

DEVELOPMENT ASSESSMENT PANEL
MINUTES OF MEETING HELD ON 20 FEBRUARY 2006
COMMENCING AT 2:30 PM
IN THE LARGE MEETING ROOM (OLD GOOLWA COUNCIL CHAMBERS)

PRESENT

Cr A Woolford (Presiding Member), Cr R Potter,
Cr M Beckett, Cr P Reedman, Cr G Connor, Cr A
Oliver.

APOLOGIES

IN ATTENDANCE

Sally Roberts (Policy Planner), Cherry Getsom
(Planner), Tom Gregory (Planner), John Coombe
(Chief Executive), Vanessa Harvey (Personal
Assistant).

ITEM 1 CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on
Monday 16th January 2006.

Moved Cr Connor seconded Cr Reedman that the minutes of the Alexandrina
Council Development Assessment Panel held on Monday 16th January 2006 as
circulated to members be received as a true and accurate record.

CARRIED

ITEM 2. DEVELOPMENT APPLICATIONS

ITEM 3. DEVELOPMENT APPLICATIONS - NON COMPLYING

3.1 455/D575/03 - Weber Frankiw & Assoc

Cr Woolford, Presiding Member, welcomed Mr Kym Denver (owner) to the meeting who addressed reasons for the application, from 2:30 p.m. to 2:40 p.m.

SUMMARY TABLE

Date of Application	29 th May 2003
Subject Land	98 Mundoo Channel Drive, Hindmarsh Island
Applicant	Weber Frankiw & Assoc
Owner	Kym Denver
Assessment No.	A 18664
Relevant Authority	Alexandrina Council
Planning Zone	Holiday House, Hindmarsh Island
Nature of Development	Land division creating 28 additional allotments
Type of Development	Non-complying
Public Notice	Category three
Referrals	SA Water Dept Environment & Heritage Dept Water, Land & Biodiversity Conservation Coastal Protection Board SA Dept for Aboriginal Affairs & Reconciliation
Representations Received	2
Representations to be heard	Nil
Date last inspected	
Recommendation	Approve with conditions, subject to concurrence of the Development Assessment Commission
Originating Officer	Cherry Getsom

ESD IMPACT/BENEFIT

- Environmental Concerns have been raised by the Coastal Protection Board about the possible impacts of this development upon the coastal environment. As this development already exists in 'lease' form a Land Management Agreement is to be entered into in an effort to mitigate some of these concerns.

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3.1 455/D575/03 – Weber Frankiw & Assoc (Continued)

- Social Positives for current leaseholder as it will lead to greater sense of security/ownership regarding their investments.
- Economic Positives for the applicant and existing leaseholders through conversion of existing leases into freehold titles.

BACKGROUND

This application has been with Council for some considerable time. A number of factors have impacted upon this time frame, including the large number of government departments involved in the processes, staff changes within these departments and staff changes within Council. A considerable amount of time has been spent either in discussions with the Coastal Protection Board or in providing additional information in order to address their concerns.

THE PROPOSAL

Nature of Development

This application seeks to freehold 29 allotments that currently exist as ninety-nine year lease arrangements. This application is a non-complying application as the land is located within the Holiday House (Hindmarsh Island) zone of the Alexandrina Development Plan. This zone lists "Land Division except for the purpose of transferring land into public ownership as a non-complying form of development.

Detailed Description

The twenty-nine allotments are located adjacent the Mundoo Channel, on the south-eastern shoreline of Hindmarsh Island. All leased allotments are rectangular in shape having water frontage, with access provided along Mundoo Channel Drive, a fully formed and sealed road. The total area of the property is 2.71 hectares with the leased allotments ranging in size from 728m² to 1296m². Twenty-six of the twenty nine leased allotments contain dwellings, a number of which have been in place approximately 40 years with some being recently renovated. It is understood that the developed allotments are connected to individual waste control systems. Individual jetties are also located on a number of the allotments.

- 1 **It was agreed by consensus that the Development Assessment Panel approve Development Application 455/D575/03 for 28 additional allotments at Mundoo Channel Drive, Hindmarsh Island, subject to the following conditions and subject to concurrence from the Development Assessment Commission;**

1. **The draft Land Management Agreement which forms part of this application be formalised and registered on all new titles, as a means of protecting dwellings from coastal processes and to protect the coastal area.**

.../cont.

3.1 455/D575/03 – Weber Frankiw & Assoc (Continued)

2. An amount of \$28, 942.00 (29 allotments @\$998.00/allotment) is payable to Council as an open space contribution.
3. The land marked 'A' on the plan shall continue to be a free and unrestricted right of way to all allotments within the plan of division. The right of way shall be registered on any new titles created.
4. The final certified plans shall replace the high water marks as the boundaries with a surveyed dimension from the front boundary of the allotments.
5. Two copies of a certified survey plan being lodged with the Commission for Certificate purpose.

AGREED BY CONSENSUS

SUMMARY TABLE

Date of Application	23 rd September 2005
Subject Land	Lot1 Finnis-Clayton Road Finnis
Applicant	Fleurieu Olive Grove
Owner	Espere Pty Ltd
Assessment No.	A12511
Relevant Authority	Alexandrina Council
Planning Zone	Waterfront
Nature of Development	Shed – Commercial – Olive Processing
Type of Development	Non-complying
Public Notice	Category 2
Referrals	Dept Water Land Biodiversity & Conservation Environment Protection Authority
Representations Received	1
Representations to be heard	Nil
Date last inspected	9 th December 2005
Recommendation	Approval subject to conditions and Development Assessment Commission concurrence
Originating Officer	Tom Gregory

ESD IMPACT/BENEFIT

- Environmental Minor environmental impact if managed as per requirements of the Environment Protection Authority and the Department Water Land & Biodiversity.
- Social Increased services for existing and future olive groves within the Alexandrina Council district.
- Economic Benefit to owner, as it allows for the processing of their own olives and not outsource production. Benefit to Council, increased site value and is the sole facility of this nature in the locality.

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THE PROPOSAL

The proposed development is to establish a commercial olive processing facility comprising of the following:

A large fully insulated shed measuring 54 X 20 metres, a wall height of 5 metres and a total height of 7 metres. The shed roof and walls are to be clad with Colorbond Deep Ocean (a deep blue colour). The insulation is provided to avoid the requirement for an mechanical air conditioning. The shed is to be located in an area cleared of trees, grasses and relatively level. There is no native vegetation on the land.

The facility will crush a maximum of 2500 tonnes of olives per annum for the production of olive oil, some of which will be stored and packed in the facility and some of which will be immediately returned to the growers of olives to be further possessed. In addition to the crushing of olives for oil, table olives will be pickled in a series of brine tanks. This is proposed to be undertaken at the western end of the building in an area measuring 24 X 20 metres.

The 'brown water' produced during the olive crushing process is first delivered to a pair of 27,999 litre tanks where it is aerated and solid particles broken down. It is then pumped to a second tank of the same size. From this tank it is mixed at a rate of approximately 3% tank water to 97% river water and used to irrigate the olive trees around the grove, the whole of which is equipped with a low level sprinkler system.

The table olives are held in tanks of water for up to 5 months and then in the final stage of processing the olives are place in salt and water. The brine that is created in this process is pumped off into a spare tank and filtered, to be placed back with the olives in their containers in the final packing process. There is usually no excess brine left over and on occasion more brine has to be made to ensure there is enough for packing purposes. In the rare circumstances of excess brine being produced, the brine would be removed from the property by a contractor to a waste disposal facility.

As per a requirement of the Environment Protection Authority (EPA) the applicant proposes to dispose of the solid waste to a composting facility where it would be used to make fertilizer.

Approximately 1,000,000 litres of wastewater will be produced annually.

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3.2 455/1083/05 – Fleurieu Olive Grove (Continued)

All tanks used in the production and holding of olive oil, brine pickling solution and wastewater will be bunded to prevent the escape of such liquids in an uncontrolled manner into the environs of facility (as per requirements of the EPA).

The proposed development will employ 2 persons on an almost full-time basis and during the peak of production period will provide temporary employment for a further 2 to 3 persons.

Hours of operation will be 7:30am to 7:30pm Monday to Saturday inclusive.

- 2 It was agreed by consensus that the Development Assessment Panel approve application 455/1083/05 for an Olive Processing Shed at Lot 1 Finnis-Clayton Road, Finnis subject to the follow EPA and DWLBC conditions and notes, and subject to concurrence from the Development Assessment Commission.

Conditions - DWLBC

1. To ensure that the applicant's water licence accurately reflects the purposes for which the water will be used (irrigation and industrial), the applicant is required to apply to the Department of Water, Land and Biodiversity Conservation to have the licence as per the Natural Resources Management Act 2004. Inquiries should be directed to the Water Licensing Unit on 8595 2203.
2. Stormwater run-off from the dwelling being directed to a storage tank or tanks. The capacity of tank storage on site is to be equal to or be greater than 20 litres per square metre of total roof area of all buildings on the site.
Any overflow from the tank or tanks shall be managed to prevent erosion or pollution of the site and the River Murray and diverted away from wastewater disposal areas, such as septic tanks and aerobic systems.
3. The building being located on the portion of the subject that is not within the flood zone.
4. The building being unobtrusive and harmonizing with the surroundings through the use of paint or finishes being of natural colours.
5. The potential for materials from the pump shed to contaminate the surrounding environment is high. All reasonable and practical measures should be taken to ensure that the risk of environmental harm is minimized. This must include:

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- (a) An emergency cut off valve on the pump to prevent water flooding the shed should the pump be damaged in any way (i.e. burst hose etc).
- (b) The pump shed must have a sump that is able to collect run off water from within the shed.
- (c) Storage of materials hazardous to the environment must not occur unless the pump shed is bunded.

Conditions - EPA

1. All olive processing must be conducted on a bunded area surfaced with impervious concrete that drains to the wastewater management system.
2. Wastewater must not be irrigated on, or allowed to enter:
 - Waterlogged areas;
 - Into a watercourse
 - Land within 500 metres of any watercourse
 - Land subject to flooding, steeply sloping ground, land with rocky outcrops, or land with highly permeable soil overlaying an unconfined aquifer;
 - Land within 50 metres of any residence on neighboring land; or
 - Land within 25 metres of any property boundary...
3. Audible and visual high-level alarms must be provided for the wastewater holding tank and collection sumps to alert staff of high-level condition in the wastewater system.
4. A back up pump must be kept on site at all times in case of failure of the wastewater system pump.
5. The wastewater management system (collection sumps, oil water separator and wastewater tanks must be situated on an impervious concrete bunded area designed to contain a minimum of 30,000 litres (i.e. of the largest tank).
6. The olive oil storage facility must be bunded to contain at least 120% of the largest oil storage tank. This area must be either:
 - a. A blind sump, which is then pumped out to the wastewater management system; or

.../cont.

- b. Connected to the wastewater management system with a shut off system in place, which will effectively isolate the storage area from the remainder of the facility, and the wastewater management system.
7. Solid waste must not be disposed of at the site. All solid waste must be disposed of to a facility licenced to handle that type of waste (i.e. composting works, transfer station or landfill).

Notes - DWLBC

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 applicant is encouraged to consider establishing a buffer zone of native vegetation between the River Finniss and the cultivated land on the site.
3. The use of reclaimed water can have a detrimental impact on the receiving environment. To minimize any adverse impact the applicant should follow the South Australian Reclaimed Water Guidelines, available at <http://www.deh.sa.gov.au/epa/pdfs/reclaimed.pdf>
4. All areas within 200 metres of any watercourse are considered to be of high sensitivity for Aboriginal sites. The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation.

Under Section 20 of the Aboriginal Heritage Act 1998 (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 for Aboriginal Affairs and Reconciliation, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. Penalties may apply for failure to comply with the Act.

5. The applicant is advised that any proposal to clear, remove limbs or trim 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.

Any queries regarding the clearance of native vegetation should be directed to the Native vegetation Council Secretariat on 8124 4744.

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3.2 455/1083/05 – Fleurieu Olive Grove (Continued)

Notes - EPA

- The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable 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.
- An environmental authorization in the form of a licence is required for the operation of this development. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements.
- A licence may be refused where the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.
- Any information sheets, guidelines documents, codes of practice, technical bulletins etc that are referenced in this response can be accessed on the following website:
<http://www.epa.sa.gov.au/pub.html>

AGREED BY CONSENSUS

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

ITEM 5. DEVELOPMENT APPLICATIONS - LAND DIVISION COMMUNITY TITLE

ITEM 6. DEVELOPMENT ASSESSMENT - BUILDING

ITEM 7. MATTERS REFERRED FOR FOLLOW UP

ITEM 8. GENERAL ITEMS FOR DISCUSSION

8.1 455/261/05 - Hardy Milazzo Architects (Strathalbyn Motel)

File Ref: 455/261/05
Officer: Judith Urquhart

REPORT

This proposal was refused by the DAP on 24th October 2005 and this decision was subsequently appealed. At its meeting on 16th January 2006 the DAP resolved that amendments proposed by the applicant formed the basis for a compromise, and this was communicated to the applicants. It appeared therefore that a full hearing had been avoided and that the court would issue an approval once conditions had been agreed.

In the meantime, the ERD Court realized that it had made an error. When an appeal is lodged the Court is required to notify all those who submitted representations in relation to the application, and invite them to apply to be joined to the appeal. In this instance this was not done and the conference proceeded without those residents having the opportunity to be involved in the conference discussions. Upon realizing its error the Court invited the residents to apply to be joined.

Council neither opposed nor supported the joinder application and Ms Jackie Clarke who owns the property abutting the subject site on the southern side has subsequently been joined to the appeal.

The hearing has been set down for 21st – 23rd March 2006. As Council has reached a compromise agreement with the applicants and has no further active role to play in the appeal, it will seek to be excused from the hearing. The Court is unlikely to agree to this as a council officer, or legal representative may be required by the Court to advise or assist with certain aspects. Phil Broderick will represent the Council as both planners involved in the application are no longer with the Council.

3 It was agreed by consensus that the report be received.

AGREED BY CONSENSUS

8.2 Goolwa Airpark – 455/C076/ 05, 455/C077/05 & 455/C078/05

Officer: John Coombe

A verbal report was given to the Development Assessment Panel updating them on a meeting held earlier in the day on Monday 20th February 2006 with the applicants, officers from Planning SA, Councillors and also Council officers.

Reports on these applications were prepared late last year for a Development Assessment Panel meeting but at the request of the applicants they were deferred.

It was agreed by consensus that the Development Assessment Panel will wait to hear from the applicant regarding the position of these applications.

AGREED BY CONSENSUS

ITEM 9. NEXT MEETING

Monday 20th March 2006 with the time to be advised.

Meeting closed at 3:36 p.m.

MINUTES CONFIRMED
PRESIDING MEMBER

DATED