In December 2014 Council appointed the following members to the Development Assessment Panel for a one (1) year term expiring 12 December 2015:

- Bruce Ballantyne
- Kelvin Goldstone
- Rob Veitch
- Margaret Wendt
- Lynette Reichstein
- Peter Kennelly
- David Shannon

Mr. Kelvin Goldstone tendered his resignation from the Panel on 6 May 2015 and Council at its meeting held on 26 May 2015 appointed Dr. Susan Shannon as an independent member:

1. Subject to confirmation of her continued candidacy, Council appoints Dr. Susan Shannon to the position of Independent Member to the Light Regional Council Development Assessment Panel for the balance of its one year term expiring on 12 December 2015, pursuant to Section 56A(3)(c)(ii) of the Development Act 1993, as Council considers Dr. Shannon to have a reasonable knowledge of the operation and requirements of this Act and appropriate qualifications or experience in a field that is relevant to the activities of the Panel; and

2. In the event that Dr. Shannon was not available to take on the above position, authorises the Chief Executive Officer, who may delegate to the Manager, Development Services, to prepare and issue suitable advertisements in newspapers and on Council’s website inviting candidates to submit applications (supported by appropriate qualifications) to serve on Council’s Development Assessment Panel (for the balance of its term expiring on 12 December 2015) for the consideration of the Elected Body.

Council’s Chief Executive Officer is appointed as Public Officer for the Panel. Section 56A subsection (2) (b) of the Development Act 1993 outlines the role and responsibility of the Development Assessment Panel with respect to providing 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, as it thinks fit.

The following report provides information to the Council on:

1. The activities of the Panel including information on the number of applications brought to the Panel for determination and other relevant statistical information; and

2. Planning or development issues which the Panel wishes to bring to the attention of Council.

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

A total of 8 Development Assessment Panel Meetings were held during the 2015 calendar year.

**Panel Member Attendance record:**

- Bruce Ballantyne: Attended 7 meetings
- Kelvin Goldstone: Attended 1 meeting
- Rob Veitch: Attended 7 meetings
- Margaret Wendt: Attended 8 meetings
- Lynette Reichstein: Attended 7 meetings
- Peter Kennelly: Attended 8 meetings
- David Shannon: Attended 5 meetings
- Susan Shannon: Attended 2 meetings
At its meeting on 24 November 2015 The Council appointed the following Development Assessment Panel members:

That Council appoints Lynette Reichstein, David Shannon and Peter Kennelly to the three (3) positions of Elected Member to the Light Regional Council Development Assessment Panel for a one (1) year term expiring on 12 December 2016, pursuant to Section 56A(3)(c)(ii) of the Development Act 1993;

That Council Appoints Mr. Bruce Ballantyne to the position of Presiding Member to the Light Regional Council Development Assessment Panel for a one (1) year term expiring on 12 December 2016, pursuant to Section 56A(3)(b)(iii) of the Development Act 1993. Council notes that it considers Mr. Ballantyne to have a reasonable knowledge of the operation and requirements of this Act, and appropriate qualifications and experience in a field that is relevant to the activities of the Panel;

That the Council

1. Appoints Mr. Robert Veitch, Mr. Mike Canny and Mr. Joel Taggart to the three (3) positions of Independent Member to the Light Regional Council Development Assessment Panel for a one (1) year term expiring on 12 December 2016, pursuant to Section 56A(3)(c)(ii) of the Development Act 1993. Council notes that it considers Mr. Robert Veitch, Mr. Mike Canny, Mr. Joel Taggart have a reasonable knowledge of the operation and requirements of this Act, and appropriate qualifications or experience in a field that is relevant to the activities of the Panel;

Mr Goldstone resigned from the Panel in May 2015. The Panel wishes to extend its thanks to Mr. Goldstone who provided a valuable contribution and guidance to the operation of the Panel.

During the period there was one (1) complaint lodged with Council’s Public Officer against a member of the Panel. No Code of Conduct matters where filed with the Minister.

1. Number of development applications assessed or considered by the Panel

A total number of 559 development applications were received by the Council in 2015, with 25 matters/applications considered by the Panel in addition to the Annual report. This equates to a total of 4.4% of the total applications lodged with the Council for the 2015 calendar year and represents the extent of delegations provided for by Council to staff. The previous reporting period saw the panel considered 15 applications which equated to 2.8% of the total applications lodged.

A total of ten (10) non complying development applications were considered by the Panel, two (2) of which were refused and the eight (8) other applications were all supported by the Panel and Development Assessment Commission.

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

<table>
<thead>
<tr>
<th>Decision</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved</td>
<td>8</td>
</tr>
<tr>
<td>Approved subject to DAC concurrence</td>
<td>7</td>
</tr>
<tr>
<td>Approved subject to reserve matters and DAC concurrence</td>
<td>1</td>
</tr>
<tr>
<td>Refused</td>
<td>6</td>
</tr>
<tr>
<td>Deferred</td>
<td>2</td>
</tr>
<tr>
<td>Deferred and refused when represented</td>
<td>1</td>
</tr>
</tbody>
</table>

2. Types of Development

- Commercial/Industrial - 7 Development Applications

313/461/2014 Change of land use from vacant building to store comprising 10 self-storage units, associated on site car parking ancillary fencing, landscaping and signage (non-complying).
313/75/2015 Change of land use for a portion of the site from farming to car sales yard (non-complying).
313/45/2015 Introduction of a new land use in the form of a function centre in association with the existing tourist accommodation and state heritage place.
313/79/2015 Change of use from dwelling to tourist accommodation and construction of a replacement dwelling.
313/457/2014 Change of land use from vacant land to service trade premises.
313/287/2014 Expansion of existing light industrial land use comprising packing sheds, office, rain water tanks, refuse area in association with the horticultural use of the land.
313/403/2014 Change of land use from cheese manufacturing facility to a cellar door.

- Horticultural/Farming - 3 Development Applications
  313/319/2015 Installation of one (1) frost fan in association with existing vineyard.
  313/302/2015 Extension of existing dam and associated filling of land in the Gawler River Flood Plain (non-complying).
  313/151/2015 Demolition of portion of existing piggery farrowing building and construction of a replacement farrowing building.

- Residential - 4 Development Applications
  313/354/2014 Change in land use from commercial sand mining operation to residential comprising the construction of a single storey detached dwelling, rainwater tank and demolition of an existing shed (non-complying).
  313/460/2014 Carport situated forward of the existing dwelling (Retrospective)
  313/81/2015 Construction of a tubular style boundary fence in a historic conservation zone.
  313/496/2014 Single storey detached dwelling in association with primary production use of the land (non-complying).

- Land Division - 4 Development Applications
  313/D001/2015 Creation of two (2) Torrens title allotments from one (1) existing allotment (non-complying).
  313/D006/2014 Land Division comprising boundary realignment.
  313/D005/2015 Land Division comprising boundary realignment.
  313/D007/2015 Creation of two (2) Torrens title allotments from one (1) existing allotment (non-complying).

- Other: – 6 Development Applications
  313/42/2015 Variation to DA 313/381/11 for an additional 36 months for a wind monitoring mast.
  313/194/2015 Freestanding tourism signage (non-complying).
  313/195/2015 Freestanding tourism signage (non-complying).
  313/159/2015 Wastewater treatment system in association with an existing winery, vineyard and tourist accommodation.
  313/V007/2015 Demolition of existing CFS Fire Station building and construction of CFS appliance building and operations building.
  313/315/2015 Filling of land in the Gawler River Flood Plain.

Appeals to the Environment Resources and Development Court (ERD)

There were three (3) appeals lodged with the ERD Court during 2015. A total of two (2) of the appeals lodged where against a decision of the panel. The third was not against a decision of the Panel but rather a matter that related to a Section 84 enforcement. The Section 84 appeal is still before the ERD Court and one (1) other matter relates to a third party appeal. The remaining matter was withdrawn from the Court after attendance at the compulsory conference.
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 matters which arose in the opinion of the Panel, which should be brought to the attention of the Council. These matters raised will be reported to the Council within this component of the report:

Tourism Signage

The Panel considered two (2) applications that were submitted by Regional Development Australia for tourism gateway signage. These applications were part of a targeted tourism strategy which formed part of 16 signs proposed to be erected across the region which included the Mid Murray, Barossa and Light Regional Council.

The signage which was proposed along arterial roads was located within the Primary Production Zone. The Primary Production Zone - Non Complying list states advertisements or advertisement hoardings as non-complying forms of development where it fails to achieve one of the following:

(a) it is adjacent to a road with a speed limit of less than 80km/h;
(b) it has an advertisement area of 2 square metres or less and achieves all of the following: (i) the message contained thereon relates entirely to a lawful use of land
(ii) the advertisement is erected on the same allotment as that use it seeks to advertise
(iii) the advertisement will not result in more than one advertisement on the allotment;
(c) it is associated with a vineyard or winery.

The advertising signage as proposed was located within an arterial road reserve within a 100km/h speed restriction, the advertisement was greater than 2 (two) square meters in area and the message contained on the advertisement did not relate to the lawful use of the land on the same allotment. As a result, the proposed signage was classified as a non-complying form of development as it did not meet either of the exemption qualifiers outlined within the non-complying list.

The General Section of the Development Plan – Advertisements (PDC 12) suggests that tourism signs and tourist information boards are the only exceptions whereby signage can be supported and erected in road reserves. This provision established that the policy anticipates such signage. As mentioned the tourism signage was determined to be non-complying as a result of the speed environment. The Panel suggests that consideration should be had to altering the Development Plan Policy such that tourism signage is listed a merit form of development regardless of the speed environment exceeding 80km/h rather than a non-complying form of development. If this is altered, criteria for what is considered tourism signage should also be included in the amendments.

Existing intensive animal keeping and existing land uses

An application was considered by the Panel which sought Development Plan Consent to demolish portion of an existing building that was used for the express purpose of a farrowing shed and construction of a replacement farrowing shed 45.9 metres x 14.9 metres x 2.9 metres measuring 656m² in association with an existing piggery. The land was located in Sheoaak Log and the piggery had been in existence lawfully since the1960s. A farrowing shed within a piggery houses both sows due to farrow (give birth) and sows with their progeny from farrowing to weaning. The existing farrowing shed was approximately 30 years old and it was not considered economical to repair and upgrade. The existing farrowing shed of 351m² would be demolished and removed from the site.

The applicant advised that the new building was to provide a better animal welfare outcome for breeding sows and piglets by providing more space and modern facilities. This in turn would improve animal performance and reduce farm cost of production. The replacement shed would also provide a better and more efficient working environment for employees.

The subject land was located within Policy area 3 of the Primary Production Zone of the Light Regional Council Development Plan.
Primary Production Zone Objective 1 states:

“The long term continuation of primary production.”

Objective 1 of the General Farming Policy Area 3 reads:

“A policy area primarily for primary production, including horticulture in designated areas.”

Objective 2 of the General Farming Policy Area 3 also recognizes that a market gardening precinct exists within the Policy Area.

The Objectives listed above illustrate that the intended land uses within the Zone speak in favour of farming with designated areas identified for horticulture and market gardening development. The subject land was located within a portion of the Primary Production Zone that specifically anticipates horticulture. If the proposal included the establishment of a new piggery, the non-complying provision within the Zone listing identifies intensive animal keeping (piggery) within this precinct as non-complying. However, in this instance the piggery was a long established, existing use on the subject land and alterations and additions to the existing piggery were not captured by the non-complying provision of the zone.

The existing use of the land as a piggery was not consistent with the intent of the Zone as the proposal did not include horticulture. However, the existing land use of the subject land was that of a piggery and cropping land and as such, a long standing use existed on the land.

The application was required to undergo category 3 public notification and the Development Plan in this instance did not note or make reference to the existing or other three (3) piggeries located within 1 kilometre of the land which was the subject of the application. The application received a representation against the proposal siting concern with odour from the piggery.

It is considered reasonable to make such an application category 3 if the proposal is for a new piggery. However, in this instance it is considered that the Development Plan should acknowledge the long standing piggery uses within this particular locality and introduce policy that supports upgrades to existing intensive animal keeping facilities that do not seek to intensify the animal keeping numbers, but rather only upgrade or replace dilapidated buildings without the need to undergo category 3 public notification.

The Primary Production Zone – General Farming Policy Area 3 Principle of Development Control (PDC) 9 makes reference and acknowledges the existence of the pig research Centre associated with the Roseworthy Agricultural University and that pig keeping and new piggeries should not be located within 2 kilometres of this facility. The Panel therefore recommends to the Council that given the long standing uses of the four separate piggeries within Sheaoak Log that these existing facilities are mentioned and mapped within the Council’s Development Plan. Furthermore, alterations and replacement buildings associated with existing intensive animal keeping should be listed as category 1 forms of development for the purpose of public notification where no expansion of further intensification of animals is proposed.

Frost fans

The Panel considered an application for a frost fan during the reporting period whilst planning staff assessed more than 20 development applications under delegated authority for the erection of frost fans in association with the viticultural use of the land.

The matter considered by the Panel involved the placement of one (1) Frost Boss C49 frost fan for periodic seasonal use. The applicant sought to construct the frost fan in order to limit the significant crop yield losses suffered in previous years due to localised frost in the locality. The Applicant advised that his operation has experienced crop losses attributed to frost incidents in recent years of 90% in 2013 and 40% in 2014.
The application was identified and processed as a merit form of development by virtue of the fact that it is not listed as either complying or non-complying development in the procedural matters listing of the Primary Production Zone. The proposal was determined to be a Category 3 form of development given that it could not be adequately categorised by the zone provisions of Council’s Development Plan nor can it be adequately categorised by Schedule 9 of the Development Regulations 2008. As a result of this, the proposal defaulted to a Category 3 form of development accordingly. In light of this categorisation, the relevant public notification process has therefore been undertaken. The public notification resulted in the lodgement of a representation from an adjoining land owner who resided on a rural life style allotment within the Primary Production Zone.

The noise and visual amenity impacts relating to the erection of the frost fans are considered to be valid planning objections which are worthy of further consideration by the Panel. These matters were raised by the Representor. The representor raised concerns that that the frost fans would result in cool air and frost being shifted onto their property and that they do not hold any intention of installing frost fans on their own property.

Frost fans are considered to be a vital part of vineyard management and one which will result in the continued economic viability and sustainability of viticulture (primary production) in the region. The intent of the zone objectives places a great deal of emphasis on sustainability and long term viability of primary production. It is clear that existing viticultural uses of the land is supported by the zone policy. The zone objectives indicate a direct intent to ensure the long term future of these envisaged land uses are not jeopardised. Frost fans are an ancillary component to existing vineyards and are considered to be a tool that have the potential to secure and safeguard the primary land use against climatic impacts.

Frost fan structures are a common feature within the horticultural precinct of the Primary Production Zone and certain parts of the rural viticulture landscape within the Barossa Valley region. Given the primary intent of the zone is to accommodate horticultural land uses in the form of vineyards and the scattered rural lifestyle allotments are largely the anomaly it is considered appropriate that the panel suggest to the Council the following; that frost fan applications associated with the viticultural use of the land and should be listed as category 1 forms of development and not category 3 as currently exists within the 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, Council Management team and planning staff for their support and assistance.

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