

ALEXANDRINA COUNCIL

NOTICE OF MEETING

Notice is hereby given to the Members that a meeting of the Development Assessment Panel will be held in the Large Meeting Room (old Goolwa Council Chambers) on 15 August 2005 commencing at 10:30 am

Your attendance is requested.

- | | |
|------------|---|
| 10:30 a.m. | Development Assessment Panel commencement |
| Item 4.1 | Jeni Nolan(Nolan Rumsby Planners) on behalf of M & S Hall |
| Item 5.1 | JD & JL Wundersitz |
| Item 5.2 | RL Wood |
| 12:30 a.m. | Conclusion of meeting. |

JOHN COOMBE
CHIEF EXECUTIVE

ALEXANDRINA COUNCIL

AGENDA FOR THE DEVELOPMENT ASSESSMENT PANEL MEETING
TO BE HELD ON 15 AUGUST 2005 AT 10:30 AM
IN LARGE MEETING ROOM (OLD GOOLWA COUNCIL CHAMBERS)

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**Development Assessment Panel
Report and Agenda
on 15 AUGUST 2005 commencing at 10:30 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 18th July 2005.

RECOMMENDATION

That the minutes of the Alexandrina Council Development Assessment Panel held on 18th July 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/D074/04 - Errol Harding

SUMMARY TABLE

Date of Application	14 th July 2004
Subject Land	Lot 21 Off Stones Ford Rd Nangkita
Assessment No.	A16677
Relevant Authority	Alexandrina Council
Planning Zone	General Farming (Port Elliot & Goolwa) & Grazing
Nature of Development	Land division creating one additional allotment
Type of Development	Non-complying
Public Notice	Category 3
Referrals	Department of Water Land & Biodiversity Conservation
Representations Received	1 (with 8 signatories)
Representations to be heard	Nil
Date last inspected	4 th August 2005
Recommendation	Refusal
Originating Officer	Cherry Getsom

ESD IMPACT/BENEFIT

- Environmental Possible implications associated with intensified use 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

This application has been with Council for a considerable length of time, this is partially due to the fact that as a non complying type of development a much lengthier and more complex assessment process is required. However much of the delay has related to a Land Management Agreement (LMA) registered on the title to this property.

.../cont.

3.1 455/D074/04 – E Harding (Continued)

The applicant advised they were unaware of the existence of an LMA, when the purpose of an LMA was explained to them they indicated they thought it had been removed. Council did not have a record of the LMA on file. The LMA is registered on the title and after a third attempt Council were able to obtain a copy of this LMA from the Lands Title Office. The issue of the LMA made it difficult for the applicant to respond to some of the representor concerns so they were granted an extension of time to respond until a copy of the LMA could be located. A response to representations was received in July this year and the application is now able to be presented to the Panel for consideration.

A previous application to sub divide the subject land was refused by Council in 1996.

THE PROPOSAL

Nature of Development

The proposal involves the division of an existing allotment located within the General Farming (Port Elliot & Goolwa) and Grazing Zones of the Alexandrina Development Plan, so as to create an individual title for each of two existing, self contained dwellings. As the creation of an additional title is a non complying form of development within both the General Farming and Grazing Zones should approval be granted it will require concurrence from the Development Assessment Commission (DAC). The Development Assessment Commission have concurred on other such applications in the Council area in the past.

Detailed Description

The subject land currently exists as one 26.6 ha property, in an unusual, almost 'n' shaped configuration when viewed from the south. In dividing this allotment, proposed Lot 50 is to retain the majority of the subject land in an area comprising approximately 16.73 ha, it is to retain the more recent dwelling and an existing driveway from Heifer Lane. Proposed allotment 51 is to comprise approximately 9.95 ha, and retain the older dwelling, an existing driveway and to have a frontage of approximately 200 metres to Stones Ford Road.

REFER ATTACHMENT 3.1(a) (page 1)

SITE & LOCALITY

The subject land is located at Lot 21 Stones Ford Road Nangkita, it is an unusual allotment shape totally 26.6 hectares with frontage to Stones Ford Road of approximately 625 metres and approximately 60 metres to Heifers Lane. The allotment narrows to a distance of approximately 27 metres before widening again to form a rear boundary of approximately 600 metres. The land has been predominately cleared for grazing use with some remnant pockets of native vegetation existing.

.../cont.

3.1 455/D074/04 – E Harding (Continued)

The subject land exhibits two single storey habitable dwellings, serviced with power, water, telephone and a waste control systems.

The principal dwelling is located approximately 100m from the south-eastern property boundary, it is approximately 20-25 years old with red brick walls and a colorbond roof, it has a large water tank and several outbuildings. This dwelling is to be located in proposed Lot 50. The second dwelling is to be located on Lot 51 it is an older weatherboard dwelling with a corrugated iron pitched roof, constructed between the 1960's-70's, and is approximately 150m from the south-eastern boundary it is currently offered as rental accommodation by the property owner.

Neighbouring properties within the locality are predominately utilised for dairying, grazing and/or cropping purposes and generally exhibit a low intensity rural/farming character

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). One representation was received during this notification period, however this representation had eight signatories.

REFER ATTACHMENT 3.1(b) (page 2)

The applicant has also submitted a response to the representation. The issues raised and responded to included; the existence of a Land_Management Agreement and its impact upon the second dwelling, land use and water supply

REFER ATTACHMENT 3.1(c) (page 28)

REFERRALS

No formal referrals were sent, although DAC consulted with the Native Vegetation Council, who advised that providing no clearance of native vegetation was required they did not object to the proposal, SA Water advised the corporations water supply and sewerage services are not available to the proposed allotments and PIRSA who had no comment. DAC also initiated a referral to the Department of Water Land and Biodiversity Conservation under Schedule 8 20 (d) of the Regulations; the River Murray Act, the Department had no comment to make.

.../cont.

3.1 455/D074/04 – E Harding (Continued)

CONSULTATION

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

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

As this application was received in July 2004, it must be assessed under the Alexandrina Development Plan Consolidated 23rd October 2003. 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 hereunder.

PDC 76 Development should take place on land which is suitable for the intended use of that land having regard to the location and condition of that land and the objectives for the zone in which it is located.

PDC 77 Development should take place in a manner which will not interfere with the effective and proper use of other land in the vicinity and which will not prevent the attainment of the objectives for that other land.

.../cont.

3.1 455/D074/04 – E Harding (Continued)

PDC 134 Development should take place in a manner which will minimise alteration to the existing land form.

Council Wide – Part C Port Elliot & Goolwa

PDC 25 Rural areas should be retained primarily for agricultural, pastoral and forestry services.

Grazing Zone

Objective 1 Retention of land in primary production.

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

Objective 4 Preservation of significant areas of natural vegetation and the mature eucalypts lining the Bremer River and Angas River.

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

PDC 2 Division of land to create additional allotments having frontage to dead-end or private roads within the "Highland Valley" area or other areas of high fire risk should not be undertaken.

PDC 10 All kinds of development are **non-complying** in the Grazing Zone, except the following:

General Farming (Port Elliot and Goolwa)

Objective 1 The retention of land within the zone for a wide range of farming uses.

PDC 5 All kinds of development are **non-complying** in the General Farming (Port Elliot and Goolwa District) Zone, except the following:

COMMENTS

The creation of additional titles within the General Farming Zone (Port Elliot and Goolwa) and the Grazing Zone 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.

.../cont.

3.1 455/D074/04 – E Harding (Continued)

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 septic effluent systems.

The subject land however has a rather complex history which significantly impacts upon the current proposal. A boundary re-alignment occurred in 1990 (771/D026/90), a condition of this consent being that a Land Management Agreement be entered into to control future use of one of the dwellings on the allotments. LMA 7090534 was registered on the title in September 1991 Section 3.1 of this agreement reads:

- 3.1 The Owner shall observe and perform all of the following obligations forthwith as from the expiry of six (6) months after the date of the provisions of clause 3.1 shall commence to operate that is to say:
 - 3.1.1 The existing weatherboard house shall be demolished or shall not be used for the purposes of a Granny Flat/ Dwelling when no longer required and shall be re-classified as a rumpus room/workshop/ manager's residence or similar approved by Council.
 - 3.1.2 The Council shall be notified in writing when the Granny Flat is no longer required to enable a re-classification of the building to be done.
 - 3.1.3 Laundry fittings/ fixtures, kitchen fittings/fixtures shall be removed as part of re-classification.

In essence the older of the two dwellings that currently exist on the subject land should have been decommissioned and re-classified so that it no longer met the definition of 'dwelling' and could not be used as a habitable structure. This was to occur within six months of the LMA being registered.

The applicant believes that Council agreed to extinguish this LMA. Council files include a copy of a letter from Millard McClurg Conveyancers, dated March 1996, indicating that they had received advice from a planning consultant that Council had agreed to remove the LMA from the title. A letter to the Development Assessment Commission also dated March 1996, indicates that the application for rescission of the LMA was returned to the conveyancer. It appears as if these documents relate to an additional application to subdivide (DA 771/D028/95) which was received by Council in November 1995 and refused in June 1996.

REFER ATTACHMENT 3.1(d) (page 41)

.../cont.

3.1 455/D074/04 – E Harding (Continued)

Whilst the existing title shows that a LMA is registered on this property, the difficulty in obtaining a copy of this LMA in order to confirm its content and the applicants understanding that the LMA was to be rescinded have added an unnecessary layer of complexity to this proposal.

It has been argued that as Council has not enforced compliance with the provisions of the LMA this supports the applicants belief that it was to be extinguished. Whilst I can not comment on the lack of enforcement, it is apparent that Council records were not as up to date as they should have been. The existence and detail of the LMA have now been firmly established and it has become obvious that one of the two dwellings that currently exist on the subject land should have been decommissioned approximately 15 years ago. The intent of the LMA was to ensure that only one approved dwelling existed on the subject land and therefore remove any possibility for future sub division approvals based on the notion of two existing dwellings. It is unfortunate that Council has not enforced this LMA, however the LMA still exists on the title and the intent of the LMA still remains valid, as such the application should be refused.

RECOMMENDATION

1. The Development Assessment Panel refuse Development Application 455/D074/04 to subdivide Lot 21 Stones Ford Road, Nangkita.
2. Appropriate measures are taken to ensure that section 3.1 of Land Management Agreement 7090534 registered on Certificate of Title Volume 5657 Folio 152 is complied with.

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

4.1 455/706/05 - M & S Hall

SUMMARY TABLE

Date of Application	16 th June 2005
Subject Land	Lots 4+5 Wellington Road Langhorne Creek
Assessment No.	A11554
Relevant Authority	Alexandrina Council
Planning Zone	Country Township (LC)Country Township (L/Creek)
Nature of Development	Change of use – Agricultural Supplies Shop
Type of Development	Merit
Public Notice	Category 3
Referrals	EPA
Representations Received	1
Representations to be heard	Nil
Date last inspected	1 st August 2005
Recommendation	Approval
Originating Officer	Joanne Nightingale

ESD IMPACT/BENEFIT

- Environmental No new buildings only impact is use, therefore only impact possible chemical spill which has been planned for (bundling and management plan).
- Social Greater availability of chemicals and associated viticultural products. Increased activity in main street.
- Economic Possible advantage to vineyard owners due to local product being available, possible flow on effect to local business.

BACKGROUND

The applicants originally applied for this business on Scott Road, Langhorne Creek in a building previously used as an engineering workshop. This land has been purchased as in accordance with the zoning for a commercial use it is on the main road.

.../cont.

4.1 455/706/05 – M & S Hall (Continued)

THE PROPOSAL

Nature of Development

The application is a consent on merit decision under the Country Township (Langhorne Creek) zone as a shop is not listed as complying or non-complying. It is a category three form of development however under the Development Act 1993, requiring public notice.

Detailed Description

The applicant wishes to develop the existing complex of sheds to be an agency and shop (including up to 3000lt/kg of chemical products) for Agricultural and Viticultural products and services.

The applicants business is agronomy based dealing with pest and disease control for the viticultural, broad acre farming and horticultural industries. His business involves a combination of consulting activities and the provision of chemical supplies to growers and landholders in the district.

The advice that is provided as part of the applicants business has been detailed at taking up 25% of the business' commitments. The applicant following receiving orders for supplies and chemicals then sources and delivers the products on an as needs basis, rather than holding large amounts of stock. Ordering, collecting and delivering stock would be 50% of the business. The final 25% of the business would be within the premises on wholesale/shop sales, sourcing product, research and analysis and keeping up to date with new product information. Unlike the previous proposal the stocking of farm relating equipment and supplies will form a larger role in this proposal.

The chemicals to be stored will be stored in the thin southern section of the main shed and shall be banded in accordance with EPA requirements. Car parking required for the development in accordance with development plan requirements for a shop is eleven car parks. A car park plan has been designed by the applicant to address this requirement with eight car parks available in front of the building on the hard stand area and overflow parking available to the rear of the building.

REFER ATTACHMENT 4.1(a) (page 44)

SITE & LOCALITY

This site is held as one title with two allotments forming the title. It is on the corner of the main road through Langhorne Creek from Strathalbyn and the Mt Barker Road. The site is on the north eastern corner, directly opposite the Bridge Hotel and diagonally opposite the town hall. There are three sheds existing on the corner of the site with a hard stand area at the front of the sheds and two accesses to this front hard stand area one from each road frontage.

.../cont.

4.1 455/706/05 – M & S Hall (Continued)

A dwelling exists on the north eastern allotment with a large garden surrounding the house. Another dwelling exists beyond the dwelling on the subject land and then vineyards. To the north of the sheds is also a dwelling with a large rear yard. The dwelling to the north is roughly 15 metres from the closest corner of the chemical storage area, the north eastern dwelling 25 metres and the existing dwelling which the applicant proposes to reside in is 10 metres from the chemical storage area.

The second allotment north of the subject land is the emergency services depot, with two allotments to the east of that vacant apart from some sheds. With the exception of the town hall, hotel and dwellings discussed, the rest of the area surrounding the site is vineyard.



PUBLIC NOTIFICATION

The application was placed on Category three public notice on the 7th of July 2005 with representations requiring to be received by the 21st of July 2005. One representation was received, with one additional representation received after the required date and therefore invalid.

REFER ATTACHMENT 4.1(b) (page 50)

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

REFER ATTACHMENT 4.1(c) (page 52)

.../cont.

4.1 455/706/05 – M & S Hall (Continued)

The issues raised and responded to include;

- Safety of chemical storage
- odour
- fumes
- possible road congestion.

REFERRALS

An Environment Protection Authority (EPA) referral was triggered their response is attached including seven conditions.

REFER ATTACHMENT 4.1(d) (page 58)

CONSULTATION

Consultation has been undertaken with Council's Engineering and Infrastructure Department (Dennis Zanker) on the issues of access. The advice of the TSO is that the car parking plan as provided is suitable.

REFER ATTACHMENT 4.1(e) (page 63)

Alexandrina Council Development Plan

The following objectives and principles of development control are relevant to the application:

Country Township Zone

Objective 1 A zone mainly accommodating a range of urban development and facilities serving the surrounding district.

The proposed development fulfils this criteria well.

PDC 8 Development for business, retail or commercial uses should not be undertaken in Langhorne Creek unless located adjacent to the Strathalbyn Road in proximity to existing business development.

The applicant is proposing a commercial use on the main Strathalbyn road, opposite the hotel and two sites down from the deli/general store. The site proposed is existing as a non residential site having previously been used as an engineering workshop and currently used to display agricultural machinery.

.../cont.

4.1 455/706/05 – M & S Hall (Continued)

STRATHALBYN DISTRICT

Objective 3 Development in the Townships of Milang, Langhorne Creek, Clayton, Woodchester and Ashbourne as local service centres of the Strathalbyn District.

A local supplier of agricultural and viticultural products as well as chemicals is appropriate as a local service centre function.

Objective 4 Industrial, commercial, office and retail development satisfying the requirements of the population of the District.

This commercial enterprise is directly relevant to satisfying the requirements of the surrounding Langhorne Creek area.

Objective 6 Separation of incompatible land use.

It could be said that the proposal did not meet this objective, however due to the previous uses on the site such as an engineering workshop this use should have no more impact than that use.

COMMENTS

This application accords with the development plan principles relating to location of commercial development as it is located within the township and has gone to great lengths to show that it will not affect dwellings in the surrounding area. The main issue for concern has been the storage of chemicals on the site, however an emergency spill management plan has formed part of the application, the EPA have conditioned the development and the applicant/owner of the business will be living next door with his young family.

I believe the level of information that we have received regarding the safety of the proposal has to be accepted and that in planning terms the proposal deserves support.

RECOMMENDATION

That the Development Assessment Panel approve application 455/D015/05 with the following conditions:

1. Storage of bulk (un-packaged) materials, blending or mixing of dry substances, and decanting, mixing or dilution of liquids must NOT be carried out on site.

.../cont.

4.1 455/706/05 – M & S Hall (Continued)

2. All chemicals (including empty containers) must be stored under cover within a bunded area.

NOTE: the 'Draft information sheet - Bunding. Storage of material likely to cause water pollution' will assist with appropriate design and management of bunded areas.

3. All loading/unloading and handling of chemical products must be carried out on a bunded impervious apron within the storage area (where spills can be contained). The apron surface (usually concrete or an impervious membrane) must be maintained at all times in an impervious state. The bunding must be designed and installed in accordance with the Australian Standard (AS1940/93).
4. No vehicle washing or maintenance is to be carried out on the site.
5. Stormwater from roof areas must be collected for on-site use with overflow also utilised as far as practicable on the site (eg directed to areas of vegetation). Any stormwater travelling off site must be of a suitable quality for collection in the Council stormwater system, or in the absence of such system of a suitable quality to flow into the nearest drainage line, for disposal in a manner that does not result in erosion.
6. Any material spilt outside must be cleaned up promptly by sweeping and if water is used to wash down then the area must drain to a collection area, device or sump from which it must be collected for removal and disposal off site to an approved waste disposal depot, or alternatively directed to sewer (with prior approval of the Manager SA Water Trade Waste) or to a Council STED scheme (with prior approval, where applicable). At no time must it be allowed to come into contact with the stormwater system or any underground water resource.
7. A chemical spill containment kit must be kept on site at all times and maintained in operational condition at all times.

Notes:

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

Work practices designed to prevent spillage of chemicals, with prompt clean up should spillage occur. Sufficient quantities of over-drums being kept on-site for containment of any accidental spillage.

.../cont.

4.1 455/706/05 – M & S Hall (Continued)

Attention to Occupational Health and Safety matters, such as -

- separated storage of incompatible materials (eg flammables well separated from oxidising agents),
- flammable materials stored away from sources of ignition e.g. power points,
- correct storage of gas cylinders (both full and empty),
- dangerous goods locked away at all times, and away from areas with access by the general public
- appropriate signage, training, use of personal protective equipment, provision of eyewash, safety showers etc.

The applicant is encouraged to seek advice from the Department of Administrative and Information Services/Workplace Services with regard to safety in the workplace.

- The noise level generated by the facility must not exceed the relevant maximum levels set in the Environment Protection (Industrial Noise) Policy.
- Any information sheets, guidelines documents, codes of practice, technical bulletins etc that are referenced in this decision have been provided to the planning authority or may be accessed on the following web site: <http://www.environment.sa.gov.au/epa/pub.html>

ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION COMMUNITY TITLE

5.1 455/D102/04 - JD & JL Wundersitz

SUMMARY TABLE

Date of Application	7 th September 2004
Subject Land	40 Marchant Road Strathalbyn
Assessment No.	A16188
Relevant Authority	Alexandrina Council
Planning Zone	Residential (Strathalbyn)Residential
Nature of Development	Land division creating one additional title
Type of Development	Merit
Public Notice	N/A
Referrals	Planning SA SA Water
Representations Received	Nil
Representations to be heard	Nil
Date last inspected	1 st August 2005
Recommendation	Refusal
Originating Officer	Joanne Nightingale

ESD IMPACT/BENEFIT

- Environmental Minimal impact from this division.
- Social Also minimal.
- Economic This division is minimal.

BACKGROUND

This application placed on the electronic lodgement database for land divisions EDALA on the 2nd of September 2004, distributed to Ben Green on the 7th September 2004 and first looked at by Ben and sent for internal consultation on the 10th September 2004. On the 13th September 2004 Matt James responded with comments regarding the safety of the access. The application was handed over to Jo Nightingale and a letter sent on the 28th October 2004 requesting the following amendments:

- Turning movements from the proposed lot 201 have been identified as acute (less than 90degrees) and the proposed lot 200 that is to be created has a frontage and area well below the character of the area.

.../cont.

5.1 455/D102/04 – JD & JL Wundersitz (Continued)

- The Alexandrina Council Development Plan Residential (Strathalbyn) zone requires that allotments have a minimum frontage of 15 metres. This has been maintained in adjacent development with the reasonable exception of the allotments fronting the cul de sac.
- As the proposed access is not adequate for the possibility of more than one allotment utilising the access, it is proposed that the whole of lot 13 is utilised for access and landscaped as an entrance.
- Furthermore any further development of proposed lot 201 would need to be in keeping with the established character of the area. Therefore creating four allotments each with an average over 700 square metres would be considered appropriate.

This letter was responded to with an amended plan on the 10th November 2004. This caused some confusion as the plan only provided a right of way to lot 200 over the 201 access therefore not addressing the problems outlined. The accompanying letter from the applicant (and conveyancer acting for surveyor) Chris Rodgers outlined that:

- It is noted that cul de sac lots in Brideson Road some two blocks south of the subject land have been created with frontages less than 15 metres, given this precedent and the fact that lot 200 can now be accessed via the right of way it is anticipated that the amended plan may now satisfy your concerns with regard to the reduced frontage of lot 200.
- A corner cut has been provided to assist with turning movements off Brideson Road into the proposed roadway within lot 201 that is 6 metres wide.
- The utilization of the entire lot 13 for landscaped entrance purposes to lot 201, is seen by my client to be a non effective use of the land area of lot 13. Further, in the event of a development over lot 201 significant maintenance issues would arise if the whole of lot 13 were to be used as access.

This development was discussed with Chris Rodgers on the 27th December 2004, 8th February 2005, 27th May 2005 and 20th July 2005. On the 20th January I have noted in the status to take the application to the next panel meeting as I did not support the application in its existing format and Chris Rodgers had told me the owner did not wish to amend any further. This was around the time that Ben was away for five weeks placing the department under a great deal of pressure. The application was put to the bottom of the list as I struggled for time however, this continued to occur with the tourist accommodation application, Woolworths Strathalbyn and other urgent application I was receiving pressure regarding until now.

.../cont.

5.1 455/D102/04 – JD & JL Wundersitz (Continued)

This deferment of what I saw as a less urgent application (I have never had any contact from the owner, which would usually occur) for a decision has dragged on longer than I had realised and I apologise to the owner in this regard.

THE PROPOSAL

Nature of Development

The application is for a Torrens Title Land Division creating one additional allotment in the Residential Strathalbyn Zone. Neither the Development Plan nor the Development Act 1993 characterise this application as requiring public notice.

Detailed Description

The subject land relates to two allotments, 40 Marchant Road a title of 8400 square metres and lot 13 Brideson Road a title of 705 square metres. The proposal is to divide the rear of 40 Marchant Road utilising part of the existing lot 13 as access. This would create an allotment of 2904 square metres. The remainder of lot 13 Brideson Road would be an allotment of 494 square metres with 10.93 metres of angled frontage. The bulk of the allotment is 13 metres wide.

The access created for proposed allotment 201 is 9.35 metres wide at the entrance with the access narrowing to 7.35 metres. This access into proposed lot 201 is subject to a free and unrestricted right of way appurtenant to lot 200.

REFER ATTACHMENT 5.1(a) (page 64)

SITE & LOCALITY

The site spans a large area with some frontage to Brideson Road and some frontage to Marchant Road. It is an irregular shape with a 15.56 metre frontage on Marchant Road and a 20.28 frontage onto Brideson Road. The bulk of the site varies between 50.49 and 58.49 metres in width and is 139.86 metres long.

Lot 13 Brideson Road is undeveloped with one tree and a gentle slope up from the road. 40 Marchant Road has one dwelling on site, and the proposed area of lot 201 is vacant except for a number of mature trees. Proposed lot 202 contains the house, some shedding and a large number of mature trees.

The locality is varied and characterised by the new subdivision of Brideson Road which averages 770 square metres and most frontages are greater than 15 metres (other than those fronting the cul de sac). A recent subdivision of similar character is to the east, partially separated from the Brideson Road subdivision by the subject land which is as outlined an extremely large 8400 square metres. Directly south of Brideson Road are six allotments fronting Marchant Road of a similar size to the Brideson Road development.

.../cont.

5.1 455/D102/04 – JD & JL Wundersitz (Continued)

To the south west are four larger allotments fronting Marchant Road, abutting these four to the north are two extremely large allotments of roughly 8000 square metres and 12000 square metres. Therefore there is a great deal of variety in allotment shapes and sizes with the trend increasing toward Brideson Road type development.

In checking allotment sizes for the area the smallest allotment north of Marchant Road is 608 square metres, with only four allotments within a considerable area being below 700 square metres. Generally the cul de sac allotments which have had to compromise on frontage are significantly larger, closer to 1000 square metres.

REFER ATTACHMENT 5.1(b) (page 65)

REFERRALS

Planning SA, ETSA and SA Water referrals were carried out. A response has been received from all agencies.

REFER ATTACHMENT 5.1(c) (page 67)

CONSULTATION

Consultation has been undertaken with Council's Environmental Health Department (EHO Kim Vivian) with regard to the effluent disposal system. The EHO had no comment.

Consultation has been undertaken with Council's Engineering and Infrastructure Department (Dennis Zanker/Matt James) on the issues of STED's and access. The advice of Dennis and Matt is that a \$3 000 STED's connection fee would be required and that the access is not suitable as the angle is acute (less than 90 degrees) for turning movements into access, which may not allow small trucks, cars with trailers, or large domestic vehicles to enter. The required paved width for the access would be 6 metres and there was concern that the access width provided was not adequate as only 7 metres wide boundary to boundary and there is a realistic expectation of 1.8 metre fencing on either side.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

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

.../cont.

5.1 455/D102/04 – JD & JL Wundersitz (Continued)

COUNCIL WIDE

7 When land is divided:

(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;

A question has been raised by Council's traffic engineer regarding the safety of the access proposed.

STRATHALBYN DISTRICT

Appearance of Land and Buildings

Objective 16 Urban development designed and constructed to retain and enhance the amenity of the area and blend with existing development in the locality.

The proposal does not blend with existing development.

Land Division

8 Division of land within the Residential (Strathalbyn), Residential (Milang), Rural Living (Strathalbyn District) or Country Township Zones should not be undertaken unless:

- (a) the depth of each allotment is not greater than three times the frontage; and
- (b) the dimensions of the allotment will enable the erection of a building on a parcel of land having dimensions of at least 15.0 metres by 15.0 metres set-back from a public roadway in accordance with [Table Alex/2](#).

(a) The depth of the allotment 200 proposed is 39.71 the frontage is 10.93 metres. Therefore the depth of the allotment is greater than three times the frontage.

(b) The allotment is only 13 metres wide not providing a dimension of at least 15 metres by 15 metres.

15 Land division which proposes to create one or more allotments consisting in part of a narrow strip of land fronting a public road and proposed to be used for access purposes, should not be undertaken unless:

- (a) the land can be satisfactorily and effectively developed for the primary purposes envisaged by the relevant zone and it has alternative access to an adjacent road;
- (b) the strip of land is not less than 6.0 metres wide or longer than 50 metres; and

.../cont.

5.1 455/D102/04 – JD & JL Wundersitz (Continued)

- (c) the area of the allotment, excluding the area of the narrow strip of land, is not less than the minimum allotment area prescribed for the zone in which the land is located.

The proposal can meet all of these requirements.

RESIDENTIAL STRATHALBYN ZONE

- Objective 1 A zone primarily accommodating detached dwellings and other types of low density residential development, with medium-density residential development and supportive community, educational and recreational facilities in appropriate locations.

- Objective 6 Medium-density residential development including accommodation for the aged, primarily located between the district centre and East Terrace, or in other locations within 500 metres of the District Centre Zone.

The subject land is over 750 metres from the District Centre Zone 250 metres further than the recommended area in objective 6 for medium density residential development.

- PDC3 Dwellings should have an average site area per dwelling of not less than 450 square metres.

The proposal meets this guideline, however 450 square metres is an absolute minimum, anything below is non-complying.

Land Division

- 18 Land should not be divided unless:
 - (a) the average allotment area in a plan of land division for residential purposes creating five or more allotments is at least 900 square metres and any subsequent plan of division preserves the average previously established and approved;
 - (b) all allotments have a minimum area of 450 square metres;
 - (c) not more than one allotment exceeds more than 2000 square metres in area; and
 - (d) the frontage of each allotment created is at least 15.0 metres, except in locations where it may match the pattern of existing allotments with smaller road frontage, or facilitate semi-detached or row dwelling development.

.../cont.

5.1 455/D102/04 – JD & JL Wundersitz (Continued)

(a) is not relevant to the proposal, (b) has been met, (c) is at variance with the proposal as two lots greater than 2000 square metres are proposed, (d) is not met, the only exception in the locality are the cul de sac allotments with a physical reason for the reduced frontage and a greater site area as a consequence.

COMMENTS

The proposal to provide access to the rear of 40 Marchant Road thereby utilising a large allotment which has become landlocked has merit. However the creation of an allotment out of character in size and frontage to achieve this does not have merit. The access as it exists is considered dangerous and inadequate. The proposed lot 200 is too small and out of character for the locality and beyond the 500 metres from the District Centre Zone recommended for medium density development, which would explain the lack on any allotments in the locality of that size.

RECOMMENDATION

That the Development Assessment Panel refuse Development Application 455/D102/04 as it is at variance with:

Land Division

8 Division of land within the Residential (Strathalbyn), Residential (Milang), Rural Living (Strathalbyn District) or Country Township Zones should not be undertaken unless:

- (a) the depth of each allotment is not greater than three times the frontage; and
- (b) the dimensions of the allotment will enable the erection of a building on a parcel of land having dimensions of at least 15.0 metres by 15.0 metres set-back from a public roadway in accordance with Table Alex/2.

Objective 6 Medium-density residential development including accommodation for the aged, primarily located between the district centre and East Terrace, or in other locations within 500 metres of the District Centre Zone.

Land Division

18 Land should not be divided unless:

- (c) not more than one allotment exceeds more than 2000 square metres in area; and

.../cont.

5.1 455/D102/04 – JD & JL Wundersitz (Continued)

- (d) the frontage of each allotment created is at least 15.0 metres, except in locations where it may match the pattern of existing allotments with smaller road frontage, or facilitate semi-detached or row dwelling development.

5.2 455/D156/04 - RL Wood Pty Ltd

SUMMARY TABLE

Date of Application	10 th January 2005
Subject Land	7 Kingdon Place Goolwa South
Assessment No.	A5492
Relevant Authority	Alexandrina Council
Planning Zone	Residential
Nature of Development	Land division creating one extra lot
Type of Development	Merit
Public Notice	N/A
Referrals	Planning SA, SA Water
Representations Received	N/A
Representations to be heard	N/A
Date last inspected	2 nd August 2005
Recommendation	Refusal
Originating Officer	Joanne Nightingale

ESD IMPACT/BENEFIT

- Environmental Increased in density and therefore use of services, stormwater, pollution, decrease in vegetation.
- Social Greater availability of housing on smaller allotment close to centre of town.
- Economic Possible increase in rate base, financial benefit to owner and wider community.

THE PROPOSAL

Nature of Development

The proposal is a Torrens Title Land Division creating one additional allotment. It is a consent on merit decision under the Residential Zone of the Alexandrina Council Development Plan as land division is not listed as complying or non-complying. It is a category one form of development both in the Development Plan and the Development Act 1993, not requiring public notice.

.../cont.

5.2 455/D156/04 – RL Wood Pty Ltd (Continued)

Detailed Description

The applicant seeks to create one additional allotment from a corner lot just south of the Goolwa (Residential) zone commonly known as Little Scotland. The site area of the existing allotment is 720 square metres. The land division if approved will create one allotment of 391 square metres and the second lot of 329 square metres. The larger lot will contain the existing dwelling and the second lot has had proposed dwelling plans submitted in order to show the viability of the allotment.

REFER ATTACHMENT 5.2(a) (page 69)

SITE & LOCALITY

The site is a corner allotment relatively flat, with one dwelling facing Kingdon Place and a number of sheds to the rear. There are a number of large mature trees both on the allotment and the portion of the road reserve that is footpath. It is an irregular rectangular shape that is 15.91 metres wide and (at its furthest corner) 49.1 metres long.

I consider the locality to encompass the southern side of Kingdon Place, Admiral Terrace, to the East of Oliver Street and North of Barrage Road. The southern side of Barrage Road could be included but I consider it to be more in keeping with the rest of the South Lakes area. This southern side of Barrage Road does have three examples of corner allotments which have been divided to minimums similar to those sought in this application and should be mentioned. The smallest lots created being 322 square metres and the largest created by the division 400 square metres, both below the described minimum of 560 square metres.

Within the locality that I have described the bulk of the allotments are 700 square metres in size. The largest lot is 1100 square metres and the smallest lots are nine strata title allotments facing Admiral Terrace on the corner of Kingdon Place with site areas of 235 square metres. A land division has occurred directly opposite the subject land on a corner lot but research has shown that two dwellings existed on this allotment supporting the division. The division created an allotment of 346 square metres and 352 square metres.

The allotments to the North of Kingdon Place could also be taken into account however, they are influenced by the railway line that they back on to making some sense of their odd shapes and varied sizes.

REFER ATTACHMENT 5.2(b) (page 74)

.../cont.

5.2 455/D156/04 – RL Wood Pty Ltd (Continued)

REFERRALS

SA Water advised that financial, augmentation and easement requirements would need to be fulfilled for the provision of water supply services as is alteration of internal pipe work to the corporations satisfaction.. Planning SA responded with no report but three conditions to be added to any approval.

CONSULTATION

Consultation has been undertaken with Council's Environmental Health and Engineering and Infrastructure Departments (Kim Vivian and Neville Styan) with regard to the effluent disposal system. Neville Styan advised that allotment 512 would be required to connect to the common effluent system via a new drain to be constructed from the existing connection on Kingdon Place then heading west to Shepherd Avenue then south along Shepherd Avenue, contours and spot levels are required along the drain route to prove sufficient fall is present to allow drainage via gravity (no pumping systems allowed), two flushing points are to be provided on down stream ends of straight runs of new drain, all other conditions as per STEDs guidelines.

Consultation has been undertaken with Council's Engineering and Infrastructure Department (Dennis Zanker) on the issues of access and stormwater. The advice of Dennis is that one Eucalypt street tree would be required to be removed to create the access to the new carport on lot 511, a roll over kerb is present therefore crossovers do not need constructing and stormwater is OK.

Alexandrina Council Development Plan

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

COUNCIL WIDE PRINCIPLES

Land Division

- 6 Land should not be divided:
 - (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;

.../cont.

5.2 455/D156/04 – RL Wood Pty Ltd (Continued)

- 7 When land is divided:
(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;
- 9 The minimum allotment area within the townships of Goolwa, Port Elliot, Middleton and Mount Compass should generally be 1000 square metres and the minimum road frontage 25 square metres (except at the ends of cul-de-sacs). A smaller number of allotments from 560 to 1000 square metres may be appropriate within the townships of Goolwa, Port Elliot and Middleton where satisfactory provision be made for sewage disposal and existing allotments are of such a size.

PORT ELLIOT AND GOOLWA

Form of Development

Objective 1: Compact living and business areas ensuring residents are within reasonable distance of community facilities.

RESIDENTIAL ZONE

Land Division

- 5 Land should not be divided in the zone if there is a substantial number of vacant allotments elsewhere in the locality or adjacent localities within the zone.
- 6 Land division should not be undertaken in Goolwa within the zone if all service facilities cannot be extended or provided at minimal cost.

Appearance of Land and Buildings

- 8 Development should be compatible with the character and amenity of the locality.

COMMENTS

The described minimum for this area is clearly 560 square metres and this minimum should only be approved if existing allotments are of such a size and sewage disposal is adequate. Due to some development that has been approved in the area this is a difficult application to decide whether this density is appropriate. However, if you look at the locality as I have described the decision becomes clearer.

.../cont.

5.2 455/D156/04 – RL Wood Pty Ltd (Continued)

Within the defined locality there is only the strata title development and the corner division due to the existence of two dwellings on the title. Although within reasonable proximity of the town centre and services the locality does not support the continued division of allotments well below the minimum of 560 square metres as described by the development plan.

If the panel wish to approve this development the application will need to be deferred pending the confirmation of the availability of access into the STEDs scheme without pumping.

RECOMMENDATION

That the Development Assessment Panel refuse application 455/D156/04 due to it being at variance with:

COUNCIL WIDE

Principle 9 The minimum allotment area within the townships of Goolwa, Port Elliot, Middleton and Mount Compass should generally be 1000 square metres and the minimum road frontage 25 square metres (except at the ends of cul-de-sacs). A smaller number of allotments from 560 to 1000 square metres may be appropriate within the townships of Goolwa, Port Elliot and Middleton where satisfactory provision be made for sewage disposal and existing allotments are of such a size.

ITEM 6. **DEVELOPMENT ASSESSMENT - BUILDING**

ITEM 7. **MATTERS REFERRED FOR FOLLOW UP**

ITEM 8. **GENERAL ITEMS FOR DISCUSSION**

ITEM 9. **NEXT MEETING**

Monday 19th September 2005 – time to be advised.

MEETING CLOSED AT