

THE BERRI BARMERA COUNCIL, DISTRICT COUNCIL OF LOXTON WAIKERIE, RENMARK PARINGA COUNCIL
MINUTES OF THE MEETING OF THE RIVERLAND REGIONAL ASSESSMENT PANEL HELD
THURSDAY FEBRUARY 21 2019 AT 1.30 PM AT THE
DISTRICT COUNCIL OF LOXTON WAIKERIE COUNCIL CHAMBER, 29 EAST TERRACE, LOXTON.

- ITEM 1 **WELCOME:**
Mr Ballantyne welcomed the Panel members and Council staff, and members of the public who were present.
- ITEM 2 **PRESENT:**
Panel members
Messrs B.G. Ballantyne, G.D. Parsons, J.B. McVicar, T.J. Norton, Ms J. Lewis
Council staff
Messrs D Grieve (Senior Development Officer – Planning, Berri Barmera Council), J. Hunt (Development Officer – Planning, District Council of Loxton Waikerie), R. Semrau (Principal Planner, Renmark Paringa Council), M.J. Somers (Manager, Environmental Services/Major Projects - Berri Barmera Council), Mrs D Stasinowsky (Administration Assistant, District Council of Loxton Waikerie) (minutes).
- ITEM 3 **APOLOGIES:**
Mrs C.G. Pedler
- ITEM 4 **CONFIRMATION OF MINUTES**
The minutes of the meeting held December 13 2018 are attached at appendix for members information and adoption.
MOTION (RRAP 040/19):
That the minutes of the meeting held December 13 2018 be taken as read and confirmed.
Messrs G.D. Parsons / J.B. McVicar **CARRIED**
- ITEM 5 **BUSINESS ARISING FROM THE PREVIOUS MINUTES**
Nil
- ITEM 6 **DECLARATION OF INTEREST BY MEMBERS OF PANEL:**
Nil
- ITEM 7 **HEARING OF REPRESENTATIONS:**
Nil
- ITEM 8 **REPORTS:**

Item 8.1 Development Application 551/209/18 – Stallard Meek Architects

Application No:	551/209/18
Council:	District Council of Loxton Waikerie
Relevant Authority:	District Council of Loxton Waikerie
Applicant:	Stallard Meek Architects
Owner:	Craig & Louise Thiel
Lodgement date:	September 11 2018
Description of development:	Two storey detached dwelling with garage and alfresco under main roof, in ground swimming pool, and demolition of existing dwelling
Property details:	Lot 251, 322 Ramco Road, Ramco, as contained in Certificate of Title Volume 5954 Folio 659
Officer:	Jordan Hunt
File reference:	551/209/18

MOTION (RRAP 041/19):

1. The Riverland Regional Assessment Panel determines that Development Application 551/209/18 is not seriously at variance with the Loxton Waikerie Development Plan.
2. The Riverland Regional Assessment Panel determines to grant Development Plan Consent to Development Application 551/209/18 subject to the following conditions and notes:

Council conditions:

1. Development is to take place in accordance with the supporting documentation and plans relating to Development Application Number 551/209/18, except as modified by any conditions attached to this Decision Notification, specifically:

<i>Plan type</i>	<i>Reference</i>	<i>Dated</i>	<i>Received</i>	<i>Prepared By</i>
Site Plan, Demolition Plan and Roof Plan	SK100	19/12/18	19/12/18	Applicant
Floor Plans	SK200	30/01/19	30/01/19	Applicant
Elevations Plan	Sk300	30/01/19	30/01/19	Applicant

2. Stormwater run-off from all roof drainage systems to be directed to a storage tank or tanks. Overflow from the tank/s to be contained on site or directed to Councils stormwater system to the satisfaction of Council. Stormwater retained on site shall be managed in a manner as to prevent erosion or pollution of the site and be diverted away from wastewater disposal areas and buildings.
3. A rainwater tank of at least 5,000 litres and intended exclusively for domestic use associated with the dwelling is to be plumbed throughout the dwelling.
4. Landscaping shall be established upon the land within three (3) months of the completion of construction of the dwelling as shown, to the satisfaction of Council.
5. The landscaping shall be planted in accordance with the approved plans, and provided with an automatic watering system to promote continued growth and survival. Further, the applicant or the persons for the time being making use of the subject land shall cultivate, tend and nurture the landscaping, and shall replant any landscaping which may become diseased or die.

DEW Conditions

6. During construction activities the property must be managed in a manner as 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.
7. Any fill material brought to the site must be clean and not contaminated by construction or demolition debris, industrial or chemical matter, or pest plant or pathogenic material.
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 or pathogenic material.
9. Stormwater runoff from the dwelling 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 water storage tanks would assist in complying with this condition.

Notes:

1. The development must be substantially commenced within 12 months of the date of this Notification, unless this period has been extended by Council.
2. You are advised that any act or work authorised or required by this Notification must be completed within three years of the date of the Notification unless this period is extended by the Council.
3. The applicant is reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practical 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.
4. A Wastewater works approval will be required prior to the issue of Development Approval.

The following notes are attached at the request of the Department for Environment and Water:

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, which may include the provision of a Significant Environmental Benefit. 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 9777 or visit: <http://www.nvc.sa.gov.au>
7. 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>.
8. If the applicant wishes to use water (other than for firefighting purposes) from the River Murray Prescribed Watercourse or wells, then they may be required to apply to the Department for Environment and Water (DEW) for a water licence, pursuant to the Natural Resources Management Act 2004. Further, a permit is required for any work to be carried out on a well or for new wells to be drilled. For further information contact the DEW Water Licensing Branch on telephone 8595 2053 or visit <http://www.environment.sa.gov.au/licences-and-permits/water-licence-and-permit-forms>.
9. The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or remains may be present on the subject land. 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.

10. This approval does not obviate any considerations that may apply to *the Environment Protection and Biodiversity Conservation Act 1999* (Cth). For further information visit: <http://www.environment.gov.au/epbc>.

Mr J.B. McVicar / Ms J. Lewis **CARRIED**

Item 8.2 Development application 551/276/18 – Riverland Steel Supplies

Application No:	551/276/18
Council:	District Council of Loxton Waikerie
Relevant Authority:	District Council of Loxton Waikerie
Applicant:	Riverland Steel Supplies
Owner:	Allan & Lutgarda Matthiessen
Lodgement date:	22 November 2018
Description of development:	Carport attached to dwelling
Property details:	6 Reginald Street, Loxton, as contained in Certificate of Title Volume 6029 Folio 684
Officer:	Jordan Hunt
File reference:	551/276/18

MOTION :

1. The Riverland Regional Assessment Panel determines that Development Application 551/276/18 is not seriously at variance with the Loxton Waikerie Development Plan.
2. The Riverland Regional Assessment Panel determines to REFUSE Development Plan Consent to Development Application 551/276/18, for the following reasons:
 - 2.1 The application is at variance with
 - Objective 1 and Principle of Development Control 21 of the Design and Appearance - General Module in that the design is not of a high architectural standard, and that the proposed front setback distance is not compatible with the surrounding allotments and will likely create detrimental impacts on the locality;
 - Principle of Development Control 16 of the Residential Development - General Module in that the proposed carport will not have a roof form or pitch which matches the existing dwelling;
 - Principle of Development Control 17 (a), of the Residential Development - General Module in that due to the positioning of the proposed carport, that it will likely dominate the streetscape;
 - Principle of Development Control 22 (a) (d) (e) of the Residential Development - General Module in that the proposal will not contribute to the desired character of the area, will be dominate to the streetscape, and will not be setback in alignment with the existing dwelling;
 - Principle of Development Control 9 of the Residential Zone in that the proposal cannot meet with the minimum front setback distance.

Mr G.D. Parsons

Motion lapsed for want of a seconder

MOTION (RRAP 042/19):

1. The Riverland Regional Assessment Panel determines that Development Application 551/276/18 is not seriously at variance with the Loxton Waikerie Development Plan.
2. The Riverland Regional Assessment Panel determines to grant Development Plan Consent to Development Application 551/276/18, subject to the following conditions:
 - 2.1 Development is to take place in accordance with the supporting documentation and plans relating to Development Application 551/276/18 except as modified by any conditions attached to this Decision Notification, specifically:

<i>Plan Type</i>	<i>Reference</i>	<i>Dated</i>	<i>Received</i>	<i>Prepared By</i>
Site Plan	Amended Plan	-	15/01/19	Applicant
Elevations Plan	Amended Plan	-	15/01/19	Applicant
Roof Plan	OQ551388	07/11/18	15/01/19	Applicant
Design Specifications	OQ551388	14/11/18	22/11/18	Applicant

- 2.2 The roof, posts, guttering and trim of the proposed development be constructed of similar materials, or painted to match or complement the paintwork of the principal dwelling.
- 2.3 At all times the carport approved herein is not to be enclosed around its perimeter with any solid cladding or doors.
- 2.4 Stormwater run-off from all roof drainage systems to be directed to a storage tank or tanks. Overflow from the tank/s to be contained on site or directed to Councils stormwater system to the satisfaction of Council. Stormwater retained on site shall be managed in a manner as to prevent erosion or pollution of the site and be diverted away from wastewater disposal areas and buildings.

Mr J.B. McVicar / Ms J. Lewis **CARRIED**

Item 8.3 Development application 551/D023/18 – Mr B Steinert

Application No:	551/D023/18
Council:	District Council of Loxton Waikerie
Relevant Authority:	District Council of Loxton Waikerie
Applicant:	Brad Steinert c/- Pinksterboer Property
Owner:	Brad Steinert
Lodgement date:	02/11/18
Description of development:	Land Division (1 allotment into 14 allotments)
Property details:	55 Playford Road, Sunlands, as contained in Certificate of Title Volume 5598 Folio 99
Officer:	Jordan Hunt
File reference:	551/D023/18

MOTION (RRAP 043/19):

The Riverland Regional Assessment Panel determines to REFUSE to proceed with an assessment of Development Application 551/D023/18 pursuant to section 39(4)(d) of the *Development Act 1993* and Regulation 17(3)(a) of the *Development Regulations 2008* for the following reason:

1. The application is a non-complying form of development that is considered to be at variance to the intent of the Objectives and Principles of Development Control contained in the Loxton Waikerie Development Plan such that it does not warrant a merits assessment.

Messrs G.D. Parsons / T.J. Norton **CARRIED**

Item 8.4 Development application 551/D024/18 – KC & JS Scroop

Application No:	551/D024/18
Council:	District Council of Loxton Waikerie
Relevant Authority:	District Council of Loxton Waikerie
Applicant:	KC & JS Scroop c/- Alexander & Symonds Pty Ltd
Owner:	Kenneth & Joylene Scroop
Lodgement date:	05/12/18
Description of development:	Land Division (1 allotment into 3 allotments)
Property details:	Lot 100, 1585 Lowbank Road, Holder Siding, as contained in Certificate of Title Volume 6053 Folio 605
Officer:	Jordan Hunt
File reference:	551/D024/18

MOTION (RRAP 044/19):

The Riverland Regional Assessment Panel resolves to determine to proceed with an assessment pursuant to the *Development Act 1993 and Regulation 17(3)(b) of the Development Regulations 2008*.

Messrs J.B. McVicar / T.J. Norton

CARRIED

Item 8.5 Development application 753/048/18 – Mark Yates

Application No:	753/048/18
Relevant Authority:	Renmark Paringa Council
Applicant:	Mark Yates
Owner:	BT & SJ Lambert
Lodgement date:	6 April 2018
Description of development:	Solar Farm – ground mounted solar panels on tilt frames
Property details:	93 Paroo Street, Renmark, as contained in Certificate of Title Volume 5401 Folio 342
Officer:	Ralph Semrau
File reference:	A1943

MOTION (RRAP 045/19):

- Pursuant to Section 35(2) of the Development Act 1993, the proposal is NOT considered to be seriously at variance with the relevant provisions of the Renmark Paringa Council Development Plan (consolidated - 31 October 2017).
- The Environment, Resources and Development Court be advised that the Riverland Regional Assessment Panel CONSENTS to Order being granted by the Council to resolve ERD Appeal ERD-18-245 on the basis that Development Plan consent be granted to the compromise proposal provided for Development Application No. 753/048/18 subject to the following conditions:

Council conditions:

- Development is to take place in accordance with the supporting documentation and plans relating to Development Application Number 753/048/18, except as modified by any conditions attached to this Decision Notification, specifically:

<i>Plan type</i>	<i>Reference</i>	<i>Dated</i>	<i>Received</i>	<i>Prepared By</i>
Site Plan	A-101	31/1/19	31/1/19	Potato Graphick
Fence Elevation Drawing		31/1/19	31/1/19	Potato Graphick

- The solar panels must be constructed of anti-reflective glass to assist in the prevention of glare impacting surrounding land users, occupiers and traffic.

3. The fencing must be constructed to 2.1 metres in height and must be in a Pale Eucalypt Colorbond finish. The fencing must be erected in conjunction with the solar panels being erected on the land, in order to provide an immediate visual barrier and security for the development.
4. All components of the development including the fence must be maintained in good appearance and condition at all times.
5. The vegetation in and around the site of the solar panels must be properly maintained so the vegetation does not present a fire risk throughout the year.
6. A construction environmental management plan must be provided, to Council's satisfaction, prior to works commencing, so as to limit impact from the construction of the proposed development on adjoining owners and occupiers.
7. The fencing as shown on the plans and referenced in Condition 1 must be properly maintained with any panels that are damaged being replaced or repainted as required, to the satisfaction of Council.
8. The applicant/owner is required to comply with obligations under the Electricity Act 1996, in accordance with the declaration made by the applicant – please also note advice from the Technical Regulator that states (where applicable), that any generator with a rated nameplate output of more than 100kVA requires a generation licence from ESCOSA.
9. Landscaping must be densely planted to the public road side of the Colorbond fencing in a suitable drought tolerant species to the satisfaction of Council within five years of the construction of the fence. All plants are to be maintained to the satisfaction of Council.

The following conditions are attached at the direction of the Department for Environment and Water:

10. 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.
11. Any fill material brought to the site must be clean and not contaminated by construction or demolition debris, industrial or chemical matter, or pest plant or pathogenic material.
12. 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. Impede the natural flow of any surface waters;
 - c. Allow sediment to enter any water body;
 - d. Adversely impact native vegetation;
 - e. Facilitate the spread of pest plant and pathogenic material.
13. Stormwater run-off from any hard surfaced areas associated with the development must be managed to prevent erosion or pollution of the site and the environment.

Council Notes:

- a) The development must be substantially commenced within 12 months of the date of this Notification, unless this period has been extended by Council.
- b) You are advised that any act or work authorised or required by this Notification must be completed within three years of the date of the Notification unless this period is extended by the Council.
- c) Building work must not be commenced until Provisional Building Rules Consent and Development Approval is granted.
- d) The applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practical 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.
- e) The FX Plan 254152 attached to the Lease is not part of this application.

Notes as requested by the Department for Environment and Water:

- f) 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.

- g) If there is any 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, which may include the provision of a Significant Environment Benefit. 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 9777 or visit: <http://www.stateflora.sa.gov.au>
- h) 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.sa.gov.au>
- i) The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or remains may be present on the subject land. 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.
- j) This approval does not obviate any considerations that may apply to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC). For further information visit: <http://www.environment.gov.au/epbc>

Item 8.6 Development Application 753/D015/17 – Rover

Application No:	753/D015/17
Council:	Renmark Paringa Council
Relevant Authority:	Renmark Paringa Council
Applicant:	C Rover
Owner:	C Rover
Lodgement date:	29 June 2017
Description of development:	Land division (1 into 2)
Property details:	266 Lindsay Point Road, Wonuarra Section 13 Hundred of Paringa
Officer:	Ralph Semrau
File reference:	753/D015/17

MOTION (RRAP 046/19):

- 1 The Riverland Regional Assessment Panel determines that pursuant to Section 35(2) of the Development Act, Development Application 753/D015/17 is not seriously at variance with the Renmark Paringa Development Plan.
- 2 The Riverland Regional Assessment Panel, pursuant to Section 33 of the Development Act, determines to grant Development Plan and Land Division Consent to Development Application 753/D015/17 by Rover, for land division at 266 Lindsay Point Road, Wonuarra, Section 13 Hundred of Paringa, subject to the CONCURRENCE of the State Planning Commission and subject to the following conditions:
 1. Development is to take place in accordance with the supporting documentation and amended Plan of Division (dated 11/1/2019) relating to Development Application Number 753/D015/17, except as modified by any conditions attached to this Decision Notification.

Council

2. The waste control system for the dwelling must be contained wholly within the proposed allotment and conform to the minimum boundary setback requirement as detailed in the South Australian Health Commission Standard for the Construction, Installation and Operation of Septic Tank Systems in South Australia.

State Commission Assessment Panel

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.

Ms J. Lewis / Mr T.J. Norton **CARRIED**

ITEM 9 OTHER BUSINESS:

ITEM 10 NEXT MEETING:

The next scheduled meeting of the RRAP is March 21 2019.

ITEM 11 CLOSE:

Date: _____, 2019 Signed _____

Mr B.G. Ballantyne