



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

<b><u>PRESENT</u></b>	D Donaldson (chair), M Penhall, Cr G Gartrell, D Dawson, Cr A Woolford & Cr M Walker
<b><u>APOLOGIES</u></b>	R Sage
<b><u>IN ATTENDANCE</u></b>	A Sladden (Senior Town Planner) A Houlihan (Town Planner) R Panuccio (Administration) M Richardson (Administration)

**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.

Cr M Walker declared a conflict of interest for Item 2.1 & Item 3.1

**ITEM 1. CONFIRMATION OF MINUTES**

Minutes of the Alexandrina Council Development Assessment Panel held on 19 December 2013.

**Moved Cr A Woolford seconded Cr M Walker that the minutes of the Alexandrina Council Development Assessment Panel held on 19 December 2013 as circulated to members be received as a true and accurate record.**

**CARRIED**

**ITEM 2      DEVELOPMENT APPLICATIONS**

**ITEM 2.1      455/729/13 - Garage Extension on Eastern Side Boundary, Storage Shed and Deck with Verandah**

Cr M Walker declared a conflict on interest due to her firm Ezy Pzy Planning & Design representing the Applicant and left the chambers at 11.01am

Mr D Donaldson (Chair) invited Sue Giles (representor) to speak at 11.02am – 11.03am

Mr D Donaldson (Chair) invited Jerrima Nicholas-Allen on behalf of Ezy Pzy Planning & Design (applicant) to speak at 11.03am – 11.05am

**SUMMARY TABLE:**

Date Of Application	27.08.2013
Subject Land	Lot 27 Hussey Street Port Elliot
Relevant Authority	Alexandrina Council
Planning Zone	RESIDENTIAL ZONE – RESIDENTIAL (PORT ELLIOT) POLICY AREA 14
Nature Of Development	Garage extension on eastern side boundary, Storage Shed and Deck with Verandah
Type Of Development	MERIT
Public Notice	CATEGORY 2
Referrals	N/A
Representations Received	1
Representations To Be Heard	1
Date Last Inspected	JANUARY 2014
Recommendation	DEVELOPMENT PLAN CONSENT
Originating Officer	Andrew Sladden

- 1            **Moved Cr A Woolford seconded D Dawson that the Development Assessment Panel resolve that the proposed development is not seriously at variance with the Alexandrina Development Plan and grant Development Plan Consent to Development Application 455/746/13 for a Garage extension on eastern side boundary, Storage Shed and Deck with Verandah at 14 Hussey Street, Port Elliot subject to the following reserved matter, conditions and notes:**

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**ITEM 2.1 455/729/13 - Garage Extension On Eastern Side Boundary, Storage Shed and Deck With Verandah (continued)**

**Reserved Matter**

1. That pursuant to Section 33 (3) of the Development Act 1993, the applicant shall submit a detailed proposals for the following reserved matters requiring further assessment by Alexandrina Council prior to Development Approval of the application:
  - 1.1 Applicant to provide further details of design from a qualified person to ensure that the septic tank is not impacted or impacts on any structure, to the satisfaction of Council's Environmental Health Department.

**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.
2. The external finishes to the building or structure herein approved shall be in accordance with the materials as specified in the application now approved.

Reason: To maintain and enhance the visual amenity of the locality in which the subject land is situated.
3. 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.
4. 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.

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**ITEM 2.1 455/729/13 - Garage Extension On Eastern Side Boundary, Storage Shed and Deck With Verandah (continued)**

5. The use and any associated processes or activities carried on shall not detrimentally affect the amenity of the locality by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

**Reason:** To maintain the amenity of the locality.

6. The building/structure herein approved must not be used for human habitation, commercial or industrial purposes. Only those activities normally associated with domestic outbuildings may be undertaken provided such activities do not impair the residential amenity of the locality.

**Reason:** To maintain the amenity of the locality.

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.

8. 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.

**Notes**

1. A wall retaining a difference in ground levels of more than 1 metre requires Development Approval.
2. 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.
3. You should advise your neighbour of your intentions to build on your common boundary, prior to commencing construction.
4. All mechanical plant installed as part of this development should meet the noise output requirements of the Environment Protection Authority (EPA). If the noise output exceeds these requirements, an acoustic enclosure shall be installed around the plant to ensure it complies, if an enclosure is required, these details shall be submitted to Council.

**Reason:** To ensure the proposed development meets the requirements of the EPA.

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**ITEM 2.1 455/729/13 - Garage Extension On Eastern Side Boundary, Storage Shed and Deck With Verandah (continued)**

5. The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on Ph: 8463 3555.
  
6. The applicant is advised to contact the individual service providers regarding the location of street lighting, electricity supply and storm water drainage pits. It is the responsibility of the applicant/owner to ensure that the location of the vehicle crossover and driveway does not conflict with the services. Should the need arise to relocate any infrastructure or services all costs and charges associated with the works shall be at the applicant/owners expense.
  
7. **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.

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**ITEM 2.1     455/729/13 - Garage Extension On Eastern Side Boundary, Storage Shed and Deck With Verandah (continued)**

8.            The applicant /owner is advised that should a new crossover (access point) be constructed that approval will need to be obtained from Council's Engineering Department and that the construction of the crossover be constructed to Australian Standards at the owners expense. It is also noted that Council will not allow the removal of any street trees.

Any portion of Council's infrastructure damaged as a result of work undertaken must be repaired/reinstated to Council's satisfaction at the developer's expense.

9.            It is the responsibility of the applicant and owner of the subject land to ensure that no development is undertaken over or within the prescribed setback distance of any component of a waste water management system including (but not limited to) a septic tank, an aerobic treatment tank, a soakage area or an irrigation area.

Council will not be responsible for any damage to property or costs of repair resulting from any development that is undertaken contrary to the above.

Development not in accordance with this requirement may result in a maintenance order being issued requiring the removal or relocation of the development. Penalties may apply for non-compliance.

In the event that development is undertaken contrary to the above, it is the responsibility of the owner to advise any future purchaser, occupier or land agent of such a non-compliance and the risks outlined in this note.

**CARRIED**

**Cr M Walker returned to the chambers at 11.08am**

**ITEM 2.2 455/775/13 - Winery & Cellar Door Sales Outlet**

**SUMMARY TABLE:**

Date Of Application	19.09.2013
Subject Land	Lot 12 Tynan Road Kuitpo
Relevant Authority	Alexandrina Council
Planning Zone	Watershed Protection
Nature Of Development	Winery & Cellar Door Sales Outlet
Type Of Development	Merit
Public Notice	Category 2
Referrals	Environment Protection Authority (EPA)
Representations Received	1
Representations To Be Heard	1
Date Last Inspected	October 2013
Recommendation	Development Plan Consent
Originating Officer	Andrew Sladden

- 2 Moved D Dawson seconded Cr G Gartrell that the Development Assessment Panel resolve that the proposed development is not seriously at variance with the Alexandrina Development Plan and grant Development Plan Consent to Development Application 455/775/13 for Winery & Cellar Door Sales Outlet at 185 (lot 12) Tynan Road, Kuitpo subject to the following reserve matter, conditions and notes:**

**Reserve Matter**

- 1. That pursuant to Section 33 (3) of the Development Act 1993, the applicant shall submit a detailed proposals for the following reserved matters requiring further assessment by Alexandrina Council prior to Development Approval of the application:**
- 1.1 An Application and approval for a Waste Control System and Wastewater Treatment System with the relevant authority.**

**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 2.2      455/775/13 - Winery & Cellar Door Sales Outlet (continued)**

2.            The winery herein approval shall have a maximum crush capacity of 300 tonnes a year.

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

3.            The applicant or other approved persons for the time being making use of the subject land now approved, shall at all times maintain in good and substantial condition to the reasonable satisfaction of the Council in all respects the subject land (including car parking areas, driveways and footpaths) all buildings and structures (and the external painting thereof), and all tree and shrub plantings and grassed areas.

Reason: To maintain the amenity of the locality.

4.            The use and any associated processes or activities carried on shall not detrimentally affect the amenity of the locality by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Reason: To maintain the amenity of the locality.

5.            No additional signs are to be erected or displayed about the curtilage of the property without the written consent of Council.

Reason: To restrict the proliferation of advertisements on site.

6.            All mechanical plant installed as part of this development should meet the noise output requirements of the Environment Protection Authority (EPA). If the noise output exceeds these requirements, an acoustic enclosure shall be installed around the plant to ensure it complies, if an enclosure is required, these details shall be submitted to the satisfaction of Council.

Reason: To ensure the proposed development meets the requirements of the EPA.

7.            All car parking areas, driveways and vehicle manoeuvring areas shall conform to Australian Standards and be constructed, drained in accordance with sound engineering practice and be of a porous and permeable nature to the reasonable satisfaction of Council,

Reason: To ensure that the proposed development meets the requirements of the relevant Australian Standards.

8.            The Cellar Door shall only be open to the public between the hours of 10:00 a.m. to 5:00p.m, seven day a week inclusive unless written approval to vary the times is given by Council.

Reason: To limit the effect of nuisance to residents living in the locality, and to ensure the proposal is established in accordance with the submitted plans.

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**ITEM 2.2      455/775/13 - Winery & Cellar Door Sales Outlet (continued)**

**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.        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. 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>.
  
3.        In addition to the provisions of the Building Code of Australia relating to access for people with disabilities, you must comply with the Commonwealth Disability Discrimination Act, 1992. Compliance with the Act is the responsibility of the property owner.

**EPA Conditions**

1.        All marc, settled solids and sludge must be collected and deposited on an area with an impervious base with any leachate being directed to the wastewater management system.
  
2.        The bunding must provide for 120% of the capacity of the largest tank within the bund and must be established prior to operation.

**EPA 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.        An environmental authorisation 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.
  
3.        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.
  
4.        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. DEVELOPMENT APPLICATIONS - NON COMPLYING**

**ITEM 3.1 455/745/13 - Roadside Sculpture & Associated Freestanding Solar Photovoltaic Panel (To Provide Illumination and Rotation) (Non-Complying)**

Cr M Walker declared a conflict of interest as she is a member of the committee proposing the structure and left the Chambers at 11.13am.

**SUMMARY TABLE**

Date Of Application	4 September 2013
Subject Land	Corner of Port Elliot Road and Mindacowie Terrace, Middleton
Relevant Authority	Alexandrina Council
Planning Zone	Rural Fringe Zone
Nature Of Development	Roadside Sculpture & Associated Freestanding Solar Photovoltaic Panel (To Provide Illumination and Rotation)
Type Of Development	Non-complying
Public Notice	Category 3
Referrals	Department of Environment, Water and Natural Resources – State Heritage Unit, Department of Planning Transport and Infrastructure - Transport Services Division
Representations received	1
Representations to be heard	Nil
Date Last Inspected	20 January 2013
Recommendation	Development Plan Consent subject to conditions
Originating Officer	Andrew Houlihan

- 3 Moved Cr G Gartrell seconded Cr A Woolford that the Development Assessment Panel considers that the proposal is not “seriously at variance” with the Alexandrina Council Development Plan and resolves to grant Development Plan Consent for Development Application 455/400/13 for a roadside sculpture and associated freestanding solar photovoltaic panel (to provide illumination and rotation) (non-complying) at the corner of Port Elliot Road and Mindacowie Terrace, Middleton subject to the following notes and conditions, and concurrence from the Development Assessment Commission.**

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**ITEM 3.1 455/745/13 - Roadside Sculpture & Associated Freestanding Solar Photovoltaic Panel (To Provide Illumination and Rotation) (Non-Complying) (continued)**

**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.

**Council Notes**

1. Boundaries will not be certified by Council staff. The onus of ensuring that the structure is sited in the approved position on the current site is the responsibility of the applicant. This may necessitate a survey being carried out by a licenced land surveyor.

**Department of Environment, Water and Natural Resources – State Heritage Unit Notes.**

1. Any changes to the proposal on which this report is based may give rise to heritage impacts requiring further consultation with the Department of Environment, Water and Natural Resources, or an additional referral to the Minister for Sustainability, Environment and Conservation. Such changes would include for example (a) an application to vary the planning consent, or (b) Building Rules documentation that incorporates differences from the proposal described in the planning documentation.

2. If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.

Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works. For further information, contact the Department of Environment, Water and Natural Resources.

3. Council is requested to inform the applicant of the following requirements of the Aboriginal Heritage Act 1988.
  - (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the Aboriginal Heritage Act 1988.

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**ITEM 3.1 455/745/13 - Roadside Sculpture & Associated Freestanding Solar Photovoltaic Panel (To Provide Illumination and Rotation) (Non-Complying) (continued)**

**Department of Planning, Transport and Infrastructure – Transport Services Conditions**

1. All access to the site shall be gained via Mindacowie Terrace only.
2. A 'No Parking' zone shall be installed along Port Elliot-Goolwa Road to discourage vehicles from stopping along the road to view the sculptures.
3. The applicant shall seek authorisation for the proposed alteration of the road from the relevant Council pursuant to Section 221 of the Local Government Act.
4. The applicant shall accept all responsibility for maintenance and any liability as a result of the erection of the entrance statement.
5. The entrance statement shall be limited to a low level of illumination so as to minimise distraction to motorists.
6. No element of LED or LCD display shall be included in the design.
7. The entrance statement shall not contain any element that flashes or scrolls.
8. The entrance statement shall be finished in a material of low reflectivity to minimise the risk of sun/headlamp glare.
9. The content of the entrance statement shall be simple, effective and easily assimilated to minimise distraction.
10. The entrance statement shall be located in a manner that will not obscure or diminish motorists' sight lines.
11. The entrance statement shall not interfere with pedestrian movements or compromise Disability Discrimination Act requirements.
12. The entrance statement shall be maintained in good repair at all times by the applicant, to the satisfaction of the Commissioner of Highways and Council.
13. The applicant / Alexandrina Council will be required to indemnify the said Commissioner of Highways and the Crown in right of the state of South Australia ('those indemnified') from and against any costs, loss, expense or liability of any kind howsoever suffered or incurred by those indemnified in respect of any loss whatsoever arising out of any negligence or wrongful act or omission by its employees, contractors, servants, agents or assigns in connections with or incidental to the works.

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- ITEM 3.1 455/745/13 - Roadside Sculpture & Associated Freestanding Solar Photovoltaic Panel (To Provide Illumination and Rotation) (Non-Complying) (continued)**
14. Prior to commencing construction works, the applicant must notify the Commissioner of Highways by submitting a 'Notification of Works Impacting DPTI Roads' form at least five (5) working days before works begin. This form is available from the following internet address:
- [http://www.sa.gov.au/upload/franchise/Transport,%20travel%20and%20motoring/MR1470%20Notification of works impacting on DPTI roads.pdf](http://www.sa.gov.au/upload/franchise/Transport,%20travel%20and%20motoring/MR1470%20Notification%20of%20works%20impacting%20on%20DPTI%20roads.pdf)
15. In the event that traffic is restricted by the works, a Traffic Management Plan showing the location of all traffic control devices and proposed times of traffic restrictions shall be attached to the form.
16. The applicant must notify DPTI's Traffic Management Centre on 1800 018 313 prior to undertaking any construction and maintenance activities at the site.
17. As soon as practicable after completion of the construction works, the applicant must notify the Traffic Management Centre on 1800 018 313 to advise of completion of the work on-site.
18. The applicant must comply with all directions of the Commissioner of Highways concerning the relocation or removal of the sculptures as may be necessary if the sculptures:
- a. impede the Commissioner of Highways from carrying out his statutory functions and duties;
  - b. in the opinion of the Commissioner of Highways are adversely affecting the operation and / or management of the adjacent roads; and
  - c. in the opinion of the Commissioner of Highways represents a risk to the health, safety or welfare of any persons whatsoever.
19. All costs and liabilities associated with the entrance statement shall be borne by the applicant; including the replacement of the entrance statement should it be damaged, defaced, destroyed or removed by an unauthorised body.
20. Any relocation of the entrance statement shall be to the satisfaction of Council and DPTI, with all costs associated with the relocation being borne by the applicant.

**CARRIED**

**Cr M Walker returned to the Chambers at 11.14am**

**ITEM 3.2 455/650/13 - Dwelling Additions Including Upper Level Side and Rear Decking (Non-Complying)**

**SUMMARY TABLE:**

Date Of Application	01.08.2013
Subject Land	8 (lot 83) Edison Street Hindmarsh Island
Relevant Authority	Alexandrina Council
Planning Zone	RESIDENTIAL ZONE – RESIDENTIAL (HINDMARSH ISLAND NORTH) POLICY AREA 35
Nature Of Development	Dwelling Additions including Upper Level Side and Rear Decking (Non-Complying)
Type Of Development	Non-Complying
Public Notice	Category 3
Referrals	Department for Environment, Water and Natural Resources (DEVNR), Environmental Protection Authority (EPA)
Representations Received	Two (2)
Representations To Be Heard	Nil
Date Last Inspected	December 2013
Recommendation	Development Plan Consent Subject to Development Assessment Commission Concurrence
Originating Officer	Andrew Sladden

- 4 Moved Cr M Walker seconded M Penhall that the Development Assessment Panel resolve that the development is not seriously at variance with Alexandrina Development Plan and therefore grant Development Plan Consent to Development Application 455/650/13 for a Dwelling Additions including Upper Level Side and Rear Decking (Non-Complying) at 8 (Lot 83) Edison Street, 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 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 3.2 455/650/13 - Dwelling Additions Including Upper Level Side and Rear Decking (Non-Complying) (continued)**

2. The bushfire fighting water tank and internal access tracks as shown on the plans received by Council on 24 September 2013, shall comply with the requirements of the 'Ministers Code, Undertaking development in Bushfire Protection Areas - February 2009 (as amended October 2012)' for Medium risk areas and shall be installed prior to occupation of the dwelling herein approved.

Reason: To ensure Compliance with the Ministers Code.

3. The external appearance, materials and finishes of the new structure/building must match, compliment 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.

4. 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.

5. 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.

6. 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.

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**ITEM 3.2 455/650/13 - Dwelling Additions Including Upper Level Side and Rear Decking (Non-Complying) (continued)**

7. The privacy screens as shown on the elevation plans received by Council on 23 January 2013, shall have a maximum of opening of 25%, be installed prior to the occupation of the additions and shall be maintained to the satisfaction of Council.

Reason: To ensure that the new development does not unreasonably diminish the privacy of residents in adjoining properties.

**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.
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.

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**ITEM 3.2 455/650/13 - Dwelling Additions Including Upper Level Side and Rear Decking (Non-Complying) (continued)**

**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.**
- 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. Stormwater run-off from the structure must be managed to prevent erosion or pollution of the site and the environment, and diverted away from wastewater disposal areas, such as septic tanks and aerobic systems. Connection to a water storage tank 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 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 If the applicant wishes to use water (other than for firefighting purposes) from the River Murray Prescribed Watercourse or wells, then they may be required to apply to the Department of Environment, Water and Natural Resources for a water licence, pursuant to the Natural Resources Management Act 2004. Further, a permit is required from the Department for any work to be carried out on a well or for new wells to be drilled. For further information contact the Department on 8595 2053 or visit: <http://www.environment.sa.gov.au/licences-and-permits/water-licence-and-permit-forms>**

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**ITEM 3.2 455/650/13 - Dwelling Additions Including Upper Level Side and Rear Decking (Non-Complying) (continued)**

3. 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.
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. 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](http://www.environment.sa.gov.au/our-places/State_Flora).
6. This applicant is advised that the River Murray-Darling to sea ecological community is now recognised as critically endangered and protected under Australia's national environment law, the Environment Protection and Biodiversity Conservation Act 1999 (Cth). This Act may apply to this development and a separate approval process is required where 'critically endangered ecological communities' are possibly affected. In such instances, the applicant should contact:

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**ITEM 3.2 455/650/13 - Dwelling Additions Including Upper Level Side and Rear Decking (Non-Complying) (continued)**

Environment Assessment Branch  
Sustainability, Environment, Water, Population and Communities  
GPO Box 787  
CANBERRA ACT 2601  
Email: [epbc.referrals@environment.gov.au](mailto:epbc.referrals@environment.gov.au)

For further information visit: <http://www.environment.gov.au/epbc>.

**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 4.     DEVELOPMENT APPLICATIONS - CATEGORY 3**

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

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

Development Application for Land Division- Boundary Realignment 455/D033/11 was approved by the Development Assessment Panel on the 20 June 2013. The Development Application was referred to the Development Assessment Commission for concurrence purposes. At the Development Assessment Commission meeting held on the 19 December 2013 the Development Assessment Commission resolved the following.

- 1)           RESOLVE to defer the application for further consideration.

Due to the Development Assessment Commission not concurring with the Development Assessment Panel decision an amended plan has been lodged by the applicant after consultation with the Development Assessment Commission. Therefore the application will be placed before the next Available Development Assessment Panel meeting for a decision on the amended plan of division.

**ITEM 7.     GENERAL ITEMS FOR DISCUSSIONS**

General discussion regarding the format of the Development Assessment Panel Agenda.

**ITEM 8.     NEXT MEETING**

Next meeting scheduled for Thursday 20<sup>th</sup> March 2014 commencing at 11am.

**MEETING CLOSED AT 11.34 AM**

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

**DATED:.....**