

**FLINDERS REGIONAL
DEVELOPMENT ASSESSMENT PANEL**

MINUTES

**OF THE MEETING HELD ON
WEDNESDAY 1st SEPTEMBER 2010
BY TELECONFERENCE
COMMENCING AT 4.03 PM**

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1. **PRESENT:** Ms S.L.S. Ditter (Presiding Member); Mr G.C. Thompson; Mr T.C. Roocke;
Ms L.A. Lock & Mr C.R. Parkyn

Mr T.D. Barnes, Chief Executive Officer, DC of Peterborough
Mr S.R. Cheriton, Chief Executive Officer, DC of Mount Remarkable
Mr D. Hutchison, Planning Consultant (from 4.40 pm)
2. **APOLOGIES:** Mr I.A. Wilson, Chief Executive Officer, DC of Orroroo Carrieton
Mr C.J. Davies, Chief Executive Officer, The Flinders Ranges Council
NOTED
3. **DECLARATIONS OF INTEREST:** NIL
4. **CONFIRMATION OF MINUTES:** NIL
- 4.1 **ORDINARY MEETING – Held 24th May 2010**
That the Minutes of the Ordinary Meeting of the Flinders Regional Development Assessment Panel held on 24th May 2010 as circulated, be taken as read and confirmed.
T.C. Roocke / G.C. Thompson
CARRIED
[008.2010]
5. **BUSINESS ARISING FROM MINUTES:** NIL
6. **GOVERNANCE MATTERS:** NIL
7. **APPLICATIONS FOR CONSIDERATION:**
- 7.1 **THE FLINDERS RANGES COUNCIL**
- 7.1.1 **DA 740/0036/2010 - Pratt – Detached Dwelling**
Consideration of this item was deferred until later in the meeting when the Planning Consultant was in attendance.

7.2 DISTRICT COUNCIL OF MOUNT REMARKABLE

7.2.1 DA 830/D003/2010 - McCallum - Land Division

The Agenda Report advised the Panel of details of the application for land division involving the reduction of four existing land parcels back to two allotments.

The Agenda Report provided further advice to the Panel in respect of the Application and detailed the assessment of the proposal against the applicable Development Plan Principles.

Following due consideration, the Panel determined its position in respect of the application.

That Development Application 830/D003/10 that seeks to combine and realign the boundaries of Sections 408, 411 and 412 and Allotment 896 FP184978 Hundred of Wongyarra is not seriously at variance with the District Council of Mount Remarkable Development Plan, Consolidated 4 February 2010; and

That following consideration and having regard to all relevant matters, that Development Plan and Land Division consent be **GRANTED** to Development Application 830/D003/10 at Sections 408, 411 & 412 and Allotment 896 FP184978 Hd Wongyarra - Whitby Street, Jeff Arthur Road and Cemetery Road, Melrose - subject to the following conditions:

Requirements of Development Assessment Commission

1. The applicant shall proceed strictly in accordance with the plans prepared by Sawley Lock O'Callaghan (surveyors), Drawing Number 13021-01, Revision Number 1, dated 18th March 2010, submitted and conditions imposed by this consent.
2. A copy of a certified plan shall be lodged for Certificate purposes.

Conditions of Council

3. That the allotments resultant from the division be renumbered 581 & 582.

REASON: To maintain unique identification in the numbering system within the Hundred of Wongyarra.

NOTE TO APPLICANT: SA Water advise that all internal pipe-work that cross the allotment boundaries will be required to be severed, such that the pipe-work relating to each allotment is contained within its boundaries.

C.R. Parkyn / G.C. Thompson

CARRIED

[009.2010]

7.2.2 DA 830/D006/2010 – Caputo, Gaudio, Pansini & Caputo - Land Division

The Agenda Report advised the Panel of details of the application for land division involving the division of the existing land parcel (Lot 317 DP68621 Port Flinders) into three proposed allotments.

The Agenda Report provided further advice to the Panel in respect of the Application and detailed the assessment of the proposal against the applicable Development Plan Principles.

Following due consideration, the Panel determined its position in respect of the application.

That Development Application 830/D006/10 that seeks to divide Lot 317 DP68621 Port Flinders into three allotments is not seriously at variance with the District Council of Mount Remarkable Development Plan, Consolidated 4 February 2010; and

That following consideration and having regard to all relevant matters, that pursuant to Section 33(1)(a) and (c) of the Development Act 1993, that the application for land division DA 830/D006/10 - Lot 317 DP6862, Mount Ferguson Drive / South Flinders Esplanade / Flensburg Drive, Port Flinders - Domenico Caputo – be **APPROVED** subject to the following conditions:

Requirements of Development Assessment Commission

1. Payment of \$5188.00 shall be made into the Planning and Development fund (2 allotments @ \$2,594.00 per allotment). Cheques shall be made payable and marked 'Not Negotiable' to the Development Assessment Commission and payment made on the 5th Floor, Roma Mitchell House, 136 North Terrace, Adelaide, or sent to GPO Box 1815, Adelaide, 5001 or via the internet at www.edala.sa.gov.au.

Conditions of Council

2. That the allotments resultant from the division be renumbered 371, 372 & 373.

REASON: To maintain unique identification in the numbering system within the township of Port Flinders.

3. Native vegetation to be retained where possible for purpose of controlling water run-off from the land.
4. The financial, augmentation and contractual requirements of the District Council of Mount Remarkable for the Port Flinders Water Supply being met for the provision of water supply. Any such required easements shall be granted to the District Council of Mount Remarkable free of cost.

NOTE TO APPLICANT: The Department of Health (Environmental Health section) advises that the location of the new boundary must not result in the existing wastewater management system for the existing dwelling becoming non-compliant with the relevant Standards and Codes. This must be to the satisfaction of Council's Environmental Health Officer or the Department of Health's wastewater management section.

T.C. Roocke / G.C. Thompson

CARRIED

[010.2010]

7.2.3 DA 830/D004/2010 - Worby – Land Division

The Agenda Report advised the Panel of details of the application for land division involving the division and realignment of boundaries of two existing land parcels (Allotments 218 and 219 in the township of Port Germein) into three new allotments.

The Agenda Report provided further advice to the Panel in respect of the Application and detailed the assessment of the proposal against the applicable Development Plan Principles.

Following due consideration, the Panel determined its position in respect of the application.

That Development Application 830/D004/10 that seeks to divide and realign the boundaries of Allotments 218 and 219 in the township of Port Germein is not seriously at variance with the District Council of Mount Remarkable Development Plan, Consolidated 4 February 2010; and

That following consideration and having regard to all relevant matters, that Development Plan and Land Division consent be **GRANTED** to Development Application 830/D004/10 for the division of Allotments 218 and 219 in the township of Port Germein subject to the following conditions:

Requirements of Development Assessment Commission

1. The applicant shall proceed strictly in accordance with the plans, reference K09571P1.0/MEL-60/CMP as submitted and conditions imposed by this consent.
2. The financial requirements of the SA Water Corporation shall be met for the provision of water supply.
3. Payment of \$2594 shall be made into the Planning and Development Fund (1 allotments @ \$2594/allotment).
4. That two copies of a certified survey plan shall be lodged for Certificate purposes.

Conditions of Council

5. That the allotments resultant from the division be renumbered 504, 505 & 506.

REASON: To maintain unique identification in the numbering system within the Port Germein township.

NOTES TO APPLICANT:

N1: You are advised that on approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

N2: The development must be substantially commenced or application for certificate made within 12 months of the date of this Notification, unless this period has been extended by the Development Assessment Commission

N3: You are also advised that the final land division certificate must be obtained from the Development Assessment Commission to complete the development within 3 years of the date of the notification unless this period is extended by the Commission

N4: You have a right of appeal against the conditions which have been imposed on this provisional Development Plan consent or Development Approval

T.C. Roocke / C.R. Parkyn
CARRIED

[011.2010]

7.2.4 DA 830/D009/2010 – Kotz & Harvie – Land Division

The Agenda Report advised the Panel of details of the application for land division involving the realignment of boundaries of two existing land parcels (Allotments 251 FP185143 and 252 FP185144 in the Hundred of Appila) with no change in the number of allotments.

The Agenda Report provided further advice to the Panel in respect of the Application and detailed the assessment of the proposal against the applicable Development Plan Principles.

Following due consideration, the Panel determined its position in respect of the application.

That Development Application 830/D009/10 that seeks to divide and realign the boundaries of Allotments 251 FP185143 and 252 FP185144 in the Hundred of Appila is not seriously at variance with the District Council of Mount Remarkable Development Plan, Consolidated 4 February 2010; and

That following consideration and having regard to all relevant matters, that Development Plan and Land Division consent be **GRANTED** to Development Application 830/D009/10 for the division of Allotments 251 FP185143 and 252 FP185144 in the Hundred of Appila (Cnr Appila-Laura and Pine Creek-Almond Tree Track Roads) subject to the following conditions:

Requirements of Development Assessment Commission

1. Plans shall be in accordance with the requirements for plans under the Real Property Act (Land Division) Regulations 1982.

Conditions of Council

2. That the allotments resultant from the division be renumbered 778 & 779.

REASON: To maintain unique identification in the numbering system within the Hundred of Appila.

NOTE TO APPLICANT:

N1: SA Water advise that all internal pipe-work that cross the allotment boundaries will be required to be severed, such that the pipe-work relating to each allotment is contained within its boundaries.

G.C. Thompson / T.C. Roocke

CARRIED

[012.2010]

7.2.5 DA 830/D007/2010 – Jacka – Land Division

The Agenda Report advised the Panel of details of the application for land division involving the division and realignment of boundaries of three existing land parcels (Allotment 281 and pieces 277 and 278 in the Hundred of Booleroo) with creating an additional land parcel.

The Agenda Report provided further advice to the Panel in respect of the Application and detailed the assessment of the proposal against the applicable Development Plan Principles.

Following due consideration, the Panel determined its position in respect of the application.

That following consideration and having regard to all relevant matters, that Development Plan and Land Division consent be **REFUSED** to Development Application 830/D007/10 for the division of Allotment 281 and pieces 277 and 278 in the Hundred of Booleroo for the following reasons:

The development will;

- reduce the agricultural potential of the land and land in the locality'
- result in the unwarranted fragmentation of rural land,
- not for the more intensive use of the land for farming,
- have the potential to lead to land use conflicts with surrounding farming activities,
- set a precedent for rural living type development within the locality and for the further division and fragmentation of land, and as a consequence does not accord with the following provisions of the Development Plan:

Rural Zone, Objective 2, principles 1 and 7.

Council wide Objectives 1, 30 and 31, principles 21(d) and 80.

T.C. Roocke / G.C. Thompson

CARRIED

[013.2010]

7.3 DISTRICT COUNCIL OF ORROROO CARRIETON NIL

7.4 DISTRICT COUNCIL OF PETERBOROUGH NIL

8. OTHER BUSINESS: NIL

4.20 pm The meeting adjourned due to a telecommunications failure

4.40 pm The meeting resumed

The meeting then returned to Agenda Item 7.1.1 with the Planning Consultant in attendance

7. APPLICATIONS FOR CONSIDERATION:

7.1 THE FLINDERS RANGES COUNCIL

7.1.1 DA 740/0036/2010 - Pratt – Detached Dwelling

The Agenda Report advised the Panel of details of the application to construct a dwelling, a single storey gable ended structure 10 metres in length, 6 metres wide to comprise a kitchen/meals area, 2 bedrooms with an enclosed section of the lean to verandah to accommodate a bathroom and laundry, on the subject land, Section 181 Arden vale Road in the Hundred of Yarrah.

The Agenda Report further advised that the proposal to construct a dwelling on the land is non-complying under the Council’s Development Plan. The Agenda Report also advised that the building had already been constructed and that a septic tank had been installed and an outdoor shower and toilet erected without approvals.

The Agenda Report provided further advice to the Panel in respect of the Application and detailed the assessment of the proposal against the applicable Development Plan Principles.

Following due consideration, the Panel determined its position in respect of the application.

That following consideration and having regard to all relevant matters, and pursuant to Regulation 17(3) of the Development Regulations 1998 and Section 39(4)(d) of the Development Act 1993, that the Flinders Regional Development Assessment Panel **REFUSE** Development Application 740/0036/10 by Ian and Anita Pratt for a dwelling at Section 181, Arden vale Road, in the Hundred of Yarrah.

T.C. Roocke / L.A. Lock
CARRIED
[014.2010]

The Panel indicated that The Flinders Ranges Council may also wish to consider commencing proceedings pursuant to Section 85 of the Development Act 1993 for the illegal development of a building and the illegal use of that building as a dwelling.

9. NEXT MEETING:

No date was set for the next Meeting of the Panel, with its timing dependent on having applications for consideration and assessment.

10. CLOSURE:

The Presiding Member closed the Meeting at 5.02 pm.

CONFIRMATION:

Minutes confirmed at the Meeting of the Panel held

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Presiding Member