



**FLINDERS REGIONAL
DEVELOPMENT ASSESSMENT PANEL
NOTICE OF MEETING**

NOTICE is hereby given that an Ordinary Meeting of the Flinders Regional Development Assessment Panel will be held as follows:-

Time: 4.00 pm

Date: Monday 24th May 2010

Venue: Eyre Peninsula Meeting Room
Local Government House
148 Frome Street
Adelaide, South Australia

Sean Richard CHERITON
A/Public Officer

**FLINDERS REGIONAL
DEVELOPMENT ASSESSMENT PANEL**

AGENDA




**FOR THE MEETING BEING HELD
4.00 PM MONDAY 24TH MAY 2010, EYRE PENINSULA MEETING ROOM
LOCAL GOVERNMENT HOUSE, 148 FROME STREET, ADELAIDE
(Attendees will need to Report to Reception on Arrival)**

1. **PRESENT:**
2. **APOLOGIES:**
3. **CONFIRMATION OF MINUTES:**
4. **BUSINESS ARISING FROM MINUTES:**
5. **DECLARATIONS OF INTEREST:**
6. **GOVERNANCE MATTERS:**
 - 6.1 TERMS OF REFERENCE
 - 6.2 MEETING PROCEDURES
 - 6.3 CODE OF CONDUCT
 - 6.4 APPOINTMENT OF DEPUTY PRESIDING MEMBER
 - 6.5 APPOINTMENT OF PUBLIC OFFICER
 - 6.6 COST SHARING ARRANGEMENTS
 - 6.7 PROCEDURAL MATTERS
7. **APPLICATIONS FOR CONSIDERATION:**
 - 7.1 THE FLINDERS RANGES COUNCIL
 - 7.2 DISTRICT COUNCIL OF MOUNT REMARKABLE
 - 7.2.1 DA 830/D001/2010 – McCallum – Land Division
 - 7.2.2 DA 830/D002/2010 – Carman – Land Division
 - 7.2.3 DA 830/0012/2010 – Piggott – Category 3 Shed
 - 7.3 DISTRICT COUNCIL OF ORROROO CARRIETON
 - 7.4 DISTRICT COUNCIL OF PETERBOROUGH
8. **OTHER BUSINESS:**
 - 8.1 THE FLINDERS RANGES COUNCIL
 - 8.2 DISTRICT COUNCIL OF MOUNT REMARKABLE
 - 8.3 DISTRICT COUNCIL OF ORROROO CARRIETON
 - 8.4 DISTRICT COUNCIL OF PETERBOROUGH
9. **NEXT MEETING:**
10. **CLOSURE:**

**FLINDERS REGIONAL
DEVELOPMENT ASSESSMENT PANEL**

REPORTS

**FOR THE MEETING BEING HELD
4.00 PM MONDAY 24TH MAY 2010, EYRE PENINSULA MEETING ROOM
LOCAL GOVERNMENT HOUSE, 148 FROME STREET, ADELAIDE**

Legend:  indicates *attachment*
 indicates *recommendation*
 indicates *Panel action required*

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

IN ATTENDANCE:

Mr T.D. Barnes, Chief Executive Officer, District Council of Peterborough
Mr S.R. Cheriton, Chief Executive Officer, District Council of Mount Remarkable
Mr C.J. Davies, Chief Executive Officer, The Flinders Ranges Council

2. APOLOGIES:

Mr I.A. Wilson, Chief Executive Officer, District Council of Ororoo Carrieton

3. CONFIRMATION OF MINUTES:

NIL

4. BUSINESS ARISING FROM MINUTES:

NIL

5. DECLARATIONS OF INTEREST:

6. **GOVERNANCE MATTERS:**

6.1 **TERMS OF REFERENCE**

Subject: As Adopted by Member Councils
Report By: Acting Public Officer
Report Date: 20/05/2010
File Reference: Policy
Action: No - Information Only
Attachments: Yes

The Terms of Reference for the Panel have been formally considered by each of the four (4) Member Councils and adopted.



A copy of the Terms of Reference are attached for the reference of Panel Members.



Do any Panel Members have any questions or queries in relation to the Terms of Reference?

~~Options:~~

(i) /

(ii) /

TERMS OF REFERENCE FOR THE FLINDERS REGIONAL DEVELOPMENT ASSESSMENT PANEL

Function

1. The Governor has by regulation constituted the Flinders Regional Development Assessment Panel (**the Panel**) in relation to the areas of the District Councils of Orroroo-Carrieton, Mount Remarkable, Peterborough and The Flinders Ranges Council.
2. The Panel shall:
 - (a) act as the relevant authority with respect to all development proposals of a prescribed kind (as referred to in section 34(1)(ab) of the Development Act 1993 (**the Act**) within the areas of the constituent councils;
 - (b) act as a delegate of the constituent councils in accordance with the requirements of the Act;
 - (c) provide advice and reports to the constituent councils on trends, issues and other matters relating to planning or development that have become apparent or arisen through the Panel's assessment of applications under the Act;
 - (d) perform other functions apart from policy formulation functions assigned to the Panel by the constituent councils.

Development Assessment Role

3. To exercise, perform and discharge the following responsibilities on behalf of the constituent councils:
 - (a) the assessment and determination of all applications for planning consent which are the subject of a delegation from the constituent councils to the Panel;
 - (b) the provision of comment or advice to the Development Assessment Commission on major matters submitted to the constituent councils by the Commission;

- (c) in consultation with the relevant constituent Council, the consideration of proposals for settlement on matters subject to appeal to the Environment, Resources and Development Court; and
 - (d) the consideration of such other assessment matters as may be referred to the Panel by the constituent councils or public officer.
4. In consultation with the relevant constituent Council, the Panel will call for and hear specialist technical/professional advice related to assessment matters.
 5. The constituent Council in whose area any particular development is proposed shall have the responsibility for preparing a report on the proposed development (in a format determined by the Panel) together with recommended action for the Panel's consideration and action.

Responsibilities of the Panel

6. The Presiding Member and Deputy Presiding Member of the Panel shall be appointed by the constituent councils. In the absence of the Presiding Member and Deputy, the Panel will select a Panel member to preside at a meeting.
7. Panel meetings must be held in a place open to the public (subject to the power to exclude the public from meetings in accordance with the provisions of Section 34(12) of the Act).
8. Public access must be provided to both the Agenda for and Minutes of a meeting of the Panel.
9. The Panel shall be responsible for the determination of an ordinary meeting schedule.
10. The Panel shall be responsible for the determination of the distribution and presentation requirements for agendas and reports to members of the Panel.
11. The Panel shall be responsible for the determination of the distribution requirements for agendas and reports to the public.
12. The Panel must ensure that accurate minutes are kept of its proceedings.

Review of Delegated Power and Function

13. The constituent councils will review annually the delegated powers and functions of the Panel.
14. The Panel (through the Public Officer) will report in writing to the constituent councils annually detailing:
 - (i) the level of attendance of Panel members at Panel Meetings;
 - (ii) the Panel's activity and performance in making decisions; and
 - (iii) comment on or analysis of policy or process that are relevant to the Panel's assessment functions and suggesting improvements.

Membership and Conditions of Appointment

Composition:

- (a) The Panel will consist of five (5) members (effective 10 February 2010), comprising:
 - (i) four (4) Members made up of one elected member or officer appointed by each of the constituent councils; and
 - (ii) one (1) independent Presiding Member.
- (b) The Minister shall select the Presiding Member from a list of at least two nominees submitted to the Minister by the constituent councils.
- (c) The Presiding Member must have a reasonable knowledge of the operation and requirements of the Act and appropriate qualifications or experience in a field that is relevant to the activities of the Panel.
- (d) The constituent councils may each appoint one additional deputy member and by agreement, a deputy presiding member.

15. Membership

Presiding Member:

(Name to be inserted on appointment)

Deputy Presiding Member:

(Name to be inserted on appointment)

Members:

(Names to be inserted on appointment)

Deputy Members:

(Names to be inserted on appointment)

Conditions of Appointment

16. The inaugural members are appointed to the Panel for a period expiring on the date of the next periodic local government elections and thereafter the term of office of a member of the Panel will be for a period of 2 years.
17. Members may be reappointed at the expiration of their initial term of appointment.
18. The constituent councils shall place advertisements calling for expressions of interest from persons wishing to fill the role of an independent Presiding Member on the Panel.
19. The Presiding Member shall be paid a sitting fee of \$ insert amount per hour. All other members of the Panel shall not be paid sitting fees.
20. All Panel members will be entitled to have their travel expenses incurred in attending the Panel meetings reimbursed as well as reasonable out of pocket expenses incurred in performing their roles as members of the Panel.
21. All Panel members must comply with the provisions of Section 34(7) and (8) of the Act, namely the requirement to disclose a direct or indirect personal or pecuniary interest.
22. Pursuant to Section 34(9) of the Act a member of the Panel incurs no liability for an honest act done in the exercise or performance, or purported exercise or performance, of powers or functions under Division 4 of Part 4 of the Act.
23. All Panel members must comply with the requirements of any relevant code of conduct under Section 21A of the Act.
24. The constituent councils may remove a member of the Panel from office for:
 - breach of, or failure to comply with, the conditions of appointment;
 - misconduct;

- neglect of duty;
- incapacity to carry out satisfactorily the duties of his or her office;
- failure to carry out satisfactorily the duties of his or her office;
- failure to comply with the requirements to disclose a Panel member's financial interests;
- failure to disclose a direct or indirect pecuniary interest in a matter before the Panel; or
- a breach of or failure to comply with the Code of Conduct under Section 21A of the Act.

25. The Office of a Member of the Panel becomes vacant if a member:

- Dies; or
- completes a term of office and is not reappointed; or
- resigns by written notice addressed to the constituent council by whom the member was appointed; or
- is removed from office by the constituent councils in accordance with clause 24 above; or
- becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
- is convicted of an indictable offence punishable by imprisonment.

All Panel members who are not Council elected members must disclose his or her financial interests in accordance with Schedule 2 of the Act.

26. On the office of a member of the Panel becoming vacant, a person will be appointed in accordance with the appointment process contained herein for members of the Panel to the vacant office.
27. A Panel member whose term of office has expired may nevertheless continue to act as a member for a period of up to six months until he or she is reappointed or a successor is appointed (as the case may be).

28. The Panel and Panel members are subject to the complaint and review procedures set out in Chapter 13 Part 1 of the *Local Government Act 1999* in relation to their duty of disclosure of direct or indirect personal or pecuniary interests.

Public Officer

29. The Panel will appoint a Public Officer for the purposes of Section 34(18b) of the Act for the term of the inaugural panel at the first meeting of the Panel and thereafter at the commencement of the term of each new Panel.

6. GOVERNANCE MATTERS (CONT.):

6.2 MEETING PROCEDURES

Subject: As Adopted by Member Councils
Report By: Acting Public Officer
Report Date: 20/05/2010
File Reference: Policy
Action: No - Information Only
Attachments: Yes

The Meeting Procedures for the Panel have been formally considered by each of the four (4) Member Councils and adopted.



A copy of the Meeting Procedures are attached for the reference of Panel Members.



Do any Panel Members have any questions or queries in relation to the Meeting Procedures?

~~Options:~~

(i) /

(ii) /

MEETING PROCEDURES FOR THE FLINDERS REGIONAL DEVELOPMENT ASSESSMENT PANEL

General:

1. The Flinders Regional Development Assessment Panel (**the Panel**) will ensure that:
 - procedures are fair and contribute to open, transparent and informed decision-making;
 - procedures reflect the levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting; and
 - procedures shall be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.
2. In accordance with the provisions of Section 34(18a) of the Development Act 1993 (**the Act**) the Panel may, at any time, provide advice and reports to the constituent councils on trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of applications under the Act.
3. Meetings of the Panel will generally be held in the council chamber of the constituent council then having responsibility for the provision of administrative support and secretarial services to the Panel and from time to time in other locations as determined by the Panel.
4. All members of the Panel have a deliberative vote.
5. The presiding member of the Panel (or any member acting in the position) has a deliberative vote and a casting vote in the event of an equality of votes.
6. A matter for determination at a meeting of the Panel will be decided by a majority of the votes cast by the Panel members present at the meeting and entitled to vote. Each Member of the Panel who is present at a meeting, unless a conflict of interest arises, must vote.

Voting in favour and then against a motion or amendment, as requested by the Presiding Member, shall be by show of hand.

7. Panel members will not express an opinion on the merits of current applications to either applicants (or their agents) or representors other than at a formally constituted meeting of the Panel at which the application is being considered.
8. Where Panel members require further information or clarification in relation to any current development application, any Panel member can request this information from the appropriate constituent council administration and the information will be provided at the earliest possible opportunity.
9. Where the Panel considers the circumstances to be appropriate, the Panel meeting may be held via teleconference or video conference facilities provided a meeting in such format does not prejudice the rights of any person with an entitlement to appear before the meeting.

Public Notice of Meetings

10. A Public Notice of Meeting containing the scheduled meeting dates will be provided at the offices of each constituent council and on the website for each constituent council.
11. In the event that a scheduled meeting date is altered public notice of the change will be given in each of the constituent council offices and on their web sites.
12. Public notice of a special meeting of the Panel will be displayed in the offices of each constituent council no later than three (3) hours before the commencement of the meeting.

Notice of Meeting for Panel Members

13. A notice of meeting accompanied by the agenda and reports for the meeting will be sent to each Panel member for each meeting of the Panel at least three clear days before the meeting.
14. It will be sufficient to meet the requirements of clause 13 if the notice of meeting is sent electronically by email or facsimile.

Agenda & Reports

15. An agenda listing items of business and associated reports will be made available in hard copy to the public at the offices of each constituent council at least three clear days prior to the Panel meeting and, on the day of the meeting, at the meeting venue.
16. Documentation for a meeting of the Panel may also be viewed by the public on each constituent council's website. Such documentation shall be placed on the website at least 3 clear days before the meeting.
17. The agenda for a meeting of the Panel, where applicable, will indicate the intention of the Panel to receive, discuss or consider information or matters on a confidential basis.
18. Items of business may be reported upon verbally at the Panel meeting, distributed in hard copy with the agenda or tabled at the meeting.
19. Each report to the Panel requiring a determination will contain a recommendation providing a direction for discussion.

20. Conflict of Interest

A Panel member who has a direct or indirect personal or pecuniary interest in a matter before the Panel (other than an indirect interest that exists in common with a substantial class of persons):

- must, as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the Panel; and
- must not take part in any hearings conducted by the Panel, or in any deliberations or decisions of the Panel on the matter and must be absent from the room when any deliberations are taking place or decision is being made.

21. A member of the Panel will have an interest if an associate of the member has an interest in the matter.

Presiding Member

22. In the absence of the Presiding Member, the Deputy Presiding Member shall preside.
23. In the absence of the Presiding Member and the Deputy Presiding Member the Panel will select another Panel member to preside.

Quorum

24. In the event that a quorum is not present within 30 minutes of the commencement time for a meeting, business listed on the agenda will be dealt with at the next meeting of the Panel.

The quorum for the Panel is three (3) members and no business will be transacted at a meeting unless a quorum is present.

Speaking, Debate & Decision Making

25. A member of the Panel must not speak for longer than five minutes at any one time without leave of the meeting being granted.

Leave of the meeting may be sought by a Panel member through verbal request or a motion moved and seconded.

Leave of the meeting is granted after the majority of members present have indicated agreement when agreement is sought by the Presiding Member or when a vote is carried on a motion moved or seconded.

26. Panel members shall, in the course of public meetings refer to other Panel members by their title eg, Doctor, Mr, Mrs or Ms.
27. Comment or discussion in the first instance on a matter presented to the Panel for determination may be sought by a Panel member or the Presiding Member.
28. Prior to the moving or seconding of a motion for determination, members of the Panel may speak more than once with the consent of the Presiding Member in order to comment on or discuss a matter before the Panel.
29. Prior to the moving or seconding of a motion for determination, the Presiding Member in facilitating comment or discussion will utilise his or her discretion to determine when to call for a motion enabling the Panel to determine the matter.

Prior to calling for a motion, the Presiding Member will utilise his or her discretion to conclude the opportunity for discussion or comment only after each Panel member present at the meeting has been provided the opportunity to speak.

30. An outcome to comment or discussion must be given effect by, and shall only be valid when presented as, a motion by a mover and seconder.
31. A motion will lapse if it is not seconded at the appropriate time.
32. The Presiding Member, in the absence of comment or discussion in relation to the business requiring determination, will request a motion to be moved and seconded.
33. A Panel member may speak once to a motion and once to any subsequent amendment.

34. When a motion has been moved or seconded, a Panel member may speak once to debate or to move an amendment to the motion.
35. A mover or seconder of a motion may not at a later stage of debate move an amendment to the motion.
36. A mover or seconder of an amendment to a motion may not at a later stage of debate move another amendment to the motion.
37. The mover and seconder of a motion or an amendment are to speak at the time of moving or seconding.
38. A Panel member having spoken to a motion or an amendment may not move an amendment at a later point in debate.
39. The mover of a motion or amendment may sum up on the motion or amendment prior to a vote being taken.
40. When the Panel has adopted an amendment to the motion, the mover of the motion may sum up prior to the vote being taken on the motion as amended.
41. The Presiding Member will request each Panel member to vote on a motion or amendment and then declare the outcome at the conclusion of debate or the mover having summed up.
42. At the conclusion of debate the original motion (or as amended) will be put to a vote by the Presiding Member. If carried the Panel has determined the matter. If lost the Presiding Member will call for an alternate motion to be moved and seconded to enable the Panel to determine the matter.
43. Voting in favour and then against a motion or amendment, as requested by the Presiding Member, shall be by show of hand, or, where a meeting is held by teleconference or video conferencing, by stating the Panel member's name followed by a statement of 'in favour' or 'against'.
44. The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to be granted to vary, alter or withdraw the motion or amendment.

The Presiding Member must immediately put the request for leave to be granted to a vote and no debate will be allowed on the request.
45. If the Presiding Member considers that the conduct of the meeting would benefit from suspending the application of the provisions of the Meeting Procedures prior to a vote being taken after proceedings have been exhausted, the Presiding Member may, with the approval of at least two thirds of the members present suspend the Meeting Procedures to facilitate informal discussion.

The period of informal discussion will be as determined by the Presiding Member.

During the period of suspension:

- the meeting may proceed as long as a quorum is present; and
- no motion may be moved, seconded, amended or voted on.

The period of suspension will come to an end:

- at the conclusion of the period determined by the Presiding Member; or
- if the Presiding Member determines that the period should be brought to an end; or
- if at least two thirds of the members present request that the period be brought to an end.

Amendments

46. An amendment will lapse if not seconded at the appropriate time.
47. An amendment will require determination prior to the motion or a second amendment.
48. If an amendment is lost only one further amendment may be moved to the original motion.
49. If an amendment is carried only one further amendment may be moved to the original motion.
50. An amendment must detail the effect, if carried, on the original motion.
51. An amendment may seek to include, alter or delete a part or parts of the original motion.
52. An amendment may seek to delete and then replace a part or parts of the original motion.
53. An amendment may seek to delete the original motion with an alternate motion in its entirety.
54. An amendment may seek to defer the matter.
55. An amendment must not be a direct negative.

Exclusion of the Public from attendance at a meeting

56. The Panel may exclude the public from attendance:
 - (a) during so much of a meeting as is necessary to receive, discuss or consider in confidence any of the following information or matters:
 - (i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
 - (ii) information the disclosure of which:
 - (A) could reasonably be expected to confer a commercial advantage on a person, or to prejudice the commercial position of a person; and
 - (B) would, on balance, be contrary to the public interest;
 - (iii) information the disclosure of which would reveal a trade secret;

- (iv) commercial information of a confidential nature (not being a trade secret) the disclosure of which:
 - (A) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (B) would, on balance, be contrary to the public interest;
 - (v) matters affecting the safety or security of any person or property;
 - (vi) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
 - (vii) matters that must be considered in confidence in order to ensure that the Panel does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
 - (viii) legal advice;
 - (ix) information relating to actual litigation, or litigation that the Panel believes on reasonable grounds will take place;
 - (x) information the disclosure of which:
 - (A) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (being an employee of a council, or a person engaged by a council); and
 - (B) would, on balance, be contrary to the public interest; or
 - (b) during so much of a meeting that consists of its discussion or determination of any application or other matter that falls to be decided by the panel.
57. The public will only be excluded from attendance at a meeting or portion of a meeting of the Panel through a decision voted upon and carried by the Panel members. The decision of the Panel will be recorded in the Minutes of the meeting.
58. The Panel prior to the release of a copy of the Minutes of a meeting, may exclude from the Minutes information about any matter dealt with on a confidential basis by the Panel.

Decisions:

59. Notification of Assessment Decision will be given within five business days after the decision is made on the application.

Minutes of the Meeting:

60. The Minutes of the proceedings of a meeting will record:
- the names of the Panel members present;

- the name and time of a Panel member entering or leaving;
 - the name of a person who has made a verbal representation to the Panel at the meeting;
 - each motion (and amendment) moved and the outcome of the vote;
 - any disclosure of interest made by a Panel member;
 - the decision of the Panel to exclude public attendance; and
 - a notation, describing the confidential nature of the information and matter, in the event that a matter has been excluded from the Minutes.
61. Minutes will be available within 5 days after their adoption by the members of the Panel.
62. Draft Minutes which are yet to be adopted by the Panel will be published within 5 days of the meeting.
63. Debate on the adoption of the draft Minutes shall relate to the accuracy of the minutes as a record of proceedings only.
64. On the adoption of the Minutes the Presiding Member shall initial each page and sign and date the last page of the Minutes.
65. Minutes will be made available in hard copy to the public at each office of the constituent councils and on the websites for the constituent councils.
66. The Public Officer shall send the Minutes of each Panel meeting to the Panel members in an electronic format unless a Panel member requests otherwise.

Scheduled Meetings:

67. Prior to the Notice of Meeting being sent to Panel members, if the number of apologies received by the Public Officer indicates that a quorum of 3 will not be achieved for a scheduled meeting the Public Officer in consultation with the Presiding member may cancel the meeting.

Special Meetings:

68. Special meetings of the Panel may be held at any time.
69. A Special meeting of the Panel may be called at the request of:
- the Presiding Member of the Panel; or
 - at least 3 members of the Panel; or
 - the Public Officer.
70. A Special meeting will only deal with the business for which the meeting has been called.

71. A request to call a special meeting must be accompanied by an agenda stating the item(s) of business for which the Panel is being requested to convene. If an agenda is not provided at the time of the request, the special meeting will not be called.
72. Each member of the Panel will be provided with verbal notice and/or sent a notice of a special meeting at least four (4) hours before the commencement of the meeting, accompanied by the agenda for the meeting.

Hearing of Representations

73. Where a representor to a Category 2 or 3 development proposal who has requested to be heard in support of their representation by the Panel does not appear at the Panel meeting when their representation has been listed to be heard, the Panel may, in its absolute discretion, elect to nevertheless hear the applicant.

Interpretation

74. In these meeting procedures:
 - (1) the term "constituent councils" means the District Councils of Peterborough, Orroroo-Carrieton, Mount Remarkable and The Flinders Ranges Council;
 - (2) the term "the Panel" means the Flinders Regional Development Assessment Panel.
 - (3) in the calculation of "clear days" in relation to the giving of notice before a meeting:
 - (a) the day on which the notice is given and the day on which the meeting occurs, will not be taken into account; and
 - (b) Saturdays, Sundays and public holidays will be taken into account.

6. GOVERNANCE MATTERS (CONT.):

6.3 CODE OF CONDUCT

Subject:	As Adopted by Member Councils
Report By:	Acting Public Officer
Report Date:	20/05/2010
File Reference:	Policy
Action:	No - Information Only
Attachments:	Yes

Subsection 21A (1) (b) of the Development Act 1993 provides that the Minister may adopt a code of conduct to be observed by members of regional development assessment panels.

Item 23 of the Terms of Reference for the RDAP provides that all members must comply with the requirements of any relevant Code of Conduct under Section 21A of the Development Act 1993.

On 26th February 2007, such a Code of Conduct was adopted by the Minister in this respect.



A copy of the Code of Conduct is attached for the reference of Panel Members.



Do any Panel Members have any questions or queries in relation to the Code of Conduct?

~~Options:~~

(i) /

(ii) /

Code of Conduct

Section 21A of the *Development Act 1993*

This Code has been adopted pursuant to the provisions of the *Development Act 1993* as a Code of Conduct to be observed by Members of the Development Assessment Commission, Members of Regional Development Assessment Panels, Members of Council Development Assessment Panels and delegates.

In order to foster the respect of applicants, representors and the community, panel members and delegates must uphold the highest standards of behaviour and ensure that they act in accordance with the provisions of the Act at all times.

This Code is binding on all panel members and delegates exercising their powers and functions as members of a panel or as a delegate.

This Code must be read in conjunction with the Act.

1. Interpretation

Act means the Development Act 1993.

closed meeting means a panel meeting, or a part of a panel meeting where the public is excluded in accordance with the Act :

Code means a code of conduct established under section 21A of the Act.

confidential information includes but is not limited to:

- (a) information derived from a document marked by the presiding member to clearly show that the information in the document is confidential or not to be disclosed;
- (b) information you acquired in a closed meeting ; and
- (c) any other information which would be considered confidential and not generally available to members of the public

delegate means a person who is authorised to act as a delegate under sections 20 or 34(23) of the Act but does not include a panel member.

disclosure of financial interest means disclosing a pecuniary interest as set out in Schedule 2 of the Act.

interest has the same meaning as in Section 56A (7)&(8) of the Act

Minister means the Minister responsible for the administration, from time to time, of the Act.

panel means an assessment panel as defined in Schedule 2 of the Act.

panel information means information that is disclosed at a panel meeting or in the course of a panel member's duties.

panel member means a person who is a member of a panel under the Act.

presiding member means a panel member appointed as presiding member under the Act.

public officer means a person appointed as a public officer under the Act .

2. Panel Member Behaviour

Panel information

2.1 As a panel member, you hold a position of trust and must not misuse or derive undue benefit from your position. As such, you must treat panel information appropriately by:

- (a) Not using information gained by virtue of your membership of the panel for any purpose than to exercise your role as a panel member;
- (b) Respecting the panel's procedures in relation to public comments and communications with the media;
- (c) Not releasing confidential information;
- (d) Ensuring that you take care and maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible; and
- (e) Recognising that information may be subject to the requirements of the Privacy Act 2000 and abiding by the principles of that legislation.

However, nothing in this Code prevents you from disclosing information:

2.2 At a closed meeting;

- (a) To the extent specified by the panel and subject to such other conditions as the panel determines;
- (b) That is already in the public domain; or
- (c) If the disclosure is required by law.

Conflict of Interest

- 2.3 You must make all decisions impartially and in accordance with the requirements of the Act. You must recognise the importance of fully observing the requirements of the Act in regard to disclosure of financial interests and disclosure of any other interest which may affect your ability to fulfil your duties on a panel.
- 2.4 If you consider that you have, or might reasonably be perceived to have an interest in the matter before the panel, you must clearly state the nature of that interest in writing to the presiding member before the matter is considered.
- 2.5 If you consider that you have a personal interest which may be in conflict with your public duty to act impartially and in accordance with the principles of the Act, you must declare a conflict of interest as above.
- 2.6 If you have an interest in a matter, you must not partake in any of the assessment processes involving the matter. You must leave the room at any time in which the matter is discussed by the panel including during the hearing of any representations or during any vote on the matter. You must not vote on the matter and you must not move or second any motion or participate in any discussion through the consensus process.
- 2.7 If an interest has been declared by any member of the panel, the presiding member must record the nature of the interest in the minutes of meeting.

Relations with State/local government employees and applicants/representors

- 2.8 In your role as panel member, you must not (other than in accordance with the provisions of the Act):
 - (a) Direct a person who is a local government employee to do or not to do anything in the person's capacity as a local government employee;
 - (b) In the case of members of the Development Assessment Commission, direct a person who is a State government employee to do or not do anything in the person's capacity as a State government employee;
 - (c) Attempt to influence the conduct of a person who is a local government employee in the person's capacity as a local government employee;
 - (d) Approach or discuss with an applicant or representor any application which is either before the panel or will come before the panel at some future time, except during the course of a panel meeting where the application forms part of the agenda and the applicant or representor has a right to be heard by the panel; and
 - (e) Except where required as part of the assessment of a particular decision such as a formal panel viewing of a development site, you should not enter a development site, even if invited by the land owner or a neighbouring property owner or any other person.

Development Assessment Conduct

- 2.9 You acknowledge that the assessment of development by the panel requires that you act impartially and limit yourself to assessing an application strictly in accordance with the Act. Panel members must determine whether or not to grant development plan consent by assessing the development against the provisions of the appropriate Development Plan without reference to extraneous matters but with due regard to relevant matters such as representations made in accordance with the provisions of the Act.
- 2.10 You must not:
- (a) Engage in consultation outside of the panel process with any party on a proposed development application that is likely to be heard by the panel;
 - (b) Give advice to an applicant or other third party on a development application after it has been lodged outside of a panel meeting;
 - (c) Speak at a public meeting for or against a proposal where the purpose of the meeting is to discuss either a proposed development or a development application unless required by the Act;
 - (d) Express an opinion on a development application or a proposed development outside of a panel meeting; and
 - (e) Engage in any other act or omission which may give rise to a reasonable presumption that you have prejudged a development proposal or application.
- 2.11 In regard to attendance of a public meeting as set out in point 2.10 (c) above, you must inform the panel that you have attended such a meeting and confirmed that you have not made representations to the meeting, discussed the matters raised at the meeting with any person or given an indication as to the merits of a particular development application or proposed development application outside of a panel meeting.

Note that nothing in this Code prevents you from properly seeking clarification or comment from staff members prior to or during the discussion of any matter in a panel meeting.

Public Comment

- 2.12 Only the presiding member or another person determined by the panel is permitted to speak publicly to the media and address the public on behalf of the panel. No other panel member may make comment to the media or the public in relation to any matter before the panel or any decision of the panel.

3. Breaches of the Code, Complaints and Sanctions (Panel Members)

3.1 You have an obligation to act honestly and diligently as a panel member. You should report any instances of suspected breach of the Act, this Code or any other misconduct by other panel members immediately to the public officer in writing and refrain from discussing those matters at future panel meetings.

3.2 Upon receipt of this information the public officer may:

- (a) Seek legal advice; and/or
- (b) Require an investigation into the allegations by an appropriate person; and/or
- (c) Refer the matter to the police; and/or
- (d) Take any other action which the public officer deems appropriate and which accords with the Act.

Note that nothing in this Code prevents you, or any other person from making a complaint under the Ombudsman Act 1972.

3.3 Where an investigation is undertaken in accordance with this Code, the person to whom the allegation of misconduct relates must be given by the public officer:

- (a) Full particulars of the alleged misconduct in advance of the investigation (at least 7 days prior to the date of the meeting at which the complaint will be investigated);
- (b) An opportunity to respond to the allegations; and
- (c) The right to have a representative attend any hearing with them (including legal counsel).

3.4 Where an allegation of misconduct is made out, the Minister (in regard to the Development Assessment Commission), the relevant Councils (in regard to a Regional Development Assessment Panel) and the relevant Council (in regard to a Council Development Assessment Panel or a Regional Development Assessment Panel) may:

- (a) Remove the person from the panel;
- (b) Suspend the person from the panel for a period of time; or
- (c) Take any other reasonable action deemed appropriate.

4. Delegate Behaviour

- 4.1 In order to foster the respect of applicants, representors and the community, delegates must uphold the highest standards of behaviour and ensure that they act in accordance with the provisions of the Act at all times.

Development application information

- 4.2 As a delegate, you hold a position of trust and must not misuse or derive undue benefit from your position. As such, you must treat development application information appropriately by:
- (a) Not using information gained by virtue of your role as delegate for any purpose than to exercise that role;
 - (b) Not releasing confidential information;
 - (c) Ensuring that you take care and maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible; and
 - (d) Recognising that information may be subject to the requirements of the *Privacy Act 2000* and abiding by the principles of that legislation.

Conflict of Interest

- 4.3 You must make all decisions impartially and in accordance with the requirements of the Act. You must recognise the importance of fully observing the requirements of the Act in regard to disclosure of any interest which may affect your ability to fulfil your duties as a delegate:
- (a) If you consider that you have, or might reasonably be perceived to have an interest in the matter before you as delegate, you must clearly state the nature of that interest in writing and must not proceed to exercise your delegation; and
 - (b) If you consider that you have a personal interest which may be in conflict with your public duty to act impartially and in accordance with the principles of the Act, you must declare a conflict of interest as above and must not proceed to exercise your delegation.

Development Assessment Conduct

- 4.4 You acknowledge that the exercising of a delegation by you in relation to the assessment of development requires that you act impartially and limit yourself to assessing an application strictly in accordance with the Act. Delegates must determine whether or not to grant development plan consent by assessing the development against the provisions of the appropriate Development Plan without reference to extraneous matters but with due regard to relevant matters such as representations made in accordance with the provisions of the Act.

4.5 You must not:

- (a) Exercise a delegation to make a decision on an application for development plan consent, or issue an instruction in relation to the exercise of a delegation held by another person, where you have assisted the applicant in the preparation of the application, to the extent that it leads to an expectation that if the applicant followed this advice you would grant delegated consent to the application;
- (b) Speak at a public meeting for or against a proposal where the purpose of the meeting is to discuss either a proposed development or a development application where you hold a delegation other than to outline process and/or requirements of the Act or Regulations or, unless required by the Act; and
- (c) Engage in any other act or omission which may give rise to a reasonable presumption that you have prejudged a development proposal or application.

5. Breaches of the Code (Delegates)

5.1 Breaches of this code by a delegate are to be reported to either the chief executive of the relevant council or the chief executive of the relevant government department. The responsible chief executive will take the appropriate action as required.

Hon. Paul Holloway M.L.C
Minister for Urban Development and Planning

Dated: / /

6. GOVERNANCE MATTERS (CONT.):

6.4 DEPUTY PRESIDING MEMBER

Subject:	Appointment
Report By:	Acting Public Officer
Report Date:	20/05/2010
File Reference:	Policy
Action:	To Be Determined
Attachments:	No

The Panel's Terms of Reference provide that the each constituent Council may appoint one additional deputy member and by agreement, a Deputy Presiding Member.



In accordance with this provision, the Panel is respectfully requested to consider whether there is a need to have a Deputy Presiding Member and if so, whether it wishes to make recommendation to each of the constituent Councils as to which Panel Member this may be.

Each Council would then need to formally consider such recommendation and determine their agreement or otherwise.

~~Options:~~

(i) /

(ii) /

6. GOVERNANCE MATTERS (CONT.):

6.5 PUBLIC OFFICER

Subject:	Appointment
Report By:	Acting Public Officer
Report Date:	20/05/2010
File Reference:	Policy
Action:	Yes
Attachments:	No

Subsection 34 (18b) of the Development Act 1993 provides that each Regional Development Assessment Panel must have a public officer (who must not be a member of the panel) appointed by the panel.

Subsection 34 (18c) further provides that a Regional Development Assessment Panel must, on appointing a public officer, ensure that notice of the appointment (including the public officer's name and contact details) is published in the Gazette.

The functions of a public officer as outlined in Subsection 34 (18d) of the Act include ensuring the proper investigation of complaints about the conduct of a member of the relevant Regional Development Assessment Panel. It is noted however, that nothing in this section prevents a person making a complaint to the Ombudsman at any time under the Ombudsman Act 1972 or the public officer referring a complaint to another person or authority for investigation or determination.

The Panel's Terms of Reference provide that a Public Officer will be appointed for the term of the inaugural panel at the first meeting of the Panel and thereafter at the commencement of the term of each new Panel.

Based on the likely number of applications to be considered by the Panel, the Chief Executive Officers of the constituent Councils have indicated a preference for the Chief Executive Officer of the District Council of Mount Remarkable to be the Public Officer.



The Panel will need to give due consideration to this requirement and appoint a Public Officer and cause Notice to be provided in the Gazette.



Recommendation:

That pursuant to the provisions of Subsection 34 (18b) of the Development Act 1993, that Mr Sean Richard Cheriton, Chief Executive Officer of the District Council of Mount Remarkable, be appointed as the Public Officer of the Flinders Regional Development Assessment Panel for a term concluding at the date of the next periodic Local Government election.

~~Options:~~

(i) /

(ii) /

6. GOVERNANCE MATTERS (CONT.):

6.6 COST SHARING ARRANGEMENTS

Subject: General Report
Report By: Acting Public Officer
Report Date: 20/05/2010
File Reference: No File
Action: No - Information Only
Attachments: No

From the inception of the concept of establishing a Regional Development Assessment Panel to service the four (4) constituent Councils, a considerable time has elapsed to this inaugural meeting. As such, it was considered appropriate to advise the Panel of the agreements that had been previously reached in respect of cost sharing arrangements for the Panel and of procedural or administrative matters in respect of meetings (refer next Agenda Report).

Following deliberations during the development of the Terms of Reference and other matters associated with the Panel, it was agreed that the costs associated with each meeting of the Panel would be considered in isolation and apportioned to the constituent Councils based on the number of applications being considered by the Panel at the Meeting and apportioned accordingly.

The Council at the time being responsible for the administrative functions of the Panel (this was agreed to be on a rotational basis) will pay all expenses incurred for the meeting and subsequently prepare invoices for each constituent Council for their share. A summary of costs incurred and the apportionments to each Council would accompany such invoice.

Whilst travel costs for members of the Panel are reimbursable (different arrangements apply for the Presiding Member) it was agreed that wherever possible, Members would utilise a vehicle provided by their Council so that travel reimbursements would not be required.

It was further agreed that any legal and other fees associated with an appeal or otherwise in respect of a decision of the Panel would be the responsibility of the Council for which the Development Application related.



Do any Panel Members or Council Officers in attendance have any questions or queries in relation to these arrangements?

~~Options:~~

(i) /

(ii) /

6. GOVERNANCE MATTERS (CONT.):

6.7 PROCEDURAL MATTERS

Subject: General Report
Report By: Acting Public Officer
Report Date: 20/05/2010
File Reference: No File
Action: No - Information Only
Attachments: No

Further to the preceding Agenda Report, it is also considered appropriate to advise the Panel of the agreements that had been previously been reached in respect of the procedural or administrative arrangements in respect of meetings.

Reports for the Panel for individual applications are still prepared by the respective Council and / or the Planning Consultant. Access Planning is the Planning Consultant for all four (4) constituent Councils.

Once they are ready for consideration, the Chief Executive Officer of the respective Council will forward the report and any attachments to the Chief Executive Officer of the “host” Council for inclusion on the Agenda of the next RDAP meeting. At this time, the Chief Executive Officer of the submitting Council will provide details of the timeframes for which a decision on the application (or other matter) is required.

The application(s) or other matters will then be held until such time that a meeting is called taking into account the required decision timeframes.

Each constituent Council has expressed a desire to keep costs associated with the operation of the Panel to a minimum and as a result, Panel meetings will be unlikely to be held to consider single applications (unless timeframes require it to occur). The Panel also has the ability to meet via telephone or video conference and this option is intended to be utilised wherever possible to minimise travel times and costs.

There will of course be a need for the Panel to undertake site inspections from time to time and to likewise hear representations in respect of some applications. In these situations, the Panel will need to meet within the Region. The relevant Council will be required to meet the costs associated with such site visits and hearings when they occur.



Do any Panel Members or Council Officers in attendance have any questions or queries in relation to these arrangements?

~~Options:~~

(i) /

(ii) /

7. APPLICATIONS FOR CONSIDERATION:

7.1 THE FLINDERS RANGES COUNCIL

No Applications for The Flinders Ranges Council require consideration at this Meeting.

7. APPLICATIONS FOR CONSIDERATION (CONT.):

7.2 DISTRICT COUNCIL OF MOUNT REMARKABLE

7.2.1 DA 830/D0001/2010 - McCallum - Land Division

Subject: For Consideration
Report By: Chief Executive Officer
Report Date: 20/10/2010
File Reference: DA 830/D0001/2010
Action: Yes
Attachments: Yes

Please refer to the attached Report prepared by Mr Daniel Herrmann of Access Planning in respect of this application.

~~Options:~~

(i) Cr / Cr

(ii) Cr / Cr



18 May 2010

Ref: 5252 DAP_report (boundary realignment)

The Chief Executive Officer
District Council of Mount Remarkable
PO Box 94
MELROSE SA 5483

ATTENTION: Ms. Ann Frick

Dear Ann,

**RE: PROPOSED LAND DIVISION (BOUNDARY REALIGNMENT)
LOT 148 AND SECTIONS 1 & 2 (H 331100), HUNDRED LINE ROAD, MELROSE
DA 830/D001/10**

The following is a general planning assessment of the above mentioned development application.

In preparing this report I have reviewed the subject land, along with the council file on the application and generally familiarised myself with the relevant provisions of the Development Plan.

1.0 DEVELOPMENT DETAILS

Proposed Development:	Land Division (Boundary Realignment)
Application Number:	830/D001/10
Applicant:	Mr Jeff McCallum
Property Details:	Lot 148 (DP 74968) and Sections 1 and 2 (Hundred Line Road, Melrose)
Certificate of Title:	Volume 6040 Folio 545 Volume 5473 Folio 365
Zone:	Rural Zone, Map MtR/3
Public Notification:	Nil – Category One
Lodgment Date:	16 March 2010
Authorised Development Plan:	Mount Remarkable (DC) 4 February 2010

TOWN PLANNING CONSULTANTS

ACCESS PLANNING (SA) PTY LTD ABN 57 089 702 241
200 KENSINGTON ROAD, MARRYATVILLE, SOUTH AUSTRALIA 5068
TELEPHONE (08) 8364 1956 FAX (08) 8364 1960 EMAIL plan@accessplanning.com.au

2.0 BACKGROUND

The original plan of division involved the creation of two allotments from one existing allotment (Lot 148, Hundred Line Road, Melrose). The original plan of division is shown in Figure 1 below.

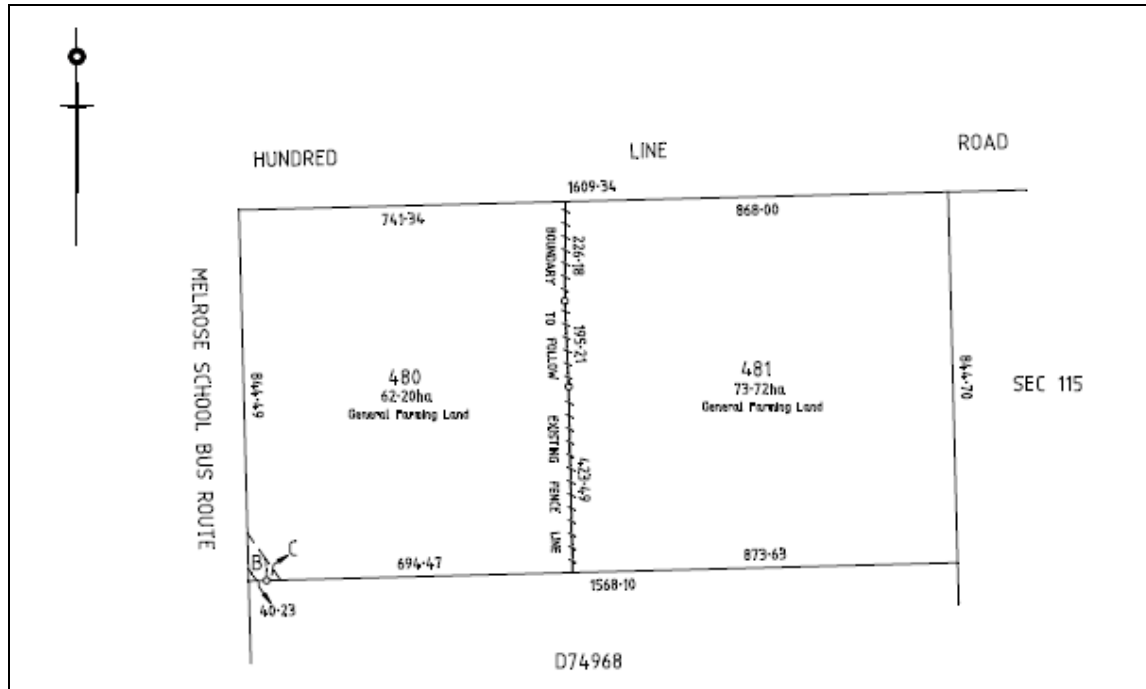


Figure 3: Proposed Plan of Division (from EDALA www.edala.sa.gov.au)

The applicant was advised that the original plan of division could not be supported by Council as it would result in unreasonable fragmentation of existing rural land. The fragmentation of this land would have resulted in a reduced efficiency and viability of farming activities on the subject land, which undermined the intent of the Rural Zone.

Subsequently, the applicant has amended the proposed plan of division to no longer result in the creation of additional allotments. Instead the plan of division now involves the boundary realignment of three land parcels.

3.0 THE SUBJECT LAND AND LOCALITY

The subject land consists of three land parcels.

Sections 1 and 2 are located on the northern side of Hundred Line Road. These two sections have a total area of 167 hectares and has an overall frontage of 1.6 kilometres to Hundred Line Road. Section 1 has a frontage to Melrose School Bus Route of 703 metres.

Lot 148 is a rectangular shaped allotment of some 135 hectares in area, located on the southern side of Hundred Line Road. The land has a frontage of approximately 1.69 kilometres to Hundred Line Road and 844 metres to Melrose Schoolbus Route, both roads being unsealed.

The subject land parcels are located approximately 5 kilometres northeast of the township of Melrose.

All three land parcels are used for broad-acre farming purposes (cropping). A ruin and farm structure is located close to the eastern side boundary of Lot 148, and is setback approximately 380 metres from Hundred Line Road. A linear access track extends northward through Section 2, which services an existing dwelling located on the adjoining land to the north (Section 154 in HD 331100).

All three land parcels have been cleared to facilitate cropping. The land has been separated spatially into several paddocks. Several intermittent streams are evident across the land. Some scattered mature vegetation boarder these streams.

An easement for electricity purposes is located in the southwestern corner of Lot 148.

The subject land is surrounded by cleared 'open' farming land generally used for cropping purposes in all directions. Land in the locality undulates gently. Due to the substantial sized land parcels in the locality, dwellings associated with farming activities are sparsely distributed.

Figures 2 and 3 below depict the subject land and locality.

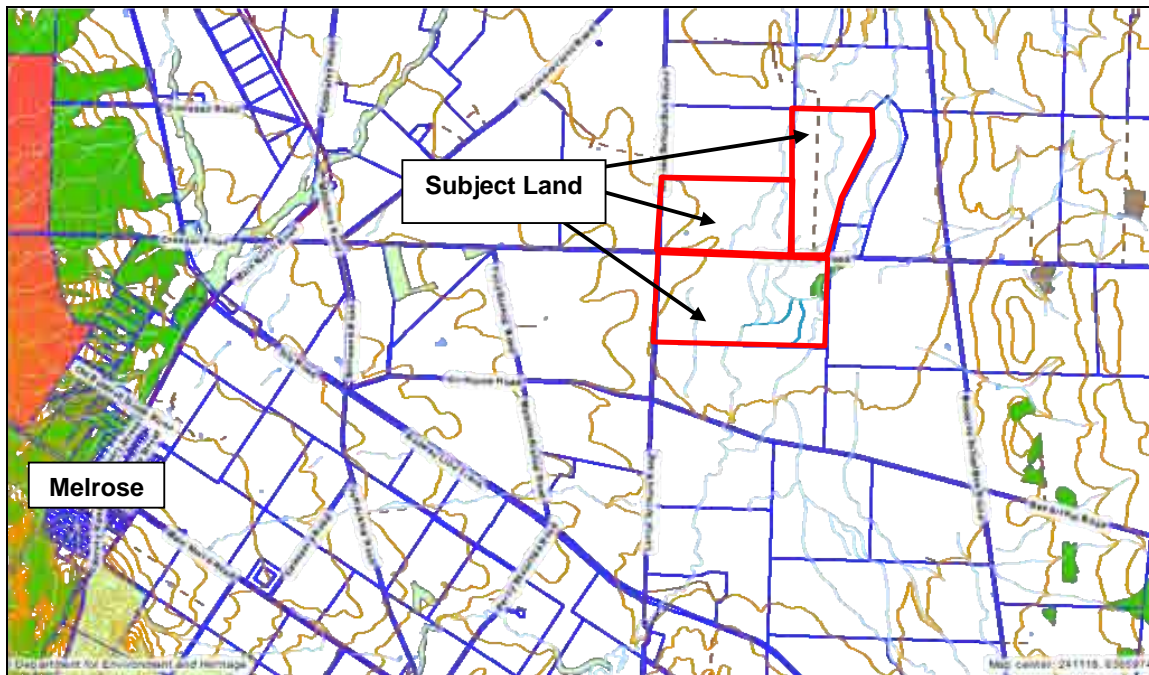


Figure 2: Subject land and locality (native veg., cadastre, roads, 10m contours and watercourses)
Source: Nature Maps, 2010 www.naturempas.sa.gov.au

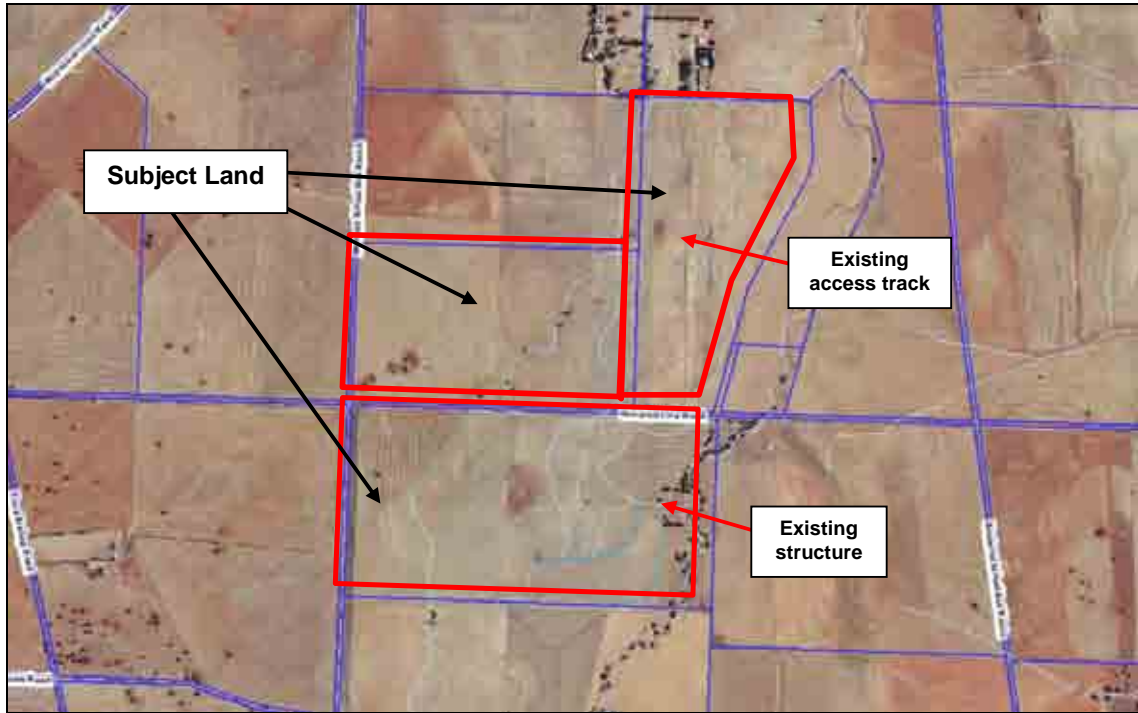


Figure 3: Aerial Photograph depicting the subject land and locality
Source: Nature Maps, 2010 www.naturemaps.sa.gov.au

4.0 THE PROPOSED DEVELOPMENT

The proposal involves the boundary realignment of three existing land parcels. The proposal will essentially relocate a title from the northern side of Hundred Line Road to the southern side of the road. The proposed plan of division is detailed in Figure 4 below.

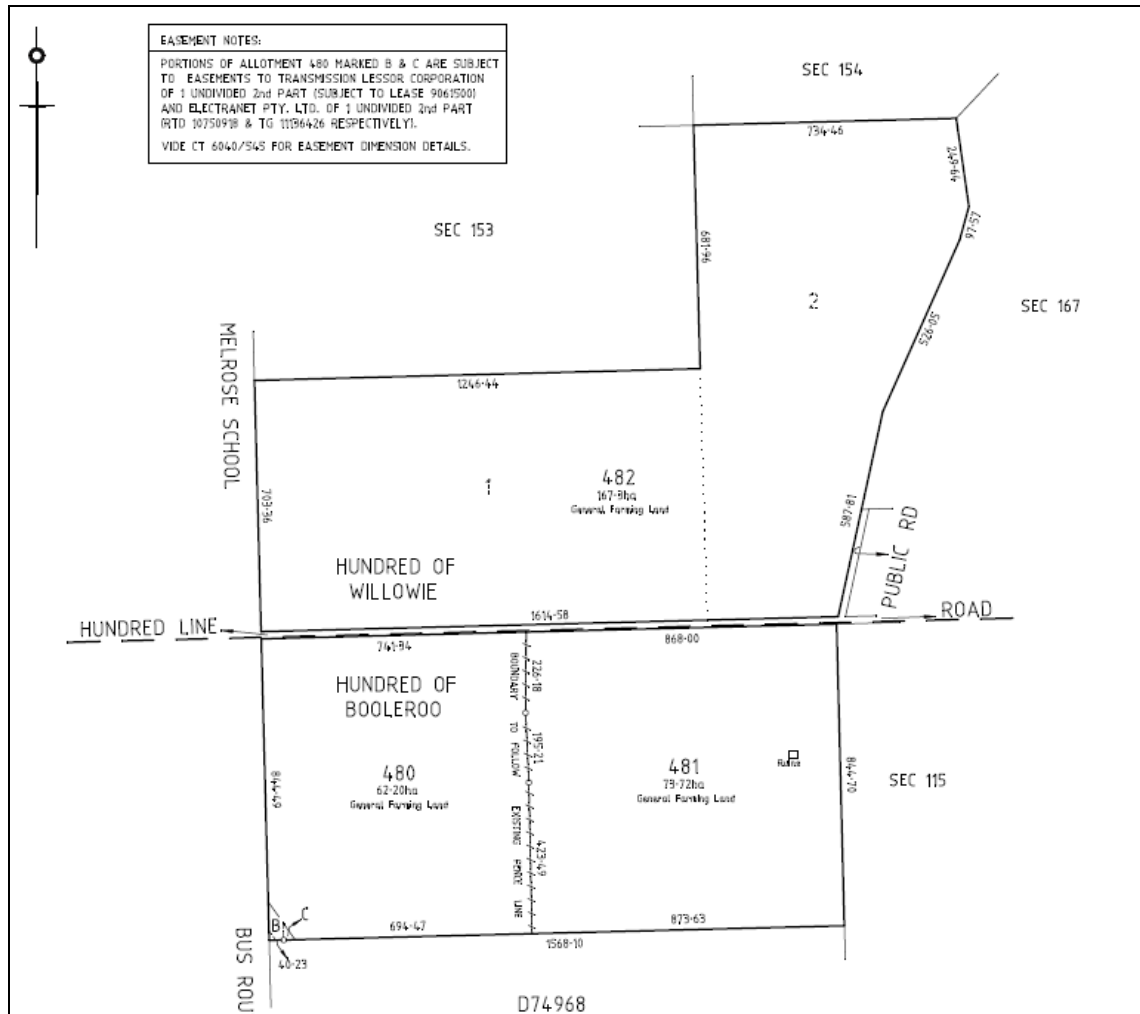


Figure 3: Proposed Plan of Division (from EDALA www.edala.sa.gov.au)

The proposal does not envisage the change in the existing use of the subject land for cropping purposes.

5.0 CONSULTATION WITH GOVERNMENT AGENCIES

The Development Assessment Commission (DAC) in relation to the proposed land division undertook consultation with the following agencies:

- Development Assessment Commission
- SA Water Corporation
- ElectraNet

The comments of each agency are summarised individually below.

5.1 Development Assessment Commission (DAC)

The following comments were made by DAC relating to the original plan of division:

It is pointed out that the proposal may be AT VARIANCE with the Development Plan for the following reason(s):

- *Principle 7 (a) of the Rural Zone*

SHOULD COUNCIL WISH TO APPROVE THIS APPLICATION THE FOLLOWING REQUIREMENTS OF THE COMMISSION MUST BE INCLUDED AS CONDITIONS OF APPROVAL. (Pursuant to Section 33 (1) (c) of the Development Act)

1. *A copy of a certified survey plan shall be lodged for Certificate purposes.*

NOTE: DAC have made no comment in relation to the revised plan of division

5.2 SA Water

In response to the abovementioned proposal, I advise that this Corporation has no requirements pursuant to Section 33 of the Development Act.

NO DIRECT WATER OR SEWER AVAILABLE

5.3 ElectraNet

“The registered easements marked B and C which traverse the land in the proposed development, provides tenure for ElectraNet’s 275kV transmission line connecting the Davenport and Brinkworth substations. We confirm that the easement has been identified and described correctly”.

“No building or permanent structure can placed on this easement. In addition, Regulations under the Electricity Act prescribe safety clearance zones that affect this property and prohibit the construction of any permanent or temporary structures, alterations or storage of material within this zone. In this instance, the regulations prescribe a horizontal safety clearance zone of 25 metres measured from the centre of the transmission line”.

“Furthermore, fences within this zone are restricted to no more than 2.0 metres in height and any fence line that crosses the ElectraNet easement must have an access gate installed under the conductors to allow heavy vehicle access along the entire length of the easement. Restrictions on landscaping also exist”.

It is noted that these comments are advisory only in nature.

6.0 PUBLIC NOTIFICATION

The 9th Schedule of the Development Regulations 2008 identifies land division as a Category 1 Development for the purposes of public notification. Pursuant to Section 38 of the Development Act 1993, no public notification of the application was required.

7.0 DEVELOPMENT ASSESSMENT

The subject land is located within Rural Zone as depicted on Maps MtR/3 of the Mount Remarkable (DC) Development Plan, consolidated 4 February 2010.

The following is an assessment of the proposal against the relevant provisions of the Development Plan as they apply specifically to the Rural Zone, as well as the provisions that are applicable to development generally within the Council (Council Wide).

An assessment of the relevant provisions of the Development Plan is detailed below.

7.1 Rural Zone

Objective: 1, 2, 5, 9
Principle: 1, 7, 8

Objective 2: *Development of a wide range of pastoral, agricultural, horticultural and forestry activities complementary to the land capability of the zone, provided productive agricultural land is not further fragmented through land division.*

Principle 1 *Development undertaken within the zone should maintain the diversity of agricultural, horticultural, pastoral, forestry and rural related activities complementary to land capability and to the conservation of biodiversity.*

The proposed development involves a boundary realignment of three land parcels, currently used for cropping purposes. It is noted that the existing use of the land is consistent with the intent of Objective 2 and Principle 1 above, which promote a diversity of farming activities. With respect to Objective 2, the proposal will not result in further fragmentation of the land.

Objective 1: *Preservation of the natural character, and the scenic, scientific and heritage features of the Southern Flinders Ranges, whilst maintaining water quality and accommodating a diversity of established pastoral, agricultural and forestry activities.*

Objective 5: *Retention of the open rural character of the zone as enhanced by tree lined creeks, roadside vegetation and the ranges to the north-east.*

Objective 9: *Protection and enhancement of biodiversity including native vegetation, reserves, waterways and scattered trees.*

No change in land use is envisaged as a result of the proposed division and as such the proposal will not directly result in a change to the appearance and character of the local area. There will be an opportunity for two dwellings on the southern side of Hundred Line Road, however the consolidation of two sections on the northern side of Hundred Line Road will balance this situation.

Principle 7 *Rural land should not be divided unless:*

- (a) *the resulting allotments are for farming, horticulture, commercial forestry or intensive animal keeping and will be for the purpose of maintaining or improving the efficiency and viability of an existing agricultural holding;*
- (b) *the division will rationalise existing boundaries to improve the efficiency and viability of farming, horticulture, commercial forestry or intensive animal keeping activities without creating any additional allotments; or*

- (c) *the division will create an allotment not greater than one hectare to contain a habitable dwelling existing prior to 2 April 1987 and the balance of the allotment has been, and is likely to continue to be used for primary production.*

Principle 8 *Rural land should not be divided where the new allotment boundaries would pass through native vegetation or where the proposed or likely use(s) of the resultant allotments would be likely to disturb natural biodiversity.*

With reference to Principle 7 it is noted that the Applicant stated the following about the original plan of division:

“We consider that the application for the division of the land should be supported by Council as the land division will not result in a change of land use. We consider that the application should be supported by Council in accordance with Principle of Development Control 7(a) of the Rural zone section of Council's development plan... It is expected that the registered proprietors will shortly lodge a second application for division of land as part of the process of the dissolving of their partnership. That second application will re-align 4 existing allotments into 2 re-aligned allotments. It can be seen then that the net result of the two land division applications will be an overall reduction from the number of allotments – from 5 existing allotments, to 4 resulting allotments”.

The subject application has always been intended to divide up land in a manner that will assist in dissolving the business partnership between the proprietors of the land. The original plan of division sought to fragment existing Lot 148, despite the overall intent to distribute land evenly amongst proprietors. The amended plan of division will not create any additional allotments but rather realign boundaries between three exiting land parcels to promote improved ‘ongoing’ management of the land between existing owners.

The proposed boundary realignment is not considered to result in any detrimental impact to the viability and efficiency of farming activities on the subject land. The owners of the subject land own various land parcels in the locality, and plan to continue to operate and manage existing farming activities, albeit in a reshuffled manner.

Some thin cover of native vegetation is likely to be present adjacent existing watercourses located on existing Lot 148. The new boundary separating proposed Lots 480 and 481 will pass through an existing watercourse running parallel with respective southern boundaries. Given the proposed boundary follows an existing fence line, no additional disturbance to natural biodiversity will occur.

In summary the proposal will be consistent with the provisions of the Zone relevant to the assessment of land divisions. The proposed boundary realignment will reasonably promote the viability and efficiency of ongoing farming activities on the subject land.

7.2 Mount Remarkable (DC) Council Wide Provisions

GENERAL

Form of Development

Objective: 1, 2
Principles: 2

Objective 1: *Orderly and economic development.*

As previously stated above, the proposed division seeks to realign the boundaries of three existing land parcels to support even distribution of land between the land proprietors. Given no additional allotments are being created, no fragmentation of farming land will occur. Given this, the proposal is considered to be orderly.

Land Division

Principles: 19, 21, 22

Principle 19 *Land should not be divided where the plan of division does not take account of any significant topographic features.*

The topography on the subject land does not present any substantial constraints for ongoing use of the land for farming activities.

Principle 21 *Land should not be divided:*

- (a) *in a manner which would prevent the satisfactory future division of the land, or any part thereof;*
- (b) *if the proposed use, or the establishment of the proposed use, is likely to lead to undue erosion of the land or land in the vicinity thereof;*
- (c) *unless wastes produced by the proposed use of the land, or any use permitted by the principles of development control, can be managed so as to prevent pollution of a public water supply or any surface or underground water resources;*
- (d) *if the size, shape and location of, and the slope and nature of the land contained in, each allotment resulting from the division is unsuitable for the purpose for which the allotment is to be used;*
- (e) *if any part of the land is likely to be inundated by tidal or floodwaters and the proposed allotments are to be used for a purpose which would be detrimentally affected when the land is inundated;*
- (f) *where community facilities or public utilities are lacking or inadequate;*
- (g) *where the proposed use of the land is the same as the proposed use of other existing allotments in the vicinity, and a substantial number of the existing allotments have not been used for that purpose; or*
- (h) *if it would cause an infringement of any provisions of the Building Act or any by-law or regulation made thereunder.*

Principle 22 *When land is divided:*

- (a) *any reserves or easements necessary for the provision of public utility services should be provided;*
- (b) *stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in a satisfactory manner;*
- (c) *a water supply sufficient for the purpose for which the allotment is to be used should be made available to each allotment;*
- (d) *provision should be made for the disposal of waste waters, sewage and other effluents from each allotment without risk to health;*
- (e) *roads or thoroughfares should be provided where necessary for safe and convenient communication with adjoining land and neighbouring localities;*
- (f) *each allotment resulting from the division should have safe and convenient access to the carriageway of an existing or proposed road or thoroughfare;*
- (g) *proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare;*
- (i) *and the land borders a river, lake or creek, the land immediately adjoining the river, lake or creek, should be public open space, with a public road fronting the open space.*

Principles 21 and 22 are primarily tailored to 'urban' type development, with little reference to rural land division issues. Many of these parameters could be addressed by future development on each allotment.

Transportation (Movement of People & Goods)

Objective: 16, 19

Principles: 25

Objective 16: *A road network providing for the safe and efficient movement of traffic within the council area.*

Objective 19: *The free flow of traffic on roads by minimising interference from adjoining development.*

Principle 25 *Development and the location of associated points of access and egress, should not create conditions which are unsafe or interfere with the free flow of traffic on adjoining roads.*

Each allotment will maintain frontage to a public road. Both roads are 'local' in nature and do not carry high volumes of traffic. Any future access for the each allotment proposed from either road can be done in a manner that would maintain the reasonable safety and efficient of traffic flows throughout the local road network.

LAND USE

Rural Development

Objective: 30,

Principles: 25, 27, 28, 29

Objective 30: *The retention of rural areas for agricultural and pastoral purposes and the maintenance of the natural character and rural beauty of such areas.*

Objective 31: *Rural land retained for a wide diversity of primary and pastoral production.*

Principle 80 *Rural areas should be retained for a diversity of agricultural, pastoral and forestry activities.*

The above provisions relating to Rural Development are prescriptively very general. The general nature of these provisions will be satisfied by the proposed division, given both allotments can maintain farming activities and the proposal will not create any additional allotments.

Bushfire Protection

Principles: 265

Principle 265 *Where land division does occur it should be designed to:*

- (a) *minimise the danger to residents, other occupants of buildings and fire fighting personnel;*
- (b) *minimise the extent of damage to buildings and other property during a bushfire;*
- (c) *ensure each allotment contains a suitable building site that is located away from vegetation that would pose an unacceptable risk in the event of bushfire; and*

- (d) *ensure provision of a fire hazard separation zone isolating residential allotments from areas that pose an unacceptable bushfire risk by containing the allotments within a perimeter road or through other means that achieve an adequate separation.*

The subject land is located in an area that is identified as a 'general' bushfire protection area with reference to Figure MtR(BPA)/1.

If buildings were constructed on both proposed allotments, the cleared nature of the land will ensure sufficient separation from hazardous vegetation is achieved in accordance with the above provision.

8.0 CONCLUSION

Having regard to the above assessment of the proposed development against the relevant provisions of the Mount Remarkable (DC) Development Plan, I consider that the proposed boundary realignment to be an appropriate form of development. The boundary realignment will promote the ongoing viability and efficiency of farming activities on the subject land.

9.0 RECOMMENDATION

Following consideration and having regard to all relevant matters, it is recommended that consent to land division 830/D001/10 at Lot 148 (DP 74968) Hd Booleroo & Sect 1 & 2 Hd Willowie , Hundred Line Road, Melrose be **GRANTED** Development Approval, subject to the following conditions:

1. The applicant shall proceed strictly in accordance with the plans prepared by Sawley Lock O'Callaghan (surveyors), Drawing Number 12980-01, Revision 1, dated 12/05/2010, submitted and conditions imposed by this consent.
2. A copy of a certified plan shall be lodged for Certificate purposes
3. That the allotments resultant from the division be renumbered 283 & 284 and 267

REASON: To maintain unique identification in the numbering system within the Hds Booleroo and Willowie.

Please do not hesitate to contact me on 8364 1956 or at dherrmann@accessplanning.com.au should you have any questions regarding the above report and recommendation.

Yours sincerely,



Daniel Herrmann

ACCESS PLANNING (SA) PTY LTD

7. APPLICATIONS FOR CONSIDERATION (CONT.):

7.2 DISTRICT COUNCIL OF MOUNT REMARKABLE (CONT.)

7.2.2 DA 830/D0002/2010 - Carman - Land Division

Subject:	For Consideration
Report By:	Chief Executive Officer
Report Date:	20/10/2010
File Reference:	DA 830/D0002/2010
Action:	Yes
Attachments:	Yes

Please refer to the attached Report prepared by Mr Daniel Herrmann of Access Planning in respect of this application.

~~Options:~~

(i) Cr / Cr

(ii) Cr / Cr



30 April 2010

Ref: 5253Report

The Chief Executive Officer
District Council of Mount Remarkable
PO Box 94
MELROSE SA 5483

ATTENTION: Ron Ashenden

Dear Ron,

**RE: PROPOSED LAND DIVISION – SECTION 33 227, HUNDRED OF DARLING.
DA: 803/D002/10**

The following is a general planning assessment of the abovementioned development application for the consideration of the District of Mount Remarkable Development Assessment Panel.

In preparing this report I have reviewed the application documents and proposal plans and generally familiarised myself with the relevant provisions of the District Council Mount Remarkable Development Plan, Consolidated 4 February 2010.

1.0 Development Details

Development No.:	830/D014/08
Applicant(s) / Owner(s)	Mr Clyde Carman C/- Sawley Lock O'Callaghan 176 Prospect Road PROSPECT SA 5082
Site Address:	Potts Road, Wirrabara SA
Property Details:	Section 33, Hundred of Darling.
Certificate(s) of Title:	Volume 5952 Folio 77
Existing Use(s):	Timber treatment plan and grazing
Proposed Development:	Land Division (1 into 2)
Zone:	Rural Zone, Map MtR/9 & MtR/10

TOWN PLANNING CONSULTANTS

ACCESS PLANNING (SA) PTY LTD ABN 57 089 702 241
200 KENSINGTON ROAD, MARRYATVILLE, SOUTH AUSTRALIA 5068
TELEPHONE (08) 8364 1956 FAX (08) 8364 1960 EMAIL plan@accessplanning.com.au

Public Notification: Category 1 (Merit)
Authorised Development Plan: District Council of Mount Remarkable
Consolidated 4 February, 2010

2.0 Subject Site and Locality

The subject land comprises an irregular shaped allotment located approximately 7 kilometres to the south west of the Wirrabara Township. The allotment has a total area of 121ha and is subject to Rural Zone designation.

The allotment is more particularly identified as Section 33, Hundred of Darling and contained in Certificate of Title Volume 5952 Folio 77.

The land is currently occupied by a timber treatment plan and saw mill, located within the south east corner of the allotment in close proximity to Treatment Road. The balance of the land is primarily vacant and given over to grazing purposes.

The subject land is undulating, consistent with land in the locality and contains a sparse covering of vegetation which includes a small plantation of pine trees located within the southern corner of the site which is used by the timber treatment plant.

The land has extensive frontage to Block 9 Road to the south, an unmade public road to the east and Potts Road to the north which is only partially constructed.

The land to the south, east and west is heavily vegetated with a combination of native vegetation and pine plantations, while the land to the north is generally used for grazing purposes.

Figures 1 and 2 below show the subject land and locality.

3.0 Proposed Development

The application is for the division of the existing land parcel into two proposed allotments. The purpose of the division is to separate the existing timber treatment plant, saw mill and small pine plantation from the balance of the land which is used for general farming purposes.

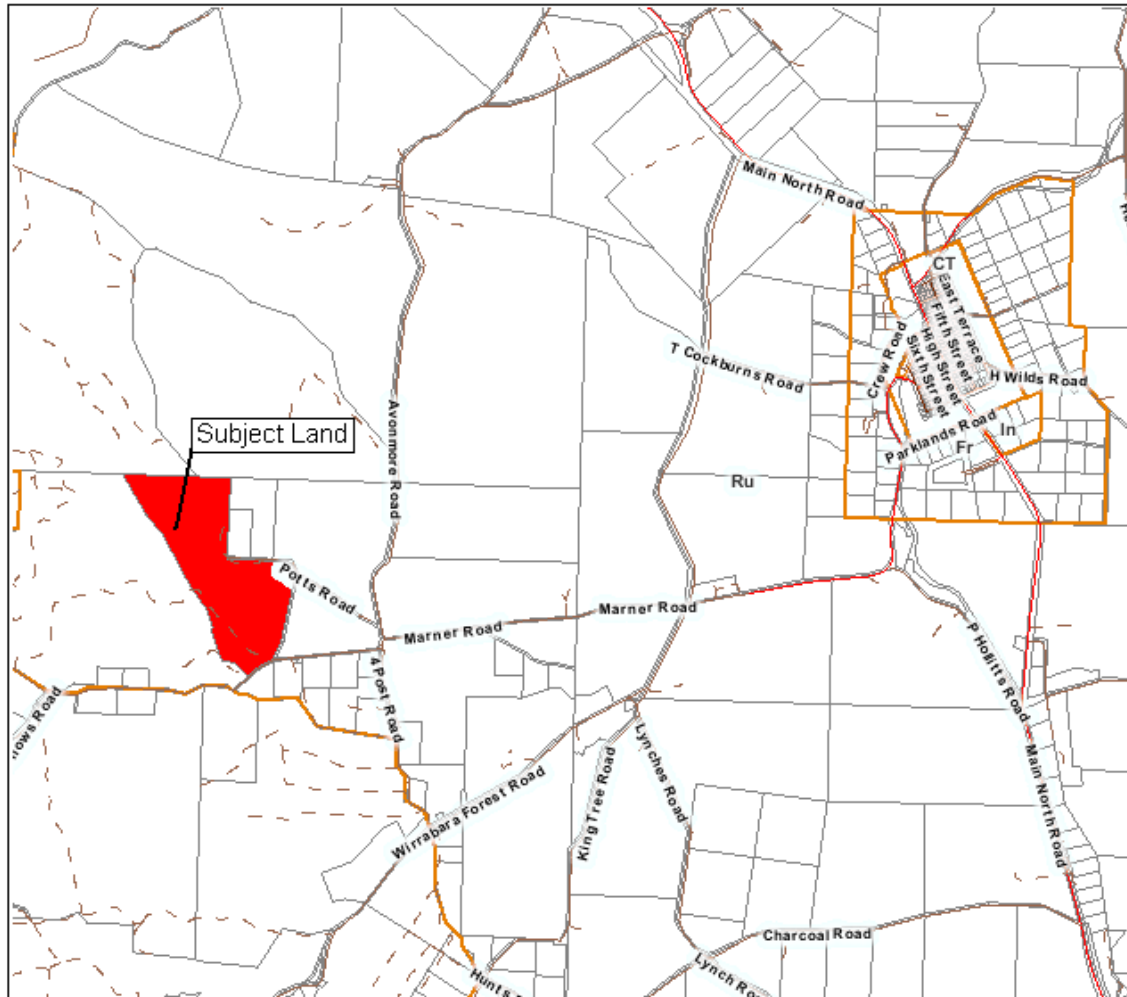
The proposed new allotment boundary is to follow an existing fence line which divides the two existing land uses on the site.

The proposal will result in the following allotment areas:

Allotment	Area
331 (Timber Plant)	9.285 ha
330 (General Farming)	112.4ha

The proposed development is more particularly described in the submitted plan of division.

Figure 1: Subject Land



Source: Nature Maps, 2010 (www.naturemaps.sa.gov.au)

Figure 2: Subject Land and Locality



Source: Nature Maps, 2010 (www.naturemaps.sa.gov.au)

4.0 Agency Comments

Comments from the various reporting agencies are summarised below.

4.1 Development Assessment Commission

It is pointed out that the proposal may be **AT VARIANCE** with the Development Plan for the following reason(s) :

- Principle 7 (a) (b) of the Rural Zone

It is requested pursuant to section 33(1)(c) of the Development Act, 1993 that the Council include in its Development Approval the following requirements of the Commission;

1. A copy of a certified plan shall be lodged for Certificate purposes

4.2 SA Water

No requirements pursuant to Section 33 of the Development Act.

Copies of the agency submissions are attached.

5.0 Development Assessment

The subject land is located within the Rural Zone as indicated in Map MtR/9 and MtR/10 in the Mount Remarkable (DC) Development Plan, Consolidated 4 February, 2010.

An assessment of the proposal has been made having consideration to the Agency comments, the supporting documents provided by the applicant.

The following Objectives and Principles of Development Control of the Mount Remarkable (DC) Development Plan are considered relevant to the assessment of this application;

Rural Zone

Objective: 2
Principles: 1, 7 & 8

Council Wide

Form of Development

Objectives: 1
PDC's: 2

Land Division

PDC's: 21 (a)(d), & 22(f)

The following is an assessment of the proposed development against those policies considered most relevant.

Rural Zone

- 1** *Development undertaken within the zone should maintain the diversity of agricultural, horticultural, pastoral, forestry and rural related activities complementary to land capability and to the conservation of biodiversity.*
- 7** *Rural land should not be divided unless:*
(a) the resulting allotments are for farming, horticulture, commercial forestry or intensive animal keeping and will be for the purpose of maintaining or improving the efficiency and viability of an existing agricultural holding;
(b) the division will rationalise existing boundaries to improve the efficiency and viability of farming, horticulture, commercial forestry or intensive animal keeping activities without creating any additional allotments; or
(c) the division will create an allotment not greater than one hectare to contain a habitable dwelling existing prior to 2 April 1987 and the balance of the allotment has been, and is likely to continue to be used for primary production.
- 8** *Rural land should not be divided where the new allotment boundaries would pass through native vegetation or where the proposed or likely use(s) of the resultant allotments would be likely to disturb natural biodiversity.*

Council Wide

Form of Development

Objective 1: *Orderly and economic development.*

- 2 *Development should be orderly and economic and:*
(a) form a compact and continuous extension of existing built-up areas;
(b) be located so as to create economy in the provision of public services; and
(c) create a safe and convenient and pleasant environment in which to live.

Land Division

Principles of Development Control

- 21 Land should not be divided:
- (a) in a manner which would prevent the satisfactory future division of the land, or any part thereof;
 - (d) if the size, shape and location of, and the slope and nature of the land contained in, each allotment resulting from the division is unsuitable for the purpose for which the allotment is to be used;
- 22 When land is divided:
- (f) each allotment resulting from the division should have safe and convenient access to the carriageway of an existing or proposed road or thoroughfare;

The subject land contains an existing timber treatment plant and saw mill which the applicant advised has been operating on the site for 25 years. The balance of the land is used for general farming, namely grazing purpose.

The proposed development consists of an orderly development as the proposal will formalise the longstanding arrangement between the two land uses on the site and as a result there will be no change to the character of the site or amenity of the locality.

The boundary will following an existing fence line therefore there will be no impact to native vegetation or disturbance of natural biodiversity as a result of the proposal which accords with Principle 8 above.

The proposed division will consolidate the land used for agricultural activities into one large allotment (112.4 hectares) which will likely assist the viability of the farming activities being conducted on the land, thus the proposal accords with Principle 7a.

Each allotment created by the division still comprises extensive frontages to the adjoining road network therefore the proposal should be capable of satisfying Council Land Division principle 22(f).

6.0 Conclusion

Having regard to the above assessment and relevant provisions of the Development Plan I consider the proposed development to be an appropriate form of development due to the following:

- The proposal will formalise the longstanding arrangement between the two land uses on the site
- There will be no change to the character of the site or amenity of the locality
- The proposed development will assist the viability of the farming activities on the land.

7.0 Recommendation

That Development Application 830/D002/10 that seeks to divide Section 33 Hundred of Darling into two allotments is **not** seriously at variance with the District Council of Mount Remarkable Development Plan, Consolidated 4 February, 2010.

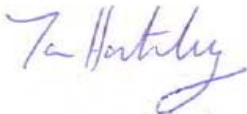
That Council **Grant** Development Plan and Land Division Consent, to Development Application 830/D022/10 that seeks to divide Section 33 Hundred of Darling into two allotments subject to the following conditions;

1. The applicant shall proceed strictly in accordance with the plans, Drawing Number 12085-01, Revision 1, dated 23/02/2010, submitted and conditions imposed by this consent.
2. A copy of a certified plan shall be lodged for Certificate purposes
3. That the allotments resultant from the division be renumbered 407 & 408.

REASON: To maintain unique identification in the numbering system within the Hd Darling.

Please do not hesitate to contact me on (08) 8364 1956, should you have any questions regarding the above report and recommendations.

Yours sincerely,



Tom Hateley
ACCESS PLANNING Pty Ltd



31 March 2010

Our Ref: N/A

The Chairman
Development Assessment Commission
136 North Terrace
ADELAIDE SA 5000

Dear Sir/Madam

PROPOSED LAND DIVISION APPLICATION NO: 830/D002/10 AT WIRRABARA

In response to the abovementioned proposal, I advise that this Corporation has no requirements pursuant to Section 33 of the Development Act.

NO DIRECT WATER OR SEWER AVAILABLE. NO REQUIREMENTS.

Yours faithfully

RITA DEMUSSO

for **MANAGER LAND DEVELOPMENT & CONNECTIONS**

SA Water
Level 6, 250 Victoria Square
ADELAIDE SA 5000
Ph (08) 7424 1119
Inquiries RITA DEMUSSO
Telephone 7424 1222

Contact
Telephone
Facsimile

Customer Services
8303 0601
8303 0604



14 April 2010

Mr Sean Cheriton
Chief Executive Officer
District Council of Mt Remarkable
PO Box 94
MELROSE SA 5483

Dear Sir

**Re: Proposed Development Application No. 830/D002/10 (ID 33847)
by C Carman**

Further to my letter dated 26 March 2010 and to assist the Council in reaching a decision on this application, copies of the reports received by the Commission from agencies that it has consulted have been uploaded for your consideration.

It is pointed out that the proposal may be **AT VARIANCE** with the Development Plan for the following reason(s) :

- Principle 7 (a) (b) of the Rural Zone

SHOULD COUNCIL WISH TO APPROVE THIS APPLICATION THE FOLLOWING REQUIREMENTS OF THE COMMISSION MUST BE INCLUDED AS CONDITIONS OF APPROVAL. (Pursuant to Section 33 (1) (c) of the Development Act)

1. A copy of a certified survey plan shall be lodged for Certificate purposes.

PLEASE UPLOAD THE DECISION NOTIFICATION FORM (VIA EDALA) FOLLOWING COUNCIL'S DECISION.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Steve Gale", with a long horizontal flourish extending to the right.

Steve Gale
Land Division Supervisor, Planning Services Branch
As delegate of the
DEVELOPMENT ASSESSMENT COMMISSION
Q:\PLANNINGSERVICES\TEMPLATES\STATEMENTS\ELECTRONIC\TF2AV\Redata

PROPOSED LAND DIVISION PLAN

SECTION 33
HUNDRED OF DARLING

IN THE AREA NAMED WIRRABARA

COUNCIL **THE DC OF Mt REMARKABLE**

MAP REF. 6531-4 | DEV. NO.

TITLE SYSTEM REAL PROPERTY ACT

TITLE REFERENCE CT 5952/77

SCALE
0 200 400 600 800 1000 METRES

WARNING NOTES :

1. This plan was prepared for the specific use of the Sawley Lock O'Callaghan client for the purpose of lodging a Development Application for proposed Land Division under the Development Act, 1993, and for no other purpose.
2. The dimensions, areas and allotments shown are subject to confirmation by field survey and also the approval of the relevant planning authority.
3. Users of this plan should note that any pending or future amendments to the Development Plan could affect the proposal's compliance with those provisions and hence influence the outcome of a Development Application.
4. The dimensions shown on the plan should not be relied upon for any financial dealings in the land as they are subject to confirmation and approval by the Lands Titles Office.
5. Should any proposed structural design feature zero boundary clearance, the advice of Sawley Lock O'Callaghan should first be sought.
6. Sawley Lock O'Callaghan does not accept liability for the loss or damage of other persons who do not use the plan within the limitations intended.

I acknowledge the above notes and authorise Sawley Lock O'Callaghan to lodge this plan for Development Approval under the Development Act, 1993.

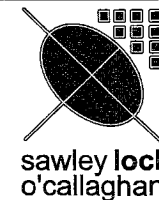
Date : _____

No.	REVISION	DRAWN	DATE	APPROVED
1	Authorised for issue	RJP	23/02/2010	MAMS

DRAWING NUMBER

1 2 0 8 5 - 0 1

SHEET SIZE **A3** SHEET 1 OF 1 REVISION NUMBER **1**

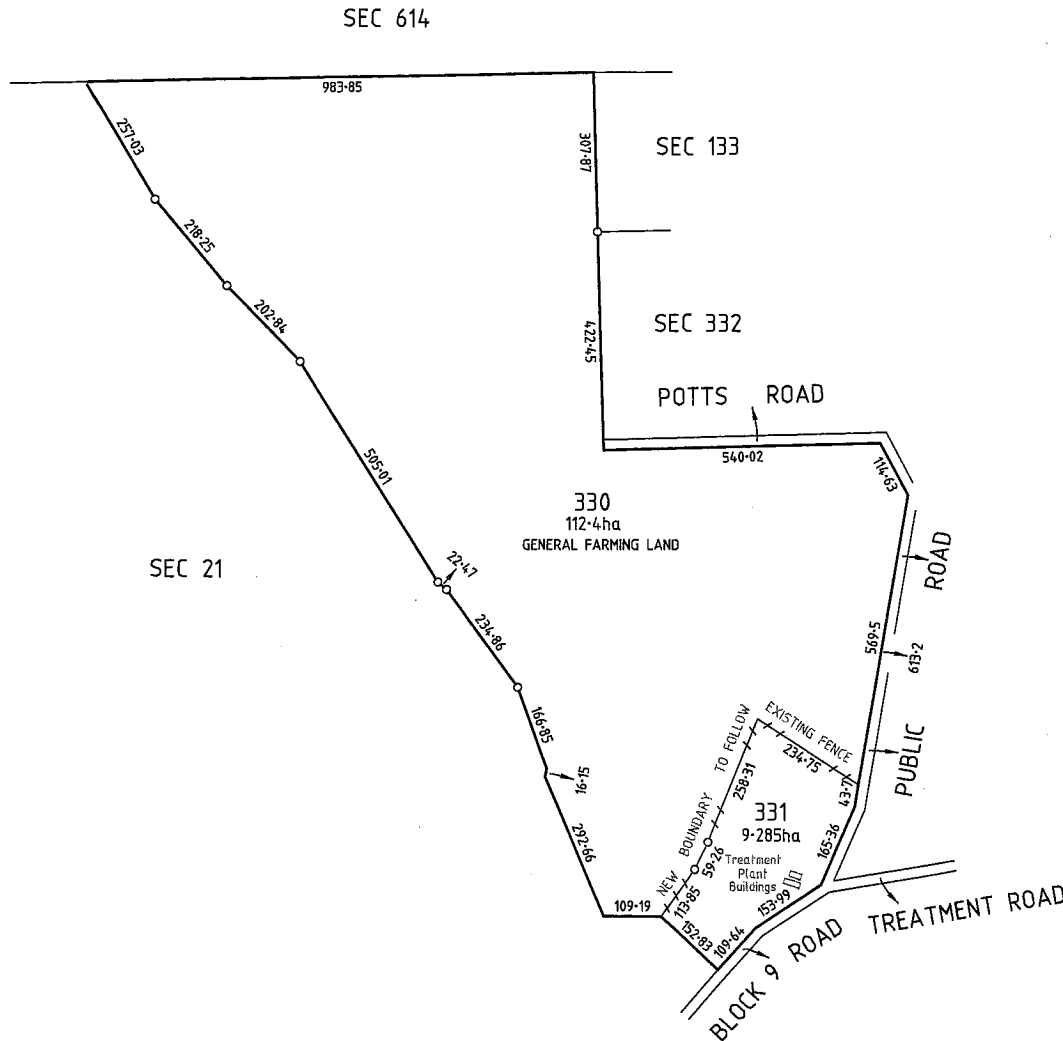


sawley lock o'callaghan

adelaide
176 prospect rd prospect sa 5082
phone : 08 8344 1522 fax : 08 8344 1588
mount gambier
45 helen st mount gambier sa 5290
phone : 08 8725 8422 fax : 08 8725 7361

laura
6 william st laura sa 5480
phone : 0408 548 099
survey and spatial

SUBJECT TO SURVEY



7. APPLICATIONS FOR CONSIDERATION (CONT.):

7.2 DISTRICT COUNCIL OF MOUNT REMARKABLE (CONT.)

7.2.3 DA 830/0012/2010 - Piggott - Category 3 Shed

Subject: For Consideration
Report By: Chief Executive Officer
Report Date: 20/10/2010
File Reference: DA 830/D0001/2010
Action: Yes
Attachments: Yes

Please refer to the attached Report prepared by Mr Ron Ashenden, Development Officer, in respect of this application.

~~Options:~~

(i) Cr / Cr

(ii) Cr / Cr

DEVELOPMENT NUMBER: 830/0012/10

Applicant/Owner: **David Piggott**
Proposal: **Colorbond Garage 30.48m x 9.144m x 3.048m for vintage vehicle storage**
Land: **Lot 704 FP184786, 15 Edwin Street, Booleroo Centre**
Zone: **Country Township**

Report By: Ron Ashenden, Development Officer
Report Date: 10 March 2010

Proposal

To erect a large colorbond-clad shed, dimensions 30.48 metres x 9.144 metres x 3.048 metres wall height to be used for normal domestic and vintage vehicle storage purposes only.

The shed will be setback 10 metres from the frontage of Edwin Street (which will be equal with the existing dwelling on the allotment) and 5 metres from the southern boundary.

Zoning

The land is located within the Country Township Zone, a zone generally intended to accommodate a range of low density residential development and associated community and urban facilities that satisfy the needs of residents and the community generally.

Outbuildings used in conjunction with dwellings, and therefore an integral part of a domestic setting, are an acceptable and expected form of development in a residential area subject to satisfactory siting, size, design, aesthetics and the like to ensure no adverse impact on surrounding development. The Development Plan policies stress this point in a general way and it is against these sorts of policies that the suitability or otherwise of a large shed needs to be assessed.

Processing

No formal referral to Government Agencies is necessary pursuant to Schedule 8 of the Development Regulations.

The application was subject to Category 3 public notification, as required by Schedule 9 of the Development Regulations 1993, which did not attract any representations.

Assessment

The proposal involves a form of development commonly found in residential areas, namely a shed for domestic and vehicle storage purposes ancillary to the principal residential use of the land, hence the planning issue is not with the intent of the structure, but rather its form and bulk.

The shed is large but not totally out of character because of the nature of its setting, being somewhat on the edge of the edge of town and down a dead-end street.

The siting is acceptable that being equal to the alignment of the adjoining dwelling. The streetscape view is therefore unlikely to be adversely affected.

The visual impact of the shed is not likely to be objectionable nor overwhelm the character of this part of the town. Moreover, the sheds will be clad in colorbond materials which will match and blend in with the colour scheme of the existing structures.

Overall, the likely impact of the structure would be tolerable in the context of its setting. The sheds would not be overly dominant and would not become an unattractive feature within the township area.

Conclusion

Although the proposal represents sizable structures it is felt that it is not at variance with the provisions of the Development Plan and, on the basis of its anticipated marginal visual impact of the (mostly, though mixed) residential character and amenity of the locality, the shed is a suitable use of the land.

Taking relevant factors into account, the application is supported on planning merit and can be approved.

RECOMMENDATION

That pursuant to Section 33(1) of the Development Act 1993 the application for a shed DA 830/0012/10 – Lot 704 FP184786, 15 Edwin Street, Booleroo Centre – Graham Burgess, be granted Development Plan Consent subject to the following conditions:

1. GARAGE USAGE

This approval is for a Class 10a building only and as such shall not be used for any other purposes eg for storage or sale of items for business or commercial nature, or for living purposes, including temporary accommodation on weekends etc.

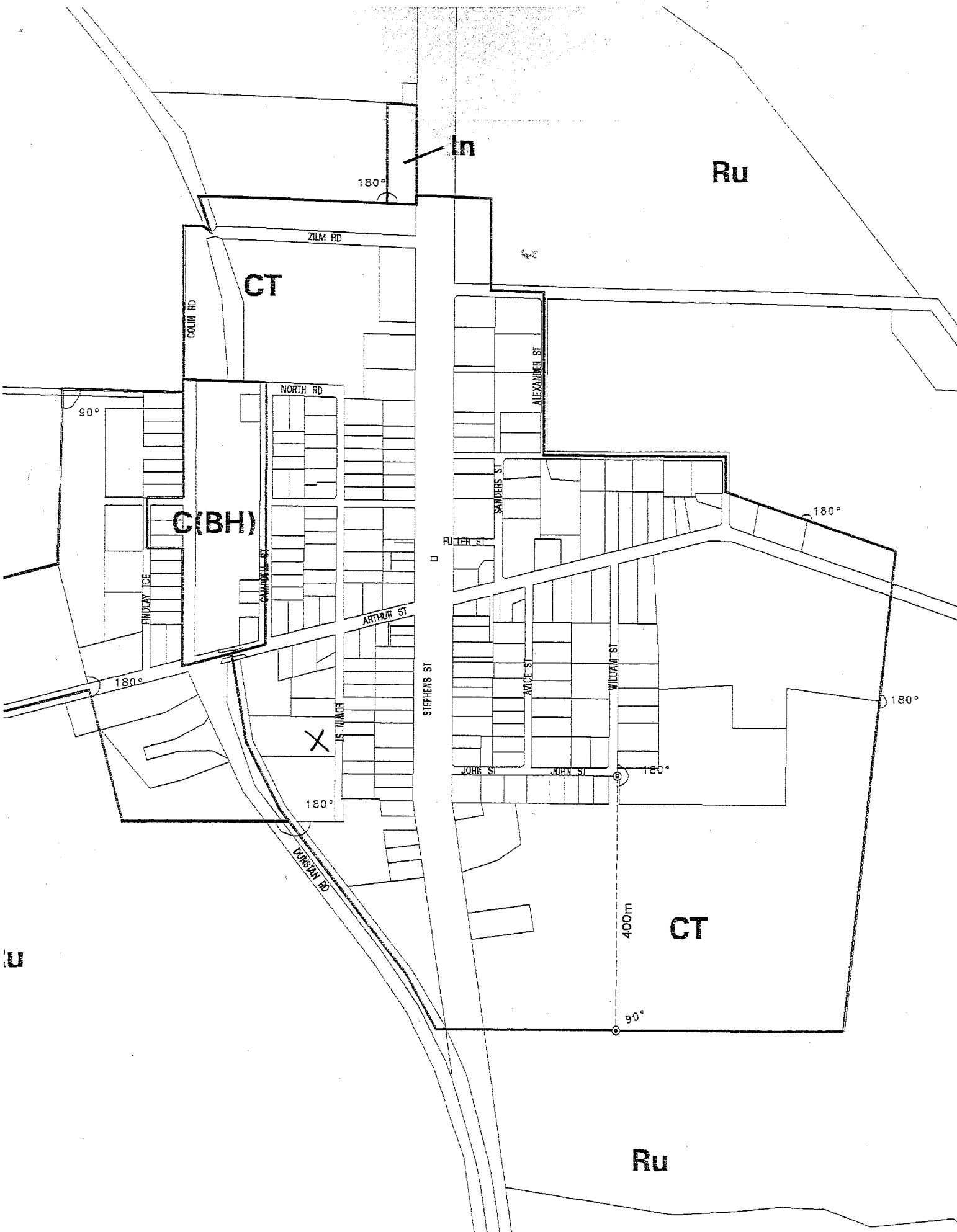
2. STORM WATER DISPOSAL - TOWNSHIPS

Any water from the roof or roofs of any building or water flowing from any carpark, or walkway or other paved area shall be disposed of in such a manner that none of the following conditions shall occur:

- (i) the water enters or lies against any building;
- (ii) the water unduly affects the stability of any building on the same site;
- (iii) the water unduly creates any unhealthy or dangerous condition on the site.

Water from the roof or roofs of every building or water flowing from any carpark, or walkway or other paved area shall be disposed of in such a manner that it does not flow or discharge onto land of an adjoining owner.

Storm water from private property may not be discharged over the footpath but should be carried under the footpath in an approved type of pipe. Approval must be obtained from Council before any such work is carried out.

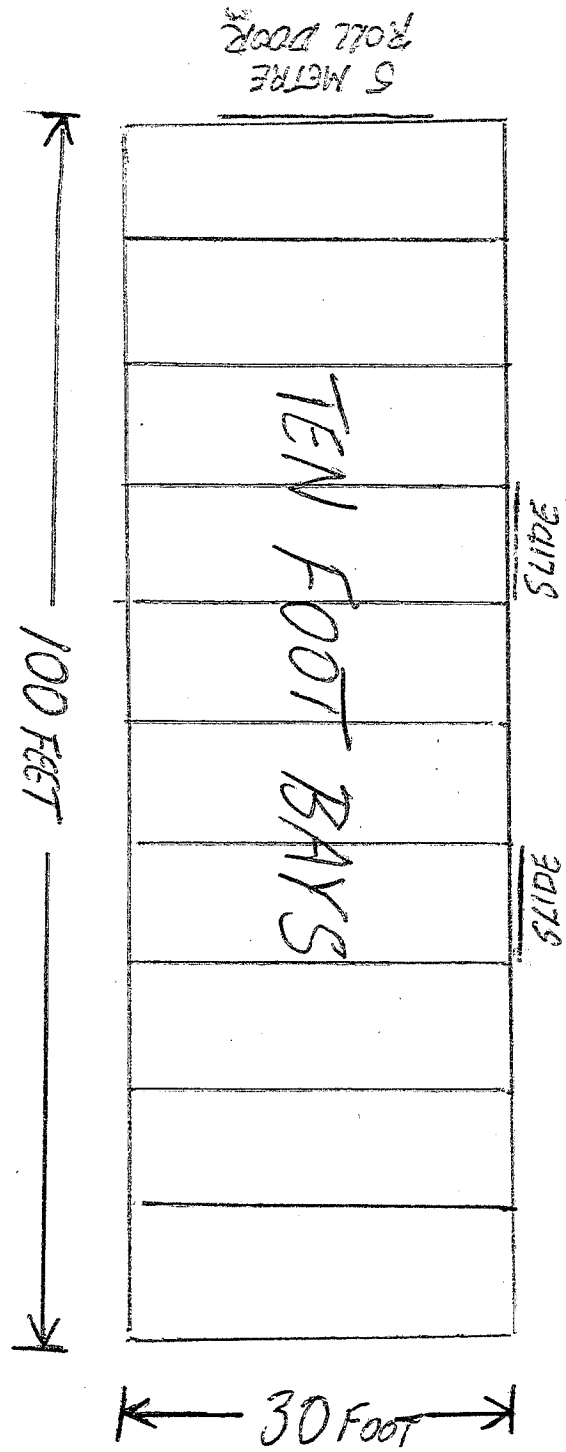


MAP M1R/3 ADJOINS

IRE
 nmercial (Bulk Handling)
 ntry Township



FLOOR PLAN



DUNSTAN RD

100' X 36 X 10 CAT 2
OLYMPIC GARAGE
TEN X TEN FOOT BAYS

704FP 184786 - PT 56
BOULEROO CENTRE

PROPOSED SITE & SIZE OF NEW SHED

FRUIT TREES

ROLL DOOR

1.5

100 FT X 30 FT X 10 FT

SLIDE

SLIDE

DOOR

TRACK

CAR SHED

RUGBY SHED

HOUSE

TV TOWER

PINE TREES

PINE TREES

SHED 10 METRE IN FROM FRONT OF BLOCK (Equal to House) EDWIN ST

SCALES MAY BE AFFECTED BY SOME POETIC LICENCE BUT GIVES A FAIR INDICATION OF PROPOSED SITE

PTC

7. APPLICATIONS FOR CONSIDERATION (CONT.):

7.3 DISTRICT COUNCIL OF ORROROO CARRIETON

No Applications for the District Council of Orroroo Carrieton require consideration at this Meeting.

7. APPLICATIONS FOR CONSIDERATION (CONT.):

7.4 DISTRICT COUNCIL OF PETERBOROUGH

No Applications for the District Council of Peterborough require consideration at this Meeting.

8. OTHER BUSINESS:

8.1 THE FLINDERS RANGES COUNCIL

8.2 DISTRICT COUNCIL OF MOUNT REMARKABLE

8.3 DISTRICT COUNCIL OF ORROROO CARRIETON

8.4 DISTRICT COUNCIL OF PETERBOROUGH

9. NEXT MEETING:

10. CLOSURE: