

# 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 17 October 2007 commencing at 11:00 am

Your attendance is requested.

11:00 a.m.            Development Assessment Panel commencement

2:00 p.m.            Conclusion of meeting.

JOHN COOMBE  
CHIEF EXECUTIVE

ALEXANDRINA COUNCIL

AGENDA FOR THE DEVELOPMENT ASSESSMENT PANEL 2007 MEETING  
TO BE HELD ON 17 OCTOBER AT 11:00 AM  
IN COMMUNITY CHAMBERS "WAL YUNTU WARRIN"

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**Development Assessment Panel  
Report and Agenda  
on 17 OCTOBER 2007 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 19<sup>th</sup> September 2007.

RECOMMENDATION

That the minutes of the Alexandrina Council Development Assessment Panel held on 19<sup>th</sup> September 2007 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

4.1 455/559/07 PRUSZINSKI ARCHITECTS

SUMMARY TABLE

Date of Application	21.05.2007
Subject Land	LOT 6 (NO: 23) GOOLWA CHANNEL DRIVE HINDMARSH ISLAND
Assessment No.	A9320
Relevant Authority	Alexandrina Council
Planning Zone	HOLIDAY HOUSE (HINDMARSH ISLAND)
Nature of Development	DETACHED DWELLING – DOUBLE STOREY (NON-COMPLYING)
Type of Development	NON-COMPLYING
Public Notice	CATEGORY 3
Referrals	DWLBC
Representations Received	1
Representations to be heard	1
Date last inspected	JULY 2007
Recommendation	APPROVAL SUBJECT TO DEVELOPMENT ASSESSMENT COMMISSION CONCURRENCE
Originating Officer	ANDREW SLADDEN

ESD IMPACT/BENEFIT

- Environmental Increase in pollution potential and degradation of natural resources.
- Social Improvements for property owner
- Economic Increase in land value, rate increase, increase in services required in isolated location

.../cont.

4.1 455/559/07 PRUSZINSKI ARCHITECTS (Continued)

**BACKGROUND**

Development application 455/426/06 for a similar dwelling on the subject site was lodged in April 2006 and was subsequently refused by the Development Assessment Panel at its meeting of 21 August 2006 for the following reason:

*The proposal is considered to be seriously at variance with Principle of Development Control 18 from the Holiday House (Hindmarsh Island) Zone which states: "The following kinds of development are non-complying in the Holiday House (Hindmarsh Island) Zone:*

*Development within 25 metres of the foreshore with the exception of jetties, landings or structures required for the stabilisation of the water's edge"*

Following subsequent discussions with Council staff in relation to the issue of the setback from the foreshore, the applicant has lodged the subject application.

The Director of Environment and Lifestyle Department has resolved to proceed with the assessment of the Development Application under delegation.

**THE PROPOSAL**

**Nature of Development**

The Development Application involves the construction of a detached dwelling on the subject site. The dwelling is proposed to be located approximately 8m from the top of the rip rap bank.

Principle of Development Control 18 for the Holiday House (Hindmarsh Island) Zone states:

**PDC 18** The following kinds of development are **non-complying** in the Holiday House (Hindmarsh Island) Zone:

Detached Dwellings with the exception of:

- (a) dwelling extensions;
- (b) dwelling replacement;
- (c) dwelling associated with the Government exchange programme

The proposed development is considered to be a non-complying form of development as it involves the erection of a detached dwelling on an existing vacant allotment.

.../cont.

## 4.1 455/559/07 PRUSZINSKI ARCHITECTS (Continued)

It is also noted that pursuant to PDC 18, above, Development which is located less than 25m from the foreshore is considered to also be a non-complying form of development. Pursuant to the definition of "foreshore" within the Macquarie Dictionary which states "the forepart of the shore; the part of the shore between the ordinary high-water mark and low water mark", the applicant has shown the foreshore to be a point between the high and low tide marks and has demonstrated that the dwelling is located greater than 25m from this point. This is considered to be an adequate demonstration that the proposal complies with the above and the previous reason for refusal no longer applies.

### Detailed Description

The proposal involves the construction of a double storey detached dwelling on the subject site. It is noted that the lower floor is not habitable, and its purpose is an entrance and stairwell in order to provide access to the dwelling. As this lower portion of the dwelling is not habitable, the proposal is essentially a single storey dwelling. The proposed dwelling is elevated in order to meet the minimum finished floor level as required by the Land Management Agreement (LMA) registered on the site and Principles of Development Control for the zone.

Only a small part of the dwelling (entry) is located at existing ground level, with the rest of the dwelling being located approximately 2.1m above existing ground level. The proposed dwelling is a modern contemporary design with large windows taking advantage of the views and a low pitched roof.

The location of the subject dwelling was amended in August 2007 as a result of an objection received from a representor. The proposed dwelling has been moved a further 4m back from its original position and is 4m further back from the shore than the dwelling located to the immediate west of the proposed dwelling.

It is also noted that there is a Land Management Agreement (LMA) registered to the subject site. The LMA covers the owner's acceptance of risk from erosion and flooding and provides for a minimum Finished Floor Level for all buildings of 2.1 metres AHD in order to minimise this flood and erosion risk. The proposed dwelling is deemed to comply with the requirements of this LMA.

REFER ATTACHMENT 4.1 (a) page 1

.../cont.

## 4.1 455/559/07 PRUSZINSKI ARCHITECTS (Continued)

### SITE & LOCALITY

The subject site is one of a group of 26 residential sized allotments located along the southern side of Hindmarsh Island directly adjoining the Murray River and opposite the Murray Mouth. These allotments have rear access from Goolwa Channel Drive. The subject site is one of only four vacant allotments among the 26 allotments within this locality.

The subject site is a rectangular allotment measuring 18.3m wide with a visible length of 55m to the waters edge. The subject site includes the waters edge and rises up approximately 1.5m to a fairly level plateau over the majority of the subject site.

The locality consists of the 26 allotments located along Goolwa Channel Drive. Within this locality consists a very wide variety of detached dwellings of varying bulk and scale, setbacks and designs. Adjoining the subject site to the immediate east is a reserve which is approximately twice the size of the subject allotment. This reserve is naturally vegetated with small scale shrubs and bushes which are highly salt tolerant. Located to the immediate west of the subject allotment is an existing two storey besa brick and fibro cement shack which is located approximately 4m from the top of the rip rap bank, close to the waters edge.

### PUBLIC NOTIFICATION

The application was put on Category 3 Public Notification pursuant to Section 38(5) of the Development Act 1993 between 1 August 2007 and 15 August 2007.

One representation was received within the prescribed time frame. This representor has stated that they wish to be heard at the meeting.

The objections raised by this representor include the fact that the location of the proposed dwelling will obstruct the view of the Murray Mouth enjoyed from the existing neighbouring dwelling located immediately to the west.

REFER ATTACHMENT 4.1(b) page 16

In response to the representation, the applicant has amended the location of the proposed dwelling back a further 4 metres from the foreshore in order to not obstruct the views enjoyed by the adjoining dwelling.

.../cont.

4.1 455/559/07 PRUSZINSKI ARCHITECTS (Continued)

**REFERRALS**

The Application was referred to DWLBC pursuant to Section 37 of the Development Act 1993. DWLBC have recommended that the Application be approved subject to 4 conditions and 4 of their standard notes.

REFER ATTACHMENT 4.1(c) page 18

**CONSULTATION**

REFER ATTACHMENT 4.1(d) page 19

Consultation has been undertaken with Council's Environmental Health Department (EHO Kim Vivian) with regard to the effluent disposal system. It is noted that the applicant has gained approval for the Waste Control System.

**Alexandrina Council Development Plan**

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

**PART A – COUNCIL WIDE**

**OBJECTIVES**

**Appearance of Land and Buildings**

**Objective 38:** The amenity of localities not impaired by the appearance of land, buildings, and objects.

**Comment**

Given the fact that there are a number of dwellings displaying a variety of styles within the locality, the proposed dwelling is considered to comply with the above given the fact that it is a low profile contemporary style building which will be constructed of materials and colours which will blend with the locality. Also, as it has been setback a further 4m from the adjoining dwelling, this will help reduce its visual impact when viewed from the river.

.../cont.



4.1 455/559/07 PRUSZINSKI ARCHITECTS (Continued)

**Coastal Areas**

**Objective 40:** Preserve and manage the environmentally important features of coastal areas, including mangroves, wetlands, dune areas, stands of native vegetation, wildlife habitats and estuarine areas.

**Objective 43:** Development which recognises and allows for hazards to coastal development such as inundation by storm tides or combined storm tides and stormwater, coastal erosion and sand drift; including an allowance for changes in sea level due to natural subsidence and predicted climate change during the first 100 years of the development.

**Objective 45:** Protect the physical and economic resources of the coast from inappropriate development.

**Objective 46:** Locate all housing, including holiday houses, tourist accommodation, marinas and rural living located on land zoned for that purpose and for it to be environmentally acceptable and consistent with orderly and economic development.

**Comment**

Although the subject site is not strictly located within a coastal area as I have previously been advised by the Coast Protection Board, the abovementioned Objectives are still considered to be relevant to the proposal.

The development is generally considered to comply with the above. As the proposed dwelling is elevated above the natural ground level, its impact upon the existing natural ground will be minimal. The finished floor level will comply with the requirements of the LMA which has been set at 2.1 metres AHD to minimise the impacts of tides, flooding and erosion. Also, as the subject allotment is located within the Holiday House (Hindmarsh Island) Zone, even though non-complying, this type of development is envisaged as is evidenced by Objective 1 for the zone being: *"The location of single storey small-scale holiday homes on existing leased allotments with extensive landscaping so as to minimise the visual impact of such development when viewed from the Murray Mouth area and the Conservation (Hindmarsh Island) Zone."*

.../cont.

4.1 455/559/07 PRUSZINSKI ARCHITECTS (Continued)

**PRINCIPLES OF DEVELOPMENT CONTROL**

**Elevated Dwellings**

**PDC 85** The space between ground level and the floor of a dwelling elevated on posts or columns should be enclosed around any exposed service infrastructure or storage and utility areas by clay brick, stone or fibrous cement-sheet based brick cladding, prior to occupation of a dwelling.

**Comment**

The proposed development is considered to be at variance with the above, however, in this locality this is considered to be acceptable as infilling the area between the Finished Floor Level and ground level on all sides will increase the bulk of the dwelling detracting from the amenity of the locality and will increase flood risk for adjoining properties.

**Appearance of Land and Buildings**

**PDC 136** The appearance of land, buildings and objects should not impair the amenity or character of the locality in which they are situated.

**Residential Development**

**PDC 173** Residential buildings should be clad in materials which are non-reflective and which do not detract from the amenity and character of the locality by reason of unsightly appearance.

**Comment**

Given the fact that the existing dwellings in the locality are of varying styles and condition, the proposed dwelling is considered to comply with the above given its profile and materials and colours which will help to blend with the locality.

.../cont.

4.1 455/559/07 PRUSZINSKI ARCHITECTS (Continued)

**PART C – PORT ELLIOT AND GOOLWA**

**OBJECTIVES**

**Coastal Development**

- Objective 5:** Protect the coast from development that will adversely affect the marine and onshore coastal environment whether by pollution, erosion, damage or depletion of physical or biological resources, interference with natural coastal processes or any other means.
- Objective 6:** Development which does not interfere with environmentally important features of coastal areas, including mangroves, wetlands, dune areas, stands of native vegetation, wildlife habitats and estuarine areas.
- Objective 7:** Development which does not detract from or reduce the value of sites of ecological, economic, heritage, cultural, scientific, environmental or educational importance.
- Objective 10:** Development only undertaken on land which is not subject to, or can be appropriately protected from, coastal hazards such as:  
(a) inundation by storm tides or combined storm tides and stormwater;  
(b) coastal erosion; or  
(c) sand drift.
- Objective 11:** Development located and designed to allow for changes in sea level due to natural subsidence and probable climate change during the first 100 years of the development. This change to be based on the historic and currently observed rate of sea level rise for South Australia with an allowance for the nationally agreed most likely predicted additional rise due to global climate change.
- Objective 12:** Development which will not require, now or in the future, public expenditure on protection of the development or the environment.
- Objective 13:** Development of coastal urban settlements, coastal rural living areas, tourist complexes and marinas only in environmentally acceptable areas.

.../cont.

### 4.1 455/559/07 PRUSZINSKI ARCHITECTS (Continued)

**Objective 14:** Urban development including housing, holiday houses, tourist accommodation, and rural living, as well as land division for all such purposes, only in the zones specifically created for such developments.

**Objective 15:** Development of coastal urban settlements, coastal rural living, tourist accommodation and marinas in an orderly and economic manner which provides for a range of sites while ensuring the number of locations and the size of the zones do not exceed that which is indicated as being required by a realistic assessment of future demand.

#### Comment

As previously stated, although not coastal land in the strict sense of the definition, the abovementioned Objectives are still considered to be relevant particularly given the high amenity and biological value of such an area so close to the mouth of the Murray River. Compliance with the above has been achieved through the design of the building being elevated above the natural ground, which will minimise impact upon the environment as well as minimising flood and tide risk.

#### **PRINCIPLES OF DEVELOPMENT CONTROL**

##### **Coastal Development**

###### *Environment Protection*

**PDC 19** Development, including flood, erosion and wave protection measures, should not adversely affect the ecology of coastal areas, the seabed or coastal waters by pollution, significant loss of habitat, interference with coastal processes or any other means.

**PDC 20** Development should not be located in delicate or environmentally sensitive coastal features such as sand dunes, wetlands or important remnants of native vegetation.

**PDC 21** Development should not, nor be likely in the future to, adversely affect the ecology and stability of environmentally sensitive coastal features.

**PDC 22** Development should not be undertaken where it will create or aggravate coastal erosion, or where it will require coast protection works which cause or aggravate coastal erosion.

.../cont.

### 4.1 455/559/07 PRUSZINSKI ARCHITECTS (Continued)

**PDC 24** Development should be designed for solid or fluid wastes and stormwater run-off to be disposed of so that it will not cause pollution or other detrimental impacts on the marine and on-shore environment of coastal areas.

**PDC 26** Development should preserve natural drainage systems and should not significantly increase or decrease the volume of water flowing to the sea. Where necessary it should incorporate stormwater management schemes including:

- (a) on-site harvesting of water and land based disposal systems;
- (b) retention basins to facilitate settlement of pollutants and to regulate water flow; and
- (c) infiltration.

**PDC 27** Development should not cause deleterious effects on the quality or hydrology of groundwater.

**PDC 28** Development proposed to include or create confined, coastal waters (whether partially or wholly), including water subject to the ebb and flow of the tide, should ensure the quality of such waters is maintained at an acceptable level.

**PDC 29** Development should not preclude the natural geomorphological and ecological adjustment to changing climate, sea level or other conditions. For example landward migration of coastal wetlands should not be prevented by embankments. Development should be designed to allow for new areas to be colonised by mangroves and wetland species and for removal of existing embankments where practical.

**PDC 33** Development within urban and tourist accommodation zones should be designed and sited in sympathy with the existing natural and built character of its locality. It should not be out of scale, of conflicting colour or materials or detract from any natural backdrop to the zone, nor project above the skyline visible from the coast.

### Comments

Compliance with the abovementioned Principles has been generally achieved through the design of the building which will minimise impacts on the natural environment, the approved Waste Control System which complies with Council standards and the imposition of the DWLBC Conditions and Notes, particularly those related to stormwater and wastewater disposal.

.../cont.

4.1 455/559/07 PRUSZINSKI ARCHITECTS (Continued)

*Hazard Risk Minimisation*

**PDC 44** Development should not occur on land where the risk of flooding is unacceptable having regard to personal and public safety and to property damage.

**PDC 45** For the purposes of assessing coastal developments the standard sea flood risk level for a development site is defined as the 100 year average return interval extreme sea level (tide, stormwater and associated wave effects combined), plus an allowance for land subsidence for 50 years at that site.

**PDC 48** Buildings to be located over tidal water or which are not capable of being raised or protected by flood protection measures in future, should have a floor level of at least 1.25 metres above the standard sea flood risk level.

**PDC 49** Development which requires protection measures against coastal erosion, sea or stormwater flooding, sand drift or the management of other coastal processes at the time of development, or which may require protection or management measures in the future, should only be undertaken if:

- (a) the measures themselves will not have an adverse effect on coastal ecology, processes, conservation, public access and amenity;
- (b) the measures do not now, or in the future require community resources, including land;
- (c) the risk of failure of measures such as sand management, levee banks, flood gates, valves or stormwater pumping, is appropriate to the degree of the potential impact of a failure; and
- (d) adequate financial guarantees are in place to cover future construction, operation, maintenance and management of the protection measures.

**PDC 50** Development should be set-back a sufficient distance from the coast to provide an erosion buffer which will allow for at least 100 years of coastal retreat for single buildings or small-scale developments, or 200 years of retreat for large scale developments such as new towns, unless:

- (a) the development incorporates private coastal works to protect the development and public reserve from the anticipated erosion, and the private coastal works comply with principle of development control numbered 48; or
- (b) the council is committed to protecting the public reserve and development from the anticipated coastal erosion.

.../cont.

4.1 455/559/07 PRUSZINSKI ARCHITECTS (Continued)

Comment

Zone principles relating the minimum Finished Floor Level and LMA have been complied with and therefore the minimisation of risk from flooding and other hazards is considered to have been achieved.

**HOLIDAY HOUSE (HINDMARSH ISLAND) ZONE**

**OBJECTIVES**

**Objective 1:** The location of single storey small-scale holiday homes on existing leased allotments with extensive landscaping so as to minimise the visual impact of such development when viewed from the Murray Mouth area and the Conservation (Hindmarsh Island) Zone.

**Objective 2:** The maintenance of the water quality of the waterways.

**Objective 3:** The provision for public access along the foreshore.

**Objective 4:** The protection and enhancement of the amenity of the foreshore and frontal sand dune system.

**Objective 5:** The protection of dwellings from inundation and the maintenance of access during times of extreme tide and anticipated sea level rise.

Comments

The proposed development is considered to comply with the above, with the exception of the requirement for extensive landscaping noted in Objective 1. Compliance with this is not considered to be appropriate as the soils on the site are sandy and highly saline. This means that only a limited number of plant species will survive in such an environment and not species which will effectively screen the proposed development. Also given the lack of existing landscaping in the locality the proposal will blend better without any landscaping.

The finished floor level will minimise risk from tides and flooding and minimise impacts upon the foreshore and sand dune system and the setback from the foreshore will achieve compliance with objective 3 allowing public access along this foreshore.

.../cont.

4.1 455/559/07 PRUSZINSKI ARCHITECTS (Continued)

**PRINCIPLES OF DEVELOPMENT CONTROL**

**PDC 1** Detached dwellings and additions and alterations to such dwellings should be small-scale single storey buildings.

**PDC 2** The external colours of all buildings should be complementary to the natural environment with external materials and finishes being of a low reflective nature so as to minimise the visual impact of the building when viewed from the waterway and the surrounding Conservation (Hindmarsh Island) Zone.

**PDC 3** Buildings should not cover more than 40 percent of the area of the allotment.

**PDC 4** No building should have a floor level below 2.10 metres Australian Height Datum (AHD).

**PDC 5** Buildings should not exceed 6.0 metres in height above 2.10 metres AHD.

**PDC 11** Buildings or structures should be sited so as to minimise any adverse effect from overshadowing or loss of privacy to adjoining residential land.

**PDC 15** All development should be extensively landscaped with native vegetation in order to screen the buildings and structures.

**Comments**

Compliance with the above has been generally achieved given the fact that the dwellings Finished Floor Level will be greater than 2.1 metres AHD, is single storey and will be constructed of materials and colours which will blend with the locality. Also, given the fact that the Applicant has amended the setback from the River in response to the representors concerns, it is now considered to minimise any impacts upon the adjoining land.

.../cont.



4.1 455/559/07 PRUSZINSKI ARCHITECTS (Continued)

**CONCLUSION**

Although a non-complying form of Development pursuant to Principle of Development Control 18 for the Holiday House (Hindmarsh Island) Zone as it is not an addition or replacement dwelling, the proposed development is considered to generally comply with the relevant Objectives and Principles of Development Control from the Alexandrina Development Plan, and given the fact that that the zone supports residential and tourist accommodation land uses the proposal warrants approval. In this instance, it appears that the Zone contradicts itself as Objective 1 supports small scale holiday homes, yet new dwellings are a non-complying form of development.

The locality consists of single and two storey detached dwellings and the proposed development will blend suitably. Given the fact that the proposed development also has the support of the DWLBC the granting of Development Plan Consent is warranted.

**RECOMMENDATION**

That the Development Assessment Panel grant Development Plan Consent to Development Application 455/559/07 for a Detached Dwelling at 23 Goolwa Channel Drive, Hindmarsh Island 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 (amended plans received by Council on 31 August 2007).
2. The external cladding and trim of the proposed building must be of a non-reflective nature. Cladding materials must be coloured or painted in colours satisfactory to Council, within three (3) months of substantial completion of the building. All paint work must be maintained to the reasonable satisfaction of Council.

**DWLBC Conditions**

1. The minimum site level being raised to 2.15 metres AHD.

.../cont.

4.1 455/559/07 PRUSZINSKI ARCHITECTS (Continued)

2. Stormwater run-off from the dwelling being directed into a storage tank or tanks. The capacity of tank storage on site is to be equal to or be greater than 20 litres per square metre of total roof area of all buildings on the site. Any overflow from the tank or tanks being managed to prevent erosion or pollution of the site and the river Murray and diverted away from wastewater disposal areas, such as septic tanks and aerobic systems.
3. All greywater or blackwater produced being managed appropriately to prevent pollution of the River Murray system.
4. During the construction the property shall be managed in a manner as to prevent erosion or pollution of the subject site and the environment, including keeping the area in a tidy state and ensuring any waste materials being placed into bins to ensure no pollutants enter the River Murray system.

DWLBC Notes

1. This portion of the coastline is subject to coastal erosion and the integrity and stability of erosion protection structures on the site should be maintained.
2. The applicant is advised that unless their water supply comes from an SA Water connection, a water licence and allocation under the Natural Resources Management Act 2004 may be required. For further information, please contact the Department of Water, Land, Biodiversity and Conservation Office on 8595 2053.
3. The applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.

.../cont.

4.1 455/559/07 PRUSZINSKI ARCHITECTS (Continued)

4. All areas within 200m of any watercourse are considered to be of high sensitivity for Aboriginal sites. The River Murray and many of its tributaries and overflow areas, particularly have abundant evidence of Aboriginal occupation. Under section 20 of the Aboriginal Heritage Act 1988 (The Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister for Aboriginal Affairs and Reconciliation, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. Penalties may apply for failure to comply with The Act.

4.2 455/876/07 SOUTH COAST CONCRETE SUPPLIES

**SUMMARY TABLE**

Date of Application	06.08.2007
Subject Land	LOT 6 FORREST ROAD STRATHALBYN
Assessment No.	A15354
Relevant Authority	Alexandrina Council
Planning Zone	INDUSTRY ZONE
Nature of Development	CONCRETE BATCHING PLANT
Type of Development	MERIT
Public Notice	CATEGORY 3
Referrals	EPA
Representations Received	5
Representations to be heard	Nil.
Date last inspected	18 SEPTEMBER 2007
Recommendation	APPROVAL SUBJECT TO CONDITIONS
Originating Officer	MATT ATKINSON

**ESD IMPACT/BENEFIT**

- Environmental The Application has been assessed by the Environment Protection Authority and has been determined to have minimal impact on the Environment.
- Social Negligible impact envisaged.
- Economic The establishment of a Concrete Batching Plant within Strathalbyn will provide a boost to the local economy both directly and indirectly via the supply of Concrete to local business.

**THE PROPOSAL**

Nature of Development:

The development incorporates the construction of a Concrete Batching Plant with associated car-parking on a portion of an existing title on the southern side of Forrest Road, Strathalbyn. The subject land is located in the Industry Zone, as identified within the Alexandrina Council Development Plan.

.../cont  
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### 4.2 455/876/07 SOUTH COAST CONCRETE SUPPLIES(Continued)

Concrete Batching Plants are not listed as either Complying or Non-complying development within the Industry Zone, and therefore, are required to be assessed on merit.

#### Detailed Description

The Applicant proposes to establish a Concrete Batching Plant incorporating a raw material receival bin and associated transfer system, a waste water collection and treatment system, several product bunkers and a batching room.

The proposal incorporates parking for cars and trucks on-site with adequate loading and unloading areas. The parking and access areas are proposed to be surfaced with gravel and there are two access points providing 'in only' and 'out only' traffic movements.

REFER ATTACHMENT 4.2(a) page 23

#### SITE & LOCALITY

The subject land is located on a portion of an allotment on the southern side of Forrest Road at Strathalbyn. The subject land is part of a large allotment that is bound by Forrest Road to the north, Nine Mile Road to the east, Rural Living allotments to the south and Dry Plains Road to the west.

The subject land represents less than 1% of the total area of the 'master' allotment and incorporates a frontage to Forrest Road of 40 metres and a depth of 80 metres, totalling 3200 square metres. The subject land is rectangular in shape and is currently vacant.

The land adjacent to the eastern and southern boundaries of the subject land is also vacant and located on the 'master' allotment. A motor wrecking business is located adjacent to the western boundary of the subject land, also within the 'master' allotment. Another Concrete Batching Plant is located opposite the subject land on the northern side of Forrest Road.

The Council Depot, an ETSA substation, a Storage facility, a CFS depot, a Fertiliser supplier and an Archery range are situated within the broader locality. The nearest dwelling is located approximately 370 metres from the subject land.

The subject land is located within the Industry Zone, as identified by the Alexandrina Council Development Plan.

REFER ATTACHMENT 4.2(b) page 25

.../cont.  
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4.2 455/876/07 SOUTH COAST CONCRETE SUPPLIES(Continued)

**PUBLIC NOTIFICATION**

The Application was notified as a Category 3 development pursuant to Section 38 of the Development Act, 1993, for a period of 10 working days up and until Wednesday 5<sup>th</sup> September 2007. During this period, five (5) representations were received.

Of the five representations received, three (3) representors opposed the development and two (2) representors did not indicate support or otherwise for the development, rather they both merely wished to make a comment in relation to the Development.

The issues raised by the representors include; contamination of the air, dust pollution, noise, waste water and the proximity of residential properties.

The Panel should be aware that one of the representors is a direct competitor of the Applicant and does not have an interest in any land within the locality. This representation should be considered accordingly.

REFER ATTACHMENT 4.2(c) page 27

The Applicant has submitted a response to the representations. A summary of the Applicant's response is set out below:

Hallett Concrete is located 40 kilometres from the subject land;  
Concerns regarding the environmental impact of the Plant have been assessed by the EPA;  
The proposed development complies with the EPA's guidelines;  
Noise will be limited to trucks only;  
The product is wet, therefore dust pollution will be limited; and  
Trainers Way is located approximately 500 metres from the subject land.

REFER ATTACHMENT 4.2(d) page 63

**REFERRALS**

The Application was referred to the Environment Protection Authority (EPA) in accordance with Section 37 of the Development Act 1993. A summary of the EPA's response is set out below:

.../cont.

4.2 455/876/07 SOUTH COAST CONCRETE SUPPLIES(Continued)

- Air quality and noise can be managed by appropriate site management practices. Conditions have been attached to minimise the impact of the development and to ensure that emissions are within the EPA's recommended limits;
- The EPA guidelines prescribe a minimum separation distance of 100 metres from a Concrete Batching Plant to sensitive land uses. There are no dwellings or other sensitive land uses within 100 metres;
- The potential for surface or groundwater environmental impact from improper wastewater disposal or chemical spillage is considered to be low if the details contained in the proposal are implemented; and
- The general potential for environmental impact from the Concrete Batching Plant is considered to be low.

The EPA has determined that the proposal warrants approval, subject to the addition of nine (9) conditions and four (4) advice notes.

REFER ATTACHMENT 4.2(e) page 65

**ALEXANDRINA COUNCIL DEVELOPMENT PLAN**

The following Principles of Development Control are considered to be most relevant to this Application:

Council Wide

Objectives: 1 & 2.

Principles of Development Control: 2, 100, 102, 154, 155 & 158.

Strathalbyn District

Objectives: 4 & 6.

Principles of Development Control:5.

Industry Zone

Objectives: 1.

Principles of Development Control:1, 3, 8, 9, 10 & 14.

REFER ATTACHMENT 4.2(f) page 70

.../cont.

4.2 455/876/07 SOUTH COAST CONCRETE SUPPLIES(Continued)

COMMENTS

Zone Objectives

The subject land is located within the Industry Zone. Objective 1 within the Industry Zone states:

"A zone primarily accommodating industrial and commercial development."

In terms of land use, the Industry Zone is considered to be the most appropriate zone within Strathalbyn for the proposed Concrete Batching Plant.

In addition to the general appropriateness of the land use within the zone, development should also be consistent with the zone Principles of Development Control. The most relevant Principles include:

Industry Zone Principle of Development Control 3 states:

"Industrial development should not be located adjacent to any boundary of the zone where it is liable to impair the amenity of an adjoining residential zone or locality."

Whilst the 'master' allotment shares a boundary with the Agistment Zone, the subject land is located approximately 240 metres from the zone boundary. The EPA has advised that there should be a minimum separation distance of 100 metres from a Concrete Batching Plant to sensitive land uses. In this instance, the proposed development is considered to incorporate ample separation distance from the nearest dwellings.

It should be noted that all of dwellings within the broader locality, including the dwellings occupied by the representors, are either located within the Industry Zone or the Agistment Zone. Whilst these dwelling occupiers should be entitled to a reasonable level of amenity, some concessions should be made to ensure that Industry can operate within the Industry Zone.

Industry Zone Principle of Development Control 14 states:

"Development should not be undertaken unless the emission of noise, smells, gases, fumes, smoke and other nuisances can be satisfactorily minimised without risk to health and safety of the workforce or residents in the locality."

.../cont.



### 4.2 455/876/07 SOUTH COAST CONCRETE SUPPLIES(Continued)

The EPA has determined that the proposed Concrete Batching Plant will have minimal impact on the dwellings located within the broader locality due to the adequate separation distances and the management practices proposed. The EPA have directed the Council to attach nine (9) conditions of consent to any approval issued by the Council, to ensure that the development complies with the relevant environmental standards and to protect the amenity of adjacent properties (both industrial and residential).

Having regard to the advice of the EPA, the proposed Concrete Batching Plant is considered to be appropriately located within the Industry Zone, with adequate separation from residential and other sensitive land uses.

#### Access

Industry Zone Principle of Development Control 8 states:

"Development should not be undertaken unless provision is made for vehicular access and the manoeuvring, loading and unloading of articulated commercial vehicles so as to ensure the safety of the public and the free flow of traffic in the locality."

The proposed development incorporates ample on-site area for the loading and unloading of vehicles, and access is considered to be safe and convenient as all vehicles will be able to enter and exit the subject land in a forward direction.

#### Landscaping

Industry Zone Principle of Development Control 9 states:

"Car parking areas, service areas, and external storage areas should be screened suitably with fencing or landscaping designed to enhance the amenity of the locality."

The proposed plans do not illustrate any landscaping as part of the development. The Council's Planning staff have discussed the need for adequate landscaping with the Applicant. The Applicant has agreed to provide a landscaping strip adjacent to the site frontage, to a standard to be agreed upon by the Council.

Should the Panel be of a mind to approve Development Plan Consent, a condition will be attached requiring the Applicant to submit a Landscaping Plan to the Council or its delegate's satisfaction, prior to the issuing of Development Approval.

.../cont.

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4.2 455/876/07 SOUTH COAST CONCRETE SUPPLIES(Continued)

RECOMMENDATION

The Development Assessment Panel approve Development Application No. 455/876/07 for a Concrete Batching Plant at Lot 6 Forrest Road, Strathalbyn, subject to the following conditions:

Council Planning Conditions:

1. The Applicant shall provide an acceptable Landscaping Plan, to the satisfaction of the Council or its delegate, prior to the issuing of Development Approval.
2. The Applicant shall obtain the relevant Waste Control Approval for the disposal of effluent on the subject land, prior to the issuing of Development Approval.
3. Management of the property should be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.
4. The Applicant or other approved persons for the time being making use of the subject land now approved, shall at all times maintain in good and substantial condition to the reasonable satisfaction of the Council, all aspects of the subject land (including car parking areas, driveways and footpaths) all buildings and structures (and the external painting thereof), and all tree and shrub plantings and grassed areas.
5. No signs are to be erected or displayed on the building without the prior Development Approval of the Council.
6. The site of the proposed building shall be screened with native vegetation that will be of a species appropriate to the area and mature to such a height to reduce the visual impact of the building. The vegetation shall not be planted closer to the building(s) or power lines than the distance equivalent to their mature height and be maintained in a healthy condition at all times.
7. All stormwater drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or, in the opinion of Council, detrimentally affect structures on this site or any adjoining land.

.../cont.

4.2 455/876/07 SOUTH COAST CONCRETE SUPPLIES(Continued)

EPA Conditions:

1. The development shall be carried out in accordance with the plans (reference: TE Equipment Sales 07P-016-01,02 Rev A) and details contained in development application 455/876/07, except for as otherwise varied by any conditions that follow.
2. All roadways, entrances, loading / unloading areas, and other vehicle traffic areas on the site shall be maintained at all times so that potential for dust generation is minimised and does not create a nuisance off site.
3. All stockpiles of raw materials must be located within storage bunkers/bays, and stored below the height of the bunker walls. Sprinklers must be installed and utilised as required to keep the material damp.
4. All cement storage silos must be fitted with an appropriately sized fabric filter incorporating an effective fabric-cleaning device to eliminate emissions due to the displacement of air whilst fitting.
5. All cement storage silos are to be fitted with a high level visible and audible alarm, complete with a test circuit, and automatic shutdown to guard against overfilling.
6. Any material likely to degrade water (concrete admixtures, etc) must be stored within a roofed and bunded compound area, which has a capacity of at least 120% of the volume of the largest container to be stored within the bund, and which is designed and constructed to prevent the escape of material into surface or underground water resources. Note: EPA Guideline titled Bunding and Spill Management will assist with appropriate design and management of bunded areas: [http://www.epa.sa.gov.au/pdfs/guide\\_bunding.pdf](http://www.epa.sa.gov.au/pdfs/guide_bunding.pdf)
7. The operation of the plant must incorporate an effective wastewater management system to collect, treat as necessary, and re-use wastewater generated at the site. The applicant must ensure that waste is not discharged to any waters, or on to land from which it is likely to enter waters either by seepage (or rising water table) or from carriage by wind, rain or stormwater.

.../cont.

4.2 455/876/07 SOUTH COAST CONCRETE SUPPLIES(Continued)

8. Any wastewater (e.g. in the wash out pit) generated by the plant that is not suitable for re-use must be collected for off-site disposal by a licensed waste transporter.
9. All solid waste from the plant must be collected, contained in a manner that does not result in contamination, and regularly removed from the site to a licensed waste depot.

Advice Notes:

1. Allotment boundaries will not be certified by Council staff. The onus of ensuring that the building is sited in the approved position on the current allotment is the responsibility of the owner. This may necessitate a survey being carried out by a licensed land surveyor.
2. Encumbrances, although not administered by Council, may apply to your property. You are therefore advised to check for encumbrances on your Certificate of Title prior to commencing work.
3. 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.
4. An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements.
5. A licence may be refused where the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.
6. Any information sheets, guidelines documents, codes of practice, technical bulletins, etc. that are referenced in these conditions can be accessed on the following web site: [www.epa.sa.gov.au](http://www.epa.sa.gov.au)

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