The 2011 calendar year marked the first year of the newly appointed Development Assessment Panel’s (DAP) two year term. Council, at its meeting held on 23 November 2010, adopted the following resolution with regard to DAP membership composition:

"Moved Cr Standish
Seconded Cr Ellis
1. That Council appoint Cr Reichstein, Cr Rohrlach and Cr Kennelly to the three (3) remaining vacant positions of the Development Assessment Panel in accordance with Section 56A(3)(c)(i) of the Development Act, 1993 whereby such positions shall expire on 12 December 2012. The aforementioned members join the four (4) independent members appointed by Council at its special meeting held on 7 September 2010 being Presiding Member Mr Bruce Ballantyne, Mr Kelvin Goldstone, Mr Peter Whimpress and Ms Kirsty Du Mont.

2. That Council authorise the Chief Executive Officer to delegate authority to the General Manager – Development and Regulatory Services to advise the Minister for Urban Development and Planning of Light Regional Council’s appointments to membership of the Development Assessment Panel.

CARRIED"

These appointments are for a period of two years and will expire on 12 December 2012.

Council’s Chief Executive Officer is appointed as the Public Officer for the Panel.

One of the roles and responsibilities of the Council Development Assessment Panel as required in Section 56A subsection (2) (b) of the South Australian Development Act 1993 states that the Panel may “as it thinks fit, provide advice and reports to the council on trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of applications under this Act”.

The following report provides information to the Council on:-

- The activities of the Panel including information on the number of applications brought to the Panel for determination and other relevant statistical information; and
- Planning or development issues which the Panel wishes to bring to the attention of Council.

1. **Statistical Data on Panel Activities and Development Applications**

   The statistical data collected is for 2011

   Number of Panel meetings held 8

   Panel Members attendance record:-

   - Bruce Ballantyne  7
   - Kelvin Goldstone  5
   - Peter Whimpress  7
   - Kirsty Du Mont  6
   - Lynette Reichstein  6
   - Deane Rohrlach  8
   - Peter Kennelly  8
Number of development application reports received by the Panel:

A total of 507 development applications were received by the Council in 2011, with 12 applications considered by DAP.

This equates to a total of 2% of the total applications lodged with the Council for 2011 and represents the extent of delegations provided for by Council to staff.

Of the 12 applications, one non-complying application was presented to the Panel twice as it was first deferred pending further discussion by the applicant with staff and one application the Panel requested that the Development Assessment Commission seek further information from the applicant prior to Council providing comment.

One report for information was presented to the Panel to amend the meeting time and two reports were presented regarding the Development Assessment Panel 2010 Annual Report.

Provided for below is a breakdown of decisions adopted by the Panel:-

<table>
<thead>
<tr>
<th>Decision</th>
<th>Count</th>
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<tbody>
<tr>
<td>Approved</td>
<td>2</td>
</tr>
<tr>
<td>Approved subject to DAC Concurrence</td>
<td>5</td>
</tr>
<tr>
<td>Sub-Delegated</td>
<td>1</td>
</tr>
<tr>
<td>Consent Orders</td>
<td>1</td>
</tr>
<tr>
<td>Further Information</td>
<td>1</td>
</tr>
<tr>
<td>Recommend DAC Approve</td>
<td>2</td>
</tr>
</tbody>
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Types of Development

**Commercial**: 5 development applications.

These comprise of:-

- 313/85/2010 - Expansion of an existing office (non-complying);
- 313/197/2011 - Change of use from dwelling to consulting rooms including ancillary alterations and demolition to the building and associated car parking and landscaping;
- 313/232/2011 - Construction and installation of a 130kl reinforced concrete reclaimed water storage tank with a steel roof measuring 09.45m in diameter x 2.15m high and 3m x 6m long x 2.7m high and steel pump shed containing recycled pumping station infrastructure and fencing;
- 313/233/2011 - Construction and installation of a 300 kilolitre reinforced concrete recycled water storage tank with steel roof measuring 13m in diameter x 2.65m high for the collection of recycled water on Gundry's Hill Reserve; and
- 313/151/2011 - Telecommunications facility located a minimum of 280 metres from the Presser Road property boundary comprising a 28m high monopole and antennae, 2.4m chainmesh security fencing and equipment shelter (non-complying).

**Industrial**: 1 development application.

- 313/119/2011 - Boral Resources SA Ltd - A change in the use for a portion of land for a temporary concrete batching plant for up to but not exceeding 3 years (non complying) with ancillary car parking, landscaping and detention basin.

**Residential**: 1 development application.

Land Division: 5 development applications.

These comprise of:-

- 313/D008/10 - Land Division – creation of 3 new allotments, Wheatley Street, Kapunda;
- 313/D010/09 - Land Division – creation of 1 new allotment, Borrow Street, Freeling;
- 313/D012/10 - Land Division (non-complying) – creation of 1 new allotment, Seppelt Road, Seppeltsfield;
- 313/D019/10 – Land Division (non-complying) – creation of 1 new allotment, Wasleys Road, Wasleys; and
- 313/D021/08 – Land Division – creation of 47 new allotments, Shuster Street, Freeling.

2. Appeals to the Environment Resources and Development Court

No Appeals were lodged with the ERD Court during 2011 against a determination made by the DAP. This statistic reinforces the philosophy that the DAP is interpreting the policy framework set down by Council correctly and it is certainly a notable achievement in the environment within which the DAP operates.

There was one Appeal however lodged with the ERD Court against a refusal made by staff under delegation and this Appeal related to a refusal pursuant to Section 39 (3) (b) of the Development Act, 1993 for failure to supply the requested particulars.

Other Appeals before the ERD Court jurisdiction pertained to the parking of heavy vehicles on rural living zoned land, of which there were two. These Appeals remain ongoing. Further, these Appeals do not relate to land use determinations; rather they pertain to enforcement breaches and have been instigated pursuant to Section 84 of the Development Act, 1993.

3. Planning and Development Issues and Relevant Matters

During the year the Panel considered a number of development applications of varied nature and complexity and there was one main issue which arose and in the opinion of the Panel should be bought to the attention of the Council. The matters raised will be reported to the Council within this component of the report:-

Northern Expressway (NEXY) Residual Land Holdings

The DAP has, over the duration of the preceding few years, considered a number of development applications over NEXY residual land located at Buchfelde. These proposals have been for a variety of developments ranging from harness racing training facilities to coach line transport depots. Currently, this precinct is zoned Recreation (Gawler Belt) Zone however with the NEXY corridor now dissecting the zone, the relevance of the zone provisions is substantially diminished. To that end, the DAP has concluded that it would be “…appropriate for Council to review the policy as it relates to this precinct as part of any future Development Plan Amendment.”

Presently, the zone comprises the newly formed harness training facility to the south west of the NEXY corridor, the modified soaring club operations and facility to the north of the corridor and a substantial parcel of vacant land to the south and south east of the corridor and adjacent Two Wells Road. It is this land holding which has been the subject of recent development applications and it is these associated zone provisions which, in the Panel’s mind, no longer holds relevance in the context of recent infrastructure developments.

Importantly, other pockets of residual land have resulted from the NEXY project and it is the Panel’s observation that Council may well be the ultimate custodian of one or more of these land holdings. Irrespective of ownership however, it appears prudent for Council to revisit its zone provisions in the context of the recent NEXY corridor. In the light of the extensive number of small allotments being created adjacent the corridor which are not considered a viable primary production land holding, coupled with the proximity to the various interchanges located along the corridor, the Panel feel that other more appropriate land use could perhaps be facilitated in these areas and an amendment to the zone provisions, or at least a review into them, appears appropriate when Council next conduct a review of its Development Plan.
Conclusion

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, Chief Executive Officer and staff of the Light Regional Council for their support and assistance.

This Report is submitted to Council by the Presiding Member on behalf of the Members of the Light Regional Council Development Assessment Panel.

Bruce Ballantyne, Presiding Member