ITEM 1  WELCOME:
Mr BG Ballantyne welcomed Panel members, staff and visitors to the meeting.

ITEM 2  PRESENT:
Independent members: Mr BG Ballantyne, Mr G Parsons, Ms E Anspach
Council members: Mrs RL Centofanti, Mrs M Malthouse, Mr M Chown
Council Staff: Messrs GS MacInnes (Planning Officer), Mr David Altmann (Planning Consultant)
DC Loxton Waikerie, Ms S Jardine (Renmark Paringa Council Town Planner), Mrs CG Pedler
(Berri Barmera Council Development Officer – Planning) and Miss Susie Jaeschke
(Administration Officer – DC Loxton Waikerie).

ITEM 3  APOLOGIES:
Ms R Perkin

ITEM 4  CONFIRMATION OF MINUTES
MOTION (RRDAP 172/14):
That the Minutes of the Meeting held on 13 March 2014 be taken as read and confirmed.
Mrs R Centofanti / Mr M Chown  CARRIED

ITEM 5  BUSINESS ARISING FROM THE MINUTES
Minutes of the meeting held 13 February 2014
The Development Assessment Commission has granted concurrence to Development
Application 551/D007/13.

ITEM 6  DECLARATION OF INTEREST BY MEMBERS OF PANEL:
The Presiding Member acknowledged a declared conflict of interest by Mrs M Malthouse in
respect of Item 8.1.

ITEM 7  HEARING OF REPRESENTATIONS:
A hearing of representations was held in respect of Item 8.1.

ITEM 8  REPORTS:
Item 8.1 Development Application 551/0005/13 – A-Culture Holding Pty Ltd

<table>
<thead>
<tr>
<th>Application No:</th>
<th>551/0005/13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Authority:</td>
<td>District Council of Loxton Waikerie</td>
</tr>
<tr>
<td>Applicant:</td>
<td>A-Culture Holding Pty Ltd</td>
</tr>
<tr>
<td>Owner:</td>
<td>District Council of Loxton Waikerie</td>
</tr>
<tr>
<td>Description of development:</td>
<td>Prawn and fin fish farm, hatchery, grow out and processing facility, comprising of three stages (land based Aquaculture)</td>
</tr>
<tr>
<td>Property details:</td>
<td>Lot 37 in DP89736, Hundred Holder, Government Road, Waikerie east</td>
</tr>
<tr>
<td>Officer:</td>
<td>Graham MacInnes, Planning Officer and David Altmann, Consultant Planner</td>
</tr>
</tbody>
</table>

Mrs M Malthouse left the meeting at 1:35 pm as she declared a conflict of interest, due to her involvement as an Elected Member of the District Council of Loxton Waikerie.

Messrs Tom Loffler and Milton Pietsch – representors, addressed the Panel. Mr Richard Forgan responded on behalf of the applicant.

**MOTION (RRDAP 173/14):**
1. The Riverland Regional Development Assessment Panel determines that pursuant to Section 35(2) of the Development Act, Development Application 551/0005/13 is not seriously at variance with the Loxton Waikerie Development Plan.
2. The Riverland Regional Development Assessment Panel, pursuant to Section 33 of the Development Act, determines to grant Development Plan Consent to Development Application 551/0005/13 by A-Culture Holding Pty Ltd, for a prawn and fin fish farm, hatchery, grow out and processing facility, comprising three stages (land based Aquaculture) at Lot 37 in DP89736, Hundred Holder, subject to the following Reserved Matters being satisfied and subject to the following conditions:

Reserved matter

That pursuant to Section 33(3) of the Development Act 1993, the applicant shall submit the following additional information for further assessment by the Development Assessment Panel (or its delegate) prior to Development Approval of the application:

- The final design details (layout, floor plans, elevations), materials of construction and external finishes for each building type, and also provision of a detailed landscape plan.

Conditions

1. Development is to take place in accordance with the supporting documentation and plans relating to Development Application Number 551/0005/13, except as modified by any conditions attached to this Decision Notification, specifically:
### Document/plans

<table>
<thead>
<tr>
<th>Document/plans</th>
<th>Dated</th>
<th>Prepared By</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Application Report, A-Culture Holding Pty Ltd</td>
<td>January 2013, as updated February 2014 regarding information provided to the EPA dated October 2013</td>
<td>A-Culture Holding Pty Ltd</td>
</tr>
<tr>
<td>Additional information, provided to the EPA.</td>
<td>October 2013</td>
<td>A-Culture Holding Pty Ltd</td>
</tr>
<tr>
<td>EPA referral advice</td>
<td>December 2013</td>
<td>EPA</td>
</tr>
</tbody>
</table>

2. The forming of internal roads, car parking areas and drains must be designed in accordance with the requirements of the District Council of Loxton Waikerie. All infrastructure works shall be approved by the Council prior to Development Approval being granted for each stage of the development and be constructed prior to the use of each stage the development. All costs shall be met by the applicant.

3. That the landscaping shown on the plans forming part of the application shall be established prior to the operation of the development and shall be maintained and nurtured at all times with any diseased or dying plants being replaced.

### EPA Conditions

1. Wastewater lagoons and evaporation pans must achieve a maximum permeability of $1 \times 10^{-9}$.
2. Leak detection must be installed on the sedimentation ponds at the time of construction.
3. The construction of the lagoons and the installation of the liners including sealant must be undertaken by a suitably qualified person to undertake such works and must be installed to the manufacturer's specifications.
4. On completion of the various lagoons an 'As Constructed Report' must be developed and submitted to the reasonable satisfaction of the EPA. This report must include details of the leak detection installation and the guaranteed service life of all components.
5. All tanks and vessels containing chemicals, wastewater or wastes must be contained within a bund, as follows:
   - The bund must be capable of containing a minimum of 120% of the largest tank located within the bund
   - The bund floor and walls must be integral and must be built of material impervious to the contents of any tank within the bund
   - The bund must be of sufficient strength and structural integrity to ensure that it is unlikely to burst or leak in ordinary use, and should not have a damp course
   - The floor must be graded in such a way that liquids collect in the blind sump, to make it easy to remove liquids.

### Minister for River Murray Conditions

1. 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.
2. 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.
3. Any excavation or fill material surplus to the requirements of the development must be disposed of such that it will not:
   - Be located within the 1956 floodplain
   - Adversely impact native vegetation
• Impede the natural flow of any surface waters
• Allow sediment to re-enter any water body
• Facilitate the spread of pest plant and pathogenic material

4. Stormwater run-off from buildings on site 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.

Council notes

• The development must be substantially commenced within 12 months of the date of this Notification, unless this period has been extended by Council.
• 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.
• Separate approvals will be required (at the Building Rules/Development Approval stage) under the SA Public Health Act (and any related legislation) for on-site effluent disposal, prior to the commissioning of such.

EPA notes

• 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.
• An environmental authorisation in the form of a licence is required for the operation of the fish processing. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements.
• 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.
• A separate licence is required from PIRSA for the aquaculture facility.
• 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

Minister for River Murray notes

• 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.
• 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.

- 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 9741 or visit http://www.nvc.sa.gov.au.

- 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.

- 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.

SA Murray Darling Basin NRM Board note

- The applicant is reminded of their statutory duty to destroy or control animals and plants on their property. Mr M Chown / Mr G Parsons CARRIED

Mrs M Malthouse returned to the meeting at 2-20 pm.
Item 8.2  Development Application 753/034/14 – Ericsson – C/- Visionstream

<table>
<thead>
<tr>
<th>Application No:</th>
<th>753/034/2014</th>
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<tr>
<td>Council:</td>
<td>Renmark Paringa Council</td>
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<tr>
<td>Relevant Authority:</td>
<td>Council</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Ericsson C/- Visionstream</td>
</tr>
<tr>
<td>Owner:</td>
<td>C, J, P &amp; J Nikou</td>
</tr>
<tr>
<td>Description of development:</td>
<td>Construction of a telecommunications facility comprising a 35 metre high monopole, antennas, outdoor cabinets, ancillary equipment and security fencing.</td>
</tr>
<tr>
<td>Property details:</td>
<td>72 Brewarrina Street, Renmark North</td>
</tr>
<tr>
<td>Officer:</td>
<td>Sharon Jardine</td>
</tr>
<tr>
<td>Reference:</td>
<td>A1742</td>
</tr>
</tbody>
</table>

MOTION (RRDAP 174/14):
2. The Riverland Regional Development Assessment Panel determines to grant Development Plan Consent to Development Application 753/034/2014 subject to the following conditions:
   1. Development must take place and be maintained in accordance with the supporting documentation relating to Development Application 753/034/2014 except as modified by any conditions attached to this Decision Notification.
   2. The buildings and structures hereby approved shall be maintained in good repair, kept tidy and free of graffiti at all times.
   3. During construction 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.
   4. 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.
   5. Stormwater run-off from the facility must be managed to prevent erosion or pollution of the site and the environment.

Notes
- 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.
- 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
- 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.

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- 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 M Chown / Mrs R Centofanti CARRIED

ITEM 9 OTHER BUSINESS:
Item 9.1 - Annual Report
MOTION (RRDAP 175/14):
1. That the Annual Report 2013 be adopted.
2. That the Report be forwarded to the constituent Councils for their information.

Mr M Chown / Mrs M Malthouse CARRIED

ITEM 10 NEXT MEETING:
The next meeting is scheduled for 8 May 2014.

ITEM 11 CLOSE:
2-25 pm.

Date: ___________________________ 2014 Signed ________________________________

Mr BG Ballantyne

The Berri Barmera Council, District Council of Loxton Waikerie, Renmark Paringa Council
Minutes of the meeting of the Riverland Regional Development Assessment Panel, to be held on Thursday 10 April 2014.
RIVERLAND REGIONAL DEVELOPMENT ASSESSMENT PANEL
ANNUAL REPORT – 2013

The Berri Barmera Council, District Council of Loxton Waikerie and Renmark Paringa Council in 2010 established the Riverland Regional Development Assessment Panel in accordance with the provisions of Section 34 of the Development Act 1993 as amended. The Panel commenced operation on January 2010. The Panel as required by the Act comprises four Independent members one of which was the Presiding Member and three Council members.

In 2013 the Riverland Regional Development Assessment Panel comprised:

- Mr Bruce Ballantyne as the Independent Presiding Member.
- Ms Rebecca Perkin, Mr Geoff Parsons and Mr David Kanizay the three Independent Members.
- Mrs Margaret Malthouse (appointed by the District Council of Loxton Waikerie), Mrs Rhonda Centofanti (Berri Barmera Council) and Mr Mark Chown (Renmark Paringa Council) as the three Elected Members.

Mr Geoff Parsons is appointed by the Panel as the Deputy Presiding Member.

Mr David Beaton Chief Executive Officer Berri Barmera Council is appointed the Public Officer for the Panel.

The Panel operates in accordance with the relevant provisions of the Development Act 1993 and Development Regulations 2008. In so far as the procedures for the Panel are not prescribed in the Act and Regulations and the Terms of Reference the Panel can determine its own procedures. To this effect The Panel at its meeting held on the 16 March 2012 adopted its current Operating and Meeting Procedures, a copy of this document was placed before the three Councils for their information.

Under Section 34 subsection (18a) of the Development Act 1993 the Panel may “as it thinks fit, provide advice and reports to any Council on trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of applications under this Act.”

The following report provides information to the Council on:

- The activities of the Panel for 2013, including information on the number of applications brought to the Panel for determination and other relevant statistical information and
- Planning or development issues which the Panel wishes to bring to the attention of Council.
1. STATISTICAL DATA ON PANEL ACTIVITIES AND DEVELOPMENT APPLICATIONS

The statistical data collected is for 2013

Number of Panel meetings held = 9

<table>
<thead>
<tr>
<th>PANEL MEMBERS NAME</th>
<th>ATTENDANCE</th>
<th>RECORD</th>
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</thead>
<tbody>
<tr>
<td>Bruce Ballantyne</td>
<td>9</td>
<td></td>
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<tr>
<td>Rhonda Centofanti</td>
<td>8</td>
<td></td>
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<tr>
<td>Mark Chown</td>
<td>7</td>
<td></td>
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<tr>
<td>Margaret Malthouse</td>
<td>9</td>
<td></td>
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<tr>
<td>Geoff Parsons</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>David Kanizay</td>
<td>7</td>
<td></td>
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<tr>
<td>Rebecca Perkin</td>
<td>5</td>
<td></td>
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Number of development application reports received = 31

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<tr>
<th>BREAK DOWN OF DECISIONS / RECOMMENDATIONS</th>
<th>NUMBER OF APPLICATIONS</th>
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<tbody>
<tr>
<td>Approved</td>
<td>23</td>
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<tr>
<td>Refused</td>
<td>2</td>
</tr>
<tr>
<td>Concurrence granted</td>
<td>3</td>
</tr>
<tr>
<td>Deferred</td>
<td>3</td>
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<tr>
<td>Non-complying (Included in above)</td>
<td>6</td>
</tr>
<tr>
<td>Non Complying: To Proceed</td>
<td>4</td>
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<td>Consent: To Proceed</td>
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<table>
<thead>
<tr>
<th>TYPES OF DEVELOPMENT</th>
<th>NUMBER OF DEVELOPMENT APPLICATIONS</th>
<th>COMPRISING</th>
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<tbody>
<tr>
<td>Commercial and Industrial</td>
<td>13</td>
<td>Waste facilities, accommodation, storage, sporting facilities, restaurant additions, telecommunication facility, boat ramps.</td>
</tr>
<tr>
<td>Residential</td>
<td>2</td>
<td>Domestic sheds</td>
</tr>
<tr>
<td>Land Division</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Rural</td>
<td>5</td>
<td>Rural living, farming</td>
</tr>
</tbody>
</table>
There were no Appeals made to the Environment Resources and Development Court.

2. PLANNING AND DEVELOPMENT ISSUES AND RELEVANT MATTERS

During the Panel’s consideration of development applications there were issues which arose and in the opinion of the Panel should be brought to the attention of the Riverland Councils. This information may assist the Riverland Councils in their strategic planning and in particular consideration of amendments their Development Plans.

1. There have been several instances where old fruit processing facilities (or similar industrial buildings) have been proposed for re-use, but they are situated in primary production or horticultural zones. They are often substantial structures well connected to the various components of infrastructure. It seems the Riverland Councils are now receiving development applications for the re-use of these buildings with other industries not directly associated with horticulture or primary production. The applications are generally classified as a non-complying form of development. The Riverland Councils could give consideration to identifying these sites within their districts and providing site specific policies within their Development Plans that encourage the adaptive re-use of those facilities by permitting some suitable forms of general industry, light industry or commercial activities not associated with horticulture or primary industry.

2. There have been recent development applications before the Panel for fruit pickers / workers accommodation. The applications have been in township and rural locations. Whilst there is a need for this form of accommodation there did not appear to be any policy guidance in the Development Plans to indicate desired locations for such a use or how it should be carried out.

3. Again the issue of rural land division (in particular the excision of dwellings) is a matter which comes before the Panel each year and is of some concern. Whilst it is noted that each Council has attempted to address this issue through the use of primary production and horticultural modules in the SA Planning Policy Library to amend its Development Plans this has not generally given sufficient guidance to the Panel when considering such development applicants. The Riverland Councils may wish to raise this matter with the relevant government department or the State Government to amend their policies contained in the SA Planning Policy Library.

The Panel expresses its appreciation to the Berri Barmera Council, District Council of Loxton Waikerie and Renmark Paringa Council elected members and in particular the planning staff who have done an excellent job in assessing the development applications that are presented to the Panel. They have provided detailed and comprehensive advice which assists the Panel in its deliberations.

Each year one of the three Councils accepts responsibility to manage the affairs of the Panel, for 2013 it was the Berri Barmera Council and as such Council’s Cheryle Pedler provided to the Panel valued assistance.

The Panel has endeavoured at all times to assist applicants, persons making representations, and the general public in understanding the decision making process and how the final outcomes were arrived at.
This report is submitted to The Berri Barmera Council, District Council of Loxton Waikerie and Renmark Paringa Council by the Presiding Member on behalf of the members of the Riverland Regional Development Assessment Panel.

BRUCE BALLANTYNE
PRESIDING MEMBER