

ALEXANDRINA COUNCIL

**DEVELOPMENT ASSESSMENT PANEL
MINUTES OF A MEETING HELD ON 20 MAY 2009
COMMENCING AT 10:50 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

Nil

IN ATTENDANCE

Vanessa Harvey (Personal Assistant), Sally Roberts (General Manager), Tom Gregory (Senior Town Planner), Andrew Sladden (Senior Town Planner), David Zanker (Town Planner), Brian Hill (Development Compliance Officer).

ITEM 1 PROTOCOLS FOR ADOPTION

Moved Mr S Nicholson seconded Cr Medlyn that the Development Assessment Panel adopts the Alexandrina Council Development Assessment Panel Protocols.

CARRIED

ITEM 2 ELECTION OF DEPUTY CHAIR

Nominations were called for the position of Deputy Chair.

Nomination received from Mr S Nicholson.

No other nominations being received, it was carried that Mr Stephen Nicholson be appointment to the position of Deputy Chair.

CARRIED

ITEM 3 CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on 18th February 2009.

Moved Cr Medlyn seconded Cr Gartrell that the minutes of the Alexandrina Council Development Assessment Panel held on 18th February 2009 as circulated to members be received as a true and accurate record.

CARRIED

ITEM 2. **DEVELOPMENT APPLICATIONS**

Nil Items

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

3.1 **455/D096/08 - Murndal Pty Ltd**

SUMMARY TABLE

Date of Application	17 September 2008
Subject Land	Section 670 Burma Road, Kyeema
Assessment No.	A 14457
Relevant Authority	Alexandrina Council
Planning Zone	Watershed Protection
Nature of Development	Land Division creating one (1) additional allotment
Type of Development	Non-Complying
Public Notice	Category 3
Referrals	Planning SA, SA Water, Environment Protection Agency, Dept Water, Land & Biodiversity Conservation, Dept Health, native Vegetation Council Secretariat
Representations Received	Nil
Representations to be heard	N/A
Date last inspected	8 October 2008
Recommendation	Approval subject to conditions and concurrence of Development Assessment Commission
Originating Officer	Tom Gregory

BACKGROUND

This Non-Complying application was presented to the Development Assessment Panel (DAP) at its 19 November 2008 meeting, at the first stage of the Non-Complying process to determine whether the application displayed enough merit in order to warrant a full and proper detailed assessment against the Alexandrina Council Development Plan. Pursuant to Regulation 17(3) (b) of the Development Regulations 1993, and after minimal discussion the recommendation to proceed to the next stage of assessment was agreed and adopted by the DAP.

.../cont.

3.1 455/D096/08 – Murndal Pty Ltd (Continued)

THE PROPOSAL

This application seeks to create one additional allotment within the Watershed Protection Zone as prescribed in the Alexandrina Council Development Plan. Land Division where additional allotments are proposed is listed as a 'non-complying' form of development within this Zone.

The Applicant currently holds 247.6 hectares of land with substantial frontage to Burma Road. The subject land is used for a number of rural uses, and contains two long-standing independent and functional detached dwellings sited approximately 750 metres apart. Each dwelling is independent from the other with respect to access, water supply, and the waste control / septic systems which are operational within each of the proposed allotments.

One dwelling (circa 1970) is situated in the centre of the property and is surrounded by a large number of outbuildings and farm buildings that are used in conjunction with the current operations on site. This portion of the allotment will continue to operate as a beef cattle farm, and will retain over 2 kilometres of frontage to Burma Road. Access to the dwelling on this allotment is gained via an internal track, which passes the second dwelling. The second dwelling (circa 1985) is located approximately 30 metres from Burma Road, and is currently fenced off in the configuration of this land division proposal. The proposal seeks to create a new title around the circa 1985 dwelling of approximately 2.7 hectares, and will retain 190 metres of frontage to Burma Road. This allotment has been referred to as the 'rural living' allotment for the remainder of this report.

Gallery were requested to leave the meeting at 11:00 a.m. as the Development Assessment Panel would now be going into a closed meeting.

Moved Cr Medlyn that the Development Assessment Panel approve Development Application 455/D096/08 for the creation of one additional allotment at Section 670 Burma Road, Kyeema subject to the following notes and conditions, and subject to concurrence from the Development Assessment Commission.

Conditions:

- That plans shall be in accordance with the requirements for plans under the Real Property Act (Land Division) Regulations 1982.

.../cont.

3.1 455/D096/08 – Murndal Pty Ltd (Continued)

Notes:

- Any proposal to clear native vegetation, unless subject to an exemption under the Native Vegetation Regulations, requires the approval of the Native Vegetation Council.

MOTION LAPSED THROUGH WANT OF A SECONDER

Moved Mr S Nicholson that Development Application 455/D096/08 for the creation of one additional allotment at Section 670 Burma Road, Kyeema be deferred pending further advice regarding surrounding allotment sizes, uses and how the application fits within the wider context of the broad objectives of the Alexandrina Development Plan.

MOTION LAPSED THROUGH WANT OF A SECONDER

8 Moved Cr Gartrell seconded Mrs R Sage that the application be refused as it is considered to be at variance with the following Objectives and Principles of Development Control of the Alexandrina Development Plan:

Council Wide

Objective 2
Principle of Development Control 168

Port Elliot & Goolwa District

Principle of Development Control 15

CARRIED

The meeting was reopened to the public at 11:25 a.m.

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

Nil Items

ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION / COMMUNITY TITLE

Nil Items

ITEM 6. MATTERS REFERED FOR FOLLOW-UP

Nil Items

ITEM 7. GENERAL ITEMS FOR DISCUSSIONS

7.1 455/585/08 - Tavern & Freestanding Group Of Shops (Six Tenancies) With Associated Carparking And Landscaping At Lot 500, Alexandrina Drive, Clayton

File Ref: 3.14.001
Officer: Andrew Sladden

REPORT

Development Application 455/585/08 was refused by the Development Assessment Panel at its meeting in December 2008. The Applicant (Norich Development Services P/L) subsequently appealed the Decision to the ERD Court. As a compromise could not be reached, the matter went to trial on 8 and 9 April 2009. Council engaged the services of Phil Broderick (Lawyer) and Mark Baade (Planner) to appear on Council's behalf.

The issues central to the hearing were whether the proposal was considered to be orderly and economic, compliance with the relevant provisions of the Development Plan and Clayton Structure Plan, appearance amenity and landscape design.

The Court (Commissioner) upheld Council's decision to refuse the application and dismissed the appeal.

9 Moved Cr Gartrell seconded Cr Medlyn that the report be received.

CARRIED

ITEM 8. NEXT MEETING

Scheduled for Thursday 18th June 2009 with a time to be advised.

MEETING CLOSED AT 11:35 a.m.

MINUTES CONFIRMED
CHAIR

DATED: