

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 20 March 2006 commencing at 11:30 am

Your attendance is requested.

11:30 a.m. Development Assessment Panel commencement

12:30 p.m. Conclusion of meeting.

JOHN COOMBE
CHIEF EXECUTIVE

ALEXANDRINA COUNCIL

AGENDA FOR THE DEVELOPMENT ASSESSMENT PANEL MEETING
TO BE HELD ON 20 MARCH 2006 AT 11:30 AM
IN LARGE MEETING ROOM (OLD GOOLWA COUNCIL CHAMBERS)

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**Development Assessment Panel
Report and Agenda
on 20 MARCH 2006 commencing at 11:30 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 February 2006.

Tabled by John Coombe seeking an amendment to the above minutes Item 8.2 Goolwa Airpark – 455/C076/05, 455/C077/05 & 455/C078/05 for the following to be included:

“Mr Coombe informed the Panel that officers of Planning SA believed the applications, whilst non-complying, have merit to be further assessed. This is not a view supported by Council Planners. Mr Coombe believed that as a means to look at all opportunities and given that a decision for further assessment does not bind Council, it seems fair to at least seek further information. Sally Roberts, in consultation with Des Commerford, believed the application could be forwarded to a Planning Consultant for an independent assessment.

The report would then be placed before the Panel for their consideration. Mr Coombe believed that if it was the view of the Panel to have the further assessment undertaken, it could then refer the assessment report to an independent planner for advice to the Panel.”

RECOMMENDATION

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

ITEM 2. DEVELOPMENT APPLICATIONS

2.1 455/1284/05 - Carlo Ferraro Pty Ltd

SUMMARY TABLE

Date of Application	31 st October 2005
Subject Land	Foodland/33 Hutchinson St Goolwa
Applicant	Carlo Ferraro Pty Ltd
Owner	Carlo Ferraro Pty Ltd
Assessment No.	A 5752
Relevant Authority	Alexandrina Council
Planning Zone	District Centre Goolwa (Goolwa Village Policy Area 3)
Nature of Development	Temporary Chemist Dispensary
Type of Development	Consent on Merit
Public Notice	Category 2
Referrals	N/A
Representations Received	1
Representations to be heard	1
Date last inspected	8 th March 2006
Recommendation	Approve with conditions
Originating Officer	Cherry Getsom

ESD IMPACT/BENEFIT

- Environmental Minimal
- Social Ability of the Chemist to provide dispensary services for existing and/or new customers
- Economic Advantages for the Dispensary Owner and Tenancy owner.

THE PROPOSAL

Nature of Development

The application is for a temporary Ausco Transportable building to be utilised as a temporary Chemist Dispensary within the existing Woolworths complex at Lot 30 Hutchinson Street, Goolwa.

.../cont.

2.1 455/1284/05 – Carlo Ferraro Pty Ltd (Continued)

Detailed Description

The proposal involves a temporary Ausco Transportable building located adjacent the existing 'Browse and Save' store. This is a stand alone store which forms part of the existing shopping complex, known locally as the Woolies complex. This complex is located within the District Centre Zone (Goolwa Village Policy Area 3) of the Alexandrina Development Plan. The building has a total floor area of approximately 57.6m² and is to be painted cream to match the walls of the adjacent tenancy. It is to be utilised as a dispensary for the existing chemist located nearby within the mall of the shopping complex. The dispensary is to be staffed by one person whose primary function will be to prepare prescriptions. These prescriptions will be collected by the Chemist for provision to customers at the shopping mall tenancy. The Chemist currently fills these prescriptions at premises on Beach Road. The location of pharmacies is regulated by the National Health Act, 1953. The location of existing dispensary does not allow for it to be relocated to within the existing chemist store at a later date. The temporary pharmacy will meet the requirements of the National Health Act, 1953 in terms of locality and subsequently will be able to be relocated and combined with the existing chemist at a later date. The dispensary will be able to be accessed by the public however there will be no need for customers to attend the premises. A temporary approval for a period of five (5) years was originally sought to allow sufficient time for the Chemist to relocate into the existing shopping centre and still meet the requirements of the National Health Act, 1953. However a change in ownership of the Beach Road tenancy has altered the original approach and a reduced period of one year has been requested.

The building is to be removed when no longer required.

REFER ATTACHMENT 2.1(a) (page 1)

SITE & LOCALITY

Although the dispensary is not within the main body of the shopping centre, it is to be located within an existing complex, adjacent to an existing store. The complex is bounded on three sides by residential development with relatively low density commercial development located adjacent the eastern boundary of the complex. The proposed temporary dispensary and the existing store are located in the south eastern corner of the complex, bounded by the residential zone. There is a buffer zone of vegetation between these buildings and adjacent dwellings.

PUBLIC NOTIFICATION

Pursuant to Schedule 9 (6) (1) (i) of the Development Regulations (1993) the application was placed on Category 2 public notification as the site of the development is adjacent to land in a different zone.

.../cont.

2.1 455/1284/05 – Carlo Ferraro Pty Ltd (Continued)

Adjoining property owners were notified with representation to be received by 16th February 2006. This time frame was extended to 21st February 2006 when additional information was provided by the applicant indicating that the temporary nature of the proposal was to be reduced from the initial period of five years to a one year tenancy. One representation was received in response to the Public Notice. This representation was not from an adjoining owner who was notified as part of the Category 2 process. However, it was treated as a valid representation by the applicant.

Concerns raised in this representation related to the temporary nature of the structure and its impact upon the amenity of the locality and the safety aspect associated with a structure of this nature and its intended use.

REFER ATTACHMENT 2.1(b) (page 8)

The applicant has also submitted a response to the representation.

REFER ATTACHMENT 2.1(c) (page 9)

Concerns were also raised regarding the temporary nature of the proposal and its relationship with the National Health Act, 1953. This is not a planning matter and does not form part of this application.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN (consolidated 1st September 2005).

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

Council Wide Objectives:

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

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

.../cont.

2.1 455/1284/05 – Carlo Ferraro Pty Ltd (Continued)

Council Wide Principles of Development Control

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

District Centre (Goolwa) Zone

Objective 1: Accommodation of a range of retail, office, administrative, community, recreation, tourist, cultural activities to serve the population and trade area catchment of Goolwa.

Objective 2: A zone accommodating shopping facilities that provide mainly convenience goods and a sufficient range of comparison goods to serve major weekly shopping trips.

Principals of Development Control

PDC 1 Development undertaken in the District Centre (Goolwa) Zone should be, primarily, a range of shopping, administrative, cultural, community, recreational, educational, religious and tourist facilities appropriate to the population and trade area catchment it serves.

PDC 2 Development along the boundaries of the zone which are opposite or adjacent to adjoining residential areas should provide a transition in bulk, scale and appearance from that within the centre of the zone in recognition of the scale, character and amenity of the residential areas.

PDC 17 Development should incorporate buildings and landscaping designed to complement the respective development and its immediate environs as well as the desired character of the zone.

Goolwa Village Policy Area 3

PDC 57 A desired character in which:
(a) day to weekly shopping facilities are established to serve the population and tourist retail expenditure demand of the trade area catchment of Goolwa and Hindmarsh Island;

PDC 58 The nature and scale of retailing activities should satisfy the estimated supportable retail floor space demands of the Goolwa trade area catchment, which primarily includes the township of Goolwa and Hindmarsh Island.

.../cont.

2.1 455/1284/05 – Carlo Ferraro Pty Ltd (Continued)

COMMENTS

The proposed temporary dispensary is considered an appropriate use within the District Centre Zone and policy area. The Asco Hut style nature of the building is not considered the most suitable style of structure; however as structure is to be located adjacent an existing building and will not dominate the view from any public road and the proposed time period has been reduced from a five year approval to a one year approval then it is considered acceptable. The Hut is to be removed when no longer required.

The temporary dispensary will facilitate a relocation of the dispensary into the existing chemist within the Woolworths Complex and displays sufficient merit to warrant approval.

RECOMMENDATION

The Development Assessment Panel approve Development Application 455/1284/05 for a temporary Chemist Dispensary for a period of one year, subject to the following conditions:

- Any landscaping removed or affected by the temporary dispensary to be replaced to the suitable satisfaction of Council.

- The structure shall be constructed of materials and of a colour to compliment the existing shopping complex.

ITEM 3. DEVELOPMENT APPLICATIONS - NON COMPLYING

3.1 455/C076/05 - Weber Frankiw & Associates (For G Eastwood)

SUMMARY TABLE

Date of Application	7 th September 2005
Subject Land	Lot 30 Airport Road Goolwa
Assessment No.	A 1363
Relevant Authority	Alexandrina Council
Planning Zone	General Farming
Nature of Development	Community Title land division creating 4 additional allotments.
Type of Development	Non-complying
Public Notice	N/A at this stage
Referrals	Development Assessment Commission SA Water PIRSA
Representations Received	N/A at this stage
Representations to be heard	N/A
Date last inspected	4 th November 2005
Recommendation	Refusal
Originating Officer	Judith Urquhart / Sally Roberts

ESD IMPACT/BENEFIT

- Environmental Increased stormwater and wastewater flows.
- Social Increased lifestyle opportunities for a few, and (possible) tourist opportunities. Potential impacts on surrounding land uses and existing lifestyle.
- Economic Possible increased viability of the airport but (future) alienation of productive farmland.

THE PROPOSAL

Nature of Development

This application should be considered along with community title land divisions 4545/C077/05 and 455/C078/05 (the secondary schemes). This proposal is the primary land division scheme which seeks to create two community lots, three development lots and common property.

.../cont.

3.1 455/C076/05 – Weber Frankiw & Associates (For G Eastwood) (Continued)

The creation of additional allotments in the general farming zone is a non-complying use. This decision is required under Section 39 of the Development Act and is effectively a decision whether or not to proceed with further assessment under Section 35 of the Act. Note that, since a recent decision in the ERD Court, appeal rights exist against a refusal under Section 39. Appeal rights do not exist for the applicant against a decision under Section 35 of the Act.

Detailed Description

This proposal seeks to establish the base for future staged development of the airport as an "Airpark" by identifying all of the common land and various (potential) residential and commercial stages. The concept involves the integration of housing with an airport providing lifestyle, business and recreational opportunities for residents. In detail it proposes:

- pieces 3 & 4, the residential component of 5.33 ha. (455/C077/05);
- pieces 1 & 2, the commercial component of 1.97ha. (455/C078/05);
- development lot 5 of 19.04 ha for future development;
- development lot 6 of 3.58 ha for future development;
- development lot 7 of 9.288 ha for long-term future development and,
- common property comprising existing common facilities and runways and taxiways.

Land division applications 455/C077/05 and 455C078 are secondary land division schemes (refer reports which follow).

Statements of Support have been provided for the two secondary schemes and are considered adequate for this proposal as well. A Scheme Description has also been provided.

REFER ATTACHMENT 3.1(a) (page 11) *Note that the Scheme Description can be viewed on file.*

SITE & LOCALITY

The site is flat, comprises 70.45 hectares, fronting Airport Road and Boettcher Road and contains accommodation (manager's residence) offices, reception/waiting lounge, radio control room, meeting rooms and sleeping quarters and hangars associated with the running of the airport, runways and taxiways.

All buildings are close to road frontages and the main runway runs almost parallel to Boettcher Road. Roadside vegetation exists, but none of significance on the site.

.../cont.

3.1 455/C076/05 – Weber Frankiw & Associates (For G Eastwood) (Continued)

The locality is rural in nature, dominated by grazing and the growing of fodder crops.

PUBLIC NOTIFICATION - Not applicable at this stage

REFERRALS

Development Assessment Commission (DAC)

Acknowledge that application is Non-complying and drawn Council's attention to the SA Water comments.

SA Water

Standard advice regarding the necessity to satisfy the Corporation's financial and easement requirements.

PIRSA

Not in favour of the creation of rural living allotments in rural areas. Recommend amending the Development Plan to reflect a distinctly different landuse.

CONSULTATION

Environmental Health

Allotments exceed 2000m² and no issues envisaged (Kim Vivian) – refer file.

Engineering & Infrastructure

Standard requirements regarding road standards, stormwater disposal and lighting. Agreement to be reached regarding the sealing of 400m of Boettcher Road – refer file (Matt James).

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

This is not a detailed assessment, as allowed by Section 39 of the Development Act. Rather it concentrates on the fundamental issue of whether or not this is an appropriate land use in the zone, and is supported by the relevant policies. Policies from the Council-wide, Mount Lofty Ranges and Primary Production Area parts of the Development Plan must also be considered. Only those policies critical to the assessment are reproduced here. More detail is available in the Statements of Effect attachment 3.1(a).

The following issues arise:

Retention of Viable Farming Land

The following policies call for the retention of rural areas primarily for agricultural purposes:

.../cont.

3.1 455/C076/05 – Weber Frankiw & Associates (For G Eastwood) (Continued)

Council-wide Objective 42

Mt. Lofty Ranges Region Objective 49

Principle 74

Principle 77

Principle 165

Rural Development Principles 167, 168, 170, 171

Port Elliot/Goolwa District Principle 25

General Farming Zone Objective 1

It is acknowledged that an airport already exists in this rural area, and that it is not (currently) being used for farming purposes. However, were the airport to cease operating, the land could easily revert to grazing and/or cropping. There are currently no uses or structures which would preclude this. Were this, and the secondary land divisions be approved this land (70ha. In all) would be alienated from primary production.

Landuse Conflict /Interface Issues

The proposal foresees in all 53 residential allotments (all stages). These lots abut Boettcher Road and farming land to the west, east and south currently used for grazing and cropping. The existence of residential development adjacent and near to farming uses has the potential to create landuse/interface conflicts which have the potential to jeopardise the on-going viability of the farming activities, activities which are envisaged in the zone. PIRSA has advised that it cannot support the proposal on this basis.

Council has refused a number of proposals to create rural living allotments in rural areas, whilst others have been approved. Each application must be considered on its merits; each site and locality is unique, with its own characteristics.

Orderly Development

An important consideration is the creation of an essentially residential enclave in a rural farming area. Relevant policies include:

Council-wide Objective 1 – Orderly and economic development

Principle 3 (a) – compact built-up areas

General Farming Zone Objective 5

All kinds of development are non-complying except Land division where no additional lots are created, either partly or wholly, within the Mt Lofty Ranges Primary Production Area

.../cont.

3.1 455/C076/05 – Weber Frankiw & Associates (For G Eastwood) (Continued)

Clearly the creation of a number of (essentially) residential allotments in this location is inappropriate and disorderly. It is not called up by any of the relevant provisions and is expressly listed as non-complying. For a non-complying use to merit further assessment, there must be a sound basis for further investigation on the assumption that there may be circumstances which display merit when assessed against the relevant provisions.

It is acknowledged that this proposal meets a number of policies relating to land division but these policies assume that the fundamental land use is appropriate – this is not the case in this instance.

There are questions regarding the sense in siting so many dwellings so close to an airport runway. I note that the Statement of Effect (Page 5) notes that:

“There are very few dwellings surrounding the subject land, the nearest being located some 600m to the north and also 600m to the west, and generally well removed (fortunately), from the airport flight paths.....”

The commercial use associated with the airport is already approved and established. Thirteen additional hangars, yet to be built, have received planning approval – DA No.455/489/05 approved on 13th May 2005. These are sited within piece 2. Whilst this particular part of the application may have merit as it reflects approved facilities on the ground, the residential and future development lots are inappropriate in this zone.

Rural Character

The following policies call for the retention of natural/rural character:

Council-wide

Appearance of Land & Buildings Objective 32

Mt.Lofty Ranges Region

Objective 51
Principles 133 and 137

Rural Development

Principle 173

This is an extensive, open, cropping and grazing rural area characterised by scattered dwellings and farm buildings. Rural character dominates. The existing structures on the subject land, whilst not related to rural production are rural in character – one dwelling and large iron-clad sheds. The development of a large number of dwellings (albeit on lots in the order of 1ha.) and associated outbuildings and infrastructure will dramatically change the open rural character of this locality in terms of both visual quality, levels of traffic and intensity of activities of a non-rural nature.

.../cont.

3.1 455/C076/05 – Weber Frankiw & Associates (For G Eastwood) (Continued)

Role of Development Assessment vs Planning Policy

A key issue in this proposal is the risk of pre-empting policy change by way of changes of land use. The planning system clearly separates policy and assessment. Zones envisage appropriate and inappropriate (non-complying) uses. The detailed and rigorous PAR process allows for gradual change in the appropriate use of land in response to changing circumstances and pressures. It is inappropriate to flag future (possible) policy change by way of land use approvals. This is a fundamental change of land use in a rural area; no detailed investigations and arguments and justifications have been undertaken as required by the PAR process. This proposal is premature. It may well be that, given the existing particular non-rural use of the land, additional infrastructure and facilities are appropriate but this should be determined by way of the PAR process. Assessment of applications must be based on current, not future policies.

Summary

This proposal is clearly at odds with Development Plan policies calling for the retention of rural land for primary production, the retention of open/rural character and orderly development. It accords with a wide variety of policies but, I suggest, not the fundamental ones. This proposal if approved would also serve to change policy by way of land use change; this is not appropriate.

Attached for the Panel members information is a letter from the applicant's consultant detailing the outcomes of a recent meeting with Council and Planning SA.

REFER ATTACHMENT 3.1(b) (page 20)

RECOMMENDATION

That the Development Assessment Panel refuse Development Application No.455/C076/05 to create four additional community title allotments at Lot 30 Airport Road, Goolwa on the grounds that it is not orderly, alienates viable farming land and will have a detrimental affect on rural character. In particular it is at odds with the following provisions of the Development Plan:

Council-wide	Objective 1
	Objective 32
	Objective 42
	Principle 3(a)

.../cont.

3.1 455/C076/05 – Weber Frankiw & Associates (For G Eastwood) (Continued)

Mt. Lofty Ranges Region- Objectives 49 & 51

Principle 74 & 77

Principles 133 & 137

Principle 165 (b)

Principles 167, 168, 170, 171 & 173

Port Elliot/Goolwa District Principle 25

General Farming Zone Objectives 1 & 5

3.2 455/C077/05 - Weber Frankiw & Associates (For G Eastwood)

SUMMARY TABLE

Date of Application	7 th September 2005
Subject Land	Lot 30 Airport Road Goolwa
Assessment No.	A 1363
Relevant Authority	Alexandrina Council
Planning Zone	General Farming
Nature of Development	Community Title land division creating 15 additional allotments
Type of Development	Non-complying
Public Notice	N/A at this stage
Referrals	Development Assessment Commission SA Water PIRSA DAIS Transport SA
Representations Received	N/A at this stage
Representations to be heard	N/A
Date last inspected	4 th November 2005
Recommendation	Refusal
Originating Officer	Judith Urquhart / Sally Roberts

ESD IMPACT/BENEFIT

- Environmental Increased stormwater and wastewater flows.
- Social Increased lifestyle opportunities for a few, and (possible) tourist opportunities. Potential impacts on surrounding land uses and existing lifestyle.
- Economic Possible increased viability of the airport but (future) alienation of productive farmland.

THE PROPOSAL

Nature of Development

This application should be considered along with community title land divisions 4545/C076/05 (the primary scheme) and 455/C078/05. This proposal seeks to create an additional 15 lots essentially for residential purposes. It forms Stage 1 of the proposed Residential Airpark. A masterplan showing all intended future development can be viewed in Attachment 3.2.

.../cont.

3.2 455/C077/05 – Weber Frankiw & Associates (For G Eastwood) (Continued)

The creation of additional allotments in the general farming zone is a non-complying use. This decision is required under Section 39 of the Development Act and is effectively a decision whether or not to proceed with further assessment under Section 35 of the Act. Note that, since a recent decision in the ERD Court, appeal rights exist against a refusal under Section 39. Appeal rights do not exist for the applicant against a decision under Section 35 of the Act.

Detailed Description

This proposal seeks to establish 15 community titled residential allotments ranging in size from 2145 sq m to 6435sq m. Access is by private road off Boettcher Road using an existing access point. Proposed Lot 1 has an existing dwelling and shed and proposed lot 2 has an existing hangar. All other allotments are vacant.

The land is flat and, apart from some scattered trees and shrubs along the road boundary, devoid of trees. The proposed lots are clustered in two groups of seven, sited between Boettcher Road and the existing bitumen runway. The eastern boundaries of lots 6, 7, 12 and 13 abut the runway.

The concept is that owners will establish dwellings and are also obliged (by the Scheme Description) to construct hangars/workshops.

A Statement of Support has been provided.

REFER ATTACHMENT 3.2 (page 22) *Note that the Scheme Description can be viewed on file.*

SITE & LOCALITY

The site is flat, forming part of the 70.45 hectares devoted to the airport, and fronts Boettcher Road. A house, domestic outbuilding and hangar exist, close to Boettcher Road.

The locality is rural in nature, dominated by grazing and the growing of fodder crops.

PUBLIC NOTIFICATION - Not applicable at this stage

REFERRALS

Development Assessment Commission

Advising that the proposal is Non-complying and drawing Council's attention to the SA Water requirements.

.../cont.

3.2 455/C077/05 – Weber Frankiw & Associates (For G Eastwood) (Continued)

SA Water

Standard advice regarding the necessity to satisfy the Corporation's financial and easement requirements.

PIRSA

Not in favour of the creation of rural living allotments in rural areas. Recommend amending the Development Plan to reflect a distinctly different landuse.

DAIS

No comment

Transport SA

Advising that there could be some issues in relation to stormwater disposal in the area of proposed lots 6/7 and 12/13. Have provided suggestions on what could be done.

CONSULTATION

Environmental Health Allotments exceed 2000m² and no issues envisaged (Kim Vivian) – refer file.

Engineering & Infrastructure Standard requirements regarding road standards, stormwater disposal and lighting. Agreement to be reached regarding the sealing of 400m of Boettcher Road – refer file (Matt James).

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

This is not a detailed assessment, as allowed by Section 39 of the Development Act. Rather it concentrates on the fundamental issue of whether or not this is an appropriate land use in the zone, and is supported by the relevant policies. Policies from the Council-wide, Mount Lofty Ranges and Primary Production Area parts of the Development Plan must also be considered. Only those policies critical to the assessment are reproduced here. More detail is available in the Statements of Effect included in attachment 3.3(a).

The following issues arise:

Retention of Viable Farming Land

The following policies call for the retention of rural areas primarily for agricultural purposes:

Council-wide Objective 42

.../cont.

3.2 455/C077/05 – Weber Frankiw & Associates (For G Eastwood) (Continued)

Mt. Lofty Ranges Region Objective 49

Principle 74

Principle 77

Principle 165

Rural Development Principles 167, 168, 170, 171

Port Elliot/Goolwa District Principle 25

General Farming Zone Objective 1

It is acknowledged that an airport already exists in this rural area, and that it is not (currently) being used for farming purposes. However, were the airport to cease operating, the land could easily revert to grazing and/or cropping. There are currently no uses or structures which would preclude this. Were this land division to be approved this land would be alienated from primary production.

Landuse Conflict /Interface Issues

The proposal foresees 15 residential allotments. These lots abut Boettcher Road and farming land to the west, and east and south of the airport runway, currently used for grazing and cropping. The existence of residential development adjacent and near to farming uses has the potential to create landuse/interface conflicts which have the potential to jeopardise the on-going viability of the farming activities, activities which are envisaged in the zone. PIRSA has advised that it cannot support the proposal on this basis.

Orderly Development

A critical issue is the creation of an essentially residential enclave in a rural farming area. Relevant policies include:

Council-wide Objective 1 – Orderly and economic development

Mt. Lofty Ranges Region Principle 3 (a) – compact built-up areas

General Farming Zone Objective 5 All kinds of development are non-complying except Land division where no additional lots are created, either partly or wholly, within the Mt. Lofty Ranges Primary Production Area

This site is located in the Mt. Lofty Ranges Primary Production Area.

Clearly the creation of a number of (essentially) residential allotments in this location is inappropriate and disorderly. It is not called up by any of the relevant provisions and is expressly listed as non-complying.

.../cont.

3.2 455/C077/05 – Weber Frankiw & Associates (For G Eastwood) (Continued)

For a non-complying use to merit further assessment, there must be a sound basis for further investigation on the assumption that there may be circumstances which display merit when assessed against the relevant provisions.

It is acknowledged that this proposal meets a number of policies relating to land division but these policies assume that the fundamental land use is appropriate – this is not the case in this instance.

There are questions regarding the good sense and orderliness of siting so many dwellings so close to an airport runway. I note that the Statement of Effect (Page 5) is somewhat contradictory and notes that:

“There are very few dwellings surrounding the subject land, the nearest being located some 600m to the north and also 600m to the west, and generally well removed (fortunately), from the airport flight paths.....”

Rural Character

The following policies call for the retention of natural/rural character:

Council-wide

Appearance of Land & Buildings Objective 32

Mt.Lofty Ranges Region

Rural Development Objective 51
Principles 133 and 137
Principle 173

This is an extensive, open, cropping and grazing rural area characterised by scattered dwellings and farm buildings. Rural character dominates. The existing structures on the subject land, whilst not related to rural production, are rural in character – one dwelling and large iron-clad sheds. The development of a large number of dwellings (albeit on fairly large lots) and associated outbuildings and infrastructure will dramatically change the open rural character of this locality in terms of both visual quality, levels of traffic and intensity of activities of a non-rural nature.

ROLE OF DEVELOPMENT ASSESSMENT VS PLANNING POLICY

A key issue in this proposal is the risk of pre-empting policy change by way of changes of land use. The planning system clearly separates policy and assessment. Zones envisage appropriate and inappropriate (non-complying) uses. The detailed and rigorous PAR process allows for gradual change in the appropriate use of land in response to changing circumstances and pressures. It is inappropriate to flag future (possible) policy change by way of land use approvals.

.../cont.

3.2 455/C077/05 – Weber Frankiw & Associates (For G Eastwood) (Continued)

This is a fundamental change of land use in a rural area; no detailed investigations and arguments and justifications have been undertaken as required by the PAR process. This proposal is premature. It may well be that, given the existing particular non-rural use of the land, additional infrastructure and facilities are appropriate but this should be determined by way of the PAR process. Assessment of applications must be based on current, not future policies.

SUMMARY

This proposal is clearly at odds with Development Plan policies calling for the retention of rural land for primary production, the retention of open/rural character and orderly development. It accords with a number of policies relating to land division and traffic but, I suggest, not the fundamental ones relating to land use. This proposal if approved would also serve to change policy by way of land use change; this is not appropriate. It is also pertinent that this proposal cannot succeed without the approval of 455/C076/05, the primary scheme.

Attached for the Panel members information is a letter from the applicant's consultant detailing the outcomes of a recent meeting with Council and Planning SA.

REFER ATTACHMENT 3.1(b) (page 20)

RECOMMENDATION

That the Development Assessment Panel refuse Development Application No.455/C077/05 to create fifteen community title allotments at Lot 30 Airport Road, Goolwa on the grounds that it is not orderly, alienates viable farming land and will have a detrimental affect on rural character. In particular it is at odds with the following provisions of the Development Plan:

Council-wide	Objective 1 Objective 32 Objective 42
Mt. Lofty Ranges Region	Objectives 49 & 51 Principle 3 (a) Principle 74 & 77 Principles 133 & 137 Principle 165 (b) Principles 167, 168, 170, 171 & 173
Port Elliot/Goolwa District General Farming Zone	Principle 25 Objectives 1 & 5

3.3 455/C078/05 - Weber Frankiw & Associates (For G Eastwood)

SUMMARY TABLE

Date of Application	7 th September 2005
Subject Land	Lot 30 Airport Road Goolwa
Assessment No.	A 1363
Relevant Authority	Alexandrina Council
Planning Zone	General Farming
Nature of Development	Community Title land division creating 5 additional allotments
Type of Development	Non-complying
Public Notice	N/A at this stage
Referrals	Development Assessment Commission SA Water PIRSA
Representations Received	N/A at this stage
Representations to be heard	Nil.
Date last inspected	4 th November 2005
Recommendation	Refusal
Originating Officer	Judith Urquhart / Sally Roberts

ESD IMPACT/BENEFIT

- Environmental Increased stormwater and wastewater flows.
- Social Increased lifestyle opportunities for a few, and (possible) tourist opportunities. Potential impacts on surrounding land uses and existing lifestyle.
- Economic Possible increased viability of the airport but (future) alienation of productive farmland.

THE PROPOSAL

Nature of Development

This application should be considered along with community title land divisions 4545/C076/05 (the primary scheme) and 455/C077/05 (secondary residential scheme). This proposal seeks to create 5 additional community title lots over existing and yet to be built hangars/workshops (DA NO.455/489/05) in pieces 1 and 2 to be created in land division 455/C076/05. It forms Stage 1A of the proposed Residential Airpark. A masterplan showing all intended future development can be viewed in attachment 3.3.

.../cont.

3.3 455/C078/05 – Weber Frankiw & Associates (For G Eastwood) (Continued)

The creation of additional allotments in the general farming zone is a non-complying use. This decision is required under Section 39 of the Development Act and is effectively a decision whether or not to proceed with further assessment under Section 35 of the Act. Note that, since a recent decision in the ERD Court, appeal rights exist against a refusal under Section 39. Appeal rights do not exist for the applicant against a decision under Section 35 of the Act.

Detailed Description

This proposal seeks to establish 5 additional community titled commercial allotments ranging in size from 945 sq m to 3360sq m, reflecting existing hangar/workshop buildings on proposed Lots 20, 21 and 23, two vacant lots and Lot 25 containing thirteen hangars/workshops yet to be built. Access is existing off Boetcher Road.

The land is flat and, apart from some scattered trees and shrubs along the road boundary, devoid of trees. The proposed lots are clustered in and around existing hangars/workshops and in the area of the recently approved additional hangars immediately south.

A Statement of Support has been provided.

REFER ATTACHMENT 3.3 (page 70) *Scheme Description can be viewed on file.*

SITE & LOCALITY

The site is flat, forming part of the 70.45 hectares devoted to the airport, and fronts Airport Road. Three hangars exist, close to Airport Road.

The locality is rural in nature, dominated by grazing and the growing of fodder crops.

PUBLIC NOTIFICATION - Not applicable at this stage

REFERRALS

SA Water	Standard advice regarding the necessity to satisfy the Corporation's financial and easement requirements.
PIRSA	Not in favour of the creation of rural living allotments in rural areas. Recommend amending the Development Plan to reflect a distinctly different landuse.
Development Assessment Commission	Advising that the application is Non-complying and drawing Council's attention to conditions that should be placed on an approval should it be approved.

.../cont.

3.3 455/C078/05 – Weber Frankiw & Associates (For G Eastwood) (Continued)

CONSULTATION

- Environmental Health Allotments exceed 2000m² and no issues envisaged (Kim Vivian) – refer file.
- Engineering & Infrastructure Standard requirements regarding road standards, stormwater disposal and lighting. Agreement to be reached regarding the sealing of 400m of Boettcher Road – refer file (Matt James).

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

This is not a detailed assessment, as allowed by Section 39 of the Development Act. Rather it concentrates on the fundamental issue of whether or not this is an appropriate development in the zone, and is supported by the relevant policies, and whether or not Council should proceed to further assessment under Section 35 of the Act.

Policies from the Council-wide, Mt.Lofty Ranges and Primary Production Area parts of the Development Plan must also be considered. Only those policies critical to the assessment are reproduced here. More detail is available in the Statements of Effect attachment 3.3(a).

The following issues arise:

Retention of Viable Farming Land

The following policies call for the retention of rural areas primarily for agricultural purposes:

- Council-wide** Objective 42
- Mt. Lofty Ranges Region** Objective 49
Principle 74
Principle 77
Principle 165
- Rural Development** Principles 167, 168, 170, 171

Port Elliot/Goolwa District Principle 25

General Farming Zone Objective 1

The airport has been established for some time, with a variety of related activities and structures approved over the years. The existing and approved buildings are clustered at the northern end of the airport and runway. In themselves they alienate only a small area of potentially productive farmland. Should the airport cease to function in the future, the buildings could be converted to farm buildings and the land revert to farming.

.../cont.

3.3 455/C078/05 – Weber Frankiw & Associates (For G Eastwood) (Continued)

Orderly Development

Relevant policies include:

Council-wide Objective 1 – Orderly and economic development

Mt. Lofty Ranges Region Principle 3 (a) – compact built-up areas

General Farming Zone Objective 5 *All kinds of development are non-complying except Land division where no additional lots are created, either partly or wholly, within the Mt Lofty Ranges Primary Production Area*

This site is located in the Mt. Lofty Ranges Primary Production Area.

Whilst land division is non-complying, there may be a case to be made for creating titles over existing approved commercial uses. The Scheme Description is very important in this instance, in limiting the use of these lots to those associated with the airport. The proposed Scheme Description does this.

However, as proposed Lots 22 and 24 are currently vacant, it creates an opportunity for further development and whilst Development Approval would be required for any new structures, it might be difficult to refuse them if titles have already been created. In that sense, the creation of these titles is considered premature.

Rural Character

The following policies call for the retention of natural/rural character:

Council-wide

Appearance of Land & Buildings Objective 32

Mt. Lofty Ranges Region

Rural Development Objective 51
Principles 133 and 137
Principle 173

This is an extensive, open, cropping and grazing rural area characterised by scattered dwellings and farm buildings. Rural character dominates. The existing structures on the subject land, whilst not related to rural production, are rural in character – one dwelling and large iron-clad sheds. The imposition of separate community titles over these structures would not change the situation.

.../cont.

3.3 455/C078/05 – Weber Frankiw & Associates (For G Eastwood) (Continued)

SUMMARY

This proposal, when viewed as a separate application, removed from the allied community title applications, appears to have some merit, as it largely creates titles over existing and approved but yet to be built buildings associated with the airport. It does however create two vacant allotments which is not desirable (see discussion above). In addition, the success of this application depends on the approval of 455/C076/05. Accordingly refusal is recommended.

RECOMMENDATION

That the Development Assessment Panel refuse Development Application No.455/C078/05 to create five community title allotments at Lot 30 Airport Road, Goolwa on the grounds that it is not orderly. In particular it is at odds with the following provisions of the Development Plan:

Council-wide	Objective 1 Principle 2
General Farming Zone	Objective 5

SUMMARY TABLE

Date of Application	6 th April 2005
Subject Land	Lots 444,1+3 Mt Barker Rd Langhorne Creek
Applicant	Bill Scutchings
Owner	As above
Assessment No.	A 11570
Relevant Authority	Alexandrina Council
Planning Zone	Flood Zone and Country Township Zone (Langhorne Creek)
Nature of Development	Boundary realignment
Type of Development	Non-complying
Public Notice	Category 1
Referrals	Department Water Land Biodiversity & Conservation (River Murray Act 2003)
Representations Received	Nil
Representations to be heard	N/A
Date last inspected	13 th October 2005
Recommendation	Approval with conditions subject to concurrence from Development Assessment Commission
Originating Officer	Cherry Getsom

ESD IMPACT/BENEFIT

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

BACKGROUND

This application was originally presented to the Development Assessment Panel at their meeting of 24th October 2005. However a decision was deferred as concerns were raised regarding the size of one of the proposed allotments (Allotment 17) and its ability to be utilised solely for water supply management purposes.

.../cont.

3.4 455/D031/05 – Bill Scutchings (Continued)

The applicant has now provided amended plans increasing the size of proposed allotment 17 to allow for a more suitable parcel size (originally proposed at 413m², now to e 626m²). Easement rights over this allotment are to be controlled under the Real Property Act. Discussions have taken place with Councils Engineering and Infrastructure Department who confirms that water can be properly managed under the proposed plan of division

The application is now re-presented with minimal change to the previous report. With the recommendation that the application be approved subject to concurrence from the Development Assessment Commission remaining.

THE PROPOSAL

Nature of Development:

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

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

Detailed Description

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

Proposed Lots 11 and 12 are located along the eastern side of Mount Barker Road. They are utilised as a vineyard and vacant land (with the exception of a shed and existing vegetation). The boundary between these allotments separates the vineyard in two. The proposal involves altering this boundary so that the vineyard (Lot 11) and the vacant allotment (Lot 12) will be on separate titles.

The other five allotments are located along the western side of Mount Barker Road. They currently bear no resemblance to land uses which exist on the ground, with one title boundary splitting an existing dwelling. They are to be re-aligned so that proposed Lot 13 and 15 will contain vineyards, each currently growing a different grape variety. Proposed Lot 16 is to contain the existing dwelling and surrounding gardens and vegetation.

.../cont.

3.4 455/D031/05 – Bill Scutchings (Continued)

Proposed Lot 14 is to remain vacant, with the exception of an existing shed. Proposed Lot 17, is to be a smaller than the other allotments at 626m² but is to contain only a water pump and filter system and be utilised solely for water supply management purposes.

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

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

REFER ATTACHMENT 3.4 (page 111)

SITE & LOCALITY

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

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

The River Bremer runs east of the subject land.

PUBLIC NOTIFICATION

This application has been treated as a non-complying form of development under the Development Act (1993), as the proposal reflects existing long standing land uses it is deemed to be of a minor nature. A Statement of Support was received and accepted under delegation. A Statement of Effect has also been received.

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

.../cont.

3.4 455/D031/05 – Bill Scutchings (Continued)

REFERRALS

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

CONSULTATION

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

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

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

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

Flood Zone

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

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

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

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

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

.../cont.

3.4 455/D031/05 – Bill Scutchings (Continued)

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

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

- (a) is not located in areas subject to inundation by a 100 year return period flood event or sited on land fill which would interfere with the flow of such waters;
- (b) is connected to an approved sewerage or common effluent disposal scheme or has an onsite waste water treatment and disposal method which complies with the Standard for the Installation and Operation of Septic Tank Systems in South Australia (including supplements A and B) as prepared by the South Australian Health Commission;
- (c) not have any part of a septic tank effluent drainage field or any other waste water disposal area (eg irrigation area) located within 50 metres of a water course identified in a current series 1:50 000 Government Standard topographic map;

Country Township Zone

Objective 3 Exclusion of township development from major flood flow-paths which pass through Langhorne Creek.

Objective 4 Protection of the Bremer River and its associated flood plain and minimisation of property damage or safety risk from the periodic flooding.

Strathalbyn District

Objective 10 Protection of life and property from the hazards associated with flooding by:

- (a) the careful siting and design of dwellings to minimise the risk of inundation and to allow for emergency access and departure in a major flood event;
- (b) precluding structures and earthworks which interfere with the flow of flood waters in a manner which increases the flood hazard; and
- (c) limiting development to that which is essential for the maintenance and enhancement of primary production and also, where appropriate for the resident occupation of the property.

Objective 11 The prevention of development which could lead to hazards in a major flood event.

.../cont.

Council Wide

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

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

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

COMMENTS

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

In addition the Country Township Zone boundary currently runs between two allotments, the proposed realignment of boundaries will leave only allotment 16, which contains the existing dwelling, as split by both the Flood Zone and the Country Township Zone. No allotments are to be removed from the Country Township Zone.

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

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

.../cont.

3.4 455/D031/05 – Bill Scutchings (Continued)

RECOMMENDATION

The Development Assessment Panel approves Development Application 455/D031/05 subject to concurrence from the Development Assessment Commission, with the following conditions and notes:

DAC Condition:

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

Note:

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

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

4.1 455/907/04 - Finniss Lodge

SUMMARY TABLE

Date of Application	2 nd August 2004
Subject Land	Lot102 Strath-Goolwa Road Finniss
Applicant	Finniss Lodge
Owner	WF & JA Francis
Assessment No.	A 16050
Relevant Authority	Alexandrina Council
Planning Zone	General Farming (Strathalbyn)
Nature of Development	Tourist Accommodation 19 self contained units and ancillary uses
Type of Development	Consent on merit
Public Notice	Category 3
Referrals	Transport SA
Representations Received	11
Representations to be heard	Nil – already heard at 21 st June 2005 meeting
Date last inspected	8 th February 2006
Recommendation	Approval
Originating Officer	Joanne Nightingale / Sally Roberts

ESD IMPACT/BENEFIT

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

.../cont.

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

BACKGROUND

The Development Assessment Panel considered this application at its meeting held on 21 June 2005 at which time the representors and the applicant were heard. The panel decided to defer the application in order for the applicant to meet with the representors to try and resolve some of the concerns raised and to prepare a management plan that would address the concerns. This has now been done and the representors provided with a copy of the management plan. The application is now being re-presented for the panel to make a decision.

THE PROPOSAL

The site has been and still is used for grazing purposes. A boundary realignment in 2004 increased the site to include the land fronting the Strathalbyn to Goolwa Road. This application was put on hold on the 12th October 2004 while water availability issues and road investigations were carried out. A response to representations was received on the 10th January 2005 with a water licence still pending, due to the notice of prohibition slowing the application for ground water. A water licence for the taking of 33 700 kilolitres per annum has been issued as Council was notified on the 30th May 2005.

Nature of Development

The application is for a Tourist Accommodation Facility comprising:

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

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

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

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

- (a) within part of or as an extension to a dwelling or lawful tourist accommodation existing as at 21 September 2000 and where up to eight guests are accommodated in hosted accommodation; or

.../cont.

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

- (b) wholly within a dwelling or lawful tourist accommodation existing as at 21 September 2000, and where up to ten guests are accommodated in non-hosted accommodation; or
- (c) wholly within or within part of or as an extension to a State or Locally listed heritage building (which may be in association with a new or existing dwelling), and where no more than 30 guests are accommodated on a single allotment; or
- (d) in any combination of State or Locally listed heritage buildings or other existing buildings or new buildings, and where from 31 to 55 guests are accommodated;

and which in all cases complies with the following criteria:

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

.../cont.

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

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

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

Detailed Description

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

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

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

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

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

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

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

.../cont.

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

REFER ATTACHMENT 4.1(a) (page 124)

SITE & LOCALITY

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

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

To the north, east and west the adjoining land is used for grazing purposes, in large allotments. To the south the zoning changes to Rural Living where allotments are smaller and land uses vary.

REFER ATTACHMENT 4.1(b) (page 126)

PUBLIC NOTIFICATION

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

REFER ATTACHMENT 4.1(c) (page 161)

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

REFER ATTACHMENT 4.1(d) (page 163)

The issues raised and responded to include:

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

.../cont.

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

Since the 21 June 2005 panel meeting a further meeting was held with Mr Arney, a representor, to try and further resolve the issues that they had. A management plan was prepared as a result of this consultation, which has since been provided to all of the representors. This management plan will form part of the application and therefore will need to be adhered to by the applicant.

REFER ATTACHMENT 4.1(e) (page 180)

REFERRALS

The Department of Transport received a copy of the application under Schedule 8 of the Development Act Regulations due to the change in access onto the Strathalbyn-Goolwa Road. The response from this agency recommends all access be sought from the local roads, however if this is not deemed feasible by Council then they have provided details of what would need to occur to create an access from the Strathalbyn-Goolwa Road.

REFER ATTACHMENT 4.1(f) (page 185)

CONSULTATION

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

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

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

The following Objectives and Principles of Development Control, from the October 2003 version of the Development Plan, are seen as especially relevant to this application:

COUNCIL WIDE

Rural Development

Objective 39: The retention of rural areas primarily for agricultural, pastoral and forestry purposes, and the maintenance of the natural character and beauty of such areas.

.../cont.

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

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

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

Appearance of Land and Buildings

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

Mount Lofty Ranges Region

Tourism Development

143 Tourism developments should:

- (a) enhance the character of the locality in which they are to be located;
- (b) be compatible with the cultural and heritage values of the locality and the Region;
- (c) be small in scale and designed and sited to be compatible with the local environment;
- (d) enhance the visual amenity of the locality;
- (e) utilise, where possible, existing buildings, and particularly heritage buildings.

145 Tourism developments in rural areas should ensure that agricultural activities are maintained as the predominant land use in the Region, and are situated on land with lower agricultural potential.

146 Tourism developments, where proposed to be located in proximity to rural industry and seasonal activities should be designed and sited to reduce the potential for disturbance or disruption to the tourist activity and should be located in a manner which is compatible with surrounding uses.

148 Tourism developments in rural areas should provide visitor experiences and be developed in association with:
(a) agriculture, viticulture and winery development;
(b) heritage buildings and areas;

.../cont.

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

- (c) linear parks;
 - (d) walking and cycling trails;
 - (e) interpretive infrastructure; or
 - (f) recreation and sporting venues.
- 149** Tourism developments should:
- (a) not exceed the capacity of the infrastructure or facilities required to service them;
 - (b) use external materials of construction that are in keeping with traditional building styles, incorporating by way of example; stone, masonry or weatherboard walls, timber framed windows, pitched corrugated steel roofs in either naturally weathered galvanised iron or similar, verandahs where appropriate and outbuildings, fences and other structures to complement the major buildings;
 - (c) provide vehicle parking and access ways which are surfaced with materials appropriate to maintaining the character of the locality;
 - (d) be designed and sited to prevent overshadowing and overlooking;
 - (f) provide safe and convenient vehicle access that is compatible with the surrounding uses.
- 150** Tourism developments in rural areas should:
- (a) ensure the retention of native vegetation is maximised by only locating in areas which consist of a modified landscape;
 - (b) not require changes to natural features;
 - (c) be designed and sited to ensure the bed and banks of watercourses are protected from inappropriate development and management practices.
- 151** Tourism developments should protect the water resources of the Region by:
- (a) being located away from water sensitive areas;
 - (b) having safe and efficient effluent disposal systems;
 - (c) incorporating an adequate area for waste disposal on the allotment of the proposed development;
 - (d) disposing of waste water and effluent onto land and at a rate within the capacity of the allotment to retain and treat effluent;
 - (e) not disposing of waste water and effluent into watercourses;
 - (g) avoiding the use of holding tanks for waste water and effluent.
- 152** Stormwater should be contained on the allotment of the tourism development and run off directed from hard-paved areas, car parks and access roads to landscaped areas or dedicated grassed swales.
- 153** Tourism developments should only occur if a water source of acceptable quality, quantity and reliability is secured.

.../cont.

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

- 156 Tourist accommodation ancillary uses such as recreation, leisure, conference/meeting rooms and dining facilities should be limited to the requirements of guests being catered for.
- 157 Advertisements in association with and as part of tourism developments should:
(a) not exceed 0.5 square metres in area for each display area;
(b) be limited to no more than two per site;
(c) not be internally illuminated.
- 158 Interpretive signs should be constructed, designed and located so as to complement the features of the surrounding area, enhance visitor's understanding of the Region and facilitate access to sites in a manner that minimises impacts on the environment.

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

COMMENTS

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

The development will however, have some impact on the surrounding land holders, especially the rural living allotments to the south, through the increase in activity in the area and the change in the landscape. One particular concern is that if the units are self contained bed and breakfast accommodation with kitchens included, then why is there a breakfast/dining area in the lodge which appears superfluous if the units are truly self contained B&B's. The Planning Consultant's report outlines that the services within the lodge are not for passers-by, or local residents but only those staying on the site. With this admission made as part of the application a further condition should be placed on any approval to ensure this matter is adhered to.

Although there have been objections to this proposal it is felt that the application does satisfy the relevant tourist accommodation principles within the Development Plan and with conditions that reflect the concerns raised and following waste control system approvals the application should be supported.

.../cont.

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

RECOMMENDATION

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

1. The access to the Strathalbyn-Goolwa Road shall be designed and constructed to the satisfaction of the Department of Transport as outlined in their advice.
2. A waste control system approval shall be sought upon provisional development plan consent being granted and no work will commence before waste control system approvals are granted.
3. All electricity connection shall be underground in accordance with information supplied as part of the application.
4. The constructed access shall be a minimum of six metres wide and be a constructed surface not bitumen.
5. A landscape buffer shall be maintained until established along the southern boundary, 10 metres wide, consisting of a triple row of SA Blue Gum, Pink Gum and Messmate Stringybark.
6. Any signage will require approval through the lodgement of a separate Development Application.
7. All site stormwater to be retained and disposed of on site.
8. Water supply is from an independent on site source as indicated in Department Water Land & Biodiversity Conservation letter dated 11th May 2005. The Council managed supply is not available for this development.
9. The proposed facilities within the development are for the exclusive use of those staying within the development site and not for the general public.
10. The management plan prepared by the applicant and dated 25 October 2005 shall form part of the application and be implemented accordingly.

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

Tuesday 18th April 2006 with the time to be advised.