Minutes of the MEETING of the Development Assessment Panel held on WEDNESDAY 16 DECEMBER, 2009, at 9.00 am at the Mobilong Suite (Committee Room), Local Government Centre, 2 Seventh Street, Murray Bridge.

PRESENT: Cr Bob England – Acting Presiding Member
          Cr June Phillips
          Mr Des Warner – Community Representative
          Mr Brenton Strauss – Community Representative

IN ATTENDANCE: Mrs Gloria Booker - Executive Officer (arrived at 9.15 am)
               Mr Clarry Fisher – Senior Planner
               Mrs Kylie Schilling – Development Assessment Officer
               Mrs Belinda Ludewigs – Planning Assistant
               Ms Sue Bell – Minute Secretary

There were no site inspections conducted prior to the commencement of the meeting.

137. **APOLOGIES**
Apologies were received from the Presiding Member Iris Iwanicki, Cr Clem Schubert and Barry Gleeson.

138. **CONFIRMATION OF MINUTES**
Recommendation:
“That the minutes of the Development Assessment Panel meeting held on Wednesday 18 November, 2009, be taken as read and confirmed.”

It was agreed that the minutes of the Development Assessment Panel meeting held on Wednesday 18 November, 2009, be taken as read and confirmed.

139. **ACTING PRESIDING MEMBER’S COMMUNICATIONS**
The Acting Presiding Member apologised for the early start to the meeting which was required to ensure there was a quorum for the meeting.

140. **BUSINESS ARISING FROM PREVIOUS MINUTES**
Nil.

141. **OUTSTANDING ITEMS**
Nil.

142. **DEVELOPMENT ASSESSMENT MATTERS**

CALL-OVER ITEMS TO BE ADOPTED WITHOUT DISCUSSION
There were no call-over items adopted without discussion and the items were discussed separately.
OFFICER’S REPORTS

ITEM NO 142.1 Date of Panel meeting : 16 December 2009

LOCATION Lot 52 Crow Road, Murray Bridge North

DA NUMBER 415/D060/09

ASSESSING OFFICER Kylie Schilling

PROPOSAL Land Division - 1 into 2

APPLICANT Mr M S Chandler

NATURE OF DEVELOPMENT Merit

DEVELOPMENT PLAN Rural City of Murray Bridge Development Plan Consolidated 5 June 2008

ZONE AND POLICY AREA Primary Industries, Policy Area 14 (North Central Area) Map Reference: MuBr/17 & 70

EXISTING USE Rural Living Allotment

REFERRALS Planning SA, Native Vegetation Council, SA Water, DWLBC, SA MDB NRM Board and Council’s Engineers

CATEGORY Category 1

REPRESENTATIONS Nil

RECOMMENDATION Refusal

Recommendation

Following a detailed assessment of the proposal against the provisions of the Rural City of Murray Bridge Development Plan, and consideration of referrals, that the Development Assessment Panel REFUSE Development Plan Consent to Development Application No. 415/D060/09 in that it is at variance with the Development Plan being contrary to Murray Mallee Section Objectives 1, 13 and 30; Council Wide Section PDC 2 and 17(j); Primary Industry Zone Objectives 1, 2 and 3, PDC 1; and Policy Area 14 Objective 1 and PDC 1.

More specifically, the proposal does not meet the intent of the Development Plan with respect to:

– Proposed development is not in accordance with the objectives of the Primary Industry Zone nor its intent;
– Development not in accordance with the amenity of the locality;
– Creating rural living allotments in a Primary Industry Zone;
– Land should not be divided: where the proposed use of the land is the same as the proposed use of other existing allotments in the vicinity, and substantial number of the existing allotments have not been used for that purpose;

DISCUSSION

The applicant’s representative Mr Mark Goedecke was present at the meeting.

DECISION

Following a detailed assessment of the proposal against the provisions of the Rural City of Murray Bridge Development Plan, and consideration of referrals, that the Development Assessment Panel REFUSE Development Plan Consent to Development Application No. 415/D060/09 in that it is at variance with the Development Plan being contrary to Murray Mallee Section Objectives 1, 13 and 30; Council Wide Section PDC 2 and 17(j); Primary Industry Zone Objectives 1, 2 and 3, PDC 1; and Policy Area 14 Objective 1 and PDC 1.
More specifically, the proposal does not meet the intent of the Development Plan with respect to:

- Proposed development is not in accordance with the objectives of the Primary Industry Zone nor its intent;
- Development not in accordance with the amenity of the locality;
- Creating rural living allotments in a Primary Industry Zone;
- Land should not be divided:
  where the proposed use of the land is the same as the proposed use of other existing allotments in the vicinity, and substantial number of the existing allotments have not been used for that purpose;
Recommendation
Following a detailed assessment of the proposal against the provisions of the Rural City of Murray Bridge Development Plan, and consideration of referrals, that the Development Assessment Panel REFUSE Development Plan Consent to Development Application No. 415/487/09 in that it is at variance with the Development Plan being contrary to Murray Mallee Section Objectives 1 & 28, Council Wide Section PDC 107 & 132(d), and Residential Zone PDC 9 & 10. More specifically, the proposal does not meet the intent of the Development Plan with respect to:

- Development in accordance with the amenity of the locality
- Structure built closer than 4m to secondary road boundary

DISCUSSION
The applicants were not present at the meeting.

DECISION
Following a detailed assessment of the proposal against the provisions of the Murray Bridge (RC) Development Plan, that the Development Assessment Panel DEFERED consideration of application No 415/487/09 (Verandah) subject to negotiations with the applicant to revise the set-back to 1.1 metres off the road kerb and that staff be delegated to approve the application if this can be obtained.
Recommendation:
Following a detailed assessment of the proposal against the provisions of the Rural City of Murray Bridge Development Plan, and consideration of referrals and representations that the Development Assessment Panel resolved the relocation of the RSL Clubrooms and bowling greens was not seriously at variance with Council's Development Plan and granted Development Plan Consent to Development Application No. 415/562/09 Subject to the following conditions:

DEVELOPMENT PLAN CONSENT CONDITIONS:

(1) The development may proceed in accordance with the plans and details submitted with the application and contained in Development Application 415/562/09, except where varied by the following conditions.

(2) Landscaping of the Lookout Drive and Princes Highway Service Road frontage and site area shall be undertaken by planting suitable trees and shrubs, lawn and ground covers and such landscaping shall be completed within 12 months of the occupation of the structure and maintained to the satisfaction of Council.

(3) No additional on-site advertising shall take place without the prior consent of Council.

(4) All internal roads ways and an off-street carparking area for 43 spaces including staff parking, parking for persons with a disability and service area shall be constructed and sealed of all weather hardstanding materials, (developed within a period of 12 months) (prior to commencement of business) and maintained to the satisfaction of Council with the parking layout and design complying with Australian Standard 2890.1-2004.

(5) The site shall be kept in a neat and tidy manner at all times.

(6) The structure shall not be used for human habitation or industrial purposes without the prior consent of Council.
The development shall not impair the amenity of nearby areas by way of nuisance or inconvenience to neighbouring properties.

The development shall be of a high standard of design with external appearance, quality of materials and colour coding to the satisfaction of Council.

The development shall be connected to an approved waste control system pursuant to the requirements of the Public & Environmental Health (Waste Control) Regulations to the satisfaction of Council, details of which must be submitted to Council and approved prior to the commencement of any building work.

The hours of operation will be Monday to Saturday from 8.00 am to 7.00 pm and Sunday from 10.00 am to 6.00 pm.

The Lookout Drive Rd and Princes Hwy Service Rd junction shall be closed off prior to the occupation of the building and at the full cost of the developer.

NOTES:

1. This approval refers only to Provisional Development Plan consent. Provisional Building Rules consent must be obtained prior to commencement of work.

2. This consent is valid for thirty six (36) months only. If development is not substantially commenced within twelve (12) months of the date of this consent and substantially completed within thirty six (36) months of the date of this consent, a fresh consent must be obtained prior to commencing or continuing the use of the land.

3. These conditions are imposed in order to enhance the amenity of the locality, retain low profile rural activities of a minor or non intensive nature, and to attain the Objectives of the Rural Living Zone.

4. The locality of the development requires a land based disposal system. It will be necessary to consider this matter when giving consideration to Provisional Building Rules Approval. The applicant is advised that approval for a waste disposal system shall be obtained from the Rural City of Murray Bridge, pursuant to the requirements of the Public and Environmental Health (Waste Control) Regulations prior to undertaking the installation of any part of the waste disposal system. Penalties pursuant to the above-mentioned Act apply for breaches of this requirement. Should after approval the site of the building require changing (to facilitate an approved waste disposal system) a new application for development is required to be placed before Council.

5. It is the responsibility of the owner to ensure that all appropriate licenses are obtained such as liquor license, should alcohol be served on the premises.

The Executive Officer entered the meeting at 9.15 am.

DISCUSSION

Mr Ray Duthie, the President of the RSL, was at the meeting and invited to address the Panel in relation to the intended hours of operation.
DECISION
Following a detailed assessment of the proposal against the provisions of the Rural City of Murray Bridge Development Plan, and consideration of referrals and representations that the Development Assessment Panel resolved the relocation of the RSL Clubrooms and bowling greens was not seriously at variance with Council’s Development Plan and granted Development Plan Consent to Development Application No. 415/562/09 Subject to the following amended conditions:

DEVELOPMENT PLAN CONSENT CONDITIONS:

(1) The development may proceed in accordance with the plans and details submitted with the application and contained in Development Application 415/562/09, except where varied by the following conditions.

(2) Landscaping of the Lookout Drive and Princes Highway Service Road frontage and site area shall be undertaken by planting suitable trees and shrubs, lawn and ground covers and such landscaping shall be completed within 12 months of the occupation of the structure and maintained to the satisfaction of Council.

(3) No additional on-site advertising shall take place without the prior consent of Council.

(4) All internal roads ways and an off-street carparking area for 43 spaces including staff parking, parking for persons with a disability and service area shall be constructed and sealed of all weather hardstanding materials, (developed within a period of 12 months) (prior to commencement of business) and maintained to the satisfaction of Council with the parking layout and design complying with Australian Standard 2890.1-2004.

(5) The site shall be kept in a neat and tidy manner at all times.

(6) The structure shall not be used for human habitation or industrial purposes without the prior consent of Council.

(7) The development shall not impair the amenity of nearby areas by way of nuisance or inconvenience to neighbouring properties.

(8) The development shall be of a high standard of design with external appearance, quality of materials and colour coding to the satisfaction of Council.

(9) The development shall be connected to an approved waste control system pursuant to the requirements of the Public & Environmental Health (Waste Control) Regulations to the satisfaction of Council, details of which must be submitted to Council and approved prior to the commencement of any Building work.

(10) The hours of operation will be:-
- Monday to Saturday - 5.00 am to midnight
- Sunday - 11.00 am to 8.00 pm (or if Sunday is New Year’s Eve, between 11.00 am and midnight)
- New Year’s Day – between the hours of midnight and 2.00 am (in addition to normal trading hours for that day)
- Christmas Day – between 9.00 am and 11.00 am.
- Good Friday trading in liquor – at any time with a meal provided by the licensee for a diner in a designated dining area, for consumption in that area.

**DEPARTMENT OF TRANSPORT ENERGY AND INFRASTRUCTURE CONDITION:**

(11) The Lookout Drive Rd and Princes Hwy Service Rd junction shall be closed off prior to the occupation of the building and at the full cost of the developer.

**NOTES:**

(1) This approval refers only to Provisional Development Plan consent. Provisional Building Rules consent must be obtained prior to commencement of work.

(2) This consent is valid for thirty six (36) months only. If development is not substantially commenced within twelve (12) months of the date of this consent and substantially completed within thirty six (36) months of the date of this consent, a fresh consent must be obtained prior to commencing or continuing the use of the land.

(3) These conditions are imposed in order to enhance the amenity of the locality, retain low profile rural activities of a minor or non intensive nature, and to attain the Objectives of the Rural Living Zone.

(4) The locality of the development requires a land based disposal system. It will be necessary to consider this matter when giving consideration to Provisional Building Rules Approval. The applicant is advised that approval for a waste disposal system shall be obtained from the Rural City of Murray Bridge, pursuant to the requirements of the Public and Environmental Health (Waste Control) Regulations prior to undertaking the installation of any part of the waste disposal system. Penalties pursuant to the above-mentioned Act apply for breaches of this requirement. Should after approval the site of the building require changing (to facilitate an approved waste disposal system) a new application for development is required to be placed before Council.

(5) It is the responsibility of the owner to ensure that all appropriate licenses are obtained such as liquor license, should alcohol be served on the premises.
143. EXECUTIVE OFFICERS REPORT
Nil

144. CORRESPONDENCE
Nil.

145. FUTURE APPLICATIONS

145.1 DA 415/470/09 – SAID PROPERTY DEVELOPMENTS
An application has been lodged with Council for a proposed Retirement Village (249 dwellings), Community Centre, Cabin Park and Associated Landscaping and Site Works on Jervois Road, and Lots 14 & 15 Bluebush Court, Murray Bridge.

The application has been advertised as a Category 3 form of development with four representations being received and requesting to be heard by the Panel.

146. GENERAL BUSINESS

146.1 DA 415/259/09 - EDGE
The Panel were informed that the applicant’s representative has advised that they wish to vacate all hearing dates at this time.

146.2 DA 415/D011/09 - BOLTON
The Executive Officer advised the Panel that this matter had been finalised out of Court.

146.3 DA 415/C079/09 - ANTONIDIES
The Panel were advised that this matter has been settled out of Court with a new application for a portion of the land being lodged with Council for consideration.

146.4 DA 415/401/09 - BURT
The Executive Officer advised that correspondence had been received from ERD Court with a date for a preliminary conference which was set down for Monday 18 January, 2010.

147. NEXT MEETING
At the Council meeting of the 23 November, 2009, it was resolved that the DAP would not have a meeting in January, 2010, unless urgent matters arose. The next meeting of the Development Assessment Panel will be held on WEDNESDAY 17 FEBRUARY, 2010, in the Mobilong Suite (Committee Room), Local Government Centre, 2 Seventh Street, Murray Bridge.

Meeting closed at 9.30 am.

Minutes taken as read and confirmed this day of 2009.

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ACTING PRESIDING MEMBER