



Development Assessment Panel

30 November 2009

MID MURRAY COUNCIL

DEVELOPMENT ASSESSMENT PANEL

Agenda

Meeting to be held in the Council Chambers, Main Street, Cambrai

Monday 30 November 2009, 10.30am

1. **PRESENT**

Frank Wieser (Presiding Member), James Miller, Graham Gaston, Ross Dawkins, Jeff Howie, Mick Morrissey and Marie Rudloff

2. **IN ATTENDANCE**

Kelvin Goldstone, Director, Development & Environmental Services
Geoff Parsons, Senior Development Officer – Planning
Jennifer Brewis, Development Officer – Planning
Aaron Curtis, Development Officer – Planning
Melissa Marschall, Minute Secretary

3. **COMMENCEMENT AND WELCOME** AM

4. **APOLOGIES**

5. **CONFIRMATION OF PREVIOUS MINUTES**

(Page 2601 – 26/10/2009)

Minutes of the Mid Murray Council Development Assessment Panel meeting held on 26 October 2009.

RECOMMENDATION

moved that the minutes of the Mid Murray Council Development Assessment Panel Meeting held on 26 October 2009 be taken as read and confirmed.

Seconded

6. **DECLARATION OF INTEREST BY MEMBERS OF PANEL**

MID MURRAY COUNCIL

7. DEVELOPMENT REPORT

RECOMMENDATION

moved that the report be received.

Seconded

Development Application 711/189/08 – JW Whithorn

For information the following persons have been invited to attend the meeting:-

John Whithorn – applicant

Aaron Biagioni – on behalf of representor Heather Fryar.

8. LATE CORRESPONDENCE

9. OTHER BUSINESS

10. NEXT MEETING

To be held in the Council Chambers, Main Street, Cambrai on Monday, 25 January 2010, commencing at 10.00am.

11. CLOSURE

MID MURRAY COUNCIL

DEVELOPMENT ASSESSMENT PANEL

Development Report

Meeting to be held in the Council Chambers, Main Street, Cambrai

Monday 30 November 2009, 10.30am

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MID MURRAY COUNCIL – DEVELOPMENT REPORT

7.1 DEVELOPMENT APPLICATION 711/189/08 – JW WHITHORN

<i>Reporting Officer:</i>	<i>Jennifer Brewis</i>
Development No.	711/189/08
Applicant	JW Whithorn
Subject Land	Lot 21 of DP35486, 140 River Lane, Mannum, Hundred of Finniss
Proposal	Transportable Office/Storeroom

INTRODUCTION

The above mentioned development application has been lodged with Council for the placement of a transportable office/storeroom to be used in association with an existing commercial houseboat business. The application is a retrospective application as the building has already been placed on site.

Copies of plans and details submitted with the application are attached.

SUBJECT LAND

The subject land is identified as Lot 21 of DP35486, 140 River Lane, Mannum, Hundred of Finniss as contained in Certificate of Title Volume 5382 Folio 486.

The land is located in the Urban Waterfront (Floodplain) Zone as defined by the Mid Murray Council Development Plan Map MiMu/62.

Attached are maps which identify the subject site and locality of the subject site.

The allotment has frontage to the River Murray, and currently contains several buildings and structures which are associated with the commercial houseboat business' operation. The site is accessed via Brook Street; a small access road off River Lane.

DESCRIPTION OF PROPOSAL

The proposal is for a small transportable building to be utilised as a storeroom and office associated with the existing commercial houseboat business. The proposed building is to replace an existing caravan which was used as an office and storage room.

The building is 3 metres wide and 6 metres in length. The building is a maximum of 2.7 metres tall. A small ramp is located by the building to able access to and from the building.

NATURE OF THE LOCALITY

The locality is predominantly made up of B & B's and private residences. The adjoining properties are used for residential purposes.

REFERRALS

The application was referred to the Minister for the River Murray pursuant to Schedule 8 of the Development Regulations, 2008. The Minister did not object to the proposal but did require a number of conditions be placed upon the Development Plan Consent, if so issued.

A copy of the response received is attached.

PUBLIC NOTIFICATION

Pursuant to Section 38(2)(c) of the Development Act 1993 the application was required to undergo Category 3 public notification.

A notice was placed in The Murray Valley Standard on 4 August 2009 and letters were sent to adjoining land owners. At the end of the notification period one representation was received by Council. Further clarification was sought from the representor in relation to the issues raised (due to them being unclear) in the representation. The concerns related to the existing land use. The applicant has provided a response to the concerns raised.

RELEVANT PROVISIONS OF THE MID MURRAY COUNCIL DEVELOPMENT PLAN

Council Wide

Objectives: 1, 2, 5, 6, 7, 8, 9, 15, 51 & 52

Principles of Development Control: 4, 5, 6, 34, 35, 43, 45 & 161

Urban Waterfront (Floodplain) Zone

Objectives: 1 & 3

Principle of Development Control: 1

ASSESSMENT

Character and Amenity

The small transportable building is not considered to be of a high standard, however the building is constructed of materials and colours commonly used within the locality and along the river in general. The building also offers a better street appearance than the caravan it is replacing.

The Desired Future Character of the Urban Waterfront (Floodplain) Zone seeks for buildings to be elevated. The elevated built form in the locality is used for tourist accommodation and residential purposes. The proposed building is a ground level building going against this policy and the existing character. However, the proposed building will be used in association with a commercial business rather than some form of accommodation and it is more practical for the building to be located at ground level for accessibility and operations of the business.

The proposed building will have limited impact upon the locality's amenity as the existing built form upon the site is at ground level and the building is replacing an existing caravan.

Flood Risk

The Development Plan seeks to limit built form within the 1956 flood boundary for the protection of life and building damage. In order to reduce risk buildings are required to be elevated. The proposed building instead of being elevated has lifting lugs and skids which will enable the building to be removed in the event of a flood via a crane or tilt tray truck. As already stated the building will not be used for some form of accommodation but associated with an existing commercial business.

As the building is located at ground level it will need to be removed even in minor floods or high water. So, unlike elevated buildings once the building is removed it will not form any impediment to, or restrict flood waters, nor will the building be at risk of damaged from flood waters.

Infrastructure

The site has access to power and sewer and will not require infrastructure to the locality to be improved or increased.

CONCLUSION

The building is replacing a caravan which will improve the locality's amenity. The building will not be elevated but is designed in a way which will enable its removal in the event in a flood.

It is therefore considered that Development Application 711/189/08 is not seriously at variance with the Objectives and Principles of Development Control as listed in the Mid Murray Council Development Plan and therefore warrants the granting of Development Plan Consent.

RECOMMENDATION

moved that pursuant to Section 35(2) of the Development Act 1993, that the proposed development is not "Seriously at Variance" with the relevant provisions of the Development Plan and that pursuant to Section 33(1)(a) of the Development Act, 1993 Development Plan Consent be granted to Development Application 711/189/08 subject to the following conditions and notations:-

Conditions

- 1. The development shall be carried out in accordance with the details and plans submitted with the application, other than where required to be varied by the following conditions.**
- 2. Stormwater from the building/structure shall be drained to the reasonable satisfaction of Council and managed so that it does not flow onto adjoining privately owned land.**

3. All exterior surfaces of the building/structure are to be of non-reflective materials (factory applied colour coated steel or equivalent), and colours which complement the locality.
4. The underside of the building is to be enclosed using cement fibre, timber or other material and in a way which will not impact upon the buildings removability.
5. The caravan upon the site shall be removed within 3 months from the date of this approval.

Conditions as required by the Minister for the River Murray:-

6. During the construction, 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 placed into bins to ensure no pollutants enter the River Murray.
7. Stormwater run-off from the transportable office/storeroom must be directed to a storage tank or tanks. The capacity of tank storage on site is to be equal to or greater than 20 litres per square metre of total roof area of the building. Any overflow from the tank or tanks must be managed to prevent erosion or pollution of the site and the River Murray and diverted away from wastewater disposal areas, such as septic tanks and aerobic systems.
8. The transportable office/storeroom must be removed and taken to a location above the 1956 flood level, not more than 24 hours after a flood warning has been issued for the district.
9. The transportable office/storeroom must appear unobtrusive and harmonise with the surroundings through the use of paint or finishes of natural colour.

Notations

1. This approval does not imply compliance with the Electricity Act 1996 (as amended), or the Regulations thereunder. It is the responsibility of the owner and the person undertaking development to ensure compliance with the same.

You are advised to contact appropriate authorities including ETSA, Telstra, SA Water and Council's STEDS department in relation to the location of supply lines and other requirements prior to commencing work.

2. Expiry Date for Planning and Building Consents and Development Approvals

Development Plan Consent is valid for 12 months. The applicant must obtain Development Approval within 12 months of the date of the decision or the consent will lapse.

It is necessary to obtain Building Rules Consent (if shown as STILL REQUIRED on this Decision Notification Form) before full Development Approval is granted.

Once Development Approval is obtained, substantial work on the approved development must be commenced within twelve months of the date of Development Approval or the approval will lapse.

The approved development must be substantially completed within 36 months (3 years) of the operative date of Development Approval, or the approval will lapse and a new application must be lodged with the relevant authority.

3. The Council also advises that the proposed development will be located within the "River Murray Floodplain" which is subject to periodic flooding, which may cause extensive or total loss. Neither the Council or any of its Servants, Agents or Officers accept any responsibility for any such loss which may occur. Any conditions are imposed so as to maintain the natural character of the River Valley and to attain the Objectives of the River Murray Zone.
4. The applicant is responsible for the correct siting of the proposed building and shall ensure that the building is sited on the allotment in accordance with the approved site plan.
5. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in any way which causes or may cause environmental harm.

Notations as issued by the Minister for the River Murray:-

6. The applicant is advised of their general duty to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
7. The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8124 4744.

8. The applicant is required to apply to the Department of Water, Land and Biodiversity Conservation for a water licence if they wish to use water from the River Murray, which is a Prescribed Watercourse. Enquiries should be directed to the Water Licensing Unit on 8595 2203.
9. The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation. 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.

10. This advice does not obviate any considerations that may apply to the Australian Government's Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Seconded

MID MURRAY COUNCIL – DEVELOPMENT REPORT

7.2 DEVELOPMENT ASSESSMENT PANEL – REPORT TO COUNCIL

Reporting Officer: Kelvin Goldstone

The annual report to Council on the activities of the Development Assessment Panel for the period 1 January 2009 to 31 December 2009 is currently being prepared in consultation with the Presiding Member.

It is envisaged a draft report will be available at the January 2010 Development Assessment Panel meeting following which it will be included in the February 2010 Council meeting agenda.

Members are requested to give thought to any trends/issues that have come to light during Panel deliberations throughout the year.

For consideration.

Kelvin Goldstone
DIRECTOR, DEVELOPMENT & ENVIRONMENTAL SERVICES