



COUNCIL ASSESSMENT PANEL

AGENDA

WEDNESDAY, 6 FEBRUARY 2019

Notice is hereby given that pursuant to Section 56A(2)(a) of the Development Act 1993, and in accordance with the Council Assessment Panel Terms of Reference the next meeting of the Council Assessment Panel will be held on Wednesday 6 February 2019, in the Council Chambers, 29 Holland Street, Kingston, at 5.00 pm.

Milan Hodak
**Senior Development
& Compliance Officer**
1 February 2019

AGENDA
Wednesday 6 February 2019
COUNCIL ASSESSMENT PANEL
KINGSTON DISTRICT COUNCIL

1. PRESENT:

2. APOLOGIES:

3. CONFIRMATION OF MINUTES:

3.1 MINUTES OF PREVIOUS COUNCIL ASSESSMENT PANEL MEETING HELD TUESDAY 9 OCTOBER 2018 (APPENDIX 1):

4. ADJOURNED ITEMS:

5. QUESTIONS ON NOTICE:

6. MOTIONS OF NOTICE / WITHOUT NOTICE:

7. GENERAL BUSINESS:

7.1 MEETING PROCEDURES (APPENDIX 2):

7.2 TERMS OF REFERENCE (APPENDIX 3):

7.3 CODE OF CONDUCT (APPENDIX 4):

7.4 MEETING TIME AND DATES:

8. LIST OF DEVELOPMENT APPROVALS:

8.1 LIST OF DEVELOPMENT APPROVALS: 26 Sep 2018 – 29 Jan 2019

9. DEVELOPMENT REPORTS:

9.1 DEVELOPMENT APPLICATION (APPENDIX 5): 640/037/18

10. CORRESPONDENCE:

11. CLOSURE:

1. PRESENT:**2. APOLOGIES:****3. CONFIRMATION OF MINUTES:****3.1 MINUTES OF PREVIOUS COUNCIL ASSESSMENT PANEL MEETING HELD FRIDAY 9 OCTOBER 2018 (APPENDIX 1):**

That the Minutes of the Council Assessment Panel Meeting held on 9 October 2018 be confirmed.

4. ADJOURNED ITEMS:**5. QUESTIONS ON NOTICE:****6. MOTIONS OF NOTICE / WITHOUT NOTICE:****7. GENERAL BUSINESS:****7.1 MEETING PROCEDURES (APPENDIX 2): 3/14/1.1****Purpose**

The purpose of this report is to present to Council Assessment Panel for adoption Kingston Assessment Panel Meeting Procedures.

Recommendation:

- 1. That the report on Meeting Procedures be received.**
- 2. That the Kingston Council Assessment Panel Meeting Procedures be adopted.**

Background

The recently ascended to Planning Development and Infrastructure Act (PDI Act) triggered several administrative changes, including that to the Council Assessment Panel meeting procedures.

The changes to the meeting procedures include the name change from Development Assessment Panel (DAP) to Council Assessment Panel (CAP) and the introduction of an Assessment Manager.

The Kingston Council Assessment Panel Meeting Procedures submitted for adoption reflect these changes.

7.2 TERMS OF REFERENCE (APPENDIX 3): 3/14/1.1

Purpose

The purpose of this report is to inform Council Assessment Panel of Kingston Council Assessment Panel Terms of Reference.

Recommendation:

That the report on Terms of Reference be received and noted.

Background

The recently ascended to Planning Development and Infrastructure Act (PDI Act) renamed several administrative bodies, including the Council Development Assessment Panel. The new terminology is Council Assessment Panel.

The Council Assessment Panel Terms of Reference submitted for information reflects these changes.

7.3 CODE OF CONDUCT (APPENDIX 4): 3/14/1.1

Purpose

The purpose of this report is to present to Council Assessment Panel for information the Assessment Panel Members – Code of Conduct.

Recommendation:

That the report on Code of Conduct be received and noted.

Background

Under Schedule 3 of the *Planning, Development and Infrastructure Act 2016* (PDI Act) the Minister may adopt a code of conduct to be observed by members of an assessment panel established under the PDI Act.

This code of conduct sets out standards of conduct and professionalism that are to be observed by all members of assessment panel. This code of conduct must be read in conjunction with the PDI Act.

7.4 MEETING TIME AND DATES:

Purpose

The purpose of this report is to present to Council Assessment Panel for adoption proposed meeting time and dates.

Recommendation:

- 1. That the report outlining CAP meeting dates and times for the period of March 2019 to June 2019 be received.**
- 2. That the Development Assessment Panel set the following meeting dates..... and that meetings be held at 5.00 pm.**

Background

It is the responsibility of Council Assessment Panel (CAP), to set annual meeting dates and times. It is Council's direction that the CAP meet monthly, subject to agenda items requiring decision.

Previously the Panel has met on the first Tuesday of the month commencing at 4.30 pm. Due to Council informal gatherings now being held on Tuesday afternoons, the following schedule is proposed and based on meetings to be held on the first Wednesday of each month until June 2019. Please note that the proposal is for the meetings to commence at 5.00pm.

20 March 2019 (due to staff annual leave, meeting delayed to allow time to prepare agenda).

3 April 2019

1 May 2019

5 June 2019

8. LIST OF DEVELOPMENT APPROVALS:**8.1 LIST OF DEVELOPMENT APPROVALS: 26 Sep 2018 to 23 Jan 2019.**

DA No.	Applicant	Owner	Development	Location
640/044/18	R Gericke	R Gericke	Shed	5 Jaffa Street
640/046/18	R & M Homes	DJ Wilson & BD Smith	Dwelling	9 Seagate Way
640/047/18	Cape Jaffa Pty Ltd	Cape Jaffa Pty Ltd	Shed extension	459 Limestone Coast Road
640/048/18	J Swain	J Swain	Shed, Carport and Verandah	8 Watson Street
640/049/18	N Martin	R & P Redman	Pergola	7A Gough Street
640/050/18	A & S Coote	A & S Coote	Pergola	2 Arthur Street
640/051/18	National Trust of SA Kingston SE Branch	National Trust of SA	Unisex toilet	32 Marine Parade
640/052/18	I Smith	IR & DA Smith	Extension to camp kitchen & workshop	18 King Drive
640/053/18	T Peichnick	T Peichnick	Pergola	1 North Terrace
640/055/18	Blackbird Industries	Eudunda Farmers Pty Ltd	Shed relocations	5 Cooke Street
640/056/18	Kingston SE Community Men's Shed	Kingston District Council	Shipping container relocation	14 Holland Street
640/057/18	A Harrison	A Harrison	Shed	27 Charles Street
640/058/18	P Schaefer	P Schaefer	Change of Land Use	16 Agnes Street
640/059/18	R & M Homes	EWJ Cameron	Dwelling	6 Watson Street
640/060/18	Bawco Building	S Rous & T Craig	Shed & Carport	556 Southern Ports Highway
640/063/18	Baker Builders	RW & VC Supple	Shed	732 Limestone Coast Road
640/065/18	JD Read	JD Read	Carport	67 Golflinks Road
640/001/19	J Braithwaite	J Braithwaite	Two Storey Dwelling	24 Marine Parade
640/003/19	R Bawden	RC Baker	Shed	190 Marine Parade

Total estimated value of development cost = \$ 1,466,917.00.

Recommendation:

That the list of Development Approvals be received and noted.

9. DEVELOPMENT REPORTS:**9.1 DEVELOPMENT APPLICATION (APPENDIX 5):**

640/037/18

Applicant	Michael & Robin Warner
Owner	Grant Roy Doyle
Subject Site	8 & 10 (Lot 1 & 8) East Terrace
Zone	Residential
Development Plan Map Number	Zone Map King/15
Policy Area	Gall Park Policy Area 4
Bushfire Risk Area	Excluded
Development	Change of Land Use - From Residential to Consulting Rooms (Veterinary Clinic)
Category	Non-Complying
Public Notification	Category 3 Non-Complying
Appendix	September report and minutes, Statement of Effect, Department of Planning, Transport and Infrastructure report, Statement of Representation, Site Plan, Floor Plan, Examples of dog kennels and horse stables

Purpose

The purpose of this report is for Panel members to determine application for a Category 3 Non-Complying development for change of land use from residential to consulting rooms (Veterinary Clinic).

Recommendation:

- 1. That the report on Development Application 640/037/18 be received.**
- 2. The applicant be advised that having regard to the Development Plan and all supporting documentation, the application is considered not to be at serious variance with the Council's Development Plan and be granted Development Plan Consent subject to the following conditions:**
 - a. The development shall be carried out in accordance with the plans and details approved with DA 640/037/18, except where required to be varied by any condition of consent or where approval is sought and granted by Council, for any variation.**
 - b. Driveways and carparking areas should be consistent with the Australian Standard AS2890 Parking Facilities. REASON: Transportation and Access, Principles of Development Control, Principle 31.**
 - c. Driveways and parking areas should be sealed or paved in order to minimise dust and mud nuisance. REASON:**

Transportation and Access, Principles of Development Control, Principle 36.

- d. Provide floodlit entrance and exit points to parking areas and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the carpark. REASON: Transportation and Access, Principles of Development Control, Principle 35.
- e. The signage and lighting will have to be directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the Veterinary Clinic.
- f. Stormwater from the driveways and parking areas should be collected for reuse, and with overflow disposed off on site via bore. REASON: Transportation and Access, Principles of Development Control, Principle 37.
- g. Parking areas should be line-marked to indicate parking bays, movement and direction of traffic. REASON: Transportation and Access, Principles of Development Control, Principle 38.
- h. Landscaping/screening buffer should consist of locally indigenous species of trees and shrubs and should be established within three months of completion of the development and thereafter maintained to the reasonable satisfaction of Council. REASON: Landscaping, fences and trees, Principles of Development Control, Principle 2.
- i. That the application and all relevant documentation be forwarded to the State Commission Assessment Panel (SCAP) for concurrence as per section 35(3)(b)(i) of the *Development Act 1993*.

**Department of Planning, Transport and Infrastructure,
Development Division, Transport Assessment and Policy Reform
Conditions**

1. The access points shall be located in general accordance with the site plan produced by Frank Brennan Consulting Services (DWG NO. FBCS – 0280318, v1.1). The access points shall be sign posted appropriately to reinforce the desired traffic flow through each access.
2. The southern access shall be a minimum of 6 metres in width to accommodate simultaneous two-way movement of customer/client and staff vehicles, and shall be sealed in spray seal from the existing edge seal to the property boundary.
3. All vehicles shall enter and exit the site in a forward direction.
4. Any stormwater run-off shall be collected on-site and disposed of safely of the adjacent section of East Terrace. Any alterations to the existing road drainage infrastructure as a result of this development shall be at the expense of the applicant.

Background

The applicant, Michael and Robin Warner, lodged application for a Change of Land Use from Residential to Consulting Rooms (Veterinary Clinic) in a Residential Zone. Consulting Room is a non-complying development in the Zone.

Council Assessment Panel (CAP) considered the application at its September meeting and determined to consider the application as Category 3 Non-Complying development subject to the following conditions (copy of the September report and the minutes are attached at the appendix).

1. ***That the report on Development Application 640/037/18 be received.***
2. ***That the Development Application 640/037/18, for a change of land use from Residential to Consulting Rooms (Veterinary Clinic) on allotment 1 & 8 (Numbers 8 & 10) East Terrace, Kingston SE, in DP 78234, Certificates of Title Volume 6014 Folio 380 and Volume 6014 Folio 387, proceed to a full assessment as Category 3 Non-Complying development.***
3. ***The Applicant be notified of Panel's decision to consider the application as Category 3 Non-Complying development subject to:***
 - a. ***Receipt of the applicable fees for Category 3 Non-Complying development.***
 - b. ***Statement of Effect under section 39(2)(d) of the Development Act.***
4. ***That on receipt of the above, the application and all relevant documentation be referred to Commissioner of Highways pursuant to Section 37 of the Development Act.***
5. ***That the application undergoes Category 3 Public Notification pursuant to section 37(5) of the Development Act.***
6. ***That on completion of Category 3 Public Notification application be referred back to Council Assessment Panel for consideration and determination.***
7. ***Subject to successfully obtaining a right of way to locate an exit driveway over Council community land to Doyle Road.***

The applicant provided Statement of Effect (copy attached at the appendix) as required by section 39(3)(d) of the *Development Act 1993* addressing relevant Objectives and Principles of Development Control.

The Department of Planning, Transport and Infrastructure, Development Division, Transport Assessment and Policy Reform has, on behalf of the Commissioner of Highways, assessed the application for access to/off from East terrace to the site and advises that a number of conditions be attached to the approval, should the approval be granted (report is attached at the appendix).

CAP should note that the access (entry and exit) to the site will be off East Terrace. The applicant is not seeking right of way across the Council community land to Doyle Road. Legal advice to the Council is that this sort of arrangement is not suitable long-term solution.

During the public notification period one statement of representation was received from an owner of land in the vicinity (copy of representation is attached at the appendix). As required by section 38(8) of the *Development Act 1993*, the statement of representation was referred to the applicant for a response (copy of the response is attached at the appendix).

Discussion

THE SUBJECT LAND

The subject land is allotments 1 and 8 in Deposited Plan DP 78234, within the Hundred of Lacepede, Certificates of Title Volume 6014 Folio 380 and Volume 6014 Folio 387 respectively. The subject land is not subject to any easements or endorsements.

The subject land comprises two adjoining properties. Allotment 1 is a square-shaped Allotment with flat terrain, an area of 2,957 m², with a 55.33 metre frontage to East Terrace (arterial road), depth of 54.00 metres on the northern boundary and 62.32 metres on the southern boundary. It contains an existing large stone dwelling and two outbuildings (car garage and storage shed - refer to Figure 1).



Figure 1

Allotment 8 is triangular shaped allotment with flat terrain, area of 1,216m² and a 51.31 metres (comprising of 13.37 and 37.94 metres) frontage to East Terrace, a depth of 62.32 along northern boundary and 60.35 metres on southern boundary and is vacant land (refer to Figure 1).

PROPOSAL

The proposed Veterinary Clinic will comprise of the following:

- Conversion of the existing dwelling into a Veterinary Clinic, including a reception/office area, client waiting room, pharmacy room, 2 consulting rooms, kitchen/laundry and bathroom/toilets.
- An addition to the dwelling (proposed clinic building) of approximately 34m² to provide a surgery, treatment room and recovery room.
- Conversion of the existing car garage into storage shed and the existing storage shed into an undercover staff car parking.
- A raised dog kennel facility to accommodate 4-5 dogs while being treated or undergoing recovery.
- A single-horse stable (or large animal) facility to accommodate one animal while being treated or undergoing recovery.
- The closure of the existing northernmost access driveway onto the Subject Land.
- The construction of a new, two-way, access driveway from East Terrace onto allotment 8 and associated client car park adjacent to the clinic building.
- The planting of trees and shrubs on the eastern and southern boundaries to provide a landscape buffer, particularly to the existing residential dwelling to the southern boundary.

Copy of the site plan, floor plan and example of dog kennels and horse stable together with the Statement of Effect are attached at the appendix.

ASSESSMENT

Most of the subject land is located within Residential Zone as delineated within Council's Development Plan.

Following is an assessment of the proposal against the relevant Objectives and Principles of Development Control of the Development Plan.

The Objectives, Desired Character Statement and Principles of Development Control for the Zone seek primarily to accommodate a range of residential dwelling types and small-scale non-residential uses that serve the community.

OBJECTIVES

- 1 A residential zone comprising a range of dwelling types.
- 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.
- 3 Development that contributes to the desired character of the zone.

The proposed development does not adversely affect the above Objectives. The proposed development makes use of existing dwelling and the adjacent vacant allotment that fronts the public transport route, a (minor) arterial route.

PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

- 1 The following forms of development are envisaged in the zone:
 - domestic outbuilding in association with a dwelling
 - domestic structure
 - dwelling
 - dwelling addition
 - **small scale non-residential uses that serve the local community, for example:**
 - child care facilities
 - health and welfare services
 - open space
 - primary and secondary schools
 - recreation areas
 - **shops, offices or consulting rooms**
 - supported accommodation

The above Principle of Development Control envisages small-scale non-residential uses that serve the local community. Veterinary Clinic comprising Office and Consulting Rooms is consistent with the above Principle.

2 Development listed as non-complying is generally inappropriate and not acceptable unless it can be demonstrated that it does not undermine the objectives and principles of the Development Plan.

The proposed development is a Non-Complying development as it exceeds 100 square metres in size and it fronts arterial road. However, I believe it does not undermine the objectives and principles of the Development Plan. The proposed development is changing the use of the existing structure with minor alteration/addition. It is adjacent arterial road however the DPTI department is generally supportive of the proposal as the development proposes to remove a northern access and install a new access to the vacant allotment south of the clinic building. The driveway aligned with the existing garage will remain.

The two driveways are proposed to be a minimum of 4 metres in width. As the proposed land use is for a non-residential use, the department recommends that the car park (southern) access be a minimum of 6 metres in width to accommodate simultaneous two-way movement of passenger vehicles. The department also recommends that this access be sealed from the road edge to the property boundary to minimise the potential for damage to the edge of seal and to reduce the spread of dust and debris onto the carriageway.

3 Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.

The vacant allotment 8 is in such location and configuration that makes it undesirable for residential development as evidenced by it remaining vacant. It would however provide a suitable and adequate separation between the proposed land use change and the existing residential development to the southeast.

4 Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that:

- (a) serves the needs of the local community
- (b) is consistent with the character of the locality
- (c) does not detrimentally impact on the amenity of nearby residents.

The Veterinary Clinic in its current location (Cooke Street) amongst residential development has successfully served the local and wider community for many years with minimal, if any, inconvenience to the adjacent residents. In its proposed location this service will continue with the benefits of better access, more convenient off-street parking and wider separation from the existing residential development.

As proposal does not involve any major alterations to the façade of the building, it will be consistent with the character of the locality and is unlikely to have detrimental impact on the amenity of nearby residents.

The representation received raised concerns with the traffic and parking and increased animal noise. The traffic and parking concerns have been addressed through removal of the northern entry point, addition of a driveway to the dedicated carparking area (southern access) and a requirement that it be 6 metres in width to accommodate simultaneous two-way movement of passenger vehicles.

The signage and lighting will have to be directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the Veterinary Clinic.

The applicant states in the response to the representation that the majority of sick animals will be housed inside the Veterinary Clinic however a raised dog kennel facility capable of accommodating a maximum of 5 dogs will house dogs while being treated or undergoing recovery.

The locality of the kennel facility is considered to offer adequate separation distance from dwelling. It should also be noted that the proposed Veterinary Clinic is subject to the same obligations under the *Dog & Cat Management Act 1995* to prevent public and environment nuisance (noise/barking) caused by dogs.

7 Development adjacent to East Terrace should be of a high standard of design, construction and siting and be landscaped in a manner which will enhance the visual appearance of the area from that road.

The proposed development of the Veterinary Clinic will maintain the residential façade of the existing building and the proposed additions will not be visible from East terrace. Most of the existing landscaping will be maintained and new landscaping along the southern boundaries will be undertaken to provide a visual buffer.

The proposed Veterinary Clinic will continue to open 5 days a week (Monday to Friday from 8:30am to 5:30pm) and the use of the proposed non-residential purposes is unlikely to create land use conflict with the existing residential and commercial development in the locality.

The applicant states that the proposed dog kennel and horse (large animal) stable facilities are always not expected to be at capacity and will be cleaned daily to dispose of any faeces to an on-site concealed composting system so as not to cause nuisance to adjoining properties.

GENERAL SECTION (Council Wide)

Design and Appearance

OBJECTIVES

1 Development of a high architectural standard that responds to and reinforces positive aspects of the local environment and built form.

2 Roads, open spaces, buildings and land uses laid out and linked so that they are easy to understand and navigate.

PRINCIPLES OF DEVELOPMENT CONTROL

1 The design of a building may be of a contemporary nature and exhibit an innovative style provided the overall form is sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials and colour.

3 Buildings should be designed to reduce their visual bulk and provide visual interest through design elements such as:

- (a) articulation
- (b) colour and detailing
- (c) small vertical and horizontal components
- (d) design and placing of windows
- (e) variations to facades.

4 Where a building is sited on or close to a side boundary, the side boundary wall should be sited and limited in length and height to minimise:

- (a) the visual impact of the building as viewed from adjoining properties
- (b) overshadowing of adjoining properties and allow adequate natural light to neighbouring buildings.

11 Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.

The existing building is considered as of high architectural standard for its period of construction and may still be considered as of high standard (refer to Photo 1).

The proposed conversion of the dwelling to Veterinary Clinic is unlikely to have adverse impact on the character of the locality.

The existing and proposed landscaping will enhance the streetscape in the area.

As mentioned above, the signage and lighting will be directed and shaded in a manner that will not cause nuisance to the adjacent properties or users of the Veterinary Clinic and maintain the visual attractiveness of the locality.



Photo 1 – Allotment 1, East Terrace – existing dwelling and garage buildings

Infrastructure

OBJECTIVES

- 1 Infrastructure provided in an economical and environmentally sensitive manner.
- 5 The efficient and cost-effective use of existing infras

PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Development should not occur without the provision of adequate utilities and services, including:
 - (a) electricity supply
 - (b) water supply
 - (c) drainage and stormwater systems
 - (d) waste disposal
 - (e) effluent disposal systems
 - (f) formed all-weather public roads
 - (g) telecommunications services
 - (h) social infrastructure, community services and facilities
 - (i) gas services.

The existing dwelling has access to the sealed road on East Terrace and is serviced by existing services; electricity, telecommunications, community wastewater management scheme (CWMS) and mains water supply.

Interface between Land Uses

OBJECTIVES

- 1 Development located and designed to prevent adverse impact and conflict between land uses.
- 2 Protect community health and amenity and support the operation of all desired land uses.

PRINCIPLES OF DEVELOPMENT CONTROL

1 Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:

- (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants
- (b) noise
- (c) vibration
- (d) electrical interference
- (e) light spill
- (f) glare
- (g) hours of operation
- (h) traffic impacts.

2 Development should be designed and sited to minimise negative impact on existing and potential future land uses considered appropriate in the locality.

3 Development adjacent to a Residential Zone or residential area within a Township Zone

5 Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses considered appropriate for the zone should not be developed or should be designed to minimise negative impacts.

Noise

6 Development should be designed, constructed and sited to minimise negative impacts of noise and to avoid unreasonable interference.

The site of the proposed Veterinary Clinic is adequately separated to minimise negative impacts on adjoining residential development.

The western side of East Terrace is characterised by established low density residential development comprising detached dwellings on large allotments. The East Terrace road reserve is 30 metres wide and provides a buffer between the proposed Veterinary Clinic and the dwellings on the western side of East Terrace.

To the east and north of the of the proposed Veterinary Clinic is a 20-metre-wide Council reserve. Further to the north abutting Council reserve is commercial estate.

Given the existing buffers between the existing land uses the potential for adverse impacts and conflict between land uses in this locality appears to be minimal.

The proposed dog kennel and horse (large animal) stable facilities are not expected to be always at the capacity and will be cleaned daily to dispose of faeces to an on-site concealed composting system so as not to cause nuisance to adjoining properties.

The existing Veterinary Clinic in its current location is also located in Residential Zone and has operated in that location since 1976, in a denser residential area, and has not given rise to any conflicts or negative impacts on the adjoining residential properties.

ASSESSMENT SUMMARY

The proposed conversion of existing dwelling to Veterinary Clinic may be considered not to be at serious variance to the Objectives and Principles of Development Control of the Development Plan.

The proposal will not detrimentally impact on the continuous use of adjacent land for residential purposes and is unlikely to have any negative impacts or conflicts with adjacent residential and commercial land uses.

The proposed development of a Veterinary Clinic demonstrates sufficient planning merit for the non-complying development application and therefore warrants granting of Development Plan Consent

10. CORRESPONDENCE:

11. CLOSURE