2009 was the first year of the Development Assessment Panel’s two year term and the composition of the Panel’s membership remained the same as the 2008 term.

The Panel comprises:-

- Mr Bruce Ballantyne as the Independent Presiding Member,
- Mr Kelvin Goldstone, Mr Peter Whimpress and Ms Janine Lennon as the 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 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 2009.

Number of Panel meetings held 10

Panel Members attendance record:-

- Bruce Ballantyne 9
- Kelvin Goldstone 10
- Peter Whimpress 10
- Janine Lennon 10
- Robert Hornsey 10
- Lynette Reichstein 10
- Jane Alcorn 9

Number of development application reports received by the Panel:

A total of 659 development application were received by the Council in 2009, with 26 of those applications considered by DAP.

This equates to a total of 3.94 % of the total applications lodged with the Council for 2009.
Of the 26 applications, one application was presented to the Panel twice, once for a decision and then for decision on compromise plans.

Break down of decisions/recommendations:

- Approved: 7
- Refused: 13
- Deferred: 1 (resubmitted)
- Sub-Delegated: 4
- Compromise Plans Not Accepted: 1

Types of Development

Commercial: 10 development applications

These comprise of:

- 313/282/2007 - Partial change of the use of an existing building, and the expansion of a licensed area, to incorporate a wine tasting and sales facility (non-complying);

- 313/162/2008 - Parking of three (3) trucks each weighing more than 3,000 kilograms and construction of an outbuilding measuring 18 m x 12 m x 3.6 m (reduced from 4.3 m), for storage of the trucks (non-complying);

- 313/27/2009 - Telecommunication facility comprising a 45m high lattice tower, 2.4m chainmesh security fencing and equipment shelter;

- 313/613/2008 - Educational establishment - school of veterinary science and associated Veterinary Clinic (Staged Development comprising Stage 1 building footprint and shell of building and fit out with stage two comprising storm water basin, augmentation of waste water lagoons and associated car parking and landscaping);

- 313/V048/09 - Staged Development – comprising the re-development of the Roseworthy Primary School. Stage 1 includes the construction of a purpose built educational establishment (Primary School) with associated car parking, play areas and landscaping and Stage 2, comprising the demolition and relocation of the existing buildings from the southern portion of the subject land;

- 313/547/2008 - Parking of two (2) trucks each weighing more than 3,000 kilograms and construction of an outbuilding measuring 15 m x 20 m x 4.5 metres for storage of the trucks and residential storage (Non-complying);

- 313/254/2009 - Parking of two (2) trucks each weighing more than 3,000 kilograms and the construction of two (2) farm buildings each measuring 12 metres x 7 metres x 3.8 metres;

- 313/273/2009 - Construction of 8 glasshouses for horticultural use with ancillary packaging/plant building, stormwater basins, evaporation lagoon, office/administration area, landscaping, earthworks, car parking and external works including upgrading of the Sturt Highway/Dee Road intersection and partial sealing of Dee Road (Non-Complying);

- 313/351/2009 - Advertising sign for a period of 5 years only (6m x 4.5m);

Residential: 4 development applications

These comprise of:-

- 313/493/2008 – Outbuilding;
- 313/506/2008 - Single storey detached dwelling in association with an established vineyard (non-complying);
- 313/88/2009 - Construction of a two storey detached dwelling;
- 313/20/2009 - Single storey detached dwelling with verandah and garage and associated cut and fill varying from 1.8m to 2.2m.

Land Division: 10 development applications

These comprise of:-

- 313/D017/08 - Torrens Title Land Division Creating 336 residential allotments and associated construction of roadways, public reserves, detention basin and Land Management Agreement;
- 313/D012/08 - Torrens Title Land Division comprising a total of 190 residential allotments, and associated construction of roadways, wetlands, public reserves, augmentation of Council wetlands;
- 313/D003/09 - Land Division – Boundary Realignment;
- 313/D005/09 - Land Division – Torrens;
- 313/D005/08 - Land Division - Creation of one additional allotment (non-complying);
- 313/D025/08 - Land Division - Torrens Title - Creation of 2 Additional Allotments;
- 313/D020/08 - Land Division - Creation of 1 Additional Allotment (non-complying);
- 313/D022/09 - Land Division (Boundary Realignment) - Torrens Title;
- 313/D007/09 - Torrens Title Land Division – 1 allotment into 4;
- 313/D023/09 - Land Division (Boundary Realignment) - Torrens Title.

2. Appeals to the Environment Resources and Development Court

There were five (5) appeals made to the Environment Resources and Development Court. Two (2) of the appeals were lodged by applicants against a refusal of their development applications by the Panel. One appeal was as a result of staff refusal to allow an extension of time to a land division consent whist another was a third party appeal. The final appeal was as a result of staff issuing a refusal for the failure to provide information in 2009 after two (2) years of requesting additional information.

Of the five (5) appeals, one (1) was settled at conference, two (2) withdrawn and one appeal went to a full hearing with a decision issued in February 2010 with another appeal pending resolution of a directions hearing.
Details of the appeals:-

- 313/D022/06 – Land Division, Hewett;
- 313/87/2007 - Change in Land Use (Establishment of Restaurant) (Administrative refusal by Staff under delegation);
- 313/254/2009 Parking of two (2) trucks each weighing more than 3,000 kilograms and the construction of two (2) farm buildings each measuring 12 metres x 7 metres x 3.8 metres.
- 313/20/2009 - Single Storey Detached Dwelling with Verandah and Garage and Associated Cut and Fill Varying from 1.8m to 2.2m;
- 313/D007/09 - Torrens Title Land Division – 1 allotment into 4.

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. The matters raised will be reported to the Council within this component of the report:-

**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 within a number of the Rural and Residential Zones of the Council, however there may be a need to review the extent to which truck parking is governed.

The Council embarked on a Non Urban Living-Rural Lifestyle Study and it was revealed that a number of comments related to truck parking. With respect to the respondents that commented upon truck parking within the Rural Living Study Area, 70% were not in favour of truck parking citing amenity and noise issues whilst 30% supported truck parking within the Rural Living Areas.

The DAP considered a Development Application for the parking of two (2) trucks for a property on the corner of Ronda Avenue and Cliff Road, Roseworthy. The application was determined to be a non complying form of development. The application was refused by the panel and a Section 84 Notice pursuant to the Development Act was served upon the Owner of the land given the failure to remove the trucks from the property. The owner has appealed the Section 84 Notice and the matter is currently going through the Court process. The Judge presiding over the matter allowed a “stay of proceedings” on the basis that the applicant revealed their intention to lodge a new application seeking a temporary approval to park the trucks on the land. The Court will often allow a “Stay of Proceeding” when the Council is yet to make a decision on an application that is the subject of a Section 84 Notice.

The Panel will be considering a similar application (non complying) whereby the Applicant is seeking a temporary approval for the parking of a number of trucks on an allotment within the Rural Living Zone and within the Gawler Belt Township. The owner of the land was also served a Section 84 Notice given the failure to remove the trucks within the period specified by the Council. This matter is also currently before the Courts and an appeal against the section 84 Notice issued by the Council was lodged with the Court by the owner of the land.
Council staff are currently exploring what options may exist as to how to remedy the situation of truck parking throughout its Council Area, as it would appear as re-zoning of the Rural Living Zones to allow for truck parking is not necessarily considered appropriate. The Council will be considering the issue of truck parking in the future and the DAP will be advised what may transpire.

**Rural Living Zones and Land Division**

Throughout 2008 and 2009 the Panel has considered a number of applications within the Gawler Belt and Roseworthy Rural Living Zone including applications for land division. In the majority of instances the land divisions that have come before the Panel are of a non complying nature as they fail to comply with depth to frontage ratios established by the Council’s Development Plan.

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 the Rural Living Zone. 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. At this point in time a project brief has been prepared by the Council’s Principal Project Planner and it is expected that a Consultant will be engaged shortly to prepare a Development Plan Amendment (DPA). The DPA will clearly identify areas of the Rural Living Areas whereby small land sizes may be permitted.

**Primary Industry Zones**

In 2009 the Panel considered three (3) land division applications which were proposed at Ford and Pinkerton Plains. All three of the allotments that included the land divisions were located with the Primary Industry Zone with the intent to provide smaller blocks for residential purposes. All three Development applications were refused by the DAP as they failed to meet the minimum requirement of the Zone which sought minimum allotment sizes of 33 hectares.

It is considered that the existing provisions within the Primary Industry Zone are sufficient as the Zoning lists land division as a non complying form of development if it seeks to create a greater number of allotments with an area less than 33 hectares in order to maintain the land for primary production uses. As such, no review of the policy framework is required as the existing Development Plan provisions are adequate.

4. **Establishment of Development Assessment Panel Operating and Meeting Procedures**

On Wednesday 6th May 2009 the DAP adopted the Light Regional Council DAP Operating and Meeting Procedures. The Operating and Meeting Procedure outlined the procedures by which the Panel will conduct its business at meetings and also clarifies that the Panel will conduct its business in a transparent, timely, efficient and appropriate manner to ensure compliance with the Act. The adoption of this document is consistent with Section 56 A (19) of the Development Act, 1993 as the act enables each panel to determine its own procedures.

**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, General Manager – Development and Regulatory 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