The 2012 calendar year marked the second year of the 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 were made for a period of two years and expired 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 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 2012

A total of 9 Development Assessment Panel meetings were held during the 2012 calendar year.

Panel Members attendance record:-

<table>
<thead>
<tr>
<th>Member</th>
<th>Attendance</th>
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<tbody>
<tr>
<td>Bruce Ballantyne</td>
<td>9</td>
</tr>
<tr>
<td>Kelvin Goldstone</td>
<td>9</td>
</tr>
<tr>
<td>Peter Whimpress</td>
<td>8</td>
</tr>
<tr>
<td>Kirsty Du Mont</td>
<td>7</td>
</tr>
<tr>
<td>Lynette Reichstein</td>
<td>8</td>
</tr>
<tr>
<td>Deane Rohrlach</td>
<td>9</td>
</tr>
<tr>
<td>Peter Kennelly</td>
<td>8</td>
</tr>
</tbody>
</table>

Mr Bruce Ballantyne, Kelvin Goldstone, Lynette Reichstein, Deane Rohrlach and Peter Kennelly were re-elected in December 2012 to serve on the Councils Development Assessment Panel for a further two (2) years along with new Members Hulya Gilbert and Robert Veitch.
During the period there were no complaints lodged with Council’s Public Officer against any member of the Panel nor were any Code of Conduct matters filed with the Minister.

Number of development application reports received by the Panel:

A total of 498 development applications were received by the Council in 2012, with 16 applications considered by DAP.

This equates to a total of 3% of the total applications lodged with the Council for 2012 and represents the extent of delegations provided for by Council to staff.

Of the 16 applications, one application was presented to the Panel twice as it was first deferred pending enquiries with the Local Government Association Mutual Liability Scheme and Norman Waterhouse Lawyers regarding potential litigation action if flood inundation occurred.

A report was presented to the Panel regarding a non-complying land division application that was approved by the Panel but concurrence was not given by the Development Assessment Commission.

One report for information was presented to the Panel regarding the Development Assessment Panel 2011 Annual Report.

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

<table>
<thead>
<tr>
<th>Decision</th>
<th>Number</th>
</tr>
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<tbody>
<tr>
<td>Approved</td>
<td>2</td>
</tr>
<tr>
<td>Approved subject to DAC Concurrence</td>
<td>8</td>
</tr>
<tr>
<td>Refused</td>
<td>3</td>
</tr>
<tr>
<td>Sub-Delegated</td>
<td>1</td>
</tr>
<tr>
<td>Approved subject to Reserve Matters</td>
<td>1</td>
</tr>
<tr>
<td>Recommend Refusal to DAP</td>
<td>1</td>
</tr>
</tbody>
</table>

Types of Development

Commercial: 6 development applications

These comprise of:-

- 313/381/2011 - wind monitoring mast (meteorological) with a height of 60m for a period not exceeding 3 years
- 313/V005/2011 – Crown application - temporary bus depot
- 313/251/2011 - parking of a heavy vehicle and trailer in excess of 3,000 kilograms
- 313/403/2011 - planting of an additional 10.5 ha of vineyard and establishment of a winery with a maximum crush capacity of 30 tonne ancillary to the dwelling and farm buildings on the land (non-complying)
- 313/109/2012 - equine health centre including equine care and teaching in association with the school of veterinary science - Roseworthy College (incorporating ICU and surgery building, stables, feed store, student teaching facility with ancillary office/reception area, lunging areas, evaluation lab and isolation building) with associated car parking and landscaping
- 313/208/2012 - adaptive reuse of the stables building (State Heritage Place) as a tourist facility (jam factory)

Industrial: 3 development applications

These comprise of:-

- 313/408/2011 - extension to an existing hay processing shed
- 313/188/2012 - expansion to existing resource recovery facility including undercover storage area, office and amenities, weigh bridge and yard works to assist vehicle manoeuvrability and landscaping
Residential: 6 development applications

These comprise of:-

- 313/396/2011 - single storey detached dwelling with verandah attached (non-complying)
- 313/58/2012 - single storey detached dwelling with alfresco and garage under main roof and landscaping in association with the agricultural use of the land (non-complying)
- 313/467/2011 - single storey detached dwelling with verandah and garage under main roof in association with an existing farm building (non-complying)
- 313/70/2012 - dependant accommodation ancillary to an existing dwelling
- 313/162/2012 - dependent accommodation in association with existing detached dwelling (non-complying)
- 313/264/2012 - dependent accommodation with verandah and carport attached ancillary to the existing dwelling (non-complying)

Land Division: 1 development application

- 313/D005/12 - Land Division – boundary re-alignment

Two (2) of the applications considered during the reporting period were applications whereby the DAP provided comments to the relevant authority that being the Development Assessment Commission. These applications included a concrete batching plant and bus depot at Buchfelde.

2. Appeals to the Environment Resources and Development Court

No Appeals were lodged with the ERD Court during 2012 against a determination made by the DAP.

Other Appeals before the ERD Court jurisdiction pertained to the parking of heavy vehicles on rural living zoned land. This appeal was finalised in March 2013 with a successful conviction against the land owner. The ERD Court issued a fine totalling some $12,100 payable to the Council.

This Appeal did not relate to a land use determination but rather it pertained to an enforcement breach and was 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 were a few reoccurring matters 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

As was reported in the 2011 Annual Report, the DAP has, over the duration of the preceding few years, considered a number of development applications over NEXY residual land located at Buchfelde. This matter was prevalent again during the 2012 reporting period. These proposals have been for a variety of developments ranging from a concrete batching plant to coach line transport depot. Currently, this precinct is zoned Recreation (Gawler Belt) Zone or Primary Industry 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 in 2011 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 recently developed NEXY corridor. In 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 uses 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.

Dependant Accommodation

A number of applications considered by the Panel involved the construction of dependant accommodation in association with an existing detached dwelling on an allotment. These applications were only considered by the DAP as they did not satisfy all of the criteria. In these instances the matter triggering the applications to undergo the non-complying process related to the maximum size permissible of the dependant accommodation. The Council’s Development Plan states that dependant accommodation (granny flat) should not exceed 65m². In a number of instances the applications considered by the panel were for “granny flats” that exceed the maximum size by 10 to 20 m². The applications were all supported by the Council’s Development Assessment Panel and concurrence was also issued by the Development Assessment Commission.

The current provisions of the Development Plan provide specific commentary and guidance when assessing proposals that include dependant accommodation.

Council Wide PDC 92 states:-

“Dependent accommodation is defined as accommodation for dependent relative(s), located on the same allotment as the main dwelling and connected to the same services as the main dwelling.

Dependent accommodation should only be developed on the site of an existing detached dwelling and where:-

(a) the allotment is greater than 600 square metres;
(b) the accommodation forms part of the same allotment as the associated detached dwelling and the allotment is not further divided to create a legally separate title for each dwelling;
(c) private open space of at least 100 square metres is available to be shared by both residences;
(d) the additional accommodation does not exceed 65 square metres in floor area and the building is single storey;
(e) the additional accommodation maintains or enhances the general appearance and amenity of the original dwelling and the subject land as viewed from the street;
(f) the privacy of the indoor and outdoor spaces of the existing dwelling are maintained;
(g) an additional car parking space is provided on the site which can be used exclusively by the occupant(s) of the dependent accommodation;
(h) it is physically associated with and in close proximity to the existing dwelling;
(i) it uses the same vehicle access as the existing dwelling; and
(j) it is not forward of the front building alignment of the existing dwelling.”

A number of enquiries are made by the general public on a regular basis relating to building a dwelling for the express purpose of creating dependant accommodation to accommodate aging parents or teenage children. As mentioned above the dilemma faced by a number of applicants relates to the maximum size of the dependant accommodation allowed which is in the order of 65m².

Those applications which proposed dependant accommodation and exceed the minimum floor area are required to undergo the non-complying process. It is therefore considered appropriate to advise the Council to reconsider the minimum floor area of dependant accommodation so as to reduce the number of non-complying development applications. A suitable floor area may be in the order of 90m².

Character Preservation District
The Minister introduced the Barossa and McLaren Vale Protection District in 2011 which affected a number of councils which sought to protect the special character of the Barossa Valley and McLaren Vale districts and prevent urban sprawl. Light Regional Council was affected by the policy amendment made by the Minister which largely placed a “development freeze” over all the land to the east of the Sturt Highway extending through and including the Barossa Valley. The freeze restricted new wineries or extensions to existing wineries, land divisions outside of townships, dwellings in association with farming land, just to cite a few examples. The Minister’s intention was not to create a total development freeze but rather restrict development outside of townships. Such restrictions sought to prevent land divisions and residential enclaves outside of existing townships.

Concern was raised with the policy by a number of Council’s throughout the consultation period and the Protection District was terminated on 12 April 2012 and replaced by the Barossa Valley and McLaren Vale (Revised) Protection Districts Development Plan Review. It was as a result of the “development freeze” that was introduced by the Minister which created a large number of applications that would have ordinarily been assessed as merit applications rather than non-complying forms of development. These included the construction of a dwelling in association with the farming use of the land and some dependant accommodation.

The final version of the Character Preservation Legislation and Development Plan provisions were introduced on 24 January 2013, and with the exception of land divisions, the zones affected by CPA exist as they were previously written prior to the introduction of the CPA.

**Equine Facility at Roseworthy College**

During the term of the reporting period an equine facility was also considered by the Panel. The zoning of the land acknowledges the existence of the Roseworthy College, however, the category of public notification provisions do not suggest that facilities associated with the agricultural teaching facility as a form of development not required to undergo public notification.

By way of background, when the Roseworthy College seeks to undertake development a dilemma often results in that any development is required to undergo Category 3 public notification notwithstanding the long standing and entrenched institutional land uses. It is recommended to Council that Roseworthy College should be identified within an Educational Zone/Policy Area that recognises the facility and allows for further reasonable development of this facility to go through as category 1 forms of development.

**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.

This report is submitted to Council for noting purposes by the Presiding Member on behalf of the Members of the Light Regional Council Development Assessment Panel.

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Bruce Ballantyne, Presiding Member