



# **MINUTES**

## **Council Assessment Panel Meeting**

(Subject to confirmation)

**26 November 2019**

**MINUTES OF YORKE PENINSULA COUNCIL  
COUNCIL ASSESSMENT PANEL MEETING  
HELD AT THE COUNCIL CHAMBERS , MINLATON TOWN HALL, 57 MAIN STREET,  
MINLATON  
ON TUESDAY, 26 NOVEMBER 2019 AT 9.30AM**

**1 WELCOME BY PRESIDING MEMBER**

Deputy Presiding Chair Debra Agnew welcomed everyone to the meeting and declared the meeting open.

**2 PRESENT**

Deputy Presiding Chair Debra Agnew, Mr Jeffrey Cook, Independent Member Elinor Walker, Independent Member Ben Green

**In Attendance**

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

**3 GALLERY**

6 people, CEO Andrew Cameron

**4 APOLOGIES**

Rodney Button

**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 22 October 2019 be confirmed.

**CARRIED 023/2019 (26/11/2019)**

**7 CONFLICT OF INTEREST**

Deputy Presiding Chair Debra Agnew 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**

Item 9.2 – Telstra – Aurecon – Urban Planner from Aurecon – Kate Croucher

Item 10.1 – Redwing Farm – Representor – Lynley Wegner

Item 10.1 – Redwing Farm – Applicants Planning Consultant Garth Heynen

Item 10.1 – Redwing Farm - Applicant – Damian and Nicola Adams

## REPORTS

### 9 DEVELOPMENT APPLICATIONS

#### 9.1 544/D002/2019 (544/1048/2019) - LACHMARDENT PTY LTD

##### PROPOSAL OUTLINE

<b>Author:</b>	<b>Heidi Smith</b>
<b>Application No.:</b>	<b>544/D002/2019 (544/1048/2019)</b>
<b>Applicant:</b>	<b>Kangaroo Island Surveyors</b>
<b>Owner:</b>	<b>Lachmarden Pty Ltd</b>
<b>Development Proposal:</b>	<b>Land Division</b>
<b>Lodgement Date:</b>	<b>13 February 2019</b>
<b>Subject Land:</b>	<b>Lot 35 Hundred of Carribie – Marion Bay Road/ Gleesons Road/ West Coast Road, White Hut</b>
<b>Zone:</b>	<b>Water Protection</b>
<b>Nature of Development:</b>	<b>Non-Complying</b>
<b>Public Notification:</b>	<b>Category 3</b>
<b>Representations:</b>	<b>Nil</b>
<b>Referrals:</b>	<b>Native Vegetation Council, State Commission Assessment Panel, SA Water</b>
<b>Development Plan Version:</b>	<b>29 November 2019</b>

Jeff Cook moved

##### RECOMMENDATION

- A. That Development Application 544/D002/2019 (544/1048/2019) for the division of land at Lot 35 Hundred of Carribie – Marion Bay Road/ Gleesons Road/ West Coast Road, White Hut 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 land division at Lot 35 Hundred of Carribie – Marion Bay Road/ Gleesons Road/ West Coast Road, White Hut (Development Application 544/D002/2019 (544/1048/2019)), 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. Development shall be undertaken in accordance with the plan submitted with Development Application No. 544/D002/2019 (544/1048/2019).
2. This consent relates to the land division only and does not indicate approval, either directly or implied, to a future 'eco-hut' as mentioned in the Statement of Effect supporting the application. Any future proposed development shall be the subject of a separate development application which will be assessed against the relevant policies at the time of lodgement.

3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation Guidelines) issued by the Registrar General to be **lodged with the State Commission Assessment Panel** for Land Division Certificate purposes.
4. The granting of this consent does not absolve the applicant from obtaining all other consents which might be required pursuant to the provision of any other statutes or regulations.

#### Notes

1. The applicant is advised that any native vegetation on the site is protected under the Native Vegetation Act 1991 and Native Vegetation Regulations 2017. Prior to any clearance being undertaken, the applicant should seek Native Vegetation Council approval to do so, which may include provision of a Significant Environmental Benefit offset. 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 understory, removal or trimming of branches, severing roots, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information visit: <http://www.nvc.sa.gov.au>, which includes an online interactive guide that helps to determine if an application to clear native vegetation is required, alternatively the Native vegetation Council can be contacted on 8303 9777 or [nvc@sa.gov.au](mailto:nvc@sa.gov.au).

*Motion lapsed for want of a seconder.*

Discussion ensued about the need to obtain a Flora and Fauna Assessment Report and the status of a Heritage Agreement.

#### COMMITTEE RESOLUTION

Moved: Independent Member Ben Green  
Seconded: Independent Member Elinor Walker

**That a decision on Development Application 544/D002/2019 by Lachmarden Pty Ltd be DEFERRED until a Flora and Fauna Assessment Report and a copy of the Heritage Agreement is sought for consideration by the Panel.**

**CARRIED 024/2019 (26/11/2019)**

**9.2 544/1212/2019 - TELSTRA C/- AURECON AUSTRALASIA PTY LTD - POINT TURTON****PROPOSAL OUTLINE**

<b>Author:</b>	<b>David Hutchison - Access Planning</b>
<b>Application No.:</b>	<b>544/1212/2019</b>
<b>Applicant:</b>	<b>Telstra C/- Aurecon Australasia Pty Ltd</b>
<b>Owner:</b>	<b>B P Taheny</b>
<b>Development Proposal:</b>	<b>50m Telecommunications Tower &amp; Associated Infrastructure</b>
<b>Lodgement Date:</b>	<b>12 June 2019</b>
<b>Subject Land:</b>	<b>(Lot 14) 60 Point Turton Road, Point Turton</b>
<b>Zone:</b>	<b>Primary Production</b>
<b>Nature of Development:</b>	<b>Merit</b>
<b>Public Notification:</b>	<b>Category 3</b>
<b>Representations:</b>	<b>2 Opposing</b>
<b>Referrals:</b>	<b>Nil</b>
<b>Development Plan Version:</b>	<b>29 November 2018</b>

Discussion ensued and the Panel were in agreement to the addition of Condition #2 regarding landscaping requirements.

**COMMITTEE RESOLUTION**

Moved: Independent Member Ben Green

Seconded: Independent Member Elinor Walker

**That Development Application 544/1212/2019, for a Telstra telecommunications facility at 267 Brutus Road, Point Turton, is not seriously at variance with the Yorke Peninsula Council Development Plan, Consolidated 29 November 2018.**

**That Development Plan Consent for application 544/1212/2019, for a Telstra telecommunications facility at 267 Brutus Road, Point Turton, be granted, subject to the following conditions:**

- 1. That except where minor amendments may be required by other relevant Acts, or by the conditions imposed on this consent, the development herein approved shall be carried out in accordance with the approved plans and accompanying reports including the Planning Report prepared by Aurecon Australasia Pty Ltd on behalf of Telstra, dated 11th June 2019.**
- 2. That landscaping shall be established around the Telecommunications Facility capable of growing to screen the fencing / equipment shelter and base of the Telstra tower with species growing from 3 to 6 metres and kept in a healthy condition at all times and within 6 months of installation of the facility.**

**CARRIED 025/2019 (26/11/2019)**

**9.3 544/1143/2019 - SELECTA HOMES & BUILDING COMPANY (HARRIS KELLAWAY HARRIS)****PROPOSAL OUTLINE**

<b>Author:</b>	<b>Susan Hadley</b>
<b>Application No.:</b>	<b>544/1143/2019</b>
<b>Applicant:</b>	<b>Selecta Homes &amp; Building Company Pty Ltd</b>
<b>Owner:</b>	<b>JJ Harris &amp; DA Kellaway &amp; ER Harris &amp; RB Knox</b>
<b>Development Proposal:</b>	<b>Detached dwelling with verandah &amp; deck (Non-complying)</b>
<b>Lodgement Date:</b>	<b>17 April 2019</b>
<b>Subject Land:</b>	<b>(Lot 248) 29 Parade, Port Clinton, CT Volume 5550 Folio 298</b>
<b>Zone:</b>	<b>Coastal Open Space Zone</b>
<b>Nature of Development:</b>	<b>Non-complying</b>
<b>Public Notification:</b>	<b>Category 3</b>
<b>Representations:</b>	<b>Nil</b>
<b>Referrals:</b>	<b>Coast Protection Board</b>
<b>Development Plan Version:</b>	<b>29 November 2018</b>

Discussion ensued and the Panel were in agreement to the addition of Condition #4 regarding the Coastal Protection Board recommended site and floor levels.

**COMMITTEE RESOLUTION**

Moved: Independent Member Elinor Walker

Seconded: Independent Member Ben Green

- A. That following consideration and having regard to all relevant matters concerning Development Application 544/1143/2019 for a Detached dwelling with verandah & deck (Non-complying) at Allotment 248, 29 Parade, Port Clinton, CT Volume 5550 Folio 298 is not seriously at variance with the relevant provisions of 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 544/1143/2019 for a Detached dwelling with verandah & deck (Non-complying) at Allotment 248, 29 Parade, Port Clinton, CT Volume 5550 Folio 298 subject to the following conditions and concurrence being sought from the State Commission Assessment Panel.**

**Development Plan Conditions:**

- 1. The development approved herein shall be undertaken in accordance with the following plans, details and written submissions accompanying Development Application No. 544/1143/19, except where minor amendments may be required by other relevant Acts, or by the conditions imposed on this consent.**  
**Plans prepared by Selecta Homes & Building Company Pty Ltd (received by Council 12/4/2019)**
  - Statement of Effect prepared by Debra Kellaway, dated 4/06/2019**

- Site Plan (Job No HARPTC-1, Sheet 01, dated 26/03/19)
  - Floor Plan (Job No HARPTC-1, Sheet 02, dated 26/03/19)
  - Floor Plan (Job No HARPTC-1, Sheet 03, dated 26/03/19)
2. Where an unrestricted mains water supply is available, the gutters of the dwelling shall be connected to on-site rainwater storage tank(s) with a minimum capacity of 10,000 litres capable of reticulation to the dwelling.
  3. 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.
  4. The development shall be developed in accordance with levels as recommended by the Coast Protection Board, those being a site level of 3.5 metres AHD and finished floor level of 3.75 metres AHD.

#### Notes

1. 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.
2. The applicant is advised that an application for Building Rules Consent, including appropriate plans and specifications, must be submitted either to Council or a Private Certifier in accordance with the provisions of the Development Act 1993, and the written Development Approval of Council must be obtained prior to the commencement of construction.
3. 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.

**CARRIED 026/2019 (26/11/2019)**

**10 MATTERS DEFERRED**



**10.1 MATTER DEFERRED - 544/1079/2019 - REDWING FARM (C/- ROYAL GREEN HOUSE****PROPOSAL OUTLINE**

<b>Author:</b>	<b>Susan Hadley</b>
<b>Application No.:</b>	<b>544/1079/2019</b>
<b>Applicant:</b>	<b>Redwing Farm C/- Royal Green House</b>
<b>Owner:</b>	<b>D &amp; N Adams</b>
<b>Development Proposal:</b>	<b>Change of use to convert a farm building to a function centre with associated car parking, landscaping, amenities building and associated site works.</b>
<b>Lodgement Date:</b>	<b>8th March 2019</b>
<b>Subject Land:</b>	<b>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</b>
<b>Zone:</b>	<b>Primary Production Zone</b>
<b>Nature of Development:</b>	<b>Merit</b>
<b>Public Notification:</b>	<b>Category 3</b>
<b>Representations:</b>	<b>1 Opposing</b>
<b>Referrals:</b>	<b>Nil</b>
<b>Development Plan Version:</b>	<b>29 November 2018</b>

The Deputy Presiding Chair invited the Applicants Damian and Nicola Adams and the Applicants Planning Consultant Garth Heynen to answer questions from the Panel.

Discussion ensued and the Panel were in agreement regarding wording amendments to Condition #5 and Condition #7.

**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 544/1079/2019 the proposal in its amended form for a change of use to convert a farm building into a function centre with associated car parking, landscaping, amenities building and associated site works at Allotment 3 in Deposited Plan 81678 Weetulta, Hundred of Tiparra, CT Volume 6044 Folio 435 and Allotment 4, Deposited Plan 81678, 226 Pipeline Road, Weetulta, CT Volume 6044 Folio 436 is not seriously at variance with the relevant provisions of 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 544/1079/2019 in its amended form for a change of use to convert a farm building into a function centre with associated car parking, landscaping, amenities building and associated site works at Allotment 3 in Deposited Plan 81678 Weetulta, Hundred of Tiparra, CT Volume 6044 Folio 435 and Allotment 4, Deposited Plan 81678, 226 Pipeline Road, Weetulta, CT Volume 6044 Folio 436 subject to the following conditions:**

**Conditions**

1. The development approved herein shall be undertaken in accordance with the following plans, details and written submissions accompanying Development Application No. 544/1079/19, except where minor amendments may be required by other relevant Acts, or by the conditions imposed on this consent.  
Plans prepared by Royal Green House (received by Council 5/11/2019)
  - Location and Site Plan (Job No 461-18, Sheet 01, Rev H, dated 1/11/19)
  - Site and Landscaping Plan (Job No 461-18, Sheet 02, Rev G, dated 1/11/19)
  - Floor Plan and Elevations (Job No 461-18, Sheet 03, Rev G, dated 1/11/19)
  - 3D Views (Job No 461-18, Sheet 04, Rev F, dated 1/11/19)
  - Bestec Acoustic Report dated 18/10/2019
  - Function Management Plan – 2019-V2 dated received 21/10/19
2. The development shall operate in accordance with the Redwing Farm Bush Fire Emergency Management and Evacuation Plan dated received by Council 5/11/2019.
3. That all stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any property or buildings.
4. Flood lighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties.
5. All car parking spaces, driveways and manoeuvring areas shall be designed and constructed, with each space delineated in accordance with Australian Standard AS 2890.1:2004. Directional signs and parking spaces shall be clearly identifiable and maintained in good condition at all times confirming all clientele enter via the western access and exit via the eastern access. Driveways, vehicle manoeuvring and parking areas shall be constructed of compacted gravel prior to occupation and maintained in good condition at all times to the reasonable satisfaction of the Council.
6. Hours of operation for functions and events:  
Monday to Thursday 10 am – 10 pm  
Friday and Saturday 10am – 12 midnight  
Sunday 10am – 10pm  
Public Holidays 10 am – 12 midnight  
December 31 (New Year's Eve) - Normal opening time until Normal closing time or 1 am on New Year's Day (whichever is the later)
7. The number of functions in a calendar year shall not exceed 30 functions/events per year with a maximum capacity of 110 persons for functions and up to 200 persons for larger events 12 times a year. Any increase in the number of functions/capacity will require separate development approval.

**Notes**

1. 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.
2. The applicant is advised that an application for Building Rules Consent, including appropriate plans and specifications, must be submitted either to Council or a Private Certifier in accordance with the provisions of the Development Act 1993, and the written Development Approval of Council must be obtained prior to the commencement of construction.
3. 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.

**CARRIED 027/2019 (26/11/2019)**

**11 ERD COURT MATTERS**

Planning Officer Susan Hadley updated the Panel regarding the current status of 544/1059/2019 Spartan Plans and Building Services – (expansion Port Vincent Caravan Park).

**12 CONCURRENCE APPROVALS**

Nil

**13 PROCEDURAL MATTERS**

Roger advised the Panel that the Council Assessment Panel Independent Members will be reappointed for the new two year term commencing January 2020, by Council at the 11 December 2019 Council Meeting.

**ANY OTHER BUSINESS****14 NEXT MEETING**

Tuesday 25 February 2020

**15 CLOSURE**

The Meeting closed at 10.15am.

The minutes of this meeting were confirmed at the Council Assessment Panel Meeting held on 25 February 2020.

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**CHAIRPERSON**