

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 22 February 2005 commencing at 11:00 am

Your attendance is requested.

11:00 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 22 FEBRUARY 2005 AT 11:00 AM
IN LARGE MEETING ROOM (OLD GOOLWA COUNCIL CHAMBERS)

TABLE OF CONTENTS

<u>ITEM NO.</u>	<u>SUBJECT</u>	<u>PAGE NO.</u>
ITEM 1	<u>CONFIRMATION OF MINUTES</u>	3
ITEM 2	<u>DEVELOPMENT APPLICATIONS</u>	3
ITEM 3	<u>DEVELOPMENT APPLICATIONS - NON COMPLYING</u>	4
3.1	455/782/04 - John Winchester.....	4
ITEM 4	<u>DEVELOPMENT APPLICATIONS - CATEGORY 3</u>	9
4.1	455/D034/04 - Les Rauert	9
ITEM 5	<u>DEVELOPMENT APPLICATIONS - LAND DIVISION COMMUNITY TITLE</u>	15
ITEM 6	<u>DEVELOPMENT ASSESSMENT - BUILDING</u>	15
ITEM 7	<u>MATTERS REFERRED FOR FOLLOW UP</u>	15
ITEM 8	<u>GENERAL ITEMS FOR DISCUSSION</u>	15
8.1	455/1040/04 - Graham Chrisp	15
ITEM 9	<u>NEXT MEETING</u>	15
ITEM 10	<u>CLOSURE</u>	15

**Development Assessment Panel
Report and Agenda
on 22 FEBRUARY 2005 commencing at 11:00 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 25th January 2005.

RECOMMENDATION

That the minutes of the Alexandrina Council Development Assessment Panel held on 25th January 2005 as circulated to members be received as a true and accurate record.

ITEM 2. DEVELOPMENT APPLICATIONS

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

3.1 455/782/04 - John Winchester

SUMMARY TABLE

Date of Application	30 th June 2004
Subject Land	Lot 117 Sugars Avenue, Hindmarsh Island
Assessment No.	A 7100
Relevant Authority	Alexandrina Council
Planning Zone	Conservation (Hindmarsh Island)
Nature of Development	Detached dwelling-single storey
Type of Development	Non-complying
Public Notice	Category 1
Referrals	N/A
Representations Received	Nil
Representations to be heard	Nil
Date last inspected	21 st January 2005
Recommendation	Approval with conditions
Originating Officer	Joanne Nightingale

ESD IMPACT/BENEFIT

- Environmental Increase in pollution potential and degradation of natural resources (within RAMSAR area).
- Social Reduced public access to waterfront, benefit to owner and upgrade of existing undesirable building.
- Economic Increase in land value, rate increase, increase in services required in isolated location.

The site of the proposed development is on Hindmarsh Island amongst leasehold allotments along Sugars Beach. The application is to replace a previously existing, single storey detached dwelling (of a shack style), with a new single storey detached dwelling. This process has followed consultation with Council Planning and Building staff. Initially the applicant sought only to upgrade the existing however as work progressed it was discovered that the extent of deterioration was far more severe than first thought and demolition was required.

.../cont.

3.1 455/782/04 – John Winchester (Continued)

THE PROPOSAL

Nature of Development

The Alexandrina Development Plan Conservation (Hindmarsh Island) Zone lists dwellings as non-complying with the exception of those meeting the needs of primary producers, which would not apply to this allotment. In the Development Act 1993 complying development under Schedule 4 Part 1 (1) (a) is listed as:

The construction of a new building in the same, or substantially the same, position as a building which was demolished within the previous three years where the new building has the same, or substantially the same, layout and external appearance as the previous building;

However Section 35(1) states that:

*If a proposed development is of a kind described as complying development under the regulations or the relevant development plan, the development must be granted a provisional development plan consent (**subject to such conditions or exceptions as may be prescribed by the regulations or the relevant Development Plan**);*

Under Section 17(6)(a) of the Development Regulations a statement of effect is not required if the proposed development consists (wholly or substantially) of the alteration of a building and the relevant authority considers that the proposed development is of a minor nature.

The development has been dealt with as a category one pursuant to Schedule 9(3)(a) which classifies as category one:

Any development classified as non-complying under the relevant development plan which comprises:

The alteration of, or addition to, a building which, in the opinion of the relevant authority, is of a minor nature only;

This application has been treated a non-complying of a minor nature.

Detailed Description

The application is for a two bedroom 64.3 square metre dwelling to replace the former shack structure. The proposed dwelling is sited upon the footprint of the previous dwelling, setback 9 metres from Sugars Avenue, 5.5 metres from the eastern boundary and 7.7 metres from the western boundary.

.../cont.

3.1 455/782/04 – John Winchester (Continued)

It is single storey, timber framed and proposed to be clad in custom orb sheeting (as the previous shack was) painted beige. The timber floor of the dwelling was raised following consultation with building staff to be greater than 150 mm above ground level. Principle 3 of the Conservation zone requires that buildings should not be erected on land which was inundated by high tides. The Holiday House zone contains an Australian Height Datum (AHD) level deemed appropriate in tidal locations of 2.10 AHD, and this should be employed in this situation.

REFER ATTACHMENT 3.1 (page 1)

SITE & LOCALITY

The site of the proposed development is nearly opposite the Murray Mouth and is one of nine leasehold allotments, six of which have dwellings on them. It is a largely flat site set behind a low dune system. The existing dwellings in this area have had a minimal impact on the surrounding environment with little in the way of formal gardens and natural grasses and ground covers dominating the sites other than directly adjoining the dwellings.

The locality is open with Sugar Beach Reserve to the west and the surrounding land being either Council or Crown owned with the exception of the Denver owned land to the North. The most significant feature is the River which the allotments front onto.

CONSULTATION

Consultation has been undertaken with Council's Environmental Health Department (EHO Kim Vivian) with regard to the effluent disposal system. The advice of the EHO is that existing septic tank is adequate for the proposal.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

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

COUNCIL WIDE OBJECTIVES

Appearance of Land and Buildings

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

Untidy commercial sites, poorly maintained holiday houses, and abandoned structures, should not be allowed to mar the landscape in the region.

.../cont.

3.1 455/782/04 – John Winchester (Continued)

COUNCIL WIDE PRINCIPLES

Appearance of Land and Buildings

Untidy commercial sites, poorly maintained holiday houses, and abandoned structures, should not be allowed to mar the landscape in the region.

CONSERVATION (HINDMARSH ISLAND) ZONE

Principles of Development Control

Form of Development

- 3 Buildings and structures should not be erected on land which was inundated by high tides, wind or is less than 0.3 metres above the 1956 flood level unless they are required for public works, navigation, passive public recreation or shared use non-commercial boat moorings.

Residential Development

- 5 Dwellings should be sited so they do not impair the amenity or conservation value of the locality.
- 6 No further development such as a new dwelling, dwelling extension, or the addition of a garage should occur on leased portions of freehold land located adjacent the Mundoo or Goolwa Channels with the exception of replacing an existing dwelling with a readily transportable building of the same size.

COMMENTS

This application is considered to be a minor non-complying application due to the previous existence of an extremely similar structure which this proposal seeks to replace. This dwelling application will dramatically improve the current situation in regards to amenity and flood risk and legislative requirements. The site area of the structure is identical to the dwelling that is being replaced. The materials nominated to be used for the cladding are custom orb sheeting (a similar material to the painted galvanised iron which was used on the previous dwelling) which Council has been advised will be painted in a beige colour to be in accordance with the surrounding development. Due to the nature of the work so far the applicant has not been able to prove that the dwelling will meet the requirements of the Conservation Zone principle 3 requiring that buildings are not erected on land inundated by high tides or less than 0.3 metres above the 1956 flood level. However as the flooring was already in place and has been raised from its previous position already, in line with building code requirements and the framing structure is complete, the applicant has submitted a signed statement accepting the minimal risk of the current flooring level.

.../cont.

3.1 455/782/04 – John Winchester (Continued)

RECOMMENDATION

The Development Assessment Panel approve application 455/782/04 for a single storey dwelling, subject to the following conditions and Development Assessment Commission concurrence:

1. That the dwelling is painted prior to occupation or within three months of completion of the dwelling in a mid range brown colour such as colorbond paperbark or sandbank but not in a cream colour such as classic cream.

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

4.1 455/D034/04 - Les Rauert

SUMMARY TABLE

Date of Application	27 th April 2004
Subject Land	Sec. 2292 Bayview Road, Port Elliot
Assessment No.	A 3910
Relevant Authority	Alexandrina Council
Planning Zone	Landscape (Port Elliot and Goolwa)
Nature of Development	Land division creating one extra lot
Type of Development	Non-complying
Public Notice	Category 3
Referrals	N/A
Representations Received	None
Representations to be heard	None
Date last inspected	10 th February 2005
Recommendation	Approval subject to DAC concurrence
Originating Officer	Cherry Getsom

ESD IMPACT/BENEFIT

- Environmental Small title on steep land has potential for run off and further development associated with the intensification of the land.
- Social Minimal impact as dwellings exist, potential land use conflict in a Rural Residential interface.
- Economic Advantages to the property owner through the creation of an additional title and Council with additional rating revenue.

BACKGROUND

The older of the two dwellings (circa early 1900's) was subject to a change of use application to "Vineyard and Cellar Door Sales" , which was approved in October 1992. It is understood that the dwelling has not been used for Cellar Door Sales for a period greater than two years and existing use rights for this purpose no longer exist. In essence the use has converted back to that of a residential dwelling.

.../cont.

4.1 455/D034/04 – Les Rauert (Continued)

THE PROPOSAL

Nature of Development

The proposal involves subdivision of an existing 32.37 hectare property within the Landscape Zone with frontage to both Bay View and Lines Roads. The subject land currently exhibits two existing independent dwellings, the land division is proposed in order to provide separate titles for each of these dwellings. As the creation of an additional title is a non complying form of development within the Landscape Zone should approval be granted then it will require concurrence from the Development Assessment Commission. The Development Assessment Commission have concurred on other such applications in the Council area in the past.

Detailed Description

The subject land is located at the intersection of Bay View Roads and Lines Road. Lines Road forms the southern boundary and is gravel sealed whilst the Bay View Road boundary is an unformed road. The proposal involves dividing the subject land into two allotments, proposed Allotment 14 will retain the majority of the subject land in a predominantly square allotment and will comprise approximately 32.21ha, this allotment will retain the more recent dwelling (circa 1980), associated outbuildings, rainwater tanks and existing driveway. The second proposed allotment, Allotment 15, is to comprise approximately 3124m² and will contain the smaller, older dwelling (circa early 1900's) and its associated outbuildings and rainwater tanks. Proposed Allotment 15 will have a frontage of approx 120 metres to Lines Rd and a new access driveway is to be created off Lines Rd to access the dwelling.

REFER ATTACHMENT 4.1(a) (page 17)

SITE & LOCALITY

As previously noted the subject land is located at the intersection of Bay View Road and Lines Road, Port Elliot and is located within the Landscape Zone. The land is approximately 32.37 hectares in area and is a square shaped parcel of sloping rural land that forms the backdrop of Port Elliot. The land has been predominately cleared for grazing however some vegetation has been replanted around the two existing dwellings and vines have previously been planted in the south eastern corner, although upkeep on these has been minimal.

Two single storey dwellings, fully serviced with water, power and waste control systems are currently located upon the subject land. These dwellings are approximately 250-300m apart.

.../cont.

4.1 455/D034/04 – Les Rauert (Continued)

The first of these dwellings is approximately 133m from the southern property boundary, it is constructed of red brick walls and a green colorbond roof, this dwelling is to be incorporated into proposed Allotment 14.

The second dwelling is approximately 16m from the southern boundary, it is an older blue stone dwelling with weatherboard extensions and has a corrugated iron pitched roof. This dwelling will form part of proposed Allotment 15.

Both dwellings currently share a common driveway, with a fence line dividing the two dwellings. The newer dwelling (incorporated in proposed Allotment 14) is the main residence, whilst the dwelling located within proposed Allotment 15 is currently offered as rental accommodation.

The general locality is of undulating terrain with most land utilised for agricultural activities such as dairying, grazing and/or cropping. The subject land is approximately 600 metres from the Rural Living Zone.

PUBLIC NOTIFICATION

As a non complying type of development this application required a Statement of Support which was accepted under delegation. A Statement of Effect was also received prior to Public Notification. Advice was sent to adjoining property owners and the proposal was advertised in The Times on the 13th January, with representations to be received by the 28th January (this included one Public Holiday). No representations were received during this notification period.

REFER ATTACHMENT 4.1(b) (page 20)

REFERRALS

No formal referrals were sent, although Development Assessment Commission consulted with; Native Vegetation Council, who had no comment to make, ETSA who advised that an easement existing over portions of both proposed allotments, SA Water advised the corporations water supply and sewerage services are not available to the proposed allotments and PIRSA who advised that that they do not favour the creation of additional allotments but notes that the smaller allotment will contain an existing house.

CONSULTATION

Consultation has been undertaken with Council's Environmental Health Department and Technical Services Department who had no comments to make.

.../cont.

4.1 455/D034/04 – Les Rauert (Continued)

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

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

Council Wide

PDC 6 Land should not be divided:

- (a) in a manner which would prevent the satisfactory future division of the land, or any part thereof;
- (b) if the proposed use, or the establishment of the proposed use, is likely to lead to undue erosion of the land or land in the vicinity thereof;
- (c) unless wastes produced by the proposed use of the land, or any use permitted by the principles of development control, can be managed so as to prevent pollution of a public water supply or any surface or underground water resources;
- (d) if the size, shape and location of, and the slope and nature of the land contained in, each allotment resulting from the division is unsuitable for the purpose for which the allotment is to be used;
- (e) if any part of the land is likely to be inundated by tidal or flood waters and the proposed allotments are to be used for a purpose which would be detrimentally affected when the land is inundated;
- (f) where community facilities or public utilities are lacking or inadequate;
- (g) where the proposed use of the land is the same as the use of other existing allotments in the vicinity, and a substantial number of the existing allotments have not been used for that purpose, or purposes meeting the objectives of the Plan; or
- (h) if it would cause an infringement of any provisions of the Building Act or any by-law or regulation made there under.

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 160 Land should not be divided, or allotment boundaries rearranged in a way which increases the number of allotments or part allotments over areas of native vegetation.

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

.../cont.

4.1 455/D034/04 – Les Rauert (Continued)

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.

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

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 materially significant natural features on the land or the character thereof; and
- (c) convenient interconnection with other roads and allotments is provided where appropriate.

PDC 165 Land division in rural areas should not occur where the proposed or potential use is liable to:

- (a) result in the pollution of water resources; or
- (b) cause the loss of productive agricultural land.

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

PDC 168 Development should ensure that genuine agricultural activities are not prejudiced.

PDC 169 Development should ensure the sustainable use of land for primary production by the use of sound land management practices.

PDC 170 Land which is particularly suitable for agriculture, including viticulture and horticulture, should be used or remain available for such agricultural purposes.

PDC 171 Development which would remove productive land from agriculture or diminish its overall productivity for primary production, should not be undertaken unless the land is required for essential public purposes.

PDC 172 Primary production should be carried out having regard to water conservation, the preservation of bushland remnants and landscape beauty.

.../cont.

4.1 455/D034/04 – Les Rauert (Continued)

Landscape Zone (Port Elliot and Goolwa)

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 7 All kinds of development are **non-complying** in the Landscape (Port Elliot and Goolwa District) Zone, except the following:

COMMENTS

The creation of additional titles within the Landscape Zone (Port Elliot and Goolwa) of the Alexandrina Development Plan are non complying form's of development, with the intent being the maintenance of the open rural character of the area and the retention of land for primary production purposes.

The proposed land division purports no change in land use; no variation to the current land management practices, nor the creation of any additional structures. It is not expected to involve the clearance of any native vegetation. The existing dwellings and buildings are connected to available public utility services and both have independent fully operational septic effluent systems.

It is expected that the applicants will retain ownership of both allotments for the immediate future, with the possibility that proposed Allotment 15 either being transferred to family or alternatively offered for sale. The subject land division is proposed to formalise the existing physical situation where two self contained residences exist.

The creation of proposed Allotment 15 at 3124m² is a relatively small allotment size in the Landscape Zone (although the zoning guidelines have no minimum requirements), as the subject land is situated in the township end of the Landscape Zone, approximately 600 metres from the Rural Living Zone this allotment size is considered acceptable. As such this proposal has enough merit to warrant approval subject to concurrence of the Development Assessment Commission.

RECOMMENDATION

The Development Assessment Panel approves Development Application 455/D034/04 subject to concurrence from the Development Assessment Commission.

ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION COMMUNITY TITLE

ITEM 6. DEVELOPMENT ASSESSMENT - BUILDING

ITEM 7. MATTERS REFERRED FOR FOLLOW UP

ITEM 8. GENERAL ITEMS FOR DISCUSSION

8.1 455/1040/04 - Graham Chrisp

File Ref: 455/1040/04
Officer: Cherry Getsom

REPORT

Regarding Item 4.1 from Development Assessment Panel meeting held 25th January 2005, further information is still being collated and should be available for the 15th March 2005.

RECOMMENDATION

That the report be received.

ITEM 9. NEXT MEETING

Tuesday 15th March 2005 commencing at 11:00 a.m.

ITEM 10. CLOSURE