for a primary production area.

Suitability of use

There are a series of provisions within the Alexandrina Council Development Plan that relate to the types of land uses that are considered to be suitable, and even encouraged within rural areas.

Council Wide Objective 48 focuses on "the retention of rural areas primarily for agricultural, pastoral and forestry purposes ..." and that "the protection of ... agricultural land and water resources should remain the overriding consideration governing decisions relating to development of rural land ..."

.../cont.

4.1 455/1454/05 – Adelaide Blue Gum Pty Ltd (Continued)

Other provisions (listed above) also highlight that development in rural areas should primarily be limited to sustainable grazing, commercial forestry and mixed agricultural activities with the proviso that they do not adversely impact on existing water systems and resources and existing native vegetation.

As it has been determined by the Department of Water, Land and Biodiversity Conservation that the proposal generally complies with the Objects and Objectives for a Healthy River Murray and the net harm to the River Murray System is likely to be minor. As such, the proposal displays sufficient merit to be approved.

RECOMMENDATION

The Development Assessment Panel approve application 455/1454/05 for Commercial Forestry at Lot 30 Cleland Gully Rd, Mount Compass subject to the following conditions:

1. Access to Cleland Gully road to be via access point detailed in Adelaide Blue Gum application.
2. Adelaide Blue Gum to pay for and administer traffic management to council's satisfaction during the harvest process to make safe for entering and exiting forestry.
3. A fire break is an area or strip of land where vegetation is effectively fuel reduced or modified and may include non flammable strip(s) to reduce the risk of fire starting, and reduce the intensity and rate of spread of the fire that may occur. Fire breaks shall be constructed at the time of plantation establishment and be maintained throughout the life of the plantation.

Other purposes for fire break:

- Provide protection for personnel, equipment and property from fire
- Provide an edge from which fire crews can undertake fire suppression.

1.1 EXTERNAL FIRE BREAKS

(ie. Surrounding the Plantation, 10-40 hectares in area) (to be a minimum width of 10 metres)

- 1.1.1 Three metre fuel modified strip between the plantation and the vehicle access tracks.
- 1.1.2 The vehicle access track shall be a minimum width of 7 metres.
- 1.1.3 The firebreak may include ploughing, grading or slashing along boundaries to give added protection from a ground fire.

.../cont.

4.1 455/1454/05 – Adelaide Blue Gum Pty Ltd (Continued)

1.1.4 If ploughing, grading or slashing is not possible, one pass along boundaries with a boom spray (herbicide application) as weed control is being done) to control or reduce flammable fuel is desirable.

2. PLANTATION - VEHICLE ACCESS TRACKS (if applicable)

The frequency, orientation, width and condition of access shall be sufficient to facilitate safe fire fighting access and effective suppression.

2.1 Where possible, tracks are to be aligned North-South and East-West direction and provide continuous straight access.

2.2 Should dead end tracks be necessary they must be sign posted and shall be constructed to allow large fire fighting vehicles to turn around with safety by use of either:

- a turn around area with a minimum formed road surface diameter of 25 metres OR
- a 'T' or 'Y' shaped turnaround area with minimum formed track surface leg lengths of 11 metres and minimum inside road radii of 8.5 metres.

2.3 Internal plantation access tracks, shall be a minimum width of 4 metres.

2.4 Pruning may be required to achieve a minimum clearance of 4 metres width and 4 metres in height for large vehicle access.

2.5 General Requirements (Access tracks)

2.5.1 To be located to minimize soil disturbance.

2.5.2 To be designed and constructed to maintain natural drainage lines.

2.5.3 To provide for water run off from tracks

2.5.4 To be constructed to allow vehicle crossings over water courses, whilst not interfering with stormwater flow

2.5.5 To be constructed with a minimum inside curve radii of 9 metres

2.5.6 Access tracks shall not exceed 16degrees (29%) gradient

2.5.7 Access track cross slopes shall not exceed 8 degrees

2.5.8 Annual fire danger season work:

- Prior to each summer, plantation owners shall check that all access tracks are accessible and external fire breaks (boundary) are maintained.
- Plantation maps shall be revised annually and 'amendments' provided to the relevant local Country Fire Service Groups.

.../cont.

4.1 455/1454/05 – Adelaide Blue Gum Pty Ltd (Continued)

3 FLAMMABLE UNDERGROWTH

Will support, the effectiveness of fire breaks, access and water supplies by reducing fire movement and increase fire fighter safety.

3.1 Grassland areas of fire breaks and tracks (if applicable) shall be maintained to a maximum height of 10 cm's during each Fire Danger Season.

3.2 Management of seasonal, flammable undergrowth can be by slashing, spraying, stock grazing, ploughing or grading.

3.3 Removal of slash and thinning residue will inhibit fire spread and intensity.

4 SET BACK FROM DWELLINGS (Existing at time of plantation establishment)

4.1 Plantation 'set backs' from dwellings existing at the time of plantation establishment shall be:

i) A minimum of 35 metres from Dwelling(s)

5 NATIVE VEGETATION

SA CFS for Bushfire Protection does not support clearance of Native Vegetation.

6 FIRE FIGHTING WATER SUPPLY

Water supply should be strategically located and maintained for fire fighting purposes to enable safe and rapid fire fighting operations.

6.1 A minimum fire fighting water supply of 30,000 litres is to be available at all times

6.2 Fire fighting water supplies shall be available at all times

6.3 The fire fighting water supply shall be clearly sign posted and accessible to fire fighting vehicles at all times

6.4 'Fire Water' signs shall clearly indicate directions to, distance and quantity of fire water supply available.

6.5 Water point locations shall be recorded on the plantation map with detail of capacity and access

NOTES

1. The subject property falls within:

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'). These controls 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 (23 October 20045 - 23 September 2007).

.../cont.

4.1 455/1454/05 – Adelaide Blue Gum Pty Ltd (Continued)

- b) The Eastern Mount Lofty Ranges Prescribed Water Resources. This means that should be 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 plans that are yet to be developed, these plans determine the status and feasibility of any proposed future water use at the site.
2. 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.
3. This advice does not obviate any considerations that may apply to the Commonwealth Government's Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).
4. 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. For further information visit:
<http://www.dblbc.sa.gov.au/biodiversity/vegetation/nvinforesources.html>. Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8124 4744.
5. All areas within 200 metres of any watercourse are considered to be of high sensitivity for Aboriginal sites. 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 1998 (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.

4.2 455/1455/05 - Adelaide Blue Gum Pty Ltd

SUMMARY TABLE

Date of Application	15 th December 2005
Subject Land	Lot 1 + 12 Munetta Road, Mount Compass
Applicant	Adelaide Blue Gum Pty Ltd
Owner	As above
Assessment No.	A9865
Relevant Authority	Alexandrina Council
Planning Zone	Willunga District + Mount Lofty Ranges Watershed
Nature of Development	Commercial Forestry
Type of Development	Consent on merit
Public Notice	Category 3
Referrals	CFS (informal) Dept Water, Land & Biodiversity Conservation
Representations Received	3 specific to this application, 8 relating to commercial forestry in general
Representations to be heard	2
Date last inspected	4 th May 2006
Recommendation	Refusal
Originating Officer	Cherry Getsom

ESD IMPACT/BENEFIT

- Environmental

The full environmental impact of this proposal is not ascertainable at this stage. Panel members and Council staff must rely on the advice of others more expert in the field when assessing possible environmental impacts. As such the proposal has been referred to the Dept Water, Land & Biodiversity Conservation who have advised that the proposal will have significant environmental impacts.

- Social

Possible impacts on adjoining owners in the immediate future. Future social impacts are an unknown.

.../cont.

4.2 455/1455/05 – Adelaide Blue Gum Pty Ltd (Continued)

- Economic Immediate positives for the applicant and landowner, future impacts are an unknown.

BACKGROUND

Council has been directed by the Department of Water, Land and Biodiversity Conservation to refuse this application. In order to properly process this refusal a 'decision date' is required. As this application has been treated as a Category 3 application and has been publicly notified Council sought legal advice as to the most appropriate way to formally reach this decision. The advice received was to present the proposal to the Panel and allow representors to be heard. The Panel will be making the decision on the date of the Panel meeting; however they are required to refuse the proposal.

THE PROPOSAL

Nature of Development

Commercial forestry is included on the list of activities in Principle of Development Control 18 of the Willunga District Zone that are exempt from *non-complying* status. Commercial forestry is not listed in the Development Plan or the Development Regulations as a *complying* use, therefore it is a *consent on merit* use, and must be considered by Council against the relevant provisions of the Development Plan.

Detailed Description

The application is for change of land use for a property located at Lots 1 & 12 Munetta Rd, Pages Flat where the applicant is seeking to establish a 98.3 hectare Tasmanian Blue Gum (*Eucalyptus globulus*) tree farm.

The property is located on the eastern side of Munetta Rd approximately half way between Pages Flat and Lanacoona Roads, within the Willunga District of the Alexandrina Development Plan. It is also located within the Mount Lofty Ranges Watershed. The applicant proposes to plant 98.3 ha of the 114 ha property with Tasmanian Blue Gum, with the planted area separated into five sections across the property these being 31.9ha, 17.8ha, 13.1ha, 10.6ha, 22.4ha and 2.4ha in size respectively.

Development Timeframe

The project is expected to operate on a ten to twelve year rotation cycle; expected time frames provided by the applicant are;

- February 2006 – site preparation & establishment activities.
- August 2006 – Row cultivation, pre-plant herbicide application, hand planting and fertilising.

.../cont.

4.2 455/1455/05 – Adelaide Blue Gum Pty Ltd (Continued)

- Year 2 - Autumn – weed control
- Year 3 – Expected canopy closure should render further weed control unnecessary, with the exception of control of noxious weeds.
- 2016- 2018 – Expected commencement of harvesting.
- 2017 -2019 – Site preparation for a second rotation of planting.

Ongoing maintenance will be undertaken throughout the life of the plantation.

Harvest and Haulage

Logging from the proposed development is expected to be undertaken over an eight day period once every ten years. Wood product is to be transported to Outer Harbour by truck via the following route:

- Munetta Road
- Pages Flat Rd
- Victor Harbor – Adelaide Road
- Main South Rd to Outer Harbour

Fire Protection and Prevention

Ten metre fire breaks are to be provided around all external boundaries of the tree farm, this will extend to 20 metres along sections of the western boundary. Internal access tracks are to be a minimum of 7 metres.

Chemical Usage

A list of proposed chemicals, their likelihood of use and application method has been provided by the applicant and is included with the attachments (See attachment 1)

Water

The applicant has indicated that a water licence is not required for this proposal as irrigation is not proposed for this tree farm.

REFER ATTACHMENT 4.2(a) (page 96)

SITE & LOCALITY

The property is located within the Willunga District of the Alexandrina Development Plan with land use in the area being mainly for rural purposes and predominantly grazing. The subject land is flat to slightly undulating with loamy sand soils. One dwelling and a number of outbuildings currently exist on the property with one dam and two tanks and bores. The main access is provided from Munetta Road. The property is located within the Upper Myponga Subcatchment and Upper Finnis Catchment and there is one 1st order watercourse on the property. The applicant advises that rainfall on the property is approximately 840 mm per annum.

.../cont.

4.2 455/1455/05 – Adelaide Blue Gum Pty Ltd (Continued)

REFER ATTACHMENT 4.2(b) (page 97)

PUBLIC NOTIFICATION

Pursuant to Schedule 9 of the Development Regulations (1993) the application was placed on Category 3 public notification. Three specific representations were received in response to this application. The issues raised and responded to included:

- the social impacts of increased Commercial Forestry,
- Impacts on ground water recharge and
- Reduction of streamflows.
- Assessing applications in isolation
- Impacts on biodiversity
- Impacts on rural land uses

As this proposal was notified concurrently with three other Commercial Forestry proposals by the same applicant all issues raised were responded to in one response. A total of eight representations were received for all four applications. Other issues raised and responded to included:

- Fire Risks
- Chemical Drift
- Vermin
- Impacts of additional traffic particularly logging trucks.

REFER ATTACHMENT 4.1(c) (page 40)

REFER ATTACHMENT 4.1(d) (page 59)

REFERRALS

The proposal was referred informally to the CFS who had no objections to the proposal, subject to a number of conditions.

A referral to Department of Water Land and Biodiversity Conservation was also undertaken under Section 37, Schedule 8 (20) (c) of the Development Act and Regulations (1993) as the property is located within the River Murray Tributaries Area. The Department assessed the proposal having regard to the River Murray Act (2003) and determined that the proposal was contrary to the objective of the River Murray Act 2003, which is to sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations. The Department of Water Land and Biodiversity Conservation directed that the application should not be approved.

.../cont.

4.2 455/1455/05 – Adelaide Blue Gum Pty Ltd (Continued)

Schedule 8 (20) (c) of the Development Regulations specifies that Council is to take Direction from the Department of Water Land and Biodiversity Conservation in relation to their response. This in essence means that Council must comply with the referral response provided by the Department. Council must therefore refuse this application.

REFER ATTACHMENT 4.1(e) (page 89)

CONSULTATION

Consultation has been undertaken with Council's Engineering and Infrastructure Department; initial concerns were raised regarding access issues for all four applications. A meeting was later held between Matt James of Council and Shane Kelly of Adelaide Blue Gum P/L where these issues were resolved.

Council's Natural Resources Officer, David Cooney has viewed the application and supports the response provided by the Department of Water Land and Biodiversity Conservation

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

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

Council Wide

Objectives 17,18,48,53,54,55,57,61,62,63,64,65,66.

Principles of Development Control 102, 151, 152, 153, 154, 155, 156, 186, 200, 245, 246, 247, 250, 259, 260, 261.

Port Elliot & Goolwa District

Principles of Development Control: 9,15.

Willunga District

Principles of Development Control: 12, 13

REFER ATTACHMENT 4.2(f) (page 121)

COMMENTS

As previously noted Schedule 8 (20) (c) of the Development Regulations specifies that Council is to take Direction from the Department of Water Land and Biodiversity Conservation in relation to their response. Council must therefore refuse this application.

.../cont.

4.2 455/1455/05 – Adelaide Blue Gum Pty Ltd (Continued)

RECOMMENDATION

That the Development Assessment Panel refuse Development Application 455/1455/05 for Commercial Forestry at Lot 12 Munetta Road, Pages Flat, pursuant to Schedule 8(20[©]) of the Development Regulations (1993) under direction from the Department of Water, Land and Biodiversity Conservation.

4.3 455/1456/05 - Adelaide Blue Gum Pty Ltd

SUMMARY TABLE

Date of Application	15 th December 2005
Subject Land	S590 Proctor Road Hope Forest
Applicant	Adelaide Blue Gum Pty Ltd
Owner	Colin Richard Blacker
Assessment No.	A9898
Relevant Authority	Alexandrina Council
Planning Zone	Willunga District + Mount Lofty Ranges Watershed
Nature of Development	Commercial Forestry
Type of Development	Consent on merit
Public Notice	Category 3
Referrals	CFS (informal) Dept Water, Land & Biodiversity Conservation
Representations Received	3 specific to this application + 8 relating to commercial forestry in general
Representations to be heard	2
Date last inspected	4 th May 2006
Recommendation	Refusal
Originating Officer	Cherry Getsom

ESD IMPACT/BENEFIT

- Environmental

The full environmental impact of this proposal is not ascertainable at this stage. Panel members and Council staff must rely on the advice of others more expert in the field when assessing possible environmental impacts. As such the proposal has been referred to the Department of Water, Land, Biodiversity and Conservation who have advised that the proposal will have significant environmental impacts.

- Social

Possible impacts on adjoining owners in the immediate future. Future social impacts are an unknown.

.../cont.

4.3 455/1456/05 – Adelaide Blue Gum Pty Ltd (Continued)

- Economic Immediate positives for the applicant and landowner, future impacts are an unknown.

BACKGROUND

Council has been directed by the Department of Water, Land and Biodiversity Conservation to refuse this application. In order to properly process this refusal a 'decision date' is required. As this application has been treated as a Category 3 application and has been publicly notified Council sought legal advice as to the most appropriate way to formally reach this decision. The advice received was to present the proposal to the Panel and allow representors to be heard. The Panel will be making the decision on the date of the Panel Meeting; however they are required to refuse the proposal

THE PROPOSAL

Nature of Development

Commercial forestry is included on the list of activities in Principle of Development Control 18 of the Willunga District Zone that are exempt from *non-complying* status. Commercial forestry is not listed in the Development Plan or the Development Regulations as a *complying* use, therefore it is a *consent on merit* use, and must be considered by Council against the relevant provisions of the Development Plan.

Detailed Description

The application is for change of land use for a property located at Section 590 Lots 11 & 12 Proctor Rd, Hope Forest where the applicant is seeking to establish a 25.7 hectare tree farm of Tasmanian Blue Gum (*Eucalyptus globulus*).

The property is located on Proctor Road approximately 2 kms from the Proctor Road, Yundi Road intersection. The property straddles both sides of Proctor Road. It is located within the Willunga District of the Alexandrina Development Plan and also within the Mount Lofty Ranges Watershed. The applicant proposes to plant 25.7 ha of the 180.6 ha property with Tasmanian Blue Gum, with the planted area divided into ten sections throughout the property but primarily along the southern boundary. These sections are to be 2ha, 2.1ha, 0.5ha, 2.5ha, 8ha, 1ha, 2.2ha, 5.6ha, 3.1ha, 0.8ha, 0.1ha and 0.5ha in size respectively.

Development Timeframe

The project is expected to operate on a ten to twelve year rotation cycle; expected time frames provided by the applicant are;

- March/April 2006 – site preparation & establishment activities.
- August 2006 – Row cultivation, pre-plant herbicide application, hand planting and fertilising.

.../cont.

4.3 455/1456/05 – Adelaide Blue Gum Pty Ltd (Continued)

- Year 2 - Autumn – weed control
- Year 3 – Expected canopy closure should render further weed control unnecessary, with the exception of control of noxious weeds.
- 2016- 2018 – Expected commencement of harvesting.
- 2017 -2019 – Site preparation for a second rotation of planting.

Ongoing maintenance will be undertaken throughout the life of the plantation.

Harvest and Haulage

Logging from the proposed development is expected to be undertaken over an eight day period once every ten years. Wood product is to be transported to Outer Harbour by truck via the following route:

- Proctor Road
- Yundi Rd
- Victor Harbor – Adelaide Road
- Main South Rd to Outer Harbour

Fire Protection and Prevention

Ten metre fire breaks are to be provided around all external boundaries of the tree farm, this will extend to 20 metres along sections of the western boundary. Internal access tracks are to be a minimum of 7 metres.

Chemical Usage

A list of proposed chemicals, their likelihood of use and application method has been provided by the applicant and is included with the attachments (See attachment 2).

No chemicals are to be stored on site.

Water

The applicant has indicated that a water licence is not required for this proposal as irrigation is not proposed for this tree farm.

REFER ATTACHMENT 4.3(a) (page 124)

SITE & LOCALITY

The property is located within the Willunga District of the Alexandrina Development Plan with land use in the area being mainly for rural purposes and predominantly grazing. Two dwellings and a number of outbuildings currently exist on the property with fourteen dams located throughout the site. The main access is provided from Proctor Road. The property is located within the Upper Myponga Subcatchment and Upper Finnis Catchment and contains two first order and one second order water courses. The applicant advises that rainfall on the property is approximately 830 mm per annum.

.../cont.

4.3 455/1456/05 – Adelaide Blue Gum Pty Ltd (Continued)

REFER ATTACHMENT 4.3(b) (page 125)

PUBLIC NOTIFICATION

Pursuant to Schedule 9 of the Development Regulations (1993) the application was placed on Category 3 public notification. Three specific representations were received in response to this application. The issues raised and responded to included,

- the social impacts of increased Commercial Forestry,
- Impacts on ground water recharge and
- Reduction of streamflows.
- Assessing applications in isolation
- Impacts on biodiversity

As this proposal was notified concurrently with three other Commercial Forestry proposals by the same applicant all issues raised were responded to in one response. A total of eight representations were received for all four applications. Other issues raised and responded to included:

- Fire Risks
- Chemical Drift
- Vermin
- Impacts of additional traffic particularly logging trucks.
- Impacts on rural land uses

REFER ATTACHMENT 4.1(c) (page 40)

REFER ATTACHMENT 4.1(d) (page 59)

REFERRALS

The proposal was referred informally to the CFS who had no objections to the proposal, subject to a number of conditions.

A referral to Department of Water Land and Biodiversity Conservation was also undertaken under Section 37, Schedule 8 (20) (c) of the Development Act and Regulations (1993) as the property is located within the River Murray Tributaries Area. The Department assessed the proposal having regard to the River Murray Act (2003) and determined that the proposal was contrary to the objective of the River Murray Act 2003, which is to sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations. The Department of Water Land and Biodiversity Conservation directed that the application should not be approved.

.../cont.

4.3 455/1456/05 – Adelaide Blue Gum Pty Ltd (Continued)

Schedule 8 (20) (c) of the Development Regulations specifies that Council is to take Direction from the Department of Water Land and Biodiversity Conservation in relation to their response. This in essence means that Council must comply with the referral response provided by the Department. Council must therefore refuse this application.

REFER ATTACHMENT 4.1(e) (page 89)

CONSULTATION

Consultation has been undertaken with Council's Engineering and Infrastructure Department; initial concerns were raised regarding access issues for all four applications. A meeting was later held between Matt James of Council and Shane Kelly of Adelaide Blue Gum P/L where these issues were resolved.

Council's Natural Resources Officer, David Cooney has viewed the application and is satisfied with the response provided by the Department of Water Land and Biodiversity Conservation

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

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

Council Wide

Objectives 17, 18, 48, 53, 54, 55, 57, 61, 62, 63, 64, 65, 66.

Principles of Development Control 102, 151, 152, 153, 154, 155, 156, 186, 200, 245, 246, 247, 250, 259, 260, 261.

Port Elliot & Goolwa District

Principles of Development Control: 9, 15.

Willunga District

Principles of Development Control: 12, 13

REFER ATTACHMENT 4.3(f) (page 146)

COMMENTS

As previously noted Schedule 8 (20) (c) of the Development Regulations specifies that Council is to take Direction from the Department of Water Land and Biodiversity Conservation in relation to their response. Council must therefore refuse this application.

.../cont.

4.3 455/1456/05 – Adelaide Blue Gum Pty Ltd (Continued)

RECOMMENDATION

The Development Assessment Panel refuse Development Application 455/1456/05 for Commercial Forestry at Sec 590 Lots 11 & 12 Proctor Road, Hope Forest, pursuant to Schedule 8(20)[©] of the Development Regulations (1993) under direction from the Department of Water, Land & Biodiversity Conservation.

4.4 455/1457/05 - Adelaide Blue Gum Pty Ltd

SUMMARY TABLE

Date of Application	15 th December 2005
Subject Land	Lot 2 Munetta Road Pages Flat
Applicant	Adelaide Blue Gum Pty Ltd
Owner	Paul M Rainsford
Assessment No.	A9808
Relevant Authority	Alexandrina Council
Planning Zone	Willunga District + Watershed Protection
Nature of Development	Commercial Forestry
Type of Development	Consent on merit
Public Notice	Category 3
Referrals	CFS (informal) Dept Water Land Biodiversity & Conservation
Representations Received	5 specific to this application + 8 relating to commercial forestry in general
Representations to be heard	3
Date last inspected	4 th May 2006
Recommendation	Refusal
Originating Officer	Cherry Getsom

ESD IMPACT/BENEFIT

- Environmental

The full environmental impact of this proposal is not ascertainable at this stage. Panel members and Council staff must rely on the advice of others more expert in the field when assessing possible environmental impacts. As such the proposal has been referred to the Department of Water, Land and Biodiversity Conservation who have advised that the proposal will have significant environmental impacts.
- Social

Possible impacts on adjoining owners in the immediate future. Future social impacts are an unknown.

.../cont.

4.4 455/1457/05 – Adelaide Blue Gum Pty Ltd (Continued)

- Economic Immediate positives for the applicant and landowner, future impacts are an unknown

THE PROPOSAL

Nature of Development

Commercial forestry is included on the list of activities in Principle of Development Control 18 of the Willunga District Zone that are exempt from *non-complying* status. Commercial forestry is not listed in the Development Plan or the Development Regulations as a *complying* use, therefore it is a *consent on merit* use, and must be considered by Council against the relevant provisions of the Development Plan.

Detailed Description

The application is for change of land use for a property located at Lot 2 Munetta Rd, Pages Flat where the applicant is seeking to establish a 55.9 hectare tree farm of Tasmanian Blue Gum (*Eucalyptus globulus*).

The property is located on the western side of Munetta Rd approximately 1.2 kms north of Lanacoona Rd, within the Willunga District of the Alexandrina Development Plan. It is also located within the Mount Lofty Ranges Watershed. The applicant proposes to plant 55.9 ha of the 132 ha property with Tasmanian Blue Gum, with the planted area divided into ten sections. These sections are located throughout the property at a size of 8.1ha, 0.3ha, 2.3ha, 4.6ha, 7.2ha, 2.1ha, 10.7, 17.1ha, 8.1ha and 2ha respectively.

Development Timeframe

The project is expected to operate on a ten to twelve year rotation cycle; expected time frames provided by the applicant are;

- May/July 2006 – site preparation & establishment activities.
- August 2006 – Row cultivation, pre-plant herbicide application, hand planting and fertilising.
- Year 2 - Autumn – weed control
- Year 3 – Expected canopy closure should render further weed control unnecessary, with the exception of control of noxious weeds.
- 2016- 2018 – Expected commencement of harvesting.
- 2017 -2019 – Site preparation for a second rotation of planting.

Ongoing maintenance will be undertaken throughout the life of the plantation.

Harvest and Haulage

Logging from the proposed development is expected to be undertaken over an eight day period once every ten years. Wood product is to be transported to Outer Harbour by truck via the following route:

.../cont.

4.4 455/1457/05 – Adelaide Blue Gum Pty Ltd (Continued)

- Munetta Road
- Pages Flat Rd
- Victor Harbor – Adelaide Road
- Main South Rd to Outer Harbour

Fire Protection and Prevention

Ten metre fire breaks are to be provided around all external boundaries of the tree farm, this will extend to 20 metres along sections of the western boundary. Internal access tracks are to be a minimum of 7 metres wide.

Chemical Usage

A list of proposed chemicals, their likelihood of use and application method has been provided by the applicant and is included with the attachments (See attachment 2)

Water

The applicant has indicated that a water licence is not required for this proposal as irrigation is not proposed.

REFER ATTACHMENT 4.4(a) (page 149)

SITE & LOCALITY

The property is located within the Willunga District of the Alexandrina Development Plan with land use in the area being mainly for rural purposes and predominantly grazing, although an established piggery adjoins the site. The subject land is flat to gently undulating with loamy sand and sandy soils. The main access is provided from Munetta Road. One dwelling and a number of outbuildings currently exist on the site with four dams located throughout the property. There is one first order watercourse on the property, which is located within the Upper Myponga Subcatchment of the Myponga River catchment. The applicant advises that rainfall on the property is approximately 850 mm per annum.

REFER ATTACHMENT 4.4(b) (page 150)

PUBLIC NOTIFICATION

Pursuant to Schedule 9 of the Development Regulations (1993) the application was placed on Category 3 public notification. Five specific representations were received in response to this application. The issues raised and responded to included:

- Impacts on ground water recharge and
- Reduction of streamflows.

.../cont.

4.4 455/1457/05 – Adelaide Blue Gum Pty Ltd (Continued)

- Assessing applications in isolation
- Impacts on biodiversity
- Impacts of additional traffic particularly logging trucks.
- Vermin

As this proposal was notified concurrently with three other Commercial Forestry proposals by the same applicant all issues raised were responded to in one response. A total of eight representations were received for all four applications. Other issues raised and responded to included:

- Fire Risks
- Chemical Drift
- Impacts on rural land uses
- the social impacts of increased Commercial Forestry,

REFER ATTACHMENT 4.1(c) (page 40)

REFER ATTACHMENT 4.1(d) (page 59)

REFERRALS

The proposal was referred informally to the CFS who had no objections to the proposal, subject to a number of conditions.

As the subject land is located just outside (on the outer boundary) of the River Murray Tributaries Area an informal referral was initially sent to the Department of Water Land and Biodiversity Conservation (DWLBC). It was later determined that a formal referral was required under Schedule 8 (12A) (b) of the Development Regulations (1993). The Development Act requires that Council have 'regard' to the response of the Department in relation to this referral. Therefore, whilst Council is not required to follow the recommendation of the Department it must take their comments and recommendation into account as part of the decision making process.

The Department of Water Land and Biodiversity Conservation advised that the subject site is located within the *Notice of Prohibition on Taking Surface Water, Water from Watercourses and Wells in the Western Mount Lofty Ranges* as well as being located within the *Western Mount Lofty Ranges Prescribed Water Resources Area*.

DWLBC have advised that the proposal is likely to reduce the amount of water recharge within the Myponga River Catchment and may adversely affect other existing commercial interests dependant on the resource and the sustainability of water dependant ecosystems.

.../cont.

4.4 455/1457/05 – Adelaide Blue Gum Pty Ltd (Continued)

DWLBC also note;

"The water table at the site of the proposed development is shallow, within 7 metres of the surface, and Eucalypt plantations can also extract a significant amount of water from shallow water tables. The site of the proposed development is an area where the water resources are already under a Notice of Prohibition, and any further increase in consumption at this time, whilst not precluded, is inconsistent with the intent of the Notice of Prohibition.

"The 'critically endangered' Swamps of the Fleurieu Peninsula (as listed by the EPBC Act 1999) are also located in the catchment and alterations to the environmental flows of the area has the potential to detrimentally affect the health of these wetlands"

DWLBC have determined that the proposal is likely to pose a significant threat to resource sustainability for existing users. This is contrary to the Object of the Natural Resources Management (NRM) Act 2004 to achieve ecologically sustainable development. They have also noted that the NRM Act, in relation to this objective, states:

"if there are threats of serious or irreversible damage to natural resources, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation"

DWLBC have recommended for that the proposal should not be approved.

REFER ATTACHMENT 4.4(e) (page 172)

CONSULTATION

Consultation has been undertaken with Council's Engineering and Infrastructure Department; initial concerns were raised regarding access issues for all four applications. A meeting was later held between Council's Infrastructure Co-ordinator Matt James and Shane Kelly of Adelaide Blue Gum P/L where these issues were resolved.

Council's Natural Resources Officer, David Cooney has viewed the application and supports the response provided by the Department of Water Land and Biodiversity Conservation.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

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

.../cont.

4.4 455/1457/05 – Adelaide Blue Gum Pty Ltd (Continued)

Council Wide

Objectives 17,18,48,53,54,55,57,61,62,63,64,65,66.

Principles of Development Control 102, 151, 152, 153, 154, 155, 156, 186, 200, 245, 246, 247, 250, 259, 260, 261.

Port Elliot & Goolwa District

Principles of Development Control: 9,15.

Willunga District

Principles of Development Control: 12, 13

REFER ATTACHMENT 4.4(f) (page 175)

COMMENTS

Environmental flows and Water related issues

As noted above, the DWLBC has raised serious concerns regarding possible environmental impacts of the proposal, and the effects on water resources and sustainability. The applicant has provided a report written by Messrs Martin and McCarthy of Resource and Environmental Management (REM) relating to Groundwater conditions at selected sites in the Finniss, Myponga and Hindmarsh River Catchments which refutes these concerns (see attachment 4 for a copy of this report). Given the amount of conflicting advice available to Council regarding the impacts of Commercial Forestry, it is particularly important to note the objectives of the NRM Act in regard to lack of scientific certainty not being reason enough for postponing measures that may prevent environmental degradation. Additionally, as the Development Act (1993) requires that Council refer such applications to the DWLBC it is important that Council places greater emphasis on the advice of this body, as opposed to the advice of other parties.

Transport

Council's Engineering & Infrastructure Department has consulted with the applicant regarding the proposal and have determined that access for harvest purposes should be via Munetta Road with the exit route via Munetta Road and Pages Flat Road.

Bushfire safety

Acceptable firebreaks, internal access tracks, and dam water for fire fighting are proposed as part of the application.

.../cont.

4.4 455/1457/05 – Adelaide Blue Gum Pty Ltd (Continued)

Native Vegetation

The applicant has advised that all native vegetation will remain intact and unaffected that a minimum 3 metre drip line from the extremity of the canopy will buffer isolated native trees. With regard to the concerns raised by DWLBC in relation to the Fleurieu Swamps the applicant notes:

“through sensible planting of the blue gum along the ridge lines and in areas of shallow soil over bedrock it is assumed that any potential impacts on the local groundwater system will be minimised”

For this reason the applicant is of the view that the proposal will not have an adverse impact on the swamps.

Suitability of use

There are a series of provisions within the Alexandrina Council Development Plan that relate to the types of land uses that are considered to be suitable, and even encouraged within rural areas, Commercial Forestry is included as a suitable land use. However, there is equal, if not greater significance placed on the environmental impacts of any form of development throughout the Council Area. A number of these provisions (Council Wide Objective 62 and PDC's 156, 186 and 200 for example) relate specifically to impacts on water resources and swamps.

Council Wide Objective 48 focuses on “the retention of rural areas primarily for agricultural, pastoral and forestry purposes ...” and includes in the additional wording “the protection of ... agricultural land and water resources should remain the overriding consideration governing decisions relating to development of rural land ...”

Given these objectives highlighting environmental concerns and the strong advice received from the Department of Water, Land and Biodiversity Conservation, the proposed use is not considered suitable in this locality. The proposal therefore does not display sufficient merit to warrant approval.

RECOMMENDATION

The Development Assessment Panel REFUSE Development Application 455/1457/05 for Commercial Forestry at Lot 2 Munetta Rd, Pages Flat as the proposal is considered seriously at variance with the following Objectives and Principles of the Alexandrina Development Plan:

.../cont.

4.4 455/1457/05 – Adelaide Blue Gum Pty Ltd (Continued)

Council Wide

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

Additional text:

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

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

Objective 53: The maintenance and enhancement of the national resources of the Mount Lofty Ranges Region.

Objective 54: The enhancement of the Mount Lofty Ranges Region catchments as sources of high quality water.

Objective 55: The long term sustainability of rural production in the Mount Lofty Ranges Region ensured.

Objective 61: The protection of the Mount Lofty Ranges Watershed against pollution and contamination.

Objective 62: The prevention of development which could lead to a deterioration in the quality of surface or underground waters within the Mount Lofty Ranges Watershed.

Principles of Development Control

151 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

.../cont.

4.4 455/1457/05 – Adelaide Blue Gum Pty Ltd (Continued)

- 155 Development should take place in a manner which will not interfere with the effective and proper use of other land in the vicinity and which will not prevent the attainment of the objectives for that other land.
- 156 Development should not take place if it may result in over exploitation of surface or underground water resources.
- 186 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.
- 200 No development or change in land use should occur where its proximity to a swamp or wetland, whether permanently or periodically inundated, has the potential to damage or interfere with the hydrology or water regime of the swamp or wetland.
- 259 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.

Port Elliot & Goolwa District

Principles of Development Control

- 9 No development should be undertaken which would present any risk of pollution or contamination to Lake Alexandrina, the River Murray, or adjoining bodies of water.

ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION COMMUNITY TITLE

ITEM 6. DEVELOPMENT ASSESSMENT - BUILDING

ITEM 7. MATTERS REFERRED FOR FOLLOW UP

ITEM 8. GENERAL ITEMS FOR DISCUSSION

ITEM 9. NEXT MEETING

Monday 19th June 2006, time to be advised.