Riverland Regional Development Assessment Panel Meeting

AGENDA

8 August 2013

at

1.30P.M.
Notice is hereby given pursuant to Section 34 of the Development Act 1993 and in accordance with the Riverland Regional Development Assessment Panel terms of reference, that the next meeting of the Riverland Regional Development Assessment Panel will be held in the Berri Barmera Council Chambers, 19 Wilson Street Berri SA, on Thursday 8 August 2013, commencing at 1.30pm.

DAVID BEATON
CHIEF EXECUTIVE OFFICER
BERRI BARMERA COUNCIL

1 August 2013
AGENDA FOR A MEETING OF THE RIVERLAND REGIONAL DEVELOPMENT ASSESSMENT PANEL
TO BE HELD THURSDAY 8 AUGUST 2013 AT 1.30PM AT THE BERRI BARMERA COUNCIL CHAMBERS,
WILSON STREET, BERRI

Members:
Presiding Member Independent Member - Mr B.G. Ballantyne
Independent Members – Ms R Perkin, Messrs D Kanizay, G Parsons
Council Members – Mrs R.L. Centofanti, Mrs M Malthouse, Mr M Chown

Staff
Berri Barmera Council - Mrs C.G. Pedler (Development Officer - Planning)
Loxton Waikerie Council – Mr G MacInnes (Planning Officer)
Renmark Paringa Council – Mr B Fewster (Planning Officer)

ITEM 1  WELCOME:

ITEM 2  PRESENT:

ITEM 3  APOLOGIES:

ITEM 4  CONFIRMATION OF MINUTES
The minutes of the meeting held 11 July 2013 are attached at appendix for members information and adoption.

RECOMMENDATION:
That the Minutes of the Meeting held on 11 July 2013 be taken as read and confirmed.
ITEM 1  WELCOME:
The Presiding Member, Mr Bruce Ballantyne welcomed Panel Members and staff present.

ITEM 2  PRESENT:
Independent members: Messrs B.G. Ballantyne, G Parsons, D Kanizay, Ms R Perkin
Council members: Mrs R.L. Centofanti, Mrs M Malthouse, Mr M Chown
Council Staff: Mrs CG Pedler (Berri Barmera Council Development Officer – Planning),
Messrs GS MacInnes (Loxton Waikerie Council Planning Officer), B Fewster (Planning Officer).

ITEM 3  APOLOGIES:
Nil

ITEM 4  CONFIRMATION OF MINUTES
MOTION (RRDAP 129/13):
That the Minutes of the Meeting held on 13 June 2013 be taken as read and confirmed.
Mrs R.L. Centofanti/Mr M Chown  CARRIED

ITEM 5  DECLARATION OF INTEREST BY MEMBERS OF PANEL:
Nil

ITEM 6  HEARING OF REPRESENTATIONS:
Nil

ITEM 7  REPORTS:
**Item 7.1  Development Application 752/061/13 – Hotondo Homes Riverland**

<table>
<thead>
<tr>
<th>Application No:</th>
<th>752/061/13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Authority:</td>
<td>Berri Barmera Council</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Hotondo Homes Riverland</td>
</tr>
<tr>
<td>Owner:</td>
<td>DMW Kariuki</td>
</tr>
<tr>
<td>Description of development:</td>
<td>To erect a detached dwelling and an under main roof garage in front of the dwelling</td>
</tr>
<tr>
<td>Property details:</td>
<td>Allotment 67, 45 Brooke Street, Barmera</td>
</tr>
<tr>
<td>Officer:</td>
<td>Cheryle Pedler</td>
</tr>
<tr>
<td>File reference:</td>
<td>3.71.4-13, A359</td>
</tr>
</tbody>
</table>

**MOTION (RRDAP 130/13):**

1. The Riverland Regional Development Assessment Panel determines that Development Application 752/061/13 is not seriously at variance with the Berri Barmera Development Plan.
2. The Riverland Regional Development Assessment Panel determines to refuse Development Plan Consent to Development Application 752/061/13, for the following reasons:
   1. The application is at variance to Residential Zone Principle of Development Control 9 in that the garage is forward of the dwelling façade.
   2. The proposed garage is set forward of the main façade of the associated dwelling which results in dominance of the structure to the streetscape, at variance to General Section Residential Development Principle of Development Control 17.
   3. The driveway crossover proposed is in excess of single width, at variance to General Section Residential Development Principle of Development Control 37, which prescribes a single width crossover is appropriate.
   4. The garage wall results in a long uninterrupted wall being visible from the street, at variance to Principle of Development Control 2 General Section Design and Appearance module.
   5. The location of the entrance to the dwelling is set well back behind the garage façade, which prevents surveillance to the street, at variance to General Section Residential Development Principle of Development Control 7.
   6. The location of the entrance to the dwelling is not clearly visible from the street from the eastern approach, making it difficult to identify the entry easily. This is at variance with Principle of Development Control 8 of the General Section Residential Development module.
   7. The location of the proposed landscaping prevents access to the entrance of the dwelling from the driveway parking area, at variance with Principle of Development Control 8 of the Design and Appearance module.
   8. The placement of the garage forward of the dwelling results in the garage being the main focus of the building rather than the garage being ancillary to the dwelling, which is at variance with zone Principle of Development Control 5.

Miss R Perkin/Mr G Parsons  CARRIED
Item 7.2 Development Application 752/021/13 – Berri Barmera Council

<table>
<thead>
<tr>
<th>Application No:</th>
<th>752/021/13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Authority:</td>
<td>Berri Barmera Council</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Berri Barmera Council</td>
</tr>
<tr>
<td>Owner:</td>
<td>The Crown, under Council’s care and control</td>
</tr>
<tr>
<td>Description of development:</td>
<td>Removal of existing boat ramp and construction of replacement boat ramp and associated dredging</td>
</tr>
<tr>
<td>Property details:</td>
<td>Sections 1474 and 1345, Marina Drive, Berri</td>
</tr>
<tr>
<td>Officer:</td>
<td>Cheryle Pedler</td>
</tr>
<tr>
<td>File reference:</td>
<td>3.71.4-13, A5944</td>
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</table>

MOTION (RRDAP 131/13):

1. The Riverland Regional Development Assessment Panel determines that development application 752/021/13 is not at variance with the Berri Barmera Development Plan.
2. The Riverland Regional Development Assessment Panel determines to grant Development Plan Consent to development application 752/021/13, subject to the following conditions and notes:

   Conditions
   1. Development is to take place in accordance with the supporting documentation and plans relating to Development Application 752/021/13 except as modified by any conditions attached to this Decision Notification, follows:

<table>
<thead>
<tr>
<th>Plan Number</th>
<th>Plan type</th>
<th>Dated</th>
<th>Prepared By</th>
</tr>
</thead>
<tbody>
<tr>
<td>12040-3, Rev B</td>
<td>General Notes</td>
<td>11/2/2012</td>
<td>Magryn Engineering Consultants</td>
</tr>
<tr>
<td>12040-4, Rev B</td>
<td>Site set out plan</td>
<td>11/2/2012</td>
<td>Magryn Engineering Consultants</td>
</tr>
<tr>
<td>12040-5, Rev B</td>
<td>Boat Ramp Plan and Sections</td>
<td>11/2/2012</td>
<td>Magryn Engineering Consultants</td>
</tr>
<tr>
<td>12040-6, Rev B</td>
<td>Boat ramp details</td>
<td>11/2/2012</td>
<td>Magryn Engineering Consultants</td>
</tr>
<tr>
<td></td>
<td>Stage II Application to Recreational Boating Facility Fund</td>
<td></td>
<td>Gary Brinkworth, Berri Barmera Council</td>
</tr>
</tbody>
</table>

2. Floodlighting shall be restricted to that necessary for security purposes and shall be directed and shielded in such a manner as to cause no light overspill and nuisance to adjacent land users.

   The following conditions are attached at the direction of the Environment Protection Authority:
3. Prior to undertaking the works herein approved, the Berri Barmera Council must provide a construction environmental management plan to the reasonable satisfaction of the Environment Protection Authority that includes the following detail:

   a) testing of the sediments to be excavated to determine the presence or absence of acid sulphate soils and a determination of the level of treatment necessary. The testing must be carried out by a suitably qualified environmental consultant and
the recommended treatment must be implemented
b) the method of transport of dredged material from the site (eg sealed truck to
ensure no potential for leakage)
c) specific disposal site (out of the flood plain/1956)
d) destination/management of dredged vegetative matter
e) management of dewatering (ie where and when), and
f) proximity of disposal of dredged material to the nearest sensitive receivers.

4. A silt curtain or similar device must be in place before and during the construction of the
coffer dam
5. A silt curtain or similar device must be in place before and during the removal of the coffer
dam to prevent sedimentation of the nearby water. The silt curtain must remain in place until
such time as the water quality (specifically turbidity) is equal to or of better quality than that
in the adjacent river.
6. Temporary measures must be undertaken to prevent erosion from worked edges. As an
addition to the use of roll-out turf, native riparian and emergent vegetation must be used to
stabilise sediment banks. Temporary measures may be removed after revegetation has
matured and is fully capable of stabilising banks

The following conditions are attached at the direction of the Department for Environment, Water and
Natural Resources:
7. During construction activities the property must be managed in a manner as to prevent
erosion and pollution of the subject site and the environment, including keeping the area in
a tidy state and ensuring any waste materials are appropriately contained to ensure no
pollutants (including excavation or fill material) enter the River Murray system.
8. Any excavation or fill material surplus to the requirements of the development must be
disposed of such that it will not:
   a) be located within the 1956 floodplain:
   b) adversely impact native vegetation;
   c) impede the natural flow of any surface waters;
   d) allow sediment to re-enter any water body;
   e) facilitate the spread of pest plant and pathogenic material.
9. Stormwater run-off from the structure must be managed to prevent erosion or pollution of
the site and the environment, and diverted away from wastewater disposal areas, such as
septic tanks and aerobic systems. Connection to a water storage tank would assist in
complying with this condition.

Notes:
The following notes are attached at the direction of the Environment Protection Authority:
1. The applicant is reminded of its general environmental duty, as required by Section 25 of
the Environment Protection Act, to take all reasonable and practicable measures to ensure
that the activities on the whole site, including during construction, do not pollute the
environment in a way which causes or may cause environmental harm.
2. An environmental authorisation in the form of a licence is required for the operation of this
development. The applicant is required to contact the Environment Protection Authority
before acting on this approval to ascertain licensing requirements.
3. A licence may be refused where the applicant has failed to comply with any conditions of
development approval imposed at the direction of the Environment Protection Authority.
4. Any information sheets, guidelines documents, codes of practice, technical bulletins etc.
that are referenced in this response can be accessed on the following web site:
http://www.epa.sa.gov.au
The following notes are attached at the direction of the Department for Environment, Water and Natural Resources:

5. The applicant is advised of their general duty of care under the River Murray Act 2003 to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.

6. If there is an intention to clear native vegetation on the land at any time, the applicant should consult the Native Vegetation Council to determine relevant requirements under the Native Vegetation Act 1991 and its Regulations. Note that ‘clearance’ means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal or trimming of branches, severing roots, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information contact the Native Vegetation Council on telephone 8303 9741 or visit: http://www.nvc.sa.gov.au.

7. The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or artefacts may be present on the subject land (eg. scarred trees, campsites, burial sites, middens, etc). Under section 20 of the Aboriginal Heritage Act 1988 (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act.

8. The applicant is strongly encouraged to incorporate locally indigenous plant species into any landscaping, screen planting or revegetation activities at the site to enhance the natural character of the locality, stabilise soils and provide habitat for native species. For information on appropriate species to be planted, please contact State Flora at Bremer Road, Murray Bridge on telephone 8539 2105, or within Belair National Park on telephone 8278 7777 or visit: http://www.stateflora.com.au.


Council notes:

10. The development must be substantially commenced within 12 months of the date of this Notification, unless this period has been extended by Council.

11. You are advised that any act or work authorised or required by this Notification must be completed within 3 years of the date of the Notification unless this period is extended by the Council.
Item 7.3  Development Application 752/D007/12–Berri Barmera Council

Application No: 752/d007/12
Relevant Authority: Berri Barmera Council
Applicant: Anderson Surveyors Pty Ltd on behalf of the Berri Barmera Council
Owner: Berri Barmera Council, P and H Logogiannis, D and T Singh
Description of development: Land division – Boundary Realignment – 3 allotments into 3.
Property details: Allotments 11, 14 and 15 DP26325, forming 67 Chilton Road, 63 Chilton Road and a portion of Alan Glassey Park, corner Chilton Road and Burgess Drive, Berri
Officer: Cheryle Pedler
File reference: 3.71.3, A6425, A6426, A6359

MOTION (RRDAP 132/13):
2. The Riverland Regional Development Assessment Panel determines that a Statement of Effect is not required for Development Application 752/D007/12, pursuant to Regulation 17(6)(c).
3. The Riverland Regional Development Assessment Panel determines that Development Application 752/D007/12 is not seriously at variance with the Berri Barmera Development Plan.
4. The Riverland Regional Development Assessment Panel determines to grant Development Plan Consent and Land Division Consent to Development Application 752/D007/12 subject to the following conditions and notes, and seek the concurrence of the Development Assessment Commission accordingly:
   1. Development is to take place in accordance with the supporting documentation and plans relating to Development Application Number 752/D007/12, except as modified by any conditions attached to this Decision Notification, specifically:

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<tr>
<th>Plan Number</th>
<th>Plan type</th>
<th>Dated</th>
<th>Prepared By</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwg R008012PROPrevB</td>
<td>Plan of Division</td>
<td>21/1/2013</td>
<td>Alexander &amp; Symonds</td>
</tr>
<tr>
<td>Statement of Support</td>
<td>March 2013</td>
<td>David Altmann, Development Answers</td>
<td></td>
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</tbody>
</table>

The following conditions are attached at the direction of the Department for Water, Environment and Natural Resources:
2. During any works or construction activities associated with the land division, the subject land must be managed to prevent erosion and pollution of the site and the environment, including keeping the area in a tidy state and ensuring any waste materials are appropriately contained, to ensure no pollutants (including excavation or fill material) enter the River Murray system. The preparation of a Soil Erosion and Drainage Management Plan or similar document may assist in complying with this condition.

Land Division Conditions:
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.
Notes
The following notes are attached at the direction of the Department for Water, Environment and Natural Resources:

1. The applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.

2. In accordance with section 144 of the *Natural Resources Management Act 2004*, the occupier of the land on which a well is situated must ensure that the well (including the casing, lining and screen of the well and any mechanism used to cap the well) is properly maintained. A permit is required from the Department of Environment, Water, and Natural Resources for any work to be carried out on a well or for new wells to be drilled. Information on specific wells can be obtained from [www.waterconnect.sa.gov.au/GD/](http://www.waterconnect.sa.gov.au/GD/).

3. If there is any use of water from the River Murray Prescribed Watercourse or wells that may be affected by the land division, or if it is intended to use water from these resources to service the new allotments, the interested parties should contact the Department of Environment, Water and Natural Resources to ensure relevant requirements under the *Natural Resources Management Act 2004* are met. Further, a permit is required from the Department for any work to be carried out on a well or for new wells to be drilled. For further information contact the Department on 8595 2053 or visit: [http://www.sa.gov.au/subject/Water%2C+energy+and+environment/Water/Water+use+for+irrigators/Water+licences+and+permits/Forms+for+water+licences](http://www.sa.gov.au/subject/Water%2C+energy+and+environment/Water/Water+use+for+irrigators/Water+licences+and+permits/Forms+for+water+licences).

4. If there is an intention to clear native vegetation on the land at any time, the applicant should consult the Native Vegetation Council to determine relevant requirements under the *Native Vegetation Act 1991* and its Regulations. Note that “clearance” means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal or trimming of branches, severing roots, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information contact the Native Vegetation Council on telephone 8303 9741 or visit: [http://www.nvc.sa.gov.au](http://www.nvc.sa.gov.au).

5. The applicant is encouraged to incorporate locally indigenous plant species into any landscaping, screen planting or revegetation activities at the site to enhance the natural character of the locality, stabilise soils and provide habitat for native species. For information on appropriate species to be planted, please contact State Flora at Bremer Road, Murray Bridge on telephone 8539 2105, or within Belair National Park on telephone 8278 7777 or visit: [http://www.stateflora.com.au](http://www.stateflora.com.au).

6. The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or artefacts may be present on the subject land (eg. scarred trees, campsites, burial sites, middens, etc). Under section 20 of the *Aboriginal Heritage Act 1988* (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act.
The following notes are attached at the direction of the Environment Protection Authority:

7. The applicant is reminded of its general environmental duty, as required by Section 75 of the Environment Protection Act, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

8. Any information sheets, guidelines documents, codes of practice, technical bulletins etc. that are referenced in this response can be accessed on the following web site: www.epa.sa.gov.au

Council notes:

9. The development must be substantially commenced within 12 months of the date of this Notification, unless this period has been extended by Council.

10. You are advised that any act or work authorised or required by this Notification must be completed within 3 years of the date of the Notification unless this period is extended by the Council.

11. You are further advised that following compliance with Council’s conditions, the Development Assessment Commission will be notified that the Council has no objections to the issue of the Certificate of Approval.

Mrs M Malthouse/Mr M Chown

Item 7.4 Development Application 752/D003/12 – Mr M Pickering

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<th>Application No:</th>
<th>752/D003/12</th>
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<td>Relevant Authority:</td>
<td>Development Assessment Commission</td>
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<tr>
<td>Applicant:</td>
<td>Anderson Surveyors Pty Ltd on behalf of Mr M Pickering</td>
</tr>
<tr>
<td>Owner:</td>
<td>MJ Pickering</td>
</tr>
<tr>
<td>Description of development:</td>
<td>Land division – 2 allotments into 6 allotments</td>
</tr>
<tr>
<td>Property details:</td>
<td>Allotments 41 and 42, DP76989, Goyder Highway, including 718 Queen Elizabeth Drive, Barmera.</td>
</tr>
<tr>
<td>Officer:</td>
<td>Cheryle Pedler</td>
</tr>
<tr>
<td>File reference:</td>
<td>3.71.3, A7565</td>
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</tbody>
</table>

MOTION (RRDAP 133/13):

1. The Riverland Regional Development Assessment Panel determines that Development Application 752/D003/12 is not seriously at variance with the Berri Barmera Development Plan.

2. The Riverland Regional Development Assessment Panel informs the Development Assessment Commission that it concurs with the decision to approve Development Application 752/D003/12, in accordance with the conditions and notes attached to their report, as follows:

1. That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and plans, including the amended plans as submitted in Development Application number 752/D003/12.

   Proposed Plan of Division Allotments 41 & 42 in D76989 Cobdogla Irrigation Area, in the area named BARMERA: CT 6009/767 & 6009/768: DWG No R003512PROPRevB, Plan Amended 12/07/2012

2. During any works or construction activities associated with the land division, the subject land must be managed to prevent erosion and pollution of the site and the environment, including
keeping the area in a tidy state and ensuring any waste materials are appropriately contained, to ensure no pollutants (including excavation or fill material) enter the River Murray system. The preparation of a Soil Erosion and Drainage Management Plan or similar document may assist in complying with this condition.

3. If a Cobdogla Irrigation Trust Inc domestic water supply is required for any of the proposed allotments, in addition to paying connection fees, 1 megalitre of water entitlement must be provided to the Cobdogla Irrigation Trust Inc to cover the annual water consumption of that allotment.

Advisory Notes:

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

b) The applicant is also advised that the final land division certificate must be obtained from the Development Assessment Commission to complete the development within 3 years of the date of the Notification unless this period is extended by the Commission.

c) The applicant will require a fresh consent before commencing or continuing the development if unable to satisfy these requirements.

d) The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval.

e) Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow.

f) The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0300).

g) Any proposed clearance of native vegetation will require consideration of the Regulations and consultation with and/or approval of the Native Vegetation Council.

h) The applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.

i) In accordance with section 144 of the Natural Resources Management Act 2004, the occupier of the land on which a well is situated must ensure that the well (including the casing, lining and screen of the well and any mechanism used to cap the well) is properly maintained. A permit is required from the Department of Environment, Water, and Natural Resources for any work to be carried out on a well or for new wells to be drilled. Information on specific wells can be obtained from www.waterconnect.sa.gov.au/GD/.

j) If there is any use of water from the River Murray Prescribed Watercourse or wells that may be affected by the land division, or if it is intended to use water from these resources to service the new allotments, the interested parties should contact the Department of Environment, Water and Natural Resources to ensure relevant requirements under the Natural Resources Management Act 2004 are met. Further, a permit is required from the Department for any work to be carried out on a well or for new wells to be drilled. For further information contact the Department on 8595 2053 or visit: http://www.sa.gov.au/subject/Water%2C+energy+and+environment/Water/Water+use+for+irrigators/Water+licences+and+permits/Forms+for+water+licences.

k) If there is an intention to clear native vegetation on the land at any time, the applicant should consult the Native Vegetation Council to determine relevant requirements under the Native Vegetation Act 1991 and its Regulations. Note that "clearance" means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal or trimming of branches, severing roots,
drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information contact the Native Vegetation Council on telephone 8303 9741 or visit: http://www.nvc.sa.gov.au.

l) The applicant is encouraged to incorporate locally indigenous plant species into any landscaping, screen planting or revegetation activities at the site to enhance the natural character of the locality, stabilise soils and provide habitat for native species. For information on appropriate species to be planted, please contact State Flora at Bremer Road, Murray Bridge on telephone 8539 2105, or within Belair National Park on telephone 8278 7777 or visit: http://www.stateflora.com.au.

m) The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or artefacts may be present on the subject land (eg. scarred trees, campsites, burial sites, middens, etc). Under section 20 of the Aboriginal Heritage Act 1988 (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act.

n) Regulations 39 and 39A of the Electricity (General) Regulations 1996 stipulate the requirements and distances that are to be kept between buildings and structures and both overhead and underground powerlines. The developer should be made aware of these regulations if it is proposed to erect buildings or structures near the powerlines. Any enquiries should be directed to the Office of the Technical Regulator (telephone: 8226 5500).

o) The registered easement marked B provides tenure for ElectraNets 132kV transmission line. No building or permanent structure can be placed on this easement. For temporary structures or storage of materials within this easement the regulations prescribe a horizontal safety clearance zone of 15 metres measured from the centre of the transmission line. Furthermore fences within this zone are restricted to 2.0 metres in height and must have access gates installed to allow heavy vehicle access along the entire length of the line. Restrictions on landscaping also exist and No storage of earthworks equipment (including huts) may occur within this easement.

p) The applicant is advised that Permits under section 221 of the Local Government Act 1999 are required for the approval of the construction and implementation of access from the subject allotments to land under Councils care and control.

q) A permit under the Local Government Act 1999 will be required for access to Queen Elizabeth Drive.

u) A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

Mrs R.L. Centofanti/Mr D Kanizay CARRIED
Item 7.5  Development Application 551/D005/13 - Mr Alex Harvey

<table>
<thead>
<tr>
<th>Application No:</th>
<th>551/D005/13</th>
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<td>Council:</td>
<td>DC of Loxton Waikerie</td>
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<tr>
<td>Relevant Authority:</td>
<td>DC Loxton Waikerie</td>
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<tr>
<td>Applicant:</td>
<td>Brooke Sidebottom Hennig &amp; Co Surveyors on behalf of Alex Harvey</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mr Alex Harvey</td>
</tr>
<tr>
<td>Description of development:</td>
<td>Land Division - 1 into 2 (excision of dwelling)</td>
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<td>Property details:</td>
<td>Sec 594 Hundred of Waikerie, CT 5542/802, Corner Oxford Landing Road &amp; Cadell Valley Road, Oxford Landing, Sundlands, Waikerie</td>
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<tr>
<td>Officer:</td>
<td>Graham MaclInnes</td>
</tr>
<tr>
<td>Reference:</td>
<td>5517465104</td>
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</table>

MOTION (RRDAP 134/13):

1. The Riverland Regional Development Assessment Panel determines that development application 551/D005/13 is not seriously at variance with the DC of Loxton Waikerie Development Plan.
2. The Riverland Regional Development Assessment Panel determines to grant development plan consent to Development Application 551/D005/13 subject to the following conditions, and seeks the concurrence of the Development Assessment Commission accordingly:
   1. Development is to take place in accordance with the supporting documentation and plans relating to Development Application Number 551/D005/13, except as modified by any condition attached to this Decision Notification.
   2. All existing buildings on or near proposed boundary lines are to be removed or made to comply with the building set backs as required by the Building Code of Australia.

The following conditions are attached at the request of the Department of Planning Transport and Infrastructure (Transport Services Division).

3. All access to/from Allotments 1 and 2 must be gained via the abutting local road network only. No direct access onto Cadell Valley Road shall be permitted.
4. The existing access adjacent the Cadell Valley Road/Oxford Landing Road junction shall be permanently closed.
5. No stormwater from this division shall be permitted to discharge on-surface to Cadell Valley Road. Additionally, any existing drainage of Cadell Valley Road must be accommodated in the development and any alterations to road drainage infrastructure as a result of this development shall be at the expense of the applicant.

DAC Conditions

6. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for land Division Certificate purposes.

Notes

1. No services are to traverse the boundaries of the proposed allotments unless adequate provisions are provided via appropriate easements.
2. The waste control system for the dwelling must be contained wholly within the proposed allotment and conform with the minimum setback requirements as detailed in the South Australian Health Commissions Standard for the Construction, Installation and Operation of
Septic Tank Systems in South Australia.
3. Access points to each allotment are to be located, constructed and maintained to Council standards. Note: Council standards require a 6m wide x 10m long x 150mm compacted depth crushed rock driveway. Prior to construction contact Council’s Infrastructure Department on 85848000.

Mr M Chown/Mrs R.L. Centofanti  CARRIED

Item 7.6 Development Application 753/065/2013- P & M Adamson

<table>
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<th>Application No:</th>
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<td>Applicant:</td>
<td>P &amp; M Adamson</td>
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<td>Owner:</td>
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<td>Description of development:</td>
<td>Carport (forward of dwelling)</td>
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<td>79 Pyap Street, Renmark</td>
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<td>Officer:</td>
<td>Brendan Fewster</td>
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<td>Reference:</td>
<td>A651</td>
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MOTION (RRDAP 136/13):
1. The Riverland Regional Development Assessment Panel determines that Development Application 753/065/2013 is not seriously at variance with the Renmark Paringa Council Development Plan.
2. The Riverland Regional Development Assessment Panel determines to refuse Development Plan Consent to Development Application 753/065/2013 for the following reasons:
   1) The design and siting of the proposed development would detract from the prevailing streetscape and adversely impact upon the amenity of the locality, contrary to the following Development Plan provisions:
      - Objective 1 and Principle of Development Control 6 & 9 of the Residential Zone;
      - Objective 1 and Principle of Development Control 4, 11, 19, 22, 23 & 24 of the General Section (Design and Appearance); and
      - Objective 1 and Principle of Development Control 14, 16, 17, 20 & 23 of the General Section (Residential Development).

Messrs D Kanizay/G Parsons  CARRIED

ITEM 8 OTHER BUSINESS:

ITEM 9 NEXT MEETING

The next scheduled meeting of the Panel is 8 August 2013.

ITEM 10 CLOSE: 2.10pm

Date: __________________________, 2013  Signed  __________________________

Mr B.G. Ballantyne
ITEM 5  DECLARATION OF INTEREST BY MEMBERS OF PANEL:

ITEM 6  HEARING OF REPRESENTATIONS:

ITEM 7  REPORTS:
**Item 7.1 Development application 753/016/2012 – R & P Dominic**

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<td>Owner:</td>
<td>R &amp; P Dominic</td>
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<tr>
<td>Description of development:</td>
<td>Construct domestic shed and associated landscaping</td>
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<td>Property details:</td>
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<td>Officer:</td>
<td>Brendan Fewster</td>
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<td>Reference:</td>
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**PROPOSED DEVELOPMENT:**

The application is for the construction of a shed that is be used for domestic storage associated with an existing dwelling on the land. The shed is to be located approximately 40 metres from the front (river side) boundary.

The shed measures 19.4 metres in length, 12 metres in width and 3.5 metres in height to the top of the walls. The total floor area of the building is 232.8m².

The building is designed with a pitched roof and Colorbond cladding that is finished in Dune colour (walls and roof) and Woodland Grey (doors and gutters). Landscaping is proposed adjacent to three sides of the shed.
SUBJECT LAND AND LOCALITY:

The subject land is situated between the River Murray to the north, Gurra Road to the south and Bookpurnong Road (Old Ferry Road) to the west.

The land is somewhat irregular in shape, with a total area of 7.28 hectares. While the natural topography of the land appears relatively flat, the natural contours of the land have been significantly altered on some parts of the site due to earthworks associated with the existing dwelling and unauthorised driveway access from Gurra Road.

The subject land is occupied by a two storey detached dwelling and associated buildings and structures that include a shed, rainwater tank, solar panels on a freestanding frame and a pontoon at the edge of the river.

The locality exhibits a high level of amenity that is influenced strongly by the River Murray and the natural form and character of surrounding land. Views of the subject land are readily available from the banks of the Berri Township on the northern side of the river.
RELEVANT AUTHORITY:

Schedule 10 of the Development Regulations 2008 prescribes the Development Assessment Commission as the decision-making authority for certain forms of development situated within the River Murray Flood Zone.

As the proposed building “will be used in conjunction with an existing or proposed dwelling”, the Council is the relevant authority in this case pursuant to Schedule 10, 9(2) of the Development Regulations 2008.

PUBLIC NOTIFICATION:

As the proposed shed would have a floor area greater than 54 square metres, a wall greater than 9 metres in length and a wall in excess of 3 metres in height, the proposal is a Category 2 form of development pursuant to Schedule 9, Part 2, 20 of the Development Regulations 2008.

One representation was received during the notification period from an adjoining resident. The representor has no objection to the development.

REFERRALS / AGENCY CONSULTATION:

The application has been referred to the Department for Water pursuant to Section 37 of the Development Act 1993. The Department has no objection to the proposed development as it is unlikely to result in any harm to the River Murray system. Council has been directed to attach four (4) conditions to any decision to grant approval.

The agency response is attached.

DEVELOPMENT PLAN ASSESSMENT:

The proposal is neither a complying nor non-complying form of development and must be considered on its merits against the relevant provisions of the Development Plan.

Land Use / Form of Development

River Murray Flood Zone
Objectives 8
Principles 1, 2, 17

General Section (Residential Development)
Objectives 1
Principles 18

The proposed shed is to be used by occupants of the existing dwelling for storage purposes. As the shed is ancillary to the existing dwelling, it would not change the residential use of the land. The proposal is therefore considered acceptable in land use terms.
Floor Area / Scale / Visual Impact

River Murray Flood Zone
Objectives 1, 3, 4
Principles 10, 16, 17, 18, 19, 23

General Section (Design and Appearance)
Objectives 1
Principles 1, 2, 4, 7, 11, 17, 18, 19, 20, 22, 23, 24

General Section (Residential Development)
Objectives 1
Principles 14, 16, 19, 20, 23

The proposed shed has a total floor area of 232.8 square metres. This is more than four times larger than the maximum floor area prescribed by PDC 18 and 19 of the River Murray Flood Zone, which seek to limit the size of domestic storage buildings to only 50 square metres. PDCs 16 and 17 also seek to limit the number of domestic storage buildings to either one garage or shed, or in the case of an elevated dwelling, a storage area beneath the dwelling. As there is a large storage shed already on the site, the proposal to construct a second shed of considerable size is at variance PDC 16 and 17 of the River Murray Flood Zone.

In terms of building height, PDC 19 requires that the walls of the building be no greater than 3 metres in height above ‘natural’ ground level. As the walls of the proposed building are 3.5 metres in height from floor level to the top of the wall, and the site of the shed is to be benched with approximately 500mm of fill, the walls would have a height of 4 metres above natural ground level. Therefore, the wall height is also at variance to the size parameters outlined in PDC 19.

It is clear that the size parameters for storage buildings within the Zone are intended to protect the natural features of the waterfront and the riverine environment against the visual impacts associated with large domestic buildings. While it is acknowledged that the shed is appropriately setback from the banks of the river and would stand adjacent to an existing two storey dwelling, the collective departures from the size parameters are such that the overall size and scale of the shed would not sufficiently conserve the amenity and natural features of the riverine environment, as required by Objective 3 of the River Murray Flood Zone.

Impact on Amenity

General Section (Residential Development)
Principles 10, 11, 12, 13

The subject land adjoins a residential property on the western side. As the proposed shed is sited approximately 40 metres from the nearest boundary of this adjoining property and includes landscaping along this side of the building, the amenity of nearest residential property would not be significantly affected.

Accordingly, it is considered that the proposed development would not adversely affect the amenity of surrounding residential properties, in terms of overshadowing or loss of outlook.
Vehicle Access

General Section (Transportation and Access)
Objectives 2, 4
Principles 8, 22, 23, 28, 30, 32, 33, 34

The proposed shed would be accessed from an existing unauthorised driveway that extends from the Gurra Road frontage to the site of the proposed shed and the existing dwelling. The driveway access is the subject of a separate application (753/054/2013).

Trees / Landscaping

The proposal includes landscape plantings adjacent to the north, south and west sides of the shed and comprises a mix of species with a mature growth height of up to 5 metres. While the proposed landscaping would soften and screen some of the building over time, it is considered that the proposed development relies too heavily upon such landscaping to minimise the visual impacts associated with the size and scale of the shed.

The proposal would not require the removal of any existing vegetation.

Flooding

River Murray Flood Zone
Objectives 1
Principles 4, 18, 22, 23

General Section (Hazards)
Objectives 1, 2, 4, 5
Principles 1, 2, 3, 4, 5

The subject land is located within the 1956 flood boundary, and therefore is susceptible to floodwaters. The roller door openings on the east and west sides of the building would ensure floodwaters are not impeded, as required by PDC 4 and 18 of the River Murray Flood Zone.

SUMMARY:

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal is significantly at variance with the relevant provisions of the Development Plan.

The height, size and scale of the shed would not sufficiently conserve and protect the natural features of the riverine environment and the amenity of the locality.

Accordingly, it is recommended that Development Plan Consent be refused.
RECOMMENDATION:

1. The Riverland Regional Development Assessment Panel determines that Development Application 753/016/2012 is not seriously at variance with the Renmark Paringa Council Development Plan.

2. The Riverland Regional Development Assessment Panel determines to refuse Development Plan Consent to Development Application 753/016/2012 for the following reasons:
   - The height, size and scale of the proposed development would not conserve or protect the natural features of the riverine environment or the character and amenity of the locality, contrary to the following Development Plan provisions:
     - Objective 3, 4 & 8 and Principle of Development Control 10, 16, 17, 18, 19 & 23 of the River Murray Flood Zone;
     - Objective 1 and Principle of Development Control 4, 11 & 19 of the General Section (Design and Appearance); and
     - Objective 1 and Principle of Development Control 14 of the General Section (Residential Development).
Item 7.2  Development application 753/054/2013 – R & P Dominic

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<td>Renmark Paringa Council</td>
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<td>Council</td>
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<tr>
<td>Applicant:</td>
<td>Mr R Dominic</td>
</tr>
<tr>
<td>Owner:</td>
<td>R &amp; P Dominic</td>
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<tr>
<td>Description of development:</td>
<td>Construct driveway access with associated fill activity</td>
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<tr>
<td>Property details:</td>
<td>Section 331 and 306 Gurra Road, Gurra Gurra</td>
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<td>Zone / Policy Area:</td>
<td>River Murray Flood Zone</td>
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<td>Development Plan provisions:</td>
<td>Renmark Paringa Development Plan consolidated 21 February 2013 River Murray Flood Zone Objectives 1, 3, 4, 8 Principles 1, 2, 4, 10, 11, 16, 17, 18, 19, 22, 23, 24 General Section Design and Appearance Objectives 1 Principles 1, 11, 17 Orderly and Sustainable Development Objectives 1, 2, 3, 4, 6 Principles 1, 4, 6 Transportation and Access Objectives 2, 4 Principles 8, 22, 23, 28, 30, 31, 32</td>
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<td>Brendan Fewster</td>
</tr>
<tr>
<td>Reference:</td>
<td>A4670</td>
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</table>

PROPOSED DEVELOPMENT:

The application is for the construction of a new driveway access in the form of fill that is up to 2.4 metres above natural ground level. A considerable amount of the fill is already in place on the land.

The proposed driveway extends from Gurra Road to the existing dwelling on the land.

SUBJECT LAND AND LOCALITY:

The subject land is situated between the River Murray to the north, Gurra Road to the south and Bookpurnong Road (Old Ferry Road) to the west.

The land is somewhat irregular in shape, with a total area of 7.28 hectares. While the natural topography of the land appears relatively flat, the natural contours of the land have been significantly altered on some parts of the site due to earthworks associated with the existing dwelling and unauthorised driveway access from Gurra Road.
The subject land is occupied by a two storey detached dwelling and associated buildings and structures that include a shed, rainwater tank, solar panels on a freestanding frame and a pontoon at the edge of the river.

The locality exhibits a high level of amenity that is influenced strongly by the River Murray and the natural form and character of surrounding land. Views of the subject land are readily available from the banks of the Berri Township on the northern side of the river.

**RELEVANT AUTHORITY:**

Schedule 10 of the Development Regulations 2008 prescribes the Development Assessment Commission as the decision-making authority for certain forms of development situated within the River Murray Flood Zone. As the proposed development “will be used in conjunction with an existing or proposed dwelling”, the Council is the relevant authority in this case pursuant to Schedule 10, 9(2) of the Development Regulations 2008.
PUBLIC NOTIFICATION:

As the proposed development is not listed as a Category 1 or 2 Development within Schedule 9 of the Development Regulations 2008 and is not considered to be of a minor nature, as outlined in Part 1 (2)(g) of Schedule 9, the application is assigned to Category 3 for public notification purposes.

One representation was received during the notification period from an adjoining resident. The representor has no objection to the development.

REFERRALS / AGENCY CONSULTATION:

The application has been referred to the Department for Water pursuant to Section 37 of the Development Act 1993. The Department has no objection to the proposed development as it is unlikely to result in any harm to the River Murray system. Council has been directed to attach four (4) conditions to any decision to grant approval.

The agency response is attached.

DEVELOPMENT PLAN ASSESSMENT:

The proposal is neither a complying nor non-complying form of development and must be considered on its merits against the relevant provisions of the Development Plan.

Visual Impact / Amenity

River Murray Flood Zone
Objectives 1, 3, 4
Principles 10, 11, 23

The proposal comprises the placement of considerable amounts of fill within a low-lying area of the River Murray Flood Zone for driveway access. PDC 11 of the River Murray Flood Zone seeks to ensure that driveways, access tracks and parking areas are designed with a maximum of 100 millimetres of fill. As the proposed fill would be 2.4 metres above natural ground level at its highest point, and extend for approximately 120 metres, the proposal is significantly at variance to this principle.

While the proposal includes landscaping to the sides of the driveway to soften the fill over time, such landscaping would not sufficiently minimise the visual impacts associated with amount and location of the proposed earthworks.

Accordingly, the amount of the fill being proposed and its siting within a low-lying and highly exposed area would not sufficiently conserve the amenity and natural features of the riverine environment, as required by Objective 3 of the River Murray Flood Zone.
Flooding / Natural Flows

River Murray Flood Zone
Objectives 1, 4
Principles 4

General Section (Hazards)
Objectives 1, 2, 4
Principles 1, 2, 3, 4, 5

The subject land is located within the 1956 flood boundary, and therefore is susceptible to floodwaters. Objective 1 and PDC 4 of the River Murray Flood Zone seek to prohibit development that is likely to impede the natural flow of floodwaters.

It is noted that two 250mm diameter pipes are proposed to be installed beneath the driveway as a means of allowing floodwaters to flow through to other parts of the site and adjoining land. Furthermore, the applicant has provided information pertaining to past floodwater activity and the effect of such floodwaters on the subject land.

While the pipes would allow for some flows beneath the driveway to the low-lying land on the eastern side, the applicant has not sufficiently demonstrated that the proposed development would not impede the natural flow path of floodwaters. Therefore, in the absence of a report from a Hydrological Engineer or the like confirming that natural floodwaters would not be impeded by the development, the proposal is considered to be at variance to Objective 1 and PDC 4 of the River Murray Flood Zone.

Vehicle Access

River Murray Flood Zone
Principles 10, 11

General Section (Transportation and Access)
Objectives 2, 4
Principles 8, 22, 23, 28, 30, 31, 32

The proposed driveway would provide vehicle access that extends from the Gurra Road frontage to the site of a proposed shed and the existing dwelling. The new driveway is in addition to the existing access arrangements from Bookpurnong Road (Old Ferry Road) that are near the north-western corner of the subject land. The proposal would not “minimise and limit vehicular access to be associated with the site”, and therefore is contrary to PDC 10 of the River Murray Flood Zone.

SUMMARY:

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal is significantly at variance with the relevant provisions of the Development Plan.
The amount and location of fill being proposed would not sufficiently conserve the amenity and natural features of the riverine environment. Furthermore, the proposed fill is likely to impede the natural flow path of floodwaters.

Accordingly, it is recommended that Development Plan Consent be refused.

RECOMMENDATION:

1. The Riverland Regional Development Assessment Panel determines that Development Application 753/054/2013 is not seriously at variance with the Renmark Paringa Council Development Plan.
2. The Riverland Regional Development Assessment Panel determines to refuse Development Plan Consent to Development Application 753/054/2013 for the following reasons:
   - The proposed development would not conserve or protect the natural features of the riverine environment or the character and amenity of the locality, contrary to Objective 3, 4 & 8 and Principle of Development Control 10, 11 & 23 of the River Murray Flood Zone;
   - The proposed development would impede the natural flow of floodwaters, contrary Objective 1 & 4 and Principle of Development Control 4 of the River Murray Flood Zone and Objective 1, 2 & 4 and Principle of Development Control 3, 4 & 5 of the General Section (Hazards).
ITEM 8 OTHER BUSINESS:

ITEM 9 NEXT MEETING

ITEM 10 CLOSE: