PRESENT:

Cr Jeff Howie (Acting Chairperson), Mayor Dave Burgess, Cr Inez Bormann and Cr Jeff Hall

IN ATTENDANCE:

Mr Kelvin Goldstone, Director – Development & Environmental Services
Mr Geoff Parsons, Manager – Development Services
Mr Russell Peate, Chief Executive Officer
Mrs Melissa Marschall, Minute Secretary

COMMENCEMENT AND WELCOME: 10.00 AM

The Acting Chairperson welcomed all members.

APOLOGIES:

Cr Kevin Myers and Cr Kerry Yeates

262/1 Cr Bormann moved that the apologies be received.
Seconded Mayor Burgess.

CONFIRMATION OF PREVIOUS MINUTES:

(Page 227 and Confidential Minutes Pages 55 - 59 – 30/7/2013)

262/2 Cr Hall moved that the Minutes of the Mid Murray Council Strategic Planning and Development Policy Committee Meeting held on 30 July, 2013, be taken as read and confirmed.
Seconded Cr Bormann.

STRATEGIC PLANNING AND DEVELOPMENT POLICY REPORT:

See Minute Book
Pages 264 - 269.

262/3 Cr Hall moved that the report be received.
Seconded Mayor Burgess.

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

Cadell (Horticulture) Development Plan Amendment

263/1 Mayor Burgess moved that it be recommended to Council that:

1. The Cadell (Horticulture) Development Plan Amendment, as attached, be endorsed;
2. The Cadell (Horticulture) Development Plan Amendment be submitted to the Department of Planning, Transport & Infrastructure and the Minister for Planning for approval;
3. The Chief Executive Officer be authorised to sign the Schedule 4b Certificate; and
4. The Manager – Development Services be given delegated authority to authorise any minor amendments to the Cadell (Horticulture) Development Plan Amendment as may be necessary to facilitate the on-going progression of the Development Plan Amendment.

Seconded Cr Bormann.

LOST.

263/2 Cr Hall moved that it be recommended to Council that:

1. The Cadell (Horticulture) Development Plan Amendment, as attached, be endorsed, subject to necessary amendments being incorporated to make the construction of dwellings on land within Precinct 1 “Merit” instead of “Non-Complying”;
2. The Cadell (Horticulture) Development Plan Amendment be submitted to the Department of Planning, Transport & Infrastructure and the Minister for Planning for approval;
3. The Chief Executive Officer be authorised to sign the Schedule 4b Certificate; and
4. The Manager – Development Services be given delegated authority to authorise any minor amendments to the Cadell (Horticulture) Development Plan Amendment as may be necessary to facilitate the on-going progression of the Development Plan Amendment.

Seconded Cr Howie.

LOST.

Report to be tabled at full Council.

OTHER BUSINESS:

Nil.

NEXT MEETING:

To be advised.

CLOSURE:

11.20 AM The Acting Chairperson declared the meeting closed.
A. Cadell (Horticulture) Development Plan Amendment

Reporting Officer: Geoff Parsons
Position: Manager – Development Services

Report Purpose

To seek a recommendation from the Strategic Planning & Development Policy Committee to Council to endorse the Cadell (Horticulture) Development Plan Amendment and associated documentation to be submitted to the Minister for Planning for final approval.

Introduction/Background

As members will recall, the Public and Agency Consultation processes for the Cadell (Horticulture) Development Plan Amendment have concluded.

Since that time the Committee has been considering how best to address the issue of a minimum allotment size in the Precinct 1 – Basin Area. The Committee is satisfied with the remainder of the policy to be introduced as part of the Development Plan Amendment.

To clarify, the Development Plan Amendment currently proposes the following:

- An 8 hectare minimum allotment size to build a dwelling in the Precinct 1 – Basin Area;
- If an application for a dwelling is lodged on an allotment less than 8 hectares in area, it will be assessed through the ‘non-complying’ process;
- If an application for a dwelling is lodged on an allotment greater than 8 hectares, it will be assessed through the ‘merit’ process.

The Committee requested, at the last meeting (30 July 2013), that another option be investigated. That option included:

- There would still be an 8 hectare minimum allotment size to construct a dwelling in the Precinct 1 – Basin Area;
- If an application for a dwelling is lodged on an allotment of any size, it would be assessed through the ‘merit’ process.

Discussion

In accordance with the resolution of the Committee, Council’s Planning Consultant and Manager – Development Services met with representatives of the Planning Services Division of the Department of Planning, Transport & Infrastructure to discuss the Committee’s preferred option.
A. **Cadell (Horticulture) Development Plan Amendment cont’d**

Discussions were also held with Brenton Lewis (CEO – Murraylands and Riverland RDA) and Chris Bennett (Consultant – Cadell Revitalisation Project) at a meeting attended by Council’s CEO, Mayor, Director – Development & Environment Services and Manager – Development Services.

*Outcomes of Discussions*

At the meeting held with DPTI staff, Council’s Planning Consultant and Manager – Development Services provided a background to the Development Plan Amendment and suggested that dwellings should be assessed ‘on merit’ in the Precinct 1 – Basin Area, regardless of allotment size, in accordance with the Committee’s resolution.

Rationale for the suggested change was provided, as was the argument that Council wished to ensure consistency between the policy applying in Cadell and that applying in, for example, Loxton Waikerie Council.

DPTI staff indicated that the decision on the Development Plan Amendment (and the potential change) would rest with the Planning Minister. They confirmed that the change would need to be assessed against the policy and objectives of the Murray & Mallee Region Plan and the Statement of Intent/consultation version of the Development Plan Amendment. They noted the change may jeopardise the original intent of the Development Plan Amendment, which was to promote and allow for growth, while protecting and enhancing the opportunities for horticultural and primary production activities.

It was suggested that allowing dwellings through the ‘on merit’ process in the Precinct 1 – Basin Area had the potential to undermine horticultural activities in the basin and transform the area into a rural living precinct, which was never envisaged.

A copy of correspondence from Council staff and the response from DPTI is attached for members’ information.

At a subsequent meeting with the CEO of Murraylands & Riverland RDA and the Consultant appointed to undertake the Cadell Revitalisation Project, the matter was discussed further.

There was agreement that the future of Cadell needed to involve horticultural production. One of the main aims of the Cadell Revitalisation Project is to assist in amalgamating parcels of land to form more allotments which may be better able to support horticultural production.

Correspondence from the Cadell Revitalisation Steering Committee is attached, noting they support the 8 hectare minimum development unit and the non-complying process for dwellings on allotments less than 8 hectares.

*Implications of Proceeding*

DPTI staff have noted that if Council proceeds with the change, the nature of the change and its implications will need to be assessed. It is possible that the Development Plan Amendment could be delayed and Council could be requested to make further changes or possibly undertake an additional round of public and agency consultation (which would come at additional cost).
A. **Cadell (Horticulture) Development Plan Amendment cont’d**

DPTI state that should Council wish to finalise the matter quickly, it may be best to adopt the Development Plan Amendment in its current form and, should the minimum development unit become a significant issue, it could potentially be considered further in any subsequent Development Plan Amendment which deals with minimum development units.

The issue of time delays is one of importance. Funding has been announced by the Premier of South Australia for primary producers along the River Murray which can be used to enhance the opportunities for production. The Cadell Revitalisation Steering Committee is in a position to take advantage of that funding, but they require the introduction of the policy in the Development Plan Amendment to realise the opportunities.

Proceeding with the change could have negative implications for the residents of the Cadell Valley.

**Way Forward**

The concerns of the Committee regarding the 8 hectare minimum development unit and the non-complying assessment of dwellings are understood.

Based on the feedback received it appears there is support for both options by different parties, and both options carry with them a set of risks.

However there is now support for the existing approach from the Central Irrigation Trust and Murraylands & Riverland RDA. DPTI too has noted the existing version of the Development Plan Amendment appears more consistent with the Statement of Intent and Planning Strategy.

Proceeding with the change (i.e. ‘on merit’ assessment for all dwellings regardless of allotment size) carries the risks of not receiving support from DPTI, and having to undertake public and agency consultation again. The delays would make it difficult for the Cadell community to fully access the funding opportunities which have now become available.

Accordingly, it is suggested that the best option is to proceed with the Development Plan Amendment in its current format (i.e. non-complying assessment for dwellings on lots less than 8 hectares).

If this option was to be pursued, Council can attempt to minimise the impact of non-complying assessment by:

- Placing additional policy in the Development Plan which makes it clear that dwellings can be considered in certain circumstances. At present, the following additional policy is proposed:

  > Despite being designated as a non-complying form of development, a dwelling may be considered on small allotments (less than 2 hectares), under the following circumstances:
A. **Cadell (Horticulture) Development Plan Amendment cont’d**

(a) The prospects of the land being amalgamated with adjoining land are minimal;

(b) The land is unlikely to be able to used for primary production or horticultural activities;

(c) A majority of the surrounding allotments contain existing dwellings;

(d) It does not result in more than one dwelling per allotment;

(e) It has a 40 metre vegetated buffer setback to all adjoining property boundaries, unless it is located adjacent to a road reserve or existing non-horticultural activities;

(f) It is sited in accordance with EPA Guidelines for Separation Distances 2007, or any guideline published by the Environment Protection Authority, and is not located within 500 metres of the Waste Management Facility identified in Figure 1;

(g) The requirements of the SA Health Commission and Local Government for wastewater and effluent disposal are met or provided for in the development application;

(h) It will not be located on land subject to inundation by a 1 in 100 year average return interval flood event or on land fill which interfere with the flow of such waters.

- Policy within the Development Plan Amendment/Development Plan will encourage dwellings in the basin area where they are associated with farming/horticulture/viticulture.

- Council staff will provide detailed preliminary advice and assistance to people wherever possible (including visiting their land where necessary). Assistance can also be provided through the non-complying process.

- An information sheet specifically targeted to Cadell will be produced which will provide detailed information to people about the zoning applicable to Cadell and what is appropriate/inappropriate.

- The Cadell Revitalisation Project will offer assistance, guidance and support to people to amalgamate their land where possible, providing economic benefits to the community and enhancing the ability for more dwellings to be established.

These measures, combined with the additional policy in the Development Plan Amendment, should enable Cadell adequate opportunity to develop, while still protecting and enhancing opportunities for horticultural activities to continue.

**Conclusion**

In accordance with the previous resolution of the Committee, the possibility of removing the non-complying trigger has been investigated. Both the Central Irrigation Trust and the Cadell Revitalisation Steering Committee are opposed to that move, and DPTI have noted it may be difficult to support and may result in delays in the processing of the Development Plan Amendment.
A. Cadell (Horticulture) Development Plan Amendment cont’d

Realising that the non-complying process can be more difficult for applicants to negotiate, Council staff have arranged for extra policy to be put in the Development Plan Amendment to encourage dwellings in appropriate circumstances. Council staff will also assist applicants wherever possible with their development applications and will establish an information sheet specifically targeted to Cadell.

In addition the Cadell Revitalisation Steering Committee will work with the community to take advantage of the recently released funding and development opportunities.

These measures, combined with the other policy in the Development Plan Amendment, should result in adequate changes to the planning policy which will result in a beneficial outcome for the community.

Accordingly, it is recommended the non-complying trigger for dwellings on allotments less than 8 hectares in the Precinct 1 – Basin Area remains, and that Committee recommends to Council that the Development Plan Amendment in its current format as attached) be approved for submission to the Minister for Planning.

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.

Community
Goal 2.0 – An enhanced, cooperative relationship within the community to achieve our shared vision.

Economy
Goal 3.0 – An adaptable, sustainable, diverse economy attracting industry and employment opportunities,

Strategy 3.2 – Facilitate private sector investment for appropriate developments through proactive planning and a positive approach.

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

Budget  Sufficient funds allocated in current budget.

A. **Cadell (Horticulture) Development Plan Amendment cont’d**

**Recommendation**

Moved _______________________ Seconded _________________________

that it be recommended to Council that:

1. The Cadell (Horticulture) Development Plan Amendment, as attached, be endorsed;
2. The Cadell (Horticulture) Development Plan Amendment be submitted to the Department of Planning, Transport & Infrastructure and the Minister for Planning for approval;
3. The Chief Executive Officer be authorised to sign the Schedule 4b Certificate; and
4. The Manager – Development Services be given delegated authority to authorise any minor amendments to the Cadell (Horticulture) Development Plan Amendment as may be necessary to facilitate the ongoing progression of the Development Plan Amendment.

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Kelvin Goldstone  
**Director - Development & Environmental Services**