



Development Assessment Panel

24 November 2008

MID MURRAY COUNCIL

DEVELOPMENT ASSESSMENT PANEL

Agenda

Meeting to be held in the Meeting Room of the Council Offices, 12 Fourth Street, Morgan

Monday 24 November 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 2546 – 27/10/2008)

Minutes of the Mid Murray Council Development Assessment Panel meeting held on
27 October 2008.

RECOMMENDATION

moved that the minutes of the Mid Murray Council Development
Assessment Panel Meeting held on 27 October 2008 be taken as read and
confirmed.

Seconded

MID MURRAY COUNCIL

6. DEVELOPMENT REPORT

RECOMMENDATION

moved that the report be received.

Seconded

Development Application 711/017/08 – A Harniman

For information the following persons have been invited to attend the meeting:-

Anne Harniman, applicant
Peter Meline – Adelaide Hills Development Services, on behalf of applicant
Terry Harders, representor
David Sadler, representor.

Environment, Resources and Development Court Appeals – ERD Court No. 359 of 2008 – DJ & A Thiele v Mid Murray Council

Meeting to be adjourned to enable inspection of the site.

7. LATE CORRESPONDENCE

8. OTHER BUSINESS

9. NEXT MEETING

To be held in the Council Chambers, Main Street, Cambrai on Tuesday, 27 January 2009, commencing at 10.00am.

10. CLOSURE

MID MURRAY COUNCIL

DEVELOPMENT ASSESSMENT PANEL

Development Report

Meeting to be held in the Meeting Room of the Council Offices, 12 Fourth Street, Morgan

Monday 24 November 2008, 10.00am

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MID MURRAY COUNCIL – DEVELOPMENT REPORT

6.1 DEVELOPMENT APPLICATION 711/017/08 – A HARNIMAN

<i>Reporting Officer:</i>	<i>Jennifer Brewis</i>
Development No.	711/017/08
Applicant	A Harniman
Subject Land	Lot 2 of DP54853, Section 831, Site 2 East Front Road, Five Mile, Hundred of Younghusband
Proposal	Demolition of Existing Dwelling and the Construction of an Elevated Dwelling with Associated Decking

INTRODUCTION

An application has been lodged with Council for the construction of an elevated dwelling and associated decking to replace an existing ground level shack.

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

SUBJECT LAND

The subject land is identified as Lot 2, Section 831, Site 2 East Front Road, Five Mile, Hundred of Younghusband as contained in Certificate of Title Volume 5933 Folio 788. The proposed development is located in the Shack Settlement Policy Area as defined in the Mid Murray Council Development Plan Map MiMu/89.

The shack group is commonly referred to as the Five Mile Shack Group.

The site is accessed via East Front Road. There is a small Crown reserve between the site and the river's edge.

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

DESCRIPTION OF PROPOSAL

The application is for an elevated four bedroom dwelling. The dwelling will have a footprint of 195.8 square metres together with a balcony on the river side of the dwelling measuring 49.1 square metres.

In correspondence received from the applicant on 7 April 2008 it was agreed that the ground floor clearance would be reduced to 2.5 metres.

The area to be enclosed at ground level includes a 54.3 square metre storage area and a 9.8 square metre wet area. The stairs are to be located within the storage area. A 36.0 square metre carport is to be located at the road side of the dwelling down the "handle" of the property.

NATURE OF THE LOCALITY

The subject site is a "battle axe" allotment and has an existing ground level dwelling at the "head" of the allotment.

MID MURRAY COUNCIL – DEVELOPMENT REPORT

6.1 DEVELOPMENT APPLICATION 711/017/08 – A HARNIMAN

The Five Mile Shack Group is located immediately upstream from Kia Marina and Houseboat Concepts.

There is a recently constructed elevated dwelling on Lot 3 located north east of the proposed dwelling site.

A ground level shack is located on Lot 1 south of the proposed dwelling site.



REFERRALS

The application was referred to the Minister for the River Murray pursuant to Schedule 8 of the Development Regulations, 1993.

A copy of the response received is attached.

PUBLIC NOTIFICATION

Pursuant to the relevant provisions of the Development Plan and Development Regulations 2008 the application was determined to be of a type which warranted Category 3 public notification.

A notice was placed in the Murray Valley Standard on 1 August 2008 and letters were sent to adjoining land owners. At the end of the notification period two representations were received by Council. A copy of the representations are attached.

The representations raised concerns in relation to tree removal, boundary setbacks, building appearance and the proposed river setback.

RELEVANT PROVISIONS OF THE MID MURRAY COUNCIL DEVELOPMENT PLAN

Council Wide

Objectives: 1, 2, 5, 6, 7, 9, 12, 15, 31, 36, 42, 51, 52 & 55

Principles of Development Control: 2, 4, 5, 6, 7, 24, 25, 26, 27, 28, 29, 30, 34, 37, 134, 135 & 187

River Murray Zone

Objectives: 1, 2, 19 & 20

Shack Settlement Policy Area

Objectives: 4 & 6

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

ASSESSMENT

Character and Amenity of Locality

Council's Development Plan has a strong focus on building design particularly in scenically attractive areas. The site is located off East Front Road (a defined scenic route - refer Map MiMu/1 (Overlay 2)) and the River Murray. A representation made by Mr Sadler claims that the proposed dwelling will resemble units. Council's Development Plan requires dwellings to be elevated above the floodplain and Principle of Development Control 12 of the Shack Settlement Policy Area requires dwellings be of a simple design with wide verandahs and balconies. Given the restraints of Council's Development Plan I consider the proposed design appropriate for shack areas.

The existing character of the Five Mile Shack Group and most other shack groups along the River Murray is for dwellings to be orientated towards the river. Large balconies and living areas on the river side of the dwellings is commonly seen within shack groups. Given the existing character I do not consider that the proposed dwelling is of a design which will reduce the visual amenity of the locality when viewed from either East Front Road or the River Murray.

In comparison to what is currently upon the property the proposed dwelling will significantly improve the amenity of the site.

Boundary Setbacks

One of the representations raised concerns surrounding the setback from Lot 1. The applicant has amended the plans so that a setback of 900mm is proposed. This will also mean the building will meet the building fire safety setback requirements.

A setback of 900mm is usually used as a minimum in shack areas as fire safety requirements conflict with Council's requirement for ground floor areas to remain open and the removable panels are more difficult to design and construct while still remaining easily removable.

Fire safety setbacks for the river side do not come into effect due to the public reserve. The 40mm setback will not pose a problem for fire safety setbacks.

River Setbacks

Within the Shack Settlement Policy Area there are many provisions which focus upon the setback of shacks from the river. This is to preserve the river amenity and ensure river views are not impeded. The proposed setback within this application was a particular concern raised within both representations.

The proposed dwelling is to be located closer to the waters edge than both the adjoining dwellings. Due to the allotments configuration, if a dwelling is constructed in the larger section of the allotment near the river it will always be located in front of the dwelling on Lot 1. In an effort to minimise the loss of view from the existing dwelling on Allotment 1 the area at ground level to be enclosed will be located on the northern side of the allotment.

The proposed dwelling is of a similar size to the dwelling located on Lot 3 however due to the shape of the allotment and the existence of powerlines the proposed dwelling is unable to be moved further from the river.

The proposed dwelling will impede views of the River Murray from Lot 3 & Lot 1. Unless an alternative building design is proposed there is no way for the proposed dwelling to be relocated upon the property which would bring the dwelling in line with the existing dwellings on Lots 3 & 1. The restriction of the powerlines and the depression that is located within the 'leg' of the property restricts the area suitable for dwellings to be constructed upon.

Vegetation

Within one of the representations concern was raised in relation to the removal of a large tree to the east of the existing dwelling on the subject land.

In both the representation and the response, the size of tree is discussed in relation to the definition of significant trees under the Development Act, 1993. Mid Murray Council is not within the area defined under Regulation 6A in regards to Significant Trees. When applications require the removal of vegetation, the assessment is based on the tree being remnant native vegetation or not. This means the size of the tree is only taken into consideration when determining if a tree has been planted or not. If it is a young tree or one that is strategically placed upon a property it is easier to determine if a tree has been planted. Further to this it should be noted that the removal of a tree in itself is not development and if it was removed separately no development application would be required.

After making an enquiry with the Native Vegetation Council about how it was determined if a tree was remnant vegetation and when a native vegetation clearance permit is required I was informed of the following:-

- The tree would need to be determined to be a species endemic to the locality;
- The applicant would need to conclusively prove the tree was planted. This can be done via photos showing the tree as a seedling or the signing of a statutory declaration;
- The location of the tree and its size are also things that are taken into consideration when determining if the tree is remnant vegetation or not..

If there was no evidence to prove the tree was planted, approval from the Native Vegetation Council would be required. The Native Vegetation Council will not grant consent if there is other suitable locations upon the property for the development to be sited. If approval was granted a suitable offset would need to be paid to the Native Vegetation Council (\$500 for the trees removal).

Within Council's Development Plan there are several Objectives and Principles of Development Control in the Council Wide section outlining the importance of preserving native vegetation when undertaking development. The applicant has advised Council within their response that the tree has been planted. The tree can not be considered to be remnant vegetation if it has been planted. In Council's Development Plan Principle of Development Control 37 endorses the preservation of all vegetation planted or otherwise to enhance and improve the locality's environment.

I do have concerns in relation to the tree located to the north of the existing dwelling and the possibility of its removal in the future. Principle of Development Control 117 of the Council Wide section of Council's Development Plan discourages the placement of dwellings near native vegetation when they will potentially risk buildings with falling limbs or by being a potential fire hazard.

Stormwater

The proposal includes three rainwater tanks to be located down the 'handle' of the allotment. This should be sufficient to supply the dwelling with suitable stormwater storage and capacity for a majority of minor storm events.

Flood Waters

The proposed dwelling is to have all its living areas elevated above the floodplain. After discussions with the applicant the plans have been amended to meet the allowable maximum clearance of 2.5 metres.

The protection of life and property from hazards (specifically floods) is repeated throughout Council's Development Plan. To reduce the potential for the proposed building being damaged by floodwaters the ground floor storage area is to be constructed from removable panels. This is a requirement of Principle of Development Control 13 of the Shack Settlement Policy Area.

The enclosed areas at ground level will not strictly adhere to the allowable amount outlined in Principle of Development Control 13, and will be 0.1 square metre over all specified area.

Bushfire Requirements

Principle of Development Control 186 of the Council Wide section of Council's Development Plan requires all residential development and tourism development to have a 20 metre setback from vegetation. While the proposal does not strictly meet the bushfire setback requirement, the site is not surrounded by dense vegetation and it is arguable whether the nearby trees pose a significant fire risk.

Principle of Development Control 187 of the Council Wide section of Council's Development Plan requires a 5,000 litre water storage tank dedicated to fire fighting be available by all residential developments in the General Bushfire Area.

Solar Orientation

Within the Mid Murray Council Development Plan Objective 42 of the Council Wide section states:-

Conservation of energy.

Building orientation and siting, appropriate window design, sun protection, solar water heating, insulation and landscaping assists in reducing energy requirements.

While not an Objective strongly adhered to within shack areas due to the desire to have living areas and windows towards the river, the proposed dwelling will have its day living areas on the north west of the dwelling.

Services

The dwelling will be required to be connected to the Five Mile STED Scheme to comply with Principles of Development Control 3 and 4 of the Shack Settlement Policy Area.

CONCLUSION

The proposal will require the removal of a tree. As this tree was planted, it can not be classed as native vegetation, and is possible to remove.

The dwelling is designed in a way which meets Council's Development Plan requirements concerning protection of life and property from floodwaters with removable panels and elevated living areas.

The proposed dwelling will impede river views from the existing dwellings on Lot 1 and Lot 3. However the location of powerlines and a depression in the 'handle' of the site restricts where a dwelling is able to be constructed upon the site. It is considered that given the restraints of the property the proposed location is the most suitable location for a dwelling. The dwellings size and design is not overtly extravagant and fits within the requirements of Council's Development Plan.

It is therefore considered that Development Application 711/017/08 is not seriously at variance with the Objectives and Principles of Development Control as listed in the Mid Murray Council Development Plan and therefore warrants the granting of Development Plan Consent.

RECOMMENDATION

moved that pursuant to Section 33(1)(a) of the Development Act, 1993 Development Plan Consent be granted to Development Application 711/017/08 subject to the concurrence of the Development Assessment Commission and the following conditions and notations:-

Conditions

- 1. The development shall be carried out in accordance with the details and plans submitted on 10/11/2008, other than where required to be varied by the following conditions.**

2. The dwelling must be connected to the Five Mile Communal Waste Water Control System before it can be used for human habitation. A Waste Water Disposal Application must be lodged and approved by Council prior to the dwellings construction.
3. The dwelling shall have a ground floor clearance of 2.5 metres as per correspondence received from the applicant dated 7 April 2008.
4. All exterior surfaces of the building/structure are to be of non-reflective materials, (factory applied colour coated steel or equivalent), and colours which blend in with the natural features of the environment as per the provided detail.
5. The underneath area of the elevated dwelling shall be enclosed using roller doors, removable panels, or other material which can be easily removed during times of flood.
6. The ground floor (with the exception of the area(s) shown to be enclosed on the approved plan) and balconies/verandahs are to remain open. No walls, curtains, blinds or other material being permanent, semi-permanent or removable are to be attached at any time to this building.
7. The ground floor storage area shall not have internally lined walling or have any floor coverings.
8. The ground floor storage area shall not be used for human habitation.
9. Should the building proposed for demolition contain any degree of asbestos material, you are advised to engage the services of a licensed asbestos removal contractor to remove all asbestos material from the site and deposit such material at a licensed transfer station.
10. 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.
11. 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.

12. 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.
13. All pipes and connections between the water supply and pump shall be no smaller in diameter than the diameter of the pump outlet.
14. 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.
15. 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.
16. The freestanding sides of the carport are to remain open. No curtains, blinds or walls being permanent, semi-permanent or removable are to be attached to this structure at any time.

Conditions as required by the Minister for the River Murray:-

17. 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.
18. The removable panels walls that will enclose the underside must be removed not more than 24 hours after a flood warning has been issued for the district.
19. The contents of the underside enclosed storage area, particularly chemicals, fertilizers etc., must be removed from the floodplain within 24 hours of a flood warning for the district.
20. Stormwater run-off from the dwelling 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 of all buildings on the site. Any overflow from the tank or tanks being managed to prevent erosion or pollution of the site and the River Murray and diverted away from wastewater disposal areas, such a septic tanks and aerobic systems.

21. The dwelling being unobtrusive and harmonising with the surroundings through the use of paint or finishes being of natural colour.

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. Expiry Date for Planning and Building Consents and Development Approvals

Development Plan Consent is valid for 12 months. The applicant must obtain Development Approval within 12 months of the date of the decision or the consent will lapse.

It is necessary to obtain Building Rules Consent (if shown as STILL REQUIRED on this Decision Notification Form) before full Development Approval is granted.

Once Development Approval is obtained, substantial work on the approved development must be commenced within twelve months of the date of Development Approval or the approval will lapse.

The approved development must be substantially completed within 36 months (3 years) of the operative date of Development Approval, or the approval will lapse and a new application must be lodged with the relevant authority.

4. The Council also advises that the proposed development will be located within the "River Murray Floodplain" which is subject to periodic flooding, which may cause extensive or total loss. Neither the Council or any of its Servants, Agents or Officers accept any responsibility for any such loss which may occur. Any conditions are imposed so as to maintain the natural character of the River Valley and to attain the Objectives of the River Murray Zone.

5. All existing trees on the site are to be retained wherever practicable.
6. 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.
7. 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.
8. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in any way which causes or may cause environmental harm.

Notations as required by the Minister for the River Murray:-

9. 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.
10. If the applicant wishes to use water from the River Murray, which is a Prescribed Watercourse she is required to apply to the Department of Water, Land and Biodiversity Conservation for a water licence. Inquiries should be directed to the Water Licensing Unit on 8595-2203.
11. 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.
12. 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, object 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 711/405/08 – WALKER FLAT & DISTRICTS COMMUNITY HALL

Reporting Officer: Geoff Parsons

Development No.	711/405/08
Applicant	Walker Flat & Districts Community Hall
Subject Land	Allotment 57 of DP68791, Mt Pleasant Walker Flat Road, Walker Flat, Hundred of Ridley
Proposal	Fence (Colourbond – 35 metres long – 1.5metres high)

INTRODUCTION

Development Plan Consent is sought for a fence constructed of colourbond material, measuring 35 metres long by 1.5 metres high. The application is retrospective as the fence has already been constructed.

The background to this matter is as follows:-

- Council is the land owner. They previously considered a request from the Walker Flat & Districts Community Hall Association representative Mr Fromm, to remove several Athol Pines and erect a new fence on the northern boundary of the allotment.
- Mr Fromm was advised in writing that the fence must be constructed in such a manner that it conforms to the relevant Development Plan requirements (i.e. post and wire fencing or similar – no solid fencing).
- On 14 April 2008 Council's Compliance Department undertook an inspection of the property which revealed that the fence had been constructed of solid colourbond material. This was not in accordance with the resolution of Council, and also constituted development pursuant to the Development Act 1993 and Development Regulations 2008.
- On 28 April 2008 this was confirmed in a letter sent to Mr Fromm, who was instructed to either remove the fence and construct a different fence in accordance with the Development Plan requirements, or lodge a development application in an attempt to legalise the structure.
- On 18 July 2008, after it became apparent that neither option had been pursued, Council's Compliance Officer – Mr Neil Cook, wrote to Mr Fromm requiring that an option be pursued within 14 days.
- Subsequently development application 711/405/08 was lodged in an attempt to legalise the structure.

The Development Assessment Commission is the relevant authority for the application. The proposal constitutes non-complying development and will require Category 3 public notification.

Staff of the Development Assessment Commission recommended that the application be refused prior to proceeding with an assessment. However the Development Assessment Commission have chosen to proceed to the assessment stage and are now seeking Council's formal written comments in relation to the matter.

SUBJECT LAND

The subject land is identified as Allotment 57 of DP68791, Mt Pleasant Walker Flat Road, Walker Flat, Hundred of Ridley as contained in Certificate of Title Volume 5959 Folio 746.

The allotment is approximately 2,765 square metres in area and currently contains the Walker Flat and Districts Community Hall, a small storage building and a war memorial. Some powerlines run through the allotment in close proximity to the northern boundary.

The land slopes gently towards the lake but is relatively level. The site is approximately 250 metres from the main channel of the River Murray.

The entire site is located within the 1956 floodplain.

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

DESCRIPTION OF PROPOSAL

The application proposes a 35 metre long solid fence constructed of colourbond materials. The fence has a height of 1.5 metres and is finished in a dark cream/light brown colour.

The fence is situated along the northern boundary of the property.

NATURE OF THE LOCALITY

The site immediately to the north of the land appears to be used for residential purposes. The building is in a dilapidated condition and will require remediation to ensure it meets appropriate standards. Various associated materials are on site (lounge suites, pieces of timber etc.) however the site is kept in an orderly condition.

The land to the south is occupied by the CFS.

The land to the east contains the lake and the River Murray. A number of holiday homes together with a general store and public reserve area are present between the lake and the River Murray.

The land to the west is used for various cropping and grazing activities, together with some irrigated pasture. Several farm buildings exist in the locality.

REFERRALS

The Development Assessment Commission is the relevant authority for this application.

It is understood that they have referred the application to the Department of Water Land and Biodiversity Conservation. A response is yet to be received.

PUBLIC NOTIFICATION

Public notification at a Category 3 level will be required.

This process has not yet taken place.

RELEVANT PROVISIONS OF THE MID MURRAY COUNCIL DEVELOPMENT PLAN

Council Wide

Objectives: 1, 6, 7, 15, 36, 39, 51 & 52

*Principles of Development Control: 5, 6, 34, 35, 43, 107, 110, 115, 122, 126, 128, 131,
186 & 189*

River Murray Zone

Objectives: 1, 2, 4, 8 & 19

Floodplain Policy Area

Objectives: 2, 3, 5 & 8

Principles of Development Control: 1, 4, 15, 16, 37 & 38

ASSESSMENT

Process

As previously noted the Development Assessment Commission is the relevant authority for this application pursuant to Schedule 10 (9)(4)(e) of the Development Regulations 2008.

At this stage Council's role is limited to that of providing comments to the Development Assessment Commission to assist them in making a decision on this application.

Should the Development Assessment Commission choose to grant Consent to the application, Council will need to grant concurrence in order for the consent to become effective.

Development Plan Assessment

The development is non-complying, and as such should generally not be granted Development Plan Consent unless exceptional circumstances apply.

The application notes that the rationale behind construction of the fence is to improve the visual amenity of the site, and to provide some visual screening of the premises adjacent the northern boundary. The fence is not, in any way, for security purposes.

An assessment of the primary issues in relation to this development is provided for below.

1. *Visual Amenity*

The effects of development on the visual amenity of surrounding buildings and landscapes can be measured in a number of different ways. Whether or not those effects are positive or negative is dependant on an individual person's point of view.

Nevertheless, Council's Development Plan provides a number of provisions noting the important of protecting and enhancing the visual amenity of localities including:-

Council Wide Objective 15 – Amenity of localities not impaired by the appearance of land, buildings and structures including landscape.

Council Wide Principle of Development Control 34 – Development, including alterations and additions to buildings, should not be undertaken unless it involves a high standard of design with regard to external appearance, building materials, colours, siting and landscaping, so as to preserve and enhance the character of the locality or desired future character of an area.

Council Wide Principle of Development Control 43 – Buildings or structures should be sited unobtrusively and be of a character and design which will blend naturally with the landscape.

In forming a view in relation to this matter particular regard has been given to the nature of existing built form in the locality.

No solid colourbond fences are present in the immediate locality. In the wider locality two have been identified, however only one of these fell within the 1956 floodplain. It appeared to be historic in nature and was likely constructed prior to current planning controls being introduced.

Development within the immediate locality surrounding the subject land is low density and "open" in nature. None of the adjoining land is enclosed using solid fencing (only post and wire fencing is in use).

The nature of the fence which has been established is such that it does not blend with the natural landscape character, or the character of surrounding built form (some of which appears to have heritage significance). Accordingly it is considered that the fence appears "out of place" with existing development in the locality and as such detracts from the visual amenity of the surrounding area.

The development does not conform to the relevant provisions of Council's Development Plan in this regard.

2. *Development within the Floodplain*

The subject land falls within the Floodplain Policy Area of Council's Development Plan and is located within the 1956 floodplain.

There are two principle concerns with regard to development within a floodplain. The first is the risk that is posed to such development from any future floods which may occur. The second, and perhaps the more important of the two, is the impact that such development may have in the event of the flood. For example it may redirect floodwaters to an alternate location, result in partial flooding of other land which would not have been flooded otherwise, or be destroyed by the floodwater and carried downstream where it may result in damage to other property or land.

Council's Development Plan places a significant emphasis on keeping flood prone land (outside of the designated Shack Settlement Policy Areas) free from development for these two reasons. The following provisions are noted in this regard:-

Council Wide Objective 6 – Land liable to flooding from the River Murray, either kept free of development which could be damaged or which would impede floodwaters, or designed and located to minimise property damage or impede flood waters.

Council Wide Objective 52 – Prevention of development which could lead to a potential hazard in the event of a major flood (Control of all development within floodplains is necessary to ensure hazards are not created).

Floodplain Policy Area Principle of Development Control 15 – Development should not take place where:

- (a) it is likely to be adversely affected by flooding and there is an unacceptable risk from flooding to life or property;*
- (b) the development is likely to increase the risk of flooding of other land; or*
- (c) it will obstruct or interfere with watercourses.*

Floodplain Policy Area Principle of Development Control 16 – Structures (apart from purpose built flood control levels), including fencing and the filling of land should:

- (a) not impede the flow of floodwaters or change the pattern or movement of floodwaters; and*
- (b) when feasible, mitigate any existing impediments to floodwaters.*

The fence as constructed comprises solid colourbond material. While the applicant notes that the colourbond sheets can be easily removed in the event of the flood advice from Council's Building Department is that this cannot occur due to it affecting the structural integrity of the fence.

Furthermore, unlike underfloor enclosure of elevated holiday homes (where removable panels are permissible) Council's Development Plan does not allow such exemptions to apply for fences. It is clearly noted in both the above provisions and others in the Development Plan, that development on floodplains that would impede the flow of floodwaters or pose a hazard in the event of a flood should not take place.

MID MURRAY COUNCIL – DEVELOPMENT REPORT

6.2 DEVELOPMENT APPLICATION 711/405/08 – WALKER FLAT & DISTRICTS COMMUNITY HALL

After considering the proposed development against the provisions of Development Plan in this regard it is apparent that the Development Plan does not appear to support the development in any way. A number of provisions note the dangers of such development and specifically state that it should not take place.

Accordingly the proposal does not meet the requirements of the Development Plan in regards to development on flood prone land.

CONCLUSION

The development which has taken place does not conform to the relevant provisions of Council's Development Plan.

Council's requirements were clearly presented to the Walker Flat & Districts Community Hall representative who instead chose to have a fence erected which does not meet the requirements of Council's Development Plan.

It is considered that the fence detracts from the visual amenity of the site and locality, and will pose a significant hazard in a flood event to the subject site, surrounding environment, and other buildings/land in the locality.

The proposal is considered to be seriously at variance with Council's Development Plan.

RECOMMENDATION

moved that Council's Development Assessment Panel endorse the report from the Senior Development Officer – Planning and arrange for the report to be presented to the Development Assessment Commission as Council's comments for consideration.

Furthermore that the Development Assessment Panel grant delegated authority to the Senior Development Officer – Planning to issue a decision in relation to concurrence, should the situation arise.

Seconded

Reporting Officer: Geoff Parsons

ERD Court No. 249 of 2008 – BD Forrest v Mid Murray Council

Development No.	711/030/08
Applicant	B Forrest
Subject Land	Lot 204 of DP65410, Wanke Road/Walker Avenue, Mannum, Hundred of Finniss
Proposal	Alteration to Development Authorisation 711/568/05 – Removal of Condition 4

INTRODUCTION

Members may recall this matter was previously presented to the Development Assessment Panel at its February meeting in 2008. A copy of the previous DAP report is attached.

Essentially development application 711/030/08 sought to remove condition 4 on the development authorisation relating to 711/568/05 for a detached dwelling which reads:-

- 4. The dwelling must be connected to the SA Water Sewer. Applicants are advised that the Sewerage Act requires plans for building work in the sewerage area to be lodged with the SA Water Corporation, PO Box 796, Murray Bridge 5253 14 days prior to commencing work.*

At the February meeting the Development Assessment Panel adopted the following recommendation:-

B Taylor moved that pursuant to Section 33(1)(a) of the Development Act, 1993 Development Application 711/030/08 be refused for the following reasons:-

*Council Wide
Objectives 9 & 14
Principles of Development Control 4, 7, 23, 24, & 25*

*Residential Zone
Objectives 3 & 4*

Seconded R Dawkins.

The applicant subsequently appealed the decision of the Development Assessment Panel, and has been in negotiations with Council staff through the ERD Court process since that time.

The matter has not yet proceeded to full appeal, and in an effort to avoid doing so, the applicant is proposing a compromise for the Development Assessment Panel to consider.

COMPROMISE PROPOSAL

The applicant has received advice from SA Water in regards to connecting the dwelling to the SA Water sewerage system. That advice provided three options.

The first option was to provide a connection point on Wanke Road together with an easement from the south east section of the allotment through to Wanke Road. Such system however was to cost in excess of \$40,000.

The second option was to acquire an easement over a property fronting Victoria Street, lay the appropriate infrastructure in the easement and connect the infrastructure to a connection point in Victoria Street. This option is also likely to come at significant cost (due to acquisition of the land for an easement etc.).

The third option involved installing a pump system to dispose of wastewater to a connection point on Walker Avenue. This system would be of similar cost to that of installing an on-site aerobic wastewater treatment system (the system the applicant is proposing).

The applicant maintains his position that he does not wish to connect the dwelling to the SA Water sewerage system. It is understood that the rationale behind this position is due to the financial situation (in regards to the connection options above) and the ability to be able to reuse the water from an aerobic wastewater treatment system on the extensive amounts of vegetation on the land. This could not occur if the dwelling was connected to the SA Water sewer.

In an effort to further the ability for a compromise the applicant has stated he is prepared to enter into a Land Management Agreement with Council which would prohibit future division of the land and ensure that regular maintenance of the on-site effluent system would occur.

Accordingly the applicant is seeking the consent of the Development Assessment Panel to remove condition 4 of development authorisation 711/568/05, install an on-site aerobic wastewater treatment system, and enter into a Land Management Agreement with Council to prevent further division of Allotment 204 and require regular maintenance of the aerobic wastewater disposal system.

ASSESSMENT

It is commonly accepted that the most efficient and safest way of disposing of wastewater is via the SA Water sewerage system. On-site disposal systems commonly fail due to lack of maintenance, soil conditions, excessive rainfall saturating soils etc.

In this instance there are a number of points to consider:-

1. Allotment Size

The subject land is unusually large in size. Currently the allotment has an area of approximately 1.392 hectares. The applicant is proposing to undertake a boundary realignment at some future point, which would result in the area of the allotment being approximately 9,375 square metres.

Generally 1,200 square metres is sufficient area for an on-site wastewater treatment system to function adequately. Accordingly the allotment area (assisted by the vegetation upon it) should provide ample room for irrigation of treated wastewater.

2. *Possible Connection to the SA Water Sewerage System*

While connection to the SA Water sewer system is possible, two of the options have significant financial implications, and although these are unable to be considered as part of a development plan assessment, the practicality of the solutions must be taken into consideration.

The final solution of using a pump to dispose of wastewater to the Walker Avenue sewer drain is possible, and can be arranged at similar cost to that of establishing an on-site wastewater disposal system.

It should be noted however that a pump, similar to an on-site wastewater disposal system can fail and require repair.

3. *Land Management Agreement*

A Land Management Agreement is proposed which would ensure no land division (including boundary realignment) resulted in the subject land having an area less than 9,000 square metres and requiring regular maintenance of the on-site wastewater disposal system.

Such an Land Management Agreement may assist in alleviating Council's concerns. However it does raise the issue as to what extent should Council compromise to facilitate development. Common legal opinion suggests that Land Management Agreements can not, and should not, be used to make an inappropriate development an appropriate development.

4. *Council Policy*

Council have adopted a policy requiring that all allotments with the ability to connect to the SA Water sewerage system must connect.

Unfortunately this policy is not reflected in the Development Plan and as such may not be taken into consideration. Legal advice recently received by Council has confirmed this.

5. *Development Plan Requirements*

The Development Assessment Panel, in the resolution adopted at the February meeting in 2008, noted the proposals non-compliance with a number of Objectives and Principles of Development Control of the Development Plan.

These provisions, and the Development Plan in its entirety, have been thoroughly reviewed. In general it is considered that the requirements of the Development Plan in regards to connection to the SA Water sewerage system are able to be interpreted in a number of different ways.

While the Development Assessment Panel should not take into consideration the way the ERD Court may view this matter, it should be noted that the matter could possibly be argued successfully from both points of view.

If Council were to contest and subsequently lose the appeal, they may also lose the ability to ensure a Land Management Agreement is utilised.

Council's Senior Development Officer – Planning has sought legal advice in regards to Council's position on this matter. This can be discussed in camera if the Development Assessment Panel wishes.

CONCLUSION

Under normal circumstances connection to the SA Water sewerage system would be a firm requirement of Council. It is commonly accepted as the safest and most efficient method of managing wastewater treatment.

In this instance however there are a number of additional factors to consider including allotment size, Land Management Agreements, difficulties in connecting to the SA Water sewerage system and the lack of clear policy in the Development Plan.

For these reasons, combined with the essence of the legal advice received from Council's Solicitors, it is recommended that the Development Assessment Panel adopt the following resolution.

RECOMMENDATION

moved that the Development Assessment Panel consider the compromise proposal in relation to Development Application 711/030/08 acceptable, and request that the Environment, Resources and Development Court issue the appropriate Consent Orders, subject to the following first being undertaken:-

1. A Land Management Agreement being prepared which provides for the following:-
 - (i) appropriate restrictions against future division of Allotment 204, Wanke Road/Walker Avenue, Mannum, Hundred of Finniss;
 - (ii) ensures satisfactory agreements are in place for the ongoing maintenance of the on-site wastewater treatment system;
 - (iii) adequately governs any other matters deemed relevant.
2. The Land Management Agreement being finalised prior to the request to the Environment, Resources and Development Court for Consent Orders to be issued being made.
3. The applicant funding all costs associated with the preparation and implementation of the Land Management Agreement.

Seconded

MID MURRAY COUNCIL – DEVELOPMENT REPORT

6.4 ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT APPEALS

Reporting Officer: Geoff Parsons

ERD Court No. 359 of 2008 – DJ & A Thiele v Mid Murray Council

Development No.	711/297/08
Applicant	DJ & A Thiele
Subject Land	Lot 4, Part Section 257, Government Road, Hundred of Eba
Proposal	Detached Dwelling, Four Farm Buildings and Animal Keeping

INTRODUCTION

Members will recall the development application presented to the July meeting of the Development Assessment Panel which sought Development Plan Consent for a detached dwelling, four farm buildings and animal keeping on an allotment of approximately 33 hectares in area.

The subject land is located in the Rural Zone – Pastoral Policy Area as noted in Council's Development Plan. This policy area requires a minimum allotment size of 900 hectares in order to establish a detached dwelling.

At the July meeting the Development Assessment Panel made the following decision:-

2537/1 J Miller moved that pursuant to Section 33 (1)(a) of the Development Act, 1993 Development Plan Consent to Development Application 711/297/08 be refused due to the degrees of variance with the relevant provisions of Council's Development Plan, namely:

*Council Wide, Objectives 33 & 35
Rural Zone, Principle of Development Control 21
Rural Zone, Pastoral Policy Area Principles of Development Control 1 & 2.*

Seconded B Taylor.

APPEAL

The applicant lodged an appeal against the decision of Council's Development Assessment Panel.

On Friday 26 September 2008 I attended a compulsory conference at the ERD Court in relation to the matter. Both parties were of the view that there may possibly be some potential for compromise.

It was suggested to the applicant that they prepare additional information (and employ the services of both a Planning and Land Use Consultant) to justify to the Development Assessment Panel the rationale behind why the proposal warrants Development Plan Consent.

A site inspection of the subject land has also been arranged to demonstrate the existing site conditions to Development Assessment Panel members.

The applicants have submitted additional information to justify their proposal which is attached.

ASSESSMENT

The Development Assessment Panel noted the following Objectives and Principles of Development Control when providing the reasons for refusal:-

Council Wide Objective 33 - Retention of rural areas for agricultural and pastoral purposes.

Council Wide Objective 35 - Rural living development in defined areas.

Rural Zone Principle of Development Control 21 - A dwelling should only be established on an allotment with a minimum size of 36 hectares, other than the area defined as Figs HF (MWPA)/1 to 5 and Figs HF (HPA)/1 to 5 where an allotment with minimum size of 200 hectares is required and the Pastoral Policy Area where an allotment with a minimum size of 900 hectares is required.

Rural Zone, Pastoral Policy Area Principle of Development Control 1 - Development should not be undertaken unless it is consistent with the Desired Future Character for the Rural Zone and Pastoral Policy Area.

Rural Zone, Pastoral Policy Area Principle of Development Control 2 - The minimum allotment size for a dwelling is 900 hectares.

The Development Plan clearly places a strong emphasis on limiting residential development in rural areas. Additional dwellings in rural areas lead to a number of issues including land use conflict (the effects of chemical spraying on dwellings, dust and noise generation and subsequent complaints etc.) and the uneconomic provision of services and infrastructure.

Under normal circumstances it would be suggested that an application for a detached dwelling on an allotment of 33 hectares in the Pastoral Policy Area should be refused. It is considered that there are sufficient criteria in the Development Plan to justify such a decision.

However this individual circumstance warrants additional consideration.

Existing Land Use

The desired future character statement for the Pastoral Policy Area reads as follows:-

The majority of the Pastoral Policy Area is used for extensive grazing on property sizes of an average size of 900 hectares. Land Management practises should improve the marginal quality of the land, and not result in further land degradation or land fragmentation.

The majority of land in the Pastoral Policy Area is used for grazing purposes, and it is desirable that these activities continue without risk of encroaching development which has the potential to impact negatively of the grazing operations.

The subject land and surrounding locality however, are not utilised for grazing purposes. The area is densely vegetated with mallee scrub and several dwellings do exist in relatively close proximity to the subject land.

Grazing of this land could not occur without significant clearance of native vegetation. The Native Vegetation Council will not allow such clearance to occur. As such the subject land (and a majority of the surrounding land) cannot be used for the purposes for which it is zoned.

It is considered therefore that one must examine alternative uses which align, as far as possible, with the zoning requirements, and which do not jeopardise the ability of other land in the locality to be used for purposes which align with the provisions of the Rural Zone – Pastoral Policy Area.

Proposed Land Use

The applicants are proposing to establish a detached dwelling on the property. In addition they are seeking Development Plan Consent for four farm buildings (several currently exist on the allotment without Development Approval) and animal keeping, in the form of a number of alpacas.

The applicant has provided additional information in regards to the alpacas to be kept on site including their expected environmental impact and economic benefit. Keeping alpacas on site provides for a farming use which will be associated with the land.

Such use does not constitute grazing and therefore does not satisfy the provisions of the Pastoral Policy Area. However given the existing conditions of the subject land and locality (dense vegetation, minimal rainfall, existing dwellings in the locality etc.) it is clear that the provisions of the Pastoral Policy Area cannot be achieved on the subject land.

Therefore it is considered that the proposal being put forward by the applicant represents an adequate compromise whereby a farming use (albeit not extensive grazing) can be conducted on an allotment which is severely limited by its existing condition. The proposal represents a possible solution which can, in general terms, satisfy the overarching aims of the Development Plan in terms of acceptable land uses.

Impact

This issue represents the principle concerns of Council's planning staff. Though satisfied that the applicants propose a land use that is generally consistent with the Development Plan, the potential impacts of their overall development have not been explored at length.

The Development Plan notes that negative outcomes of increasing the amount of dwellings in rural areas. The uneconomic provision of infrastructure (water, electricity etc.) and services (child care, social services etc.) can be a burden which the remainder of the local community bear. Furthermore the potential for land use conflict increases in an area which should be predominantly dominated by activities of rural and primary production nature.

Minimal information has been prepared by the applicants to justify the amount or extent of the impacts their development may have.

The author generally understands that the amount of vegetation on site will assist in minimising potential land use conflicts. The “buffer” distances recommended by the Environmental Protection Authority (EPA) are significantly less when areas are covered by significant stands of vegetation.

In addition several of the allotments surrounding the subject land currently contain dwellings, but do not appear to contain rural or primary production activities. Given they are also densely vegetated the land surrounding the subject land is unlikely to be cleared and used for extensive grazing operations in the future. Accordingly one could argue the potential for land use conflict is minimal.

In terms of the uneconomic provisions of infrastructure and services, it is difficult to measure the potential impact of the development. One additional dwelling in the locality is unlikely to place a significant burden on existing services located at Morgan (the closest urban area). In fact it could be argued that additional persons residing in the locality provide a benefit rather than a detriment to the local services and economy.

In addition the dwelling is to be dependant on solar power (batteries if required), rainwater and an on site effluent disposal system. Accordingly the demand for additional infrastructure in the locality is unlikely as a result of this development in isolation. However it is acknowledged that the greater the number of dwellings, the greater the demand for services – the provision of which would be likely to be uneconomic.

It is difficult to form a view as to the merits of the proposal in this regard. Detailed information has not been submitted to justify the developments impacts. However based on the information available it has been determined that any impacts the proposed development may have would be significant enough to justify refusal of the application.

CONCLUSION

After thorough consideration of this matter it is considered that the proposal demonstrates a reasonable level of merit.

The existing constraints of the allotment (size, vegetation etc.) result in a primary production use being difficult to manage on the allotment. The proposal represents a compromise whereby the provisions of the Development Plan are generally accorded to, while not jeopardising the ability of other land in the locality to be used for its designated purpose.

Accordingly it is considered that the matter is not seriously at variance with the provisions of Council’s Development Plan.

It is recommended that Council’s Development Assessment Panel concede the appeal, and request that the ERD Court issue the Consent Order subject to the appropriate conditions and notations.

RECOMMENDATION

moved that the Environment, Resources and Development Court be advised that after further consideration of the matter against the relevant provisions of Mid Murray Council's Development Plan, Development Application 711/297/08 is deemed to warrant Development Plan Consent, and it is therefore requested that the Environment, Resources and Development Court issues Consent Orders 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. The proposed shedding will not be used for human habitation.
3. The dwelling shall be screened with native trees and shrubs which when mature will enhance the amenity of the locality and such trees and shrubs shall be maintained and nurtured at all times with any diseased or dying plants being replaced.
4. 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.
5. 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.
6. 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.
7. All pipes and connections between the water supply and pump shall be no smaller in diameter than the diameter of the pump outlet.
8. 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.

9. 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.
10. The dwelling must be connected to an approved wastewater disposal system before it can be used for human habitation. A wastewater disposal application must be lodged and approved by Council prior to the building being constructed.
11. The human habitation of the shedding shall desist immediately upon the dwelling being suitable for human habitation.

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 and SA Water 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 an 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. Expiry Date for Planning and Building Consents and Development Approvals

Development Plan Consent is valid for 12 months. The applicant must obtain Development Approval within 12 months of the date of the decision or the consent will lapse.

It is necessary to obtain Building Rules Consent (if shown as STILL REQUIRED on this Decision Notification Form) before full Development Approval is granted.

Once Development Approval is obtained, substantial work on the approved development must be commenced within twelve months of the date of Development Approval or the approval will lapse.

The approved development must be substantially completed within 36 months (3 years) of the operative date of Development Approval, or the approval will lapse and a new application must be lodged with the relevant authority.

4. 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.
5. As you propose to construct a dwelling 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.
6. 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.
7. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in any way which causes or may cause environmental harm.
8. The applicant is advised that any proposal to clear, remove limbs or trim native vegetation, unless subject to an exemption under 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.

Seconded

Kelvin Goldstone
MANAGER, ENVIRONMENTAL SERVICES