



MINUTES

Council Assessment Panel Meeting

(Subject to confirmation)

22 October 2019

**MINUTES OF YORKE PENINSULA COUNCIL
COUNCIL ASSESSMENT PANEL MEETING
HELD AT THE COUNCIL CHAMBERS , MINLATON TOWN HALL, 57 MAIN STREET,
MINLATON
ON TUESDAY, 22 OCTOBER 2019 AT 9.30AM**

1 WELCOME BY PRESIDING MEMBER

Presiding Member Rodney Button welcomed everyone to the meeting and declared the meeting open at 9.33am.

2 PRESENT

Presiding Member Rodney Button, Mr Jeffrey Cook, Independent Member Debra Agnew, Independent Member Elinor Walker, Independent Member Ben Green

In Attendance

Roger Brooks (Assessment Manager), Dustin Guthberg (Acting Manager Development Services), Susan Hadley (Planning Officer), Maddy Pulling (Minute Secretary)

3 GALLERY

7 people

4 APOLOGIES

Nil

5 LEAVE OF ABSENCE

Nil

6 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

COMMITTEE RESOLUTION

Moved: Mr Jeffrey Cook

Seconded: Independent Member Elinor Walker

That the minutes of the Council Assessment Panel Meeting held on 27 August 2019 be confirmed.

CARRIED 015/2019 (22/10/2019)

7 CONFLICT OF INTEREST

Presiding Member Rodney Button reminded all Panel Members of the requirement to disclose any conflict of interest in relation to any matters before the Council Assessment Panel.

8 VISITORS TO THE MEETING

Representor – Lynley Wegner – Item 9.6 - 544/1079/2019 - Redwing Farmstay

Planning Consultant – Garth Heynen – Item - 9.6 - 544/1079/2019 - Redwing Farmstay

Applicant – Cindy Wissell – Item 9.5 - 544/1029/2019 – Detached Dwelling and Outbuilding

REPORTS**9 DEVELOPMENT APPLICATIONS**

Item 9.6 was brought forward on the Agenda.

9.6 544/1079/2019 - REDWING FARM (C/- ROYAL GREEN HOUSE)**PROPOSAL OUTLINE**

Author:	Susan Hadley
Application No.:	544/1079/2019
Applicant:	Redwing Farm C/- Royal Green House
Owner:	D & N Adams
Development Proposal:	Change of use to convert a farm building to a function centre with associated car parking, landscaping, amenities building and associated site works.
Lodgement Date:	8th March 2019
Subject Land:	Allotment 3 in Deposited Plan 81678 Weetulta, Hundred of Tiparra, CT Volume 6044 Folio 435 and Allotment 4 in Deposited Plan 81678, 226 Pipeline Road, Weetulta SA 5573, CT Volume 6044 Folio 436
Zone:	Primary Production Zone
Nature of Development:	Merit
Public Notification:	Category 3
Representations:	1 Opposing
Referrals:	Nil
Development Plan Version:	29 November 2018

COMMITTEE RESOLUTION

Moved: Mr Jeffrey Cook

Seconded: Independent Member Debra Agnew

Amended documents submitted by the Applicant, (received 21/10/2019) consisting of an Acoustic Design Report, Function Management Plan and Amended Planning Drawings be accepted by the Panel for consideration.

CARRIED 016/2019 (22/10/2019)

Representor Lynley Wegner, addressed the Panel against the Redwing Farmstay application and answered questions from the Panel.

The Applicants Planning Consultant Garth Heynen addressed the Panel in support of the application and answered questions from the Panel.

COMMITTEE RESOLUTION

Moved: Independent Member Debra Agnew

Seconded: Independent Member Elinor Walker

That a decision on Development Application 544/1079/2019 by Redwing Farm for change of use to convert a farm building to a function centre with associated car parking, landscaping, amenities building and associated site works at 226 Pipeline Road, Weetulta be DEFERRED to give further consideration to the amended documentation, and any further information that may be required in consideration of the amended details.

CARRIED 017/2019 (22/10/2019)

10.41am The meeting was adjourned for a short break.

10.47am The meeting resumed.

9.1 544/1211/2019 - PORT JULIA MARINE (C/- OUTHRED ENGLISH)**PROPOSAL OUTLINE**

Author:	Heidi Smith
Application No.:	544/1211/2019
Applicant:	Port Julia Marine (C/- Outhred English)
Owner:	Talena Pty Ltd
Development Proposal:	Change of Use: Marine Mechanical Workshop & Retail Outlet
Lodgement Date:	11 June 2019
Subject Land:	(Lot 1) 8 Anzac Parade, Stansbury
Zone:	Residential
Nature of Development:	Non-Complying
Public Notification:	Category 3
Representations:	Two (2)
Referrals:	Nil
Development Plan Version:	29 November 2018

Discussion ensued and the Panel agreed that the title of the development proposal maybe too restrictive to the general running of the business operations and therefore agreed to vary the title of the proposed development as reflected in the Recommendation and Conditions.

COMMITTEE RESOLUTION

Moved: Mr Jeffrey Cook

Seconded: Independent Member Ben Green

RECOMMENDATION

- A. That Development Application 544/1211/2019 for the change in use to a Motor Repair Station and Associated Shop at (lot 1) 8 Anzac Parade, Stansbury is not seriously at variance with the provisions of the Yorke Peninsula Council Development Plan consolidated 29 November 2018.**
- B. That following consideration and having regard to all relevant matters concerning the change in use to a Motor Repair Station and Associated Shop at (lot 1) 8 Anzac Parade, Stansbury (Development Application 544/1211/2019), the proposal be GRANTED Development Plan Consent, subject to the following conditions of consent and concurrence being sought from the State Commission Assessment Panel.**

Conditions

- 1. The applicant shall proceed strictly in accordance with the plans and details submitted with Development Application 544/1211/2019 and the conditions imposed by this consent, except where minor changes are required to comply with the Building Code of Australia.**
- 2. No process shall be carried out or activity conducted from these buildings which could in the opinion of Council cause unreasonable noise, vibration, smell, fumes, smoke, silt, ash, dust, grit or electrical interference. Noise associated with the testing of motors and**

the like shall be attenuated by measures such as using a test tank and being contained within the walls of the workshop area.

3. The buildings shall not be used or converted for use for human habitation. Human habitation includes the occupation of the building whether on a part time overnight basis or on a permanent basis.
4. Driveways, vehicle manoeuvring and parking areas shall be constructed of dolomite (or similar material) as a minimum, prior to occupation or use of the development herein approved. Such surfaces shall be maintained in a good and substantial condition at all times to the reasonable satisfaction of Council.
5. All carparks shall be marked in accordance with the plans submitted and approved by Council, prior to first occupation of the site. All markings shall be maintained in a clear and visible state at all times.
6. All landscaping as indicated on the plans submitted and approved by Council shall be established within three months of first occupation of the site.
7. The plants comprising the landscaping shall be maintained in a healthy condition with dead and diseased plants being promptly replaced to the satisfaction of Council.
8. Stormwater run-off, including surface stormwater generated by the development, shall be managed on site or directed to the street water table so as not to trespass on to adjoining properties, lie against any building or create unsanitary conditions. All associated works shall be to the satisfaction of Council.
9. The hours of operation shall be restricted to between 8.30am and 5.30pm Monday to Friday and between 9.00am and 1.00pm on Saturday. The running of motors should not occur before 9.00am and shall at all times be in accordance with the Environmental Noise Policy 2007.

CARRIED 018/2019 (22/10/2019)

9.2 544/1200/2017 - J & M PEDLAR - NEW DWELLING (RETROSPECTIVE)**PROPOSAL OUTLINE**

Author:	David Hutchison – Access Planning
Application No.:	544/1200/2017
Applicant:	S Palecek
Owner:	J & M Pedlar
Development Proposal:	New Dwelling (Second Hand) – (Retrospective)
Lodgement Date:	24 May 2017
Subject Land:	Pieces 8 and 9 Hundred of Coonarie, Warooka (Lot 8 Happy Valley Road, Foul Bay)
Zone:	Primary Production
Nature of Development:	Non-complying
Public Notification:	Category 3
Representations:	Public Notification yet to be undertaken
Referrals:	Nil
Development Plan Version:	26 November 2015

COMMITTEE RESOLUTION

Moved: Independent Member Ben Green
Seconded: Independent Member Debra Agnew

That the Development Assessment Panel resolves that development Application 544/1200/2017 for a New Dwelling (Second Hand) – (Retrospective) at (Lot 8) Happy Valley Road, Foul Bay proceed to planning assessment and a Statement of Effect be requested from the applicant. The Statement of Effect should confirm why the subject location of the dwelling is appropriate in regard to the relevant provisions of Council's Development Plan with adequate support from the Native Vegetation Council (NVC)/Department of Environment and Water regarding the level of native vegetation cleared on-site. Further information regarding Non-complying Developments and Statement of Effects can be found at <https://www.yorke.sa.gov.au/content/uploads/2019/06/IS011-Non-Complying-Development.pdf>

CARRIED 019/2019 (22/10/2019)

9.3 544/1207/2018 - BP 32 PTY LTD - VARIATION TO EXISTING GARAGE (RETROSPECTIVE)**PROPOSAL OUTLINE**

Author:	David Hutchison – Access Planning
Application No.:	544/1207/2018
Applicant:	BP 32 Pty Ltd
Owner:	BP 32 Pty Ltd
Development Proposal:	Variation to an existing outbuilding (garage)
Lodgement Date:	28 June 2018
Subject Land:	Lot 32 Black Point Drive Black Point
Zone:	Settlement Zone – Black Point Policy Area 3
Nature of Development:	Merit
Public Notification:	Category 1
Representations:	NA
Referrals:	NA
Development Plan Version:	31 October 2017

Discussion ensued and the Panel were in agreement to make amendments to the description of the Recommendation.

COMMITTEE RESOLUTION

Moved: Independent Member Elinor Walker

Seconded: Independent Member Ben Green

- A. That Development Application 544/1207/2018, that seeks a variation to an existing outbuilding to provide direct access from Black Point Drive at Allotment 32, Black Point Drive, Black Point is not seriously at variance with the Yorke Peninsula Council Development Plan, Consolidated 31 October 2017.**
- B. That Development Plan Consent to Development Application 544/1207/2018, that seeks to vary an existing outbuilding to provide direct access from Black Point Drive at Allotment 32, Black Point Drive, Black Point, be refused as the development fails to provide the landscaping required to screen the garage from the road; and does not meet the required setback from the road for a garage with access directly facing the road; as required by the following provisions of the Development Plan;**

Settlement Zone

Objective: 4

Desired Character

Principles: 1, 6, 7

Black Point Policy Area 3

Objective: 5

Desired Character

Principles: 1, 5, 6, 13

Black Point Design Guidelines

2 Site Layout, clause 2.7

18 Vegetation, clause 18.2

Design and Appearance

Principle: 1, 17

Landscaping, Fences and Walls

Objective: 1

Principles: 1, 2

Residential development

Principles: 12

- C. That the Panel request the Council, or its delegate to determine that access to the land pursuant to section 221 of the Local Government shall be limited to the approved driveway as identified in the plan accompanying Development Application 544/2210/13.**

CARRIED 020/2019 (22/10/2019)

9.4 544/1208/2018 - VARIATION TO EXISTING DWELLING (RETROSPECTIVE)**PROPOSAL OUTLINE**

Author:	David Hutchison – Access Planning
Application No.:	544/1208/2018
Applicant:	BP32 Pty Ltd
Owner:	BP 32 Pty Ltd
Development Proposal:	Variation to existing dwelling, to remove a retaining wall, undertake site works on Crown Land, alteration to approved broad walk, addition of stairs, and walkway.
Lodgement Date:	21/06/2018
Subject Land:	Lot 32 Black Point Drive Black Point
Zone:	Settlement – Black Point Policy Area 3, Coastal Open Space
Nature of Development:	Merit
Public Notification:	Category 3
Representations:	Nil
Referrals:	Coast Protection Board, Department of Environment & Water (Crown Lands)
Development Plan Version:	31 October 2017

Discussion ensued and the Panel were in agreement to make amendments to the description of the Recommendation.

COMMITTEE RESOLUTION

Moved: Independent Member Elinor Walker

Seconded: Independent Member Ben Green

- A. That Development Application 544/1208/2018, that seeks a variation to an existing dwelling including removal of retaining wall, earthworks and boardwalks at Allotment 32, Black Point Drive, Black Point is seriously at variance with the Yorke Peninsula Council Development Plan, Consolidated 31 October 2017.**

- B. That Development Plan Consent to Development Application 544/1208/2018, that seeks a variation to an existing dwelling including removal of retaining wall, earthworks and boardwalks at Allotment 32, Black Point Drive, Black Point, be refused for the following reasons:**
 - the dwelling encroaches onto public land without the necessary consents;**
 - the excavation of dune and soil compromises the erosion hazard buffer and increases hazard risk to property;**
 - the bulk and scale of the dwelling as viewed from the beach exceeds the desired character for the locality;**

- the upper level width of the dwelling exceeds the 60% of the ground floor frontage maximum when viewed from the beach;
- the upper level deck exceeds the 15m² floor area maximum;

Specifically the application fails to adequately address the following provisions of the Development Plan;

Coastal Open Space Zone

Objectives: 1, & 4

Desired Character

Principles: 1, 5, 8, 9, 10, 11

Settlement Zone

Objectives: 3 & 4

Desired Character

Black Point Policy Area 3

Objectives: 2, 3 & 5

Desired Character

Principles: 5, 6, 7, 10, 11

Black Point Design Guidelines

5 Two Storey dwellings, clause 5.1 - 5.2

Coastal Open Space Zone

Objectives: 1, 5

Desired Character

Principles: 15

General Section

Coastal Areas

Objectives 1, 4, 8

Design and Appearance

Principles: 1, 2

Siting and Visibility

Objective 1

Principle 1

CARRIED 021/2019 (22/10/2019)

9.5 544/1029/2019 - DETACHED DWELLING AND OUTBUILDING**PROPOSAL OUTLINE**

Author:	Iain McQuin – Access Planning
Application No.:	544/1029/2019
Applicant:	Spartan Plans and Building Services
Owner:	Craig and Cindy Wissell
Development Proposal:	Detached Dwelling and Outbuilding
Lodgement Date:	7/02/2019
Subject Land:	Sections 372 & 288, 206 Mine Hill Road, Hundred of Maitland, CT Volume 5343 Folio 393
Zone:	Primary Production Zone
Nature of Development:	Non-Complying
Public Notification:	Category 3
Representations:	Nil
Referrals:	Nil
Development Plan Version:	29 November 2018

Representor Cindy Wissell addressed the Panel in support of the Application and answered questions from the Panel.

Discussion ensued and the Panel were in agreement to make amendments to the description of the Recommendation.

COMMITTEE RESOLUTION

Moved: Independent Member Ben Green

Seconded: Independent Member Elinor Walker

- A. That following consideration and having regard to all relevant matters concerning Development Application 544/1029/2019 to construct a single storey detached dwelling with associated verandah and an outbuilding (garage) at 206 Mine Hill Road, Maitland, CT Volume 6044 Folio 435 and Allotment 4, Deposited Plan 81678, 226 Pipeline Road, Weetulta, CT Volume 5343 Folio 393 is not seriously at variance with the Yorke Peninsula Council Development Plan, as consolidated 29 November 2018.**

- B. That the Council Assessment Panel grant Provisional Development Plan Consent to Development Application 544/1029/2019 to construct a single storey detached dwelling with associated verandah and an outbuilding (garage) at 206 Mine Hill Road, Maitland, CT Volume 6044 Folio 435 and Allotment 4, Deposited Plan 81678, 226 Pipeline Road, Weetulta, CT Volume 5343 Folio 393 subject to the following conditions and concurrence being sought from the State Commission Assessment Panel:**

Development Plan Conditions:

- 1. The applicant shall proceed strictly in accordance with the plans submitted and conditions imposed by this consent, except where minor changes are required to comply with the Building Code of Australia.**

2. Development in a general or medium bushfire prone area shall:
 - (a) Have a dedicated firefighting water supply of at least 5,000 litres to comply with Ministers Specification SA 78.
 - (b) Ensure that gaps between the dwelling floor and the ground are enclosed to prevent burning debris from entering.
 - (c) Be located and designed to minimise risk from bushfires.
 - (d) Have access roads and tracks that are appropriately designed and built for entry and exit of vehicles, including fire fighting vehicles, during a fire.
3. The Applicant or Landowner shall apply and obtain the necessary approvals for a waste control system in accordance with the South Australian Public Health Act 2011, prior to obtaining Development Approval.
4. Where a Private Certifier is engaged for Building Rules Consent, the Private Certifier is to provide Council with a certified statement to verify that the Building Rules Consent is consistent with the Development Plan Consent.
5. Where no mains water is available, the gutters of the dwelling shall be connected to on-site rainwater storage tank(s) with a minimum capacity of 45,000 litres, reticulated to the dwelling and with appropriate connection to enable its use for firefighting purposes.
6. Driveways, vehicle manoeuvring and parking areas shall be constructed of dolomite (or similar material) as a minimum, prior to occupation or use of the development herein approved. Such surfaces shall be maintained in a good and substantial condition at all times to the reasonable satisfaction of Council.
7. All security lights and floodlights associated with the proposed development shall be shielded and adjusted so as not to create nuisance to adjacent occupants or road users.
8. The land shall be suitably landscaped to the satisfaction of Council.
9. Stormwater run-off, including surface stormwater generated by the development, shall be managed on site or directed to the street water table so as not to trespass on to adjoining properties, lie against any building or create unsanitary conditions. All associated works shall be to the satisfaction of Council.

Notes and Statements:

- (1) The site is to be maintained in a neat and tidy condition to the reasonable satisfaction of the Council at all times.
- (2) This approval is granted pursuant to the Development Act, 1993 and approves the building work only for the purposes of the Act. You are advised to contact SA Power Networks regarding the location of public and private electricity supply lines in relation to the proposed building. Section 39.

Lapse of consent or approval

- (1) Subject to this or any other regulation, any consent or approval under Part 4 of the Act (whether subject to conditions or not) will lapse at the expiration of:-
 - (a) subject to the operation of paragraph (b) – 12 months from the operative date of the consent or approval:

- (b) if-**
 - (i) the relevant development has been lawfully commenced by substantial work on the site of the development within twelve months from the operative date of the approval – three years from the operative date of the approval, unless the development has been substantially or fully completed within those three years (in which case the approval will not lapse).**
- (2) A period prescribed by sub regulation (1) may be extended by a relevant authority-**
 - (a) when the relevant consent or approval is given; or**
 - (b) at such later time as may be appropriate.**
- (3) Where an approval is given, any consent which was necessary for that approval will not lapse unless or until the approval lapses.**

CARRIED 022/2019 (22/10/2019)

10 MATTERS DEFERRED

Nil

11 ERD COURT MATTERS

An Appeal has been lodged for Application 544/1059/2019 Port Vincent Caravan Park, by the Representor against the proposal.

12 CONCURRENCE APPROVALS

Nil

13 PROCEDURAL MATTERS

Roger advised that Expressions of Interest for the next CAP term (commencing January 2020) closes 1st November 2019.

14 NEXT MEETING

Tuesday 26 November 2019

15 CLOSURE

The Meeting closed at 12.10pm.

The minutes of this meeting were confirmed at the Council Assessment Panel Meeting held on 26 November 2019.

.....
CHAIRPERSON