

**DEVELOPMENT ASSESSMENT PANEL  
MINUTES OF MEETING HELD ON 18 APRIL 2005  
COMMENCING AT 10:00 AM  
IN THE ALEXANDRINA COMMUNITY CHAMBERS "WAL YUNTU WARRIN"  
11 CADELL STREET, GOOLWA**

**PRESENT**

Cr R Potter, Cr M Beckett, Cr G Connor, Cr A Oliver (proxy for Cr A Woolford), D Commerford (Director Environmental Services), D Banks (Director Technical Services).

**APOLOGIES**

Cr A Woolford, Cr P Reedman.

**IN ATTENDANCE**

C Getsom, T Gregory (Planners), V Harvey (Personal Assistant).

D Commerford declared the meeting open at 10:00 a.m. and called for nominations for Presiding Member.

Cr Beckett nominated D Commerford as Presiding Member.

No further nominations being received, D Commerford accepted the nomination:

**Moved Cr Beckett seconded Cr Connor that D Commerford be appointed Presiding Member for the Development Assessment Panel meeting on 18<sup>th</sup> April 2005.**

**CARRIED**

**ITEM 1. CONFIRMATION OF MINUTES**

Minutes of the Alexandrina Council Development Assessment Panel held on 4<sup>th</sup> April 2005.

**Moved Cr Beckett seconded Cr Connor that the minutes of the Alexandrina Council Development Assessment Panel held on 4<sup>th</sup> April 2005 as circulated to members be received as a true and accurate record.**

**CARRIED**

ITEM 2. DEVELOPMENT APPLICATIONS

2.1 455/1408/04 - Telstra Corporation Limited

Mr D Commerford, Presiding Member, welcomed Mrs Julie Michelmore-Modra (representor) to the meeting who gave a brief summary of her representation from 10:09 a.m. to 10:12 a.m.

Mr D Commerford, Presiding Member, welcomed Mr Graham Duff (representor) to the meeting who gave a brief summary of his representation and spoke on behalf of a number of other representors from 10:13 a.m. to 10:15 a.m.

Mr D Commerford, Presiding Member, welcomed Mr Gordon Michelmore (representor) to the meeting who gave a brief summary of his representation from 10:13 a.m. to 10:17 a.m.

Mr D Commerford, Presiding Member, welcomed Mr Bob Davis (representor) to the meeting who gave a brief summary of his representation from 10:18 a.m. to 10:20 a.m.

Mr D Commerford, Presiding Member, welcomed Marilyn Foott (representor) to the meeting who gave a brief summary of her representation from 10:20 a.m. to 10:22 a.m.

Mr D Commerford, Presiding Member, welcomed Mr David Gibson from Access Planning and Mr Mark Baade from Telstra, to the meeting from 10:23 a.m. to 10:50 a.m. to respond to representors concerns and answer questions from the Panel.

SUMMARY TABLE

Date of Application	9 <sup>th</sup> November 2004
Subject Land	Sec 2249 Petersen Road Middleton
Assessment No.	A 1325
Relevant Authority	Alexandrina Council
Planning Zone	General Farming
Nature of Development	Telstra Telecommunications Facility
Type of Development	Consent on Merit
Public Notice	Category 2

.../cont.

2.1 455/1408/04 – Telstra Corporation Limited (Continued)

Referrals	N/A
Representations Received	55 (of which 11 didn't provide address)
Representations to be heard	11
Date last inspected	6 April 2005
Recommendation	Approve subject to conditions
Originating Officer	Ben Green

**ESD IMPACT/BENEFIT**

- Environmental Impacts within established standards.
- Social Enhanced communication for users, possible visible.
- Economic Benefit to landowner in an annual lease, to the applicant in increased customer satisfaction and to the business community using this service.

**BACKGROUND**

The practicability of an alternative site for the proposed facility has been discussed between Council Staff and Telstra. The options discussed were a shared facility between Pt Elliot and Middleton, or extending the height of the existing tower at Browns Hill. Telstra through their planning consultant have provided coverage models and discussion as to why a facility like this is required and why they believe this is the most appropriate option for the township of Middleton.

**THE PROPOSAL**

**Nature of Development**

This application is a 'consent on merit' application because the telecommunications facility proposed is not over 30m in height as classified in the non-complying list of the General Farming Zone in the Alexandrina Development Plan.

The application was treated as Category 2 for public notification purposes under Schedule 9, Part 2, Clause 23 (1) of the Development Regulations 1993 as it is proposed to be located in a General Farming Zone.

Accordingly, under Section 34(4) of the Development Act a Category 2 application requires notification of the application be sent to:

*an owner or occupier of each piece of adjacent land; &  
any other person of a prescribed class.*

.../cont.

2.1 455/1408/04 – Telstra Corporation Limited (Continued)

*Adjacent land* is defined under Section 4 of the Development Act 1993 as land:

- (a) that abuts on the other land; or*
- (b) that is no more than 60 metres from the other land and is directly separated from the other land only by –*
  - (i) a road, street, footpath, railway or thoroughfare; or*
  - (ii) a watercourse; or*
  - (iii) a reserve or other similar open space.*

Council has the absolute discretion in a Category 2 application under the Section 38 (10) (a) of the Development Act to allow a person who made a representation to appear personally or by a representative to be heard in support of the representation.

It should be noted that representors in a Category 2 development have no right of appeal to the Environment, Resources and Development (ERD) Court. However it should also be noted that the applicant has the right of appeal to the ERD Court as the application is an on-merit development.

**Detailed Description**

The applicant essentially proposes:

- A new 29.9m high monopole;
- Six panel antennas installed on a headframe arrangement at the top of the pole;
- A new equipment shelter 7.47m<sup>2</sup> and 3m high to be installed at the base of the pole.
- New security fencing around the proposed facility, which in total covers approximately 77m<sup>2</sup> of the subject site.
- The facility is proposed to be located 9m from the eastern property boundary and nearly 22m from the southern boundary behind 6m high mature trees located on these boundaries.

Telstra's planning consultants report is attached for a detailed description of the proposal.

Moved Cr Beckett seconded Cr Potter that the Development Assessment Panel move into camera at 10:50 a.m.

**CARRIED**

Moved Cr Beckett seconded Cr Connor that the Development Assessment move out of Camera at 11:13 a.m.

.../cont.

2.1 455/1408/04 – Telstra Corporation Limited (Continued)

The Gallery were then welcomed back to the meeting and Des Commerford, the Presiding Member, made the following announcement:

“that the Development Assessment Panel refuse Development Application 455/1408/04 for a Telecommunications Facility at Section 2249 Peterson Road, Middleton for the following reasons:

- 1) The proposed telecommunications facility will have an adverse impact on the amenity of the area through the visual intrusion of a 29.9m tower on the rural character surrounding the subject land;
- and
- 2) The proposed location of the telecommunications facility on a prominent site of scenic value that can be enjoyed from the main road and railway line located within the locality by the residents and visitors to this coastal area.

The Gallery were advised that the applicant has the right of appeal with the Environment, Resources and Development Court.

The Gallery were then thanked for their time and interest and the Development Assessment Panel moved onto Item 3.

ITEM 3. DEVELOPMENT APPLICATIONS - NON COMPLYING

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

8.1 455/1361/04 - Network Design & Construction

File Ref: 455/1361/04  
Officer: Ben Green  
From: Network Design and Construction

Mr D Commerford, Presiding Member, asked Mr David Gibson from Access Planning and Mr Mark Baade from Telstra, to then come forward to speak with the panel from 11:15 a.m. to 11:25 a.m. regarding the application.

Mr T Geyer asked to speak to the Panel from 11:30 a.m. to 11:31 a.m. to make a statement.

The meeting was deferred at 11:25 a.m.

The meeting resumed at 11:30 a.m.

This application was previously heard on Monday 4<sup>th</sup> April 2005 Item 2.1. At this meeting the Development Assessment Panel asked for the Planner to bring back to the Panel reasons for refusal.

DAP200516 Moved Cr Connor seconded Cr Oliver that the Development Assessment Panel refuse Development Application 455/1361/04 for a Telecommunications Facility at Lot 26 Elliot Road, Port Elliot for the following reasons:

- (1) The proposed telecommunications facility will have an adverse impact on the amenity of the area through the visual intrusion of a 29.9m tower on the township of Port Elliot and particularly from the main tourist route being the Victor Harbor to Goolwa Road; &
- (2) The proposed location of the telecommunications facility on a prominent site adjoining mixed land uses of Residential and Recreational activity will detract from the character of the locality.

CARRIED

8.2 455/1040/04 – Graham Chrisp

Cherry Getsom, Planner, advised the Development Assessment Panel the closing date for appeals has now passed and that as of today no appeal had been lodged regarding the decision made by the Development Assessment Panel on 25<sup>th</sup> January 2005 (Item 4.1).

ITEM 9. NEXT MEETING – 23<sup>RD</sup> MAY 2005

MEETING CLOSED AT 11:25 a.m.

MINUTES CONFIRMED .....  
PRESIDING MEMBER

DATED .....