

# ALEXANDRINA COUNCIL

## NOTICE OF MEETING

Notice is hereby given to Councillors and Members that the next meeting of Development Assessment Panel will be held in the Community Chambers "Wal Yuntu Warrin", on 18 August 2009 commencing at 11:30 am



Your attendance is requested.

11.30 am

Don Donaldson  
CHAIRPERSON

*10<sup>th</sup> August 2009*

**REPORT AND AGENDA  
FOR DEVELOPMENT ASSESSMENT PANEL MEETING TO BE  
HELD ON 18 AUGUST 2009  
IN THE  
COMMUNITY CHAMBERS "WAL YUNTU WARRIN",  
COMMENCING AT 11:30 AM**

PRESENT

APOLOGIES

IN ATTENDANCE

ITEM 1      CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on 15<sup>th</sup> July 2009.

RECOMMENDATION

That the minutes of the Alexandrina Council Development Assessment Panel held on 15 July 2009 as circulated to members be received as a true and accurate record.

ITEM 2.      DEVELOPMENT APPLICATIONS

ITEM 3. DEVELOPMENT APPLICATIONS - NON COMPLYING

3.1 455/1137/08 - Darryl Phillips / Class

SUMMARY TABLE

Date of Application	30 <sup>th</sup> September 2008
Subject Land	Lot 806 Sandergrove Road, Strathalbyn
Assessment No.	A10250
Relevant Authority	Alexandrina Council
Planning Zone	Residential (Strathalbyn) – Western Residential Historic (Conservation) Policy Area 20
Nature of Development	Change of use – Residential Dwelling to Offices
Type of Development	Non-complying
Public Notice	Category 3
Referrals	Heritage (informal)
Representations Received	1
Representations to be heard	Nil
Date last inspected	June 2009
Recommendation	Approval subject to Development Assessment Commission concurrence
Originating Officer	Andrew Sladden

BACKGROUND

The subject site, located on the corner of Milnes Road and Sandergrove Road, Strathalbyn has an area of approximately 780m<sup>2</sup> and is currently used as a residential dwelling. There is an existing bungalow (circa 1930's) fronting Sandergrove Road with a couple of outbuildings at the rear of the site fronting Milne Road. The existing dwelling is listed as a heritage contributory item pursuant to Fig Alex (HC)/5 from the Alexandrina Development Plan.

The application was lodged in September 2008 and involved a proposed change of use from residential dwelling to offices with associated car park at the rear of the site. Council's former Director, Environment and Lifestyle Department, Des Commerford resolved to "proceed with the assessment of the application" under delegation in January 2009.

.../cont.

3.1 455/1137/08 – Darryl Phillips / Class (Continued)

The Application has since been taken over by CLASS (Community Living and Support Services) who have amended the application to include an addition at the rear of the dwelling to incorporate additional office space.

REFER ATTACHMENT 3.1(a) (page 1)

**THE PROPOSAL**

**Nature of Development**

The subject dwelling, located on the corner of Sandergrove Road and Milnes Road, Strathalbyn is located within the Residential (Strathalbyn) Zone and the Western Residential Historic (Conservation) Policy Area 20, pursuant to Maps Alex/26 and Alex/38 from the Alexandrina Development Plan.

The proposal involves the change of use of the dwelling on the subject site to offices, with reception area, additions and car parking for seven vehicles. Principle of Development Control 29 for the Residential (Strathalbyn) Zone states:

***PDC 29** The following kinds of development are **non-complying** in the Residential (Strathalbyn) Zone:*

*Office*

Therefore, pursuant to the above, the proposed development is non-complying.

**Detailed Description**

The existing dwelling has three bedrooms, bathroom, lounge and dining room and is listed as being a contributory item pursuant to Fig Alex (HC)/5 from the Alexandrina Development Plan. It is proposed to convert the existing dwelling to offices, demolish the lean to and sheds at the rear of the allotment and erect a 197m<sup>2</sup> addition at the rear to be utilised for further office space. There will also be a car park at the rear with provision for 7 car parking spaces.

The addition is proposed to be setback 1m from the Milnes Road boundary and 1m from the other side boundary. This addition has been designed to blend with the existing dwelling.

REFER ATTACHMENT 3.1(b) (page 6)

.../cont.

3.1 455/1137/08 – Darryl Phillips / Class (Continued)

**SITE & LOCALITY**

The subject site is a rectangular allotment of approximately 780m<sup>2</sup> with frontage to both Sandergrove Road and Milnes Road. Located on the south western corner of this intersection, there is a Bungalow located near the front of the allotment setback approximately 5m from both road frontages. There is an existing brick room (storeroom or outbuilding) located at the rear of the dwelling on the eastern side and garage facing Milnes Road. There is a carport located between this brick room and garage. There are also two more small sheds located on the western side of the property located behind the dwelling. At the rear of the dwelling is an "L" shaped verandah.

The locality is varied with a mixture of land uses ranging from residential to commercial. The northern and southern sides of Sandergrove Road consist of large residential allotments with a mixture of detached dwellings of varying ages and designs. Located on the western side of Milnes Road opposite the subject site is a Mobil fuel depot and rail yards. To the east of the depot on South Terrace are a number of detached dwellings. Diagonally opposite the subject site on the corner of South Terrace and West Terrace is a heritage listed (locally) cottage (31 South Terrace) which has recently received Development Plan Consent for a change of use to Offices. The allotments along South Terrace to the east of the subject site are used for commercial (Keith Pridham Builders) and Retail (Woolworths) purposes.

**PUBLIC NOTIFICATION**

The application was the subject of Category 3 public notification which was undertaken between 24 June 2009 and 8 July 2008. One representation was received in which the representor, and immediate neighbour was in support of the proposed development.

REFER ATTACHMENT 3.1(c) (page 31)

**REFERRALS**

The Application was referred informally to Council's Heritage Advisor as it is listed as being a contributory item and is located within a Heritage Policy Area. The advice of Council's Heritage Advisor is as follows:

*"Thank you for forwarding amended plans for the above proposal that affects a Contributory Place in Table Alex/7.*

*This site and the existing building forms an important gateway to Strathalbyn, being located at the corner of the original town sub-division.*

.../cont.

3.1 455/1137/08 – Darryl Phillips / Class (Continued)

*I have commented on the original proposal, and the heritage comments have been addressed by the applicant in the amended plans.*

*ASSESSMENT*

*I support the proposal which I consider is consistent with Council's Development Plan for the following reasons:*

- 1. The existing Contributory Place is retained, and will remain the dominant part of the development. The features of the building, including chimneys and roof details are to be retained.*
- 2. The alterations to the Contributory Place, in particular the new verandah fronting Milnes Road are consistent with the existing gabled verandah.*
- 3. The additions are located at the rear, minimising visual impact from Sandergrove Road. The scale and bulk of the addition will not dominate the existing dwelling. It is residential in scale.*
- 4. The appearance and detailing of the additions will complement the existing building and the streetscape.*
- 5. Fencing of the street edges is proposed. This is consistent with the heritage character of the locality. The fencing style is appropriate.*
- 6. The car park area is provided with canopy shade trees and landscaping in character with the locality and as required by the Development Plan.*

*RECOMMENDATION*

I recommend that the following conditions be attached to any approval granted by Council:

- 1. Sub-floor ventilation should be maintained to all areas of the existing dwelling. The new concrete raft should not bridge any existing damp proof courses. Reason: To protect the Contributory Place from future deterioration and damp.*
- 2. The fences to Milnes Road and Sandergrove Road shall be no higher than 1.5m above ground level. Reason: To maintain views to the building.*

.../cont.

3.1 455/1137/08 – Darryl Phillips / Class (Continued)

3 *Air conditioning compressors, ductwork, hot water units etc shall not be located between the buildings and Milnes Road or Sandergrove Road.*

*Reason: To protect the visual amenity of the Contributory Place and the streetscape.*

4 *Details of tree selection shall be submitted for Council Approval. Landscaping shall be established within 3 months of occupation of the building and shall be watered until established and shall be replaced if it dies."*

REFER ATTACHMENT 3.1(d) (page 32)

**CONSULTATION**

Consultation has been undertaken with Infrastructure Planning and Design Department (Engineering Project Officer – Stewart Ratcliff) on the issues of access and car parking. The advice is as follows:

*"Eng. issues regarding proposed d/way crossover to this property from Sandergrove Rd. Applicant shall construct a d/way crossover though the existing barrier kerb in Sandergrove Rd ( at their cost ) ONLY if a 1.0m separation is maintained between the existing pram ramp edge AND the neighbouring side boundary. This results in the driveway throat being limited to approx. 3.0 - 3.5m ONLY. Applicant to be advised of this issue prior to approval. Show on plan & Council will be inspecting."*

It is proposed to add the above as a condition of approval should the DAP resolve to grant Development Plan Consent which will be required to be complied with prior to Development Approval being granted.

**ALEXANDRINA COUNCIL DEVELOPMENT PLAN**

As the Development application was lodged on 29 September 2008, it has been assessed using the Development Plan current at the time of lodgement being that Consolidated 20 March 2008.

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

***PART A – COUNCIL-WIDE***

***OBJECTIVES***

***Form of Development***

.../cont.

3.1 455/1137/08 – Darryl Phillips / Class (Continued)

*Objective 1: Orderly and economic development.*

*Objective 2: A proper distribution and segregation of living, working and recreational activities by the allocation of suitable areas of land for those purposes.*

*PDC 2 Development should be orderly and economic.*

**Comment**

Although located within a Residential Zone, the proposed development is considered to be orderly and economic as it is a land use which will blend suitably with the residential and commercial locality. Offices are a land use which generally does not impair the amenity of the locality as they do not generate excessive noise, odour etc.... Also, given the fact that the subject site is located on the edge of Strathalbyn's commercial centre it is a land use which will provide a suitable transition between the residential and commercial areas. It is for these reasons that the proposed development is considered to be orderly and economic.

***Heritage***

*Objective 34: The conservation of places and their settings, which are of aesthetic, architectural, historical, cultural, archaeological, geological, palaeontological, technological or scientific significance.*

*Objective 35 The preservation and maintenance of the integrity of places of identified local heritage value.*

*Objective 37: The conservation and maintenance of the distinctive architectural and historic character of areas identified as Historic (Conservation) Policy Areas as expressed in desired character statements.*

**Comment**

The proposed development is considered to generally comply with the abovementioned Objectives as evidenced by the support of Council's Heritage Advisor. Although not heritage listed, the existing dwelling contributes to the historic character of the locality and it is not envisaged that the proposed development will impair this.

.../cont.



3.1 455/1137/08 – Darryl Phillips / Class (Continued)

*PDC 33 Development should not impair the character, nature, or fabric of places of aesthetic, architectural, historical, cultural, archaeological or scientific interest or importance, or sites of significant natural beauty and they should where relevant or practical, be protected, conserved and restored.*

*PDC 34 Development should not impair the character or integrity of State Heritage Places listed in [Table Alex/4](#), Local Heritage Places listed in [Table Alex/6](#) or Contributory Places Listed in [Table Alex/7](#) together with land, buildings and structures, and their settings within Historic (Conservation) Zones and Policy Areas, in particular those Contributory Places that assist in establishing the desired future character of these areas.*

*PDC 37 Development affecting a heritage place should only alter or adapt that place in order to retain or enhance the heritage value of that place or area and ensure that any building, building elements and other features that contribute to the heritage value of that place are retained and not compromised.*

*PDC 38 Alterations and additions to places of heritage value should enhance the established heritage value and be compatible with the design, siting, scale, built form, materials and external finishes, and contribute positively to the heritage value of the heritage place.*

*PDC 39 The way in which places of heritage value are used should support their maintenance, restoration and heritage value.*

*PDC 40 Where the adaptation of a heritage place to a new use involves additional construction or part demolition or where alterations are proposed to the fabric, development should conserve or enhance its heritage value.*

*PDC 43 Development on properties in close vicinity of or containing a Local Heritage Place should afford recognition to and respect the heritage value, integrity and character of the Place, without necessarily replicating its historic detailing and should:*

- (a) not be undertaken if it is likely to detract by way of design, external appearance or standard of construction from the heritage value of the heritage place;*
- (b) complement the external form, massing, fenestration, rhythm, colours, and texture of materials, of the heritage place;*
- (c) be consistent with the overall height, proportion, siting and setbacks of adjacent buildings; and*

.../cont.

3.1 455/1137/08 – Darryl Phillips / Class (Continued)

*(d) have a roof shape and pitch consistent with adjacent buildings*

*PDC 217 Uses to which such buildings, structures or sites of heritage significance are put should be those which will support the maintenance and/or restoration of such buildings, structures, or sites.*

*PDC 219 Uses to which a building, structure or site of heritage significance are put should be those which will support the continuing conservation of the item.*

*PDC 220 Uses to which a building, structure or site of heritage significance is put should be those which will support the maintenance and/or restoration of such buildings, structures, or sites.*

*PDC 221 Development or use of a building, structure or site of heritage significance, including buildings and groups of buildings, should only be altered in such a way as to protect or enhance the design or condition which gives the building, structure or site its heritage significance.*

**Comment**

The proposal is considered to generally comply with all the abovementioned Heritage PDC's particularly as the change of use and proposed additions will help to preserve the heritage character of the locality. This is shown by Council's Heritage advisors support of the application. The additions have been designed to blend with, and compliment the existing dwelling in terms of bulk and scale and materials and colours. The proposed land use will have no impact upon the heritage locality, apart from signage and advertising which is not part of this Development Application and will be the subject of further Development Approval (and input from Council's Heritage Advisor).

***Appearance of Land and Buildings***

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

***PDC 142*** *The appearance of land, buildings and objects should not impair the amenity or character of the locality in which they are situated.*

***PDC 223*** *Alterations or additions to buildings should be designed and constructed to harmonise with the character of the existing building.*

.../cont.

3.1 455/1137/08 – Darryl Phillips / Class (Continued)

*PDC 224 Development should take place in a manner which will not visually interfere with the achievement of the objective for an area or, otherwise the existing character of scenically or environmentally important areas, or areas which are prominently visible from other land or which are frequented by the public.*

**Comment**

As shown above and evidenced by the support of Council's Heritage Advisor, it is not envisaged that the proposed additions and land use will effect or impair the amenity or character of the locality in which it is situated. The additions will blend and harmonise with the existing building.

***PART B - STRATHALBYN DISTRICT***

***Form of Development***

***Objective 1:*** *Development in accordance with the Structure Plans for the Strathalbyn district and townships of Strathalbyn, Langhorne Creek, Milang and Clayton as shown on [Maps Alex/1\(Overlay 1\) Enlargement B, C, D, E and F.](#)*

***Objective 2:*** *Development of the town of Strathalbyn as the main service and community centre within the Strathalbyn District.*

***Objective 4:*** *Industrial, commercial, office and retail development satisfying the requirements of the population of the district.*

***Objective 6:*** *Separation of incompatible land use.*

***Objective 7:*** *Satisfaction of the social, cultural and economic needs of the local community.*

**Comment**

Although the proposed development is at variance with Objective 1, being designated as a living or residential area pursuant to Map Alex/1 (Overlay 1) Enlargement C, it is considered to be acceptable given the fact that it is on the edge of the this living area and the district centre where a proposed use of this nature is considered to be entirely acceptable. Also, given the impacts of such a land use on the residential locality (minimal), the proposed land use is not considered to be incompatible with the existing residential locality.

.../cont.

3.1 455/1137/08 – Darryl Phillips / Class (Continued)

The proposed development does however, generally comply with the other abovementioned Objectives particularly given the shortage of office sites and commercial land within Strathalbyn (as evidenced through the creation of the current Strathalbyn Commercial and Industrial Development Plan Amendment).

*PDC 1 Development should be orderly and economic. Division of land for urban purposes should be by infilling or compact and contiguous extensions to existing developed areas.*

*PDC 2 Development should not be undertaken if it is likely to affect adversely the health, safety and convenience of residents in the locality.*

*PDC 4 Development should not occur on land which is unsuitable for the purpose.*

*PDC 5 Development which is incompatible with other uses within the locality should not be undertaken.*

**Comment**

The proposed development complies with the above as it is considered to be orderly and economic, is not likely to impair the amenity of the locality and is located on land which is considered to be suitable for its intended use as evidenced by the fact that it is on the verge of the district centre and generally compatible with the residential locality. Also, as it generally meets the Alexandrina Development Plan requirements in relation to car parking and access, this is further evidence that the land is suitable for its intended use.

***Heritage***

*Objective 13: Conservation of land, buildings, structures and other items of aesthetic, architectural, historical, cultural, archaeological, technological, scientific, Aboriginal and European heritage significance.*

*Objective 14: Encouragement to the continuation of the original uses, or the sympathetic adaptation of new uses of existing land, buildings and structures of heritage significance as expressed in the Desired Future Character statements within the zone policy areas.*

.../cont.

3.1 455/1137/08 – Darryl Phillips / Class (Continued)

Comment

Compliance with the above has been achieved through the preservation and conservation of the existing building and the proposed addition and land use which is considered to be sympathetic with the existing building and locality.

*Appearance of Land and Buildings*

*Objective 15: Attractive appearance of towns and their main road approaches.*

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

Comment

Sandergrove Road is one of the main road approaches to Strathalbyn and compliance with Objective 15 above, has been achieved by the retention of the existing bungalow which clearly contributed to the amenity of the locality.

Objective 16 has been achieved through the design of the proposed additions blending with the existing dwelling and therefore amenity of the locality.

*Movement of People and Goods*

*PDC 23 Car parking areas should be designed, constructed and landscaped to facilitate the efficient movement and parking of vehicles, ensure long term stability and ease of maintenance and screen the areas from adjoining roads.*

Comment

The car park area is considered to be appropriate and generally meets Council guidelines and the relevant Australian Standard (AS 2890.1 – Car parking Facilities). This will be backed up through the imposition of condition 3 should the DAP resolve to grant Development Plan Consent. It is also noted that car parks also meets the on site requirements pursuant to table alex/3 (Car Parking Requirements), which provides for one car parking space per 25m<sup>2</sup>.

.../cont.

3.1 455/1137/08 – Darryl Phillips / Class (Continued)

**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.*

**PDC 1** *Development other than for residential purposes or the provision of community, educational or recreational facilities should not be undertaken.*

**Comment**

Compliance with Objective 1 above has been achieved through the proposed use being for community purposes (CLASS is an organisation which provides disability services and housing to people within the Adelaide Hills and Fleurieu Peninsula).

**PRINCIPLES OF DEVELOPMENT CONTROL**

***Shops and Non-residential Development***

**PDC 17** *Development including alterations or change of use to existing uses deemed non complying or not primarily envisaged by Objective 1, should minimise any existing and potential further impacts to residential use, through rationalisation, or comprise activities and components that are more sympathetic to residential use than that existing.*

**Comment**

The impact of the proposed land use on the residential locality is considered to be minimal. This is evidenced by the lack of representations received during the public notification period where one representation (is support) by an adjoining land owner was received.

***Conservation***

**PDC 23** *Development fronting East, West and South Terraces and Coronation, Ashbourne and Commercial Roads should not impair the appearance or visibility of existing buildings of traditional style first constructed prior to 1950.*

.../cont.

3.1 455/1137/08 – Darryl Phillips / Class (Continued)

Comment

Although not located on any of these roads, the abovementioned PDC is relevant to the proposal as it is located opposite South Terrace and located on a prominent entrance to the township. Compliance has been achieved as the façade of the existing dwelling will remain.

*Western Residential Historic (Conservation) Policy Area 20*

**DESIRED CHARACTER STATEMENT**

*The Strathalbyn Western Residential Historic (Conservation) Policy Area incorporates Coronation Road, Sandergrove Road, King Street and a section of West Terrace and contains three early subdivisions from 1861 to 1908. The area is important in the overall character of Strathalbyn as it reflects the period at the turn of the century which was one of consolidation and prosperity for the town.*

*The specific character of the Policy Area derives from:*

- (a) the consistent character of the circa 1910 residences which display typical characteristics of domestic architecture at the time including face stone, brick quoining, verandahs with cast iron trim and other elements;*
- (b) the regular settlement pattern of single modest dwellings on large allotments particularly along Sandergrove Road and the south side of Coronation Road;*
- (c) the association of the subdivision with the open spaces of the show grounds and the entrance gates of Coronation Road; and*
- (d) the range of Local Heritage Places and Contributory Items within the area. The desired character is for low density residential development that retains and enhances the heritage items and ensures that new development compliments the heritage items in terms of form, set backs, materials, colours and finishes. Residential development should be detached dwellings, single storey with generous traditional gardens and low level fences of an open or vegetative nature. Streetscapes shall be improved to enhance the heritage character with future possibilities of undergrounding power, the use of traditional street trees such as Ash and the retention of wide footpaths. As far as possible the original pattern of development should be retained with the creation of additional allotments restricted to that required to facilitate sensitive infill development between existing buildings with similar frontages and setbacks to those existing. 'Hammerhead' style allotments should not be developed. This area is currently characterised by its circa 1910 buildings which are low scale and low density. This low density has enabled mature trees in front and backyards which add to the streetscape and the areas character and should be continued and provided for in new development.*

.../cont.

3.1 455/1137/08 – Darryl Phillips / Class (Continued)

**OBJECTIVES**

**Objective 1:** *Development that contributes to the desired character of the policy area.*

**Objective 2:** *A policy area for residential development complimentary to the historic character.*

**Objective 4:** *A policy area in which the historic character of the streetscape is reinforced to provide a pleasant living environment.*

**PDC 1** *Development should not be undertaken unless it is consistent with the desired character for the policy area.*

**Comment**

Although the land use will change from residential to commercial (offices) the proposed development is considered to generally comply with the desired character statement and abovementioned Objectives particularly as the façade and appearance of the existing dwelling will remain. This will help to maintain the historic character of the locality.

***Form of Development***

**PDC 2** *Development in this area should be residential.*

**Comment**

Although not residential, the proposed use of the site is considered to be acceptable as it is not envisaged to create any nuisance to neighbouring residences through excessive noise, odour, etc.... The land use will generally only operated during daylight hours which will also help to minimise any impact upon neighbours.

***Appearance of Land and Buildings***

**PDC 3** *Development within the Policy Area should conserve, maintain, enhance and reinforce the existing streetscape and the historic character of the area; exhibiting architectural and roof forms, designs, street frontage widths, materials, finishes, sheds/garages, fences and landscape settings which complements without attempting to reproduce historic buildings or their detailing.*

.../cont.



3.1 455/1137/08 – Darryl Phillips / Class (Continued)

*Fencing and Landscaping*

*PDC 8 Existing traditional fencing, such as post and rail, post and wire, together with low stone and rendered walls should be retained and conserved and new fencing should compliment these forms of fencing.*

*PDC 9 Native vegetation and mature trees should be retained.*

*PDC 10 New landscaping should be designed to not detrimentally affect the structural condition of a heritage place and compliment the heritage items.*

**Comment**

All of these issues have been covered by Council's Heritage Advisor in his report and recommended conditions of approval which have been incorporated into the recommendation should the DAP resolve to grant consent.

**CONCLUSION**

Although listed as a non-complying form of development, the proposal is considered to generally comply with the relevant Objectives and Principles of Development Control from the Alexandrina Development Plan. The main concerns with the proposal are its visual impact upon the existing heritage locality and impact of the land use upon the neighbouring residential area. Both of these issues have been addressed satisfactorily and it is envisaged that the proposed development will have minimal impact upon neighbouring residential dwellings and the amenity of the locality. Also, as the subject site is located on the fringe of the district centre, the land use provides a reasonable transition between commercial and residential land uses.

**RECOMMENDATION**

That the Development Assessment Panel grant Development Plan Consent to Development Application 455/1137/08 for a change of use - residential dwelling to offices at 2 Sandergrove Road, Strathalbyn subject to the following conditions and notes and subject to concurrence of the Development Assessment Commission.

**Conditions**

1. The development herein approved to be carried out in accordance with plans and details accompanying this application (amended plans received by Council on 20 July 2009 and supporting documentation received on 17 June 2009).

.../cont.

- 3.1 455/1137/08 – Darryl Phillips / Class (Continued)
2. The external appearance, materials and finishes of the new structure/building must match or blend with the principal building as near as practical and be of a non reflective finish.
  3. All car parking areas, driveways and vehicle manoeuvring areas shown on the approved plans shall conform to Australian Standards and be constructed, drained in accordance with sound engineering practice and be of a porous and permeable nature to the reasonable satisfaction of Council, and car parking bays shall be permanently delineated prior to the occupation or use of the development herein approved to the reasonable satisfaction of Council.
  4. No signs are to be erected or displayed on the building without the prior consent of Council.
  5. 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 in all respects 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.
  6. Floodlighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such manner as to cause no light overspill nuisance to adjacent residential development.
  7. Lodgement and approval of an Application for a Waste Control System shall be undertaken prior to the granting of Building Rules consent and Development Approval.
  8. Sub-floor ventilation should be maintained to all areas of the existing dwelling. The new concrete raft should not bridge any existing damp proof courses.  
Reason: To protect the Contributory Place from future deterioration and damp.
  9. The fences to Milnes Road and Sandergrove Road shall be no higher than 1.5m above ground level.  
Reason: To maintain views to the building.
  10. Air conditioning compressors, ductwork, hot water units etc shall not be located between the buildings and Milnes Road or Sandergrove Road.  
Reason: To protect the visual amenity of the Contributory Place and the streetscape.

.../cont.

3.1 455/1137/08 – Darryl Phillips / Class (Continued)

11. Details of tree selection shall be submitted for Council Approval. Landscaping shall be established within 3 months of occupation of the building and shall be watered until established and shall be replaced if it dies.
12. The applicant shall construct a driveway crossover though the existing barrier kerb in Sandergrove Rd ( at their cost ) only if a 1.0m separation is maintained between the existing pram ramp edge AND the neighbouring side boundary. This results in the driveway throat being limited to approx. 3.0 - 3.5m only. Plans and details will need to be submitted and approved by Council prior to Development Approval being granted.

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. The proposed demolition shall be carried out in accordance with the following;
  - Access to and in the vicinity of the site by the public before, during and after demolition, until the site is cleared; is to be restricted and as such the area must be secured by an approved barrier;
  - Any dust or similar products arising from the demolition must be controlled and kept within the site as far as is reasonable;
  - All demolition materials are to be removed from the site, and the site is to be left in a clean and tidy condition;
  - The demolition, transport and disposal of asbestos products, is subject to legislative control and must be handled in accordance with those requirements. Contact the Department for Administrative and Information Services, Industrial Affairs - Mineral Fibres Branch (asbestos enquiries) on 8303 0400 for further information and relevant approvals.
  - Australian Standard AS2601 Demolition of Structures, should be referred to for demolition procedures.

Note: Disconnection of services and the undertaking of public liability insurance is the responsibility of the person supervising the works.

3.2 455/302/08 - Michelle Pederson

**SUMMARY TABLE**

Date of Application	14 <sup>th</sup> March 2008
Subject Land	Lot 27 Jaensch Road, Hartley
Assessment No.	A13405
Relevant Authority	Alexandrina Council
Planning Zone	General Farming (Strathalbyn District)
Nature of Development	Change of use – Animal Boarding Facility (Intensive Animal Keeping) – Non-complying
Type of Development	Non-complying
Public Notice	Category 3
Referrals	Dept. Water, Land, Biodiversity & Conservation
Representations Received	Nil
Representations to be heard	Nil
Date last inspected	November 2008
Recommendation	Approval subject to Development Assessment Commission concurrence.
Originating Officer	Andrew Sladden

**BACKGROUND**

The subject site is a large rural allotment of approximately 30 hectares located on Jaensch Road at Hartley. It is currently used for grazing and the owner/applicant is proposing to utilise a number of existing buildings for an animal boarding facility.

Councils former Director, Environment and Lifestyle Department, Des Commerford resolved to “proceed with the assessment of the Development Application” under delegation in August 2008.

REFER ATTACHMENT 3.2(a) (page 34)

.../cont.

3.2 455/302/08 – Michelle Pederson (Continued)

**THE PROPOSAL**

**Nature of Development**

The development application involves the establishment of an Animal Boarding Facility for all types of animals. As it is understood by the applicant, the previous owner constructed the existing infrastructure for their greyhound breeding and racing program and therefore all infrastructure for the proposed animal boarding facility is already existing.

An animal boarding facility is considered to be “intensive animal keeping” pursuant to the following definition from Schedule 1 of the Development Act 1993.

*“intensive animal keeping means the keeping or husbandry of animals in a broiler shed, chicken hatchery, feedlot, kennel, piggery, poultry battery, or other like circumstances but does not include horse keeping.”*

Given the fact that the subject site is located within the General Farming (Strathalbyn) Zone, an application for a partial change of use of this nature (intensive animal keeping) is considered to be a non-complying form of development as it is not specifically listed as an exemption pursuant to Principle of Development control 8 for the Zone.

**Detailed Description**

The proposal involves the establishment of an animal boarding facility which is to operate from the subject land in existing kennels already established onsite. The existing building has an enclosed office; a large working area with a concrete floor and seven (7) enclosed boarding kennels. The applicants are proposing to use the existing facilities for the boarding of cats, dogs (no more than 7 at any time), guinea pigs, rabbits and birds.

Additional existing outbuildings are proposed to be used to accommodate cats, guinea pigs, pet rabbits and birds. Surrounding the building are two (2) fully fenced yards, which can accommodate sheep, pigs and goats.

REFER ATTACHMENT 3.2(b) (page 38)

.../cont.

3.2 455/302/08 – Michelle Pederson (Continued)

**SITE & LOCALITY**

The subject site is approximately 30 hectares and located 2.2 kilometres off the main Strathalbyn/Callington road via Jaensch Road. The proposed kennels are located approximately 160 meters from the North and South boundaries and approximately 400 meters for the East and 300m from the West (road) boundary. The property is situated in a rural setting and the closest neighbouring dwelling is approximately 700m from the subject location.

**PUBLIC NOTIFICATION**

The Development Application was subject to Category 3 Public Notification pursuant to Section 38(5) of the Development Act 1993, between 15 June 2009 and 1 July 2009.

No representations were received.

**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 2 conditions and 10 of their standard notes.

REFER ATTACHMENT 3.2(c) (page 55)

**ALEXANDRINA COUNCIL DEVELOPMENT PLAN**

As the Development application was lodged on 12 March 2008, it has been assessed using the Development Plan current at the time of lodgement being that Consolidated 17 January 2008.

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

***PART B - STRATHALBYN DISTRICT***

***OBJECTIVES***

***Objective 6:***      *Separation of incompatible land use.*

.../cont.

3.2 455/302/08 – Michelle Pederson (Continued)

Comment

Although land uses of this nature have the potential to cause nuisance to neighbours, the site of the proposed use is located within the centre of the allotment and the nearest neighbouring dwelling is located approximately 700m away. Therefore, the proposal complies with above as there is significant separation between these land uses.

*Rural Development*

*Objective 8: The maintenance of optimal production from rural land within the constraints of recurrent flooding within the Bremer River and Angas River flood plains.*

*Objective 9: Retention of productive agricultural, farming and horticultural land and consolidation of rural holdings.*

*PDC 56 Development which would remove productive land from agriculture, or diminish its overall productivity for primary production, should not be undertaken unless the land is required for essential public purposes.*

Comment

As the infrastructure being utilised for the proposed land use is existing, the existing agricultural and rural land will not be compromised or reduced in any way.

*Form of Development*

*PDC 2 Development should not be undertaken if it is likely to affect adversely the health, safety and convenience of residents in the locality.*

*PDC 4 Development should not occur on land which is unsuitable for the purpose.*

*PDC 5 Development which is incompatible with other uses within the locality should not be undertaken.*

Comment

Compliance with the above has been achieved due to the significant distances between the proposed land use and neighbouring properties and dwellings. Given the fact that the nearest dwelling is approximately 700m from the subject site, the proposed land use is unlikely to impact upon residents in the locality. Given the location, and the fact that the infrastructure proposed to be used is existing, it can be argued that the site is suitable for the proposed use.

.../cont.

3.2 455/302/08 – Michelle Pederson (Continued)

*Intensive Animal Keeping*

*PDC 58 Intensive animal keeping should be located so as to minimise any adverse impact on the natural environment and existing and proposed land uses in the area.*

Comment

Compliance has been achieved through the utilisation of existing kennels and infrastructure and the imposition of DWLBC conditions governing waste disposal and stormwater run off.

*PDC 59 The establishment of intensive animal keeping (excluding horse keeping and stable) or stock slaughter works should not be undertaken within 3.0 kilometres of the nearest boundary of any Residential, Country Township, Rural Living or Future Urban Zones.*

Comment

The nearest township, Woodchester (Country Township Zone) is located approximately 5km from the subject site. Therefore, the proposed development complies with the above as all of these zones are located greater than 3km from the subject site.

*PDC 60 All buildings, pens, yards, runs, holding yards, waste management facilities and other ancillary structures should be located as unobtrusively as possible, particularly when near to public roads and scenic vantage points.*

Comment

The existing infrastructure is located in the approximate centre of the site which is located at least 300m from the Jaensch Road boundary making them difficult to view from the Road.

*PDC 61 Effluent, and other wastes, generated by intensive animal keeping should be managed in accordance with environmental and health requirements and to prevent the pollution of water resources.*

Comment

Wastes have been appropriately conditioned by DWLBC through the imposition of first condition which will be placed on the Decision Notification Form should the DAP resolve to grant consent

.../cont.



3.2 455/302/08 – Michelle Pederson (Continued)

*PDC 62 An intensive animal keeping operation should be confined within appropriate pens or enclosures.*

**Comment**

The existing infrastructure proposed to be used for the land use appears to be adequate for the proposed use. The existing kennels are enclosed as evidenced in the supporting documentation submitted with the application.

*PDC 63 An intensive animal keeping operation should be located so as to minimise excessive deterioration of soil quality.*

*PDC 64 Intensive animal keeping units and associated water storage facilities and disposal sites should not be located on waterlogged land or flood prone areas.*

*PDC 65 Intensive animal keeping should be located so as to minimise noise, dust and odour problems, taking local meteorological conditions into account.*

**Comment**

The proposed development is not likely to impact on soil quality and the site is not located in a flood prone area. The location in the centre of the allotment will minimise any dust noise or odour nuisance, particularly that which may be experienced by neighbours.

*PDC 66 With the exception of the establishment of a dairy, kennels or stables, intensive animal keeping should not be undertaken if:*  
*(a) the intensive animal keeping unit is located within:*  
*(i) 100 metres of a dwelling occupied by a person to be involved with the proposed development; or*  
*(ii) 500 metres of any dwelling not occupied by a person involved with the proposed development, or any building open to or used by the public; or*  
*(b) any solid or liquid wastes are to be spread within:*  
*(i) 200 metres of any dwelling occupied by a person to be involved with the proposed development; or*  
*(ii) 500 metres of any dwelling not occupied by any person involved with the proposed development, or any building open to or used by the public.*

*PDC 67 Intensive animal keeping should not become concentrated in any locality.*

.../cont.

3.2 455/302/08 – Michelle Pederson (Continued)

*PDC 68 Intensive animal keeping should be located to minimise noise, dust and odour problems, taking local meteorological conditions into account. Horses should not be kept on land, particularly steeply sloping land, that is physically unsuitable for that purpose.*

**Comment**

Given the fact that the nearest dwelling is located approximately 700m from the location of the proposed development, it is unlikely to create any nuisance for adjoining land owners and residents.

***GENERAL FARMING (STRATHALBYN DISTRICT) ZONE***

***OBJECTIVES***

*Objective 1: Retention of productive agricultural land in primary production.*

*Objective 2: Retention of the open rural character of land within the zone.*

*Objective 3: Preservation of remnant native vegetation, in particular vegetation on sand dune ridges and mature eucalypts lining the Bremer River and Angas River.*

**Comment**

As the proposed land use will utilise existing buildings and infrastructure it will have no impact upon the agricultural use and viability of the subject site and native vegetation.

***PRINCIPLES OF DEVELOPMENT CONTROL***

***Form of Development***

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

**Comment**

The proposal is at variance with the above as it is not directly associated with primary production or fulfils the needs of the rural community.

.../cont.

3.2 455/302/08 – Michelle Pederson (Continued)

*Conservation*

*PDC 4 Development should not be undertaken where it is liable to contribute to pollution of the Angas River, Bremer River and Finniss River or other surface or underground water resources.*

Comment

There are no rivers near the subject site and it has not been identified as an area prone to flooding.

CONCLUSION

Although non-complying, the proposed change of use is considered to generally comply with the relevant Objectives and Principles of Development Control from the Alexandrina Development Plan and warrants the granting of Development Approval. Given its location and utilisation of existing buildings and infrastructure, the proposed development will have a minimal impact upon the locality and environment.

RECOMMENDATION

That the Development Assessment Panel grant Development Approval to Development Application 455/302/08 Change of Use - Animal Boarding Facility (Intensive Animal Keeping) subject to the following conditions and notes and subject to concurrence of the Development Assessment Commission.

Conditions

1. The Development shall proceed in strict accordance with the Plans and details submitted on 12 March 2008, 23 July 2008 and the Statement of Effect received by Council on 28 May 2009, subject to the following Conditions and Notes:
2. Management of the property should be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.
3. The use and any associated processes or activities carried on shall not detrimentally effect the amenity of the locality by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
4. No signs are to be erected or displayed on the building or about the property without the prior consent of Council.

.../cont.

3.2 455/302/08 – Mishelle Pederson (Continued)

5. Wastes generated by the approved use are to be collected regularly and placed in a receptacle. The collected wastes to be removed regularly and disposed of so as to prevent offensiveness and the access to the breeding of flies in such waste.

Department of Water, Land, Biodiversity and Conservation Conditions and Notes

Conditions

1. During construction the property must be appropriately managed as to prevent erosion and pollution of the subject site and the environment, including keeping the area in a tidy state and ensuring any waste materials are placed into bins, to ensure no pollutants (including excavation or fill material) enter the River Murray system.
2. Stormwater run-off from the 740 square metre roof must be directed to 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 must be 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.

Notes

1. The applicant is advised that if surface water, watercourse water or underground water is to be utilised, or if there are any existing uses that may be impacted by the proposed development, then interested parties should contact the DWLBC Mount Lofty Ranges Water Licensing Group (telephone 8339 9807). This should be done to ensure that the proposal complies with the Notice of Prohibition and the Prescription of water resources in the Eastern Mount Lofty Ranges.

As discussed with the applicant it is likely that an authorisation for use of underground water may need to be transferred. Prior to this it must be established that an existing user was taking the underground water for a development, project or undertaking (prospective use), to which they were legally committed, or had committed significant financial or other resources during the period 1 July 2000 to 15 October 2003. Any existing use would need to be established with the user of the resource during the relevant period. Once existing use has been established, the authorisation can be transferred to the new owner. The applicant should contact the DWLBC Mount Lofty Ranges Program for further guidance.

.../cont.

3.2 455/302/08 – Mishelle Pederson (Continued)

2. The applicant is advised that under the Prescription of Water Resources in the Eastern Mount Lofty Ranges, the taking of less than or equal to 500 KL of roof run-off (surface water) is exempt for the purposes of commercial (not including irrigation), industrial, environmental and recreational use, providing:
  - a) All water taken pursuant to this authorisation must be directed to closed water storage facilities (holding tanks); and
  - b) Any water collected pursuant to this authorisation that overflows from a holding tank (s) must be released into the environment through the existing surface water drainage arrangements and must not be recaptured or redirected, unless otherwise authorised.
3. The kennels and yards should be cleaned at least daily to ensure that there is no accumulation of wastes and the generation of offensive odours is minimised.
4. Feed for boarding animals should be stored and provided, such that it will not attract introduced pest animals (e.g. mice and rats). This may include storing feed in a sealed room off the ground and the removal and cleaning of feed bowls as soon as practicable.
5. Wastewater from washing out the kennels must be either drained to an appropriately sized on-site wastewater treatment system or be collected for appropriate treatment and disposal off-site. Any on-site system must be designed and constructed in accordance with the South Australian Health Commission's Waste Control Systems - Standard for the Construction, Installation and Operation of Septic Tank Systems in South Australia (<http://www.health.sa.gov.au/PEHS/publications/Septic-tank-book.pdf>).
6. Disposal of hard waste (e.g. faecal matter, bones and waste food) should be undertaken through collection of the waste twice per day, temporary storage in sealed bins and removal by an appropriate waste disposal service. While burying of such waste is acceptable in a domestic situation, it is generally not acceptable for a commercial operation. Please note than used medication must also be disposed of appropriately (e.g. if radioactive).
7. The facility must be inspected daily by the owner or operator for any mortalities. If mortalities can not be disposed of by owners then disposal should be undertaken by taking them to a vet for disposal, burial on-site in a mortality pit, or cremation. Please note that a mortality pit must:

.../cont.

3.2 455/302/08 – Mishelle Pederson (Continued)

- a) Be greater than 50 metres away from any watercourse, well or bore;
- b) Not intercept the water table (i.e. if water begins seeping into the hole then the water table has been reached);
- c) Not exceed 1.2 metres in depth; and
- d) Be backfilled with a minimum of 600 millimetres of earth, slightly mounded and compacted to control odour, vermin and fly breeding.

Lime should be added at the time of deposition to assist decomposition.

8. 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.
9. The applicant is advised that any proposal to clear native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. Note that 'clearance' means any activity that could cause any substantial damage to native plants. Not only does it include cutting down and removing plants, but also burning, poisoning, slashing of understorey, removal of branches, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information about Native Vegetation Act 1991 requirements, visit: <http://www.dwlbc.sa.gov.au/native>.
10. The River Murray and many of its tributaries and overflow areas 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 responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains.

It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act.

11. This advice does not obviate any considerations that may apply to the Australian Government's Environment Protection and Biodiversity Conservation Act 1999 (EPBC

3.3 455/1449/08 - Matthew & Sarah Viney

**SUMMARY TABLE**

Date of Application	29 <sup>th</sup> August 2008
Subject Land	Lot 2 Jacobs Road, Mount Compass
Assessment No.	A 15013
Relevant Authority	Alexandrina Council
Planning Zone	Landscape (Pt Elliot & Goolwa District)
Nature of Development	Detached dwelling, rainwater tank & demolition of existing detached dwelling
Type of Development	Non-complying
Public Notice	Category 3
Referrals	SA Country Fire Service
Representations Received	3
Representations to be heard	Nil
Date last inspected	30 July 2009
Recommendation	Approval with conditions
Originating Officer	David Zanker

**THE PROPOSAL**

**Nature of Development**

This application seeks to develop a detached dwelling on a single allotment where a dwelling exists in a Landscape (Port Elliot and Goolwa District) Zone. The development of a dwelling where an original dwelling exists is listed as a non-complying form of development within this zone.

The applicant is seeking to construct the second dwelling whilst residing in the existing detached dwelling, thus resulting in two dwellings on a single title. The original dwelling is to be removed entirely from the subject site within six months of completion of the proposed dwelling.

**Detailed Description**

The proposed dwelling consists of 5 bedrooms (one with an ensuite), lounge, family and dining area, kitchen, study store, bathroom, laundry, toilet and verandah and deck around the entire dwelling.

.../cont.

3.3 455/1449/08 – Matthew & Sarah Viney (Continued)

The proposed dwelling is to be constructed of hardiflex sheeting 'beige', and will incorporate a colorbond roof ('slate grey') with a pitch of 27.5 degrees. Overall the height of the dwelling (inclusive of site works) does not exceed 8 meters in height.

The proposal includes three rainwater tanks, each with 5,600 gallon (25,458 litre) capacity and a 20,000 litre tank for fire fighting purposes.

Due to the slope of the land, the proposed dwelling is required to be constructed on stumps and will be elevated 3.45 metres from the finished floor level and ground level. A small amount of site works is required due to the design of the proposed dwelling. Access is provided by Jacobs Road, that is an existing gravel road.

The proposed dwelling is to be sited approximately 110 metres from the western boundary, 130 metres to the northern (road) boundary, 150 metres to the southern boundary and 500 metres from the eastern boundary.

REFER ATTACHMENT 3.3(a) (page 61)

Effluent disposal will be via an Enviro Cycle System with associated 200 sq m irrigation area sited south west of the proposed dwelling.

**SUBJECT LAND & LOCALITY**

The subject land consists of an irregular shaped allotment comprising an area of some 30 hectares located approximately 1.5 km north west of the Mount Compass Township. The subject site is located within the Landscape (Port Elliot and Goolwa District) Zone, as depicted on Map Alex/45 of the Council's Development Plan, Consolidated 20 March 2008.

REFER ATTACHMENT 3.3(b) (page 84)

The land is formally identified as Lot 2 in FP 11428, Hundred of Nangkita contained within Certificate of Title Volume 5493 Folio 62. A copy of the Certificate of Title.

REFER ATTACHMENT 3.3(c) (page 85)

The subject land contains an existing single storey detached dwelling and an associated outbuilding located within the north west portion of the site. Located approximately in the centre of the site is a large zincalume shed.

.../cont.



3.3 455/1449/08 – Matthew & Sarah Viney (Continued)

There is a large dam located in the northern portion of the site, with three smaller dams scattered throughout the property. A great deal of native vegetation has been cleared from the site in previous years, with the majority of the land being used for grazing purposes. A portion of vegetation exists in the eastern and south west corners of the allotment, valley areas traversing the site, and surrounding the existing dwelling.

A telecommunications tower is located in the north west corner of the site, and is adjacent to the vehicle access point to the land.

There are a number of dwellings located on large rural allotments (average 2 hectares) to the west in between the subject site and Victor Harbor Road. Land to the north and east of the allotment is generally free of development and is used for grazing purposes. Land to the South, fronting Bahloo Glen Road is used for a mixture of horticulture purposes.

**PUBLIC NOTIFICATION**

Pursuant to Section 38 (5) of the Development Act, the application was placed on Category 3 public notice and was advertised within the Times on 2 July 2009.

During the public notification period, three (3) representations were received in relation to the development. All three representations were in support of the development and had no comment to offer.

A copy of the representations is attached

REFER ATTACHMENT 3.3(d) (page 87)

**REFERRALS**

Pursuant to Section 37 of the Development Act and Schedule 8 (18) (b) of the Development Regulations, the Application was referred to the Country Fire Service (CFS).

As the subject site is located in a high bushfire risk area a response from the SA Country Fire Service was received by Council on 10 June 2009, indicating that the bushfire hazard for the area has been assessed as MEDIUM.

The CFS has notified the Council that they have no objections to the proposed development subject to conditions. A copy of the CFS response is attached.

REFER ATTACHMENT 3.3(e) (page 90)

.../cont.

3.3 455/1449/08 – Matthew & Sarah Viney (Continued)

**INTERNAL CONSULTATION**

Consultation has been undertaken with Council's Environmental Health Department and Building Department. Environmental Health Officer Kelly Judd approved the associated effluent disposal system on 27 January 2009.

Building Officer John Lewis granted Building Approval on 28 July 2009 pending the bushfire risk assessment of the South Australian Country Fire Service.

**ALEXANDRINA COUNCIL DEVELOPMENT PLAN**

The Application was lodged with the Council on 29 December 2008. As such, the Alexandrina Council's Development Plan, consolidated 20 March 2008 applies.

The following Objectives and Principles of Development Control (PDC's) are seen as especially relevant to this application.

Council Wide

Objectives: 1, 5, 38  
PDC's: 2, 51, 52, 54, 142

Mount Lofty Rangers Region

Objectives: 58, 62, 64, 65  
PDC's: 164, 165, 166, 167, 168, 169, 171, 175, 176, 177, 178, 179, 181, 186, 187, 195, 201, 205, 208, 209, 222, 224, 225, 226, 229, 230, 231, 232, 233, 295, 296, 298.

Port Elliot and Goolwa

PDC's: 68

Landscape (Port Elliot and Goolwa District) Zone

Objectives: 1  
PDC's: 1, 2, 3, 5, 6, 7

.../cont.

3.3 455/1449/08 – Matthew & Sarah Viney (Continued)

Comments

A proposal to construct a dwelling on a single allotment where a dwelling exists, is listed as a non complying form of development in the Landscape (Port Elliot and Goolwa District) Zone. The key considerations of this assessment relate to the appropriateness of the proposed land use, with regard to its impact on the general intent of the zone and any resulting impact on the environment, notwithstanding the non-complying nature of development.

**COUNCIL WIDE**

**OBJECTIVES**

- 1: Orderly an economic development
- 5: The establishment of safe, attractive and pleasant residential areas comprising residential development of a scale, form, density and appearance that maintains or achieves the desired character of specific zones and, where applicable, policy areas.

**PRINCIPLES OF DEVELOPMENT CONTROL**

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

Comment

Given the fact that there will be only two dwellings sited on the one allotment for a short period of time, the proposal is considered to comply with the above as it is considered orderly.

Due to the mentioned setback distances, existing vegetation, undulating topography, and largely unsighted by adjoining properties, it is considered that the proposed development is unlikely to impact upon the amenity and character of the locality.

**MOUNT LOFTY RANGES REGION**

**OBJECTIVES**

- 62: The protection of the Mount Lofty Ranges Watershed against pollution and contamination.
- 64: Development should minimise the threat and impact of bushfires on life and property while protecting the natural and rural character.

.../cont.

3.3 455/1449/08 – Matthew & Sarah Viney (Continued)

**PRINCIPLES OF DEVELOPMENT CONTROL**

- 168 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.
- 186 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.
- 222 Trees, other vegetation and earth mounding should be retained or provided as part of the development where the environment will be visually improved by such a provision
- 231 Buildings or structures should be sited unobtrusively and be of a character and design which will blend naturally with the landscape.

**COMMENTS**

The proposed dwelling is connected to an approved aerobic wastewater treatment system that will manage waste appropriately in order to prevent pollution of natural ground and water resources.

It is noted that the land is located in a HIGH bushfire risk Zone and has been referred to the South Australian Country Fire Service for referral. The CFS have advised in writing that they have no objection to the proposed development. The existing access and water supply for bushfire fighting is satisfactory.

Whilst the proposal is for residential purposes, the remainder of the subject site (30 hectares) is used for agricultural, namely grazing purposes. The dwelling is to be sited within the existing building envelope, and as a result the proposal will have no impact on the existing primary production activities on the land.

The proposed dwelling is to be clad with natural colours and non reflective materials. The colour schedule ranges from 'beige' and 'slate grey' and will assist the building to blend in with the natural landscape.

The proposed development will not result in the removal of any native vegetation on the site and has been design to limit the amount of earthworks required to develop the site.

As the proposal will have no impact on the existing primary production activities, not increase the potential risk of pollution, and not have an adverse impact on the landscape qualities, it satisfies the abovementioned provisions.

.../cont.

3.3 455/1449/08 – Matthew & Sarah Viney (Continued)

**PORT ELLIOT AND GOOLWA**

Principles of Development Control

- 68 No building should be erected, added to, or altered on any land so that any portion of such building is erected, added to or altered to the existing boundary of a road than the distance prescribed for each road or portion thereof in Table Alex/2.

**COMMENTS**

The proposed dwelling will be sited approximately 130 meters from the road boundary and meets the abovementioned principle of development control.

**ZONING**

**Landscape (Port Elliot and Goolwa District) Zone**

**OBJECTIVES**

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

**Principles of Development Control**

- 1 Dwellings should have a sufficient and reliable water supply and should be associated with the use of the land for farming or horticultural purposes.
- 2 Development of land in this Zone should not prejudice the conservation of water resources, natural bushland and the rural landscape, and should not create noxious weed or bushfire hazards, or other environmental problems.
- 3 Development should be undertaken so as to retain existing vegetation in conjunction with provision of adequate bushfire protection measures. Additional landscaping should be provided where building development is proposed.
- 5 Development should be of a high standard of design with regard to external appearance, building materials, colours, siting, landscaping and provision for future maintenance, so as to preserve and enhance its appearance of land in the Zone.

.../cont.

3.3 455/1449/08 – Matthew & Sarah Viney (Continued)

- 6 Buildings and structures should be sited unobtrusively or set-back from roads, and screened from view with vegetation so as to preserve the landscape qualities and amenity of the locality and, in particular, the scenic character of views from Crows Nest Road and the Port Elliot and Goolwa Road.
- 7 All kinds of development are non-complying in the Landscape (Port Elliot and Goolwa District) Zone, except the following:

Detached dwelling where the detached dwelling is to be erected on an existing allotment and where a habitable dwelling or tourist accommodation for up to ten guests, unless in association with a State or Locally listed heritage building does not already exist on the allotment

The Landscape (Port Elliot and Goolwa District) Zone has significant landscape qualities, with an intent to preserve the natural character of the zone. The zone permits residential development provided that there is only one dwelling per allotment.

The intent of the zone is that dwellings should have a reliable water supply, and should be in association with the use of the land for farming purposes.

The proposed development includes the installation of a 20, 000 litre rain water tank that is dedicated for fire fighting purposes. In total the allotment will have in excess of 95, 000 litres of rain water. The rainwater tanks will have the capacity to provide a year round water supply.

The proposal is of a minor nature, given that the proposal will replace an existing dwelling on the subject site. There will only be two dwellings sited on the allotment for a short period as the existing dwelling is to be removed immediately, following the completion of the second dwelling. The proposed development will not impact on the majority of the land use which is currently being used for agricultural purposes.

Given the nature of the proposed development, it is considered that it generally complies with the intent of the Landscape (Port Elliot and Goolwa District) Zone.

**SUMMARY**

Whilst the proposal is a non-complying form of development within the Landscape (Port Elliot and Goolwa) District, I do not believe that it is at odds with the intent of the zone.

.../cont.

3.3 455/1449/08 – Matthew & Sarah Viney (Continued)

The subject land will have a minimal impact on the amenity of the locality and natural character of the area due to the design and siting of the dwelling. The dwelling has sufficient water supply, including an additional 22, 000 litres dedicated for fire fighting purposes.

Furthermore it is clear that the proposal includes the removal of the existing dwelling, therefore resulting with a single dwelling on the allotment.

Given the nature of the proposed development and general compliance with the relevant provisions from the Alexandrina Development Plan, the proposed development warrants approval.

**RECOMMENDATION**

That the Development Assessment Panel grant Approval to Development Application 455/1449/08, for the construction of a detached dwelling, rain water tanks, and the removal of the existing detached dwelling at Lot 2 Jacobs Road, Mount Compass, subject to the concurrence of the Development Assessment Commission, and following the following Conditions.

**Council Conditions**

1. Any additional excavated material not required as fill for the site shall be removed immediately after excavation to prevent bogging and soil washing away.
2. The development herein approved is to be carried out in accordance with plans and details accompanying this application (amended plans received by Council on 2 July 2009)
3. No part of the approved dwelling, inclusive of fill, shall be higher than eight (8) metres as measured from the existing natural ground level to the top of the building.
4. Excavation of the site shall be kept to a minimum to preserve the natural form of the land, and be managed in such a way as to prevent erosion.
5. All stormwater drainage shall discharge so that it does not flow or discharge onto land adjoining owners or, in the opinion of Council, Detrimentially affect structures on this site or any adjoining land.
6. The proposed demolition shall be carried out in accordance with the following:

.../cont.

3.3 455/1449/08 – Matthew & Sarah Viney (Continued)

- Access to and in the vicinity of the site by the public before, during and after demolition (until the site is cleared) is to be restricted and as such the area must be secured by an approved barrier;
- Any dust or similar products arising from the demolition must be controlled and kept within the site as far as is reasonable;
- All demolition materials are to be removed from the site, and the site is to be left in a clean and tidy condition;
- The demolition, transport and disposal of asbestos products, is subject to legislative control and must be handled in accordance with those requirements. Contact the Dept for Administrative and Information Services, Industrial Affairs - Mineral Fibres Branch (asbestos enquiries) on 8303 0400 for further information and relevant approvals. Australian Standard AS 2601 Demolition of Structures, should be referred to for demolition procedures.

Note: Disconnection of services and the undertaking of public liability insurance is the responsibility of the person supervising the works.

Council Notes

- Any clearance of native vegetation will require approval from the Native Vegetation Council.
- 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.
- Owners of adjoining land shall be advised of the proposed demolition at least 24 hours before the work commences.
- South Australian Country Fire Service
- Landscaping shall include Bushfire protection features that will prevent or inhibit the spread of bushfire and minimise the risk of life and damage to buildings and property.
- Maintain existing garden to be free of accumulated dead vegetation.



3.4 455/210/09 - River Gum Homes Pty Ltd

**SUMMARY TABLE**

Date of Application	12 March 2009
Subject Land	Lot 11 Goolwa Channel Drive, Hindmarsh Island
Assessment No.	A 9316
Relevant Authority	Alexandrina Council
Planning Zone	Holiday House (Hindmarsh Island) Zone
Nature of Development	Detached Dwelling – Single Storey
Type of Development	Non-complying
Public Notice	Category 3
Referrals	Dept Water, Land Biodiversity & Conservation
Representations Received	1
Representations to be heard	Nil
Date last inspected	14 March 2009
Recommendation	Approval subject to conditions and notes, and concurrence from the Development Assessment Commission
Originating Officer	Andrew Houlihan

**BACKGROUND**

General Manager of Planning and Development Services has resolved to proceed with the assessment of the Development Application under delegation.

The site is located at Lot 11 Goolwa Channel Drive and has an area of 1040m<sup>2</sup>.

The Application is subject to the Development plan consolidated on the 19 January 2009.

A Land Management Agreement (LMA) currently exists on the property and has specific conditions relating to the erosion and health of the site and surroundings. The Application is considered to generally comply with the LMA. A copy of this LMA has been included in the attachments for the readers convenience.

.../cont.

3.4 455/210/09 – River Gum Homes Pty Ltd (Continued)

**THE PROPOSAL**

**Nature of Development**

The Development Application involves the construction of a single storey detached dwelling on the subject site. The dwelling is proposed to be located 12.3m from the waters edge.

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*

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

A proposed new dwelling is considered to be a non-complying form of development and as the development is proposed to be located less than 25m from the foreshore pursuant to the above this also triggers the non-complying nature.

**Detailed Description**

The proposal involves the construction of a single storey detached dwelling on the subject site. From the plans provided, the dwelling is setback approximately 13.60m from the front (road) boundary, 1m from the western side boundary, and 3.33m from the eastern side boundary and 12.4m from the Southern boundary or waters edge, as shown on the Site Plan.

The proposed dwelling is a rectangular shape with a footprint measuring 25.3m x 14.7m (343.28m<sup>2</sup>) and is proposed to be finished in colorbond cladding (sandbank 0962) with a 14 degree pitch roof a with a colorbond finish (Woodland Grey).

REFER ATTACHMENT 3.4(a) (page 93)

.../cont.

3.4 455/210/09 – River Gum Homes Pty Ltd (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. The subject site is one of the last remaining blocks to be developed.

The subject site is a rectangular allotment measuring 18.5m wide and is approximately 55m in depth. The subject site includes the waters edge and rises up approximately 1m to a level plateau.

The subject site is an existing allotment on Goolwa Channel Drive. It is part of a strip of existing freehold allotments, most of which have been developed with single storey detached dwellings facing Goolwa Channel and associated garaging facing the road (Goolwa Channel Drive). The locality displays a varied mixture of dwelling styles, colours and materials of construction. Development exists on both sides of the allotment.

The subject site is relatively level and devoid of any significant vegetation. There is an existing shed located on the Northern (road) boundary.

**PUBLIC NOTIFICATION**

The application was put on Category 3 Public Notification pursuant to Section 38(5) of the Development Act 1993 between 13 May 2009 and the 27 May 2009.

One representation was received within the prescribed time frame. This representation was in support of the application. The representor has not stated they would like to be heard at the meeting.

REFER ATTACHMENT 3.4(b) (page 152)

**REFERRALS**

The application was referred to the Department of Water Land and Biodiversity Conservation (DWLBC). DWLBC have indicated the application generally complies with the Objectives of the River Murray Act 2003 and its Objectives for a Healthy River Murray and is unlikely to result in any harm to the River Murray system. DWLBC have imposed 3 conditions and 7 standard notes for the above application.

.../cont.

3.4 455/210/09 – River Gum Homes Pty Ltd (Continued)

**COMMENTS**

Although the Development Application is considered to be non-complying form of development pursuant to the Alexandrina Development Plan (less than 25m from the foreshore) and (the construction of a dwelling) as non-complying, the proposal is considered to display some merit in the fact that there are many other examples of detached dwellings within the locality which are also setback less than 25m from the foreshore, particularly the two dwellings adjacent the subject site. Therefore, the proposed development has significant merit to warrant approval

**CONSULTATION**

Consultation has been undertaken with Council's Environmental Health Department (EHO Angela Sorger) with regard to the effluent disposal system. It is noted that the applicant has not gained approval for the Waste Control System. Development approval will not be granted until the waste control system is approved. The waste control for the site will consist of a holding tank in accordance with the LMA.

**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. The dwelling is also in line with the neighbouring dwelling.

.../cont.

3.4 455/210/09 – River Gum Homes Pty Ltd (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.

3.4 455/210/09 – River Gum Homes Pty Ltd (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 conform with the above, 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 amenity of the site.

**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.

**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.

.../cont.

3.4 455/210/09 – River Gum Homes Pty Ltd (Continued)

- 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.
- 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.

.../cont.

3.4 455/210/09 – River Gum Homes Pty Ltd (Continued)

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.
- 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.

.../cont.



3.4 455/210/09 – River Gum Homes Pty Ltd (Continued)

- 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 Waste Control System currently has no approval, although approval of this application will only be granted if the waste system complies with Council standards. The imposition of the DWLBC Conditions and Notes, particularly those related to stormwater and wastewater disposal cover these principles.

**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.

.../cont.

3.4 455/210/09 – River Gum Homes Pty Ltd (Continued)

**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.

**Comment**

Zone principles relating to 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**

.../cont.

3.4 455/210/09 – River Gum Homes Pty Ltd (Continued)

- 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.

**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.

.../cont.

3.4 455/210/09 – River Gum Homes Pty Ltd (Continued)

- 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.
- PDC 16 Any upgrading of road access to the holiday houses should not create flooding problems on adjoining land or alter the water regime of the Conservation (Hindmarsh Island) Zone.
- PDC 17 No jetty or landing should be erected within 30 metres of another.

**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.

**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 and 25m from the foreshore, 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 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.

.../cont.

3.4 455/210/09 – River Gum Homes Pty Ltd (Continued)

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. The proposal is a suitable form of development for the area and with the existing garage on site gives even more incentive to warrant approval. This proposal is consistent with and satisfies the requirements of the Development Plan, and therefore the following recommendation has been drafted accordingly.

**RECOMMENDATION**

That the Development Assessment Panel grant Development Plan Consent to Development Application 455/210/09 for a Detached Dwelling at 33 Goolwa Channel Drive Hindmarsh Island subject to the following conditions and notes, and subject to concurrence of the Development Assessment Commission.

**COUNCIL Conditions**

1. The development herein approved to be carried out in accordance with the plans and details accompanying this application (amended plans received by Council on the 23 March 2009).
2. The external finishes to the building or structure shall be in accordance with the materials as specified in the application as approved.
3. Where cut and fill in excess of 300m is required as a result of the proposed development, retaining walls or other suitable soil retention devices shall be employed.
4. All storm water drainage shall discharge so that it does not flow or discharge onto land of adjoining land owners or, in the opinion of Council, detrimentally affect the structures on this site or adjoining land.
5. The area between the finished floor level and finished ground level shall be in filled with an appropriate material and colour to match the dwelling to the satisfaction of Council prior to occupation of the of the dwelling.
6. Finished Floor Level shall be a minimum of 2.10 AHD as in accordance with the Land Management Agreement and registered to the Certificate of Title.
7. Pursuant to Section 33(3) Development Act, evidence of an approved Waste Control System for the proposed development must be supplied by the Applicant prior to Development Approval being granted.

.../cont.

3.4 455/210/09 – River Gum Homes Pty Ltd (Continued)

DWLBC Condition

1. During construction the property must be appropriately managed as to prevent erosion and pollution of the subject site and the environment, including keeping the area in a tidy state and ensuring any waste materials are placed into bins, to ensure no pollutants (including excavation and fill material) enter the River Murray system.
2. Storm water run-off from the dwelling must be directed to 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 must be 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 fill brought to the site must be clean and not be contaminated by construction or demolition debris, industrial or chemical matter, or pest plant material.

Notes

1. 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.
2. The applicant is advised that any proposal to clear native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. Note that 'clearance' means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal of branches, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information on native vegetation and Native Vegetation Act 1991 requirements visit: <http://www.dwlbc.sa.gov.au/native>.
3. If the applicant wishes to use water from the River Murray, which is a prescribed watercourse, they will be required to apply to the Department of Water, Land and Biodiversity Conservation (DWLBC) for a Water Licence. Further, should the applicant wish to drill a bore, they will also need to apply to the DWLBC for a Well Construction Permit. For further information contact the DWLBC Water Licensing Unit on 8595 2203 or visit <http://www.dwlbc.sa.gov.au/licensing/forms/index.html>.

.../cont.

3.4 455/210/09 – River Gum Homes Pty Ltd (Continued)

4. The applicant is strongly encouraged to incorporate locally indigenous native plant species into any landscaping activities at the site to enhance the natural character of the locality, stabilise soils and provide habitat for native species. For information on appropriate species to be planted, please contact State Flora at Bremer Road, Murray Bridge on telephone 8539 2105, or visit [www.stateflora.com.au](http://www.stateflora.com.au).
5. The River Murray and many of its tributaries and overflow areas 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 responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains.
6. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act.
7. The applicant is advised that there is an Aboriginal site located in the vicinity of the subject land. The applicant should consult with the relevant Aboriginal organisation prior to the commencement of any works:

Ngarrindjeri Heritage Committee  
Chairperson: Tom Trevorrow  
PO Box 126  
MENINGIE SA 5264  
Tel: (08) 8575 1557 Fax: (08) 8575 1448

This advice does not obviate any considerations that may apply to the Australian Government's Environment Protection and Biodiversity Conservation Act 1999 (Cwth).

These conditions and notes include consideration of social and cultural issues and they are applied in order to help achieve the balance between the economic and environmental sustainability of the regions that include the River Murray system.

.../cont.

3.4 455/210/09 – River Gum Homes Pty Ltd (Continued)

In determining this response I have had regard to, and have sought to further, the Objects and Objectives of the River Murray Act 2003.

Please forward a copy of the decision notification marked to the attention of:

Mr Daniel Walton  
NRM Planning Unit  
Department of Water, Land and Biodiversity Conservation  
GPO Box 2834  
ADELAIDE SA 5001

Any comments or queries relating to the contents of this correspondence may be directed to Mr Daniel Walton on telephone 8463 6850 or via e-mail at [Walton.Daniel2@saugov.sa.gov.au](mailto:Walton.Daniel2@saugov.sa.gov.au).

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION / COMMUNITY TITLE

ITEM 6. MATTERS REFERED FOR FOLLOW-UP



ITEM 7. GENERAL ITEMS FOR DISCUSSIONS

7.1 Ben Stokes - SAPOT - Operator Training Application - Lot 592 Yundi Road, Yundi

File Ref: 3.14.001  
From: DAP meeting 15<sup>th</sup> July 2009

REPORT

Earthworks that were seen to be undertaken on the Yundi property were not undertaken by the Applicant of the Operator Training business (applicant Ben Stokes – SAPOT) but rather Mr Wooding – the land owner.

Previous advice was that if Mr Wooding was only using his own excavated material for his own purposes on his own land and not for financial gain, Council could not consider the activity to be development. It was a consideration that if the SAPOT application was refused, SAPOT would leave the site and not undertake repatriation of the damage caused by Mr Wooding.

It would not be possible to determine what work, if any, was undertaken by SAPOT to issue any type of enforcement notice to them.

Any enforcement direction to Mr Wooding would have to be made under other legislation if the activities he is undertaking on site are not development.

RECOMMENDATION

That the report be received.

ITEM 8. NEXT MEETING

Wednesday 16<sup>th</sup> September 2009, time to be advised.