2008 was the second year of the Panel’s two year term and it began with a newly appointed member in Ms Janine Lennon assuming office on the Panel. Ms Janine Lennon replaced Mrs Lisa Sapio in January 2008 following Mrs Sapio’s appointment to Council as Development and Policy Advisor.

The Panel comprises:-

- Mr Bruce Ballantyne as the Independent Presiding Member,
- Mr Kelvin Goldstone, Mr Peter Whimpress and Ms Janine Lennon as the other three Independent Members,
- Mr Robert Hornsey, Mrs Lynette Reichstein and Ms Jane Alcorn as the three Elected Council Members.

Mr Kelvin Goldstone is appointed as the Deputy Presiding Member.

The Council at its meeting held on the 21st October 2008 reappointed the seven members for a further 2 years expiring 12th December 2010.

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 2008.

Number of Panel meetings held 11

Panel Members attendance record:-

<table>
<thead>
<tr>
<th>Member</th>
<th>Attendance</th>
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<tbody>
<tr>
<td>Bruce Ballantyne</td>
<td>11</td>
</tr>
<tr>
<td>Kelvin Goldstone</td>
<td>10</td>
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<tr>
<td>Peter Whimpress</td>
<td>11</td>
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<td>Janine Lennon</td>
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<td>Robert Hornsey</td>
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<tr>
<td>Lynette Reichstein</td>
<td>10</td>
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<tr>
<td>Jane Alcorn</td>
<td>11</td>
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</tbody>
</table>

Number of development application reports received by the Panel: 26 (out of a total of 657 applications received by Council). Of the 26 applications, one application was presented to the Panel twice, once for a decision to proceed with the assessment and then for decision.
Break down of decisions/recommendations:

- Approved: 12
- Refused: 8
- Proceed with Assessment: 1
- Deferred: 8 (6 have been resubmitted, 2 still outstanding)
- Sub-Delegated: 5

**Types of Development**

**Commercial:** 10 development applications

These comprise of:-

- 313/497/2007 - Change in land use - indoor/outdoor function centre (Non-complying);
- 313/094/2007 - Change in land use - indoor/outdoor function centre (Non-complying);
- 313/550/2007 - Change in land use - establishment of a vineyard (Non-complying);
- 313/514/2007 - Cellar door sales (Non-complying);
- 313/160/2008 - Conversion of part of a farm building to bed and breakfast accommodation;
- 313/196/2008 - Change in land use - establishment of a vineyard;
- 313/549/2007 - Intensive animal keeping (Dog keeping facility) (Non-complying);
- 313/162/2008 - Parking of three (3) trucks (Non-complying);
- 313/227/2008 - Construction of a 6 person bed and breakfast facility; and
- 313/286/2008 - Retail shop (Chemist).

**Industrial:** 2 development applications

These comprise of:-

- 313/005/2008 - Alterations and additions to the existing glass bottle manufacturing facility (AMCOR); and
- 313/207/2008 - Establishment and operation of an asphalt production plant for a period of 18 months (non-complying).

**Residential:** 9 development applications

These comprise of:-

- 313/358/2007 - Domestic outbuilding;
- 313/474/2007 - Carport to be attached to existing verandah and outbuilding;
- 313/491/2007 - Single storey detached dwelling and associated outbuilding, mounding and landscaping (Non-complying);
- 313/206/2008 - Variation to Development Application 313/411/1999 - Replacing translucent glazing with clear glass;
- 313/436/2007 - Single storey detached dwelling and carport;
- 313/91/2008 - Detached dwelling with verandah and carport;
- 313/326/2008 - Masonry front fence, side fencing, gazebo and conversion of a carport to an office and laundry in association with the existing bed and breakfast and dwelling (Retrospective);
- 313/500/2008 - Demolition of dwelling (Contributory Item) and outbuilding; and
Land Division: 4 development applications

These comprise of:-

- 313/D039/07 - 1 allotment into 2 allotments (non-complying development);
- 313/D024/04 - 61 allotments, two (2) stormwater detention basins and Land Management Agreement;
- 313/D021/07 - 1 allotment into 2 allotments (non-complying); and
- 313/D037/06 - 1 allotment into 17 allotments and detention/retention basin.

2. Appeals to the Environment Resources and Development Court

There were three appeals made to the Environment Resources and Development Court. The three appeals were lodged by applicants against refusal of their development applications by the Panel.

Of the three appeals, two were settled at conference and one appeal is pending.

Details of the appeals:-

- 313/D024/04 – Land Division (Wasleys. This matter reached a compromise whereby the number of allotments were reduced from 61 to 55 thus ensuring greater allotment sizes were achieved to better accommodate on-site waste water disposal. In addition, Council and the developer initiated a concept which would ensure the respective aerobic systems would be maintained by Council contractors with costs to be recouped from the landowners via a Land Management Agreement instrument;
- 313/326/2008 – Fencing, stone fence to front of allotment and conversion of a carport to office - Historic (Conservation) Policy Area (Kapunda). The retrospective application to undertake a series of works to his heritage listed premises was initially refused by the Panel. Following appeal, without prejudice discussions took place between the parties and their respective heritage consultants whereby an agreed compromise was negotiated. This compromise was tabled at a subsequent meeting of the Panel and duly endorsed; and
- 313/500/2008 – Demolition of dwelling – heritage listed contributory item (Greenock). The Panel refused the applicant’s retrospective development application and the matter is currently before the Court

3. Planning and Development Issues and Relevant Matters

During the Panel’s consideration of development applications there were a number of issues and matters which arose and in the opinion of the Panel should be brought to the attention of the Council. Some matters were presented immediately to Council while others are reported within this component of the report:-

- Managed Investment Scheme-driven Viticultural Developments

A retrospective development application for a vineyard was submitted by Agribusiness Pty Ltd where Development Plan Consent was sought to establish a significant viticultural proposal. Whilst the application complied in all respects with the Council Development Plan, there was significant angst amongst the community regarding the impact such a development would bring to the Barossa Valley brand. The Panel, quite rightly, did not consider issues of commerciality when resolving on the matter however did raise concerns at the time in respect to policy framework and whether the current set of policies were indeed appropriate.
- Truck Parking

The Panel has had to consider a development application for the parking of heavy vehicles exceeding 3,000 kilograms in weight. Concern has arisen in respect to the appropriateness or otherwise of the policy framework, particularly with regard to the rural living areas of the region, namely Gawler Belt and Roseworthy. At present, the parking of a vehicle exceeding 3,000 kilograms in weight is deemed non-complying development however there may be a need to review the extent to which truck parking is governed. The Panel is aware that Council is embarking on a Non Urban Living-Rural Lifestyle Study which may, in part, address this issue.

- Function Rooms and Catering Associated with Existing Wineries

A number of non-complying development applications were presented to the Panel throughout 2008 whereby consent was sought to establish function rooms and catering in association with established wineries. Concern has been expressed by many in the community that through endorsing such proposals, Council is effectively facilitating new ‘hotels’ within the Barossa floor. The Panel have endorsed all three applications presented to it in this regard and are awaiting the concurrence of the Commission. A review of the classification of the nature of development may therefore be required, if deemed appropriate.

- Rural Living Zones

Throughout 2008 the Panel has considered a number of applications within the Gawler Belt Rural Living Zone including applications for further land division and an application for the keeping of three vehicles exceeding 3,000 kilograms in weight. In considering the merits of the respective applications it appears there may be a need to undertake a review of the Development Control Provisions for the Zone in respect to a variety of matters, namely land division, truck parking and business related developments and whether such land uses are appropriate within Gawler Belt. The Panel is however aware of the fact that Council is undertaking a Non Urban Living/Rural Lifestyle Study which seeks to investigate the appropriateness or otherwise of current Development Plan Controls.

- New Residential Land Releases

Through the assessment of a number of large scale land division applications the Panel is concerned that in some circumstances the minimum allotment sizes for land division may appear to be too small in terms of accommodating subsequent built form. Furthermore the Development Plan could potentially incorporate more prescriptive controls in respect to sloping sites, wastewater disposal requirements (common effluent only for new residential land releases) and plot ratio requirements. That said however the Panel is aware of the requirements of the Residential Code and the impact this additional layer of legislation will have on applying Council’s Development Plan Policy Framework.

- Environmental Requirements

The Panel recognises the significant growth the region is experiencing and believes it to be an opportune time to embark on establishing robust Development Plan Controls which take account of energy efficiency, water reuse and recycling and environmental initiatives. The Council may wish to give consideration to implementing a strategy of this nature.
4. Training Session

On Tuesday, 16 December 2008 a joint training session was held in the Kapunda Council Chambers with members of the Mid Murray Council Development Assessment Panel, facilitated by Mr Paul Leadbeter of Norman Waterhouse Lawyers. This session largely sought to remind members of their statutory obligations pursuant to the Development Act 1993 as well as advise members on key elements of the Ministerial Code of Conduct.

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, Corporate Manager – Development and Environmental Services, Planning Officers 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.

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Bruce Ballantyne, Presiding Member