

**DEVELOPMENT ASSESSMENT PANEL 2007
MINUTES OF MEETING HELD ON 19 DECEMBER 2007
COMMENCING AT 11:00 AM
IN THE COMMUNITY CHAMBERS "WAL YUNTU WARRIN"**

PRESENT

Ron Danvers (Chair), Madeleine Walker, Mike Galea, Cr Rick Medlyn, Cr Grant Gartrell

APOLOGIES

IN ATTENDANCE

Tom Gregory (Planner), Cherry Getsom (Planner), Matt Atkinson (Planner), Keziah Lindschau (Acting PA to Director Environment & Lifestyle Services)

ITEM 1 CONFIRMATION OF MINUTES

Minutes of the Alexandrina Council Development Assessment Panel held on 21st November 2007.

Moved R Medlyn Seconded M Walker that the minutes of the Alexandrina Council Development Assessment Panel held on 21st November 2007 as circulated to members be received as a true and accurate record.

CARRIED

ITEM 2. DEVELOPMENT APPLICATIONS

ITEM 3. DEVELOPMENT APPLICATIONS - NON COMPLYING

ITEM 4. DEVELOPMENT APPLICATIONS - CATEGORY 3

4.1 455/955/07 AXEL BEERS

Mr Danvers, Chair, welcomed Doug Wallace (Planning Consultant acting on behalf of two representors) to the meeting who gave a brief summary of the issues raised by his clients, 11:04 a.m. to 11:21 a.m.

Mr Danvers, Chair, welcomed Axel Beers (applicant) to the meeting who responded to the matters raised by Mr Wallace and answered questions raised by the Panel, 11:22 a.m. to 11:34 a.m.

SUMMARY TABLE

Date of Application	23.08.2007
Subject Land	Lot 1 Randell Road Hindmarsh Island
Assessment No.	A6616
Relevant Authority	Alexandrina Council
Planning Zone	GENERAL FARMING
Nature of Development	PRIVATE LANDING STRIP / RUNWAY – (RETROSPECTIVE)
Type of Development	CONSENT ON MERIT
Public Notice	CATEGORY 3
Referrals	DWLBC
Representations Received	2 SUPPORTING, 1 OPPOSED, 1 OTHER
Representations to be heard	2
Date last inspected	24 TH OCTOBER 2007
Recommendation	APPROVAL SUBJECT TO CONDITIONS
Originating Officer	TOM GREGORY

ESD IMPACT/BENEFIT

- Environmental The application is for retrospective approval. All associated earthworks have been undertaken, and the majority of the landscaping has been planted. The Department of Water, Lands and Biodiversity Conservation noted that the development is minor (in respect to Environmental flows). and that the development will not impair the natural flow regime of the River Murray system or the environment constituted by the river system. .../cont.

4.1 455/955/07 AXEL BEERS (Continued)

- Social Minimal social impact expected. The infrequent and private nature of the proposal is considered to have an adverse impact on the locality.
- Economic Possible benefit to land owner. The proposal is for private use and therefore will not have an economic impact on the broader community or region.

BACKGROUND

Approval is being sought (retrospectively) for the construction of a Landing Strip/Runway for the private use of aeroplanes.

Prior to construction, the Applicant sought verbal preliminary advice from Council as to whether a Development Application would be required for a Private Landing Strip/Runway. At the time the advice was given, Council's Representative was not aware of the extent of the earthworks proposed, and advised the (now) Applicant that the landing and taking off of private aircraft would be ancillary to the existing use of the land, and therefore no approval was required. It was envisaged that the (now) Applicant was intending to create a small graded area as a runway, much like the other existing Private Landing Strip/Runway's in the surrounding area (Hindmarsh Island and Clayton). A graded paddock for the purpose of a runway would not be considered to be 'building work', and nor a 'structure', and therefore would not be considered as 'development', but rather could be considered as an ancillary use to the primary use of the land.

Evidently, the (now) Applicant's intent was far greater than that envisaged by the Council Representative. The (now) Applicant proceeded to construct the Private Landing Strip/Runway based on the advice received.

In addition, and since the initial advice was given, a recent Supreme Court determination (*Carter v Mid Murray Council [2007] SASC 145*) further clarified the definition of what can be considered 'building work' (and therefore 'development'), pursuant to the Development Act 1993. Some of the specific details relating to this current application (455/955/06) differ from those in the *Carter v Mid Murray* case. Regardless, having a recent court determination on this definition, and following the Council becoming aware of the scale of activities involved on site, Council determined that approval was required. Further to this, Council then took immediate action to request a Development Application. The (now) Applicant complied with this request to lodge a Development Application, which is the subject of this report.

.../cont.

4.1 455/955/07 AXEL BEERS (Continued)

THE PROPOSAL

Nature of Development

The development involves considerable earthworks in order for the construction of a Private Landing Strip/Runway, at Lot 1 Randell Road, Hindmarsh Island. The application was lodged retrospectively, as discussed above.

Detailed Description

The subject land; Lot 1 Randell Road, Hindmarsh Island (Certificate of Title: Volume 5466 Folio 628), incorporates land within two zones. The majority of the allotment is located within the General Farming (Hindmarsh Island) Zone of the Alexandrina Council Development Plan consolidated 23 November 2006; however a portion of the allotment is situated within the Rural Waterfront (Hindmarsh Island) Zone. The Private Landing Strip/Runway is contained wholly within the General Farming (Hindmarsh Island) Zone boundaries, and therefore this assessment has been undertaken against the objectives and principles of development control of that Zone.

Principle of Development Control (PDC) 11 of the General Farming (Hindmarsh Island) Zone lists a number of forms of Development as non-complying. The proposal of a Private Landing Strip/Runway is an undefined use (for the purpose of the Development Regulations 1993), and therefore must be assessed 'on merit'.

**Mr Danvers, Chair, advised members of the gallery that discussion will now be held in camera and that members of the Gallery will be notified when a decision has been made, and welcome them to return to the meeting.
11:35 a.m.**

Mr Danvers, Chair, declared that Development Assessment Panel reopen the meeting to the Gallery at 12:05 a.m.

RECOMMENDATION

Moved M Walker Seconded M Galea that the decision for Development Plan Consent for Development Application 455/955/07 be delegated to Council Planning Staff subject to written confirmation from the Development Assessment Commission that the Council is the relevant authority, and issue approval subject to the following conditions and notes:

- 1. That the Private Landing Strip/Runway be only used for private purposes, and a no time shall be used as a commercial business or any other enterprise without the prior consent of Council. .../cont.**

- 4.1 455/955/07 AXEL BEERS (Continued)
2. Noise emanating from the subject land shall be restricted to levels meeting the reasonable requirements of the Environment Protection Authority.
 3. Floodlighting shall not be installed without prior approval from Council. Any lighting shall only be installed if necessary for security purposes and shall be directed and shielded in such manner as to not cause light overspill nuisance to adjacent land.
 4. Surface sealing and landscaping shall be conducted and maintained to the reasonable satisfaction of Council. The crushed limestone surface shall be maintained in good condition at all times, and treated when necessary to reduce any potential dust.

Council notes

1. All (if any) CASA (Civil Aviation Safety Authority) requirements must be addressed and achieved at all times.
2. Storage of fuels or other chemicals may require additional consents from Council and other bodies.
3. The Applicant should be aware of their obligations and responsibilities under the EPBC Act (Environment Protection Biodiversity and Conservation Act).

DWLBC 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. A buffer strip of vegetation being planted and maintained to effectively filter sediment and other pollutants from runoff prior to it entering the depression located to the west of the runway.
3. The runway should be maintained to prevent erosion. Grassed runways are recommended to consolidate the soil and prevent erosion from wind and runoff.

.../cont.

4.1 455/955/07 AXEL BEERS (Continued)

- 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, particularly have abundant evidence of Aboriginal occupation. 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 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.

ITEM 5. DEVELOPMENT APPLICATIONS LAND DIVISION COMMUNITY TITLE

ITEM 6. DEVELOPMENT APPLICATIONS – BUILDING

ITEM 7. MATTERS REFERRED FOR FOLLOW-UP

ITEM 8. GENERAL ITEMS FOR DISCUSSION

NEXT MEETING – TO BE ADVISED

MEETING CLOSED AT 12:34

MINUTES CONFIRMED.....
CHAIRMAN

DATED:.....