



Development Assessment Panel

27 October 2008

MID MURRAY COUNCIL

DEVELOPMENT ASSESSMENT PANEL

Agenda

Meeting to be held in the Council Chambers, Main Street, Cambrai

Monday 27 October 2008, 10.00am

1. **PRESENT**

Frank Wieser (Presiding Member), Graham Gaston, Ross Dawkins, James Miller, David Burgess, Brian Taylor and Inez Bormann

2. **IN ATTENDANCE**

Kelvin Goldstone, Environmental Services Manager
Geoff Parsons, Senior Development Officer – Planning
Jennifer Brewis, Development Officer – Planning
Josephine Henderson, Development Officer - Planning
Melissa Marschall, Minute Secretary

3. **COMMENCEMENT AND WELCOME** AM

4. **APOLOGIES**

5. **CONFIRMATION OF PREVIOUS MINUTES**

(Page 2539 – 25/8/2008)

Minutes of the Mid Murray Council Development Assessment Panel meeting held on 25 August 2008.

RECOMMENDATION

moved that the minutes of the Mid Murray Council Development Assessment Panel Meeting held on 25 August 2008 be taken as read and confirmed.

Seconded

MID MURRAY COUNCIL

6. DEVELOPMENT REPORT

RECOMMENDATION

moved that the report be received.

Seconded

7. LATE CORRESPONDENCE

8. OTHER BUSINESS

9. NEXT MEETING

To be held in the Meeting Room of the Council Offices, 12 Fourth Street, Morgan on Monday, 24 November 2008, commencing at 10.00am.

10. CLOSURE

MID MURRAY COUNCIL

DEVELOPMENT ASSESSMENT PANEL

Development Report

Meeting to be held in the Council Chambers, Main Street, Cambrai

Monday 27 October 2008, 10.00am

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MID MURRAY COUNCIL – DEVELOPMENT REPORT

6.1 DEVELOPMENT APPLICATION 711/266/08 – RIVER LIGHT DAIRIES PTY LTD

<i>Reporting Officer:</i>	<i>Josephine Henderson</i>
Development No.	711/266/08
Applicant	River Light Dairies Pty Ltd
Subject Land	Section 660, Martin Road, Wall Flat, Hundred of Finniss
Proposal	Tourist Accommodation – New Bed & Breakfast Facility Adjoining Existing Dairy Farm Complex
Development Plan	13 December 2007

INTRODUCTION

This development application has been lodged with Council where Development Plan Consent Only is sought for a new Bed & Breakfast facility on a vacant allotment, adjoining an existing dairy farm complex.

Copies of the plans and details submitted with the application are attached.

SUBJECT LAND & LOCALITY

The subject land is identified as Section 660, Martin Road, Wall Flat, Hundred of Finniss, as contained in Certificate of Title Volume 6997 Folio 268. It is located in the River Murray Zone, Primary Production Policy Area, as defined in the Mid Murray Council Development Plan Map MiMu/99.

The allotment size for Section 660 is approximately 6.3 hectares (15.5 acres). The total land parcel for the owner's dairy farm at Wall Flat is approximately 59 hectares, consisting of a number of sections, which are split into two separate areas.

The subject site is located above the 1956 flood level and is across the road (Martin Road) from the dairy farm complex, which is located on Section 646. A residential dwelling is located on the adjoining allotment (Lot 13). River Light Dairies also own the other adjoining allotment to the subject site (Section 663). Both 660 and 663 are used as highland grazing for the dairy cows. Sections 660 and 663 are bounded by Martin Road and intersected by Holland Road, whilst Lot 13 is a corner allotment that is bounded by both of these roads. Currently, Section 660 is vacant.

Section 647, next to the dairy farm complex and across Martin Road from the subject site, has an olive plantation. Section 664, located next to Section 663, is cropped and subject to periodical chemical spraying.

Attachment 1 identifies the subject site and locality of the subject site.

DESCRIPTION OF PROPOSAL

The proposed tourist facility consists of a building for human habitation, landscape for screening/buffering and driveway/parking area, a rear post and wire fenced area, and a paddock for clients to interact with young farm animals.

MID MURRAY COUNCIL – DEVELOPMENT REPORT

6.1 DEVELOPMENT APPLICATION 711/266/08 – RIVER LIGHT DAIRIES PTY LTD

The total floor area for the tourist accommodation facility is approximately 154 square metres. This area consists of three bedrooms (one with an ensuite), bathroom, store room, kitchen, living and meals area. There is approximately 115 square metres of verandah around this building. As the proposed development is intended as a Bed & Breakfast facility only, no laundry facilities are to be provided.

A dedicated fire fighting 5,000L tank is provided approximately 10 metres to the eastern side of the dwelling, allowing easy access for emergency services. Additional rainwater tanks are also connected to the building.

This building is proposed to be connected to a septic and soakage system. This waste control application is currently being assessed by Council's Environmental Health Officer.

REFERRALS

In accordance with Schedule 8 of the Development Regulations 1993, the application has been referred to the Minister for the River Murray.

A copy of the response received is attached.

PUBLIC NOTIFICATION

Pursuant to Principle of Development Control 35 of the Primary Production Policy Area in the River Murray Zone, the development was determined to be of a type that warrants Category 2 notification – due to the tourist accommodation not being in association with the existing farm dwelling. Therefore, in accordance with the provisions of the Development Act and Regulations 1993, letters were sent out to adjoining landowners.

At the conclusion of the public notification process, Council received two formal representations and an anonymous letter.

In summary, concern was raised regarding the legitimacy of the proposed development and the potential that it could be used in the future for purposes other than what is being sought approval for; the encroachment on surrounding residential peace and privacy; and achieving appropriate separation distances for crop spraying.

RELEVANT PROVISIONS OF THE MID MURRAY COUNCIL DEVELOPMENT PLAN

Council Wide

Objectives: 1, 7, 9, 15, 45, 46, 47, 55 & 56

Principles of Development Control: 1, 5, 45, 46, 47, 55, 56, 159, 161, 162, 165, 186, 187 & 189

River Murray Zone

Objectives: 1 & 14

Primary Production Policy Area

Objectives: 16 & 17

Principles of Development Control: 1, 16, 24, 30, 31 & 35

ASSESSMENT

Tourist accommodation, such as a Bed & Breakfast facility, is an acceptable use in the Primary Production Policy Area so long as it is associated with an existing primary production activity, such as dairy farming, and does not impede that activity or any other adjoining primary production activities.

The proposed development is in association with an existing dairy activity, but will not be directly associated with the existing dairy farm buildings and residence. The tourist accommodation will be run and maintained by the owners of the dairy farm.

Council did raise concern that locating the proposed development on a separate section could, in the future, result in a land division being submitted to annex the Bed & Breakfast from the dairy business, then be sold off and potentially changed into a residential dwelling. It was suggested by Council that the applicants consider either relocating to the same section as the existing dairy buildings or amalgamate the sections. The applicant provided the following response:-

The land parcels (Sections 660, 661, 663, 646, 625, 696 and 783) cannot be amalgamated as recommended by Council because each section has a specific water licence allocated to them. Swamp water licences on Sections 625, 646, 696 and 783 are owned by the Wall Flat Irrigation Trust & Environmental Land Water Allocations are tied to the land and cannot be sold. In the case of Section 646, the land has an Industrial Water Allocation for the specific purpose of the dairy operation. Highland sections (660, 661 and 663) have different water allocations from the lowland sections and all are needed for the efficient operation of the dairy.

The highland and lowland sections are integral to the effective operation of the dairy farm. During the wet season, lowland sections create too much bog and cows are moved to higher Sections 660, 661 and 663. This is a requirement by the Environment Protection Agency that insist on dry areas for cows to stand. Selling Sections 660, 661 and 663 is not an option because River Light Dairies would not be able to meet EPA standards. We wish to stress that only a portion of Section 660 will be used for the bed and breakfast, the remaining area will continue to be used as part of the dairy farm operation...[This] area will not be heavily stocked and will only be used in case of heavy rain.

Based on this response, Council are of the opinion that the proposed section is unlikely to be annexed from the dairy farm business. Furthermore, the proposed development does not have a laundry, and therefore technically does not qualify as a dwelling that can be used for residential human habitation. It is also unlikely Council would support the change of use from Bed & Breakfast to a residential dwelling in the future.

The sighting of the proposed development, given the on going land parcel requirements of the dairy operation, adjoining spraying activities, acceptable proximity to the existing dairy residence and sighting within the general locality, the proposed site is potentially the best compromise, subject to the proposed native vegetation buffer being appropriately undertaken. An adjoining residential neighbour has indicated concern regarding the proposed location of the Bed & Breakfast. However, to locate the proposed development on Section 663 (to bring it further away from the dwelling on Lot 13) will potentially impede existing primary production activities occurring on Section 664. Landscaped screening is provided around the boundary of the delineated compound area for the Bed & Breakfast.

The design and spatial layout of the proposed building is also acceptable and unlikely to result in undue invasion of the neighbour's privacy. To locate the proposed development to the rear of Section 660 will result in the building being located on a ridge line and impede easy access to, and on-going monitoring of, the tourist accommodation from the adjoining existing dairy farm.

The proposed building is not incompatible to the surrounding character of the area, and does utilise appropriate materials and colour schemes. Adequate parking and access facilities are provided, and traffic flows are unlikely to be negatively impacted. A 5,000L dedicated fire fighting tank has been provided, as well as capacity to catch rainwater from the building. The proposed development does not pose a bushfire risk.

No native vegetation will be impacted by the proposed development.

CONCLUSION

The proposed Bed & Breakfast is in association with an existing dairy farm, and is not readily viable to be annexed and changed into a residential dwelling in the future. It is sighted sufficiently to address all issues, such as chemical spraying, not being visually prominent, having a minimal impact on adjoining residence(s)/land activities, and not impeding the existing dairy activities. The proposed development is an acceptable use in the Policy Area, and is not unreasonable in its overall design configuration.

Based on the provisions of the River Murray Zone, Primary Production Policy Area, Development Application 711/266/08 is not at seriously at variance with the Development Plan of Mid Murray Council, and therefore warrants approval of Development Plan Consent Only with attached conditions and notations.

RECOMMENDATION

moved that pursuant to Section 33(1)(a) of the Development Act, 1993 Development Plan Consent be granted to Development Application 711/266/08 subject to the following conditions and notations:-

Conditions

1. The development shall be carried out in accordance with the details and plans submitted with the application, other than where required to be varied by the following conditions.
2. All exterior surfaces of the building/structure are to be of non-reflective materials, and colours which blend in with the natural features of the environment. Any painting associated with achieving this requirement shall be completed within three months of construction of the structure/building.
3. The development shall be screened by landscaping. All plants, shrubs and trees shall be planted within four months of practical completion of the structure and watered and maintained thereafter.

4. Stormwater from the building/structure shall be drained to the reasonable satisfaction of Council and managed so that it does not flow onto adjoining privately owned land.
5. The roof area and gutters of a building with a floor area over 15m² will be connected to a rainwater tank, or tanks, to allow for stormwater collection. The rainwater tank(s) will have sufficient capacity to temporarily hold 20 litres of stormwater per square metre of total roof area on the site, including all dwellings and outbuildings.

Overflow from the rainwater tank(s) will be diverted away from wastewater disposal areas, such as septic tanks and aerobic systems, in line with the on-site wastewater systems standards. If there is suitable space on the site, overflow will then be diverted into an infiltration basin and/or a level-spreader to reduce the rate of stormwater runoff.

6. A dedicated water supply for fire fighting purposes shall be provided prior to the dwelling being occupied which is a minimum 5,000 litres:-
 - a) tanks for fire fighting purposes should be no closer to a building than 10m to allow access away from radiant heat;
 - b) tanks shall be provided with a fire service adaptor fitted in the tank wall near the bottom of the tank with a minimum outlet of 50mm terminating in a 64mm London round thread;
 - c) where CFS access is available immediately adjacent the tank a removable inspection lid is to be provided on top of the tank;
 - d) bushfire water supply tanks (including any tank support structure) shall be constructed of non-combustible material.
7. The water supply used for fire fighting to be pressurised by a pump that has a minimum inlet diameter of 38mm: and powered by a petrol or diesel engine with a power rating of at least 3.7 kW (5hp) or a system that operates independently of mains electricity and is capable of pressurising the water for bushfire fighting purposes.
8. The pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air circulation and ventilation.
9. All pipes and connections between the water supply and pump shall be no smaller in diameter than the diameter of the pump outlet.
10. All non-metal water supply pipes for bushfire fighting (other than flexible connections and hoses for fire fighting) shall be buried to a minimum depth below ground of 300mm.

11. A hose (or hoses) used for fire fighting shall:-
 - a) be located so that all parts of the building shall be within the reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (ie. at opposite ends of the residence); and
 - b) be capable of withstanding the pressures of the supplied water; and
 - c) be of reinforced construction manufactured in accordance with AS2620 or AS1221; and
 - d) have a minimum internal diameter of 18mm; and
 - e) have an adjustable metal; or PVC nozzle to AS1221; and
 - f) have a minimum length of 30m; and
 - g) be readily available at all times.
12. The tourist accommodation facility shall only be used for human habitation once connection to the approved waste control system (S138/08) is achieved and the facility is completed.
13. The tourist accommodation facility is for short term tourist accommodation only and cannot be used for permanent occupation as noted in correspondence dated 18 July 2008 and 18 September 2008.

Conditions as required by the Minister for the River Murray

14. During the construction the property shall be managed in a manner 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 (including excavated soil) being placed into bins to ensure no pollutants enter the River Murray.
15. Stormwater run-off from the building being 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. Any overflow from the tank or tanks being managed to prevent erosion or pollution of the site and the River Murray and diverted away from wastewater disposal areas, such as septic tanks and aerobic systems.
16. The building being unobtrusive and harmonising with the surroundings through the use of paint or finishes being of natural colours.

Notations

1. This approval does not imply compliance with the Electricity Act 1996 (as amended), or the Regulations thereunder. It is the responsibility of the owner and the person undertaking development to ensure compliance with the same.

You are advised to contact appropriate authorities including ETSA, Telstra, SA Water and Council's STEDS department in relation to the location of supply lines and other requirements prior to commencing work.

2. Development Approval Required Before Commencement

No site works or construction can be undertaken on the land or building by any person unless Development Approval has been granted.

If this Decision Notification Form refers only to Development Plan Consent, Building Rules Consent must be granted before the Development Approval is obtained.

3. The applicant is responsible for the correct siting of the proposed building and shall ensure that the building is sited on the allotment in accordance with the approved site plan.
4. As you propose to construct a tourist accommodation facility on a rural allotment serviced by an unsurfaced road, Council advises that it is under no obligation to construct or upgrade the road, should it become impassable due to additional traffic wear or seasonal conditions.
5. The granting of this consent does not absolve the applicant from obtaining all other consents which they may be required to do, pursuant to the provisions of any other statutes.

Notations as required by the Minister for the River Murray

6. 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.
7. The applicant is required to apply to the Department of Water, Land and Biodiversity Conservation for a water licence if they wish to use water from the River Murray, which is a Prescribed Watercourse. Inquiries should be directed to the Water Licensing Unit on 8595-2203.
8. The applicant is advised that any proposal to clear, remove limbs or trim 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. Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8124 4744.
9. 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.

Seconded

MID MURRAY COUNCIL – DEVELOPMENT REPORT
6.2 DEVELOPMENT APPLICATION 711/633/07 – KA OLSEN

<i>Reporting Officer:</i>	<i>Jennifer Brewis</i>
Development No.	711/633/07
Applicant	KA Olsen
Subject Land	Lot 4 of DP693, Section 240/41, Government Road, North West Bend, Hundred of Cadell
Proposal	Elevated Dwelling with Attached Decking

INTRODUCTION

The above mentioned development application has been lodged with Council for Development Plan Consent for an elevated dwelling with attached decking.

An application was previously approved (711/461/99) by the Development Assessment Commission in 2000 under previous policy. The construction of the dwelling began but was not completed. Attached are photos which show the extent of the building work which was carried out under this previous approval. After several time extensions the approval lapsed in January 2007.

Copies of plans and details submitted with the application are attached.

SUBJECT LAND

The subject land is identified as Lot 4 of DP693, Section 240/41, Government Road, North West Bend, Hundred of Cadell as contained in Certificate of Title Volume 5586 Folio 135. The subject land is located in the Shack Settlement Policy Area of the River Murray Zone as defined in the Mid Murray Council Development Plan Map MiMu/66.

A large gum tree is located in the centre of the allotment.

Attachment 1 identifies the subject site and locality of the subject site.

DESCRIPTION OF PROPOSAL

The proposal is for a three bedroom elevated dwelling with attached decking. The area proposed to be solidly enclosed at ground level is 23.45 square metres which includes the stairs, laundry and small bathroom. The proposed ground floor clearance is 2.6 metres.

NATURE OF THE LOCALITY

Lot 3 to the south is currently vacant and has numerous trees upon the site. Lot 5 directly to the north has an existing dwelling with a river front setback of 21 metres.

REFERRALS

Referrals are not required at this stage.

Under the Development Act Section 39(4)(d) the Council as the relevant authority can resolve to refuse an application that is described as non-complying development under the Development Plan without proceeding to make an assessment of the application.

PUBLIC NOTIFICATION

No public notification has occurred at this stage.

RELEVANT PROVISIONS OF THE MID MURRAY COUNCIL DEVELOPMENT PLAN

Council Wide

Objectives: 1, 2, 6, 7, 14, 15, 31, 52 & 58

Principles of Development Control: 2, 6, 33, 116 & 133

River Murray Zone

Objectives: 1, 19 & 20

Shack Settlement Policy Area

Objectives: 1 & 4

Principles of Development Control: 1, 3, 4, 9, 10, 12 & 13

ASSESSMENT

The proposed dwelling is the same design as that which was approved by the Development Assessment Commission (DAC) in 2000. While the dwelling was approved previously that Development Approval has lapsed and subsequently the dwelling needs to be assessed against the current policies.

The dwelling is considered to be a non-complying form of development for the following reasons:-

- The proposed dwelling will have a river setback of 17 metres while the existing dwelling on the adjoining site (Lot 5) has a river Setback of 21 metres. This means the proposed dwelling will partially impede river views of the adjoining dwelling.
- The ground floor clearance is greater than the allowable maximum 2.5 metres.

Further to the above mentioned non-complying issues the proposed dwelling does not meet the requirements of Principle of Development Control 13 of Shack Settlement Policy Area:-

Principle of Development Control 13

Underneath areas of elevated dwellings:

- (a) *should not be used for living purposes;*
- (b) *may be used for storage purposes, or for a toilet, or a shower, or laundry facilities (subject to limits scheduled below); and*
- (c) *may be enclosed using roller doors, removable panels, or other material which can easily be removed during times of flood;*
 - *Maximum area for storage purposes - 54 square metres*
 - *Maximum area for use as toilet/ shower/ laundry facilities - 10 square metres*
 - *No storage of caravans.*

MID MURRAY COUNCIL – DEVELOPMENT REPORT
6.2 DEVELOPMENT APPLICATION 711/633/07 – KA OLSEN

The area to be enclosed with solid walling at ground level is greater than the allowable 10 square metres. It is in fact over double the allowable area. This principle has been strictly adhered to in the past to ensure dwellings in the 1956 flood boundary do not impede flood waters or increase public safety risk.

CONCLUSION

While part of the previously approved building is located on site this should not be taken into consideration when carrying out the assessment of the proposed dwelling. The policies surrounding ground floor enclosure have been strictly adhered to in the past to reduce impediments of flood water and the impact upon public safety. The proposed ground floor enclosed area is over double what is allowable under the current policies.

Due to the existence of a portion of the previously approved structure upon the site I have found it difficult to negotiate with the applicant in regards to the three aforementioned issues. This is due to the applicants desire to keep the existing building work upon the site. However, as previously mentioned the assessment of the current application can not take into consideration what was previously approved and not built.

Some of the concerns looked at individually may be considered minor enough to allow the continued assessment of the application. However, when all of the factors of the proposal are taken into consideration I am unable to support the application. I therefore recommend the Development Assessment Panel resolve not to proceed to assess the application.

RECOMMENDATION

moved that the Development Assessment Panel resolve not to proceed with an assessment of the application pursuant to Section 39(4)(d) of the Development Act, 1993 and Development Plan Consent be refused to Development Application 711/633/07.

Seconded

<i>Reporting Officer:</i>	<i>Geoff Parsons</i>
Development No.	711/D007/08
Applicant	P & M Michopoulos
Subject Land	Lot 6 of DP4702, 42 Crawford Crescent, Mannum, Hundred of Finniss
Proposal	Land Division – Torrens Title – Creation of One Additional Allotment

BACKGROUND

Members may recall that this matter was previously presented to Council's Development Assessment Panel at its July meeting. A copy of the original report is attached.

The resolution of the Development Assessment Panel was as follows:-

2538/1 D Burgess moved that Land Division Application 711/D007/08 be deferred pending negotiations with the applicant in relation to the following:-

- *SA Water sewer connection and cost*
- *Engineering advice in regard to appropriateness of onsite waste disposal options*
- *Remote sewer connection options.*

Seconded J Miller.

The applicant has provided additional information in response to the Development Assessment Panel's resolution.

ASSESSMENT

Effluent Disposal

Both Council staff and the Development Assessment Panel previously expressed concern in regards to on-site effluent disposal given the topography of the land and the nature of the locality.

The applicant's surveyor has sought advice from SA Water, who have subsequently confirmed that an indirect connection can be provided to service the allotment. This advice would appear to satisfy Council's concerns in this regard.

A copy of the correspondence from SA Water is attached.

Stormwater

Though not noted in the original resolution of Council's Development Assessment Panel, it is necessary to raise the issue of stormwater.

In the previous report presented to Council, Ms Lewis noted the following:-

“There has been no assessment on the impact of stormwater (associated with future residential development) natural drainage systems or Council infrastructure.”

This matter has since been investigated and the following issues have been noted:-

- Topography – The site slopes away from Crawford Crescent, meaning it would be impossible (without the assistance of a pump) to dispose of stormwater to the road, in accordance with standard engineering practices.
- Management of Run-Off– Given the above the only other option available for stormwater disposal would be to direct it to the natural watercourse to the south of the subject site (which essentially comprises a steep gully).

Unfortunately flows from the watercourse/gully then enter privately owned land. A less than desirable situation that raises a number of concerns.

Allowing further development to contribute to an increase in flows would be illegal, and leaves Council open to a high level of risk.

- Existing Infrastructure – Council’s Works Department have advised that existing stormwater infrastructure (in the form of a side entry pit and drainage flow path) exist over the allotment. This is the path of relief for stormwater flows emanating from a section of Crawford Crescent and some associated residential development. The drainage path is not incorporated in an easement.

This is an issue of major concern. If the allotment is created, without arrangements being put in place to relocate or rectify the existing infrastructure situation, Council may be liable for any inundation of the property in the future, resulting in significant financial implications.

The applicant has acknowledged the issue of stormwater flows from any future residential development upon the land, and as such, has offered the following:-

- Option One – Apply a notation to the Development Plan Consent advising of the issue, and then impose restrictions on any future owner through the development application for built form.
- Option Two – Enter into a Land Management Agreement which requires that stormwater flows emanating from the land do not exceed those that currently exist.

Council staff consider option one unacceptable. A notation on the Development Plan Consent is not legally enforceable, and Council do not have the power to require sufficient stormwater measures on any future built form.

Option two does provide an appropriate method of limiting any increase in stormwater flows. However it is important to understand that this is likely to require rainwater tanks of significant dimensions (which has an impact on amenity/character etc.). Furthermore, it cannot be guaranteed that all flows from the allotment would be restricted, and therefore the allotment may still pose a risk of flooding of downstream properties.

It is considered that neither option one or two provide an adequate method of stormwater management that would result in no risk of inundation to the subject land, or downstream properties. Furthermore neither option provides a resolution to the matter of the existing stormwater drainage which occurs through the subject land.

CONCLUSION

While the issue of effluent disposal has been alleviated, the options put forward by the applicant to manage stormwater are not sufficient. In addition Council staff do not believe there are any alternative methods of stormwater management which would alleviate the issues.

Allowing the proposal to proceed would increase the risk of damage to the subject land and downstream properties through increased stormwater flows and subsequent inundation. Such an outcome places Council at significant risk, and does not result in appropriate development.

It is considered that further division of this allotment is not possible. The proposal is seriously at variance with the provisions of Council's Development Plan and does not warrant Development Plan Consent or Land Division Consent.

RECOMMENDATION

moved that pursuant to Section 33(1)(a) and (c) of the Development Act, 1993 Land Division Application 711/D007/08 be refused for the following reasons (amongst others):-

1. The proposal does not constitute orderly and economic development (Council Wide Objective 1).
2. Unsatisfactory conditions will be further entrenched in a locality where there are known topographical/environmental constraints for existing vacant residential allotments that cannot be rectified by extensions of infrastructure (Council Wide Objective 1, Principles of Development Control 4 & 11).
3. Notwithstanding "residential infill" is possible in the Mannum urban area, the subject land is not an appropriate location as it is not serviced by adequate infrastructure (Council Wide Objectives 10 & 14).
4. The development fails to provide adequate stormwater management to minimise risk to the subject land and downstream properties (Council Wide Objectives 7, 10 & 14, Principles of Development Control 4, 6, 7, 10 & 100 and Residential Zone Objective 6).

Seconded

Kelvin Goldstone
MANAGER, ENVIRONMENTAL SERVICES