

ALEXANDRINA COUNCIL

NOTICE OF MEETING

Notice is hereby given to the Members that a meeting of the
Development Assessment Panel will be held in the
Large Meeting Room (old Goolwa Council Chambers)
on 17 May 2005 commencing at 3:00 pm

Your attendance is requested.

3:00 p.m. Development Assessment Panel commencement

4:00 p.m. Conclusion of meeting.

JOHN COOMBE
CHIEF EXECUTIVE

ALEXANDRINA COUNCIL

AGENDA FOR THE DEVELOPMENT ASSESSMENT PANEL MEETING
TO BE HELD ON 17 MAY 2005 AT 3:00 PM
IN LARGE MEETING ROOM (OLD GOOLWA COUNCIL CHAMBERS)

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**Development Assessment Panel
Report and Agenda
on 17 MAY 2005 commencing at 3:00 pm
in the Large Meeting Room (old Goolwa Council Chambers)**

PRESENT

APOLOGIES

IN ATTENDANCE

ITEM 1. CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on 18th April 2005.

RECOMMENDATION

That the minutes of the Alexandrina Council Development Assessment Panel held on 18th April 2005 as circulated to members be received as a true and accurate record.

ITEM 2. DEVELOPMENT APPLICATIONS

ITEM 3. DEVELOPMENT APPLICATIONS - NON COMPLYING

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION COMMUNITY TITLE

5.1 Steed & Pohl Surveyors (Crown Lands) - 455/D126/04

SUMMARY TABLE

Date of Application	26 th October 2004 (lodged with DAC)
Subject Land	Lot 896 and Section 276 Cameron and Wright Streets, Port Elliot
Assessment No.	A 3329
Relevant Authority	Alexandrina Council
Planning Zone	Rural Fringe
Nature of Development	Land division creating two (2) additional allotments
Type of Development	Non-complying
Public Notice	Category 3
Referrals	Heritage SA
Representations Received	2
Representations to be heard	1
Date last inspected	4 May 2005
Recommendation	Approve subject to conditions
Originating Officer	Ben Green

ESD IMPACT/BENEFIT

- Environmental Site is large enough and is able to connect appropriate infrastructure to cater for stormwater and waste produced. Minimal vegetation is required to be removed in order for the school to be developed.
- Social To provide a suitable and safe environment for the children of Port Elliot to be educated.
- Economic Costs borne by the Crown for application, DAIS to provide school and Showground Society continue with shared recreational ground facility.

...cont.

5.1 Steed & Pohl Surveyors (Crown Lands) – 455/D126/04 (Continued)

BACKGROUND

This application has been lodged to effectively create an additional allotment with a site large enough to cater for the re-location of the Port Elliot Primary School currently located on North Terrace. The existing site does not have sufficient area to cater for the growing needs of the community and due to its main road frontage also has issues with safety for children.

THE PROPOSAL

Nature of Development

Creating additional Titles within the Rural Fringe Zone is a Non-Complying form of development under Principle of Development Control 5.

The applicant has no appeal rights in this type of application. However, all third party representors have the right of appeal to the ERD Court under the provisions of the Development Act 1993.

The application was treated as a Category 3 form of development under Schedule 9 of the Development Act 1993 as the application is designated as Non-complying in the relevant Development Plan

Detailed description of proposal

Proposed Lot 50 being 1.56ha in area will have frontage to both Cameron and Wright Streets and is proposed to be the new Port Elliot Primary School site.

The remainder of existing Lot 896 now proposed to be Lot 51 will continue to be utilised by the Port Elliot Showgrounds Society. A boundary realignment with the adjacent Crown Land means that Lot 51 will continue to have an area of 5.62ha acquiring 35 metres to balance out the title.

Proposed Lot 52 will constitute the remaining portion of Section 276 and contain the old stables and the State Heritage listed former Port Elliot Waterworks, including well and remnant pipework.

A road closure has been effected to close the Kurramin Court extension that protruded into the showgrounds site. This 4830m² portion of gazetted road (proposed Lot 53) has effectively been re-aligned to the southern boundary and now forms a 20m wide lot to give access to proposed Lot 52 and showgrounds site.

REFER ATTACHMENT 5.1(a)

...cont.

5.1 Steed & Pohl Surveyors (Crown Lands) – 455/D126/04 (Continued)

SITE & LOCALITY

The proposed site encompasses the existing Port Elliot Showground Society and the Crown Reserve land. The site generally falls from the north western corner to the south eastern boundary.

The Showground Society land has a number of large mature trees dotted around the various buildings and sheds it utilises for the show on an annual basis. An existing oval lies in the centre of the property. Access is gained via the Cameron and Kurramin Street corner.

The Crown Reserve land is predominantly cleared of mature vegetation and is covered by longer grass.

The locality is predominantly low density residential and rural living in nature. To the north of the subject land are residential lots of the 1000+ square metre range. To the west are similar lot sizes but the locality is mixed with the SA Water Depot and the Port Elliot cemetery sites. The south is currently vacant but will contain the final stages of the Elliot Gardens Estate. East of the subject land comprises the Rural Living allotments of Port Elliot that are all approximately 0.75ha in area.

The broader locality of the subject land includes the township of Port Elliot to the south, Waterport Link Road to the north, Bashams Park and Beach to the east and the industrial area of Port Elliot to the west.

REFER ATTACHMENT 5.1(b)

PUBLIC NOTIFICATION

The application was put on Category 3 Public Notification pursuant to Section 38(5) of the Development Act 1993 between the 2nd and 24th February 2005.

There were 2 representations received within the prescribed time frame. Of those who responded 1 representor stated they desired to be heard at the meeting.

The issues raised by the submissions were:

- Friends of Waterport Heritage Reserve (S.M Corbally)
 - The group has no objections to the proposal as detailed but has separate related issues.
 - Kurramin Crt and Montpelier/Tottenham Court junction is not supported.
 - 35m encroachment of the showgrounds onto the Crown land should be continued to be open space and not be built up with large sheds.

...cont.

5.1 Steed & Pohl Surveyors (Crown Lands) – 455/D126/04 (Continued)

- F Michelmore (Life Member of Show Society)
 - Concerns over flooding of the proposed school onto the show grounds.
 - Would like to see the 'sale ring' remain for historical reasons.
 - The need for improved school facilities.

REFER ATTACHMENT 5.1(c)

The applicant has submitted a response to the representations as required by the Development Act, prepared by David Haslam from the Crown Lands Department.

REFER ATTACHMENT 5.1(d)

CONSULTATION

The application was referred internally to Council's Technical Services Department (Infrastructure Engineer Matt James) who provided the following comments:

- Stormwater will be addressed at a later stage when addressing Council's care and control over Crown Land. The School sites stormwater will be piped through an easement and addressed at the building stage.
- There are no effluent connections on the site.
- Upon field survey it may be possible to construct a gravity drain running west along Kurramin Court and intercepting the existing drain on Tottenham Court Road to achieve an effluent connection.
- Developer to fund all work associated with connection to the common effluent scheme.
- Developer to pay \$6,000 (2 units) CED headworks charge.
- Drainage to be via gravity only – no pumping systems allowed.
- It is proposed to construct Cameron Street in a southerly direction and then extend it east along the boundary of Elliot Gardens within a realigned section of Kurramin Court to give access into the showgrounds. The access to No. 1 Kurramin Court and to No. 46 Tottenham Court Road will be unaffected and remain as they currently are. It is proposed to have a fence or barrier constructed near the rear of No. 1 Kurramin Court to prevent showgrounds traffic from using Kurramin Court between Cameron Street and Tottenham Court Road.

Council's Environmental Health Officers had no comments on the application.

REFERRALS

The Crown Reserve is a State Heritage Place for the former Port Elliot Waterworks, including well and remnant pipework. The proposal was deemed acceptable for the following reasons:

...cont.

5.1 Steed & Pohl Surveyors (Crown Lands) – 455/D126/04 (Continued)

- The proposed land division will generate a relatively low visual impact upon the site of the former Port Elliot Waterworks.
- Both land titles will be included in the State Heritage listing, thereby affording protection to remnants of the waterworks infrastructure buried within the former Kurramin Court reserve.

REFER ATTACHEMENT 5.1(e)

ALEXANDRINA COUNCIL DEVELOPMENT PLAN

The following Objectives and Principles of the Alexandrina Development Plan are seen as especially relevant:

Rural Fringe Zone

Objective 1: A zone accommodating a restricted range of rural uses which are not prejudicial to future urban development of land within or adjacent to the zone, and which do not detract from the appearance and open character of the zone.

Principles of Development Control

- 1 Development should not prejudice the future orderly urban development of land within the Zone or adjacent zones.

Appearance of Land and Buildings

- 3 Buildings and structures should be of a high standard of design with regard to external appearance, building materials, colours, siting, landscaping and provision for future maintenance, so as to preserve and enhance the appearance of the locality and the quality of views from the Victor Harbor to Goolwa Road.

Amenity

- 4 Development should not impair the amenity of the locality.

Non Complying Development

- 5 Creation of new Titles.

COMMENTS

This application is endeavouring to provide a useable Title for the educational benefit of the children of Port Elliot by way of a new school development. The Titles created will also provide links to higher quality open space provision for the local community and create a more orderly extension of Kurramin Court.

...cont.

5.1 Steed & Pohl Surveyors (Crown Lands) – 455/D126/04 (Continued)

No 'real' planning issues were raised within the local community in regard to the proposed division.

Although the application is Non-Complying in the Alexandrina Development Plan by way of creating an additional Title, the positive effects of relocating the school to this location means the application has sufficient merit to warrant approval.

Finally, the land owner and Minister for Environment and Conservation, the Hon. John Hill, has confirmed support for the this land division application.

RECOMMENDATION

That Development Application 455/D126/04 for a Land Division creating two (2) additional allotments on Lot 896 and Section 276 Cameron and Wright Streets, Port Elliot be approved subject to the following conditions:

- (1) That Council seek the concurrence of the Development Assessment Commission as the application is for a Non-Complying development;
- (2) Payment of \$6,000 shall be made for the Common Effluent Drainage Scheme Connection Levy (Based on LGA and DHS standard formula).
- (3) Each of the proposed allotments shall be connected to the Common Effluent Drainage Scheme, all costs being borne by the developer.
- (4) A competent Plumber or Drain Layer Licensed to perform such work shall carry out the construction of any extension to the Common Effluent Drainage Scheme and construct all new connections to the scheme.
- (5) Suitable as constructed drawings showing drain lengths, offsets from property boundaries, drain and connection depths and drain grades of any extensions and/or new connections to the Common Effluent Drainage Scheme shall be provided to Council within 30 days of the completion of such work and before final clearance is issued.

NOTE: The 35m proposed encroachment into the Crown Reserve shall remain as open space. The show society have advised they have no intention to build anything on this portion of land.

ITEM 6. **DEVELOPMENT ASSESSMENT – BUILDING**

ITEM 7. **MATTERS REFERRED FOR FOLLOW UP**

ITEM 8. GENERAL ITEMS FOR DISCUSSION

8.1 Mark Hall - 455/1293/04

File Ref: 455/1293/04
Officer: Ben Green
From: Nolan Rumsby Planners

REPORT

The application for a change of use to an Agricultural Supplies Business on the subject land (9 Scott Rd, Langhorne Creek) was refused by the Development Assessment Panel on the 25th January 2004 (Item 4.2). The applicant has subsequently appealed the decision to the Environment, Resources and Development (ERD) Court and the compulsory conference between the parties was scheduled for Tuesday the 10th of May 2005.

Two of the representors for this Category 3 application applied to the ERD Court to be joined to Council, this being Zach Keelan and Rebecca Wilson.

The applicants planning consultant has provided a detailed discussion of the application and the compromise proposed.

REFER ATTACHMENT 8.1

Essentially the changes proposed to the original application are as follows:

- Chemical supplies will no-longer be stored on site but delivered direct to the individual land owner.
- The site will have limited cash and carry sales/trade with respect to chemicals and be limited to 1,000ltr/kg of chemical storage.
- The hours of operation for the shop/resource centre component of the business has been reduced to essentially 8am till 2pm.
- Truck movements have also been limited to 10am till 3pm on weekdays and no more than 2 to 3 truck deliveries per week.
- Improved access to the rear of the site is proposed through the removal of the lean-to structure on the western side of the building.

After making an assessment of the site, the original report written to the Panel by Jo Nightingale that recommended approval and the planning consultants report, I provide the following comments and recommendation:

In regard to the parties wishing to join with Council I believe that Council should advise the parties that Council are prepared to accept the compromises proposed by the applicant and believe the application has sufficient merit to warrant approval.

.../cont.

8.1 Mark Hall – 455/1293/04 (Continued)

The parties then have the option to waive their rights if they agree with Council or they can take up the appeal against the applicant and Council as their rights under the Development Act 1993 permit.

The compromise put forward by the applicant addresses the concerns raised by the representors to a degree that significantly reduces the impacts the proposal may have on the surrounding locality. The fact that the site was previously used as an engineering workshop performing light industrial work, as well as commercial functions has to be taken into consideration.

RECOMMENDATION

That Council accept the compromise put forward by the applicant and seek a Court Order to approve the change of use to agricultural supplies (Development Application 455/1293/04) at 9 Scott Road, Langhorne Creek subject to the following conditions:

1. The proposed development must be undertaken in accordance with the plans and proposals contained in the application including:
 - Nolan Rumsby Report with File No: F 2311 dated 18 April 2005 by Jeni Nolan.
2. Vehicle engines shall not be left running while loading and unloading within the bunded area.
3. Storage of bulk (un-packaged) materials, blending or mixing of dry substances, and decanting, mixing or dilution of liquids must NOT be carried out on the site.
4. All chemicals (including empty containers) must be stored undercover within a bunded area.
5. All loading/unloading and handling of chemical products must be carried out on a bunded impervious apron within the storage area (where spills can be contained). The apron surface (usually concrete or an impervious membrane) must be maintained at all times in an impervious state. The bunding must be designed and installed in accordance with the Australian Standard (AS1940/93).
6. No vehicle washing or maintenance is to be carried out on site.

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8.1 Mark Hall – 455/1293/04 (Continued)

7. Stormwater from the roof must be collected for on-site use with overflow also utilised as far as practicable on the site (eg directed to areas of vegetation) or via underground pipes directly to the Council stormwater system or in the absence of such a system to the nearest drainage line for disposal in a manner that does not result in erosion.
8. Any material spilt outside must be cleaned up promptly by sweeping and if water is used to wash down then the area must drain to a collection area, device or sump from which it must be collected for removal and disposal off site to an approved waste disposal depot, or alternatively directed to a sewer (with prior approval of the Manager SA Water Trade Waste) or to a Council STED scheme (with prior approval, where applicable). At no time it must be allowed to come into contact with the stormwater system or any underground water resource.
9. A chemical spill containment kit must be kept on site at all times and maintained in operational conditions at all times.

ITEM 9. NEXT MEETING

Monday 20th June 2005.

MEETING CLOSED AT