

ALEXANDRINA COUNCIL

NOTICE OF MEETING

Notice is hereby given to Councillors and Members that the next meeting of Development Assessment Panel will be held in the Community Chambers "wal Yuntu Warrin", on 22 October 2009 commencing at 11:30 am



Your attendance is requested.

11.30 am Commencement of meeting

12.30 pm Conclusion of meeting

Don Donaldson
CHAIRPERSON

14 October 2009

**REPORT AND AGENDA
FOR DEVELOPMENT ASSESSMENT PANEL MEETING TO BE
HELD ON 22 OCTOBER 2009
IN THE
COMMUNITY CHAMBERS "WAL YUNTU WARRIN",
COMMENCING AT 11:30 AM**

PRESENT

APOLOGIES

IN ATTENDANCE

ITEM 1. CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on 29 September 2009.

RECOMMENDATION

That the minutes of the Alexandrina Council Development Assessment Panel held on 29 September 2009 as circulated to members be received as a true and accurate record.

ITEM 2. DEVELOPMENT APPLICATIONS

ITEM 3. **DEVELOPMENT APPLICATIONS - NON COMPLYING**

3.1 455/1257/08 - Rossdale Homes Pty Ltd

SUMMARY TABLE

Date of Application	4 November 2008
Subject Land	Sections 21 & 23 Wickhams Hill Road, Kuitpo
Assessment No.	A 14381
Relevant Authority	Alexandrina Council
Planning Zone	Watershed Protection
Nature of Development	Detached dwelling – Single storey (Non-complying)
Type of Development	Non-complying
Public Notice	Category 3
Referrals	Environment Protection Authority, CFS
Representations Received	Nil
Representations to be heard	Nil
Date last inspected	-
Recommendation	Approval subject to Development Assessment Commission concurrence
Originating Officer	Andrew Sladden / Tom Gregory

THE PROPOSAL

Nature of Development

The Development Application involves the removal of an existing dwelling and its replacement with a new single storey detached dwelling. The subject site consists of one allotment, comprising three sections, two of which contain dwellings. Therefore there are two existing dwellings on the subject allotment.

The subject Site is located within the Watershed Protection Zone pursuant to Map Alex/4 from the Alexandrina Development Plan. Principle of Development Control 12 for the Watershed Protection Zone states:

*12 All kinds of development are **non-complying** in the Watershed Protection Zone, except the following:*

.../cont.

3.1 455/1257/08 – Rossdale Homes Pty Ltd (Continued)

Detached dwelling where the detached dwelling is to be erected on an existing allotment and where a habitable dwelling or tourist accommodation for up to ten guests does not already exist on the allotment and where:

- (a) no valid planning authorisation to erect a dwelling on that allotment exists;*
- and*
- (b) no other application for planning authorisation is being made or has been made and is not yet determined for a dwelling on that allotment; and*
- (c) where the detached dwelling and allotment complies with the following criteria:*

As there are two existing dwellings on the subject site and the application involves the replacement of one of these dwellings, the Development Application has been classified as a non-complying form of development pursuant to the above.

Detailed Description

The proposed dwelling has an area of 283m² comprises 3 bedrooms, IT room, home theatre, family, lounge, and office. There is a large 110m² pavilion (verandah) at the rear of the dwelling.

The proposed dwelling is to be constructed of brick, and will incorporate a colorbond roof with a pitch of 25 degrees. Overall the height of the dwelling (inclusive of site works) is approximately 6.5 metres.

The dwelling is to be sited approximately 400 metres from the northern boundary (Wickhams Hill Road), 550 metres from the western boundary (Brockhurst Road), 400 metres from the southern boundary (Brockhurst Road), and some 1100 metres from the eastern boundary. The existing dwelling proposed to be removed is located in substantially the same location as the proposed new dwelling.

REFER ATTACHMENT 3.1(a) (page 1)

SITE & LOCALITY

The subject land consists of an irregular shaped allotment comprising of an area of some 196 hectares. The subject site is located approximately 16 km north east of the Mount Compass Township and is on the border of the Alexandrina and Onkaparinga Council areas.

.../cont.

3.1 455/1257/08 – Rossdale Homes Pty Ltd (Continued)

The land is formally identified as Sections 21 and 23, Hundred of Kuitpo contained within Certificate of Title Volume 2307 Folio 46. The subject land contains an existing single storey detached dwelling and associated outbuildings located on the centre of the eastern boundary of Section 21, the site of the existing dwelling to be removed and the proposed new dwelling. On the same section of land are a number of zincalume sheds located west of the proposed dwelling.

There are four large dams, with a dense amount of vegetation scattered throughout of Section 21, particularly surrounding the site of the proposed dwelling, screening it from public view.

Section 23 is the largest portion of the title containing an existing dwelling in the northern portion of this section. In the centre of this section there are a number of zincalume sheds that once again aid in the farming use of the land. There are approximately 8 dams scattered throughout this section, with areas of vegetation surrounding the existing dwelling.

In the locality, the subject site is the largest allotment, with a number of the allotments being of an average size of approximately 30 hectares. Land to the north and west of the allotment is used for viticulture purposes. Land to the east is used for grazing purposes.

PUBLIC NOTIFICATION

The application underwent Category 3 Public Notification between 29 June 2009 and 13 July 2009. No representations were received within this timeframe.

REFERRALS

The application was referred to the CFS pursuant to Section 37 of the Development Act 1993 and Schedule 8, (18) of the Development Regulations 2009 as the subject site is located within a high bushfire risk area pursuant to the Alexandrina Development Plan. The CFS have assessed the bushfire risk for the area of the dwelling as being high and have recommended the addition of three conditions to the approval.

The application was also referred to the EPA pursuant to Section 37 of the Development Act 1993 and Schedule 8, 10 (a) of the Development Regulations 2008. The EPA support the proposed development subject to two of their standard conditions and two notes.

REFER ATTACHMENT 3.1(b) (page 25)

.../cont.

3.1 455/1257/08 – Rossdale Homes Pty Ltd (Continued)

CONSULTATION

Consultation has been undertaken with Council's Environmental Health Department (EHO Karen Rokicinski) with regard to the effluent disposal system. It is noted that Karen has approved a new Waste Control System for the proposed dwelling.

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

As the Development Application was lodged in October 2008 it has been assessed in accordance with the Development Plan current at the time of lodgement, that being consolidated 20 March 2008. The following Objectives and Principles of Development Control are relevant to the assessment of the Development Application:

COUNCIL WIDE

Appearance of Land and Buildings

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

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

Comment

The proposed development is considered to generally comply with the above as the proposed development involves replacing an existing dwelling with a new dwelling. As the site of the existing and proposed dwelling is setback approximately 300 metres from the nearest road, it will not impair the amenity of the surrounding locality.

Mount Lofty Ranges Region

Objective 54: *The maintenance and enhancement of the national resources of the Mount Lofty Ranges Region.*

Objective 55: *The enhancement of the Mount Lofty Ranges Region catchments as sources of high quality water.*

Objective 56: *The long term sustainability of rural production in the Mount Lofty Ranges Region ensured.*

.../cont.

3.1 455/1257/08 – Rossdale Homes Pty Ltd (Continued)

Comments

Although generally not entirely relevant to the proposed development, the abovementioned PDC's are considered to be complied with as the proposed dwelling, which will substantially occupy an existing building footprint is not envisaged to impact upon any natural resources or the rural production capability of the subject property

Watershed Protection

***Objective 62:** The protection of the Mount Lofty Ranges Watershed against pollution and contamination.*

***Objective 63:** The prevention of development which could lead to a deterioration in the quality of surface or underground waters within the Mount Lofty Ranges Watershed.*

Comment

Given the fact that the proposed dwelling will be connected to an approved Waste Control System, it is not considered that the development will pollute or contaminate existing water resources.

Bushfire Protection

OBJECTIVES

***Objective 64:** Development should minimise the threat and impact of bushfires on life and property while protecting the natural and rural character.*

***Objective 65:** Buildings and the intensification of non-rural land uses directed away from areas of high bushfire risk.*

Bushfire Protection

***PDC 295** Buildings and structures should be located away from areas that pose an unacceptable bushfire risk as a result of one or more of the following:*
(a) vegetation cover comprising trees and/or shrubs;
(b) poor access;
(c) rugged terrain;
(d) inability to provide an adequate building protection zone; or
(e) inability to provide an adequate supply of water for fire-fighting purposes.

.../cont.

3.1 455/1257/08 – Rossdale Homes Pty Ltd (Continued)

PDC 296 Residential, tourist accommodation and other habitable buildings should:

- (a) be sited on the flatter portion of allotments and avoid steep slopes, especially upper slopes, narrow ridge crests and the tops of narrow gullies, and slopes with a northerly or westerly aspect;
- (b) be sited in areas with low bushfire hazard vegetation and set back at least 20 metres from existing hazardous vegetation; and
- (c) have a dedicated water supply available at all times for fire fighting which:
 - (i) is located adjacent to the building or in another convenient location on the allotment accessible to fire fighting vehicles,
 - (ii) comprises a minimum of 5000 litres in areas shown as General or Medium Bushfire Risk on Bushfire Protection Area figures; or
 - (iii) comprises a minimum of 22 000 litres in areas shown as High Bushfire Risk on Bushfire Protection Area figures.

PDC 301 Vehicle access and driveways to properties and public roads created by land division should be designed and constructed to:

- (a) facilitate safe and effective operational use for fire-fighting and other emergency vehicles and residents; and
- (b) provide for two-way vehicular access between areas of fire risk and the nearest public road.

Comment

Compliance with the bushfire protection requirements has been achieved through referral to the CFS and the imposition of the CFS Conditions of approval.

General

PDC 164 Development within the Mount Lofty Ranges Region should be compatible with its use as a water catchment and storage area, and with its values as an area of agricultural production and scenic quality.

PDC 165 Development should primarily be limited to that which is essential for the maintenance of sustainable grazing, commercial forestry and mixed agricultural activities.

Comments

As explained previously, the proposed development will have minimal impact upon the capabilities of the allotment for water catchment purposes and its capability for rural production.

.../cont.

3.1 455/1257/08 – Rossdale Homes Pty Ltd (Continued)

Form of Development

PDC 167 Development should take place on land which is suitable for the intended use of that land having regard to the location and condition of that land and the objectives for the zone in which it is located.

PDC 168 Development should take place in a manner which will not interfere with the effective and proper use of other land in the vicinity and which will not prevent the attainment of the objectives for that other land.

PDC 177 Buildings, including structures, should be located in unobtrusive locations and, in particular, should:

- (a) be located well below the ridgeline;*
- (b) be located within valleys or behind spurs;*
- (c) be located in such a way as to not be visible against the skyline when viewed from public roads and especially from the Mount Lofty Ranges Scenic Road;*
- (d) be set well back from public roads, particularly when the allotment is on the high side of the road;*
- (e) be sited on an excavated rather than a filled site in order to reduce the vertical profile of the building;*
- (f) where possible be located in such a way as to be screened by existing native vegetation when viewed from public roads and especially from the Mount Lofty Ranges Scenic Road; and*
- (g) be located in such a way as to maximise the retention of existing native vegetation and the protection and retention of watercourses in their natural state.*

PDC 178 Buildings, including structures, should be designed in such a way and be of such a scale as to be unobtrusive and not detract from the desired natural character of the Mount Lofty Ranges Region and, in particular:

- (a) the profile of buildings should be low and the rooflines should complement the natural form of the land;*
- (b) the mass of buildings should be minimised by variations in wall and rooflines and by floor plans which complement the contours of the land; and*
- (c) large eaves, verandahs and pergolas should be incorporated into designs so as to create shadowed areas which reduce the bulky appearance of buildings.*

.../cont.

3.1 455/1257/08 – Rossdale Homes Pty Ltd (Continued)

Comment

The proposed development is considered to generally comply with the above, as it will be located within a site clear of vegetation and within an existing building footprint. It is therefore, considered to be in a location which is suitable for its intended use.

PDC 179 *The external materials of buildings should:*

- (a) have surfaces which are of a low light reflective nature; and*
- (b) be of natural colours so as to be unobtrusive, blend with a natural rural landscape and minimise any visual intrusion.*

PDC 180 *Buildings, including structures, on allotments which abut the Mount Lofty Ranges Scenic Road should be set well back from the scenic road.*

Building Set-backs

PDC 233 *The distance by which building development is set-back from a road should be related to the effectiveness of the screening of views of the building development from that road by existing vegetation, natural landforms or other natural features or by other existing buildings.*

Comment

The proposed materials are considered to be appropriate and this is backed up with an appropriate condition of approval. As the existing and proposed dwellings are setback approximately 300 metres from the nearest road, the proposal is considered to comply with PDC 180, above.

Mount Lofty Ranges Watershed

General

PDC 274 *Development within the South Mount Lofty Ranges should be compatible with its use as a water catchment and storage area for a major urban water supply system.*

PDC 275 *Development should primarily be limited to that which is essential for the maintenance of sustainable grazing, commercial forestry and mixed agricultural activities.*

.../cont.

3.1 455/1257/08 – Rossdale Homes Pty Ltd (Continued)

PDC 277 Activities which produce large amounts of wastewater should not be established in the Watershed unless they can be connected to an approved sewerage or common effluent scheme (other than wineries, where the risk to water supply is negligible with appropriate management, design and siting).

Comment

Compliance with the above has been achieved through the approved Waste Control System and a replacement dwelling is not considered to impact upon the capability of the site for water catchment purposes.

WATERSHED PROTECTION ZONE

OBJECTIVES

Objective 1: Protection of the Mount Lofty Ranges Watershed from pollution and contamination.

Objective 2: Prevention of development which could lead to a deterioration in the quality of surface or underground water within the Mount Lofty Ranges Watershed.

Objective 3: Retention of the scenic attractiveness of the rural landscape and bushland remnants.

Comment

The proposed development is considered to generally comply with the above mentioned Objectives as the building, which is replacing an existing building is unlikely to cause any significant pollution or contamination particularly as it will be connected to an approved waste control system which is considered to be suitable for the area.

PRINCIPLES OF DEVELOPMENT CONTROL

Form of Development

PDC 1 Development should be primarily for agriculture of a scale and nature compatible with water catchment requirements.

.../cont.

3.1 455/1257/08 – Rossdale Homes Pty Ltd (Continued)

Watershed Protection

PDC 4 Development within the Mount Lofty Ranges Watershed should be compatible with its use as a water catchment and storage area.

PDC 5 Development should primarily be limited to that which is essential for the maintenance of sustainable grazing and mixed agricultural activities.

Comment

General compliance with the above has been achieved through the fact that the proposed dwelling will be replacing an existing dwelling, and is not an additional structure.

CONCLUSION

Although non-complying, the proposed development is considered to be fairly minor as it is replacing an existing dwelling. General compliance with the relevant provisions of the Alexandrina Development Plan has been achieved and the proposed development is not considered to be visually obtrusive due to its location nor impact upon the natural environment. It is for these reasons that the proposed development warrants the granting of Development Plan Consent.

RECOMMENDATION

That the Development Assessment Panel grant Development Plan Consent to Development Application 455/1257/08 for a Single Storey Detached Dwelling at Section 23 Wickhams Hill Road Kuitpo subject to the following conditions and notes and subject to concurrence of the Development Assessment Commission.

Conditions

1. The development herein approved to be carried out in accordance with plans and details accompanying this application (plans received by Council on 31 October 2008).
2. All external cladding and trim of the proposed buildings must be of a non-reflective nature. Cladding materials must be coloured or painted in colours satisfactory to Council, within 3 months of substantial completion of the building. All paint work must be maintained to the reasonable satisfaction of Council

.../cont.

3.1 455/1257/08 – Rossdale Homes Pty Ltd (Continued)

3. All scarring or physical disturbances of the land surface during any excavation work shall be restricted to only that which is shown on the approved plan as required for building work and/or access purposes. All exposed faces around such scarred areas and spoil shall be screened with trees and shrubs and covered with suitable ground cover to the reasonable satisfaction of Council.
4. All stormwater drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or, in the opinion of Council, detrimentally affect structures on this site or any adjoining land.
5. The proposed demolition shall be carried out in accordance with the following:
 - Any dust or similar products arising from the demolition must be controlled and kept within the site as far as is reasonable;
 - The demolition, transport and disposal of asbestos products, is subject to legislative control and must be handled in accordance with those requirements. Contact the Department for Administrative and Information Services, Industrial Affairs - Mineral Fibres Branch (asbestos enquiries) on 8303 0400 for further information and relevant approvals. Australian Standard AS2601 Demolition of Structures, should be referred to for demolition procedures.

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

Notes

1. A wall retaining a difference in ground levels of more than 1 metre requires consent under the building rules as they apply to the Development Act 1993
2. Allotment boundaries will not be certified by Council staff. The onus of ensuring that the building is sited in the approved position on the current allotment is the responsibility of the owner. This may necessitate a survey being carried out by a licensed land surveyor.

.../cont.

3.1 455/1257/08 – Rossdale Homes Pty Ltd (Continued)

CFS Conditions

1. ACCESS

Private roads and access tracks shall provide safe and convenient access/egress for fire fighting vehicles.

- The existing access is satisfactory, and shall be maintained to this standard at all times.
- Vegetation overhanging the access road shall be pruned to achieve a minimum vertical height clearance of 4 metres.

2. VEGETATION

Landscaping shall include bushfire protection features which will prevent or inhibit the spread of bushfire and minimise the risk of damage to buildings and property.

- Trees and shrubs shall not be planted closer to the building(s) or power lines than the distance equivalent to their mature height.
- Grasses within 20 metres of the dwelling or the property boundaries, whichever comes first, should be reduced to a height of 10cms during the Fire Danger Season.
- Remove all pine trees within 50 metres of the proposed dwelling.

3. WATER SUPPLY

A supply of water independent of reticulated mains supply shall be available at all times for fire-fighting purposes.

- A supply of 22,000 (twenty two thousand) litres of water shall be available at all times for Bushfire fighting purposes.
- This supply shall be fitted with a fuel driven pump or an equivalent system that operates independent of mains electricity and is capable of pressurising the water for firefighting purposes
- The pump and flexible connections to the water supply shall be protected from the impact of Bushfire by a suitable ventilated, non-flammable cover (metal or masonry material)
- The firefighting pump shall be located:
 - at or adjacent to the dwelling to ensure occupants safety when operating the pump during a bushfire
 - NB: An 'Operations Instruction Procedure' shall be located with the pump control panel.

.../cont.

3.1 455/1257/08 – Rossdale Homes Pty Ltd (Continued)

- The firefighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a fire service 64mm male London round thread adaptor which shall be accessible to firefighting vehicles at all times.
- All water tanks used as a dedicated water supply for bushfire fighting shall be made of non-combustible material.
- All non metal firefighting water supply pipes other than flexible connections to firefighting pumps shall be buried at least 300mm below finished ground level.
- Hoses (minimum 19mm [3/4'] internal diameter) and metal, spray jet nozzles capable of withstanding the pressures of the supplied water and of sufficient length to reach all parts of the building should be readily accessible at all times.
- The hoses and water connection points (taps) shall be located at or adjacent to the dwelling to ensure occupants safety when using the hoses during a bushfire.

CFS Notes

1. The building shall incorporate the construction requirements for building in Bushfire Prone Areas, in accordance with the Building Code of Australian Standard TM3959-1999 (AS3959) 'Construction of buildings in bushfire prone areas.'
2. Compliance with the fire protection requirements is not a guarantee the dwelling will not burn, but provides a refuge from the approach, impact and passing of a bushfire.
3. The bushfire hazard for the area has been assessed as HIGH.

EPA Conditions

1. The application must be undertaken in accordance with the plans and specifications contained in development application number 455/1257/08, specifically plans 'Stormwater Layout' and 'Design Sewer Drain Layout' dated 16/10/08 by Mattson and Martyn, surveying and planning consultants.
2. All demolition wastes that does not contain asbestos and cannot be recycled must be deposited at a licensed waste depot.

.../cont.

3.1 455/1257/08 – Rossdale Homes Pty Ltd (Continued)

EPA Notes

1. The applicant is reminded of their environmental duty, as required by Section 25 of the Environmental Protection Act, to take all reasonable and practical measures to ensure that activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
2. Any information sheets, guidelines, documents, codes of practice, technical bulletins etc. that are referenced in this response can be accessed on the following web site: <http://www.epa.sa.gov.au/pub.html>

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

4.1 455/547/09 - Murraylands Christian College

SUMMARY TABLE

Date of Application	25 June 2009
Subject Land	Lot 342 Chapel Street, Strathalbyn
Assessment No.	A 12191
Relevant Authority	Alexandrina Council
Planning Zone	Residential (Strathalbyn) – Central Historic (Conservation) Policy Area 21
Nature of Development	Change of use – Educational Establishment (Early Learning Centre and Junior Primary School)
Type of Development	Consent / Merit
Public Notice	Category 3
Referrals	Dept Transport, Energy & Infrastructure (DTEI) (formal), Dept Heritage (informal)
Representations Received	5
Representations to be heard	3
Date last inspected	August 2009
Recommendation	Approval
Originating Officer	Andrew Sladden

BACKGROUND

The subject site consists of two large rectangular allotments, with a total area of approximately 4100m², located on the corner of Chapel Street and East Terrace, Strathalbyn. The subject site has a 67m frontage to Chapel Street and 122m frontage along East Terrace.

There is an existing dwelling (return verandah villa, circa early 1900's) located in the north eastern corner of the allotment which is on the local heritage register. There are also a couple of existing outbuildings located at the rear of the dwelling. The remainder of the allotment is vacant and devoid of vegetation and is currently used for the grazing of animals (sheep).

.../cont.

4.1 455/547/09 – Murraylands Christian College (Continued)

The Development involves the change of use of the site to create an educational establishment (Early Learning Centre) to be operated by the Murraylands Christian College which has an existing campus located opposite the subject site at 28 – 34 East Terrace.

THE PROPOSAL

Nature of Development

The Development application has been classified as an educational establishment pursuant to the following definition within Schedule 1 of the Development Regulations, 1993:

“educational establishment means a secondary school, college, university or technical institute, and includes an associated pre-school, primary school or institution for the care and maintenance of children;”

Principle of Development Control 29 for the Residential (Strathalbyn) Zone from the Alexandrina Development Plan, provides a list of Development which is non-complying within the Zone. An “educational establishment” is not listed as being a non-complying form of development and has therefore been assessed as a consent/merit form of development.

However, given the fact that the proposed land use is not residential, the application was classified as being Category 3 for public notification purposes.

Detailed Description

The proposal involves the change of the use of the subject site (in which the existing dwelling is currently owned and used by the existing Catholic Church located on the northern corner of Chapel Street and East Terrace) to create a Junior Primary School and Early Learning Centre with associated car parking and outdoor education areas.

The development is proposed to be undertaken in stages with the first stage being the erection of an early learning centre which is proposed to be located in the north eastern portion of the site behind the existing dwelling. This building is single storey, setback approximately 7m from the East Terrace boundary and contains the early learning centre, kitchen and directors office.

The next stage involves the restoration of the existing dwelling and its conversion into the administration building for the school with a staff room, meeting room, reception room, kitchen and teacher’s preparation room. This restoration will also involve the demolition of the existing lean-to verandah and removal of the existing sheds at the rear of the dwelling.

.../cont.

4.1 455/547/09 – Murraylands Christian College (Continued)

Further stages will involve the erection of four additional class room buildings, paved courtyard, toilet facilities, bus and staff car parking areas, landscaping and fencing. The access and egress points are proposed to be via a driveway located on the north western side of the site on Chapel Street. There is an area designated for the dropping off of children and two car parking areas with a total of 12 spaces. The southern portion of the site is proposed to be used for outdoor education and open space.

It is anticipated that the early learning centre will initially operate between 2 – 3 days a week during school hours (8:45am – 3:15pm). This centre will accommodate up to 20 students and 2 teachers. Demand may dictate an expansion of the operating times to 5 days a week. The junior primary school will be developed to accommodate two streams of reception to year 2 classes, with up to 180 students, 8 staff members, including administrative personnel. The proposed school is to be used in conjunction with the existing Murraylands Christian College located opposite the subject site on the eastern side of East Terrace.

REFER ATTACHMENT 4.1(a) (page 33)

SITE & LOCALITY

The subject site consists of two allotments, of approximately equal area with a total area of approximately 4100m². There is an existing dwelling and associated outbuildings located on the north eastern side of the site with the remainder of the allotments being vacant. The subject site slopes from North West to south east with a total fall of approximately 6m.

The locality is varied with a mixture of residential, educational and community land uses. All allotments directly abutting the subject site on Chapel Street, Murray Street and Rowe Street are used for residential purposes with a mixed dwelling stock of varying ages and styles, although all dwellings are detached on large allotments. This area, on the western side of East Terrace, displays heritage character and is located within the Central Historic Conservation Policy Area 21.

Located opposite the subject site on the northern corner of Chapel Street and East Terrace is the Catholic Church and car park. Located on the eastern side of east terrace opposite the subject site is the Anglican Church, a residential dwelling and the existing Murraylands Christian College.

.../cont.

4.1 455/547/09 – Murraylands Christian College (Continued)

PUBLIC NOTIFICATION

The application was the subject of Category 3 Public Notification pursuant to Section 38(5) of the Development Act 1993 and was advertised between 22 July 2009 and 5 August 2009.

Five representations were received within this notification period. One of these representors have indicated that they are not in support of the application, although other representors have indicated that they have concerns. The concerns raised include:

- Impact upon surrounding land values.
- Fencing.
- Noise and privacy concerns.
- Perceived lack of parking facilities for parents and traffic impact on surrounding streets.
- Lack of speed humps on internal road.

REFER ATTACHMENT 4.1(b) (page 93)

The applicant has also submitted a response to the representation.

REFER ATTACHMENT 4.1(c) (page 98)

The issues raised and responded to include the impact on surrounding property values, fencing and gates, acoustics and noise, on-site car parking and off site car parking and traffic.

REFERRALS

The Application was formally referred to the Department of Transport, Energy and Infrastructure (DTEI) pursuant to Schedule 8, 3 (c) of the Development Act 1993 as the proposed development involves the creation of a new access point onto a DTEI controlled road (East Terrace) initially did not support the development application due to the impact that the egress point will have on East Terrace due to the existing traffic congestion experienced on this road directly before and after school hours.

In response to this, the applicants have amended the Site Plan and Traffic Report delete the egress point from East Terrace and provide access and egress from the one area from Chapel Street. Subsequently DTEI have provided a letter of support for the proposed development.

REFER ATTACHMENT 4.1(d) (page 102)

.../cont.

4.1 455/547/09 – Murraylands Christian College (Continued)

Given the fact that the existing dwelling is on the Local Heritage List and the site within a Heritage Policy Area, Council's Heritage Advisor, Richard Woods met with the applicant on a number of occasions and provided input into the design of the proposal before the application was lodged. The Development Application was then referred to Council's Heritage Advisor for comment. Richard has provided the following comment in relation to the proposed development:

"I support the proposal subject to the conditions below for the following reasons:

- 1 *The existing local heritage place at 2 Chapel Street is retained and adapted for a compatible use - administration.
The proposed use will enable removal of infilled verandahs and will retain the integrity of the building.*
- 2 *The associated underground tank, fence post and pepper tree and Chinese elm are to be retained.*
- 3 *The design, setbacks, orientation, scale and external materials of the proposed infill buildings fronting Chapel Street conform with the Development Plan desired future character, objectives and principles for the heritage policy area. The heritage buildings are not dominated by the new buildings.*
- 3 *New landscaping is proposed including trees to the frontage to Chapel Street.*
- 4 *Carparking is located within the site, minimising its visual impact on the locality.*

2..0 RECOMMENDATIONS

I RECOMMEND that the following conditions are attached to any approval granted by Council:

- 1 *The existing building at 2 Chapel Street shall be retained and conserved in accordance with Section 4.1 of the Heritage Parameters Report (McDougall and Vines June 2009)*
- 2 *The domed underground tank at the rear of 2 Chapel Street shall be protected and retained.*
- 2 *Roofs fronting Chapel Street shall be unpainted galvanised or equivalent finish. Zincalume shall not be used.
Reason: Zincalume is not suitable in a heritage area.*

.../cont.

4.1 455/547/09 – Murraylands Christian College (Continued)

3 *The fence to the Chapel Street frontage shall be timber rail fencing as specified in Section 4.2 of the Heritage Parameters Report.*

Reason: To maintain the heritage character of the locality.

4 *Solid fences adjacent to the Multi Purpose Room and the heritage place at 6 Chapel Street shall be tapered down to 1.2 metres forward of the respective buildings.*

Reason: To maintain the visual open space of the streetscape forward of the building line."

REFER ATTACHMENT 4.1(e) (page 107)

CONSULTATION

Consultation has been undertaken with Council's Environmental Health Department with regard to the effluent disposal system and they have advised that the Waste Control system can be dealt with as a reserved matter as per the applicants request.

Consultation has also been undertaken with Council's Engineering Department (Engineering Project Officer, Stewart Ratcliff). Stewart has advised the following:

- *"The Applicant is required to address DTEI's East Terrace egress concerns. DTEI do not support an additional access / regress point onto East Terrace (arterial road).*
- *The Applicant is required to provide additional information with regard to site stormwater treatment.*
- *Site stormwater discharge shall be limited to pre-development flows only AND encourage a maximum amount of on-site storage for re-use. Council require the applicant to demonstrate this capability via written calculation, to be sighted and approved by Council. We acknowledge that the site contains 'detention' pipes (to store water) however, we require calculations.*
- *Pre-development stormwater discharge to the existing East Terrace kerb and gutter shall be to the design approval of Council. The Council requires details on the treatment proposed at the kerb and gutter interface, not just a generic "Discharge to approved discharge point as per Council's guidelines" statement. Further details required.*
- *A SEDMP required covering site construction.*
- *The Applicant shall provide any required driveway cross overs in both East Terrace / Chapel Street AND reinstate (to match adjacent kerbing) any superseded driveway crossovers within these road reserves.*

.../cont.

4.1 455/547/09 – Murraylands Christian College (Continued)

- *The Applicant shall provide full details on wastewater disposal proposed for site. A Council connection point does exist on both East Terrace & Chapel Street, however an indication of the addition wastewater loading is required. Additional loading to be assessed and approved by Council. (Fees or upgrade contributions may be payable ??) As I understand it, our CWMS guys have not even sighted this application."*

Upon discussions with Stewart in relation to these comments, he has advised that these matters can be dealt with as reserved matters to be addressed prior to the granting of Development Approval.

REFER ATTACHMENT 4.1(f) (page 108)

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

As the Development Application was lodged in June 2009, it has been assessed against the Alexandrina Development Plan relevant at the time of lodgement, that being Consolidated 19 January 2009.

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

PART A – COUNCIL-WIDE

OBJECTIVES

Movement of People and Goods

Objective 17: *The safe and efficient movement of people and goods*

Objective 18: *The free flow of traffic on roads by minimising interference from adjoining development.*

Comment

The proposed development is considered to comply as evidenced by the support by DTEI.

Heritage

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

.../cont.

4.1 455/547/09 – Murraylands Christian College (Continued)

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

Objective 36: The facilitation and encouragement of the continued use or the adaptive reuse of places of heritage value.

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

Comment

The proposed development is considered to comply with the abovementioned heritage objectives as the existing locally heritage listed dwelling is proposed to be retained and restored for use as part of the school.

PRINCIPLES OF DEVELOPMENT CONTROL

Form of Development

PDC 2 *Development should be orderly and economic*

Comment

Given the sites close proximity to the existing school and the fact that the development is an expansion of the existing school, it is considered to be orderly and economic.

Movement of People and Goods

PDC 108 *Development within the Strathalbyn District as identified on [Map Alex/1 \(Overlay 1\) Enlargement A](#) should have car parking spaces designed to the Australian Standard AS2890.1 (1986), located on the site, or on a suitable site nearby, at a rate not less than that prescribed in [Table Alex/3](#).*

PDC 110 *Development and associated points of access and egress should not create conditions that cause interference with the free flow of traffic on adjoining roads.*

PDC 111 *Development should be designed for pedestrian convenience and give priority to pedestrian and cyclist safety.*

.../cont.

4.1 455/547/09 – Murraylands Christian College (Continued)

PDC 112 Development should provide convenient and secure bicycle parking facilities.

PDC 113 Development should provide off-street vehicle parking and specifically marked disabled car parking places to meet anticipated demand in accordance with [TABLE Alex/3](#) Car Parking Requirements.

Comment

In reference to PDC 108 and 113 above, Table Alex/3 does not provide a car parking rate for either an educational establishment or school. However, the Planning SA Planning Bulletin – Parking Provisions for Selected Land Uses, provides guidance for Pre-schools, Primary schools and Secondary schools and provides for a parking rate of 1/full time employee plus and additional 10% of the total for visitors.

As the proposal provides 12 car parks and there will be approximately 10 employees, applying the above car parking rate (with the additional 10%) results in a requirement for 11 spaces. Therefore the proposed development is considered to provide sufficient car parking and comply with PDC's 108 and 113, above.

Bicycle parking facilities have not been provided (PDC 112 above), however there is ample space should it be required. Given the fact that the facilities are for students who are generally less than 8 years old, it is unlikely that they will be riding bicycles to this proposed school.

Appearance of Land and Buildings

PDC 146 The appearance of land, buildings and objects should not impair the amenity or character of the locality in which they are situated.

PDC 226 Trees, other vegetation and earth mounding should be retained or provided as part of the development where the environment will be visually improved by such a provision.

PDC 227 Alterations or additions to buildings should be designed and constructed to harmonise with the character of the existing building.

PDC 228 Development should take place in a manner which will not visually interfere with the achievement of the objective for an area or, otherwise the existing character of scenically or environmentally important areas, or areas which are prominently visible from other land or which are frequented by the public.

.../cont.

4.1 455/547/09 – Murraylands Christian College (Continued)

PDC 229 Development should take place in a manner which will minimise alteration to the existing land form.

PDC 230 Excavation and earthworks should take place in a manner that is not extensively visible from surrounding localities.

PDC 233 Building development should be located and designed in respect of the size, colour, form, siting, architectural style and materials of construction of buildings to harmonise with, the objectives for an area, other buildings of historical significance or heritage value or, in the absence of guidance from these, the predominant character of existing building development.

PDC 234 Driveways and access tracks to properties should be designed and constructed to blend sympathetically with the landscape and to minimise interference with natural vegetation and landforms.

PDC 235 Buildings or structures should be sited unobtrusively and be of a character and design which will blend naturally with the landscape.

Comment

As is evidenced by the heritage report submitted with the application (Refer Attachment 1) and input of Council's Heritage Advisor, the proposed development is considered to suitably blend with, and enhance the amenity of the locality within which it is situated.

Heritage

PDC 221 Uses to which such buildings, structures or sites of heritage significance are put should be those which will support the maintenance and/or restoration of such buildings, structures, or sites.

PDC 222 Development adjoining buildings, structures or sites of heritage significance should be visually compatible with that building, structure or site.

PDC 223 Uses to which a building, structure or site of heritage significance are put should be those which will support the continuing conservation of the item.

PDC 224 Uses to which a building, structure or site of heritage significance is put should be those which will support the maintenance and/or restoration of such buildings, structures, or sites.

.../cont.

4.1 455/547/09 – Murraylands Christian College (Continued)

PDC 225 Development or use of a building, structure or site of heritage significance, including buildings and groups of buildings, should only be altered in such a way as to protect or enhance the design or condition which gives the building, structure or site its heritage significance.

Comment

Compliance with PDC 221, 223, 224 and 225 above, has been achieved through the restoration and proposed use of the existing heritage dwelling which will be restored and utilised as part of the school. The proposed additional buildings have been designed to be of a bulk and scale which will blend with and compliment the existing buildings within the locality.

PART B - STRATHALBYN DISTRICT

OBJECTIVES

Form of Development

Objective 1: *Development in accordance with the Structure Plans for the Strathalbyn district and townships of Strathalbyn, Langhorne Creek, Milang and Clayton as shown on [Maps Alex/1\(Overlay 1\) Enlargement B, C, D, E and F](#). The Strathalbyn Structure Plan ([Maps Alex/1 \(Overlay 1\) Enlargement B and C](#)) show, in general terms, the plan for the future development of the urban area of Strathalbyn and its environs based upon:*

- (a) provision for principal community activities;*
- (b) provision of a civic and cultural focus adjacent to Memorial Gardens;*
- (c) provision for two industrial areas with convenient road access and suitable separation from residential areas;*
- (d) retention of the two existing business centres dissected by the Angas River;*
- (e) designation of secondary arterial and local roads to promote orderly traffic movement;*
- (f) identification of the future urban extent of the urban area of Strathalbyn;*
- (g) definition of two rural living areas adjacent to the town to accommodate a range of residential and associated activities on small rural allotments;*
- (h) identification of watercourses which should be conserved and protected to retain their visual amenity and drainage functions;*

.../cont.

4.1 455/547/09 – Murraylands Christian College (Continued)

- (i) identification of the extent of the future urban area within which development is restricted to ensure the preservation of the character of the urban area of Strathalbyn and its approach roads;*
- (j) identification of effluent lagoons for the urban area of Strathalbyn; and*
- (k) identification of recreation areas for public use.*

Comment

From the Structure Plan (Map Alex/1 Overlay 1 Enlargement C) it is noted that the area where the proposed development is located is designated as a living area. Therefore, strictly speaking, the proposed development is considered to be at variance with the above. However, it is noted that both of the existing schools in Strathalbyn (Murraylands Christian College and the Eastern Fleurieu School) are both located within 350m of the subject site and both are designated for education purposes on the structure plan.

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

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

Comment

The establishment of this school will help to reinforce Strathalbyn's status as a main service and community centre for the surrounding district. This development will help to compensate for the growth of the township by providing additional educational facilities.

Objective 6: Separation of incompatible land use.

Comment

Given the fact that schools generally only operate during daylight hours and the main impacts upon the surrounding residential locality are traffic (only during specific times like 8am to 9am and 3pm to 4pm, 5 days a week) and noise (also generally only for a couple of hours a day), the impacts on the surrounding residential area is considered to be minimal. This is backed up by the acoustics report submitted with the application and acoustic protection measures proposed (2m high colorbond fence located on the western side boundary and two internal fences) as part of the application. It is therefore considered that the adjoining land uses are not incompatible.

.../cont.

4.1 455/547/09 – Murraylands Christian College (Continued)

Heritage

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

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

Comment

Compliance with the above has been achieved through the proposed restoration and use of the existing heritage building. The proposed use of this building as a staff and administration facility for the proposed school is considered to be a sympathetic adaptation of a new use.

PRINCIPLES OF DEVELOPMENT CONTROL

Form of Development

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

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

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

Comment

The proposed use is considered to generally be compatible with the residential locality and the land is considered to be suitable for its proposed use.

Movement of People and Goods

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

.../cont.

4.1 455/547/09 – Murraylands Christian College (Continued)

Comment

The car park drop off and access egress areas are considered to be suitable for the proposed use and will facilitate the efficient movement and parking of vehicles.

Heritage

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

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

PDC 35 *Uses to which a building, structure or site of State or Local Heritage Places should support the continuing conservation of it.*

PDC 36 *Development should not involve the demolition, removal or substantial alteration or addition to the whole, or part of a heritage place as listed within [Table Alex/6](#) unless the part of the heritage place is not listed as a contributing element/item in [Table Alex/6](#).*

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

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

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

.../cont.

4.1 455/547/09 – Murraylands Christian College (Continued)

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

PDC 41 Development of land adjacent to a Heritage Place should be compatible with the heritage value of the Heritage Place and neither dominate nor compete with the built form character of the Heritage Place in matters including design, siting, scale, form and detail.

Comment

The proposed development is considered to generally comply with the abovementioned heritage conditions, through the proposed restoration and reuse of the locally heritage listed dwelling.

Local Heritage Places

PDC 42 In respect to Local Heritage Places listed in 5 Table Alex/6 the extent of control and protection applies to exterior parts of the main portion of the subject buildings as listed in Table Alex/6. This includes exterior walls, facades and roof, and contiguous elements such as verandahs and balconies, including balustrading and lacework, doors and window frames, original materials and finishes and similar features, and other additional elements as specifically described in Table Alex/6 that may affect the heritage value of the place.

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

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

.../cont.

4.1 455/547/09 – Murraylands Christian College (Continued)

Comment

The facade of the existing Heritage building will be restored and protected as part of the proposed development. The lean-to which was added sometime after the building was constructed will be removed as part of the proposal which will help to restore the building to its former glory.

The proposed buildings have been designed to blend suitably with, and enhance the amenity of the locality and not detract from the heritage amenity as evidenced by the following comment from the Heritage Report submitted:

"Generally, this new development continues the domestic scale and height to street frontage, and materials reflect the existing building, through the use of stone, brick and timber." - pp9.

Appearance of Land and Buildings

PDC 53 *The external walls of any building should be principally composed of masonry, brick, stone, rendered masonry, timber or painted fibrous cement planking or boarding or visually similar fibrous cement panelling, except for:*

(a) a farm building or outbuilding; or

(b) buildings used for industrial, commercial storage or warehouse purposes.

Comment

The proposed materials, stone, brick and timber are considered to comply with the above.

RESIDENTIAL (STRATHALBYN) ZONE

OBJECTIVES

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

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

.../cont.

4.1 455/547/09 – Murraylands Christian College (Continued)

Comment

Given the fact that the proposed land use is defined as an educational establishment" and is considered to be in an appropriate location (clustered with the existing school), the proposal is considered to comply with the abovementioned objective.

Objective 5: Development having a high standard of design and appearance to complement the traditional building styles and design elements typical in the town before the 1950's.

Objective 8: Preservation of the attractive streetscapes along East, South and West Terraces, North Parade, Commercial Road and elsewhere within Historic (Conservation) Policy Areas and their visually important features including, building facades, rooflines, walls, fences, trees and gardens.

PDC 25 Buildings and structures should be designated with regard to scale, height and proportions, as well as external appearance, materials, colours, siting and landscaping to complement and enhance the positive characteristics of the locality.

Comment

As evidenced elsewhere throughout this report, the proposed development is considered to compliment the existing heritage building and locality. The buildings and landscaping will also enhance streetscape along East Terrace, particularly as the site is currently vacant and devoid of significant vegetation.

Central Residential Historic (Conservation) Policy Area 21

DESIRED CHARACTER STATEMENT

The Central Residential Historic (Conservation) Policy Area 21 is formed by the four Terraces that represent the original (1840) subdivision of the private town of Strathalbyn. The Policy Area surrounds the District Centre Zone and the Historic (Conservation) Policy Areas within that zone.

In common with the rest of the original subdivision between North Parade and South, East and West Terraces, this area contributes to an overall outstanding example of an early settler township. It demonstrates important aspects of the evolution of the State's history and a representation of the historic settlement pattern of Scottish settlers. The legacy of this heritage should be retained in the built form and streetscape of the township.

.../cont.

4.1 455/547/09 – Murraylands Christian College (Continued)

The specific character of the Policy Area derives from:

- (a) the large number of early residences which remain within the original subdivision boundary;*
- (b) the association of these residences with the commercial development in the district centre;*
- (c) the construction of the churches to the east of the town centre on Murray and Chapel Streets;*
- (d) the association of the early subdivision with later subdivision surrounding the town centre;*
- (e) retention of early kerbing and other streetscape elements such as the street planting in West Terrace; and*
- (f) the range of Local Heritage Places and Contributory Items within the area. The desired character is for residential and related uses, including aged care and tourist accommodation, which retain and enhances the heritage items and promotes appropriate new development for residential and other uses in terms of form, set back, materials, colour and finishes consistent with the heritage character of the Policy Area. Public spaces and streetscapes shall be improved to enhance the heritage character, with predominate street trees such as Ash continued to be used. Land division should be restricted to that required to facilitate sensitive infill development with streetscapes not altered by narrow frontages or reduced side setbacks. Infill development should create allotments that can accommodate two mature trees with six metre canopies. To the front of the property, infill development should respect the character of an area with low fencing of an open or vegetative character, mature trees and utilise materials of a traditional nature.*

OBJECTIVES

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

Objective 2: *A policy area for residential development that compliments the historic character.*

Objective 3: *A policy area in which heritage places are retained and reused.*

Objective 4: *A policy area in which the historic character of the public spaces and streetscapes are enhanced to provide a pleasant living environment.*

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

.../cont.

4.1 455/547/09 – Murraylands Christian College (Continued)

Comment

The proposed development is considered to comply with the desired character statement and compliment the existing heritage character of the locality.

Form of Development

PDC 2 Development in this area should be for residential, tourist accommodation and community uses.

Comment

The proposed school can be considered to be a community use as it will provide a service to the local community.

Appearance of Land and Buildings

PDC 4 Development within the Policy Area should conserve, maintain, enhance and reinforce the existing streetscape and the historic character of the area; exhibiting architectural and roof forms, designs, street frontage widths, materials, finishes, sheds/garages, fences and landscape settings which complement without attempting to reproduce historic buildings or their detailing.

Comment

Compliance has been achieved through the design of the buildings and use of appropriate materials which will blend with, and enhance the amenity of the locality.

CONCLUSION

The proposal is considered to generally comply with the relevant Objectives and Principles of Development Control from the Alexandrina Development Plan as evidenced in this report. The main concerns with the proposal are its visual impact upon the existing heritage locality and impact of the land use upon the neighbouring residential area. Both of these issues have been addressed satisfactorily and it is envisaged that the proposed development will have minimal impact upon neighbouring residential dwellings and the amenity of the locality. Therefore the proposed development warrants the granting of Development Plan Consent.

.../cont.

4.1 455/547/09 – Murraylands Christian College (Continued)

RECOMMENDATION

That the Development Assessment Panel grant Provisional Development Plan Consent to Development Application 455/547/09 for a Change of use - Educational Establishment (Early Learning Centre and Junior Primary School) at 2 - 4 Chapel Street, Strathalbyn subject to the following conditions and notes:

Conditions

1. The development herein approved to be carried out in accordance with plans and details accompanying this application (supporting documentation received by Council on 7 July 2009, 29 July 2009, Site Plan received on 1 October 2009 and Landscaping Plan received on 9 October 2009).
2. All scarring or physical disturbances of the land surface during any excavation work shall be restricted to only that which is shown on the approved plan as required for building work and/or access purposes. All exposed faces around such scarred areas and spoil shall be screened with trees and shrubs and covered with suitable ground cover to the reasonable satisfaction of Council.
3. The applicant or other approved persons for the time being making use of the subject land now approved, shall at all times maintain in good and substantial condition to the reasonable satisfaction of the Council in all respects the subject land (including car parking areas, driveways and footpaths) all buildings and structures (and the external painting thereof), and all tree and shrub plantings and grassed areas.
4. Prior to the granting of Development Approval, a siteworks plan from a Consulting Engineer shall be submitted showing proposed cut and fill, compaction, contours, floor levels, retaining walls, silt control devices etc to the satisfaction of Council.
5. The external finishes to the building or structure herein approved shall be in accordance with the materials as specified in the application now approved.

Reason: To maintain and enhance the visual amenity of the locality in which the subject land is situated.

.../cont.

4.1 455/547/09 – Murraylands Christian College (Continued)

6. All of the carparks, driveways and vehicle manoeuvring area shall be constructed and bituminised or brick paved or concreted in accordance with sound engineering practice prior to the occupation or use of the development herein approved.

Reason: To provide all weather parking and vehicle access.

7. A Landscaping Plan shall be lodged and approved by Council prior to Development Approval being granted. Such landscaping shall be planted within 12 months of the date of consent and shall be maintained in good health and condition at all times. Any such vegetation shall be replaced if and when it dies or becomes seriously diseased.

8. The use shall not involve exposure of goods or equipment from any adjacent properties or from a public place of any unsightly matter.

Reason: To improve the site appearance

9. Floodlighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such manner as to cause no light overspill nuisance to adjacent residential development.

Reason: To ensure that floodlighting does not cause nuisance or danger to adjoining occupiers or road users thereby reducing the amenity of the locality and/or making road use unsafe.

10. All stormwater drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or, in the opinion of Council, detrimentally affect structures on this site or any adjoining land.

11. The acoustic measures and colorbond fences referenced in the Acoustic Report prepared by Sonus P/L (Ref: S3211C2 dated 22 June 2009) shall be constructed prior to commencement of the land use herein approved and maintained in good condition at all times.

12. Prior to the granting of Development Approval, a Waste Control Application is required to be submitted and approved by Council.

13. A Soil Erosion Drainage Management Plan (SEDMP) shall be lodged and approved by Council prior to Development Approval being granted.

.../cont.

4.1 455/547/09 – Murraylands Christian College (Continued)

14. A Stormwater Management Plan shall be lodged and approved by Council prior to Development Approval being granted. The Plan shall adequately address the issues raised by Council's Engineering Project Officer.
15. The existing building at 2 Chapel Street shall be retained and conserved in accordance with Section 4.1 of the Heritage Parameters Report (McDougall and Vines June 2009).
16. The domed underground tank at the rear of 2 Chapel Street shall be protected and retained.
17. Roofs fronting Chapel Street shall be unpainted galvanised or equivalent finish. Zinalume shall not be used.

Reason: Zinalume is not suitable in a heritage area.

18. The fence to the Chapel Street frontage shall be timber rail fencing as specified in Section 4.2 of the Heritage Parameters Report.

Reason: To maintain the heritage character of the locality.

19. Solid fences adjacent to the Multi Purpose Room and the heritage place at 6 Chapel Street shall be tapered down to 1.2 metres forward of the respective buildings.

Reason: To maintain the visual open space of the streetscape forward of the building line.

Notes

1. Consultation with Adjoining Owners

In addition to notification and other requirements under the Development Act and Fences Act, it is recommended that the applicant/owner consult with adjoining owners and occupiers at the earliest possible opportunity after Development Approval, advising them of proposed development work so as to identify and discuss any issues needed resolution such as boundary fencing, retaining walls, trees/roots, drainage changes, temporary access, waste discharges, positioning of temporary toilets etc.

.../cont.

4.1 455/547/09 – Murraylands Christian College (Continued)

The Applicant should consult with all adjoining property owners in relation to fencing, with a view to increasing the height of boundary fences in order to minimise any incidental overlooking between the properties.

Fences Act 1975

The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 8463 3555.

2. The applicant /owner is advised that should a new crossover (access point) be constructed that approval will need to be obtained from Council's Engineering Department and that the construction of the crossover be constructed to Australian Standards at the owners expense.

Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.

3. No signs or advertising being erected or displayed on the land without the prior approval in writing of the Alexandrina Council
4. Allotment boundaries will not be certified by Council staff. The onus of ensuring that the building is sited in the approved position on the current allotment is the responsibility of the owner. This may necessitate a survey being carried out by a licensed land surveyor
5. In addition to the provisions of the building Code of Australia relating to access for people with disabilities, you must comply with the Commonwealth Disability Discrimination Act, 1992. Compliance with the Act is the responsibility of the property owner.

ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION / COMMUNITY TITLE

ITEM 6. MATTERS REFERED FOR FOLLOW-UP

ITEM 7. GENERAL ITEMS FOR DISCUSSIONS

7.1 Development Assessment Panel Meetings For 2010

File Ref: 3.14.001
Officer: Andrew Sladden

REPORT

Setting of dates for Development Assessment Meetings in 2010 – discussion.

ITEM 8. NEXT MEETING

Scheduled for Wednesday 18th November 2009, time to be advised.

Meeting closed at: