

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
Community Chambers "wal Yuntu Warrin"
on 15 October 2008 commencing at 11:00 am

Your attendance is requested.

11:00 a.m. Development Assessment Panel commencement

12:00 p.m. Conclusion of meeting.

JOHN COOMBE
CHIEF EXECUTIVE

ALEXANDRINA COUNCIL

AGENDA FOR THE DEVELOPMENT ASSESSMENT PANEL MEETING
TO BE HELD ON 15 OCTOBER 2008 AT 11:00 AM
IN COMMUNITY CHAMBERS "WAL YUNTU WARRIN"

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**Development Assessment Panel
Report and Agenda
on 15 OCTOBER 2008 commencing at 11:00 am
in the Community Chambers "Wal Yuntu Warrin"**

PRESENT

APOLOGIES

IN ATTENDANCE

ITEM 1 CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on 13th August 2008.

RECOMMENDATION

That the minutes of the Alexandrina Council Development Assessment Panel held on 13th August 2008 as circulated to members be received as a true and accurate record.

ITEM 2. DEVELOPMENT APPLICATIONS

ITEM 3. DEVELOPMENT APPLICATIONS - NON COMPLYING

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

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4.1 455/D010/08 - CHARLES MICHELMORE

SUMMARY TABLE

Date of Application	30.01.2008
Subject Land	LOT 95 MICHELMORE ROAD STRATHALBYN
Assessment No.	A11704
Relevant Authority	ALEXANDRINA COUNCIL
Planning Zone	LANDSCAPE (STRATHALBYN) & GRAZING
Nature of Development	LAND DIVISION CREATING ONE EXTRA ALLOTMENT (NON-COMPLYING)
Type of Development	NON-COMPLYING
Public Notice	CATEGORY 3
Referrals	PLANNING SA, SA WATER, PIRSA, TRANSPORT SA
Representations Received	TWO
Representations to be heard	ONE
Date last inspected	SEPTEMBER 2008
Recommendation	APPROVAL SUBJECT TO DEVELOPMENT ASSESSMENT COMMISSION CONCURRENCE
Originating Officer	ANDREW SLADDEN

ESD IMPACT/BENEFIT

- Environmental Potential for increased impact on the land through creation of an additional dwelling site.
- Social Beneficial to owners of the site.
- Economic Beneficial to owners of the subject site through creation of an additional allotment.

BACKGROUND

The subject site, located on the western edge of the township of Strathalbyn, is a large rectangular parcel of land, dissected into two parcels by the Strathalbyn-Goolwa Road. The subject site has previously been used as a dairy, however is currently being used for grazing and cropping.

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4.1 455/D010/08 - CHARLES MICHELMORE

Nature of Development

The proposal involves the division of an existing 36.5ha allotment into two lots. The proposed division will create two titles for the two existing pieces currently split by the Goolwa-Strathalbyn Road. The boundary between the Landscape (Strathalbyn) and Grazing Zones also follows this road meaning that proposed allotment 300 is located within the Landscape (Strathalbyn) Zone and proposed allotment 301 is located within the Grazing Zone.

Principle of Development Control 8 for the Grazing Zone states:

8 The following kinds of development are **non-complying** in the Landscape (Strathalbyn) Zone:

Land Division (but excluding land division to create allotments for one of two habitable dwellings, where both allotments have an area of not less than 10.0 hectares)

As the purpose of the land division is not to excise one of two habitable dwellings the proposal is considered to be non-complying pursuant to the above.

Also, Principle of Development Control 9 for the Grazing Zone states:

9 All kinds of development are **non-complying** in the Grazing Zone, except the following:

Land Division where no additional allotments are created, either partly or wholly, within the Mount Lofty Ranges Primary Production Area, 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 landfill which would interfere with the flow of such flood waters;
- (b) is connected to an approved sewerage or common effluent disposal scheme or has an on-site wastewater 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 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;
- (d) not have a wastewater disposal area located on any land with a slope greater than 20 percent (one in five), or depth to bedrock or seasonal or permanent water table less than 1.2 metres;

.../cont.

4.1 455/D010/08 - CHARLES MICHELMORE

- (e) not have a septic tank or any other wastewater treatment facility located on land likely to be inundated by a ten year return period flood event;
- (f) is sited at least 25 metres from any watercourse identified on a current series 1:50 000 Government Standard topographic map.

As the proposal involves the creation of an additional allotment, the Development Application is considered to be a non-complying form of development within both zones.

Detailed Description

It is proposed to create two titles for the existing parcels. Both allotments will be triangular in shape and have a large frontage to the Goolwa – Strathalbyn Road. Proposed allotment 300 which is on the north western side of the road is located within the Landscape (Strathalbyn) Zone, has an area of 11.9ha and is devoid of any existing buildings or structures. Proposed allotment 301, located on the south eastern side of the road, is located within the Grazing Zone, has an area of 24.5ha and has an existing dwelling and associated outbuildings and farm buildings.

REFER ATTACHMENT 4.1 (a) (Page 1)

SITE & LOCALITY

The subject site is an existing rectangular allotment with a total area of 36.5ha. It has two pieces (piece 95 comprising 11.9ha and piece 96 comprising 24.5ha) which are divided by the Goolwa – Strathalbyn Road. The subject allotment is relatively level and currently being used for grazing and cropping. There is an existing dwelling and outbuildings located in the northern corner of existing piece 96.

As the allotment is effectively on the edge of the Strathalbyn township, the locality is varied consisting of mainly rural land to the east, south and west of the subject site and some residential allotments to the north of the site within the township boundary.

PUBLIC NOTIFICATION

The Development Application was the subject of Category 3 Public Notification and was advertised between 11 June 2008 and 25 June 2008. Two representations were received within this timeframe.

One of the representations is in support of the proposed development and one is opposed to the proposal in the grounds of the precedence that such an approval may create.

REFER ATTACHMENT 4.1 (b) (Page 23)

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4.1 455/D010/08 - CHARLES MICHELMORE

The applicant has also submitted a response to the representation. In this response, they have pointed out that the uniqueness of the subject site and non-complying nature of the development will prevent any precedent from being established.

REFER ATTACHMENT 4.1 (c) (Page 25)

REFERRALS

Planning SA, responsible for undertaking the government agency referrals have provided a Development Assessment Commission (DAC) Referral report which states:

“You are advised that the Commission does not generally support non-complying land division applications without adequate and detailed justification. The Commission is of the opinion that this application could be considered to be seriously at variance with the policies in the Development Plan. Based on the current details provided in the application, the Commission would be unlikely to support a request for concurrence should Council decide to approve the application.”

It is also noted that should the Panel resolve to approve the proposed development, concurrence of DAC will need to be provided.

Both PIRSA and Transport SA have no comments to make and SA Water have no concerns or issues.

REFER ATTACHMENT 4.1 (d) (Page 27)

CONSULTATION

Consultation has been undertaken with Council's Technical Services Department (Engineering Project Officer, Stewart Ratcliff). The advice of the TSO is that the proposed development is acceptable subject to a proposed condition requiring a 6m x 6m corner cut off on both the western corner of lot 301 & on the southern corner of lot 300 at the intersection of the Strathalbyn - Goolwa Road and Michelmore Road which shall vest in Council for road purposes.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

As the Application was lodged on 24 January 2008, it has been assessed against the Development Plan current at the time of lodgement being that consolidated on 17 January 2008. The following Principles of Development Control are seen as especially relevant to this application:

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4.1 455/D010/08 - CHARLES MICHELMORE

PART A – COUNCIL-WIDE

OBJECTIVES

Form of Development

Objective 1: Orderly and economic development.

Comment

Given the fact that the division of land within both of the relevant Zones is considered to be a non-complying form of Development, it can be argued that the proposal is not orderly or economic as it is not envisaged by Council's guide for future development, being the Alexandrina Development Plan.

Rural Development

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

Comment

It is not envisaged that the proposed development will impact upon the agricultural or pastoral viability of the site apart from the potential loss of a small area of proposed allotment 300 for the siting of a dwelling and associated outbuildings.

PRINCIPLES OF DEVELOPMENT CONTROL

Land Division

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;

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- (e) if any part of the land is likely to be inundated by tidal or flood waters and the proposed allotments are to be used for a purpose which would be detrimentally affected when the land is inundated;
- (f) where community facilities or public utilities are lacking or inadequate;
- (g) where the proposed use of the land is the same as the use of other existing allotments in the vicinity, and a substantial number of the existing allotments have not been used for that purpose, or purposes meeting the objectives of the Plan; or
- (h) if it would cause an infringement of any provisions of the Building Act or any by-law or regulation made thereunder.

Comment

The proposed development will not cause any negative impacts on the surrounding environment and generally complies with the above.

PDC 7 When land is divided:

- (a) any reserves or easements necessary for the provision of public utility services should be provided;
- (b) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in a satisfactory manner;
- (c) a water supply sufficient for the purpose for which the allotment should be made available to each allotment;
- (d) provision should be made for the disposal of wastewaters, sewage and other effluents from each allotment without risk to health including connection to a common effluent drainage system where available in the general area or preferably, the use of envirocycle systems where appropriate;
- (e) roads or thoroughfares should be provided where necessary for safe and convenient communication with adjoining land and neighbouring localities;
- (f) each allotment resulting from the division should have safe and convenient access to the carriageway of an existing or proposed public road or thoroughfare;
- (g) proposed roads should be graded, or capable of being graded to connect safely and conveniently with an existing road or thoroughfare;
- (h) for urban purposes, provision should be made for suitable land to be set aside for useable local open space; and
- (i) and which borders a river, lake or creek, the land immediately adjoining the river, lake or creek should become public open space, wherever suitable.

Comment

The proposed land division generally complies with the above and it is noted that there are suitable areas to accommodate a dwelling on proposed lot 300.

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PDC 10 Division of land which is not capable of being connected to a public water supply should not be undertaken unless it is to be connected to an existing, or proposed, private water supply scheme with a source of water of acceptable magnitude and reliability, a standard of construction and operation, and quality of water, capable of meeting the ongoing requirements of the communities served, and a satisfactory legal arrangement between the parties concerned.

Comment

As SA Water have provided their referral report which states:

“The financial requirements of SA Water shall be met for the provision of water supply”

It is assumed that proposed lot 300 can be connected to the SA Water water supply.

Mount Lofty Ranges Region

PDC 243 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 245 The size, shape and layout of allotments should be determined with regard to physical characteristics and the intended use of the land.

PDC 246 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 247 No land division should take place which may lead to or result in the over exploitation or pollution of a water resource.

PDC 248 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 249 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.

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Comment

It is argued that the proposed development may create a situation where the potential for pollution of the surrounding environment can occur through the potential development of a dwelling and associated outbuildings on proposed lot 300. However, if this process is properly managed through appropriate effluent disposal, adequate buffering and access, the impact will be minimal.

GRAZING ZONE

OBJECTIVES

Objective 1: Retention of land in primary production.

Objective 2: Preservation of the open rural character and natural beauty of land within the zone.

Comment

The proposed development generally complies with the above, particularly as the use and physical attributes will not be affected by the proposed development.

PRINCIPLES OF DEVELOPMENT CONTROL

Form of Development

PDC 1 Development undertaken in this zone should be directly associated with primary production, or the needs of the rural community.

Comment

It can be argued that the proposed land division complies with the above as demonstrated in the Statement of Effect, as the purpose of the land division will meet the needs of the land owners therefore meeting the needs of the rural community.

Conservation

PDC 6 Development should not be undertaken where it will require the removal of significant mature vegetation or increase the risk of erosion.

Comment

As the proposed development involves the division of land along existing separation barriers, the proposal will not require the removal of any vegetation or increase the risk of erosion.

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4.1 455/D010/08 - CHARLES MICHELMORE

LANDSCAPE (STRATHALBYN DISTRICT) ZONE

OBJECTIVES

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

Comment

The proposed development is considered to generally comply with the above as the proposal will not impact upon the primary production viability of the existing allotment, apart from the removal of a small area for the future construction of a dwelling on proposed lot 300.

PRINCIPLES OF DEVELOPMENT CONTROL

Conservation

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

PDC 3 Development should retain existing vegetation in conjunction with provision of adequate bushfire protection measures and should provide additional landscaping.

Comment

As the land division will not involve any physical changes to the site, the proposal is considered to comply with the above.

Conclusion

Although non-complying in both Zones, the proposed development does display some merit as evidenced through the above assessment and the unique circumstances relating to the site such as the fact that it is on the township boundary and divides two existing pieces. Effectively, the only change to the land resulting from the proposed development will be the fact that a dwelling and associated outbuilding will be allowed to be constructed on proposed lot 300.

Precedence is also not considered to be an issue should this Application be granted Development Approval given these unique circumstances.

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The subject site, in its current state is difficult to manage and maintain due to the soils, rocky ground and access difficulties experienced by being two parcels divided by the Goolwa – Strathalbyn Road. Approval of the proposed land division will not present a significant removal of productive farm land and in fact may help to improve the viability of the land (particularly proposed lot 300) through better management of this allotment.

RECOMMENDATION

That the Development Assessment Panel grant Development Plan Consent to Development Application 455/D010/08 for Land Division - One Additional Allotment at Lot 95 Michelmore Road, Strathalbyn subject to the following conditions and notes and subject to concurrence of the Development Assessment Commission.

1. The development herein approved to be carried out in accordance with plans and details accompanying this application (Plan of Division Ref: 3655_PR_V01_271107 Prepared by Jeanes & Sommerville Surveyors P/L)
2. A 6.0m x 6.0m corner cut-off on both the western corner of lot 301 & on the southern corner of lot 300 at the intersection of the Strathalbyn - Goolwa Road and Michelmore Road shall vest in Council for road purposes.
3. A 10m wide vegetative buffer (to be planted with native species) shall be established along the entire northern boundary of proposed lot 300. Such vegetation shall be maintained in good health and condition and shall be replaced if and when they die or become seriously diseased.

Development Assessment Commission Conditions

4. That the financial and augmentation requirements of the SA Water Corporation shall be met for the provision of water supply (SA Water 01205/08).
5. That the necessary easements shall be granted to the SA Water Corporation free of cost.
6. That two copies of a certified survey plan shall be lodged for Certificate purposes.

ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION / COMMUNITY TITLE

ITEM 6. DEVELOPMENT APPLICATIONS - BUILDING

ITEM 7. MATTERS REFERRED FOR FOLLOW - UP

ITEM 8. GENERAL ITEMS FOR DISCUSSION