

**DEVELOPMENT ASSESSMENT PANEL  
MINUTES OF MEETING HELD ON 18 NOVEMBER 2009  
COMMENCING AT 11:05 AM  
IN THE COMMUNITY CHAMBERS "WAL YUNTU WARRIN"**

**PRESENT** Mr S Nicholson (Chair), Cr R Medlyn, Cr G Gartrell, Ms R Sage.

**APOLOGIES** Mr D Donaldson

**IN ATTENDANCE** Tom Gregory (Senior Town Planner), Andrew Houlihan (Town Planner), Vanessa Harvey (Executive Administration Coordinator)

**ITEM 1. CONFIRMATION OF MINUTES**

Minutes of the Alexandrina Council Development Assessment Panel held on 22<sup>nd</sup> October 2009.

**Moved Cr Medlyn seconded Cr Gartrell that the minutes of the Alexandrina Council Development Assessment Panel held on 22<sup>nd</sup> October 2009 as circulated to members be received as a true and accurate record.**

**CARRIED**

**ITEM 2. DEVELOPMENT APPLICATIONS**

**Moved Cr Medlyn seconded R Sage that the Development Assessment Panel move to Item 3.2 at 11:09 a.m.**

**CARRIED**

**The Development Assessment Panel returned to Item 3.1 at 11:19 a.m.**

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

**3.1 455/387/09 - Pembroke School Inc.**

**SUMMARY TABLE**

Date of Application	8 <sup>th</sup> May 2009
Subject Land	Lot 4 Finniss-Clayton Road Finniss
Assessment No.	A13545
Relevant Authority	Alexandrina Council
Planning Zone	General Farming (Strathalbyn)
Nature of Development	Other - Boat Ramp And Breakwater (Non-Complying)
Type of Development	Non-Complying
Public Notice	Category 3
Referrals	EPA, DMLBC
Representations Received	Nil
Representations to be heard	Nil
Date last inspected	August 2009
Recommendation	Approval Subject To Development Assessment Commission Concurrence
Originating Officer	Andrew Sladden

**BACKGROUND**

The subject site is a large rural property comprising approximately 17ha located on the Finniss – Clayton Road. The allotment has frontage to a Council reserve on its southern boundary which has frontage to the Finniss River. The subject allotment is owned by the Pembroke School and being used for school camps and recreational activities.

**THE PROPOSAL**

**Nature of Development**

As the subject site is located within the General Farming (Strathalbyn) Zone, a development of this nature (Breakwater and Boat Ramp) is not listed as being an exemption from being a non-complying form of development pursuant to Principle of Development Control (PDC) 8 for the Zone. Therefore, the proposed development is considered to be non-complying.

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3.1 455/387/09 - Pembroke School Inc. (continued)

**Detailed Description**

The proposed development is located on the Council owned reserve located directly south of the school property. It is proposed to create a concrete boat ramp and "L" shaped rock wall with a total height of approximately 1m around an existing jetty. The proposed development will better facilitate the use of the site for water based recreational activities.

The proposed boat ramp, located on the waters edge is proposed to be constructed from concrete and is 12m long and 6m wide (72m<sup>2</sup>). The breakwater, located around an existing "L" shaped jetty is approximately 30m long and 15m wide at the end. Its width is approximately 1.6m at its widest point being at the end. The breakwater will provide protection to boats and other water craft using and mooring at the jetty.

- 27 **Moved Cr Medlyn seconded R Sage 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 455/387/09 for a Boat Ramp and breakwater at lot 4 Finniss-Clayton Road Finniss 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 7 May 2009 and 23 June 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.**

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3.1 455/387/09 - Pembroke School Inc. (continued)

**DWLBC Conditions and Notes  
Conditions**

1. During construction of the boat ramp and breakwater, the site 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 placed into bins, to ensure no pollutants (including excavated and fill materials) enter the River Murray.
2. Appropriate measures must be undertaken to minimise water quality impacts during construction of the boat ramp and breakwater (ie. silt curtain or coffer dam).
3. Vehicles and machinery must not be fuelled or serviced within 20 metres of the bank of the watercourse, in order to minimise the potential for pollution in the event of a spill.
4. Appropriate spill response equipment (commensurate to the type of equipment being used) must be kept on site during construction activities.
5. Any fill or construction 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.
6. Any fill or construction 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 or pathogenic material.
7. The surface of the boat ramp must be constructed so as to lay flush with the riverbed.
8. The boat ramp and any exposed areas of the riverbank to be used during the launching or retrieval of vessels must be appropriately stabilised. Revegetation with locally indigenous species, and/or the use of geosynthetic materials may assist in complying with this condition.

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3.1 455/387/09 - Pembroke School Inc. (continued)

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. 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. middens, scarred trees, campsites, 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.

3. The applicant is advised that the Central Archive, which includes the Register of Aboriginal Sites and Objects, administered by the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet, has an entry for an Aboriginal site (a cultural site known as 'the Meeting of the Waters') within the vicinity of the subject land. As such the applicant should consult the following Aboriginal organisation prior to the commencement of any works on the subject land:

Ngarrindjeri Heritage Committee  
Chairperson: Mr Tom Trevorrow  
Address: PO Box 126, MENINGIE SA 5264  
Telephone: (08) 8575 1557  
Facsimile: (08) 8575 1448

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3.1 455/387/09 - Pembroke School Inc. (continued)

4. The applicant is advised that any proposal to clear native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. 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 of branches, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information about Native Vegetation Act 1991 requirements, visit: <http://www.dwlbc.sa.gov.au/native>.
5. The applicant is strongly encouraged to incorporate locally indigenous native plant species into any landscaping 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>. Alternatively the SA Murray-Darling Basin NRM Board may be able to assist.
6. Should any fill or construction material be sourced from within the Branched Broomrape Quarantine Area, its collection and transport should be undertaken in accordance with the legally enforceable protocols of the CODE - CONTROL OF BRANCHED BROOMRAPE, which was issued by the Authority of the Minister for Environment and Conservation in January 2008. Cleaning and decontamination of plant, machinery and work vehicles may be supplied free of charge by DWLBC staff if arranged in advance. For further information contact the Branched Broomrape Operations Centre at Thomas St, Murray Bridge on telephone 1800 245 704 or visit: <http://www.dwlbc.sa.gov.au/biodiversity/bbep/index.html>.
7. Prior to the commencement of any works, the applicant should refer to the EPA's Code of Practice for vessel and facility management (marine and inland waters), which can be accessed at [http://www.epa.sa.gov.au/pub\\_list.html](http://www.epa.sa.gov.au/pub_list.html).
8. Guidance on pollution prevention from construction sites can be found in the EPA's Handbook for Pollution Avoidance on Commercial and Residential Building Sites and the Stormwater Pollution Prevention Code of Practice, which can be accessed at [http://www.epa.sa.gov.au/pub\\_list.html](http://www.epa.sa.gov.au/pub_list.html).

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3.1 455/387/09 - Pembroke School Inc. (continued)

9. The development site should be established as part of the KESAB Clean Site Program: <http://www.kesab.asn.au>.
10. This advice does not obviate any considerations that may apply to the Environment Protection and Biodiversity Conservation Act 1999 (Cwth).

**EPA Conditions and Notes**

**Conditions**

1. The development must be undertaken in accordance with the plans and specifications contained in Development Application Number 455/387/09 and the further information dated 25 September supplied by David Nelson to Alexandrina Council and the EPA, unless otherwise varied by the conditions below.
2. Any construction material brought to the site must be clean and not contaminated by construction or demolition debris, industrial or chemical matter, or pest plant (including branched broomrape) or pathogenic material.
3. The surface of the boat ramp must be constructed so as to lay flush with the bed of the lagoon. Dredging of the lagoon is not permitted as part of this approval.
4. Appropriate measures must be put in place during the construction of the boat ramp and breakwater to prevent erosion and sediment and other pollutants entering the lagoon including, but not limited to, minimising any exposed soil, covering any rubble stockpiles when not in use and containing or covering wastes prior to disposal at an EPA - licensed waste depot.
5. Appropriate measures must be put in place during construction of the boat ramp and breakwater to minimise the dispersal of sediment in the lagoon including, but not limited to, enclosing the breakwater construction site with a silt curtain until construction is complete and the turbidity within the curtain returns to normal background levels, enclosing the boat ramp construction site with a coffer dam and, in turn, the coffer dam with a silt curtain prior to its removal and until such time as the turbidity within the curtain returns to normal background levels.

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3.1 455/387/09 - Pembroke School Inc. (continued)

6. Any dust generated by machinery and vehicular movement during site works or any open stockpiles must be managed to prevent dust becoming a nuisance off-site.
7. Construction vehicles or machinery must not be refuelled or serviced within 25 metres of the lagoon in order to minimise the potential for water pollution in the event of a spill.

**CARRIED**

The Development Assessment Panel moved to Item 3.2 at 11:09 a.m.

3.2 455/493/09 - 201-205 O'connell Street Pty Ltd

**SUMMARY TABLE**

Date of Application	9 <sup>th</sup> June 2009
Subject Land	Number 11 Charles Street Middleton
Assessment No.	A19657
Relevant Authority	Alexandrina Council
Planning Zone	Residential Zone, Policy Area 16 (Surfers Beach)
Nature of Development	Store
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	27 <sup>th</sup> May 2009
Recommendation	Resolve To Refuse
Originating Officer	Andrew Sladden

**BACKGROUND**

The subject site is a large rectangular residential allotment of approximately 700m<sup>2</sup>. The site is level and devoid of any significant vegetation. There are no existing buildings on the subject site. The applicants also own the property located directly to the west of the subject site being 12 Charles Street, Middleton. This property is of similar dimensions and contains a large two storey detached dwelling and associated outbuilding

**THE PROPOSAL**

**Nature of Development**

The applicants are proposing to construct a 9.1m x 5.650m (51.4m<sup>2</sup>) shed in the south eastern corner of the subject site. The shed will be located on the southern and eastern boundaries. Given the fact that there is no existing domestic land use (dwelling) on the subject site, the proposed shed is defined as a "store" pursuant to the following definition from Schedule 1 of the Development Act 1993:

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3.2 455/493/09 - 201-205 O'Connell Street Pty Ltd (continued)

*“store means a building or enclosed land used for the storage of goods, and within or upon which no trade (whether wholesale or retail) or industry is carried on, but does not include a junk yard, timber yard or public service depot”.*

A “store” is listed as being a non-complying form of development within the Residential Zone pursuant to Principle of Development Control 27 for the Residential Zone.

**Detailed Description**

As detailed in the application, the applicants have advised that they have no intention of building a dwelling and that the proposed shed will be used for the purposes of storage for the Beach Hut Bed and Breakfast facility located approximately 32m to the west of the subject site.

Although residential in size and scale, in the absence of a valid residential land use the proposed development cannot be classified as an “outbuilding” which is a consent / merit form of development.

The store is proposed to be located in the south eastern corner of the allotment. It has a floor area of approximately 51m<sup>2</sup>, a wall height of 2.7m and total height of 3.5m. It is to be located on 75mm of dolomite fill above the existing ground level. The shed is proposed to be constructed from colorbond steel.

30 **Moved Cr Medlyn seconded Cr Gartrell that the Development Assessment Panel resolve to proceed to assessment with Development Application 455/493/09, for a Store (Non-Complying) at Lot 11, Charles Street, Middleton.**

**CARRIED**

The Development Assessment Panel returned to Item 3.1 at 11:19 a.m.

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

**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 meeting dates for 2010**

Discussion was held re meeting dates for 2010. It was agreed by all present for meetings in 2010 to be held on the third Thursday of the month subject to confirmation from D Donaldson. V Harvey to email information to D Donaldson.

**ITEM 8.     NEXT MEETING**

Next meeting scheduled for Thursday 17<sup>th</sup> December 2009, time to be advised.

**Meeting closed at 11:24 a.m.**

**MINUTES CONFIRMED** .....

**Chair**

**DATED:** .....