PRESENT:
Cr Kevin Myers (Chairperson), Cr Jeff Howie, Mayor Dave Burgess and Cr Kerry Yeates

IN ATTENDANCE:
Mr Kelvin Goldstone, Director – Development & Environmental Services
Mr Russell Peate, Chief Executive Officer
Mr Geoff Parsons, Manager – Development Services
Mr Aaron Curtis, Development Officer – Planning
Mrs Melissa Marschall, Minute Secretary

COMMENCEMENT AND WELCOME: 11.05 AM
The Chairperson declared the meeting open and welcomed all members.

APOLOGIES:
Cr Inez Bormann and Cr Jeff Hall

158/1 Mayor Burgess moved that the apologies be received.
Seconded Cr Yeates.  CARRIED.

CONFIRMATION OF PREVIOUS MINUTES:
(Page 151 – 16/4/2012)

158/2 Cr Howie moved that the Minutes of the Mid Murray Council Strategic Planning and Development Policy Committee Meeting held on 16 April, 2012, be taken as read and confirmed.
Seconded Cr Yeates.  CARRIED.

STRATEGIC PLANNING AND DEVELOPMENT POLICY REPORT:
See Minute Book
Pages 161 - 167.

158/3 Cr Howie moved that the report be received.
Seconded Cr Yeates.  CARRIED.
STRATEGIC PLANNING AND DEVELOPMENT POLICY REPORT CONT’D:

Urban Waterfront (Floodplain) Zone

159/1 Mayor Burgess moved that the Strategic Planning and Development Policy Committee recommend to Council that:

1. it be noted that the extent of the Urban Waterfront (Floodplain) Zone and the policy contained within it requires review and possible amendment;

2. a review of the Urban Waterfront (Floodplain) Zone, recognising tourism and tourist accommodation as per the original Development Plan, and appropriate changes where possible, occur through the Better Development Plan Development Plan Amendment; and

3. if necessary, following the Better Development Plan conversion process, a Development Plan Amendment be undertaken to address the concerns and issues apparent with the Urban Waterfront (Floodplain) Zone.

Seconded Cr Yeates.  
CARRIED.

River Murray Zone Minor Amendments Development Plan Amendment

11.16 AM Mr Geof Bone, Planning Consultant, on behalf of the Estate of Paul Gerard Schmidt, addressed the meeting. Mr Bone distributed a copy of his presentation.

11.36 AM Mr Bone retired to the gallery.

11.36 AM

159/2 Cr Yeates moved that the meeting be adjourned.  
Seconded Cr Howie.  
CARRIED.

11.44 AM

159/3 Mayor Burgess moved that the meeting resume.  
Seconded Cr Howie.  
CARRIED.

159/4 Mayor Burgess moved that the Strategic Planning and Development Policy Committee recommend to Council:-

1. that the River Murray Zone Minor Amendments Development Plan Amendment be endorsed and request that it be sent to the Minister for Planning for final approval;

2. that Council endorse the signing of the River Murray Zone Minor Amendments Development Plan Amendment by the Chief Executive Officer;

3. that Council delegate authority to the Manager – Development Services, in conjunction with Council’s Planning Consultant – Urban and Regional Planning Solutions, to make any minor changes to the Development Plan Amendment deemed necessary.

Seconded Cr Yeates.  
CARRIED.
STRATEGIC PLANNING AND DEVELOPMENT POLICY REPORT CONT’D:

River Murray Zone Minor Amendments Development Plan Amendment cont’d

160/1 Cr Yeates moved that it be recommended to Council that the matter of the enclosure of the underside of elevated dwellings utilising roller doors only be reviewed at the earliest opportunity. Seconded Cr Howie.

CARRIED.

OTHER BUSINESS:

DPA Update

The Manager – Development Services provided an update on the following DPA’s:-

- Cadell Horticulture DPA – agency consultation has concluded, meeting to be held with the Department of Planning, Transport & Infrastructure.
- Myall Place DPA – at the request of the developer, the DPA has been put on hold for six months pending the possible sale of the land.
- Barossa Valley & McLaren Vale Protection Districts DPA – rumoured that the DPA may be reinstated.

Mannum Waters

The Director – Development & Environmental Services provided an update on the Mannum Waters development in particular the issues relating to effluent and SA Water.

Old Mannum Primary School Land

Discussion ensued on the requirement for an open space contribution.

NEXT MEETING:

To be held in the Council Chambers, Main Street, Cambrai on Monday, 20 August, 2012 commencing at 11.30 am.

CLOSURE:

12.27 PM The Chairperson declared the meeting closed.
A. **Urban Waterfront (Floodplain) Zone**

**Reporting Officer**  
Geoff Parsons

**Position**  
Manager – Development Services

**Purpose**

To advise the Strategic Planning and Development Policy Committee of the current policy applying in the Urban Waterfront (Floodplain) Zone.

A copy of the relevant section from Council’s Development Plan and maps are attached. Refer Appendix A.1.

**Introduction/Background**

Land Division Application 711/C027/11 was lodged on 21 December 2011. The application sought Development Plan Consent and Land Division Consent for the creation of one additional allotment in the Urban Waterfront (Floodplain) Zone such that two bed and breakfast buildings on the allotment would each be placed on a separate allotment.

The application proposed a non-complying form of development, and accordingly a report was presented to the April meeting of the Development Assessment Panel (16 April 2012) such that a decision could be made as to whether the application should be refused, or Council should proceed to assess the application further.

The report and discussions regarding the application highlighted the current policy in the Urban Waterfront (Floodplain) Zone and the potential issues with it.

This prompted a resolution in the ‘Other Business’ section of the meeting to the following effect:

2798/4 J Howie moved that planning policies within the Urban Waterfront Zone relating to tourist accommodation resulting in future land division be referred to the Strategic Planning & Development Policy Committee for discussion.  
Seconded R Dawkins.  
CARRIED.

**Discussion**

The Urban Waterfront (Floodplain) Zone covers three separate parts of the Mannum waterfront, as follows:

- The Mannum Caravan Park, adjacent reserve, Randell Dry Dock and Museum;
- The entirety of Mary Ann Reserve (from the bowling greens to the residential land towards the south); and
- Approximately 21 waterfront allotments at the southern end of River Lane.
A. **Urban Waterfront (Floodplain) Zone cont’d**

The maps attached in Appendix A.1 show the extent of the Urban Waterfront (Floodplain) Zone. The above three locations are the only locations within the entire Council district where the Urban Waterfront (Floodplain) Zone applies.

The particular issue which arose from the Development Assessment Panel meeting was the creation of additional allotments, and using built form to justify such divisions.

This has occurred via the developer first constructing two bed and breakfast buildings on the site (there is no policy regarding a limit on the number of tourist accommodation buildings which can be established per allotment). Subsequently the developer has lodged an application to divide the land, such that each bed and breakfast unit is situated upon its own allotment. While land division to create the additional allotment is a non-complying form of development, the Environment, Resources & Development Court has previously noted that refusing such divisions, where no visible change would occur on the land, achieves no proper planning outcome.

Accordingly a developer can potentially create an additional allotment(s) by first proposing and establishing multiple accommodation units.

In addition to the above, a number of other considerations (both positive and negative) arise from the Urban Waterfront (Floodplain) Zone including:

- Detached dwellings are non-complying. Some owners have historically noted their buildings will be used for tourist accommodation, but subsequently utilised them for residential purposes to circumnavigate this policy.
- A number of spelling and grammatical errors require fixing.
- The permitted floor area of outbuildings varies from that which applies in the Shack Settlement Policy Area (there is no justification for such).
- The waterfront allotments at the southern end of River Lane are mostly used for residential purposes.
- Moorings for vessels with overnight accommodation are common in the area. These moorings provide much needed berths for the increasing number of vessels with overnight accommodation in the region, as well as providing a popular destination for tourists.
- The zone provides appropriate policy to govern public campgrounds and reserves.
- Overall however there is a lack of policy guidance for development.

Discussions with local real estate agents through the Mannum Township Development Plan Amendment process also highlighted the issues associated with the sale of land in the Urban Waterfront (Floodplain) Zone. It was reported that potential owners noted the policy was confusing and difficult to understand.

**Conclusion**

The Urban Waterfront (Floodplain) Zone serves a valid planning purpose by providing policy to design and shape the public waterfront areas of the Mannum Township and the Mannum Caravan Park, and by also providing an area for tourist accommodation and commercial moorings for vessels with overnight accommodation.
A. **Urban Waterfront (Floodplain) Zone cont’d**

However the policy within the zone is considered to be lacking in detail and confusing. It also contains several ‘loopholes’ such as that relating to multiple buildings and subsequent land division.

It is suggested that the boundaries of the zone should be re-examined, together with the content of the policy.

Given Council’s current planning policy program, consisting of seven (7) Development Plan Amendments combined with the need to commence, in the near future, three (3) additional projects (the Better Development Plan Development Plan Amendment, Section 30 Review (Strategic Directions Report) and Rural Area Development Plan Amendment) Council is unable to commence a Development Plan Amendment to address the Urban Waterfront (Floodplain) Zone.

However a recommendation has been listed below which will allow the Urban Waterfront (Floodplain) Zone to at least be examined through the Better Development Plan conversion process (with the possibility of some of the issues being addressed), and for due consideration to be given in the future to addressing the concerns with the Urban Waterfront (Floodplain) Zone through a Development Plan Amendment.

**References**

**Strategic Plan**
Natural and Built Environment
Goal 1.0 - An orderly and sustainable planning, management and development approach to all aspects of our natural and built environment.

Economy
Strategy 3.3 – Ensure there is sufficient suitably zoned land to accommodate demand.

Strategy 3.9 – Increase the focus on tourism through developing trails and facilities for visitors to encourage longer stays in these areas.

**Budget**
No budget line for a review or Development Plan Amendment associated with the Urban Waterfront (Floodplain) Zone.

**Legislation**
Development Act 1993 and Regulations 2008
A. **Urban Waterfront (Floodplain) Zone cont’d**

**Recommendation**

Moved _______________________ Seconded _________________________

that the Strategic Planning and Development Policy Committee recommend to Council that:

4. it be noted that the extent of the Urban Waterfront (Floodplain) Zone and the policy contained within it requires review and possible amendment;

5. a review of the Urban Waterfront (Floodplain) Zone, and appropriate changes where possible, occur through the Better Development Plan Development Plan Amendment; and

6. if necessary, following the Better Development Plan conversion process, a Development Plan Amendment be undertaken to address the concerns and issues apparent with the Urban Waterfront (Floodplain) Zone.
B. **River Murray Zone Minor Amendments Development Plan Amendment**

**Reporting Officer**  Geoff Parsons  
**Position**  Manager – Development Services

**Purpose**

To seek the endorsement of the Strategic Planning and Development Policy Committee of the amended version of the River Murray Zone Minor Amendments Development Plan Amendment, such that it can be presented to the Department of Planning, Transport & Infrastructure for final approval.

**Introduction/Background**

The River Murray Zone Minor Amendments Development Plan Amendment was originally commenced in order to ‘fix’ a number of anomalies with the existing policy in the River Murray and associated Policy Areas, with a particular focus on the Shack Settlement Policy Area.

The Development Plan Amendment was introduced through the interim effect process on 17 November 2011, and the Development Plan Amendment has formed part of Council’s Development Plan since that time.

Government agency and public consultation concluded on 19 January 2012. Since that time Council’s planning consultant and staff have been working to summarise the submissions received, and make the necessary policy amendments.

**Discussion**

Attached to this report is a copy of:

- The Summary of Consultations & Proposed Amendments Report, refer Appendix B.1;
- Summary and Response to Agency Submissions, refer Appendix B.2;
- An amended version of the Development Plan Amendment, incorporating the policy changes made to address the submission received, refer Appendix B.3.

Briefly, the main changes made to the policy area are as follows:

- Enlargement of the allowable carport/open sided structure size from 15 square metres to 36 square metres;
- Minor alterations to the non-complying lists for the Shack Settlement & Floodplain Policy Areas (to remove several anomalies);
- Clarification of residential sites in shack areas on the Development Plan mapping;
- An allowance for the creation of a limited number of additional allotments in the Marks Landing Shack Area (due to the capacity of the CWMS and previous agreements reached with, and monies paid by, the Marks Landing Shack Owners Association);
- Clarification/minor alteration of the policies applying to jetties/pontoons/landings;
- Clearer and more concise policy relating to the construction of retaining walls;
B. **River Murray Zone Minor Amendments Development Plan Amendment cont’d**

- Clarification/alteration of the acceptable and unacceptable uses list such that appropriate land uses are clearly defined and appropriate public notification categories are assigned accordingly; and
- Minor alterations to the wording of the policies to attempt to close any ‘legal loopholes’.

One previous suggestion from the Strategic Planning and Development Policy Committee was not incorporated into the amendments, that being the ability to enclose the ground level of elevated shacks with only roller doors (i.e. removable panels could no longer be used).

The ability currently exists for the ground level of elevated dwellings to be enclosed using roller doors, but removable panels are also permitted to be used. The suggestion was made because during the recent flood events it became apparent that a majority of removable panels were not removed.

However the policy change was unable to be incorporated due the number of elevated dwellings already constructed in the area which contain removable panels, concerns regarding the security of roller doors versus removable panels and the potential impacts on the design/amenity of elevated dwellings.

In addition, a change of this nature is a significant change to make after the public consultation period has closed. If Council were to make such a change at this point, it is likely that the Department of Planning, Transport and Infrastructure would request that the Development Plan Amendment be re-advertised, which would result in interim effect lapsing, and the policies which were in place prior to 17 November 2011 coming back into effect.

Nevertheless the idea has merit. It is suggested that this concept be recorded and considered in a future Development Plan Amendment (the Better Development Plan conversion process may provide an opportunity to do this, subject to the approval of the Department of Planning, Transport & Infrastructure).

Furthermore, not all suggested amendments noted in the public submissions have been incorporated in the Development Plan Amendment (in particular, those relating to Bowhill). The Strategic Planning and Development Policy Committee should consider whether endorsement of the Development Plan Amendment is appropriate without these amendments being made.

Finally, the Development Plan Amendment did raise an issue relating to the number of shack sites in an area and the requirement for the installation of a Community Wastewater Management System (CWMS) prior to building/development being able to occur.

The Development Assessment Panel noted this issue recently and requested that Council initiate investigations to determine appropriate courses of action to resolve this issue. Council, at its recent meeting held on Tuesday 12 June 2012 agreed and investigations will soon be commenced.

This Development Plan Amendment however cannot be postponed pending the outcome of that issue due to the possible lapse of interim effect and the agreements on timeframes reached with the Department of Planning, Transport and Infrastructure.
B. River Murray Zone Minor Amendments Development Plan Amendment cont’d

Conclusion

Council staff considers that the amendments made to the Development Plan Amendment are appropriate and reasonable. It is suggested that the Development Plan Amendment is now in a format which addresses all of the major and legitimate concerns of Council, Council staff and the community.

It is critical that the Development Plan Amendment be endorsed as soon as possible as interim effect will lapse on 17 November 2012, unless the Minister for Planning approves the final amendment (attached) before that date.

A recommendation has been listed which enables Council staff and Council’s planning consultant to make any minor changes necessary (including any requested by the Strategic Planning and Development Policy Committee) prior to the Development Plan Amendment being submitted to the Minister for Planning for final approval.

References

Strategic Plan Natural and Built Environment
Goal 1.0 - An orderly and sustainable planning, management and development approach to all aspects of our natural and built environment.

Strategy 1.11 – Ensure that the Development Plan incorporates environmental sustainability principles in respect to all forms of development.

Budget Sufficient funds allocated in current budget.

Legislation Development Act 1993 and Regulations 2008

Recommendation

Moved _______________________ Seconded _________________________

that the Strategic Planning and Development Policy Committee recommend to Council:-

4. that the River Murray Zone Minor Amendments Development Plan Amendment be endorsed and request that it be sent to the Minister for Planning for final approval;

5. that Council endorse the signing of the River Murray Zone Minor Amendments Development Plan Amendment by the Chief Executive Officer;

6. that Council delegate authority to the Manager – Development Services, in conjunction with Council’s Planning Consultant – Urban and Regional Planning Solutions, to make any minor changes to the Development Plan Amendment deemed necessary.

Kelvin Goldstone
Director - Development & Environmental Services