



DEVELOPMENT ASSESSMENT PANEL

REPORT TO COUNCIL

PERIOD 1 JANUARY 2016 TO 31 DECEMBER 2016

This report is provided to Council in accordance with Section 56A of the Development Act. The report provides information on the activities of the Development Assessment Panel, provides statistical information in relation to applications considered and advises Council of a number of trends/issues that have become apparent or arisen through assessment of applications under the Act.

The report covers a twelve month period from 1 January 2016 to 31 December 2016 and is the tenth report of the Development Assessment Panels activities presented to Council.

Panel Membership

The Development Assessment Panel for the reporting period comprised the following members:-

| | |
|---------------------|--|
| Presiding Member | Bruce Ballantyne |
| Independent Members | Graham Gaston |
| | David Hughes (retired 30 June 2016) |
| | James Miller (resigned 17 May 2016) |
| | Kelly Mader |
| | Sharon Jardine (appointed 1 July 2016) |
| | Myles Somers (appointed 1 July 2016) |
| Council Members | Peter Raison |
| | Brian Taylor |

The Development Assessment Panel acts under an instrument of delegation under the Development Act endorsed by Council on 8 November 2016.

Note – Council exercised its right to make appointments in accordance with Section 56(3)(a) of the Development Act 1993 which may effect the composition and mix of members.

Public Officer

Kelvin Goldstone

Meetings

The Development Assessment Panel has met on nine (9) occasions, with all nine (9) meetings held at the Council Chambers, Main Street, Cambrai.

Attendance record for the reporting period:-

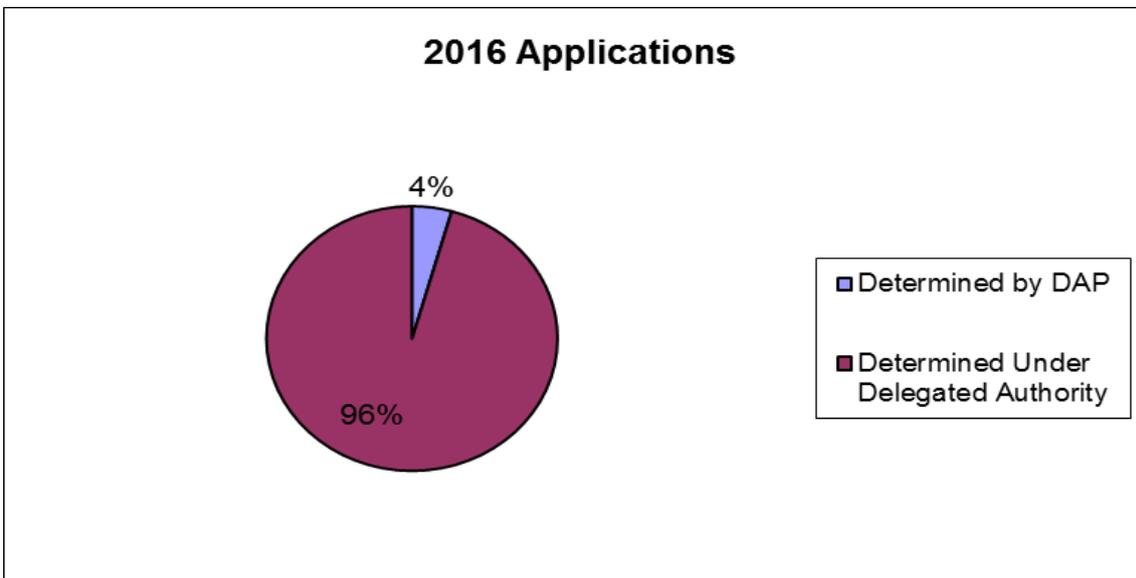
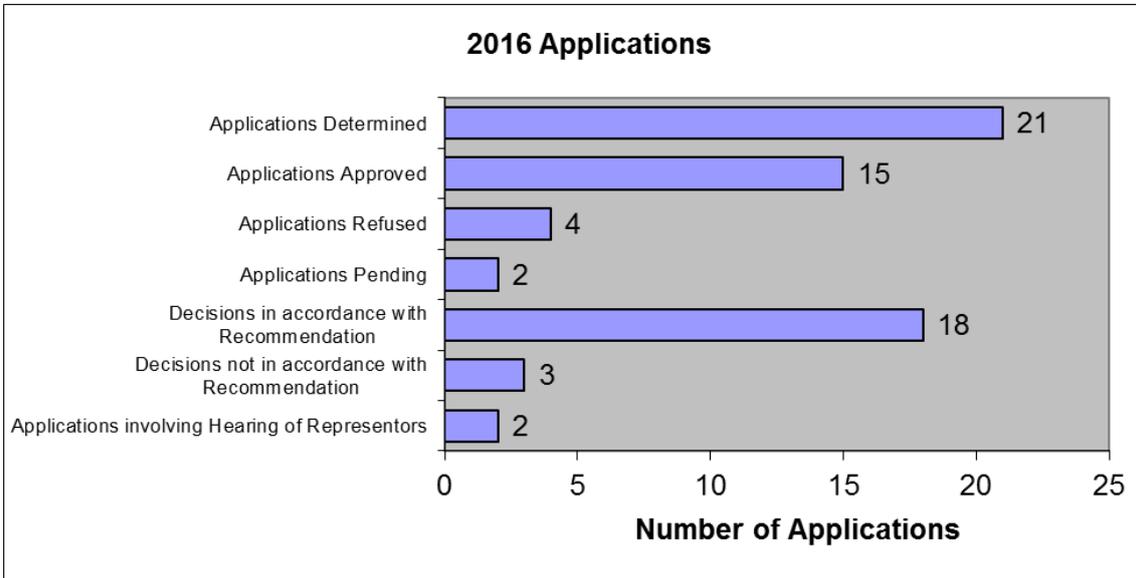
| | |
|------------------|---|
| Bruce Ballantyne | attended all meetings |
| Graham Gaston | attended 8 meetings (out of a possible 9 meetings) |
| David Hughes | attended 4 meetings (out of a possible 4 meetings) |
| James Miller | attended 3 meetings (out of a possible 3 meetings) |
| Peter Raison | attended 7 meetings (out of a possible 9 meetings) |
| Brian Taylor | attended 6 meetings (out of a possible 9 meetings) |
| Kelly Mader | attended all meetings |
| Sharon Jardine | attended 5 meetings (out of a possible 5 meetings) |
| Myles Somers | attended 3 meetings (out of a possible 5 meetings). |

Occasionally members of the public have attended the gallery.

Meetings are scheduled to convene on the third Monday of each month commencing at 10.00am.

Applications

The following statistics in terms of Development Assessment Panel deliberations relate to the reporting period from 1 January 2016 to 31 December 2016:-



Appeals to the Environment, Resources & Development Court

The following appeals have been dealt with at the Environment, Resources and Development Court during the report period against decisions of the Development Assessment Panel:

711/072/14 – Tilt Renewables Australia Pty Ltd (formerly Trustpower Australia Holdings Pty Ltd)

Location: Various (Palmer, Mt Pleasant, Cambrai, Milendella, Kanappa, Sanderston, Tungkillo)
Development: Wind Farm and Ancillary Development, including Substation, Operational Maintenance, Transmission Lines and Construction Facilities

There have been four appellants involved in pursuing this approval to the Environment, Resources and Development (ERD) Court. This appeal has been reported on at various occasions to both the Development Assessment Panel and Council. The matter has appeared in the ERD Court in numerous conferences and directions hearings during 2016. The matter is listed for a four week hearing in March/April 2017, and will be heard by one Judge and two expert Town Planning Commissioners. The main issues of concern to the appellants relate to visual impact on the hills face of the Mt Lofty Ranges, concerns about noise/vibration impacts of the proposal, firefighting safety, and infrastructure/access issues amongst others.

711/071/16 – S Kupniewski

Location: Lot 251 of T121301, 4 Acland Street, Blanchetown, Hundred of Skurray
Development: Domestic Outbuilding Extension

The applicant appealed the Council Development Assessment Panel's decision to refuse a retrospective Development Application for an extension to an existing domestic outbuilding. This application sought approval for a vastly increased wall height from what was originally approved for this outbuilding. Also of note was that the entire structure was constructed from Zinalume. Following several ERD Court conferences, Council Staff, the Development Assessment Panel and the applicant all agreed on a mutually suitable design outcome without the need to proceed to a trial. The applicant has agreed to undertake rectification works in early-2017.

711/038/16 – MD Heasman & LL Hutt

Location: Lot 32, Part Section 106/124, Langs Landing Road, Langs Landing, Hundred of Fisher
Development: Demolition of Existing Ground Level Dwelling and Construction of Replacement Ground Level Dwelling, with Two (2) Attached Verandahs

The applicant appealed Council's determination of this application as a 'non-complying' form of development. Whilst the Development Assessment Panel has agreed to 'proceed with an assessment' of this 'non-complying' development, the applicants are objecting to this process, and are seeking that the ERD Court rule on this matter. This appeal is also linked to a compliance matter (Section 84, Development Act Notice), and the assessment of the application will likely not resume until the Court rules on this case.

Trends/Issues

The Development Assessment Panel wishes to highlight the following issues considered relevant for further consideration by Council and Council's Strategic Planning & Development Policy Committee.

Issues of note include –

- The recently proclaimed South Australian *Planning, Development and Infrastructure Act, 2016* will significantly change the way that the Development Assessment Panel operates and assesses development applications. The implementation of this new legislation is imminent, and it is critical that Council staff and Elected Members remain in communication with the Development Assessment Panel, to inform them of any new/amended delegations and processes. Of note will be the requirement for Panels now to comprise only five members (from July 2017), and only one of these can be an Elected Member of the Council. Council staff are liaising regularly with the Department of Planning, Transport & Infrastructure and the Local Government Association to ensure up-to-date information is being provided to Council.

The Panel request that consideration be given to a report being prepared by staff to the Development Assessment Panel and Council on the current progress of the Planning Reforms.

- Conflict between Development Plan provisions inserted at different times and by different authorities e.g. the wind farm policy, inserted by the Minister in 2012, which conflicts with various landscape policy provisions forming the core of the Development Plan.

That pending the outcome of the Palmer Wind Farm ERD Court appeal, the Panel request that consideration be given to Council writing to the Minister for Planning, seeking that amendments occur to the Development Plan to ensure consistent policy applies in respect to both Wind Farms and development in general in the Eastern Mount Lofty Ranges.

- Issues relating to allotments sizes in Rural Living Zones, with particular regard to the rationale behind the various minimum allotment sizes in these zones, the impact of these style of developments on primary production and the usability/viability of these allotments e.g. they're too large to have a maintained garden on, however they're too small for farming.

The Panel request that consideration be given to Council researching the suitability of this style of land division/development, and consider altering these Zones where possible as part of planning policy changes associated with the Planning Reforms.

- The rationale behind the 36 hectare minimum allotment size for dwellings within the Primary Production Policy Area to be developed as "merit" forms of development in some zones, and limited assessment/performance criteria to utilise when the minimum allotment size is not achieved.

The Panel request that consideration be given to Council staff liaising with the Department of Planning, Transport & Infrastructure, Primary Industries & Regions SA, the Local Government Association and other Councils in the region to analyse trends relating to land division/boundary realignment in rural areas and the investigate policy amendments based on latest research.

Trends/Issues cont'd

- Interrelationship between dwelling development and effluent disposal issues along the River Murray, including future plans/guidelines for development in Shack Settlement Areas which are not and/or can not connected to Common Wastewater Management Schemes (CWMS).

The Panel request that consideration be given to a report being prepared by staff to the Development Assessment Panel on progress of these issues by Council.

Summary

The Panel has endeavoured at all times to assist applicants, persons making representations, and the general public in understanding the decision making process and how the final outcomes were arrived at.

The Panel expresses its appreciation to Council members, Council Management Team and Planning staff for their support and assistance.

This report is submitted to Council by the Presiding Member on behalf of the members of the Mid Murray Council Development Assessment Panel.

Bruce Ballantyne
Presiding Member