

DEVELOPMENT ASSESSMENT PANEL

**MINUTES OF MEETING HELD ON 22 OCTOBER 2009
COMMENCING AT 11:30 AM
IN THE COMMUNITY CHAMBERS "WAL YUNTU WARRIN"**

PRESENT

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

APOLOGIES

Ms R Sage

IN ATTENDANCE

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

ITEM 1. CONFIRMATION OF MINUTES

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

Moved Cr R Medlyn and seconded S Nicholson 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

The Development Assessment Panel moved to Item 4.1 at 11.30am

The Gallery were asked to leave at 11.47am.

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:

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

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.

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.

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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.

- 24 Moved Cr G Gartrell seconded Cr R Medlyn that the Development Assessment Panel consider that the development is not seriously at variance with Alexandrina Development Plan and therefore 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

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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.

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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:
 - o at or adjacent to the dwelling to ensure occupants safety when operating the pump during a bushfire
 - o NB: An 'Operations Instruction Procedure' shall be located with the pump control panel.

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- ' 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.

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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>

CARRIED

The Gallery returned at 11.50am.

The Gallery were asked to leave at 11.35am.

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).

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. .../cont

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.

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.

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4.1 455/547/09 - Murraylands Christian College (continued)

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.

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.

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4.1 455/547/09 - Murraylands Christian College (continued)

- 25 Moved S Nicholson and seconded Cr R Medlyn that the Development Assessment Panel consider that the development is not seriously at variance with the Alexandrina Development Plan and therefore grant 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 (plan and supporting documentation received by Council on 7 July 2009, 29 July 2009, Site Plan received on 1 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.

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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 and in accordance with the relevant Australian Standards and Austroad Guidelines 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.

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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. Zincalume shall not be used.

Reason: Zincalume 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.

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.

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4.1 455/547/09 - Murraylands Christian College (continued)

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 and Austroad Guidelines 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.

CARRIED

The Gallery returned at 11.46am.

Moved to back to Item 3.1 at 11.47am.

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.

Further discussion and confirmation of the dates and times to be finalised at the next Development Assessment Panel meeting.

7.3 ERD COURT APPEAL DA 455/955/07

Tom Gregory provided a verbal report on the progress & finalisation of this appeal. Prior to the date of the ERD Court Hearing, the Appellant withdrew their appeal.

7.3 LETTER OF REQUEST FROM AUTHENTICITY HEALTH RETREAT

A letter from Paul Emes (Planning Consultant for Authenticity Health Retreat) was tabled requesting the Development Assessment Panel to allow a presentation (prior to lodging a Development Application) outlining Authenticity's strategic vision for consideration and comment.

The Development Assessment Panel resolved not to allow a presentation, as it was considered to be outside of the core function of the Development Assessment Panel and could create a precedent for future hopeful developers. The Development Assessment Panel suggested that a Development Application be lodged and assessed according to general protocol.

ITEM 8. NEXT MEETING

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

Mr D Donaldson will be an apology for the November meeting

Mr S Nicholson will Chair the November meeting.

MEETING CLOSED AT 12.07 pm

MINUTES CONFIRMED.....

Chair

DATED:.....