

**MINUTES OF A MEETING OF DEVELOPMENT ASSESSMENT PANEL HELD IN THE  
ALEXANDRINA COUNCIL COMMUNITY CHAMBERS "WAL YUNTU WARRIN", GOOLWA,  
ON 15 AUGUST 2013 AT 11:00 AM**

**PRESENT**

Mr D Donaldson (Chair), Ms R Sage, Mr M Penhall,  
Mr D Dawson, Cr A Woolford, Cr M Walker,  
Cr G Gartrell

**APOLOGIES**

**IN ATTENDANCE**

A Sladden (Senior Town Planner), A Houlihan  
(Town Planner), D Zanker (Town Planner), B Veenstra  
(Administration Officer), J Payne (Administration Officer)

**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 June 2013.

**Moved Cr A Woolford seconded Cr G Gartrell that the minutes of the Alexandrina Council Development Assessment Panel held on 20 June 2013 as circulated to members be received as a true and accurate record.**

**CARRIED**

**Moved to Item 7 at 11.07am**

**ITEM 2.      DEVELOPMENT APPLICATIONS**

**ITEM 2.1      455/544/13 - DWELLING - DETACHED THREE STOREY**

Mr D Donaldson, Chair welcomed David Hutchinson (on behalf of Applicant) to the meeting from 11.13am to 11.20am.

**SUMMARY TABLE**

Date Of Application	21 JUNE 2012
Subject Land	1 SIR GEORGE RITCHIE AVENUE, GOOLWA SOUTH
Relevant Authority	ALEXANDRINA COUNCIL
Planning Zone	RESIDENTIAL ZONE POLICY AREA 22 (SOUTH LAKES)
Nature Of Development	DWELLING – DETACHED THREE STOREY
Type Of Development	CONSENT ON MERIT
Public Notice	CATEGORY 1
Date Last Inspected	10 JULY 2013
Recommendation	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS, NOTES AND RESERVED MATTER
Originating Officer	DAVID ZANKER

**25      Moved Cr A Woolford seconded D Dawson that the Development Assessment Panel resolves to refuse the proposal as it is considered to be at variance with Alexandrina Council Development Plan Consolidated on the 29 November 2012 for the following reasons:**

**COUNCIL WIDE**

***PDC 36: Building appearance should not detract from the existing or desired future character of the locality in terms of built form elements such as:***

- (a) building height;***
- (b) building mass and proportion;***
- (c) external materials, patterns, textures, colours and decorative elements;***
- (d) ground floor height above natural ground level;***
- (e) roof form and pitch;***

**Reason: It is considered that the three storey dwelling would detract from the character of the locality.**

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***PDC 45: Dwelling setbacks from side and rear boundaries should be progressively increased as height increases to:***

- (a) minimise the visual impact of buildings from adjoining properties;***
- (b) minimise the overshadowing of adjoining properties; and***
- (c) maintain adequate daylight to existing and future adjoining dwellings and private open space.***

***Unless specified in a particular policy area, dwellings should be setback the following distances from side and rear boundaries. The policy area provisions take preference over the Council-wide provisions in the event of any conflict.***

***45.1 Side walls with a maximum height of 3m are setback a minimum of 1m.***

***45.2 Side walls with a maximum height of 6m are setback a minimum of 2m.***

***45.3 Side walls greater in height than 6m are setback 2m plus the increase in wall height above 6m.***

**Reason:** The setback distances from the proposed dwelling to the adjoining allotment boundary has a minimum setback distance of 900mm which does not comply with PDC 45.2.

#### **PART C - PORT ELLIOT AND GOOLWA**

***PDC 2: Development involving the erection of any building of more than one storey in height, should only be undertaken where:***

- (a) the building will be in visual harmony with existing buildings in the locality;***
- (b) the building is designed and sited to minimise any resultant loss in privacy or natural light with respect to existing development; and***
- (c) the development will not detract from the amenity of the locality.***

**Reason:** Due to certain design elements that the proposed dwelling incorporates, it is considered that the dwelling would not be in harmony with the existing buildings of the locality.

#### **RESIDENTIAL ZONE**

***Objective 1: A zone accommodating detached dwellings up to two storeys in height, together with appropriate community uses complementing the permanent and the holiday accommodation requirements of the urban coastal area.***

**Reason:** The dwelling is three storeys in height which is at odds with Objective 1 of the residential zone that calls for dwellings up to two storeys in height.

***PDC 5: Dwellings should not be greater than two storeys or 8.0 metres high as measured from existing natural ground level immediately below the highest point of the building.***

**Reason:** The dwelling incorporates a three storeys structure and is 9 metres in height above natural ground level which is at odds with the height limit of 8 metres and maximum storey height.

**CARRIED**

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

**ITEM 3.1 455/D028/13 - Land Division Creating Four (4) Additional Allotments**

Mr D Donaldson, Chair welcomed David Barone – Jensen Planning & Design (on behalf of Applicant) from 11.30am to 11.36am.

**SUMMARY TABLE**

Date Of Application	24.07.2013
Subject Land	Lot 904 Sun Orchid Drive Hayborough
Relevant Authority	Alexandrina Council
Planning Zone	RESIDENTIAL ZONE – RESIDENTIAL (PORT ELLIOT WEST) POLICY AREA 20, LANDSCAPE (PORT ELLIOT WEST) ZONE
Nature Of Development	Land Division creating (4) Additional Allotments (Non-complying)
Type Of Development	NON-COMPLYING
Public Notice	N/A
Referrals	N/A
Representations Received	N/A
Representations To Be Heard	N/A
Date Last Inspected	N/A
Recommendation	RESOLVE TO PROCEED WITH ASSESSMENT
Originating Officer	Andrew Sladden

**26 Moved Cr M Walker seconded Cr G Gartrell that the Development Assessment Panel resolve to proceed to a full assessment of application 455/D028/13 for a Land Division creating Four (4) Additional Allotments at lot 904 Sun Orchid Drive Hayborough (Certificate of Title Ref: 6082/451).**

**CARRIED**

**SUMMARY TABLE**

Date Of Application	01.03.2013
Subject Land	Lot 11, 13+ & LOT 15 Meechi Road Langhorne Creek
Relevant Authority	Alexandrina Council
Planning Zone	COUNTRY TOWNSHIP ZONE AND FLOOD ZONE
Nature Of Development	Boundary Realignment (Non-Complying)
Type Of Development	NON-COMPLYING
Public Notice	CATEGORY 1
Referrals	DEVELOPMENT ASSESSMENT COMMISSION, DEPARTMENT OF ENVIRONMENT, WATER AND NATURAL RESOURCES – WATER MANAGEMENT UNIT, NATIVE VEGETATION COUNCIL, SA WATER
Representations Received	N/A
Representations To Be Heard	N/A
Date Last Inspected	JUNE 2013
Recommendation	LAND DIVISION APPROVAL SUBJECT TO DEVELOPMENT ASSESSMENT COMMISSION CONCURRENCE
Originating Officer	Andrew Sladden

- 27 Moved Cr A Woolford seconded M Penhall that the Development Assessment Panel agree that the proposed Land Division is not seriously at variance with the Alexandrina Development Plan and grant Land Division Consent to Development Application 455/D008/13 for Land Division - Boundary Realignment at lot 11, 13+ Meechi Road, Langhorne Creek and lot 15 Meechi Road, Langhorne Creek, subject to the following conditions and notes and the concurrence of 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 Olden and Van Senden P/L and marked reference number 3865da V3 as submitted in development application number 455/D008/13.**

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

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**Council Notes**

1. The applicant is reminded to contact Council when all the Council's conditions and requirements have been complied with and accordingly, the Development Assessment Commission will then be notified that the Council has no objections to the issue of the Certificate of Approval.
2. Any portion of a habitable dwelling, or modification or extension to the existing dwelling constructed in the future on lot 20 shall have a minimum finished floor level of 19.90 AHD.
3. Any portion of a habitable dwelling constructed on lot 21 shall have a minimum finished floor level of 20.30 AHD.

**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 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 would 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 of Environment, Water and Natural Resources.
  - ' 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 20 September 2013 (and any subsequent Notices of Prohibition).
  - ' If there are any existing water users that may be impacted by the land division, the interested parties should contact the Department of Environment, Water, and Natural Resources. For further information contact the Department on telephone 8463 6876 or visit: <http://www.sa.gov.au/subject/Water%2C+energy+and+environment/Water/Water+use+for+irrigators/Water+licences+and+permits/>.../cont

3. Wells are located on the subject land. 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 of Environment, Water, and Natural Resources 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 [www.waterconnect.sa.gov.au/GD/](http://www.waterconnect.sa.gov.au/GD/)
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 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>.
5. Any fencing required to identify allotment boundaries should avoid the unnecessary removal of native vegetation and disturbance of soil, to minimise the risk of soil erosion and subsequent impacts on water quality through increases in siltation, nutrient loading and turbidity.
6. 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>.
7. 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.

**CARRIED**

## Alexandrina Council

### ITEM 3.3 455/1108/11 - Temporary Partial Change Of Land Use To Quarry For The Extraction Of Road Base Material - Borrow Pit - Until 2015 (Non-Complying) (Retrospective)

#### **SUMMARY TABLE**

Date of Application	22 November 2011
Subject Land	Section 109 Chaunceys Line Road, Langhorne Creek
Relevant Authority	Alexandrina Council
Planning Zone	General Farming (Strathalbyn District) Zone
Nature Of Development	Temporary partial change of land use to quarry for the extraction of road base material - borrow pit - until 2015 (non-complying) (retrospective)
Type of Development	Non-complying
Public Notice	Category 3 (public notification)
Referrals	Nil
Representations Received	Nil
Representations To Be Heard	Nil
Date Last Inspected	1 August 2013
Recommendation	Development Approval subject to Development Assessment Commission Concurrence
Originating Officer	Andrew Houlihan

- 28 Moved Cr A Woolford seconded R Sage 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 Approval to Application 455/1108/11 for a temporary partial change of land use to quarry for the extraction of road base material - borrow pit - until 2015 at Section 109 Chaunceys Line Road Langhorne Creek, subject to the following conditions and notes, and subject to concurrence from the Development Assessment Commission.**

#### **COUNCIL CONDITIONS**

- 1. The development here in approved shall be undertaken and maintained 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 3.3 455/1108/11 - TEMPORARY PARTIAL CHANGE OF LAND USE TO QUARRY FOR THE EXTRACTION OF ROAD BASE MATERIAL - BORROW PIT - UNTIL 2015 (NON-COMPLYING) (RETROSPECTIVE) (continued)**

2. The Applicant shall remove no more than 80,000 tonnes of road base material from the site.

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

3. The applicant shall reinstate and remediate the rubble pit to a loose, uncompacted state for reuse by the land owner within 6 months of completion of the excavation works or in accordance with the development approval timeframe.

Reason: To ensure the land is reinstated and remediated to its original state.

4. The applicant shall reinstate and remediate the site with clean fill.

Reason: To ensure the land is reinstated and remediated to minimise any adverse impacts on the environment.

5. The cessation of the borrow pit must occur by 2015 unless otherwise approved by Council.

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

**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.

**CARRIED**

**ITEM 4.      DEVELOPMENT APPLICATIONS - CATEGORY 3**

**ITEM 5.      DEVELOPMENT APPLICATIONS - LAND DIVISION / COMMUNITY TITLE**

**ITEM 6.      MATTERS REFERRED FOR FOLLOW-UP**

**ITEM 7.      GENERAL ITEMS FOR DISCUSSIONS**

**ITEM 7.1     Adoption of Meeting Protocols**

**Moved R Sage seconded Cr G Gartrell that the New Meeting Procedure dated August 2013 as tabled be adopted.**

**CARRIED**

**ITEM 7.2     Appointment of Deputy Presiding Member**

Mr D Donaldson (Chair) called for nominations.

**Moved Cr G Gartrell seconded R Sage nomination of Cr A Woolford for Deputy presiding member.**

**CARRIED**

**Moved back to Item 2.1 at 11.12am.**

**ITEM 7.3     ERD Court updates**

Cr M Walker requested whether there were any items currently on appeal to the Environmental, Resources and Development Court, and in future that a brief report be supplied on the status of these matters at each CDAP meeting.

Council administration confirmed that there were no outstanding matters before the Environment, Resources and Development Court. Council administration also confirmed that when there is an outstanding matter before this Court, a report detailing the current status of the matter will be presented at each CDAP meeting.

**ITEM 7.4     Policy Update**

Council's Policy Planner (T Gregory) provided a verbal report detailing the current status of two Development Plan Amendments:

- Alexandrina Better Development Plan and General Development Plan Amendment - currently on public and agency consultation until 16 August 2013.
- Rural Areas Development Plan Amendment – currently on public and agency consultation until 6 September 2013.

**ITEM 8.     NEXT MEETING**

Next meeting scheduled for Thursday 19<sup>th</sup> September 2013 commencing at 11am.

**MEETING CLOSED AT 11.45am**

**MINUTES CONFIRMED.....**  
**CHAIR**

**DATED:.....**