

**MINUTES OF A MEETING OF DEVELOPMENT ASSESSMENT PANEL
HELD IN THE ALEXANDRINA COUNCIL COMMUNITY CHAMBERS
"WAL YUNTU WARRIN", GOOLWA,
ON 20 MARCH 2014 AT 11:00 AM**

PRESENT

D Donaldson (chair), Cr M Walker, Cr G Gartrell, R Sage, M Penhall, D Dawson

APOLOGIES

Cr A Woolford

IN ATTENDANCE

A Sladden (Senior Town Planner) D Zanker (Town Planner) R Panuccio (Administration) S Roberts (Manager Planning & Development)

CONFLICT OF INTEREST

Alexandrina Development Assessment Panel Members are reminded of the requirements for disclosure by Members of direct or indirect personal or pecuniary interest in a matter listed for consideration on the Agenda.

Section 56A of the Development Act 1993 requires that any Member declares any interest and provide full and accurate details of the relevant interest to the Panel prior to consideration of that item on the Agenda.

Each Member of the Development Assessment Panel has a duty to vote at all meetings unless excepted by legislation.

The major exception being where a Member has a conflict of interest.

All discussion and consideration of decisions about development applications before Council's Development Assessment Panel will be made in public unless otherwise determined by the Panel in accordance with Section 56A(12) (b) of the Development Act 1993.

ITEM 1. CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on 20 February 2014.

Moved Cr G Gartrell seconded D Dawson that the minutes of the Alexandrina Council Development Assessment Panel held on 20 February 2014 as circulated to members be received as a true and accurate record.

CARRIED

ITEM 2. DEVELOPMENT APPLICATIONS

ITEM 3. DEVELOPMENT APPLICATIONS - NON COMPLYING

ITEM 3.1 455/603/13 - DWELLING ADDITIONS (DECKING) AND TERRACED GARDEN

SUMMARY TABLE

Date Of Application	18.07.2013
Subject Land	Lot 53 Narnu Bay Drive Hindmarsh Island
Relevant Authority	Alexandrina Council
Planning Zone	Residential Zone – residential (Hindmarsh Island North) policy area 35
Nature Of Development	Dwelling Additions – (Decking) and terraced garden (non-complying)
Type Of Development	Non-complying
Public Notice	Category 3
Referrals	Department of environment, water and natural resources (DEWNR), environmental protection authority (EPA)
Representations Received	2
Representations To Be Heard	Nil
Date Last Inspected	September 2013
Recommendation	Development plan consent subject to development assessment commission concurrence
Originating Officer	Andrew Sladden

7 Moved D Dawson seconded Cr M Walker that the Development Assessment Panel resolve that the development is not seriously at variance with the Alexandrina Development Plan and therefore grant Development Plan Consent to Development Application 455/603/13 for a Dwelling Additions, Decking and Terraced Gardens at Lot 53 Narnu Bay Drive, Hindmarsh Island subject to the following conditions and notes and subject to concurrence of the Development Assessment Commission.

Conditions

1. The development here in approved shall be undertaken and maintained in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council, except where varied by the following conditions.

Reason: To ensure the development is undertaken in accordance with the approved plans, drawings, specifications and other documents submitted.

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ITEM 3.1 455/603/13 - DWELLING ADDITIONS (DECKING) AND TERRACED GARDEN (continued)

2. The external appearance, materials and finishes of the new structure/building must match, complement or blend with the principal building as near as practical and be of a non reflective finish.

Reason: To maintain and enhance the visual amenity of the locality in which the subject land is situated.

3. Temporary debris and sediment control measures must be installed to ensure debris, soil, soil sediments, and litter are maintained within the construction site. Debris, soil, soil sediments, and litter from the construction site must not enter Council's drainage system, the River, Council's road network, or neighbouring properties.

NOTE: Pollution prevention measures must be in accordance with the Environmental Protection Authority's 'Storm water Pollution Prevention Codes of Practice';

- ' For the Community
- ' For Local, State and Federal Government
- ' For the Building and Construction Industry

Reason: To inform owners, developers, builders etc of their obligation in regard to the environment and to the appropriate measures of storm water disposal from building sites.

4. External lighting and security lighting shall be directed in such a manner so as to not, in the opinion of Council, create unreasonable overspill onto any adjoining property or roadway which may create a nuisance to any neighbour or road user.

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.

Council Notes

1. 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.
2. The applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray System through his or her actions or activities.

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ITEM 3.1 455/603/13 - DWELLING ADDITIONS (DECKING) AND TERRACED GARDEN (continued)

3. Building Site Management

Upon granting of Development Approval, any person undertaking the development shall be required to conform to the following guidelines:

- **Construction Hours:** That construction shall take place between 7am and 7pm Monday to Saturday and between 9am and 6pm on Sundays and public holidays. All such work shall be undertaken in such a manner so as not to cause any nuisance or annoyance to any of the occupiers of buildings within the locality.
- **Dust Emissions:** That dust emissions from the site shall be controlled by a dust suppressant or by watering regularly.
- **Waste Receptacle:** That the builder shall at all times provide and maintain a waste receptacle on the site for the storage of builder's waste. This receptacle shall be located on site for the duration of the construction period and be emptied as required.
- **Storm water Runoff:** That all runoff and storm water from the subject site during the construction period must be either contained on site or directed through a temporary sediment trap, prior to discharge to the storm water system.
- **Hard Waste Litter Storage:** That all hard building materials be stored in a manner that secures it on site during the construction works.
- **Site Security:** That the site shall be secured at all times to prevent unauthorised access and that adjoining properties are secure at all times during the period of construction works where fences have been removed.
- **Public Realm:** That any work in the public realm requiring street occupation or hoardings requires Council consent, which must be granted prior to the commencement of the construction works.
- **Damage to Council's Footpath/Kerbing/Road Pavement/Verge:** Section 779 of the Local Government Act provides that where damage to Council footpath/kerbing/road pavement/verge occurs as a result of the construction, the owner/Applicant shall be responsible for the cost of Council repairing the damage.

Department of Environment, Water and Natural Resources Conditions

1. **During construction activities the property must be managed in a manner as to prevent erosion and pollution of the subject site and the environment, including keeping the area in a tidy state and ensuring any waste materials are appropriately contained to ensure no pollutants (including excavation or fill material) enter the River Murray system.**
2. **Any fill material brought to the site must be clean and not contaminated by construction or demolition debris, industrial or chemical matter, or pest plant or pathogenic material.**

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ITEM 3.1 455/603/13 - DWELLING ADDITIONS (DECKING) AND TERRACED GARDEN (continued)

3. Any excavation or fill material surplus to the requirements of the development must be disposed of such that it will not:
 - a. be located within the 1956 floodplain;
 - b. adversely impact native vegetation;
 - c. impede the natural flow of any surface waters;
 - d. allow sediment to re-enter any water body;
 - e. facilitate the spread of pest plant and pathogenic material.
4. Any exposed areas created or exacerbated during the works must be appropriately stabilised to minimise the potential for erosion and the entry of sediment into the River Murray. Revegetation with locally indigenous species or the use of geosynthetic materials may assist in complying with this condition.
5. Appropriate measures must be undertaken to minimise water quality impacts during works on or near the riverbed. The use of a silt curtain, coffer dam or similar may assist in complying with this condition.

Department of Environment, Water and Natural Resources Notes

- 1 The applicant is advised of their general duty of care under the River Murray Act 2003 to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
- 2 The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or artefacts may be present on the subject land (eg. scarred trees, campsites, burial sites, middens, etc). Under section 20 of the Aboriginal Heritage Act 1988 (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act.

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ITEM 3.1 455/603/13 - DWELLING ADDITIONS (DECKING) AND TERRACED GARDEN (continued)

- 3** If there is an intention to clear native vegetation on the land at any time, the applicant should consult the Native Vegetation Council to determine relevant requirements under the Native Vegetation Act 1991 and its Regulations, which may include the provision of a Significant Environmental Benefit. Note that 'clearance' means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal or trimming of branches, severing roots, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information contact the Native Vegetation Council on telephone 8303 9741 or visit: <http://www.nvc.sa.gov.au>.
- 4** The applicant is encouraged to incorporate locally indigenous plant species into any landscaping, screen planting or revegetation activities at the site to enhance the natural character of the locality, stabilise soils and provide habitat for native species. For information on appropriate species to be planted, please contact State Flora at Bremer Road, Murray Bridge on telephone 8539 2105, or within Belair National Park on telephone 8278 7777 or visit: http://www.environment.sa.gov.au/our-places/State_Flora.
- 5** This approval does not obviate any considerations that may apply to the Environment Protection and Biodiversity Conservation Act 1999 (Cth). For further information visit: <http://www.environment.gov.au/topics/aboutus/legislation/environment-protection-and-biodiversityconservation-act-1999/about-epbc>.

Environmental Protection Agency Conditions

- 1** The Soil Erosion and Drainage Management Plan as described in the email dated 17 January 2014 from Personalised Home Designs, and any additional measures deemed necessary to avoid sediment leaving the site, must be implemented and maintained during construction.
- 2** Straw bales, or other appropriate silt traps, must be used prior, during and post-construction until the soil is stable to prevent soil sediment leaving the site.
- 3** Any excavated soil stored on-site, prior to being transported off-site, must be deposited in a location and effectively secured to prevent it being moved by stormwater or wind and affecting adjoining properties or entering the River Murray.
- 4** Appropriate dust suppression measures must be implemented and maintained during construction.

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**ITEM 3.1 455/603/13 - DWELLING ADDITIONS (DECKING) AND TERRACED GARDEN
(continued)**

Environmental Protection Agency Notes

1. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practicable measures to ensure that the 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>

CARRIED

ITEM 3.2 455//D033/11 - Land Division - Boundary Realignment

SUMMARY TABLE:

Date Of Application	30 June 2011
Subject Land	Lot 211 Murray Road, Langhorne Creek
Relevant Authority	Alexandrina Council
Planning Zone	Flood Zone
Nature Of Development	Land Division - Boundary Realignment
Type Of Development	Non-complying (minor)
Public Notice	Category 1
Referrals	DAC, SA Water, DOH, DPTI, DEWNR
Date Last Inspected	May 2013
Recommendation	Development Plan Consent and Land Division Consent subject to Development Assessment Commission Concurrence
Originating Officer	Andrew Houlihan

- 8 Moved Cr M Walker seconded D Dawson that the Development Assessment Panel resolve that the proposed Land Division is not seriously at variance with the Alexandrina Council Development Plan and grant Development Plan Consent and land Division Consent to Land Division Application 455/D033/11 for Land Division – Boundary Realignment at Lot 221 Langhorne Street and allotment comprising of Pieces 10 and 12 Murray Road, Langhorne Creek, subject to the following conditions and notes, and subject to concurrence from the Development Assessment Commission.**

Council Conditions

- 1. That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and plans prepared by Jeanes & Sommerville Surveyors Pty. Ltd. dated 17/5/11 and marked reference number 5006_PR_V02_13214 as submitted in development application number 455/D033/11.**

Reason: To ensure the proposal is established in accordance with the submitted and approved plans.

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ITEM 3.2 455//D033/11 - LAND DIVISION - BOUNDARY REALIGNMENT (continued)

Development Assessment Commission Conditions

1. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

Department of Environment, Water and Natural Resources Conditions

1. During any works or construction activities associated with the land division, the subject land must be managed in a manner as to prevent erosion and pollution of the site and the environment, including keeping the area in a tidy state and ensuring any waste materials are appropriately contained to ensure no pollutants (including excavation or fill material) enter the River Murray system. The preparation of a Soil Erosion and Drainage Management Plan, or similar document, may assist in complying with this condition.

Department of Environment, Water and Natural Resources Notes

- 1 The applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
- 2 It is important to note that the following legislation applies to the subject land :
 - The Prescription of the Water Resources in the Eastern Mount Lofty Ranges, which requires those that are or are proposing to use surface, watercourse and /or underground water for any purpose – other than stock and domestic use – at any time in the future, to apply for a water licence with the Department for Water.
 - The Notice of Prohibition on Taking Surface Water, Water from Watercourses and Underground Water in the Eastern Mount Lofty Ranges, which prohibits any new or additional use of surface, watercourse and /or underground water for any purpose - other than stock and domestic use - until the expiry of the current Notice of Prohibition on 1 October 2011 (and any subsequent Notices of Prohibition).
 - If there is a proposal to take surface water, watercourse water or underground water to service the new allotments, or if there are any existing water uses that may be impacted by the land division, the interested parties should contact the Department for Water to ensure compliance with the Prescription of Water Resources in the Eastern Mount Lofty Ranges and the Notice of Prohibition on Taking Surface Water, Water from Watercourses and Underground Water in the Eastern Mount Lofty Ranges. For further information contact the Department for Water on telephone 8463 6876 or visit: <http://www.waterforgood.sa.gov.au>.

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ITEM 3.2 455//D033/11 - LAND DIVISION - BOUNDARY REALIGNMENT (continued)

- 3** In accordance with section 144 of the Natural Resources Management Act 2004, the occupier of the land on which a well is situated must ensure that the well (including the casing, lining and screen of the well and any mechanism used to cap the well) is properly maintained. A permit is required from the Department for Water for any work to be carried out on a well or for new wells to be drilled. Information on specific wells can be obtained from <https://des.pir.sa.gov.au/page/desHome.html>. For information regard permit applications contact the Department for Water on telephone 8463 6863 or visit: <http://www.sa.gov.au/subject/Water,+energy+and+environment/Water/Water+use+for+irrigators/Water+licences+and+permits/Forms+for+water+permits>.
- 4** If there is an intention to clear native vegetation on the land at any time, the applicant should consult the Native Vegetation Council to determine whether the proposed clearance requires formal approval under the Native Vegetation Act 1991 and its Regulations. Note that 'clearance' means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, trimming or removal of branches, severing roots, drainage and reclamation of wetland s, and in some circumstances grazing by animals. For further information contact the Native Vegetation Council on telephone 8303 9741 or visit: <http://www.nvc.sa.gov.au>.
- 5** The applicant is encouraged to incorporate locally indigenous plant species into any landscaping, screen planting or revegetation activities at the site to enhance the natural character of the locality, stabilise soils and provide habitat for native species. For information on appropriate species to be planted, please contact State Flora at Bremer Road, Murray Bridge on telephone 8539 2105, or within Belair National Park on telephone 8278 7777 or visit: <http://www.stateflora.com.au>.
- 6** The River Murray system, which includes portions of the Mount Lofty Ranges, has abundant evidence of Aboriginal occupation and Aboriginal sites, objects or artefacts (eg. scarred trees, campsites, burial sites, middens, etc) may be present on the subject land . Under section 20 of the Aboriginal Heritage Act 1988 (the Act), an owner or occupier of private land , or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act.

CARRIED

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

ITEM 4.1 455/1075/13 - Tennis Court Fencing, Lighting (x4), 1.8m High Masonry Wall and Associated Verandah

SUMMARY TABLE:

Date Of Application	27 november 2013
Subject Land	Lot 1274 Britannia Parade, Hindmarsh Island
Relevant Authority	Alexandrina council
Planning Zone	Residential Marina Zone
Nature Of Development	Tennis Court Fencing, Lighting (x4), 1.8m High Masonry Wall and Associated Verandah
Type Of Development	Consent on merit
Public Notice	Category 3
Date Last Inspected	3 march 2014
Recommendation	Development plan consent subject to conditions & notes
Originating Officer	David Zanker

- 9 Moved Cr G Gartrell seconded R Sage that the Development Assessment Panel resolves that the proposal is considered not to be seriously at variance with Alexandrina Council Development Plan and to grant Development Plan Consent for tennis court fencing, lighting (x4), 1.8m high masonry wall and associated verandah, subject to the following conditions and notes.**

Council Conditions

- 1. The development here in approved shall be undertaken and maintained in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council, except where varied by the following conditions.**

Reason: To ensure the development is undertaken in accordance with the approved plans, drawings, specifications and other documents submitted.

- 2. The tennis court lights shall only be used for the times as specified in Development Application 455/1075/13 and be turned off and remain off outside these hours.**

Reason: To protect the amenity of adjoining residents.

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ITEM 4.1 455/1075/13 - Tennis Court Fencing, Lighting (x4), 1.8m High Masonry Wall and Associated Verandah (continued)

3. The tennis court lighting hereby approved shall not be turned on prior to 8:00 am and shall be turned off before 9:30 pm.

Reason: To ensure the amenity of the neighbouring properties are not effected by the proposal.

4. The Lighting shall comply with the Australian Standards AS 4282-1997 throughout the life of the development.

Reason: To maintain the amenity of the locality.

5. 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.

Reason: To ensure that excavations and filled land is stable and will not result in any adverse impact on adjoining properties.

6. That effective measures be implemented during the construction of the development and on-going use of the land in accordance with this consent to:

- prevent silt run-off from the land to adjoining properties, roads and drains;
- control dust arising from the construction and other activities, so as not to, in the opinion of Council, be a nuisance to residents or occupiers on adjacent or nearby land ;
- ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site;
- ensure that all litter and building waste is contained on the subject site in a suitable bin or enclosure; or
- ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of Council, to the occupiers of adjacent land .

Reason: To minimise potential adverse off site environmental impacts.

7. All storm water 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 .

Reason: To ensure storm water is disposed of in a controlled manner.

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ITEM 4.1 455/1075/13 - Tennis Court Fencing, Lighting (x4), 1.8m High Masonry Wall and Associated Verandah (continued)

8. Where cut and /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.

Reason: To ensure that excavations and filled land is stable and will not result in any adverse impact on adjoining properties.

9. Any additional excavated material not required as fill for the site shall be removed immediately after excavation to prevent bogging and soil washing away.

Reason: To minimise potential adverse off site environmental impacts.

10. External lighting and security lighting shall be directed in such a manner so as to not, in the opinion of Council, create unreasonable overspill onto any adjoining property or roadway which may create a nuisance to any neighbour or road user.

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.

Council Notes

1. 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.
2. 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.
3. You should liaise with your neighbour and advise of your intentions to build on your common boundary, prior to commencing construction.

CARRIED

ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION/COMMUNITY TITLE

ITME 6. MATTERS REFERRED FOR FOLLOW-UP

ITEM 7. GENERAL ITEMS FOR DISCUSSIONS

ITEM 7.1 Development Assessment Panel meeting Agenda format

Sally Roberts, Manager Planning and Development will be attending the meeting to discuss the Agenda format with members.

All members decided on the following outcomes:

- The Agenda & Attachments will remain in electronic format
- All members to receive an A3 hard copy of plans
- Training on using the electronic agenda & attachment format will be provided to members individually

ITEM 8. NEXT MEETING

Next meeting scheduled for Thursday 17th April 2014 commencing at 11am.

MEETING CLOSED AT 11.40am

MINUTES CONFIRMED.....

CHAIR

DATED:.....