The 2010 calendar year was the last half of the Development Assessment Panel’s two year term, expiring on 12 December 2010. The panel was comprised of the following:

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

Expressions of Interest were sought for independent membership of the Development Assessment Panel and Council at its meeting held on 7 September 2010 appointed:-

- Mr Bruce Ballantyne as the Independent Presiding Member, and
- Mr Kelvin Goldstone, Mr Peter Whimpress and Mrs Kirsty Du Mont as the three Independent Members

Following the November 2010 Council elections, Council at its meeting held on 23 November 2010 appointed the following Elected Members to the Development Assessment Panel:-

- Cr Lynette Reichstein, Cr Deane Rohrlach and Cr Peter Kennelly

These appointments are for a period of two years and will expire on 12 December 2012. The first meeting with the new composition of the Development Assessment Panel was on 15 December 2010.

Mr Kelvin Goldstone was reappointed as the Deputy Presiding Member.

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 2010

Number of Panel meetings held 8
Panel Members attendance record:-

Bruce Ballantyne 8  
Kelvin Goldstone 8  
Peter Whimpress 8  
Janine Lennon 7  
Robert Hornsey 7  
Lynette Reichstein 8  
Jane Alcorn 6  
Kirsty Du Mont 1  
Deane Rohrlach 1  
Peter Kennelly 1

Members from 1 January 2010

New Members as of 12 December 2010

Number of development application reports received by the Panel:

A total of 645 development application were received by the Council in 2010, with 16 of those applications considered by DAP.

This equates to a total of 2% of the total applications lodged with the Council for 2010.

Of the 16 applications, one non-complying application was presented to the Panel twice, once to proceed with an assessment and then for decision.

One report for information was presented to the Panel to advise of an ERD Court Appeal outcome for a dwelling which was refused.

Break down of decisions/recommendations:

- Approved: 10
- Refused: 4
- Sub-Delegated: 1
- Compromise Plans: 1

Types of Development

Commercial: 12 development applications

These comprise of:-

- 313/V052/2009 - 275/132kV Substation and associated 275kV Transmission Line (Comprising 4 towers) and a 132kV tower (Section 49)
- 313/66/2010 - Temporary parking of two (2) trucks and one (1) trailer each weighing more than 3,000 kilograms (non-complying)
- 313/68/2010 - Temporary parking of six (6) vehicles in excess of 3,000 kilograms (non-complying)
- 313/501/2009 - Winery expansion (increase in crush capacity to 500 tonne per annum), cellar door sales and tourist accommodation (bed and breakfast) - (non-complying)
- 313/405/2009 - Change of use of the land to a motor repair station and associated workshop, signage, office and landscaping in association with the existing dwelling and horse keeping on the land (non-complying)
- 313/373/2009 - Warehouse, Open Canopy and associated earthworks and car parking (non-complying)
- 313/321/2009 - Warehouse, Open Canopy and associated earthworks and car parking (non-complying)
- 313/383/2010 - Change in land use from council depot to community activity shed
Residential: 1 development application

313/347/2010 - Verandah attached to an existing dwelling

Land Division: 3 development applications

These comprise of:

- 313/D030/09 - Land Division (non-complying)
- 313/D010/09 - Land Division
- 313/D007/09 – Land Division

2. Appeals to the Environment Resources and Development Court

Two appeals were made to the Environment Resources and Development Court during the calendar year. These appeals were lodged by applicants against refusals of their development applications by the Panel. The first appeal was as a result of a DAP refusal for truck parking as the applicant failed to supply sufficient information. The second appeal was as a result of a Panel refusal of a land division creating an additional allotment.

The land division appeal was settled at the conference stage after extensive expert input, the panel conceded the appeal and agreed to the issue of consent orders by the Court. The truck parking appeal was settled through an order of the Court to remove the trucks from the land. The applicant has since returned some trucks to the land and as such Council will instigate new proceedings.

Details of the appeals:-

- 313/D010/09 – Hamlyn – Land Division to create one additional allotment; 24 Borrow Street, Freeling
- 313/68/10 – K Weber – Temporary Parking of 6 vehicles in excess of 3,000 kilograms (until 30 June 2011) – Non Complying; 19 Parkers Road, Gawler Belt

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 two main issues 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:-

Heavy Vehicle Parking

The Panel considered three applications for the parking of heavy vehicles exceeding 3,000 kilograms in weight during the 2010 calendar year and a total of five heavy vehicle applications during the term of the Panel. Resultantly the Panel has raised concern of the appropriateness or otherwise of the policy framework, particularly within the rural living areas of the region including Gawler Belt and Roseworthy. These applications are detailed below:

<table>
<thead>
<tr>
<th>Year Decided</th>
<th>DA Number</th>
<th>Description</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>313/254/09</td>
<td>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</td>
<td>Section 159 Vivian Bullwinkle Drive, Kapunda</td>
</tr>
<tr>
<td>Year Decided</td>
<td>DA Number</td>
<td>Description</td>
<td>Location</td>
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</tr>
<tr>
<td>2009</td>
<td>313/162/08</td>
<td>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)</td>
<td>Lot 20 Krause Drive, Gawler Belt</td>
</tr>
<tr>
<td>2009</td>
<td>313/547/08</td>
<td>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)</td>
<td>Lot 73 Cliff Road, Roseworthy</td>
</tr>
<tr>
<td>2010</td>
<td>313/66/10</td>
<td>Temporary parking of two (2) trucks and one (1) trailer each weighing more than 3,000 kilograms (non-complying)</td>
<td>Lot 73 Cliff Road, Roseworthy</td>
</tr>
<tr>
<td>2010</td>
<td>313/68/10</td>
<td>Temporary parking of 6 vehicles in excess of 3,000 kilograms (until 30 June 2011) (non-complying)</td>
<td>19 Parkers Road, Gawler Belt</td>
</tr>
<tr>
<td>2010</td>
<td>313/108/10</td>
<td>Parking of two buses exceeding 3,000 kilograms (non-complying)</td>
<td>3 Parkers Road, Gawler Belt</td>
</tr>
</tbody>
</table>

Currently the Development Plan notes the parking of a vehicle exceeding 3,000 kilograms as a non-complying form of development and does not provide any explicit policy detailing how these applications should be assessed.

The Panel understands that Council has undertaken a study of the rural living areas through the Non Urban Living-Rural Lifestyle Study, truck parking in its various forms was raised as an issue. The Panel is also aware of the establishment of the Heavy Vehicle Sunset Working Party by Council which has been tasked to investigate the appropriateness of policy surrounding heavy vehicle parking and provide a recommendation to Council on how the policy should be amended. Given the number of development applications decided by the Panel and the clear interest in the issue through the study, the Panel commends the establishment of the Working Party and recommends that Council review the heavy vehicle parking controls in the Development Plan through the pending Rural Living DPA. This review should take direction from the Heavy Vehicle Sunset Working Party and seek to determine the appropriateness of the non-complying definition of heavy vehicle parking and introduce explicit policy into the Plan to aide in the assessment of such applications.

**Heritage**

The Panel has throughout its term considered a number of applications involving heritage listed buildings and applications located within the Historic Conservation Policy Areas. Most recently the Panel considered the refusal of the Hamlyn application to create an additional allotment within the Historic Conservation (Freeling Residential) Policy Area 20. This division in particular highlighted a deficiency in the current Development Plan. The Plan through previous amendments has established heritage policy areas and identified a number of heritage items, but has not provided adequate policy to guide the development within these areas. The provision of a desired character statement within the Historic Conservation (Freeling Residential) Policy Area 20 for example along with complementary Objectives and Principles would aid staff and the Panel in assessments of future applications. As a result the Panel recommends that Council undertake a review of heritage planning controls and if appropriate, seek to amend the policy to provide clarity in what is expected within the zone and introduce policy to aid in the assessment of applications.
4. Establishment of Development Assessment Panel Operating and Meeting Procedures

At the beginning of its term on Wednesday, 6 May 2009 the Panel 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 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