

DEVELOPMENT ASSESSMENT PANEL

MINUTES OF MEETING HELD ON 18 JUNE 2009  
COMMENCING AT 11:30 AM  
IN THE COMMUNITY CHAMBERS "WAL YUNTU WARRIN"

PRESENT

Mr D Donaldson (Chair), Mrs R Sage,  
Mr S Nicholson, Cr R Medlyn & Cr G Gartrell

APOLOGIES

IN ATTENDANCE

Tom Gregory (Senior Town Planner),  
Andrew Sladden (Senior Town Planner),  
David Zanker (Town Planner), Andrew  
Houlihan (Town Planner), Brian Hill  
(Development Compliance Officer),  
Rebecca Swain (Planning & Development  
Administration Officer)

ITEM 1. CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on  
20 May 2009.

Moved Cr R Medlyn Seconded R Sage that the minutes of the Alexandrina  
Council Development Assessment Panel held on the 20 May 2009 as  
circulated to members be received as a true and accurate record.

CARRIED

ITEM 2. DEVELOPMENT APPLICATIONS

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

ITEM 3.1 455/107/08 - BEN STOKES

**SUMMARY TABLE**

Date of Application	31.01.2008
Subject Land	Lot 592 Yundi Road, Yundi
Assessment No.	A20267
Relevant Authority	Alexandrina Council
Planning Zone	Willunga District
Nature of Development	Other – Training Facility for Earthmoving Licensing & Operations (Non-Complying)
Type of Development	Non-Complying
Public Notice	Category 3
Referrals	EPA, DWLBC (Informal)
Representations Received	Four (4)
Representations to be heard	Two
Date last inspected	May 2009
Recommendation	Refusal
Originating Officer	Andrew Sladden

**BACKGROUND**

The owner of the property has been utilising some excavation machinery on the subject site for a couple of years on a purely personal basis. As a result of a couple of complaints, Council's Compliance Officer has investigated and it has been determined that as the earthmoving being undertaken is not in association with "Development" there is little that Council can do to stop the owner from using this heavy machinery on site.

SAPOT (South Australian Plant Operator Training) are proposing to utilise the site for an earthworks training facility.

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## ITEM 3.1 455/107/08 - BEN STOKES (continued)

### THE PROPOSAL

#### **Nature of Development**

The applicant is proposing to change the use of the land to provide a training facility for heavy machinery, where students can train and obtain their heavy machinery licences. As this use does not fall within one of the standard land use definitions pursuant to Schedule 1 of the Development Act 1993, it has been defined as "Change of use – Training Facility for Earthmoving Licensing and Operations".

Principle of Development Control 18 for the Willunga District comprises a list of Development which is exempt from being a non-complying form of development. As this type of land use is not on this list, it is considered to be a non-complying form of Development.

#### **Detailed Description**

The existing allotment is rectangular with frontage to Yundi Road and has a total area of approximately 50ha. There is an existing dwelling and implement shed located in the centre of the allotment approximately 150m from the Yundi Road boundary. The allotment is currently used for farming. The dwelling is currently being rented and the implement shed is being utilised for the storage of vehicles and machinery.

The proposed development involves changing the use of a portion of the land to allow a "facility for the conduct of educational activities" involving the training and certification of operators of various types of earthmoving machinery. This will include the licensing of operators in accordance with the requirements of the "National Guidelines for Occupational Health and Safety Competency Standards for Operators of Load-shifting and other types of Specified Equipment", and relevant Australian Qualifications Framework (AQF) Units of Competency.

On the ground it is proposed that accredited SAPOT training officers and students will arrive on site via Yundi Road and park in the car park adjoining the existing dwelling that will be converted into the SAPOT Training Facility administration office and training centre for all theory based training.

The proposed car park will be designed in accordance with the Australian Standards to a capacity in accordance with the Development Plan. It will be constructed of an all-weather compacted gravel standard and be clearly marked and drained to Council standards. It is envisaged that there will be a minimum of 1 qualified training officer and one student onsite at anytime with a maximum of 5 training officers and 20 students (1 trainer per 4 students) once the course reaches full demand.

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### ITEM 3.1 455/107/08 - BEN STOKES (continued)

The hours of operation proposed for the training facility are 7.30am to 5.30pm seven days a week (Monday to Sunday). The existing farm shed (located near the training centre office) will be utilised as the Machinery Shed/Workshop for the storage of all the machinery overnight and it will be provided with appropriate amenities to Council/DHS standards. The larger vehicles/equipment to be used for training purposes and stored on site permanently in the machinery shed are - Excavator x 2, Front End loader x 1, Skid Steer Loaders x 2, Haul Truck x 1, Telescopic Handler x 1, Motor Grader x 1, Vibrating roller x 1, Support Ute's x 2.

An access road from the training centre office/machinery shed to the rear 'Training Area' is proposed to be 3 metres wide and constructed/engineered to a safe and trafficable standard in all weather (compacted sand and rubble). The access road will be lined with a swale stormwater drain and silt fence that will run, at grade, directly into a set of silt detention dams (one at the front of the property – already constructed and one at the rear) in accordance with EPA guidelines.

The banks/mounds formed on either side of the access roads will be appropriately battered and landscaped to screen the operation of the facility and hold the soil in place. Existing tracks on the property have also been marked on the site plan. The rear rectangular 'Training Area' as marked in yellow on the proposed site plan will be 1.8555 hectares in area and be the area that all Civil constructed based 'simulated' training is undertaken. The 'Training Area' boundary is proposed to be defined by a landscaped battered mound to ensure that all activities are restricted to a screened area that will not be visible to adjoining landowners or from Yundi Road and all dust/silt can be retained and managed without causing impact on the environment.

Within the rear Training Area is an 'Exercise Pits Area' that will be 400m<sup>2</sup> in area and is where all the Excavator/Backhoe training will be undertaken for simulated trench/foundation training. An 'Exercise Yard Area' that will be 400m<sup>2</sup> in area and is where Front/Skid Steer loader training will be undertaken. There is also a 400m<sup>2</sup> area dedicated for specialised Civil Training within the 'Training Area'.

Therefore, all training and activities associated with the business will be undertaken within the rear 'Training Area' (which includes the specialised Exercise Areas) along the access road that leads from the Machinery Shed and Training Centre Office (undertaken within the existing buildings) and an ancillary car park. There is also a set of silt dams, silt fencing and landscape mounds to be developed to protect the water quality in the watercourses.

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## ITEM 3.1 455/107/08 - BEN STOKES (continued)

Sand will be retained onsite at this point in time with no commercial arrangements to sell/move the sand off site to which PIRSA has advised no mining lease is required. PIRSA has also advised that any movement of soil around the site (as proposed) for training purposes may require development approval under the Development Act 1993 (this application) and should be undertaken in accordance with EPA guidelines (as proposed). Effectively the earthmoving training will move sand around the site within the designated 'Training Area' so that students can be accredited by SAPOT and move on to work in the mines etc. The carting of sand off-site is not envisaged at this time. It is proposed that there will be a maximum excavation depth of 500mm at the southern end to level up with the northern end. The top soil will be used to create the earth mounds around the 'Training Area' and the access road and the volume of soil moved around each day will be approximately 5 tonnes. There will also be 'live' training in how to suppress dust each day using the water sprayer. It is also proposed that the land will be remediated back to its current state for cropping/farming purposes at such time the facility is no-longer required.

Don Donaldson (Chair) welcomed Horst Schmidt to the meeting who gave a brief summary of his representation at 11.35 am to 11.40am.

Don Donaldson (Chair) welcomed Ben Stokes to the meeting who gave a brief summary of his application at 11.40 am to 11.45 am.

The Gallery were requested to leave the meeting at 11.45 am by the Chair.

The Gallery was invited back to the meeting at 11.55 am.

- 10 Moved R Sage Seconded Cr G Gartrell that the Development Assessment Panel REFUSE Development Application 455/107/08, for a Training Facility for Earthmoving Licensing and Operations (Non-complying) at Lot 592, Yundi Road, Yundi, (CT reference: Volume 5821, Folio 462) on the grounds that it is at variance with the environmentally sensitive nature of the locality. In particular, the proposed development is considered to be at variance with the following Objectives and Principles of Development Control from the Development Plan.

### Council Wide

**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.

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## ITEM 3.1 455/107/08 - BEN STOKES (continued)

PDC 160 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 169 Development should not be undertaken if the construction, operation and/or management of such development is likely to result in:

- (a) the pollution of surface or groundwater;
- (b) degradation of watercourses or wetlands;
- (c) unnecessary loss or damage to native vegetation;
- (d) the denudation of pastures;
- (e) erosion;
- (f) dust;
- (g) noise nuisance;
- (h) the introduction of or an increase in the number of pest plants or vermin;
- (i) increased risk of flooding or impairment of stream water quality through the disposal of stormwater; or
- (j) sealing of large areas of ground likely to result in increased stormwater run-off.

PDC 218 Development should take place in a manner which will minimise alteration to the existing land form.

### Mount Lofty Ranges Region

Objective 53: The maintenance and enhancement of the national resources of the Mount Lofty Ranges Region.

Objective 54: The enhancement of the Mount Lofty Ranges Region catchments as sources of high quality water.

Objective 55: The long term sustainability of rural production in the Mount Lofty Ranges Region ensured.

### Watershed Protection

Objective 61: The protection of the Mount Lofty Ranges Watershed against pollution and contamination.

Objective 62 The prevention of development which could lead to a deterioration in the quality of surface or underground waters within the Mount Lofty Ranges Watershed.

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ITEM 3.1 455/107/08 - BEN STOKES (continued)

PDC 157 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 158 Development should primarily be limited to that which is essential for the maintenance of sustainable grazing, commercial forestry and mixed agricultural activities.

Willunga District

PDC 12 Rural areas should be retained primarily for agricultural, pastoral and forestry services.

CARRIED

## ITEM 3.2 455/1120/08 - Construction Services Australia Pty Ltd

### SUMMARY TABLE

Date of Application	23 September 2008
Subject Land	Lot 4 Gemmell Road, Gemmells
Assessment No.	A13444
Relevant Authority	Alexandrina Council
Planning Zone	Grazing
Nature of Development	Detached Dwelling – Single Storey and the Change of Use of Existing Dwelling to Dependant Accommodation
Type of Development	Non – Complying
Public Notice	Category 3
Referrals	Country Fire Service
Representations Received	Nil
Date last inspected	5 June 2009
Recommendation	Approval Subject to DAC Concurrence and the Endorsement of a Land Management Agreement by Council
Originating Officer	Tom Gregory

### NATURE OF DEVELOPMENT

This proposal is for the construction of a detached dwelling and the conversion of the existing dwelling into an ancillary habitable building for the purpose of dependant accommodation for the applicant's disabled child.

### SITE & LOCALITY

The subject land is described as Lot 4 Gemmell Road, Gemmells, Certificate of Title Volume 5213, Folio 88. The subject land is located approximately 7.5 kilometres north-east of the township of Strathalbyn, and has frontage to both Gemmell Road, and the Wistow Strathalbyn Road. Vehicular access is gained to the irregular shaped allotment via the 97 metre frontage to Gemmell Road. The approximate depth of the allotment is 430 metres, which creates a total area of approximately 3.1ha

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### ITEM 3.2 455/1120/08 - CONSTRUCTION SERVICES AUSTRALIA PTY LTD (continued)

The majority of the subject land is quite undulating, with a distinct gradient increasing towards the west boundary fronting Gemmell Road. The subject land contains an older style detached transportable dwelling, an in ground swimming pool, a garage and a number of outbuildings used ancillary and in association with the detached dwelling. The location of the proposed dwelling is sited in close proximity to existing structures, and in a location that has a minimal variation in topography, which therefore minimises the requirement for excessive cut and fill.

Despite the Grazing Zoning of land within the locality, the primary use of the surrounding allotments (of various sizes) is for rural-residential purposes. The immediate locality is comprised of a number of modest sized dwellings on large rural holdings. To the north of the subject land is a large rural holding containing a dwelling and associated outbuildings, to the east is land predominantly utilised for general grazing, however this land also has a residential component. The adjoining property to the south is located within the same Zone and already contains two detached dwellings on the one single allotment. How this came to be is unclear, as Council's records do not date back as far back to when these were constructed.

The proposal does not satisfactorily meet the non-complying list exemption criteria within the relevant Zone, as the construction of a dwelling on allotment that already contains a detached dwelling is not prescribed. Therefore the proposal has been deemed to be of a non-complying nature. The proposal only forms a non-complying form of development due to the desire to retain the existing dwelling for dependant accommodation purposes. If, for example the proposal was in two stages seeking to demolish the existing dwelling and erect a new dwelling, the proposal would form an 'on merit' form of development which is likely to be supported within the existing Zoning limitations.

As this proposal has been considered as a non-complying form of Development, the Applicant has provided a Statement of Effect in accordance with Regulation 17 of the Development Regulations 2008. A copy of this statement has been included as an attachment to this report.

The proposed timber framed, brick veneer single storey dwelling has a total living area of 192.98m<sup>2</sup>, and a total area of 236.65m<sup>2</sup> including the garage and verandah. The dwelling appears to be a standard 'spec' home and is comprised of 4 bedrooms, 2 bathrooms, 2-3 living areas, formal dining room and a double garage under the main roof. The proposed building site is located approximately 55 metres east of the existing dwelling, and has been sited in such a way to limit the amount of cut and fill earthworks required. The proposed dwelling is setback 96.6metres from Gemmell Road, and is located 10 metres from the common property boundary to the north. The external aesthetical appearance is assisted by rendered brick quoins, and a 22.5° concrete tiled roof pitch.

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### ITEM 3.2 455/1120/08 - CONSTRUCTION SERVICES AUSTRALIA PTY LTD (continued)

It is the Applicant's intension to continue living in the existing dwelling during the construction of the proposed dwelling, and subsequently retain the existing 'fibro' house for their intellectually disabled daughter.

Despite the non-complying nature of this development, the proposal is being considered to be exceptional circumstances as it will allow for a family's continued occupation of the land, and will enable their intellectually disabled child to gain some independence by allowing her to have her own private space with care and support at close hand. The existing dwelling will be decommissioned in such a way that it becomes dependant on the new dwelling. These parameters and others will form part of a Land Management Agreement (LMA) between Council and Applicant, which is proposed to be drafted once the DAP has determined an outcome for the application. These parameters will include clauses indicating that should the situation change with their disabled child, or the property was on-sold, then the existing dwelling will be demolished and/or removed from site. The LMA will also preclude further sub-division of the subject land.

A LMA is yet to be drafted, as it would be unfair to the Applicant if Council requested the costly preparation of such an agreement prior to the DAP indicating support of the proposal. The LMA will be reviewed by Council's Lawyers prior to Council Officer's seeking endorsement from Council, the Chief Executive Officer, and the Mayor.

Should this proposal be successful, the LMA will be drafted and endorsed prior to seeking the concurrence of the State Government.

**The Gallery were requested to leave the meeting at 12.00 pm**

**The Gallery was invited back into the meeting at 12.05 pm**

- 11 **Moved R Sage Seconded Cr R Medlyn that the Development Assessment Panel support the proposal in principle, and delegate the decision making power to Planning Staff to issue approval for Development Application 455/1120/08 for the construction of a 'Detached Dwelling - Single Storey and the Change Of Use of Existing Dwelling to Dependant Accommodation' at lot 4 Gemmell Road, Gemmells once a Land Management Agreement is signed and sealed by Council (prior to Council seeking concurrence from the Development Assessment Commission). This approval is subject to the following notes and conditions, subject to concurrence from the Development Assessment Commission and subject to successful adoption of the Land Management Agreement.**

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ITEM 3.2 455/1120/08 - CONSTRUCTION SERVICES AUSTRALIA PTY LTD (continued)

## COUNCIL CONDITIONS

- ' A Land Management Agreement to the satisfaction of Council shall be entered into and registered to the Certificate of Title prior to issuing Development Approval.
- ' 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.
- ' Where cut or fill in excess of 300mm is required as a result of the proposed development, retaining walls or other suitable soil retention devices shall be employed.

## CFS CONDITIONS

### ACCESS

- ' Access to the building site shall be of all weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large bushfire fighting vehicles.
- ' All dead end roads shall be constructed to allow large bushfire fighting vehicles to turn around with safety by use of either:
  - a turn around area with a minimum formed road surface diameter of 25 metres OR
  - A 'T' or 'Y' shaped turn around area with minimum formed road surface leg lengths of 11 metres and minimum inside toad radii of 9.5 metres
- ' All road curves shall have minimum inside road radii of 9.5 metres.

## VEGETATION

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

- ' Trees and shrubs shall not be planted closer to the building(s) or powerlines than the distance equivalent to their mature height.
- ' Grasses within 20 metres of the dwelling or to the property boundaries, whichever comes first, shall be reduced to a height of 10cms during the Fire Danger Season.

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ITEM 3.2 455/1120/08 - CONSTRUCTION SERVICES AUSTRALIA PTY LTD (continued)

### WATER SUPPLY

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

- ' A minimum supply of 5,000 (five 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 bushfire fighting purposes.
- ' The pump and flexible connections to the water supply shall be protected from the impact of fire by a suitably ventilated, non-flammable cover (metal or masonry material).
- ' The diameter of all fittings and flexible reinforced suction hose connecting the bushfire water supply to the fuel driven pump shall be no smaller than the diameter of the pump inlet valve.
- ' The bushfire fighting water supply shall be clearly identified and shall be accessible to fire fighting 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 fire fighting water supply pipes other than flexible connections to fire fighting 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 shall 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 as bushfire.

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ITEM 3.2 455/1120/08 - CONSTRUCTION SERVICES AUSTRALIA PTY LTD (continued)

### BUILDING CONSIDERATIONS

' The Buildings shall incorporate the construction requirements for buildings in Bushfire Prone areas in accordance with the Building Code of Australian Standard TM3959 - 1999 (AS3959) 'Construction of Buildings in Bushfire Prone Areas'.

The Building Code of Australian Standards TM3959 - 1999 'Construction of Buildings in Bushfire Prone Areas' has been considered.

Compliance with the fire protection requirements is not a guarantee the dwelling will not burn, but its intent is to provide a 'refuge' from the approach, impact and passing of a bushfire.

Should there be any need for further information, please contact the Development Assessment Unit on (08) 8391 6077.

### Council Notes

' Allotment boundaries will not be certified by Council staff. The onus of ensuring that the building is sited in the correct location is the responsibility of the owner. A licensed land surveyor may be required to undertake a survey of the land.

' Encumbrances, although not administered by Council, may apply to your property. You are therefore advised to check for encumbrances on your Certificate of Title prior to commencing work.

' A wall retaining a difference in ground levels of more than 1 metre requires Development Approval.

CARRIED

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION / COMMUNITY TITLE

ITEM 6. MATTERS REFERED FOR FOLLOW-UP

ITEM 7. GENERAL ITEMS FOR DISCUSSIONS

ITEM 8. NEXT MEETING

- Wednesday 15<sup>th</sup> July 2009

- R Sage will be an apology for the meeting to be held on Wednesday 15<sup>th</sup> July 2009

MEETING CLOSED AT 12.05 pm

MINUTES CONFIRMED.....

CHAIR

DATED:.....